

# Conflict-Solving Mechanisms and Negotiation Formats for Post-Soviet Protracted Conflicts: A Comparative Perspective

**Stefan Wolff**

*SCEEUS Reports on Human Rights and Security in Eastern Europe No.5*

## Key Takeaways

While acknowledging the prevailing complexity of protracted conflicts in the OSCE area and having analysed the conflict management successes and failures to date, this report makes six recommendations to the OSCE and its participating states:

1. Continue the practice of extended periods of service for Special Representatives of the Chairperson-in-Office on protracted conflicts
2. Increase Vienna-based support for such Special Representatives
3. Enhance cross-institutional, cross-dimensional and cross-conflict coordination and capacity building
4. Strengthen the role and capacity of existing technical working groups below high-level negotiation formats and create new ones as need and opportunity dictate
5. Use existing formats to facilitate confidence building among key OSCE participating states, with a view to creating a more conducive geopolitical environment in which negotiations on protracted conflicts can take place
6. Be realistic in what existing formats can currently accomplish and adjust goals flexibly in the light of circumstances
7. Assess whether existing negotiation formats have the potential, at least in the medium to long term, to facilitate a settlement of the protracted conflicts within the parameters of international law and the OSCE norm consensus

## Executive Summary

The OSCE area has been plagued by protracted conflicts for several decades. These are long-lasting, identity-based conflicts that involve contestations over territory. They are state-based but often internationalised, and thus also affect relations between OSCE participating states. As such they are a legitimate concern for the OSCE, which has a focus on comprehensive and cooperative security.

Protracted conflicts in the OSCE area include, among others, the conflicts in Northern Ireland and Cyprus, which date back to the Cold War; those in the Republika Srpska in Bosnia and Herzegovina and in Kosovo, which had their origins in the prolonged disintegration of Yugoslavia; and the conflict over Crimea between Ukraine and Russia.

Of particular interest for this report, because they involve a conflict management role for the OSCE, are the conflicts on the territory of the former Soviet Union, which are occasionally but erroneously referred to as frozen. These are the conflicts over Transnistria in Moldova, over Abkhazia and South Ossetia in Georgia, and between Armenia and Azerbaijan over Nagorno-Karabakh. The most recent addition to this list are the conflicts over the so-called Donetsk People's Republic and Lugansk People's Republic (Donetskaya Narodnaya Respublika, DNR; and Luganskaya Narodnaya Respublika, LNR) in the Donbas area of Ukraine.<sup>1</sup>

For the most part, these conflicts have been managed with varying degrees of success. Several of them have reached a more or less stable equilibrium (Transnistria, Abkhazia, South Ossetia and Crimea), while others remain in a low-intensity state (Donbas). Events in and around Nagorno-Karabakh in the autumn of 2020, however, serve as a reminder that the label "frozen" is misleading for these conflicts, as there is always a danger of a resurgence in violence, something that was also experienced in relation to Abkhazia and South Ossetia in the context of the Russo-Georgian war of 2008.

The protracted conflicts in the post-Soviet space have a particular geopolitical dimension to them. The general deterioration in relations between east and west – especially since the unilateral declaration of independence by Kosovo and the Russo-Georgian war of 2008 and then again, and in a more pronounced way, since the beginning of the crisis in Ukraine in late 2013 – has provided the context in which the management of these conflicts has been conducted for over a decade, not only without any substantial progress towards sustainable negotiated solutions, but with a significant deterioration in security and stability on the ground. In turn, this renewed geopolitical rivalry has turned the states affected by protracted conflicts into targets for competitive influence-seeking. This has had detrimental effects for the affected populations, states and societies,

---

<sup>1</sup> Arguably, other conflicts could be added to this list: the conflict over South Tyrol between Italy and Austria from 1946 to 1969 (formally declared resolved in 1993), the conflicts in the Basque country and Catalonia in Spain, and the conflict over Corsica in France. Apart from South Tyrol, the Northern Ireland conflict is the only other case of a protracted conflict in the OSCE area that can be considered resolved, albeit with some question marks concerning the impact of the United Kingdom's exit from the European Union.

contributing to a lack of political stability and economic development, the increasing fragility of core institutions of the state and deteriorating human rights conditions.

As they have become yet another arena in which geopolitical rivalries are played out, negotiation formats across the protracted conflicts in Moldova, Ukraine, Georgia and Azerbaijan, which are the focus of the following analysis, have also been negatively affected by these developments. At the same time, negotiated settlements are by far the stated preferred outcome for the overwhelming majority of participating states. However, these have either not materialised to date (Transnistria, Abkhazia, South Ossetia, Nagorno-Karabakh) or not been implemented (the Minsk Accords on Donbas).

This is the fault not of the existing negotiation formats per se, but rather of their participants whose unwillingness to make concessions and reach compromises represents the main stumbling block in any move towards sustainable negotiated settlements. Over the years and decades, the immediate conflict parties have often sought unrealistic maximal gains at the negotiation table that they could not achieve on the battlefield, and their external backers have lacked the leverage (or the willingness to use it) to incentivise or pressure them to moderate their demands.

While the existing negotiation formats have therefore failed to reach their ultimate objective of obtaining sustainable settlements, they have been important in stabilising volatile situations, providing humanitarian relief and addressing issues short of political settlement questions, such as economic connectivity, freedom of movement and environmental management). These smaller, but nonetheless important, successes have, in significant part, been due to OSCE efforts – especially those focused on mediation and confidence building.

## Introduction

Why do protracted conflicts in the post-Soviet space occur, persist and matter? Why are the various negotiation formats as well as their track records important, but thus far distinctly unimpressive? Are there revealing commonalities and differences between the different settlement process and their results?

The unresolved territorial conflicts in Eastern Europe are protracted rather than frozen, meaning that there remains an acute danger of a resurgence of violence as happened, for example, in and around Nagorno-Karabakh in 2020. These conflicts provide geopolitical leverage for Russia beyond the concrete confrontation on the ground while having extremely detrimental effects for the affected populations, states and societies. These detrimental effects include a continuing lack of political stability, highly muted economic development and large-scale human rights violations.

Negotiated settlements are the stated preferred outcome for the overwhelming majority of the parties involved. Nonetheless, they have either not materialised to date or not been implemented, as in the case of the Donbas. The various negotiation formats – including those created ad hoc – have nonetheless helped to stabilise volatile situations, provide humanitarian relief and address issues short of political settlement, such as economic connectivity, freedom of movement or environmental management. They have not, however, brought the conflicts any closer to resolution based on international law and OSCE principles and commitments.

## The Protracted Conflicts and Their Negotiation Formats

The negotiation formats across the five protracted conflicts examined here have a number of features in common. Most strikingly, perhaps, they lack accurately defined conflict parties and progress towards a negotiated settlement. At the same time, there are important differences concerning the degree to which there have been negotiations and the extent to which these negotiations have led to a more stable and secure situation on the ground or created an environment that is more conducive to future conflict settlement.

