



Hacettepe University Graduate School of Social Sciences

Department of Peace Studies

**OSCE'S CONTRIBUTION TO CONFLICT RESOLUTION: A CASE
STUDY OF UKRAINE**

Georgiana Mariana Rus

Master's Thesis

Ankara, 2017

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UKRAINE

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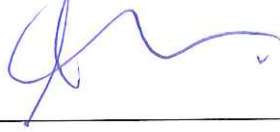
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The jury finds that Georgiana Mariana Rus has on the date of June 19th 2017 successfully passed the defense examination and approves her M.A thesis titled "THE OSCE'S CONTRIBUTION TO CONFLICT RESOLUTION: A CASE STUDY OF UKRAINE".



Doç. Dr. Akça Ataç (Jury President)



Prof. Dr. Müge Kınacıoğlu, (Main Adviser)

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Bu çalışmadaki bütün bilgi ve belgeleri akademik kurallar çerçevesinde elde ettiğimi, görsel, işitsel ve yazılı tüm bilgi ve sonuçları bilimsel ahlak kurallarına uygun olarak sunduğumu, kullandığım verilerde herhangi bir tahrifat yapmadığımı, yararlandığım kaynaklara bilimsel normlara uygun olarak atıfta bulunduğumu, tezimin kaynak gösterilen durumlar dışında özgün olduğunu, Tez Danışmanının Ünvanı, Georgiana Mariana Rus danışmanlığında tarafımdan üretildiğini ve Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Yazım Yönergesine göre yazıldığını beyan ederim.

GEORGIANA MARIANA RUS



ABSTRACT

Rus, Georgiana-Mariana. OSCE's Contribution to Conflict Resolution: a case study of Ukraine, Master's Thesis, Ankara, 2017.

The aim of this research paper is to analyze the tools and methods used by the OSCE in conflict prevention and resolution. The OSCE is a regional security organization that harbors the idea of cooperation and dialogue among partner countries that is not encountered in the same conditions in a military alliance. The crisis in Ukraine fostered the importance of the OSCE in the region, and its role in conflict resolution may be crucial in other scenarios. The resolution of the conflict in Ukraine is critical for the peace and security of Europe and for the economic relations in the neighborhood. However, the case study of Ukraine's conflict is used in an instrumental way to investigate a broader phenomenon, that is, the effectiveness of the OSCE's tools and methods in conflict resolution.

Key Words

The OSCE, conflict prevention, conflict resolution, peace, Ukraine, security, cooperation, conflict cycle

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LIST OF ABBREVIATIONS

ABL	Administrative Boundary Line
BSF	Black Sea Fleet
CBMs	Confidence building measures
CiO	Chairperson-in-Office
CIS	Commonwealth of Independent States
CSCE	Conference for Security and Cooperation in Europe
CPC	Conflict Prevention Centre
ENP	European Neighborhood Policy
EU	European Union
EACU	Eurasian Customs Union
HCNM	High Commissioner on National Minorities
IDP	Internally displaced persons
IMF	International Monetary Fund
IR	International Relations
NATO	North Atlantic Treaty Organization
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
OUN	Orhanizatsiia Ukrain's'kykh Natsionalistiv
PA	Parliamentary Assembly
PACE	Parliament Assembly of the Council of Europe
RSO	Regional security organization
SMM	Special Monitoring Mission
US	United States
UN	United Nations

PREFACE AND ACKNOWLEDGMENTS

As a graduate of International Relations my interest was mainly focused on the international organizations and their role in the International System. During my Master's course in Peace and Conflict studies, I combined my interest for international organizations and their contribution to the resolution of conflicts by peaceful means.

During a training course in *Combating Trafficking in Human Beings* conducted at the Turkish Partnership for Peace Training Center in Ankara, 2015, I had the pleasure to meet Mr. Alberto Andreani who gave a powerful speech about the efforts of the OSCE to combat trafficking in human beings. Mr. Andreani had the courtesy to explain more about the activities of the OSCE, and I was intrigued why this organization is not so visible in the media, since it performs many tasks to address the phases of the conflict cycle such as: early warning, conflict prevention, crisis management and post-conflict rehabilitation.

Thus, the idea behind this research was to understand why the OSCE had a relatively low profile in the last years despite its experience and tools to deal with conflict. I chose the case study of Ukraine, because this conflict has revived the role of the organization, and the OSCE had the chance to demonstrate how it deals with crisis situations in today's context. Another purpose of this research was to discover if the OSCE could use its tools and methods to propitiate the resolution of conflicts.

I hope that the conclusions reached in this thesis, will contribute to a better understanding of this organization, its potential role in the International System and its possible contribution to an independent European security architecture.

I am using this opportunity to express my gratitude to everyone who supported me throughout the course of this Master's project. I am thankful for their guidance during this research work and their unconditional support. In fact, this research work would not have been possible without the support of Prof. Dr. Havva Kk Arslan who gave me the chance to join the Master's program in Peace and Conflict studies. I also want to express my special gratitude to my advisor, Prof. Dr. Muge Kinacioglu, who guided and encouraged me throughout the elaboration of this thesis.

Finally, I would like to thank to my loved ones, who have supported me throughout this entire process, my mother, my father, my sister and my beloved Turkish family, Aslı, Kaan, Tuba and Ersan Koçak.

INTRODUCTION

The aim of this research is to analyze the contribution of the Organization for Security and Cooperation in Europe (OSCE) to conflict resolution. This thesis intends to respond to the following research questions:

- What are OSCE's conflict prevention and resolution tools and methods used in the Ukrainian conflict?
- Do the OSCE's conflict prevention and resolution tools and methods have an impact on the resolution of the conflict in Ukraine?
- Does the liberal or the realist view of the international relations explain better the OSCE's contribution to conflict resolution?

The first question is descriptive while the second question attempts to determine if there is a correlation between the conflict prevention and resolution methods used in Ukraine and the resolution of the conflict. Finally, the theoretical question intends to elucidate which of the dominant theories of the International Relations, realist or liberal, explain better the role and contribution of the OSCE to conflict resolution.

The Organization for Security and Cooperation in Europe (OSCE) is a regional security organization that was founded as a forum for political dialogue between the West and the East during the Cold War. At the time of its founding, the OSCE was called the Conference for Security and Cooperation in Europe (CSCE) and later in 1995, it was transformed into a real organization with physical structures and institutions. The pioneer reason d'être of the OSCE, was to facilitate a space where countries from the north hemisphere could discuss and raise concerns regarding security problems. The OSCE was meant to shape the security paradigm of the European continent, however the North Atlantic Treaty Organization (NATO), as a military alliance, was more successful to carry out this task in the post-cold war era, for reasons that are going to be discussed further in this thesis. The importance of this regional security

organization harbors the idea of cooperation and dialogue among partner countries that is not encountered in the same conditions in a military alliance. Despite the weaknesses of the organization, the main idea behind it, may become an interesting alternative for the shaping of a future independent strategy for security in Europe.

This thesis will focus on the conflict in Ukraine as a case study, because this conflict revitalized the role of the OSCE in the region and provided a scenario where the Organization for Security and Cooperation in Europe could use its instruments for conflict management and resolution. Despite of the existence of several key players, in this conflict, the OSCE is the only regional security organization dedicated to conflict prevention and resolution, highly active in Ukraine. Thus, the aim of this study is to analyze the tools and methods used by the OSCE in conflict prevention and resolution in order to understand what the gaps in their strategy are and the challenges ahead to solve the crisis in Ukraine.

Despite an increased interest in regional organizations, it is surprising that no empirical research has been conducted on the topic. The conflict in Ukraine is still active and difficult to analyze and new events take place every day. Thus, it is important to evaluate the actions and policies implemented so far, in order to establish their impact on conflict resolution. Nevertheless, what remains to be explored is the functioning of the organization from a critical point of view.

Two studies that were previously conducted have focused on two different aspects of the OSCE. Professor Sandole's book *Peace and Security in the Postmodern world: The OSCE and conflict resolution*, published in 2006, is about the historical roots of the OSCE, the philosophical significance of these roots, and its transition from the framework of realpolitik (during the Cold War) to an organization engaged in long-term peacebuilding and conflict prevention in Europe.

This book is focused on what has been achieved rather than what does not work. Edward R. McMahon and Scott H. Baker, authors of the book *Piecing a*

Democratic Quilt? Regional Organizations and Universal Norms, also published in 2006, focuses on the critiques against the OSCE and other international organizations. Edward R. McMahon and Scott H. Baker, authors of the book *Piecing a Democratic Quilt? Regional Organizations and Universal Norms*, focus on the critiques brought against the OSCE. They gathered some criticisms from different participant countries that were not satisfied with the OSCE's actions. Some of the complaints came from the NGO sector, who alleged that the OSCE has played a negative role in assessing elections. They were unsatisfied that the OSCE's standards were not high enough and many countries were considered to have made sufficient progress with minimal standards.¹ Others criticized that the OSCE has developed powers beyond those granted by the participating countries.

In the light of this view, the OSCE was accused of providing arms and security equipment to certain states, benefiting some strategic interests. Another discontentment was directly related with the Azerbaijan 2003 election when the OSCE was operating a joint mission with the Parliament Assembly of the Council of Europe (PACE), and it was criticized for the lack of an independent and clear statement condemning the elections. This incident undermined the OSCE's credibility to be an independent and impartial organization.² Most of the criticisms came from Russia, Belarus, and other Asian states who think that "the OSCE was able to accommodate all Soviet successor states under its roof, but offered little in terms of a strong and effective collective security umbrella".³

Nevertheless, Russia objected several times that the OSCE missions were biased and accused the OSCE of double standards. The Russian Federation also criticized the lack of observers from the country of destiny and the use of English as the standard language for observer delegations. They additionally claimed that the former Soviet Union countries need more time to adapt to democratic

¹ McMahon, Edward R., and Scott H. Baker. *Piecing a democratic quilt? Regional organizations and universal norms*. Kumarian Press, 2006. p. 82

² Ibid.

³ Przemyslaw Grudzinski and Peter Van Ham, *A Critical Approach to European Security*, New York: Pinter, 1999, p. 130.

practices. In 2004 members of the Commonwealth of Independent States (CIS) stated that the OSCE is “politically motivated”, having “ineffective” field activities, and they urged that the OSCE should do more than just monitoring the political situation in the field.

However, it cannot be omitted the fact that the OSCE was putting pressure on these countries to uphold democratic standards and this might have triggered this political reaction. On the other hand, professor Sandole’s book *Peace and Security in the Postmodern world: The OSCE and conflict resolution*, provides a theoretical insight of the violent postmodern conflict and a framework to analyze it. His vision is based on the conflicts which occurred in Europe in the aftermath of the Cold War. However, the most interesting part of his research are the interviews with CSCE/OSCE negotiators. In his book, Sandole compared OSCE negotiators’ perceptions of lessons learned from the Balkan wars of the 1990s and the OSCE’s negotiators’ visions of the ideal peace and security paradigm in postmodern Europe. Finally, he also elaborates on how peace and security issues are revisited after 9/11.

Thus, what remains to be explored is an updated overview of the OSCE. Therefore, the purpose of this case study is to combine the ideas of the previous books, focusing on what has been achieved in Ukraine until now and what failed. To accomplish this goal is necessary to analyze the tools and methods used by the OSCE in conflict prevention and resolution in order to explore the developments of the conflict in Ukraine.

Regarding the research methodology, this study followed a qualitative design focused on what has been studied before, by reviewing and analyzing secondary source materials about the topic: books, criticisms, newspaper articles or web sites. However, there were also primary documents such as newspaper articles written at that time, conferences, records of organizations and government agencies, annual reports, treaties, government documents, speeches and video recordings. The data extracted from reports, conferences, web sites, treaties,

video recordings belongs to: The International Crisis Group, the European Union, NATO, the United States Department of State, Russian International Council Affairs, the United Nations Human Rights Monitoring Mission in Ukraine, the United Nations Security Council reports on Ukraine and the OSCE monitoring missions.

It is necessary to acknowledge that this analysis presents some limitations. The selected case study is considered as an ongoing conflict. For this reason, it is difficult to anticipate the decisions of parties involved in the conflict or make predictions about the future. The case study of Ukraine's conflict is used in an instrumental way to investigate a broader phenomenon, that is, the effectiveness of the OSCE's tools and methods in conflict resolution.⁴

Another limitation of this study is the access to exclusively published articles, video recordings, journals and books. The OSCE is well-known for performing secret diplomacy and the ongoing mission itself is a sensitive topic that cannot be discussed openly through spontaneous interviews. Therefore, this research does not include interviews since the field operatives respond to a chain of command leery to release any information that may jeopardize political agreements.

This thesis is organized in four main chapters: *The concept of conflict resolution and cooperative security*, Analysis of the *OSCE's structure and tools*, Introduction to the *case study* and *Conclusions* based on the OSCE mission in Ukraine. The first chapter is meant to explain different insights on conflict resolution and its parallelism to the OSCE's actions in Ukraine, the difference between the concept of cooperative and comprehensive security and the historical theoretical debate between realists and liberals regarding the concept of security, conflict resolution and international cooperation.

⁴ Robert E. Stake, *The art of case study research*. Sage, 1995.

The second chapter will introduce the structure, tools and methods of the Organization for Security and Cooperation in Europe, its strengths, weaknesses and the challenges ahead. The third chapter is a brief introduction to Ukrainian history and a chronological explanation of the initiation and escalation of the conflict in eastern Ukraine.

Finally, the fourth chapter will analyze the outcomes and the impact of OSCE's mission in Ukraine together with the final conclusions of this research paper.

CHAPTER I: THE CONCEPT OF CONFLICT RESOLUTION AND COOPERATIVE SECURITY

This chapter will deal with the definition of central terms of conflict management, conflict resolution, cooperative and comprehensive security and the theoretical framework based on the realist and liberal debate. For the purpose of this study, it is crucial to understand the notion of conflict management and resolution, the development of concepts such as cooperative security and the classic contraposition of the most famous International Relations (IR) theories, realism vs. liberalism.

1.1. DEFINITION OF THE KEY TERMS

Before explaining the concept of conflict resolution, it is necessary to analyze the concept of conflict itself. Conflicts are not the antithesis of peace and they have been proved to be historically inevitable. Many times, conflicts triggered political and social progress and not just human tragedy and destruction.⁵ The peace theory explains conflict as a triangle of three components: attitude, behavior and contradiction. The contradiction represents the incompatibility of goal and depending on the attitudes towards the issue, the behavior will be constructive, peaceful or violent and destructive.⁶

On the other hand, 'peace' is a term difficult to define because it can be associated with many human ideals like: happiness, justice, freedom, health, harmony, love etc. Thus, Johan Galtung and other scholars made a distinction between 'positive' and 'negative' peace. Negative peace is considered as the absence of war or violent conflict while a positive peace is achieved when there are considerable levels of harmony, justice, equity in a society.⁷

⁵ Johan Galtung, Webel, and Charles, eds. *Handbook of peace and conflict studies*. Routledge, 2007. p.25

⁶ Ibid, p. 131

⁷ Ibid, pp.22-23

However, many organizations attempt to prevent conflicts from erupting in the first place. In fact, conflict prevention has been promoted in the post-Cold War era in order to counteract the spread of ethnic clashes. After the end of the confrontation between the Soviet Union and the United States, many intra-state conflicts raised in order to fulfill the ethnic aspirations of different groups to achieve independence.⁸

When successful, 'prevention' is a very important step to avoid the eruption of a violent conflict and indeed, less costly than dealing with a larger crisis.⁹ In fact, the OSCE has been active in preventive diplomacy in some countries. A practical example, was Kyrgyzstan where the OSCE supported the implementation of a conflict prevention project, which was aimed to educate vulnerable communities on ethnic tolerance and community mediation.¹⁰

When prevention fails, there are several activities to engage in conflict management: negotiation, mediation, arbitration and litigation. Negotiation and mediation are voluntary settlement activities while arbitration and litigation are judgmental processes, focused on disputants' rights. A judicial settlement might foster an adversarial atmosphere while negotiation or mediation are more likely to build up a trustful relationship among parties.¹¹

Arbitration provides an impartial judgment through communication patterns and procedures that allow all disputants to present claims, make arguments, respond to the other side and answer arbitrators' questions. The arbitrators play a significant role in the arbitration process since the success of this method relies on their impartiality, fairness, equity and justice.

On the other hand, negotiation is a conflict management method that can be conducted to lower the tensions between disputants. If successful, negotiation can lead to conflict resolution by reaching a settlement that would accommodate the parties involved. In fact, negotiations give an opportunity to the parties

⁸ Ho-Won Jeong, *Conflict management and resolution*. Peace and Conflict, 1999, p.147

⁹ Ibid, p. 24

¹⁰Ibid, p.26

¹¹Ibid, pp. 147-148

involved or third parties, to make proposals, set up objectives, define concerns and promote communication by proposing solutions to the conflict.¹² And finally, mediation is a method that can be used when there are not potential cases of violence or abuse. Mediators are meant to make recommendations, manifest their opinions, propose solutions or evaluate demands and preferences of the parties. Mediation is a voluntary process; thus, the parties might reach an agreement or reject the outcomes of the process.¹³

It is also important to understand power's influence in the context of conflict situations. When an actor has more power, it means that it has more capabilities to control others in order to achieve certain results. However, power can be exercised in different ways; the actor might use threat or coercion as a method, or provide reward or punishment in order to achieve its goals.¹⁴ In the Ukrainian case, the Russian Federation has rewarded Ukraine with the supply of cheaper oil and gas. However, this system of reward turned into a method of punishment after President Yanukovich fled the country and many pro-western protests took place around Kyiv, as it will be explained in the third chapter.

However, when the conflict is violent, peacekeeping missions can reduce aggressive acts, and by reaching an agreement the parties may exit the violent phase of the conflict. In order to restrain violent confrontations, it might be required the intervention of a third-party that would act as a buffer zone. Though, there should be a readiness for de-escalation, in which one of the parties should be ready to make more concessions.¹⁵

Some scholars argue that this situation is plausible when one of the parties' endurance to bear with the cost of the struggle is low and there are high levels of fatigue. Some of the factors that can have a negative effect on de-escalation of the conflict are: anger, fear, hatred. The steps towards conflict resolution

¹²Ibid, pp. 153-154

¹³ Ho-Won Jeong, *Conflict management and resolution*. Peace and Conflict, 1999, pp. 154-155

¹⁴ Ibid, p.80

¹⁵ Ibid, p.46

include humanization of the other party involved in the conflict and overcoming stereotypes by bringing the groups together through empathy. In addition, it is important to understand the parties' goals and try to reduce incompatibilities by addressing their needs so they will be willing to make mutual concessions. In order to move towards the resolution of the conflict, the parties should abandon their goals to achieve unilateral gains and so, start the transition to conciliation. Very often, there is a need for external support in order to reduce the emotional and psychological gaps between antagonist parties.¹⁶

To create the conditions for conflict resolution, there is a need to transform the adversarial relationships, so the parties involved would accept solutions in the absence of enemy images, misperceptions and a reduction of the sense of threat. Some authors argue that, an important transformation occurs when the political legitimacy of the adversary is recognized and there is an acknowledgment of their grievances. Thus, it is believed that there is a positive relationship change when the use of coercion is visibly reduced.¹⁷

If this theoretical approach is applied to the Ukrainian case, it is obvious that the sense of threat was not reduced by the Minsk Agreement I and II, because the ceasefires were violated in several occasions due to deep mistrust projected by the Ukrainian government and the separatists. Another reason why the conditions for conflict resolution were not created in the Ukrainian case, is because the Ukrainian government failed to show any empathy to the grievances of the population in the eastern regions, since they did not carry out any social policies in the separatist regions, as it will be explained in the third chapter of this research.

In order to achieve the resolution of a conflict, it is necessary to overcome goal incompatibilities. Negotiation is a very useful tool that can accommodate and legitimize the demands of the parties involved and set the base for a

¹⁶ Jeong, Ho-Won. *Conflict management and resolution*. Peace and Conflict, 1999, pp. 18-20

¹⁷ Ibid, p.47

collaborative process.¹⁸ In a negotiation process, the number of groups involved in a conflict is extremely relevant because as higher is their number, the lower are the chances of reaching settlement. In the Ukrainian case, the parties called to the negotiation table were the leaders of the two pro-separatist eastern regions of Donetsk and Luhansk, representatives of Russia, Ukraine and the OSCE. Another negotiation group was formed by the French President François Hollande, the German Chancellor Angela Merkel, Russian President Vladimir Putin and the Ukrainian President Petro Poroshenko.¹⁹ This might be another reason why a settlement could not be reached.

Some scholars, perceive negotiation as a process where the parties will try to maximize their incentives and outcomes. Since the disputants do not trust each other, a third party shall provide security guarantees that would encourage the negotiation process and raise the costs of noncompliance. An agreement is more likely to happen when negotiation seems to be the best option for the disputants as third parties deny an eventual military assistance to any side.²⁰ In the Ukrainian case, the separatists had the certainty that they will be supported militarily by the Russian Federation in case of a potential military incursion by the Ukrainian government. In this case, the separatists relied on the military assistance of a third party.

On the other hand, a country's structural conditions are crucial for conflict resolution. The existence of asymmetric relations or the desire of one group to control the other group through political and economic domination, might have a detrimental impact on the resolution of the conflict. Thus, in order to deal with internal conflicts, there is a need to adjust and make substantial changes in the system to build up trust and accommodate minority groups so they feel secure and integrated in the state apparatus.²¹ Thus, in order to keep the integrity of

¹⁸ Ibid, p. 51

¹⁹ International Crisis Group "The Ukraine Crisis: Risks of Renewed Military Conflict after Minsk II". Report No. 73, 2015, pp. 2-3, <https://d2071andvip0wj.cloudfront.net/b73-the-ukraine-crisis-risks-of-renewed-military-conflict-after-minsk-ii.pdf>. Accessed Sept. 2016.

²⁰ Johan Galtung, and Charles Webel, eds. *Handbook of peace and conflict studies*. Routledge, 2007. pp.42-43

²¹ Ho-Won Jeong, *Conflict management and resolution*. Peace and Conflict, 1999, pp. 105-107

their territory, the Ukrainian authorities must solve their internal issues by negotiating with the separatists, since the conflict did not have an international dimension in the first place.

