
OSCE'S ACHIEVEMENTS *vs.* SHORTCOMINGS IN THE RESOLUTION OF ARMED CONFLICTS

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Abstract

What are the main advantages of the OSCE in conflict resolution issues? On the other hand, why cannot the OSCE solve the “eternal” problems in Transnistria or Northern Karabakh region? The present article consists of three main parts. First the author identifies strengths and opportunities of the OSCE in conflict resolution. The main advantages of the OSCE are distinguished in relation to the resolution of “frozen conflicts” and protracted crisis situations in the post-Soviet space. The questions on weaknesses and shortcomings of the OSCE are raised in the second part of the article. Lack of legislative power, non-legally binding decisions, and other weaknesses are revealed through an analysis of views on the organization and its activities by representatives of major states. Attention has to be paid to the position of Russian Federation regarding the ability of the OSCE to address potential conflicts in the post-Soviet space as well as the organization’s goals to ensure the protection of human rights. The limitations of the OSCE are apparent in the cases concerned with territorial integrity issues. The last section of the article is devoted to an analysis of the situation in Kyrgyzstan, which reflects both positive and negative features of the OSCE in regulating conflict situations in 2010.

Introduction

In 2008 Spencer Oliver, Secretary General of the Organisation of Security and Co-operation for Europe (hereinafter OSCE) Parliamentary Assembly, when asked what he considered the greatest achievement of the OSCE, responded that it was the end of the Cold War. According to the diplomat, “countries’ commitment to cooperate in various fields has been a historic victory. Organization was able to solve, how to terminate an ideological struggle. It was changed to a dialogue”¹.

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¹ Pučeta A., “U.S. and OSCE long-standing diplomat S.Oliver: Economic war is more complicated than the Cold one” [LT: „JAV ir ESBO diplomatijos senbuvis S.Oliveris: „Ekonominis karas – sudėtingesnis negu Šaltasis“], *Lietuvos Rytas*, 04/07/2008, <http://m.lrytas.lt/-12151444521214534966-p3-jav-ir-esbo-diplomatijos-senbuvis-s-oliveris-ekonominis-karas-sud%C4%97tingesnis-negu-%C5%A1altasis.htm> [2010-08-20].

Oliver exemplified the OSCE influence on the management of events in Poland in 1981: “I can clearly remember that, when as a member of the U.S. delegation during the negotiations in Madrid back in 1981, I heard about the introduction of the martial law in Poland, we stopped negotiating. I said that we would not negotiate until we knew what was happening in Poland. The situation lasted for several months; however, over that time the world’s attention to Poland increased significantly. The forum was started”².

In 2010, the main advantages of the OSCE are considered to comprise the ability to resolve ongoing conflicts in the region, in particular in the post-Soviet area. The connections between the OSCE and the end of the Cold War, the principles specified in the Helsinki Final Act relevant to the international arena, especially the guarantees of sovereignty and human rights for Eastern Europe, are important these days as they provide a valuable source of information for better analysis of crisis situations, regulation and resolution of conflicts. The Romanian OSCE Chairmanship in 2001, the Netherlands Chairmanship in 2003, the Slovenian Chairmanship in 2005, as well as the Belgium Chairmanship of the OSCE in 2006 defined priorities for action including the resolution of “frozen” and protracted conflicts in the region. In 2008 Finland identified prevention and management of “frozen” conflicts in the region as the only general priority for the OSCE³. Analysts enumerate OSCE’s strengths and abilities in solve conflicts in the post-Soviet area; however, not only opportunities are distinguished in implementing this objective, but also challenges: the 2010 Kazakhstan Chairmanship is analysed with particular attention to the two aforementioned aspects.

What is the apple of discord in conflict resolution situations? Why cannot the OSCE solve the “eternal” problems in Transnistria or Nagorno-Karabakh? What has been done and what can be done in Kyrgyzstan to prevent such “frozen” situations? These questions are raised and analysed in the present article. The structure of the article is as follows. Firstly, OSCE’s strengths and opportunities in conflict resolution are identified. The main advantages of the OSCE are distinguished in relation to the resolution of “frozen conflicts” and protracted crisis situations in the post-Soviet space, i.e., the advantages of the OSCE related to the aforementioned role of this

² Ibid.

³ Source: Speech by Chairman in Office Kanerva at OSCE Permanent Council, 10 Jan 2008, Vienna. By Thierry Vuylsteke, Head of OSCE Desk Belgium MFA. Astana, Group of Friends of Kazakh CiO 2010 (21/04/08-22/04/08).

organization by the end of the Cold War, which also create opportunities for the future. Nevertheless, the second section of this article is devoted to a discussion of weaknesses of the OSCE. Lack of legislative power, legally non-binding decisions of the member states as well as other weaknesses are revealed through the opinions of the major countries on the OSCE activities. Attention has to be paid to the position of Russian Federation regarding the OSCE ability to address potential conflicts in the post-Soviet space together with its goal to ensure human rights. A critique of the OSCE is also given in order to show its limitations in the cases concerned with territorial integrity and sovereignty. The last section of the article provides an analysis of the situation in Kyrgyzstan, which reflects both positive and negative features of the OSCE in regulating conflict situations in 2010.

