

# International Peace and Security

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## ABSTRACT

Maintenance of international peace and security has been the principal goal of the international community for centuries, but after the end of the Second World War States were determined more than ever to achieve that goal by creating firm legal, political, and institutional foundations for long-lasting peace. The international community committed itself to the international cooperation through organs and mechanisms of global and regional organizations. Particular significance was given to the formation of the international and regional legal framework of human rights protection, emphasizing that the respect of human rights is one of the main preconditions for fruitful international cooperation and a long-lasting peace. The United Nations serves as the global co-ordinator of the application of States' obligations under international law through the collective security system and the network of subsidiary bodies. On the other hand, the role of regional international organizations in establishing an adequate legal framework for the preservation of peace and security, as well as for the respect of human rights and the rule of law, is of immeasurable importance. This chapter seeks to explore the efficiency of the international legal framework as well as institutional and diplomatic mechanisms provided by the United Nations and the leading regional organizations (NATO and the Organization for Security and Co-operation in Europe) that are responsible for the promotion, protection, and supervision of the Member States' compliance with their international obligations, particularly from the point of view of Central European States. The author concludes that the most significant role of international organizations is in the continuous advancement of the responsibility of all actors involved to create a solid and long-lasting basis for the maintenance of international peace and security through the respect for human rights, democratic values, and the rule of law.

## KEYWORDS

international peace and security, international organizations, international cooperation, human rights protection, rule of law

## 1. Introduction

After the magnitude of the atrocities and human rights violations committed during the Second World War was revealed, the maintenance of international peace and security became the principal mission of the international community. The entire world became aware of the fact that to achieve that goal, the development of friendly relations and international cooperation between States was needed, and that the

protection of basic human rights was vital for the well-being of all people and all States. Furthermore, it became clear that full respect for the fundamental principles of international law, and hence for international peace and security,<sup>1</sup> cannot be permanently preserved outside the framework of international organizations and the institutional, political, and legal mechanisms they established precisely for these purposes. Even though most States primarily use domestic political and legal instruments in meeting security challenges on a national level, they largely rely on their membership in global and regional international organizations, as well as on various benefits that they derive therefrom. This kind of international support includes multi-level forms of institutional, political, diplomatic, and financial instruments aimed at the establishment and maintenance of international peace and security.

However, the institutional framework of international organizations does not always provide a guarantee that a consensus on the identification of shared goals and policies or on the activation of appropriate means for their realization is easily reached among Member States.<sup>2</sup> In cases when peace and security are jeopardized, the situation is even more complicated, mainly because an adequate and well-timed response by States to threats to international peace and security depends to a large degree on their understanding of the origin of such threats, the creator(s) and objectives of such threats, and the mechanisms for the suppression thereof. The diplomatic skills of States' leaders and representatives of international organizations to reach such an agreement are crucial in this respect. Still, it is important to emphasize that particularly when international peace and security are at stake, even in situations of emergency, the fundamental principles and rules of international law are the only correct and appropriate framework for a legal and just response of the international community to preserve peace. The principle of sovereignty of States, the duty to settle international disputes by peaceful means, the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State, the principle of non-intervention, etc., are fundamental rights and duties of States that have been reconfirmed on many occasions and in many internationally binding documents as a prerequisite for the peaceful co-existence of all participants of the international community.

However, States do not always have the capacity to or interest in fully acting in accordance with these values and rules. In this context, membership in international organizations can help Member States meet challenges that jeopardize peace and security on the one hand, and on the other, different diplomatic and legal instruments developed by international organizations can have a positive impact on States

1 The terms "peace" and "security" are not identical concepts, but they are interrelated since they both denote the absence of threats and the protection against threats. They do not, however, relate exclusively to physical violence and the use of armed force. Economic, social, humanitarian, and even environmental problems causing political and social instability can eventually lead to internal or external forms of violence. Kelsen, 1957, p. 1.

2 Gibson, 1991, pp. 92–93.

who tend to deviate from their international obligations. The leading organization equipped with a wide range of mechanisms for the maintenance of international peace and security is the United Nations (the UN). The system of collective security envisaged in the UN Charter and led by the Security Council is a central forum for making decisions crucial for the restoration of peace.<sup>3</sup> However, the opposed views of permanent Member States of the Security Council too often hamper its ability to adopt and implement measures needed for the suppression of acts that endanger international stability and peace. In situations like these, the General Assembly, after deliberating on all the aspects of the situation in question, can make a positive sway toward governments posing a threat to international peace and security by implementing policies in order to establish stability in the international arena.<sup>4</sup> The Secretary-General can also, through his authority, have a significant impact in this context.

Cooperation with regional military organizations for the preservation of peace and security can often be much more effective when all other diplomatic and political efforts fail. For example, many European States, led by the USA and Canada in the North Atlantic Treaty Organization (the NATO),<sup>5</sup> benefit from the institutionalized and strong support of this organization. This support derives from the founding Washington Treaty<sup>6</sup> and its Article 5, which guarantees each Member State the armed protection by all other Member States in case of an armed attack on one of them, as a manifestation of their right to individual and collective self-defence.<sup>7</sup> However, the use of armed response in such cases is conditioned by the Security Council authorization, which in practice was not always given in an indisputable and clear manner. The NATO-led bombardment of Yugoslavia in connection with the resolution of the political and humanitarian crisis in Kosovo in 1999 is an illustrative example of the use of force by several States within this military organization, which was, according to the majority of international lawyers, inconsistent with the legal framework of the

3 Chapter VII of the UN Charter authorizes the Security Council to decide on the use of coercive collective measures for the maintenance of international peace and security in case there is a threat to peace, breach of peace, or an act of aggression.

4 The right of the majority of the UN Member States or of nine Security Council Member States to convene an emergency special session of the General Assembly, provided by the General Assembly Resolution 377 (V) of 1950, serves as an example in this regard.

5 There are currently 30 Member States of the NATO organization. North Macedonia was the last Member State to join NATO, on March 27, 2020.

6 Articles 1 and 2 of the North Atlantic Treaty impose the duty on Member States of solving their international disputes peacefully with the aim that international peace and security not be endangered, to refrain from the threat or use of force inconsistent with the purposes of the United Nations, and to develop peaceful and friendly international relations.

7 In this sense, and according to the text of the Treaty, the activation of Article 5 is inextricably linked to the competences of the Security Council under the collective security system.

