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Building Confidence and Strengthening Security in Pursuing Settlement of Regional Conflicts

William H. Hill
Global Fellow, Kennan Institute

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Regional conflicts which broke out in several parts of Europe at the end of the Cold War stimulated and shaped the establishment and development of many of today's OSCE institutions. The Conflict Prevention Center was in many respects a first response of the participating states to the disintegration of federal Yugoslavia. A number of further military and political conflicts arising from the break-up of the Soviet Union and a decade of wars in the former Yugoslavia sparked the expansion and elaboration of OSCE field operations and institutions.

Unfortunately, a number of these conflicts are still with us today, in one form or another, after more than a quarter century. In particular, the conflict between Armenia and Azerbaijan over Nagorno-Karabakh; the conflicts involving Georgia, Abkhazia, and South Ossetia; and the Moldova-Transdniestria conflict all remain unresolved. There are clearly many other troubled spots around the OSCE area, but in these remarks I will look mainly at these conflicts, and in particular at Moldova-Transdniestria.

In examining the particulars of the OSCE's regional conflicts, as with almost any conflict, one must first of all understand their origins, context, and history in order to choose an effective approach to their management and resolution. For example, the conflicts I mention have in common the fact that they broke out on the periphery of the Soviet Union during the process of that state's disintegration. Nevertheless, I would argue that there are striking differences in the circumstances, causes, major actors, and histories of each of these conflicts. The dispute over Nagorno-Karabakh involves a contested claim to the same territory by two participating states, while the struggles involving Abkhazia, South Ossetia, and Transdniestria involve unrecognized breakaway entities within recognized participating states. The fighting in the entities in Georgia invoked the rights of ethnic or national minorities. While the Moldovan language law of August 31, 1989 played a significant role in launching the conflict in Moldova, I would argue that rivalries between competing economic and political elites were a more important factor in the Transdniestrian question.

In fact, I would assert that the recent and current conflicts in Ukraine – the annexation of Crimea and the war in Donbas – stem from some of the same roots as these other four, that is, from disputed or unresolved issues arising out of the dissolution of the Soviet Union. One should recall that considerable local discontent in Crimea in the 1990s was apparently resolved by negotiation and adoption of an autonomy agreement, with the assistance of the OSCE. I personally recall being urged by Ukrainian colleagues to use this agreement as a model for Moldova and Transdniestria while I served as Head of the OSCE Mission in Moldova. Since the preceding session of this conference is dedicated to the conflict in Ukraine, I will note here only that issues arising from or related to the Soviet collapse can still remain relevant over a quarter century later in developing one's understanding of and approach to these conflicts.

However, it is also crucial to keep in mind that over this quarter century history has not been standing still, and that both the domestic and international contexts have changed significantly. To address the changes in the international situation first, when the wars of the Soviet or post-Soviet periphery broke out between 1988 and 1992, there was a far greater consensus, or at least a far broader sense of agreement among most of the CSCE participating states that they were moving in the same general direction and that they shared to a great degree the aims of preventing and resolving these conflicts. To be sure, there were frequent disagreements over the specifics in approaching individual conflicts in the Balkans or the former Soviet space, but the CSCE/OSCE of the 1990s was a far more cooperative institution than the one we know today. For over a decade there have been increasingly deep disagreements between major OSCE participating states about the direction and purpose of our organization and the very nature of the European security order. These divisions affect most of the work the OSCE does in conflict prevention, management, and resolution. The requirement for consensus has been a constant in the OSCE, but not the ability of the participating states to obtain it. The implication is that it may be exceedingly difficult in today's OSCE to adopt political and institutional responses similar in scope and ambition to those fashioned by the participating states in the early 1990s.

The other major international factor that affects the possibilities of the contemporary OSCE is the change in the OSCE's relative position in the overarching Euro-Atlantic security architecture. One must keep in mind that in 1991-1992, the decision had not yet (or just) been made at NATO's November 1991 Rome Summit on the post-cold war future of the Alliance. Similarly, the Maastricht Treaty was signed only in early 1992, and the present-day European Union was just beginning to emerge out of the European Community. My purpose is not to debate whether the development of the institutional capabilities and growth in membership and territory of NATO and the EU from 1992 to the present was a good thing, but simply to note the historical fact. Nor are NATO and the EU the only alternatives to the OSCE to develop in Europe since 1992; they are simply among the most prominent. As a result, the participating states of today's OSCE face a far more complex Euro-Atlantic security architecture as they contemplate how further to develop and enhance OSCE capabilities and activities in conflict prevention and resolution.