1. OSCE's Strengths and Opportunities in Conflict Resolution

The ability to deal with armed conflicts in the post-Soviet area is considered to be the first advantage of the OSCE. The OSCE plays a crucial role in conflict prevention and management, and has posited the objective to resolve conflicts by means of negotiation in South-Eastern Europe, Eastern Europe, the South Caucasus and Central Asia⁴. The following strengths of the OSCE are identified: experience of OSCE member states, awareness of regional peculiarities and understanding of the situation due to the proximity of the states to one another because of their traditions, cultural and social processes (e.g., the 2010 Kazakhstan Chairmanship and its neighbour Kyrgyzstan). These advantages enable understanding of the details and interests of the conflicting parties and thus ensure a successful and coordinated action.

Secondly, the OSCE is a well-known major security organization, covering the entire an-European region and regulating conflict situations since 1989, i.e., from the end of the Cold War. It is claimed that the vital role of the OSCE in ensuring European security could not be performed by any other multilateral institution. Thus neither NATO nor the European Union, neither the Council of Europe nor the Commonwealth of Independent States could ensure security in Europe through as

⁴ Survey of OSCE Field Operations, SEC.GAL/165/09, 9 October 2009, The Secretariat of Conflict Prevention center, Vienna. <http://www.osce.org/about/13510.html>. [2010-08-30].

many dimensions as the OSCE does⁵. In addition, the OSCE is the only organization that includes both military and civilian security dimensions⁶. The relation of the OSCE to the end of the Cold War, the consolidation of main international principles in the Helsinki Final Act, provides the OSCE with the status of neutrality, which allows the organization to serve as an impartial forum for conflict resolution.

Illustrative examples of the advantages listed above are the following: the role of the OSCE role in the management and resolution of protracted conflicts in Nagorno-Karabakh and Transnistria. Answers to the questions where the OSCE's role is important and proper, where and when it is accepted and welcomed - are reflected in the quotes of the heads of states. The main advantage and the clear potential of the OSCE is seen when the organization is recognized as the only or main actor in the resolution of the conflict. For example, the case of Nagorno-Karabakh, where the conflict between two countries of the South Caucasus broke out in 1988, confirms these assertions. It is continually stressed in the articles on the Nagorno-Karabakh war that the leaders of the conflicting parties support the role of the Minsk Group in the conflict (see Section 3.1 below).

In addition, the OSCE is most effective when it works together with other multilateral institutions in the region⁷. Mostly important is what priorities are distinguished by the state holding the Chairmanship, and how the priorities defined relate to the position in the international arena and global context in general. For instance, in 2006 Belgium focused priority areas on the resolution of frozen conflicts. Meanwhile in 2007 Spain was more focused on terrorism prevention. During its chairmanship in 2008, Finland established a broader range of priorities and provided optimistic guidance on conflict resolution and management. Thus the OSCE emphasized the resolution of protracted conflicts in the relevant region. At the same time the protection of human rights receives due attention as well: areas covered include combating trafficking in human beings, promoting tolerance, non-discrimination and gender equality.

An opportunity as well as a weakness of the OSCE is that the priorities of the state holding the chairmanship are not formulated by the member state itself; rather, they are stipulated by issues dictated by the international arena. For instance,

⁵ Hopmann T. P., "Managing Conflict in Post-Cold War Eurasia: The Role of the OSCE in Europe's Security 'Architecture'", *International Politics*, Volume 40, Number 1, March 2003, pp. 75-100(26).

⁶ Ibid.

⁷ Ibid.

Afghanistan is considered to be a painful problem for the OSCE although it does not belong to the region of the organization's direct sphere of activity. However, through the U.S. and Russia, the EU and NATO are actively involved in counter-terrorism operations in Afghanistan. The OSCE cannot opt out of these problems; therefore, Kazakhstan set the reconstruction of Afghanistan and concentrated efforts to combat the Taliban as an important priority in 2010⁸.

2. Shortcomings and Weaknesses of the OSCE in Conflict Resolution

Major shortcomings of the OSCE include unused opportunities of good reputation, neutrality, and knowledge of the region (as demonstrated by the cases discussed in Sections 3.3 and 3.4). Other internal and external factors that are assessed as the OSCE's weaknesses are the following: lack of power because of the uncertainty of the legal status of the OSCE and Russia's influence in the region, especially in the issues concerning territorial integrity in the post-Soviet space.

Firstly, it should be mentioned that the OSCE does not have such power as NATO or the European Union. Decisions lack legal status and are not legally binding for the member states. Furthermore, they are made at the OSCE's Forum only by the member states and are concerned with their own political commitments⁹. These commitments could be identified as concerted priorities and guidelines for common political aspirations in the region: peace and security guarantees and conflict prevention. During the Parliamentary Assembly only the opinion of a number of the parliamentarians is expressed, which addresses all important issues and thus allows countries to focus on similar guidelines; however, there is no mechanism of the legal obligation established¹⁰.