UN Charter and conducted without a prior and explicit authorization by the Security Council.<sup>8</sup>

The Organization for Security and Co-operation in Europe (the OSCE) is also significant in this respect. As a regional organization established by the Helsinki Final Act of 1975, it underlines the obligation of Member States to respect the fundamental principles of international law as a prerequisite for the security in Europe: sovereign equality, the prohibition of the threat and use of force, inviolability of frontiers, territorial integrity of States, peaceful settlement of disputes, non-intervention in internal affairs, respect for human rights and fundamental freedoms, and fulfillment in good faith of obligations under international law.<sup>9</sup> The aim of the association of States under the auspices of the OSCE is to strengthen friendly relations and foster peace and security in Europe.<sup>10</sup> The presence of the OSCE institutions and missions on the territory of Member States has made a valuable contribution to the preservation of peace and security, particularly in Southeast Europe after the end of armed conflicts in the 1990s. The focus of the OSCE missions today in Bosnia and Herzegovina, Kosovo, Montenegro, Serbia, Albania, Ukraine, and Moldova has been on developing democratic institutions, promoting the rule of law and human rights, fighting corruption and human trafficking, preventing and solving conflicts, countering terrorism, supporting the development of a multi-national and multi-ethnic society, and securing lasting peace.

If observed merely as the non-existence of armed conflict, international peace and security can be preserved or restored by the efficient use of diplomatic and, sometimes, military mechanisms by States and international organizations, as just discussed. However, the concept of peace and security does not mean merely the lack of an armed conflict. In a broad sense, peace and security imply the stability of a government and its political system that provides social and economic advancement for its citizens, the promotion and respect for basic human rights without discrimination, respect for the rule of law, and the realization of fruitful cooperation in solving international economic, social, cultural, or humanitarian problems. The respect for fundamental human rights is a *conditio sine qua non* for the achievement of peace and

8 For a critical review of the NATO armed intervention in Yugoslavia in 1999 through the analysis of Articles 42 and 51 of Chapter VII and Chapter VIII of the UN Charter, as well as of its implications for further development of the international law on the use of force see O'Connell, 2000, pp. 57 etc. On the other hand, Simma analyzes the NATO intervention in Kosovo from a different angle, explaining that certain exceptional situations, causing imperative political and moral considerations, leave no choice but to breach international law. However, Simma warns that such situations should remain isolated in order not to erode the international legal and collective security system. See more Simma, 1999, pp. 1–22.

9 Declaration on Principles Guiding Relations between Participating States, Helsinki Final Act 1975, preamble.

10 The States participating at the Helsinki Conference recognize in the preamble of the Helsinki Final Act that there is a “close link between peace and security in Europe and in the world as a whole” and that they are “conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress, and well-being for all peoples.”

security in the broadest sense. More precisely, it is a prerequisite for peace and stability not only within the boundaries of one State, but also in the context of international cooperation with other international subjects, therefore, for the prevention of armed conflict.

In this context, global and regional Euro-Atlantic organizations contribute immeasurably to the development of democratic institutions and rule of law within the States in Europe as a whole, as well as to the maintenance of hard-gained peace after the Second World War and the dissolution of Central, Eastern, and South-Eastern European States at the end of the 20<sup>th</sup> century. In light of the new political setting in the first two decades of the 21<sup>st</sup> century, characterized by economic development and intense international cooperation, particularly under the auspices of international institutions and organizations (the UN, the NATO and the OSCE), this chapter seeks to analyze in what way such cooperation has influenced the improvement of diplomatic relations between these States and enhanced the promotion and protection of human rights and the implementation of the rule of law, and how this coordinated and diverse collaboration contributes to the maintenance of international peace and security. In this context, particular attention is given to the assessment of the efficiency of different mechanisms of cooperation and scrutiny over the implementation of Member States' obligations provided by the international legal framework of these organizations.

## **2. Maintenance of international peace and security within the United Nations**

In order to maintain international peace and security the UN Member States have conferred the primary responsibility for achieving that goal to the executive organ of the UN, the Security Council.<sup>11</sup> The collective security system enshrined in Chapter VII of the UN Charter serves as an institutional, decisional, and operational center for maintaining international peace and security.<sup>12</sup> In order to be effective, the collective security system assembles the military, economic, and political power of States, upon which the implementation of coercive measures actually depends. Inevitably,

11 Article 24, paragraph 1 of the UN Charter prescribes: "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

12 Tsagourias and White, 2013, p. 19. Discussing the relationship between the protection of human rights and the collective security system for the maintenance of international peace and security, the European Court of Human Rights pointed out that "(...)While it is clear that ensuring respect for human rights represents an important contribution to achieving international peace, the fact remains that the UNSC has primary responsibility, as well as extensive means under Chapter VII, to fulfill this objective, notably through the use of coercive measures. The responsibility of the UNSC in this respect is unique." *Behrami and Saramati v. France, Germany, and Norway* (2007), paragraph 148.

this causes a factual inequality of otherwise (legally) equal subjects of international law, and consequently, powerful States are likely to be more important actors in the collective security system. Ultimately, successful decision-making within the Security Council largely depends on their cooperation and ability to suppress their own individual interests. However, it is important to bear in mind that in performing its Charter-based duties, although it is authorized to undertake a wide range of mandatory measures, the Security Council is obliged to act in accordance with the purposes and principles of the UN.<sup>13</sup> Therefore, the authority of the Security Council, i.e., *de facto* of the five permanent Members, should not be understood as being unlimited in relation to all other UN Member States. The powers of the Security Council should always be confined to the fundamental principles of international law established in the Charter.

Unfortunately, the use of armed force by the Russian Federation, one of the five permanent Members of the Security Council, against the territorial integrity and political independence of another UN Member State, Ukraine, has impelled the entire international community to question the purpose and efficiency of the institutional solutions provided by the Charter enshrined in Chapter VII, which are supposed to serve the preservation of international peace and security. Namely, the collective security mechanisms available to the Security Council, including those that imply the use of armed force against the aggressor (according to Article 42 of the Charter), are in this situation obviously and completely inapplicable in view of the veto right of Russia. Although there are other non-coercive measures that the UN can use for the purpose of persuading the aggressor State to cease illegal acts against another States and its citizens (such as, for example, the political and moral influence of the Secretary-General, or the pressure of the majority of States in the General Assembly, or even the impact of the Human Rights Council (see *infra*)), the UN as a universal organization primarily established for the maintenance of peace and security has shown significant defects in its own structure, as well as the inability to prevent its own Member States from violating fundamental principles of the Charter.