There are two main approaches to conflict resolution. One is focused on conflict settlement and the other on conflict transformation. During the Cold War, conflict resolution was limited to international negotiation and diplomacy in order to reduce the risk of conflict escalation. Giving the new historical context of the post-cold war era, where the disputes are not just between states but also among private actors or groups, the United Nations engaged into peaceful resolution of the conflicts by creating forums for dialogue and negotiation in crisis situations.²² The conflicts between states (interstate conflicts) and the civil conflicts (called intrastate conflicts), respond to a conflict resolution process in which the most important thing is to change perceptions and attitudes to build trust and understanding between the parties involved.²³

For instance, some instruments that might trigger and attitudinal change are workshops (addressed to groups that are in a hostile relationship for ethnic, racial or religious reasons), trainings on conflict resolution, consultative meetings or third-party assistance to foster cooperation.²⁴ In fact, the OSCE High Commission on National Minorities, was the first regional organization that used methods of dialogue facilitation, problem solving and communication in its conflict prevention work.²⁵

The first step towards conflict resolution is the cooperation of all parties involved, aiming to build symmetric relationships, in order to address all actors' needs. For instance, in many cases, some parties will seek for the restoration of

²² Andrea Bartoli, "Mediating peace in Mozambique: The role of the community of Sant'Egidio." *Herding cats: Multiparty mediation in a complex world*, 1999, 245-274.

²³ Louis Kriesberg, "Preventing and resolving destructive communal conflicts." *Wars in the Midst of Peace: The International Politics of Ethnic Conflict*, 1997, 232-251.

²⁴ Eileen F. Babbitt and Tamara Pearson. "An Israeli-Palestinian Women's Workshop.", 1996.

²⁵ Abram Chayes and Antonia Handler Chayes. "Preventing conflict in the post-communist world." *Mobilizing international and regional organizations*, Washington, 1996.

justice and protection of rights by means of recognition of abuses, apologies or compensations to the victims. The OSCE has been engaged in detecting the violation of minority rights and by doing so, it has avoided the eruption of conflicts in Azerbaijan (Nagorno-Karabakh), South Ossetia in Georgia or Moldova.²⁶ However, once the conflict is settled there is a need to continue with the post-conflict transformation efforts.

The root causes of a conflict cannot be simply addressed with a peace agreement. In order to address the root causes of a conflict, and avoid its resurgence, it is necessary to tackle the source of discontent and promote institutional restructuring by reforming different sectors. For instance, government initiatives for citizen education on anti-racism or inter-group dialogues may foster the healing in a reconciliation process. Thus, transformation takes place when there is an improvement of the relationships by addressing the problems which triggered the confrontation in the first place. However, it is important to address in the same way the behavioral changes and the poverty and economic disparities.²⁷

Some scholars are divided about the boundaries of conflict settlement and the successful resolution of the conflict. Some realist thinkers, such as Morgenthau or Waltz, argue that conflict resolution negotiations should target the immediate causes of conflicts, the visible symptoms. On the other hand, researchers like John Burton and Lederach argue that if the root causes of the conflict are ignored, there is a high risk of relapse, and because of that, the conflict should be transformed.²⁸ While realists focus on the immediate causes of the conflict and the cease of the violent conflict, other thinkers insist that the conflict should be transformed to achieve a durable peace by addressing basic human needs and restore trust in the society by assuring equality and justice for the population.²⁹

²⁶ Ho-Won Jeong, *Conflict management and resolution*. Peace and Conflict, 1999, pp. 131-132

²⁷ Ho-Won Jeong, *Conflict management and resolution*. Peace and Conflict, 1999, pp. 51-53

²⁸ J.P Lederach, *Preparing for Peace: Conflict Transformation Across Cultures*. Syracuse: Syracuse University Press, 1995.

²⁹ J. Burton, editor *Conflict: Human Needs Theory*. New York: St. Martin's Press, 1990.

Robert B. Lloyd argues that it is possible to accommodate both visions of conflict resolution by addressing first the most urgent symptoms of the conflict and addressing the other symptoms in the aftermath. After halting violence, the process of conflict resolution may continue by addressing or transforming the root causes that escalated or triggered the violent conflict in the first place.³⁰ John Paul Lederach identifies three issues that interfere with conflict resolution. Quite often, the strategy of conflict resolution is to address horizontal relationships between parties, for example, the elite will meet the elite, the midlevel leaders will interact with the midlevel leaders, and the grassroots will deal with the grassroots.

Lederach proposed to interconnect these relationships vertically and bring at the same table representatives of the elite, midlevel leaders and the grassroots. Lederach identifies another gap regarding the high expectations when an agreement is signed.³¹ A peace agreement might end the direct violence; however, it does not address the root causes of the conflict. Thus, it is important that a peace agreement is accompanied by significant changes to decrease structural violence (social, economic, cultural changes etc.). Finally, Lederach claims that ‘peace’ is not the end of a process but a dynamic process itself. A peace process will foster structural, attitudinal and relationship changes, in order to have a real impact on the root causes of a conflict.³²

1.2. THE LIBERAL VS. REALIST APPROACH

This research is formulated through the lenses of the neoliberal view of the international relations. In today’s context, it cannot be ignored the importance of the International Law, civil society, international organizations and non-

³⁰ Robert B. Lloyd, "Conflict resolution or transformation? An analysis of the South African and Mozambican political settlements." *International Negotiation*, 2001, 303-329.

³¹ Charles Webel and Johan Galtung, eds. *Handbook of peace and conflict studies*. Routledge, 2007. pp.125-126

³² Ibid.

governmental organizations in our society. The emergence of these new actors in the post-cold war era, contributed to the development of human, labor, and environmental rights that enhanced the living standards of the societies that adopted and implemented them. 'States' are fundamental actors in the international community but their actions might be restrained or sanctioned by other states if their behavior is aggressive or harmful towards other actors or their own population.

However, it cannot be ignored the fact that some states are more powerful than others and retaliation does not work equally in every case. Though, in a globalized and interconnected world, it is difficult for a country to survive isolated from the international community and be excluded of the international trade's benefits. Although this research is written from the neoliberal point of view, it does not ignore or condemn the vision of *realpolitik* of other states. In fact, ignoring the vision of other countries might lead to the eruption of conflicts, as it is argued in this research paper in the Ukrainian case.

In the international relations field, one of the most discussed topic is the concept of security. The concept of security is perceived differently by policy makers and citizens depending on the historical context they live in, their perception of threats, and if the imminent dangers are perceived to be against individuals or the nation-state. Thus, the understanding of the security concept will determine a country's membership to certain organizations and their adherence to different ideologies. The thinkers of Renaissance and Enlightenment, determined that the 'state' is a provider of security for its citizens, and its primary *raison d'être* is to defend them from external threats.

In order to be protected from internal and external threats, citizens gave up certain freedoms by accepting the rules and the organization of the nation-state.³³

³³ Thomas Hobbes. *Leviathan*. A&C Black, 2006.

In the realist view, security is the main issue in the anarchic international system where ‘states’ are the key factor of transnational politics. By anarchic international system, realists imply that there is no superior structure that can englobe and control all the ‘states’ that are struggling for power. Realists are also doubtful about the power of international law and international community to prevent or solve conflicts. Thus, ‘states’ act according to their national interests and very often form alliances in order to survive. However, the ideas of classical realism have been replaced by neorealism in the second half of the XX century, by important scholars such as Kenneth Waltz, Robert Jervis or John Mearsheimer.³⁴

On the other hand, idealism was the precursor of liberalism in international relations. Liberal/idealist perspective dominated the international relations in the aftermath of the World War I, since their goal was to build peace by relying on the international law and international organizations, in order to solve inter-state problems and avoid another world war.³⁵ The liberal failure to prevent World War II triggered a realist response from Edward Hallet Carr and Hans Morgenthau, who are considered to be thinkers of classical realism.³⁶

E. H. Carr challenged the liberal ideas of universal moralism and harmony interests, by describing them as utopic. He claimed that morality cannot be universal and these concepts are invoked by privileged groups of ‘states’ that want to maintain their dominant position in the international community. He argued that moral standards are founded on the interests of certain ‘states’ and these interests are translated into policies. The most powerful actors will identify their moral values and interests with the universal values and interests, thinking that what is best for them is best for everyone, and they will try to impose these moral values and interests to the rest of the world.³⁷ Thus, E. H. Carr argues that

³⁴ R. Jackson and G. Sorenson, *Introduction to international relations*. New York: Oxford University Press, 1999.

³⁵ Karpowicz Korab and W. Julian. "Political realism in international relations.", 2010. Retrieved from <https://plato.stanford.edu/archives/sum2013/entries/realism-intl-relations/>.

³⁶ Ibid.

³⁷ E. H. Carr, 2001. *The Twenty Years' Crisis, 1919–1939: An Introduction to Study International Relations*, New York: Palgrave.

universal harmony of interests is a utopic concept, and instead there is a conflict of interests between individuals and groups. Carr claims that the international order is based on power and not on morality because morality itself is a product of power.³⁸

On the other hand, Hans Morgenthau defends the idea that political leaders act and think according to their interests and not according to morality, because in his view, morality is the result of political action. Morgenthau affirms that there is no universal formula for moral principles, instead they respond to specific circumstances of time and place. Thus, Morgenthau believes that when interest is defined as power, it cannot be subordinated to ethics.³⁹ For instance, the concept of 'conflict' is explained as intrinsic to the selfish human nature and its struggle for power.

Kenneth Waltz developed a new realist theory called structural realism or neorealism conserving the basic assumptions of realism: the existence of an anarchic international system, states as the main actors in the international system, and states' actions are motivated either by power (classical realism) or security. Kenneth Waltz argued that 'states' are like economic entities and their only interest is to survive. Waltz focused on the structure of the international system which provides certain conditions where 'states' can behave in similar ways despite of their different characteristics. Waltz explained that there is a lack of central authority in the international system, and in order to survive, 'states' seek for security because their capabilities of power, are not equally distributed.⁴⁰

Kenneth Waltz defends the idea that when acquiring too much power, other great power will build military coalitions to balance the hegemon (it was the case of Napoleonic France or Nazi Germany).⁴¹

³⁸ Karpowicz Korab W. Julian. "Political realism in international relations.", 2010. Retrieved from <https://plato.stanford.edu/archives/sum2013/entries/realism-intl-relations/>.

³⁹ Hans J. Morgenthau, *Scientific Man Versus Power Politics*, Chicago: Chicago University Press. 1946.

⁴⁰ Kenneth Waltz, 1979. *Theory of International Politics*, Boston, MA: McGraw-Hill.

⁴¹ John J. Mearsheimer, *The tragedy of great power politics*. WW Norton & Company, 2001.

In addition, Robert Jervis explains in his book 'Perceptions and Misperception in International Politics', how psychology is crucial in the political decision making process, and how it affects the orientation of a country's foreign policy (for example, Kuwait invasion in 1990 by Saddam Hussein or the U.S. intervention in Iraq in 2003).⁴² However, structural realist thinkers as John Mearsheimer, believe that great powers with strong military capabilities seek for power because a powerful state is less likely to be attacked by other states. Mearsheimer thinks that states should seek for hegemony and acquire as much power as possible because it is difficult to predict other states' future behavior.⁴³

John Mearsheimer published many articles regarding the conflict situation in Ukraine. In the Foreign Affairs magazine, John Mearsheimer argues that Ukrainian conflict is "the West's fault" and the root cause of the problem is not the imperial desire of Vladimir Putin to resuscitate the Soviet empire, but the European Union and NATO enlargement eastwards, and the possibility of integrating Ukraine into the West.

He argues that the annexation of Crimea it was the result of a feared NATO naval base in the peninsula, as a consequence of the overthrow of democratically elected president Yanukovich. In the Bucharest Summit, it was announced that Georgia and Ukraine will be a part of the alliance, fact that alarmed president Putin, who declared that the incorporation of these two countries to NATO would represent a 'direct threat' to Russia. Mearsheimer argues that Russia's invasion of Georgia in 2008 was a 'clear warning sign' for NATO.

In his opinion, Russia would never accept that its historical enemy would install a pro-western government on its borders.⁴⁴ Mearsheimer argues that most liberals assumed that the post-cold war order abandoned the realist logic in Europe.

⁴² Jervis Robert, "Perception and Misperception in International Politics." Princeton University Press, 1976.

⁴³ John J. Mearsheimer, "Back to the future: Instability in Europe after the Cold War." International security, 1990, pp. 5-56.

⁴⁴ John J. Mearsheimer, "Why the Ukraine Crisis Is the West's Fault." Foreign Affairs. N.p., 10 Dec. 2016. Web. 10 Dec. 2016.

Thus, the conflict in Ukraine was provoked by the clash between the actions of Western countries that operated according to liberal ideas, and Russia which interpreted these actions from the realist point of view. In his opinion, Western leaders shall consider that Vladimir Putin's behavior responds to "legitimate security concerns".⁴⁵ With the disintegration of the Soviet Union and the end of the international bipolar system (which Kenneth Waltz predicted that will persist), neorealism was strongly criticized. Since the end of the Cold War was not predicted by realist thinkers, the growing importance of international organizations, NGOs and multinational corporations, triggered the revival of neoliberal thinking. The new debate between neorealist and neoliberals was about the state behavior in the anarchic structure and what factors determine 'states' to cooperate.⁴⁶

According to liberal thinking, there is a predominant moral universalism and harmony of interests in the international system which is relying on the concepts of universal peace and justice. The idealist concept of harmony of interests claims that human beings share a lot of common interests that make cooperation possible. The liberals identify these common interests as: peace, social justice, prosperity and international order. Robert Keohane claims that states have a common interest for economic cooperation since it will increase their gains, and so, their interest to cooperate.

Robert Keohane and Joseph Nye published a revised version of "Power and Interdependence" in which they criticize the vision of "political realism" that focuses on military-security issues. They argue that the post-cold war international system is more interconnected from the economic, social and ecological point of view and transnational relations are more important than ever. They claimed that neoliberal theory can complement realist theory since

⁴⁵ John J. Mearsheimer, "Why the Ukraine Crisis Is the West's Fault." *Foreign Affairs*. N.p., 10 Dec. 2016. Web. 10 Dec. 2016.

⁴⁶ Michael Charles Williams, ed. *Realism reconsidered: the legacy of Hans Morgenthau in international relations*. Oxford: Oxford University Press, 2007.

its focus is not only on the security issues but on the importance of the non-state actors.⁴⁷

However, Keohane and Nye, admitted that they ignored the military power as a source of power, and the security concerns as a high priority for states. Even they considered the importance of these elements, they claimed that the cost of using military power was too high and there was no guarantee that military means “were more effective than the economic ones”.⁴⁸ Another important element of their research are the international organizations that have the ability to create policy networks and provide transnational coordination that might have an important effect on the agendas of some states (for instance, the International Monetary Fund might have a fundamental impact on a country’s monetary policy).

Keohane and Nye, argue that cooperation is beneficial for states in terms of improving communication, redefine interests in harmony with the strategies that the group pursues, and having access to a broad range of resources. In addition, they claimed that the national interest is attained to perceptions that might change with a new leadership, by experience, or by having access to new information. Robert Keohane and Joseph Nye admit that realist and liberal theories require further analysis and it is not excluded that they can complement each other.⁴⁹

It is important to consider that the concept of human security entailed that threats are not posed just against ‘states’, but also against individuals; for instance, infectious diseases, environmental problems, poverty etc.⁵⁰ After 9/11, terrorism became a global threat and not a one nation-state threat, especially after the disastrous U.S. campaign in Iraq, 2003. The United States justification for the invasion was that “Saddam Hussein, a terrible dictator who committed crimes

⁴⁷ Joseph S. Nye, “Power and Interdependence Revisited.” *International Organization*, vol. 41, no. 4, 1987, pp. 725–753. www.jstor.org/stable/2706764.

⁴⁸ Joseph S. Nye, “Power and Interdependence Revisited.” *International Organization*, vol. 41, no. 4, 1987, pp. 725–753. www.jstor.org/stable/2706764.

⁴⁹ Ibid

⁵⁰ United Nations. Development Programme. *The Human Development Report*. Human Development Report, 1994.

against humanity”, was in the possession of weapons of mass destruction, that were never found.⁵¹ Some scholars claimed that terrorists were backed by governments and for this reason, terrorism must be associated to their territorial bases.⁵² However, by carrying out this intervention, the United States did not just wave their commitment with the international law but their actions were considered illegal and being lacked legitimacy.⁵³

One interesting study about Regional Security Organizations (RSOs) has scrutinized the OSCE through the lenses of realism and liberalism. For the realists, the OSCE does not contribute to the security issues and is ineffective to promote peace between states. In the realist view, the OSCE only responds to powerful states’ interests and these states are using the OSCE for their own purposes.⁵⁴ Against the principle of unanimity, the realists argue that powerful states will make pressure on weaker states in order to respond to their interests in the region, for example Russia may attempt to influence Moldova or Azerbaijan or the Western countries will count on traditional allies or neighbors.⁵⁵

Both liberals and realists claimed that international organizations are able to increase cooperation between the members of these organizations; the difference is that realists believe that states cooperate because they must pursue their interests, and liberals claim that international organizations are crucial for the international relations to take place.⁵⁶

On the contrary, the liberals argue that the main task of the CSCE was dialogue facilitation among the confronted superpowers during the Cold War, and nowadays, the OSCE is a forum that embraces multilateral dialogue in order to

⁵¹ Navin A. Bapat, et al. "Perfect Allies? The Case of Iraq and Al Qaeda." *International Studies Perspectives*, 2007, pp. 272-286.

⁵² D. Frum, and R. Perle. *An end to evil: How to win the war on terror*. New York: Random House. 2003.

⁵³ O. R. Holsti, *To see ourselves as others see us: How publics abroad view the United States after 9/11*. Ann Arbor: University of Michigan Press. 2008.

⁵⁴ Gregory Y. K. Brown, *Theoretical Frameworks for the Analysis of Regional Security Organizations*. Thesis. University of Amsterdam, 2010, p. 29.

⁵⁵ J. Cohen, "Conflict Prevention in the OSCE: An Assessment of Capacities". The Hague: Netherlands Institute of International Relations 'Clingendael', 1999.

⁵⁶ Gregory Y. K. Brown, *Theoretical Frameworks for the Analysis of Regional Security Organizations*. Thesis. University of Amsterdam, p. 20, 2010.

avoid confrontation through peaceful means. While the realists claimed that East and West used the OSCE to achieve their power goals, the liberals considered that the OSCE was an opportunity to promote peace and cooperation.⁵⁷ The liberals argued that the CBMs (confidence building measures) are the proof that these measures improved the confidence between the participating states and enhanced regional security by exchanging information about their military capabilities.

They argue that the creation of the CSCE itself is based on liberal ideas of cooperation and the foundational document, Helsinki Final Act, is a proof of it. In addition, OSCE's missions and institutions promote democracy and the liberal view. For instance, ODIHR, the organ for electoral observation is an excellent example of democracy promotion.⁵⁸ The OSCE adopts consensus decisions and is based on voluntary actions which means that there is no 'punishment' system to impose sanctions in order to deter the actions of the participating states.

The liberals claim that the purpose of the OSCE is to find common solutions to the problems affecting European security and the participating countries will not be predisposed to cheat since they will risk losing the confidence of other states.⁵⁹ However, Hopmann argues that in crisis situations, the United States did not act through the OSCE, but through NATO or unilaterally. In the same degree, Russia cannot be deterred in the case of the frozen conflicts of South Ossetia, Abkhazia and Transnistria. Thus, realists argue that some countries step aside from the common security issues in order to protect their national interest.⁶⁰

Their conclusions about the regional security organizations is that neither liberalism or realism can fully explain the nature of the OSCE since

⁵⁷ Ibid, p. 31

⁵⁸ Ibid., pp. 33-34

⁵⁹ J. Cohen, "Conflict Prevention in the OSCE: An Assessment of Capacities". The Hague: Netherlands Institute of International Relations 'Clingendael', 1999.

⁶⁰ P. T. Hopmann, "The US and the CSCE/OSCE". Helsinki Monitor. 2000, pp. 20-36

ideologically, the existence of the OSCE is based on liberal ideas but when the national interests of the states are at stake the OSCE becomes obsolete.

1.3. COOPERATIVE AND COMPREHENSIVE SECURITY

Firstly, it should be pointed out that the European Union, NATO and the OSCE have different approaches to security, and their approach is being interpreted differently by some schools of thought. For example, realists perceive NATO in a different way than liberals do. This section will explain why realism was a very important theoretical approach during the Cold War and what problems may entail its interpretations in today's context. For realists, during the Cold War, the international relations were shaped by nation-states actors which tried to maximize their wants with limited resources, to pursue their national interest. In this case, the antagonism was between the United States and the Soviet Union. Just in the aftermath of the 9/11 attack, terrorism became the new common enemy.⁶¹

In the view of the traditional security strategies, the players are able to achieve gains only at the expense of other players. Traditional security strategies were competitive and preventive, that is, using deterrence to avoid threats from arising.⁶² A well-known example of traditional security strategy is the collective self-defense strategy embodied by the North Atlantic Treaty Organization (NATO). The collective self-defense strategy is a system of alliances in which the members identify a common outside adversary as a potential threat. In this case, the original purpose of NATO was to deter the Soviet Union and its satellite countries during the Cold War.⁶³

⁶¹ Hasan Ulusoy. "Revisiting security communities after the cold war: the constructivist perspective." *Perceptions: Journal of International Affairs* VIII, 2003, pp. 15-19

⁶² Vetschera, Heinz. "Cooperative Security—the Concept and its Application in South Eastern Europe." *Approaching or Avoiding Cooperative Security*, 2007, p.33

⁶³ *Ibid.* p.38

However, the collective self-defense strategy shall not be confused with the collective security system of the United Nations. This concept is more ambitious than the collective self-defense strategy, since there are 193-member States in the United Nations.⁶⁴ The concept of collective security is slightly different from the self-defense strategy, since the potential aggressors are identified to be part of the system and not an outside threat.⁶⁵ Only after the tragic events of 9/11, the UN Security Council passed Resolution 1368 about transnational terrorism. It was the first time when the UN applied the article 51 to a non-state actor in the framework of cooperative security to fight transnational terrorism.⁶⁶

Cooperative security was presented as an alternative to the traditional security strategies. The cooperative security is associated to the liberal school of thought while the collective defense is often affiliated with realism.