In the case of the Transnistrian conflict in Moldova, the general lack of progress towards a settlement of the conflict must not be taken as a lack of effort by the various domestic and external actors. Numerous plans and strategies were elaborated, especially during the first decade of conflict settlement attempts.<sup>2</sup> Even during periods of high tension between Chişinău and Tiraspol, or during geopolitical crises, communications between the two sides never broke down completely and were always maintained at least informally. Over the past decade, however, there has been a noticeable turn from efforts at conflict settlement towards stabilisation of the status quo. This has manifested itself in a focus on confidence-building measures (CBMs), which have tackled issues that have improved the functioning of current arrangements without moving the conflict itself closer to a settlement.

The current negotiation format of 5+2 emerged in 2005 when the European Union and the United States (+2) joined the existing five-sided format consisting of Moldova and the de facto authorities of the Transnistrian region, as the two conflict parties, plus the OSCE, Russia and Ukraine as mediators and guarantors of a settlement. For more than a decade now, and arguably for another decade before then, confidence building has been a constant feature within an otherwise inconclusive settlement process. This has been facilitated by the flexibility of the 5+2 format, which functions in some ways as an umbrella for formal and informal 1+1 talks between the respective chief negotiators of Chişinău and Tiraspol; for discussions among the 3+2 (the OSCE, Russia, Ukraine, the US and the EU); and for several more technical Working Groups co-chaired by deputy ministers from Moldova and their Transnistrian region de facto counterparts. This has meant that while talks often reach deadlock at the highest political level, technical discussions can continue and prepare the ground for political decisions that can be made whenever there is a window of opportunity, such as with the gradual, albeit still incomplete, implementation of the so-called Package of Eight (or Berlin+ agreement) or the successful 2015 Deep and Comprehensive Free Trade Area (DCFTA) negotiations on the secessionist Transnistrian region in the context of the annual Bavaria Conference, which is yet another forum that complements the overall 5+2 format.

By contrast, for Georgia's two protracted conflicts in Abkhazia and the Tskhinvali region, or "South Ossetia", the Russian-Georgian war of 2008 and the subsequent recognition of the two separatist regions as states by Russia was a fundamental game changer in that it broke established principles of international law and challenged the OSCE's norm consensus. Until then, the United Nations and the OSCE had overseen settlement processes, albeit ones that were highly unproductive and

---

<sup>2</sup> Stefan Wolff, "A Resolvable Frozen Conflict? Designing a Settlement for Transnistria", *Nationalities Papers* 39, no. 6 (2011): 863–70, <https://doi.org/10.1080/00905992.2011.617363>.

largely dysfunctional, respectively. In the aftermath of the 2008 Five-Day War, the Geneva International Discussions became the only forum in which Georgia, Russia and the de facto representatives of Abkhazia and South Ossetia interact. They do so in fulfilment of the final point of the 2008 ceasefire agreement: to open “international discussions on the modalities of security and stability in Abkhazia and South Ossetia”.<sup>3</sup>

Thus, the relative stability of the current status quo regarding the conflicts in Abkhazia and South Ossetia is based on Russia’s “protection” of the conflict zones and their increasing integration with Russia. While there has been some minimal progress in the Geneva negotiations over the years on a number of humanitarian issues, there is not even the pretence of a conflict settlement process. The implementation plan for the Medvedev-Sarkozy six-point plan of 12 August 2008 establishes as the scope of the Geneva International Discussions merely “arrangements to ensure security and stability in the region; the issue of refugees and displaced persons on the basis of the internationally recognised principles and post-conflict settlement practice; any other subject, by mutual agreement of the parties”.<sup>4</sup> With such mutual agreement mostly absent, Georgian initiatives – such as the Government’s 2018 peace initiative “A Step to a Better Future”, and its offer of a unilateral commitment to the non-use of force – have not been discussed in a manner that could pave the way for actual settlement negotiations.<sup>5</sup>

Conflict settlement negotiations in Nagorno-Karabakh have been as fruitless as in the other three cases. The status quo here is one characterised by especially high volatility and virtually no prospects for sustainable stabilisation, let alone progress towards a negotiated settlement. Following the renewed escalation of military hostilities in the autumn of 2020, the conflict has structurally become, in some ways, more similar and, in others, less similar to the other conflicts. Russia now has an established military presence on the ground along the ceasefire line and protecting the land connection between Nagorno-Karabakh and Armenia. At the same time, Russia has managed to defend the existing Minsk Group format, and its dominant role within it, against Turkish attempts to create a new and separate negotiation format.

A key difference that persists is that representatives of the Nagorno-Karabakh authorities remain formally excluded and can only exercise varying degrees of influence over the Armenian position. There have also thus far been no significant Track 2 or Track 3 initiatives. Thus, to the extent that it is possible to speak in any meaningful way about a settlement process at all, it is almost entirely

---

<sup>3</sup> Author’s translation based on the French-language version of the six-point plan. The two Russian-language versions talk about “international discussions on the modalities of lasting security in South Ossetia and Abkhazia”. See “Six-Point Peace Plan for the Georgia-Russia Conflict”, *United Nations Peacemaker Database*, 2008, [https://peacemaker.un.org/sites/peacemaker.un.org/files/GE\\_080812\\_Protocol d%27accord\\_0.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/GE_080812_Protocol%20accord_0.pdf).

<sup>4</sup> “Implementation of the Plan of 12 August”, *United Nations Peacemaker Database*, 2008, [https://peacemaker.un.org/sites/peacemaker.un.org/files/GE\\_080909\\_Implementation of the 12 August 2008 Plan.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/GE_080909_Implementation%20of%20the%2012%20August%202008%20Plan.pdf).

<sup>5</sup> The 2018 peace initiative includes two separate policies on trade facilitation and on educational opportunities. See State Minister of Georgia for Reconciliation and Civic Equality, “‘A Step to a Better Future’ Peace Initiative Enhancing Educational Opportunities for the Residents of Abkhazia and Tskhinvali Region/South Ossetia”, 2018, [https://smr.gov.ge/uploads/prev/Education\\_\\_9dd0e9dc.pdf](https://smr.gov.ge/uploads/prev/Education__9dd0e9dc.pdf); State Minister of Georgia for Reconciliation and Civic Equality, “‘A Step to a Better Future’ Peace Initiative Facilitation of Trade Across Dividing Lines”, 2018, [https://smr.gov.ge/uploads/prev/Concept\\_EN\\_0eaac2e.pdf](https://smr.gov.ge/uploads/prev/Concept_EN_0eaac2e.pdf).

externally driven – by the co-chairs of the OSCE Minsk Group and especially by Russia. Discussions are conducted only at the highest political levels in Yerevan and Baku.