⁸ Iškauskas Č., "Kazakhstan's OSCE Chairmanship: a difficult mission" [LT: "Kazachstano pirmininkavimas ESBO: misija sudėtinga"], *Geopolitika.lt*, 2010 01 13, <http://www.geopolitika.lt/?artc=3778> [2010-07-20].

⁹ Manton E., "The OSCE Human Dimension Process and the Process of Customary International Law Formation", *OSCE Yearbook 2005*, Institute for Peace Research and Security Policy at the University of Hamburg, 195-214 p. <http://www.core-hamburg.de/documents/yearbook/english/05/Manton-en.pdf> [2010-09-03].

¹⁰ Austria Federal Act of 1993, as last amended on 5 October 2002. http://www.ena.lu/federal_legal_status_osce_institutions_austria_july_1993_consolidated_version_2002-020006814.html [2010-09-03].

Another aspect of the weaknesses is the Russian factor in the OSCE's activities. Why is not Moscow satisfied with the OSCE's activities? Česlovas Iškauskas provides the following explanation: "The OSCE Office for Democratic Institutions and Human Rights - has long been reproaching Moscow with violations of human rights in the Caucasus, persecution of the media, neglect of business enterprises, freedom of speech and civil liberties. One of the key missions of the OSCE is monitoring of democratic processes in Europe, particularly in post-Soviet bloc states, and, most importantly, making an analysis of elections, referenda, and other conduct of plebiscite, as well as recording violations. Neither Moscow, nor Minsk liked the observers' findings after a visit to Belarus. The OSCE representatives regularly <...> get onto the Caucasus, particularly Chechnya, regulate the situation of human rights in Transnistria, Nagorno-Karabakh, etc."¹¹.

3. Nagorno-Karabakh and Transnistria: the OSCE's Achievements and Shortcomings

3.1. Nagorno-Karabakh – positive aspects of the OSCE's involvement

According to information releases of Armenian and Azerbaijani Defence Ministries on 22 June of 2010, after an armed incident which took place on the night of 18th to 19th of June to the north of the dividing line, both parties suffered casualties¹². The incident happened shortly after the meeting of Azerbaijani and Armenian presidents in St. Petersburg on 17th June, which took place at the invitation by Russian President in order to continue talks on the settlement of the Nagorno-Karabakh conflict¹³. A possible assessment of the situation suggests that Russia's demonstration of influence creates tensions in the region, while the necessary and useful platform to address the conflict is involvement of a neutral

¹¹ Iškauskas Č., „OSCE – a new point to disagree for Russia and U.S.“ [LT: “ESBO – naujas Rusijos ir JAV nesutarimų taikynys”], *Geopolitika.lt*, 2010 11 29. <http://www.geopolitika.lt/?artc=1472> [2010-06-15].

¹² “OSCE Chairperson Voices Concern over Incident in Nagorno-Karabakh Conflict Zone”, *Turkish Weekly net*, Tuesday, 22 June 2010, <http://www.turkishweekly.net/news/103606/osce-chairperson-voices-concern-over-incident-in-nagorno-karabakh-conflict-zone.html> [2010-08-20].

¹³ *Ibid.*

international organization, i.e., an international organization which unites countries supporting the two conflicting parties, viz., the OSCE.

During the press conference on the 20th August 2010, Russian President Dmitry Medvedev stressed that only the OSCE Minsk group proved effective in solving the Nagorno-Karabakh conflict. "Other potential participants in these talks are not fully immersed in the details and this complicates their role as a possible mediator", Medvedev said. "Efficiency is possible only in the Minsk Group format, or with Russian mediation efforts. In addition, the mediator in such a conflict must be deemed appropriate by all parties",¹⁴ the Russian president clearly emphasized.

Armenian President Serzh Sargsyan also said that the Minsk group was acceptable for the management of the Nagorno-Karabakh conflict. According to Sargsyan, concrete results could be achieved only through the OSCE Minsk Group. "Today there is no peace or war in the region. It is too bad that there is no peace, but it is also good that there is no war. The Minsk Group has great merits in this", Sargsyan added¹⁵.

Azerbaijan clearly expressed its position that Baku supported the renewed Madrid principles under which the total Armenian withdrawal from occupied territories was estimated over the five-year period¹⁶.

The OSCE's Chairperson-in-Office, Kazakhstan's State Secretary and Foreign Minister Kanat Saudabayev emphasized he did provide unconditional support to the efforts of the Minsk Group to direct negotiations in a constructive dialogue: "I have entrusted my Personal Representative, Ambassador Andrzej Kasprzyk, to work closely with the Minsk Group Co-Chairs to seek ways to peacefully resolve the protracted conflict"¹⁷.

The quotes presented demonstrate the attitude of the states toward the OSCE role in the conflict. The OSCE is deemed to be better than any individual state,

¹⁴ Gasimova A., "Russia: OSCE Only Effective Tool in Settling Karabakh Conflict", *TurkishWeekly.net*, 20 August 2010, <http://www.turkishweekly.net/news/106492/russia-osce-only-effective-tool-in-settling-karabakh-conflict.html> [2010-08-20].

¹⁵ Ibid.

