

The Thin Line between Failure and Success

The OSCE's Competence and Capability in Conflict Management: The Case of Georgia

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Abstract

Rather than attempt to change its decision-making procedures and aim at strengthened normativity, the Organization for Security and Co-operation in Europe (OSCE) should embrace its original purpose and design. This article argues that the Organisation is both competent and capable in conflict management. In particular in conflict management and resolution, the Organisation is both competent and capable in conflict management. As the case of alleged failure in Georgia demonstrates, the misses the OSCE had arrived not from the institutional design or decision-making procedures but rather from the weakness of its analytical capability and communication. Even if the OSCE Mission finished its work in Georgia in 2009, the organisation has continued to work on the conflict resolution on the local and on the political level, and it has succeeded in passing its expertise and knowledge to the European Union Monitoring Mission to Georgia.

Keywords

OSCE – competence – capability – crisis management – crisis resolution – field mission – Georgia – Russia

Introduction

There has already been an intensive debate about the future of the Organization for Security and Co-operation in Europe (OSCE) as an organisation for several years. This discussion has intensified with the tragic conflict in and around Ukraine. From the OSCE point of view, the developments have been rather contradictory.

On the one hand, some observers are predicting a doom for the OSCE and highlighting the fact that Russia has violated practically every single commitment in the Decalogue of the Final Act during the past year and hence there is basically nothing left of the “Helsinki spirit”. On the other hand, the OSCE has been able to contribute to conflict management and resolution by setting up the Special Monitoring Mission (a first new field mission in eight years) and the Observer Mission at the Russian checkpoints in Gukovo and Donetsk and by forming the Trilateral Contact group lead by the OSCE Chairman’s Special Representative Heidi Tagliavini. These developments have clearly demonstrated that in some issues and in some places, the OSCE is irreplaceable by other actors.

This article will emphasise the latter aspect: that the OSCE should embrace its uniqueness that sometimes enables and sometimes hinders its work in conflict management and resolution. Instead of attempting to strengthen the degree of commitment to its normative core or attempt to get rid of the consensus (minus one) principle in its decision-making, the OSCE should first and foremost attempt to develop its flexibility and practical significance in the field within the existing organisational framework. The broad membership base and the consensus principle is what differentiates it from other regional organisations, such as the Council of Europe.

The article gives evidence that even in a case of alleged failure of the OSCE, namely in handling of the Georgian separatist conflicts (in particular in South Ossetia), the misses did not arrive from the institutional design or decision-making procedures but rather from the weakness of its analytical capability and communication. Hence, this paper suggests that the OSCE should attempt to develop its flexibility, analytical capability and communication within the existing framework.

Furthermore, it would be good to remind the organisation of its original mission and roots. The OSCE should be seen as an institutionalised process: a forum for dialogue and common, practice-oriented action. The organisation is certainly falling short of the overly idealistic expectations in the 1990s and spirit of the

Charter of Paris for a New Europe (1990), but the current reality is that that Russia – like several other OSCE participating states – will only use the OSCE when they find it useful. International norms and commitments are subordinated to national interests and domestic priorities. This is the current reality which may or may not change in future; rather than fight against it the OSCE should work where it can do it best for sake of overall European security.

Did OSCE Fail in Georgia?

OSCE's Role Prior to the 2008 War

Prior to the failure to renew the mandate at the end of 2008, the OSCE Mission to Georgia had been involved in conflict management in the country for 17 years. Its failings were not so much related to its dismissal but rather that it had not achieved more in the many years of its existence. In particular at the early 1990s, when the conflict was not yet “frozen”, there were several windows of opportunities that were missed. These windows of opportunities are likely to have been missed because there were conflicts – for instance the Bosnian war – and major political processes taking place in Europe – political cooperation and enlargement intensifying significantly – troubles in Georgia simply seemed distant to many European leaders. Many truly believed at the time that the post-Soviet space was best left to Russia's responsibility if Russia was only willing to take it. One has to remember that at the time the capability and willingness of Russia to deal with the post-Soviet space was unclear as the state was internally and externally weak: the Yeltsin regime appeared to be shaky and the country was economically in ruins.¹

When the OSCE mission to Georgia started in 1992, it had only a handful of monitors – eight to be precise. The original mandate revolved around peaceful political settlement of the conflicts and it was later expanded to information gathering on the military situation and status negotiations of South Ossetia. Later also supporting democracy and rule of law in Georgia was added to its tasks. The mission was constantly expanded and so was its mandate. The OSCE coordinated many conflict rehabilitation projects, and developed vast expertise in e.g. in water supply and irrigation along the Ceasefire Line (CFL). In 1999 after the start of the second Chechen war in Russia, it started patrolling along the Georgian-Russian border. The mission had by 2008 grown to 183 staff members (46 of which were international; the rest were locally-hired).² The new sprouts of the mandate were in one way or the other linked with conflict resolution but not coherently and in a carefully planned manner. Although it gathered a lot of relevant information the information did not necessarily reach the ones making the decisions and planning the policies in European capitals.