Another telling peculiarity of the negotiations regarding Nagorno-Karabakh is that all conceivable options, in terms of both the substance and the process of a settlement, have already been put on the table at some point. Each was ultimately rejected by one of the two sides – or by both. The “Package Plan”, the “Step-by-Step” (or phased) approach, the “Common State” plan, a “Land Swap” proposal and the “Madrid Principles” (or so-called Basic Principles) have all suffered the same fate over the past two decades.

It is true that the Madrid Principles, which represent a combination of more or less compatible preferences from the earlier Package Plan and phased approach, are still formally on the table, but there has been little progress towards an agreement since they were first suggested by the co-chairs of the OSCE Minsk Group. After the last “fruitless summit in Kazan in June 2011... the Minsk Group circled in a diplomatic wilderness”.<sup>6</sup> Worse, it “went into a dormancy that lasted through the Azerbaijani offensive of 2016, the Armenian revolution of 2018, and the 2020 fighting”.<sup>7</sup>

In the light of the 2020 military escalation and the resulting ceasefire agreement, which makes no provision for any settlement negotiations, there are no realistic prospects for positive change. This is despite the fact that Azerbaijan’s and Armenia’s leaders proclaimed their willingness to engage in settlement negotiations in their respective statements to the 2021 UN General Assembly. Ilham Aliyev noted that “Azerbaijan has already announced its readiness to embark upon the border delimitation and demarcation between Azerbaijan and Armenia, and to start negotiations on [a] peace agreement with Armenia, based on mutual recognition of sovereignty and territorial integrity”.<sup>8</sup> Meanwhile, Nikol Pashinyan stated that “Armenia is ready for a constructive dialogue, which should lead to the establishment of sustainable and lasting peace in the region” and that it was “necessary to resume the peace process for the settlement of the Nagorno-Karabakh conflict under the auspices of the OSCE Minsk Group Co-chairs”. At the same time, however, both statements were openly hostile towards the respective other side.<sup>9</sup>

The most recent protracted conflict is the one in Ukraine’s Donbas region, which began in April 2014. Following Moscow’s instigation of violent escalation, separatist forces established the two

---

<sup>6</sup> Laurence Broers, “Requiem for the Unipolar Moment in Nagorny Karabakh”, *Current History* 120, no. 828 (2021): 255–61, <https://doi.org/10.1525/CURH.2021.120.828.255>.

<sup>7</sup> Philip Remler et al., “OSCE Minsk Group: Lessons from the Past and Tasks for the Future”, *OSCE Insights*, no. 6 (2020): 85–99, <https://doi.org/10.5771/9783748922339-06>.

<sup>8</sup> Ilham Aliyev, “Statement by H.E. Mr. Ilham Aliyev, President of the Republic of Azerbaijan, to the General Debate of the 76th Session of the United Nations General Assembly”, *United Nations*, September 23, 2021, [https://estatements.unmeetings.org/estatemnts/10.0010/20210923/5DX0mCyb94TX/nuzzTkqSWaW9\\_en.pdf](https://estatements.unmeetings.org/estatemnts/10.0010/20210923/5DX0mCyb94TX/nuzzTkqSWaW9_en.pdf).

<sup>9</sup> Nikol Pashinyan, “Statement by H.E. Mr. Nikol Pashinyan, Prime Minister of Armenia, to the General Debate of the 76th Session of the United Nations General Assembly”, *United Nations*, September 24, 2021, [https://estatements.unmeetings.org/estatemnts/10.0010/20210924/7glp44D6mxWV/Nn1M9CNhBEVL\\_en.pdf](https://estatements.unmeetings.org/estatemnts/10.0010/20210924/7glp44D6mxWV/Nn1M9CNhBEVL_en.pdf). For a more optimistic assessment, see Aylin Unver Noi, “Can ‘make Trade Not War’ Become a New Reality in the Caucasus?”, *The Hill*, September 27, 2021, <https://thehill.com/opinion/international/574099-can-make-trade-not-war-become-a-new-reality-in-the-caucasus>.

de facto states of the DNR and the LNR, with the active participation and support of Russia.<sup>10</sup> A familiar negotiation format quickly emerged in the form of the Trilateral Contact Group, which comprises Ukraine, the Russian Federation and the OSCE, while representatives of the DNR and the LNR are present in the working sub-groups. Like the 5+2 and the Geneva International Discussions, these working groups deal with security, political, economic and humanitarian issues.

As in the other cases, substantive progress in the negotiations has been limited, if not entirely absent. There have been several successful prisoner exchanges, but talks in this regard have recently stalled again.<sup>11</sup> Freedom of movement across the “contact line” has become more rather than less constrained. Above all, there has been no material progress whatsoever towards implementation of the Minsk Accords of September 2014 and February 2015; that is, there has been no withdrawal of illegal armed groups and military equipment or of fighters and mercenaries from the territory of Ukraine (Minsk I) and no disarmament of illegal groups (Minsk II).

Regarding security, the Trilateral Contact Group concluded, among other things, negotiations on a Framework Decision on the disengagement of forces and hardware in September 2016. Its so far patchy implementation has been monitored since then by the OSCE Special Monitoring Mission, but the Mission has been prevented from monitoring certain non-government-controlled areas. In particular it has been denied access to the non-government-controlled Ukrainian-Russian state border, over which arms and fighters are provided from Russia to the DNR and the LNR.<sup>12</sup> The Trilateral Contact Group seemed to have achieved a breakthrough in July 2020 when negotiators “reached agreement regarding additional measures to strengthen the ceasefire, aiming to ensure compliance with a comprehensive, sustainable and unlimited ceasefire”.<sup>13</sup> One year on from this agreement, however, the situation along the line of contact remains highly volatile. The number of daily ceasefire violations has risen again throughout the course of 2021 to levels similar to the period prior to the July 2020 agreement.

Unlike the other cases discussed here, the conflict in eastern Ukraine is characterised by a second negotiation platform, the “Normandy Format”, which brings together Russia, Ukraine, France and Germany. In the early years of the conflict in Donbas, the negotiations proved critical to achieving the two Minsk Accords. Since then, further meetings of the four countries’ leaders or their advisors have taken place on a semi-regular basis, but without any notable breakthrough regarding the

---

<sup>10</sup> See Tatyana Malyarenko and Stefan Wolff, “The Logic of Competitive Influence-Seeking: Russia, Ukraine, and the Conflict in Donbas”, *Post-Soviet Affairs* 34, no. 4 (2018): 191–212, <https://doi.org/10.1080/1060586X.2018.1425083>; and Jakob Hauter, “Forensic Conflict Studies: Making Sense of War in the Social Media Age”, *Media, War & Conflict*, August 4, 2021, <https://doi.org/10.1177/17506352211037325>.

<sup>11</sup> Organisation for Security and Co-operation in Europe, “Press Statement of Special Representative Kinnunen after the Regular Meeting of Trilateral Contact Group on 26 August 2021”, OSCE, August 26, 2021, <https://www.osce.org/chairmanship/496483>.