¹⁶ Goble P., "After Almaty: The Future of Karabakh Negotiations", An Electronic Publication of Azerbaijan Diplomatic Academy, Vol. III, No. 15, August 1, 2010, <http://ada.edu.az/biweekly /issues/vol3no15/20100809073836213.html> [2010-08-20].

¹⁷ Ostapenko E., "OSCE Chairperson Voices Concern Over Incident in Nagorno-Karabakh Conflict Zone", *TurkishWeekly.net*, Tuesday, 22 June 2010, <http://www.turkishweekly.net/news/103606/osce-chairperson-voices-concern-over-incident-in-nagorno-karabakh-conflict-zone.html> [2010-08-20].

seeking to engage in conflict resolution. The OSCE is regarded as a neutral, impartial forum for negotiations. Therefore the main advantage of the OSCE - its impartiality, reputation and confidence - can be used.

3.2. Nagorno-Karabakh: negative aspects

As Kari Mottola points out in his article “*The OSCE: Institutional and Functional Developments in an Evolving European Security Order*”, the Chechen crisis showed the OSCE role in post-Soviet space – i.e., the OSCE forum in which Russia could cooperate in dealing with territorial integrity issues and crisis management situations. The OSCE performs similar functions in Nagorno-Karabakh on the grounds that it enables the former Soviet states to negotiate on a neutral platform – the place where different interests of conflicting parties can be represented¹⁸.

However, the benefits and opportunities of the OSCE cannot show positive experience in all of the conflicts. The possibilities are limited, as has been highlighted by a number of authors, analysing the role of the OSCE in armed conflicts. For example, in her article “*The OSCE and Regional Conflicts in the Former Soviet Union*”, published back in 2001, Natalie Mychajlyszyn argues that, although the impact of the OSCE, in order to ensure regional and ethnic conflict prevention, management and resolution¹⁹, has been positive on several occasions, most cases have not been successful. The OSCE’s weakness is prominent in those cases where the principles of territorial integrity and freedom of national self-determination compete. The OSCE’s role seems most effective when there are no issues raised concerning territorial integrity. By contrast, the OSCE’s decisions and role are negative and valued as unsuitable where issues of territorial integrity are raised. This is precisely the problem, based on which Mychajlyszyn predicts that the instability in the states of the former Soviet Union will continue, the conflict cases will remain, and the OSCE’s credibility as an institution capable of

¹⁸ Mottola K., “The OSCE: Institutional and Functional developments in an Evolving European Security Order”, In., M. Bothe, N. Ronzitti, A. Rosas, K. Law, *The OSCE in the maintenance of peace and security—Conflict prevention, crisis management and peaceful settlement of disputes*, The Hague: Kluwer Law International, 1997, p.8.

¹⁹ P.vz. Natalie Mychajlyszyn defines 3 OSCE roles in conflict resolution: prevention of conflict in Crimea (related to the cases of Latvia and Estonia), conflict management in South Osetia (in relation to the case of Transnistria in Moldova), conflict resolution in Northern-Karabakh (related to the cases of Chechnia and Tajikistan).

ensuring regional and ethnic conflict prevention, management and resolution, will be weak²⁰.

An illustration of the negative example may be provided by the aforementioned Nagorno-Karabakh conflict: when looking for justification, the Azerbaijani side, where the issue of Russian support for Armenia is raised, presents a problem. According to Araz Azimov²¹, Armenia's rejection of the Minsk Group proposal has led to stagnation in the negotiating process. The diplomat strongly expressed the position by stating that the result can only be achieved if Armenia agreed to the proposal of the Minsk Group. This dilemma is expressed in the following quote by Azimov:

„What is the main problem? Does Armenia recognize the territorial integrity of Azerbaijan? Is Armenia ready to support a model in which the two communities can live in Nagorno Karabakh while recognizing the territorial integrity of Azerbaijan? If Armenia recognizes the territorial integrity of Azerbaijan, Azerbaijan recognizes the territorial integrity of Armenia. <...> However we have never heard such a position of Armenia”²².

3.3. Moldova: more positive than negative?

The OSCE's role and different options of influence are evaluated through a study of different cases of conflict resolution. In his 2001 article “*Russia and the OSCE – the Influence of Interested Third and Disinterested Fourth Parties on the Conflicts in Estonia and Moldova*”²³, Claus Neukirch, provides a different perspective on and analysis of the role of the OSCE.

²⁰ Mychajlyszyn N., “The OSCE and Regional Conflicts in the Former Soviet Union”, *Regional & Federal Studies*, Volume 11, Issue 3, Autumn 2001, pp. 194–219, <http://www.google.com/books?hl=lt&lr=&id=7vjb-0eZ-wcC&oi=fnd&pg=PA194&ots=q0B1YoEQOX&sig=r1euyDIT9p6S7YN-EYqIE3A3n0w#v=onepage&q&f=false> [2010-07-28].

²¹ Deputy Foreign Minister of Azerbaijan, Ambassador Araz Azimov is the Director of International Security and Conflict Resolution Specialization at ADA MADIA Program. Azimov also serves as President's special representative on Nagorno Karabakh conflict. http://ada.edu.az/facultyresearch/faculty/araz_azimov/ [2010-08-29].

