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Strengthening OSCE Responses to Crises and Conflicts: An Overview

The Making of an OSCE Ministerial Council Decision on the Conflict Cycle

Enhancing OSCE responses to crisis and conflict situations was one of the major commitments undertaken by the 2011 OSCE Lithuanian Chairmanship as it sought to continue the strategic discussions on the various phases of the conflict cycle¹ that were initially launched in the summer of 2009 by the Greek Chairmanship. Known as the “Corfu Process”,² a name given to these discussions after an informal meeting of OSCE foreign ministers on the Greek island of Corfu, the Lithuanian Chairmanship decided to convene a series of expert meetings and workshops, all of which came to be referred to as the “V to V (Vancouver to Vladivostok via Vilnius and Vienna) Dialogue on the Conflict Cycle”. The V to V Dialogue was focused on four principal issue areas falling within the conflict cycle – early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation – and thereby synthesized the various constructive ideas and forward-looking proposals that OSCE participating States had advanced and debated in various forums during 2009 and 2010.

Driven by the need for operational “deliverables” following long-winded “strategic” discussions over those two years, the Lithuanian Chairmanship followed the policy advice given by the OSCE Conflict Prevention Centre (CPC) by appointing, in early 2011, the Permanent Representatives of France, Romania, Slovakia, and Switzerland to the OSCE as “co-ordinators on the conflict cycle”. The aim was to move discussions to the operational level and ask participating States to translate the ideas and proposals brought forward during the previous two years into implementable policies and practices. In particular, the Lithuanian Chairmanship was eager to guide these debates in the direction of a draft decision which could be submitted for consideration at the annual Ministerial Council (MC) scheduled for early December 2011. The continuous involvement of participating States in regular and informal forums was therefore of the utmost importance.

To set the stage for the ensuing discussions, the Lithuanian Chairmanship prepared an informal ambassadorial meeting on 15 March and distrib-

Note: The views and opinions reflected in this article are the author’s alone.

1 See OSCE Chairmanship, *Lithuanian OSCE Chairmanship Work Programme*, CIO.GAL/4/11/Rev. 1, 12 January 2011.

2 Described in more detail in: Alice Ackermann/Herbert Salber, *The OSCE “Corfu Process” – A Preliminary View of the Security Dialogue on Early Warning, Conflict Prevention and Resolution, Crisis Management and Post-Conflict Rehabilitation*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2010*, Baden-Baden 2011, pp. 197-202.

uted a “road map” for *Advancing the “V to V” Dialogue on the Conflict Cycle*. It identified the format, content, and objectives of a series of informal meetings and workshops that were to follow.³ The theme of the first expert meeting, held in April 2011, was the enhancement of the OSCE’s early warning and analytical capabilities. Many participating States acknowledged the need for the development of a systematic early-warning capacity in the OSCE to ensure timely and preventive responses to emerging crisis and conflict situations. A workshop on post-conflict rehabilitation followed in May. It focused on a series of topics, including non-military confidence-building measures (CBMs), reconciliation processes, and co-operation and co-ordination with national and international actors in post-conflict environments.

With the support of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), a special workshop was also organized on the subject of economic and environmental CBMs that could be used in various phases of a crisis or conflict situation, as well as in the post-conflict environment. The workshop also drew attention to the necessity of adopting a multi-dimensional and multi-track approach to the prevention and resolution of conflicts. Two other expert meetings, in July and September, dealt with the creation of a systematic capacity for dialogue facilitation and mediation support in the OSCE, and the strengthening of early and preventive action, respectively. The latter exposed the political sensitivities that exist with regard to initiating early-crisis responses, while the former introduced a draft concept for developing a mediation-support capacity which had been submitted by Switzerland, an OSCE participating State with extensive experience in mediation processes.⁴

The draft proposal for a *Concept on Strengthening Mediation-Support within the OSCE*⁵ deserves particular attention as it was initially structured as an annex to the planned MC Decision on the conflict cycle. Drafted under the auspices of the Swiss co-ordinator, and with the assistance of the CPC, the Concept took into account the experiences of other international organizations in setting up a mediation-support capacity, for example the United Nations and the European Union.⁶ At the same time, it was tailored to the spe-

3 Cf. OSCE Chairmanship, *Advancing the “V to V” Dialogue on the Conflict Cycle*, Discussion Paper for the Informal Ambassadorial Meeting on 15 March 2011, CIO.GAL/31/11, 7 March 2011.

