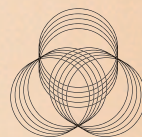


Frank Evers

OSCE Conflict
Management
and the
Kyrgyz Experience
in 2010

Advanced Potentials,
Lack of Will,
Limited Options



March 2012

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CORE Working Paper 24

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The views and opinions expressed in this paper are those of the author and, unless otherwise indicated, do not necessarily reflect the positions or policies of the OSCE, OSCE participating States or other organizations, institutions or persons.

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Executive Summary

In its own view, the OSCE should be a primary instrument for managing conflict in Europe. It has indeed earned its stripes, especially during the 1990s.

The first part of the paper departs from defining OSCE conflict management as the entirety of activities of the Organization that aims to prevent conflict and consolidate peace through eliminating the root causes of tensions both within and between states. It defines it as a combination of conflict management activities in a broader and in a narrower sense. The two levels of activities need and complement each other. *Conflict management in a broader sense* embraces the full spectrum of the OSCE's comprehensive, multidimensional security building. *OSCE conflict management in a narrower sense* embraces OSCE efforts to forestall aggression and violence by addressing the root causes of problems, and to prevent, manage and settle conflicts peacefully through appropriate means. These efforts cover the entire conflict cycle.

The paper describes the *key features* that – in combination – make OSCE conflict management different from the respective activities of other international organizations: strengthening democracy, protecting human rights, intervening in internal security matters of the participating States, applying the consensus principle in decision-making, applying non-coercive efforts only, and achieving pacific settlement of disputes under Chapter VIII of the United Nations Charter.

The paper looks into the OSCE's period of "rapid institutionalization" between 1992 and 1995 that produced the Organization's operational machinery with permanently functioning consultation and decision-making bodies, flexible mechanisms and procedures, back-office units and implementation structures. It describes to what different degrees they have been authorized to deal with managing conflict in the broader and narrower senses. It arrives at the finding that since the Istanbul Summit in 1999 and the OSCE's operational peak in 2001, the cutback and depoliticization of the Organization have had direct implications for its shrinking capabilities in managing conflict, *inter alia*, for its efforts in Kyrgyzstan in 2010.

The paper analyses the verbal encouragement for conflict management in the Corfu Process in 2009-10 and the "V to V Dialogue" format in 2011. The outcome of the 2011 Vilnius Ministerial Council meeting is seen as being declaratory for the most part with the exception of giving the Secretary General a more prominent function in early warning, making the Conflict Prevention Centre (CPC) an early warning focal point and designating a mediation-support focal point within the CPC (MC.DEC/3/11).

It looks into specific conflict management issues that have been or are still under discussion. These are mainly controversies over the consensus principle or possibilities for applying a pre-positioned consensus, calls for codifying conflict management, disputes over the roles of the Chairperson-in-Office and the Secretary General, proposals to improve early warning and analytical capacities, considerations on how to take preventive action in a timely manner, suggestions on further developing confidence-building measures, disputes about post-conflict rehabilitation with emphasis on democratization issues and the OSCE's non-coercive peacekeeping activities.

The guiding thesis of the paper is that the OSCE is solidly equipped for managing conflict while years of weakening its political standing and structural capacities, combined with the participating States' reluctance to effectively use the

Organization, have created an unfavorable background for OSCE conflict management in general and for the Organization's performance during the events in Kyrgyzstan in 2010 in particular.

The second part of the paper analyses the OSCE's role during the events in Kyrgyzstan in 2010. It looks at the pattern of conflict in the country, which is seen in the competition between the northern and southern elites combined with inherited inter-ethnic tensions, especially in areas of compact mixed settlement, increasing Islamic extremism, social discontent, bad governance, corruption and criminal business. It is argued that none of the events that are discussed in the paper have ceased or fundamentally changed the basic configuration of the conflict potential in Kyrgyzstan. The paper analyses the Tulip Revolution in February/March 2005 (change of elites), the public uprising in April 2010 (unexpected reshuffle of elites) and the violence in June 2010 (ethnic clashes with complex background). It examines the mixed experience the various OSCE institutions and structures have had with the various stages of early warning, conflict prevention, crisis management and post-conflict rehabilitation.

The paper comes to the conclusion that (1) the Kazakh OSCE Chairmanship was sufficiently equipped by mandate and available mechanisms to take mediating steps in the escalating conflict in April 2010. (2) The OSCE made good experience with assisting the constitutional process in 2010 and the elections in 2010 and 2011 leading to an unprecedented peaceful transfer of power to President Almazbek Atambayev. (3) The achievable effectiveness of OSCE non-coercive conflict management efforts is open to discussion. The OSCE had a limited scope for pre-emptive OSCE action given the Kyrgyz interim government's lack of authority in June 2010. (4) The modest role of the OSCE resulted from the OSCE's overall declining role in European security affairs, its steady depoliticization and the permanent reduction of its on-site efforts combined with the lack of collective will of the participating States and the Kyrgyz interim government's inability to take substantial steps. (5) OSCE assistance to security sector reforms in Kyrgyzstan strongly relies on national partners, many of whom are fundamentally opposed to foreign involvement in internal matters. Experiences with the Kyrgyz Police Reform Programme, the Police Advisory Group (PAG) and the Community Security Initiative (CSI) are cases in point. (6) The OSCE is assisting the fourth Kyrgyz government in a row. It has played a visible role in the stabilization of each of these regimes. In times of political change, this is seen retroactively as having taken the wrong side. The political backup given to the new leadership after the Tulip Revolution had some discrediting effect with President Kurmanbek Bakiyev's quick return to nepotistic, authoritarian governance. The OSCE faces the aforesaid dilemma in weak states with weak political players, competing elites and hardly assessable potentials for conflict, where consistent support to state reforms is imperative but, in the long run, scarcely possible. (7) The OSCE's call to re-establish trust between the inhabitants of Kyrgyzstan via investigations did not meet with a positive response in many Kyrgyz quarters. It is worth thinking about truth and reconciliation processes that could very likely have positive results. Beyond this, reconciliation should be achieved predominantly through minority participation, a balanced linguistic policy and the like.

The paper is based on an extensive analysis of OSCE documents and secondary literature as well as a series of interviews with more than thirty interlocutors during four research visits to Vienna and Bishkek between September and December 2011.

OSCE Conflict Management and the Kyrgyz Experience in 2010

Advanced Potentials, Lack of Will, Limited Options

In its own view, the OSCE should be a primary instrument for managing conflict in Europe. It has, indeed, earned its stripes, especially during the 1990s. However, despite this, at the present time, the participating States appear to be unable or reluctant to exploit the Organization's potential in this respect. They are allowing the OSCE to lose its political reputation as a significant conflict manager. They are allowing it to lose its structural and financial capacities and qualified personnel as well. The participating States are again split along the continent's renewed dividing lines. They have disputes over significant and insignificant issues – including a few protracted conflicts – that prevent them from taking substantial decisions and action. The international conflict in Georgia in August 2008 and the inter-ethnic violence in Kyrgyzstan in June 2010 have clearly shown the limited scope for action they are giving themselves and the OSCE. The failure of the 2010 Astana Framework for Action has also illustrated this. Controversies over conflicts outside the OSCE area put additional pressure on the atmosphere within the Organization. The divide over the Arab Spring is a case in point. Russian Foreign Minister Sergey Lavrov spoke at the Vilnius Ministerial Council meeting in December 2011 of “unlawful purposes and attempts at interfering in internal State conflicts” and of “double standards being applied in the approaches to different crisis situations”.¹ At the same time, the ongoing collapse of the conventional arms control regime in Europe certainly does not reduce the likelihood of new rounds of open conflict at local or regional levels.

1. Defining OSCE conflict management

The OSCE has a unique range of specialized institutions, mechanisms and procedures for conflict management. Over time, detailed norms, principles and commitments on diverse elements of conflict management have been adopted by the OSCE. At the same time, there is no concise definition of OSCE conflict management in OSCE documents.

For the purpose of this analysis, *OSCE conflict management* shall be defined as the entirety of activities of the Organization that “aim to prevent conflict and consolidate peace through eliminating the root causes of tensions, by attaining in particular full respect for human rights, including those inscribed in the CSCE provisions on national minorities, by building democratic institutions and by fostering economic and social progress” both within and between states (Prague Document 1992).²

Furthermore, OSCE conflict management should be understood here as a combination of conflict management activities in a broader and in a narrower sense. Both levels of activities need and complement each other.

1 Permanent Mission of the Russian Federation, *Statement by Mr. Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Eighteenth Meeting of the OSCE Ministerial Council*, MC.DEL/14/11, 6 December 2011.

2 CSCE, *Prague Meeting of the CSCE Council, Summary of Conclusions*, 31 January 1992.

1.1. OSCE conflict management in a broader sense

Conflict management in a broader sense embraces the full spectrum of the OSCE's comprehensive, multidimensional security building. It goes back to the Helsinki Final Act (Helsinki 1975) and has been laid down in the Organization's most fundamental documents such as the Charter of Paris for a New Europe (Paris 1990), the Helsinki Document on The Challenges of Change (Helsinki 1992), the Common and Comprehensive Security Model for Europe for the Twenty-First Century (Budapest 1994/Lisbon 1996), the Charter for European Security (Istanbul 1999) and the Strategy to Address Threats to Security and Stability in the Twenty-First Century (Maastricht 2003). It addresses most basic societal, economic, environmental and other components of classic inter-state and intra-state conflicts as well as specific new transnational threats and challenges that may give rise to insecurity such as bad governance, social disparities, demographic maldevelopment, human rights violations, illegal migration, mass expulsion, terrorism, proliferation of weapons of mass destruction, uncontrolled spread of small arms and light weapons (SALW), worsening differences over natural resources, and threats deriving from new technologies and techniques. Conflict management in a broader sense builds the framework and conceptual foundation for conflict management in a narrower sense that addresses concrete examples of dormant, open, protracted or resolved violent conflicts.

1.2. OSCE conflict management in a narrower sense

OSCE conflict management in a narrower sense embraces OSCE "efforts to forestall aggression and violence by addressing the root causes of problems and to prevent, manage and settle conflicts peacefully by appropriate means" (Helsinki 1992).³ These efforts cover the entire conflict cycle – a collective terminus that is in vogue in the OSCE and currently clearly preferred to conflict management or similar terms. In any case, each equally subsumes activities on early warning, conflict prevention, crisis management and post-conflict rehabilitation. They require co-operation with international organizations of which OSCE participating States are members as an essential prerequisite for success (Platform for Co-operative Security, Istanbul 1999).⁴

The following study will largely be limited to exploring OSCE conflict management in a narrower sense.

1.3. Specifics of OSCE conflict management

There are several features that – in combination – make OSCE conflict management different from the respective activities of other international organizations:

3 CSCE, *CSCE Helsinki Document "The Challenges of Change", Helsinki Decision III: Early Warning, Conflict Prevention and Crisis Management (Including Fact-Finding and Rapporteur Missions and CSCE Peacekeeping), Peaceful Settlement of Disputes*, Helsinki, 10 July 1992.

4 OSCE, *Charter for European Security. Operational Document – The Platform for Co-operative Security*, January 2000/Corr., Istanbul, 19 November 1999.

1. *Democracy and human rights.* OSCE conflict management is inseparably linked to strengthening democracy, protecting human rights, promoting good governance, environmental responsibility and sustainable development. It is always embedded in a comprehensive value context – the OSCE *acquis*. It is based on the commitments and instruments of all three dimensions of the Organization.

Deriving from the focus on democracy and human rights, the OSCE sees the participating States' citizens as the ultimate beneficiaries of its efforts. This was made clear in Maastricht 2003 where "prime responsibility for providing security for their citizens" was formulated as a key element of the OSCE response to new threats and challenges.⁵

2. *Interference in internal affairs.* While the entire Helsinki Process (1973 – early 1990s) was a unique conflict-prevention exercise based on refraining from any intervention in the internal affairs of another participating State, contemporary OSCE conflict management directly addresses security matters within and between the participating States. This element is basic for all activities of the value-based OSCE. The well-known Moscow commitment on human dimension matters, being of direct and legitimate concern to all participating States, is only the most explicit regulation in this regard.⁶
3. *Consensus principle.* OSCE conflict management is based on the consensus principle as are the Organization's activities in general. There are only two rather weak exceptions.

The "consensus minus one" stipulates "that appropriate action may be taken [...], if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments. Such actions would consist of political declarations or other political steps to apply outside the territory of the State concerned" (Prague Document 1992).⁷

The "consensus minus two" says that the Organization "may direct any two participating States to seek conciliation to assist them in resolving a dispute that they have not been able to settle within a reasonable period of time and adopted provisions related thereto" (Stockholm Document 1992) – a provision of also rather vague practicability.⁸

Activities to address or contribute to the resolution of urgent matters related to the human dimension that fall under the Moscow Mechanism (1991) do not require the consent of the state concerned as well (see section 2.4 below).

4. *Non-coercive efforts only.* As an overall concept, peaceful conflict management was already foreseen in the Helsinki Final Act 1975. In the Helsinki Decalogue, participating States declared they would "settle disputes among them by peaceful means", thereby aiming at "a rapid and equitable solution on the basis

5 OSCE, *OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century*, MC.DOC/1/03, Maastricht, 2 December 2003, pt 18.

6 OSCE, *Astana Commemorative Declaration "Towards a Security Community"*, SUM.DOC/1/10/Corr.1, 3 December 2010.

7 CSCE, *Prague Document on Further Development of CSCE Institutions and Structures*, 31 January 1992.

8 CSCE, *Third Meeting of the Council. Decisions: 4. Peaceful Settlement of Disputes*, Stockholm, 14-15 December 1992.

of international law” and using “such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties”.⁹

At the 1992 Helsinki Summit, they expanded their involvement in conflict prevention and crisis management with the option of peacekeeping activities “in cases of conflict within or among participating States to help maintain peace and stability in support of an ongoing effort at a political solution”, whereby these “peacekeeping operations will not entail enforcement action”.¹⁰

Thus, OSCE conflict management is confined to non-coercive, unarmed efforts. The Organization may cover the unarmed components of joint international peace enforcement, peacemaking or peacekeeping as it has done on different occasions in co-operation with the EU, NATO and the UN as well as Russian-led CIS peacekeeping forces. The option of employing own peacekeeping operations has so far not been applied by the OSCE.

