

Introduction

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Rationale: Why a Special Edition on OSCE Mediation

When it comes to the OSCE (Organization for Security and Co-operation in Europe), conflicts and mediation, a couple of overgeneralised narratives circulate among practitioners and researchers alike. More often than not, the OSCE as an organisation is heavily criticised for being ineffective in its mediation work. Mediation as a conflict settlement approach is looked at rather skeptically, particularly in the post-Soviet context where protracted conflicts have been the norm rather than the exception. Conflict parties and observers alike tend to blame the OSCE led mediation processes for the lack of any tangible progress to achieve sustainable peace. When talking about the protracted conflicts, there is always mutual finger pointing: at the parties and the nature of the conflict (“impossible to solve”), at the mediators (“Russia blocks all processes”), or at the OSCE as an institution (“it is ill-equipped to deal with these processes”). Mediators in their turn tend to blame the parties for lack of political will, while the parties blame the mediators for not doing enough or not doing the right thing to settle the conflict the way they think it should be settled, mostly in their favor.

This special edition is an attempt to diffuse these oversimplified narratives by unraveling the complexities involved in the mediation work of the OSCE, an organisation with a cumbersome institutional set-up under a heavy geopolitical cloud. By unpacking these overgeneralised narratives, the publication takes a critical look at key factors that shape the mediation work of the OSCE: its institutional set-up as far as the conflict resolution mechanisms and relevant procedures are concerned; the geopolitical interests and tensions of participating States engaged in mediation processes; as well as specific process design related technicalities.

With this intention in mind, the publication brings together 15 articles to look at the practice, challenges and potentials of mediation and conflict management within the OSCE area. The articles cover a range of issues from case

studies to thematic approaches to mediation, and include very experienced and accomplished authors from the community of practitioners and policy makers, as well as academics. By looking at case specific challenges, institutional and contextual limitations, each case study examines the specifics of a particular process design, identifies relevant institutional and contextual challenges, and offers recommendations to improve the practice of mediation by the OSCE. The edition has a sub-goal to leave the reader with key questions that deserve further research. In this way, the edition aims to contribute to a growing professionalisation of how negotiators, policy makers, dialogue facilitators and mediators approach mediation in the OSCE context.

Changing Mediation Context within the OSCE: Key Framing Questions

In the wake of the conflict in and around Ukraine, geopolitical tensions and relationships between Russia and the Western countries reached their lowest point in a long time. In the face of increased tensions between Russia and the United States, and between Russia and the European Union countries, many dialogue platforms among those powers have simply ceased to exist (see Shakirov in this edition). With the ongoing sanctions against Russia and the lack of progress in improving the relationships between Russia and the West, the question remains as to how this breach of cooperation affects the mediation work of the OSCE, an organisation that is by and large dependent on the cooperative will of its participating States. Hence, the catalyst for this volume is the question: how do geopolitical tensions impact the mediation work of the OSCE?

With this meta-question in the background, the authors then look at the conflict specific mediation dynamics and the institutional restrictions that the OSCE is facing in light of its mandate, structure, resources and decision-making procedures.

To ensure a certain consistency and coherence throughout the edition, the authors have been asked to look at the following questions:

- a. What is mediation within the practice of the OSCE?
- b. What are the geopolitical and institutional restrictions and potentials in and around the practice of mediation as a conflict resolution approach?
- c. What are the challenges to mediation in specific cases?
- d. What are the identified lessons and potential recommendations for improving the practice of mediation in the OSCE area?

Chapter Overview: Who Offers What and How

We are very grateful to all of our authors who have willingly taken time out of their extremely busy schedules to address key questions posed to them in the contexts and processes in which they have been actively engaged or closely observing. The authors represent a wide range of profiles, from mediators to experts in conflict contexts, to mediators working for international Non-Governmental Organizations (NGOs) and the OSCE Secretariat itself. The respective contributions are organised as follows : (1) OSCE Institutional Setup; (2) Geopolitical Context: Views from Russia and the United States on OSCE Mediation; (3) Case Studies: The Conflict in and Around Ukraine – Challenge and a Possibility for OSCE Revival; (4) Case Studies: Mediation in Protracted Conflicts; (5) Beyond Mediation: Crisis Management and Wider Dialogue Facilitation; (6) Synthesis of Common Challenges: Multifaceted Obstacle Course for the OSCE and all Parties Concerned.

