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THE OSCE IN TWENTY-FIRST CENTURY UKRAINE: AN EXPLORATION OF BEST PRACTICES APPLIED

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Abstract

With fifty-seven member states and a remarkably broad definition of security, the Organization for Security and Cooperation in Europe (OSCE) offers an unparalleled platform for crisis management across Europe and the Former Soviet Union. Despite its unique advantages and a history of successful crisis intervention, however, the organization has long been plagued by transparency issues, wide-ranging criticism, and a broad lack of support. These issues can be seen clearly by examining its involvement in the international response to the 2013-14 Euromaidan Revolution in Ukraine. This less-than-successful intervention stands in sharp contrast to the OSCE's more effective crisis management efforts during the 2004 Orange Revolution in Ukraine. This study aims to examine two of the organization's best practices in the field of crisis management, monitoring and mediation, and to identify the factors which may influence the effectiveness of these tools. Relying on a combination of scholarly articles, OSCE documents, and statements from politicians, political analysts, and popular media sources, I will these two of examples of twenty-first century Ukrainian revolutions to show that using its best practices of crisis monitoring and mediation the OSCE has the potential to positively influence intrastate crises which occur within its area of operation, but that the organization loses considerable effectiveness when it lacks consensus among its members, international support, public trust, or a reasonable response time

Introduction

The OSCE and Ukraine

When thousands of dissatisfied Ukrainians began constructing barricades and pitching tents in Kyiv's Maidan Nezalezhnosti (Independence Square) during the biting winter of 2013 to protest corruption in the administration of then-president Viktor Yanukovych, an extreme feeling of déjà vu must have permeated the air. Almost exactly nine years earlier that same square was occupied by a similar throng of angry citizens protesting the very same politician. While the 2004 Orange Revolution was focused primarily on electoral fraud and the 2013-14 Euromaidan Revolution was in response to wider governmental corruption, the protests shared a startling degree of similarity.

First and most obviously, as the two revolutions took place in the same location and were driven by similar groups of people, both were influenced by the same cultural, linguistic, historical, and geographic variables. Similarly corrupt administrations were in power during both revolutions, and both ended with the Russian-backed Yanukovych being denied a place in the government. In 2004, the protests unfolded over the course of a dubious election which would have seen him illegitimately installed as the new president. Despite this loss for Yanukovych, six years later the people of Ukraine, frustrated with the slow pace of change, offered him a second chance when they voted him president in 2010. By 2013, however, many in the country believed he had overstepped his authority, defied his electoral mandate, and forfeited his right to lead. Although the initial spark of the two revolutions differed, according to Olga Onuch, the protests were incredibly similar in focus: "In both 2004 and even more so in 2013-2014,

the majority of demonstration placards and posters focused on the regime's corruption and on Yanukovych and his cronies' criminal behavior. Pictures of the Orange Revolution and the Euromaidan would be difficult to distinguish if not for the prevalence of 'Yushchenko orange' in those from 2004 and 'EU reflex blue,' the dominant color of the EU flag, in those from 2013."[1] In both revolutions the majority of protesters focused their demands on the political protection of civil and human rights and sought an end to government corruption.[2]

In both cases, the protests were initially sparked in Kyiv in late November, were marked by huge public rallies, and achieved a similar size and scale.[3] Overall, the predominantly Ukrainian-speaking West supported both uprisings while the primarily Russian-speaking East backed the administration in each occasion.[4] Each revolution achieved a degree of success within a few months, after which elections were held, putting into power on both occasions candidates who were largely supported by the protesters. Both revolutions were generally backed by the West and opposed by Russia.[5] Finally, the Organization for Security and Cooperation in Europe (OSCE) intervened in both revolutions in an attempt to help manage the crisis.

In 2004 at the invitation of the Ukrainian government, the OSCE sent hundreds of monitors to Ukraine as of a part of a regular International Election Observation Mission (IEOM) which stayed on the ground through the crisis and reported on developments internationally, allowing other states and stakeholders to respond

[1] Olga Onuch, "Comparing the Orange Revolution and the Euromaidan," in *Ukraine's Euromaidan: Analyses of a Civil Revolution*, ed. David R. Marples and Frederick V. Mills (Stuttgart: Ibidem, 2015), 50.
[2] Ibid., 48-50.
[3] Ibid., 40.
[4] Serhy Yekelchyk, *The Conflict in Ukraine: What Everyone Needs to Know* (Oxford: Oxford, 2015), 85.
[5] Ibid., 153-157.

appropriately as events unfolded. When the protests continued to escalate, the OSCE undertook crisis mediation efforts, eventually aiding the conflicting parties in reaching an amicable resolution which brought about electoral reform and a rerun of the final round of voting. In 2013, the OSCE was slower to act, despite the presence of its Project Co-Ordinator in Ukraine (PCU) based in Kyiv, and failed to send monitors until several months after the demonstrations ignited. Once it began its crisis management efforts, however, the OSCE deployed a large number of monitors and, when conditions on the ground worsened, again undertook crisis mediation efforts. Additionally, because of the growing intensity of the crisis, in 2014 the OSCE dispatched two additional missions which did not take place during the Orange Revolution, the Special Monitoring Mission to Ukraine (SMM) and the OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk.

When the dust settled in 2005, a new democratically-elected president took office in Kyiv after an election rerun which was credited internationally as free and fair.[6] Despite incredible tension, the protests never escalated to violence and only one protester is recorded as dying during the ordeal as a result of an unfortunate heart attack.[7] Though corruption continues to plague the Ukrainian state years after the Orange Revolution, a number of the reforms put into place immediately after its resolution have persisted to this day, and, arguably more importantly, the revolution

[6] OSCE, "Ukraine Presidential Election 31 October, 21 November and 26 December 2004," May 11, 2005, http://www.osce.org/odihr/elections/ukraine/14674.
[7] Leonid Nikitinsky, "Savik Shuster: I'm the Only Thing to Remain after 'Orange Revolution," *Novayagazeta*, February 2, 2008, http://archive.li/4d4v#selection-891.0-896.0.

represented a cultural shift and an important milestone in the growth of Ukrainian civil society.[8]

A decade later, however, events did not end so well. Although the Euromaidan Revolution did drive Yanukovych from power and install a new democratically-elected administration, over three years later Ukraine remains in a state of crisis. A full scale war is being waged in the east of the country as two oblasts remain out of government control and in open rebellion. The territory of Crimea was annexed by Russia and appears unlikely to return to Ukrainian ownership as Russia finishes construction of a massive bridge between the Crimean peninsula and the Russian mainland.[9] The country's economy is in shambles, and many point to the continued fighting in the east as a reason deeper reforms have failed to take hold.[10] In the three years since the start of the revolution, tens of thousands of Ukrainians have been killed in the fighting and many more wounded.[11]

The OSCE is neither tasked with nor capable of solving complex intrastate crises alone. A close inspection of the progression of the Orange Revolution, however, reveals that OSCE monitoring and mediation efforts positively contributed to the successful resolution of that crisis. Why then did the organization fail to have the same positive effect during the Euromaidan Revolution nine years later? While many factors influenced the paths of these two crises, in this thesis I will use these two cases of

[8] Anna Vorobyova, "Will the Colours Fade? The Successes and Failures after the Orange Revolution in Ukraine," (master's thesis, Simon Fraser University, 2009), 129.
[9] Shaun Walker, "Russia's Bridge Link with Crimea Moves Nearer to Completion," *The Guardian*, August 31, 2017, https://www.theguardian.com/world/2017/aug/31/russia-bridge-link-crimea-moves-nearer-completion-ukraine.
[10] Tamila Varshalomidze, "Was Ukraine's Revolution of Dignity in Vain?" *Al Jazeera*, January 7, 2018, http://www.aljazeera.com/indepth/features/ukraine-revolution-dignity-vain-171219084627117.html.
[11] OSCE, "Status Report as of 31 February 2018," accessed March 1, 2018, http://www.osce.org/special-monitoring-mission-to-ukraine/354626.