OSCE conflict management rules out peace *enforcement*. Many see coercive measures as undermining the very character of the Organization – as “just a prohibited avenue for a cooperative security organisation”.¹¹ Some therefore even reject the threat or use of sanctions.

5. *Activities under Chapter VIII*. For OSCE conflict management, the meaning of the Organization’s capacity as a regional arrangement under Chapter VIII of the United Nations Charter lies in the collective expression of willingness “to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council”.¹² Thus, generally speaking, it binds the conduct of any OSCE enforcement action to prior Security Council authorization.¹³ Beyond that, there is neither a definition of

9 CSCE, *Conference on Security and Co-operation in Europe, Final Act, Declaration on Principles Guiding Relations between Participating States, pt V (“Peaceful settlement of disputes”)*, Helsinki, 1 August 1975.

10 CSCE, *CSCE Helsinki Document “The Challenges of Change”, Helsinki Decision III*, cited above (Note 3).

11 Victor-Yves Ghébal, *The OSCE Between Crisis and Reform: Towards a New Lease on Life*, Geneva Centre for the Democratic Control of Armed Forces (DCAF), DCAF Policy Paper – No. 10, Geneva, November 2005, p. 7. For conceptual clarity, the following *distinction between enforcing, making, keeping and building peace* should be proposed here: Peace enforcement is typically seen as the entirety of coercive measures to prevent arising or re-emerging conflict. (Sometimes, a distinction is made between *peace enforcement* and *peacemaking* by the level of armed force applied in case of a threat to peace.) This is while *peacekeeping* is understood to be the entirety of non-coercive assistance measures for creating preconditions for sustainable peace between parties to an armed conflict. It is often conducted by international armed forces, police and civilian personnel. Finally, *peacebuilding* typically embraces the entirety of civilian activities in a post-conflict context aiming to create sustainable peace through overcoming the structural reasons for violent conflict and eliminating the consequences of conflict. This categorization partly follows: Claudia Major et al., *Toolbox Crisis Management. From Civilian Crisis Prevention to Peace-building: Principles, Players, Instruments (Toolbox Krisenmanagement. Von ziviler Krisenprävention bis zum Peacebuilding: Prinzipien, Akteure, Instrumente)*, Stiftung für Wissenschaft und Politik (SWP) / Zentrum für Internationale Friedenseinsätze (ZIF), Berlin 2011.

12 United Nations, *Charter of the United Nations*, San Francisco, 26 June 1945, article 52 (2), at: <http://www.un.org/en/documents/charter/index.shtml>.

13 The UN Charter states that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures

regional arrangements and agencies, nor a universal standard for any division of labour among them given under Chapter VIII.

Deriving from the aforementioned features, OSCE conflict management is furthermore characterized by the following specifics:

6. *Double capacity of any state party to a conflict.* The OSCE's inclusiveness ensures that any participating State that is a party to a conflict also necessarily has a third-party capacity. Through consensus-based decision-making, such a state is always directly involved in the Organization's conflict management. With the aforementioned minor exceptions, it therefore always has a veto against the application of any conflict-related instruments and measures that are addressed towards itself. It also has this advantage by contrast to any non-state party to a conflict.

It is worth mentioning that a participating State that has once become part of a specific conflict-related activity, say: the OSCE Minsk Group, may remain in this capacity practically independent of success or lack of success in the conflict resolution process.¹⁴ Some critics point at a certain inflexibility of arrangements once agreed upon.

7. *Lack of a master plan.* OSCE norms, principles and commitments, as well as institutions, mechanisms and procedures for conflict management all derive from the generic security and co-operation context of the OSCE. It has been rightly observed in recent discussions about OSCE conflict management that they "are not the result of some grand, well-organized conceptual scheme, but grew out of *ad hoc* responses to fast moving, often unexpected and cataclysmic historical events".¹⁵ The problem of resulting organizational inefficiencies has been exhaustively discussed over the years.
8. *Activities east of Vienna only.* OSCE conflict management has been conducted only in participating States east (or southeast) of Vienna. This geographic imbalance and the consequent lack of equality in co-operation have been addressed many times in the discussions about OSCE field operations.

against any enemy state [...] provided for [...] in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state." United Nations, *Charter of the United Nations*, San Francisco, 26 June 1945, article 53 (1), at: <http://www.un.org/en/documents/charter/index.shtml>.

- 14 Russia as a regional player in the Caucasus, to take an example, has the double capacity of being naturally interested in regional constellations in the South Caucasus and is furthermore directly involved in resolving the Nagorno-Karabakh conflict. Not only did it broker the ceasefire in 1994, which was, by the way, an operation outside the OSCE context. Through the OSCE Minsk Group it is also structurally part of the conflict's mediation.
- 15 William H. Hill, *The OSCE and Conflict Management: From Old Themes to New Directions, Keynote Presentation for the 2010 Annual Security Review Conference*, PC.DEL/477/10, 2 June 2010.

2. Establishing and cutting conflict-management structures in 1992-95 and since 2001

The outbreak of war in Europe in the 1990s required, first of all, understanding the essence of the changed situation. At the Paris Summit in November 1990, participating States were still of the opinion that “the threat of conflict in Europe has diminished” although they also saw that “other dangers threaten the stability of our societies”.¹⁶

2.1. Rapid build-up of structures in 1992-95

In 1990, states decided to make the CSCE a continuously operating security instrument. Two years later, they decided to strengthen political consultation lines and develop instruments of early warning, conflict prevention and crisis management that also included frameworks for a negotiated conflict settlement and on-site operations such as fact-finding and rapporteur missions as well as peacekeeping activities (Helsinki and Prague 1992).¹⁷ They made the decision that “any participating State may, in order to reduce the risk of conflict, promptly raise an issue which in its view has such implications”. (Prague 1992)¹⁸ Their positions moved forward to a “strategy of active diplomacy” (Stockholm 1992).¹⁹

The imperative of conflict management marked the period of “rapid institutionalization” of the CSCE through establishing operational headquarters between 1992 and 1993 and the dispatch of first field operations in the years up to 1995.²⁰ Still, in Helsinki 1992, the participating States decided to appoint a High Commissioner on National Minorities, use missions and representatives for preventive diplomacy, and conduct consultations, negotiations and concerted actions for preventing violent conflict.²¹ In Budapest 1994, they determined that the OSCE was to become “a primary instrument for early warning, conflict prevention and crisis management in the region”.²² The resulting operational machinery includes permanently functioning consultation and decision-making bodies with flexible mechanisms and procedures, back-office units and implementation structures.

16 CSCE, *Charter of Paris for a New Europe*, Paris, 21 November 1990.

17 CSCE, *CSCE Helsinki Document “The Challenges of Change”*, *Helsinki Decision III*, cited above (Note 3); and: CSCE, *Prague Document*, cited above (Note 7).

18 CSCE, *Prague Document*, cited above (Note 7).

19 CSCE, *Summary of Conclusions of the Stockholm Council Meeting: Shaping a New Europe – the Role of the CSCE*, Stockholm, 14-15 December 1992.

20 See also: OSCE Secretariat, *OSCE Handbook*, section “Rapid institutionalization”, Vienna 2007, pp. 7f.

21 CSCE, *Summary of Conclusions of the Stockholm Council Meeting*, cited above (Note 19).

22 CSCE, *Budapest Summit Declaration “Towards a Genuine Partnership in a New Era”* (Corrected version dated 21 December 1994), Budapest, 6 December 1994.

2.2. Steady reduction of structures since 2001

The overall role of the OSCE in European security has been declining since the Istanbul Summit in 1999. This decline was not stopped during the brief interim period of the Corfu discussions in 2009-10. Since its operational peak in 2001, the Organization's budgets and staff numbers have been continually reduced as well. Within the last decade, the Organization's overall unified budget decreased by almost one third in nominal terms.²³ The cutback and depoliticization of field operations and field-related activities have direct implications for the Organization's shrinking capabilities in managing conflict – both in the broader and the narrower senses of the definition. These developments created the unfavourable background for the OSCE conflict-management efforts in the 2008 Georgia crisis and the events in Kyrgyzstan in 2010.

2.3. Composition of OSCE conflict management structures

The most ground-breaking novelty of the pioneering phase in the early 1990s was the use of the Organization for collective intervention in the participating States' internal affairs. Lead institutions in this regard became the Chairmanship at the political level, the Secretariat with the Conflict Prevention Centre on the managerial and advisory fronts, as well as the Office for Democratic Institutions and Human Rights (Prague 1992) and the High Commissioner on National Minorities (Helsinki 1992). The newly established OSCE field operations assumed an exceptional role (Berlin 1991). The OSCE Parliamentary Assembly as an autonomous body that does not operate under the umbrella of the OSCE also positions itself on conflict-related matters.

OSCE Chairmanship

The Chairmanship has been explicitly authorized to deal with crisis or conflict situations (Porto 2002).²⁴ However, in this, the Chairmanship depends, of course, on the collective will of the participating States. The guidelines for the Chairmanship's activities give instructions to ensure "that its actions are not inconsistent with positions agreed by all the participating States and that the whole spectrum of opinions of participating States is taken into account".²⁵

The Chairmanship is empowered to appoint personal representatives for dealing with a crisis or conflict or with other specific issues. Appointments are to be made for the duration of the Chairmanship and should have a clear and precise mandate. "When appointing a personal representative to deal urgently with a crisis or conflict, the Chairmanship-in-Office shall, as time permits, consult with the participating

23 The Organization's unified budget dropped from 209 million Euros in 2001 to about 150 million Euros in 2011. See: OSCE Secretary General, *Annual Report 2001 on OSCE Activities*, chapter "Finance", and Annex I "The OSCE 2001 Unified Budget", SEC.DOC/3/01. 26 November 2001, and: OSCE, *Kazakh Chairmanship welcomes 2011 OSCE budget approval*, at: <http://www.osce.org/cio/74722>.

24 OSCE, *Ministerial Council Decision No. 8, Role of the OSCE Chairmanship-in-Office*, MC(10).DEC/8, Porto, 7 December 2002.

25 Ibid.

States in advance [...].”²⁶ In addition, the Chairmanship carries out general responsibilities for appointments and assignments. Not least, the Chairmanship appoints the heads of field operations. It produces political input through providing the participating States with drafts, reports and overviews and recommendations on specific issues. The Chairmanship provides the Secretariat, institutions and field operations with advice and guidance.²⁷

These regulations, as a whole, give the Chairmanship enough leeway for self-reliant initiatives that, of course, also largely depend on the Chairmanship’s own political standing and resoluteness.

OSCE Secretariat

Within the Secretariat, the Conflict Prevention Centre (CPC) is mandated to fulfil necessary “tasks concerning a procedure for the conciliation of disputes as well as broader tasks relating to dispute settlement”.²⁸ It supports the Chairmanship and the Secretary General. Its Policy Support Service and Operations Service are the main monitoring and analytical units and the central contact points for the field operations.

Office for Democratic Institutions and Human Rights (ODIHR)

In its own words, “ODIHR understands and defines itself as a conflict-prevention institution, embedded in the OSCE’s comprehensive security concept”.²⁹ Naturally, ODIHR efforts in this regard are broad-range and do not reach into conflict management in the narrower sense. At the same time, ODIHR states that it “seeks to identify, in close co-ordination with the Chairman-in-Office, areas and issues that should be brought to the attention of the OSCE community within its focus on comprehensive security, early warning, and conflict prevention.”³⁰ ODIHR’s general democratization assistance provides the framework for respective efforts as it does with respect to stabilizing post-conflict situations. At the same time, it often bolsters specific conflict-related involvements of other OSCE institutions and structures. This is why it is complicated to assess the ODIHR’s contributions to OSCE conflict management, as the ODIHR admits itself:

“It is more difficult to judge how the ODIHR’s efforts have contributed to preventing conflicts and diffusing tensions, as the results of such work often only take effect in the long term. Often, success can be gauged in indirect ways only.”³¹

26 Ibid.

27 Ibid.

28 CSCE, *Charter of Paris for a New Europe, Supplementary document to give effect to certain provisions contained in the Charter of Paris for a New Europe*, Paris, 21 November 1990.

29 OSCE Office for Democratic Institutions and Human Rights, *Common Responsibility: Commitments and Implementation. Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE*, Warsaw, 10 November 2006, pt 5, footnote 6.

30 Ibid., pt 163.

31 Ibid., pt 155.

High Commissioner on National Minorities (HCNM)

His mandate authorizes the HCNM to provide “‘early warning’ and, as appropriate, ‘early action’ at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States”. He is empowered to “work in confidence and [...] act independently of all parties directly involved in the tensions”.³² The High Commissioner’s competences in early warning are far-reaching. He becomes active at his own discretion, if he “concludes that there is a *prima facie* risk of potential conflict”. He is authorized to issue “an early warning, which will be communicated promptly by the Chairman-in-Office [...]”.³³

The HCNM’s mandate for early action has been confined to “recommend[ing] that he/she be authorized to enter into further contact and closer consultations with the parties concerned with a view to possible solutions”.³⁴ However, in the words of former HCNM Rolf Ekéus, “already from the outset the HCNM interpreted the mandate in a way that he moved briskly towards ‘early action’”.³⁵

“[N]ational minority issues in situations involving organized acts of terrorism” do not fall under his mandate. “The High Commissioner will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.”³⁶

OSCE field operations

The deployment of an initial Rapporteur Mission to the Republic of Albania in 1991 produced the prototype for OSCE field operations.³⁷ Decisions were taken to establish the first five of these permanently functioning operations in 1992.³⁸ In 1993, decisions were taken to establish another four and, in 1994, another five field operations.³⁹ The deployment of the Mission to Bosnia and Herzegovina in 1995

32 CSCE, *CSCE Helsinki Document “The Challenges of Change”, Helsinki Decision II: High Commissioner on National Minorities*, Helsinki, 10 July 1992, pts 3 and 4.

