

Junior Partners or Real Actors: Participation of Central and Eastern Europe in military interventions and peacekeeping operations in Afghanistan and Iraq

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The paper discusses the role played by Central and Eastern Europe countries – especially Poland, Hungary and Czech Republic – with regard to the recent military interventions and peacekeeping operations in Afghanistan and in Iraq. Although both crisis were important tests, the Iraqi crisis is by far more interesting from the standpoint of international law due to the sharp division within the international community on the legality of the military intervention.

Starting with Afghanistan, the intervention was legally justified as exercise of the right to use force in self-defence in response to the ongoing terrorist attacks against the United States. Virtually all States accepted the self-defence claim and most of them offered military, economic or political support to the intervention led by the United States. Regrettably, the United Nations did not play any significant role in the military decisions or operations. The European Union and NATO, in turn, fully supported the military intervention.

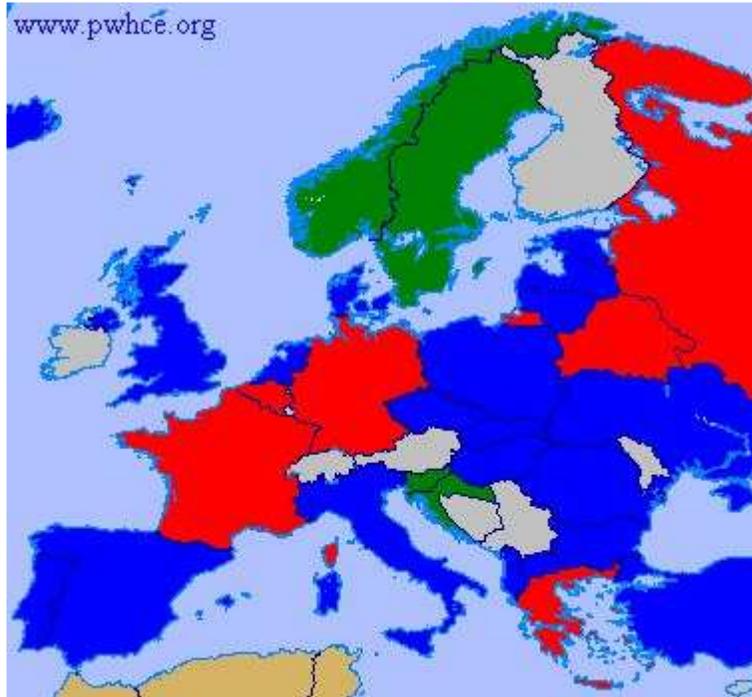
In this context of almost universal support for the intervention, the Central and Eastern Europe countries unambiguously shared the view that force could be used in self-defence. Most of them were members of NATO and as such benefited from the evidence submitted before this Organization by United States and the United Kingdom to prove the responsibilities of the Taliban government.

Central and Eastern Europe countries also contributed to the military effort by providing troops, military equipment or assistance or by opening their airspace. Poland made by large the most significant contribution both during the invasion and within the multilateral force establishing pursuant Security Council resolution 1386. At the end of 2006, when most of the main allies were withdrawing their troops or unable to increase their military engagement, Central and Eastern Europe countries confirmed to be reliable military partners by committing additional troops. On July 2007, the following troops were engaged in the NATO-led International Security Assistance Force (ISAF): Poland 1075, Romania 500, Bulgaria 400, Czech Republic 220, Hungary 180, Slovakia 60 (source ISAF website).

In contrast with the case of Afghanistan, in the Iraqi crisis the international community was sharply divided on the legality of the military intervention. The division was reflected in the United Nations, the European Union, NATO and the OSCE.

This time, Central and Eastern Europe countries had to take position and firmly stood by the United States – as shown in the figure below (March-April 2003)

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SOURCE: Perspectives on World History and Current Events (www.pwhce.org)
KEYS: Blue: Coalition of the Willing
Red: Openly opposed invasion of Iraq
Grey: Neutral or no position declared
Green: Ambiguous position.

On 30 January 2003, Poland, Hungary, Czech Republic signed the so-called Statement of Eight supporting the United States in their determination to enforce by military means the Security Council resolutions on Iraqi weapons of mass destruction programme. This commitment was then subscribed in the so-called Vilnius Declaration also by the other Central and Eastern Europe countries, alongside with the Baltic States, Macedonia, Croatia and Slovenia.

Throughout the crisis, Central and Eastern Europe countries compactly supported the military intervention, thus providing an important political support to the United States-led military intervention, which otherwise found the opposition of the majority of the international community.

They defended the legality of the intervention before the Security Council and domestically on two main legal grounds: (a) military force was intended to implement previous binding Security Council resolutions and resolution 1441 in particular and (b) military force had been authorized by the Security Council as a result of the combined effect of resolutions 678, 687 and 1441. It is submitted – but time does not allow any discussion – that both arguments are far from convincing.

