



Conflict Prevention Centre
Operations Service

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FOOD-FOR-THOUGHT PAPER ON
CONFLICT RESOLUTION IN THE OSCE AREA

I. Background

During the Corfu Process, the V-to-V Dialogue, the preparations leading to the 2010 Astana Summit as well as during the adoption and respective implementation of Ministerial Council Decision No. 3/11, participating States have extensively addressed early warning, early action, dialogue facilitation and mediation, as well as post-conflict rehabilitation. Throughout, several participating States have highlighted that not all aspects or elements of the conflict cycle have been addressed at the same level of detail and attention. The Open-ended Working Group (OEWG) on the Conflict Cycle further acknowledged in their 6th Meeting the importance of addressing mechanisms and instruments aimed at conflict resolution, in particular with the view to potential means of enhancing co-operation with track-two initiatives used in conflict resolution. The Security Days event on 16 September will, *inter alia*, focus on possibilities to strengthen the OSCE's efforts at conflict resolution and related aspects with the aim to optimize the Organization's comparative advantages vis-à-vis other international/regional organizations. It will also feed into the Helsinki+40 Process, thereby contributing to dialogue and the building of a security community.

In preparation for the event, this food-for-thought paper outlines ideas and formulates questions that should help to lead the debate, aiming to reflect on the OSCE's role in conflict resolution, its current toolbox as well as potential new or further refined tools.

II. Conflict Resolution as Concept and Practical Approaches

“Conflict Resolution” is a multi-track process that relies on a wide range of methods and procedures to achieve peaceful and sustainable solutions to conflict by moving conflicting parties towards positive outcomes and keeping them committed to honoring them. Non-violent methods involved in this process may include negotiation, mediation and dialogue facilitation, diplomacy, the monitoring or verification of agreements in place as well as dispute settlement and arbitration. Conflict resolution involves long-term political processes, with periods of slow to no progress punctuated by shifts in positions, circumstances, or contexts. Actors involved in the conflict resolution process should thus anticipate, identify and leverage windows of opportunity where progress can be made. Conflict resolution in the OSCE context provides a framework for the design and implementation of practical multi-track efforts that connect regional, national and local platforms for peace.

Factors of effectiveness and sustainability - To be effective and sustainable, approaches to conflict resolution must be comprehensive as well as tailored to the specific needs and strategic interests of the conflicting parties and all other stakeholders. Furthermore, conflict resolution will only be successful if it respects the principle of local ownership and is built on the commitment of conflicting parties. Efforts aimed at conflict resolution should balance short-term effects (reduction and/or prevention of violence) with long-term objectives (creation of lasting peace infrastructures). The following elements contribute to effective and sustainable approaches to conflict resolution in an OSCE context:

A “security first” approach complemented with long-term strategies for peace-building. Building political and public support for lasting peace agreements takes time. Immediate crisis management and support from Third parties can lead to interim agreements that “freeze” the violence and prevent further escalation. Such agreements act as important steps towards a settlement, and are not the end of the conflict resolution process itself. They establish a foundation for further negotiations aimed at overarching peace agreements. These latter agreements should address the root causes of the conflict and create space and entry-points for long-term multi-track efforts aimed at building durable mechanisms and structures for peaceful conflict resolution.

Conflict resolution involving “peace constituents”. Efforts focused on reducing or ending violence may privilege discussions with armed or violent groups at the expense of non-violent groups and other important “peace constituents”, including, *inter alia*, women’s groups, local peace councils, minority groups, civil society actors, non-governmental organizations, academia and youth. To prepare for peace and foster sustainable conflict resolution, these groups must be empowered to participate in the political process and need to be included in the development and implementation of responses.

Conflict resolution incorporating “conflict sensitivity”. When designed outside of the given conflict context, there is a risk that conflict resolution approaches may exacerbate, or “do more harm”, rather than help settle the conflict. Therefore, conflict resolution approaches must be founded on an understanding of the conflict in its local and regional context and incorporate local processes and structures. Their design must also take into consideration and address any unintended negative impact they might have on the conflict.

Gender in Conflict Resolution. UNSCR 1325 recognizes the importance of women being equally represented during political negotiation, reconciliation and post-conflict reconstruction processes. Accordingly, agreements must include measures ensuring that the needs, respect for human rights, and concerns of women and girls are protected. In this regard, the participation of women and/or gender-sensitive mediators provides representation that can advocate for the inclusion of provisions and gender-balanced approaches in these agreements. Furthermore, UNSCR 1325 also addresses the impact of conflict on women and calls for improving intervention strategies in all stages of the conflict cycle, to include conflict prevention and conflict resolution. For instance, National Action Plans (NAPs) can assist governments with identifying responses to promote a secure environment for women and strengthen resilience to gender-based violence.

