



# Frozen ground: Role of the OSCE in protracted conflicts

Recommendations for Slovak OSCE Chairmanship

*Klaudia Báňaiová, Samuel Goda, eds*



25 years of foreign policy expertise

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# OSCE on frozen ground

*Klaudia Báňaiová, Samuel Goda*

Resolving frozen conflicts has been a concern in the OSCE region for over two decades as they have a significant impact on the European security environment (among other things). After the end of the Cold War, the political reconciliation of the major rival states in 1989 brought about a twofold situation in Europe. First, it led to the end of Soviet domination and collapse of the communist regimes in eastern Europe and the beginning of cooperation between OSCE participating states based on the normative principles of the OSCE. Second, pressure on two states in the OSCE region, the Socialist Federal Republic of Yugoslavia and the Soviet Union, led to significant disagreements and conflicts. The disintegration of the Socialist Federal Republic of Yugoslavia was violent and resulted in several wars that had a significant effect on the security environment in the 1990s. In the case of the Soviet Union, it initially seemed that the self-determination the various states had taken place in a peaceful way, but history, and current developments show that this process in fact provoked a number of local conflicts that are still having a significant impact on the security environment of the OSCE.

Despite the fact that these conflicts continue to exist in the OSCE region in the form of “frozen” conflicts and exert a significant impact on the European security environment, they remained outside the long term interests of the international community. Greater attention began to be focused on the frozen conflicts in the post-Soviet area as a result of the crisis in and around Ukraine, a country embroiled in armed conflict and deadlock, as there is still no end in sight regarding the implementation of the Minsk Agreements.

An important feature of frozen conflicts that cannot be overlooked is that it is not the conflict that is frozen, but the peace process and the pathway to a peaceful end. With both the process of conflict management and the relations between the conflict parties frozen, a Mexican standoff develops, leaving long-term instability in the conflict region. Nonetheless, the conflict itself is still ongoing in the conflict regions, living out its own dynamics, and in some cases this may also mean even greater escalation.

In addition to this basic feature, conflicts in the former Soviet countries are characterized by other important common features. All conflicts are separatist, based on ethnic nationalism, with the ethnic kin and foreign patrons of separatism playing an important role. All sides in the conflict are convinced that the conflict is existential and therefore that victory without

compromise is needed to end it, but at the same time they have no hope of the conflict ending and being resolved in the near future.<sup>1</sup>

The conflicts in the post-Soviet area have, with few exceptions, been ongoing since the 1990s, which means they have strongly affected all areas of life in the conflict regions and to a large extent influenced the regions' development in various areas. Conflict regions are characterized by a higher degree of organized crime; radicalization, that in some cases leads to terrorism; negative economic determinants, such as high unemployment, that result in poverty and weak or no economic development; and the suppression of fundamental human rights and freedoms. The OSCE can be understood as having one of the most active and effective approaches to protracted conflicts. The "OSCE provides a framework for the design and implementation of practical multitrack efforts that connect regional, national and local platforms for peace,"<sup>2</sup> and works in all areas affected by protracted conflicts, as the areas reflect the dimensions in which the OSCE operates – politico-military, economic and environmental and human.

The OSCE, since this challenge to security – protracted conflict – has developed a remarkable framework of mechanisms and procedures for strengthening its capabilities for effective mediation and dialogue facilitation.<sup>3</sup> This is in addition to the basic documents dealing with the peaceful resolution of conflicts and that represent the basic framework for the entire conflict cycle – early warning, prevention, conflict resolution, crisis management and reconciliation. From the structural point of view, the OSCE also has a variety of actors, mechanisms and procedures. First there is the Chairperson in Office, its Special Representatives, Secretary General and the director and support staff from the Conflict Prevention Center and, last but not least, the field missions which operate directly on frozen ground. Dialogue facilita-

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<sup>1</sup> "Protracted conflicts in the OSCE area," Hamburg: OSCE Network of think tanks and academic institutions, 2016. Available online: [http://osce-network.net/file-OSCE-Network/documents/Protracted\\_Conflicts\\_OSCE\\_WEB.pdf](http://osce-network.net/file-OSCE-Network/documents/Protracted_Conflicts_OSCE_WEB.pdf) (accessed on December 20, 2018).

<sup>2</sup> "Food-for-thought paper on conflict resolution in the OSCE area," Conflict Prevention Centre, 2013. Available online: <https://www.osce.org/sg/104527?download=true> (accessed on December 20, 2018).

<sup>3</sup> Helsinki Final Act, Charter of Paris for a New Europe; Prague Document on Further Development of CSCE Institutions and Structures; Helsinki Document – The Challenges of Change; Stockholm Ministerial Council Document; Istanbul Charter for European Security; Ministerial Council Decision No. 8 on the Role of the OSCE Chairmanship-in-Office; 10 Chapter I Strategy to Address Threats to Security in the Twenty-First Century; Astana Commemorative Declaration – Towards a Security Community; Ministerial Council Decision No. 3/11 on Elements of the Conflict Cycle, Related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict Rehabilitation and many others.

tion in specific cases concerning national minorities or human rights is the responsibility of the High Commissioner on National Minorities (HCNM) and the Office for Democratic Institutions and Human Rights (ODIHR). The main OSCE procedures for preventing or facilitating dialogue between the conflict sides are the Vienna CSBM Document, Stabilizing Measures for Localized Crisis Situations, the Valletta Mechanism, Provisions for an OSCE Conciliation Commission and for Directed Conciliation, and the Convention of Conciliation and Arbitration of the CSCE.<sup>4</sup> “Through them, the OSCE can act as an unbiased mediator, facilitate contacts and dialogue, provide bipartisan fact-finding and assessments, promote and facilitate confidence building in the military and non-military spheres, encourage and support reconciliation processes as well as grass root contacts and exchanges between journalists and civil society representatives.”<sup>5</sup>

Based on the above mentioned and on the specific character of the OSCE, the organization is involved in a number of “defreezing” activities. Regarding the protracted conflicts in the post-Soviet area, the OSCE is actively involved in the official mediation procedures and formats – the “5+2” negotiation process on the Transnistrian settlement, the Minsk Group in the case of the Nagorno-Karabakh conflict, and the Geneva International Discussions in the case of the South Caucasus and Trilateral Contact Group on Ukraine.

The OSCE has a main coordinating role in the Transnistrian settlement process and is involved in the negotiation process from the beginning. After signing the main document regulating the principles of conflict settlement in 1992, the OSCE was invited to be guarantor together with Ukraine and Russian Federation. The EU and US were nominated as observers. This format, also called the “5+2” *negotiation process*, was formalized by a memorandum signed in 1997. Despite the seemingly positive developments, the conflict would become even more frozen in the years that followed. The negotiation format was affected by differences between the conflict sides and between other negotiators. These disagreements culminated during the adoption of the Kozak Memorandum, which was rejected by Moldova after being pressurized by the OSCE and other western members into the process. It led to a six-year deadlock over the format, during which no meetings took place. In 2011 formal negotiations resumed and certain shifts on human rights, freedom of movement and humanitarian, environmental and economic issues were achieved. The fundamental breakthrough, however, occurred only after 2016. On the one hand, the dynamics of the conflict began to be

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<sup>4</sup> “Mediation and dialogue facilitation in the OSCE,” OSCE Conflict Prevention Centre, 2014. Available online: <https://www.osce.org/secretariat/126646> (accessed on December 20, 2018).

<sup>5</sup> C. Neukirch, “The OSCE and the Frozen Conflicts,” *Strategie und Sicherheit* Vol 2014, No. 1, 2014, pp. 609–616.

influenced by geopolitical developments and intra-political developments on the conflict sides. On the other hand, the “5+2” format had begun operating under an output based approach, aiming to develop and implement practical outputs to advance the settlement process. A tangible result of this output based approach was the identification of a package of eight priorities (focused on small steps aimed at improving the lives of citizens) and the implementation five of them.

The conflict over Nagorno-Karabakh is corroboration of the claim that in frozen conflicts the status quo is peaceful and military clashes can occur anytime. The “four-day war,” which broke out in April 2016, and which is the largest armed conflict between Azerbaijan and Armenia since 1994, is evidence of this. Unlike in other protracted conflicts, there are no peace-keepers on the ground, and the peace process has reached deadlock. The OSCE has been mediator in this conflict since 1992, when the *Minsk Group* was formed with the participation of France, the United States and Russia as co-chairs. The co-chairs of the Minsk Process have met several times since the beginning of the new millennium to identify the necessary steps and principles that would lead to the peaceful settlement of the conflict over Nagorno-Karabakh. Despite a number of meetings between Azerbaijan and Armenia representatives, no such principles have been adopted to date. In addition to the Minsk Process, the OSCE is also present through the OSCE Personal Representative of the OSCE Chairperson in Office. He and his team are trying to implement confidence building measures and move closer to effective peace negotiations. Despite this and developments after 2016, the situation on the contact line is still tense and further developments hard to predict.

Another complicated example of a frozen conflict is the situation between Georgia and Abkhazia and South Ossetia. The conflict over the status of these two entities developed into armed clashes in 1991–1992 in Ossetia’s case and in 1992–1994 in Abkhazia’s case. In both cases, ceasefire agreements were signed, and this de facto froze the conflict for the next few years without there being a move towards a solution. A significant change, and in this case a “defreezing” in the conflict, occurred in 2008 during the Russian–Georgian War and the subsequent recognition of the independence of Abkhazia and South Ossetia by the Russian Federation. Following these events, which ended the existence of 90-year agreements, a new format called the *Geneva International Discussion*, which brings together representatives of the Russian Federation, USA, Georgia and Tskhinvali and Sukhumi, emerged under the auspices of the EU, the OSCE and the UN. Since 2008, the Geneva discussion has been organized almost 50 times. This format works in two different areas. The first Working Group deals with security and stability and the second is focused mainly on humanitarian issues such as the return of refugees and internally displaced persons. However, up to now none of the

working groups have been able to reach an agreement in accordance with their agenda. Despite the implementation of practical CBMs on the ground and thanks to the cooperation of international organizations, the debate seems to be ongoing, but there is no compliance between states that would bring about a shift towards conflict resolution.

The latest conflict in the OSCE region which seems to be frozen is the conflict in Eastern Ukraine. It began in 2014 when the Russian Federation violated international law and the principles stemming from the Helsinki Final Act when it annexed Crimea. Further developments escalated into armed confrontation in the east of Ukraine in the Donbas region. In this case, the OSCE responded very promptly and, after the treaty of accession of Crimea was approved by the Russian Federation at the Federation Council on March 21, 2014, it deployed a nonmilitary Special Monitoring Mission to reduce tension and promote peace, stability and security, and to monitor and promote the implementation of all OSCE standards and commitments. The *Trilateral Contact Group on Ukraine* is the official mechanism aimed at supporting a diplomatic solution to the conflict through the implementation of the Minsk Agreements (agreements on a ceasefire, weapons withdrawal and conflict settlement). The participants of this group are the Russian Federation, Ukraine and the OSCE and its work is divided among working groups dealing with security, economic, humanitarian and political affairs. In addition, the OSCE seeks to contribute to solving the conflict and mitigating its negative impacts on the domestic population through the OSCE Project Co-ordinator in Ukraine, the OSCE Observer Mission at the Russian Checkpoints of Gukovo and Donetsk and through the activities of the Special Representative of the OSCE Chairperson – Office in Ukraine. Despite the many activities undertaken to support the peaceful settlement of the conflict (not just by the OSCE), conflict resolution is remote. The Russian Federation has not yet admitted its involvement in this conflict, blocking the work of different formats designed to resolve the conflict at a high diplomatic level (for example, the Normandy and Volker-Surkov formats).

Despite the fact that the OSCE has a sophisticated toolbox for conflict resolution, none of the frozen conflicts in the post-Soviet area are near to peace settlement. This is because of several factors. On the one hand, there is the nature of conflict itself – no frozen conflict is the same; each requires a specific approach to management and resolution. It is also a direct consequence of the second fact that greatly affects developments in conflicts, and that is the political will of the conflict sides. And this is a challenge for the OSCE and, in particular, for its chairmanship, through which it has to convince the conflict sides that conflict resolution will be more beneficial to all parties than keeping the status quo.

Given the current situation within the OSCE region, with an emphasis on the conflict in Ukraine, and the overall state of the European security

environment, exploring new opportunities that have the potential to help resolve the frozen conflicts is an inherent part of the OSCE Chairmanships. Slovakia, which takes over the chairmanship at the beginning of 2019, will be no exception. According to the Minister of Foreign and European Affairs of Slovak Republic, Miroslav Lajčák, one of the main priorities of the Slovak OSCE Chairmanship is to bring the OSCE closer to the people and above all to improve their security and safety in conflict areas.<sup>6</sup>

Therefore, the main aim of this book is to present the current state of the frozen conflicts in Moldova (Transnistria), Azerbaijan (Nagorno-Karabakh), Georgia (Ossetia and Abkhazia) and Ukraine (Crimea, Donetsk and Luhansk). The chapters are written by experienced local experts who identify areas, practical steps and recommendations for the OSCE and Slovak Chairmanship to focus on in 2019, which, if implemented, could shift the situation in conflict areas in a positive direction.

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<sup>6</sup> “Minister Lajčák Meets with OSCE Secretary General Thomas Greminger,” Permanent Mission of the Slovak Republic to the Organization for Security and Co-operation in Europe in Vienna, December 18, 2018. Available online: [https://www.mzv.sk/web/pmvienna-en/detail/-/asset\\_publisher/XptbLMywZmJ6/content/minister-lajcak-rokoval-s-generalnym-tajomnikom-obse-thomasom-gremingerom/10182?p\\_p\\_auth=hI5tIhKA&\\_101\\_INSTANCE\\_XptbLMywZmJ6\\_redirect=%2Fweb%2Fpmvienna-en](https://www.mzv.sk/web/pmvienna-en/detail/-/asset_publisher/XptbLMywZmJ6/content/minister-lajcak-rokoval-s-generalnym-tajomnikom-obse-thomasom-gremingerom/10182?p_p_auth=hI5tIhKA&_101_INSTANCE_XptbLMywZmJ6_redirect=%2Fweb%2Fpmvienna-en) (accessed on December 20, 2018).

# Russia–Ukraine conflict: What can the OSCE do? Proposals for Slovakia's 2019 OSCE Chairmanship

*Maksym Khylko, Oleksandr Tytarchuk*

## Where we are now: Impact of the conflict on the security situation

The year 2014 became a turning point in the history of the OSCE region with the obvious violation of the Helsinki Final Act of 1975 through the Russian Federation's illegal annexation of the Crimean Peninsula, part of Ukrainian territory. Due to "post-revolution" shock and confusion, the Ukrainian side was not prepared for such a development, and the annexation of Crimea was conducted without military clashes. However, attempts to perform a similar scenario in the eastern Ukrainian region of Donbas resulted in military confrontation between Russian forces<sup>1</sup> and local militants on the one side, and the Ukrainian Armed Forces, National Guard and volunteer battalions on the other side.

In 2014–2015, mediation by the OSCE, as well as France and Germany, helped to broker agreements on a ceasefire, weapons withdrawal and conflict settlement, namely, the Protocol on the results of consultations of the Trilateral Contact Group, signed in Minsk on September 5, 2014;<sup>2</sup> the Memorandum of September 19, 2014 outlining the parameters for the implementation of the

<sup>1</sup> For example see: M. Czuperski, J. Herbst, E. Higgins, A. Polyakova, D. Wilson, "Hiding in plain sight: Putin's war in Ukraine," Atlantic Council, May 2015. Available online: [http://www.atlanticcouncil.org/images/publications/Hiding\\_in\\_Plain\\_Sight/HPS\\_English.pdf](http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf); S. Case, K. Anders (accessed on November 28, 2018), „Putin's undeclared war: summer 2014 – Russian artillery strikes against Ukraine,“ Bellingcat, December 21, 2016. Available online: <https://www.bellingcat.com/news/uk-and-europe/2016/12/21/russian-artillery-strikes-against-ukraine/> (accessed on November 28, 2018); I. Sutyagin, "Russian forces in Ukraine," Royal United Services Institute, 2015. Available online: <https://rusi.org/publication/briefing-papers/russian-forces-ukraine> (accessed on November 28, 2018).