Very often, in realist view, the cooperative security is perceived as an illusion. This can be explained by the fact that the realist paradigm foresees that the highest priority for a government is to pursue its self-interest and so, a collective defense organization is more effective than a collective security organization, since its members focus on a specific common threat.

On the other hand, the concept of cooperative security is related with liberalism and assumes that countries will uphold to the international law because in the long run, maintaining the international order will be beneficial to their individual security.⁶⁷ In the 1990s NATO had to redefine its strategic role since the common threat of the alliance, the Soviet Union, on the grounds on which NATO was founded as a collective defense alliance, and the Warsaw Pact were dissolved. Thus, after the end of the Cold War, NATO had to abandon its strict military focus and adopted the liberal cooperative security approach, starting to

⁶⁴ Retrieved from <http://www.worldometers.info/united-nations/>

⁶⁵ Vetschera Heinz. "Cooperative Security—the Concept and its Application in South Eastern Europe." *Approaching or Avoiding Cooperative Security*, 2007, pp.38-39

⁶⁶ Michael Mihalka, "Cooperative security in the 21st Century." *Philosophy and Public Affairs*, 2001, p. 113

⁶⁷ J. Stern, NATO Collective Security or Defense: "The Future of NATO in Light of Expansion and 9/11", retrieved from

http://www.diasonline.org/fileadmin/templates/downloads/DIAS_Kommentare/Kommentar32.pdf

engage in a broader range of security issues.⁶⁸ Nowadays, the Western States perceive NATO as a crisis management institution while Russia and other Eastern countries perceive it as a military alliance. Therefore, NATO enlargement has created new security issues and it was perceived as a threat by the Russian Federation.⁶⁹ Even at the present moment, Article V of the North Atlantic Treaty entails that an armed attack upon one state is an attack on all states parties.⁷⁰ Regarding this matter, the Alliance made some efforts to build a relationship with the Russian Federation based on cooperation and transparency.

In 1997, the Permanent Joint Council was established between NATO and Russia, a system of cooperation and consultation which was meant to improve the relationship between the Alliance and the Russian Federation.

In the NATO-Russia foundation Act, it was foreseen that there was no intention to deploy nuclear weapons on the territory of new NATO members.⁷¹ In 2016, the United States activated the \$ 800 million missile shield based in Romania, which is meant to protect NATO countries from short medium-range missiles, and which Russia considers a threat to its security for undermining its nuclear deterrent and for being installed on its borders.⁷²

Recently, due to a change in Russian foreign policy, the idea of incorporating Ukraine and Georgia to the Alliance is unacceptable. Even inside the Alliance itself, NATO's members are divided about the acceptance of these two members. Some of the member countries like the United States, the Baltic States and Poland are encouraging the fast incorporation of Georgia and Ukraine to the North Atlantic Treaty Organization.⁷³ The perception of Poland and the Baltic States is that NATO is a collective defense community against Russia and for

⁶⁸ Ibid.

⁶⁹ N. Van Willigen, "NATO: one of the three musketeers of European security?" Retrieved June 16, 2016, from <http://ecpr.eu/Filestore/PaperProposal/da4c6e9d-411c-4c7e-8d3e-bdb244fdc191.pdf>, pp. 2-4

⁷⁰ Ibid, pp. 4-5

⁷¹ M. Rühle, "NATO Enlargement and Russia: Discerning Fact from Fiction". *American Foreign Policy Interests*, 2014, pp. 234-239

⁷² BBC, "US activates \$800m missile shield base in Romania", Retrieved from <http://www.bbc.com/news/world-europe-36272686>

⁷³ Van Willigen, N. 'NATO: one of the three musketeers of European security?' Retrieved June 16, 2016, from http://ecpr.eu/Filestore/PaperProposal/da4c6e9d-411c-4c7e-8d3e-bdb244fdc191.pdf_pp.11-15

this reason these countries need immediate protection.⁷⁴ Unfortunately, this approach confirms Russian realist vision about the North Atlantic Treaty Organization and increases the tensions regarding the conflict in Ukraine. Thus, it is very important to define the identity of NATO in the framework of the European security architecture. After 1990, NATO has lost its natural enemy and its purpose at the same time. Since the Warsaw Pact has been dissolved, after the end of the Cold War, NATO had to reinvent its purpose and its security identity. By doing so, its new identity started to overlap with those of the European Union and the OSCE.⁷⁵

The OSCE adopted a comprehensive approach to security, in 1994, during the Lisbon Summit. In order to introduce the concept of comprehensive security it is necessary to remember that the new configuration of the international arena was grounded on the promotion of democratic political systems with liberal economic policies and transnational markets. These political and economic trends have led to the rise of globalization and have triggered new security challenges at global and regional level.

In terms of security concerns, the new challenges were generally related to dangers posed by non-state actors that do not resort to the traditional threats. To respond to the new transnational challenges, the concept of cooperative security was replaced by the concept of ‘comprehensive security’.⁷⁶

The OSCE was the pioneer security organization to adopt a concept of comprehensive and cooperative security. The idea that most of the threats do not arise from a single State, but have a transnational character, inspired the OSCE’s comprehensive approach to security. This approach does not only focus on the

⁷⁴ Van Willigen, N. *‘NATO; one of the three musketeers of European security’*, Retrieved June 16, 2016, from <http://ecpr.eu/Filestore/PaperProposal/da4c6e9d-411c-4c7e-8d3e-bdb244fdc191.pdf>, pp.11-15

⁷⁵ Van Willigen, N. *‘NATO; one of the three musketeers of European security?’* Retrieved June 16, 2016, from <http://ecpr.eu/Filestore/PaperProposal/da4c6e9d-411c-4c7e-8d3e-bdb244fdc191.pdf>, pp.4-5

⁷⁶ Michael Mihalka. "Cooperative security in the 21st Century." *Philosophy and Public Affairs*, 2001, pp. 114-115

traditional military threat but on the politico-military, economic, environmental and human dimensions which can trigger inter-State and intra-State conflicts.⁷⁷

1.4 A NEW CONCEPTUALIZATION OF SECURITY

In fact, the OSCE's institutional configuration, in the aftermath of the Cold War, reflects the change in the understanding of the security concept in the OSCE area. After the end of the Cold War, the new global distribution of power left the United States as the only global superpower. After the dissolution of the Soviet Union, the deterrent fear of a nuclear war disappeared, and the hegemons could not control their previous areas of influence in terms of interstate or intrastate conflict. According to the International Peace Research Institute, although the number of interstate conflicts remained relatively low, just five in 1990, the number of intrastate conflicts was over fifty in 1992 and around thirty in 2002.⁷⁸

In order to understand why certain international actors have approached conflicts in different ways, how they perceived each other in the XX and XXI centuries, and what the new concepts of security are, it is necessary to explore the cooperative and non-cooperative security strategies.

The concept of cooperative security was used for the first time in the 1960s in the context of the necessity for arms control strategy, in order to prevent the outbreak of war. However, the concept of cooperative security has evolved in the last decades. The idea of this new concept was to move from traditional coercion and confrontation, to solve security problems by cooperating with traditionally considered 'enemy states'.⁷⁹ Considering the historical moment when this concept became popular, it is easy to understand why this new security

⁷⁷ Ibid. pp. 2-3

⁷⁸ Ibid. pp. 387-416.

⁷⁹ Heinz Vetschera, "Cooperative Security—the Concept and its Application in South Eastern Europe." *Approaching or Avoiding Cooperative Security*, 2007, pp.48-60.

approach was immediately adopted by the CSCE. The aim of the cooperative strategy was to find solutions for security problems by means of cooperation with potential competitors.⁸⁰

The primary goal of the cooperative strategy is to achieve at least a negative peace. The negative peace is achieved when armed conflicts are prevented from emerging, yet the ideal goal would be to accomplish a positive peace. The positive peace is achieved when there is a lack of cultural, structural and direct violence. Johan Galtung, considered the father of the peace studies, categorized and defined these types of violence. The direct violence refers to harming others with intention, the structural violence implies that sociopolitical structures target and deprive certain groups from fulfilling their basic needs, and the cultural violence refers to some aspects of the culture that justify or legitimize the direct or structural violence.⁸¹

In terms of cooperative strategy, it is believed that there would be higher gains for the players if they cooperate instead of competing against each other. Yet, there is a 'must' for the cooperative security to take place, the willingness of its members to cooperate.

In the absence of this willingness, the cooperative security may encounter severe problems to prevent the emergence of conflicts as it will be explained, within the framework of the OSCE, in the Ukrainian case.⁸² In the International Relations (IR) theory, the concept of cooperative security may be understood differently by 'realists' and liberals'. In general, realists perceive this policy as an illusion, while liberal scholars tend to consider it as a comprehensive alternative to the traditional security policies.⁸³

⁸⁰Ibid.

⁸¹ Charles Webel and Johan Galtung, eds. *Handbook of peace and conflict studies*. Routledge, 2007., p. 151

⁸²Heinz Vetschera, "Cooperative Security—the Concept and its Application in South Eastern Europe." *Approaching or Avoiding Cooperative Security*, 2007, pp. 49-40.

⁸³ The traditional security policies are the non-cooperative security strategies, based on realists' tools and alliance policies.

This chapter explained the definition of the central terms used in this research paper. For instance, the definition of conflict, positive and negative peace and how some organizations attempt to prevent conflict in the first place. In the aftermath of the Cold War, conflict prevention, has been developed as a tool in order to deal with the intra-state conflicts that have raised as a response to the ending of the confrontation between the Soviet Union and the United States.

The OSCE has been engaged in some conflict prevention projects and conflict management situations. If the conflict cannot be prevented, there are some conflict management tools that can be used in order to avoid the escalation of the conflict. Some of the activities that can be carried on are: negotiation, mediation, arbitration and litigation. An outstanding method to reach the resolution of the conflict is negotiation, however there are some parameters that should be respected in order to achieve a desirable result. It was explained that the number of groups involved in a negotiation process is extremely relevant to reach a settlement. In fact, one of the reasons of the failure of the Minsk agreement I and II, was the incompatibility of goals of different parties called to the negotiation table.

However, there are some external factors that can contribute or impede the resolution of the conflict. For this reason, the State should provide the necessary conditions for the minority groups to feel secure and integrated in the state apparatus in order to build up trust and foster peace. For instance, there should be an institutional change that would propitiate the restoration of justice, protection of rights, recognition of abuses, apologies or compensations to the victims. In this regard, conflict transformation is an approach to conflict resolution engaged to post-conflict transformation efforts once the conflict is settled. The aim of conflict transformation is to address the problems that triggered the confrontation in the first place and avoid its relapse.

This chapter has also explained the concept of security from the realist and liberal point of view, and the liberal and realist perceptions of the OSCE, as a regional security organization. In the realist view, the OSCE is ineffective to promote peace between states and only responds to the interests of powerful states. On the contrary, liberals claim that the OSCE itself was based on liberal ideas of cooperation since it is a forum for multilateral dialogue whose aim is to avoid confrontation and promote peace and cooperation. Both realists and liberals agree that the international organizations increase cooperation among their members, the only difference is that realists claim that the only reason states cooperate is to pursue their own interests, while liberals claim that international organizations are essential for international relations to take place.

In this chapter, it was also explained the concept of cooperative security and the traditional security strategies, such as collective self-defense alliances. The traditional security strategies are often associated with realism since in the realist view, the cooperative security is an illusion. The realist paradigm claims that a collective defense organization is more effective than a collective security organization because its members focus on a specific common threat.

On the other hand, the concept of cooperative security is related to liberalism and claims that is beneficial for the countries' individual security to uphold to the international law.

After the end of the Cold War, even the North Atlantic Treaty Organization (NATO) abandoned its strict military focus and adopted the liberal cooperative security approach which tackled a broader range of security issues. However, the perception of NATO as a military alliance has not changed in the view of Russia and other Eastern European countries. This explains why NATO's enlargement towards Eastern Europe was perceived as a potential threat by the Russian Federation. On the other hand, the OSCE has adopted a comprehensive approach to security which focuses on the politico-military, economic, environmental and human dimensions that might trigger inter-state and intra-state conflicts.

CHAPTER II: THE ORGANIZATION OF COOPERATION AND SECURITY IN EUROPE

The aim of this chapter is to address the core issues of the Organization for Security and Cooperation in Europe, explaining its history, evolution, structure, its concept of security, its strengths and weaknesses, and its relationship with other partner organizations. The purpose of this introduction to the Organization for Security and Cooperation in Europe, is to understand the idea behind the creation of the OSCE, how it works nowadays, and its approach to security in the XXI century.

2.1 HISTORICAL EVOLUTION OF THE OSCE

The OSCE (the Organization for Security and Cooperation in Europe) is the largest regional security organization with 57 participating States in Europe, Asia and North America. It is a forum for political dialogue and a platform for joint action having a comprehensive approach to security. The OSCE defines itself as an organization that “helps build bridge differences and build trust between states by cooperating on conflict prevention, crisis management and post-conflict rehabilitation”.⁸⁴ The Conference on Security and Cooperation in Europe (CSCE) was the predecessor of the OSCE and it was created in the early 1970s.

During the Cold War, the CSCE served as a multilateral forum for negotiation and dialogue between the West and the East. For this purpose, thirty-five States signed the Helsinki Final Act on the 1st of August 1975, to improve the

⁸⁴ Organization for Security and Cooperation in Europe (OSCE). “Factsheet: What is the OSCE?”. 2016, p.1 <http://www.osce.org/whatistheosce/factsheet?download=true>. Accessed May/June 2016.

relationship between the West and the Communist countries.⁸⁵ The Helsinki Final Act is an extensive document which covers a broad range of subjects: questions relating to Security in Europe, issues of cooperation in the field of economics-science-technology-environment and questions relating to Security and cooperation in the Mediterranean.⁸⁶ The most outstanding aspect of the Helsinki Final Act are the ten points relating to Security in Europe that refer to the respect of sovereignty, the commitment of refraining from threat or use of force, the inviolability of frontiers, non-intervention, cooperation, respect for human rights and international law, self-determination of peoples, non-intervention in internal affairs and peaceful settlement of disputes.⁸⁷ In the declaration on principles, the participating States reaffirmed their commitment to "peace, security and justice and the continuing development of friendly relations and cooperation" considering their objective of "promoting better relations among themselves and ensuring conditions in which their people can live in true and lasting peace, free from any threat or attempt against their security".⁸⁸

In the same way, the participating States recognized that they have a common history and they share traditions and values. Despite their diverse views, the participating States agreed that it is necessary to overcome mistrust and increase mutual confidence. They also believed that there is a close relation between peace and security in Europe; and to strengthen these concepts there was an intrinsic need to promote the fundamental rights and achieve the well-being of all people.⁸⁹

One of the most significant tools of the OSCE are the confidence-building measures (CBMs). During the Cold War, the confidence-building measures

⁸⁵ Ibid., p. 3.

⁸⁶ OSCE. "Final act of the 1st CSCE Summit of Heads of State or Government". 1975, pp. 1-62, <http://www.osce.org/mc/39501?download=true>. Accessed May/June 2016.

⁸⁷ The Organization for Security and Cooperation in Europe (OSCE). "Final act of the 1st CSCE Summit of Heads of State or Government". 1975, p.3. <http://www.osce.org/mc/39501?download=true>. Accessed May/June 2016.

⁸⁸ Ibid.

⁸⁹ Ibid.

were limited to the prior notification of major military maneuvers in order to avoid the escalation of tensions between the Soviet Union and the United States. Considering the historical context, the immediate priority at that time was to eliminate any causes of tensions between countries and contribute to the strengthening of confidence and stability.⁹⁰ In the aftermath of the Cold War, the confidence-building measures' aim was to prevent military confrontations by encouraging countries to exchange military information so they can build up military confidence, to prevent, deescalate or to settle conflicts.

On the 10th of March 2016, all participating states adopted decision no. 1202 on CBMs for the cyber space. Even if the decision was not legally binding, the participating states could reach consensus on the fact that cyber security is a matter of national security because a cyber-attack can cause severe damage and may compromise the whole infrastructure of a state, along with its more sensitive information (matters of national security, information about nuclear power plants etc.) A very encouraging fact is that the participating countries not only have agreed to share information, but to engage in activities to enhance cyber security.⁹¹

It was only at the end of the Cold War, in 1990, when the CSCE acquired permanent structures, institutions and a secretariat, and established the first field operations. After the disintegration of Yugoslavia, the CSCE was involved in matters of crisis management and restoration of peace which required a more solid institutional structure.⁹² In fact, it was in 1990 when the heads of States and governments decided in Paris to provide the CSCE with organizational structures. They agreed that their Ministers of Foreign Affairs will meet as a Council, at least once in a year to discuss the most relevant issues; and a

⁹⁰ OSCE. "Final act of the 1st CSCE Summit of Heads of State or Government". 1975, pp. 6-7, <http://www.osce.org/mc/39501?download=true>. Accessed May/June 2016.

⁹¹, Patryk Pawlak and Panagiota-Nayia Barmaliou. "Politics of cybersecurity capacity building: conundrum and opportunity." *Journal of Cyber Policy*, 2017, pp. 1-22.

⁹² OSCE. "Factsheet: What is the OSCE?". 2016, p. 3, <http://www.osce.org/whatistheosce/factsheet?download=true>. Accessed May/June 2016.

Secretariat would provide the necessary administrative support for these consultations to take place.

At the same time, the heads of States and government considered that a CSCE parliamentary assembly should be established, involving members of parliaments from all participating States. Additionally, it was decided that the Council will be assisted by a Conflict Prevention Center in Vienna, to reduce the risk of conflict.⁹³ Three years later, at the Council's fourth meeting, it was the first time when the CSCE decided to develop mechanisms for prevention and resolution of conflicts, to settle disputes by peaceful means. The decision to develop mechanisms for prevention and conflict resolution may be explained by the political context of the European continent and the proliferation of conflicts in the region: Bosnia-Herzegovina, Croatia, Yugoslavia (Serbia and Montenegro), Georgia, Moldova, Tajikistan and the Baltic States.⁹⁴

For the purpose of this study, it is important to shortly analyze the OSCE's first approach to security in Europe, in the context of the Cold War, focusing more precisely on the Charter of Paris for a new Europe (1990) and the Rome Council Meeting (1993). In fact, the Charter of Paris for a new Europe paved the way for the establishment of the Conflict Prevention Center (CPS), a mechanism that would help to reduce the risk of conflict in the OSCE area. Initially, the Conflict Prevention Center (CPC) was a consultation and cooperation mechanism vis-à-vis the unusual military activities. At the same time, it was a channel for information exchange about incidents of military nature.⁹⁵

After the establishment of the Conflict Prevention Center, during the Fourth Meeting of the Council (Rome 1993), the Ministers stressed the importance of further development of capabilities in conflict prevention and crisis management. In this regard, they agreed to set up the arrangements to ensure

⁹³ OSCE. "Charter of Paris for a New Europe". 1990, pp. 12-13.

<http://www.osce.org/mc/39516?download=true>. Accessed May/June 2016.

⁹⁴ OSCE. "Final Document of the Fourth Meeting of the CSCE Council of Ministers". 1993, pp. 2- 7. <http://www.osce.org/mc/40401?download=true>. Accessed May/June,2016.

⁹⁵ OSCE. "Charter of Paris for a New Europe". 1990, p. 17. <http://www.osce.org/mc/39516?download=true>. Accessed May/June 2016.

that the functions of a third-party military force in a conflict area, are compatible with the CSCE principles⁹⁶. This proposal was further developed in 1994 during Budapest Summit, when the participating countries agreed on a “Code of Conduct on Politico-Military Aspects of Security”. The aim of this Code of Conduct was to reinforce the restrictions on the use of force by the OSCE states and instead, use political procedures for settling conflicts.⁹⁷

The reason why the OSCE has 'participating States' instead of 'member States' is because the OSCE has no international legal personality. The lack of an agreed legal status is very problematic from the logistic and operational point of view. Therefore, the OSCE emerged as a political arrangement and then has started establishing its institutions and executive bodies.⁹⁸ Shortly after, during the 1993 Rome Council Decision, the need for providing the CSCE with institutions, privileges, immunities and legal capacity became clear. But granting legal personality to the OSCE, it is an exclusive competence of the national parliaments. However, only 17 of the 57 participating states have passed parliamentary legislation for the implementation of the 1993 Rome Decision.⁹⁹

The lack of an agreed legal status was proved to be an important challenge in crisis situations. For example, in the case of the Ukrainian conflict, a rapid deployment was not possible because the OSCE did not have a legal status in Ukraine. The Ukrainian parliament had to negotiate and approve the status, immunities and privileges for the OSCE and its personnel, to allow the rapid deployment of the OSCE mission. The approval of the legal status of the OSCE was necessary since the members of the mission were not provided with security and protection for the Special Monitoring Mission in Ukraine (SMM).¹⁰⁰ One of

⁹⁶ OSCE. “Final Document of the Fourth Meeting of the CSCE Council of Ministers”. 1993, p. 7. <http://www.osce.org/mc/40401?download=true>. Accessed May/June 2016.

⁹⁷ Janie Leatherman From *Cold War to democratic peace: third parties, peaceful change, and the OSCE*. Syracuse University Press, 2003. pp. 243-244

⁹⁸ OSCE Parliamentary Assembly. “The OSCE’s Lack of an Agreed Legal Status –Challenges in Crisis Situations”. Vienna: International Secretariat. 2015, p. 2., <https://www.oscepa.org/documents/all-documents/helsinki-40/seminar-4-diis/2814-helsinki-40-food-for-thought-paper-the-osce-s-lack-of-an-agreed-legal-status-challenges-in-crisis-situations/file>. Accessed May/June 2016.

⁹⁹ Ibid., p. 6.

¹⁰⁰ Ibid., p. 4.

the solutions to address this issue would be the adoption of the 2007 Draft Convention.

The Draft Convention is composed by 25 articles and it is very similar to the 1961 Vienna Convention on Diplomatic Relations. Some of the predominant issues in the 2007 Draft Convention are: the legal capacity of the OSCE to acquire movable or immovable property (article 4), the inviolability of premises, properties, assets and communication, (articles 5, 6 and 11) tax exemptions and customs privileges (articles 8 and 9). Another important initiative is the article 19 which points out the need to create OSCE identity cards, to identify the individuals who are entitled to privileges and immunities.¹⁰¹

However, a very important component of the Draft Convention is the granting of privileges and immunities to the permanent representations, the representatives of participating States, the members of the Secretariat and Institutions, the members of field operations and other persons performing tasks of the OSCE. These immunities and privileges are very important especially for the members of field operations who need certain independence to carry out their tasks during their missions. One of the most significant immunity is to be protected from personal arrest or detention.¹⁰²

2.1. INSTITUTIONAL STRUCTURE OF THE OSCE

For the purpose of this study, it is crucial to understand the decision-making process of the OSCE, in order to comprehend the functioning of the executive bodies of the organization related to conflict resolution and to the OSCE's Special Monitoring Mission in Ukraine.