²² Hajiyev T., “Official Baku called political speculation the statements of Armenian Officials that Russia will defend Armenia”, 29.08.2010 00:41, Trend, Azerbaijan, Baku, August 29, <http://en.trend.az/news/karabakh/1742251.html> [2010-08-29].

²³ Neukirch C., “Russia and the OSCE – The Influence of Interested Third and Disinterested Fourth Parties on the Conflicts in Estonia and Moldova”, *JEMIE–Journal on Ethnopolitics and Minority*, July 2001. <http://leader.viitorul.org/public/597/en/jemie07neukirch11-07-01.pdf> [2010-08-30].

When the Transnistrian conflict turned into open armed conflict, Moldova was already a member of both the OSCE and the UN. However, none of the international organizations reacted appropriately to the conflict. The origins and the context of the conflict were formed as early as in 1990–1991, when Moldova was still under the rule of the Soviet Union, and the conflict escalated immediately after independence²⁴. Moldova was admitted to the OSCE (then CSCE) on 30 January 1992. Thus, when, during the OSCE summit in Helsinki, President Mircea Snegur called upon the support of the international community, the conflict is already past the prevention stage. Furthermore, at the time no measures for conflict resolution were being taken. Only the quadripartite mechanism of Commonwealth of Independent States (hereinafter – CIS), was in effect, but it took place without the involvement of Western countries. The OSCE's role was very limited.

The OSCE mission was sent to monitor the situation; however, the decision to engage in conflict regulation was issued only on 14 August 1992. On the same day, in order to examine the appeal to the OSCE to contribute to settlement of the conflict, Adam Rotfeld was designated as personal representative²⁵. On 4 December 1993, on the basis of Rotfeld's report, the OSCE Committee decided to establish a long-term mission in Moldova. The mission stabilized the situation in the country. The author emphasizes that it is this mission that stipulated the transformation of the conflict into the negotiations process and conflict settlement²⁶. To summarise, the OSCE played a major role, but the action was taken much later than it could and should have been.

In his assessment of the impact of the OSCE on the conflict in Moldova, Claus Neukirch identifies several reasons why the impact was inadequate and inefficient. Firstly, the new structure of the OSCE for conflict prevention and conflict management was not functioning effectively at the time. The mechanism was neither established, nor operational, due to which the involvement in the Moldova conflict occurred at a later stage. Secondly, little interest in Moldova's problems prevented the OSCE from taking the necessary measures at the proper time; thus the decision to engage with the conflict was made only after the situation had been analyzed, which took nearly a year²⁷.

²⁴ Ibid.

²⁵ 15-CSO/Journal 2// Cit. Op. 24.

²⁶ 19-CSO/Journal 3-3 Annex A// Cit. Op. 24.

²⁷ Cit. Op. 24.

In Moldova's case, the potential OSCE role of a neutral actor in preventing the conflict was not used successfully. This was done only after the conflict had been resolved – no longer as prevention, but rather as reaction to a situation in which the impartial character – the OSCE – was acting²⁸. The advantage of the OSCE as a neutral organization was not used. The other option – awareness of the region's range of issues – had not yet been developed.

3.4. Moldova and Nagorno-Karabakh: issues to be raised

The aforementioned OSCE's advantage as a well-known organisation that understands the problems of the conflicting states through awareness of traditions and cultural and social contexts, which may result in better and faster reaction and response to conflict situations as well as in their more effective resolution, is illustrated by the current example of Kazakhstan's Chairmanship. In his analysis of the most important problem faced by the country's OSCE Chairmanship, I kauskas argues that Kazakhstan "knows what it means to be a mediator in order to solve critical issues between Russia and international community. Moscow was invited to speed up the withdrawal of its military contingent from Georgia (South Ossetia and Abkhazia) and Moldova (Transnistria) at the Athens meeting. However, Russia not only has failed to fulfil the requirements, but also has increased the number of its troops in Georgia"²⁹.

An example of Russian influence is conflicts taking place in the post-Soviet area. For instance, the presence of the 14th Army on the territory of Moldova shows the potential of Russia's influence in a conflict situation³⁰. As regards Russia's impact on the conflict in Moldova, in Neukirch's opinion, it is a key external factor that has ensured sharpness of the conflict: more specifically, it was the factor of the presence of the former 14th Army in Transnistria. The author argues that in the Moldova case Russian influence was very negative, while the role of the West and intergovernmental organizations was totally lacking³¹.

²⁸ Ibid.

²⁹ Cit. Op. 9.

³⁰ Cit. Op. 24.

³¹ Ibid.

In his 2008 article “*Conflict resolution, border security is the most important priorities for the OSCE in 2008 – Chairmanship*” Jean-Christophe Peuch maintains that efforts to resolve protracted conflicts in Nagorno-Karabakh, South Ossetia and Transnistria were among Belgian priorities in the country’s 2006 Chairmanship in the OSCE. However, the Belgian Chairmanship made no progress on any of the three conflicts³². In 2008, Finnish Foreign Minister Ilkka Kanerva identified conflict prevention and management as a priority. Kanerva said Finland would urge “to create enabling conditions for the peaceful resolution of regional conflicts and encourage all the parties to resume negotiations in order to find feasible political resolutions of the conflicts”³³. However, conflicts are still unresolved. The question is – why is the OSCE rejected as a mechanism to address conflicts?