The OSCE's Comparative Advantage – While other regional organizations and actors have risen in importance across the OSCE area in the field of conflict prevention and conflict resolution, the OSCE remains a relevant actor with several advantages *vis-à-vis* other international organizations. In essence, OSCE activities carried out by its network of field operations, institutions and the Secretariat provide flexible, complementary and comprehensive cross-dimensional responses aimed at preventing violent conflict and at contributing to sustainable peaceful conflict resolution. This includes the facilitation of and participation in various negotiation formats aimed at including all relevant stakeholders and conflicting parties. Field operations provide direct access to local stakeholders and have the capability to support the conflict resolution process through multi-track efforts adapted to developments on the ground.

QUESTIONS

- (1) How can the OSCE enhance decision-making, ensure better interaction between negotiation formats and the entire OSCE constituency and strengthen actions of its executive structures to maximize cross-dimensional approaches to conflict resolution?
- (2) How can the OSCE enhance its capability to identify entry points for efforts at conflict resolution and leverage windows of opportunity?
- (3) How could the OSCE further integrate gender-based approaches in the conflict resolution process?

III. OSCE Conflict Resolution – Strengthening the Toolbox

In MC.DEC No. 3/11, participating States commit to taking further steps in addressing the conflict cycle. This has made it possible to strengthen executive structures and decision-making processes, while encouraging greater use of the array of mechanisms and procedures available to the OSCE to address the conflict cycle at an operational level¹. The tools, mechanisms and procedures listed below are well suited for conflict resolution; they can be combined and implemented into multi-track and multi-level conflict resolution efforts. These mechanisms and procedures require close co-ordination between key stake-holders for their implementation to be successful. More importantly, lasting settlements require wide support and the political will of conflicting parties to be realized. As such, approaches should focus on long term needs and build progress through incremental gains, while encouraging co-operation, dialogue and confidence-building between the conflicting parties.

Dialogue Facilitation & Mediation: Mediation plays a fundamental support role in conflict resolution in that it increases the probability of longer-term tension reduction while providing a continuous platform for conflicting parties to address short-term issues. Mediation can be used at different levels. It helps foster compromise between official decision-makers and can facilitate dialogue on

¹ The mechanisms and procedures have gone through successive reviews over the course of the past five years (2008 ASRC; 2010 Astana Review Conference); though the last review did not identify or propose changes to the mechanisms per se, it did identify the need to encourage activation of the mechanisms and to strengthen the role of decision-making bodies in this process.

technical issues in parallel to political-level discussions. It also promotes people-to-people contacts across conflict lines.

Preventive Diplomacy: Less visible to the public, but equally important, is the OSCE's work in facilitating dialogue at the local and national level – notably through the work of the HCNM. OSCE efforts in terms of quiet diplomacy are critical to reducing tensions between groups, finding solutions for conflicts before they escalate into violence and promoting tolerance and peaceful development within a society.

Non-military Confidence Building Measures (CBMs): Similar to dialogue facilitation and mediation, non-military CBMs have the ability to reach out, increase confidence, and build trust between different communities. CBMs also enhance community resilience to violence and, when built into infrastructures for peace, have the potential to strengthen relationships between the government and civil-society organizations.

Peace agreements: Peace agreements further progress towards a settlement by promoting trust between conflicting parties and creating further space for dialogue and mediation. To be successful, agreements require the political will of parties and guarantees that the provisions will be implemented in good faith and co-operation. Third party actors like the OSCE can play an extremely important role as regards the facilitation, monitoring and verification of such guarantees. This role is particularly relevant in the case of conflicts over, *inter alia*, sovereignty, nationality or self-determination, where a neutral third party can contribute to a stable security environment.

Conciliation & Arbitration: The OSCE has the mechanism for “*Peaceful Settlement of Disputes Based on Conciliation and/or Arbitration*”, complemented by the 1995 Convention on Conciliation and Arbitration² and the OSCE Court of Conciliation and Arbitration (CCA) in Geneva. While these tools and mechanisms have not been utilized to this date, they remain at the disposal of participating States. Conciliation and/or arbitration might also play an important role in the implementation phase of peace agreements.

Other Mechanisms & Procedures: Conflict resolution facilitation is being carried out by a variety of OSCE actors, including, *inter alia*, the Chairmanship, the Institutions, the Secretary General, the Secretariat, the Conflict Prevention Centre and field operations. In addition, the Organization has at its disposal specific mechanisms and procedures that are well-suited for crisis management but by extension could be used as possible entry-points for conflict resolution efforts – for instance the “*Berlin Mechanism*”. Notably, the “*Stabilizing Measures for Localized Crisis Situations*”³ is a lesser-known mechanism which permits the participation of “parties which are not States” in risk-reduction processes. Its utility is however

² Thirty-three of the 57 participating States are signatories to the Convention on Conciliation and Arbitration.