4 For a discussion on the origins of OSCE Ministerial Council Decision No. 3/11 on the conflict cycle, see also: Alice Ackermann, *The V to V Dialogue on the Conflict Cycle – The Conflict Prevention Centre’s Supporting Role in Strengthening the OSCE’s Conflict Response*, in: *OSCE Magazine* 4/11, pp. 7-8; and Alice Ackermann, *Strengthening the OSCE’s Capacities in Conflict Prevention, Crisis Management and Conflict Resolution*, in: *Security and Human Rights* 1/2012, pp. 11-18.

5 OSCE Lithuanian Chairmanship, *Proposal for: “Concept on Strengthening Mediation-Support within the OSCE”*, CIO/GAL/137/11, 6 July 2011.

6 See, for example, United Nations Security Council, *Report of the Secretary-General on Enhancing Mediation and its Support Activities*, S/2009/189, 8 April 2009; Council of the

cific context in which dialogue facilitation and mediation activities are conducted in the OSCE. Therefore it also addressed issues such as the lack of continuity in mediation processes, which results from the annual rotation of the Special Representatives of the OSCE Chairperson-in-Office, and in financial and human resources.⁷

Recommendations from the expert meetings were reflected in the draft decision on enhancing OSCE capacities with regard to the conflict cycle. The Secretariat and the Chairmanship did initial work on several preliminary drafts, a process that began as early as June 2011. Pre-ministerial discussions by the participating States followed. These were sometimes difficult because of conflicting views on the relative significance to be accorded to elements of the conflict cycle. Negotiations continued even in Vilnius as the participants failed to reach a consensus on all paragraphs of the draft decision prior to the beginning of the Ministerial Council meeting. It was not until 7 December, the last day of the Ministerial Council, that OSCE foreign ministers were able to sign the document with this cumbersome name: *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*.⁸

The Significance of Ministerial Council Decision No. 3/11

Despite criticism that MC Decision No. 3/11 is not wide-ranging enough and remains limited in terms of concrete policies or instruments in some issue areas, such as early action, it is nevertheless a significant document. For one thing, it is a document that reflects the collective efforts of many actors – ranging from three Chairmanships via the participating States, OSCE institutions, and the Parliamentary Assembly to the Secretariat – over a lengthy period of time.

The document also signals the Organization's commitment to revisiting its approaches to conflict prevention and conflict resolution for the twenty-first century. By the early 1990s, the OSCE was already one of the few international organizations that were exploring how they could respond to conflict in all its phases – from early warning and prevention to crisis management and post-conflict rehabilitation. This new thinking was reflected

European Union, General Secretariat of the Council, *Concept on Strengthening EU Mediation and Dialogue Capacities*, No. 15779/09, 10 November 2009.

7 For further analysis, see Alice Ackermann, *Strengthening Mediation Support in Regional Organizations – A Framework*, Master's thesis, Europa Universität Viadrina, Frankfurt/Oder 2011.

8 Decision No. 3/11, *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*, MC.DEC/3/11 of 7 December 2011, in: Organization for Security and Co-operation in Europe, *Eighteenth Meeting of the Ministerial Council*, 6 and 7 December 2011, Vilnius, 7 December 2011, pp.11-16.

in the final document of the 1992 Helsinki Summit Meeting – the quintessence of many wide-ranging provisions that continues to guide the work of the OSCE.