The OSCE’s strengths and weaknesses in the Nagorno-Karabakh conflict were already discussed in the previous section. The main disadvantage is that the OSCE cannot regulate relations between Armenia and Azerbaijan in the sphere pertaining to the territorial integrity issues. The external factor, viz., a disinterested international player – the OSCE’s proposed Madrid Principles, the role of the OSCE Minsk Group in the resolution of the situation and ensuring peace in the region – are all positive factors. However, they fail because of the parties interested in the outcome of conflict resolution: Azerbaijan’s interests differ from those of Armenia. In addition, the Russian -Armenian defence agreement was extended until 2044³⁴. In August 2010, the President of Russian Federation, Dmitry Medvedev, and Serzh Sarkisian, the President of Armenia, signed a protocol extending the 1995 bilateral defence agreement. According to the Protocol, Russia committed itself to ensuring the territorial integrity of Armenia; this concerned not only borders with Turkey and Iran, but the entire territorial integrity. This position has already been established in the current Russian military doctrine, according to which any aggression on the member state of the Collective Security Treaty Organization is considered as aggression to all Members of the Organisation³⁵. Therefore, the Armenian position on the territorial integrity may remain stable, while Azerbaijan, with its intentions

³² Peuch J.-Ch., *Conflict Resolution, Border Security Are Top OSCE Priorities for 2008 – Chairman*, January 14, 2008. <http://www.eurasianet.org/departments/insight/articles/eav011508a.shtml> [2010-08-29].

³³ Ibid.

³⁴ Aspects of Russian–Armenian Defense Agreement (LT: “Rusijos ir Armėnijos gynybos sutarties niuansai”), *Geopolitika.lt*, 2010 08 27. <http://www.geopolitika.lt/?artc=4196> [2010-09-03].

³⁵ Ibid.

to use all necessary measures to restore control over the Nagorno-Karabakh region, is clearly warned that the war against Armenia is not a good option or not an option at all³⁶.

Russian influence in the region is seen as a disincentive factor to conflict management and resolution. As a neutral figure, the OSCE sets the objectives to manage and resolve conflict situations; however, other actors maintain *status quo*. Moreover, the situation is stipulated by both internal and external factors. In the case of Moldova, the presence of the 14th Army, the impact of Russia on the maintenance of Transnistria, in spite of Moldova's consolidation of neutrality in the Constitution, the aim of which is to prevent troops of other countries in the territory. The role of the OSCE Minsk Group is welcomed; however, management of the conflict began too late, so the conflict is ongoing and long-term adjustment is necessary.

Russian influence is, again, considered to be important in the Nagorno-Karabakh case as it gives much support to Armenian ambitions of territorial integrity. Intervention of a neutral international organisation may have a positive effect; however, it is not as effective and guaranteed as the Russian assurances to maintain the interests of one of the conflicting parties.

To summarise, the discussion above supports Mychajlyszyn's statement (presented early in the article) regarding the fact that the OSCE is incapable of managing and resolving conflicts in which the main interest is related to ensuring the territorial integrity. The impartial OSCE can only suggest possible solutions to the conflicting parties, which these may be inclined to follow only when the solution is temporarily useful.

4. Kyrgyzstan in 2010: Opportunities vs. Weaknesses of the OSCE

In his article „*Quagmire in Kyrgyzstan: can the OSCE stabilize the situation?*”³⁷ Rafi Abazov from Columbia University argues that the OSCE's role in regulating the conflict in Kyrgyzstan is effective and has potential benefits. According

³⁶ Ibid.

³⁷ Abazov R., “Quagmire in Kyrgyzstan: Can the OSCE Stabilize the Situation?”, 07/08/2010, *CACI Analyst*. <http://www.cacianalyst.org/?q=node/5361> [2010-08-29].

to Abazov, the OSCE is able to resolve the conflict and to ensure its peaceful solution. However, Kyrgyz experts assess the situation quite differently. Some experts emphasize that the OSCE's activities are important and useful and that the OSCE has played a positive role in stabilizing the situation in the country. Quick response and reaction organizing the departure of the former President Kurmanbek Bakiyev from the country are emphasized as an advantage. Some argue that this has helped avoid the impending civil war. However, the other group of analysts argues that the OSCE's activities are ineffective because the organization did not manage to prevent the conflict between the Kyrgyz and Uzbek communities³⁸.

4.1. Conflict context and situation in 2010: the role of the OSCE

According to Abazov, in June 2010 the intensity of the conflict between ethnic Kyrgyz and Uzbek communities escalated to unseen levels since the independence of the republics in 1991³⁹. The data provided by international observers reveal that the number of people killed is estimated at 200 (the current President Roza Otunbayeva says that the number may reach 2000). In addition, approximately 100,000 to 220,000 people were forced to leave their homes⁴⁰.