³ FSC/Journal No. 49, Annex 2 (dated 24 November–1 December 1993). Document adopted by the Special Committee of the FSC in the framework of the Programme for Immediate Action.

limited to military measures; expanding it (or developing a separate, local mechanism) to cover non-military aspects could be beneficial.

QUESTIONS

- (1) How can the OSCE enhance the contribution of executive structures as regards the facilitation of non-military CBMs?
- (2) How can the OSCE enhance its contribution as regards to facilitating, monitoring and verification of peace agreements as well as in order to provide guarantees to the respective parties?
- (3) How can the OSCE provide added-value *vis-à-vis* the engagement of other international organizations as regards to conflict resolution?

IV. Peacekeeping

Activities carried out by multilateral/regional military and civilian peacekeeping operations can be an essential contribution to non-violent conflict resolution. For example, they can contribute to containing and reducing the violence of the parties involved, de-escalate tensions, and facilitate/implement CBMs in advance of negotiations about a ceasefire or peace agreement. Furthermore, peacekeeping operations can underpin the successful implementation of such agreements as well as related guarantees through efforts at monitoring and verification, and can also create a safe environment for and contribute to sustainable peacebuilding, including through local capacity-building in all three dimensions.

Military peacekeeping – Although the OSCE has never formally mandated a military peacekeeping operation of its own, the Organization has launched a number of field operations deployed alongside, or as part of, multilateral peacekeeping operations containing military components. In the Balkans, for example, the OSCE's field operations in Bosnia and Herzegovina, Kosovo and the Former Yugoslav Republic of Macedonia are all tasked to support the implementation of peace agreements and/or UN resolutions aimed at conflict prevention and conflict resolution. Furthermore, throughout the implementation of their mandate, all three field operations have been working alongside military peacekeeping forces deployed by the UN or other international/regional organizations. In Moldova, the OSCE Mission has an observer status in the Joint Control Commission, the body overseeing the trilateral Joint Peacekeeping Forces and in Georgia, the OSCE's former field operation was mandated to monitor the military peacekeeping force and to verify that its mission was being carried out in accordance with OSCE principles and commitments.

In 2002, the OSCE conducted an extensive review of military peacekeeping capabilities as defined by Helsinki 1992. It was the general view that the OSCE has considerable experience in deploying unarmed operations, that it has no experience in deploying armed peacekeeping operations, and that its Secretariat does have the ability to co-operate with other international organizations. Moreover, intensive consultations showed that no common understanding

could be reached on the issues of command and control, the role of the Forum for Security Co-operation and capacity issues⁴.

Nevertheless, discussions on possible OSCE peacekeeping and/or peacekeeping conducted by participating States or other international organizations under an OSCE mandate continued in the following years – without, however, resulting in any concrete action.

Civilian peacekeeping - Activities carried out by civilian OSCE peacekeepers, in particular efforts at verification and monitoring carried out by OSCE-mandated international police forces, have played and continue to play an essential role for the Organization's capacities at fostering conflict resolution. Civilian peacekeeping activities also include civilian observers, border monitors, and other civilian personnel with expertise in areas such as rule of law, human rights, disarmament, democratization, and security sector reform. Much of this type of activity was central to OSCE efforts in South East Europe in the 1990s and continues today. Under the UN General Agreement on the Establishment of Peace and National Accord in Tajikistan (the General Agreement), the OSCE supported implementation of provisions related to the observance of human rights and the establishment of democratic institutions and processes as well as supported the work of the Commission on National Reconciliation.

QUESTIONS

- (1) How can the OSCE capitalize on its past performance as regards to its role in civilian peacekeeping in order to preserve and strengthen its comparative advantage *vis-à-vis* other international organizations?
- (2) How can the OSCE increase its interoperability and preparedness for participating in multilateral peacekeeping operations, including with civilian peacekeepers working alongside military components?
- (3) Should the OSCE be prepared to mandate peacekeeping operations by others or take the lead in establishing and conducting regional peacekeeping operations, including civilian and military components?

V. Making it last: Building Infrastructures for Peace (I4P)

The UN Secretary General's "*Report on Peacebuilding in the Immediate Aftermath of Conflict*"⁵ identifies that focusing national and international efforts on meeting the most immediate needs of people, builds their confidence in, as well as, their commitment to peace, and helps to restore state legitimacy and effectiveness. This substantially increases the chances of lasting peace being sustainable and reduces the risk of a relapse into conflict.

⁴ MC(11).JOUR/2 "Letter from the Chairperson of the Permanent Council to the Chairman-in-Office, Annex 13 of the journal of the Eleventh MC in Maastricht, reports on Peacekeeping". Results from the review of OSCE's role in the field of peacekeeping operations, fulfilling MC Decision No. 4 of the Tenth Meeting of the MC (Porto 2002).