33 *Ibid.*, pt 13.

34 *Ibid.*, pt 16.

35 Rolf Ekéus, *Preventive Diplomacy (Muller Lecture)*, The Hague, 30 January 2003, at: <http://www.osce.org/hcnm/25696>.

36 CSCE, *CSCE Helsinki Document, Helsinki Decision II*, cited above (Note 32), pt 25.

37 CSCE, *Berlin Meeting of the CSCE Council 19-20 June 1991, Summary of Conclusions, section I, pt 2 and Annex 1*, Berlin, 19 June 1991.

38 This process started with the establishment of the Spillover Monitoring Mission to Skopje, the Missions of Long Duration to Kosovo, Sandjak and Vojvodina, the Mission to Estonia, and the Mission to Georgia in 1992. In the same year, participating States agreed that the CSCE should host “an ongoing forum for negotiations towards a peaceful settlement of the crisis” on Nagorno-Karabakh – the later Minsk Process. On the Minsk Process, see: CSCE, *Helsinki Additional Meeting of the CSCE Council*, Helsinki, 24 March 1992.

39 In 1993, the Mission to Moldova, the headquarters-based Initial Operation Planning Group (IOPG – since 1994 the High-Level Planning Group (HLPG) – examining possible peacekeeping actions in the context of the Minsk Process), the Mission to Latvia and the Mission to Tajikistan were established; and in 1994 the Mission to Tajikistan, the Representative to the Latvian-Russian Joint Commission on Military Pensioners, the Mission to Ukraine, the Representative to the Joint Committee on the

opened the chapter of large-scale field presences. Their broad mandates went significantly beyond the given subjects of dispute or crisis. With the establishment of the Assistance Group to Chechnya in 1995, on-site activities stepped on the soil of a former Great Power.

Over the years, operations were established in more than a dozen and a half participating States. Today the OSCE's overall tally shows 16 field operations and four field-related operations. (Statistics include 15 operations that were either already closed at some point or replaced by successor operations.)⁴⁰ Their mandates range from conflict management in the narrower sense to advocating bilateral agreements and providing assistance in lasting transition situations with no direct conflict relation.⁴¹

With the declining overall role of the Organization, its ongoing depoliticization and the steady replacement of politically mandated field operations by service-providing presences with rather apolitical mandates, the OSCE faces a new quality of difficulties in managing conflict. The trend to close missions, to curb political monitoring and background reporting and increasingly hold field operations back from interfering in the internal affairs of host countries has been observed since about 2001. It ties the Organization's hands especially in crisis situations. CORE has analysed this in detail.⁴²

OSCE Parliamentary Assembly (PA)

The OSCE Parliamentary Assembly has not been tasked *per se* with conflict management. There is no relevant reference in its founding documents – either in the 1990 Charter of Paris that called for the creation of the Assembly or in its own founding paper (CSCE PA Madrid Document 1991) that just generally stipulated that the Assembly was to “assess the implementation of the objectives of the CSCE”, “discuss subjects addressed during the meetings” of the Ministerial Councils and CSCE/OSCE Summits and generally “initiate and promote whatever measures may further cooperation and security in Europe”.⁴³ Only in its own Rules of Procedure (first adopted in 2000), did the Parliamentary Assembly task itself to “develop and promote mechanisms for the prevention and resolution of conflicts”.⁴⁴

Skrunda Radar Station and the Representative to the Estonian Expert Commission on Military Pensioners. An overview of the mandates and other key parameters of these and all the other OSCE field operations has been given in: OSCE Secretariat, *Survey of OSCE Field Operations*, SEC.GAL/183/10, Vienna, 29 October 2010.

40 OSCE Secretariat, *Survey of OSCE Field Operations*, SEC.GAL/171/11/Corr.1, Vienna, 28 October 2011. (The OSCE Office in Zagreb was closed at the end of 2011 after the survey's release.)

41 See also: Wolfgang Zellner, *Review of Field Missions*, in: Daniel Warner (ed.), *The OSCE at a Turning Point: OSCE Chairmanship and Other Challenges*, PSIO Occasional Paper 4/2007, Geneva 2007, pp. 35-53, here: pp. 36-38.

42 See: Frank Evers, *Appropriate Ways of Developing OSCE Field Activities*. CORE Working Paper 22, Hamburg, April 2011.

43 OSCE Parliamentary Assembly, *The Madrid Document: Final Resolution Concerning the Establishment of the CSCE Parliamentary Assembly agreed at Madrid, 2nd and 3rd April 1991*, pt 4.

44 OSCE Parliamentary Assembly, *OSCE Parliamentary Assembly Rules of Procedure*, Rule 2 c), 25 March 2011, at: <http://www.oscepa.org/publications/rules-of-procedure>.

As on other subjects, the Parliamentary Assembly frequently takes a position on conflict issues in its periodic declarations, but also issues special resolutions and reports on specific countries or matters. It maintains the practice of appointing Special Representatives and Special Envoys to regions, countries or conflict areas such as Central Asia, the South Caucasus, South-eastern Europe, Nagorno-Karabakh, Georgia and Afghanistan and the Mediterranean.

Problems arise mainly when the Parliamentary Assembly touches upon the competences of other OSCE structures that lead mediation activities on particular conflicts on exclusive behalf of the Organization – typically in agreement with international partner organizations and mandated by the 56 OSCE participating States. Such cases have happened, e.g., when the Parliamentary Assembly installed its own Special Representative on the Nagorno Karabakh Conflict, a matter that is dealt with by the OSCE Minsk Group.⁴⁵

The picture is complicated by the fact that the Assembly is structurally and financially independent from the OSCE. There is a very low level of interaction between the two institutions. The rights of the Assembly to participate within the OSCE are limited. Nevertheless, the repeated requests made by MPs for the expansion of such rights, and ultimately for setting up parliamentary control mechanisms over the OSCE run contrary to the structural setting of the OSCE. Decision-making and the political positioning of the Parliamentary Assembly follow different rules than those of the OSCE. It is not bound to the consensus principle and there is also no parity between the states in the distribution of seats. On the other hand, the Parliamentary Assembly has clear merits in frankly addressing sensitive and partially conflict-related issues such as torture, abuse, extortion, illegal detention and other unlawful acts.

2.4. OSCE mechanisms and procedures for handling conflicts and crisis situations

The OSCE has a sophisticated set of mechanisms and procedures for handling conflicts and crisis situations. These are standardized sets of provisions for information exchange, discussion and reporting on early warning, conflict prevention and crisis management. They regulate the order of procedural steps between the participating States. The OSCE Secretariat has catalogued these instruments into the four groups of mechanisms and procedures in the human dimension, on risk reduction, on early warning and preventive action, and on peaceful settlement of disputes based on conciliation and/or arbitration.⁴⁶ The participating States may, at any moment, put these mechanisms and procedures into operation – on any issue, development or incident that is of concern to any of them.

45 See: OSCE Parliamentary Assembly, *Report: A Golden Opportunity – Some Ideas on the Nagorno Karabakh Conflict*, Presented by Göran Lenmarker, Special Representative on the Nagorno Karabakh Conflict, Washington, July 2005.

46 An excellent overview has been compiled in: OSCE Conflict Prevention Centre, *OSCE Mechanisms and Procedures. Summary / Compendium*, SEC.GAL/132/11, Vienna 2011.

Human dimension mechanisms and procedures

Human dimension mechanisms and procedures include the Vienna Mechanism (1989) that stipulates procedures for exchanging information on questions relating to the human dimension and the subsequent Moscow Mechanism (1991) that additionally regulates the dispatch of *ad hoc* missions of independent experts or rapporteurs.

Risk reduction mechanisms and procedures

Risk reduction mechanisms and procedures are instruments of the politico-military dimension. Intended to reduce the risk of arising and/or escalating conflicts of a military nature are the Mechanism for Consultation and Co-operation as Regards Unusual Military Activities (1999), Co-operation as Regards Hazardous Incidents of a Military Nature (1999) and Voluntary Hosting of Visits to Dispel Concern about Military Activities (1999), and Stabilizing Measures for Localized Crisis Situations (1993). Fostering the Role of the OSCE as a Forum for Political Dialogue (2001) is meant to improve communication between the OSCE Forum for Security Cooperation (FSC) and the OSCE Permanent Council especially on issues related to arms control and confidence- and security-building measures (CSBMs).

Early warning and preventive action mechanisms and procedures

Early warning and preventive action mechanisms and procedures go mainly back to the Helsinki Document (1992) and stipulate political dialogue between the participating States via the various structures and institutions of the OSCE. They include *ad hoc* measures such as establishing fact-finding and rapporteur missions, briefing the Chairmanship and Permanent Council on urgent issues etc.⁴⁷

Peaceful Settlement of Disputes Based on Conciliation and/or Arbitration

Peaceful Settlement of Disputes Based on Conciliation and/or Arbitration has, at its core, the Court of Conciliation and Arbitration, which was established by the "Convention on Conciliation and Arbitration within the CSCE" (1992). As is the case with several others of the aforementioned mechanisms and procedures, the convention has also never been applied and the Court of Conciliation and Arbitration has never been called upon.⁴⁸ Discussions in 2011 revealed that some sides are now of the opinion that the potential of the Court of Arbitration and Reconciliation should be re-assessed (CIO.GAL/45/11/Corr.1).

In summarizing the Corfu discussions, the Lithuanian Chairmanship underlined the "general agreement that there is no need for additional mechanisms. The key issue remains the lack of political will to use them to their full potential rather than the inadequacies of the mechanisms *per se*."⁴⁹

47 CSCE, *CSCE Helsinki Document "The Challenges of Change", Helsinki Decision III*, cited above (Note 3).

48 See also: Patricia Schneider/Tim J. Aristide Müller-Wolf, *The Court of Conciliation and Arbitration within the OSCE. Working Methods, Procedures and Composition. CORE Working Paper 16*, Hamburg 2007.

49 Permanent Mission of the Republic of Lithuania to the OSCE, "*V to V Dialogue*": *First Informal Meeting at Ambassadors' Level – The Conflict Cycle, 15 March 2011, Chair's Perception*, CIO.GAL/45/11/Corr.1, 20 July 2011.

3. Verbal encouragement for conflict management in the Corfu Process in 2009-10

Improving OSCE conflict management frequently plays a role in OSCE discussions. The recommendations of the OSCE Panel of Eminent Persons can be seen as an emblematic summary of the heated reform discussions in 2005-06. They contain generalized statements such as the “OSCE can claim a lead role in addressing issues within the four phases of the ‘conflict cycle’ [...] affecting any of its States” and should give priority to it.⁵⁰ The Panel suggested improving consultative and decision-making processes, enhancing field operations, and strengthening operational capacities. Of significance for conflict management in the narrower sense was the Panel’s invitation to clarify the roles of the Chairperson-in-Office and the Secretary General.⁵¹ Beyond that, the reform discussion in 2005-06 had little practical impact.

A similar assessment can be made about the Corfu Process that ended with the failure to adopt the Astana Framework for Action, precisely because of the participating States’ disagreement over the issue of conflict and conflict management.

Conflict management with the sub-topics of best practices, instruments/procedures, new mechanisms, national minorities and CSBMs was one of the ten central topics of the Corfu dialogue list in 2010.⁵² The Corfu discussions’ outcome was reflected by the 2010 Kazakh Chairmanship in the well-known Interim Report (CIO.GAL/117/10) that detected four main thematic areas in the delegations’ numerous position papers. They may be summarized (slightly shortened) as:

- a) Strengthening OSCE executive structures for early warning analysis, mediation support and quick-response.
- b) Reviewing, completing and updating OSCE mechanisms and procedures.
- c) Improving the transition from early warning to early action through prior authorization of the Chairmanship and OSCE institutions to act in situations where this is required.
- d) Enhancing the role of the Permanent Council through improved reporting functions of executive structures, and closer co-operation with the FSC.⁵³

The Astana Framework for Action (CIO.GAL/179/10/Rev.5) – which was not adopted – indicated that the participating States were at least verbally resolved to enhance

50 OSCE Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, *Common Purpose. Towards a More Effective OSCE: Final Report and Recommendations*, 27 June 2005, pts 9 and 15.

51 *Ibid.*, chapter 3.

52 Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna, *Indicative List of Topics and Schedule for the informal Corfu meetings at Ambassadorial level in the first half of 2010*, CIO.GAL/13/10, 3 February 2010.

53 Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna, *Interim Report Summarizing Proposals Put Forward within the Corfu Process*, CIO.GAL/117/10, 2 July 2010. A concise overview over key proposals submitted by the Delegations under the Corfu Process had been given by the Corfu Co-ordinator on the OSCE role in early warning, conflict prevention and resolution and post conflict rehabilitation, Amb. Dr. György Molnár, in: Permanent Mission of Hungary to the OSCE, *Proposals on Early Warning, Conflict Prevention and Resolution, Crisis Management and Post-conflict Rehabilitation Submitted by participating States*, PC.DEL/248/10, 14 April 2010.

OSCE “capabilities to act effectively across the entire conflict cycle, including through reviewing the existing toolbox and considering its possible updating.”⁵⁴

Apart from a range of mutual encouragement gestures, the list of specific measures intended for managing conflict in the narrower sense largely followed the aforementioned summary points made by the Kazakh Chairmanship.⁵⁵

Intended actions to manage conflict in a broader sense that were included in the Astana Framework for Action naturally touched on all three OSCE dimensions – from improving commitments on military stability, transparency and predictability, renewing CSBMs and proceeding with conventional arms control, through addressing classic and new economic and environmental threats and challenges to stabilizing efforts on human rights, fundamental freedoms, democracy and the rule of law.