The OSCE analyzes and assesses the situation in Central Asia: it has offices and centres in Ashgabat, Astana, Bishkek, Dushanbe, a project coordinator in Tashkent; in addition, the OSCE has its Academy in Bishkek⁴¹. However, the OSCE's past experience in inter-ethnic conflicts is controversial. It was quite slow to respond to the escalation of conflicts in Moldova, Bosnia and Herzegovina, and Kosovo. However, a quite successful prevention and resolution was carried out in the conflict of the Former Yugoslav Republic of Macedonia in 1990⁴².

Many observers had hoped that the OSCE would be effective in Kyrgyzstan for several reasons. Firstly, the OSCE has a broad experience in the regulation of

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Source: Key Issues in the OSCE field operations in 2011, Prepared by the Conflict Prevention Centre. 25 June, 2010.

⁴² Cit. Op. 39.

ethnic conflicts and negotiation in the former socialist states. Secondly, Kazakhstan and Kyrgyzstan are neighbouring countries with close cultural, social and political relations. After the change in the Chairmanship in January 2010, the so-called "Four T-Model" (development of trust, tradition, tolerance and transparency), proposed by the OSCE Chairman Kanat Saudabayev, was promoted. It was widely believed that Kazakhstan, which knows and understands the political development of Kyrgyzstan better than anyone else, could effectively deal with the conflict situation. This would result in a situation quite different than the case of Yugoslavia, where the OSCE has been criticized for its inability to understand the situation and resolve the conflict because of a variety of political, cultural and social peculiarities of the country.

However, similarly to Bosnia and Herzegovina or Kosovo, the OSCE intervention was lacking promptness and depth. Experts expressed their disappointment at the OSCE's role, as a clear progress was not seen⁴³. For example, Freedom House experts publicly accused the OSCE (with the Chairmanship of Kazakhstan) of its inability to deal with the situation in Kyrgyzstan efficiently.

Other experts disagreed, referring to a number of important developments and efforts to stabilize the country. First of all, the OSCE was the actor who brokered concessions for the former president Kurmanbek Bakiyev and arranged his departure from the country, thereby preventing the escalation of conflict into a civil war. Secondly, the OSCE continued to educate NGO representatives across both northern and southern areas of Kyrgyzstan even during the period of political confrontation in April and May 2010⁴⁴. Thirdly, the OSCE co-ordinated delivery of humanitarian aid to Kyrgyzstan communities; these activities were particularly actively carried out in spring 2010.

4.2. Consequences of the Kyrgyz conflict: situation created by the weaknesses of OSCE

Ethnic clashes and the conflict in Kyrgyzstan in June 2010 showed that the effectiveness of OSCE conflict monitoring, conflict prevention and mediation systems and mechanisms is not sustainable. Many experts and politicians in

⁴³ Ibid.

⁴⁴ Volovoj V., "Political development perspectives in Kyrgyzstan", *Geopolitika.lt*, 2010 08 16. <http://www.geopolitika.lt/?artc=4168> [2010-08-26].

Kazakhstan and Kyrgyzstan are still trying to explain what exactly has happened: how could street riots and the dispute concerning business and property issues grow into a violent conflict between the communities which have lived next to each other for a long period of time? The possible version of provocation is investigated; however, there are certain doubts about the role of international organizations and international intervention, in particular, concerning the efficiency of OSCE conflict mediation and stabilization of the situation in Kyrgyzstan.

Furthermore, mention should be made of several negative consequences. Firstly, it is the long-term destabilization of the political situation and interethnic relations. The balance in the relationship between the Kyrgyz and Uzbek communities is upset, if not completely destroyed. Secondly, local communities have lost confidence in Kazakhstan both as a country, and as a representative of the international organization. Therefore, the OSCE is no longer trusted either and this international organization is no longer perceived as a neutral actor able to help solve the conflict and to stabilize the situation in the country. Thirdly, political unrest has undermined the stability of both political and civil institutions, and the institutions in the country are weakened. Finally, ongoing emigration of qualified business and professional representatives and consequently weakening of the public sector are creating further instability.

Table 1. OSCE advantages and failures in Kyrgyzstan 2010

	OSCE advantages and positive actions	OSCE failures
1.	OSCE brokered the concessions for the former president Kurmanbek Bakiyev and arranged his departure from the country, thereby preventing the escalation of the conflict into a civil war	Long-term political tension has mounted and the process of destabilization of interethnic relations is apparent. The balance in the relationship between the Kyrgyz and Uzbek communities is upset
2.	OSCE co-ordinated delivery of humanitarian aid to Kyrgyzstan communities	Both political and civil institutions in the country are weakened
3.	OSCE educated NGO representatives across both the northern and southern areas of Kyrgyzstan	No preventive action has been taken to avert the conflict. Stability has been weakened by the emigration of qualified specialists

4.	The awareness of the specific features of the region as well as understanding of the situation: neighbouring country, traditions, culture, social factors	Emigration of qualified business and professional representatives as well as weakening of the public sector is creating further instability. The lack of appropriate and operative response
5.	The neutrality of OSCE was used. However, this factor may be further enhanced in the future	Local communities have lost confidence in Kazakhstan, both as a country, and as a representative of international organization. Therefore, the OSCE is no longer trusted either. This international organization is no longer perceived as a neutral actor able to help solve the conflict and to stabilize the situation

4.3. OSCE opportunities in Kyrgyzstan

The political stabilization of the country is a very complicated process requiring both time and consistency, particularly in a country divided by several lines of conflict – political, ethnic, regional, and even urban vs. rural. Under these circumstances, impartial role of the international community is very important.

