

organizations. Canada circulated a non-paper on peacekeeping in which it proposed that a CSCE-mandated peacekeeping operation could draw on NATO's resources, infrastructure and operating procedures through the common membership of 16 CSCE countries in NATO; any peacekeeping operation would, however, be a CSCE, not a NATO mission, and could involve participation by other CSCE states as well. This provision was difficult to adopt because France wanted to keep NATO from becoming the prime CSCE military arm. A compromise was arrived at through the understanding that when calling on an outside organization, the CSCE would take decisions on a case-by-case basis and after consultation with the participating states that were members of the organization in question, not with the latter as a body.

The primacy of political over military considerations led to agreement on a complex chain of command. Peacekeeping operations could be proposed to the CSO by any participating state, through the Chairman-in-Office. After the CSO agreed by consensus and the CPC Consultative Committee developed the terms of reference, the Chairman-in-Office would assume operational guidance, assisted by an ad hoc group located at the CPC. The ad hoc group would provide operational support for the mission and monitor it. It would also act as liaison between mission head and participating states by providing information to the CPC Consultative Committee.

Peaceful Settlement of Disputes

The Helsinki Document also contained a section on the Peaceful Settlement of Disputes. At the Prague Council meeting, Ministers noted but did not adopt a French proposal to convene a group of legal experts to elaborate a draft statute for a CSCE Court of Arbitration and Conciliation. In Helsinki, 15 countries joined France in submitting a formal proposal for such a court. The proposal would allow any CSCE state party to force another to submit to conciliation procedures over any CSCE undertaking. If they wished, state parties could also agree to binding arbitration procedures for a) all CSCE principles, or b) all principles except those dealing with territorial integrity (self-determination), national defence and sovereignty or jurisdiction over territory.

A number of countries, including the US, the UK, Turkey and Canada had serious doubts about the utility of a rigid, legalistic approach in the political context of the CSCE, especially since the CSCE had already agreed to similar procedures at the political level (the Valletta mechanism) and other supranational bodies, such as the International Court of Justice and Permanent Board of Arbitration, provided legal avenues. Also, the proposal failed to address the crucial problem of disputes within states.

The UK presented a non-paper that proposed improving the Valletta mechanism by dropping its exceptions clause -- the Valletta provisions applied neither to intra-state disputes nor to high-stake inter-state disputes (those that dealt with territorial integrity or national defence) -- and elaborating a CSCE conciliation procedure. The US also put forward an informal proposal, this for the Council or CSO to be empowered to mandate conciliation on a consensus-minus-the-disputants basis. In the end it proved impossible to reach agreement at the FUM; instead the Helsinki Document called for a meeting in Geneva to pick up where the working group left off.