Turning to specific protracted conflicts in the OSCE area, the four post-Soviet clashes – Nagorno-Karabakh, South Ossetia, Abkhazia, and Transdniestria – fairly quickly came to be called the "frozen conflicts." This categorization presumably stemmed from the fact that they all stubbornly resisted settlement and remained possible sources of regional instability and, increasingly, geopolitical rivalry and confrontation. However, to anyone who knows them well, each of these conflicts has been anything but "frozen." Leaders have changed, various plans and attempts at settlement have been tried and failed, and new sources of division, suspicion, and resentment have appeared and grown between the peoples and leaders of the conflicting parties. Negotiating formats and international mediators and facilitators have also changed over time, with widely varying results.

Military clashes have recurred in three of these four "frozen" conflicts long after the initial fighting had subsided, including major war in Georgia in 2008. That war actually put the OSCE field presence in Georgia out of business and brought an entirely new constellation of negotiations and participants in Geneva. Significant military clashes between Armenian and Azerbaijani forces in recent years have reminded broader audiences of the relatively flimsy arrangements that brought an end to the fighting in 1994 – flimsy in the sense that there is no substantial third party interposed between the sides to discourage resumption of hostilities.

Moldova and Transdniestria have avoided the resumption of military action between the two of them, but over the past two decades have found numerous ways of applying a wide variety of economic and social pressure on one another.

I provide these general introductory observations on this set of regional conflicts to accentuate the need for carefully considered and constructed individual approaches to each of them. There may be general laws and principles derived by the discipline of conflict analysis, management, and resolution; there may also be commonalities among the conflicts and crises in the OSCE area, all of which dictate similarities in the OSCE approaches to management and resolution of these conflicts. I certainly would agree that it is worth examining what has been tried, and especially what seems to have worked in another conflict in fashioning the approach one takes to the question with which one is currently engaged. However, I believe that one also must also recognize and accept that measures or actions that worked in one context may not be replicable, or may need to be significantly modified, if tried in a different environment. This is not meant to be a counsel of despair. Rather, I hope that these extensive caveats may lend proper understanding to the following general suggestions or recommendations that I wish to offer.

First and foremost, one needs to recognize and try to deal with the current geopolitical context in the OSCE area. On the one hand a number of countries in the East, in particular the Russian Federation, and on the other hand some Western participating states, most notably the U.S. and some EU member states, have diametrically different opinions on the current European security order, how this order came to be what it is, and who and what is responsible for that. If any state or states wish to resolve specific security issues, such as these "frozen" conflicts, in today's Europe, they cannot set as a requirement that all other participants accept their particular geopolitical perspective. It may be emotionally satisfying and advantageous in domestic politics to blame NATO and the U.S. for fomenting local unrest and anti-Russian sentiment, or to portray separatist leaders, opposition politicians, or leaders as puppets of Moscow, but such charges (even if those making them are convinced they are true) will inevitably be counter-productive and rarely lead to progress.

So, what can be done about the geopolitical splits, competition, and rancor in the OSCE today? On the general level of the organization as a whole, I believe that the OSCE's advantage of universal membership and extensive facilities for political dialogue are under-used, particularly in the Vienna headquarters. In my opinion the potential of the Permanent Council, and sub-groupings arising from or mandated by the Permanent Council, is far greater than one has seen in current or recent OSCE debates and operations. I was present at the time that the first changes were introduced, and I understand the need to supply structure and predictability to the debates and work of the PC. However, I fear that in pursuit of these attributes, participating states have neglected the opportunities for political dialogue afforded by the presence of many robust delegations in Vienna.