<sup>2</sup> "Protocol on the results of consultations of the Trilateral Contact Group, signed in Minsk, 5 September 2014," OSCE, September 5, 2014. Available online: <https://www.osce.org/home/123257> (accessed on November 11, 2018).

commitments of the Minsk Protocol of September 5, 2014;<sup>3</sup> and the Package of Measures for the Implementation of the Minsk Agreements, agreed by the Trilateral Contact Group at the Summit in Minsk on February 12, 2015,<sup>4</sup> and an Addendum signed on September 29, 2015.<sup>5</sup>

Concrete steps on implementation of the “Minsk Agreements” are the subject of negotiation within the frameworks of the Trilateral Contact Group on Ukraine (consisting of representatives from Ukraine and Russia, representatives of the local militants and the OSCE) and at meetings of the “Normandy Four” (Ukraine, France, Germany, and Russia).

Additionally, there is also a format for talks on Ukraine involving representatives from the United States and Russia (the so-called Nuland–Surkov, and current Volker–Surkov formats) which have proved to be effective in some cases in reinforcing the Normandy Four format.

The important missions of observing and reporting on the situation on the ground, facilitating dialogue among the parties to the conflict, monitoring implementation of the ceasefire and verifying the withdrawal of heavy weapons from the contact line has been entrusted to the unarmed civilian OSCE Special Monitoring Mission to Ukraine (SMM), which was deployed in 2014, following a request to the OSCE by the Ukrainian government and a consensus decision by all 57 OSCE participating states. The OSCE Observer Mission to two Russian checkpoints, Gukovo and Donetsk, was deployed to monitor and report on the situation at these checkpoints, as well as on movements across the border.

The Minsk Agreements contributed to reducing the intensity of the hostilities, but have not brought peace, and the conflict goes on, resulting in a large number of victims and a severe humanitarian situation in the conflict-affected territories.

According to the Office of the UN High Commissioner for Human Rights (OHCHR), 10,303 people had been killed and 24,778 injured in the conflict by November 2017, many of them civilians.<sup>6</sup> In addition, there were 298 victims on board the MH-17, shot down by the BUK missile system of Russia’s 53rd Air Defense Brigade from Kursk in July 2014. By the same point, the UN High

<sup>3</sup> “Memorandum of 19 September 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014,” September 19, 2014. Available online: <https://www.osce.org/home/123806> (accessed on November 11, 2018).

<sup>4</sup> “Package of measures for the implementation of the Minsk Agreements,” OSCE, February 14, 2015. Available online: <https://www.osce.org/cio/140156>, <https://peacemaker.un.org/ukraine-minsk-implementation15> (accessed on November 11, 2018).

<sup>5</sup> “Status report as of 7 October 2015,” OSCE, October 8, 2015. Available online: <https://www.osce.org/ukraine-smm/190821> (accessed on November 18, 2018).

<sup>6</sup> “Report on the human rights situation in Ukraine, 16 August to 15 November 2017,” OHCHR, 2017. Available online: [https://www.ohchr.org/Documents/Countries/UA/UAReport20th\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/UAReport20th_EN.pdf) (accessed on November 11, 2018).

Commissioner for Refugees had identified 1.8 million internally displaced and conflict-affected persons in Ukraine.<sup>7</sup> In the conflict-affected territories, basic human needs and rights are at risk due to the failure of social services, damaged infrastructure, problems with electricity and clean water supplies, and a lack of justice. The de-facto authorities of the self-proclaimed “Donetsk People’s Republic” (DPR) and the “Luhansk People’s Republic” (LPR) deny humanitarian organizations access to detainees and places of deprivation of liberty.<sup>8</sup> In the OHCHR reports, the situation in the “DPR/LPR” was characterized as “a total breakdown of law and order and a reign of fear and terror,”<sup>9</sup> as well as “the vulnerability to abuse of people deprived of their liberty, and the complete absence of due process and rule of law.”<sup>10</sup>

The UN Office for the Coordination of Humanitarian Affairs estimated that 4.4 million people have been affected by the conflict, of whom 3.4 million require humanitarian assistance and protection. Sixty per cent of the population living along the 457 km contact line between the conflict parties are regularly affected by shelling. Each month, around a million cross the contact line, one of the most mine-contaminated stretches of land in the world.<sup>11</sup> According to the OSCE, 36 coal mines in the conflict zone have been destroyed and flooded, leading to a deterioration in the ecological situation; and the risks of chemical pollution resulting from major operational disruptions and related incidents at industrial facilities are very high.<sup>12</sup>

The protracted conflict between the two largest (in terms of territory) European OSCE participating states is leading to instability on the continent, mass violations of OSCE norms and principles, the constant threat of large-scale war, illegal arms trafficking, and a poor humanitarian situation

<sup>7</sup> “Ukraine: UNHCR operational update, 01–30 November 2017,” UN High Commissioner for Refugees, December 15, 2017. Available online: <https://reliefweb.int/report/ukraine/ukraine-unhcr-operational-update-01-30-november-2017> (accessed on November 11, 2018).

<sup>8</sup> “Report on the human rights situation in Ukraine, 16 August to 15 November 2017,” op. cit.

<sup>9</sup> “Intense fighting in eastern Ukraine ‘extremely alarming,’ says Pillay, as UN releases new report,” OHCHR, July 28, 2014. Available online: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14908> (accessed on November 11, 2018).

<sup>10</sup> “Ukraine: growing despair among over three million civilians in conflict zone – UN report,” UN News, March 3, 2016. Available online: <https://news.un.org/en/story/2016/03/523502-ukraine-growing-despair-among-over-three-million-civilians-conflict-zone-un#.Vtm4U8vvJAi> (accessed on November 11, 2018).

<sup>11</sup> “Humanitarian needs overview, Ukraine,” OCHA, 2018. Available online: [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine\\_humanitarian\\_needs\\_overview\\_2018\\_en\\_1.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_humanitarian_needs_overview_2018_en_1.pdf) (accessed on November 11, 2018).

<sup>12</sup> “Environmental assessment and recovery priorities for Eastern Ukraine,” OSCE, December 13, 2017. Available online: <https://www.osce.org/project-coordinator-in-ukraine/362566> (accessed on November 11, 2018).

that might further deteriorate and result in new flows of internally displaced persons or even migrants. Without progress on the conflict settlement there will be no prospect of reinstating a climate of trust and confidence, transparent arms controls, or peace and stability in the OSCE area.

Given the very slow and often inconsistent progress in negotiations over the Russia–Ukraine conflict and Moscow’s reluctance to recognize its direct involvement in and responsibility for the peaceful settlement, it is most likely that only minor progress can be achieved by 2019, and that conflict management and settlement will remain among the major OSCE priorities under Slovakia’s 2019 OSCE Chairmanship and beyond.

### **What has been done: OSCE efforts in conflict management and resolution**

The OSCE’s involvement in supporting the resolution process related to the Russia–Ukraine conflict includes the activities of the Special Representative of the OSCE Chairperson-in-Office in Ukraine and the Trilateral Contact Group on Ukraine (consisting of the representatives from Ukraine, Russia and representatives of local militants and the OSCE); the OSCE Special Monitoring Mission to Ukraine (SMM) has around 700 international monitors on the ground, and the OSCE Observer Mission to Russian checkpoints Gukovo and Donetsk operates with 22 permanent international staff members. The office of the OSCE Project Co-ordinator in Ukraine (PCU), launched in 1999 and thus initially not related to the conflict, has also been contributing to conflict management over the last four years.

The *Trilateral Contact Group on Ukraine* regularly holds meetings aimed at facilitating a peaceful diplomatic resolution to the Russia–Ukraine conflict, initially through discussing the practical steps required to implement the “Minsk Agreements.” Four Working Groups have been established within the Trilateral Contact Group on Ukraine: on security issues, economic issues, humanitarian issues, and political issues.

More than 40 ceasefires were agreed from February 2015 to September 2018 as part of the work of the Trilateral Contact Group, including the most recent one, the “Harvest Ceasefire,” on June 27, 2018.<sup>13</sup> Although not fully implemented, the ceasefires temporally reduce the intensity of the hostilities and help save people’s lives. Negotiating the exchange of prisoners is another important task of the Trilateral Contact Group. So far, the last large-scale exchange took place on December 27, 2017, when 306 detained persons were released.

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<sup>13</sup> “Press statement of Special Representative of OSCE Chairperson-in-Office Sajdik after Trilateral Contact Group meeting of 27 June 2018,” OSCE, June 27, 2018. Available online: <https://www.osce.org/chairmanship/386037> (accessed on November 11, 2018).

The Trilateral Contact Group also seeks solutions to such vital issues as repairing critical infrastructure on the contact line (requiring mutual security guarantees), improving conditions for crossing the contact line, and means of politically settling the conflict, including amnesty and local elections.

The *Special Monitoring Mission (SMM) to Ukraine* was deployed in 2014 with the initial aims of helping reduce tensions and foster peace, stability, and security; monitoring and supporting the implementation of all OSCE principles and commitments; reporting on the security situation on the ground; and monitoring and fostering respect for human rights and fundamental freedoms. Furthermore, in order to ease its work, it sought to establish contact with local, regional, and national authorities, civil society, ethnic, and religious groups, and members of the local population; facilitate dialogue on the ground in order to reduce tensions and promote normalization of the situation; co-ordinate with and support the work of the OSCE executive structures, including the High Commissioner on National Minorities, the OSCE Office for Democratic Institutions and Human Rights and the OSCE Representative on Freedom of the Media, in full respect of their mandates, and co-operate with the United Nations, the Council of Europe and other actors of the international community.<sup>14</sup> After signing the “Minsk Agreements,” the SMM was also entrusted with monitoring and verifying the ceasefire and heavy weapons withdrawal.<sup>15</sup>

The SMM is civilian and unarmed so it cannot (and has no mandate to) force the parties to stop the fighting; it can only establish and facilitate dialogue and local ceasefires. It cannot conduct investigations, but it can gather information and report the facts relating to the security and humanitarian situation.<sup>16</sup> The SMM is often restricted from carrying out its monitoring and

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<sup>14</sup> “Permanent Council Decision No. 1117,” OSCE, March 21, 2014. Available online: <https://www.osce.org/pc/116747> (accessed on November 11, 2018).

<sup>15</sup> “Protocol on the results of consultations of the Trilateral Contact Group, signed in Minsk, 5 September 2014,” OSCE, September 5, 2014. Available online: <https://www.osce.org/home/123257> (accessed on November 28, 2018); “Memorandum of 19 September 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014,” OSCE September 19, 2014. Available online: <https://www.osce.org/home/123806> (accessed on November 28, 2018); “Package of Measures for the Implementation of the Minsk Agreements,” OSCE, February 12, 2015. Available online: <https://www.osce.org/cio/140156> (accessed on November 28, 2018).

<sup>16</sup> E.g.: “Civilian casualties in Eastern Ukraine 2016,” OSCE, September 16, 2017. Available online: <https://www.osce.org/special-monitoring-mission-to-ukraine/342121> (accessed on November 28, 2018); “Hardship for conflict-affected civilians in eastern Ukraine,” OSCE, February 16, 2017. Available online: <https://www.osce.org/ukraine-smm/300276> (accessed on November 28, 2018); “Conflict-related displacement in Ukraine: Increased vulnerabilities of affected populations and triggers of tension within communities,” OSCE, August 26, 2016. Available online: <https://www.osce.org/ukraine-smm/261176> (accessed on November 28, 2018).

verification functions (predominantly, in the non-government-controlled areas), including being denied access to certain territories, attempts to shoot down the SMM's unmanned aerial vehicles, and even threats to the SMM monitors.<sup>17</sup> Another danger that restricts the OSCE SMM in its work is posed by the mines – in April 2017, a paramedic who was part of an SMM patrol died and two SMM monitors were taken to hospital after their vehicle was heavily damaged by an explosion in a non-government-controlled area of Luhansk region.<sup>18</sup>

Besides their monitoring and verification activities, and the corresponding preparation of the daily reports published on the OSCE website, SMM personnel often facilitate and monitor repair works to critical infrastructure such as power lines, water filtration stations and bridges. The SMM also monitors implementation of Ukraine's National Action Plan on UN Security Council Resolution 1325 on Women, Peace, and Security, and raises local awareness in the conflict-affected territories about the dangers of landmines and other explosives.

In September 2015, the SMM opened its first forward patrol bases in Volnovakha and Novoaidar, in Eastern Ukraine, and over the subsequent two years it opened another eight such offices in both government- and non-government-controlled areas, securing the permanent presence of monitors close to the contact lines, where most incidents take place. In conflict-affected cities such as Debaltseve or Horlivka, they can interact better with the local population on a daily basis.

The practical achievements of the OSCE *Observer Mission at the Russian checkpoints of Gukovo and Donetsk* may not seem so obvious, especially given that, from these two checkpoints, the OSCE monitors can observe only 40 m of about 410 km of the Russia–Ukraine border in the conflict zone (plus 500 m to the right of the road and 500 m to the left of the road), and that monitors have no right to inspect vehicles crossing the border. Regular appeals by Ukraine, the United States and the EU member states to expand

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<sup>17</sup> E.g.: “Spot report by the OSCE Special Monitoring Mission to Ukraine (SMM): Armed men near Kreminets charge weapon near SMM patrol and threaten it,” OSCE, April 6, 2018. Available online: <https://www.osce.org/special-monitoring-mission-to-ukraine/377194> (accessed on November 28, 2018); “Latest from the OSCE Special Monitoring Mission to Ukraine (SMM), based on information received as of 19:30, 5 March 2018,” OSCE, March 6, 2018. Available online: <https://www.osce.org/special-monitoring-mission-to-ukraine/374515> (accessed on November 28, 2018); “Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate,” OSCE, September 6, 2017. Available online: <https://www.osce.org/special-monitoring-mission-to-ukraine/338136> (accessed on November 28, 2018).

<sup>18</sup> “OSCE Special Monitoring Mission to Ukraine patrol member killed in explosion near Luhansk,” OSCE, April 23, 2017. Available online: <https://www.osce.org/special-monitoring-mission-to-ukraine/312951> (accessed on November 11, 2018).

the mandate of the OSCE Observer Mission to include all the uncontrolled border area have been blocked by Russia.

But nevertheless, even under such unfavorable conditions, the weekly reports of the OSCE Observer Mission provide important circumstantial evidence of Russian engagement in the conflict. This includes records of persons in military-style outfits crossing the border, as well as vehicles marked Gruz 200 (Cargo 200), well-known Russian military code for “military personnel killed in action.”<sup>19</sup>

Capitalizing on the lack of awareness of the wider audience about the limited mandate of the OSCE Observer Mission at the Gukovo and Donetsk checkpoints, the Kremlin’s propaganda has referred to the mission’s reports as alleged evidence of Russia’s non-involvement in the conflict. By contrast, some Ukrainian experts and politicians have criticized the mission and accused it of being “blind” – for not reporting the transit of Russian troops and military equipment across the border.<sup>20</sup> To avoid potential manipulation and misunderstanding, it is important the mission clearly mentions the limits to its mandate in all its reports.

The OSCE *Project Co-ordinator in Ukraine (PCU)* was established by the OSCE Permanent Council on June 1, 1999, replacing the OSCE Mission to Ukraine which operated from 1994 to 1999. Initially, the PCU was mandated to plan, implement, and monitor projects to help Ukraine enhance its security and develop its legislation, institutions, and practices in line with democratic standards.

Since the Russia–Ukraine conflict began, the PCU has also been focusing its efforts on helping Ukrainian stakeholders address the negative consequences and consolidate society during this difficult time. In particular, the PCU engages in projects aimed at supporting dialogue among the different sections of Ukrainian society and the various regions, including conflict-affected areas.<sup>21</sup> It provides assistance to strengthen Ukraine’s community of mediators and dialogue facilitators through training and the development of learning materials and tools.

<sup>19</sup> E.g.: “Weekly update from the OSCE Observer Mission at Russian Checkpoints Gukovo and Donetsk based on information as of 10 October 2017,” OSCE, October 11, 2017. Available online: <https://www.osce.org/observer-mission-at-russian-checkpoints-gukovo-and-donetsk/349281> (accessed on November 11, 2018).

<sup>20</sup> E.g.: “Illusion of control: Why the OSCE mission does not see Russian tanks at the border,” *Pravda*, April 2, 2018. Available online: <https://www.pravda.com.ua/articles/2018/04/2/7176457> (accessed on November 11, 2018).

<sup>21</sup> E.g.: “OSCE National Dialogue project in Ukraine: The facts,” OSCE, March 27, 2014. Available online: <http://www.osce.org/ukraine/116881> (accessed on November 11, 2018); “OSCE supports dialogue efforts to enhance peaceful development of western Donbas, Ukraine,” OSCE, July 30, 2015. Available online: <https://www.osce.org/ukraine/175301> (accessed on November 11, 2018).