<sup>12</sup> Organisation for Security and Co-operation in Europe, “Framework Decision of the Trilateral Contact Group Relating to Disengagement of Forces and Hardware”, OSCE, September 20, 2016, <https://www.osce.org/files/f/documents/2/4/266271.pdf>.

<sup>13</sup> Organisation for Security and Co-operation in Europe, “Press Statement of Special Representative Grau after the Regular Meeting of Trilateral Contact Group on 22 July 2020”, OSCE, July 23, 2020, <https://www.osce.org/chairmanship/457885>.

stalled implementation of the Minsk II Accords. The most recent meeting of the Normandy Quartet at the highest level took place in Paris in December 2019, but without any tangible results.<sup>14</sup> Since then, discussions on another such meeting have proved largely fruitless.<sup>15</sup>

## Insights From Three Decades of Negotiations: What Has Worked, What Has Not Worked and Why

In four of the five protracted conflicts covered here, negotiations have been ongoing for around three decades. In the fifth case, Ukraine, they are less than a decade old. Despite the considerable resources spent by all sides involved, none of the conflicts has moved closer to a solution. Even ensuring the stability of the status quo appears difficult to accomplish at the negotiation table, as the 2008 Russian-Georgian and 2020 Armenian-Azerbaijani wars vividly illustrate.

### Agreement On Non-political Issues is Possible

Despite the notable absence of any breakthroughs on political status issues, the negotiations have not been completely fruitless. In particular, non-political issues have tended to have a greater chance of being successfully negotiated and implemented. That is especially the case if they contribute to improving economic and social development, freedom of movement, access to services, humanitarian relief and other issues from which the immediate conflict parties, as well as

---

<sup>14</sup> During the summit, its members managed to agree a prisoner swap, but otherwise made no real progress other than “underlin[ing] their common aspiration for a comprehensive and sustainable architecture of trust and security in Europe, based on the principles of the OSCE, of which the resolution of the conflict in Ukraine is one of the important steps”. See “Agreed Conclusions of the Paris Summit of the Normandy Format”, December 9, 2019, <https://www.elysee.fr/emmanuel-macron/2019/12/09/sommet-de-paris-en-format-normandie>. See also Katya Gorchinskaya, “The Normandy Summit Ended With No Breakthroughs. What Has It Achieved?” *Forbes*, December 10, 2019, <https://www.forbes.com/sites/katyagorchinskaya/2019/12/10/the-normandy-summit-ended-what-has-it-achieved/>; and Mykhailo Minakov, “Results of the Normandy Format Talks for Ukraine: Hope, with Reservations”, *Ukraine Focus*, December 11, 2019, <https://www.wilsoncenter.org/blog-post/results-the-normandy-format-talks-for-ukraine-hope-reservations>.

<sup>15</sup> “Berlin Says Leaders Of Germany, France, Ukraine, Russia Agree To Ministerial-Level Meeting”, Radio Free Europe/Radio Liberty, October 11, 2021, <https://www.rferl.org/a/31504107.html>.



their external patrons, benefit. This is evident in the cases of Transnistria, pre-2008 Abkhazia and, to a lesser extent, South Ossetia,<sup>16</sup> as well as Donbas.<sup>17</sup>

In the case of Transnistria, the Package of Eight brought some results. Initially agreed in Berlin in June 2016 while Germany was Chairperson-in-Office (CiO),<sup>18</sup> significant further progress was made under the Austrian and Italian CiOs in 2017<sup>19</sup> and 2018, respectively.<sup>20</sup> Thus, by May 2019, negotiations on six of the eight priority issues agreed in Berlin had been concluded successfully. These included the opening of the Gura Bicului-Bychok bridge and acceptance of Transnistrian licence plates. However, this confidence building process has not continued under the subsequent Slovak,<sup>21</sup> Albanian,<sup>22</sup> and now Swedish CiOs.<sup>23</sup>

The ambiguous successes in these regards are often associated with a lack of alternatives to local accommodation. For example, Transnistria has no border with Russia and therefore depends on viable arrangements with Chişinău and Kyiv to ensure the continued ability of its residents to travel and its businesses to import and export goods. Similarly, Donbas depends on cooperation with

---

<sup>16</sup> See Philip Remler, "Protracted Conflicts in the OSCE Area: Innovative Approaches for Co-Operation in the Conflict Zones" (Hamburg, 2016), [http://osce-network.net/file-OSCE-Network/documents/Protracted\\_Conflicts\\_OSCE\\_WEB.pdf](http://osce-network.net/file-OSCE-Network/documents/Protracted_Conflicts_OSCE_WEB.pdf); and Stefan Wolff, Philip Remler, and Lance Davies, "OSCE Confidence Building in the Economic and Environmental Dimension: Current Opportunities and Constraints" (Hamburg, 2017), [http://osce-network.net/file-OSCE-Network/Publications/OSCE\\_Confidence\\_Building\\_in\\_EED\\_final.pdf](http://osce-network.net/file-OSCE-Network/Publications/OSCE_Confidence_Building_in_EED_final.pdf).

<sup>17</sup> The OSCE Special Monitoring Mission has regularly facilitated local ceasefires to repair and maintain critical civilian infrastructure. See, for example, Special Monitoring Mission to Ukraine, "SMM Facilitation and Monitoring of Infrastructure Repair in Eastern Ukraine", OSCE, 2019, <https://www.osce.org/files/f/documents/f/2/437834.pdf>.

<sup>18</sup> Organisation for Security and Co-operation in Europe, "Protocol of the Official Meeting of the Permanent Conference for Political Questions in the Framework of the Negotiating Process on the Transdnistrian Settlement, 2-3 June 2016, Berlin", OSCE, June 2016, <https://www.osce.org/files/f/documents/d/f/244656.pdf>.

<sup>19</sup> Organisation for Security and Co-operation in Europe, "Ministerial Statement on the Negotiations on the Transdnistrian Settlement Process in the '5+2' Format", OSCE, December 8, 2017, <https://www.osce.org/files/f/documents/a/c/361586.pdf>.

<sup>20</sup> Organisation for Security and Co-operation in Europe, "Ministerial Statement on the Negotiations on the Transdnistrian Settlement Process in the '5+2' Format", OSCE, December 7, 2018, <https://www.osce.org/files/f/documents/b/2/405917.pdf>.

<sup>21</sup> Organisation for Security and Co-operation in Europe, "Ministerial Statement on the Negotiations on the Transdnistrian Settlement Process in the '5+2' Format", OSCE, December 6, 2019, <https://www.osce.org/files/f/documents/9/8/441524.pdf>.

<sup>22</sup> Organisation for Security and Co-operation in Europe, "Ministerial Statement on the Negotiations on the Transdnistrian Settlement Process in the '5+2' Format", OSCE, December 4, 2020, <https://www.osce.org/files/f/documents/4/4/479774.pdf>.