In this context, the OSCE can be a significant actor by taking several relevant steps. The first step is to mobilize support and all possible resources to develop and organize fair and credible parliamentary elections. The second step is to mobilize and coordinate international humanitarian assistance to migrants and communities affected by the conflict. The third step is to create an effective and efficient monitoring of conflicts as well as conflict mediation and prevention mechanisms. It is most important not only to stabilize the situation for the moment and to achieve a certain level of reconciliation, but also to prevent the escalation of conflicts in the future (for example, during the parliamentary elections in October 2010⁴⁵). The fourth possibility is concerned with both the OSCE as an international organization and Kazakhstan as the OSCE Chairmanship: it is to learn from the conflict, to create a new conflict prevention and conflict resolution model, and to update standard procedures

⁴⁵ Source: Key Issues in the OSCE field operations in 2011, Prepared by the Conflict Prevention Centre. 25 June, 2010.

for the OSCE operation in the region, to make sure that the OSCE is ready to respond quickly and effectively⁴⁶.

In his statement to the Ministers of the 56 OSCE participating States, Saudabayev stated that the Organization's ability "to effectively react and resolve existing and new challenges, including the need to stabilize the situation in Kyrgyzstan, will be a test of the OSCE's vitality"⁴⁷. "The OSCE is to play a key role in rendering assistance to Kyrgyzstan, including through the enhancement of the OSCE Centre in Bishkek and the proposed Police Advisory Group, an initiative which was supported by the participating states. In addition, assistance from the OSCE Office for Democratic Institutions and Human Rights should be given for the upcoming parliamentary elections"⁴⁸.

Conclusions

First, the main strength of the OSCE is the image of a flexible non-bureaucratic organization capable of adapting to emerging international issues. Its ability to adapt to the international security system is another advantage. For example, priorities are formulated not only by the member state holding the Chairmanship, but are also selected and highlighted according to the main challenges in international relations. In addition, the OSCE enjoys an extensive and broad membership. Therefore, the organization focuses its activities on conflict prevention, management and resolution in Eastern Europe, South-Eastern European and Central Asia. Furthermore, OSCE's activities include military, political, as well as civil security aspects. Moreover, the objectives of the organization are set to address human rights issues as well as economic and environmental problems, which enables the organization to act as an impartial actor in a wide variety of issues⁴⁹.

Second, the main disadvantages restricting the role of the OSCE are related to its inability to use all the basic advantages and opportunities. The cognitive aspect

⁴⁶ Cit. Op. 39.

⁴⁷ OSCE Chairperson announces agreement on summit, calls Kyrgyzstan crisis a 'vitality test' for Organization, <http://www.osce.org/item/45368.html> [2010-09-03].

⁴⁸ Ibid.

⁴⁹ "Portuguese Chairman-in-office reviews achievements", OSCE Chairman-in-Office Antonio Martins da Cruz took stock of Portugal's Chairmanship of the OSCE. Excerpts from his interview with Richard Murphy, Head of Press and Public Information. 28 November 2002, Porto. <http://www.osce.org/item/115.html> [2010-09-03].

of the region has not been used in a reasonable way since the response to emerging crises was insufficiently prompt. Thus the main disadvantage of the OSCE is lack of prompt response and timely action. Other disadvantages of the OSCE are the following: slow decision-making, the unused abilities of its neutral status and contextual understanding (understanding of the situation in which neighbouring states may be much more appropriate negotiators in the conflict), and the Russian factor in the region. The OSCE is able to carry out conflict prevention, to manage and resolve conflict situations in the region due to the fact that the OSCE is well-known and is regarded as a neutral figure; however, these opportunities are limited in instances where issues of territorial integrity are raised.

Another weakness of the OSCE is an undefined legal status and legally non-binding decisions of the organization. On the other hand, OSCE has done a lot in the spheres of human rights protection and implementation of principles of international law. Therefore, some experts consider the lack of legal status to be an advantage as, alongside forms of activities organised only on political priorities, it allows the OSCE to operate in a wider region through a wider spectrum of activities, viz., protection of human rights and implementation of principles of international law. OSCE opportunities and weaknesses are named on the basis of the analysis of the current Kazakhstan Chairmanship and its actions in Kyrgyzstan conflict situation in 2010.

Third, neither advantages and opportunities, nor shortcomings and weaknesses are absolute. They may vary depending on the situation, due to which this the OSCE retains an important role in addressing issues raised in the international arena. The case of Kazakhstan and pieces of advice given to the country on how to learn from the 2010 conflict in Kyrgyzstan demonstrate that weaknesses can be turned into opportunities and strong advantages of the organization.