The political and security situation in States belonging to the Central European region has not been a subject of concern of the Security Council for a couple of decades. Namely, the legal and political systems in States like the Czech Republic, Slovakia, Hungary, Poland, and Romania are all based on multi-party democracy and separation of powers between the legislative, executive, and judicial branches, respecting the principles of the protection of human rights, the rule of law,<sup>14</sup> the right of nations to self-determination and, the rights of national minorities and ethnic groups,<sup>15</sup> respect for the freedom and culture of other nations, non-acceptance of any

13 Article 24 paragraph 2 of the UN Charter. Tsagourias and White also emphasize that although the collective security system represents a global, inclusive, and autonomous order which exhibits a certain degree of institutionalism, its institutional powers are nevertheless restrained by the international legal principles. See more Tsagourias and White, 2013, pp. 33–34.

14 The Preamble of the Constitution of the Czech Republic (Ústava České republiky).

15 The Preamble of the Constitution of the Slovak Republic (Ústava Slovenskej republiky).

statute of limitations of international crimes committed under national socialist and communist dictatorships,<sup>16</sup> the respect for universal human values and citizen rights,<sup>17</sup> and political pluralism.<sup>18</sup> These States are committed to good neighborly relations and fruitful inter-State relations. Such a regional and sub-regional cooperation,<sup>19</sup> whether institutionalized or not, contributes to a large degree to the creation of a solid basis for good bilateral and multilateral relations, the peaceful settlement of disputes, and consequently to international peace and security.

On the other hand, some European States have gone through a much more complicated path in striving for independence and democracy. The dissolution of the former Yugoslavia showed some shortcomings and the complexity of the international systems aiming at international peace and security: a misjudgement of the situation, the late or unbalanced reaction of UN institutions and, as a result, a huge loss of civilian life and material damage marked this period. There are authors who have critically commented on the effectiveness of the UN system, saying that despite constant warning of the atrocities being committed in Bosnia and Herzegovina, the international response was weak, confused, and ineffective. This criticism refers mostly to the Security Council sanctions, which in reality did not have a desired effect.<sup>20</sup> On the other hand, there were also some visible efforts to mitigate the conflict, ranging from the presence of UN forces to instrumental support from the international community for reconstruction and pacification. However, while the deployment of the UNPROFOR was a result of the concern of the international community about the atrocities happening in Srebrenica in Bosnia and Herzegovina, the UNPROFOR forces did not succeed in providing safety for the civilians in Srebrenica, thus indirectly bearing responsibility for not preventing the tragedy of genocide.<sup>21</sup>

16 The Preamble of the Constitution of Hungary (Magyarország Alaptörvénye).

17 The preamble of the Constitution of the Republic of Poland (Konstytucja Rzeczypospolitej Polskiej).

18 General principles, Article 1 of the Constitution of Romania (Constiutia României).

19 Thus, for example, the foundation in 1991 of the Visegrád Group of four States, the Czech Republic, Slovakia, Hungary, and Poland, was motivated by the desire of three European leaders (Václav Havel, Lech Walesa, and József Antall) to maintain distance from the communist bloc in Central Europe, to overcome past animosities, and to work together as neighboring States in a number of fields of common interest. This organization aims to achieve optimal cooperation and democratic development of the four Member States, in coordination within the existing European and transatlantic institutions. All four Member States of the Visegrád Group were accepted as new Members to the European Union in 2004.

20 See more Watson, 1999, pp. 10–11. See also the relevant Security Council resolutions adopted during 1991 and 1992, as well as the jurisprudence of the International Court of Justice: *Bosnia and Herzegovina v. Serbia and Montenegro* (2007).

21 On the deployment and the activities of the UNPROFOR in Bosnia and Herzegovina and Croatia see Security Council resolutions 743 (1992) and 824 (19923). For the overview of the evolution of UN peacekeeping operations, the normative framework of the UN peacekeeping operations, and the deployment of UN peacekeeping operations see Langholz, 2010, pp. 1–185. A short critical review of the UN operations in Bosnia and Herzegovina, Somalia and Rwanda is given by Willmot and Mamiya, 2015, pp. 382–385.

Thus, although these unfortunate events revealed some deficiencies of the UN mechanisms for safeguarding international peace and security and protecting the most vulnerable groups of people,<sup>22</sup> there are other channels available to UN Member States to draw the world's attention to situations potentially threatening international peace and security. First of all, the General Assembly is an organ where all the relevant issues are discussed and where resolutions concerning peace and security are adopted, thus exerting a certain degree of pressure on responsible States to harmonize their behavior with their international obligations.<sup>23</sup> Moreover, pursuant to the Resolution "Uniting for Peace" 377 (V) of 1950, the General Assembly can make recommendations to take action where the Security Council fails to fulfill its primary responsibility to maintain international peace and security, if the prerequisites for deciding on coercive measures are met (threat to the peace, breach of the peace, or an act of aggression).<sup>24</sup> The significance of the Resolution lies in transferring to the General Assembly the authority to respond promptly to threats to international peace and security, albeit with rather limited reach, since resolutions thus adopted are not binding on States.<sup>25</sup> In practice, however, the General Assembly is most often reluctant to exercise its competence under Resolution 377 because of the Security Council's dominance in matters of peace and security.

On the other hand, recent reports of grave violations of international humanitarian law and abuses of human rights in Ukraine in the context of armed conflict

22 Legal discussions regarding the international responsibility of the UN peacekeeping forces and of contributing States were conducted on several national and international judicial levels. For example, the courts of the Netherlands analyzed the question of the responsibility of the UN having operational command and control over the Dutch battalion in Srebrenica, and of the Netherlands as a State whose military commander operated and made decisions on the ground. See *N. H. v. The State of the Netherlands* (2008), *Nuhanović v. The State of The Netherlands* (2011), and *The State of the Netherlands (Ministry of Defence and Ministry of Foreign Affairs) v. Hasan Nuhanović* (2013). Central to a well-known decision on the admissibility in the case *Behrami and Saramati v. France, Germany, and Norway* (2007) adopted by the European Court of Human Rights was the issue of attribution of the acts of the UNMIK mission and the NATO KFOR forces to States whose contingents were involved in the missions. Ultimately, the Court concluded that the acts in question should be attributed exclusively to the UN, since the legal basis for the establishment of the UNMIK mission rests with the Security Council and Chapter VII, thus retaining ultimate authority and control over the mission.