Through such projects as Addressing Conflict-related Threats to Social Security in Ukraine, the PCU is helping to develop and launch a system of assistance for people affected by the crisis, which includes psychological rehabilitation and social-economic adaptation for internally displaced persons, with a special focus on gender-related issues.<sup>22</sup>

To improve journalist safety and the standard of conflict reporting, the PCU organizes hostile-environment training for media workers and training on the role of journalists and press freedom for military commanders. It facilitates professional discussions on objective reporting from the conflict zone and coverage of conflict-affected communities. The PCU also supports research and publishes recommendations on conflict sensitive journalism.<sup>23</sup>

Given that the conflict has led to large areas of the Donetsk and Luhansk regions being contaminated by deadly explosive ordinances, including landmines, the PCU assists in ensuring dangerous areas are clearly marked, and facilitates dialogue between local communities and demining actors on the issue.

Financial support from the governments of Canada and Austria enabled the implementation of a joint project on Assessment of Environmental Damage in Eastern Ukraine by the OSCE Project Co-ordinator in Ukraine and the Ministry of Ecology and Natural Resources of Ukraine. A study was subsequently published analyzing the impact and risks to the environment posed by the conflict in Eastern Ukraine, and proposing recommendations for environmental recovery.<sup>24</sup>

### **What can be done: Proposals for Slovakia's 2019 OSCE Chairmanship**

On April 27, 2018, at a working meeting with Martin Sajdik, Special Representative of the OSCE Chairperson-in-Office to the Trilateral Contact Group, Lukáš Parízek, State Secretary of the Slovak Ministry of Foreign and European Affairs and its Special Representative for the upcoming chairmanship

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<sup>22</sup> E.g.: "Problem analysis for psychological and social-economic adaptation and integration of female IDPs in hosting communities (Vinnysia, Lviv and Kyiv regions)," OSCE, March 7, 2017. Available online: <https://www.osce.org/ukraine/303186> (accessed on November 11, 2018); "Information and training manual for security sector specialists 'Women. Peace. Security,'" OSCE, July 2, 2018. Available online: <https://www.osce.org/uk/project-coordinator-in-ukraine/386426> (accessed on November 11, 2018).

<sup>23</sup> "Conflict sensitive journalism: Best practices and recommendations," OSCE, July 18, 2016. Available online: <http://www.osce.org/ukraine/254526> (accessed on November 11, 2018).

<sup>24</sup> "Environmental assessment and recovery priorities for Eastern Ukraine," OSCE, December 13, 2017. Available online: <https://www.osce.org/project-coordinator-in-ukraine/362566> (accessed on November 11, 2018).

of the OSCE, confirmed that “priority issues of interest to the 2019 Slovak Chairmanship in OSCE – the biggest regional security organization in the world – will be focusing on a solution to the Ukrainian conflict, and especially alleviation of suffering inflicted upon civilian population.”<sup>25</sup>

This challenging task requires a comprehensive approach. In order to prevent the situation from further deteriorating, and to achieve feasible progress in conflict management and in improving the living conditions of those affected by the conflict, the OSCE should continue its complex approach to the crisis, which involves simultaneously focusing on three security dimensions: the political-military dimension, the economic and environmental dimension, and the human dimension.

Within the scope of the *First Security Dimension*, attention should be focused on preventing the financing of terrorism and cross-border movement of persons, weapons, and funds connected to the activities of terrorist and illegal armed groups. Other tasks that would help improve security in and around Ukraine are strengthening border security and cyber security, and countering the involvement of foreign fighters and other non-state actors in the conflict.

It is also important to re-establish a climate of trust among the OSCE participating states, based on all the OSCE participating states fully respecting their obligations under the Helsinki Final Act, and complying with the binding measures laid out in the Vienna Document. From now on the provisions of the Vienna Document, including on the exchange of military information, prior notification of military activities, observation, and verification, should be fully observed in the conflict-affected territories of Donbas as well.

The complexity of these tasks makes it impossible to complete them in the space of one year, especially given the limitations of the OSCE Chairmanship mandate. But Slovakia could lend the process new impetus by leading a dialogue on finding solutions. Track II diplomacy and gradual transition to Track I would be good places to start once the proposals have been fully elaborated within the expert community.

The “Minsk Agreements” assign specific roles to the OSCE in relation to facilitating, monitoring, and verifying the ceasefire regime; the withdrawal of heavy weapons from the contact line; withdrawal of all foreign armed formations, military equipment and mercenaries from the territory of Ukraine; and monitoring of the local elections in accordance with OSCE standards. The OSCE has an important role to play in facilitating the managing and resolution of the conflict, particularly through the Trilateral Contact Group,

<sup>25</sup> “Peace in Ukraine is of utmost importance for Slovakia,” Ministry of Foreign and European Affairs of the Slovak Republic, April 27, 2018. Available online: [https://www.mzv.sk/web/en/news/detail/-/asset\\_publisher/oLViwP07vPxy/content/pre-slovenskoje-mier-na-ukrajine-nesmierne-dolezity/10182](https://www.mzv.sk/web/en/news/detail/-/asset_publisher/oLViwP07vPxy/content/pre-slovenskoje-mier-na-ukrajine-nesmierne-dolezity/10182) (accessed on November 11, 2018).

the Special Monitoring Mission to Ukraine, and the OSCE's autonomous institutions.

It is important to promote effective cooperation with the United Nations, the Normandy Four and through the US–Russia bilateral negotiation format (represented by Kurt Volker and Vladislav Surkov) on the modalities for deploying the UN peacekeeping mission throughout the conflict area including on the Ukraine–Russia state border. In that context, it might be worthwhile launching Bratislava initiative talks oriented at facilitating the deployment of the UN peacekeeping mission.

Progress on negotiations regarding the UN peacekeeping mission for Donbas, if achieved, could become the most important input to the conflict settlement.

At the same time, discussions should be held on the amnesty and the holding of local elections in full compliance with OSCE standards, following the withdrawal of all foreign armed formations, military equipment, and mercenaries from the territory of Ukraine, as envisaged in the “Package of measures for the Implementation of the Minsk agreements.”<sup>26</sup>

The OSCE Chairmanship will find it a challenge to preserve consensus in the organization while finding effective solutions as part of crisis management and resolution, given that two of the participating states (Russia and Ukraine) are parties to the conflict, but one denies being directly involved.

Another challenge will be to improve and maintain confidence and trust in the OSCE among the citizens of Ukraine, in both government-controlled and non-government-controlled areas; nonetheless, it is essential if the organization's missions and institutions are to achieve success. The task of providing good explanatory information is of vital importance, and could be fulfilled in cooperation with the SMM and PCU.

Security sector reform (SSR) should also remain on the Chairmanship's agenda regarding conflict resolution and strengthening Ukraine's resilience, based on the outcomes of the UN High-Level Roundtable on SSR and Sustaining Peace co-chaired by the Slovak Republic on April 23, 2018, as a part of the UN General Assembly Presidency.

There is an obvious need to elaborate further on the priorities promoted within the framework of the Forum for Security Cooperation under the Slovak Chairmanship in first trimester of 2018, concentrating on strengthening sub-regional and bilateral confidence and security building measures, especially with neighboring Ukraine.

Strengthening the OSCE's *Second Dimension* directed at promoting the good governance agenda and focusing on water management and protecting

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<sup>26</sup> “Package of measures for the implementation of the Minsk Agreements,” OSCE, February 12, 2015. Available online: <https://www.osce.org/cio/140156> (accessed on November 11, 2018).

the energy network is also important in relation to the Russia–Ukraine conflict. The conflict is causing great damage to the economic and ecological situation in Donbas, resulting in a deterioration in the living conditions of millions of people. The UN Office for the Coordination of Humanitarian Affairs estimated that 3.4 million of these require humanitarian assistance and protection.<sup>27</sup>

Conflict-affected areas urgently need investment and support to enable restoration of the destroyed infrastructure, housing construction, and job creation. Housing construction and job creation are also needed in the main areas now inhabited by the approximately 1.8 million internally displaced and conflict-affected persons.<sup>28</sup>

A new international donor conference should be organized regarding comprehensive economic assistance for Donbas. To be truly effective, it will require the proper co-ordination and co-operation of many international actors, as well as thorough preparatory work, including a clear estimation of needs and proposals on the methods and resources for achieving these.

A sharp deterioration in the ecological situation in the conflict-affected areas could lead to disaster. The ecologic challenges in the Donbas include direct pollution in the aftermath of the hostilities, operational disruptions, and flooded mines, incidents at industrial facilities, waste removal problems, as well as shelling near large chemical storage facilities.<sup>29</sup> Further OSCE mediation and facilitation is urgently needed to help the conflict parties address the vital ecological problems that could make the region unsuitable for habitation.

The *Third Dimension* is of vital importance to conflict management and relates to respect for human rights, fundamental freedoms, and the rule of law. In the conflict-affected territories, basic human needs and rights are at risk due to the failure of social services, damaged infrastructure, and the lack of justice. The situation is most severe in the territories that are not controlled by the Kyiv government. The de-facto local authorities of the “DPR/LPR” are denying international humanitarian organizations access to detainees,<sup>30</sup> and are maintaining a situation in which there is “a total breakdown of law and order and a reign of fear and terror.”<sup>31</sup>

<sup>27</sup> “Humanitarian needs overview. Ukraine,” op. cit.

<sup>28</sup> “Ukraine: UNHCR operational update, 01 - 30 November 2017,” UNHCR, December 15, 2017. Available online: <https://reliefweb.int/report/ukraine/ukraine-unhcr-operational-update-01-30-november-2017> (accessed on November 11, 2018).

<sup>29</sup> “Environmental assessment and recovery priorities for Eastern Ukraine,” OSCE, December 13, 2017. Available online: <https://www.osce.org/project-coordinator-in-ukraine/362566> (accessed on November 11, 2018).

<sup>30</sup> “Report on the human rights situation in Ukraine, 16 August to 15 November 2017,” op.cit.

<sup>31</sup> “Intense fighting in eastern Ukraine ‘extremely alarming,’ says Pillay, as UN releases new report,” op.cit.

Over 100 Ukrainian citizens remain captive in the areas of Donbas that are effectively controlled (“influenced”) by Russia, and there are over 60 Ukrainian political prisoners in detention under fabricated charges in the Russian Federation and in illegally occupied Crimea. The OSCE Chairmanship could play an active and dedicated role in seeking their release.

The human rights situation in Crimea and Donbas requires continual international attention and response. The Slovak OSCE Chairmanship could provide full support to the OSCE institutions and mechanisms for monitoring and reporting on the human rights situation in the occupied territories and in responding to gross violations of human rights.

There is a need to stress Russia’s responsibility for the fact that international humanitarian organizations lack free access to the non-government-controlled territories in Donbas, and to continually call on Moscow to guarantee such access so the human rights situation can be monitored and assistance provided when needed.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner for National Minorities (HCNM), and the Representative for Freedom of the Media (RFM) should be the driving forces here, but non-government organizations and civil society must be actively involved as well. The potential of OSCE Track II initiatives, such as the Civil Solidarity Platform, OSCE Network of Think Tanks and Academic Institutions and New-Med Network, should be taken into account when decisions are being made and follow-up reports and assessments prepared.

Another important option is to support the establishment of contacts between different civil society representatives from all parties to the conflict. This could help identify possible cooperative approaches to overcoming difficulties and help build up a constructive basis for the political will required to resolve the conflict.

Ukrainian civil society requires the support of the international community, including Russian independent civil activists, to raise public awareness about the conflict and to document violations or crimes connected with the conflict, in particular in the territories not controlled by the Ukrainian government.

To improve the OSCE’s work within the three security dimensions relating to the Russia–Ukraine conflict, the following recommendations could be considered under the Slovakia’s 2019 OSCE Chairmanship:

- Facilitate the search for compromise solutions regarding the modalities of the UN peacekeeping mission for the Donbas region of Ukraine, by supporting the extensive expert discussions aimed at elaborating generally acceptable and realistic patterns that can then be proposed to the negotiators within the Normandy Four and the US–Russia formats.
- Continually stress Russia’s responsibility for guaranteeing the OSCE Special Monitoring Mission has full and secure access to the non-government-controlled territories in Donbas.

- Expanding the mandate of the OSCE SMM to the waters of the Sea of Azov should contribute to reducing tensions and avoiding possible provocations in the area.
- Expand the use of technological means, including cameras and unmanned aerial vehicles, for verifying the ceasefire and heavy weapons withdrawal in the Donbas.
- Increase participating states' responsibility for their representatives to the SMM, to avoid discretization of the mission and prevent incidents similar to the ones in October 2016 (when SMM monitor Maksim Udovichenko turned out to be an officer of the Russia's GRU Main Intelligence Directorate)<sup>32</sup> and in July 2018 (when media reported the leak of sensitive data to Russia's Federal Security Service).<sup>33</sup>
- Find a solution for the return of the Russian officers to the Joint Centre for Control and Coordination, which should decrease risks to the SMM's monitors and mandated activity in the non-government-controlled areas of Donbas.
- Have OSCE SMM monitors record all detected violations of human rights and freedoms in the conflict-affected areas and subsequently send such records to the Ukrainian law-enforcement authorities and the OSCE ODIHR for their response.
- Provide full support and access to the Office for Democratic Institutions and Human Rights as well as to the OSCE High Commissioner on National Minorities, including in the non-government-controlled areas of Donbas. In this regard, Russia holds special responsibility due to its effective control ("influence") over the de-facto authorities in the so-called "DPR/LPR."
- Identify the places hostages are detained in the conflict-affected areas and seek hostage access for SMM and ODIHR representatives.
- Appoint a special ODIHR rapporteur to deal with cases of intolerance, discrimination, and hate crimes in the conflict-affected areas.
- Support work of the Trilateral Contact Group on Ukraine, especially in negotiating ceasefires, hostage exchanges, repairs to critical Infrastructure on the contact line and finding other solutions to humanitarian issues that will improve the lives of the people in the conflict-affected areas.

<sup>32</sup> “Suspended OSCE monitor confirms he's Russian GRU officer,” UNIAN, October 27, 2015. Available online: <https://www.unian.info/politics/1166116-suspended-osce-monitor-confirms-hes-russian-gru-officer.html> (accessed on November 11, 2018).

<sup>33</sup> “Spionageverdacht bei OSZE-Mission,” MDR, July 16, 2018. Available online: <https://www.mdr.de/investigativ/spionage-verdacht-osze-russland-fsb-100.html> (accessed on November 11, 2018); “OSCE Special Monitoring Mission to Ukraine's statement to media allegations,” OSCE, July 16, 2018. Available online: <https://www.osce.org/special-monitoring-mission-to-ukraine/388286> (accessed on November 11, 2018).

- Elaborate on the joint efforts of the OSCE, the UN, the EU and NATO to effectively perform humanitarian demining in the Donbas region of Ukraine.
- Improve conditions for crossing the contact line for individuals living in the conflict-affected areas. Developing proposals in relation to this issue should be a topic discussed at the meetings of the Trilateral Contact Group on Ukraine. The OSCE Special Monitoring Mission to Ukraine can help the authorities with the practical implementation of decisions taken.
- Assist and co-ordinate international efforts to provide economic assistance to the conflict-affected areas and to help internally displaced persons and other victims of the conflict. This should include critical infrastructure repairs, housing construction, and job creation.
- Work with the relevant Ukrainian state bodies, and the support of international donors co-ordinated and assisted by the SMM and PCU, to develop and implement projects to improve the ecological situation in the conflict-affected areas, and at the very least prevent ecological disaster.
- Propose extending the mandate of the OSCE Observer Mission to all the checkpoints on the Russia–Ukraine border in the conflict zone in Donbas.
- Support Track II initiatives, including but not limited to those within the margins of the Civil Solidarity Platform and OSCE Network of Think Tanks and Academic Institutions, devoted to the protection and monitoring of human rights in the conflict regions throughout the OSCE area, including the Donbas, and develop proposals to re-establish a climate of trust, and for conflict management and conflict settlement.
- Support regional, subregional, and national initiatives on the monitoring and protection of human rights, including the issues of tolerance and non-discrimination.
- Broaden cooperation between the OSCE Special Monitoring Mission to Ukraine and the OSCE Project Coordinator in Ukraine, especially on monitoring and protecting human rights.
- Establish cooperation between the SMM and PCU and the OSCE Mission to Moldova and the OSCE field presences in the Western Balkans to exchange experiences of monitoring and promoting human rights protection in the conflict zones.
- Support the activities of the OSCE Project Coordinator in Ukraine aimed at establishing a national dialogue involving civil society actors from all regions of Ukraine. This should include further strengthening Ukraine’s community of mediators and dialogue facilitators through training and the development of learning materials and tools.