I would not be so naïve as to argue that more debates on a broader array of subjects would lead inexorably to reduction of today's geopolitical standoff and tension. However, I do think that participating states are missing out on opportunities to learn in greater depth how their opposite numbers apprehend the world and formulate their thoughts on a number of key security issues. I believe in particular that greater usage of subordinate bodies, with either designated or self-selected participants, could provide for less formal, more open, and possibly more enlightening exchanges of views, ideas, and trial balloons, than is now the case with the dialogue in the PC and FSC. An expansion of the political dialogue by means of

such mechanisms would most likely not require substantial – if any – extra resources from existing delegations, but could well pay off with longer term, indirect political dividends in the form of greater knowledge, understanding, and perhaps confidence among representatives of the participating states. In this sense, an enhanced political dialogue is one of the most important confidence building measures available to participating states.

The benefits from such dialogues of course will not automatically lead to resolution of important security issues, including the conflicts which I am discussing here. However, I am a deep believer in the value of diplomacy, even if one does not see an immediate payoff. In this sense, I agree wholeheartedly with Winston Churchill's preference for "jaw-jaw" to "war-war." I believe that there is little to be lost, even if one cannot see immediate gain, by attempts to make greater use of the potential of the OSCE for political dialogue. In particular, I believe that participating states should welcome additional forums and broader dialogue aimed at getting out of the geopolitical impasse in which we find ourselves, rather than simply assigning responsibility and blame for how we got there.

Turning to the specific issues and prospects for particular conflicts, please allow me to concentrate on Moldova-Transdniestria. This is the one which I know best, and it is also a dispute on which remarkable progress has been made over the past few years. In general, when approaching any particular conflict, I think it is crucial to recognize the importance of local issues and the agency of local actors. It is counter-productive simply to dismiss local leaders as "puppets of Moscow" or "stalking horses for Washington." Without dismissing the importance of the desires of each of those (and other) capitals, it has been my experience in all of these conflicts that local actors have their own opinions and desires, and local actors both can and sometimes do undertake actions on their own initiative. In any case, the populations they purport to represent are made up of human beings with the same inalienable rights as the rest of us, including the right to have their preferences identified and respected, to the degree possible.

So how did this progress which I am praising in Moldova come about? Here is my personal understanding and explanation. A coordinated "results-oriented" approach was developed implemented by a series of OSCE Chairmanships. Moldova, Transdniestria, and the other participants in the Five plus Two (mediators Russia, Ukraine, and the OSCE, and observers EU and US) agreed to concentrate on settling specific issues between Chisinau and Tiraspol as a precondition to holding higher level, plenary negotiating sessions. The Five plus Two participants generally endorsed the basic OSCE position since 1993 – Transdniestria is a part of Moldova but should have a special political status – but agreed to leave questions of final status aside while pursuing progress on specific, practical issues. The mediators and observers demonstrated cohesion in holding to this general approach, which stressed direct, expert-level contacts between the parties to the conflict.

The main substance of the negotiations over the past two years or more has been the so-called "package of eight" issues, a set of practical social, economic, and administrative questions that have divided and created mistrust between Chisinau and Tiraspol since the earliest days of the conflict. These questions included: (1) whether and how diplomas (and other documents) issued by Transdniestrian educational (and other) institutions should be recognized throughout Moldova and beyond; (2) whether vehicle license plates issued by Tiraspol should be recognized internationally; (3) how should Transdniestrian telecommunications be licensed and regulated; (4) how should Tiraspol and Chisinau cooperate to establish and enforce environmental standards for the Nistru/Dniestr River

basin; (5) how to dispose of criminal cases brought against officials of each side by institutions of the other side; (6) how to ensure operation of Latin-script schools under the jurisdiction of the Moldovan Ministry of Education in territory under the control of Transdniestrian authorities; (7) how to ensure access for some farmers resident in Moldovan territory to sow and harvest on their lands under Transdniestrian control; and (8) how to ensure freedom of movement between the two sides of people, goods and services (already guaranteed in many joint declarations and agreements between the sides), in particular opening of the Gura-Bicului Bridge, damaged by the fighting in 1992, repaired by 2001, but never re-opened to traffic.