<sup>23</sup> Organisation for Security and Co-operation in Europe, "Joint Statement by the Mediators and the Observers in the Permanent Conference on Political Issues in the Framework of the Negotiation Process on the Transdnistrian Settlement in the 5+2 Format Following Their 3-4 June 2021 Visit to Chisinau and Tiraspol", OSCE, June 4, 2021, <https://www.osce.org/chairmanship/488530>. See also "OSCE Chairperson-in-Office Linde Concludes Visit to Moldova", Organisation for Security and Co-operation in Europe, October 6, 2021, <https://www.osce.org/chairmanship/499948>.

Kyiv for the continuing functioning of critical civilian infrastructure, in particular in relation to water and electricity supply. The same was true for South Ossetia in the early post-2008 period, when there were no realistic alternatives to gas supply via the Agara-Tskhinvali pipeline or to the maintenance of the Zonkari dam serving communities on both sides of the administrative boundary.<sup>24</sup> Over the years, however, South Ossetia has become less dependent on such cooperation initiatives,<sup>25</sup> and there have been no similar “easy wins” of late.<sup>26</sup>

By contrast, neither Armenia nor Nagorno-Karabakh had, at least until 2020, any such constraints and hence only a limited need to engage even on relatively non-political issues. However, given the new realities on the ground since the 2020 war – especially the loss of control by Armenia over territories surrounding the Lachin corridor – this may gradually change and require a higher level of engagement between Armenia and the authorities in Nagorno-Karabakh and Azerbaijan. This could create openings for more purposeful OSCE engagement, be it through the Minsk Group, the Conflict Prevention Centre or the CiO.<sup>27</sup>

However, this also works in the opposite direction. An isolationist policy pursued by the metropolitan state and the international community can also reduce the possibilities of even limited engagement by the authorities in the breakaway regions. Greater reliance, and subsequent dependence, on the patron state can be a consequence. This can mean increased leverage for the patron state over the breakaway authorities, as illustrated by the case of Abkhazia.<sup>28</sup> Once established, such dependencies are difficult to break.<sup>29</sup>

Another reason why agreements are possible at times is that on occasion *de facto* authorities in the conflict zones have brief windows of opportunity in which they can exercise relative situational autonomy. Gains made in these periods are more likely to be sustained if they do not touch on final status questions, but instead consolidate an established status quo that serves often deeply entrenched constituents on both sides. Thus, Moldovan and Transnistrian *de facto* negotiators

---

<sup>24</sup> Teona Giuashvili and Jaba Devdariani, “Geneva International Discussions – Negotiating the Possible”, *Security and Human Rights* 27, no. 3–4 (September 16, 2016): 381–402, <https://doi.org/10.1163/18750230-02703003>.

<sup>25</sup> For example, since the opening of the Dzuarikau-Tskhinvali pipeline in 2009, South Ossetia no longer depends on gas transits via Georgia.

<sup>26</sup> For example, the Odzisi crossing point at the Georgia-South Ossetia administrative boundary line has been closed for more than two years, severely restricting the freedom of movement of people on both sides. See Organisation for Security and Co-operation in Europe, “102nd Incident Prevention and Response Mechanism Meeting Takes Place in Ergneti”, OSCE, September 27, 2021, <https://www.osce.org/chairmanship/499005>.

<sup>27</sup> Remler et al., “OSCE Minsk Group: Lessons from the Past and Tasks for the Future”.

<sup>28</sup> See, for example, Archil Gegeshidze, “Prospects for Abkhazia’s De-Isolation in the Context of the Non-Recognition Policy”, in *The De-Isolation of Abkhazia*, ed. International Alert (London: International Alert, 2011), 27–37, [https://www.international-alert.org/sites/default/files/Caucasus\\_DelsolationOfAbkhazia\\_EN\\_2011.pdf](https://www.international-alert.org/sites/default/files/Caucasus_DelsolationOfAbkhazia_EN_2011.pdf); Liana Kvarchelia, “Sanctions and the Path Away from Peace”, in *Powers of Persuasion: Incentives, Sanctions and Conditionality in Peacemaking*, ed. Aaron Griffiths and Catherine Barnes (London: Conciliation Resources, 2008), 71–73, <https://www.c-r.org/accord/incentives-sanctions-and-conditionality/sanctions-and-path-away-peace>.

<sup>29</sup> Thomas De Waal, “Abkhazia: Stable Isolation”, *Carnegie Europe*, December 3, 2018, <https://carnegieeurope.eu/2018/12/03/abkhazia-stable-isolation-pub-77842>.

agreed on an Agenda and “Principles and Procedures” for their settlement talks in 2012.<sup>30</sup> That said, they have still not yet begun negotiations on the “third basket” of final status questions.

Situational autonomy was facilitated by rapprochement between Russia and the EU in the context of the 2010 Meseberg process; and the initial progress in the 5+2 talks in 2011–2012 following a five-year hiatus also benefited from regime change in Chişinău (2009) and Tiraspol (2011). Nonetheless, the resurgent geopolitical rivalry between the US and Russia after Putin’s resumption of the presidency in 2012, the failure of the US “reset” and the intensification of EU-Moldova negotiations on an Association Agreement meant that the OSCE-facilitated settlement process slowed in the course of 2012 and ground to a complete halt after the escalation of the conflict in Ukraine.<sup>31</sup>

By contrast, in late 2015, Chişinău, Tiraspol and the EU reached an agreement on the application of the DCFTA to Transnistria, which has held ever since.<sup>32</sup> This was partly a result of Moscow not blocking the engagement between Tiraspol and Brussels and tolerating its result. This provided the Transnistrian de facto authorities with a certain level of situational autonomy in the negotiations. Equally important was the existence of important track-two initiatives involving representatives from the Moldovan and Transnistrian chambers of commerce, NGOs and academics, such as a project on developing cross-river trade relations supported by the UK’s Conflict, Stability and Security Fund. These ran in parallel with official negotiations on the DCFTA and created pressure on the negotiating sides from the business communities.

Such broader social traction is critical and its absence detrimental. In the case of Nagorno-Karabakh, for example, such initiatives, to the extent that they exist at all, are constrained by the restrictive approaches of the two governments. They are also hindered by deep antagonism between the societies of both countries and of Nagorno-Karabakh. When initiatives happen, they occur predominantly in third countries and involve a small number of actors, often with no lasting positive impact. This, in turn, has had a significantly negative impact on preparedness to compromise and to make concessions on either side, and has led to the entrenchment of mutually exclusive and, for the most part, openly hostile narratives about the conflict, its causes and the possible solutions.