- Continue the PCU's project activities on conflict sensitive journalism, including training on objective reporting from the conflict zone, tolerance, non-discrimination, and avoiding the use of harsh language.
- Assisting the Ukrainian law-enforcement authorities in improving the identification, recording and investigation of crimes, including hate-crimes, in the conflict-affected areas.
- Establish projects on teaching tolerance in education institutions; together with the Ministry of Education and Science develop a program to incorporate the teaching of human rights in the education curricula at all levels.
- Support (separate or joint) educational trips for Ukrainian and Russian civil society activists to other post-conflict countries so they can study the different aspects of conflict settlement and post-conflict phase of development.

The Russia–Ukraine conflict remains the primary challenge to ensuring peace and stability in the OSCE region, undermining trust, security, and the international order. Given that Bratislava has a good understanding of both Ukraine and Russia, and its strong diplomatic and expert potential, Slovakia's 2019 OSCE Chairmanship might just bring a new impetus to conflict management and resolution, and improve the living conditions of the conflict-affected population.

# Conflicts in Georgia: Learning lessons, exploring alternative options

*Medea Turashvili*

When discussing the conflicts in Georgia two important components should be taken into account: Firstly, the wars of the 1990s in South Ossetia and Abkhazia were the combined result and logical culmination of distrust between the leadership of the central government and various ethnic groups living in independent Georgia, inexperience of the central and local ruling elites in handling ethnic diversity and managing crises and the non-existence of democratic institutions that would have enabled the opposing groups to resolve their differences through non-violent means.

Secondly, Russia played an important role in sustaining the status quo of frozen conflicts and retained the leverage to escalate the situation, as was the case in 2008. Arguably, the 2008 Georgian–Russian war did not really change the two-dimensional nature of the conflicts; it merely elevated the degree of Russian influence and involvement in the Georgian conflicts which, in turn, overshadowed their ethnic component.<sup>1</sup>

Russian recognition of Abkhazia and South Ossetia as independent republics in 2008 has in fact increased their isolation from the rest of the world and dependence on Russia. Yet, Russia's unconditional support has hardened the negotiating position of the de facto entities *vis-à-vis* the Georgian authorities in the official negotiations, while the Russian omnipresence in Abkhazian and South Ossetian politics, their security sectors and economies means the Kremlin is the decision-maker not only on regional security or foreign policy issues, but on the local, internal affairs of these entities as well.

## Georgia's conflict settlement endeavors

Bearing the two dimensional nature of the conflicts in mind, Georgia's conflict resolution policies have always been designed so as to address the Abkhazian and South Ossetian populations on the one hand, and to deal

<sup>1</sup> M. Turashvili, "Cost of conflicts in Georgia and obstacles to its development," in D. Alborova, S. Allen, N. Kalandarishvili, ed., *Cost of conflict: core dimensions of the Georgian-South Ossetian context*, Georgia Mason University, 2016, p. 23.

with Russia on the other. For decades before 2008, Georgian governments had tried various conflict resolution policies, ranging from ignorance/no policy to muscle flexing.

After the 2008 Georgia–Russia war, and at the time Russia recognized Abkhazia and South Ossetia, unilateral borderization (erecting fencing and barbed-wire between the Georgian controlled territories and occupied entities) and Russian military and border guard forces were being deployed in these regions, Georgia unveiled a strategy of direct engagement with the local communities remaining in the occupied regions, a policy which has been in place for around ten years now. More specifically, in 2010, Georgian government introduced its State Strategy on Occupied Territories: Engagement through Cooperation, and its Action Plan for Engagement.<sup>2</sup> It focused more on long term engagement, re-establishing people-to-people contacts and restoring trust between the conflict divided communities. In 2018, Tbilisi put forward another peace plan, “A step to a Better Future,”<sup>3</sup> which is focused on intensifying trade across the division line and enhancing educational opportunities for the residents of Abkhazia and South Ossetia.

Reaching out to the conflict-affected population and ensuring that the residents of Abkhazia and South Ossetia enjoy the rights and privileges available to other citizens of Georgia has already brought some tangible benefits to local populations on both sides of the divide. Informal trade is increasing between Georgia and the breakaway territories of South Ossetia and Abkhazia,<sup>4</sup> residents of Abkhazia and South Ossetia travel to Georgian controlled territories for medical treatment, family reunions and vacations, despite the resistance and verbal abuses from the de facto authorities and some hardliners from these entities.

Georgia does not have the financial resources to compete against the Russian money channelled into the occupied regions. However, Georgia should capitalize on those sectors in which it has a comparative advantage. In Georgia’s case, it has become evident that its health care system, cheaper goods and commodities, corruption-free public services, reforms and transformation of state institutions give it a competitive advantage over Russia. More specifically, the Georgian health care system attracts people from Abkhazia and South Ossetia because of its better quality and service, cheaper prices, lack of corruption and greater professionalism. Furthermore, the European

<sup>2</sup> The State Strategy and Action Plan can be accessed at [http://www.gov.ge/index.php?lang\\_id=ENG&sec\\_id=225](http://www.gov.ge/index.php?lang_id=ENG&sec_id=225) (accessed on November 11, 2018).

<sup>3</sup> The new peace initiative, “A step to a better future,” can be accessed at: <http://smr.gov.ge/FileList.aspx?ID=97> (accessed on November 11, 2018).

<sup>4</sup> “Abkhazia and South Ossetia: Time to talk trade,” International Crisis Group, Report N 249, May 24, 2018. Available online: <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/249-abkhazia-and-south-ossetia-time-talk-trade> (accessed on November 11, 2018).

integration process, the DCFTA and Visa Liberalisation are opening up more opportunities for the populations of occupied regions to access better quality education, travel, trade and so on.<sup>5</sup> The Georgian government has rightly declared that it is ready to share all the benefits of the EU–Georgia Association Agreement with the residents of Abkhazia and South Ossetia, as they are considered to be Georgian citizens.

Georgia's experience also shows that direct contact with the de facto leadership, intellectuals or other influential elites is also an important element of confidence building. Informal meetings which allow problems and grievances to be discussed in a friendly, non-political environment often prove to be more productive and result oriented. Since the mid-1990s, with the help of international partners, Track 1, Track 1.5 and Track 2 diplomacy have been employed as tools of confidence building and conflict resolution. The dialogue projects created an important platform where civil society representatives were able to develop joint confidence building projects, analysts and experts could provide comprehensive situation analysis and policy recommendations to decision makers and international actors, while Georgian, Abkhazian and South Ossetian officials and politicians were able to meet each other in informal settings, establish cordial relationships and discuss some sensitive political issues.<sup>6</sup> These processes were taking place in parallel to the official negotiations, and arguably, supported the official talks.

Although, public diplomacy resumed soon after a brief interruption following the 2008 war, the de facto authorities now refuse to engage in any dialogue other than the formal International Geneva Discussions. This can be explained in terms of Russian recognition, Russia's unconditional support, as well as Russian pressure.

### **Role of international actors: achievements and challenges**

International actors have supported Georgia in its security measures (peacekeeping and monitoring missions), economic recovery (post-war reconstruction, livelihood recovery), negotiation and dialogue (at all levels of society, both formally and via informal tracks) and reforms (rule of law, human rights). Georgia has always welcomed their engagement as it views it as essential to counterbalancing Russian influence and domination over its breakaway regions.

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<sup>5</sup> M. Turashvili, "Georgia' Conflict Resolution Endeavours and Lessons Learned," in *Ukraine's Strategy for Building Relations with the Population of Crimea and Donbass. Lessons Learnt from Georgia*, Institute of World Policy (Ukraine) and Caucasian House (Georgia), 2015.

<sup>6</sup> Ibid.

International actors, such as the OSCE, UN, EU, became involved in the Georgian conflicts in 1992, when they started conducting peacekeeping operations, monitoring the human rights situation in the conflict zones, facilitating creation of a broad political framework for conflict resolution and encouraging dialogue and confidence building measures between communities.

For instance, in 2006 to 2008, the OSCE implemented an Economic Rehabilitation Program worth €7.8 million in the zone of the Georgian–Ossetian conflict. But, by 2008, it had only eight military observers, of whom five were based in South Ossetia, and they did not have permission to monitor the northern parts of the region and the Roki tunnel, linking South Ossetia with Russia. This meant there was no neutral observer to check movements from Russia to South Ossetia or whether or not Russia was using or allowing the Roki tunnel to be used for military purposes.<sup>7</sup> In July and at the beginning of August 2008, the OSCE leaders were actively drawing attention to escalating tensions on the ground. They issued strong warning statements and engaged in shuttle diplomacy with the parties.

Yet, the international community could not effectively halt the escalation. Scholars suggest there are two reasons for this: firstly, “distinguishing between increasingly routine incidents and a pattern of imminent conflict in Georgia was no easy task by early August [2008].” And secondly, “despite all of the signs of rising tension, putting together an accurate analysis and prediction of developments proved very difficult.”<sup>8</sup>

Furthermore, the International Crisis Group assessed back in August 2008 that:

At the broader level, the crisis [Georgia–Russia war of 2008] raises significant questions about the capacity of the EU, the UN and NATO to address fundamental issues. While European leaders stepped forward to achieve the ceasefire agreement, their inability to put forward a forceful response to the Russian action reflects a lowest common denominator approach that discourages stronger and more innovative policies. Similarly, the UN Security Council, divided by whether to include references to Georgia’s territorial integrity in either a resolution or statement, has issued nothing on the conflict since it began to boil over on August 7. In an unhappy reminder of the Cold War years, the conflict has called into question the Council’s capac-

<sup>7</sup> “Georgia’s South Ossetia conflict: Make haste slowly,” International Crisis Group, Report No. 183, June 7, 2007. Available online: <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-s-south-ossetia-conflict-make-haste-slowly> (accessed on November 11, 2018).

<sup>8</sup> D. Lynch, “OSCE early warning in Georgia,” *Uluslararası İlişkiler* Vol 7, No. 26, 2010, pp.139–148.

ity to address any issue over which P-5 members have significantly different interests.<sup>9</sup>

But, worse was to come. No international organization or country could challenge Russia over its non-compliance with key elements of the six-point ceasefire agreement, brokered by then French president Nicolas Sarkozy in the capacity of leader of the EU presidency, that required signatories to:

- reduce their troops to pre-August 2008 levels and withdraw from previously unoccupied areas;
- allow international monitoring, human rights and humanitarian assistance missions in South Ossetia and Abkhazia.

In 2009, Russia vetoed the extension of the OSCE and UN Monitoring Missions in Georgia observing the implementation of the ceasefire agreements of 1990s in South Ossetia and Abkhazia respectively. In violation of the August 2008 six-point ceasefire agreement, the EU mandated Monitoring Mission (EUMM) has not been allowed access to Abkhazia and South Ossetia since the first day of its deployment in October 2008. EUMM monitors the dividing line of Georgian controlled territories only and has no regular contact with the de facto authorities or Russian officials and officers stationed in the occupied regions, other than at official talks. So, if at that time Russia held the veto power in the OSCE and UN to block the extension of previous monitoring missions in Georgia, now it is effectively blocking the implementation of the mandate of a mission over which it has no decision making power. In Georgia, this very much discredits and challenges the credibility not only of the mission itself, but of the EU in general.

Arguably, the fact that the international community failed to prevent Russian aggression in August 2008 and that there was no cost to Russia for violating Georgia's territorial integrity and international norms has contributed to Russia's increasing appetite and has resulted in the annexation of Crimea and aggression in eastern regions of Ukraine.

There are important lessons to be drawn from the experience in Georgia: much has to be done to strengthen the international early warning and conflict prevention mechanisms in protracted conflicts, including increasing analytical capabilities and ensuring a more rapid reaction from international organizations, their member states and other relevant actors.<sup>10</sup> The EU, OSCE and CoE should invest more diplomatic attention and resources into ensuring a timely and adequate response to emerging crises. Although the international community at large condemned the Russian intervention in Georgia, the division within the EU led to a cautious and ineffective response.

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<sup>9</sup> “Russia vs. Georgia: The fallout,” International Crisis Group Report, No. 195, August 22, 2008. Available online: <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/russia-vs-georgia-fallout> (accessed on November 2018).

<sup>10</sup> D. Lynch, op. cit., p. 150.

Russia came out of the crisis largely untouched, which was an indication to the Kremlin that it could get away with similar actions in the future. So, six years after the 2008 war with Georgia, it was Ukraine's turn.

In Georgia, security problems and unresolved conflicts are among the top challenges facing the country. The Georgian government has little leverage to diminish the Russian influence in its occupied regions and eliminate security threats stemming from Russian militarization of these regions, therefore, both the government and the population rely on international engagement and support. International organizations are the only remaining mechanisms whereby Georgian grievances against Russia can be expressed and Russian responsibility underlined. Furthermore, internationally (EU, OSCE and UN) mediated talks with Russian and the de facto authorities gives Georgia the sense of being protected against being left alone with Russia.

In addition, after 70 years of totalitarianism and communism, it was clear that Georgia needed a model of development and transformation after it gained independence in 1991. Georgia chose western democracies as a model, which just like Georgia had experienced devastating wars in the twentieth century and were quick to achieve the greatest political, economic and social progress, and most importantly, sustainable peace. Georgia needed and still needs best practices and support to transform itself into a stable democratic and welfare state, with rule of law, human rights protection and social equality, which are also the prerequisites to peaceful conflict resolution. So, international cooperation and engagement, and more specifically, approximation with the EU are seen as the means to domestic transformation and sustainable peace.

## Conclusion and recommendations

The situation around Georgia's conflicts and Georgian–Russian relations are at stalemate. Formal talks are usually used as a tool for politicizing issues, such as technical questions regarding the irrigation water supply, freedom of movement for the local population and investigations of cases of human rights violation.<sup>11</sup> This comes at an extremely high cost for the local Georgian, Abkhazian and South Ossetian population. Their grievances and concerns need to be prioritized in order to ease the post-conflict stress and most importantly, to avoid renewed violence and resentment between communities.

<sup>11</sup> For human rights violations in Abkhazia and South Ossetia see the report by the Public Defender of Georgia available: <http://www.ombudsman.ge/en/konfliktebit-dazaralebulta-uslebebi/publikaciebi> (accessed on November 11, 2018); as well as the Council of Europe Secretary General Report on the Consolidated report on the conflict in Georgia (October 2017–March 2018), available at: <https://rm.coe.int/consolidated-report-on-the-conflict-in-georgia-october-2017-march-2018/16807b81cc> (accessed on November 11, 2018).

It will take a long time to rebuild any trust between the sides, but practical steps that make the confrontation more bearable for the people and less risky for regional stability are a good starting point.

- International actors should support Georgia in its peaceful overtures towards Abkhazia and South Ossetia. Its recent peaceful initiatives should be supported both politically, technologically and financially;
- Confidence-building should be a priority goal for international actors engaged in Georgia. The EU, OSCE and UN should play a leading role in supporting the rebuilding of contact and strengthening mutually beneficial cooperation between Georgians, Abkhazians and South Ossetians, be it from official structures, business, civil society organizations or professional circles;
- The international community should continue to support Georgia and provide best practices for building democratic and inclusive institutions, good governance and rule of law, minority rights and equality, education reform, and focusing on peace education, and so on.

The degree of Russian involvement in these regions and its uncompromising position indicate that the international community, primarily the EU, NATO and OSCE, together with Georgia's other partners, have an active role to play in counterbalancing Russian domination and restoring their reputations as well.

- The international community should continue to put Georgia and Georgian sovereignty high on the agenda during talks with Russia and send Moscow a clear message that it must withdraw to the positions it held before the 2008 conflict and allow international monitors full access to South Ossetia and Abkhazia;
- Russia should be constantly reminded that it is legally and morally responsible for blatant human rights violations and ethnic discrimination in Abkhazia and South Ossetia, as the state effectively controlling these entities. Ten years after the end of the hostilities in Georgia, and with the ongoing violence in Ukraine, there is a need to be explicit that violation of international legal standards and security norms will not be tolerated;
- Russia has to pay a price for its occupation and annexation of Georgian and Ukrainian territories. Economic sanctions and denunciation of its conduct in Georgia and Ukraine at every international gathering it attends could convince it to moderate its behavior;
- The OSCE, together with the EU and the UN, and in cooperation with other parties, should try to facilitate bilateral negotiations between Moscow and Tbilisi on regional security and political issues, and in parallel, facilitate talks between Tbilisi and Sokhumi, as well as between Tbilisi and Tskhinvali on local security, humanitarian and other relevant issues.