1 *OSCE Institutional Set-up*

To understand the institutional set-up of the OSCE, we have asked Christina Stenner and David Lanz to provide an overview of the OSCE's conflict resolution toolkit and the evolution of mediation practice. Christina Stenner provides a close look at the instruments the Organization has at its disposal for conflict settlement and offers possible reasons why some of these instruments are not used. The author highlights the fact that these instruments were developed for inter-state conflicts, while most conflicts in the post-Soviet space have been of an intra-state nature. Talking about the diversity of mediation roles the OSCE has undertaken, Stenner points to two key principles of mediation that the OSCE is juggling with: that of inclusivity and impartiality. The article concludes by highlighting the fact that the OSCE's institutional set-up and consensus-based decision-making procedures can be both an asset and a liability.

David Lanz, with first-hand experience in setting up the mediation support of the OSCE, outlines the historical development of the OSCE's mediation and the current state of its art, by providing a comprehensive overview of the wide spectrum of mediation roles the OSCE plays from a lead mediator role to quiet preventive diplomacy. Lanz concludes by pinpointing the fact that despite the growth and institutionalisation of mediation by the OSCE, its role will remain limited due to its institutional impediments, geopolitical tensions between participating States and the nature of the conflicts the OSCE has been dealing with.

2 *Geopolitical Context: Views from Russia and the United States on OSCE Mediation*

Philip Remler, Oleg Shakirov and Matthew Rojansky set the tone for the publication by looking at the implications the increasing geopolitical tensions have had on the cooperation between the US and Russia and how that plays out in the mediation work of the OSCE. Highlighting patterns that are similar in conflicts across the post-Soviet space, Philip Remler talks about the level of influence Russia exercises in these contexts through its heavy engagement in internal politics. The author points to the institutional restrictions the OSCE is facing, in particular its consensus-building principle, on the one hand, and the uncertainty in the changing international order on the other, as key factors impacting the mediation work of the OSCE. Assessing the OSCE's work more through a conflict management lens rather than a mediation lens, Remler concludes by suggesting the OSCE and the international community keep their ambitions modest. Despite the uncertainty of events in the international order and their impact on the OSCE's mediation work, Remler suggests that the OSCE should invest in changes which would allow for more effective mediation should the conditions ripen for it.

Oleg Shakirov's article helps the reader clearly see the ambivalent relationship Russia has had with the OSCE, which it sees as inclusive and all-encompassing, yet also restricting, given its consensus – based decision-making procedures. The author outlines the positive and negative implications of the current geopolitical tensions and suggests possible future scenarios for the OSCE. While the OSCE remains the only platform for dialogue between Russia and the Western states post 2014, in and of itself, it does not guarantee a successful process or outcome. The space for successful cooperation and dialogue will remain restricted if threat perceptions and misperceptions of individual states lead to further “geopoliticisation” of European security, increasing the risk of a serious security dilemma. According to the author, the OSCE's conflict management work could benefit from increased cooperation on matters of common interests to all states, on internal reforms and on delivering concrete results in the settlement of the conflict in and around Ukraine.

Highlighting the urgent need to settle the conflict in Donbass, Matthew Rojansky recommends far greater and more clearly defined US engagement. By outlining the vital interests of the US in settling the conflict in and around Ukraine, the author offers concrete measures that the US could undertake in cooperation with the OSCE, Russia and the European states, both during the resolution process and in the post-conflict phase. Most importantly, Rojansky suggests both Russia and Ukraine should stay away from the entrenched antagonistic narratives and realise that Ukraine cannot be “pushed into any geopolitical box.”