In fact the Mission was able to achieve some very promising openings for conflict resolution in the mid-1990s. However, as the conflict had stabilised in 1992 and there were hardly any inter-ethnic clashes between the Ossetians and the Georgians, the conflict resolution became less acute and many seemed able to live with that. In retrospect, one should have put all efforts in finding a solution to the conflict when connections at multiple levels and some trust between the leaders still existed.³ Once Georgia's Eduard Shevardnadze and South Ossetia's Lyudvig Chibirov were replaced by Mikheil Saakashvili and Eduard Kokoity the window that was open for a brief while became shut again.⁴ In many respects, it was not the OSCE or the OSCE mission in Georgia that

1 See Andrei Shleifer, Daniel Treisman, *Without a Map: Political Tactics and Economic Reform in Russia*, MIT Press, Boston, 2000.

2 Silvia Stöber, 'The Failure of the OSCE Mission to Georgia What Remains?', in *OSCE Yearbook 2010, Nomos*, Baden-Baden, 2010.

3 Thomas de Waal, *The Caucasus: An Introduction*, Oxford University Press, Oxford, 2010.

4 Shevardnadze and Chibirov met several times and in 1996–1997 there were strong hopes that a lasting agreement on the status of South Ossetia could be reached between the parties. See e.g. BBC News, 'Georgia warms to South Ossetia', 14 November 1997. Retrieved at: http://news.bbc.co.uk/2/hi/world/west_asia/31587.stm.

failed in the 1990s but rather it was the Western society at large that failed to see the conflict as worthy of a major effort to achieve its resolution.

Only gradually – and to large extent because of the OSCE's constant reporting in the field – did the Western observers gain better understanding of the conflict – including the realisation that Russia was as much part of the problem as it was of the solution. In practice this meant that Western governments understood that they should put more efforts into the management of the conflict.

However, due to political developments in Russia, in Georgia and in South Ossetia taking place in the early 2000s, the political solution of the conflict became increasingly distant as a goal. Effectively, the OSCE mission was only able to observe and report of growing tensions on the ground. Its conflict management became more local and practical: i.e. local level incident prevention rather than political conflict resolution.⁵ When the ill-functioning Joint Control Commission set up in 1992 in Sochi was in practice disbanded in 2008 the situation became even riskier.

The OSCE was the one of the few organisations that was fully aware of the developments on the ground and reported them. However, it failed to communicate the urgency of the situation effectively and hence get proper political response from the Western capitals. Germany did, however, respond to growing tensions by presenting a peace plan for Abkhazia. This proved out to be displaced effort; at the time many believed that the threat of a conflict breaking out was greater in Abkhazia than in South Ossetia.

In retrospective one can ponder on whether the message was not communicated clearly and effectively enough or whether it was simply ignored for political priority reasons when received at the Western capitals. The problem also may have been a lack of analytical capability: reporting incidents on case by case basis is one thing but analysing and evaluating the overall picture, trends and trajectories as well as the risks involved is another thing.

Furthermore, the Mission did not invoke the early warning mechanism (this so-called Berlin mechanism), which could have sent the signal of an approaching conflict in a more effective way and helped to bridge the gap between operational and political levels of action.⁶

The OSCE's Role after the War

After the Georgian troops took over Tskhinvali at night between 7th and 8th August 2008, the European Union and its French presidency took the lead in ceasefire negotiations between the warring parties. The ceasefire was reached with the so-called Six-Point Agreement (SPA) between Russia and Georgia. The agreement and the follow-up document on the implementation measures envisaged a new platform for peace negotiations. The establishment of such a body became even more challenging after Russia recognised the independence of South Ossetia and Abkhazia. Nevertheless, an inclusive mediation forum – the Geneva International Discussions – was established in October 2008. The OSCE is involved in the talks – alongside the EU, the United States, the United Nations and Georgia, Russia as well as South Ossetian and Abkhazian representatives (albeit without formal status).

5 Stöber, 2010.

6 OSCE Secretariat, OSCE Mechanisms and Procedures: Summary/Compendium, September 2011. Retrieved at: <http://www.OSCE.org/cpc/34427?download=true>.

The OSCE Mission mandate failed to be renewed at the end of 2008 due to the fact that Russia demanded separate missions for Abkhazia and South Ossetia on the basis of their claimed independence. This starting point was not acceptable to other OSCE participating states (of whom only Russia has recognised their independence), including – of course – Georgia.