4. Examining conflict management under the “V to V Dialogue” format in 2011

In its work programme, the Lithuanian Chairmanship declared conflict-management issues as one of its priorities. Under the section “Conflict Cycle” it explained that it would focus on the following key points:

- a) Reviewing and possibly updating the existing conflict-management toolbox.
- b) Enhancing the analytical and operational capacity of OSCE structures, systematizing the collection and analysis of early warning signals.
- c) Developing the Secretariat’s capacity to support the Chairmanship’s mediation efforts.
- d) Examining OSCE post-conflict rehabilitation and reconciliation.⁵⁶

Within its “V to V Dialogue” format, the Lithuanian Chairmanship issued invitations to a series of expert and informal ambassadorial meetings on these matters, supported by a meeting on international responses to challenges posed by natural and man-made disasters – a relatively new subject matter for the OSCE.

The “V to V Dialogue” meetings departed from proposals submitted by the delegations during the Corfu Process. An overview that somewhat pre-structured the debates in 2011 was given by the Lithuanian Chairmanship in a perception paper with sections on early warning, crisis response, protracted conflicts, post-conflict rehabilitation, mediation capacity, review of the existing mechanisms, co-operation with other international actors, and resources.⁵⁷

54 OSCE, *Astana Framework for Action “Shared Priorities and Objectives”*, CIO.GAL/179/10/Rev.5, 30 November 2010.

55 Ibid.

56 Permanent Mission of the Republic of Lithuania to the OSCE, *2011 Lithuanian OSCE Chairmanship Work Programme*, CIO.GAL/4/11/Rev.1, 12 January 2011.

57 Permanent Mission of the Republic of Lithuania to the OSCE, *“V to V Dialogue”: First Informal Meeting*, cited above (Note 49).

The Chairmanship's clear intention was to depoliticize discussions and concentrate on suggestions that promised good chances for consensus and deliverables. Realistically, the intention was neither to expand OSCE efforts into new fields nor to modify the mandates of existing OSCE structures and institutions.⁵⁸ The focus was rather optimizing OSCE efforts on the basis of existing mandates. With respect to protracted conflicts, the Chairmanship expressed the modest, but realistic goal: "to progress the resolution of existing conflicts".⁵⁹

In the course of the "V to V Dialogue", debates about increasing OSCE conflict-management capacities through more standardized procedures and expanded competencies of the Chairmanship or the Secretary General seemed to distract attention from more substantial issues. In some observers' comments, discussions between a number of Western participating States and Russia again dealt with discrepancies and contradictions on less important issues.

After the failure of the Astana Framework for Action, a substantial decision on OSCE conflict management was expected at the Vilnius Ministerial Council meeting 2011. The Vilnius Decision on Elements of the Conflict Cycle (MC.DEC/3/11) contains a dozen and a half provisions in this respect that, for the most part, however, are of appellatory character. Nevertheless, substantial decisions were taken as well, in particular on giving the Secretary General a more prominent function in early warning, making the Conflict Prevention Centre (CPC) an early warning focal point and designating a mediation-support focal point within the CPC (see below and annex).⁶⁰

5. Specific conflict management issues under discussion

Some particular points made on OSCE conflict management up to and within the Corfu Process and the "V to V Dialogue" should be highlighted somewhat more closely here.

Consensus principle or pre-positioned consensus

Apparently, a most sensitive part in the Corfu Process involved fears about possibly deviating from the consensus principle when mandating the Chairmanship and executive structures to take responsibility in crisis situations. In this context, a so-called pre-positioned consensus was discussed – the Chairmanship's prior authorization to act.⁶¹ A respective proposal on a quick crisis reaction procedure that

58 Ibid. See also: Permanent Mission of the Republic of Lithuania to the OSCE, *Opening Remarks for Ambassador Renatas Norkus, Chairperson of the Permanent Council, Expert Meeting within the Framework of the Conflict Cycle – V to V Dialogue: „Strengthening the Mediation Support Capacity within the OSCE“*, CIO.GAL/142/11/Corr.1, 20 July 2011.

59 Permanent Mission of the Republic of Lithuania to the OSCE, *"V to V Dialogue": First Informal Meeting*, cited above (Note 49).

60 OSCE, *Ministerial Council Decision on Elements of the Conflict Cycle, Related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict Rehabilitation*, MC.DEC/3/11, Vilnius, 7 December 2011.

61 See also: OSCE Conflict Prevention Centre, *Draft Statement by Ambassador Herbert Salber, Director of the OSCE Conflict Prevention Centre, on "Conflict Prevention and Crisis Management in the OSCE Area" at*

would give permission to the Chairmanship “to respond swiftly in the event of escalating tensions or conflict in the OSCE area, through the deployment of small teams” and necessitate the Permanent Council’s involvement only afterwards was, for example, put forth by the US Delegation.⁶²

Remarkably, it was Russia that had, a decade earlier, also proposed giving the Chairperson-in-Office special authorization, stating that “[i]n resolving issues related to crisis or conflict, the Chairman-in-Office, on the decision of the Permanent Council or, if it is an urgent matter, at his own discretion, appoints personal representatives or envoys with a clear and specific mandate to ensure support in the search for the settlement of crisis or conflict”.⁶³

At the Vilnius Ministerial Council meeting in 2011, the participating States made no decision on the issue, but invited each other to consider the deployment of expert teams and other forms of temporary presence on the ground in the context of fact-finding in emerging crises and conflicts and post-conflict rehabilitation efforts. They tasked the Secretary General with preparing a proposal on enhancing OSCE fact-finding in emerging crises and conflicts (see annex).⁶⁴

Codifying conflict management

By contrast to the initiatives mentioned above to ease early crisis interventions, Russia, in 2010, proposed codifying OSCE activities in conflict prevention and crisis management by adopting guiding principles. The Russian proposal emphasized particularly the consensus principle at all stages of conflict prevention and crisis management and with respect to any measure, requiring the “prior consent and active support of all parties involved in a particular crisis situation”.⁶⁵

Clarifying the roles of the Chairperson-in-Office and Secretary General

The relationship between the OSCE Chairmanship and the Secretary General is of particular relevance in crisis situations as it is, indeed, for the Organization’s general performance. Potentially, the Secretary General could play a more prominent political role than he currently does. This point has been made repeatedly by various delegations. As a representative of the Chairperson-in-Office, the Secretary General is, by his mandate, entitled to “make public statements on behalf of the Organization as a whole” and to support “the process of political dialogue and negotiations among participating States”.⁶⁶ Considering these provisions, the Chairperson-in-Office

the 42nd Joint Meeting of the Forum for Security Co-operation and the Permanent Council, Vienna, 10 March 2010, SEC.GAL/46/10, 8 March 2010.

62 United States Mission to the OSCE, *Food-for-Thought on Conflict Prevention and Crisis Management in the OSCE Area*, PC.DEL/93/10, 19 February 2010.

63 Permanent Mission of the Russian Federation, *Non-Paper: OSCE Chairman-in-Office*, PC.DEL/932/01, 16 November 2001.

64 OSCE, *Ministerial Council Decision on Elements of the Conflict Cycle*, cited above (Note 60), pts 4 and 11.

65 Permanent Mission of the Russian Federation to the OSCE and the Delegation of the Russian Federation on Military Security and Arms Control, *Proposal for a Draft Decision on Conflict Prevention and Crisis Management in the OSCE Area*, FSC-PC.DEL/1/10/Corr.1, 19 January 2010.

66 OSCE, *Ministerial Council Decision No. 15/04, Role of the OSCE Secretary General*, MC.DEC/15/04, Sofia, 7 December 2004.

could utilize the Secretary General for more than merely providing administrative assistance.

As mentioned above, the Panel of Eminent Persons had argued that the “role of the Chairman-in-Office should be to lead the political, rather than the operational activities”, while it also suggested that it would enable the Secretary General to “[t]ake the lead on OSCE’s operational engagement in crisis situations”.⁶⁷ However, in the course of OSCE reform discussions in 2005-06, the participating States clearly opted for limiting the Secretary General to a supporting role (Brussels 2006).⁶⁸

Even so, the matter is still being discussed. A notion in this direction was presented once again by the Lithuanian Chairmanship 2011 who proposed in the “V to V Dialogue” “strengthen[ing] the explicit role of the Secretary General, supported by the Director of the Conflict Prevention Centre, to provide early warning to participating States”.⁶⁹

As previously noted, the Secretary General was actually tasked at the Vilnius Ministerial Council meeting with providing early warning to the participating States on any situation of emerging tensions or conflicts in the OSCE area and suggesting respective measures of response (see annex).⁷⁰ This decision may gain greatest significance in specific crisis situations.

Improving early warning capacities

In the Maastricht Strategy (2003), participating States decided to adjust the Organization’s structures to new tasks in managing conflict:

“More attention should be paid to the early warning functions in the Secretariat, institutions and field operations, and follow-up to early warning should be strengthened.”⁷¹

Improving the OSCE’s capacities in early warning was also one of the points of the Corfu Process and the “V to V Dialogue”. Since the early 1990s, the OSCE has elaborated a detailed mechanism and practice for early warning and preventive action in “situations within the CSCE area which have the potential to develop into crises”.⁷²

Collective opinion within the “V to V Dialogue” was that the OSCE has the essential early warning mechanisms and capacities within headquarters and in the field. Key responsibility lies with the Chairperson-in-Office. The HCNM is mandated to “provide ‘early warning’ and, as appropriate, ‘early action’ at the earliest possible stage with respect to tensions involving national minority issues”.⁷³ ODIHR sees its

67 OSCE Panel of Eminent Persons, *Common Purpose*, cited above (Note 50), pts 36 and 37.

68 OSCE, *Ministerial Council Decision No. 18/06, Further Strengthening the Effectiveness of OSCE Executive Structures*, MC.DEC/18/06, Brussels, 5 December 2006.

69 Permanent Mission of the Republic of Lithuania to the OSCE, “V to V Dialogue” on the Conflict Cycle: 1st Expert Meeting on “Enhancing the Early Warning and Analytical Capacity of the OSCE”, 15 April 2011, *Chair’s Perception*, CIO.GAL/81/11/Corr.1, 20 July 2011.

70 OSCE, *Ministerial Council Decision on Elements of the Conflict Cycle*, cited above (Note 60), pt 4.

71 OSCE, *OSCE Strategy to Address Threats to Security and Stability*, cited above (Note 5), pt 27.

72 CSCE, *CSCE Helsinki Document “The Challenges of Change”, Helsinki Decision III*, cited above (Note 3), pt 3.

73 CSCE, *CSCE Helsinki Document “The Challenges of Change”, Helsinki Decision II*, cited above (Note 32).

monitoring tasks in the human dimension as an essential element of OSCE early warning.⁷⁴ Through observing media developments, the OSCE Representative on Freedom of the Media carries out an early warning function as well.⁷⁵ The Secretariat with the CPC, along with the field operations, plays a central role in gathering and processing information.

Delegations stated that the Organization would benefit from more co-ordination among these structures and improved analysis capacities for processing early warning signals. Proposals made under the “V to V Dialogue” aimed at co-ordinating the gathering and analysing of information and co-operating with international partner organizations. These considerations resulted in proposals to elaborate a comprehensive concept on an OSCE early warning capacity within a special *ad hoc* working group.⁷⁶

The key point with OSCE early warning activities is its political sensitivity. Certainly, a difference must be made between internal early warning within the Organization and issuing official early warning statements to the OSCE community. While internal action requires expert know-how and managerial leadership, official early warning announcements are highly sensitive politically as is the translation of early warning into early action. They touch upon conflicting interests, may trigger unintended developments and can even aggravate given situations. Previous HCNM Rolf Ekéus pointed to the problem that “[t]here is no foolproof system of identifying the factors that may trigger conflict”.⁷⁷ His successor Knut Vollebaek recently underlined “the essential element of political will, without which even the best early warning mechanism becomes an academic exercise”.⁷⁸ Observers therefore ask what the political added value would be if the OSCE were to establish enhanced early warning capacities.

Apart from the increased role of the Secretary General in early warning, outlined at the Vilnius Ministerial Council meeting, organizational arrangements made there also include making the CPC the focal point for the collection, collation, analysis and assessment of early warning signals (see annex).⁷⁹

Increasing analytical capacities

With a particular view to early warning, the 2011 Lithuanian Chairmanship perceived deficits in inadequate human and financial resources, insufficient systematic data collection, a lack of analysis methodology, underdeveloped institutional linkages with other international actors and the Organization’s distraction from core tasks by project-based activities. It proposed developing an early warning methodology and increasing the capacities of the CPC for appropriate

74 OSCE ODIHR, *Common Responsibility*, cited above (Note 29), pts 163 and 212.

75 OSCE, *Mandate of the OSCE, Representation on Freedom of the Media*, PC.DEC No. 193, 5 November 1997.

76 Permanent Mission of the Republic of Lithuania to the OSCE, “V to V Dialogue” on the Conflict Cycle: 1st Expert Meeting, cited above (Note 69).

77 Rolf Ekéus, *Preventive Diplomacy*, cited above (Note 35).

78 OSCE HCNM, *Statement by Knut Vollebaek, OSCE High Commissioner on National Minorities, to the 868th Plenary Meeting of the OSCE Permanent Council*, HCNM.GAL/1/11/Rev.1, 15 June 2011.

79 OSCE, *Ministerial Council Decision on Elements of the Conflict Cycle*, cited above (Note 60), pts 2 and 4.

early warning analysis.⁸⁰ A group of EU member states argued along the same lines. Suggestions were made to create a CPC-coordinated framework for the collection, collation and analysis of early warning signals and their translation into early action and to use the expertise of former OSCE representatives or the input of research institutions.⁸¹

Arguments in this direction may be misleading. Full-fledged political analysis would necessarily entail financial means and manpower and go far beyond the OSCE's capacities. It would require the systematic deployment of know-how and resources of specialized organizations and a "permanent division of labour" with them the participating States explicitly neglected in Istanbul 1999.⁸²

Besides, it remains to be seen to what extent the CPC will be enabled to provide comprehensive analysis in its new capacity as the OSCE early warning focal point as decided in Vilnius in 2011.⁸³

Taking timely preventive action

Translating early warning into early action is another point under discussion. From the CPC's perspective, the Organization has not always succeeded in taking preventive action in a timely manner on the eve and in the very early stages of an impending crisis. These deficits are not caused by a lack of resources or tools. "We invest lots of energy and time on informal and formal diplomacy rather than activating the preventive instruments we have, such as fact-finding and observer missions, preventive diplomacy, perhaps by means of a small mediation team, or appropriate confidence-building measures", comments former CPC Director Herbert Salber underlining again the necessary "mobilization of political will to act rapidly".⁸⁴

The Kazakh Chairmanship noted the general view of the Delegations that "the OSCE need[ed] to regain its *strategic vision* in conflict prevention" and that it should become a "'first responder' to crisis and conflict situations" and a "primary initiator of international co-operation" that acts throughout the entire OSCE area.⁸⁵

80 Permanent Mission of the Republic of Lithuania to the OSCE, "*V to V Dialogue*" on the Conflict Cycle: 1st Expert Meeting, cited above (Note 69).