3 *Case Studies: The Conflict in and Around Ukraine: Challenge and a Possibility for OSCE Revival*

To provide the readers with an in-depth and comprehensive understanding of the complexity of the peace process for dealing with the conflict in and around Ukraine, three authors have been asked to provide their analysis and insights from different angles using case studies. Christian Schläpfer offers insider analysis of the idiosyncrasies of the Trilateral Contact Group (TCG), which has a unique setup both with its connections to the Normandy Format with higher political links and on the ground through the work of the Special Monitoring Mission (SMM). This flexible, even if seemingly complicated, set-up gives the TCG a unique character, yet its strength can easily become its weakness if there is not enough trust among the parties and not enough political will to move the process forward.

As a former political adviser to the SMM, Hilde Haug provides a valuable overview of the instruments and mandate of the SMM that has been set up to support and monitor the implementation of ceasefire elements of the Minsk Agreements. With activities on the ground that span beyond its initial mandate, the SMM was the first civilian field mission of that caliber that the OSCE managed to deploy rapidly to react to the acute crisis in a volatile security environment. To help the reader understand the work and challenges of the SMM, Haug provides a detailed description of the key documents that form the basis of the Minsk Agreements. Reflecting on the impediments to the realisation of these key document provisions and on respective challenges to the SMM, the author evaluates the SMM's work as committed to its mandate, and notes the need to enhance it with additional security measures.

Natalia Mirimanova's analysis of the National Dialogue in Ukraine initiated and supported by the OSCE, even if short lived, offers key lessons learned for the practice of national dialogue(s) as one of the key instruments in the OSCE's conflict resolution toolkit. With a view of improving OSCE practice in process design, Natalia Mirimanova offers key insights into the limitations and the potential of the national dialogue process that was designed and implemented amid the background of political volatility, escalating conflict dynamics and geopolitical tensions. In her contribution, the author elaborates on the limitations, offers relevant recommendations and provides an overview of different dialogue initiatives that the OSCE has been supporting in Ukraine on regional and local levels to ensure public participation in "addressing issues of sub-national divisions."

4 *Case Studies: Mediation in Protracted Conflicts*

To cover the wide spectrum of the OSCE mediation work, three other OSCE led mediation processes deserve critical attention: the Geneva International

Discussions (GID) that deal with the conflict in Georgia; the “5 plus 2” process for the settlement of the Transdniestrian (TD) conflict; and the Minsk Group led process for the peaceful settlement of the Nagorno-Karabakh (NK) conflict.

To further explore the institutional and geopolitical restrictions that impact the OSCE led peace processes, and to grasp process specific challenges, Jaba Devderiani and Teona Giuashvili take a critical look at the GID process. Pointing to the main contextual and institutional restrictions that hinder political settlement, the authors highlight a few cases of very modest and relatively successful cooperation between the parties on issues of practical importance and of humanitarian nature.

Similar small successes of practical cooperation have also been observed in the Transdniestrian context, despite the lack of any progress on the political agreement between the parties. To understand the dynamics and the logic of the Transdniestrian settlement process, Roxana Cristescu zooms out of the TD process and points to a very fundamental challenge mediators face when peace processes are not contextualised enough to take into account the political transition processes of respective states. The author then goes beyond the contextual conflict analysis to identify key process related challenges by unpacking key process design elements and concludes by offering hands-on recommendations to the mediation community.

As a former Minsk Group Co-Chair and Mediator, Carey Cavanaugh shares his account of the Nagorno-Karabakh (NK) Minsk Process highlighting the advantages and limitations of the OSCE's mediation setup. Cavanaugh evaluates the Minsk Group's work as effective and successful conflict management, emphasising the conflict parties' lack of sufficient will to come to a political settlement despite the high-level engagement from the mediating countries. Zaur Shiriyev, on the other hand, takes a rather critical look at the Minsk Group's work, giving an extensive analysis of the Azerbaijani perception of this work and providing recommendations that he feels could potentially revitalise the stagnant peace process.