Ukrainian revolutions to argue that using the tools of monitoring and mediation, the OSCE has the potential to positively influence intrastate crises which occur within its area of operation, but that the organization loses considerable effectiveness when it lacks consensus among its members, international support, public trust, or a reasonable response time.

Revolutionary Differences

While the numerous similarities offer compelling support for comparison, a few notable differences should be kept in mind when looking at these two cases. One major challenge manifests in the cases' endogeneity. Because it occurred after the first revolution, the Euromaidan Revolution was without-a-doubt influenced by the Orange Revolution. The actors went into the second revolution with all of the knowledge and experience gained from both the Orange Revolution and from all the events that elapsed from 2004-2013. Despite the short time between these protests, however, a large-scale survey conducted during the Euromaidan Revolution showed that only 63% of those protesters had also participated in the Orange Revolution. According to Onuch, even accounting for age, a significant portion of Euromaidan participants were first-time protesters, much like in the Orange Revolution.[12] The two protests also experienced different levels of coordination and organization, with the 2004 protests largely organized by networks of established activists and political opposition forces. In 2013-14, by contrast, cooperation and coordination between activists, opposition leaders, and protesters was more complicated and highly contested.[13]

[12] Onuch, "Comparing the Orange Revolution," 48.
[13] Ibid., 38.

It should also be acknowledged that though the two revolutions occurred only a few years apart, technology advanced rapidly in that short timeframe. In 2004, great attention was given to the role of traditional media, while 2013-14 saw an unprecedented use of social media and other information and communication technologies to coordinate action.[14] Finally, though both revolutions cumulated in new elections, the 2005 elections were largely applauded as free and fair, while the 2015 elections were seen as fair-but-unrepresentative as a result of the active fighting which continued in the east and Russia's occupation of Crimea.[15]

On the side of the OSCE, the decade that transpired between the revolutions represents over a quarter of the OSCE's lifespan, and thus changes in bureaucratic organization, increases in institutional knowledge, and differing resources all may have affected how the organization handled events. That said, one would expect that an additional decade of experience in crisis management would aid the OSCE in effectively responding to the crisis, so the fact that its influence was diminished the second time around provides part of the foundation of this thesis. Finally, the global geopolitical landscape of 2013-14 differed dramatically to that of 2004, a fact, as will be shown, which affected the OSCE's ability to respond within a reasonable timeframe.

Ukraine and the OSCE

Ukraine's relationship with the OSCE extends to the organization's founding as the Conference for Security and Cooperation in Europe (CSCE) when the Ukrainian

[14] Tetyana Bohdanova, "Unexpected Revolution: the Role of Social Media in Ukraine's Euromaidan Uprising," *European View* (June 2014): 133-142, doi:10.1007/s12290-014-0296-4.
[15] OSCE, "Ukraine Presidential Election 31 October,"; OSCE, "Ukraine Early Presidential Election 25 May 2014," June 30, 2014, http://www.osce.org/odihr/elections/ukraine/120549.

Soviet Socialist Republic signed the Helsinki Final Act in the summer of 1975. After the fall of the Soviet Union, the newly independent Ukraine immediately reestablished itself as a member of the soon-to-be-renamed OSCE. The organization established its first permanent mission to Ukraine in June 1994 with the mandate of resolving a then-ongoing dispute on the status of Crimea in the new state.[16] From 1994-1999 the OSCE Mission to Ukraine worked to prevent conflict in the territory of Crimea. After the completion of that mission's mandate in 1999, the PCU was established, tasked with monitoring and supporting future OSCE undertakings in Ukraine.[17] The OSCE has sent multiple election-monitoring missions, including for the elections which took place before, during, and after the 2004 and 2013-14 revolutions. With the escalation of tensions between Kyiv and the country's eastern oblasts in 2014, the OSCE also created the SMM and, at the invitation of the Russian government, the OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk (both located on the Russian-Ukrainian border). Between them, these missions cover the entire scope of the OSCE's focus, from short-term crisis management to the promotion of long-term security in all three of the OSCE's dimensions.

Where the Russian government has long viewed the OSCE skeptically, the people and governments of Ukraine have generally held the organization in higher favor, particularly among those supporting closer ties with the EU and Western Europe.[18] In 2013, Ukraine chaired the OSCE General Assembly, a role which further

[16] OSCE, "OSCE Mission to Ukraine," accessed March 1, 2018, http://www.osce.org/mission-ukraine-1999-closed; see also OSCE, "Permanent Council Decision No. 295," accessed March 1, 2018, http://www.osce.org/pc/29031, and OSCE, "Survey of OSCE Field Operations," accessed March 1, 2018, http://www.osce.org/cpc/74783.
[17] OSCE, "OSCE Survey of Field Operations,"
[18] Andrew Wilson, "Ukraine's Orange Revolution, NGOs, and the Role of the West," *Cambridge Review of International Affairs* 19, no. 1 (March 2006): 26, doi:10.1080/09557570500501747.

boosted societal and political affinity for the organization among Ukrainian citizens. According to Ukraine's Foreign Ministry, while the country served as chair, it oversaw the pursuit of several human rights initiatives, organized a conference opposing human trafficking, furthered two major OSCE-run mediation efforts (one in South Ossetia, Georgia, and the other in Transnistria, Moldova), and facilitated several interstate discussions on arms control.[19]

Stopping Violence Before It Starts

The OSCE occupies a unique and powerful position in the international space. As the only regional security forum in which the US, Russia, and the EU regularly meet and discuss issues, it offers significant potential in facilitating peace and cooperation between these states. Additionally, thanks to its proven record of success, its neutrality, and its wide regional support, the OSCE carries an air of legitimacy that allows it to influence otherwise intractable conflicts in ways that single state intervention simply cannot. Despite this potential, as a consensus-based soft power organization, the effectiveness of the organization is greatly diminished when it lacks a reasonable response time, consensus among its members, international support, and public trust. In this thesis, I will use the two examples of Ukraine to demonstrate that when the OSCE possesses these four preconditions for success, it can use its best practices of crisis monitoring and mediation to positively influence intrastate crisis situations.

[19] "Результати головування України в ОБСЄ у першому півріччі 2013 року," Ministry of Foreign Affairs of Ukraine, July 23, 2013, http://mfa.gov.ua/ua/press-center/comments/358-rezulytati-golovuvannya-ukrajini-v-obse-u-pershomu-pivrichchi-2013-roku.

Studying what influence the OSCE had on the course of events in Ukraine and why its influence differed between the two revolutions has the potential to reveal new and useful insight on the OSCE's capacity to promote peace and stability within its sphere of influence. This study will be useful for examining the potential of the OSCE to positively influence intrastate crises, for exploring the OSCE's most effective crisis-management tools, and for understanding what factors can hinder successful intervention.

At its core, the OSCE is a forum for discussion and a platform for action. By conducting meaningful research into the methods, variations, and outcomes of the OSCE's crisis management efforts, the effectiveness of its actions may be analyzed and suggestions for its improvement offered. Though these cases are not perfectly comparable, the incredible similarities between the two events and the implications of their analysis allow this study to describe two of the OSCE's most effective tools of crisis management and identity four conditions which may allow for these tools to be used most effectively.