These issues may seem ridiculously detailed, obscure, prosaic, and simple to resolve. Yet Moldovan and Transdniestrian representatives have been remarkably stubborn and obtuse in failing to agree on what seem (at least to outsiders) obvious solutions. Disagreements on these questions arose less from their substance than from the fear of both sides that even the smallest concession on any of these specific issues might weaken that side's position on the key questions of status and governmental competencies. These fears were augmented by deep distrust on the part of governing elites on both sides, prompted and sustained by a long history of agreements and promises by both sides which have subsequently gone unfulfilled.

What produced such dramatic progress, after years of obstruction, stagnation, and only limited – if any – movement? First one must give credit to a succession of OSCE Chairs since 2011, who revived the Five plus Two format, kept it alive during truly troubled, tumultuous years, and finally took advantage of opportunity to fashion and maintain a consistent, coordinated approach to conflict management. A series of OSCE Chairmanships has thus managed to sustain basic continuity in the approach of the Organization to the political settlement process in the Moldova-Transdniestria conflict. To be sure, each Chair has made necessary adjustments in addressing the Moldova-Transdniestria portfolio, including judicious appointment and use of special representatives and supervision, guidance, and coordination of the activities of the Mission in Moldova. This has enabled the OSCE to play a consistent, ongoing, and leading role in the conflict resolution process in Moldova.

Second, on the local level, the mediators were able to identify issues, such as those in the package of eight, whose resolution could bring concrete benefits to the leaders, elites, and people on both sides in the conflict. The negotiators also encouraged confidence and compromise by linking specific issues in a way that promoted progress on paired or combined issues, rather than complaints about the failure of one side or the other to give on one specific issue. As I understand it, the mediators successfully produced a sense in both sides of the conflict that progress on some issues would lead to further progress on others, thus producing a self-reinforcing negotiation process.

In essence, the attainment and implementation of concrete agreement between the parties on each of these specific issues constitutes in and of itself a confidence building measure. There are few things more important to a negotiation than witnessing one's opponent carry out an agreement, thereby gradually increasing trust and predictability. Thus, the specific content of a CBM is less important than the fact that it can be and is implemented. In this respect, I consider the entire package of eight in the Moldova-Transdniestria political settlement process to be confidence building measures.

Third, despite the bitter split among participating states over the ongoing war in Ukraine, the mediators (Russia, Ukraine, and the OSCE) and observers (the EU and the US) have

remained within the overall political consensus on approaching resolution of the Transdniestrian question, in particular in promoting practical reconciliation between Chisinau and Tiraspol, while continuing to recognize Transdniestria as a part of Moldova, not an independent entity.

Fourth, the political landscape on both sides of the Nistru/Dniestr River has to date been relatively favorable to the mediators' efforts to promote contacts and dialogue, and to seek progress through resolution of concrete, specific questions, rather than broad, comprehensive agreements. The election of new presidents in both Moldova and Transdniestria, in combination with a coalition in the Moldovan Parliament willing and able to work with Tiraspol all have contributed to greater flexibility and accommodation in the parties' negotiating stances. Moldova faces a hotly contested parliamentary election sometime toward the end of this year; this may at some point affect the pace of work in the political settlement process.

Can the recent Moldovan experience and successes be replicated in the conflicts in Georgia or over Nagorno-Karabakh? Probably not; there are too many differences in background, history, and the current situation. But I have some thoughts on how elements of the process in Moldova-Transdniestria might provide illuminating lessons or adaptable tactics.

Recent experience in Moldova in my estimation highlights the possible benefits of addressing specific, local issues which affect the welfare and daily lives of populations of a region and parties to a conflict. These local issues may not be the only questions to be solved in order to achieve settlement of any particular conflict. However, successful resolution of important, bread and butter issues can demonstrably change the overall atmosphere in which conflict resolution is pursued, and thus increase chances for progress. Every conflict involves specific local issues for which attaining and implementing solutions can serve as confidence building measures. The key task for mediators such as the OSCE is to identify such issues and to persuade the parties to the conflict of the virtues of such an approach. And even if an overall settlement is not immediately achieved, people live better and stability and security are enhanced – all good things.