The attitude of these countries, however, was significantly different, as illustrated by a comparison of Poland, Hungary and Czech Republic. It is worth noting that the three countries were members of the UN, NATO and OSCE, as well as acceding European Union countries (2004), and had close relationships with the United States.

Poland must be singled out due to its enthusiastic and unconditional support to the military intervention. It was one of the very few countries that actively participated in the military

operations leading to the occupation of Iraq and on 3 September 2003 took up command of the multinational forces in Central-South Iraq.

However, the Polish government maintained that no state of war existed between Poland and Iraq and accordingly did not seek the authorization of the military participation by the Parliament as required by Polish Constitution. Leaving aside the constitutional issue, it is argued that Poland was a belligerent country due to its direct involvement in the military operations and that a state of war existed between the two countries. That its participation was not comparable with that of the United States and to a lesser extent of the United Kingdom does not affect this conclusion.

Furthermore, before the adoption of Security Council resolution 1511 (16 October 2003), authorizing under Chapter VII of the Charter the establishment of a multinational force in Iraq, Polish forces in Iraq should have been considered as occupying forces.

The attitude of the Polish government is particularly interesting from the point of view of the evolution – or better the involution – of international law as the adequacy of the existing legal framework was openly questioned. At the 57th session of the General Assembly, Poland proposed the adoption of a *New Political Act* that

should place the UN Charter in the context of the ongoing transformations of the international environment. It should provide a new conceptual framework and political interpretation of the Charter, adapting the United Nations to the present-day realities and regulating Organization's activities in the areas, which are not covered by the Charter. It should accomplish that goal by redefining UN objectives, identifying new tasks and specifying operational modalities of the Organization.

On another occasion, the Polish President maintained that today's reality prescribes the adoption of a new legal act that would live up to current challenges and lay out a political philosophy for today and the future. The principle of state sovereignty cannot be used as a 'shield against international law. ... The international community must have the possibility to intervene' (Speech by President Kwasniewski, National Defence University, 13 January 2003).

These statements are based on the false assumption that the United Nations were paralyzed in March 2003 and on the dangerous postulate that a few members of the Organization can unilaterally act on behalf of the international community – whatever this expression means – in spite of the clear opposition of the majority of the United Nations membership.

Rather than enhancing United Nations efficiency and legitimacy, the attitude of Poland undermines the foundations of the Organization and the basic idea behind it that military force can be used only in the common interest of the whole membership following a duly adopted collective decision. Exactly the opposite of what happened in Iraq.

The attitude of Hungary and the Czech Republic was significantly different. Although they shared the legal arguments invoked by the intervening states and supported the military intervention, they did not take directly part to the military operations.

Hungary allowed the United States and the United Kingdom to use its airspace and designated airports as well as Taszar Air base to train Iraqi exiles. The Hungarian government attitude, however, was not exempt from hesitation and ambiguity. Budapest reconsider the letter

of the Eight just few hours after its signature and subsequently refused to expel Iraqi chargé d'affaires as requested by the United States.

With regard to the post-intervention military operations, it must be emphasized that Hungary insisted that the peacekeeping operation in Iraq had to be authorized by the Security Council.

The Czech Republic, in turn, allowed the use of its airspace and airports as well as the deployment of a battalion in the event of use of nuclear, biological and chemical weapons against civilian or coalition forces.

As a result, Hungary and the Czech Republic neither got directly involved in the military operations nor respected the obligations incumbent upon neutral states. Instead, they opted for the position of non-belligerency. Leaving aside the controversy over the admissibility in international of such an intermediate position between belligerency and neutrality and assuming that the intervention was unlawful – as it was almost certainly the case – the support given by Hungary and the Czech Republic to the military effort implied their international responsibility under Article 16 of the International Law Commission Draft Articles on State Responsibility (Aid or assistance in the commission of an internationally wrongful act). This provision reflects customary law and reads:

A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:

- (a) That State does so with knowledge of the circumstances of the internationally wrongful act; and
- (b) The act would be internationally wrongful if committed by that State.

In conclusion, Central and Eastern Europe countries were united in supporting and contributing (in different forms) to the interventions in Afghanistan and Iraq. The Iraqi crisis is extremely instructive with regard not only to the role these countries can play in non-European affairs but also to their understanding of international law.

Amongst them, Poland took a very proactive stand. It confirmed its ambitions to play a role in non-European affairs as announced in the 2003 National Security Strategy. On the operative level, it took directly part to the invasion and assumed command of part of Iraq after the conflict. On the normative level, it was probably the country most inclined to follow the United States in claiming a change in the existing rules on the use of force, even in preventive and unilateral terms.

The other Central and Eastern Europe countries, on the contrary, opted for non-belligerency and showed much less enthusiasm for the military intervention and for reconsidering existing rules on the use of force. Due to their support to the military effort, nonetheless, they may be responsible for the violations of international law committed by the intervening states.

If it is accepted that the intervention in Iraq was unlawful, the question immediately arises whether Central and Eastern Europe countries are *new peace-breakers* rather than *new peacekeepers*.