¹⁰¹ OSCE "Final Document of the Fifteenth Meeting of the Ministerial Council". Madrid, 2007, pp. 67-74., <http://www.osce.org/node/33185>. Accessed May/June 2016.

¹⁰² Ibid. pp. 69-72.

The institutional configuration of the OSCE can be divided in four sections: the decision-making bodies, the executive structures, the OSCE field operations and other OSCE-related bodies.¹⁰³ The most important decision-making body is the OSCE Summit. The OSCE Summit is formed by the Heads of States or Government who set the priorities for the next several years. Since 1975, the OSCE Summit has been gathered only in the most crucial moments of the European history. Up to now, only six Summits took place. The last Summit was the “Astana Commemorative Declaration towards a security community” and it was held in 2010 in Astana, in the aftermath of the Corfu Process.¹⁰⁴

The Corfu Process was an informal meeting of foreign ministers of the OSCE participating states, and it took place in 2009 on Corfu Island in Greece. The aim of the Corfu Process was to restore confidence and trust among the participating States in the aftermath of the events that took place in 2008. After the crisis in Georgia in 2008, Russia called for a dialogue over the European security system, to elaborate new plans, to resolve conflicts with a new perspective and in line with the commitments of the 1999 Istanbul Summit.¹⁰⁵

The Corfu process raised many expectations about the Astana Summit; however, there was an important disagreement between Russia and some Eastern European countries regarding the protracted conflicts.¹⁰⁶ While Russia and the European Union were able to find a common ground on the unresolved conflicts in Georgia and Moldova; the USA, Georgia and Moldova could not agree over the disputes of these conflicts. Therefore, Astana Summit failed to adopt a plan for action due to the disagreement over the unresolved conflicts, particularly in Georgia.

¹⁰³ OSCE. “Factsheet: What is the OSCE?”. 2016, p. 8, <http://www.osce.org/whatistheosce/factsheet?download=true>. Accessed May/June 2016.

¹⁰⁴ OSCE. “What is an OSCE Summit? A factsheet about OSCE Summits”, 2010. <http://www.osce.org/home/71368?download=true>. Accessed June 2016.

¹⁰⁵ Alice Ackermann and Herbert Salber. “The OSCE “Corfu Process” – A Preliminary View of the Security Dialogue on Early Warning, Conflict Prevention and Resolution, Crisis Management, and Post-Conflict Rehabilitation.” OSCE Yearbook 2010. Nomos Verlagsgesellschaft mbH & Co. KG, 2011. 197-202

¹⁰⁶ Frank Evers, “The OSCE Summit in Astana Expectations and Results.” 2011, pp.1-31. https://ifsh.de/file-CORE/documents/CORE_Working_Paper_23.pdf. Accessed June 2016.

The non-adopted Astana framework for action covered the major subjects on the OSCE agenda. It was a good opportunity to enhance the analytical capacity of the OSCE, to prevent and deal with existing and future conflicts in the framework of early warning and conflict management.¹⁰⁷

As mentioned before, the OSCE summits take place quite rarely and in exceptional historical circumstances. In their absence, Ministerial Councils are convened to meet once a year, at the end of every term of the chairmanship, in order to make appropriate decisions.¹⁰⁸ In addition, the OSCE Parliamentary Assembly is one of the most important decision-making bodies of the OSCE. A total of 323 parliamentarians from 57 nations representing their national parliaments, meet several times a year in order to facilitate inter-parliamentary dialogue, to vote and pass resolutions and declarations regarding a wide range of issues.¹⁰⁹

Another important decision-making body is the Chairmanship. The Chairmanship sets the priorities and coordinates the decision-making process. For one year, a participating State foreign minister holds the OSCE Chairmanship. One particular characteristic of the Chairmanship is that avoids disruption in the continuity of the policies adopted, by working together with the preceding and future Chairmanships.¹¹⁰ For the year 2016 Germany assumed the Chairmanship of the OSCE. The most outstanding aspiration of the German Chairmanship was to put emphasis on crisis and conflict management, especially applied to the conflict in Ukraine.

¹⁰⁷ Wolfgang Zellner, "The 2010 OSCE Astana Summit: an initial assessment." OSCE Yearbook 2010. Nomos Verlagsgesellschaft mbH & Co. KG, 2011. pp. 23-30

¹⁰⁸ OSCE "What is an OSCE Summit? A factsheet about OSCE Summits", 2010, <http://www.osce.org/home/71368?download=true>. Accessed June 2016.

¹⁰⁹ OSCE International Secretariat, "Factsheet: The OSCE Parliamentary Assembly; bridging differences, building trust", Denmark, <http://www.osce.org/whatistheosce/factsheet?download=true>. Accessed June 2016.

¹¹⁰ OSCE, "Factsheet: What is the OSCE?". 2016, p. 3, <http://www.osce.org/whatistheosce/factsheet?download=true>. Accessed May/June 2016.

At the same time, the OSCE Chairmanship aspired to resolve the protracted conflicts in the OSCE area such as Nagorno-Karabakh, Transnistria and the conflict in Georgia.¹¹¹ Another priority of the OSCE in 2016 was to strengthen its capacities over the entire conflict cycle (early warning, conflict prevention, crisis management and post-conflict rehabilitation). This need was born from the critical developments in Ukraine in 2014 when the Ukrainian President fled the country after many protests erupted nationwide and Crimea was annexed by the Russian Federation.¹¹²

Regarding the structure of the executive branch of the OSCE, four bodies can be distinguished: The Secretary General, the Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media and the High Commissioner on National Minorities.¹¹³ The outstanding role for reducing the risk of conflict in the OSCE area is attributed to the OSCE Conflict Prevention Centre (CPC). The Conflict Prevention Centre, based in Vienna, is entitled to assist the participating States in all the stages of the conflict cycle. Thus, the CPC's tasks consist in facilitating dialogue among States through mediation, negotiation or arbitration and building confidence with the implementation of the CBMs and security-building measures. At the operational level, the CPC assists the field operation through regional expertise, reports from the field or by developing responses to emerging crises.¹¹⁴

¹¹¹ Task Force for the OSCE Chairmanship. "Renewing dialogue, rebuilding trust, restoring security" Federal Foreign Office, Berlin, 2016 <http://www.osce.org/cio/215791?download=true>. Accessed May/June 2016.

¹¹² Task Force for the OSCE Chairmanship. "Renewing dialogue, rebuilding trust, restoring security" Federal Foreign Office, Berlin, 2016 <http://www.osce.org/cio/215791?download=true>. Accessed May/June 2016.

¹¹³ OSCE. "Factsheet: What is the OSCE?". 2016, p. 5, <http://www.osce.org/whatistheosce/factsheet?download=true>. Accessed May/June 2016.

¹¹⁴ OSCE. "Factsheet of the OSCE Conflict Prevention Centre". Vienna: OSCE Conflict Prevention Centre. 2015, <http://www.osce.org/cpc/13717?download=true>. Accessed June 2016.

2.2 THE OSCE'S MEDIATION AND DIALOGUE FACILITATION TOOLS

As the largest regional security organization in the world, the OSCE is committed to the peaceful settlement of conflicts by means of negotiation, mediation, conciliation, arbitration and judicial settlement, to pursue its aim of preventing, managing or resolving conflicts. The OSCE has been engaged in conflict prevention since the early 1990s, practicing mediation and providing dialogue facilitation in Eastern Europe, South-Eastern Europe, Central Asia and South Caucasus.¹¹⁵

In the OSCE context, the conflict prevention framework of mediation and dialogue facilitation, has been developed in the last four decades. During the Cold War, the predominance of inter-state conflicts led to the creation of a platform (the Conference on Security and Cooperation in Europe-CSCE) to facilitate dialogue between the West and the East. However, after the end of the Cold War and the emergence of many intra-state conflicts, the CSCE was entitled with a broader mandate. As a result of the new international configuration of the power structures, the new challenges of the XXI century, and the organization's need to improve itself and evolve, have determined the OSCE to adopt different strategies, decisions, acts and declarations.¹¹⁶ Although every conflict must be addressed in its specific context, there are certain actors and specific instruments that might facilitate dialogue and negotiation between parties involved in conflicts.

The Chairperson-in-Office (CiO) is responsible to carry out activities to prevent, manage and resolve conflicts in the OSCE area. However, the CiO can also appoint special representatives or heads of OSCE field operations to provide dialogue facilitation and mediation. In a crisis situation, the CiO might delegate responsibilities to the OSCE Secretary General, in order to facilitate dialogue.

¹¹⁵ OSCE. "Mediation and dialogue facilitation in the OSCE", Vienna: OSCE Conflict Prevention Centre. 2014, pp. 7-14, <http://www.osce.org/secretariat/126646?download=true>. Accessed April/May 2016.

¹¹⁶ Ibid.

Nevertheless, in case of tensions involving national minorities, the High Commissioner on National Minorities (HCNM) is responsible for carrying out a quiet preventive diplomacy.¹¹⁷

The issues concerning the human dimension can also be attended by the Office for Democratic Institutions and Human Rights (ODIHR). Thus, depending on the type, dimension of the crisis and the actors' mandate, the task of dialogue facilitation or mediation can be attributed to different actors. For instance, the OSCE Parliamentary Assembly (PA) is involved in dialogue facilitation on the parliamentary level. According to the OSCE, the most effective way to deal with a conflict is at an early stage. In this case, mediation, dialogue facilitation and preventive diplomacy can be effective tools to prevent the escalation of the conflict.¹¹⁸

The OSCE has practiced mediation and dialogue facilitation in several conflicts and despite the availability of these tools for the prevention, management and resolution of conflicts, the OSCE has encountered certain limitations of mediation and dialogue facilitation. In the first place, the parties should be ready to negotiate and engage in mediation, in the absence of this political will, the mediation or dialogue facilitation cannot take place.¹¹⁹ A factor that might limit the potential of mediation is the lack of consensus among participating countries in the Permanent Council of the OSCE. However, once the mediation takes place, the mediators cannot endorse agreements that stipulate amnesties for genocide, crimes against humanity, war crimes or severe violations of human rights; and there are some groups that would only reach an agreement if they are granted immunity.¹²⁰

To counteract and overcome the limitations of mediation and dialogue facilitation, the OSCE provided its mediators with a Reference Guide on

¹¹⁷ OSCE. "Mediation and dialogue facilitation in the OSCE", Vienna: OSCE Conflict Prevention Centre. 2014., p. 10, <http://www.osce.org/secretariat/126646?download=true>. Accessed April/May 2016.

¹¹⁸ Ibid. p.17.

¹¹⁹ Ibid. p.20.

¹²⁰ OSCE. "Mediation and dialogue facilitation in the OSCE", Vienna: OSCE Conflict Prevention Centre. 2014., p. 21, <http://www.osce.org/secretariat/126646?download=true>. Accessed April/May 2016.

Effective Mediation and Dialogue Facilitation in the OSCE Area. However, it is necessary to remember that the OSCE can only act on a clear mandate and it is able to engage in mediation or dialogue facilitation if the parties involved in the conflict express their will to negotiate and accept the OSCE as a mediator or facilitator.¹²¹ It is also essential to consider the preventive diplomacy efforts of the OSCE and its participation in peacekeeping missions.

In fact, the OSCE has the legitimacy to participate in missions which cannot be carried out by the European Union or NATO and which are essential for the maintenance of peace in Europe. The most recent case is the conflict in Eastern Ukraine. In this case, it was proved that the OSCE's presence was not only complementary but exclusive since the participation of other organizations would have been inadmissible for some of the parties involved in the conflict. The role of the OSCE, in this case, is not just highly recommended but essential to provide an inclusive approach to security and contribute with its expertise to conflict prevention and resolution. In terms of coordination and cooperation, the OSCE has the advantage to cover and reach twice as many countries as the European Union.¹²² In other words, the OSCE is indisputably an essential organization for the European security.

In addition, the OSCE was a pioneer organization in protecting the rights of national minorities, carrying out field operations and building democratic institutions. In Latvia and Moldova, the OSCE's efforts for conflict prevention and resolution and post-conflict rehabilitation are much appreciated. After the breakup of Yugoslavia in 1991, the OSCE carried out an important task on preventive diplomacy in the Former Yugoslav Republic of Macedonia in order to avoid the breakout of war. At that time, there was an important concern that the war in Bosnia-Herzegovina would spill over into Macedonia. The OSCE's

¹²¹ Ibid. pp.27-39.

¹²² Jonathan Dean, "OSCE and NATO: Complementary or Competitive Security Providers for Europe?" The Institute for Peace Research and Security Policy at the University of Hamburg (ed.), OSCE Yearbook, 1999, p.431.

contribution was to ease the internal tensions in Macedonia by maintaining a frequent dialogue with the leaders of religious and ethnic communities.

In the same context, at the international level, the OSCE tried to avoid or solve the bilateral frictions among Bulgaria, Greece and Albania.¹²³ In the OSCE Helsinki report of 1999, it was emphasized that thanks to an assertive mix, the field personnel formed by Eastern, Western Europeans and Americans could approach and build up trust with different parties involved in the conflict. For instance, the Russian monitors could deal with the ethnic Serbs who did not trust other staff and the Americans could cope with the ethnic Albanians.¹²⁴

Another important instrument for the maintenance of peace are the peacekeeping missions. The first peacekeeping missions were developed by the United Nations in the aftermath of the World War II. These instruments were designed to be used for conflict prevention, conflict management and conflict resolution. However, the peacekeeping and peace-building operations duties had to be shared with regional actors to improve the peace mechanisms and facilitate the implementation of these programs.¹²⁵ For instance, during the conflicts in the Balkans, the main responsibilities were shared among NATO as the military pillar, the OSCE as the institution building, human rights monitoring and police capabilities provider; and the European Union as the economic support provider. In practice, the division of the tasks was not that clear because the organizations transformed themselves and adopted a new approach to security after the end of the Cold War.¹²⁶ The new institutional approach of these organizations, and the overlap of their duties will be described as it follows.

¹²³ Norman Anderson, "OSCE preventive diplomacy in the former Yugoslav Republic of Macedonia." Helsinki Monitor, 1999, pp. 49-54.

¹²⁴ Ibid. p.62.

¹²⁵ Guergana Velitchkova, "NATO-OSCE Interaction in Peace-Keeping: Experience and Prospects in Southeast Europe." NATO/EAPC Research Fellowship, 2000, pp. 99-103.

¹²⁶ Ibid.

2.3. PARTNER ORGANIZATIONS

As part of its platform for cooperative security, the OSCE is committed to cooperate with other organizations and institutions on thematic or regional issues in order to analyze and cope with potential threats. The most outstanding organizations and institutions engaged in cooperation with the OSCE are: The United Nations, NATO, the European Union and the Council of Europe.¹²⁷ However it was only after the end of the Cold War when these organizations started to cooperate at the regional level. After the fall of the Berlin Wall, there was a need to re-think the “international security architecture”. In the European context, three organizations took the initiative to ‘design’ the European security space: The North Atlantic Treaty Organization, the European Union and the OSCE; which have assumed overlapping duties in the process of their institutional reform.¹²⁸

In fact, all three organizations adopted a multidimensional approach to security at the end of the Cold War, and they proclaimed that the new threats are not just of military nature. However, their approach to the new security dimension is not entirely identical, since every organization identifies a certain number of threats to which they seek to respond.¹²⁹ For example, all three organizations share six common threats: terrorism, weapons of mass destruction, failed/failing states, regional conflicts, conventional weapons and organized crime.

NATO has just one unshared element which is the misuse of technology and the European Union identifies as a threat the climate change, while the OSCE has another four identified threats on its list: environmental degradation, human rights violations, economic disparities, discrimination and intolerance. Even if

¹²⁷ Michael Mihalka "Cooperative security in the 21st Century." *Philosophy and Public Affairs*, 2001, pp.9-10

¹²⁸ Moser. M “The EU and the OSCE: Partners or Rivals in the European Security Architecture?” Boston, 2015., p.3

¹²⁹ Willigen Van N. “NATO; one of the three musketeers of European security?”, p 6. <http://ecpr.eu/Filestore/PaperProposal/da4c6e9d-411c-4c7e-8d3e-bdb244fdc191.pdf>. Accessed June 16, 2016.

the security challenges are overlapping, NATO is an organization of collective defense and this is the core purpose of the Alliance, while the OSCE and the European Union are providers of cooperative security.¹³⁰

The European Union has also contributed to the shaping process of the new European Security. However, the European Union does not have a wide strategic military doctrine but a special focus on human security¹³¹. This led to an extensive overlap with the OSCE's human dimension, conflict prevention, post-conflict rehabilitation, election monitoring, terrorism, promotion of human rights, implementation of the UN sanctions and democratization. However, the most important advantage that the OSCE has over the European Union and NATO, is its broad membership 'from Vancouver to Vladivostok' which includes Russia as an important actor for the OSCE's security paradigm.¹³² The Conference for Security and Cooperation in Europe was a promising start for the foundation of the post-Cold War European security, because the OSCE has a comprehensive concept of security which is inclusive and cooperative. The CSCE was a better choice in the aftermath of the Cold War since it was a platform designed to promote dialogue and not to prevent war between the superpowers such as NATO and the Warsaw Pact.¹³³

However, from the U.S. point of view, the OSCE has been perceived as a potential threat to NATO's survival at the end of the Cold War, since the

¹³⁰ Ibid. pp. 7-9

¹³¹ The Commission on Human Security (CHS) defines the concept of human security as: "...to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity." (CHS: Final Report *Human Security Now*, 2003: 4)

¹³² Van Willigen, N. "NATO; one of the three musketeers of European security?", p 17. <http://ecpr.eu/Filestore/PaperProposal/da4c6e9d-411c-4c7e-8d3e-bdb244fdc191.pdf>. Accessed June 16, 2016.

¹³³ M. Moser "The EU and the OSCE: Partners or Rivals in the European Security Architecture?" Boston, 2015., p.10

American political leaders were concerned about losing their political influence in Europe.¹³⁴

Nonetheless, it is believed that the biggest political tragedy of the European security architecture occurred during the Malta Summit because, Winston Churchill was not there to represent the European interests as he did at Yalta Conference. In fact, it might not be politically correct to say that Churchill represented all the European interests at Yalta Conference since he offered Bulgaria and Rumania to Stalin in exchange for Greece. His actual words were the following: *“We agreed on the Balkans. I said he could have Rumania and Bulgaria; he said we could have Greece (of course, only in our sphere, you know). He signed a slip pf paper. And he never broke his word. We saved Greece that way. When we went in, in 1944, Stalin didn’t interfere.”*¹³⁵

Although it was not publicly admitted, Roosevelt might have also pointed out that “the peace process required a temporarily divided Europe in order to provide a time of healing for the nearly fatal wounds that Hitler had inflicted on the Continent”¹³⁶. Thus, it seems like at the end of the World War II, these agreements were considered as a necessary ‘bad’ in order to achieve stability in the post-war context.

On the other hand, Malta Summit was considered as the official end of the Cold War. The meeting took place on warships in the Mediterranean, off the coast of Malta between the U.S. President George H. W. Bush and Mikhail Gorbachev.¹³⁷ Although no agreements were reached, Gorbachev stated that the Soviet Union was prepared not to consider the United States as their military

¹³⁴Jonathan Dean, "OSCE and NATO: Complementary or Competitive Security Providers for Europe?" The Institute for Peace Research and Security Policy at the University of Hamburg, OSCE Yearbook, 1999, p.430.

¹³⁵ C.L. Sulzberger, *The Last of the Giants*, New York, 1970, p.304

¹³⁶ C. Gardner. *Spheres of influence: the great powers partition Europe, from Munich to Yalta.*, 1993, p.265

¹³⁷ Richard Sakwa, *Frontline Ukraine: Crisis in the borderlands*. IB Tauris, 2014.

opponent and Bush offered to normalize trade relations and bring the Soviet Union into the world economic structure.¹³⁸

Considering the transcript of the Malta Summit in 1989, it is clear that Gorbachev's ideas and openness were a surprising factor even for president Bush. This summit was unpredictably important because many economic, regional and military issues were discussed profoundly in a very pragmatic way, with a constant praise of Gorbachev for dialogue, joint action and cooperation.

Both leaders addressed the political situation in Latin America, Eastern and Western Europe and Afghanistan. It is argued that it was detrimental to the interests of all Europeans the absence of a strong European leader to this summit because it was certain that President Bush was not there to defend the idea of a Great Europe, but to assure that the United States will maintain its influence in the continent through the North Atlantic Treaty Organization. This statement is partially true as it can be observed in the transcript of the Malta Summit when president Bush replies that "*we will be close--to Europe; we are vitally interested and involved in NATO. The U.S. is, properly speaking, the leader of NATO*".¹³⁹ However, in the context of the Cold War, the two hegemons considered themselves as the responsible for the fate of their sphere of influence, and this might be one of the reasons why no European leader (Thatcher, Kohl or Mitterrand) participated in the Malta Summit.

As it was mentioned at the Malta Summit, the United States is the predominant power in the North Atlantic Treaty Organization. Professor Richard Sakwa argued that once the former communist countries joined the Alliance, the logic of confrontation and division between the United States and Russia was reborn or perpetuated. Therefore, a new era of "Cold Peace" was born and the Ukrainian

¹³⁸ R. Garthoff, *The great transition. American-Soviet relations and the end of the cold war*. Washington, DC: Brookings Institution, 1994.

¹³⁹ Soviet Transcript of the Malta Summit, December 2-3, 1989, Retrieved from nsarchive.gwu.edu/NSAEBB/NSAEBB298/Document%2010.pdf

crisis can be considered as a “child” of the “Cold Peace” since many issues of the European security remained unaddressed in the new post-cold-war order.¹⁴⁰

2.4. STRENGTHS AND WEAKNESSES OF THE ORGANIZATION

It is important to consider the fact that the OSCE has faced different challenges in the last decades and thanks to its experience, the organization has identified some of its weak and strong features. Thus, the purpose of this section is to understand the challenges and the internal problems of the OSCE, and the characteristics that make the OSCE a unique organization.