⁵ UN General Assembly, "Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict", 11 June 2009, A/63/881-S/2009/304, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/63/881

These needs can be considered as: basic safety and security (i.e. protection of civilians, strengthening the rule of law and conducting security sector reform); political processes (i.e. promoting inclusion); basic services (i.e. water & health, the return and reintegration of internally displaced persons and refugees); core government functions (i.e. public administration and finance); and economic revitalization (i.e. economic confidence-building measures, employment generation and rehabilitation of basic infrastructure).

I4P concept and infrastructures - In recent years, a new concept for the promotion of lasting peace and non-violent conflict resolution has been put into practice in some conflict settings: building infrastructures for peace (I4P)⁶. There is not one agreed definition for I4P. One possible definition refers to infrastructure for peace as a “dynamic network of interdependent structures, mechanisms, resources, values, and skills which, through dialogue and consultation, contribute to conflict prevention and peace-building in a society”⁷. They often combine governmental and non-governmental actors and structures in so-called Track 1.5 approaches⁸. UNDP characterizes its engagement in I4P as “help[ing] countries to establish and strengthen national peace infrastructure; the processes, policies and institutions that help design, support and enhance social resilience to violent conflict - and build sustainable freedom from strife”⁹. I4P can enhance the conflict resolution process by providing a framework for multi-track efforts through the integration of government and civil-society approaches across regional, national, and local levels, and can be made more effective and sustainable when part of a government mandate. In the OSCE context, I4P and related initiatives are already being supported by many field operations, in particular through capacity building and inclusion of civil society on the local and national level aimed at functioning mechanisms for non-violent conflict resolution. As shown by the examples below, I4P-related activities by the OSCE can serve the following purposes:

Reduction of conflict triggers – At the local level, civil society organizations have the ability to reach out and build trust and co-operation between divided communities in a way that government or national-level structures may not be able to achieve. When they provide a platform for inclusive dialogue and mediation, they can promote social mobilization and reduce tensions between communities.

Building resilience to violent conflict - I4P can serve as an effective platform for state-society initiatives and the development of responses that target the factors of violence at subnational and local levels. For example, Local Peace Committees (LPCs) can play a vital role in the prevention of electoral violence by establishing early warning networks, identifying grievances and conflict triggers early in the pre-

⁶ See *inter alia* Paul van Tongeren, “Creating Infrastructures for Peace - Experiences at Three Continents”, Pensamiento Propio 36-37; March 2013 at: <http://www.i4pinternational.org/files/341/vantongeren+creating.pdf> and Barbara Unger, Stina Lundström, Katrin Planta and Beatrix Austin (eds.), “Peace Infrastructures - Assessing Concept and Practice”, Berghof Foundation, 2013 at:

http://www.berghofhandbook.net/documents/publications/dialogue10_peaceinfrastructures_complete.pdf

⁷ <http://www.i4pinternational.org/infrastructures-for-peace/defining-i4p>

⁸ Examples of infrastructures for peace include commissions for the implementation of peace agreements, national and subnational institutions for dialogue, mediation and dispute settlement, national and local early warning networks, local peace committees, truth and reconciliation commissions, and community-based initiatives aimed at strengthening resilience to violence and conflict.

⁹ UN Development Programme (UNDP), “Issue Brief: Infrastructure for Peace”, 27 February 2013, available at: http://www.undp.org/content/dam/undp/library/crisis%20prevention/Issue_brief_infrastructure_for_peace_2702_2013.pdf

electoral phase, and providing a platform for dialogue and mediation aimed at conflict prevention. National Peace Commissions can also contribute to peacebuilding efforts by providing a platform for reconciliation.

Generating peace dividends – I4P also offer governments with the means to reach out to the society in a way that builds “collaborative capacity” between state and civil society and helps address conflict drivers. For example, administrative and social services that are offered as peace dividends can reduce social tensions through the provision of needed services and can also create incentives for non-violent behavior, while strengthening state capacity and legitimacy.

As part of its comprehensive and co-operative approach to security, one could say that the OSCE is already “organically” involved in the building of infrastructures for peace. The I4P concept has the potential to promote the creation of national linkages between civil society and state structures. It could also serve as an OSCE internal framework to enhance post-conflict reconstruction responses and improve cross-dimensionality between and within the three dimensions. Participating States might consider exploring the potential added value of I4P as a concept applied to conflict prevention and conflict resolution in the OSCE context.

QUESTIONS:

- (1) Should the OSCE consider further exploring the I4P concept as a potential framework for the design of multi-track and cross-dimensional approaches in conflict prevention/resolution?
- (2) How can OSCE activities that promote local and national conflict resolution efforts and build respective capacities among state and civil society actors be strengthened?
- (3) What are the implications of I4P for OSCE activities in the field, including long-term?