23 For example, Croatia has recently presented a draft resolution on behalf of a group of States (among many others, Belgium, Botswana, the Czech Republic, Denmark, Guatemala, Luxembourg, Romania, Rwanda) titled "The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against the humanity," expressing concern with the scale of atrocities in the world, and calling upon the General Assembly to include R2P on its annual agenda. According to the resolution, this would contribute to furthering a serious and structured dialogue among UN Member States on how to prevent genocide, crimes against humanity, war crimes, and ethnic cleansing in a more efficient way. See Statement by H.E. Ambassador Ivan Šimonović, Permanent Representative of the Republic of Croatia at the 75th Session of the General Assembly, UN Doc. A/75/L.82, 2021.

24 General Assembly Resolution, UN Doc. A/RES/377 (V) (1950).

25 White notes that matters of international peace and security fall primarily but not exclusively within the domain of the Security Council. See White, 2015, p. 294.



with Russia prompted the Security Council to activate the Resolution “Uniting for Peace” and, due to the lack of unanimity of five permanent members of the Council, calls for an emergency special session of the General Assembly in March 2022.<sup>26</sup> In the two resolutions thus adopted the General Assembly explicitly called the Russian military intervention on the territory of Ukraine an act of aggression, and emphasized “the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development.”<sup>27</sup> Moreover, the General Assembly expressed its outrage over the scale of the military offensive by the Russian Federation, noting that such actions and their humanitarian consequences “are on a scale that the international community has not seen in Europe in decades.”<sup>28</sup> Votes of 140 UN Member States for the adoption of the Resolution A/RES/ES-11/2 on March 24, 2022, condemning all violations of international humanitarian law and violations and abuses of human rights, demanding full protection of civilians, humanitarian personnel, journalists, objects indispensable to the survival of the civilian population, and infrastructure, and calling for an end to the sieges of Ukrainian cities, which have further aggravated the humanitarian situation for the civilian population,<sup>29</sup> indicate that the vast majority of UN Members want to participate actively in the decision-making process for the maintenance of international peace and security, particularly when there is such a strong and worrying polarization of the Security Council permanent Member States. Armed conflict in Eastern Europe is certainly a moment in modern history when voices within the General Assembly advocating for peace should be heard as often and as loudly as possible.<sup>30</sup> Cassese, for example, points out that beneficial effects of public condemnation of certain actions by States in the General Assembly cannot be underestimated, since States usually strive to avoid criticism of their policies by the international community.<sup>31</sup>

Protection of human rights, as one of the fundamental preconditions for the maintenance of international peace and security, is also one of the purposes of the UN. Specialized organs, such as the Human Rights Council, established by the General Assembly resolution A/RES/60/251 of 2006, and the High Commissioner for Human Rights, established by the General Assembly resolution A/RES/48/141 in 1993, are responsible for strengthening the promotion and protection of human

26 Security Council Resolution, UN Doc. S/RES/2623 (2022).

27 General Assembly Resolution, UN Doc. A/RES/ES-11/1 (2022). See also UN Doc. A/RES/ES-11/2 (2022).

28 General Assembly Resolution, UN Doc. A/RES/ES-11/2 (2022).

29 General Assembly Resolution, UN Doc. A/RES/ES-11/2 (2022).

30 Tsaourias and White also call for a more frequent activation of the “Uniting for Peace” Resolution and active participation of the General Assembly in decision-making with regard to the maintenance of international peace and security. See Tsaourias and White, 2013, p. 112.

31 Cassese, 2001, pp. 304–305.

rights around the globe, addressing human rights violations, and making recommendations to States on how to improve human rights protection of their citizens.<sup>32</sup> Their task is to “help prevent abuses of human rights and contribute to the defusing of situations that could lead to conflict” and “inject a human rights perspective into all UN programmes.”<sup>33</sup> On the other hand, reports on negative responses by certain governments regarding cooperating with Human Rights Council and implementing resolutions for the improvement of the quality of human rights protection suggest that the UN instruments for human rights protection are not always effective in reality. For example, continued concern over the Belarusian government’s restrictions on the exercise of the freedoms of peaceful assembly, association, and expression, harassment of civil society organizations, arbitrary detention and arrest of journalists and human rights defenders, and allegations of torture and other inhuman or degrading treatment by law enforcement and prison officers, suggests that the true authority and influence of recommendations given by the Human Rights Council and other bodies on actual improvement of human rights protection largely depends on the political will of a government concerned and its readiness to accept the responsibility to its citizens to carry out its obligations under international law.<sup>34</sup>

Members States of the UN are also subject to universal periodic reviews by the Human Rights Council of the fulfillment of their human rights obligations and commitments, based on an interactive dialogue and the full involvement of the country concerned.<sup>35</sup> Thus, during the past few decades, Central European States have submitted reports to the Human Rights Council regarding the compatibility of their national legislation with their human rights obligations and answered questionnaires prepared by the High Commissioner for Human Rights on various issues. For example, these States had to provide detailed information on the right to privacy in the digital age, protection against gender-based violence committed through the Internet, rights of persons with disabilities (Slovenia); non-discrimination and equality in family and cultural life, right to work and employment of persons with disabilities, non-discrimination and equality with regard to the right to health and safety (the Czech Republic); the impact of the pandemic on the enjoyment of human rights, the right to participate in public affairs, the availability of remedies in the event of illicit export or use of private surveillance technology (Slovakia); measures for the protection of families, the relationship between climate change and the enjoyment of the rights of the child, legislation on the rehabilitation programmes for child victims of trafficking (Hungary); right to freedom of opinion and expression, the right to information during the Covid-19

32 General Assembly Resolutions, UN Doc. A/RES/60/251 (2006) and A/RES/48/141 (1993).

33 Official web site of the United Nations Human Rights Office of the High Commissioner (2022).

34 Report of the Human Rights Council, UN Doc. A/75/53 (2020).

35 General Assembly Resolution, UN Doc. A/RES/60/251 (2006), paragraph 5. On the activities of the Human Rights Council see Spohr, 2010, pp. 169–218.

pandemic, the right of all persons to enjoy the highest standards of physical and mental health (Croatia), and so on.<sup>36</sup>

However, although the purpose of such periodic reviews by States was to subject to the scrutiny of independent UN supervisory organs issues of the compatibility of legislation and practice of UN Member States with their human rights obligations regulated by international law and to ensure universality of coverage and equal treatment with respect to all States, it is arguable whether such monitoring processes can actually compel States to fix the detected shortcomings in their legal and political system and to act toward a better and more coherent human rights protection.<sup>37</sup> We can conclude that, since the opinions and resolutions adopted by the Human Rights Council and the High Commissioner for Human Rights are ultimately non-binding on States, their effects are to a certain extent limited.<sup>38</sup> Nevertheless, these opinions, being public and available to all other States and individuals, can exert a certain degree of political pressure on States to upgrade the level of human rights protection to persons under their jurisdiction and harmonize their behavior with their international obligations.