The NK case study is further elaborated by Anahit Shirinyan, who zooms out of the technicalities of the Minsk Process and provides an important overview of the impact of key geopolitical drivers to the conflict dynamics, which in turn shape the mediation process. Assessing the Minsk Process as being “hostage to the geopolitical realities, parties' intransigence and mediating powers' (Russia's in particular) strategic interests,” Shirinyan sees the relevance and conflict management potential of the Minsk Group increasingly diminishing. The three articles bring together the different assessments of the NK Minsk Process and allow for a multiplicity of insights into the very complex reality around the Nagorno-Karabakh conflict and the related settlement process.

5 *Beyond Mediation: Crisis Management and Wider Dialogue Facilitation*

Moving beyond the OSCE led mediation processes with the aim to capture the width and diversity of the OSCE conflict settlement work, we have asked *Pál Dunay* to share his analysis of the unusual role of the OSCE in crisis management and conflict prevention in Central Asia. The region, unlike the South Caucasus or the Western Balkans, has not experienced large-scale violence, yet remains ridden with internal challenges that have, or could potentially lead to the outbreak of low and high intensity conflicts. Dunay casts light on the complex domestic and inter-state dynamics in the region and reflects critically on the limitations and dilemmas the OSCE faces in its crisis management and good governance promotion work in the region.

We conclude the edition by moving away from the case studies and looking at the platform the OSCE offers for further dialogue and cooperation between participating States. Laurien Crump takes an excursion into the history of the Conference for Security and Cooperation in Europe (CSCE) and offers the reader and the OSCE practitioner community recommendations that could bring the strength of the OSCE back into practice by looking towards the future instead of reminiscing about the past.

6 *Synthesis of Common Challenges: Multifaceted Obstacle Course for the OSCE and all Parties Concerned*

In conclusion, Anna Hess Sargsyan as the guest editor of the special edition synthesises key findings and common themes from all the contributions, and offers a brief overview of the key complex factors put forward by the authors. These factors present a considerable challenge to the effectiveness of the OSCE's mediation work, yet they are not insurmountable and have the potential to be turned into assets for the parties, should there be the right "will and skill"¹ to do so.

It is beyond the scope of this special edition to locate the OSCE mediation and its conceptual implications in the existing academic literature on mediation. Rather, it is a modest attempt to cast light on the complexities of the mediation efforts of the OSCE, in the context of its own institutional, geopolitical and process design related technical constraints.

Words of gratitude are in order to each individual author for their valuable contributions and tireless efforts, to my colleagues Simon Mason, Jonas Baumann and Katrina Abatis from the Center for Security Studies, ETH Zürich

1 This is inspired from a speech by Tuija Taivitije, the Executive Director of the Crisis Management Initiative (CMI), OSCE, Vienna, 2017.

(CSS), for their insights in the initial in-house round of editing, to the peer reviewers and English language editors who polished the authors' contributions further, and last but by no means least, to the Security and Human Rights (SHR) editorial team, without whom this publication would not be in our hands in this shape and form. Special thanks go to my colleague Christian Nünlist from the CSS for suggesting that the SHR editorial board approach the Mediation Support Team at the CSS for this very responsible and important work. I express my deep personal gratitude to Stephanie Liechtenstein (SHR Web Editor in Chief) and Arie Bloed, (SHR Editor in Chief) for their committed guidance and full trust in my work. Finally as the Special Guest Editor-in-Chief of this voluminous edition, I am grateful to my employer, the Center for Security Studies and the Mediation Support Project (MSP), a joint initiative of the Center for Security Studies, ETH Zürich and swisspeace, funded by the Swiss Federal Department of Foreign Affairs, for allowing me to take numerous hours to conceptualise, edit and put this special edition together. Supporting and funding the considerable use of my MSP working time reflects Switzerland's dedication to mediation and the importance it attaches to the OSCE's mediation work.