Another lesson from the experience of the OSCE in Moldova is that involvement of multiple OSCE institutions (beyond the CPC and field operations) to address other, not immediately related problems in a country or region can often be helpful. Most recently the activities of the High Commissioner on National Minorities in Moldova's Autonomous Region of Gagauzia have helped ameliorate a long-running issue on Moldova's right bank, as well as to bolster confidence in the political settlement process with Transdniestria. In the past, the OSCE Parliamentary Assembly has been productively involved in ongoing contacts and cooperation with counterparts in Moldova, including from the Transdniestrian region.

The example of Moldova, along with the OSCE experience in other protracted conflicts, underscores the importance of field operations, and the need to provide sufficient material and personnel resources. For example, a small number of Russian troops remain in Moldova, along with a significant, although greatly reduced stockpile of aging Cold War-era ammunition. This is an ongoing sore point between Moldova and the Russian Federation. However, the number of troops and amount of military equipment and ammunition are greatly reduced from what they were in the 1990s in large measure thanks to the assistance provided through the OSCE Voluntary fund.

Looking back at how the Moldova Voluntary Fund improved the security situation, even if it has not yet completely achieved its objectives, I find it hard to believe that there are not still places or issues in the OSCE area where the judicious application of limited extrabudgetary resources might not have salutary effects. The infrastructure projects in South Ossetia contemplated by the 2006 Belgian Chairmanship are one example that comes to my mind. In Moldova, there are environmental issues in the Dniestr River basin involving Moldova, Ukraine, and the Transdniestrian region where a small investment of resources might provide major dividends.

OSCE field operations can play a major role in addressing questions like these. These missions need money, but even more they need people. From what I hear informally from former OSCE colleagues, the secondment system is overstressed and underperforming in its efforts to supply sufficient numbers of experienced, talented, and motivated people to serve in field operations. This must change if the participating states desire the OSCE to be an effective organization.

Some might argue that the current geopolitical situation prevents the OSCE from contemplating serious questions or undertaking significant actions. The international environment today may well be more fractious and difficult that that in the early 1990s (although I am not sure how optimistic we were even at that time, with wars breaking out in the former Yugoslavia and across the former Soviet Union). However, today's bitter differences do not necessarily preclude cooperation on significant problems. For example, the Minsk Group chairs have somehow managed to work together with a remarkable degree of comity through the years, despite all the geopolitical turmoil around them.

In fact, despite the inability of the Minsk Group Chairs to gain the agreement of the parties to the conflict to a proposed settlement, there is in my opinion still greater scope for OSCE action in the Nagorno Karabakh conflict. Notwithstanding a 1992 advance mission and considerable planning in OSCE headquarters, there is to this date no significant neutral international presence separating the former combatants. Almost all observers recognize this to be a dangerous situation. Why not do something about this? The OSCE has the requisite legal capacity to seek agreement of the involved parties, to marshal resources from its own participating states, or to involve other international bodies to separate combatants and reduce the danger of resumption of military hostilities. Would this complicate efforts in pursuing an overall settlement of the Nagorno Karabakh conflict? Perhaps, but one should not in this instance let the perfect be the enemy of the good.

Finally, over the years I have heard many times the argument that the OSCE has worked for many years on these conflicts and has obtained no settlements, the implication being that either the OSCE is incompetent or that work on these conflicts is futile. I do not accept such arguments, for I believe that in many instances management or containment of a conflict can be a significant success. And if reaching a settlement is the only criterion for success, then the mediators of the conflicts in Kashmir, Cyprus, or Palestine should be subject to far more severe criticism than the OSCE. In protracted conflicts, one needs to work toward settlement, but welcome progress and the absence of active hostilities.

Overall, I believe that the recent developments in the Moldova-Transdniestria political settlement process demonstrate that significant progress is possible in the protracted conflicts in the OSCE area despite the bitter divisions and daunting challenges which face the participating states. In the midst of its fifth decade, the OSCE possesses well-developed

institutions and experienced people who know how to use them. There are real opportunities for the OSCE to initiate dialogue and actions that might lead to significant improvements in stability, security, and prosperity in a number of regions. In my mind, the real question is whether participating states will choose to do so.