Summary of Contents

I have divided this thesis into an introduction, three substantive chapters, and a conclusion. In the first chapter I provide the general background and context for my argument, including an overview of international organizations and their ability broadly to promote peace; a brief history and overview of the OSCE; a discussion of the OSCE as a soft power institution; and a review of some of its most significant crisis-management successes and failures. I also review two of the OSCE's best crisis

response tools, monitoring and mediation, and lay out the foundation for the remainder of my argument.

In the second chapter, I trace the 2004 Orange Revolution as it unfolded, showing how public outrage at government corruption, manipulation of the media, and a general lack of transparency by then-president Kuchma's administration spurred Ukrainian civil society into action, ultimately leading to a rerun of the second round of the 2004 presidential election and a reversal of the initial outcome. I will then go on to show how the OSCE employed its election monitors to ensure foreign attention was focused on the revolution and how it leveraged its wide membership and neutrality to mediate the conflict-resolution process, ultimately positively influencing the outcome of the revolution. I will conclude with an analysis of why the OSCE was well positioned to act and how its best practices were capitalized on, focusing on its quick response, agreement among its members, international support, and public trust.

In the third chapter, I follow the events of the 2013-14 Euromaidan Revolution and show how within the span of only a few months, President Yanukovych was driven from office, Russia annexed the territory of Crimea, and two oblasts in the east of the country exploded into open revolt. I then argue that despite an increase in institutional knowledge, numerous additional years of experience in conflict management, and an established presence on the ground, the OSCE largely failed to positively influence the Euromaidan Revolution as a result of its slow response, a lack of international support, disagreements between its member states, and its growing public image problem, especially in relation to the SMM. I explore what specifically went wrong, noting the

best features of the OSCE's response and picking apart those that hampered its crisis management efforts.

Finally, in the conclusion I bring these two examples together to argue in support of the OSCE's unique potential as a means of crisis management, emphasizing its best practices of monitoring and mediation. I argue that thanks to its many missions on the ground, its consensus rule, and its extensive experience with crisis management, the OSCE should be afforded more attention by analysts and policymakers alike. Grounding my argument in the examples of Ukraine, I contend that greater support for the OSCE by its members, the public, and the international community at large would better allow the organization to positively influence delicate crisis situations. I close by suggesting a few specific changes which could boost the organization's efficacy and by identifying areas for further research.

Chapter One

The OSCE as an International Organization

To understand the OSCE and its unique potential, it is necessary first to understand international organizations (IOs) and their potential usefulness more broadly. In this chapter I discuss IOs, explaining why states join such organizations and how they can be useful. From there, I explore the history of the OSCE as an international organization, showing how it has developed over the years and why it often does not receive sufficient credit for its past successes. I then present an overview of two of the OSCE's best crisis response tools, monitoring and mediation, and explain how these tools can be used broadly to respond to crises. Finally, I argue that the OSCE, when taken in the proper context, is a useful international organization with a history of successful crisis response. I conclude with a brief discussion of some of the variables which threaten OSCE effectiveness.

International Organizations and Their Role in Intrastate Crises

Alternatively known as intergovernmental organizations, international governmental organizations, or simply international organizations, formal IOs take a wide variety of forms. They can range dramatically in size, scale, and scope of operation, from regionally-focused organizations (the Council of Europe, the Arab League, the African Union) to global institutions (the World Bank, the International Police Organization). Some focus on specific issues (the International Atomic Energy Agency) while others are much broader in scope (the United Nations). Some are economic in nature (the International Monetary Fund), while others are security-focused

(the North Atlantic Treaty Organization). Many take a multi-vector approach, addressing multiple different focuses simultaneously. New organizations are created with relative frequency, and an IO can be shut down when its mission is viewed as "complete" or when its members decide the organization is no longer worth supporting. Other times these organizations reorient their priorities to maintain their relevance.

Abbott and Snidal offer a range of possible IO functions, including "fact finding, early warning, and preventive deployment; mediation, adjudication, and other forms of dispute resolution; peacekeeping; sanctions and military force; impartial humanitarian assistance; and post-conflict rebuilding."[20] Though forms, tools, and focuses vary, Leverdier and Devin argue that at their core, all international institutions are in some way designed to reduce conflict and promote peace.[21] This can be done directly (for example, through the use of military force) or indirectly (such as creating alternate dispute resolution channels). Despite many challenges throughout the evolution of IOs, the proliferation of international institutions globally has been a major driving force in moving the international system from a general state of negative peace (or an absence of violent conflict) to a positive peace (or a resolution of the underlying issues which lead to violent conflict). As Leverdier and Devin argue, "The history of international institutions is not one of a long series of failures, but of incremental changes that have defined legitimate representations of peace."[22]

[20] Kenneth W. Abbott and Duncan Snidal, "Why States Act through Formal International Organizations," *Journal of Conflict Resolution* 42, no.1 (February 1998): 4.
[21] Roger Leverdier and G. Devin, *Making Peace: The Contribution of International Institutions* (London: Macmillan, 2011), 6.
[22] Ibid., 8.

IOs are a type of international institution. Russet defines institutions broadly as "a set of channels for processing information, solving problems, and transmitting communications."[23] Essentially, IOs allow states to better coordinate and work together. According to Martin, "the entire point of institutions is to embody norms and rules, and thus induce more certainty and predictability in patterns of international interactions."[24] By creating a mutually agreed upon framework for the specific issue a given institution is intended to address, states can enter into cooperation with greater confidence in the intention, methods, and goals of the cooperation.

Studying international institutions and establishing with certainty their capacity to positively influence crisis situations can be challenging: "The issues surrounding the legitimacy of international institutions — their autonomy, their capacity for action, the effectiveness of their decisions — are all extremely tricky to resolve because they are hard to evaluate, measure, and interpret."[25] As a result of this complexity, a number of different schools of thoughts have developed within the study of international relations, including realism, liberalism, and constructivism, and many variation thereof. Each variation explanations the existence and growth of IOs differently. Despite these challenges of explanation, at the most basic level the very existence and persistence of IOs demonstrates their perceived usefulness. According to Keohane and Martin, "institutions are created because of their anticipated benefits."[26] The fact that

[23] Bruce Russett, *International Regions and the International System* (Westport, Connecticut: Greenwood Press, 1975), 98.
[24] Lisa Martin, *International Order and the Future of World Politics* (Cambridge: Cambridge Press, 1999), 9.
[25] Leverdier and Devin, *Making Peace*, 1.
[26] Robert Keohane and Lisa Martin, "The Promise of Institutionalist Theory," *International Security* 20, no. 1 (1995): 47.

organizations like the UN and the OSCE have continued to persist for decades demonstrates that their member states perceive some value in their existence.

States can engage with the international system in a number of ways. They can act bilaterally or within the framework of other formal or informal structures, including international treaties, decentralized multilateral cooperation, informational consultation, or through any number of other channels.[27] Why then might a state choose to act through an international organization rather than through one of these other avenues? At a basic level, according to Abbott and Snidal, "participation in such organizations appears to reduce the likelihood of violent conflict among members."[28] By providing common expectations and non-violent means of conflict resolution, IOs allow states to deal with issues within a predetermined and mutually-supported framework.