- Revive the discussion on resumption of the OSCE mandate in Georgia, at least for conflict prevention and resolution purposes. This would strengthen the OSCE's role in the Geneva International Discussions (GID) and positively contribute to the negotiation process itself.
- Negotiate with Russia and the de facto authorities to ensure the OSCE institutions (HCNM, ODHIR, media freedom representative) have full access to Abkhazia and South Ossetia in order to monitor the human rights situation there. The results of monitoring should be communicated to participants of the GID and the Incidents Prevention and Response Mechanisms (IPRM).
- Ensure the IPRM negotiations, which broke down recently, are restored.
- Consult with various local actors from Georgian, Abkhazian and South Ossetian civil society, grass root activists, experts and analysts on ways to ensure the work of the GID and IPRM are results oriented. This could be done through the OSCE special representative for the South Caucasus.
- The OSCE special representative for the South Caucasus should also prioritize the voices of the affected communities on the human rights and humanitarian situation, and ensure they are heard by the negotiating parties during formal and informal talks, and during negotiations and bilateral meetings.
- Explore opportunities to launch/revitalize the CBMs at Track 1.5 level, not only between Georgians and Abkhazians, and Georgians and South Ossetians, but between Georgians and Russians as well. Among other things, these CBMs should support and contribute to the GID and IPRM.

# Transnistrian conflict: Analysis and policy recommendations

*Ernest Vardanean*

Transnistria is a breakaway region of the Republic of Moldova that appeared in 1990 as the combined result of an anti-Soviet movement comprising most Moldavans and the opposing pro-Soviet international Russian-speaking population. The Transnistrian territory is a little more than four thousand sq. km; its population is about 400 thousand people. Since 1990, Transnistria has had 37 per cent of the industrial potential of Soviet Moldavia.

The conflict between Moldova and the Transnistrian region climaxed in March–July 1992, and several hundred died on both sides. The war was stopped by the Russian military, Moscow being the de facto third party in the conflict. The Russian president, Boris Yeltsin, and his Moldovan counterpart, Mircea Snegur, signed a ceasefire agreement on July 21, 1992. This laid out the basis of a peacemaking operation which was to comprise three parts: Russia, Moldova, and Transnistria. Later, in 1993–1995, the CSCE (OSCE) and Ukraine delegated military observers.

The Moscow Memorandum signed on May 8, 1997, established a five-sided format for the negotiations: Moldova and Transnistria as parties to the conflict; Russia and Ukraine as mediators and guarantors; and the OSCE as mediator. In 2005, after persistent requests from the Moldova's leaders, the format was enlarged to include the European Union and United States as observers.

The negotiation format now comprises five foreign actors and one international organization, which makes the process extremely controversial, and the prospect of the conflict being settled depends on their geopolitical interests coinciding. The reasons for this, however, include several reasons that do not relate directly to the Transnistrian conflict.

First, there is Moldovan foreign policy after 2009. Its strictly pro-Romanian and pro-European leaders emphasize the Western vector, and this naturally clashes with the pro-Russian aspirations of the Transnistrian people and their leaders.

Secondly, the war in Eastern Ukraine has aggravated political relations between Kiev and Moscow – the two key guarantors of the Transnistrian conflict settlement process. The lack of mutual trust causes deep contradic-

tions that directly affect the negotiation process. For example, the Ukrainian government abolished the 1995 agreement on military transit from Russia to Transnistria – and that is now impeding the rotation of Russian military personnel as well as peacemakers.

Thirdly, the overall confrontation between Russia and the West has moved the Transnistrian conflict to the top of international agenda but not as a constructive dialog aimed at comprehensive settlement. In other words, foreign actors tend to settle accounts with each other at Transnistria's expense.

### **History and early evolution of the negotiation format (1992–2003)**

The present format of the negotiation process for settling the Transnistrian conflict has evolved over several stages. The first step was an agreement on the principles for the peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova. The document was signed on July 21, 1992 in Moscow by Russian president Boris Yeltsin and Moldovan president Mircea Snegur, following hostilities on the Nistru (Dniester) River in March–July 1992.

In accordance with the agreement, Joint Peacekeeping Forces, a Joint Control Commission and a Security Zone were established. The agreement defined the principles for resolving the conflict, including the parties' obligation not to engage in armed violence.

In addition, the document mentioned "both sides" of the conflict, Moldova and Transnistria, as well as the "three parties involved in the settlement," including Russia.<sup>1</sup> The full-fledged negotiation process between Moldova and unrecognized Transnistria began once Mircea Snegur and Igor Smirnov approved a joint statement in the presence of the head of the CSCE (later the OSCE) Mission in Moldova, R. Samuel, and the plenipotentiary representative of the Russian president, V. Vasev.

On July 5, 1995 Snegur and Smirnov signed an agreement on the non-use of force between the Republic of Moldova and Transnistria in the presence of the head of the OSCE Mission to the Republic of Moldova M. Weigant, and V. Vasev. Moldova and Transnistria then requested that the Russian Federation, Ukraine and the OSCE should become the guarantors of the agreement. In this context, it is important to note that the agreement was the first document on the Transnistrian settlement, and was approved at the OSCE summit.

<sup>1</sup> N.V. Shtansky ed., "ПЕРЕГОВОРНЫЙ ПРОЦЕСС между Приднестровской Молдавской Республикой и Республикой Молдова в документах," [NEGOTIATION PROCESS between the Pridnestrovian Moldavian Republic and the Republic of Moldova in documents] Polygraphist, 2014, p.10.

Meanwhile, the geopolitical interests of the formal mediators of the settlement process – the Russian Federation – were already becoming more evident. In November 1995, the Russian State Duma adopted a resolution recognizing that the Transnistrian region of the Republic of Moldova was “a zone of special strategic interest to Russia.”<sup>2</sup>

On the other hand, Moldova allowed the settlement process and the presence of Russian troops on the left bank of the Nistru to become linked when a withdrawal treaty relating to Russian military units was signed on October 21, 1994. The treaty states that, “Practical steps to withdraw military units of the Russian Federation from the territory of the Republic of Moldova within a three-year period will be synchronized with a political settlement of the Transnistrian conflict and determination of the special status of the Transnistrian region of the Republic of Moldova.”<sup>3</sup>

Thus, Moldova’s leaders voluntarily agreed that the withdrawal of Russian troops would be dependent on a political settlement of the conflict. Thus, Moldova accommodated Russia, giving it reasonable opportunity to delay the negotiation process in order to satisfy its (Russian) interests.

The five-sided format was formalized in the Memorandum on the Basis for Normalization of Relations between the Republic of Moldova and Transnistria, signed in Moscow on May 8, 1997 by Russian president Boris Yeltsin, Ukrainian president Leonid Kuchma, Moldovan president Petru Lucinschi, Transnistrian leader Igor Smirnov, and OSCE Chairman-in-Office, N.-H. Petersen and the Danish minister for foreign affairs. The five-sided format identified Moldova and Transnistria as the parties to the conflict, Russia and Ukraine as guarantor countries and mediators, and the OSCE as mediator.

At a meeting between the mediators (Russia, Ukraine and the OSCE) in Bratislava on February 19–20, 2002, in the five-sided format, a Permanent Conference on Political Issues within the Framework of the Transnistrian Settlement Process was set up. It was a consultative body in which the parties to the conflict were given the opportunity to independently set out the means and mechanisms of the settlement.

### **The failure and consequences of the Kozak Memorandum**

The work of the conference (the Bratislava Format) was performed with varying degrees of success, and the parties appealed to the Russian Federation for assistance in drafting a basic document.

In the summer of 2003, the deputy head of the Kremlin administration, Dmitry Kozak, engaged in “shuttle diplomacy” and began coordinating and drawing up a document on the normalization of relations between Moldova

<sup>2</sup> Ibid, p. 13.

<sup>3</sup> Ibid, p. 26.

and Transnistria with their participation. As a result of this trilateral work, in November 2003, a Memorandum on the Basic Principles of the State Structure of a United State in Moldova was developed and published, and went down in history as the Kozak Memorandum.<sup>4</sup>

The memorandum was rejected at the last moment by the Moldovan president, Vladimir Voronin, but its appearance was a manifestation of the strong political influence of the Russian Federation and the designation of its geopolitical interests in the region, which, however, faced resistance from the US and the EU, who had their own.

The prehistory of the Kozak Memorandum is quite interesting. In the spring and summer of 2001, the new president of Moldova, the PCRM chairman, Vladimir Voronin, had four meetings with the Transnistrian leader Igor Smirnov, and this inspired great hopes for a speedy resolution of the conflict. However, in August the negotiation process suddenly broke down for various reasons: from personal dislike between Voronin and Smirnov to serious contradictions in the economic sphere.

The period of cooperation between Chisinau and Tiraspol was replaced by a period of tough confrontation. On the other hand, relations between Chisinau and Moscow had significantly improved. In November 2001, the two countries signed the Treaty of Friendship and Cooperation between the Russian Federation and Republic of Moldova.<sup>5</sup> Chisinau's goal was to convince Moscow to change Transnistria's leader. Nevertheless, Smirnov's power was preserved, but the credibility of Russia in Transnistria was partially undermined.

This atmosphere also influenced the negotiation process, which in 2002–2003 faced a lack of mutual trust between the parties. Then it became clear that without the impact of a third party there would be no good outcome, and since Russia was the most influential player, the Moldovan leaders turned to Russia with a request for assistance in drafting the basic document. Moscow agreed.

The drafting took place behind closed doors, and visits by Dmitry Kozak to the region were presented as “simply” Russia's intention to assist the parties in resolving the issues. Officially, the memorandum was submitted on November 17, 2003 at a meeting of Russian ambassador Yuri Zubakov and president of Moldova Vladimir Voronin. The announcement that a settlement plan had been submitted came as a complete surprise to Moldova's Western partners. The speed with which the memorandum had been presented to the

<sup>4</sup> See full text in Russian online: <https://regnum.ru/news/458547.html> (accessed on December 6, 2018).

<sup>5</sup> See full text in Russian online: <http://kremlin.ru/supplement/3400> (accessed on December 6, 2018).

authorities and society generally, indicated Russia's desire to get ahead of the West, or at least not allow it to intercept the Russian initiative.

However, on the night of November 24–25, 2003, when preparations were being made for the arrival of Vladimir Putin in Chisinau, Voronin came under heavy pressure from the West. Chisinau said that at the last moment a paragraph had appeared in the document about 20 years of the Russian military presence. Voronin and, naturally, Western countries did not like it.<sup>6</sup> In Tiraspol, they later refuted the statement about the “unknown” clause, showing journalists a copy of the memorandum, where each page had been initialed by Voronin and Smirnov.

In 2008, prior to the fifth anniversary of the memorandum's failure, the ministry of foreign affairs of unrecognized Transnistria published a special statement criticizing Moldova and reproaching it for rejecting the document, which, in fact, could have put an end to the de facto independence of Transnistria. The Transnistrian administration stated that the failure to sign the document had “finally destroyed the trust” Tiraspol had in the Moldovan side.<sup>7</sup>

### Negotiations in 2003–2016: Lack of confidence and progress

For 28 years, Transnistria has existed separately from Moldova, and every year the separation deepens. The failure of the Kozak Memorandum in 2003, objectively speaking, put an end to the discussions about the possible construction of a federal or other “common” state between Moldova and Transnistria. Today in Chisinau, support for federalization is met with a sharply negative reaction among politicians and experts, especially in the right-wing camp, because it is considered an anachronism and an attempt to increase Russia's influence.

In a sense, it was the failure of the Kozak Memorandum that became a milestone marking the beginning of a sharp increase in Western influence in Moldova and balancing Russian influence. For Russian diplomacy, the Kozak case was a sensitive blow. On December 5, 2003, the editorial offices of Transnistria's state-owned mass media received an instruction from the

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<sup>6</sup> “Американский дипломат: Запад не мог согласиться на военное присутствие России на Днестре,” [American diplomat: The West could not agree to Russia's military presence on the Dniester], *New Day*, November 29, 2011. Available online: <https://newdaynews.ru/kishinev/360592.html> (accessed on December 6, 2018).

<sup>7</sup> “МИД ПМР: ноябрь-2003 окончательно разрушил доверие к руководству Молдавии,” [MFA of Pridnestrovian Moldavian Republic: November 2003 finally destroyed confidence in the leaders of Moldova] *New Day*, November 25, 2008. Available online: <https://newdaynews.ru/pmr/208311.html> (accessed on December 6, 2018).

leaders of the unrecognized republic, who, in turn, had received it from the Russian foreign ministry.

The author of this paper was then a reporter at Radio Transnistria and attended a closed meeting held by the deputy minister of information and telecommunications of the Transnistrian region. The official voiced the idea that Moscow had suggested informing the residents of the region of the following: "We must disavow the message that the failure of the Kozak Memorandum is a defeat for Russian diplomacy." The purpose of the meeting was to explain to Transnistrian journalists, and through them the population, that "Moldova had asked for the memorandum to be drawn up and then rejected it," and that Russia "had nothing to do with it."

Another indirect confirmation that the Kozak Memorandum failure was a tangible blow to Russia's interests was the OSCE Ministerial Meeting in Maastricht on December 1–2, 2003, where the Kozak Memorandum became a key issue. Disagreements over Moldova between Russia, on the one hand, and the EU and the United States, on the other, were one of the main reasons a final joint declaration was not adopted after the meeting<sup>8</sup>. The Transnistrian conflict could be settled according to Russia's rules, but the European Union and United States refused to accept this order of things in the context of the EU's new neighborhood policy.<sup>9</sup>

Former head of the OSCE Mission to Moldova William Hill acknowledged that Western countries were involved in Moldova's refusal to sign the memorandum: the United States, representatives of the EU and the OSCE considered the military presence, which had not been coordinated with other CFE subscribers, unacceptable.<sup>10</sup> The history of the Transnistrian settlement shows that the impact of external factors was much greater than that of internal factors. In this sense, there was a need to counterbalance the unlimited influence of the Russian Federation, the mediator, guarantor and extremely interested party, and moreover, most important supporter of Transnistria.<sup>11</sup>

<sup>8</sup> M. Emerson, M. Val, "Молдова и приднестровский конфликт. Европеизация и разрешение конфликтов: конкретные исследования европейской периферии," [Europeanization and Conflict Resolution: Case Studies from the European Periphery] Весь Мир, 2005, p. 176.

<sup>9</sup> N. Popescu, "Politica externă a Uniunii Europene și conflictele post-sovietice," [The foreign policy of the European Union and the post-Soviet conflicts] Chisinau: Cartier, 2013, p. 86.

<sup>10</sup> "бывший глава миссии ОБСЕ, рассказал «Ъ-md» о том, почему в 2003 году не был подписан «Меморандум Козака», "[William Hill, former head of the OSCE mission, told Kommersant why the Kozak Memorandum was not signed in 2003]" Enews, November 30, 2011. Available online: <http://enews.md/articles/view/1951/> (accessed on November 11, 2018).

<sup>11</sup> I. Boțan, "Reglementareatransnistreană: soluțieeuropeană," [Transnistrian settlement: European solution] Chisinau: Arc, 2009, p. 32.

On the other hand, Moscow considered Transnistria an outpost that conflicted with the aspirations of the United States and European Union to minimize Russian influence in the post-Soviet space and to ensure European security. Transnistria was seen as a tool for deterring rapprochement between Moldova and NATO, maintaining the Chisinau's neutrality. As a result, Russia refused to repeat the Abkhaz and South Ossetian scenario in Transnistria and thus maintained the status quo.<sup>12</sup>

At the same time, the EU received additional institutional "access" to the region through the Border Assistance Mission (EUBAM), which was launched on November 30, 2005 in response to a joint appeal by the presidents of Moldova and Ukraine. At the same time, in December 2004, the United States had launched its own large-scale program of economic assistance to Moldova – the Millennium Challenge Threshold Program. In 2010, once that had ended, a new program, the Moldova Compact, was launched.

