Assessing OSCE's Conflict Management in Ukraine Through the Lens of the Conflict Cycle

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ABSTRACT

The full-scale invasion of Russia into Ukraine in February 2022 came as a major upheaval for Ukraine, the world, and the OSCE, which was the main international actor on the ground in the country since the outbreak of the war in the east of Ukraine in 2014. Just in 2021, OSCE argued it was successful in containing the escalation. However, the outbreak of a full-scale war in Ukraine raises serious questions about OSCE and its conflict management abilities and performance. This thesis attempts to assess the OSCE's work in Ukraine. Previous studies mainly concentrated on the OSCE Special Monitoring Mission to Ukraine itself, with little attention to OSCE's work as a third-party conflict management actor, which is not limited to the Mission. The conflict cycle concept is used to comprehensively assess OSCE's effectiveness through all the stages and define recurring factors. Using a longitudinal case study with process tracing and pattern matching, I found out that the main factors affecting the OSCE's performance are the consensus principle, insufficient mechanisms, and the political will of states. Political will is the most significant of the three, influencing the organization's internal processes and external activities.

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This thesis is the product of sixteen years of being the ultimate academic weapon that will always be a part of my persona.

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TABLE OF CONTENTS

LIST OF TABLES

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INTRODUCTION

The full-scale invasion of Russia into Ukraine in February 2022 came as a major upheaval, endangering the lives of millions of Ukrainians and having a massive impact on the world. Food insecurity, refugee flows, environmental degradation, and disrupted economies are only some of the issues brought about by this war.

The war did not start in 2022. Some argue it started even earlier, but most would agree that it started in 2014 with the Russian annexation of Crimea and its backing for the so-called Donetsk and Luhansk 'people's republics'. 24 February 2022 marked the transformation of a localized proxy war to a full-scale inter-state war. Through the course of 2014-2022, there were many attempts, first to prevent the conflict, then to manage it and find a solution. These included the negotiations in the Normandy Format, the Trilateral Contact Group, and the Minsk Agreements.

A considerable role in this process was played by the Organization for Security and Cooperation Europe - the world's largest regional security organization that became the only international organization engaged in Ukraine at both political (due to participation in the Trilateral Contact Group) and operational (through Special Monitoring Mission operating on the ground) levels. The OSCE, like its predecessor CSCE, is unique as it bridges East and West and has Russia as a member, unlike the EU or NATO, which are only Western organizations. This makes the OSCE an organization well-suited for managing the conflict in which Russia is involved.

The OSCE addresses all the stages of the conflict cycle, but conflict prevention has been its *raison d'etre* since the Helsinki Document of 1975. At the Budapest Summit meeting in 1994, OSCE was identified as the "primary instrument for early warning, conflict prevention, and crisis management." The 2016 Chairperson-in-Office, Austrian Foreign

Minister Sebastian Kurz, called for "strengthening the OSCE's instruments for conflict prevention and resolution," and the 2015 Chairperson-in-Office, German Foreign Minister Frank Walter Steinmeier, named the OSCE a "key instrument of conflict prevention in Europe" (Apakan 2017, 21). I follow the same logic in this thesis: while assessing the OSCE's effectiveness through the entire conflict cycle, I put particular emphasis on conflict prevention.

Scholars have described the war in Ukraine as a crucial test for OSCE, both in 2014 with the annexation of Crimea and the outbreak of war in the east of Ukraine and after the full-scale Russian invasion in February 2022 (see Friesendorf and Wolff 2022, 4; Friesendorf and Kartsonaki 2022). "The 2014 crisis in and around Ukraine has brought the OSCE to the fore as the sole international organization accepted by all parties to the conflict that aims to find a political solution to the crisis," a brochure commemorating the 40th anniversary of the Helsinki Document states (OSCE 2015b, 4). On the one hand, the war in Ukraine is a challenge for the OSCE, but on the other, it is an opportunity to reinvent itself as a security organization. (Lehne 2015, 4) In 2014, the main instrument the OSCE resorted to was the Special Monitoring Mission (SMM) to Ukraine, which was tasked to monitor the developments on the ground and report them, being the eyes and ears of the international community. Upon signing of the Minsk Agreements, the Mission was also tasked with ceasefire monitoring.

In 2014, Russia had already violated the fundamental principles enshrined in the Helsinki Document. By 2022, the OSCE SMM worked in Ukraine for 8 years claiming it was effective in containing the conflict. The outbreak of a full-scale war in Ukraine in 2022 raises serious questions about OSCE and its conflict management abilities and performance which is a central puzzle sparking interest for this thesis.

This thesis aims to assess the OSCE's work in Ukraine. Previous studies mainly concentrated on the OSCE Special Monitoring Mission to Ukraine itself, with little attention to OSCE's work as a third-party conflict management actor, which is not limited to the Mission. This thesis attempts to comprehensively assess OSCE's contribution to conflict management through all the stages of its engagement.

This thesis makes at least two contributions. First, I will define the factors that limit the OSCE's effectiveness and conclude what should be improved. Second, I investigate which instruments are not effective, which are effective, and what could have been done differently in the particular case to arrive at conclusions extendable for future research of the subject matter.

The main research question of this thesis is **why the OSCE was ineffective in containing the conflict escalation in Ukraine from 2014 to 2022**. My hypothesis is that OSCE was ineffective in managing the conflict in Ukraine due to three main factors: internal - organization's buildup (consensus principle), insufficient mechanisms, and external - political will.

To demonstrate the role of these factors, I investigate the OSCE engagement in Ukraine in 2014-2022 through the perspective of the conflict cycle (early warning, conflict prevention, crisis management, and post-conflict rehabilitation, as the OSCE itself defines it) and track the OSCE's activities in Ukraine through these stages to identify the causes of the organization's successes and failures and draw conclusions for future OSCE operations.

The longitudinal single case study will be used here, combining process tracing and pattern-matching to see how factors like the consensus principle affect the organization's effectiveness at different stages of conflict. I break the conflict into stages using periodization through the conflict cycle perspective. This provides a better understanding of how OSCE handled each stage and what factors have influenced its effectiveness.

Chapter I lays out the foundations of the OSCE history, its activities in Ukraine, its mandate, and its decision-making process. It also discusses the conflict cycle concept. Chapter II is the empirical part, which consists of 5 parts corresponding to different periods. It traces the OSCE engagement to discover common patterns and factors. Chapter III summarizes the findings of the previous chapter, lays out the main factors affecting the effectiveness of the OSCE, and provides the discussion and way forward.

LITERATURE REVIEW

Conflict Management and International Organizations.

After the end of the Cold War, several trends appeared in international conflict management. First is the growing importance of cooperative conflict management - non-coercive third-party intervention to find a mutually acceptable solution for both parties. Second is the emphasis on conflict prevention, early warning, and other cooperative mechanisms like mediation, conditionality, and other methods. (Jenne 2015, 11) The OSCE is a prominent example of an international organization that uses cooperative methods and emphasizes conflict prevention. (see, for instance, Ackermann 2003 "The Prevention of Armed Conflicts as an Emerging Norm in International Conflict Management: The OSCE and the UN as Norm Leaders")

In the 1990s, a significant debate occurred between realist and institutionalist scholars regarding the mere ability of international organizations to affect conflict prevention and resolution. Realism proponent Mearshimer criticized the institutionalist theory in his "The False Promise of International Organizations" for being weak in causal logic and lacking evidence. He argues that institutions do not significantly influence state behavior and can hardly promote stability in the post-Cold War world. (Mearsheimer 1994, 7) In response, in "The Promise of Institutionalist Theory," Keohane and Martin debunk Mearshimer's criticism and lay out their argument. The main point is that "the necessity for institutions does not mean that they are always valuable, much less that they operate without respect to power and interests, constitute a panacea for violent conflict, or always reduce the likelihood of war." However, they are components of any lasting peace. (Keohane and Martin 1995, 50) This briefly lays out the difference between the stance of realism and institutionalism.

In terms of the general literature on conflict prevention, an array of researchers worked on defining what conflict prevention is and what the conditions are for its success. Among them are Ackermann, Bellamy, Berkovich, Carment, Jenne, Lund, Schnabel.

Following Lund, "conflict prevention entails any structural or interactive means to keep intrastate and interstate tensions and disputes from escalating into significant violence and to strengthen the capabilities to resolve such disputes peacefully as well as alleviating the underlying problems that produce them, including forestalling the spread of hostilities into new places." (Lund 1999, cited in Carment and Schnabel 2003, 2) Lund, together with Carment and Schnabel, agreed in the early 2000s that "rhetorical commitment to conflict prevention continues to be high, while commitment to its implementation remains mixed." (Carment and Schnabel 2003, 2) In 2003, Ackermann also characterized conflict prevention as an emerging norm. However, in the case of OSCE, we will later see that this norm is now fully institutionalized.

Carment and Schnabel also argue that preventing conflict is not always possible. However, reducing the likelihood of its outbreak is manageable by resolute, systematic attempts to deal with the underlying sources of possible violence (2004). They also speak of the factors affecting the success of these efforts, including a deep understanding of conflict dynamics and processes, and discuss the difficulties (2003, 16). International organizations' difficulties include political will, consensus, the need for military backing, and sufficient resources. (ibid, 18-21) Dwan also argued that achieving consensus "must become an integral element and objective of any preventive approach with the necessary resources set aside accordingly," even though the author recognizes that it might be difficult to achieve (Dwan 2000, 15). Bellamy (2008, 143), referring to former UN Secretary-General Kofi Annan, paid attention to political will as an essential prevention element. He argues that it is difficult to achieve political will and invest resources in tackling the situation, which is only developing.