Further, Abbott and Snidal identify two key features that make IOs useful to member states: centralization and independence. IOs provide for a centralization of collective activities through a stable organizational structure backed by institutional legitimacy and a supportive administrative apparatus. This increases the efficiency of collective action and helps to bridge the gaps in the opinions and interests among member states.[29] The independence of an IO often provides it with a special legitimacy to maintain a degree of autonomy in its actions. This allows IOs to serve as neutral parties and somewhat distance themselves from the baggage of any single member. According to Keohane and Martin, international organizations "facilitate cooperation by helping to settle distributional conflicts and by assuring states that gains are evenly

[27] Abbott and Snidal, "Why States Act," 4.
[28] Ibid.
[29] Ibid., 4-5.

divided."[30] As such, IOs can be used to build trust between member states and mitigate the risk of international action.

Though IOs tend to be fairly constrained and limited in the actions they can take, they nevertheless reduce many of the transaction costs associated with a state engaging in the international system: "By taking advantage of the centralization and independence of IOs, states are able to achieve goals that they cannot accomplish on a decentralized basis. In some circumstances, the role of IOs extends even further to include the development of common norms and practices that help define, or refine, states themselves."[31] Beyond easing international action, participation in international institutions forces states to define and redefine themselves in the context of the broader international system in choosing what organizations and principles to support, where to make concessions, and what issues should be given priority. This collective identity building shapes both the states themselves and the broader international system, allowing for more consistent action, better communication, and less violent conflict the world around.

History of the OSCE

While this is neither an exhaustive history of the OSCE nor a complete description of all OSCE missions and functions, a brief overview of the organization's founding, focus, and evolution over the last four decades will be useful in understanding its potential for diminishing intrastate crises.[32]

[30] Keohane and Martin, "The Promise of Institutionalist Theory," 45.
[31] Abbott and Snidal, "Why States Act," 29.
[32] For a more in-depth history of the OSCE, see Terrence P. Hopmann, *Building Security in Post-Cold War Eurasia: The OSCE and U.S. Foreign Policy* (Washington, DC: United States Institute of Peace,

The origins of the OSCE trace back to the 1973 Conference on Security and Co-operation in Europe (CSCE). Convened as a multilateral forum for dialogue and negotiation between East and West, the CSCE saw 35 states representing both sides of the Cold War come together to discuss a number of prominent security issues at the time.[33] According to Laursen, "the [CSCE] played an important role at the outset of the 1970s in promoting detente between the East and West, getting the post-war borders in Europe accepted (an interest of the Soviet Union) and human rights acknowledged as international concerns."[34] Two years after that first gathering, the Helsinki Final Act was signed in August 1975. This act established the initial parameters of the conference, setting a comprehensive definition of security divided into three "baskets" or "dimensions": the politico-military; the economic and environmental; and the human.[35] It also established ten fundamental principles to guide the behavior of its member states. Known as the Decalogue, this list contained a variety of commitments and basic tenants, including "sovereign equality, refraining from the use of force, inviolability of borders, territorial integrity of states, peaceful settlement of conflicts, non-intervention in internal affairs, respect for human rights and fundamental freedoms, and equal rights and determination of people."[36] Until the end of the Cold War, the CSCE continued to serve primarily as a forum for dialogue and as a norm-creation institution. Its primary

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Peaceworks no. 39, 1999) and OSCE, "OSCE History," accessed March 1, 2018, http://www.osce.org/history. For a list of all OSCE missions and functions, see OSCE, "Survey of OSCE Field Operations," and OSCE, "What Is the OSCE?," accessed March 1, 2018, http://www.osce.org/whatistheosce/factsheet.

[33] OSCE, "OSCE History."

[34] Finn Laursen, forward to *The OSCE: Soft Security for a Hard World: Competing Theories for Understanding the OSCE*, ed. Robert Dominguez (Brussels: PIE Peter Lang, 2014), 13.

[35] OSCE "What Is the OSCE?"

[36] Boyka Stefanova, "Institutionalist Theories: The OSCE in the Western Balkans," in *The OSCE: Soft Security for a Hard World: Competing Theories for Understanding the OSCE*, ed. Robert Dominguez (Brussels: PIE Peter Lang, 2014), 60; The complete text of the Decalogue can be found at OSCE, "Helsinki Final Act," August 1, 1975, http://www.osce.org/helsinki-final-act.

tools were meetings and conferences which reviewed the implementation of and built on the commitments of the Helsinki Final Act.

This changed with the fall of the Soviet Union in 1991. Suddenly with the Cold War over, the CSCE's mission of bridging the East-West divide and reducing tensions was arguably complete. As the centralization of the USSR crumbled, however, many new challenges emerged across the region. Numerous national republics declared independence, and suddenly former command economies began the complicated transition to market economies. Democracies were established in some countries, while oligarchs or former Communist Party elite took over in others. Clashes over land, resources, and infrastructure were common. Questions of national identity and citizenship rose to the forefront of political debate in the region, and borders were uncertain. According to Zyla, by the 1990s the CSCE's traditional tools for managing conflict were outdated and insufficient. Reform was need if the organization was to avoid being swept into the dustbin of history.[37]

The Paris Summit of November 1990 was the first of a series of summits intended to reform the CSCE's design and mandate. The December 1994 Budapest Summit saw the transformation of the CSCE from a series of conferences into a fully-fledged international organization. The renamed Organization for Security and Cooperation in Europe (OSCE) set out to tackle the security challenges that were arising with the changing times. According to Giulio, the members of the newly-formed OSCE lacked sufficient mutual interests for the organization to evolve in the direction

[37] Benjamin Zyla, "Soft Power: The Role of Canada in the OSCE," in *The OSCE: Soft Security for a Hard World: Competing Theories for Understanding the OSCE*, ed. Robert Dominguez (Brussels: PIE Peter Lang, 2014), 134.

of hard power or collective security, so instead it continued to focus on crisis management, soft power intervention, norm creation, and absolute gains among its members.[38] According to political scientist David Galbreath, the OSCE has been a vocal critic of incomplete and failed transitions to democracy across the post-Soviet space and has worked since the Paris Summit in 1990 to develop a system of norms and institutions to help encourage democratization and civil society throughout the region.[39]

As the organization evolved, so too did its tools. While annual ministerial gatherings are still held, so too are weekly Permanent Council (PC) meetings and Forum for Security Cooperation (FSC) meetings at the organization's Vienna secretariat. According to Stefanova, "although its fundamental principles of inviolability of borders and respect for state sovereignty were not modified, the conference recognized the connection between domestic political pluralism, respect for human rights, and regional stability."[40] From this evolving conception of security and in connection with the growing crisis in former Yugoslavia in the late nineties, the OSCE established a number of additional permanent structures over the course of the decade, including the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), the Representative on Freedom of the Media, and the OSCE Parliamentary Assembly (OSCE PA). Its toolbox also

[38] Venneri Giulio, "Realist Perspective: Missed Opportunity to Create a Pan-European Collective Security Organization," in *The OSCE: Soft Security for a Hard World: Competing Theories for Understanding the OSCE*, ed. Robert Dominguez (Brussels: PIE Peter Lang, 2014).
[39] David Galbreath, "Putting the Colour into Revolutions? The OSCE and Civil Society in the Post-Soviet Region," *Journal of Communist Studies and Transition Politics* 25 (2009): 161-180, doi:10.1080/13523270902860519.
[40] Stefanova, "Institutionalist Theories," 61.

expanded to include the creation of field offices, election observation missions, and other temporary missions and projects.[41]

Over two decades since its reorganization, the OSCE is now comprised of fifty-seven member states operating from Vancouver to Vladivostok.[42] It continues to function on the same three-prong approach to security (the three dimensions of politico-military; economic and environmental; and human) and target a wide-range of issue areas including crisis management, human rights, national minorities issues, arms control, confidence-and-security-building measures, counterterrorism, environmental protection, economic issues, cyber security, and more. All member states have equal status and decisions are made by consensus on a political, but not legal, basis. Since the mid-nineties, the organization has operated thirty-four field missions, sixteen of which are active as of the end of 2017.[43] Despite its widespread presence, large membership, and unique characteristics, according to Hopmann, the OSCE is often undervalued by US policymakers and the media and generally unknown to the US public.[44] To understand why this is, one must delve into the question of OSCE effectiveness, examining its soft-power design, its best practices, and its past successes and failures along the way.