The ceasefire documents proposed an establishment of a significant EU Monitoring Mission to observe the fulfilment of the spa – which was not allowed to enter South Ossetian and Abkhazian territory for the same reasons that the OSCE Mission's mandate was withheld. The European Union Monitoring Mission (EUMM) continues the monitoring that the OSCE carried out but only near the Administrative Boundary Line (ABL) on the Tbilisi administered territory.

Furthermore, the OSCE works in close cooperation with the EUMM: the OSCE participates in the Geneva International Discussions and takes part also on the local level Incident Prevention and Response Mechanism Meetings (IPRM) in the South Ossetian theatre that have taken place on monthly basis since 2009. In particular, in these meetings the wealth of local knowledge that the OSCE has on issues on the ground has been extremely helpful. The continuity between the OSCE and the EU missions is also apparent in the staff base: many of the members of the staff of the EUMM have worked as OSCE monitors in Georgia – including the current deputy head of EUMM who is the former deputy chief of the OSCE mission at the time that the 2008 war broke out.

So, in fact, the OSCE continues its work in the conflict management and resolution area through the IPRM meetings and the Geneva discussions for the settlement of the conflicts in Georgia. Also as several of former OSCE monitors now work as EUMM monitors, even in this respect the EUMM benefits from the OSCE experience and knowledge. However, the conflict settlement process is practically in a standstill and its very limited progress has been made on most of the topics on its agenda.

The failure in Georgia is a failure of the wider international community rather than of the OSCE alone. For instance, the EU through the EUMM is hardly more capable of making progress or carrying out its duties than the OSCE and the OSCE Mission once was. The issues that made it impossible for the OSCE to continue its work in Georgia also limit severely the capabilities of the EUMM today (in particular that the mission is not allowed to monitor in South Ossetia and Abkhazia).⁷ In essence, there is no escape from politics regardless of the organisational design and decision-making procedures of organisations.

Conclusion: How Exactly Should the OSCE be Reformed?

The above case study has demonstrated quite concretely when and how the OSCE failed in conflict management and settlement in Georgia. None of the major failings actually derived from the decision-making procedures of the organisation. True, the monitoring in the country does not take place under the auspices of the OSCE, but functionally it matters very little whether it is carried out by the EU or the OSCE. This kind of flexibility is needed and required when dealing with complex and long-lasting conflicts like the one in South Ossetia. Moreover, it is possible that a mission or an office will be established to the territory administered by Tbilisi at some point in the near future. Furthermore, if monitoring is ever going to take place in South Ossetia or Abkhazia, the organisation that will be called upon to do that is much more likely to be the OSCE than the EU – much more political an organisation. The OSCE has a unique capability in conflict management and

⁷ Laura M. Herta and Alexandra Sabou, 'Frozen conflicts in South Caucasus and their impact on the Eastern Partnership: The case of Georgia and its break-away republics of Abkhazia and South Ossetia', in Valentin Naumescu, Dan Dungaciu (eds.), *The European Union's Eastern Neighbourhood Today: Politics, Dynamics, Perspectives*, Cambridge Scholars Publishing, Newcastle upon Tyne, 2015, pp. 116–154.

settlement which should not be overlooked.


The failings of the OSCE in conflict prevention and settlement in Georgia were linked to competence issues rather than to capability issues. First, in the 1990s it failed to advocate internationally the need to settle the conflict effectively enough. Then, between 2004–2008 it failed to properly analyse the growing likelihood of an armed conflict and the risks and potential consequences it would present to the conflict resolution. Furthermore, it failed to draw international attention to the rising tensions in both Abkhazia and in South Ossetia.

This article is by no means alone in making the call for embracing the inclusive nature and plurality of the organisation. Among others, Ivan Krastev and Mark Leonard have argued for re-branding OSCE more clearly as a “bridging” institution with a more flexible and pragmatic *modus operandi*.⁸

Albeit Russia’s violation against the inviolability of borders of Ukraine is a grave one, the dialogue between the participating states should continue in an institutionalised setting. Cooperation on issues where it is possible and meaningful for all sides does not equal with acquiescence with Russia’s policy – but this requires careful case-by-case consideration of what is meaningful activity. In many ways, this means going back to the understanding of OSCE as a ‘process’— i.e. weighting case by case how to best promote values and principles in a very challenging setting – the “trading of apples and oranges” as Vojtech Mastny once put it.⁹

8 Ivan Krastev and Mark Leonard, ‘The New European Disorder’, ECFR Essay no 17, November 2014. Retrieved at: http://www.ecfr.eu/page/-/ECFR117_TheNewEuropeanDisorder_ESSAY.pdf.

9 Vojtech Mastny, *The Helsinki Process and the Reintegration of Europe 1986–1991, Analysis and Documentation*, Institute for East-West Studies, Pinter Publishers, London, 1992.



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Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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