### **3. NATO as the guarantor of international peace and security in Europe**

Diplomatic efforts made within the political and constitutional framework of international organizations, although in most cases successful and efficient in solving inter-State disputes and preventing aggravated relations from escalating, are not always enough for the protection of peace. Sometimes States are not eager to retreat from their goals and aspirations, even at the cost of armed conflict. In such situations, military mechanisms provided by regional international organizations might be more effective when all other diplomatic and political efforts fail. However, the primary duty of Member States to resolve international disputes peacefully is always underlined in their constitutions. The thirty Member States of NATO are obliged under the Washington Treaty to settle any international dispute in which they may be involved by peaceful means, as set forth in the UN Charter. They are further obliged to contribute to the development of peaceful and friendly relations by strengthening their free institutions, and by promoting conditions of stability and well-being. However, the NATO organization was primarily established with

36 The connection and cooperation of various international bodies and institutions competent to observe the respect by States of their international obligations is seen particularly in the field of human rights protection. Thus, for example, the jurisprudence of the European Court of Human Rights under the auspices of the Council of Europe has brought forward the most elaborate concept of treaty interpretation that applicants before some other international bodies (such as, for example, the Human Rights Council) have frequently referred to and invoked in the case law of the European Court of Human Rights. Schlütter, 2012, p. 267.

37 Oberleitner, 2012, p. 258.

38 Fleiner and Basta Fleiner, 2009, p. 196.

the purpose of protecting the security of its Member States, and to develop and use military resources to that end.<sup>39</sup> The Washington Treaty centers its legal basis for collective self-defence of all Member States in Article 5, which prescribes that an armed attack against one or more of them shall be considered an attack against them all and consequently that “each of them, in exercise of the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forth, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.”<sup>40</sup> However, Article 7 confirms the primary responsibility of the Security Council for international peace and security, whose enforcement measures, if undertaken in accordance with Article 5, shall cause the termination of measures taken by the NATO.

NATO military operations were not on every occasion in conformity with the provision of the UN Charter, particularly with regard to the obligation to obtain prior authorization of the use of armed force by the Security Council, in accordance with Chapter VII. Kosovo once again serves as a good example. Namely, although the Security Council adopted Resolution 1199 in 1998 under Chapter VII, stating that the deterioration of the situation in Kosovo constituted a threat to peace and security in the region, it did not authorize UN Member States to use armed force nor any other necessary means that would imply the authorization of the use of force.<sup>41</sup> NATO nevertheless began its bombing campaign over Yugoslavia in March 1999 in response to violence led by Serbian authorities against Kosovo Albanians without an explicit authorization from the Security Council.<sup>42</sup> Some of the NATO Members States justified the military action by referring to a so-called humanitarian intervention, by saying that prior authorization for the use of military force by the Security Council was not needed, or by seeking the legitimacy of the action in the rules of acting in necessity or distress.<sup>43</sup> Whatever the justification, NATO’s intervention in the former Yugoslavia has encountered heavy criticism among international lawyers who argue that the rules of international law are not easily changed, and that a different and arbitrary interpretation of fundamental principles on which the

39 De Wet explains that NATO was not established as a regional organization under Chapter VII of the UN Charter, but as a collective defence organization in the sense of Article 51 of the Charter, since its original purpose was to offer protection against external aggressor. See more De Wet, 2015, p. 316.

40 So far, Article 5 has been invoked once, in response to the 9/11 terrorist attacks in the USA in 2011.

41 In paragraph 16 of the Resolution it is stated: The Security Council “decides, should the concrete measures demanded in this resolution and resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region (...)” See Security Council Resolution, UN Doc. S/RES/1199 (1998).

42 The NATO intervention in Kosovo was followed by the UN administration UNMIK authorized by the Security Council Resolution 1244 (1999).

43 O’Connell, 2000, pp. 80–82.

international community is based could lead to legal uncertainty and impair their legitimacy.<sup>44</sup>

Central European States, such as the Czech Republic, Hungary, and Poland (who all joined the NATO in 1999), Slovakia and Slovenia (who joined in 2004), and Croatia (who joined in 2009), have all adhered to the aims of the NATO organization to promote stability and cooperation in building a Europe united in peace, democracy, and common values. Membership in this regional organization was particularly important, even necessary, for States that had relatively recently experienced war with their neighbors and whose defence depends on NATO for political and military support. Thus, after completing a decade-long NATO Partnership for Peace programme, Croatia accessed the alliance in 2009. Since then, Croatia not only has received support by being a Member but also contributed to NATO-led missions all around the world. For example, Croatia has made its military contingents available to the NATO operation in Kosovo (KFOR—Kosovo Forces), authorized by Security Council resolution 1244 (1999) under Chapter VII of the UN Charter, in which it was decided on the deployment of an international civil and security presence in Kosovo, with the appropriate equipment and personnel.<sup>45</sup> It also participated in Afghanistan in the International Security Assistance Force (ISAF) established by Security Council resolution 1386 of 2001, by which the ISAF was authorized to assist the Afghan Interim Authority to maintain security in Kabul and surrounding areas.<sup>46</sup> Military troops of the Czech Republic, Hungary, Poland, and Slovenia are still active in the KFOR, while Slovakia withdrew its contingents. On the other hand, the responsibilities of the ISAF were focused on conducting stability and security operations, disarming illegally armed groups, and providing post-operation assistance, including the supporting of the growth of governance structures. All of the mentioned States contributed to the realization of the ISAF mission with their military contingents.<sup>47</sup>