81 Delegations of Finland, France, Germany, Ireland, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovenia and Sweden to the OSCE, *Strengthening of the OSCE capacities in the field of early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation, Food-for-thought paper developed in the framework of the Corfu Process*, PC.DEL/90/10/Corr.1, 26 April 2010.

82 OSCE, *Charter for European Security, chapter III, Our Common Response, section on Co-operation with Other International Organizations: The Platform for Co-operative Security*, January 2000/Corr., Istanbul, November 1999.

83 OSCE, *Ministerial Council Decision on Elements of the Conflict Cycle*, cited above (Note 60), pt 2.

84 OSCE Conflict Prevention Centre, *Speaking Points for Ambassador Herbert Salber, Director, Conflict Prevention Centre, Informal Ambassadorial Meeting on 15 March 2011, "Advancing the 'V to V' Dialogue on the Conflict Cycle"*, SEC.GAL/48/11/Corr.1, 30 August 2011.

85 Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna, *The Role of the OSCE in Early Warning, Conflict Prevention and Resolution, Crisis Management and Post-Conflict Rehabilitation, Food-for-Thought*, CIO.GAL/22/10, 18 February 2010.

Developing confidence-building measures

The participating States are considering developing confidence-building measures (CBMs). CBMs, in the OSCE context, are “measures with a broader focus on building confidence in the political, economic, environmental and/or human realms among people within a State and/or between States [... and] as: 1) tools to lower tensions and make it less likely that a conflict would break out through a lack of information, misunderstanding, mistake or misreading of the actions of a potential adversary; and/or 2) a means to foster trust and bridge dividing lines between potential antagonists as an essential element of building sustainable peace. [...] CBMs can play a significant role in conflict prevention and post-conflict rehabilitation and reconciliation.”⁸⁶ CBMs are relevant measures throughout the entire conflict cycle.”⁸⁷

In the course of the “V to V Dialogue”, participating States talked about matters such as confidence building through democratization efforts in the political sphere, cross-border and inter-community activities in the economic sphere, encouraging joint responses to natural disasters and man-made disasters in the environmental sphere, co-operation with traditional community authorities in the cultural sphere or people-to-people activities in the societal sphere.⁸⁸ In Vilnius, participating States merely encouraged each other to make greater use of CBMs and CSBMs.⁸⁹

Post-conflict rehabilitation with emphasis on democratization

In its current understanding, the OSCE perceives post-conflict rehabilitation as the entirety of efforts in three main directions – stabilization, reconstruction and peacebuilding in the aftermath of a conflict or crisis.⁹⁰ Post-conflict rehabilitation in the OSCE context predominantly means aiming at preventing a relapse into conflict or crisis through providing political assistance in areas such as societal reconciliation, economic recovery, state reconstruction and democratic transformation. From the standpoint of most participating States, the crux of post-conflict rehabilitation lies in establishing democratic foundations of recovering market economies and states based on the rule of law. (It is the most polarizing point as well, as is commonly known.) Respect and protection of human and minority rights play a special role. These efforts are bolstered by selected capacity-building activities while fundamental humanitarian aid or the physical reconstruction of infrastructure is usually left to partners such as international development organizations and specialized national agencies.⁹¹

86 OSCE Conflict Prevention Centre, *Strengthening Local Ownership of Non-Military Confidence-Building Measures (CBMs)*. *Food-for-Thought Paper*, SEC.GAL/78/11, 28 April 2011.

87 Non-military confidence-building measures (CBMs) are to be distinguished from confidence- and security-building measures (CSBMs) “which are more narrowly geared towards building confidence primarily in the military arena”; *ibid.*

88 *Ibid.*

89 OSCE, *Ministerial Council Decision on Elements of the Conflict Cycle*, Vilnius, 7 December 2011, cited above (Note 60).

90 See also: Permanent Mission of the Republic of Lithuania to the OSCE, *OSCE Chairmanship Workshop on Post-Conflict Rehabilitation: Stabilization, Reconstruction and Peace-building*, Vienna, 2 and 3 May 2011, *Final Report*, CIO.GAL/141/11, 12 July 2011.

91 For an overview see: OSCE Conflict Prevention Centre, *Background Brief, OSCE Activities and Advantages in the Field of Post-Conflict Rehabilitation*, SEC.GAL/76/11, 28 April 2011.

Non-coercive peacekeeping or a role in peacekeeping

In Prague in 1992, the participating States cautiously formulated “giv[ing] careful consideration to possibilities for CSCE peacekeeping or a CSCE role in peacekeeping”.⁹² In Budapest 1994, they were positive about “using, *inter alia*, CSCE peacekeeping operations and missions”.⁹³ With respect to the Nagorno-Karabakh conflict they went so far as to declare “their political will to provide, with an appropriate resolution from the United Nations Security Council, a multinational CSCE peacekeeping force following agreement among the parties for cessation of the armed conflict.”⁹⁴ The Minsk Group Troika, the Personal Representative of the Chairperson-in-Office and the High-Level Planning Group (HLPG) were tasked in 1995 with designing this peacekeeping force.⁹⁵ Until the Georgian-Russian war in 2008, the OSCE co-operated within the framework of the UN-led conflict settlement process on Abkhazia and the Joint Control Commission and the Joint Peacekeeping Force in South Ossetia where it had a “monitoring role concerning the joint peacekeeping forces”.⁹⁶ OSCE field operations have complemented and supported the peacekeeping efforts of other international organizations in the Balkans as well.

In Istanbul 1999, the participating States decided to “explore options for a potentially greater and wider role for the OSCE in peacekeeping”.⁹⁷ During OSCE reform discussions, the matter was on the agenda again. The OSCE CPC made the point that peace operations have become “increasingly complex, involving military, police and civilian personnel addressing a wider range of tasks and responsibilities” and that “[t]his has dramatically broadened the very definition of peacekeeping and profoundly changed its nature”.⁹⁸ At the Porto Ministerial Council meeting in 2002, the participating States decided “to conduct a review of peacekeeping, with a view towards assessing OSCE capacity to conduct peacekeeping operations and identifying options for potential OSCE involvement in peacekeeping in the OSCE region, to be completed by the end of 2003”.⁹⁹ In Maastricht 2003, they reiterated that “[o]n a case-by-case basis and to help maintain peace and stability, the OSCE can

92 CSCE, *Prague Document*, cited above (Note 7).

93 CSCE, *Budapest Summit Declaration*, cited above (Note 22).

94 CSCE, *Budapest Summit Decisions, II. Regional Issues. Intensification of CSCE action in relation to the Nagorno-Karabakh conflict*, Budapest, 6 December 1994.

95 See: Hungarian OSCE Chairmanship, *Mandate of the Co-Chairmen of the Conference on Nagorno Karabakh under the auspices of the OSCE (“Minsk Conference”) adopted by the Chairman-in-Office*, DOC. 525/95, Vienna, 23 March 1995; OSCE Secretariat, Conflict Prevention Centre, *Survey of OSCE Field Operations, High-Level Planning Group, section 2, Tasks*, SEC.GAL/171/11, Vienna, 28 October 2011; and: *Personal Representative of the Chairman-in-Office on the Conflict Dealt with by the OSCE Minsk Conference*, section 2, Tasks, *ibid.*

96 OSCE Secretariat, Conflict Prevention Centre, *Survey of OSCE Field Operations, The OSCE Mission to Georgia, section 2, Tasks*, SEC.GAL/171/11, Vienna, 28 October 2011.

97 OSCE, *Charter for European Security*, chapter IV., Our Common Instruments, section on Peacekeeping, January 2000/Corr., Istanbul, January 2000/Corr., 19 November 1999, pt 46.

98 OSCE Conflict Prevention Centre, *Comparative Analysis of Crisis Response Capabilities – The OSCE Position, Background paper for distribution/discussion (1st Draft)*, Vienna, June 2004.

99 OSCE, *Ministerial Council Decision No. 4, Reviewing the OSCE Role in the Field of Peacekeeping Operations*, MC(10).DEC/4, Porto, 7 December 2002.

decide to play [...] a role in peacekeeping, which constitutes an important operational element of the overall capability of the Organization".¹⁰⁰

Collective considerations in 2011 remained within the boundaries of civilian peacebuilding. The Lithuanian Chairmanship spoke in the post-conflict context of the need "to take stock of the OSCE's civilian capability to respond coherently, rapidly and effectively as an international contributor to building comprehensive and sustainable peace in the aftermath of conflict".¹⁰¹

6. The Kyrgyz events in 2005 and 2010

While the OSCE was fully engaged in the Corfu Process in 2009-10 and unable to reach consensus over any matter, open conflict broke out again in its participating State Kyrgyzstan.

6.1. Pattern of conflict in Kyrgyzstan

Kyrgyzstan has experienced at least four major violent events within the last two decades that left a strong imprint on its political system and climate. With Moscow's waning control over Central Asia, Kyrgyzstan had turned into an unstable entity. Many have viewed Kyrgyzstan as a failing state since its very independence. The first ethnic clashes in Kyrgyzstan broke out in the southern districts around Osh and Uzgen in June 1990 – with casualties among ethnic Kyrgyzs and Uzbeks. These set the stage for future inter-ethnic relations in an independent Kyrgyzstan. The Tulip Revolution in 2005 and the public uprising in April 2010 were followed by inter-ethnic violence in June 2010. The HCNM gives an additional account of various other ethnic incidents in 2006, 2009 and 2010 – partly long before the violence in June 2010.¹⁰²

The north-south divide is one of the characteristics of Kyrgyzstan's societal, commercial and political life. Discussions about the northern elites' access to southern resources and vice versa are a major element in the country's domestic politics.

Along these lines, the political process in Kyrgyzstan has been characterized over the last two decades by an alternating rule over the country by northern and southern clans or elites. President Askar Akayev, as the representative of the North, was forcefully overthrown by the southerner, Kurmanbek Bakiyev, during the Tulip Revolution in 2005. The northern Interim President Roza Otunbayeva replaced the latter after the violent events in April 2010. President Almazbek Atambayev

100 OSCE, *OSCE Strategy to Address Threats to Security and Stability*, cited above (Note 5), pt 26.

101 Permanent Mission of the Republic of Lithuania to the OSCE, *OSCE Chairmanship Workshop on Post-Conflict Rehabilitation: Stabilization, Reconstruction and Peacebuilding. Concept Note*, CIO.GAL/14/11, 9 February 2011.

102 OSCE HCNM, Statement by *Knut Vollebaek*, *OSCE High Commissioner on National Minorities, to the 808th Plenary Meeting of the OSCE Permanent Council*, HCNM.GAL/2/10, 4 May 2010.

consolidated the northern camp's rule after a remarkably peaceful transfer of power through the constitutional process in 2010 and the elections on 30 October 2011.

The political and commercial competition between the northern and southern elites in the capital Bishkek and the country's provinces is part of the background of the events in 2005 and 2010. It was nourished as well by inherited inter-ethnic tensions especially in areas of compact mixed settlement, by increasing Islamic extremism, social discontent, bad governance, corruption and criminal business.

None of the events that will be discussed in the following have ceased or fundamentally changed the basic configuration of the conflict potential in Kyrgyzstan.

6.2. The Tulip Revolution in 2005: Change of elites

The Tulip Revolution in February/March 2005 represents the prehistory to the events of 2010. The starting point was protests in western and southern districts of the country over manipulations during the parliamentary elections on 27 February 2005. An international context was seen by many in the preceding Georgian Rose Revolution and Ukrainian Orange Revolution in 2004. Although moderate by regional standards, Askar Akayev's regime had become corrupt and oppressive.

The Tulip Revolution saw some violence especially in the southern city of Jalal-Abad with a number of casualties. The political benefits of the Tulip Revolution were questionable. Critics say it was a mistake by the international community to have quickly changed their support in favour of the Bakiyev regime. The replacement of Askar Akayev by Kurmanbek Bakiyev was a replacement of the northern by the southern elites' rule with no change of the country's political and economic system. Thus, the designation "revolution" is misleading.

6.3. The public uprising in April 2010: Unexpected reshuffle of elites

The events of 6-7 April 2010 took everybody by surprise. The quick acceleration of spontaneous events and the rapid turn of public opinion against the incumbent president Kurmanbek Bakiyev were hardly predictable, obviously not even to the group that installed Roza Otunbayeva as interim president. It resulted in mass protests in Bishkek and the death of more than 80 persons who were killed after Kurmanbek Bakiyev had ordered his troops to open fire against protesters in front of the building of the presidential administration.

This rather spontaneous overthrow caused "a power vacuum and consequent political rivalries, fragile state institutions and the weak rule of law in southern Kyrgyzstan boosting ethno-nationalism", as an Independent International Commission of Inquiry (also: Kyrgyz Inquiry Commission – KIC) stated.¹⁰³

¹⁰³ Kyrgyzstan Inquiry Commission (KIC), *KIC final report published*, Bishkek, 3 May 2011, at: <http://www.k-ic.org/en/news/364-kic-final-report-published.html>.

Plundering of shopping malls and markets in the streets of Bishkek were emblematic of the unstable situation throughout the entire country.