### Success On Non-political Issues Does Not Automatically Spill Over Into Political Issue Areas and Does Not Necessarily Prevent a Resurgence of Violence

Local and geopolitical conditions permitting, confidence built in the context of agreements on non-political issues contributes to stabilisation more broadly and has some positive spillover effects

---

<sup>30</sup> Organisation for Security and Co-operation in Europe, “OSCE Chairperson Hails Breakthrough in Transdniestrian Settlement Talks”, OSCE, April 18, 2012, <https://www.osce.org/cio/89764>.

<sup>31</sup> John Beyer and Stefan Wolff, “Linkage and Leverage Effects on Moldova’s Transnistria Problem”, *East European Politics* 32, no. 3 (2016): 335–54, <https://doi.org/10.1080/21599165.2015.1124092>.

<sup>32</sup> Nadja Douglas and Stefan Wolff, “Economic Confidence-Building Measures and Conflict Settlement: The Case of Transdniestria” (Berlin, 2018), <https://stefanwolff.com/wp-content/uploads/2021/05/Douglas-and-Wolff-Economic-Confidence-Building-Measures-and-Conflict-Settlement.pdf>.

into non-economic areas of confidence building.<sup>33</sup> Nonetheless, this effect is often limited and has as yet not paved the way to a sustainable negotiated settlement in any of the cases considered here. In the case of Transnistria, for example, there has been almost three decades of relative progress on relevant non-political issues through the extensive use of CBMs but the conflict is hardly any closer to a settlement than it was in the 1990s. Similarly, prisoner exchanges in Ukraine since 2014, and between Armenia and Azerbaijan after the 2020 escalation of hostilities have not contributed to any political progress.

Nor does success on such non-political issues necessarily prevent conflict re-escalation. There was a reasonable level “non-political progress” in relation to Abkhazia and South Ossetia but this was swept away in the run-up to, and by, the 2008 Russo-Georgian war. An important difference compared to the case of Transnistria has been that access to the two conflict zones was limited by the local authorities there and by a relatively restrictive Georgian policy on the operation of NGOs in Abkhazia and South Ossetia. This has meant that Track-2 and Track-3 initiatives have not had the same reach or impact as in the Transnistrian case, and that their impact overall has been significantly lower. As, for example, the case of the forced closure of the Ergneti market in 2004 demonstrates, confidence destroyed by such actions is difficult to rebuild and can subsequently lead to violence.

Across all the cases considered here apart from Nagorno-Karabakh, top-level negotiation formats tend to be complemented by parallel technical, working or/and expert groups that address specific issues, often away from the political limelight and with reduced pressure from political leaders. This does not just facilitate success on non-political issues; it can also prepare the ground for spillover effects in other issue areas. As illustrated by the case of Transnistria, this is a relatively low-risk and low-cost endeavour. A potentially high-gain strategy may well be driven by shorter-term, pragmatic considerations on both sides.

In one example, the expert groups in Moldova have helped to create new patterns of practice and expectations of the process of engagement and created space for various Track-2 and Track-3 initiatives that bring various civil society actors into the process. Among these are the so-called Transnistrian Dialogues and the Annual Moldovan European Integration Forum, as well more ad hoc projects such as the above-mentioned British-sponsored initiative in 2015 to facilitate engagement between relevant actors in Chişinău and Tiraspol to map out options for the application of the DCFTA to Transnistria.

Often sector- and audience-specific in their objectives, such initiatives, externally sponsored and often framed as CBMs, have created an environment in which broad engagement between different actors is possible and constructive. Even so, this environment is not immune to political pressure. The political situation in Transnistria has become more oppressive over the past five years and the polarisation in Moldovan society at times constrains the ability (and willingness) of political and civil society actors there to engage with the other side.

---

<sup>33</sup> Nino Kemoklidze and Stefan Wolff, “Trade as a Confidence-Building Measure in Protracted Conflicts: The Cases of Georgia and Moldova Compared”, *Eurasian Geography and Economics* 61, no. 3 (2020): 305–32, <https://doi.org/10.1080/15387216.2019.1702567>.

Similarly, the ups and downs of the two Incident Prevention and Response Mechanisms (IPRM) set up in Georgia in the context of the Geneva International Discussions—IPRM Ergneti, facilitated by the EU and the OSCE; and IPRM Gali, facilitated by the EU and the UN—demonstrate both the potential and the vulnerability of such CBMs and the mechanisms that are used to implement them. IPRM Ergneti has been commended for facilitating “effective co-operation ... during the irrigation season that resolved concrete issues regarding access to water”.<sup>34</sup> In contrast, IPRM Gali is currently undergoing a second lengthy suspension (since 2018) following an earlier hiatus between 2012 and 2016.

The broader contribution that CBMs have made, however, is undeniable. This is particularly obvious in the Transnistrian case where they have shaped a status quo that has remained stable for a long period of time. This status quo represents a baseline for both sides (and arguably for external actors too) that they are unlikely to be willing to lose. At the same time, it represents an increasingly solid foundation from which progress towards a final status settlement might be possible. Even if such efforts prove futile, however, the alternative is not a return to conflict but the continuation of a status quo shaped by CBMs that at least partially reflect all sides’ core concerns and as such do not entice them to resume violence.

#### For Settlements To Be Sustainable, They Need To Be Negotiated By The Conflict Parties

Certain wider lessons can be drawn concerning the aims of status settlements that have so far eluded negotiators in all the cases considered here. The first point to make is that such settlements cannot be imposed from the outside. The Minsk Accords are unlikely ever to be implemented, while multiple external proposals for Nagorno-Karabakh have not led to an actual settlement.

Second, status settlements will not gain societal traction if they are perceived to be favoured by, or favouring, just one side in a conflict and its external backers. This again applies to the Minsk Accords, but also to the Kozak Memorandum of 2003 and the Georgian proposal for autonomy for South Ossetia of 2005. A third point is that “as important as the right institutional design and the correctly timed, designed and well-resourced international engagement may be, they cannot make up for shortcomings in local leadership. In other words, conflict management in divided societies cannot succeed unless there is a genuine commitment to peace among the parties to such conflicts”.<sup>35</sup>

Third, there should be an acknowledgement that the conflict parties are not simply the de facto authorities in the separatist entities and the governments of their metropolitan states. With the partial exception of Nagorno-Karabakh, the OSCE region’s protracted conflicts are deeply embedded in geopolitical rivalries between Russia and the West. The resurgent struggle over zones of influence, reminiscent of the logic of the Cold War, is also being conducted in the

---

<sup>34</sup> Organisation for Security and Co-operation in Europe, “102nd Incident Prevention and Response Mechanism Meeting Takes Place in Ergneti”.

<sup>35</sup> Christalla Yakinthou and Stefan Wolff, “Introduction”, in *Conflict Management in Divided Societies: Theories and Practice*, ed. Stefan Wolff and Christalla Yakinthou (London and New York: Routledge, 2013), 1–20, <https://doi.org/10.4324/9780203803004>.

negotiation formats of these conflicts. As a consequence, so-called mediators and guarantors are pursuing their own goals in and through these formats. To the extent that they thereby also become parties to the conflict, no negotiated settlement on the ground will be possible or sustainable unless efforts are made to at least mitigate these geopolitical tensions.