Similar to the evaluation of the UN peacekeeping operations in Bosnia and Herzegovina, it should be noted here as well that the ISAF mission, commanded by NATO since 2003, could not escape criticism regarding incidents of civilian casualties connected to counter-insurgency and air-strike operations, when miscalculation

44 See, for example, O'Connell, 2000, pp. 82 et seq.; Weller, 2015, pp. 30–31; Nanda, 2000, pp. 327–331.

45 Security Council Resolution, UN Doc. S/RES/1244 (1999), paragraphs 5, 7 etc. NATO helped to establish a professional and multi-ethnic Kosovo Security Force, it still participates in the European-sponsored dialogue between the authorities in Priština and Belgrade, and it is active in the normalization of political relations between Kosovo and Serbia. On the issues of the legality of the use of force by NATO in Kosovo prior to the adoption of Resolution 1244 (1999) see Breau, 2005, pp. 117–147; Simma, 1999, pp. 1–22.

46 Security Council Resolution, UN Doc. S/RES/1386 (2001), para. 1, etc. NATO assumed command over ISAF in 2003.

47 There were up to 51 countries contributing to the ISAF. By the end of 2014 the ISAF mission came to an end and was succeeded by a new NATO-led non-military mission, the Resolute Support Mission (RSM). This mission was withdrawn in September in 2021.

of a particular military operation or inadequacy of prior preparation of soldiers had fatal consequences for the civilian population.<sup>48</sup> Since the number of victims increased as the conflict in Afghanistan intensified, the NATO-led operation was qualified as lacking “the necessary procedures or a coherent system to address civilian casualties.”<sup>49</sup> The Organization then admitted that new strategies and policies were needed in order to reduce civilian casualties while managing to achieve the initial goals of the mission. This resulted in the adoption of the NATO Policy for the Protection of Civilians, which was endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw in 2016. Stating that experiences with mitigating civilian casualties during the ISAF mission in Afghanistan are valuable in the context of creating overarching policies and guidelines for future NATO-led operations and other activities, the Policy for the Protection of Civilians emphasized that all the NATO-led operations should be conducted in accordance with applicable international law, particularly international human rights law, as well as international humanitarian law. Furthermore, it is pointed out in the document that “all feasible measures must be taken to avoid, minimize and mitigate harm to civilians,” giving particular consideration to “those groups most vulnerable to violence within the local context.”<sup>50</sup> Current challenges arising from armed conflict in Eastern Europe will be a true test for the NATO Member States in view of a genuine adherence to the principles contained in the Policy for the Protection of Civilians, especially through the processes of planning, education, and conduct of operations on the ground.<sup>51</sup>

Certain revisions of the NATO concept originally centered around the collective self-defence system and military operations were made in 2010 with the adoption of the Strategic Concept for the Defence and Security of the Members of NATO. In this document NATO acknowledged that new threats to the safety of its citizens are emerging and confirmed the commitment of the NATO Member States to preventing crises, managing conflicts, stabilizing post-conflict situations, working closely with other international organizations, particularly the UN and the EU,<sup>52</sup> creating the conditions for a world without nuclear weapons, being open to the membership of all European democratic States that meet the required membership standards, and

48 Piekarski, for example, analyzes accusations of Polish soldiers participating in ISAF mission for war crimes committed against civilians in 2009. See Piekarski, 2014, pp. 91–92.

49 Keene, 2014, p. 3.

50 NATO Policy for the Protection of Civilians, 2016, Articles 5, 6, etc.

51 For an evaluation of the basic components of the NATO Policy for the Protection of Civilians see Hill and Manea, 2018, pp. 146–160.

52 In the NATO Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, it is emphasized that the NATO and the EU can and should play complementary and mutually reinforcing roles in supporting international peace and security. See NATO, *Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization*, 2010, pp. 28–29.

safeguarding the freedom and security of all its Members by political and military means.<sup>53</sup> In this context, NATO serves primarily as a forum for political consultations on matters concerning security in the Euro-Atlantic area. It also serves as a central place for States to share information, exchange views, and discuss common goals. This is particularly important in the 21<sup>st</sup> century, when the world is faced with new forms of threats to international peace and security: cyber-attacks, extremism in various forms, terrorism, trans-national illegal activities, trafficking in arms, narcotics, and people, and new technologies for electronic warfare. Therefore, political and diplomatic channels within the NATO are intensely devoted to inter-State dialogue and negotiations with the aim of preventing armed conflicts. NATO continually monitors the international environment and analyzes the political and security situations of its Member States and beyond, in order to anticipate potential crises and undertake adequate measures to prevent them from escalating into larger conflicts.<sup>54</sup> It can thus be concluded that the NATO organization has somewhat revised its primary mission of the collective self-defence of its Members and spread its mandate to include a wide range of crisis management activities.<sup>55</sup>

In comparison to the political situation after the Second World War and the relationship between Western States belonging to the NATO and States belonging to the opposite block of Eastern and some Central European States, the Warsaw Pact, when Member States of each military block were primarily oriented in the arms race, today the security situation is quite different. The Warsaw Pact ceased to exist in 1991 and most of its Member States joined NATO.<sup>56</sup> The world is also facing new challenges to international peace and security, ones not limited to armed threats, breaches of peace, and acts of aggression. Today, issues like the risks of climate change, environmental challenges, natural disasters, migration crises, and terrorist attacks dominate the conversations of world leaders and international organizations with which NATO closely cooperates. Solutions to these problems therefore require new strategies, the readiness to identify new but common goals, and the wisdom to reach consensus on the implementation of adequate and timely measures in order to maintain peace and security for the well-being of humanity. However, NATO Member States, even in new and challenging situations, should endeavor to hew to the international legal regime and its constraints, especially in cases that represent a threat to peace. Otherwise, the core of the collective security system would be jeopardized, and the fundamental principles of international law on the use of force undermined.<sup>57</sup>

53 NATO, *Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization*, 2010, pp. 4–5.

54 NATO, *Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization*, 2010, pp. 19–20.

55 Similarly De Wet, 2015, pp. 316–317.

56 On the establishment of NATO and the Warsaw Pact and the political circumstances surrounding the two alliances see Kramer, 2005, pp. 164–171.