Since the adoption of the 1992 Helsinki Document, however, there have not been any new decisions on how to respond to the various phases of the conflict cycle. Neither have there been any new decisions that have taken into account past experiences and lessons learned from several, often serious crisis and conflict situations in the Western Balkans, Eastern Europe, the South Caucasus, and Central Asia. In particular, intra-state conflicts of various kinds continue to endanger the security and stability of OSCE participating States, and inter-state crises and conflicts are far from obsolete. MC Decision No. 3/11 is also a more than timely document, as other international organizations have developed their crisis- and conflict-response capacities over the years, especially in the case of the European Union.

Also significant is the fact that the implementation of MC Decision No. 3/11 requires concrete action by the OSCE Secretary General, in consultation and co-operation with the OSCE Chairmanship and other executive structures. The participating States are also requested to take a more active role in the prevention and peaceful resolution of conflicts. The explicit mandate of the Secretary General with regard to early warning is acknowledged, namely that he can bring “to the attention of the Permanent Council any situation of emerging tensions or conflicts in the OSCE area”.⁹ In order to prevent the early-warning functions of other executive structures, such as the High Commissioner on National Minorities (as mandated in the 1992 Helsinki Document), from being compromised, provisions on early warning contained in the MC Decision No. 3/11 are specifically intended to complement those early-warning mandates already in existence. A systematic early-warning capacity is to be established in consultation and co-operation with all the relevant executive structures.

The role of the OSCE CPC located within the Vienna Secretariat has also been widened in that it was designated to assume the role of focal point for the development of not only an OSCE-wide early-warning system, but also a dialogue-facilitation and mediation-support capacity. The draft *Concept on Strengthening Mediation-Support in the OSCE* did not become an annex to the MC Decision as had initially been envisioned; however, elements of the text were incorporated into the final document. Accordingly, a systematic mediation-support capacity has to include the following elements: (1) training and capacity-building within the OSCE structures; (2) knowledge management and operational guidance; (3) outreach, networking, co-operation, and co-ordination with relevant local/national actors, as well as with international, regional, and subregional organizations; and (4) oper-

9 Ibid., p. 13.

ational support for OSCE Chairmanships, their special representatives, heads of field operations, and other OSCE mediators.¹⁰

Provisions related to post-conflict rehabilitation were less difficult to reach consensus on, as the OSCE already has a long-standing history of working in post-conflict environments. Apart from exploring further how to make use of existing confidence-building measures, also in a cross-dimensional manner, the Decision endorses the creation of national experts' rosters with individuals who can be recruited to support OSCE post-conflict rehabilitation efforts. By far the most problematic are the provisions on early action contained within MC Decision 3/11, as these include few references to genuinely concrete and innovative tasks. A number of participating States had strongly advocated a strengthening of the Chairmanship's role in setting up fact-finding missions and other types of expert teams, even without a prior consensus. Such a suggestion had elicited a heated debate during pre-ministerial negotiations on the draft decision. The Secretary General was tasked to explore this issue further by submitting a proposal to the participating States on how to enhance OSCE fact-finding, including through the use of expert teams during emerging crisis situations.

First-Year Implementation

The Secretariat and OSCE executive structures have already made considerable progress in advancing the implementation of provisions contained in MC Decision 3/11. One could argue that the implementation process has evolved on two levels: an "internal" one, comprising OSCE executive structures, for purposes of consultation, co-operation, and co-ordination; and an "external" one for providing information to the Chairmanship and the participating States on progress made, additional resources required, and further advice needed on issues addressed in the Decision. To involve participating States in the implementation process, in early 2012 the Irish Chairmanship proposed an open-ended working group on the conflict cycle, focusing on the issue areas that were mentioned in the Decision. Food-for-thought papers prepared by the Secretariat have guided the discussions with the participating States while also providing background information on first and interim steps pertaining to the implementation process.