The failure of the Kozak Memorandum not only caused the "freezing" of the Transnistrian conflict, but also pushed Moldova toward rapprochement with the West. Last but not least, the Transnistrian settlement was subjected to "Europeanization." At the same time, the actual failure of all federalization plans became apparent. In June 2005, the Moldovan parliament adopted a law on the Basic Provisions of the Special Legal Status of the Settlements on the Left Bank of the Dniester (Transnistria)." The law states that an autonomous territorial entity with special legal status – Transnistria – has been established within the Republic of Moldova. Tiraspol rejected the law, while Moscow criticized Moldova for its unilateral actions.

The European Union began to show increased interest in the region as did member states, primarily France and Germany. Both countries have repeatedly stressed their serious interest in resolving the Transnistrian conflict, which would greatly contribute to strengthening security in the EU neighborhood. While Germany is already quite strongly politically involved in the affairs of Moldova, Paris has several reasons for including it in closer cooperation with Berlin, especially on the Transnistrian conflict.<sup>13</sup>

The growth in Berlin's interest in the eastern direction coincided with the EU's "Eastern" expansion in 2004, when the geopolitical horizons of Germany and the European Union as a whole began to extend beyond the

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<sup>12</sup> A. V. Gushchin, S. M. Markedonov, "Приднестровье: дилеммы мирного урегулирования," [Transnistria: peace settlement dilemmas] Russian Council on International Affairs, January 2016, p. 4.

<sup>13</sup> D. Rinnert, F. Parmentier, "Finding Common Denominators in the Eastern Partnership Region: Towards a Strategic French-German Cooperation in the Transnistrian Conflict," Policy Brief, IDIS "Viitorul," 2013, p. 10.

limits of Central Europe.<sup>14</sup> The high point of German activity regarding the Transnistrian settlement was in 2010.

In June that year, German chancellor Angela Merkel and Russian president Dmitry Medvedev met in the German city of Meseberg and signed a memorandum regarding the positions of the two countries on prospects for resolving conflicts in the post-Soviet space and, in particular, on the Nistru (Dniester) River. Moscow and Berlin supported the relevant dialog between the Russian Federation and the EU.

However, the German chancellor's initiative failed. According to the former head of the OSCE Mission to Moldova, Philip Remler, Germany had pledged that the EU as a whole would cooperate with Moscow on Transnistria.<sup>15</sup> In the memorandum, Germany also committed to contribute to other EU decisions regarding Russia, in particular, to establishing a committee on foreign policy and security. At the same time, neither Brussels, nor even the German foreign ministry were informed in advance about this initiative.

Among other things, the leaders of Germany and Russia misunderstood each other: Merkel had in mind cooperation between Russia and the EU on the security issue, implying, first of all, a joint settlement on the “frozen conflicts,” whereas Medvedev understood this as a positive response to Moscow’s initiative to create a Russian–European Joint Security Committee. Regardless, the Meseberg Memorandum remained history for a number of reasons. Nonetheless, it is confirmation of how actively Germany was interested in intensifying the process of the Transnistrian settlement. Despite the failure of the Kozak Memorandum and the desire of Western countries to counterbalance Russian influence in the negotiations, Moldova’s leaders made attempts to appeal to Moscow again, regarding it as a “key keeper” of the settlement.

In 2007–2008, Voronin repeatedly met with Putin and Medvedev, discussing the options for setting up a de facto federal state of Moldova and Transnistria.<sup>16</sup>

The outcome was that no new settlement plans were presented, but there was one tangible result. The Western countries were greatly displeased by

<sup>14</sup> A. V. Devyatkov, V.S. Arutyunyan, “Германия и конфликты на постсоветском пространстве,” [Germany and conflicts in the former Soviet Union] Bulletin of the Volzhsky University, № 4 (19), 2015, p. 197.

<sup>15</sup> P. Remler, “Безрезультатные переговоры: Россия и Германия не нашли общий язык,” [Negotiation Gone Bad: Russia, Germany, and Crossed Communications] Carnegie Europe, April 21, 2013. Available online: [http://carnegie.ru/publications/?f\\_a=52807#](http://carnegie.ru/publications/?f_a=52807#)(accessed on December 6, 2018).

<sup>16</sup> E. Vardanyan, “Президента Молдавии заставляют принять российский план приднестровского урегулирования,” [President of Moldova is forced to accept the Russian Transnistrian settlement plan] *New Day*, April 16, 2007. Available online: <http://newdaynews.ru/pmr/114740.html> (accessed on December 6, 2018).

the joint statement by Voronin and Smirnov on the Transnistrian settlement made on March 18, 2009 in the presence of Medvedev. In particular, paragraph 4 says: “The Parties appreciate the stabilizing role of the current peacekeeping operation in the region and support the idea of its transformation into a peace guarantee operation under the auspices of the OSCE immediately after the political settlement of the Transnistrian conflict.”<sup>17</sup>

Thus, Moldova agreed to link the peacekeeping operation under Russia to the settlement process, in which Russia also had a major influence. Given the sluggish negotiations, this meant a delay in dialog and the continuation of the Russian military presence on the Nistru (Dniester) River. Moldova was ‘caught out’ by the trick of Russian diplomacy when it recognized Russia’s dominant (if not exclusive) role, devaluing Ukraine’s mediation and reducing the efforts of Western countries to counterbalance Russia’s influence.

Meanwhile, the growing influence of the European Union had led not only to a proportional reduction in Russia’s influence, but also to a narrowing of the possibilities available to Transnistria. Transnistria’s dependency on EU markets, and on Moldova and Ukraine, which are gradually integrating with European markets, makes its socio-economic prospects vague, especially given its international political isolation. Transnistria has less room for maneuver, but also faces an uncertain future as it is an unrecognized territory.<sup>18</sup>

On the other hand, European politicians are putting pressure on Moldova’s leaders, urging it to actively engage in the Transnistrian settlement, the success of which is integral to European integration. In August 2012, German Chancellor Angela Merkel paid a visit to Chisinau, where she made it clear to the Moldovan elites that resolving the Transnistrian conflict was a condition of the European integration process. This aspect is extremely important, since Chisinau is informally seeking to implement the Cyprus option: where it would force entry into the EU, and then be able to dictate its conditions to the opposite side.<sup>19</sup>

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<sup>17</sup> “Совместное заявление, принятое по итогам переговоров президента Российской Федерации Д.А. Медведева с президентом Республики Молдова В.Н. Ворониным и главой Приднестровья И.Н. Смирновым,” [Joint statement adopted following the talks of the President of the Russian Federation D.A. Medvedev with President of the Republic of Moldova V.N. Voronin and the head of Transnistria I.N. Smirnov] Ministry of Foreign Affairs of the Russian Federation, March 18, 2009. Available online: [http://www.mid.ru/maps/md/-/asset\\_publisher/dFOotO3QvCij/content/id/301838/pop\\_up?\\_101\\_INSTANCE\\_dFOotO3QvCij\\_viewMode=tv&\\_101\\_INSTANCE\\_dFOotO3QvCij\\_qrIndex=0](http://www.mid.ru/maps/md/-/asset_publisher/dFOotO3QvCij/content/id/301838/pop_up?_101_INSTANCE_dFOotO3QvCij_viewMode=tv&_101_INSTANCE_dFOotO3QvCij_qrIndex=0)(accessed on December 6, 2018).

<sup>18</sup> Devyatkov A.V., “Международно-политические последствия «де-факто государственности» Приднестровья,” [The international political consequences of the “de facto state” of Transnistria], Bulletin of the Tyumen State University, 2014, p. 55.

<sup>19</sup> A. V. Devyatkov, V.S. Arutyunyan, *ibid.* p. 200.

## Evolution since 2016: “Red Lines” and unexpected breakthrough

In 2016, the German OSCE chairmanship created conditions for the consolidation of mediators and observers. In the summer of 2016, Moldova found itself alone against a whole “front” of external players who demanded it should fulfill a number of agreements in the negotiation process that were against its own (Moldovan) interests. The most surprising thing was that Moscow, which pressed Chisinau on, was supported by the mediators and observers, that is, the OSCE, European Union and even Ukraine along with the United States.

Russia offered Moldova a binding guarantee mechanism regarding protocol decisions for Chisinau and Tiraspol. This mechanism was naturally supported by Tiraspol, as well as by the OSCE Mission to Moldova, and did not face any resistance from the US or the EU.

Yet, the author of this article was informed that the “front” against Moldova had partly been created as a result of institutional disagreements between the Reintegration Bureau and the Ministry of Foreign Affairs and European Integration of Moldova, which had weakened Chisinau’s negotiating position.<sup>20</sup>

In August 2016, the most influential non-governmental organizations in Moldova, such as the Foreign Policy Association, Institute of Public Policies, ADEPT, Promo-Lex, IDIS Viitorul and Expert Grup made a collective appeal to the authorities asking them not to cross ‘red lines’ in the Transnistrian settlement. They were implying, in particular, the alleged recognition of license plate numbers and university degrees from Transnistrian educational institutions.<sup>21</sup>

This was quite an emotional joint statement by NGOs in Moldova, despite neither the “5 + 2” format nor the Bratislava format of the Permanent Conference implying “recognition of the statehood of Transnistria” in any way.

Nevertheless, the solidarity between Russia, the US and the EU was, perhaps, due to the desire of the departing Obama administration to achieve some positive results compared to the lack of progress in Donbas and Syria. At the same time, Germany, as the 2016 OSCE Chairman, sought to demonstrate a certain degree of freedom of action, while the German foreign ministry was trying to conduct an even more balanced policy than that of the federal chancellery in post-Soviet space.

<sup>20</sup> Vardanean, E. “Берлинский фронт против Молдовы,” [Berlin Front vs Moldova] Radio Europa Libera, June 18, 2016. Available online: <https://www.europalibera.org/a/27807411.html> (accessed on December 6, 2018).

<sup>21</sup> Vardanean, E. “Красные линии и темные силы,” [Red lines and dark forces] Radio Europa Libera, September 22, 2016. Available online: <https://www.europalibera.org/a/28006901.html> (accessed on December 6, 2018).

Thus, two years ago Washington, Berlin, and Moscow needed a positive example and still do today. The Transnistrian conflict, least aggravated by ethnic or religious factors in the post-Soviet space, could be a successful platform for finding a long-awaited compromise between the powers.

The negotiation process received a new impetus after the election of Igor Dodon as President of Moldova, since he made settling the Transnistrian conflict one of the main points of his domestic and foreign policy. Mr. Dodon took office as President of the Republic of Moldova on December 23, 2016 and from January 2017 to September 2018, he held four personal meetings with the leader of Transnistria, Vadim Krasnoselsky. It is expected that their fifth meeting will take place in December 2018.

In parallel with the efforts of the Moldovan president, the Moldovan government is trying not to lose the initiative – serious institutional differences between the presidential administration, on the one hand, and the Moldovan government and parliament, on the other hand, should be taken into account.

On November 25, 2017, Moldova and the Transnistrian region signed a protocol agreement, which was immediately called “a breakthrough” in the negotiation process. It included four basic decisions which do not deal with the political problems or the legal status of the breakaway region; however, it is supposed to bolster citizens’ everyday lives. One week before, the parties had re-opened the bridge over the Nistru (Dniester) River, which had been blown up 26 years ago during the war in Transnistria and then reconstructed with the help of the European Union. The four protocols provide for the normal activity of schools teaching in the Romanian language; give farmers from the Dubasari district access to their own land plots located behind the Tiraspol–Kamenka highway; enable recognition of diplomas from Transnistrian universities and fixed and mobile telephone communication between the two banks of the river.

The four documents are:

- a protocol decision on attaching apostilles to education diplomas issued by the Transnistrian region
- a protocol decision on providing interaction in the sphere of electronic communications
- a protocol decision on solving the problems connected with the cultivation of plots of land situated in the Transnistrian region but belonging to Moldovan citizens east of the Tiraspol–Kamenka highway
- a protocol decision enabling the [unhindered] functioning of high schools located in the Transnistrian region, but under Moldovan authority, that use the Latin alphabet (unlike all other Transnistrian high schools, which use the “Moldavan” language in the Cyrillic alphabet).

Immediately after the signing of the four protocol decisions, a new meeting in the 5+2 format took place in Vienna on November 27–28, 2017, at which the international mediators and observers welcomed the decision.<sup>22</sup> However, the regional media reported that local tycoons could have exerted a strong influence, interfering directly to boost the negotiation process. There may have been informal involvement by Vladimir Plahotniuc, head of the Democrat Party of Moldova and the most powerful person in the country, and by Victor Gushan, President of the biggest Transnistrian company Sheriff, and the most powerful person in the non-recognized region.<sup>23</sup>

Besides, Plahotniuc has a strong partnership with Petro Poroshenko, President of Ukraine, and the Transnistrian region is highly dependent on transit via Ukraine. Sources admit that Transnistria may need closer relations with Ukraine and EU to overcome the deepest ever economic crisis in the region, while Russia is reluctant to assist its traditional stooges in Tiraspol, but is trying to strengthen relations with the Moldovan President Igor Dodon. Nonetheless, last year's breakthrough in the negotiation process seems far more significant if we remember that on November 25, 2003, Vladimir Voronin, the Moldovan president, refused to sign the Kozak Memorandum.

## Conclusions and recommendations

When discussing the various perspectives of the conflict and the overall settlement, it is necessary to outline some recommendations for all participants in the negotiation process:

Transnistria should stop accusing Moldova and Ukraine of being “always guilty” of causing all the domestic problems, including the financial and social collapse. At the same time, Tiraspol should realize there is no viable scenario for it being “recognized” by anyone, including Russia.

Moldova should choose either European integration or re-integration with Transnistria OR a combination of both; although many scholars suggest that would be impossible to do at once. At the same time, Moldova should not neglect the persistent recommendations of the European Union that “Moldova should be attractive to Transnistria.” Moldova prefers instead to make Transnistria wait “until Moldova joins the EU and becomes rich,” which seems to be counterproductive.

<sup>22</sup> “OSCE Chairperson-in-Office and OSCE Secretary General welcome agreement on several social and economic issues in Transnistrian Settlement Process,” OSCE, November 27, 2017. Available online: <http://www.osce.org/chairmanship/358846> (accessed on December 6, 2018).

<sup>23</sup> “Приднестровье и Молдавия поговорили по-деловому,” [Transnistria and Moldova talked business] Kommersant, November 27, 2017. Available online: <https://www.kommersant.ru/doc/3479847> (accessed on December 6, 2018).

Besides, territorial reintegration would be sustainable, but Chisinau needs a reasonable plan, that is suitable for Transnistria but does not undermine Moldovan statehood. Above all, both sides have to acknowledge that there can be no viable solution without economic growth. Residents of Transnistria should know that many problems have not been solved, not because Chisinau does not want it, but because some politicians and businessmen in Transnistria prosper from the conflict.

For a truly viable scenario, Moldova needs to provide a common judicial, banking and financial system, including the national currency, Leu, for the whole territory. It also needs common armed forces, foreign policy and internationally recognized frontiers. The remaining powers are negotiable, meaning Transnistria can have much of what it has today, a little more than the Gagauz Autonomous Region.

Russia should drop its double-edged approach to the settlement process. Officially, Moscow supports Moldovan territorial integrity. In practice, Russia gives overall support to Transnistria. However, the Realpolitik tells us different things: Russia needs the Republic of Moldova in its entirety, Transnistria being just an anchor for keeping the country away from Romania, NATO and the EU. Moreover, with the consent of Moldova's leaders, Russia was able to make the position of its peacekeeping contingent directly dependent on a comprehensive political settlement of the Transnistrian conflict.

In other words, Russian diplomacy has built a chain of actions that ultimately ensures a protracted political dialogue that has no visible results, but guarantees Russia's military-political presence in the region.

Ukraine should give up trying to make the conflict in Donbass fit the Transnistrian case, and stop promoting the concepts of a "second Transnistria" or a "second Russian front against Ukraine." On the other hand, Kiev should be more consistent in conducting policy towards Moldova: before the conflict with Russia, Ukraine had been pursuing a double game, declaring support for Moldovan independence while contributing to the passage of contraband from/to Transnistria through Ukrainian territory.

The events around Ukraine that began in November 2013 with Euro-maidan and worsened after Russia's annexation of Crimea in March 2014 and the war in Donbass have significantly affected relations between Kiev and Moscow, and the guarantors and intermediaries in the Transnistrian negotiation process. At the same time, relations between the Russian Federation and Western countries have reached their lowest level since the end of the Cold War. This serves to escalate the confrontation and the negativity around the Transnistrian conflict.