The events in 2005 and April 2010 can be seen as following similar patterns. The overthrown presidents Askar Akayev and Kurmanbek Bakiyev had both initially come to power based on a consensus between the elites of the northern and the southern parts of the country. Both presidents were elected to serve coalition governments. Both of their regimes were characterized by bad governance, corruption and weak political leadership. Both regimes were largely based on leading personalities rather than on the political and administrative system of the country. Over the time, both family clans increasingly ruled over the businesses of competing clans. Both regimes did little to contribute to political consolidation, economic development and social well-being. In 2005 and in 2010, poor leadership coincided with the instability of the system. The political groupings around the two presidents were very vulnerable – not least to external blows. Observers point to the Russian anti-Bakiyev campaign in early 2010 that preceded the April events.

The common trigger point for both the Tulip Revolution in 2005 and the public uprising in April 2010 was disappointment about unpopular authoritarian, but weak regimes, bad governance and social hardship.

6.4. Violence in June 2010: Ethnic clashes with complex background

The violent events in June 2010 are labelled differently – from genocide to pogrom, ethnic conflict, instigated provocation of external forces and Islamic extremists, to putsch or conspiracy of business circles or criminals. Some observers call it the revenge of Kurmanbek Bakiyev's supporters after the loss of power in April 2010 and the launch of another attempt to re-change the order. "They just exploited the weakest link in Kyrgyzstan's public affairs – inter-ethnic relations", they comment.

The KIC came to the conclusion "that the violence of June does not qualify as either war crimes or genocide". At the same time it detected "acts [that] would amount to crimes against humanity [...] against an identifiable group on ethnic grounds" and "many other criminal acts committed in both Osh and Jalalabad during the events that fall under the Criminal Code of Kyrgyzstan". It also stated that it "found that there have been and still are serious violations of international human rights law committed by the State in the aftermath of the events".¹⁰⁴

The roots of the violence can be traced directly back to the change of power in April 2010 and the open confrontation between the northern and southern elites. This was

The Independent International Commission of Inquiry or Kyrgyz Inquiry Commission (KIC) under Kimmo Kiljunen (OSCE PA's Special Representative for Central Asia) had been established at the request of Interim President Roza Otunbayeva. It is quoted here in view of the fact that its report triggered the most detailed governmental comments, more detailed than those on any other inquiry report. This was despite the fact that the commission was, by its status, not tied to any international organization or institution. Neither the OSCE Parliamentary Assembly nor any other organization had taken a decision supporting the commission.

104 Kyrgyz Inquiry Commission (KIC), *Report of the Independent International Commission of Inquiry into the Events in Southern Kyrgyzstan in June 2010*, at: http://www.kic.org/images/stories/kic_report_english_final.pdf.

added to by factors such as the weakness of the interim government and the growing political claims of Uzbek minority representatives.

The violence was predictable. It again involved clashes between ethnic Uzbeks and Kyrgyz individuals mainly in the southern districts in and around the cities of Osh and Jalal-Abad. "There was a common sense that something would happen", witnesses state in retrospect. There was public rhetoric about unwanted or avertable warfare long before the actual events. The KIC concluded that

"[t]he events must be viewed in the context of the historical and political background of the region, particularly the relationship between the communities of ethnic Kyrgyz and ethnic Uzbeks. In this regard the KIC notes the under-representation of ethnic Uzbeks in public life and the rising force of ethno-nationalism in the politics of Kyrgyzstan. The KIC notes further the power vacuum and consequent political rivalries, fragile state institutions and the weak rule of law in southern Kyrgyzstan in the wake of the 7 April overthrow of the Bakiyev government.

*The events resulted in significant loss of life and injury, of which the majority of victims were ethnic Uzbeks. In total about 470 people died. [...] About 1,900 people received medical assistance at hospitals. [...] About 111,000 people were displaced to Uzbekistan and a further 300,000 were internally displaced. There was also significant property damage, again to a disproportionately high number of ethnic Uzbek-owned properties. In total about 2,800 properties were damaged [...] ethnic Kyrgyz also suffered very significant losses, in terms of life, health and property. [...] both communities suffered loss."*¹⁰⁵

The Commission established that of the people killed 74 % were Uzbek and 25 % Kyrgyz.¹⁰⁶ As a consequence of the June violence, the country's southern districts were largely taken out of the central government's control if they had, in fact, ever been subordinated to Interim President Roza Otunbayeva. Since June 2010, NGO activists have observed a gradual reposition of property back into the hands of northern elites.

7. Experience with OSCE conflict management in Kyrgyzstan

The following section looks into the OSCE's involvement at the various stages of early warning, conflict prevention, crisis management and post conflict rehabilitation in Kyrgyzstan in April and June 2010. It reflects on the structures and procedures, which the OSCE has for managing conflict. It points out difficulties deriving from the OSCE's weakened standing and capacities. It shows the substantial limitations the Organization faces should the participating States not be willing to take action. It points out the problems that occur when the OSCE supports rival elites. It also departs from the finding that, unlike in other states where there has been conflict and the OSCE has been largely seen as a leading international actor, the Organization obviously did not have such a prominent place in the awareness of the general public and the government in Kyrgyzstan. At the same time, the OSCE is seen as a solid partner and a good transmission vehicle for other organizations' opinions and efforts.

105 Ibid.

106 Ibid.

In managing crisis situations in Kyrgyzstan, the Kazakh Chairmanship, to some extent, took a significant lead within the international community, *inter alia*, through the Special Envoy of the OSCE Chairperson-in-Office, Zhanybek Karibzhanov. A prominent role was played by the OSCE Centre in Bishkek that has – in contrast to other OSCE field presences in the region – a clear political mandate. It explicitly emphasizes commitments in the area of conflict management.¹⁰⁷ Along with the Centre in Bishkek, the HCNM, ODIHR and the OSCE Academy in Bishkek fulfil significant functions in managing conflict in the broader sense.

7.1. OSCE early warning activities in Kyrgyzstan

On the broader scale, participating States and the OSCE Secretariat were continually briefed on the Kyrgyz developments through the regular reporting of the OSCE Centre in Bishkek and the HCNM. However, issuing an early warning on the events in April was almost impossible. As stated above, events occurred unexpectedly and developed rapidly. “It was not organized or pre-meditated”, reports the OSCE Centre in Bishkek.¹⁰⁸

Concerning the violence in June, an official early warning was issued by the HCNM only days after the event’s outbreak.¹⁰⁹ On the other hand, the HCNM had, in the period before that, repeatedly warned about developments in Kyrgyzstan. On 4 May, in a general statement (not categorized as an early warning), he had explicitly warned that “[i]nter-ethnic tension is increasing between the Kyrgyz and Uzbek communities in the south of the country” and that the April “uprising in Kyrgyzstan has resulted in an increase in nationalism, which has the potential to threaten inter-ethnic peace in the country”.¹¹⁰ The overall picture given in this report was devastating. The HCNM called it “the OSCE’s biggest challenge since the 2008 war in the Caucasus”.¹¹¹

The OSCE Centre in Bishkek made its own observations and used its partnership monitoring networks for submitting an unusually high number of periodic spot reports, as its representatives note. This was supplemented by signals from other international and national reporting channels and the media.

Thus, the participating States could have been aware ahead of time of the increasing likeliness of the violence that occurred in June. Nevertheless, they were reluctant or unable to use the OSCE or other instruments to take greater steps in that country.

107 The first bullet point of the mandate of the OSCE Centre in Bishkek states: “Given the OSCE role as primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation, promote the implementation of OSCE principles and commitments as well as the co-operation of the Kyrgyz Republic within the OSCE framework, with special emphasis on the regional context, in all OSCE dimensions, including the economic, environmental, human and political aspects of security and stability”. OSCE, *Decision No. 245*, PC.DEC/245, 23 July 1998.

108 OSCE Centre in Bishkek, *Report to the Permanent Council by the Head of the OSCE Centre in Bishkek, Ambassador Andrew Tesoriere, 27 May 2010*, PC.FR/7/10/Rev.1, 25 May 2010.

109 OSCE HCNM, *Statement by Knut Vollebaek, OSCE High Commissioner on National Minorities, Early warning to the (special) Permanent Council on 14 June 2010*, Vienna, 14 June 2010.

110 OSCE HCNM, *Statement by Knut Vollebaek, 4 May 2010*, cited above (Note 102).

111 Ibid.

Apart from this, some observers underscore the specific bilateral interests the Kazakh Chairmanship had in Kyrgyz affairs. Some believe that this somewhat shaped the way incoming reports were edited within the Secretariat and especially on the side of the Chairmanship. Some speak of a rather self-controlled or neutralized proofreading process, which is certainly a sensitive issue in any case, to say nothing of issuing official early warnings.

7.2. OSCE conflict prevention in Kyrgyzstan

OSCE conflict prevention in the broader sense is largely provided by the OSCE Centre in Bishkek, the HCNM, ODIHR and the OSCE Academy.

The OSCE Centre's activities embrace economic and environmental efforts, human dimension activities, media development, co-operation with the OSCE Academy in Bishkek, policing, customs services and politico-military activities. The Centre has set strategic priorities in the areas of border security and management, rule of law, good governance, legislation, environmental protection, and regional co-operation.¹¹² It has the advantage of maintaining long-established ties with all significant governmental and non-governmental players in the country. The Centre works through informal mediatory efforts and facilitates dialogue.¹¹³

The High Commissioner emphasizes that, with respect to his efforts in Kyrgyzstan, he generally works confidentially and does not publicly report on his findings.¹¹⁴ The High Commissioner has his own early warning network in Kyrgyzstan. One of his main instruments is frequent visits to the country and political talks with the government and civil society representatives in Bishkek and the provinces. After the change of government in 2005, the HCNM had considerable difficulty getting access to the government of President Bakiyev on matters of ethnic minorities. On the other hand, representatives of the relevant minorities did not have a sufficiently high political profile to enter into substantial dialogue with the new government and international partners. The High Commissioner promotes minority inclusion and integration through projects in fields such as multilingual and multicultural education, policing and linguistic policy. Beginning in 2006, he supported an Interstate Dialogue on Social Integration and National Minority Education. Along with ODIHR and the Council of Europe's Venice Commission, his office has participated in elaborating the 2010 Kyrgyz Constitution.¹¹⁵

The HCNM argues for measures of adequate representation and participation of all ethnic communities as well as balanced and inclusive education and language policies.¹¹⁶ He assisted the presidential administration in drafting a Concept on Ethnic Policy and the Consolidation of the Society of the Kyrgyz Republic and Action Plan for the Period until 2015. (A competing concept elaborated by the parliament is

112 OSCE Centre in Bishkek, *Overview*, <http://www.osce.org/bishkek/43298>.

113 OSCE Centre in Bishkek, *Report to the Permanent Council by the Head of the OSCE Centre in Bishkek, Ambassador Andrew Tesoriere, 27 May 2010, PC.FR/7/10/Rev.1, 25 May 2010.*

114 OSCE HCNM, *Statement by Knut Vollebaek, 4 May 2010, cited above (Note 102).*

115 *Ibid.*

116 OSCE HCNM, *Statement by Knut Vollebaek, 15 June 2011, cited above (Note 78).*

currently in the process of adoption there.) The HCNM encourages the activities of the Assembly of the People of Kyrgyzstan.¹¹⁷ (The Assembly's activities were basically disrupted during President Bakiyev's tenure.) The High Commissioner had supported a multiethnic policing project that was integrated later on into the Police Reform Programme of the OSCE Centre in Bishkek. The HCNM has a contact person permanently seconded to the OSCE Centre in Bishkek.

The Office for Democratic Institutions and Human Rights continued its advisory, capacity-building and monitoring activities predominantly in relation to elections. ODIHR led the observation of the constitutional referendum on 27 June 2010, the parliamentary elections on 10 October 2010 and the presidential elections on 30 October 2011. ODIHR also gave legal advice during the constitutional process. It provided assistance in reforming the Kyrgyz residency and civil registers in order to enhance freedom of movement and facilitate data collection for voter lists.¹¹⁸ Intentions to dispatch ODIHR human rights monitors were met with scepticism by Kyrgyz authorities.

The OSCE Academy in Bishkek addresses the young generation. It is a visible institution that contributes to capacity-building in the country and the region. The Academy sees itself as a regional centre of education and a forum for regional dialogue and research. Its mission lies, among other things, in providing expert training and education in fields such as human rights and conflict management. It offers a Master's course in Politics and Security (Central Asia) and is now opening a Master in Economic Governance and Development Programme. It is improving the capacities of specialized governmental units such as the state customs service through training and conferences. The Academy hosts conferences and seminars in different formats. NGO representatives appreciate the Academy as one of the few places of intercommunication in Central Asia.¹¹⁹

7.3. OSCE conflict resolution and mediation in Kyrgyzstan

The matter of conflict resolution and mediation became highly relevant during the violence in June 2010. A crucial limitation for all international efforts was caused by the strict refusal of enforcement activities by all national sides. During the second Kyrgyz crisis, neither the Western states nor Russia and its allies were prepared to enforce peace either via UN, EU and NATO or CIS and CSTO. Realistically, with no reliable Kyrgyz partners, this would, in any case, have been an effort with no reasonable chance of success. The OSCE itself was authorized to conduct peacebuilding engagements only as discussed above.

The Kazakh OSCE Chairmanship played a significant role in resolving the April crisis. Holding the OSCE 2010 Chairmanship by fortunate coincidence, Kazakhstan was an intermediary in a more natural way than any other participating State from outside the region would have been. The Special Envoy of the OSCE Chairperson-in-Office,

117 Ibid.

118 OSCE Secretary General, *Annual Report on OSCE Activities 2010*, Vienna, 2011.

119 OSCE Academy in Bishkek at: <http://www.osce-academy.net>.

Zhanybek Karibzhanov, engaged visibly in co-ordinating international and national efforts to settle the April crisis.

Some observers comment that Kazakhstan mainly acted bilaterally rather than via the platform of the OSCE. In any case, it was the most important international player in Kyrgyzstan in April 2010 and afterwards. It used its Chairmanship to bolster its bilateral activities. Kazakhstan's brokering of Kurmanbek Bakiyev's official resignation and emigration resolved a highly explosive situation in April 2010. In the opinion of some, the Kyrgyz events superimposed democratization and human rights issues that had also been on the agenda of the Kazakh Chairmanship.