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[41] Ibid., 55.
[42] As of January 2018, these member states are Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece. Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Mongolia, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom, United States, Uzbekistan.
[43] For a complete list of both active and closed field operations, see OSCE, "Survey of OSCE Field Operations."
[44] Hopmann, *Building Security*, 33.

OSCE as an Effective International Organization

Evaluating the effectiveness of the OSCE is far from a simple task. The first challenge comes in establishing what constitutes a successful outcome. In the world of crisis resolution, success should mean peace, but establishing clear boundaries for what constitutes peace can prove quite difficult. For instance, standards of peace vary by location and situation and often even within the same conflict. Gidron et al. give the example of varying definitions of peace in the Israeli–Palestinian conflict: "In Israel, the concept of peace was fraught with ambiguous meanings: for some it simply represented an amorphous notion of ending the occupation; for others it signified granting the Palestinians their national aspirations and developing normal neighborly relations with them." [45] On the other side of the conflict, views among Palestinians were similarly complicated.[46] Duration of peace is another important variable. Can a cessation of fighting be called peace once it lasts twenty-four hours? A week? A year? Even broadly speaking, peace can be broken up into different categories, such as negative peace (the absence of conflict) and positive peace (the resolution of the underlying causes of the problem).[47] Though many scholars argue about what the common definition of peace should be, ultimately to determine if an outcome of a crisis can be categorized as peaceful (and thus a successful outcome), one must simply consider the conditions of the specific conflict and judge on a case-by-case basis.

[45] Benjamin Gidron, Stanley Katz, and Yeheskel Hasenfeld, "The Efficacy of the Peace and Conflict-Resolution Organizations: A Comparative Perspective," *Oxford Scholarship Online* (November 2003): 4. doi:10.1093/0195125924.003.0009.
[46] Ibid.
[47] Dennis Sandole. *Peace and Security in the Postmodern World: the OSCE and Conflict Resolution* (New York: Routledge, 2007), 43.

Accepting that peace is a relative concept, OSCE effectiveness continues to be difficult to analyze because often OSCE success means the prevention of crisis escalation, and it is impossible to measure that which did not happen. According to Hopmann, "The failures [...] make headlines. The successes can be uncovered by outsiders only with painstaking and difficult research about potential crises that never materialized."[48] This is further complicated by the challenge of establishing causality in complex social science situations and still further by the fact that the OSCE rarely works alone and instead functions best when its activities are coordinated with other regional, nongovernmental, and international organizations.

Finally, evaluating OSCE effectiveness can be a challenge because of the incredibly broad scope of activities the OSCE engages in, many of which are small in scale and long-term in duration. According to Hopmann, "The OSCE's role often goes unrecognized, in part because it works in so many relatively obscure locations, and because most of its successes are the consequence of thousands of small accomplishments achieved day by day, village by village, rather than any single, dramatic result that can readily be pointed to."[49] The OSCE's contribution to crisis resolution is rarely, if ever, to "solve" the crisis outright, but rather the OSCE functions best when it contributes to a broader crisis resolution effort by leveraging its unique position, experience, and best practices. As such, the challenge of quantifying OSCE influence over a situation can range from incredibly difficult to impossible.

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[48] Terrence P. Hopmann, "The OSCE Role in Eurasian Security," in *Limiting Institutions? The Challenge of Eurasian Security Governance*, eds. James Sperling, Sean Kay, and S Victor Papacosma (Manchester: Manchester University Press, 2003), 160; see also Terrence P. Hopmann, "The OSCE: Its Contribution to Conflict Prevention and Resolution," in *International Conflict Resolution After the Cold War*, eds. Paul C. Stern and Daniel Druckman (Washington, DC: National Academy Press, 2000), 578-579.
[49] Hopmann, "The OSCE Role in Eurasian Security," 160.

Despite these challenges, numerous scholars have found the OSCE to be effective within its niche in the international scene by examining its successes and failures on a case-by-case basis. According to Hopmann, "patient but often overlooked preventive diplomacy by OSCE missions and field operations has frequently made a significant contribution to the avoidance of violence in a number of potentially dangerous situations in the OSCE region, and that other conflicts have been moderated or prevented from escalating is further due to the rapid, but often unseen, work of these OSCE officials."[50] The key in analyzing OSCE effectiveness is in judging the OSCE for what it is (an intergovernmental soft-power organization) and to assess its activities against its own potential or that of similar organizations. Decrying the OSCE as a failure in a situation where no soft-power IO would reasonably have a chance of improving the situation is hardly fair or useful.

The OSCE in Context

The OSCE is a textbook example of a soft power organization. Joseph Nye, who coined the term soft power, succinctly defines it as "the ability to get what you want through attraction rather than coercion or payments."[51] Where hard power relies on the use of military or economic force to either entice or coerce a target into taking a desired action, soft power is about making the target want to take the action of its own accord. Rooted in the idea of shared norms and values, "soft power uses a different type of currency (not force, not money) to engender cooperation--an attraction to shared values

[50] Ibid., 145.
[51] Joseph S. Nye, *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2005), x.

and the justness and duty of contributing to the achievement of those values."[52] This is how the OSCE primarily conducts crisis management efforts. For the OSCE to take action in a given area, the state which controls that territory must be a member of the OSCE, which means that it has already signed onto the shared norms, values, and ideas expressed in the Helsinki Final Act and other foundational documents of the OSCE.

So what does this mean for the OSCE practically? As Stefanova explains, "the OSCE's effects on the behavior of participating states and its actual resolution of conflicts remains limited, although its relevance as a focal point for debate and rule creation has been maintained."[53] Rather than resolve conflict by force or coercive diplomacy like the UN and NATO sometimes do, the OSCE's primary role is that of an intermediary, a guide, and a communicator of relevant information. Dominguez adds that "the value added by the OSCE to international security lies in the instruments of soft security that complement rather than duplicate the current politics developed by NATO or the EU."[54] For all these reasons, the OSCE's toolbox consists primarily of strategies based on persuasion, negotiation, information dissemination, and consensus among members. Further, it functions best when its efforts are in line with other soft- and hard-power organizations operating in the region. For example, because it lacks any form of security force, the OSCE must rely on its partner organizations (like NATO or the UN) to cover the hard power dimensions of conflict resolution and, when necessary, to provide security for OSCE monitors and personnel. Based on its soft power design, I

[52] Ibid., 7.
[53] Stefanova, "Institutionalist Theories," 71.
[54] Robert Dominguez, ed. *The OSCE: Soft Security for a Hard World: Competing Theories for Understanding the OSCE* (Brussels: PIE Peter Lang, 2014), 182.

argue in this thesis that two of the OSCE's best practices are its crisis monitoring and crisis mediation efforts.