Jenne (2015), in her nested security model, asserts that third-party intervention will not succeed in solving the conflict until the regional or global environment is stabilized.

At the same time, Lederach, in his "Little Book of Conflict Transformation," laid down the foundations of conflict transformation strategy. This approach "focuses on creating adaptive responses to human conflict through change processes which increase justice and reduce violence." (Lederach 2003, 22) Thus, fundamental change is needed to achieve sustainable, lasting peace, addressing the conflict's root causes and rebuilding relationship between the parties.

This part summarizes the scholarly body in conflict prevention and sheds light on the debate regarding the capabilities of international organizations in it. We now have the foundation in terms of factors defined by other authors to compare the findings of this research.

OSCE and Conflict Prevention, Crisis Management, and Post-Conflict Rehabilitation.

As Cohen argues, it was evident in the early 1990s - particularly in light of the situation in the former Yugoslavia - that the CSCE lacked the necessary capabilities to avoid or resolve disputes. He states that it was necessary to reinforce the political tools and organs of the CSCE to achieve a more advanced capacity. (1999, 8) After the transformation of the CSCE to OSCE and its institutionalization as a result of the Budapest Summit in 1994, attempts proceeded to assess the organization's effectiveness, suggesting a path for future development in conflict-related activities. Years to follow, the OSCE mediation in the conflicts in Nagorno Karabakh, Transnistria, and the Russian-Georgian War of 2008, as Lehne (2015, 4) argues, "helped manage the crises but could not prevent them from turning into protracted conflicts." Thus, the necessity to improve the conflict prevention and management capabilities of the OSCE remained.

I distinguish three groups of arguments about the OSCE in this regard. The first group implies that the way forward and improvement of conflict prevention, management, and resolution lies at the institutional level. Within this group is Ackermann (2010, 230-231), who suggests that improving the OSCE is strengthening existing or finding new instruments and mechanisms and placing prevention at the top of its priorities, thus dedicating more efforts and resources there. The OSCE Helsinki +40 Brochure states that the war in Ukraine highlighted the OSCE's weaknesses, such as "insufficiency of effective tools, restricted mandates, lengthy decision-making procedures, and limited resources." (OSCE 2015b, 5)

The second group of scholars places political factors at the core of the organization's problems. Neukirch asserts that political will prevails over other factors in the early warning and action stage, hindering effective functioning. He claims that "while the OSCE Secretariat and the executive structures can further improve both their toolsets and the operational procedures for using them," it would not be possible without the political will of the Chairmanship and States-participants (2014, 126). Oberson (2021), who investigated SMM in Ukraine, also places the primary burden on the political will of the states for the failure of the Minsk Process.

There is, however, a third set of arguments, which implies that the political and institutional issues are co-dependent. One of the representatives of this approach is Raith, who argues that both political will and sufficient resources are needed to "make proactive use of relevant instruments and mandates." (Raith 2021, 54) The researchers focused on particular cases, like Umland (2021) with SMM, and also pointed out the combination of these factors.

This section summarizes the approaches to OSCE's conflict prevention, crisis management, and post-conflict rehabilitation capabilities and factors defined by authors in the OSCE's particular case. Building on that, I investigate whether the same factors were present in Ukraine, and which have played a more significant role.

OSCE in Ukraine.

OSCE's activity in Ukraine has received special scrutiny from scholars. Until now, researchers have mainly focused on the OSCE Special Monitoring Mission to Ukraine. However, few have analyzed OSCE's general performance from the broad conflict management perspective. Even though Dorosh and Ivasechko (2019) inquired into OSCE's institutional and operational possibilities in modern conflict resolution, they still focused on SMM and dedicated less attention to the OSCE's role in the political dimension of conflict management, like its participation in the Trilateral Contact Group (TCG).

As a result, there is no comprehensive assessment of OSCE activities throughout the conflict cycle in Ukraine. This thesis aims to fill this lacuna. The case of Ukraine is relevant for research due to its significance both for the organization and its institutional survival and for European and world security. The case is also worth investigating because, in Ukraine, the OSCE played the role of the main international actor present on the ground, which is quite a unique experience for the organization.

The OSCE's role in overseeing and promoting the implementation of the Minsk agreements has received limited attention to date. An exception might be Haug, who in 2016 investigated overseeing the Minsk Agreements by OSCE. The author concludes that political factors influenced the Minsk process and its effectiveness. Without the will to implement the provisions contained therein, the capabilities of the OSCE are limited.

Among the scholars engaged in the research of the OSCE SMM, Umland stands out with his two contributions in 2021 (one together with Hartel and Pisarenko). His research is policy-oriented and offers recommendations for improving the work of the SMM. Some suggestions are institutional or operational, like incorporating the SMM Budget into the Unified Budget or unifying the OSCE SMM and Mission to Gukovo and Donetsk to ensure better access and better monitoring of the border and paying closer attention to monitoring the

9

Russia-supplied weapons. More crucial is that he recognized the need for a classic armed and civilian UN Mission, thus recognizing that the existing mandate was insufficient.

The overall scholarly assessment of the SMM is generally favorable. Oberson (2021) and Verjee (2022), who analyzed the Mission from the perspective of international monitoring, identified some points for improvement but did not blame the organization for not solving the conflict. On the more critical side is Goodhind (2023), who questioned the effectiveness of Mission's reports in investigating human rights violations, and Socor (2019), who inquired into the role of OSCE in democratizing Russian occupations in Ukraine's Donbas by focusing on the issue of elections.

To conduct my analysis, I also use OSCE documents, which constitute a significant share of reference points for this thesis. They include at least two self-reflective lessons-learned genre documents (for periods of 2014-2015 and 2015-2021). However, most of the OSCE-produced research was done before the full-scale invasion.

I use these data to make a holistic assessment of the OSCE work in Ukraine. In doing so, I offer a catalog of lessons learned from OSCE activities in Ukraine.

1. OSCE, Its Presence in Ukraine, and the Conflict Cycle Concept.

1.1. OSCE as an Organization. The Mandate, Decision-Making, and Bodies.

The Organization for Security and Cooperation in Europe is the largest regional security organization in the world, encompassing 57 member states. OSCE views security through three dimensions: politico-military, the economic and environmental, and the human. All three of these are covered by the OSCE's efforts, which range from addressing "hard" security problems like conflict prevention to supporting full respect for human rights and basic freedoms, guaranteeing the sustainable use of natural resources, and encouraging economic growth. (OSCE n.d.-g.)

The OSCE consists of a central apparatus – the Secretariat, special organs like the Conflict Prevention Centre, OSCE High Commissioner on National Minorities (HCNM), The OSCE Office for Democratic Institutions and Human Rights (ODIHR), OSCE Representative on the Freedom of Media, along with many field missions to countries of the OSCE. (ibid)

As a successor to the Conference on Security and Cooperation in Europe, the OSCE traces its origins to the Helsinki Act of 1975 as a founding document. At that time, the CSCE served as a forum or a bridge connecting two sides of the Iron Curtain and enabled the dialogue between East and West on crucial aspects of security and human rights. (OSCE n.d.-b.) The Helsinki Act is considered a pivotal document signifying the ability of adversaries to agree on fundamental values, which translated into the so-called Helsinki Decalogue - Declaration on [Ten] Principles Guiding Relations between Participating States. Those principles included sovereign equality, refraining from the use of force, and inviolability of frontiers, among others. (Helsinki Act 1975, 4-8) These laid the foundation for the above-mentioned three dimensions of security on which the OSCE is based and outlined the

principles and commitments the OSCE members should adhere to. The OSCE Helsinki Brochure suggests it was a successful attempt by the West to bind the East with some norms and commitments and for the East to get recognition from the West. (Schlotter 2005, cited in OSCE 2015b, 2)

Initially, CSCE served as a Conference – as its name implies – and only in 1990, with the Paris Charter for a New Europe, the foundation laid for the institutionalization of the Conference in a new decade and its transformation into the OSCE as an organization with permanent bodies and structure. The official name change occurred at the Budapest Summit of Heads of State or Government in December 1994, when CSCE became OSCE. (OSCE. n.d.-b.)

The Sixth OSCE Summit of Heads of State or Government and Istanbul Document adopted in 1999 is a massive milestone in developing the organization's conflict management capabilities. The Document included the Charter for European Security, a pan-European security document. One of its main goals was to develop OSCE's role in peacekeeping. The Document boasts other essential parts, including the amended version of the Vienna Document 1990 and the Agreement on Adaptation of the 1990 Treaty on Conventional Armed Forces in Europe. (Istanbul Document, 1999) The Istanbul Document showcases the high ambition and ability to agree on crucial points.

The Astana Declaration, adopted at the Astana Summit in 2010, reaffirmed States-participants' commitment to OSCE Principles. However, the Document of 13 pages shows that the States-Participants were hardly united in their political priorities. The Astana Declaration depicts quite an idealistic image of the security community OSCE should become. (Astana Commemorative Declaration, 2010)

The four key founding documents display key trends in OSCE development. The first Helsinki Act depicts the role of a platform for negotiation between East and West. In the meantime, the Paris Charter created the OSCE, and the Istanbul Declaration broadened the organization's conflict resolution capabilities, making the 1990s the height of the institution's ambitions and states-participants' commitment to it. The Astana Declaration is much shorter, less ambitious, and fails to achieve some concrete results. The Document displays the tendency of political divergence within the organization.