Some difficulties that the OSCE faces nowadays refer to the decision-making process which is still weak. There is a lack of leadership and the funds are insufficient to cover the cost of all the functions that the OSCE has nowadays. In addition, many of the OSCE reports are confidential or non-accessible and many of the dialogues are categorized as hidden diplomacy which prevents a larger public to know the efforts of the organization to prevent or to solve conflicts.¹⁴¹ However, secret diplomacy deals with very sensitive topics and most of the time it is crucial for the talks to be hidden in order to increase the chances for success. Besides, the decision-making procedure has no legal binding and is consensus based, which is a good thing for the countries that do not want to compromise, and a real challenge for the implementation of the decisions taken. Another challenge is that the OSCE counts with a reduced number of personnel which makes difficult the fulfillment of its tasks.¹⁴²

On the other hand, one of the strengths of the organization in terms of peacebuilding, is that the OSCE is compromised to cooperate with the host

¹⁴⁰ Ibid.

¹⁴¹ Jonathan Dean, "OSCE and NATO: Complementary or Competitive Security Providers for Europe?" *The Institute for Peace Research and Security Policy at the University of Hamburg (ed.), OSCE Yearbook*, 1999, pp.430-433.

¹⁴² Emma J. Stewart, "Restoring EU–OSCE cooperation for pan-European conflict prevention." *Contemporary Security Policy*, 2008, pp. 271-272.

government and other civic organizations. In many occasions, the peacebuilding projects developed by the OSCE were beneficial to the local authorities and population. During the implementation stages, 75% of the staff working in the field was locally recruited and many people acquired professional experience in the field of peacebuilding, helping their own communities to achieve a stable peace. By these means, the process of democratization was reinforced and at the same time, the local capacity was built for the future hand-over of the activities.¹⁴³

Another important strength of the OSCE is that unlike other organizations the American predominance can be challenged. For instance, in NATO, the American position cannot be easily challenged by other members, while in the OSCE; the American predominance might be challenged by France, Russia or other States. An outstanding advantage in terms of cooperation is that Russia considers that the OSCE has the legitimacy to deal with the European security issues which can help the organization to act at the regional level. In its project for a Common and Comprehensive Security Model for Europe for the XXI century, Russia showed a strong interest to transform the OSCE into the predominant security organization in Europe. Some other European countries like France, Italy, Spain, have also kept alive a vision of a stronger OSCE.¹⁴⁴

This chapter addressed the core issues of the Organization for Security and Cooperation in Europe, explaining its history, evolution, structure, its concept of security, its strengths and weaknesses, and its relationship with other partner organizations. The Conference on Security and Cooperation in Europe (CSCE) was created as a multilateral forum for negotiation and dialogue between the West and the East during the Cold War. It was only at the end of the Cold War, in 1990, when the CSCE acquired permanent structures and has established the

¹⁴³ Ibid. pp. 266-284

¹⁴⁴ Jonathan Dean, "OSCE and NATO: Complementary or Competitive Security Providers for Europe?" The Institute for Peace Research and Security Policy at the University of Hamburg (ed.), OSCE Yearbook, 1999, p.432.

first field operations. Although the CSCE received the name of the Organization of Security and Co-operation in Europe, it is still not provided with a legal personality. In 1993, the Rome Council Decision was about to provide the CSCE' institutions with privileges, immunities and legal capacity.

However, only 17 of the 57 participating states have passed parliamentary legislation for the implementation of the 1993 Rome Decision. The lack of an agreed legal status was proved to be an important challenge in crisis situations. For example, in the case of the Ukrainian conflict, a rapid deployment was not possible because the OSCE did not have a legal status in Ukraine and the parliament had to negotiate and approve the status, immunities and privileges for the OSCE and its personnel.

The OSCE has been engaged in conflict prevention since the early 1990s, practicing mediation and providing dialogue facilitation in Eastern Europe, South-Eastern Europe, Central Asia and South Caucasus. An outstanding role in reducing the risk of conflict in the OSCE area is attributed to the OSCE Conflict Prevention Centre (CPC). The Conflict Prevention Centre (CPC), based in Vienna, is entitled to assist the participating States in all the stages of the conflict cycle. Thus, the CPC's tasks consist in facilitating dialogue among States through mediation, negotiation or arbitration, building confidence, with the implementation of the CBMs-confidence and security-building measures, and at the operational level the CPC assists the field operation through regional expertise, reports from the field or by developing responses to the emerging crises.

However, in a short historical timeline the configuration of the International System has changed drastically. The perceptions of security, threats, allies and enemies have changed significantly. Yet, the period of assimilation of these changes may have been too short since there is a significant mistrust and misunderstanding of the intentions of certain actors in the International System. Thus, this is one of the most important obstacles to achieve peace and stability in the OSCE area. The realist and liberal perceptions are projecting different

understandings of the role and actions of international actors which is prejudicial for the maintenance of peace and stability in the OSCE area. While some players may act according to liberal principles to achieve peace and stability, their actions may be interpreted from a realist point of view as an offensive/defensive strategy. The European Union, NATO and the OSCE are dealing with the European security in three different ways, although many of their tasks and approaches started to overlap in the last two decades. This overlap might be a challenge for the OSCE or a good opportunity for a better cooperation with these actors.

CHAPTER III: FROM PEACE TO CONFLICT, A HISTORICAL OVERVIEW OF THE CONFLICT IN UKRAINE

The aim of this chapter is to get familiar with the Ukrainian history to understand better the parties involved in this conflict, their views, needs and expectations. By doing so, it will be easy to comprehend the measures taken by the OSCE to de-escalate the conflict and establish the bases for a settlement. There are many factors which can influence and trigger the beginning of a crisis and it is usually a combination of several dysfunctionalities at the political and economic level, combined with a public dissatisfaction. Therefore, it is necessary to identify these dysfunctionalities in the Ukrainian context so we can analyze the OSCE monitoring actions in Eastern Ukraine. However, before understanding the root causes of the conflict, it is essential to have a brief overview of the Ukrainian history as a modern state with its political, social, cultural and economic dimensions.

3.1. EARLY UKRAINE (1569-1914)

To understand the political and ethnic configuration of modern Ukraine it is important to trace back the historical events that took place during the Polish-Lithuanian Commonwealth, which was an extensive territory formed by what we know today as: Poland, Lithuania, Latvia, Belarus, Ukraine and the Western border of the Russian Federation. In the following map, it can be appreciated the extensive territory of the Polish-Lithuanian Commonwealth.



Map of the Polish-Lithuanian Commonwealth 1569. Snyder, Timothy. *The Reconstruction of Nations: Poland, Ukraine, Lithuania, Belarus, 1569-1999*. Yale University Press, 2003.

From the historical point of view, it is very common to perceive Poland and Ukraine as two major enemies since they belonged to the same kingdom. However, in the Cossack Hetmanate¹⁴⁵ the language of administration and the currency used was Polish. In fact, the Polish nobility and the Cossack officers used more than two languages in the same territorial space: Latin, Polish and Ukrainian. After the failure of the Cossacks to reach a compromise with the Commonwealth, in terms of religious, legal, political and cultural rights, and the collapse of the Commonwealth itself, it is possible to talk about the origins of modern Ukraine.¹⁴⁶

¹⁴⁵ The Cossack Hetmanate was a Ukrainian Cossack state in central Ukraine between 1649-1764

¹⁴⁶ Timothy Snyder, *The Reconstruction of Nations: Poland, Ukraine, Lithuania, Belarus, 1569-1999*. Yale University Press, 2003, pp. 133-134

Muscovy or the Grand Duchy of Moscow, was an attractive ally for the Ukrainian Cossacks who were fighting for the toleration of the Orthodox religion in the Commonwealth, which was predominantly Catholic. Although they shared the same belief, they did not share the same language and during the negotiations of the Treaty of Andrusovo, the Cossacks and the Muscovites used translators. The Treaty of Andrusovo divided Ukraine along the Dnipro River; the right-bank Ukraine remained in the Commonwealth while the left-bank including Kiev was transferred lately to the Tsardom of Russia. Nonetheless, during the XVIII century the right-bank Ukraine was also annexed by the Russian Empire. The absorption of eastern Ukraine led to the imperial idea of Little Russia (Ukraine), White Russia (Belarus) and Great Russia (Muscovy).¹⁴⁷ The annexation of the right-bank by the Russian Empire had some consequences for the local people. Most inhabitants were Ukrainian-speaking peasants but the Polish gentry and the Jews represented one tenth each of the total population.

After the uprising in 1830, the Polish nobles were deprived of their privileges and transformed into poor peasants, fact that made them assimilate the Ukrainian culture and language. At the same time, the Russian Orthodoxy became the dominant religion, leaving a small minority of Catholics.¹⁴⁸ However, the Ukrainian landlords preferred to identify themselves with Catholic Polish nobles rather than Orthodox peasants. The Russian notion of “Ukraine” was the one corresponding to the left-bank where the very first articulation of Ukrainian patriotism took place at the University of Kharkiv in the 1820s. In the middle of the XIX century, many Kievans, mainly people of Polish descent, tried to bring closer the politics to the Ukrainian peasantry. The populism made Ukrainian peasants realize that they were Russians and the Ukrainian activists that they have Polish origins. However, the idea that Ukraine could be a separate nation from Russia and Poland was firmly denied.¹⁴⁹

¹⁴⁷ Ibid. pp. 134-136.

¹⁴⁸ Ibid. pp. 136-138.

¹⁴⁹ Timothy Snyder, *The Reconstruction of Nations: Poland, Ukraine, Lithuania, Belarus, 1569-1999*. Yale University Press, 2003, pp. 136-139.

3.2. UKRAINE IN THE XX CENTURY

In the XX century, the Ukrainian activists claimed the establishment of a Ukrainian state with “ethnic borders”. The idea of ethnic nationalism was brought by the children of Ukrainian peasants educated in Austria. The Ukrainians living in Austrian Galicia (which was a land in Western Ukraine, today the oblasts of Lviv, Ivano-Frankivsk and Ternopil) had more chances to succeed since they had the right to vote in parliamentary elections and form recognized political associations. However, in the XX century, during Stalin’s rule, Ukraine passed through the darkest moments of its history, when five million people died in the Great Famine (1922-1933) and tens of thousands were killed in the purges of the 1930s.¹⁵⁰

After 1930, Galicia was incorporated to Poland and Galician Ukrainians became Polish citizens. The fascist ideologies brought some hope for the Ukrainian nationalists who founded The Organization of Ukrainian Nationalists (Orhanizatsiia Ukrain’skykh Natsionalistiv-OUN). This was a terrorist organization and its goal was to fight for an independent Ukraine by violent means.¹⁵¹ On contrary, in Volhynia the national movements were absent in 1920s. Volhynia was a vast region of fields and forests and most of its inhabitants were working the land. Despite the Great Famine in Soviet Ukraine, most peasants were attracted more towards socialism and agrarianism and communism than to integral nationalism. In fact, many Ukrainian activists did not lose the hope that one day, Soviet Russia will bring social liberation.¹⁵²

During the World War II, Galicia and Volhynia were occupied three times by the Soviet in 1939, the Nazi in 1941 and the Soviet again in 1944. During the war, both occupiers committed many atrocities and induced a lot of suffering to the local population. But in 1944, a new policy of the Soviet was carried out to

¹⁵⁰ Timothy Snyder, *The Reconstruction of Nations: Poland, Ukraine, Lithuania, Belarus, 1569-1999*. Yale University Press, 2003, pp. 146-159.

¹⁵¹ *Ibid.* pp. 160-161.

¹⁵² *Ibid.* 162-169.

create “homogenous national spaces” which provoked thousands of forced deportation, genocide, hunger and reprisals.¹⁵³ After the death of Iosif Stalin in 1953, Nikita S. Khrushchev became the new leader of the Soviet Union. The new policy of Khrushchev intended to integrate Ukraine as much as possible in the Soviet System. Thus, in 1954 Crimea was ceded to Soviet Ukraine which increased the country’s territory in 44 000 km² and raised the population up to 268 000 inhabitants of whom 71 percent were Russian, 22 percent Ukrainian and the remaining 7 percent were Tatar.

In the name of the Russian people, Crimea was presented as a gift to Soviet Ukraine where several celebrations were organized to celebrate 300th anniversary of the agreement of Pereiaslav.¹⁵⁴ This celebration was the symbol of ‘reunification of Ukraine with Russia or the symbol of friendship and brotherhood between the two nations. With Khrushchev, a new era of relaxation of cultural restraints allowed younger writers, film directors, composers, artists in Soviet Ukraine to promote their national culture and language which suffered of russification during the Stalin’s rule.¹⁵⁵

In terms of industrial productivity, which was very important to the Ukrainian economy, Donbas and Dnieper region remained the most important regions of Soviet Ukraine’s industry. The Right Bank and Western Ukraine have also developed their industrial capacities during the 1970s. Brezhnev was also in favor of a pluralistic policy, supporting the cultural pluralism to build a community of Soviet people with different national distinctions instead of a homogeneous Soviet nation. Thus, in 1977 in a conference held in Tashkent it was called for mandatory teaching of Russian in the Soviet satellite countries, since Russian was supposed to be a language of cooperation and friendship between all the people of the Soviet Union. Many Ukrainian activists were against this policy because they were accused to flirt with the western notions

¹⁵³ Ibid. pp. 170-172.

¹⁵⁴ Magocsi, Paul R. *A history of Ukraine: the land and its peoples*. University of Toronto Press, 2010, pp.679-681.

¹⁵⁵ Ibid.

and ideas. The result was several arrests of intellectuals who criticized the Soviet system¹⁵⁶.

Despite all these political trends, the census of 1970 revealed that the Ukrainian identity and language were not affected, since 96 percent of all Ukrainians knew their native language. However, the language itself does not necessarily determine the national identity of individuals; the geographic territory and the culture can be associated with the Ukrainian national identity even in the case of Russian speakers in Ukraine.¹⁵⁷

In 1985, the party's new general secretary, Mikhail Gorbachev brought a revolutionary insight to the Soviet Union which could be resumed in two words: perestroika (restructuring) and glasnost (openness). For the first time, Soviet citizens were encouraged to openly criticize the system without any police repression. Gorbachev withdrew the Soviet troops from Afghanistan, improved the relationship with the United States and after the fall of the Berlin Wall, the Communist rule disintegrated in: Poland, Hungary, East Germany, Czechoslovakia and Romania.¹⁵⁸

Unlike the other Socialist Republics, Ukraine did not pass through a revolution to achieve independence. Ukraine declared itself as an independent democratic state on September 24th, 1991. To confirm the declaration of independence a referendum was held on the 1st of December 1991. The referendum was legitimized by the presence to polls of 80 percent of the eligible voters. Consequently, we can say that the transition process to democracy was a peaceful one.¹⁵⁹

¹⁵⁶ Ibid., pp.683-686.

¹⁵⁷ Paul R Magocsi, *A history of Ukraine: the land and its peoples*. University of Toronto Press, 2010, pp.687-691.

¹⁵⁸ Ibid. pp.693-694.

¹⁵⁹ Ibid. pp.700-701.

3.3. UKRAINE AFTER THE INDEPENDENCE

After its independence, Ukraine owned the world's third biggest arsenal of nuclear warheads: several intercontinental ballistic missiles and long-range bombers. Their atomic arsenal was larger than the France, China and United Kingdom combined. It was the heritage of the Soviet regime in Ukraine, although the launch codes were in Moscow. But after declaring its independence, Ukraine had to return all the nuclear weapons to Russia under the 1992 Lisbon Protocol.¹⁶⁰

Yet, before delivering all the weapons of mass destruction, Ukraine wanted to assure its territorial integrity by the United Nations Security Council members. The Conference on Security and Cooperation in Europe (today OSCE) organized the Budapest Summit where all five members issued declarations over the integrity of the Ukrainian national borders and assured in the Budapest Memorandum not to intervene in its political sovereignty.¹⁶¹

The first Ukrainian president and the one who led Ukraine to independence was Leonid Kravchuk. He was an advocate for a strong Ukrainian state, while his opponent during the 1994 presidential elections, Leonid Kuchma, was in favor for closer ties to Russia. Leonid Kuchma gathered 52.1 percent of the votes and Leonid Kravchuk, 45.1 percent, which indicates the ideological division in the Ukrainian society from the very first moment of the Ukrainian independence.¹⁶²

The new president, was about to stay in power for ten years until 2004. He promised to balance his policy among those who voted for a stronger Ukrainian State and those who want to maintain closer economic ties with Russia. In the middle of a political turmoil, the regime of Kuchma was perceived as criminal

¹⁶⁰ Andreas Umland, "The Ukraine Example: Nuclear Disarmament Doesn't Pay." *World Affairs Journal*, 2016, p.2. <http://dx.doi.org/>. Accessed October 2016.

¹⁶¹ *Ibid.*

¹⁶² GlobalSecurity, <http://www.globalsecurity.org/military/world/ukraine/kravchuk.htm>. Accessed October, 10, 2016.

and corrupt.¹⁶³ In 2004, during the Ukrainian presidential elections, both candidates Viktor Yushchenko and Viktor Yanukovich proclaimed themselves winners. Viktor Yushchenko was a western-oriented politician and a respected economist who advocated for a stronger Ukrainian state. On the other hand, Viktor Yanukovich was a candidate supported by the old regime. Viktor Yushchenko called for the citizens' support who gathered in Kyiv's Independence Square (Maidan) to protest the dual sovereignty. It was the beginning of the Orange Revolution, a nonviolent civil resistance movement.¹⁶⁴

In 2005, after several negotiations, Viktor Yushchenko was proclaimed as the new president of Ukraine until 2010 when he was not reelected for the second mandate. This time, the winner was Viktor Yanukovich who was raised in the industrial region of Donetsk, one of the most violent regions in Ukraine together with Crimea and Odessa during the collapse of the Soviet Union. Yanukovich was one of the main supporters of the Party of Regions since it was launched in 2000. Obviously, the Party of Regions whose members were former Soviet industrial directors and oligarchs, were in favor of closer ties with Moscow. In November 2013, Yanukovich retreated from a trade deal with the European Union and many protests erupted in Kyiv.¹⁶⁵

3.4. THE UKRAINIAN CONFLICT

The conflict in Ukraine has different dimensions. To understand better the needs of the civil society we shall analyze the conflict from a political, economic and cultural point of view. Yet, before analyzing the aspects of the conflict we shall comprehend and familiarize with the phases of the conflict cycle. The phases of

¹⁶³ Ibid.

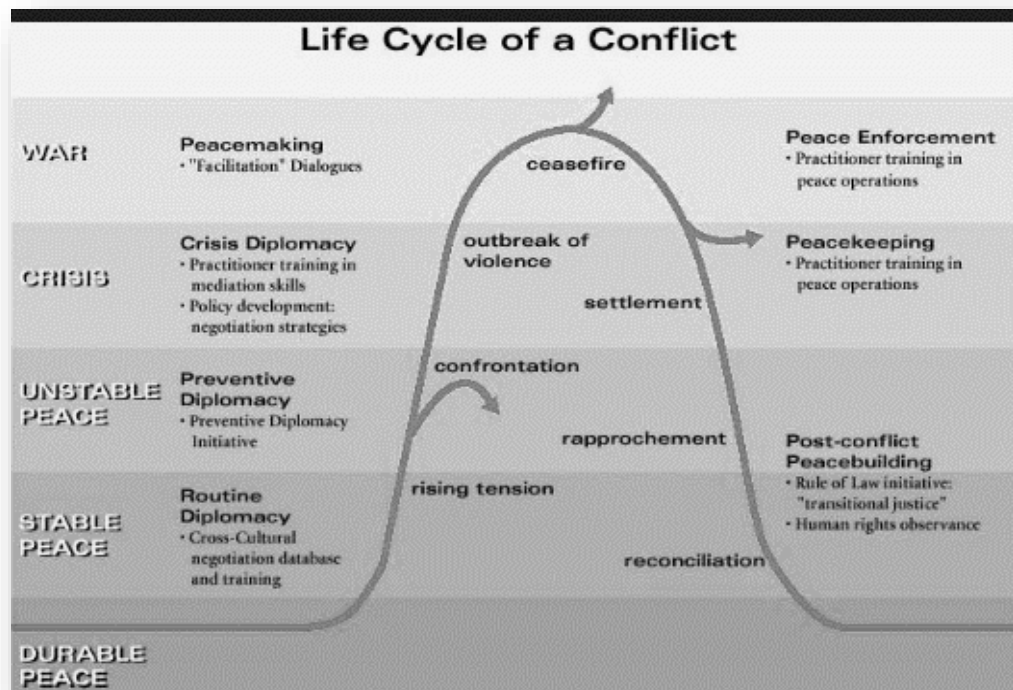
¹⁶⁴ Global Security., <http://www.globalsecurity.org/military/world/ukraine/yushchenko.htm>. Accessed October 10, 2016.

¹⁶⁵ Global Security., <http://www.globalsecurity.org/military/world/ukraine/yanukovich.htm>. Accessed October 10, 2016.

the conflict cycle will be explained according to the interpretation of conflict by Michael Lund.

3.4.1 Phases of The Conflict Cycle

Identifying the phases of the conflict cycle is crucial for this case study, because the next chapter will analyze the tools and methods that the OSCE has used and applied in each one of the stages of the conflict. By doing so, it be can appreciate what the best practices and methods applied by the OSCE are. In the following representation, Michael Lund explains the life cycle of a conflict.



Life Cycle of a conflict. Michael S. Lund. *Preventing violent conflicts: A strategy for preventive diplomacy*. United States Inst of Peace Press, 1996.