A controversial issue was Kazakhstan's unilateral closure of its borders with Kyrgyzstan in the course of the April events. It aggravated Kyrgyzstan's complicated economic situation. Rising market prices for gasoline and foodstuff particularly burdened ordinary Kyrgyz people. Kyrgyz NGO activists doubt there had ever been any danger of a spill-over of tensions across the border that would have justified Kazakhstan's step.

The Kazakh Chairmanship successfully contributed to gaining control over the first Kyrgyz crisis in April 2010, while neither the OSCE as an organization nor any significant participating State was willing or able to prevent or intervene in the ethnic confrontations during the second Kyrgyz crisis in June 2010.

The OSCE Centre in Bishkek sees a special success story in the role that local mediators – whom it had trained – played in stopping mobs during the June violence. These mediators were persons from the communities who had close ties to the local *aqsaqals* – the male elders who are village leaders, wise men and judges at the same time. The first training of mediators goes back to 2007.¹²⁰ Through these activities, the Centre could also rely on Kyrgyzstan's very active civil society. Human rights defenders play a balancing role as mediators, monitors and informants in general. Many Bishkek-based NGOs are well connected with partners in the provinces. The OSCE Centre currently supports a public-private network of mediators and civilian mediation teams in southern Kyrgyzstan and also provides mediation training in the North. Nonetheless, some commentators point out that it is difficult to attribute the avoidance of specific acts of violence to these mediators.

Perhaps with the positive Kyrgyz experience in mind, the participating States decided at the Vilnius Ministerial Council meeting in 2011 to designate the aforementioned mediation-support focal point within the CPC. The Secretary General was asked to prepare a proposal on improving OSCE conflict mediation through strengthening the role of OSCE mediators and a mediation-support capacity within the CPC (see annex).¹²¹

The OSCE Parliamentary Assembly engaged in the country through the OSCE PA Special Envoy to Kyrgyzstan, Adil Akhmetov, who took part in the international collective mediation efforts. OSCE parliamentarians met Interim President Roza Otunbayeva and conducted a roundtable discussion in Bishkek. OSCE PA Special Representative for Central Asia, Kimmo Kiljunen, made regular visits to Kyrgyzstan.

¹²⁰ See also: Makhamadzhan Khamidov, *Voices of courage in the eye of the storm: mediators in southern Kyrgyzstan*, in: OSCE Magazine 2/2011, pp. 14f.

¹²¹ OSCE, *Ministerial Council Decision on Elements of the Conflict Cycle*, cited above (Note 60), pts 9 and 10.

As mentioned, he chaired – although rather in a private capacity – the Independent International Commission of Inquiry until 2011 – politically the topmost international reconciliation undertaking in Kyrgyzstan.¹²²

The international co-operation of the OSCE with the EU and the UN worked excellently in 2010 and afterwards. These organizations were a prominent presence in the country and co-operated through the Special Envoy of the OSCE Chairperson-in-Office, Zhanybek Karibzhanov, the OSCE Parliamentary Assembly Special Envoy, Adil Akhmetov, the EU Special Representative for Central Asia, Pierre Morel, and the UN Secretary General’s Special Envoy, Jan Kubiš (later Miroslav Jenča). Largely positive reference is made to their high-level consultations with Kyrgyz partners, joint visits and statements as well as to the regular tripartite co-ordination meetings of the OSCE, EU and UN field offices that, especially during the actual months of crisis, played an outstanding role in co-ordinating political, humanitarian and other aid. Careful reading shows that this co-operation was specifically seen “in the aftermath of the April and June 2010 events in Kyrgyzstan”, which brings us back to deficits in taking pre-emptive action.¹²³

7.4. OSCE post-conflict reconciliation and rehabilitation in Kyrgyzstan

Post-conflict rehabilitation is also conflict prevention in Kyrgyzstan. Roughly a year after the June violence, the OSCE diagnosed a stabilized but highly vulnerable atmosphere in Kyrgyzstan:

“While the security situation has largely stabilized and there is a gradual return to some semblance of a normal life, many tensions still remain. Those are, however, predominantly underlying and dormant. Nevertheless, a small incident has the potential to escalate quickly, particularly if fuelled by agitating rumours, inflammatory political rhetoric and/or and provocative journalism.”¹²⁴

The HCNM reported negative tendencies such as nationalist rhetoric mainly in the Kyrgyz-language media and at political levels, arbitrary detention, torture, extortion and raids on businesses, primarily those belonging to ethnic Uzbeks, as well as disproportional prosecution of ethnic Uzbeks.¹²⁵

OSCE post-conflict rehabilitation in Kyrgyzstan embraces the typical spectrum of topics and formats for encouraging OSCE principles and commitments in the country and its co-operation within the OSCE framework. There are, in addition, a number of activities that acquired particular significance for stabilization and reconciliation after the events in 2010.

122 OSCE Secretary General, *Annual Report on OSCE Activities 2010*, cited above (Note 118).

123 OSCE Conflict Prevention Centre, *Co-ordination and Co-operation among International Actors in Support of the Host Country. Food-for-Thought Paper*, SEC.GAL/77/11, 28 April 2011.

124 OSCE, *Mid-term Assessment of the OSCE Community Security Initiative in Kyrgyzstan August – September 2011, Key Findings and Recommendations*, SEC.GAL/154/11, 29 September 2011.

125 OSCE HCNM, Statement by Knut Vollebaek, 15 June 2011, cited above (Note 78).

7.4.1. Post-conflict stabilization through constitutional reform and democratic elections

OSCE assistance in the constitutional process and the legislative and administrative preparations of parliamentary and presidential elections in 2010 and 2011 has been mentioned above as part of conflict prevention activities. Observers emphasize positively that the OSCE was patient enough to agree to a slow, but systematic preparation of the presidential elections that had originally been scheduled for 2010. Supporting activities of the OSCE and other international organizations had a mitigating influence. In the end, joint election observation conducted by ODIHR, the OSCE PA, the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) noticeably contributed to legitimizing the election's outcome and thereby Kyrgyzstan's new political order and leadership. This was more so the case as they collectively endorsed progress, but were (surprisingly) clear about deficiencies identified in the election process.¹²⁶

Although the elaboration of the country's new constitution and its approval by the constitutional referendum on 27 June 2010 aggravated political tensions in the first instance, it also led to significant and possibly stabilizing changes in the political system. Provisions were made to reduce the presidential power and to establish parliamentary democracy. The voluntary handover of responsibilities from Interim President Roza Otunbayeva to former Prime Minister Almazbek Atambayev after the presidential elections in 30 October 2011 was a move unique for the country and the region. Consequently, the modernization of the constitutional order and the shift of political power may have contributed to a more stable political situation in the country. Civil society activists comment that there is now a new role for political parties in governmental decision-making. "This reform was indigenous. It was locally owned." Some say it is not family clans which now define the political process in a straight line, but rather parties that also acquired a say in state governance. There could now be a new balance of state powers replacing pure presidential authority. Almazbek Atambayev is seen by many as the candidate for Kyrgyz unity. The newly established political system will be tested by the next local elections to be scheduled for 2012.

7.4.2. Post-conflict rehabilitation through incident investigation

Immediately after the June violence, the HCNM insisted that "there has to be a thorough investigation into what has been happening in the south of the country. This will require an independent, international Commission."¹²⁷ At least ten national and international commissions – including a national, a parliamentary, an Ombudsman-chaired and a non-governmental commission on the Kyrgyz side and,

126 The key sentence of the Statement of Preliminary Findings and Conclusions reads as follows: "The 30 October presidential election was conducted in a peaceful manner, but shortcomings underscored that the integrity of the electoral process should be improved to consolidate democratic practice in line with international commitments." OSCE ODIHR, OSCE PA, Parliamentary Assembly of the Council of Europe, European Parliament, *International Election Observation, Kyrgyz Republic – Presidential Election, 30 October 2011, Statement of Preliminary Findings and Conclusions*, Bishkek, 31 October 2011.

127 OSCE HCNM, *Statement by Knut Vollebaek, OSCE High Commissioner on National Minorities, to the 815th Plenary Meeting of the OSCE Permanent Council*, HCNM.GAL/4/10/Rev.1, 7 July 2010.

most prominently, the aforementioned KIC – contributed to post-conflict fact finding and clarification. These were operations outside the OSCE.

All of the reports caused controversial and heated discussions in the country. After the release of the KIC report, the Kyrgyz parliament blocked KIC chair Kimmo Kiljunen from entering the country. Kyrgyz human rights activists explain that there have long since been “immovable, established truths on the sides of all ethnic and political camps” about events such as the June violence. External interference in these issues would torpedo the very interests and self-understanding of them.

7.4.3. OSCE Police Advisory Group and Community Security Initiative

Following the June events, the OSCE and the new Kyrgyz government saw an urgent need to improve police capacities. They had shown substantial deficits in conceptual preparation, training and equipment, and all this had combined with the central government’s weak authority, the conflicting internal interests of its various factions and the local elites during the crisis.

Insistently encouraged by the OSCE, Interim President Roza Otunbayeva officially requested the OSCE to intensify police assistance and dispatch an OSCE Police Advisory Group (PAG) to Kyrgyzstan.¹²⁸ This project expanded the OSCE Centre’s engagement in the national Police Reform Programme conducted since 2003.¹²⁹

The OSCE PAG that was soon replaced by a follow-up effort – the Community Security Initiative (CSI) – was a small-scale operation, but of high political explosiveness. It had originally been planned as an activity with about 50 international advisors to co-operate in six teams with local militia patrols in the southern provinces of Osh and Jalal-Abad. The project built on positive experiences with the OSCE Police Monitoring Group in Croatia (1998-2000) and OSCE police advisers in the former Yugoslav Republic of Macedonia (2001-2002). The OSCE emphasises that it was not meant to act as a peacekeeping force and was not designed for law enforcement or investigation. Its mandate embraced the tasks of “assist[ing] Kyrgyzstan to reduce inter-ethnic tensions, restore public order and strengthen the capacities of the territorial units of the Ministry of the Interior of the Kyrgyz Republic”.¹³⁰

Still in its preparatory phase with only an initial team being in the field in the second half of 2010, the PAG project was transferred to the newly launched CSI. It met with the same sentiments as the Police Reform Programme assistance and the PAG project had earlier. Similar to the PAG, the CSI was planned to be a temporary, small-scale operation with only about thirty international experts and roughly the same number of locally hired staff. It has been set up to act on three different levels: In the local communities it should assist in restoring confidence and encourage a constructive

128 See also: Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna, *OSCE Police Advisory Group to Kyrgyzstan*, CIO.GAL/127/10, 17 July 2010.

129 Activities had included, *inter alia*, co-operations on police order management, community policing and the establishment of two emergency call centres in Bishkek and Osh. For details see: OSCE Centre in Bishkek, *Policing*, at: <http://www.osce.org/bishkek/43316>.

130 OSCE, Permanent Council, *Decision No. 947, OSCE Police Advisory Group to Kyrgyzstan*, PC.DEC/947, 22 July 2010. For conceptual details see also: OSCE, *OSCE Police Advisory Group in Kyrgyzstan: Frequently Asked Questions*, at: <http://www.osce.org/secretariat/71046>.

police-public partnership. It is understood to address human rights issues in co-operation with the Kyrgyz law enforcement institutions and to contribute to police reform efforts including modern multi-ethnic policing.¹³¹ In the field, it works through instruments such as Neighbourhood Inspectors, Community Safety Working Groups (CSWGs) and Mobile Police Reception (MPR).

The OSCE PAG and the follow-up CSI were met with great scepticism by large parts of the Kyrgyz public and the political classes. Like the aforementioned incident investigations, their deployment is still hotly disputed. The very presence of the CSI on the sites of the June violence touches upon the society's most explosive issue and is, not least, considered to interfere in the businesses of political and commercial elites in the capital and the provinces. NGO activists emphasize that Kyrgyz police like other enforcement agencies are commonly seen in ethnic contexts. Some see the PAG and CSI projects as being too small to make a difference.

Hence, the subject of the PAG and the CSI was strongly instrumentalized for political campaigns directed against foreigners' involvement in the country. In public protests and petitions, comparisons were made with OSCE police activities at the Balkans and the OSCE's alleged role in Kosovo's segregation from Serbia. Kyrgyz analysts make the point that the PAG and CSI projects had, thus, scarcely been a home-grown activity.

8. Conclusions from OSCE conflict management in Kyrgyzstan 2010

1. *Sufficient operational capabilities of the Chairmanship.* With a view to the Kyrgyz events in 2010, observers point out that the Kazakh Chairmanship was sufficiently equipped by mandate and available mechanisms to take mediating steps in the escalating conflict. Proposals to agree on new standardized mechanisms and procedures – such as dispatching Chairmanship assessment teams without particular authorization by the Permanent Council – would not add up to advancing the Chairmanship's operational capabilities. Similar steps were already covered by the existing guidelines for the activities of the Chairmanship (Porto 2002).¹³² Further discussions in that direction may indeed lead to over-regulating things and thereby limiting the scope for flexible action. By and large, the Chairmanship has sufficient room to take self-reliant decisions in crisis situations.
2. *Good experience with election-related support.* The OSCE has good experience with giving help for self-help in the sphere of constitutional reform and elections. ODIHR and the High Commissioner provided legal consultancy during the constitutional process and the establishment of a parliamentary democracy in 2010. ODIHR led the election observation of the constitutional referendum and parliamentary elections in 2010 and the presidential elections in 2011. The

131 Markus Mueller, *Report on the status and latest developments regarding the Community Security Initiative in Kyrgyzstan by Ambassador Markus Mueller, Head of the Community Security Initiative, to the Permanent Council, Thursday, 24 March 2011, PC.FR/4/11, 22 March 2011.*

132 OSCE, *Ministerial Council Decision No. 8, Role of the OSCE Chairmanship-in-Office*, cited above (Note 24).

peaceful transfer of power through the constitutional process in 2010 and the elections in 2011 from Interim President Roza Otunbayeva to Almazbek Atambayev were not initiated, but were successfully supported by the OSCE. This was an integral part of national and international post-conflict rehabilitation efforts. Whether the established parliamentary system will be sustainable remains to be seen.