However, the leaders of Ukraine and the West still fear that Russia will open up a "second front" in Transnistria and therefore view the unrecognized republic as a continuation of the "belt of instability" in southern Ukraine.

Moldova's socio-political heritage has begun shaping the geopolitical preferences of the elite and society; the people have long been divided into pro-Russians and pro-Westerners. This, in turn, has led to the "Transnistrian syndrome" expanding across the whole of Moldova's right-bank, diverting the attention of the authorities and citizens away from the actual negotiation process for settling the Transnistrian conflict.

The European Union and United States should give up their role of defending Moldova's leaders "by all means" and pay more attention to the Transnistrian population. At the same time, the observers should not view Transnistria through the prism of the war in Donbas, or through the confrontation with Russia. Transnistria may yet turn out to be a success story for both Russia and the West.

However, settling the Transnistrian issue, like the Donbas puzzle, inevitably complicates the potential for a systemic dialog on European security with the participation of the West and Russia. It should be about dialog, not stereotyped accusations of each other. The negotiations, no matter how small the achievements, are truly important. They deserve to be treated as a complex process, and not a simple task of accelerated reconciliation.

The Russian Federation, European Union and United States have formal common goals, but different tasks. In particular, all three actors talk about the need to preserve the sovereignty and territorial integrity of the Republic of Moldova within internationally recognized borders. At the same time, the principle of a people's right to self-determination does not apply here as the Transnistrian conflict is not ethnic in character.

For the European Union and the United States, preserving Moldova's territorial integrity is first and foremost about achieving a political settlement for the Transnistrian conflict in conjunction with replacing the peacekeeping operation under Russian authority with an OSCE peace guarantee operation of civilian observers under the auspices of the OSCE. The task of Western mediators in this case is to reduce Russia's influence on Moldova in order to facilitate and accelerate the latter's integration into European structures.

Nevertheless, the geopolitical contradictions of the international players have not led to the complete breakdown of the negotiation format. Moreover, Germany's OSCE chairmanship in 2016 demonstrated a rare unity between intermediaries, albeit risking the negotiating position of Moldova.

*The Slovak Chairmanship of the OSCE could focus on two levels of activity:*

1. Lower level –helping to achieve new outcome in terms of confidence building measures and a small steps strategy, as was the case in November 2017.

2. Higher level – due to its good relations with both the EU and Russia, Slovakia could help bring about a ‘big deal’ between Russia and the West, which, in turn, might support a Moldovan plan of settlement acceptable to Transnistria.

Description:

#### *Lower level*

In the Transnistrian region the focus should be on common Slavic roots, a language much closer to Russian, involving Russian-speaking diplomats, the organization of tours (including press tours) for businessmen, students, journalists and NGO activists, for example, to show how good it is to have open borders. Vienna and Bratislava should be held up as good examples since they are the closest capitals in the world and Bratislava uses Schwechat airport, and used as an example of true European neighborhood (avoiding frequent use of the phrase “European integration,” since people in Transnistria are well aware of how it has been discredited in Moldova).

Care should be taken not to be misled by the Transnistrian propaganda machine, which might say “Look at the ‘civilized divorce’ of Czechoslovakia, let’s do the same with Moldova.” It is better to say that the “divorce” of January 1<sup>st</sup>, 1993, was ethnic and historical, unlike Transnistria’s case, and that it was mutually agreed, which is not possible in Moldova. Above all, you need to say the two countries were reunited in the European Union.

Additional ideas:

If the Slovak chairmanship plans to concentrate more on a step-by-step strategy, pursuing any domains of common interest is highly recommended. But looking at the details, the key problem has to be explained: the populations on both banks of the Nistru (Dniester) are poorly informed about their counterparts. People in Tiraspol know much more about the situation in Moscow or Kiev (even if it is through the eyes of Russian propaganda) than in Chisinau, whereas the people in Chisinau are much more aware of what happens in Paris, London or Bucharest than in Tiraspol. This is despite thousands of citizens crossing the river every day. People are likely to react better to “consumer” level information than to a well-planned national information campaign. This is because they are not interested in getting to know each other better – it is a matter of indifference on the higher level (see the additional paragraph *in italics* at the end). Besides, these recommendations are mainly for the Transnistrian region, since it is more ‘closed’ and reluctant to accept cultural novelties coming from the West.

Another recommendation is that the project side should start with humanitarian programs. Since both banks of the river are inhabited by the same ethnic groups with the same religion, culture, traditions and common

history, there is no need to “build cultural bridges,” the chairmanship could easily start with more specific projects, for example:

- Concerts, exhibitions and festivals. Both banks of the river have a beautiful spring holiday called “Mărțișor” (celebrated on March 1<sup>st</sup>, the festivals last until March 10<sup>th</sup>). Usually many artists from Tiraspol visit Chisinau and vice versa, so Slovakia could boost the dialog by organizing a common festival with a unity program, and not only in Tiraspol and Chisinau. A kind of “Mărțișor over the Nistru/Dniester” festival could be helpful as a confidence building measure.<sup>24</sup>
- Sports competitions are even easier to organize, since most of the Transnistrian teams take part in the Moldovan national championships, like FC Sheriff.
- Education is a very promising domain for cooperation. For example, Slovakia could offer more advantageous conditions (e.g. scholarships) at its universities for Transnistrian students with Moldovan citizenship. Please note, that Transnistrian society, including young people, are almost unilaterally oriented towards Russia, so a great deal of effort will be required to ‘reconfigure’ their thinking in order to make it a little more open-minded. In addition, Slovakia could provide financial assistance for organizing Olympiads for schoolchildren, both national and international, just as Transnistrian pupils participate in the Moldovan Olympiads.
- Healthcare is a little more complicated as special medical equipment is involved (sometimes people from Transnistria have to visit Chisinau) and there are two different systems: Moldova has had a health insurance system for over a decade, whereas the Transnistrian region has a mainly Soviet-style ‘free’ medical system, which generally turns out not to be so free. In this sense, Slovakia could offer different types of assistance: equipment, medicines, professional development or advanced staff training (it could be organized in Chisinau/Tiraspol or in Slovakia, if necessary), treatment in Slovakia, primarily for children for example.<sup>25</sup>
- Infrastructure/logistics/transport. This point is negotiable and the decision depends on the needs of each part or both sides, just like with the bridge in Bicioc–Gura Bicului.

<sup>24</sup> A strong personal recommendation: never use the word “reintegration” in public while in Transnistria, whether at an official event or any other kind of meeting. Although everyone on the left bank acknowledges the impossibility of its “independence” being recognized, reintegration with Moldova is definitely off the official Tiraspol agenda.

<sup>25</sup> A strong personal recommendation: please remember there is an extremely high level of corruption on both banks of the Nistru/Dniester, so do not donate money unless there are very strong control mechanisms. This recommendation applies to almost any domain.

However, it is worth identifying any tangible assistance that brings positive results. For instance, plaques could be displayed stating “This bridge/ road/water pipe/ school has been constructed/repaired with the assistance of the Slovak government” and/or “From the Slovak people – to the people of Moldova.”

In the Republic of Moldova the following argument could be used: Slovakia is a small landlocked country just like Moldova and it is able to prosper without natural resources IF it is properly governed and has good relations with its neighbors. The Strategy of the Slovak Republic for Development Cooperation with the Republic of Moldova for 2014-2018 should be given as an example, and something similar suggested.<sup>26</sup> Being a member of EU and NATO, Slovakia has a good dialog with Russia – being European does not mean being anti-Russian.

An idea for both: say that Slovakia is not a big actor and does not have “exclusive” geopolitical or whatever interests but it does wish to help Moldova and the Transnistrian region to achieve economic prosperity, democracy, supremacy of law and a peaceful foreign policy.

*Slovakia supports Moldova – small countries can make a great deal!*

### *Higher level*

Slovakia and Russia have a moderate narrative not a negative one like Russia has with Poland, or an indifferent one like with the Czech Republic. The dialog between Bratislava and Moscow could be very helpful for the Moldovan case.

Slovakia – Ukraine, a good energy dialog, they both seek energy independence from Russia. Slovakia is more sensitive to Ukraine’s territorial integrity, unlike Hungary (especially regarding the Zakarpattia region). Slovakia could help improve personal contact between President Dodon of Moldova and President Poroshenko of Ukraine (need to see the results of the presidential elections in Ukraine in May–June 2019).

Slovakia – European Union, Bratislava is part of the “rebellious” V4 group but there is no tension between it and Brussels, unlike Poland and Hungary. Good relations between Slovakia and Germany and France, the key EU “dealers” in the Transnistrian case could make Slovakia a good negotiation arena. We might also recall the Bratislava Conference for Transnistria in 2002.

Slovakia–Moldova, very sensitive about the Transnistrian case and territorial integrity of Moldova, has not recognized Kosovo (along with four

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<sup>26</sup> “Strategy of the Slovak Republic for Development Cooperation with the Republic of Moldova for 2014-2018,” MFEA SR. Available online: <https://www.slovakaid.sk/en/news/559-country-strategy-paper-moldova> (accessed on December 11, 2018).

other EU countries). This should always be reiterated during negotiations and in public.

*One more strong recommendation for the higher level of dialog with the Republic of Moldova: since it is widely known that the Transnistrian case does not even feature among Moldova's Top 10 problems, Slovakia should ask Moldova's leaders IF they truly wish to live in a reunited country. This is not a scientific or media issue but an existential problem: does Moldova really need Transnistria? Of course, this should be asked "off the record" because a suitably frank public declaration would never be made.*

# The Nagorno Karabakh conflict: Analysis and policy recommendations

*Richard Giragosian*

Since the Nagorno Karabakh conflict first emerged some three decades ago, an unofficial “state of war” between Armenia and Azerbaijan has only continued to seriously undermine efforts at regional development and reintegration. The Karabakh conflict in particular, which first erupted in 1988 in the waning days of the Soviet Union, posed an immediate and urgent challenge to the newly independent states of both countries. Over time, the conflict generally became seen as more of a “frozen” conflict, as both the military-security and diplomatic aspects became rather constrained and contained by a more manageable situation. More specifically, with the military-security dimension limited to violations of a fragile, yet largely effective ceasefire agreement since 1994, and a diplomatic effort at mediation by France, Russia and the United States, under the auspices of the Organization for Security and Cooperation in Europe (OSCE), each contributed to a more predictable and manageable conflict environment.

Nevertheless, such a manageable sense of basic stability was not sustainable over the longer term. For both Armenia and Azerbaijan, a diplomatic deadlock over the peace process and the absence of any real statesmanship, with no tangible progress whatsoever over this unresolved conflict, tended to only compound an unacceptable “status quo.” For Azerbaijan, such a “status quo” over Nagorno Karabakh was a major driver of Azerbaijani frustration and impatience. And that frustration reached a dangerous “tipping point” in recent years, as Azerbaijan resolved to change the situation by force, by launching a coordinated offensive along the Nagorno-Karabakh “line of contact” separating Karabakh from Azerbaijan in April 2016.

Under Slovakia’s Chairmanship of the OSCE, the stated objectives and priority areas are to pursue strategies that boost multilateralism, promote conflict prevention and focus on addressing the needs of people to counter the challenges and risks to security in the OSCE area. This suggests that in applying this strategy to the Nagorno Karabakh conflict, Slovakia can support the implementation of existing confidence- and security-building

measures, promote increased military-to-military contacts and support effective security sector reform, but only by supporting (not replacing) the existing negotiating formats, such as the OSCE Minsk Group in the case of Karabakh. Thus, there are a number of policies and a set of specific measures that may contribute to reducing the risk of renewed hostilities over Nagorno Karabakh while also contributing to an environment more conducive to diplomatic engagement and even a degree of progress.

### The April 2016 “four-day war”

Against that backdrop, the launch of the so-called “four-day war” over Karabakh in April 2016 stood out as the most serious case of combat operations since the 1994 ceasefire. Moreover, the Azerbaijani military offensive is actually better understood as a culmination of three key factors in a broader trend of military escalation and diplomatic frustration. First, Azerbaijan has led a virtual “arms race” for several years, through consistent increases in defense spending. This in turn has fostered a significant military buildup by the Azerbaijani side that has included the procurement of more modern, serious weapons systems. In turn, Armenia has been compelled to keep pace, albeit on a smaller scale, and has increased its own defense spending and arms procurement.

A second factor underlying this recent outbreak of hostilities was evident well before this offensive, defined by a pronounced escalation of clashes over the past two years. That broader escalation, which included skirmishes and artillery exchanges along not only the Karabakh line of contact, but also along the Azerbaijani-Armenian border proper, was matched by an intensification of clashes involving heavier weapons, and a pronounced willingness to use force of arms.

The third, related element of this underlying context was the appeal of domestic dividends, and the necessity to distract from an economic crisis within the country. From this perspective, the Azerbaijani leadership saw an opportunity to leverage the conflict in an appeal to nationalist political posturing and distracting attention away from the worsening socio-economic situation. Thus, the combination of each of these three factors demonstrates that despite its unexpected scale and scope, Azerbaijan’s recent military offensive is not necessarily a surprise. Moreover, the risk of “war by accident” has been notably present in recent years, defined more by the danger of miscalculation and threat misperception.

Map 1 The conflict over Nagorno Karabakh<sup>1</sup>

### The threat of renewed hostilities

Beyond that broader context, however, the April 2016 round of fighting demonstrated an enhanced threat of renewed hostilities, endowed with militarily significant concerns over the outlook for stability and security. Despite the pronounced risk of “war by accident” in recent years, as demonstrated by a surge in violations of an inherently delicate ceasefire, the “four-day war” of 2016 was significantly different and much more serious, for several reasons.

First, from a military perspective, both the scale and the scope of the Azerbaijani offensive were as unexpected as they were unprecedented. In a well-coordinated attack, Azerbaijani units targeted three different areas along the “line of contact,” a well entrenched and deeply fortified front line separating the Armenian forces of Nagorno Karabakh from Azerbaijan. This particular offensive campaign was also markedly different by virtue of its in-

<sup>1</sup> A. Jarosiewicz, M. Falkowski, “The four-day war in Nagorno-Karabakh,” OSW, 2016. Available online: <https://www.osw.waw.pl/en/publikacje/analyses/2016-04-06/four-day-war-nagorno-karabakh> (accessed on December 20, 2018).

tensity, as the most serious attack since the 1994 ceasefire, and based on a new Azerbaijani strategy. Unlike past attacks, this campaign was rooted in a much more ambitious, yet operationally limited new objective: to seize, secure and sustain control of territory. This is a significant departure from the previous Azerbaijani strategy of simply attacking for the sake of pressure and posturing, and represents an important turning point in the context of military strategy aimed at attacking and altering the “status quo” of an entrenched Armenian defensive perimeter that spans Karabakh and beyond, including several districts of Azerbaijan proper outside the borders of the Karabakh enclave.

It is also different in terms of Azerbaijan’s military capabilities, which demonstrated an improved use of “combined arms,” consisting of the co-ordinated combination of supporting artillery, with improved target range and precision guidance, an improved deployment of tanks, armored personnel carriers (APCs) and helicopters to support infantry assaults. Nevertheless, the efficacy of the combined arms operation quickly decreased, and the Karabakh advantage of defensive fortifications and better use of topography and terrain negated the early advances from a “blitzkrieg” offensive operation. Hence, the nature of the Karabakh warfare is more similar to the trench warfare of the First World War, with territorial gains difficult to hold.

This recent improvement in Azerbaijani military capabilities, although insufficient to permanently alter the geography of the conflict, did demonstrate the capacity to attack and seriously threaten the Karabakh defensive perimeter and positions. This was also due to a change in tactics, with an increased operational tempo that consisted of an accelerated pace of offensive advancement that exceeded previous reconnaissance missions and probes of defensive positions, as well as the expanded use of better-trained Azerbaijani units endowed with greater operational autonomy and authority than standard front-line conscript units.

Another factor was evident in the expanded battlespace, in terms of a new “air war” dimension to the theater of operations, with the deployment and use of unmanned aerial vehicles (UAVs) or “drones” along the “line of contact” separating Karabakh forces from the Azerbaijani side. This endowed the Azerbaijani forces with a greater degree of situational awareness and real time operational intelligence, but in some cases, also involved the use of Israeli-made “kamikaze” drones as offensive weapons.