Decision-making at the OSCE is based on the consensus principle. All 57 members have to agree on a decision that is then politically, but not legally, binding. The consensus principle has long been a contentious issue. While some argue it is a crucial advantage of the organization, others see it as its Achilles heel. On the one hand, it empowers the small states who can have a voice on any matter (OSCE 2015b, 5), but on the other, it makes finding a compromise on some issues a painful job, as is the case with approving the Organization's Budget in recent years (Sammut 2020). Some mechanisms allow circumventing the consensus principle in case one of the states-participants is a perpetrator, like the consensus-minus-one or consensus-minus-two (usually two parties to a conflict) mechanisms. However, those are rarely applied because consensus decision-making is considered a crucial element of the organization.

This chapter has traced the origins and development of the organization from 1975 to the form and shape it is now. While a highly ambitious spirit characterized the 1990s, the 2010s were characterized by drifting political priorities of the States-members and lower commitment to the organization. The Helsinki Decalogue principles and consensus decision-making are fundamental to understanding the effectiveness of the OSCE work in Ukraine. In the next section, we will explore the history of the OSCE's engagement in Ukraine and trace

how it contributed to conflict management in Ukraine through field missions before the outbreak of the war.

1.2. OSCE in Ukraine: Overview of Missions and Activities.

The OSCE's presence in Ukraine consists of several missions that operated in different periods. The first was the OSCE Mission to Ukraine, established in November 1994 and whose mandate expired in April 1999. The Mission's founding objectives included supporting Ukraine's constitutional and economic reforms and reporting on the situation in Crimea (OSCE. n.d.-h.). In the 1990s, some tensions were present between local Crimean authorities and the Ukrainian government regarding the peninsula's administrative status. Hopmann (2015) argues that the OSCE successfully managed the situation at this time. He attributed the organization's success to effective preventive diplomacy led by the High Commissioner on National Minorities van der Stoel, who applied an innovative "seminar diplomacy" approach and also organized several conferences for Ukrainian and local Crimean authorities to discuss points of contention which resulted in the peaceful resolution of tensions. As a result, the parties agreed to Crimea's autonomy status in Ukraine (ibid, 281-283). Thus, we can consider OSCE's work a successful preventive diplomacy action.

After the tensions eased, the Mission was closed, and following its closure, a smaller field mission, OSCE Project Coordinator in Ukraine, commenced its operations on 1 June 1999. The Project Coordinator in Ukraine helped the country to implement internal reforms and meet security challenges by launching projects in areas like democratization and good governance, the rule of law, human rights, human security, economic, environmental, and politico-military issues. (OSCE. n.d.-d.) With the outbreak of war in the east of Ukraine in 2014, the Project Coordinator's mandate was also extended to assist in OSCE's overall response. Its contribution is related to humanitarian demining, environmental rehabilitation,

and preventing arms and explosives trafficking (OSCE 2021b). However, it was not directly involved in the political or operational activities related to conflict prevention, management, or resolution. To rectify this, on 21 March 2014, the OSCE established a Special Monitoring Mission in Ukraine to deal with monitoring and reporting on the escalation in Ukraine. It was set up by the Permanent Council Decision 1117.

The Mission was independent of the Project Coordinator's office and had the following mandate:

- Gather information and report on the security situation;
- Establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments;
- Monitor and support respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities;
- To establish contact with local, regional, and national authorities, civil society, ethnic and religious groups, and members of the local population;
- Facilitate the dialogue on the ground;
- Report on any restrictions of the monitoring mission's freedom of movement or other impediments to fulfillment of its mandate;
- Coordinate with and support the work of the OSCE executive structures … as well as cooperate with other actors of the international community. (OSCE 2014a)

The Mission was supposed to last for six months. However, with the situation deteriorating, it was first prolonged for another six months and eventually lasted eight years. However, its mandate remained unchanged, even though the situation on the ground had changed dramatically. The OSCE official report describes the mandate as "broad and flexible," allowing them to extend the Mission's activities to oversee the implementation of the security aspects of the Minsk agreements (OSCE 2021a, 11). Based on Tanner's (2021) article in OSCE Insights (the successor of the OSCE Yearbook), the OSCE believes this was the right decision.

Soon after the start of its full-scale invasion of Ukraine in February 2022, the Russian Federation blocked the extension of the mandate of the Mission using the consensus rule.

Currently, the OSCE runs an Extra-Budget[1] Special Programme for Ukraine and has invoked the Moscow Mechanism (Human Dimension Mechanism) to document the human rights violations of Russian armed forces.

This section has argued that the OSCE supported Ukraine through its democratic transition and attempted to prevent the deterioration of the security situation by applying its instruments in the politico-military, economic, environmental, and human security dimensions. Moreover, the OSCE successfully used preventive diplomacy to regulate tensions in Crimea. Hence, the OSCE is familiar with the Ukrainian context and has an institutional memory of operating there.

1.3. Conflict Cycle and Its Elements. The OSCE's Conflict Cycle and its Application to Ukraine.

Conflict studies scholars have long been preoccupied with attempts to identify the stages of conflict, otherwise known as the conflict cycle or lifecycle. Conflicts are usually complex, and breaking them into stages helps us better understand their dynamics and tackle them efficiently using different tools or methods.

The father of peace studies, Johan Galtung, suggests looking at the conflict in the following way: before, during, and after violence (Galtung 2000, 1). However, modern conflicts are rarely linear. As of 2016, the Uppsala Conflict Data Program has identified 259 distinct armed conflicts since 1946, 159 of which were recurrent (Gates et al. 2016, 2). Thus, the stages may change in one conflict, and there can be several ups and downs. For this reason, the conflict cycle is often depicted as a wave.

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[1] Financed not from the unified budget, but by individual contributions of willing states-participants.

Other approaches also revolve around three main stages: Mertus and Helsing identify the conflict intensification, the armed conflict, and the post-conflict/post-crisis stages (2006, 10, cited in Wohlfeld *2010,* 16). Lutz, Babbitt, and Hannum also divide the conflict into three periods: the period before violence breaks out when prevention is possible, the violent conflict period, and the period after the conflict ends or the human rights violations cease. (Lutz et al. 2003, 185)

Other models include but are not limited to, the Conflict Prevention Network of the European Commission, which identifies four stages of the conflict cycle: stable peace, unstable peace, high tension, and open conflict (Wohlfeld 2010, 18). Swanstrom and Weissman (2005) suggest a similar model that includes stable peace, unstable peace, open conflict, crisis, and war.

Even though researchers define the stages differently, there is a consensus on at least two points: stages of conflict may be recurring, and the measures for, for instance, conflict prevention may be applied at different or several stages of conflict.

Swanstrom and Weissman concluded, "the division into phases, and the cyclical perception of conflict, has also become the starting point for research on conflict prevention, management, and resolution." (2005, 10). This also seems true for the OSCE and its Conflict Cycle concept. The OSCE Conflict Cycle designates the stages of addressing the conflict. It includes four main stages of conflict: early warning, conflict prevention, crisis management, and post-conflict rehabilitation, and each stage has its related instruments (OSCE. n.d.-a.). The Ministerial Council Decision No. 3/11 on Elements of the Conflict Cycle is the main Document defining the cycle elements and the organization's toolbox for each stage.

The OSCE places the utmost importance on early warning and conflict prevention even though its activities span the whole cycle. According to OSCE Conflict Prevention Center Director Yrjölä, the prevention of conflicts is at the core of the OSCE's approach to

security. A simple explanation might be that prevention costs are many times lower than conflict resolution costs (Yrjölä 2022). For conflict prevention, OSCE contributes to both the negotiating table and field operations. Its primary instrument for confidence- and security-building measures is the above-mentioned Vienna Document, adopted in 1990 and amended in 2011. This Document provides several mechanisms to foster transparency and confidence, such as annual military information exchanges, visits, or exercises to dispel concerns about military activities. We will discuss several instances of Ukraine's application of this Document below.

Essential parts of OSCE's conflict prevention and management work are field missions to states-participants and The OSCE's Conflict Prevention Centre. The Centre is responsible for planning the establishment, reformatting, and closures of field operations (OSCE. n.d.-i). The CPC also serves as an early warning focal point for the OSCE and enables discussion, mediation, and other measures to prevent and resolve conflicts (OSCE. n.d.-a.). It analyzes and monitors the situation in the OSCE area of operation, including via a SitRoom that operates 24/7 to monitor developments. Early warning notifications are usually informal, and to avoid politicization, the CPC provides reporting and advice confidentially. (Raith 2021, 46-47)

The High Commissioner on National Minorities (HCNM) is another OSCE agent involved in early warning and conflict prevention but focused solely on preventing ethnonational conflict. An example of the HCNM involvement is Max van der Stoel's preventive diplomacy regarding Crimea in 1992-1996, discussed above.

Overall, at the conflict prevention stage, the OSCE has the following instruments and institutions at its disposal:

- Diplomacy, mediation, dialogue facilitation, negotiation[2];

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[2] Used throughout the whole conflict cycle.

- Early warning systems and confidence-building measures;

- Field missions;

- HCNM, ODIHR;

- Conflict Prevention Centre.