3. *Non-coercive efforts.* In some views, early international high-level involvement would have been needed in Bishkek and the southern provinces prior to the June violence in 2010. This could have mitigated the incidents' consequences. The achievable effectiveness of OSCE conflict management that is confined to non-coercive efforts is open to discussion.

OSCE experts emphasize the limited scope for pre-emptive OSCE action given the Kyrgyz interim government's lack of authority over the areas of unrest, the immense mobilizing forces of those who triggered the violence and, not least, the international key players' refusal to intervene to enforce peace. Under such circumstances, the OSCE was hardly a platform for successful pre-emptive action.

4. *Lack of collective will to act.* The OSCE has the advantage of established ties with all significant governmental and non-governmental players in Kyrgyzstan. The modest role it played along with the other international organizations, especially after the violence in June 2010, results from the OSCE's overall declining role in European security affairs, its steady depoliticization and the permanent reduction of its on-site efforts. The lack of collective will by the participating States and the Kyrgyz interim government's inability to take substantial steps in managing the conflict in Kyrgyzstan significantly curbed the OSCE's room for manoeuvre.
5. *Problems with police assistance.* Some eight years of OSCE assistance to Kyrgyzstan's police structures – from supporting the Kyrgyz Police Reform Programme to despatching the PAG and the CSI – show mixed results and have met with a mixed reception from the Kyrgyz side. Its long-term success appears still uncertain as it strongly relies on national partners, many of whom are fundamentally opposed to foreign involvement in internal matters. The background is political and commercial competition between the northern and southern elites of the country in combination with the society's ethnic divide, bad governance, corruption and criminal business. The violent incidents in 2010 have created additional barriers. Therefore, in rare clear language, the OSCE underlined the dependence of the on-going CSI project on mutual trust and the willingness of all Kyrgyz sides involved – from the police and the local communities to the central government including the Ministry of Interior – to work together.¹³³
6. *Disputed assistance to changing elites.* The OSCE is now assisting the fourth Kyrgyz government in a row – from Askar Akayev, Kurmanbek Bakiyev and Roza Otunbayeva to Almazbek Atambayev. It has played a visible role in the stabilization of each of these regimes regardless of how critical it was in

133 Markus Mueller, *Report on the status and latest developments regarding the Community Security Initiative*, cited above (Note 131).

addressing them. In times of political change or crisis, this is seen retroactively as having taken the wrong side. As a matter of fact, the political backup given to the new leadership after Askar Akayev's overthrow in the Tulip Revolution had some discrediting effect with Kurmanbek Bakiyev's quick return to nepotistic, authoritarian governance. Local analysts say that some human-rights protectors saw themselves abandoned by the OSCE and the international community.

This matter points to a dilemma the OSCE faces in weak states with competing elites where consistent support to state reforms is imperative but, in the long run, scarcely possible.

7. *Problems in dealing with past violence.* The OSCE's call to re-establish trust between the inhabitants of Kyrgyzstan via thorough investigations did not meet with a positive response in many Kyrgyz quarters. The foreign involvement in the process was met with at least some scepticism. In the view of some observers, the many investigations have only created new disputes between the ethnic and political camps. At any rate, investigative approaches do, indeed, place emphasis on the elements of prosecution and criminal jurisdiction, at least implicitly. Apart from the legal imperative of similar investigations, future post-conflict appeasement may, therefore, possibly be reached by means of reconciliatory reparative justice. It is worth thinking about truth and reconciliation processes that could very likely have positive results.

Beyond this, reconciliation should be achieved predominantly through minority participation in public affairs in areas such as the judicial sector, the prosecutorial offices, the police, army and the civil service in general. The reactivation of the Assembly of the People of Kyrgyzstan as the place for political minority representation in the capital is another case in point. A balanced linguistic policy on the promotion of Kyrgyz as the state language, Russian as an official language and minority languages in areas of compact settlement is essential. Restoring multilingual primary, secondary and high-school education is part of this. Most of these issues have been suggested by the HCNM.¹³⁴

9. Final remarks

The events in Kyrgyzstan in 2010 have shown the difficult standing of the OSCE as a leading European conflict manager. In places such as Kyrgyzstan, it has lost the prominent place it once had in the awareness of the broad public and the government. The Organization has deployable institutions, mechanisms, procedures and detailed norms, principles and commitments on diverse elements of conflict management – both in a narrower and a broader sense. At the same time, the participating States carry on with gradually phasing out the Organization's capacities – politically and in operational substance. They are quite divided over how to exploit the Organization.

During the Kyrgyz public uprising in April 2010, the participating States successfully applied instruments of short-term, small-scale diplomatic intervention. Then, again

¹³⁴ OSCE HCNM, *Statement by Knut Vollebaek*, 4 May 2010, cited above (Note 102).

during the violence in June 2010, they exhibited the substantial limitations the Organization faces should none of them be willing to take significant large-scale action in a weak state with weak political players, competing elites and scarcely assessable potentials for conflict.

At the Vilnius Ministerial Council meeting, the participating States mainly repeated appeals to each other to better involve the Organization in managing conflict (MC.DEC/3/11). Only a few stipulations, such as giving the Secretary General a more prominent function in early warning or making the Conflict Prevention Centre an early warning focal point, went beyond this. This does not reduce the necessity of taking responsibility – conceptually and in practice – and coming to terms with striving for truly collective solutions in Europe’s security issues from global threats and challenges to particular conflicts. Otherwise, the already limited options for co-operative action will continue to decline.

Annex



Organization for Security and Co-operation
in Europe
Ministerial Council
Vilnius

MC.DEC/3/11
7 December 2011
Original: ENGLISH

Second day of the Eighteenth Meeting
MC(18) Journal No. 2, Agenda item 8

DECISION No. 3/11
ELEMENTS OF THE CONFLICT CYCLE, RELATED TO
ENHANCING THE OSCE'S CAPABILITIES IN EARLY WARNING,
EARLY ACTION, DIALOGUE FACILITATION AND MEDIATION
SUPPORT, AND POST-CONFLICT REHABILITATION

[Excerpt]

The Ministerial Council,

[...]

1. Decides, in anticipation of further steps in addressing the conflict cycle, to strengthen OSCE capabilities in early warning, early action, dialogue facilitation, mediation support and post-conflict rehabilitation on an operational level as follows:
2. Tasks the Secretary General to ensure that the Secretariat's Conflict Prevention Centre (CPC) assumes the role and functions as the focal point for the Organization-wide systematic collection, collation, analysis and assessment of relevant early warning signals from various sources, co-operating and co-ordinating closely with other OSCE executive structures and the Parliamentary Assembly;
3. Urges the OSCE executive structures, within their existing mandates to strengthen their exchange of information related to all phases of the conflict cycle and calls for enhanced co-ordination between them in this regard;
4. Tasks the Secretary General, in consultation with the Chairmanship to:
 - Provide early warning to the participating States by bringing to the attention of the Permanent Council any situation of emerging tensions or conflicts in the OSCE area, complementing the early warning functions already contained in the existing mandates of all relevant OSCE executive structures;
 - Suggest to the Permanent Council, after consulting the participating State(s) concerned, possible options for timely and effective response(s) to escalating tensions or conflicts in the OSCE area;
 - Consolidate, in co-ordination with other executive structures, the OSCE's early warning capacity in a more methodical, comprehensive and cross-dimensional manner within available resources;

- Prepare a proposal on how to make better use of the possible contributions of the OSCE Parliamentary Assembly in developing a more effective response to emerging crisis and conflict situations;
 - Prepare a proposal on how to enhance OSCE fact-finding, including expert team capabilities during emerging crises and conflicts and present it for consideration by the Permanent Council;
5. Agrees that participating States will share information, as appropriate, with each other and the Chairmanship at the earliest opportunity with regard to emerging crises or conflicts that threaten security and stability anywhere in the OSCE area;
6. Urges the Chairmanship to use its mandate to the full extent and to convene the Permanent Council without delay, including in special, reinforced or joint FSC-PC meeting if necessary, to consider early warning signals and possible response options, and in this context encourages the Permanent Council to:
- Welcome, as appropriate, the participation of the OSCE executive structures directly involved as well as the OSCE Parliamentary Assembly during Permanent Council debates on emerging and ongoing crisis/conflict situations which relate to issues that fall within their mandates;
 - Seek closer interaction with the Forum for Security Co-operation that will make its own contribution to this work within its competences and mandate;
 - Pursue follow-up to discussions in the Permanent Council on emerging crises and conflict situations;
 - Seek input of other international and regional organizations involved as well as external advice, as appropriate;
7. Encourages the Chairmanship to draw on past experience and lessons learned to organize thematic meetings devoted to a specific conflict in the OSCE area;
8. Expects the OSCE Chairmanship and the executive structures to take full advantage of their respective mandates to address all phases of the conflict cycle and urges the Chairmanship and participating States to use, swiftly and to the greatest extent possible, all available tools and procedures as applicable to a particular crisis or conflict situation; in this light, tasks the relevant OSCE executive structures, upon request by the Chairmanship and/or decision-making bodies, to provide advice on the use of existing instruments, mechanisms and procedures and to recommend those, as appropriate, to a given crisis or emerging conflict;
9. Tasks the Secretary General to designate a mediation-support focal point within the CPC;
10. Tasks the Secretary General, in close co-operation and consultation with the Chairmanship and executive structures, to prepare a proposal for consideration by the Permanent Council on how to maximize the continuity, consistency and effectiveness of OSCE engagement in conflict mediation and to strengthen the role of OSCE mediators. Among other things, this proposal will aim at developing a systematic mediation-support capacity within the CPC covering, *inter alia*: (1) training and capacity-building within the OSCE structures; (2) knowledge management and operational guidance; (3) outreach, networking, co-operation and co-ordination with relevant local/national actors, as well as with international, regional and sub-regional organizations; (4) operational support to Chairmanships, their special representatives, heads of field operations, and other relevant OSCE mediators;

11. Urges the Chairmanship, the participating States and the OSCE executive structures to ensure that post-conflict rehabilitation efforts are comprehensive, systematic and sustainable, including through the deployment, upon consent of host participating State, of expert teams as well as other forms of temporary presence on the ground tailored to the specific needs of a given post-conflict situation and based on the existing mandates and areas of expertise of relevant executive structures, in accordance with relevant decision-making procedures;
12. Calls on the participating States to develop rosters of national experts readily available for OSCE post-conflict rehabilitation efforts as well as for other phases of the conflict cycle and to provide those experts with the necessary specialized training for them to be rapidly deployable to a crisis or conflict environment;
13. Urges the participating States, with the assistance of the executive structures, to make optimal use of OSCE instruments launched by previous OSCE documents such as Rapid Expert Assistance and Co-operation Teams (REACT) and tasks the OSCE executive structures to collect and analyse lessons identified from the use of such instruments in order to develop best practices;
14. Urges participating States to implement UNSCR 1325 by ensuring increased representation of women at all levels in conflict resolution and peace processes, and tasks the Secretary General in consultation with the Chairmanship-in-Office to prepare a set of concrete recommendations in this regard, and present these for consideration by the Permanent Council;
15. Encourages participating States and, within the framework of their mandate, the OSCE executive structures to make greater use of confidence-building and confidence- and security-building measures (CBMs and CSBMs), including those involving civil society representatives, across the three dimensions of security, in all phases of the conflict cycle and as agreed by participating States directly concerned;
16. Tasks the OSCE executive structures, in accordance with their respective mandates and within the framework of relevant decisions of the OSCE decision-making bodies, to enhance their co-operation and co-ordination with other international and regional organizations, especially with their respective structures in the field, and with civil society organizations, to increase financial, technical and political efficiency and burden-sharing, reduce unnecessary duplication and promote the best use of available resources. OSCE executive structures should also develop lessons identified and best practices as regards co-operation and co-ordination with other international actors in the field;
17. Calls for increased efforts to resolve existing conflicts in the OSCE area in a peaceful and negotiated manner, within agreed formats, fully respecting the UN Charter and the Helsinki Final Act and international law. To that end, calls on the Chairmanship and participating States to pursue steps to strengthen OSCE capabilities in further addressing the conflict cycle;
18. Tasks the Secretary General to provide a report by 16 July 2012 as a first step to inform participating States on progress made and possible options for the way forward in the areas dealt with in this decision, including possible options on how to cover, if necessary, related expenses.

About the Author

Dr Frank Evers is Deputy Head of the Centre for OSCE Research (CORE). He has taught Russian economic and legal affairs at the Berlin East-European Institute as well as OSCE economic and environmental activities at the OSCE Academy in Bishkek. He has worked for OSCE field operations in various capacities. In 1996, he became Economic Adviser to the OSCE Mission to Ukraine, later becoming Deputy Head of that Mission and Head of the Mission's Branch Office in Simferopol (Autonomous Republic of Crimea). From 2000 until 2002, he worked as Economic and Environmental Adviser to the OSCE Office in Yerevan (Armenia).

Dr Evers is a generalist in the field of OSCE conflict management in the broadest sense. Regionally, his main concentration is on the East-Slavic and South Caucasus countries, and adjoining regions. Substantively, his research focuses on various components of security-building, including minority issues, inter-confessional relations and economic, social and environmental affairs.

About CORE

The Centre for OSCE Research (CORE), founded in 2000, is the only institute specifically dedicated to research on the OSCE. Located in Hamburg, Germany, within the Institute for Peace Research and Security Policy (IFSH), CORE operates as a politically independent think tank, combining basic research on the evolution of the OSCE with demand-driven capacity-building projects and teaching. Addressing political actors, the academic community and the interested general public in Germany and abroad, CORE strives to contribute to the OSCE's development with analysis and critique that provide insight into the problems faced by and opportunities open to the Organization. For more information about CORE or this paper, please contact:

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