Therefore, given the new Azerbaijani strategy, and its improved performance, the likelihood for yet another round of combat operations is high. And despite the cessation of combat operations, the conflict remains dangerously precarious, especially as there is little leverage and even less deterrence to prevent a resumption of warfare. In addition, the repercussions from the April 2016 fighting were also significant. For example, against the backdrop of the military “lessons learned,” another key result was the shattering of Armenia’s perceived military invincibility.

Despite several years of deep defense reform, professional training and improved readiness, the Azerbaijani forces initially out-gunned the Karabakh defenders. With the purchase and procurement of modern offensive weapon systems, largely from Russia as Azerbaijan's primary arms supplier, the recent combat in Karabakh was markedly different from the war of the 1990s. And at the same time, the fighting fostered a new diplomatic context of the Karabakh conflict, which has the widest and most serious implications. Clearly, the Azerbaijan side has reached a notable "tipping point," losing patience with diplomacy and peace talks, and instead, preferring the force of arms to "resolve" the Karabakh conflict. For Azerbaijan, that tipping point was driven by pronounced frustration over the lack of any real progress from the peace process.

Moreover, it is now equally clear that the ceasefire was the first casualty of the April clashes. The collapse of the 21-year-long Karabakh ceasefire marked an end to a unique, but also inherently fragile standoff. The 1994 ceasefire was unique given the absence of any external security guarantor, leaving it to the parties to the conflict themselves to uphold the terms of a tenuous, yet generally lasting ceasefire. Looking ahead, the real challenge to the Karabakh conflict now stems from the imperative to return to "*back to basics*" diplomacy, focusing less on the formal peace talks over the final status of Karabakh and more on a limited basic attempt to maintain diplomatic engagement over military force, while also seeking to restore an effective ceasefire regime. Overall, however, the military outlook remains bleak, as the absence of any real deterrence can only mean a renewed offensive at some point.

Map 2. Nagorno Karabakh conflict<sup>2</sup>



<sup>2</sup> "Assessing the Impact of NGO Peacebuilding Programs in the South Caucasus: The Case of Nagorno-Karabakh," Central Asia Fellows Papers, 2018. Available online: <http://centralasiaprogram.org/archives/12284> (accessed on December 20, 2018).

## Recommendation

### *For Slovakia's OSCE Chairmanship*

Given the stated objectives and priority areas of Slovakia's OSCE Chairmanship, as articulated in July 2018 by Foreign and European Affairs State Secretary Lukáš Parízek, the Nagorno Karabakh conflict holds a significant place within the context of Slovakia's emphasis on pursuing strategies that boost multilateralism, promote conflict prevention and focus on addressing the needs of people.<sup>3</sup>

More specifically, with a need to address current challenges to the international arena and its rule-based order by strengthening multilateral co-operation, Minister Parízek stressed that dialogue, as "the most basic, and yet the most powerful instrument we have," serves as the core of multilateralism, with the OSCE is a platform for dialogue. And as noted, the Structured Dialogue on the challenges and risks to security in the OSCE area is a possible way forward to fostering a greater understanding of threat perception and co-operation. Applying this strategy to the Nagorno Karabakh conflict, Slovakia can support the implementation of existing confidence- and security-building measures, promote increased military-to-military contacts and support effective security sector reform, but only by supporting (not replacing) the existing negotiating formats, such as the OSCE Minsk Group in the case of Karabakh.

### *General policies for the Karabakh conflict*

And from a broader context, Slovakia's Chairmanship should also advocate a set of four specific policies applicable to the parties to the conflict themselves, including:

*Cease and desist.* Clearly, given the greater intensity of the ceasefire violations, there is a need to cease and desist from using force and military pressure as a tactic to express frustration with the status quo. Although the overwhelming majority of the threats and attacks emanate from the Azerbaijani side, Armenia and Karabakh need to consider the value in not always responding to each round of rhetoric and threats. And there is a need to better understand and respond to Azerbaijan's frustration as a key factor driving the situation, as Azerbaijan is genuinely frustrated by

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<sup>3</sup> "Slovakia's OSCE Chairmanship to work towards boosting multilateralism and conflict prevention, State Secretary Lukáš Parízek tells Permanent Council," OSCE, July 19, 2018. Available online: [www.osce.org/chairmanship/388631](http://www.osce.org/chairmanship/388631) (accessed on November 8, 2018).

the lack of progress in the peace process, seeing little concrete dividends from years of international diplomatic mediation;

*Halt the cycle of conflict.* Similarly, the need to halt the growing cycle of conflict is obvious, and both sides need to reconsider pursuing a regional arms race and procuring weapons. At the same time, however, there is an imperative to enforce and enhance the OSCE's existing, but non-binding, moratorium on arms sales to all parties to the conflict;

*Climb-down and step back.* Given the risks of threat misperception and strategic miscalculation that only increase the likelihood of smaller skirmishes spiraling out of control into a wider outbreak of hostilities and even open warfare, there must be a move to climb down and step back. One possible move would be for a simultaneous withdrawal of snipers, aimed at diffusing the crisis and reducing casualties;

*Look forward.* Another new emphasis is on looking forward, based on a strategy of forging ties that go beyond vested interest groups by engaging new stakeholders, including a younger emerging elite (consisting of youth, teachers, civic activists, environmentalists, journalists and business leaders, etc.) based on a shared interest in "building bridges" beyond closed borders and challenging the political narrative of the unresolved conflict.

#### *Specific measures for the Karabakh conflict*

By virtue of holding the OSCE Chairmanship, Slovakia has an opportunity to contribute several measures aimed at "improving the environment" conducive to an intensification of diplomatic negotiations between Armenia and Azerbaijan, facilitating a "deepening of dialogue" among civil society actors, peace activists and youth, among others, as part of a broader "people-to-people" process of engagement. In addition, Slovakia can provide effective guidance, assistance and in some cases, even facilitation of dialogue in the following areas:

*Encouraging the governments* of both Armenia and Azerbaijan to dampen and tone down the use of aggressive and militant rhetoric and to distance themselves from a propaganda discourse aimed at demonizing the other side. While such rhetoric/propaganda may seem to provide short-term political benefits to the authorities, in the long run it only contributes to entrenched enmity, thereby contributing to a risk of conflict escalation, which is detrimental not only to each society, but also to the political elites themselves;

*Empowering legitimate local peace-building actors* to clearly formulate and advocate a set of “Track Two” peace-building activities while broadening the constituency for peace, to embolden local actors committed to promoting a peaceful “transformation of the conflict” and “challenging the negative conflict narrative” in their own society. This can also be bolstered through initiatives focusing on educational, research and training programs as well as on dialogue meetings targeting key agents of change, such as youth, to bridge the conflict divide, even in the face of negative public opinion or government resistance.

### *Military and security considerations*

In addition to such measures aimed at promoting dialogue and engagement, the Slovak Chairmanship may also consider efforts focused on the unique characteristics and challenges of the Karabakh conflict. These efforts are more relevant to the insecurity and potential risk of further instability inherent in the fragility of the military aspects of the conflict, which in the possible resumption of clashes, have a dangerous potential for quickly spiraling out of control to draw in a wide range of regional actors, such as Russia, Turkey and Iran. From that context, the need to strengthen and solidify the ceasefire regime is essential, as are the imperatives for risk mitigation and reduction, conflict prevention and confidence-building measures. Thus, the following measures may greatly reduce the risk of renewed hostilities, with a more practical focus, including:

*Force Posture.* As the combatant forces remain in close proximity, there is a pronounced risk of renewed clashes stemming from the overly confrontational force posture of all sides. Moreover, such close proximity spans not only the so-called “line of contact” separating Nagorno Karabakh from Azerbaijan proper, but also include Armenian-held districts of Azerbaijan beyond the borders of the Karabakh enclave and the Armenian–Azerbaijan border itself;

To address this, there needs be a renewed demand for a *mutual, staged pull-back or withdrawal*, especially of heavy weapons, artillery units and mechanized infantry, to be monitored and supervised by the OSCE Minsk Group’s ceasefire observer team. A related move would be the *establishment of a mutual no fly zone*, to be applied not only to rotary-wing assets (helicopters) but also to the more pervasive use of unmanned aerial vehicles (UAVs);

*Threat Misperception.* In order to prevent misunderstanding and miscalculation within the military chain of command, there is a need to *restore*

communications through a “hotline” between all sides aimed at addressing the challenge of threat misperception.

### ***Factors for the West***

For the West in general, and for European security more specifically, the war in Ukraine stands as a pressing test of Western commitment and resolve. But there is another emerging security threat, with a real risk of rapid escalation, emanating from the Nagorno-Karabakh region, which pits Armenia and the Armenian-populated Karabakh against Azerbaijan. Long regarded as one of several “frozen” conflicts within the former Soviet space, in recent years, fighting over Nagorno Karabakh has transformed the definition from a “frozen” to a kinetic conflict.

#### ***The danger of “benign neglect”***

But as a geographically remote and simmering conflict, the geopolitical implications of the obscure Nagorno Karabakh region have been largely underestimated. And despite a lumbering peace process endowed with neither peace nor much of a process, the conflict has been prone to a period of Western benign neglect. Such strategic inattention is especially dangerous, for three main reasons. First, from a broader strategic perspective, the Karabakh conflict stands out as the one local dispute with the inherent risk of quickly expanding in the event of renewed hostilities. More specifically, this conflict has the potential to compel the direct engagement of several larger regional powers, whereby a repeat of combat operations in the recent “four-day war” in April 2016 will force Turkey, Russia and even Iran to respond. And mirroring the miscalculation and forced compulsion to act, Karabakh may trigger a much wider First World War style escalation of confrontation, thereby threatening Turkey’s relationship with Russia.

The second driver for concern stems from the likely Russian response to renewed fighting. As with the fighting last year, Russia was the only player capable of reacting quickly to effectively halt the fighting. But unlike that experience, Russia is more prepared this time and may leverage any outbreak of renewed fighting as an opportunity to possibly deploy Russian peacekeepers to the region. Such a scenario of Russian power projection is feasible, as only Russia is in a position to respond quickly, and would be likely to respond, because the lack of any Russian presence in Nagorno-Karabakh has long been seen in Moscow as an unacceptable weakness.

Although this focus on post-conflict engagement in no way undermines the efficacy of the OSCE Minsk Group mediators, the longer term goal of regional reintegration and post-conflict stability significantly supplements the mission and mandate of the Minsk Group. Most importantly, the April

2016 clashes over Nagorno Karabakh represent not only the most serious and severe combat operations since the 1994 ceasefire, but also offer a fresh opportunity for challenging the deadlock in mediation, as there is a notably new environment in the wake of the April fighting, including the first-ever return of territory to Azerbaijan. And with a new, more democratic government in Armenia since May 2018, there is a new context, offering a rare chance to transform crisis into opportunity and to contribute to a more conducive environment of compromise and concession.

More broadly, it is important to note an improvement in the outlook for the longer term goals of regional reintegration of trade and transport, economic development, and post-conflict security and stability. And in the geopolitical context, there may be an added benefit in seeking to engage rather than to challenge important regional actors, including Russia, Turkey and Iran, as well as China, through its Belt Road Initiative (BRI). Regarding Turkey, especially in light of the Armenia–Turkey “normalization” process, there can be consideration of an effort to invite or include more of a Turkish role in regional reintegration focusing on transport and energy, for example. And with Iran, there may a new opening for an Iranian contribution to overall stability and the development of trade and commerce. Most crucially, however, despite the inherent risk of a clash with Russian interests, Moscow’s cooperation with the West within the OSCE Minsk Group should be encouraged and exploited, and not readily rejected.

## Challenges and concerns

**Russian Resistance.** Yet in the face of a difficult and daunting geopolitical reality, there are three main challenges that must also be considered. First, as Russia only continues to follow a course of confrontation with the West that is most pressing in terms of its role in ongoing military conflicts from Ukraine to the Syrian theater, Moscow is unlikely to provide any support for conflict resolution in the South Caucasus region. In fact, given the recent record of Russian policies in South Ossetia and Abkhazia, any progress over these protracted conflicts may actually be resisted by Russia. And Russia remains a central actor in the region and regarding the Karabakh conflict. As the primary arms provider to both Armenia and Azerbaijan, Moscow is also the only beneficiary from the unresolved conflict, although with no military presence in Nagorno Karabakh, Moscow may be more tempted to provoke a further escalation than to promote any de-escalation in tension.

Nevertheless, Russia continues to work with and not against France and the United States within the Minsk Group mediation structure. And although this is rooted in a degree of affording Moscow more of a lead role in diplomatic initiative over Karabakh, the combination of a new more democratic (and less pro-Russian) government in Armenia and a more distrustful and

less dependent Azerbaijan suggest a broader trend of a weakening of Russian power and influence in the region.

*American Unpredictability.* Second, the unpredictable nature of the Trump Administration not only undermines any confidence in US interest or engagement in spending political capital on an unresolved conflict that seems far from any progress, but given the recent moves by Washington to overturn the 2015 P5+1 Iran nuclear deal, also complicates efforts to adopt a broader regional focus. Moreover, as the US has begun to tighten sanctions on Iran, pressure on the countries of the South Caucasus and on Armenia in particular will only increase.<sup>4</sup>

Yet counter intuitively, the American move against the nuclear agreement has tended to encourage Iran to shift its strategic focus away from the West and back to the nearby region, which will only increase Iranian interest and attention to its neighbors in the South Caucasus. And even with US pressure, any efforts from Iran to foster a more stable and secure northern neighborhood must be both encouraged and rewarded, perhaps with greater recognition that Iran will become a regional actor once again.

*Turkish Interference.* A third significant challenge stems from the difficulty of involving Turkey, whose own policies in Syria, its approach to Russia and its problematic performance as a NATO member, as well as a pronounced shift to seriously authoritarian rule domestically, only contribute to more strained and unstable environment for conflict management.

Therefore, the only way to engage Turkey is to remind Ankara that the “normalization” process with Armenia stands out as a rare victory for Turkish foreign policy, with an indirect benefit of easing tension over the Karabakh conflict. And given the context of Turkish–Russian relations, any progress in “normalization” with Armenia will also be likely welcomed by Moscow, with, for example, Turkey’s re-opening of its closed border with Armenia also representing an opportunity for Turkey to restore its border with the Eurasian Economic Union, which Armenia joined in 2014. At the same time, Armenia’s Comprehensive and Enhanced Partnership Agreement (CEPA) with the European Union would also offer Turkey a new degree of access, by using Armenia as a platform.<sup>5</sup>

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<sup>4</sup> For more, see R. Giragosian, “Trump administration plants US flag in Armenia,” *Asia Times*, October 26, 2018. Available online: [www.atimes.com/article/trump-administration-plants-us-flag-in-armenia/](http://www.atimes.com/article/trump-administration-plants-us-flag-in-armenia/)

<sup>5</sup> See R. Giragosian, K. Hrant, “EU–Armenian Relations: Charting a fresh course,” Centre for European Policy Studies (CEPS), November 15, 2017. Available online: [www.ceps.eu/publications/eu-armenian-relations-charting-fresh-course](http://www.ceps.eu/publications/eu-armenian-relations-charting-fresh-course)

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Slovak Foreign Policy Association (SFPA), founded in August 1993, is an independent, non-partisan and non-profit organization whose activities are devoted to active contribution to the integration of the Slovak Republic to the community of democratic states and their political and security structures. Through its programs of meetings, seminars, workshops and publications, the SFPA spreads objective information about international relations from primary sources. The SFPA is an association of citizens independent of Government of the Slovak Republic and has no links to any political party or movement. Membership in the SFPA is open to everybody who is convinced of the importance of a debate on foreign policy and international relations issues.

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Research Center of the Slovak Foreign Policy Association (RC SFPA) was established by the transformation of the Slovak Institute for International Studies, a former allowance-receiving organization of the MFA SR, as a non-profit organization providing generally beneficial services in the field of international relations and foreign policy of the Slovak Republic. In accordance with its status, the RC SFPA provides:

- independent expert analyses on crucial issues of international relations and foreign policy of the Slovak Republic;
- publishes periodical and non-periodical expert publications serving to increase awareness in the field of international relations and foreign policy of the Slovak Republic and as a source of qualified information for both, the expert and general public;
- organizes expert events and participates in international scientific cooperation in the field of international relations and security;
- contributes to the fostering of the expert discourse on international relations and foreign policy of the Slovak Republic;
- creates a favorable environment for the growth of the new generation of the Slovak experts in the field of international relations; and
- stimulates the interest of wider Slovak public in the global events as well as a deeper understanding of the significance of foreign policy and its link to the domestic policy.



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