At the crisis management stage, international organizations usually focus on bringing sides to the negotiating table to achieve a ceasefire. The OSCE's expertise in this field is limited. The measures at the OSCE's disposal include, but are not limited to, the following:

- Diplomacy, mediation, dialogue facilitation, negotiation;

- Peace operations: deploy staff to maintain peace and security, enforce/monitor ceasefire[3];

- Vienna or the Moscow Mechanism to report on human rights violations.

At the post-conflict rehabilitation stage, the goal is to ensure sustainable peace and conditions to prevent the conflict from reemerging. The measures undertaken at this stage may occur at other stages of the conflict and include:

- Monitoring elections and respect for human rights;

- Promoting dialogue and reconciliation;

- Field missions;

- Implementing projects aimed to tackle societal issues.

The Conflict Cycle helps us understand what actions or tools we can expect from the OSCE at different stages of the conflict in Ukraine. This chapter also demonstrates the paramount importance and emphasis the OSCE puts on conflict prevention, as illustrated by its tiered model. The Conflict Cycle concept also supports my periodization of OSCE activity in Ukraine.

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[3] It is worth mentioning the OSCE has deployed only civilian missions up to date, however it has no formally enshrined limitations to do military missions as well.

2. TRACKING OSCE'S ENGAGEMENT IN UKRAINE THROUGH THE LENS OF THE CONFLICT CYCLE.

I now analyze OSCE activity in Ukraine through the stages of the OSCE conflict cycle. This helps us better understand the OSCE's effectiveness and performance at each stage, the instruments it used, and the success it achieved.

The periods are defined based on pivotal dates and dynamics, which I will elaborate on in the subsequent chapters. The war in Ukraine is complex, and this periodization is not definitive. However, it is the best model for assessing the OSCE's work.

2.1. Early Warning, Early Action, and Conflict Prevention: November 2013 - April 2014

As Lehne (2015, 4) argues, the OSCE was already at the margins of international diplomacy in 2014 when the Russian annexation of Crimea and the outbreak of war in the east of Ukraine occurred. At the same time, the organization's weakening was signaled by the Astana Declaration of 2010, which failed to produce any concrete decisions or solve pending issues.

The OSCE is hardly the first organization one thinks about regarding peacekeeping operations. While the OSCE performed peace operations, they differed significantly from UN military-type peacekeeping operations because of their civilian character. (Tanner 2021, 52) Considering that, it is striking that the OSCE became the main international actor involved in conflict prevention and management in Ukraine. To understand this, let us look at the events in Ukraine from 2013 to 2014. The period under consideration is between 21 November 2013 (the start of the Revolution of Dignity protests at Maidan Square) and 12 April 2014 (the armed seizure of Sloviansk).

Things got heated in Ukraine in late November 2013 when protests began against the then President of Ukraine, Victor Yanukovych's decision not to sign the Association Agreement with the European Union. In 2013, Ukraine held the Chairpersonship of OSCE, and some argue that having Ukraine as a Chairperson hindered the OSCE's engagement at the early stages. The OSCE report, in line with the words of the Former OSCE Secretary General Ambassador Lamberto Zannier, states that the Ukrainian Chairpersonship was "reluctant to make use of the OSCE's various conflict prevention and early action instruments" (OSCE 2021a, 9, 12) to keep the matter as internal.

The idea of sending OSCE observers to Ukraine was in the air long before Russia's evident involvement. It was Switzerland that assumed Chairmanship in January 2014 and brought an idea to send monitors to Ukraine as part of the OSCE response. (OSCE 2021a, 5) This shows that the Mission and its Mandate were in design before the violence occurred, serving as early warning and preventative tools (Apakan and Sporrer 2017, 18) first of all, to monitor human rights upkeep in view of the protests, and not a hybrid war or an armed conflict.

Following the government collapse on 21 February 2014 and Ukrainian President Yanukovych fleeing the country, on 24 February, the Chairperson-in-Office (CiO) Didier Burkhalter of Switzerland brought to the UN Security Council the suggestion to "send a special OSCE observation mission to Ukraine and create a Contact Group of key OSCE participating States, including Ukraine and the Russian Federation" (OSCE 2021a, 9). Thus, from early March 2014, the planning of an operation began. The decision was made to create a mission independent from Project Coordinator to Ukraine. It was envisioned as a short-term mission and its first draft was ready on 4 March 2014. (ibid)

However, in the meantime, Russia annexed Crimea. Historians mark the date of 20 February 2014 as the start of the operation (see, for instance, Kazodobina et al. 2024) that led

to the capture of governmental buildings and military objects by the "green men" (see, for instance, Wentzell 2021). In response to these developments, Ukraine resorted to the Vienna Document. It requested a visit by the OSCE expert group to alleviate concerns about unusual military activity that was supposed to last from 5 to 11 March 2014. A group of unarmed military experts headed to Crimea. However, they were denied access at the checkpoints on the administrative border of the peninsula (OSCE 2014b). On 16 March 2014, there was a referendum in Crimea, which was held neither under international standards nor were international monitors present. On 18 March 2014, pro-Russian Crimean officials and Russians signed a treaty that Crimea would be "integrated" into Russia. (Pifer 2020)

The OSCE faced it as a fait accompli. The rapid development of the situation and its inability to access Crimea with monitoring groups prevented the OSCE and the international community as a whole from stopping the annexation.

The importance of timing is highlighted in the OSCE Report "A Peaceful Presence: First 5 Years of the OSCE SMM to Ukraine". It acknowledges that careful planning, including assessing the conflict dynamics and situation on the ground, is paramount when launching a crisis response operation. However, crises sometimes develop rapidly, and action is needed as soon as possible, leaving less time for planning. In the case of SMM, according to the report, just 22 days had passed since the beginning of the mandate talks and the first responders' deployment. This is impressive, given the slowness of bureaucracies, particularly in a consensus-based organization. (OSCE 2021a, 9) Thus, regardless of relative speed, the Mission was only deployed when the annexation of Crimea was already made.

It would appear that the Mandate was sacrificed to get consensus (Härtel et al. 2021, 5) and speedy deployment. The commentaries of those engaged in the process indicate that negotiation of the Mission's Mandate was challenging and required a compromise from participating states. The main points of tension were the scope and the area of operations -

namely access to Crimea, which Russia annexed on 18 March 2014. This was "solved" via interpretative statements made to indicate the country's position on the matter. (OSCE 2021a, 10). Despite a surprisingly fast transition from early warning to early action, which many highlight as a fundamental challenge in the conflict prevention stage (see Neukirch 2014, 126; Raith 2021, 50), the need to achieve consensus was one of the reasons for adopting an inadequate Mandate.

The organization tried to prevent the Mandate of the Special Monitoring Mission from becoming obsolete by making it broad and flexible. Regardless, the organization recognizes that it could not anticipate both the violent phase that started in the east of Ukraine in April 2014 and the necessity to monitor the Minsk Agreements, the first part of which was signed only in September 2014, when designing the Mandate. (OSCE 2021a, 9)

Most scholars criticize SMM for a mandate that was inadequate for the challenges on the ground (see, for instance, Umland 2021). The timing argument partially explains why the Mission was designed as a monitoring mission - the idea emerged in January when the situation was different. The first draft was ready on 4 March 2014. (OSCE 2021a, 9) Monitoring might have been an appropriate instrument then, and it aligned with the OSCE documents on conflict prevention, like the Stabilizing Measures for Localized Conflict Situations (1993, 1). Another criticism might be the civilian character of the Mission. However, the timing argument also explains that. In addition, the OSCE never deployed a military-component mission. This "only civilian missions" approach may stem from the unwillingness to duplicate NATO's functions. (NATO Review, 2000)

Lehne (2015, 4) asserts that at that time, the OSCE still "offered the best available framework for managing the crisis and avoiding further escalation." According to him, it was more acceptable for Moscow to engage with the OSCE than with the EU because OSCE was a consensus-based organization, and Russia, as a member, could veto any decision not

favoring its interests. Conversely, the EU was unacceptable to Moscow because of protests in Ukraine to join the EU.

Monitoring was not the only instrument from the conflict prevention toolbox the OSCE used at this stage. On the side of successes, this period is characterized by very prominent diplomacy by the Swiss OSCE Chairpersonship, namely personal diplomacy by Didier Burkhalter. (Lehne 2015, 7) He took a leading role in the process: addressed the UN SC with the crisis agenda, promoted the idea of a monitoring mission, and later talked to both Ukraine and Russia, participated in the Geneva meeting, and was very proactive in utilizing the tools of negotiation and mediation. (OSCE n.d.-f.) The ability of the Swiss Chairpersonship to achieve fast deployment and consensus on the Mandate of the Mission indicates the dedication of the Chairpersonship to fulfill the OSCE objectives.

Dialogue promotion and confidence-building were another focus of the OSCE in Ukraine. Raith asserts that "the peaceful resolution of conflicts through mediation and dialogue facilitation is at the heart of the OSCE's mandate" (2021, 50). On 20 March 2014, the OSCE launched the National Dialogue initiative to "contribute to a peaceful and sustainable political transition in the country and to immediately address problematic issues through supporting a national, inclusive and impartial dialogue throughout Ukraine" (OSCE 2014c). The fifteen experts and ten administrative staff were deployed in Ukraine for four weeks to selected locations.