57 Similarly Simma, 1999, p. 22.

#### 4. Protection of human rights within the Organization for Security and Co-operation in Europe as a pledge for peace and security

The OSCE, as the biggest regional international organization with the membership of 57 European, Central Asian, and North-American States, has developed diverse, multi-level instruments in order to achieve the goals set in the Helsinki Final Act in 1975. The promotion of better relations among States with the aim of creating the conditions for true and lasting peace, overcoming confrontations stemming from the character of their past relations, enhancing mutual understanding, cooperating in the interests of mankind, contributing to world peace and security, and promoting fundamental human rights and economic and social progress, are just some of the principles to which State participants of this organization have committed.<sup>58</sup>

The significance of the OSCE as a regional peace and security keeper, as well as of the Helsinki Final Act and other binding and non-binding documents adopted within the framework of the OSCE, was particularly evident during the emergence of new States in Eastern and South-Eastern Europe at the end of the 20<sup>th</sup> century. Namely, one of the guidelines set in the Declaration on the Recognition of New States in Eastern Europe and the Soviet Union of 1991 issued by the Economic Community was to condition the recognition of new States on their adherence to, among others, the commitments subscribed to in the Helsinki Final Act and in the Charter of Paris, particularly with regard to the rule of law, democracy, and human rights.<sup>59</sup> The implementation of the guidelines and the confirmation thereof by the OSCE was vitally important for States where the protection of human and minority rights was a prerequisite for reconciliation, the proper functioning and development of democratic institutions and mechanisms, and adherence to the highest standards of international law.<sup>60</sup> In this period the OSCE took on a specific role in shaping a European security system in collaboration with the EU and the NATO (see *infra*).<sup>61</sup> Namely, this organization strengthened its activities in the area of early warning, conflict prevention, conflict management, and post-conflict rehabilitation through its field missions, as well as through institutions of a human dimension, the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights (the ODIHR).<sup>62</sup>

58 The Preamble of the Helsinki Final Act, 1975. The OSCE organization developed from the Conference for Security and Co-operation in Europe (CSCE) held from 1973 to 1975, when the Final Act of the summit was signed by 33 European participating States, the US, and Canada. In 1994 the CSCE was succeeded by the OSCE. Although the Helsinki Final Act is not formally binding on participating States, it reflects legal awareness of European States of the need to respect human rights and fundamental freedoms grounded in international law, as well as in United Nations documents. Andrassy et al., 2010, p. 395.

59 Caplan, 2005, pp. 187–188.

60 Andrassy et al., 2010, pp. 94–96.

61 Rotfeld, 2000, p. 100.

62 The OSCE human dimension of security is a concept created for the purpose of promoting and protecting human rights and democratic values, thus expanding the mission and activities



Furthermore, in close collaboration with NATO, the OSCE became a significant contributor to the restoration of peace on the territory of the former Yugoslavia.<sup>63</sup>

The OSCE mission to Croatia, which began in 1996 and operated until the end of 2007, is an example of a comprehensive and ultimately successful cooperation of the OSCE institutions of the human dimension mentioned above. The task of the mission was to provide assistance and expertise to all levels of the Croatian authorities, as well as to interested individuals, groups, and organizations in the field of the protection of human rights and the rights of persons belonging to national minorities. However, the OSCE human rights mechanisms were also referred to collaboration with other organizations and institutions, such as the Council of Europe, the Special Envoy for Regional Issues, the UN High Commissioner for Refugees, the International Committee of the Red Cross, and UNTAES (the United Nations Transitional Authority in Eastern Slavonia, Baranja, and Western Sirmium), particularly in regard to confidence-building and reconciliation, as well as to the development of independent democratic institutions at all State levels.

On the other hand, the OSCE mission in Bosnia and Herzegovina, whose mandate stems from the General Framework Agreement for Peace in Bosnia and Herzegovina concluded in Paris in 1995 (the Dayton Agreement), serves as an example of long-lasting efforts of the international community to build sustainable democratic institutions in a State whose citizens and political institutions suffered great damage during armed conflict and are still, more than twenty-five years after the end of hostilities, dependent on the support of international institutions in developing a stable multi-national and multi-ethnic democratic society. The cooperation with the OSCE on matters pertaining to the human dimension, as well as with other international governmental and non-governmental organizations, should ultimately lead to the political stabilization, more developed human rights protection, and true equality of all three constitutive ethnic groups (the Bosniaks, Croats, and Serbs).<sup>64</sup>

of the OSCE beyond traditional military, security, disarmament, and border issues. Foundations of the human dimension were established in the Helsinki Final Act in 1975, and were later upgraded in the 1990 Copenhagen Document, the 1990 Charter of Paris for a New Europe, and the 1991 Moscow Document. See OSCE Human Dimension Commitments, 2011, pp. 18 etc.

63 Its mission in Kosovo, for example, during the humanitarian crisis in 1999 was interrelated not only with the NATO-led peace force deployed in Kosovo (KFOR), but also with the UN Interim Administration (UNMIK) established by Security Council Resolution 1244 in 1999, the EU, and the Council of Europe. For a comprehensive overview of the factual and legal background of the crisis in Kosovo, the international administration in Kosovo, and its status in international law see Novokmet, 2013, pp. 184–196.

64 OSCE, Survey of OSCE Field Operations, 2021, p. 11. However, the most recent political setbacks between political leaders in Bosnia and Herzegovina and the representatives of the international community do not give much hope that the stabilization of the relations between the three ethnic groups is in sight. It is nevertheless important, even crucial in this context, that the institutions of the UN as well as principal European organizations consider the security situation in Bosnia and Herzegovina a priority and use all their diplomatic and political skills to keep the hard-won peace and prevent the escalation of inter-ethnic tensions.