The OSCE's Best Practices: Monitoring

As a soft power organization, the OSCE excels in areas of information exchange. One of its primary tasks in crisis management is frequently to ensure relevant information is available to and exchanged between otherwise often unconnected parties. According to Larive, "The OSCE plays a central role as a forum in order to foster partnership and cooperation between a wide range of actors: local governments, private and public sectors; international organizations; and countries."[55] In facilitating this information exchange, the OSCE allows for greater cooperation and coordination in addressing crisis situations. Zyla focuses on the active roles of the OSCE, emphasizing how it "has developed discrete but persuasive powers to mediate inter- as well as intra-state conflicts and to monitor post-conflict situations by employing a set of symbolic or soft powers."[56] Building on exactly this idea, in this thesis I will examine how two best practices of monitoring and mediation were used by the OSCE to influence two intrastate crises in Ukraine to different levels of success.

The OSCE's crisis monitoring efforts can take a variety of forms and be deployed in a variety of contexts. Of these, its International Election Observation Missions (IEOMs) are perhaps its most frequent and consistent form of monitoring. Though instances of election monitoring can be traced back much further, Eric

[55] Maxime Larive, "The European Architecture: OSCE, NATO, and the EU," in *The OSCE: Soft Security for a Hard World: Competing Theories for Understanding the OSCE*, ed. Robert Dominguez (Brussels: PIE Peter Lang, 2014), 170.
[56] Zyla, "Soft Power," 131.

Bjornlund argues that election monitoring as a global phenomenon exploded around the fall of Soviet Union: "Since the late 1980s, election monitoring has been a growth industry. There has been a dramatic increase in resources available from foreign assistance budgets for monitoring and otherwise supporting important elections in developing countries."[57] As election monitoring has become more mainstream, how it is conducted and by whom has also shifted: "Election monitoring has evolved from an ad hoc activity of largely America and European nongovernmental organizations and Western election experts, politicians, and academics into a routine, institutionalized function of multilateral organizations and professionals."[58] The OSCE represents one of the most prominent examples of this institutionalization.

This shift in who conducts election monitoring was important in the elevation of the practice to a global standard. According Bjornlund, election monitoring is sometimes criticized as stronger democratic countries imposing their values and standards on weaker developing countries: "Critics often question who appointed the observers as arbiters of legitimacy."[59] The OSCE avoids this criticism, however, as the monitored country itself has both already signed on to the OSCE's election standards first in becoming a member of the organization and then again by explicitly inviting the IEOM before each election (a requirement of membership). In fact, according to Bjornlund, since declaring the value of international election monitoring in its 1990 Copenhagen document and organizing its first long-term monitoring mission for the

[57] Eric C. Bjornlund. *Beyond Free and Fair: Monitoring Election and Building Democracy* (Washington, DC: Woodrow Wilson Center Press, 2004), 8.
[58] Ibid.
[59] Ibid., 36.

May 1996 elections in Albania, "the OSCE has become one of the leading intergovernmental organizations in democracy and election assistance."[60]

Susan Hyde argues that over the second half of the twentieth century the trajectory of election observation was a direct reflection of an increase in global support for democracy.[61] Hyde responds to a seeming paradox where so-called pseudo-democratic leaders willfully invite international election observers to report on the condition of domestic elections and then nevertheless willfully manipulate the election process, inevitably to be called out by the observers that they themselves invited, explaining this practice broadly through expectations: "The global movement toward democracy triggered a game between leaders seeking international benefits and democracy-promoting actors, ultimately resulting in the widely held expectation that leaders holding credible elections should invite international election monitors to judge them."[62] This changing norm of election monitoring has had much broader implications than simply an improvement in the conduct of elections.

Though election monitoring may seem limited in scope, it often serves as a window to the broader political and human rights conditions of a state. When other democracies see reports of tampered elections, they may lose faith in that state's government and refuse to offer other seemingly-unrelated assistance until observer complaints are dealt with. As Hyde explains, "now tied to broader international support for democracy, good governance, and political stability, inviting foreign observers has become linked to a variety of internationally allocated benefits, including membership

[60] Ibid., 63.
[61] Susan D. Hyde, *The Pseudo-Democrat's Dilemma: Why Election Observation Became An International Norm* (Ithaca: Cornell, 2011), 186.
[62] Ibid., 187.

in international organizations, foreign aid, international investment, increased trade, tourism, normal diplomatic relations, and international legitimacy."[63] States which fail to meet the approval of election observers, or worse, who fail to accept their presence all together, risk losing access to some or all of these benefits and diminishing their standing internationally. By linking all of these benefits of international participation to the norm of election monitoring, democratic states have created a standard which not only allows but actually expects international monitors to be physically present on the ground during challenging political transitions.

Election monitoring efforts allow IOs, non-governmental organizations (NGOs), and other states to capitalize on a leader's desires for the benefits of participation in the international system in order to gain access to often-otherwise inaccessible political and human rights information. Further, the norm of election monitoring actually creates a challenging situation where the pseudo-democrat can either invite the international observer and risk a negative report or refuse the observers altogether and effectively guarantee that the election will be seen as undemocratic.[64] Once the observers are in the country, they serve the dual purpose of reporting internationally on conditions in the country and deterring some degree of electoral fraud through their presence: "Observers can deter fraud directly and therefore cost cheating parties a significant number of votes that they would have received in the absence of election observers."[65] Monitors also provide a powerful incentive for the administration conducting the elections to remain peaceful and refrain from cracking down violently on any protests that do occur.

[63] Ibid., 186.
[64] Ibid., 192.
[65] Ibid.

One of the most important observations on election monitoring is that other states (particularly powerful democracies) have shown that they pay attention to the results. According to Hyde, "Not only do observers criticize elections, but [...] a variety of international actors began reacting to negative reports from observers by withdrawing international benefits or by refusing to reopen channels of foreign support following elections that did not meet international standards."[66] This international reaction is key to the value of observation missions. Pseudo-democrats are unable to opt out of inviting such missions because rejecting participation in this norm is generally viewed as an admission that elections will be illegitimate. When leaders instead invite observers and nevertheless tamper with the elections, the international community has been shown to respond negatively, demonstrating that on the whole the norm of election observation constrains the behavior of non-democratic leaders who still wish to participate in the international system.

Along these same lines, I argue that all of the OSCE monitoring efforts, not just its election monitoring efforts, can have this same effect in crisis situations which have become or risk becoming violent. When a crisis occurs within OSCE jurisdiction, members sometimes propose the creation of a monitoring or observation mission in order to determine the scale of the crisis. Though each member state must formally invite the OSCE to conduct any mission within its borders, once the suggestion is on the table within an OSCE PC meeting, it becomes difficult for the target state to refuse. Refusal to invite a monitoring mission carries with it an implication of culpability. Once the observation mission is on the ground, it becomes much harder for a suspect

[66] Ibid.

government to control the flow of information into the wider world. If it is clear that the host government is supporting or perpetuating the conditions which caused the crisis, other states then have good reason to begin to act against that state (an act which can take a wide variety of forms from a simple denouncement to sanctions or a full-scale embargo). In this way, the OSCE can provide the "foot in the door" needed to allow for wider dissemination of accurate information on a crisis and the possibility of an international response.