As mentioned above, the OSCE applied one of the main confidence-building measures at its disposal - the Vienna Document 2011, organizing the visit by military and civilian personnel to alleviate concerns about an unusual military activity. This was supposed to last from 5 to 11 March 2014. Even though the group of experts was denied access to Crimea, Ukraine requested a prolongation of the visit so that the experts could cover the east and south of the country (OSCE 2014b). The visit lasted until 20 March 2014. At about this time, the

provisions of the 1992 Open Skies treaty were invoked. Throughout March-July 2014, twenty flights were carried out above Russia and Ukraine to alleviate concerns about military activities. (Richter 2020, 4)

To summarize, the OSCE applied several instruments of risk reduction, early warning, and conflict prevention. Nevertheless, the OSCE was not successful in preventing the annexation of Crimea or the outbreak of violence in the east of Ukraine.

Based on the empirical material laid out above, we can identify the following strengths and weaknesses of the OSCE conflict prevention at this stage. On the one hand, the OSCE demonstrated its ability to design and deploy missions fast. In addition, the diplomacy of the Swiss Chairmanship demonstrated eagerness to take the lead and assist in alleviating tensions. Almost all of the available instruments were used for confidence-building and dialogue promotion. In addition, these actions had the support of majority of states-participants. On the other hand, there were objective factors influencing the ability of the OSCE, such as the timing and rapid development of the situation.

However, some factors also undermined the effectiveness of the OSCE. First is the Mandate of the Special Monitoring Mission. The Mandate might have been more robust if it had not been for the need to achieve consensus with all the parties, including Russia. The second factor is the effectiveness of confidence-building mechanisms like the Vienna Document 2011. The visit to Crimea did not occur since the monitors were simply denied access by Russian proxies. This raises the question of the dependence of the instruments' efficiency on political will.

The third factor is flawed conflict assessment. As the organization pointed out in its lessons learned report, the OSCE failed to understand the conflict and its dynamics. Considering that the annexation of Crimea had already happened, the Mission's Mandate did not correspond to the dangers Ukraine was facing.

In the end, this array of factors led to the establishment of an operation that was not well-suited to the challenges on the ground. Nevertheless, it was the OSCE that had to bear the brunt of addressing the events to come. The following section will examine the crisis management stage and how OSCE dealt with it.

2.2. Crisis Management: April 2014 - February 2015

"Crisis management – as in eastern Ukraine should remain the exception, while preventing violent crises and resolving conflicts peacefully should always be the rule."

(Raith 2021, 49)

Considering the hybrid nature of the annexation of Crimea by Russia and the limited number of violent clashes, we track the start of the crisis management period from 12 April 2014. Sources define this date as the start of the Donbas war "when administrative buildings were seized in Sloviansk and Kramatorsk in Donetsk Oblast under the leadership of irregular Russian fighters [headed by Igor Girkin (Strelkov)]." (Kazodobina et al. 2024, 6; see also France24 2024; Käihkö (2021, 39) also marked this date as the start of escalation). Kazodobina et al. also state that the Russo-Ukrainian War's first significant combat broke out after Sloviansk was taken. Immediately after, on 13 April 2014, interim President of Ukraine Turchynov announced the launching of an anti-terrorist operation in the east of Ukraine. (Ukrainian World Congress 2020) These events mark the outbreak of the violent confrontation between the backed by Russia so-called Donetsk and Luhansk People's Republics and the Ukrainian government and armed forces. This period corresponds to the crisis management stage of the OSCE Conflict Cycle and during the violence phase of Galtung's conflict cycle model.

Crisis management has never been the OSCE's strong suit. The OSCE usually engages in conflict prevention or post-conflict rehabilitation through field missions (Raith 2021, 48-50). Despite limited experience, the circumstances favored the OSCE, which took a lead role from 2014 to 2015. It was in a unique position, having access to both operational and political dimensions of crisis management in Ukraine.

On the political level, the main platform for negotiation was the Normandy Format or Normandy Four (Ukraine, Germany, Russia, and France). The OSCE was not a part of the Normandy Format. However, the joint statement from the Normandy Format from 2 July 2014 contained the provision that ceasefire should "be monitored by the OSCE Special Monitoring Mission in Ukraine in conformity with its mandate" (Haug 2017, 356). The ceasefire agreement took the shape of the Minsk Protocol of 5 September 2014, and the OSCE Representative Heidi Tagliani became one of the signatories of it. Later on, the Chief Monitor of the SMM became a coordinator of the Trilateral Contact Group Security Working Group. (Tanner 2021, 58)

In the field, meanwhile, the Special Monitoring Mission gradually grew to a staff of more than 1000 personnel and a budget of over 100 million euros per year (Hartel et al. 2020, 130). The Minsk Agreements signed in September 2014 - the Protocol and the Memorandum - established for the OSCE the obligation to "ensure monitoring and verification by the OSCE of the regime of non-use of weapons and ensure permanent monitoring of the Ukrainian-Russian state border and verification by the OSCE." (Minsk Protocol 2014)

This became possible since the SMM's Mandate from 21 March 2014 was flexible enough to stretch it to this task. In July 2014, the Mandate of the Special Monitoring Mission was prolonged till March 2015 and later on to March 2016. (OSCE 2021e, 26) However, the Mandate was never changed. Why so? A senior official of the OSCE mentioned in an interview with Verjee that "although the mandate had become outdated in later years, to

reopen its text at all would have risked irreconcilable debate on other mandate elements"
(Verjee 2022, 811).

The OSCE SMM had always been a civilian mission. As Tanner (2021, 57) states, civilian operations have their benefits: they are more agile, more likely to be acceptable to the host state, remain impartial, and get consensus for their deployment more easily. However, two things are crucial to their success: "to achieve and retain joint political-operational ownership of the mandate while remaining able to "harden" the Mission should it operate in a zone of armed conflict" (ibid). Although the OSCE was successful in the first aspect, it could never harden the Mission to meet the challenges on the ground, including the duty of care for the monitors and their safety: in late May 2014, eight monitors were abducted and released only after one month. (OSCE 2015d, 70)

According to its Mandate, the SMM's main goal was to be the "eyes and ears" of the international community on the ground (Haug 2016, 347). Let us see if it fulfilled this role. The OSCE, unlike the UN, followed the principle of non-attribution, meaning it never said in its reports who made the violation. (Tanner 2021) The reports from the ground only indicated the number of violations per day and their alleged location. Verjee (2022) also identified the non-attribution principle as one of the drawbacks of the Mission, explaining this decision as an outgrowth of political constructs (need to preserve impartiality) or interpretation of the Mandate. Non-attributing the violations, according to Verjee, negatively impacted the effectiveness of ceasefire monitoring because it might not have "helped the mission to advocate adherence to the ceasefire." If the perpetrator was not named, it lowered the incentives for it to obey. (Verjee 2022, 811).

In addition, the OSCE never signaled Russian involvement in fighting in the Donbas region, even though many other sources did (BBC 2014, BBC 2021, IPHR 2016). The IPHR field mission team investigated the cross-border attacks in the east of Ukraine in 2014 in

Luhansk oblast and found out that "the attacks on the settlements of Kolesnikivka, Komyshne, Milove, Krasna Talivka, Dmytrivka and Pobeda in the Luhansk province indicated an armed conflict of international character, as defined in Article 2 of common to the Geneva Conventions of 1949" (Koval et al. 2017, 23). Umland (2021) also called for closer attention to reporting the Russian-supplied weapons from SMM. Regardless, the OSCE SMM never reported the presence of Russian-supplied weapons or armed forces on the territory of certain areas of Donetsk and Luhansk regions.

Tanner (2021,51) calls the Mission a quasi-peacekeeping operation working in a high-risk environment. I argue that this period, however, has demonstrated that the presence of the OSCE hardly fulfilled the peacekeeping role. It is essential to acknowledge that peacekeeping is outside the Mandate of the Mission. However, the Former SMM Principal Deputy Chief Monitor argued that "maintaining a credible presence on both sides of the line was itself an achievement and arguably helped to contain the violence" (OSCE 2021a, 61). Regardless of the SMM presence in the field, both sides could launch offensives and counter-offensives between spring 2014 and February 2015. The Ukrainian army liberated some of the territories in the spring-summer of 2014, and Russia-backed separatists recaptured Debaltseve in January-February 2015. After the signing of the Minsk Protocol in September 2014, the ceasefire violations continued, and the SMM could only reactively monitor and inform about them. As Verjee (2022, 808) asserts, the SMM thus failed to prevent an escalation of the conflict.

Since the ceasefire of September 2014 had never stopped the hostilities, there was a need to negotiate another agreement. On 12 February 2015, members of TGC (OSCE, Ukraine, and Russia) and two leaders of self-proclaimed republics signed the Package of Measures for the Implementation of the Minsk Agreements. It tasked the OSCE with the following: "to facilitate the withdrawal of the heavy weapons with the support of the Trilateral

Contact Group, monitor the withdrawal of all foreign armed formations, military equipment, and mercenaries, to monitor local elections in cooperation with ODIHR should be agreed on" (Package of Measures, 2015). After signing the second part of the Minsk Agreements, the level of violence gradually decreased, but the ceasefire was continuously being violated. The date of the signature of the Minsk Agreements marks the end of the crisis management period, and from that point onward, parties became "preoccupied" with attempts to implement them.

During this period, there were some achievements of the OSCE. Namely, they agreed to monitor the ceasefire in dangerous circumstances and helped prevent some of the humanitarian crises by mediating between the parties. In addition, the SMM had access to non-government-controlled parts of the Donetsk and Luhansk regions, which highlights the credibility of the OSCE, even in the eyes of the militias.

