STARS INFORMER

JULY 2011 ISSUE III

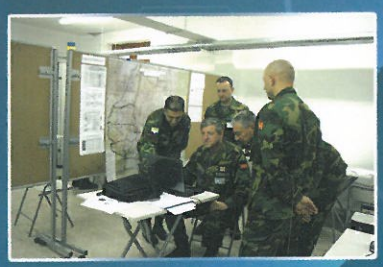
SOUTH EASTERN EUROPE BRIGADE REVIEW

MPFSEE




SEVEN STARS 2010 Command Post Exercise

SEEBRIG HQ Relocation in Larissa




"ONE TEAM, ONE MISSION"

SOUTH EASTERN EUROPE BRIGADE REVIEW JULY 2011 ISSUE III

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MPFSEE AGREEMENT AND DISASTER RELIEF OPERATIONS

Selman DURSUN
Ass. Prof. Dr. 2nd LT, Nation 7 Army
LEGAD

The Second Additional Protocol does not make any amendment on the mission of Peace Support Operations; rather, it introduces a new mission with an additional force (Engineer Task Force). Although Second Additional Protocol does not clearly mention Disaster Relief Operations, "Emergency Relief and Humanitarian Intervention" terms of the Protocol can be considered as references of Disaster Relief Operations. As a matter of fact SEEDRO Concept is substantially based on Second Additional Protocol (and Engineer Task Force).

De lege lata there is not a considerable problem with the legal base of Disaster Relief Operations (SEEDRO Concept), but *de lege ferenda* they should be regulated precisely and in more detail.

According to the preliminary sentences of the MPFSEE Agreement, SEEBRIG has been established *to contribute to regional security and stability, and to foster good neighborly relations among the countries in South-Eastern Europe.*

More importantly SEEBRIG is a military force, which will be available for employment in *Conflict Prevention* and in other Peace Support Operations, including *Peace-keeping, Peace-making, Peace-building and Humanitarian Operations,* except Peace Enforcement (MPFSEE Agreement, Article III, Paragraph 2. Pursuant to revised Art. I/1-o, "Peace Support Operations" term includes inter alia Peace Enforcement). As a general rule, it is possible to say that SEEBRIG engages in **Peace Support Operations (PSO)** with the exception of Peace Enforcement.

The critical question here is whether Agreement involves the **Disaster Relief Operations (DRO)** or not. In other words, **do PSO and especially Humanitarian Operations (HO), which are the part of PSO, include DRO?** It is also an important issue that whether HO may be performed as separate task or they may be only part of other PSO (like Conflict Prevention, Peace-keeping etc.). Because DRO are usually executed as independent task.

The answers of these questions depend on the scope and meaning of PSO and particularly HO, as part of them.

1. If the definitions of PSO and HO terms in the Agreement (revised Art. I/1-n and I/1-g) are examined it will be perceived that these definitions do not give enough information to answer clearly above mentioned questions. Because they do not adequately clarify the fact that when these operations come into play. It is not also very clear, whether HO may be executed as independent task or not.

SEEBRIG's Visit to Disaster Coordination Center (AKOM) of Istanbul Metropolitan Municipality

2. Here, it is also necessary to consider the Second Additional Protocol (SAP) to the Agreement.

As to preface of the SAP, Contracting Parties *reaffirm their commitment to the aims and principles provided for in the preceding documents* (Agreement and First Additional Protocol) and more particularly they emphasize their desire *to further develop the cooperation among them and to strengthen their emergency relief and humanitarian intervention capabilities.*

With this Protocol, an **Engineer Task Force (ETF)** has been established. According to Article 2 of Protocol, the scope of the formation of the ETF is *to provide the Parties with an emergency relief and humanitarian intervention capabilities*, and this initiative shall be oriented towards *small-scale civil assistance* in the interest of the Parties.

Taking the provisions and general approach of SAP into consideration, it can be remarked that the SAP does not make any amendment or diversion on the mission of PSO (and HO as part of PSO). Contrary to this, it has introduced a new mission with an additional force (ETF).