The idea of early monitoring is further supported by its potential for saved money and lives. Violent conflict prevention is far cheaper than crisis resolution.[67] Mustering support for the prevention of a crisis which has not happened yet, however, can prove challenging. As such, Wanis-St. John and Ghais argue that the first challenge of prevention is to identify conflicts in which violence is likely to occur.[68] There are a few ways to identify conflicts at risk of becoming violent. One is to look at regions or groups statistically or historically prone to conflict and to try to predict ahead of time which areas are at the greatest risk. In situations where more rapid analysis is needed, however, qualitative reporting from organizations with regional specialization, including IOs, NGOs, the media, and academia, can be prove more valuable. The reports generated from these institutions (included those of OSCE monitoring missions) can help inform policy decisions and aid stakeholders in understanding how to best

[67] Malcolm Chalmers, "Spending to Save? The Cost-Effectiveness of Conflict Prevention," *Defense and Peace Economics* 18 (2007): 1–23, doi.org/10.1080/10242690600821693.
[68] Anthony Wanis-St. John and Suzanne Ghais, "International Conflict Resolution: From Practice to Knowledge and Back Again," in *The Handbook of Conflict Resolution: Theory and Practice*, eds. Peter Coleman, Morton Deutsch, and Eric Marcus (San Francisco: Jossey-Bass, 2014), 14.

respond to the crisis. Such assessments can be used in all phases of crisis management but are of particular value in prevention.[69]

The OSCE Best Practices: Mediation

As a crisis nears or crosses into violence, peaceful resolution becomes increasingly difficult without outside intervention. When a peaceful solution is desired but competing parties are unwilling or unable to achieve one, mediation can often provide a necessary step in deescalating the situation. Bercovitch defines mediation as "an accommodative process of conflict management whereby parties in a conflict seek the assistance of, or accept an offer of help from, an individual, a state, or organization to settle their conflict or resolve their problem without resorting to physical force."[70] Put more simply, mediation is negotiation conducted with the help of a third-party guide. As a method of dealing with conflict, mediation has a rich history in all cultures.[71] It can be undertaken at any level of and in any kind of conflict (personal, regional, interstate, ethnic, etc.), can include any number of participants, and can engage with any number of issues underlying the conflict. The mediator may come from inside or outside the conflict and may be passive or active. Some scholars have argued that mediation is too relative a phenomenon to meaningfully describe in full: "the variables are so many that it would be an exercise in futility to attempt to describe typical mediator behavior with respect to sequence, timing, or the use or non-use of the various

[69] Ibid.
[70] Jacob Bercovitch and Patrick M. Regan, "Mediation and International Conflict Management: A Review and Analysis," in *Multiple Paths to Knowledge in International Relations: Methodology in the Study of Conflict Management and Conflict Resolution*, eds. Zeev Maoz, Alex Mintz, T. Clifton Morgan, Glenn Palmer, and Richard J. Stoll (New York: Lexington, 2004), 205.
[71] Ibid.

functions theoretically available."[72] It is important to note that while mediation can take many forms, it is distinct from arbitration, in which the third party is tasked with rending judgment on the situation in order to resolve the conflict.[73] Mediators, on the other hand, serve as neutral participants tasked with facilitating discussions and negotiations between conflicting parties.

According Bercovitch, conflict mediation is more likely to occur when any of the follow four conditions are met: 1) the conflict has gone on for an extended amount of time, 2) the conflicting parties are at an impasse, 3) neither party wants to escalate the conflict or bear additional costs, or 4) both parties are willing to meet and engage in negotiation.[74] Hopmann echoes this sentiment, noting that though parties typically prefer to settle their own issues without outside intervention, "often the dispute turns out to be so bitter, and novel solutions so difficult to discover, that they must turn to a third party to help them resolve their differences."[75] Outside mediators offer the hope of conflict resolution when local solutions prove insufficient.

Oftentimes mediation is about reframing the debate and helping participants to find solutions they otherwise might miss. According to Hopmann, "sometimes the introduction of a third party may be one of the most effective and efficient ways of enabling the parties to make this transition from an essentially competitive, zero-sum orientation toward a more cooperative, positive-sum orientation, even while operating as always within the essentially mixed motive nature of international negotiations."[76] A

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[72] William Simkin, *Mediation and the Dynamics of Collective Bargaining* (Arlington: Bureau of National Affairs, 1971), 118.
[73] Terrence P. Hopmann, *The Negotiation Process and the Resolution of International Conflicts* (Columbia, South Carolina: University of South Carolina, 1998), 228.
[74] Bercovitch and Regan, "Mediation and International Conflict Management," 251-253.
[75] Hopmann, *The Negotiation Process*, 222.
[76] Ibid., 243.

mediator often also plays the additional role of preventing further conflict escalation while a resolution is negotiated.

Evaluating the success of mediation efforts can be difficult. Much like broader crisis resolution efforts, Bercovitch notes that "mediation outcomes are rarely clear-cut, and thus their evaluation may entail some judgmental accounts."[77] Some argue that "a successful outcome is one that is fair, efficient, wise, and stable" while others prefer to define mediation success "in terms of resolving the underlying issues of conflict and creating a durable self-supporting structure."[78] Success would also naturally be evaluated differently by the conflicts parties, the mediators, and any other third parties. Echoing Bercovitch's methodology, in this thesis I consider mediation as successful "if it achieves an observed improvement in the disputants' interaction."[79] For a ceasefire or a settlement to be considered successful it must last at least two weeks.

What characteristics define a successful mediator? Hopmann argues that a successful mediator is often one which both parties view as neutral, fair, and impartial. The conflict participants must believe the mediator will take their preferences into account and not unfairly favor their opponent. It is not entirely about impartiality, however: oftentimes the perception that the mediator is confident, experienced, and able to get results can be just as, if not more, important.[80] Some argue the third-party mediator should have enough power to influence conflict participants, however this crosses over into arbitration. Further, according to Hopmann, "power to manipulate an outcome may often be less important than the ability to facilitate the search process and

[77] Bercovitch and Regan, "Mediation and International Conflict Management," 253.
[78] Ibid.
[79] Ibid., 254.
[80] Hopmann, *The Negotiation Process*, 22.

help the parties arrive at efficient, mutually profitable agreements."[81] This can be connected to the party having moral or legal standing in the international community or simply possessing widespread international support. With the support of its fifty-seven member states and twenty years of practical experience, the OSCE is a good example of a frequent mediator which enjoys widespread legitimacy in crisis mediation. Further, its neutrality and past successes can be seen as benefits in its mediation efforts.[82]

OSCE Success and Failure

Despite the doubts cast by some policy makers and analysts, an in-depth examination of the OSCE's past efforts reveals more successes than the organization often receives credit for and explains some of the failures it is most criticized for. The case of the breakup of Yugoslavia in the nineties provides a useful sampling of OSCE successes and failures. According to Stefanova, all of the OSCE's primary functions – preventive diplomacy, crisis management, and post-conflict rehabilitation – were active in the Western Balkans in the nineties.[83] A short exploration of what went right and what went wrong will prove beneficial in examining the OSCE's broader effectiveness over the remainder of this thesis.