On the other hand, this period exposes the shortcomings of the OSCE capabilities at the crisis management stage. First, the OSCE could not harden the Mandate to make the Mission more suitable for work in an active, violent, conflict environment. The need to reach a consensus prevented the organization from making the Mandate more robust.

Moreover, the OSCE could not enforce the ceasefire under the Minsk Agreements. The OSCE could only monitor and retroactively inform on the number of ceasefire violations. The principle of non-attribution did not help with that since it could not assign responsibility to a violator. Third, the OSCE SMM never performed the peacekeeping function, as its presence did not stop the sides from fighting.

2.3. "Post-Conflict Rehabilitation": March 2015 - February 2021

The period between March 2015 and February 2021 marked a relative stalemate to the extent that some started to call the war in the east of Ukraine a "frozen conflict" (see, for

instance, Grossman 2018). Despite some short-term escalations, like when Russia captured three Ukrainian ships in the Black Sea in 2018 (ABC News 2018), there was a more or less constant contact line in place. During this period, the OSCE was working, on one hand, on facilitating the implementation of the Minsk agreements and, on the other hand, on "post-conflict rehabilitation", because its mandate presumes that it may take place even before the hostilities are over.

Since the start of its engagement in Ukraine, following the three-dimensional model of security espoused by the OSCE and following the SMM Mandate from 21 March 2014, the OSCE SMM conducted activities in the human dimension aimed at facilitating the maintenance and upkeep of vital civilian infrastructure that supplied millions on both sides of the contact line with gas, power, and water (OSCE 2022d, 33). The OSCE observed localized ceasefires, so-called "windows of silence," for the repair work to be done. The OSCE issued thematic reports on its activities within this specific field. From 1 July 2019 to 31 October 2021, "the SMM facilitated and monitored 3,125 windows of silence for repair and maintenance work to 278 civilian infrastructure sites requiring the deployment of 6,949 SMM patrols". (OSCE 2021d, 2)

One of the most significant cases of humanitarian activities might be the OSCE and Joint Centre on Coordination joint facilitation of repair work at Donetsk Water Filtration station and the coke plant in Avdiivka after the escalation of hostilities in the Yasynuvata Avdiivka region in January 2017. The OSCE helped to restore the electricity supply and heating to 22 thousands of citizens of Avdiivka and enabled the supply of drinking water to 400 thousands of civilians both in government and non-government-controlled areas. (Haug 2016, 348)

The OSCE continued overseeing the implementation of the Minsk Agreements. However, little progress has been made since their signature. The Minsk Agreements are not

a regular ceasefire agreement but something more complex - incorporating elements of a peace agreement, namely political provisions on the special status of the non-controlled territories, amnesties, and holding of elections (ibid, 355). The Minsk Agreements are controversial: they are often described as a win of Russian diplomacy for imposing on Ukraine such requirements that it would never be able to fulfill. Even if it does, it would grant Moscow leverage over Ukraine through the representatives of the self-proclaimed republics, which would counter any anti-Russia moves. (Herszenhorn 2022)

Even the least ambitious provisions of the Minsk agreements - like the ceasefire and withdrawal of the heavy weapons - were not fulfilled. All that the OSCE could do was to monitor the violations and report about them. The parties lacked the political will to implement the measures in the Agreements. As Haug asserts, "fundamental political disagreement over key measures in the agreements, over the sequencing of their implementation, as well as over the long-term implications agreeing to these measures would have for the sovereignty and wider governance in Ukraine and the regional balance of power, have constituted the main challenges." (Haug 2016, 356)

The situation got unstuck when Volodymyr Zelenskyy assumed the presidency of Ukraine in May 2019, partly upon the promises of ending the war. He and his team simultaneously pursued the political, security, and humanitarian track. In September 2019, the Ukrainian representative to TGK, the second Ukrainian president, Leonid Kuchma, signed the Steinmeier Formula to regulate the vague provisions of the Minsk agreements regarding the precedence of elections and control over the border (Korbut 2020, 1-2). In October 2020, there were local elections in Ukraine, and it was envisioned that they would also be held in the temporarily occupied territories. However, given the security situation, namely that the Russia-backed separatists' side withdrew no weapons, illegal armed formations, or foreign forces, the Ukrainian parliament concluded that they would be postponed. (ibid)

Throughout this period, the OSCE took an active part in the negotiations in the Trilateral Contact Group, namely facilitating the commitments to a ceasefire, the disengagement of forces, and the withdrawal of weapons, like in Stanytsia Luhanska in July 2019 (Sajdik 2019a). We can also highlight the exchange of detainees in September and December 2019 as a success of the Trilateral contact group activities. (Sajdik 2019b)

During this period, it was demonstrated that OSCE had the trust of both sides to assist in alleviating the consequences of the conflict for the civilian population by facilitating thousands of windows of silence to repair critical infrastructure. The OSCE's contribution to the human dimension is undeniably valuable and fulfills its Mandate in this regard. However, the OSCE had drawbacks, like the inability to enforce the ceasefire under the Minsk Agreements, such as in the previous period. It also needed more political will from the parties to implement the political provisions contained therein. Nevertheless, the OSCE's mediation in the Trilateral Contact Group resulted in exchanges of detainees and short-term ceasefires.

2.4. Early Warning, Early Action and Conflict Prevention: February 2021 - February 2022

In 2021, The Chief of the SMM argued that the SMM was crucial to contain the spread of the conflict. (OSCE 2021a, 7) The same report, "A Peaceful Presence," also stated that the OSCE showcased the worth of the SMM as an early warning and containment tool. (OSCE 2021a, 5) However, what we see with the start of the full-scale invasion of Russia into Ukraine is that it was not able to prevent it. It does not make sense to put all the burden on the OSCE for the escalation, but we should look deeper if the OSCE were successful in early warning and early action in the face of the escalation.

The period of 2021-2022 featured several events that we now retrospectively understand as indicating the approaching full-scale invasion. Be it the intensification of the

fighting in Donbas in February-March 2021, military buildups on the border in March-April and December 2021, Putin's article on "Historical Unity of Russians and Ukrainians" in July 2021, all of these were signs not to be missed. Investigating this period presents a unique opportunity not only to test OSCE's early warning capabilities but also to see if lessons were learned from the 2014 failure of conflict prevention. Now, let us examine these events in greater detail and see how OSCE responded to them.

After years of relative stalemate and even hope for improvement, in February 2021, fighting escalated in Donbas along the contact line, breaching the July 2020 ceasefire (Kramer 2021). In March 2021, there was an event that many see as the start of the Russian preparation for a full-scale invasion. Even though Russia had established a substantial military presence on the border with Ukraine and in occupied Crimea, in March-April 2021, there was a noticeable buildup, with 100-120,000 troops deployed. This was the most significant concentration of troops since 2014. (Bieleskov 2021)

Some claimed that Putin used the troops to convey a message to Ukraine and the West, particularly to the Biden administration that took office at the beginning of 2021 (Kramer 2021). Another motive might have been keeping the fire burning in the Donbas or maintaining pressure on Ukraine (Puri 2021). Zabrodskyi et al. (2022, 7) also argue that the goal of the buildup was to "assess the reaction of Ukraine's international partners." After Ukraine's international partners dismissed the threat, Russia concluded that "speed was critical to success to render the international community's response irrelevant." (ibid, 7)

Ukraine informed the OSCE about Russia amassing troops on its borders several times. In 2020, Ukrainian Lieutenant-General Horbatiuk spoke at the 950th Meeting of the OSCE Forum for Security Cooperation dedicated to the Security Dialogue on the Vienna Document 2011. He stated that Russia continues the buildup and does not report its forces on the Ukrainian territory in Donbas, creating the gray zones. (Horbatiuk 2020, 2-6). In June

34

2021, when Russia announced the withdrawal of troops after the "successful completion of the exercise," Ukraine again informed the OSCE that only twelve thousand troops had been withdrawn (Ukrinform 2021). By bringing this to the OSCE's attention, Ukraine wanted to urge it to reconsider the effectiveness of the current mechanisms on the exchange of information to build confidence and make Russia respond to the allegations.

In September 2021, Russia launched the Zapad-2021 military exercise. Even though the exercises took place each year in one of four military districts in Russia, this time, it was a joint exercise with Belarus, presumably with the goal of "advancing efforts to integrate the Belarusian military into Russian-led structures" (Clark and Barros 2021, 1). These preparations would be essential to Russia's planned invasion of Kyiv and the north of Ukraine from Belarus and western Russia (Bugayova et al. 2023).

One of the crucial events of this period was Russia's decision not to prolong the Mandate of the OSCE Observer Mission to Gukovo and Donetsk[4] in September 2021 (Dorosh 2021). The monitoring of two checkpoints is in line with the Package of Measures on the Implementation of the Minsk Agreements of 2015, the provision of which includes the need to monitor the border between Ukraine and Russia.

Some claim that even though this Mission was not fully effective in monitoring the Ukrainian-Russian border, since it dealt with only two checkpoints in the lengthy border, it was still "something" that was better than nothing. However, there is another angle we can look at. Having "at least something" not that effective in place might have prevented the search for more efficient solutions. Further, as Hartel et al. (141) argue, the presence of this Mission might have allowed Russia to legitimize its actions, having gained implicit approval from international monitors.

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[4] Donetsk here is a small town in Russia, not Donetsk in Ukraine.