## Conclusions

Whatever their specific institutional design, there is no alternative to negotiated settlements, but status negotiations are not always productive or even feasible. Hence, confidence- and security-building measures/CBMs can be useful means for managing conflicts as long as their limited function – conflict management as opposed to settlement – is acknowledged, and there are realistic expectations as to their results. They should be supported and facilitated by the OSCE and its participating states. At the same time, the ground for any final settlement needs to be prepared carefully, including at the elite level. Whatever is eventually negotiated should be feasible, that is, adoptable by political leaders and acceptable to societies/within ratification processes, and viable, which means sustainable in the long term.

Achieving such a degree of preparedness also entails a structure of negotiation format that is diverse enough to allow for compartmentalised negotiations on different aspects without proliferating formats themselves. This is also important in the sense that negotiation formats need to be constantly validated by at least some tangible outcomes. The alternative – prolonged periods of non-outcomes – creates the temptation for either a recourse to violence or the establishment of separate, parallel formats for negotiations.

CSBMs and CBMs play a crucial role in conflict stabilisation. When successful, however, they also stabilise and entrench a status quo, which makes conflict settlement less urgent. Hence, they need to be structured in such a way that they do not foreclose future settlement opportunities. This means, for instance, that they might lead to a settlement that creates a situation which is worse than the status quo for one or both sides. Therefore, confidence building needs to be characterised by mutuality, reciprocity, expandability and retractability.

CSBMs/CBMs also need long-term financial security and political support from the “outside” in order to avoid stalling and blow-back. This requires multi-year strategic, financial and personnel frameworks. It also implies greater intra-OSCE and interorganisational cooperation and coordination, including with established OSCE partners such as the EU, the Council of Europe, the Shanghai Cooperation Organization and the Conference on Interaction and Confidence-Building Measures in Asia.<sup>36</sup>

The protracted conflicts in the OSCE region are heavily influenced by geopolitical dynamics, especially the relationship between Russia and the West, and between different participating states. These states habitually accuse each other of instrumentalising the protracted conflicts for

---

<sup>36</sup> David Galbreath, André Härtel, and Stefan Wolff, “Towards a More Strategic Partnership: Strengthening the OSCE through Enhanced EU–OSCE Cooperation”, *OSCE Insights*, April 14, 2021, 1–11, <https://doi.org/10.5771/9783748911456-03>.

their own strategic interests in the contested post-Soviet region. As the various dialogue formats now effectively constitute a “continuation of war by political means”, the OSCE at the level of the Secretary General and the CiO/Troika needs to carefully manage different aspects of its mandate with regard to interstate and intra-state relations. This should include a focus on comprehensive security that prioritises, where necessary, humanitarian and economic aspects over political status issues, or at least “compartmentalises” negotiations on different issues without conditioning progress in one area on progress elsewhere. Even small steps on non-political issues are preferable to no steps at all, or an erosion of security and stability and further polarisation and radicalisation on either or both sides and among their external backers.

The geopolitical dimension of all the protracted conflicts examined here is further complicated by the fact that Russia is in fact and is considered to be a direct conflict party in three of the conflicts (Donbas, Abkhazia and South Ossetia) and holds the key to the resolution of a fourth (Transnistria). In addition, Moscow has just established a military presence on the ground in the fifth (Nagorno-Karabakh). There is clearly a larger Georgian-Russian and Ukrainian-Russian conflict level that needs to be addressed, but this should not distract from the fact that the local conflicts in Abkhazia and South Ossetia, like those in the Donbas, also require a sustainable intra-state settlement.

The trick is thus not to reduce preparatory confidence building to just the local level but instead to ensure that confidence is restored and maintained between otherwise rival geopolitical powers in the interest of security and stability in the OSCE region. The OSCE Minsk Group – and especially the co-chair arrangement, the less-institutionalised 3+2 format within the 5+2 negotiations process and the inconclusive Meseberg process of 2010–2012 – offer instructive examples. The Normandy Format, although helpful in the early stages of the Donbas conflict, appears to have developed into a parallel and largely deadlocked mechanism that can no longer provide positive stimulus to on-the-ground engagement through the Trilateral Contact Group.

Ultimately, the perception that the key to the settlement of the OSCE region’s protracted conflicts lies in Russia is not wrong, but there is more to the persistent lack of a settlement than Russian obstruction. Arguing otherwise simply absolves local conflict parties, observers, mediators, and the OSCE as a whole, from any responsibility for decades of negotiations with few, if any, tangible results. It also creates the wrong – and dangerous – impression that if Moscow were to drop its resistance tomorrow, the parties on the ground would happily and readily embrace a just and fair settlement of their differences on the basis of international law and the OSCE consensus.

Russia clearly played a role in instigating the conflict in Donbas, but the conflicts in Moldova and Georgia, and between Azerbaijan and Armenia were “homemade” in origin. In other words, Russian policy is a significant, but not the sole, reason why the conflicts have eluded a settlement, but this is different from attributing the causes of these conflicts or the absence of any settlement to Russia alone.

Decades of lack of progress have created entrenched interests on all sides in the non-settlement of the protracted conflicts and/or in settlements that are neither feasible nor viable. In this sense, the existing negotiation formats, by merely simulating conflict settlement negotiations, have lost their sense of purpose and their sense of what an actual settlement of any of the protracted conflicts would look like. Even if this is in Russia’s interests, it has been enabled – or at least not sufficiently resisted – by others involved. It has, however, become a problem for the OSCE as a whole, and can therefore only be resolved by the OSCE as a whole in the original “Helsinki spirit”.

## **Recommendations**

On the basis of the above analysis, a number of recommendations can be made.

### **Continue the practice of extended periods of service for CiO Special Representatives**

Special Representatives of the CiO are independently appointed by the CiO and hence do not need an additional mandate from the OSCE Permanent Council. This takes their appointment out of the quasi-habitual wrangling over other such positions. However, the potential downside is the extremely limited timeframe in which they can operate due to the annual rotation in the CiO. The notable exception to this has been the Personal Representative of the Chairperson-in-Office on the Conflict Dealt with by the OSCE Minsk Conference, based in Tbilisi – a position held by Ambassador Andrzej Kasprzyk since 1997. There have since been other positive precedents for multi-annual appointments, such as Angelo Gnaedinger, who served as the Special Representative of the OSCE Chairperson-in-office for the South Caucasus in 2014 and 2015; Günther Bächler, who held the same post in 2016 and 2017; Franco Frattini, who served as the Special Representative of the OSCE Chairperson-in-office for the Transnistrian Settlement Process in 2018 and 2019; and Thomas Mayr-Harting, who has held this post since 2020. Such longer-term appointments create opportunities for the individuals in these roles to acquire greater personal expertise on their portfolio, build relationships with their various interlocutors among the conflict parties and mediators, and formulate and implement more coherent strategies regarding the conflicts with which they are dealing.