Michael Lund argues that during a period of stable peace, tensions may raise and if preventive diplomacy is not very effective there might be confrontations that will lead to a period of unstable peace. If tensions keep rising, and there is an outbreak of violence, the diplomacy will try to develop negotiation strategies to

deal with the crisis. However, the culmination of the conflict is when the crisis is transformed into a war.¹⁶⁶

In this case, the parties involved or third parties, will facilitate dialogues to achieve a ceasefire and allow the peacemaking operations to implement their peace programs. Once the conflict is settled, the peacekeeping operations might take place, being followed by a phase of rapprochement corresponding to the post-conflict period, when different peacebuilding operations are carried out, to achieve again a durable peace.¹⁶⁷

3.4.2. Political Triggers of The Conflict

To comprehend the political nature of the conflict is necessary to have a short overview on Yanukovych's governance. One of the most important events during his mandate was the ratification, by the Ukrainian Parliament, of the extension of the Black Sea Fleet Accords for 25 years in return for cheaper gas. The first agreement of this type was signed in 1997 with a validity of 20 years. At that time, Ukraine had a debt of \$ 3 billion with the Russian gas supplier RAO Gazprom. The contract for the lease of the ports in and around Sevastopol, the usage of part of the Ukrainian fleet together with the payments for the transfer of the Ukrainian nuclear arsenal to Russia, was estimated around \$ 2.68 billion. The deal was about to clear the Ukrainian gas debt with Gazprom.

In the Accords was also mentioned that Ukraine will maintain the sovereignty over Sevastopol and Crimea.¹⁶⁸ The reason why Sevastopol and Crimea were mentioned in the Accords, was because immediately after the declaration of independence, in 1992, several pro-Russian political organizations active in Crimea, advocated for the secession of Crimea from Ukraine and annexation to Russia. Nonetheless, in 1993, the Russian parliament declared Sevastopol part

¹⁶⁶ Harold H. Saunders, Michael S. Lund, and Marc Howard Ross. "Preventing Violent Conflicts: A Strategy for Preventive Diplomacy." 1998, pp. 859-865.

¹⁶⁷ Ibid.

¹⁶⁸ Tyler Felgenhauer, Ukraine, Russia, and the Black Sea Fleet Accords. PRINCETON UNIV NJ, 1999., p.3. PDF Url: ADA360381

of the Russian Federation.¹⁶⁹ They claimed that Russia did not transfer Sevastopol's sovereignty when Crimea was transferred to Ukraine in 1954. The president of the Russian Federation at that time, Boris Yeltsin, condemned the parliament's decision and the United States immediately came out supporting Ukraine. However, in 1998, Crimea recognized Ukrainian sovereignty in their newly adopted Constitution, after the Russian parliament ratified the 1997 interstate treaty.¹⁷⁰

The problem of Sevastopol, Crimea and the Russian fleet, was on the table since the Ukrainian independence from the Soviet Union. Crimea is a strategically important location for the Russian Federation since Catherine the Great established a naval base at Sevastopol in the XVIII century, to secure the southern borders of the Russian Empire.¹⁷¹

In 2010, the Black Sea Fleet (BSF) became Russia's most obsolete fleet and had fewer vessels in the Black Sea than the Turkish Navy. However, it is expected that by 2020, the Black Sea Fleet will replace the obsolete operational frigates (warships) and it will introduce 15 new combat ships and diesel-electric submarines.¹⁷² By renewing the Black Sea Accords with Russia, Yanukovich sought to maintain stable the bilateral relations between Ukraine and Russia although he was strongly criticized by the opposition leaders.

3.4.3. An Economic Approach to The Conflict

From the moment of its independence, Ukraine's foreign policy oscillated between Brussels and Moscow. One of the reasons is that Ukraine went through several economic crises and tried to find economic opportunities in the European and Russian market. The European Union has considered Ukraine as a key

¹⁶⁹ Ibid. pp.6-12.

¹⁷⁰ Taras Kuzio, "Competing Nationalisms, Euromaidan, and the Russian-Ukrainian Conflict." *Studies in Ethnicity and Nationalism*, 2015, pp. 157-169.

¹⁷¹ Global Security., <http://www.globalsecurity.org/military/world/russia/mf-black.htm>. Accessed October 10, 2016.

¹⁷² Ibid.

partner within the European Neighborhood Policy (ENP) and Russia was engaged in recruiting Ukraine to join the Eurasian Customs Union (EACU) which encompasses a market open to 170 million people.

By accepting this offer, Ukraine would not be able to join the Eurasian Customs Union (EACU), the economic regional cooperation between Russia, Belarus, Armenia, Kazakhstan and Kyrgyzstan. On the other hand, by accepting the agreement on accession to the European Union, Russia would have not just lost a big market for its Customs Union, but it would have risked that a possible incorporation of Ukraine to NATO (as it was announced in the Bucharest Summit in 2008) would trigger the loss of its naval base in Sevastopol and its strategical position in the Black Sea. In addition, Ukraine is an important transit country for Russia's oil and natural gas exports to Western Europe and a great source of income for the Russian oil companies.¹⁷³

Due to economic crisis in Ukraine, the International Monetary Fund (IMF) approved \$ 15 billion bailout for Ukraine in 2011 establishing some conditions of policy change to reduce corruption and improve the country's economic situation. The reforms that the president Yanukovich had to carry out were very unpopular and provoked protests nationwide.¹⁷⁴ Thus, in 2013 Yanukovich rejected the assistance from the IMF and borrowed money on private markets by issuing ten-year Eurobonds.

At the same time, the new U.S. Federal Reserve monetary policy, raised the value of the U.S. bonds which had a negative impact on the Ukrainian bonds and the government was unable to maintain the policy of issuing Eurobonds. President Yanukovich turned to Moscow for help and Russia agreed to bailout Ukraine with \$ 15 billion, but in return the government had to reject the agreement on accession to the European Union, and many protests erupted in

¹⁷³Max Biedermann. "Ukraine: Between Scylla and Charybdis." *NCJ Int'l L. & Com. Reg.* 40, 2014, pp. 228-232

¹⁷⁴ International Monetary Fund (IMF)
<https://www.imf.org/en/News/Articles/2015/09/28/04/53/socar081110a>. Accessed October 11, 2016

Kyiv.¹⁷⁵ However only \$ 3 billion were transferred to Ukraine from Russia, because the president had to flee the country in the aftermath of shooting of civilians in the Maidan Square.

3.4.4. A Cultural Approach to The Conflict

The cultural approach to conflict is very important to understand where the Ukrainian citizens stand, and what their perceptions are about the parties involved. The history of nation building in Ukraine and the studies of some scholars about Ukrainian ethnicity, like Mykola Riabchuk, confirms that modern Ukrainian identity is a product of the XIX century.

Mykola Riabchuk uses the three stages of nation building of Miroslav Hroch, to defend his idea regarding the hybrid Ukrainian identity.¹⁷⁶ For instance, phase A of cultural interest is being associated by Mykola Riabchuk with the group of intellectuals from Austrian Galicia who discovered the local cultural Ukrainian heritage, and tried to inculcate masses with a culture-based identity in the phase B of national agitation. Riabchuk argues that the phase of national agitation was never entirely completed, since the movement was interrupted by the repression of the Russian rule in Eastern Ukraine.¹⁷⁷ However, in the Austrian part of Ukraine, the local peasants were transformed into Ukrainians by the end of the XIX century because they benefited from the liberal and constitutional Austrian rule.

After the annexation of Western Ukraine to the Soviet Ukraine, in the aftermath of the World War II, Stalin created a hybrid nation, each one with a different historical memory, in terms of accepting or rejecting the Soviet legacy. In Eastern Ukraine, the Soviet identity was institutionalized politically, which does

¹⁷⁵ Robert H. Wade, "Reinterpreting the Ukraine Conflict: The Drive for Ethnic Subordination and Existential Enemies." 2015, p. 365.

¹⁷⁶ Mykola Riabchuk, "'Two Ukraines' Reconsidered: The End of Ukrainian Ambivalence?" *Studies in Ethnicity and Nationalism*, 2015, pp.140-141.

¹⁷⁷ *Ibid.*

not imply that the local population was not feeling Ukrainian in cultural terms, fact that was proved by the results of the independence referendum in 1991.¹⁷⁸

In fact, it is not difficult to understand why there was a unanimous positive feedback at the independence referendum. However, it is crucial to comprehend that the hybrid Ukraine had different reasons to vote for a 'yes' in the referendum. For the non-Soviet Ukrainians, it was an important accomplishment of their struggle, while for the Soviet Ukrainians it was a response to the historical events and the disintegration of the Soviet Union. In order to defend this idea, Mykola Riabchuk gives the example of the presidential election which took place on the same day as the referendum. Two thirds of the votes were in favor of the former communist leader, which indicates that the majority of the society opted for the continuation of the old Soviet system.¹⁷⁹

Mykola Riabchuk insists that Ukraine is not divided ethnically between the west and the east, since Ukrainians predominate in all the regions of the country except for Crimea. However, he accepts that the levels of Russification are higher as we approach to eastern Ukraine, where in some regions like Donbas (Donetsk and Luhansk) the Ukrainian speakers are a minority. In cultural terms, the government of Yanukovych attempted to a re-sovietization of the textbooks in 2012 by passing a law meant to protect the minority languages, by allowing not to learn and use Ukrainian language. Many Ukrainians considered this policy as an existential threat to the Ukrainian language.¹⁸⁰

¹⁷⁸ Ibid. 140-143.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid. pp.143-147.

3.5. CONFLICT ESCALATION

Yanukovych's regime lost its legitimacy on the February 20th, 2014, when some shooters disrupted the Maidan protests killing fifty people. In the aftermath of these events, Yanukovych fled to Russia on February 22nd. However, the profound mistrust between the Western-oriented Ukrainians and the Russian-oriented ones, took place one day after Yanukovych left.¹⁸¹

On February 23rd, 2014, the interim government tried to pass a law which would have revoked the use of Russian language nationwide. In addition, there was an attempt to block the access to Russian TV, news and radio. President Putin has never recognized the new Ukrainian government as legitimate, but instead as a product of coup d'état. The most controversial aspect of the interim government was its coalition with the far-right Svoboda party, whose leader participated in the western negotiations and mediations to end the Maidan protests.¹⁸²

The Right Sector was another far-right political party that emerged during the Maidan protests and whose members were nationalist veterans who fought in Chechnya in the 1990s and some football hooligan gangs. They stand against the European Union and they reject democracy, however they are being tolerated by the Ukrainian government despite of their extremist actions. Russia used their extremist actions as a propaganda to support the pro-Russian activists in Ukraine.¹⁸³

The illegal intrusion of Russia into Ukrainian domestic affairs was justified by Kremlin as a necessary action to defend the Russian minority that felt threatened by the laws of the new government. Besides, after Yanukovych fled Ukraine,

¹⁸¹ Per Olga Zelinska's research: Who Were the Protesters and What Did They Want? Contentious Politics of Local Maidans across Ukraine, 2013-2014 we cannot classify all the protests as 'Euromaidan' since not all the protests were about the Ukraine's relationship with Europe. In many cities and towns across Ukraine there were protests which were focused on local demands and in other cities there were anti-Maidan protests as well.

¹⁸² Robert H. Wade, "Reinterpreting the Ukraine Conflict: The Drive for Ethnic Subordination and Existential Enemies.", 2015, pp. 365-366.

¹⁸³ International Crisis Group, "Ukraine: Running out of Time". Report No.231, 2014, p.10, <https://d2071andvip0wj.cloudfront.net/ukraine-running-out-of-time.pdf>. Accessed October, 2016.

the Black Sea Accords were abrogated and Russia needed navy access to Crimean ports. Thus, on February 27th, 2014, Russia started the illegal annexation of Crimea after a referendum was held in the peninsula.¹⁸⁴

If it is to consider NATO's declaration at the Bucharest Summit in 2008, that offered membership to Ukraine and Georgia, a NATO base in Crimea was a real possibility after Yanukovich fled Ukraine. An interesting fact is that after the annexation of Crimea, president Putin's popularity ratings were even higher than after the events in Georgia in 2008, which indicates that he counts with the support of the Russian population.¹⁸⁵

Many Western countries and Ukraine itself declared this referendum illegal. However, most of the population in Crimea is ethnically Russian and, as it was mentioned before, they attempted to reunite with Russia since the Ukrainian independence in 1991. Therefore, it is not difficult to believe that the political will of the Crimean people was to join the Russian Federation. Yet, it is true that, in order to be considered valid this referendum should have been approved by the Supreme Rada (Ukrainian Parliament), and this was not the case.¹⁸⁶

3.5.1. Conflict Escalation in Eastern Ukraine

Another two referendums were held in the eastern provinces of Donetsk and Luhansk on the 11th of May 2014. In the aftermath of these referendums, the separatists proclaimed themselves as the Donetsk People's Republic (DNR) and the Luhansk People's Republic (LNR). After both regions declared their independence they asked to be incorporated to the Russian Federation. However, Moscow's response was to approve and support the referendums, but it has never

¹⁸⁴ Robert H. Wade, "Reinterpreting the Ukraine Conflict: The Drive for Ethnic Subordination and Existential Enemies.", 2015, p. 366.

¹⁸⁵ International Crisis Group, "Ukraine: Running out of Time". Report No.231, 2014, p.19-20, <https://d2071andvip0wj.cloudfront.net/ukraine-running-out-of-time.pdf>. Accessed October, 2016.

¹⁸⁶ Christian Marxsen, "The Crimea Crisis—An International Law Perspective." *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Heidelberg Journal of International Law, 2014, pp. 367-391.

showed any intentions to proceed to the incorporation of these two territories to the Federation.¹⁸⁷

The regions of Donetsk, Luhansk, Dnipropetrovsk and Kharkiv are the main industrial regions of Ukraine with a population of 7 million people. In the 1920s these lands were given to Ukraine by the Bolsheviks. In the 2001 census, four million people in Donetsk were native Russian speakers but just 38% were ethnically Russians, and the same figures can be appreciated in Luhansk.¹⁸⁸

In April 2014, president Vladimir Putin explained his vision regarding the future of Crimea and Eastern Ukraine in his annual special direct line. Some of his answers were alternating among the historical nostalgia and its political strategy. For example, he reminded that *“Novorossiya (New Russia) back in the tsarist days – Kharkov, Lugansk, Donetsk, Kherson, Nikolayev and Odessa – were not part of Ukraine back then. These territories were given to Ukraine in the 1920s by the Soviet government. Why? Who knows. They were won by Potyomkin and Catherine the Great in a series of well-known wars. The center of that territory was Novorossiysk, so the region is called Novorossiya. Russia lost these territories for various reasons, but the people remained. Today, they live in Ukraine, and they should be full citizens of their country”*.¹⁸⁹

When he was asked if Eastern Ukraine would be supported as well as Crimea was, Putin replied that: *“Despite the events in Crimea, we should not lose our heads, but should proceed from realities. What are these realities today? First, we must admit that the ethnic composition of Crimea differs from that of southeastern Ukraine. These territories, as I just said, were transferred to Ukraine in the mid-1920s, and in 1954, Crimea was annexed to Ukraine for some reason as well. The ethnic composition of the population there is approximately 50–50. I have already mentioned that the final decision to return*

¹⁸⁷ International Crisis Group, “Ukraine: Running out of Time”. Report No.231, 2014, p.6, <https://d2071andvip0wj.cloudfront.net/ukraine-running-out-of-time.pdf>. Accessed October, 2016.

¹⁸⁸ Ibid. p.12.

¹⁸⁹ Official Internet Resources of the President of Russia, <http://en.kremlin.ru/events/president/news/20796>. Accessed October 11, 2016.

*Crimea to the Russian Federation was only based on the results of the referendum. When I saw these results, and saw for myself that almost all residents voted for joining Russia, I repeat, we had no other choice and there could have been no other decision. As for what is happening in southeastern Ukraine, we do not know for sure. But we believe that we ought to do everything we can to help these people defend their rights and determine their fate on their own. This is what we will fight for”.*¹⁹⁰

After the Russian incursion in the Ukrainian domestic affairs, the Ukrainian government was unable to mobilize resources of any type to confront the situation. The Admiral Igor Tenyukh declared that the military was in a very bad shape and there were just six thousand combat-ready troops in Ukraine. The Admiral was strongly criticized by its incapacity to give instructions to thousands of Ukrainian troops in Crimea. By the time he called for the withdrawal, half of the soldiers joined the Russian forces for higher salaries and housing for their families.¹⁹¹

On the other hand, controversial ‘counter-terror’ operations were launched in Eastern Ukraine but the government could not rely on the local police who seemed to be neutral at the beginning but they later joined the separatists. In addition, until February 2014, Russia was an ally of Ukraine and there were not any defense plans for the 2 000 km of badly secured borders with Russia. Thus, many alleged provocateurs or ammunitions could have been transferred to Donetsk and Luhansk, since the border with Russia was no longer under the control of the Ukrainian government after the tensions in the south east.¹⁹²

In terms of western support, the Western countries are reluctant to send military advisers since they do not know how many Russian infiltrators are dealing with.

¹⁹⁰ Official Internet Resources of the President of Russia, <http://en.kremlin.ru/events/president/news/20796>. Accessed October 11, 2016.

¹⁹¹ International Crisis Group, “Ukraine: Running out of Time”. Report No.231, 2014, p.9, <https://d2071andvip0wj.cloudfront.net/ukraine-running-out-of-time.pdf>. Accessed October, 2016.

¹⁹² Ibid. p.7.

Therefore, they are not very keen on providing intelligence support which might end up into Russian hands.¹⁹³

3.5.2 The Conflict in Eastern Ukraine Nowadays

As it can be observed, the problem started internally and the conflict became internationalized just after Russia annexed Crimea. Since the conflict began as a domestic one, the solutions to the conflict in Eastern Ukraine might also be retrieved internally. In June 2014, Petro Poroshenko, a billionaire businessman, was elected to be the new president of Ukraine. However, around 15% of the electorate could not attend the polls in Donetsk, Luhansk and Crimea. After the Anti-Terror Operation was launched in the east, several Ukrainian forces were concentrated around the city of Donetsk in where the human loss was dramatically high since it was shelled several times, and its population dropped from almost 1 million to 600 000 people.¹⁹⁴

However, it seems that Kremlin was watching closely the events in Donetsk because the Russian assistance was always present when there was an important Ukrainian military offensive. Considering that there are just 50 km from Donetsk to the Russian border, it is obvious that the defense of the city can be immediately reinforced by Russian troops.

The first ceasefire was declared on the 5th of September after several negotiations in Minsk. However, none of the parties trusted this ceasefire because there were no concessions for the separatists while Kyiv was suspicious that this ceasefire will just allow the separatists to rearm themselves.¹⁹⁵ Regarding the separatist's expectations, it can be pointed out that their aspirations were not homogenous; for example, some of them hoped for incorporating their region to Russia, others

¹⁹³Ibid. 9-10

¹⁹⁴ International Crisis Group, "Eastern Ukraine: A dangerous winter", Report No.235, 2014, p.1, Retrieved from: <https://d2071andvip0wj.cloudfront.net/eastern-ukraine-a-dangerous-winter.pdf>

¹⁹⁵ Ibid. p.10.

wanted more autonomy while some advocated for a federal status within Ukraine.¹⁹⁶

This indicates that the Ukrainian government could solve this problem through very committed negotiations in which they shall be ready to grant important concessions to the separatists in the short or long term. Another important factor is that only certain people are strong supporters of the separatists, like pensioners and workers. After the annexation of Crimea, Russia made clear that the separatist regions are part of Ukraine and therefore, Ukraine should deal with its internal problem. However, when these regions faced an imminent threat by the Ukrainian military forces, Russia intervened militarily.¹⁹⁷

In this scenario of uncertainty, the civil society had to deal with more urgent matters. Many people did not have any resources, which means that their access to food and other basic items was limited. Besides, the pensions were not paid by the government and many people found extremely difficult or could not afford at all buying medicine or fuel during the winter time.¹⁹⁸

In the second Minsk agreement, two groups of negotiators set up the base for the de-escalation of the conflict. One group was formed by the representatives of Russia, Ukraine, the OSCE and the leaders of the self-proclaimed Republics of Donetsk and Luhansk. And the second group was formed by the French President François Hollande, the German Chancellor Angela Merkel, Russian President Vladimir Putin and the Ukrainian President Petro Poroshenko. The Minsk agreement called for an immediate ceasefire and the withdrawal of heavy weaponry from government and separatist held areas.¹⁹⁹

It is certain that the ceasefire diminished the number of casualties because it was supposed to disarm both parties of heavy armaments. But it was alleged that

¹⁹⁶ Ibid. p.10-11

¹⁹⁷ Ibid.

¹⁹⁸ Ibid. p.16.

¹⁹⁹ International Crisis Group “The Ukraine Crisis: Risks of Renewed Military Conflict after Minsk II”. Report No. 73, 2015, pp. 2-3, <https://d2071andvip0wj.cloudfront.net/b73-the-ukraine-crisis-risks-of-renewed-military-conflict-after-minsk-ii.pdf>. Accessed Sept. 2016.

once the observers left, both sides accused each other of taking back their weapons. In fact, three days after the agreement on the ceasefire, an important offensive took place in Debaltseve which is an important link between Donetsk and Luhansk and where the Ukrainian army suffered a crushing defeat.²⁰⁰ An important remark made by western military observers, pointed out that the Russian offensive may not be so decisive during the clashes that take place among the separatists and the Ukrainian army, but the incompetence of the Ukrainian military leadership.

The main issue they have encountered at the military level, is the military professionals' demoralization, because they are aware of the breach of security; and the Russian penetration in the military establishments of Ukraine during so many decades. On the other hand, they must also deal with high levels of corruption, deep-rooted in the Ukrainian institutions.²⁰¹

3.5.3. The Shift of Strategies

In 2016, Moscow changed its strategy regarding Donetsk and Luhansk. For the first time, Russia started to implement social policies in these territories, by paying pensions and giving social benefits and salaries to the separatist military forces. At the same time, Russian officers organized the militias in Donetsk and Luhansk, and the previous leaders lost control over their personal forces. To sum up, the Russian officers are now in command of the separatist units.²⁰²

Economically, the self-proclaimed Republics of Donetsk and Luhansk are dependent on Russian assistance, but at the same time there are high levels of corruption and many have found an economic opportunity by dealing with

²⁰⁰ Ibid. p.5.

²⁰¹ Ibid. pp.8-9.