Closer cooperation of the OSCE with other international organizations and institutions for a more effective security policy is decided on and formulated in the Charter for European Security,<sup>65</sup> a document adopted in Istanbul during the Istanbul Summit of the OSCE in 1999. Expressing their commitment to a free, democratic, and more integrated OSCE area, State participants of the Istanbul Summit agreed to adopt the Platform for Co-operative Security in order to more efficiently use the resources of the international community through international organizations; to develop the role of the OSCE in peace keeping; to create Rapid Expert Assistance and Co-operation Teams (REACT) and Operation Centers in order to react promptly to demands for assistance in field operations; and to strengthen the consultation process within the OSCE.<sup>66</sup> The goal of this document was to recognize new challenges to security within the Euro-Atlantic region, such as international terrorism, violent extremism, organized crime, and drug trafficking, and to foster mechanisms to respond to such challenges by collaborating more closely with other organizations in a spirit of solidarity and partnership.<sup>67</sup> The respect of human rights and fundamental freedoms, particularly the rights of national minorities, is acknowledged as a core of the OSCE's comprehensive concept of security.<sup>68</sup>

The OSCE has also established a judicial organ competent to adopt binding decisions. The Court of Conciliation and Arbitration was thus established under the Convention on Conciliation and Arbitration within the OSCE, adopted in Stockholm in 1992, with the purpose of serving States Parties to the Convention as easily accessible mechanism for the peaceful settlement of disputes. A State Party to the Convention can activate this mechanism unilaterally against any other State Party. States are primarily encouraged to use conciliation as a means of peaceful settlement because it offers a wide range of possibilities and legal as well as non-legal sources for settlement. Arbitration as a judicial means, on the other hand, can provide assurance that States will actually respect the arbitral award, which is binding. Unfortunately, the Court is yet to hear a case, but it cooperates with OSCE institutions in the promotion of conciliation and arbitration as effective methods of conflict resolution.<sup>69</sup>

In conclusion, institutional instruments of the human dimension within the OSCE have proved to be indispensable mechanisms for States to observe commitments to the fundamental principles and values proclaimed by the OSCE framework, the rule of law, the principle of free and democratic elections, the respect for human rights, and the promotion of tolerance throughout society.<sup>70</sup> The particular signifi-

65 OSCE, Charter for European Security, 1999.

66 OSCE, Charter for European Security, 1999, Para. 1.

67 OSCE, Charter for European Security, 1999, Paras. 12–16.

68 OSCE, Charter for European Security, 1999, Paras. 19 et seq.

69 See further, Mazzeschi and Carli, 2020, pp. 205–219; Andrassy et al., 2006, pp. 37–38.

70 For example, particular importance of the OSCE observer missions is evident in the election processes in its Member States, as they help build public confidence in electoral process, enhance political stability, provide support for domestic observers, and improve election practices in host countries. Eicher, 2009, pp. 265–267.

cance of all aspects of the human dimension is that it should enable the identification of crucial legal, political, or social obstacles that State participants face in the effort to fulfill their obligations. Moreover, making available to the public problematic, illegal, and corruptive actions of political actors on all levels is crucial for raising awareness throughout society that more effort is needed to bring national legislation and practice closer to the highest standards of human rights protection. Still, one may have certain reservations with regard to the non-obligatory character of the recommendations and reports of the OSCE institutions. Still, such a non-binding institutional framework can in reality have much more effect in terms of creating pressure on governmental and local authorities to adopt laws and practice policies that reflect a true adherence to the respect of human rights and freedoms, minority rights, basic democratic values and orientation of the whole society to the rule of law, and ultimately, to the preservation of international law and security.

Collaboration and coordination of the OSCE activities together with other regional organizations, particularly with the EU and the NATO, is in our opinion the right direction of current and future operations of the OSCE in Europe, given that the experience has shown that one organization can hardly be up to the task of successfully handling all security, military, humanitarian, and financial aspects of crisis management and other challenges of international security.<sup>71</sup> In this sense, the current political and humanitarian crisis in Ukraine due to Russia's aggression proves that the OSCE, as well as other international organizations, have certain limitations with regard to its legal, political, and military capacities and should therefore work together to coordinate their goals and activities and contribute to the restoration of peace and security in a comprehensive and harmonized manner.

## 5. Concluding remarks

The maintenance of international peace and security has been one of the principal concerns of the international community for centuries. Still, international peace has never been achieved easily and without certain compromises and adjustments by States that needed the support of other States and international organizations. In return, the relative stability of the international legal order could be achieved and maintained within the framework of international global and regional institutions. On a global level, the institutional, diplomatic, and coercive mechanisms provided by the UN are designed for the purpose of adequately and in a timely manner respond to different situations that might cause instability in a region or international community as a whole. Furthermore, coercive measures (even ones involving the use of armed force) within the collective security system led by the Security Council, and in cooperation with the NATO as a regional military organization, however imperfect and inapplicable in its original form, if applied in accordance with the international

71 Similarly Rotfeld, 2000, pp. 104–105.

legal order and with the purpose of restoring infringed peace, can help suppress actors whose actions represent a threat to the peace or breach of the peace.

On the other hand, the UN organs that are not given competence to make binding decisions can nevertheless have a significant impact on States in terms of compelling them to harmonize their behavior with the fundamental principles of international law and thus contribute to the maintenance of international peace and security. This is particularly evident in the area of international cooperation regarding human rights protection, which is essential for preserving peace within the boundaries of one State, as well as for achieving good and prosperous relations with other States. International peace and security are unattainable unless basic human rights standards, democratic values, and the rule of law are respected on a national, regional and universal level.

Unfortunately, global and regional mechanisms are not always implemented in the most efficient and successful way due to the lack of proper understanding of a particular situation or the unwillingness of Member States to adopt and implement bold and urgent measures, regardless of their own political interests. We agree with the opinion that threats to the peace and gross violations of human rights do not happen as a result of the acts of only one party. On the one hand, there are individual perpetrators and governments allowing the atrocities to happen, and on the other, there are other States, international organizations, and other international subjects who bear their part of the responsibility for their inactions and misjudgements of the intensity of certain crises.<sup>72</sup>

In this context, in our opinion, the role of regional international organizations in creating more efficient mechanisms for inter-State cooperation is crucial. The establishment of an adequate constitutional framework of these organizations serves as a foundation in this sense, but a revision of this framework on a regular basis, along with the creation of a network of monitoring bodies and instruments, periodic reviews, reports, questionnaires, and field missions sent with the purpose of participating actively in democratic processes in Member States, would raise this cooperation to a new level. These instruments provide direct insight in the political systems and practice of States regarding their ability to implement democratic values and the rule of law. Accordingly, regional organizations in Europe, particularly the OSCE in coordination with and military support of the NATO, continuously observe the compliance of States' policies and practices with their international obligations, and, more importantly, adopt recommendations with the aim of continually advancing the responsibility of all actors involved to create solid and long-lasting ground for the maintenance of international peace and security.

72 Nollkaemper, 2015, pp. 438–439.

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