Although SAP does not clearly mention DRO, **"Emergency Relief and Humanitarian Intervention" terms can be considered as references of DRO.** As a matter of fact **SEEDRO Concept**, which was developed in a long period of time and endorsed by PMSC and approved by SEDM, is substantially based on SAP (and ETF).

3. For a comparative analysis, it may be useful to refer to the related two NATO documents (AJP-3.4 – *Non-Article 5 Crisis Response Operations* and AJP-3.4.1 - *Peace Support Operations).*

a) According to the updated-new strategic concept, there are two types of NATO military operations: Article 5 Collective Defense Operations and non-Article 5 Crisis Response Operations (NA5CRO). PSO are part of NA5CRO (see AJP-3.4.1 - PEACE SUPPORT OPERATIONS, NATO Unclassified Publication, July 2001, Preface, p. xi and p. 3-1).

b) The definitions of PSO and HO as part of PSO are almost same as MPFSEE Agreement. But unlike Agreement, it is clearly defined that HO may be conducted as independent task as well as part of PSO (see AJP-3.4.1 - PEACE SUPPORT OPERATIONS, 2001, Chapter 2: The Nature of Peace Support Operations, p. 2-1, 2-8 and AJP-3.4 – NON-ARTICLE 5 CRISIS RESPONSE OPERATIONS, NATO/PFP Unclassified Publication, March 2005, Chapter 3: Military Characteristics of Peace Support Operations, p. 3-1, 3-4).

c) In the AJP-3.4.1 (Peace Support Operations, 2001), DRO are discussed neither as part of Humanitarian Relief nor in another context. On the other hand, in AJP-3.4 (Non-Article 5 Crisis Response Operations, 2005) *DRO are mentioned in the "Chapter 4: Other Non-Article 5 Crisis Response Operations and Tasks"*, while the previous chapter (Chapter 3) related PSO and HO (as part of PSO) does not refer to DRO. In addition to Chapter 3, Chapter 4 describes HO as part of "Non-Article 5 Crisis Response Operations and Tasks", and these activities among others, include also disasters. Moreover, the same chapter explains "Support of Disaster Relief" independently of HO.

d) As a result, according to above mentioned NATO documents, PSO, HO and DRO are considered in the common concept of NA5CRO, and probably therefore, there is not a clear distinction between concepts. HO are used both as component of PSO and "Other NA5CRO". The remarkable difference between these two concepts is that HO taking place within the "Other NA5CRO" are conducted upon request (of concerned country) while HO of PSO are executed in support of a UN/OSCE mandate involving military forces and diplomatic and humanitarian agencies. DRO are a part of/closely linked with HO, which are involved "Other NA5CRO".

Briefing on AKOM

Conclusion: In consequence of above set forth documents and assessments, first of all, it should be remarked that PSO and HO as a part of PSO do not include DRO. This is also because if PSO are understood that they are applied in cases, which international/regional peace and security in the face of a threat to the breach of the peace, or act of aggression, HO of PSO are not separate and substantive activities, but rather they are part of (other) PSO, and therefore they have a secondary character. However DRO are generally carried out regardless of breach of peace and as a primary and independent task.

Secondly it ought to be pointed out that the main mission of SEEBRIG is still to carry out PSO (with HO), which are based on MPFSEE Agreement and cover the whole structure of SEEBRIG. However DRO within the scope of "Emergency Relief and Humanitarian Intervention" terms (introduced and regulated by SAP) are on small scale tasks (see Art. 2/2 and 3/2 of SAP), and ground principally on ETF. Furthermore, these operations are generally considered as a last resort, when viewed from military aspect.

Finally it might be stated that according to *de lege lata* (the law that is in force), there is not a considerable problem with the legal base of DRO (SEEDRO Concept) in main SEEBRIG Regulations (Agreement and Additional Protocols). Nevertheless it is a fact that some provisions of SEEDRO Concept (e.g. constitution of task forces/units) are not fully compatible with SAP (cf. Art. 2 and 5 of SAP). So with the view of *de lege ferenda* (what the law ought to be) DRO (SEEDRO Concept) should be regulated precisely and in more detail trough revising the SAP.

Group picture in front of AKOM

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WE ARE READY TO SUPPORT THE PEACE

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