The first issue is that Russia could influence the design of the Mission to create only two checkpoints around the 40-kilometer mark on the roughly 400-kilometer border with the non-government controlled Ukrainian territory (ibid). In addition, Socor (2021) states that it could limit the mission mandate so that it could not adequately report what happened. For instance, in the town where they were located, they could not inspect the contents of trucks and use any electronic or digital devices; they had to rely only on "visual" monitoring.

Regardless of how you look at the OSCE Mission to Gukovo and Donetsk, it is disturbing that Russia, as a host state, could cancel it with such ease. On the one hand, the fact that OSCE missions are deployed "on demand" is good for the participants, but when collective security is at stake, it might limit the effectiveness. The principle that the host state has to agree to a mission is not exclusive to OSCE; the same applies to UN peacekeeping operations (UN Secretary-General, 1992). However, here, the question is bigger and more related to the enforcement of the Minsk agreements, which Hopmann also highlights as the Mission's significant drawback. (2024, 7) The situation in which OSCE SMM monitored the implementation of the Minsk agreements but could not enforce them creates a "vacuum" regarding enforcement.

In the Ukrainian press, the closure of the Mission drew some attention. Dorosh (2021) wrote an article for BBC News Ukraine highlighting the potential implications of this event. The Ukrainian side saw that as an indicator for possible escalation of the conflict. With the benefit of hindsight, this could be understood as an indicator of Russia's further neglect of the Minsk agreements, allowing it to prepare for the full-scale invasion in February 2022 and a move towards a non-cooperative strategy.

Let us examine whether OSCE paid due attention to this event. In the official OSCE documents for 2021, there is limited attention to the further deterioration of the situation and the approaching escalation. The annual OSCE report for 2021 issued on 21 June 2022 speaks

in a dry manner of the SMM and Mission to Gukovo and Donetsk, and there is no critical evaluation of the missions. The section on Conflict Prevention is also quite dry in accounting for the OSCE conflict prevention activities in Ukraine. This may be attributable to the nature of the document, but it is still not quite understandable.

Concerning OSCE's actions close to the start of the invasion, we explore how OSCE was preparing itself for the invasion. Millers and Liechtenstein argue that "while the signs had been there for weeks, if not months, … the OSCE, the world's largest security body, was caught napping" (Miller and Liechtenstein 2022). They demonstrate that OSCE was not ready for an invasion, even regarding security plans and protocols for its staff in Ukraine, although OSCE officials say otherwise. From interviews with former staff members, the Mission's management "sleepwalked" into the invasion. The OSCE reaction, according to another staff member, "led many staffers in Ukraine to believe Vienna did not take the invasion seriously and thought "it would not last long." After the invasion started, the OSCE evacuation was hectic, and evacuation was aimed at international staff, leaving national staff in limbo. (ibid)

One of the pretexts for the Russian invasion was the claim that Ukraine was preparing to retake the temporarily occupied territories of Donbas by force. If OSCE had not followed the "no attribution" policy, the data from the reports could be used to debunk this pretext with evidence. The data could also be used to identify the Russian false-flag operations in January-February 2022. (Bugayova et al. 2023) The Mission reports failed to show evidence of the approaching invasion. The number of ceasefire violations has not increased significantly during 2021 compared to previous reports. What the reports did show is that the OSCE Missions were prohibited from accessing the war zone by armed formations during two buildups of March 2021-2022 (International Crisis Group n.d.). However, there is little indication that there were consequences to these findings.

Ukraine applied the risk reduction mechanism from Section III of the Vienna Document on 11 February 2022. This mechanism required Russia to give thorough explanations for its military actions in the temporarily occupied Crimea and the territories bordering Ukraine within 48 hours. Russia did not respond, and Ukraine had to convene an extraordinary session, which Russia failed to attend (Interfax-Ukraine 2022). This showcased another instance in which the Vienna Document failed to prove effective as a confidence-building mechanism. There are no consequences when a state decides to defect.

This period draws attention to conflict assessment capabilities, the same area that was supposed to have improved after 2014 since the evidence shows that the OSCE most likely did not anticipate a full-scale invasion. The events of this period also prove that an early warning and prevention mechanism like the Vienna Document is a "fair-weather" mechanism that is insufficient when the political aims of the state prevail over collective security commitments.

2.5. Crisis Management: February 2022 and Onward.

The full-scale invasion of Ukraine on 24 February 2022 was a significant upheaval for the OSCE. Some sources suggest that the OSCE SMM leadership was expecting an escalation but did not imagine it that on the scale (Miller and Liechtenstein 2022). Others suggest the SMM was either not expecting it or not fully prepared (Verjee 2022, 810). The OSCE immediately started evacuating the international staff. However, the nationals were to prepare for the evacuation or relocation by themselves (Miller and Liechtenstein 2022). Soon after the expiration dates for the SMM, and with the Project Coordinator to Ukraine mandates approaching, we can see how the consensus principle allowed Russia to end two OSCE missions to Ukraine by unilaterally blocking the extension of their mandates (OSCE 2022a,

b). The consensus-minus-one mechanism was not invoked to keep these two Missions operable.

The OSCE instead found another way to assist Ukraine. It launched the Extrabudgetary Support Programme to Ukraine, which did not require unanimity. It also invoked the Moscow Mechanism[5] to track Russian human rights violations. However, the extrabudgetary projects, though very much needed and useful, can hardly qualify as powerful crisis management instruments. (OSCE 2024)

This period also featured the detention of three OSCE SMM staff members who are being held in the self-proclaimed separatist republics. Two of the three Ukrainian staff members were sentenced to thirteen years of prison in September 2022 (Osmani 2023). As of May 2024, they were still detained.

The future role of the OSCE in Ukraine is not entirely clear now. Some have suggested deploying a Monitoring Mission again (Malyarenko and Wolff 2024), while Hopmann (2024) suggests the OSCE may be a platform for back-channel negotiations. The majority of researchers agree that the war in Ukraine questions the institutional survival of the OSCE. It is unclear to the OSCE staff if the organization will remain in the next ten years. (In-person conversation with the OSCE official)

This period demonstrates that by losing consensus, the OSCE lost the ability to play a more significant role as a security organization. Extra-budgetary projects, regardless of how useful they are, are soft measures that can hardly influence the outcome of the conflict.

Another point of contention is whether it is worth expelling the Russian Federation from the organization. As Cupac and Zurn argue, there are two pathways: either exclude Russia from the organization and make the organization more resolute but lose one of the few

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[5] The Moscow Mechanism of 1991 gives participating States the ability to dispatch expert missions to help solve specific issues or questions pertaining to the human dimension. (OSCE 1991)

remaining channels of communication with Moscow, or continue to engage with it, knowing they cannot do anything to prevent its crimes to remain "a forum for communication between adversaries" (Cupac and Zurn 2022, 19). Currently, it looks like the OSCE aims to preserve itself at least as a forum for adversaries, as CSCE was during the Cold War.

Overall, this period demonstrates that OSCE has limited means of addressing the war without consensus. The extra-budgetary projects have become a useful, though not very ambitious, response from the OSCE.

3. DID THE OSCE FAIL TO PREVENT ESCALATION IN UKRAINE? MAIN FACTORS, DISCUSSION, AND WAY FORWARD.

I now present my research findings in the following table, where the color-blocking demonstrates the recurring patterns that affected the OSCE's effectiveness within the stages of the OSCE conflict cycle.

Period	Stage	Success in	Success due to		Failure in	Failure due to
November 2013 - April 2014	Early Warning and Conflict Prevention	Dialogue facilitation	Chairpersonship Leadership		Preventing the escalation	Ineffective Instruments Political Will Timing
		Fast deployment	Broad Mandate Chairpersonship Leadership Political Will		Strength of the mandate	Conflict Assessment Consensus Timing
		Fast early warning to early action transition	Institutional Capacity Political Will Chairpersonship Leadership			
April 2014 - February 2015	Crisis Management	Chosen to monitor the ceasefire	Political Will		Expanding the mandate	Consensus
		Humanitarian relief			Enforcing the ceasefire	
		Assess to non-government controlled areas				Political Will Non-Attribution Civilian Character
March 2015 - February 2021	"Post-Conflict" Rehabilitation	Humanitarian relief	Credibility Political Will		Enforcing the ceasefire	
		Dialogue facilitation	Political Will			
March 2021 - February 2022	Early Warning and Conflict Prevention	Humanitarian relief	Credibility Political Will		Preventing the escalation	Ineffective instruments Conflict Assessment
February 2022 and onward	Crisis Management	Extra-budgetary projects	Institutional Capacity		Keeping two missions to Ukraine	Political Will Consensus

Table 1: The Main Factors Affecting OSCE's Effectiveness in Ukraine.

In this chapter, I summarize the effects of the most significant factors and discuss how to deal with them for the OSCE's future development. I assigned the factors influencing organizational effectiveness to internal and external groups.

Consensus principle in decision-making.

The consensus principle is an internal institutional structure factor that influenced the OSCE's performance in Ukraine through most of the stages of conflict management. During the early warning and prevention stage, the consensus principle limited the robustness of the mandate due to the need to achieve it fast and deploy the mission at the earliest possibility. At the crisis management stage, the consensus principle prevented the hardening of the mandate and making it more robust and relevant to the challenges of the ground. During the

rehabilitation and second early warning and prevention stage, there were no instances where the OSCE would need to make a new drastic decision, so this factor did not play a role in undermining its effectiveness. After the start of the full-scale war, the limitations introduced by the consensus principle played the most detrimental role, as Russia unilaterally blocked the extension of the mandate not only of the SMM but also of the Project Coordinator in Ukraine. The OSCE, thus, had to resort to extra-budgetary projects.