### **Increase Vienna-based support for Special Representatives**

Special Representatives with longer-term mandates will still require increased support within the Secretariat to be effective and fulfil the potential that comes with longer terms. Given the constrained budget of the OSCE as a whole, including the Secretariat, additional commitments from participating states, including ad hoc “coalitions of friends”, would probably be required to create the foundations for enhanced support. This could take the form of a small pool of geographical and subject matter experts who would all serve as Special Representatives at the same time, thereby also facilitating cross-conflict learning and the sharing of best practices. This would also create continuities in knowledge and understanding that would support smooth transitions between Special Representatives regardless of the length of their term of office.

### **Enhance cross-institutional, cross-dimensional and cross-conflict coordination and capacity building**

In line with the idea of a Vienna-based support group for Special Representatives, more efforts should be made to enhance coordination on the management of the protracted conflicts within the OSCE by involving institutions such as the Office for Democratic Institutions and Human Rights (ODIHR) and High Commissioner on National Minorities (HCNM) in conflict management activities. This would allow the expertise in the Secretariat on each of the three dimensions of the OSCE to



be drawn on and create opportunities for peer learning across different conflict settings. ODIHR and HCNM expertise could, for example, be leveraged as a part of the Vienna-based support group, which could also include experts, for example from the Office of the Co-ordinator of OSCE Economic and Environmental Activities. This would make better use of available expertise within OSCE institutions, create synergies between different types of conflict management activities, and help to build sustainable capacity within the OSCE. Another dimension of such an approach could be closer cooperation with other international organisations; for example, in the context of the regular consultations and operational cooperation between the OSCE and the EU. This would also provide a potential source of funding for the proposed capacity building within the OSCE, including through the secondment of personnel to a Vienna-based support group for the Special Representatives. Such secondments need not be limited to the EU or its member states.

**Strengthen the role and capacity of existing technical working groups below high-level negotiation formats and create new ones as need and opportunity dictate**

One of the key insights from the above comparative analysis concerns the utility of technical working groups for dealing with specific, often non-political issues, the resolution of which could have tangible benefits for conflict-affected populations. In relation to the Nagorno-Karabakh conflict, for example, opportunities should be explored for the Minsk Group to establish such formats to help the parties formalise and regularise their engagements. A good starting point would be working groups on second-dimension issues, such as trade, access to services and freedom of movement across the boundary line between the sides.

**Use existing formats to facilitate confidence building among key OSCE participating states, with a view to creating a more conducive geopolitical environment in which negotiations on protracted conflicts can take place**

Given the significance of geopolitical tensions in the management of protracted conflicts, confidence building must also involve the relationships between those OSCE participating states that are immediate stakeholders in the conflict. An obvious issue in this regard is relationships with Russia. Here, the OSCE, and existing formats such as the Minsk Group co-chairs and the 3+2 format in the Transnistrian settlement process offer potential opportunities for such engagement. Equally, involving Russian experts in the above-mentioned enhanced support structures for Special Representatives could create additional channels for communication. The key objective of any such engagement should be to determine parameters for OSCE conflict management, including mediation of ongoing negotiations, that have the endorsement of key stakeholders, including Russia. This might mean limiting, at least temporarily, the scope of OSCE conflict management, but would in turn imply the possibility of tangible progress on concrete issues that contributes to security and stability without infringing OSCE values and principles.

**Be realistic about what existing formats can currently accomplish and adjust goals flexibly in the light of circumstances**

Even if taking the above-mentioned steps, and potentially others, to strengthen OSCE capacity for the management of protracted conflicts in the OSCE area, it is important to be realistic about what

can be accomplished within the existing dialogue formats. This is a call not to radically change, let alone replace, these formats, but to manage expectations within the OSCE and among its participating states. Breakthroughs towards negotiated settlements are unlikely for the time being. Thus, current efforts should be directed at stabilisation and gradual improvement of the humanitarian situation. This can only be achieved within the context of functioning channels of communication in the existing dialogue formats, which in turn depends on not pushing conflict parties to negotiate on issues with which they are unwilling to engage. Rather, a gradualist approach is needed of small steps that improves the situation on the ground, and builds confidence among the parties and mediators but does not foreclose future opportunities to negotiate on issues that are currently too sensitive to touch. This will create space for flexible responses to immediate needs on the ground and incentives for the conflict parties to remain constructively engaged in the existing dialogue formats.

**Assess whether existing negotiation formats have the potential, at least in the medium to long term, to facilitate a settlement of the protracted conflicts within the parameters of international law and the OSCE norm consensus**

In the light of the greater realism about what the existing formats can currently accomplish, it is also worth considering whether they can facilitate any settlement of the conflicts at all. After decades of negotiations and confidence building during which stabilisation has been the closest thing to success that the OSCE has achieved, and even that with only a patchy track record, the question arises whether existing formats have become part of what makes these conflicts protracted. However, this question cannot be answered without achieving greater clarity about what a settlement of any of the protracted conflicts that respects international law and reaffirms the OSCE norm consensus would look like. Importantly, this may not be a single “solution” but rather a menu of options. It would then be left to negotiators to determine which of these is the most fitting for their specific circumstances.



Stefan Wolff is Professor of International Security at the University of Birmingham in the UK.

## Previous reports in the SCEEUS Report Series on Human Rights and Security in Eastern Europe:

### [The Transnistrian Conflict: 30 Years Searching for a Settlement by Victoria Roşa](#)

*SCEEUS Reports on Human Rights and Security in Eastern Europe No.4*

### [Achievements and Limitations of the OSCE 's Special Monitoring Mission to Ukraine by Andreas Umland](#)

*SCEEUS Reports on Human Rights and Security in Eastern Europe No. 3, June 2021*

### [Prisoners as Political Commodities in the Occupied Areas of the Donbas by Stanislav Aseyev & Andreas Umland](#)

*SCEEUS Reports on Human Rights and Security in Eastern Europe No. 2, April 2021*

### [Human Rights Violations in the Occupied Parts of Ukraine's Donbas since 2014 by Halya Coynash](#)

*SCEEUS Reports on Human Rights and Security in Eastern Europe No. 1, February 2021*

The Stockholm Centre for Eastern European Studies (SCEEUS) at the Swedish Institute of International Affairs (UI) is an independent Centre, funded by the Swedish Government, established in 2021. The Centre conducts policy relevant analysis on Russia and Eastern Europe and serves as a platform and meeting place for national and international discussions and exchanges on Russia and Eastern Europe.

©2021 Stockholm Centre for Eastern European Studies

Language editing: Andrew Mash