Furthermore, the OSCE Secretary General, Ambassador Lamberto Zannier, has also addressed participating States at two separate events. On 10 February 2012, he held a special informal session at ambassadorial level on MC Decision 3/11 with a particular emphasis on early warning, outlining some of the preliminary work that was under way in the Secretariat. Emphasizing the key role of the CPC in the implementation of the Decision, the Secretary General provided an initial overview of the work already under-

10 Cf. *ibid.*, p. 15.

taken by the executive structures. This includes the drafting of Early Warning Operational Guidelines and the establishment of an Internal Working Group (IWG) on early warning for purposes of co-ordination and co-operation among various actors involved in a range of activities related to early warning, such as the collection, collation, analysis, and assessment of relevant early-warning signals. The Secretary General's report on progress made and possible future options with regard to Ministerial Decision No. 3/11, which was issued on 16 July 2012, and which was mandated in the Decision, also had the aim of briefing OSCE delegations on the practical steps that have already been undertaken.¹¹

Internally, i.e. at the level of the Secretariat and OSCE institutions, close co-operation has been established in the area of early warning by means of an IWG, a network of Early Warning Focal Points, and a reference document for internal use, the *Early Warning: OSCE Internal Guidelines*. In his 16 July report, the Secretary General shared these Guidelines with OSCE participating States. They are intended "to consolidate and further systematize the current practice of early warning within the Organization".¹² The CPC has also prepared an *OSCE Guide on Non-Military Confidence-Building Measures (CBMs)* to support OSCE efforts in conflict prevention, crisis management, and post-conflict rehabilitation.

The creation of an integrated training and capacity-building strategy as part of strengthening OSCE mediation support is also in progress, as is the development of internal guidelines for effective mediation. In the spring of 2012, the CPC distributed a questionnaire on the *Assessment of Dialogue Facilitation and Mediation Work across the OSCE Area and Existing Support Capacities* to all field operations, OSCE institutions, and the Parliamentary Assembly. Its intention was to take stock of work already done in mediation and dialogue facilitation, and thus also to identify areas for improvement and further consideration. The input received will provide guidance for the planned internal guidelines for effective mediation. One should also note that in the realm of co-operation with other international actors, the CPC also provided input to the *United Nations (UN) Secretary-General's Guidance for Effective Mediation*.¹³ Within this particular context, the CPC assisted the UN and the Organisation of Islamic Cooperation (OIC) with the organization of the consultations on *Developing Guidance for Effective Mediation*, which were attended by representatives from a number of regional, subregional, and other international organizations in Jeddah on 3-4 April 2012. Findings and

11 OSCE Secretary General, *Report by the Secretary General on progress made and possible options on the way forward with regard to Ministerial 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*, SEC.GAL/137/12, 16 July 2012.

12 Ibid., p. 2.

13 United Nations General Assembly, *Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution*, Report of the Secretary-General, A/66/811, 25 June 2012.

recommendations also made their way into the UN Secretary-General's report.

Concluding Thoughts

MC Decision 3/11 certainly holds out the promise that the OSCE might respond in a more preventive and timely manner to crisis and conflict situations in the future. It has been encouraging over the last few years to witness the generating of new ideas and approaches for addressing the conflict cycle and – as far as peace and security of its participating States and societies are concerned – making the Organization fit for the twenty-first century. The challenges have been many, and this is reflected to some extent in the Decision. There remains the critical issue of early action, although this is a challenge not only for the OSCE but also for all international organizations. The oft-cited “lack of political will” that allows for a timely decision to act remains a serious obstacle but not the only one. Human, financial, and material resources require timely availability as well. The steadfast implementation of MC Decision 3/11 remains an essential task for the Irish Chairmanship and, very probably, subsequent OSCE Chairmanships, the participating States, and the OSCE executive structures. For the time being, enhancing the Organization's response to crisis and conflict situations and having the tools, instruments, and means to deal with the many facets of the conflict cycle constitute a crucial building block towards the creation of a genuine security community.