The OSCE is not the only organization hamstrung by the consensus principle. The same criticism is regularly voiced towards the UN Security Council, which gives the veto power to five Permanent Members. In the case of OSCE, some call the consensus principle its greatest asset. (Fawn 2024, 55) At the same time, many recognize the challenges that come with it and argue that the consensus principle seriously weakens the instruments OSCE has for addressing crises. (OSCE 2015b, 4)

Recent events like the full-scale war in Ukraine or the conflict in Nagorno-Karabakh show that it is getting harder and harder to reach a consensus due to the divergent political aims of member states. The consensus requirement affects external activities like those in Ukraine discussed here and the internal organization's dimension: every year, the acceptance of the budget is painful (Sammut 2020). In 2024, Estonia could not become the organization's chair due to Russian and Belarus opposition. (OSCE 2023a, Attachment 5)

This issue is challenging the whole *raison d'etre* of the organization. It would appear that the organization is not capable at the moment of fulfilling its ambitious mandate and that founding objectives like conflict prevention are only possible in more uncomplicated cases. On the other hand, the organization can still give added value to states-participants by carrying out on-demand projects thanks to its expertise in "soft" security areas (In-person conversation with the OSCE official). Thus, the organization is trying to adapt to the current circumstances by shifting the focus to extra-budgetary projects that do not require consensus. (ibid)

Without consensus, the OSCE loses its scale and unique position. However, with it, it is constantly challenged with spoiling by states-participants. This problem of the OSCE goes hand in hand with another factor we will discuss later - the political will of states.

Limited effectiveness of the instruments.

This factor is also often present in the stages of OSCE involvement in Ukraine. In the early warning and conflict prevention stage, both in November 2013-April 2014 and February 2021-February 2022, the Vienna Document of 2011 did not prove to be an effective confidence-building and conflict prevention instrument. This factor is also tied to the political will of the states, and it resulted in a situation in which the OSCE can "apply its crisis response capacities effectively only if local actors on the ground show good faith and take a cooperative approach." (Raith 2021, 50)

From November 2013 to April 2014, the Vienna Document and another confidence-building instrument, the Open Skies Treaty, were more effective due to the political will of the states. However, even during this period, the expert groups from the OSCE were not given access to Crimea and were stopped at the checkpoints. In the later period, closer to a full-scale invasion, Ukraine invoked the Vienna Document mechanisms. However, Russia ignored requests to explain its military activity and did not attend the meeting envisioned by this instrument. (European Union 2022b)

Another instrument the OSCE used was the monitoring mission. Even though the SMM did much work to improve the humanitarian situation, it proved to have little effect in terms of ceasefire monitoring or peacekeeping functions. The principle of non-attribution undercuts the utility of the reports and undermines incentives to adhere to the ceasefire.

Thus, the instruments at OSCE's disposal in the Ukrainian case did not prevent the escalation. Of course, their added value is more positive than negative, but when the political will of some states-participants prevails over common interests, there is little they can do.

Political will.

Throughout the OSCE's engagement in Ukraine, we see how the participants' political will affects the organization's effectiveness at all stages. We see that not only failures but also achievements rely on the political will of not only states but also non-state actors. In the early warning and conflict prevention stage in November 2013-April 2014, the parties' political will enabled the SMM's fast deployment and reaching a consensus on its mandate. The political will enabled the enactment of security- and confidence-building measures of the organization, but on the other hand, limited their effectiveness by not giving the OSCE experts access to Crimea.

The next crisis management period between April 2014 and February 2015 demonstrated that the political will of the non-state actors or proxies also defeated collective security measures. This includes the detention of the SMM staff in May 2014. The period between March 2015 and February 2021 reflected the lack of political will of the parties to implement the Minks agreements. In February 2021- February 2022, Russia's opposition made the Vienna Document ineffective. The period after the full-scale invasion in February 2022 demonstrates that the OSCE became a prisoner of Russia's political will, which weaponized the consensus principle.

The signs of divergence in the political agendas of states-participants have been present for a while. One example is the Astana Declaration. However, in recent years, the situation has further deteriorated. The states' commitment to the OSCE has declined, as signified by constant troubles with approving the organization's budget. In addition, the

strategy of "spoiling" has become more common. One instance occurred in June 2018, as reported by the OSCE Secretary General, when one country got offended by the circulated document and blocked the proposal for budget reform for three quarters of the year. (Greminger 2022, 17-18) Another spoiler is Russia, which blocked the extension of the SMM and Project Coordinator to Ukraine and, with Belarus, vetoed the Estonian Chairpersonship for 2024. Many pointed out that the political will of the states is critical to the organization's functioning, including its conflict-related mechanisms. (Raith 2021, 54) As EU Representation to the OSCE noted, "the organization and its instruments can only be as effective as the participating States collectively allow them to be." (European Union, 2023)

This reveals the deeper tensions within the organization. Cupac and Zurn agree that the organization is effective if two specific conditions are met: when "participating States use it to reduce high-level tensions that have not yet escalated into open conflict or when their values and interests overlap to a large degree." (2022, 19)

However, what can be done if the political interests or norms of the states-participants do not overlap? At least two suggestions might be made. Dembinski and Spagner (2021, 180) suggest that the first is to increase and strengthen the institutionalization of the OSCE in the political-military sphere. However, this may run against the comprehensive membership. The second is quite the opposite: limit the institutionalization and restructure the OSCE into a forum for dialogue, getting back to Helsinki times. This would allow it to keep operating in three pillars of security while retaining comprehensive membership. In my view, the second option is probably best given that the current political dynamics partially resemble the Cold War, and the OSCE might soon be needed as a platform where two "camps" can meet to negotiate. Nevertheless, at the moment, the OSCE seems to be following a third path: fighting to preserve itself as an organization before the war is over.

What does the political will factor tell us about the OSCE as an organization? We see that the OSCE operates in a way the realists see international organizations (see Mearsheimer 1994), meaning that it serves as a continuation of the policies and interests of its state members and has limited agency.

Conflict Assessment

Conflict assessment is a factor specific to the early warning and conflict prevention stage in the OSCE conflict cycle activities in 2014-2022. Incomplete conflict assessment by the OSCE characterizes both periods of 2013-2014 and 2021-2022. In its report "A Peaceful Presence - The First Five Years of the OSCE Special Monitoring Mission to Ukraine," the OSCE acknowledges that it could not assess the conflict and anticipate its developments. In 2021-2022, the hectic evacuation of the OSCE signified that it did not see a full-scale invasion coming, and new instruments were not applied during this period. However, it would be fair to mention that in 2014, very few could see the development of the situation that was to come. However, the same is not entirely true about the pre-invasion period because many signs were readily apparent. The OSCE, thus, should work on the Conflict Prevention Centre to increase its capabilities in conflict assessment.

CONCLUSION

The OSCE, which traces its origins to the CSCE with the Helsinki Act as its founding document, went through many stages of development and faced many challenges along the way, of which the war in Ukraine is the most extreme challenge to date. The OSCE has been engaged in Ukraine since 1994 and helped the country develop its security in three dimensions - politico-military, economic and environmental, and human. It successfully applied preventive diplomacy tools to resolve the tension between local Crimean authorities and the Ukrainian government in 1992-1996. In 2014, the OSCE again came to Ukraine's aid to prevent the escalation but unfortunately failed to prevent the annexation of Crimea and the outbreak of the war in the east of Ukraine.

I tracked OSCE activities from 2014 to 2022 to see why the OSCE was ineffective in preventing the escalation in Ukraine and found that factors like consensus decision-making, insufficient mechanisms, and political will negatively affected the organization's efforts. The conflict cycle approach allowed us to match the evidentiary patterns at different stages of OSCE's engagement to identify the causes of failure. These factors match the ones raised in the scholarly body on conflicts by Carment and Schabel, Bellamy, and Dwan. In addition, even though the OSCE institutionalized conflict prevention as a norm and developed a significant number of mechanisms, there is evidence that the same factors that were determined in the 1990s and 2000s continue to affect OSCE with little sign of positive dynamic, based on the case study of Ukraine.

The lack of political will is the most significant factor in OSCE's effectiveness in Ukraine. It affects other factors and influences the organization's internal operations and external activities. Organization's dependence on the states-members and limited agency demonstrates an example of a realist approach to understanding international organizations, like the one offered by Mearsheimer. Moreover, incomplete conflict assessment stands out as

a factor that negatively impacted the organization's activities at the early-warning and conflict prevention stages in 2013-2014 and 2021-2022.

I also tracked the successes of the organization and the factors determining them, including Chairpersonship leadership, credibility, and institutional capacity. The OSCE has the institutional capacity to deploy a mission quickly and grow it to more than a thousand staff operating in dangerous circumstances. It also can launch extra-budgetary projects when other means are exhausted. It is capable of promoting dialogue when there is a political will of the parties, and proactive OSCE Chairpersonship raises the likelihood of success of the process. Moreover, it can be a credible intermediary when there is a need for a ceasefire to repair the civilian infrastructure. It also fulfilled its mandate to the best extent it could but faced obstacles like the need for more political will from the states.

The crisis the OSCE is now facing with diverging political wills of the states seems no different from the general tendency in the world arena, where we see a general decline in cooperative strategies and the resurgence of realpolitik logic. Based on the Ukraine case study, political will is the biggest impediment the OSCE is facing in conflict management and the one that threatens the organization's future the most.

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