²⁰² International Crisis Group, Russia and the Separatists in Eastern Ukraine, Report No. 79, 2016, p.8, <https://d2071andvip0wj.cloudfront.net/b79-russia-and-the-separatists-in-eastern-ukraine.pdf>. Accessed October 2016.

illegal coal shipments to Ukraine or Russia. The smuggling of drugs, goods or weapons is another important business on the black market.²⁰³

As far as Ukrainian government is concerned, since January 2016, a new approach started to circulate in Kyiv about the resolution of the conflict. The drastic idea of sealing the border and isolate the regions of Donetsk and Luhansk politically and economically, had been supported but also strongly criticized. The supporters of this idea, including the secretary of national security Aleksandr Turchynov and the speaker of Rada (Ukrainian Parliament) Andriy Parubiy, believe that people who live in the separatist areas are “brainwashed” and they should be “fenced off”.²⁰⁴

This idea would relief Ukraine from the economic burden of the Minsk agreement which foresees that Ukraine should pay for the rehabilitation and restoration of these regions. By isolating the separatist territories, Ukraine could pass this financial burden to Russia, which however did not agree to provide financial aid for the reconstruction or rehabilitation of the separatist regions.²⁰⁵

It is certain that this attitude will not promote the reconciliation between the citizens from the separatist areas and the rest of Ukraine, because the government is promoting a drastic measure which indicates that they gave up on their citizens from the conflict areas. Many of the people who live in the separatist areas have family in other parts of Ukraine, and the fact that they live in the separatist areas does not prove that they are supporters of the pro-self-government of Donetsk or Luhansk.

This chapter analyzed the conformation of Ukraine as a modern state. It was pointed out that the historical regions of Galicia, Volhynia, Right-bank Ukraine

²⁰³ Ibid. p.14

²⁰⁴ International Crisis Group, “Ukraine: The Line”, Report No. 81, 2016, p.10, <https://d2071andvip0wj.cloudfront.net/ukraine-the-line.pdf>. Accessed October 2016.

²⁰⁵ Ibid.

(on the right west bank of the Dnieper River) and Left-bank Ukraine (on the left east bank of the Dnieper River) have developed different levels of nationalistic attachment to the new independent Ukrainian state. For example, in Galicia region (Western Ukraine) is where the idea of ethnic nationalism was born in the first place and it was cultivated by the children of Ukrainian peasants educated in Austria. This is very important because the idea of Ukrainian nationalism was brought and spread from western Ukraine to the other regions. In Volhynia, most of the inhabitants were working the land and since their preoccupations and interests turned around the agrarianism and communism, they did not pay too much interest to integral nationalism.

In Eastern Ukraine, the Soviet identity was institutionalized politically, but it did not happen the same in Western Ukraine which was annexed by Stalin after the World War II. In this context, ethnical Ukrainians are located all over the Ukrainian territory (except for Crimea) but with a different historical memory in terms of accepting or rejecting the Soviet legacy.

However, it cannot be ignored the Ukrainian historical bound with Russia. In the 1920s, the Bolsheviks ceded some territories which are now part of Eastern Ukraine and in 1954, Khrushchev handed Crimea to Soviet Ukraine in the name of the Russian people, as a symbol of friendship and brotherhood. It was only after the disintegration of the Soviet Union when Ukraine declared itself an independent and democratic state. In the 1991 referendum, 80 percent of the eligible voters decided unanimously that Ukraine must be an independent state.

However, they were pretty divided vis-à-vis their political orientation. In the same day when the referendum was held, 52.1 percent of the electorate voted for Leonid Kuchma which was in favor of closer ties with Russia, while 45.1 percent votes for Leonid Kravchuk who was an advocate for a stronger Ukrainian state. As we can observe, there was an important ideological division in Ukraine since its declaration of independence. In 2004, the disputed dual sovereignty between Viktor Yushchenko (western oriented economist) and Viktor Yanukovich (a candidate from the old regime) initiated the Orange

Revolution, a nonviolent civil resistance movement, which helped Viktor Yushchenko to become president. However, he was not able to stay in office for the second mandate and Viktor Yanukovich won the elections in 2010.

Viktor Yanukovich grew up in the industrial region of Donetsk and he was a member of the Party of Regions, whose members were in favor of closer ties with Russia. During his governance, the Ukrainian Parliament approved the extension of the Black Sea Fleet Accords for another 25 years in return for cheaper gas. The Black Sea Accords consisted into leasing the ports in and around Sevastopol, and the shared use of the Ukrainian fleet, to ease the Ukrainian debt with the Russian gas supplier, Gazprom.

Therefore, it is easy to understand how strategically important Crimea and Sevastopol are for Russia; and that Yanukovich did not have many options on the table but renewing the Black Sea Accords with Moscow. In fact, a very important clause of the Accords was that Sevastopol and Crimea will remain under Ukrainian sovereignty. This clause was part of the Accords because, in 1992, several political organizations in Crimea advocated for the secession of Crimea from Ukraine and annexation to the Russian Federation.

Another important remark about Ukraine is that since its independence, the country had to deal with many economic crises. During Yanukovich's mandate Ukraine had to be bailed out by the IMF with \$ 15 billion at a very high political cost (implementing unpopular measures and changes at the institutional level). In 2013 Yanukovich rejected the assistance from the IMF and borrowed money on private markets. However, because of the new U.S. Federal Reserve monetary policy, he could not continue issuing Eurobonds and turned to Moscow for help. At the same time, the European Union offered Ukraine a new trade agreement within the European Neighborhood Policy (NEP). By accepting this offer, Ukraine could not join anymore the Eurasian Customs Union (CU), the economic regional cooperation between Russia, Belarus, Armenia, Kazakhstan and Kyrgyzstan.

By accepting the agreement on accession to the European Union, Russia would not have lost just a big market for its Customs Union, but it would have risked a possible incorporation of Ukraine to NATO (as it was announced in the Bucharest Summit in 2008) that would have led to the loss of its naval base in Sevastopol and its strategical position in the Black Sea.

Once Yanukovich rejected the accession agreement to the European Union, several protests erupted in Kyiv. After the shooting of civilians in the Maidan Square, president Yanukovich fled to Russia. The involvement of far-right groups in the negotiation with the European Union, in order to end the Maidan protests, and the intention of the interim government to revoke the use of Russian language nationwide, fomented a profound mistrust between Western-oriented Ukrainians and Russian-oriented ones. A few days after the president fled to Russia, a referendum was held in Crimea to decide its political future. Most people were in favor of the rapid incorporation of Crimea to the Russian Federation. The fact that Crimea was annexed to Russia, gave some hope to the eastern provinces of Luhansk and Donetsk that they will have the same destiny.

Therefore, a referendum was held and the Luhansk People's Republic (LNR) and the Donetsk People's Republic (DNR) declared their independence. Despite their high expectations, Russia has never showed any intention to incorporate these territories to the Federation. The only certain thing is that the Russian military support was always present to avoid a defeat against the Ukrainian army. It can be observed that in Eastern Ukraine, the needs and expectations of the separatists could have been satisfied if the government would have been entirely committed to negotiate with them; because not all the separatists wanted to incorporate their territory to Russia, some of them wanted more autonomy and other advocated for a different status within Ukraine.

However, anti-terror operations were launched in the East, which means that the separatists were considered 'terrorists'. The city of Donetsk was shelled several times and its population decreased dramatically. There was no attempt to supply the civil population in the conflict areas with resources and many

people run out of money, medicine and fuel. In 2016, Russia started to implement social policies in Donetsk and Luhansk by paying pensions to the elders, salaries to the officers and providing fuel for the winter time.

There were two Minsk agreements in which the parties signed a ceasefire but which was violated in both occasions. The cause of the ceasefire violations was the profound mistrust among the parties involved. On the other hand, the Ukrainian government was powerless since it could not fight with the Russian army and the Western countries are reluctant to provide any military advice since they are suspicious that the intelligence will end up in Russian hands.

In short, the Ukrainian government must deal with 2000 km of badly secured border with Russia, an endemic corruption at all levels and with security forces on which they cannot rely a 100% since they might not be entirely loyal to the Ukrainian State. However, sealing the border with Donetsk and Luhansk is not a good solution. A new idea started to circulate in Kyiv that fencing off the separatist areas would be the best to do since the people from Donetsk and Luhansk are “brainwashed”. This would have also relieved Ukraine from the economic burden of the Minsk agreements to pay for the rehabilitation of the afflicted areas, passing the financial task to Russia. If implemented, this measure will show that Ukraine gave up on its people in Donetsk and Luhansk.

CHAPTER IV: THE OSCE'S CONTRIBUTION TO CONFLICT RESOLUTION

The aim of this chapter is to highlight the contributions of the OSCE to conflict resolution by analyzing the reports of the OSCE Special Monitoring Mission on the field. The OSCE has been very active in Ukraine from the beginning of the crisis, and its ability to tackle with the monitoring of the ceasefire and the dialogue facilitation on the ground, has proved to be a successful combination to ease tensions between the parties. The first part of the chapter includes a summary of the OSCE Special Monitoring Mission's efforts on the ground, their challenges and observations. The second part of the chapter gathers the final conclusions and responds to the research questions formulated in chapter one.

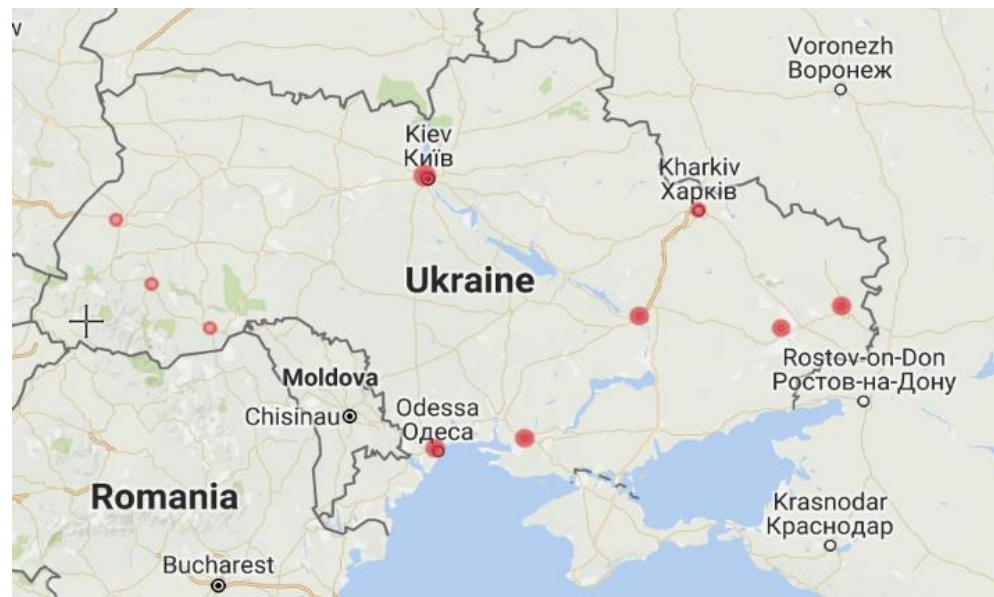
4.1. OSCE SPECIAL MONITORING MISSION IN UKRAINE

One of the most notorious contribution of the OSCE to conflict resolution was through their field mission. Since March 2014, the OSCE special monitoring mission, was entitled to gather information, facilitate the delivery of humanitarian aid, improve dialogue between conflicting parties, and report on the security situation in Ukraine.

On the 21st of March 2014, the Permanent Council of the Organization for Security and Cooperation in Europe decided the deployment of an OSCE special monitoring mission in Ukraine. The mission consisted in deploying international observers in Ukraine in order "to reducing tensions and fostering peace, stability and security". The responsibility of the mission was to monitor and gather information from the area of operation and report it. The report reflected the situation on the ground and also noted any restriction of freedom or difficulties that the mission or the national minorities were facing.²⁰⁶

²⁰⁶ OSCE. DECISION No. 1117, "Deployment of an OSCE Special Monitoring Mission to Ukraine". www.osce.org. N.p., 21 Mar. 2014. Web. 14 Feb. 2017.

The Special Monitoring Mission (SMM) has been deployed initially, for a period of six months, however its mandate was renewed as the host country, in this case Ukraine, requested it. The initial mission consisted in 100 civilian monitors deployed to the provinces of Kherson, Odessa, Lviv, Ivano-Frankivsk, Kharkiv, Donetsk, Dnepropetrovsk, Chernivtsi and Luhansk (see the map below), but the number surpass thousand by February 2017.



OSCE Special Monitoring Mission deployment in Ukraine. 2017,
Self-elaboration;

INEGI Imagery NASA, TerraMetrics, <https://www.scribblemaps.com/create/>

The Ukrainian government welcomed the decision on deployment of an OSCE Special Monitoring Mission on the grounds of the annexation by the Russian Federation of the Autonomous Republic of Crimea. In fact, the Ukrainian government requested this mission and it was approved by all 57 participating states of the OSCE.²⁰⁷

In the document on mission deployment, the United States and Canada condemned the Russian annexation of Crimea, claiming that the referendum held in the peninsula was illegal. On the other hand, the Russian Federation

²⁰⁷ OSCE. DECISION No. 1117, "Deployment of an OSCE Special Monitoring Mission to Ukraine". www.osce.org. N.p., 21 Mar. 2014. Web. 14 Feb. 2017.

expressed its will to participate in the OSCE special mission in order to foster national reconciliation and “the maintenance of peace, stability and security for all the country’s residents”.²⁰⁸

The fact that all participating countries agreed on the deployment of the OSCE Special Monitoring Mission despite having different opinions on the matter regarding the conflict in Ukraine, is a proof that a consensus based decision making process can be effective in a conflict context.

To understand the situation in Ukraine, it is important to acknowledge that the armed uprising in the regions of Donetsk and Luhansk triggered a series of measures taken by the Ukrainian government in order to respond to the crisis. The government relocated their personnel from hospitals, schools, prisons, banks, judiciary and residential care facilities and stopped the funding for these institutions in the regions of Donetsk and Luhansk. At the same time, the government ceased the payments of social benefits such as pensions to the people that remained in Donbas region (Donetsk and Luhansk).²⁰⁹

In order to have access to these payments, the residents from Donetsk and Luhansk were forced to move to another region under the control of the government and register as internal displaced persons. The government explained that the purpose of taking these measures was to avoid that the social benefits ended up in the hands of armed groups. However, it is hard to believe that a modest pension, around \$85/month, would finance heavy weaponry and war equipment for the separatists in eastern Ukraine.²¹⁰

The Special Monitoring Mission visited the facilities formerly financed by the government and their assessment raised awareness about the precarious humanitarian situation and its negative impact on the most vulnerable groups of

²⁰⁸ OSCE. DECISION No. 1117, “Deployment of an OSCE Special Monitoring Mission to Ukraine”. www.osce.org. N.p., 21 Mar. 2014. Web. 14 Feb. 2017.

²⁰⁹ OSCE, “Findings on Formerly State-Financed Institutions in the Donetsk and Luhansk Regions”. Issue brief no. SEC.FR/273/15. Web. 05 Feb. 2017. p.3

²¹⁰ Ibid. p.7

the population. The access to money is particularly difficult because the banks are closed and since the government did not effectuate the payment of pensions, people had to buy medicine from their own savings.

The importance of the OSCE Special Monitoring Mission to Ukraine is more than notorious since it is the only team able to monitor and assess the humanitarian situation in the eastern regions of Ukraine.

The OSCE's comprehensive approach to security does not only focus on the military branch of the conflict. The SMM has focused on other important issues that could have increased the tensions in the region. For example, the functionality of the water systems was affected by the fighting in Donbas region. The SMM facilitated ceasefires that allowed the repairing of water systems and provided civilians with affordable water in the areas of Luhansk and Donetsk.²¹¹ The shelling of the conflict areas, in this case the fighting around the water plant of Svitlychne, left around 20 000 people without access to piped water. This is a good example of the OSCE's impartial response since the water plant was under the control of the Ukrainian Armed forces which declared that the water station was hit by rockets that damaged the electrical infrastructure.

The OSCE has requested that both parties should avoid stationing their armed troops around any civilian infrastructure in order to avoid severe damage to the electric and water supply. According to the SMM report, the shelling of other water canals has left more than 500 000 residents without potable water in the regions of Donetsk and Mariupol. In order to collect water, civilians put their lives in danger by travelling to dangerous areas in the neighboring villages. Not only water was the shortage that had an impact on the local population, but the lack of gas supply and diesel, which affected the civilians' freedom of movement.²¹²

²¹¹ OSCE, "Access to water in conflict-affected areas of Donetsk and Luhansk regions". Issue brief. September 2015. Web. 21 Mar. 2017. pp. 3-4

²¹² OSCE, "Access to water in conflict-affected areas of Donetsk and Luhansk regions". Issue brief. September 2015. Web. 21 Mar. 2017. pp. 5-11

The SMM tried to facilitate the resolution of these problems affecting the lives of civilians, and in many occasions the SMM was successful to ensure local ceasefires and propitiate the safely execution of the repairs. However, there were many challenges in order to build up trust or coordinate the repairs due to intense shelling in the conflict zone. Thus, it is certain that the efforts of the Special Monitoring Mission focus on the human dimension, which is a part of the OSCE comprehensive approach to security.

Another issue affecting the citizens in Donbas region is the access to justice. The SMM report about the access to justice in Ukraine is another example how the OSCE's vision embraces different areas that can affect human rights and fundamental freedoms. One of the problem that the SMM is raising, is the absence of judicial services in the areas which are not under government control. After the seize of the government buildings by armed groups in April 2014, Donetsk and Luhansk regions established a parallel judicial system in order to provide an alternative to the absence of the Ukrainian legal system. However, the access to justice of the population in Donetsk and Luhansk is very difficult since there is a shortage of personnel and there is an important loss or destruction of case files. In addition, the loss of files affects the detention periods of detainees as prosecutors try to rebuild the cases. By September 2014, most of the courts and prosecution offices were relocated to another district.²¹³

The SMM emphasized that the lack of basic legal services, such as the issuance of birth and death certificates, selling or purchasing property, drafting wills or inheriting property, has left the parallel justice system as the only alternative to the local population. People can access the Ukrainian justice system only by travelling outside of the non-government controlled areas, and as it was explained before, travelling outside this area is not just very dangerous but extremely difficult.²¹⁴

²¹³ OSCE, "Access to Justice and the Conflict in Ukraine". Issue brief. December 2015. Web. 05 Feb. 2017. pp. 1-5

²¹⁴ Ibid. pp. 12-13

Thus, the citizens are dealing with an impossible situation where they cannot obtain even birth or death certificates, and if they are issued in Donetsk or Luhansk region, they are not recognized by the Ukrainian authorities.

Unfortunately, the lives of many innocent people were compromised in this fight. The conflict in Eastern Ukraine took an international dimension when Malaysia Airlines with 298 passengers was downed with a surface-to-air missile from separatists held territory. Neither Russia nor the rebels in Ukraine recognized their involvement into the Boeing 777 attack, however Dutch investigators established that the missile launch vehicle was brought to Ukraine from Russian territory, based on evidence collected from the separatists' social media and intercepted calls.²¹⁵

The role of the SMM was very important in a period of international tensions surrounding the tragic event of the Malaysia Airlines downing. The OSCE facilitated access for international experts to the crash site of Malaysia Airlines Flight MH17. The day after the downing of the plane, SMM members were the first international staff that arrived at the site of the crash in Eastern Ukraine. Since then, monitors have facilitated regular access for the collection of human remains, personal belongings and debris. The Special Monitoring Mission had the means and the jurisdiction for immediate deployment at the crash site, however, their presence has triggered a hostile response from the separatists in Eastern Ukraine.

In addition, the OSCE Special Monitoring Mission facilitated the ceasefire in Shyrokyne by March 2015, and conducted visits to hospitals, aid centers, orphanages and other locations in order to assess the humanitarian situation. They pointed out that there is an urgent need for medical and food supplies and hospital personnel to treat patients. They emphasized that the group at risk, in the conflict areas, are the old persons that face difficulties to access their

²¹⁵ Andrew Roth, "Dutch Probe: Missile Brought from Russia Downed Malaysia Airlines Plane over Ukraine." *The Washington Post*. N.p., 28 Sept. 2016. Web. 28 Mar. 2017.

pensions and on which they are dependent in order to purchase medicine and other basic items.²¹⁶

4.2. INTERNALLY DISPLACED PEOPLE IN UKRAINE

The UNHCR established that by July 2014, the number of displaced people in Ukraine reached 117 000 people. During their mission, the SMM interviewed internally displaced persons (IDPs) in order to understand their situation and their expectations or plans by the time the conflict will come to an end. For example, displaced people from Crimea did not have any intention to return to their homes, while displaced people from the eastern regions of Donetsk and Luhansk expressed their willingness to return back when the situation will be stable again and the destroyed infrastructure will be rehabilitated.²¹⁷

In terms of gender, most of the displaced people were women and children, since men prefer to stay at home and avoid the confiscation of the family's properties and women and children are sent out of the conflict areas. However, some of the IDPs are afraid to return home, since they received threats for moving to the government controlled areas, and when returning they might be perceived as traitors even by their own friends.²¹⁸

The OSCE is committed to obtain a realistic and accurate data in order to reflect the real situation of civilians affected by the conflict and understand their motivations to leave or to remain in the conflict areas. The most urgent matter for the displaced people is that in Ukraine there was no legal framework to protect and regulate internal displacement.

²¹⁶OSCE, "SMM Latest News as 8 of April 2015". <http://www.osce.org/ukraine-smm/reports>. Web. 27 Jan. 2017.

²¹⁷ OSCE, "Internal displacement in Ukraine". Issue brief. Web. 27 Mar. 2017. 12 August 2014, pp. 1-4

²¹⁸ OSCE, "Conflict-related Displacement in Ukraine: Increased Vulnerabilities of Affected Populations and Triggers of Tension within Communities". Issue brief, July 2016. Web. 01 Feb. 2017. pp. 9-10

In fact, the central government was criticized for providing limited funds to IDPs while the civil society organizations, NGOs and churches were providing humanitarian assistance to the newly arrived.²¹⁹

The interviewed people explained to the SMM that the increasing violence in the eastern regions, fear, risk of trauma for their children and precarious living conditions, determined them to leave their homes. The situation in the eastern regions was critical since most of banks and shops were closed, and social retributions were not paid by the Ukrainian government.²²⁰

The IDPs declared that only people with financial means can afford traveling and living in other regions. Some people had to remain in Donetsk and Luhansk in order to take care of sick relatives or elderly. Others declared that their relatives decided to move to Russia because they did not trust the Ukrainian government. The situation of the IDPs from Eastern Ukraine is very important for the post-rehabilitation phase of the conflict cycle. Fostering a good cohabitation with the host regions and being protected by the governmental institutions would have a positive impact on the healing process and reconciliation of the population in the aftermath of the conflict.

The OSCE has analyzed the situation of the IDPs from the legal point of view and has discovered that the situation of the displaced people from eastern Ukraine is more difficult since the government does not have any legal mechanism to provide them accommodation in the host regions. In addition, IDPs encountered many difficulties to obtain their social payments as pensions or child benefits in the host regions. In fact, displaced people got more help from locals, civil organizations or NGOs rather than the government.²²¹

However, one of the most important issue for the newly arrived was to find a job in order to finance their stay in the host regions. But their ability to find a

²¹⁹ OSCE, "Internal displacement in Ukraine". Issue brief. Web. 27 Mar. 2017. 12 August 2014, p. 5

²²⁰ OSCE, "Internal displacement in Ukraine". Issue brief. Web. 27 Mar. 2017. 12 August 2014, p.6

²²¹ Ibid., p.8

job is reduced since most of the displaced people are women with small children and the salaries are inferior compared to their home region.²²²

In 2016, the SMM observed that the situation of the IDPs in Ukraine has been aggravated from 2014. Some of the interviewed persons related that the host communities were supportive and generous at the beginning of the conflict, however after their resources were gradually depleted, their generosity was transformed into frustration or indifference. Besides, the attitude of the host communities towards females was friendlier than towards males, since many Ukrainian soldiers were serving in the conflict zone.²²³

Another concerning issue that was raised by the OSCE was the violation of freedom of movement of civilians from the areas affected by the conflict. The thematic report released on the 6th of May 2015, regarding the protection of civilians and their freedom of movement reflected the affliction of civilians from Donbas region. In order to address the security threats, the Ukrainian government adopted some measures to regulate travel into and out of the regions of Luhansk and Donetsk. Thus, all individuals, vehicles and cargo were required a special permit to travel into and out of the conflict area.²²⁴

As a part of its comprehensive security strategy, which includes the human dimension, the Special Monitoring Mission to Ukraine evaluated the impact of these measures on the free movement of civilians. The SMM realized that obtaining a special permit to travel was not only difficult but almost impossible, since the state administrations are inoperative and the civilians cannot obtain the required documentation. As a result, civilians cannot leave Donbas and humanitarian aid cannot be delivered to the people from the conflict-affected areas.²²⁵

²²² Ibid. p.9

²²³ OSCE, “Conflict-related Displacement in Ukraine: Increased Vulnerabilities of Affected Populations and Triggers of Tension within Communities”, July 2016. Web. 01 Feb. 2017. pp. 1-8

²²⁴ OSCE, “Protection of Civilians and their Freedom of Movement in the Donetsk and Luhansk Regions”, 6 May 2015. Web. 08 Mar. 2017. p.3

²²⁵ Ibid. p.4

Official sources declared that the permits can be collected 10 days after the application, at the checkpoints controlled by the government. The information required for the application must include the complete itinerary, reason for travelling and a valid passport. The permit might be denied if the person is considered as a threat to national security, but there are no criteria to establish such threats.²²⁶

The SMM observed many inconsistencies to the application of the Temporary Order of restricting freedom of movement. In some checkpoints as Krasnoarmiisk, people were not required to hold a travel permit, and in other locations, like Kondrashivka, civilians were not allowed to enter the province for food supplies. In addition, many others holding a valid travel permit were denied access without any justification.²²⁷ The SMM pointed out that there is an important lack of information regarding the issuance of the travel permit, and most of the people from the conflict areas do not have access to internet and must rely on the village council's assistance. In addition, the timeframe for obtaining a permit it is up to 45-50 days, a long period of time that can affect decisively the lives of civilians in need of assistance. For instance, in Donetsk region only 50 000 permits out of 90 000 applications were issued.²²⁸

The OSCE monitors have reflected in their reports the concerns of people across Ukraine and tried to provide an objective and precise vision of what is happening on the ground. The first step in any process is information on which policies can be built and address the problems which might affect the resolution of the conflict. The SMM has also monitored assisted evacuations organized by the Ukrainian government and volunteer organizations. The Government evacuated around 11 000 civilians and the volunteer organizations were highly active in evacuating especially people with disabilities, however from the entry into the force of the temporary order, the organizations had to obtain a permit in order to assist people from the conflict-affected areas.²²⁹

²²⁶Ibid. pp.4-5

²²⁷ OSCE, "Protection of Civilians and their Freedom of Movement in the Donetsk and Luhansk Regions". Issue brief., 6 May 2015. Web. 08 Mar. 2017. p.6

²²⁸ Ibid. pp. 7-8

²²⁹Ibid. p.13

A safer option to leave the conflict zones independently, is through the Russian Federation. However, most of the people choosing this option are women and children who can endure a long trip on a bus and possess a travel document.²³⁰ The SMM reported that travel restrictions delayed the delivery of humanitarian aid. For example, in Donetsk region, there was a lack of oxygen supplies in the hospitals and the oxygen supplies coming from Mariupol could not pass the government controlled checkpoints, and many hospitals could not perform surgeries.²³¹

4.3. THE SITUATION IN CRIMEA

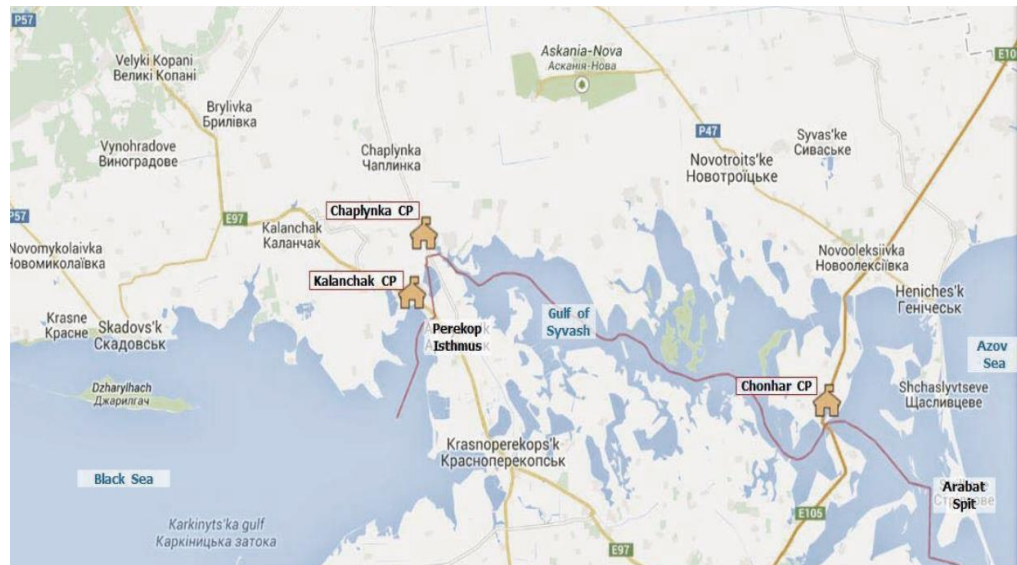
The free movement is one of the biggest concerns of civilians living in Crimea. The SMM has no jurisdiction to perform its tasks in the autonomous peninsula of Crimea, but has the responsibility to report facts and alleged violations of fundamental rights. The SMM has reported that from a total of 20 000 displaced people from Crimea, 10 000 were Crimean Tatars, who claimed to be detained, interrogated and expelled from the peninsula. But not only Tatar population has suffered since the annexation of the peninsula, in fact, from December 2014, passenger trains have been closed and there is no public transportation, by air or sea that connects Crimea with Ukraine's mainland.²³²

Before the beginning of the conflict, the territorial administrative unit of Crimea was delineated by the administrative boundary line (ABL) and its purpose was to define the territorial administrative unit of Crimea. However, at the present moment, the only way to cross the ABL is on foot or in private vehicles as it can be observed in the map below.

²³⁰ Ibid. p.12

²³¹ Ibid. p.14

²³² OSCE, "Freedom of movement across the administrative boundary line with Crimea". Issue brief no. SEC.FR/511/15, 19 June 2015. Web. 10 Jan. 2017. pp. 2-4



Map of the ABL between Crimea and the mainland, OSCE Special Monitoring Mission to Ukraine, “Thematic Report on the freedom of movement across the administrative boundary line with Crimea”, 19 June 2015.

After the annexation of Crimea, the Russian Federation established crossing points along this line. There are just three land crossing points: Chonhar, Kalanchak and Chaplynka, and since the annexation of the peninsula, the citizens who are willing to cross to the mainland, had to prove their Ukrainian citizenship, either by presenting a birth certificate or have a national passport.²³³ However, in order to obtain a new passport, it is necessary to travel to mainland Ukraine. The situation is much more complex since Russian citizenship was automatically imposed to all people residing in Crimea, except for the ones who expressed their intention to maintain the Ukrainian citizenship. Displaced people from Crimea reported to the SMM that without Russian citizenship is not possible to obtain a job, enroll in schools, perceive social benefits or sell and buy any property.²³⁴

²³³ OSCE, “Freedom of movement across the administrative boundary line with Crimea”. Issue brief no. SEC.FR/511/15., 19 June 2015. Web. 10 Jan. 2017. p.6

²³⁴ Ibid. pp. 6-7

Besides, the documents issued by the Crimean authorities are not considered valid, therefore people have to apply either for international Ukrainian passport or Russian international passport. People who engaged into these trips faced many difficulties such as searches of personal belongings, destruction of their Russian documentation and some of them were denied at the entry to the Ukraine mainland without any explanation.²³⁵

In this case as well, it can be appreciated the utility of the OSCE Special Mission, not only for their proximity to the civilians on the ground, but for reporting objectively the difficulties that people have in these problematic areas of the country.

²³⁵ *Ibid.* p. 7

CONCLUSIONS

After the end of the Cold War, the Conference for Security and Cooperation in Europe was envisaged by some European leaders, Hans-Dietrich Genscher (German minister of Foreign Affairs), Tadeusz Mazowiecki (Polish Prime minister) or President Vaclav Havel of Czechoslovakia, as the organization which was going to replace the military alliance in Europe. But in the view of Washington, the Conference for Security and Cooperation in Europe was a result of the Soviet initiative and NATO prevailed as a better option for the U.S. influence in Europe.²³⁶

One of the research questions was meant to determine if the liberal or realist view of the international relations explain better the OSCE's contribution to conflict resolution. In the realist view, the OSCE is ineffective to promote peace between states, and only responds to the interests of powerful states. The liberal school claims that the OSCE itself was based on liberal ideas of cooperation since it is a forum for multilateral dialogue whose aim was to avoid confrontation and promote peace and cooperation.

The disintegration of the Soviet Union and the end of the Cold War were not predicted by the realist scholars. Some of the neorealist thinkers such as Kenneth Waltz predicted that the Cold War will persist. As a consequence, neorealism was strongly criticized and the growing importance of NGOs, international organizations and multilateral corporations, triggered the revival of neoliberal thinking. Neoliberal thinkers such as Robert Keohane or Joseph Nye, argue that the post-cold war international system is more interconnected than ever from the economic, social and environmental point of view.

²³⁶ Sloan, Stanley R. "NATO's future in a new Europe: an American perspective." *International Affairs* (Royal Institute of International Affairs 1944) 1990, p. 7

Thus, cooperation is possible and beneficial for the states that share some common interests such as peace, social justice, prosperity and respect for the international law to maintain the international order.

In the same context of international organizations, the OSCE promotes the liberal view and democracy through its missions and institutions. Besides, the participating States share many globalized security challenges such as: the fight against terrorism, human trafficking and organized crime.

In fact, this entire thesis reflects the efforts and actions of the OSCE to promote peace and cooperation among its participating states. The Conference for Security and Cooperation in Europe (CSCE) was created as a multilateral forum for negotiation between the West and the East during the Cold War and it was successful to refrain the escalation of tensions among the hegemons by providing a common space for political dialogue.

During the Cold War, the OSCE Conflict Prevention Center was entitled to the implementation of the confidence building measures that were meant to keep informed both superpowers about the military maneuvers in the region, in order to avoid any unnecessary tensions. Thus, it is sound to say that the OSCE was successful to serve its purpose during the Cold War and lost most of its prominence after 1989 since in the following two decades, Russia was weak and dependent on the West.

However, in a short historical timeline the configuration of the international system has changed drastically. The period of assimilation of these changes may have been too short since there is a significant mistrust and misunderstanding of intentions of certain actors in the international system. Nevertheless, the misunderstanding and mistrust are the main obstacles to achieve peace and stability in the OSCE area. The change of the Russian Foreign Policy in the last decade, the annexation of Crimea and the ongoing conflict in Ukraine, revitalized the role of the Organization for Security and Cooperation in Europe.

The realist and liberal perceptions of security and cooperation, are projecting different understandings of the role and actions of international actors, which are prejudicial for the maintenance of peace and stability in the OSCE area. While some actors may act according to liberal principles to achieve peace and stability, their actions may be interpreted from a realist point of view as an offensive or defensive strategy.

The OSCE mission in Ukraine has proved to be effective to avoid the escalation of the conflict and from the beginning of the conflict has been engaged in activities related to conflict management, peacemaking or dialogue facilitation during the agreed ceasefires. As it was previously explained, the life cycle of a conflict must pass through different stages to achieve a stable peace. Considering the developments in the Ukrainian conflict, it is sound to say that the OSCE has been engaged into conflict management rather than conflict resolution. However, the aim of conflict prevention and conflict management is to achieve a durable peace or the resolution of the conflict.

Thus, the term used to define the aim of this thesis was chosen to indicate the culmination of the OSCE's efforts and its final purpose or aspiration, which is the resolution of the conflict. At the present moment, the conflict in Eastern Ukraine is considered to be an ongoing conflict which means that the resolution of the conflict has not been achieved yet. Therefore, in this context, the contribution of the OSCE to conflict resolution can be understood as the contribution to the path that will lead to the resolution of the conflict, because the conflict itself has not been settled yet.

However, conflict resolution is a process that involves many actors; if the State fails to provide the necessary conditions for the minority groups to feel secure and integrated in the State apparatus, the external actors have low chances to achieve the resolution of the conflict. The OSCE is able to support the transformation efforts of a State once the conflict is settled. However, the State should be ready and willingly to engage in the restoration of justice, protection

of minority rights, recognition of abuses, apologies or compensations to the victims.

On the other hand, this thesis has revealed that there is a need for improvement of the OSCE at different levels. As it was mentioned before, the CSCE received the name of the Organization for Security and Cooperation in Europe but it is still not provided with a legal personality. Despite a common decision to provide the CSCE's institutions with privileges, immunities and legal capacity, only 17 of the 57 participating countries have passed parliamentary legislation for the implementation of the 1993 Rome Decision. In the case of the Ukrainian conflict, the lack of an agreed legal status was proved to be an important challenge. The rapid deployment of the OSCE mission is not possible if the OSCE does not have a legal status in the host country. Thus, for the improvement of the organization, it is essential for the national parliaments of the participating States to pass the 1993 Rome Decision and negotiate the immunities and privileges of the OSCE and its personnel.

If the OSCE will have the chance to pass through a metamorphosis in order to become a stronger organization, with a recognized legal status, a well-coordinated plan of development of its institutions and policies, it can be politically more relevant to ensure the stability and peace in Europe. On the other hand, it is argued that the OSCE suffers of political marginalization since it competes with more effective actors such as NATO or the European Union. However, in today's context, there is a strong will to build an independent European security architecture, and the chances of considering the OSCE as a potential candidate, are much higher than before. It might not become the central instrument for the new security paradigm, but it might become an important pillar for reinforcing the peace and stability in the continent because of its valuable experience in dialogue facilitation and mediation. However, the reduced financial means of the OSCE and the decision-making process are two important problems that should be addressed, in order to gain more weight and credibility in the international system.

It is important to remember that all 57 participating countries reached consensus regarding the deployment of the Special Monitoring Mission to Ukraine, fact that proves the functionality of the organization even on a consensus based decision making process. In addition, at the institutional and administrative level, the OSCE has proved to work efficiently at headquarters and in the field, being an important tool of conflict resolution. In the context of the Ukrainian conflict, the Minsk Agreements are a proof that agreements can be reached if all parties are called to the negotiating table. The failure of these agreements should not counter the importance and efforts of the OSCE to avoid the escalation of the conflict. On the other hand, the failure of the Minsk Agreements emphasizes the fact that further efforts are needed to build-up confidence and trust among the parties.

The contribution of the OSCE to conflict resolution can be appreciated especially through their actions on the field. The special monitoring mission has monitored how the conflict has affected the living conditions of civilians in Donbas region and the rest of Ukraine. Because of the SMM's reporting, the rest of the world can learn about the problems that the civilians from the conflict areas are facing in terms of restriction of freedom of movement, shortage of water and food, access to adequate housing and other difficulties.

The Special Monitoring Mission in Ukraine tried to foster dialogue and prepare the path for reconciliation among the displaced people and the host population, the armed groups and the Ukrainian Armed forces. Besides, they observed and listened the grievances of the civil population on the both sides of the conflict. They fostered an atmosphere of temporary tranquility in order to allow the humanitarian aid to have access to the most affected areas. And even if many ceasefires were violated by both parties, the SMM focused on the needs and more urgent matters of the affected population, and repeatedly tried to facilitate the access to basic resources in the areas affected by the conflict. At the same time, the SMM reported the difficulties of the civilians to move freely from or

into Donbas region and Crimea, and condemned the scarce of medical supplies, basic items, and social payments for internally displaced people who remained in the conflict areas.

A very important feature of the SMM was the diversity of its staff; up to date, the SMM counts with 718 international monitors, coming from 44 OSCE participating countries. The diversity of the SMM may comfort some of the parties involved in the conflict, basically because of their nationality, and it also reinforces the objectivity of the mission itself. One of the most important task of the SMM was to monitor the ceasefires that were foreseen in the Minsk agreements, by verifying the withdrawal of heavy weaponry and foreign troops of the parties involved. Thus, the SMM's monitoring and reporting was essential to maintain the fragile stability in Ukraine.

In addition, the acceptance of the OSCE as a mediation instrument by all parties, proves the ability of this organization to foster peace and build up trust at the political and grassroots levels. In the past, the OSCE has been accused of double standards, by some of the participating States. Even if more than half of the participating countries are members of the European Union or NATO, they do not always act or speak harmoniously. For example, most of the Western Europe countries were reticent to impose further sanctions to Russia, due to the bad impact on their economies, while the Baltic countries and Poland were more belligerent towards Russia, because of their proximity to Russian borders and the fear that history may repeat itself.

Thus, NATO deployed troops in Central and Eastern Europe and increased its military exercises in proximity to the Russian borders. Hungary, Slovakia, Bulgaria and the Czech Republic did not want to endanger their economic relations with Russia and Germany and France chose to lead the dialogue between the West and Russia through diplomacy.²³⁷

²³⁷ Christian, and David Svarin. "Perspectives on the role of the OSCE in the Ukraine crisis." 2014, p. 15.

This perception that the OSCE might serve the purpose of some powerful states is not sound, and one important argument to support its impartiality is the special monitoring mission in Ukraine. The SMM has demonstrated in its daily reports that the international monitors are listening to all parties involved, and their observations do not discriminate against any group despite their political views.

It seems that the OSCE has served as a platform to ease the tensions between Russia and the West, in a context where other organizations could not intervene to mediate the sensitive political situation. The European Union has been perceived as one of the parties that triggered the conflict and NATO was even less acceptable to handle the crisis. The conflict in eastern Ukraine and the annexation of Crimea has granted an important role to the OSCE in terms of dialogue facilitation and monitoring of the Minsk agreements implementation. It can be argued that, from the beginning of the crisis, the OSCE has managed successfully the crisis by trying to prevent further escalation of the conflict and worked constructively to foster peace and cooperation.

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EK-1. ETHIC BOARD WAIVER FORM



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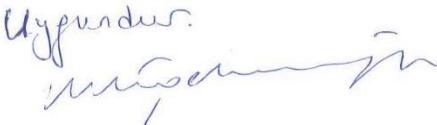
Date and Signature

Name Surname: GEORGIANA-MARIANA RUS
Student No: N14220085
Department: PEACE STUDIES
Program: M.A. PEACE AND CONFLICT STUDIES
Status: Masters Ph.D. Integrated Ph.D.

ADVISER COMMENTS AND APPROVAL

Approved

Prof. Dr. Müge Kınacıoğlu
(Title, Name Surname, Signature)

EK-2. ETİK KURUL İZİN MUAFİYETİ FORMU

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<p>DANIŞMAN GÖRÜŞÜ VE ONAYI</p> <p style="text-align: center;">Uygundur.  Prof. Dr. Müge Kinacıoğlu (Unvan, Ad Soyad, İmza)</p> <p>Detaylı Bilgi: http://www.sosyalbilimler.hacettepe.edu.tr Telefon: 0-312-2976860 Faks: 0-3122992147 E-posta: sosyalbilimler@hacettepe.edu.tr</p>

EK-3. THESIS/DISSERTATION ORIGINALITY REPORT



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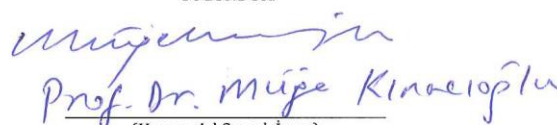
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Student No: N14220089
Department: PEACE STUDIES
Program: PEACE AND CONFLICT STUDIES
Status: Masters Ph.D. Integrated Ph.D.

ADVISOR APPROVAL

APPROVED.

Müsenin
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EK-4. YÜKSEK LİSANS/DOKTORA ORJİNALLİK RAPORU

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Tarih: 11/7/17
Tez Başlığı / Konusu: OSCE'S CONTRIBUTION TO CONFLICT RESOLUTION: A CASE STUDY OF UKRAINE
<p>Yukarıda başlığı/konusu gösterilen tez çalışmamın a) Kapak sayfası, b) Giriş, c) Ana bölümler ve d) Sonuç kısımlarından oluşan toplam 110 sayfalık kısmına ilişkin, 11/07/2017 tarihinde şahsim/tez danışmanım tarafından Turnitin adlı intihal tespit programından aşağıda belirtilen filtrelemeler uygulanarak alınmış olan orijinallik raporuna göre, tezimin benzerlik oranı %21. 'tir.</p>
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<p>DANIŞMAN ONAYI</p> <p style="text-align: center;">UYGUNDUR.</p> <p style="text-align: center;"> Prof. Dr. Müge Kınacıoğlu (Unvan, Ad Soyad, İmza)</p>