The collapse of the Soviet Union in the early nineties set off one of the largest geopolitical reorganizations in modern history. Moscow's centralization broke down and new states largely organized along ethnic lines were declared across Eurasia. Yugoslavia at the time was a large southeastern-European communist state consisting of

[81] Ibid., 227.
[82] For an in depth discussion of OSCE mediation techniques and principles, see OSCE, "Mediation and Dialogue Facilitation in the OSCE," November 13, 2014, http://www.osce.org/secretariat/126646.
[83] Stefanova, "Institutionalist Theories," 64.

six socialist republics (SR Bosnia and Herzegovina, SR Croatia, SR Macedonia, SR Montenegro, SR Serbia, SR Slovenia). On June 25, 1991, however, Slovenia and Croatia seceded from the communist state, a move which would lead to over a decade of violent struggles, war, border clashes, and genocide. By 2008, seven independent states (Serbia, Croatia, Bosnia and Herzegovina, Montenegro, Slovenia, the Republic of Macedonia, Kosovo) shared the territory that was once Yugoslavia.[84]

This series of conflicts embodied much of what the new warfare of the post-Cold War would look like: it occurred at a sub-state level, it was smaller in scale, it involved multiple non-aligned parties, and it was largely organized along ethnic lines. Because these conflicts ignited directly within the CSCE's sphere of influence, the organization seemed the obvious choice to aid in the conflict resolution.[85] Indeed, the CSCE was the first regional organization to react to the crises in the Western Balkans, setting up its first ever field missions when it established verification missions in Kosovo, Sandjak, and Vojvodina.[86] Unfortunately, according to Stefanova, "although it was functionally prepared to address the dissolution of the former Yugoslavia, it failed to act effectively due to the distribution of state interests, which shifted security responses and crisis management to other institutional actors."[87] In the first several years after fighting broke out, the CSCE failed to positively influence the conflict in a large part because it did not receive enough support from its member states.[88] Zyla contests that the challenges went deeper than disagreements amongst members,

[84] Kosovo's status as a sovereign states remains disputed by some nations as of 2017.
[85] For any events which occurred before the OSCE's 1995 name change, I will refer instead to the CSCE.
[86] Stefanova, "Institutionalist Theories," 65.
[87] Ibid., 69.
[88] Ibid., 65.

however, instead focusing on institutional problems the organization had yet to resolve: "the events in the Balkans soon proved that the CSCE lacked the institutional framework and capacity to effectively manage violent ethnic conflicts."[89] Indeed, the failure of the CSCE's initial crisis response was one major factor in the decision to institutionalize the CSCE into the OSCE

Eventually the conflicts escalated past the point of soft power resolution and NATO stepped in, supported by US leadership, to push a hard power solution.[90] After a sustained intervention, the Dayton Peace Accords were agreed to and brought with them a limited-but-notable degree of stability. To ensure the fair implementation of the accords, the agreement divided the responsibility of monitoring progress between several IOs. This was where the OSCE's potential finally shined. It was tasked with building and monitoring the development of the institutions of liberal democracies, including election monitoring, human rights monitoring, and providing support for local civil society groups.[91] According to Stefanova, "the OSCE's role in crisis management was to provide good offices, issue Chairman-in-Office's statements, apply coercive diplomacy, such as membership withdrawal, and facilitate direct negotiations between conflict parties under the Contact Group format."[92] This included the massive Kosovo Verification Mission, a monitoring mission comprised of 2000 unarmed OSCE verifiers protected by UN peacekeeping forces.

On the whole, though the OSCE failed to prevent the conflict from escalating, it should not be treated as an absolute failure because of the positive influence the

[89] Zyla, "Soft Power," 141.
[90] Dominguez, *The OSCE*, 13.
[91] Zyla, "Soft Power," 146.
[92] Stefanova, "Institutionalist Theories," 66.

organization had in the post-conflict rehabilitation process. Further, it is not clear that any amount of soft-power intervention could have made a difference at the point the OSCE became capable of intervening, especially considering that the organization was still in the process of adapting to the new post-Cold-War world. Notably, according to Stefanova, Russia was much less cooperative in the OSCE after the NATO campaign in Kosovo, supporting the idea that changing conditions on the ground affect how states engage with and utilize IOs.[93] This is especially important in the case of the OSCE because as a result of the organization's consensus-based design, any refusal to cooperate by member states can slow action to a crawl. On the whole, the situation was near intractable, and the OSCE was not equipped to deal with a crisis of its magnitude. Nevertheless, despite initial challenges, once it took on its NATO-assigned Dayton Peace Accord tasks, it performed them well.

One example of this can be seen in the OSCE mission to Skopje, the capital of the Republic of Macedonia, which, according to Hopmann, "played an instrumental role in preventing that former Yugoslav republic from falling into the kind of violence that has swept across Croatia, Bosnia-Herzegovina, and Kosovo."[94] Further, in Croatia, the organization marked several victories. According to Zanotti, the OSCE was key in transforming the country "from a disorderly state into a disciplined member of the EU."[95] To do this, he argues the OSCE utilized a vast array of instruments from monitoring the implementation of national and international law through mediating

[93] Ibid., 68.
[94] Hopmann, "The OSCE Role in Eurasian Security," 156.
[95] Laura Zanotti, "Post-Structuralism: Soft Power as Governmentality and Normalization in the OSCE's Role in Croatia," in *The OSCE: Soft Security for a Hard World: Competing Theories for Understanding the OSCE*, ed. Robert Dominguez (Brussels: PIE Peter Lang, 2014), 94.

dispute resolution among social constituencies, offering assistance to minorities for repossession of their property, and developing a pluralistic media system. The organization's influence in Croatia has been widespread and, according to Zanotti, the OSCE "has been a key player in promoting normalization and pacification, in setting in place legal reforms aimed at making the government compliant with its international commitment, and in bringing Croatia closer to becoming a member of the EU."[96] Not only did these efforts prevent the country from descending deeper into violence, they helped to move the country away from a state of negative peace towards one of positive peace.

Further, outside of the Balkans, the OSCE achieved several other notable successes in the nineties. In Ukraine, for example, the OSCE employed its crisis mediation capacity to prevent Russian nationalists from seceding the territory of Crimea from Ukraine to Russia. According to Hopmann, the HCNM played a major role in promoting a non-violent outcome in a near-disastrous situation.[97] This success may be even more significant than it at first seems, as it may have prevented a potentially devastating war between Russia and Ukraine in the nineties. "Needless to say, a war in the mid-1990s between Russia and Ukraine would have created a severe international crisis. [...] Even if this were the only accomplishment of the OSCE in the decade of the 1990s, I would argue that this alone was worth all the effort and resources that have been put into the entire organization by the United States and its European allies."[98]

[96] Ibid., 100.
[97] Hopmann, "The OSCE Role in Eurasian Security," 156.
[98] Ibid.

Notable as it was, this was of course not the organization's only accomplishment, but rather one of many.

Another example of semi-successful intervention came in the Russian republic of Chechnya starting in 1994. When the ethnically-distinct region initially tried to secede, Moscow immediately sent in troops to violently crack down on the attempt. As the violence grew, the OSCE sent in the OSCE Assistance Group to Chechnya in 1995 to monitor human rights violations. Its role quickly expanded, however, and it soon began serving as an active mediator between Moscow generals and Chechen separatists. After brokering a cease-fire between the two sides in 1996, Hopmann argues, "the OSCE assumed the major role in preparing, conducting, and monitoring the presidential elections in Chechnya in January 1997."[99] Though unfortunately the ceasefire broke down after three years and Second Chechen War began in 1999, these negotiation and monitoring efforts were nevertheless instrumental in ending the First Chechen War and saving an untold number of lives in the short term. Further, they played in an important role in improving the Russian stance toward the OSCE by offering the country an internationally-supported tool for resolving an explosive crisis within its borders.

Hopmann provides a few additional examples of the OSCE positively influencing various crises in Eastern Europe, though as these examples focus primarily on long-term democracy and human rights promotions, they are less applicable to an argument focused on crisis management through monitoring and mediation. According to Hopmann, "as one of a very few international institutions operating in Belarus, the OSCE Advisory and Monitoring Group has played a vital role in providing international

[99] Ibid., 157.

protection for NGOs and a severely restricted political opposition within that country."[100] Additionally, in Estonia and Latvia, "the OSCE played a significant role on behalf of large minorities of ethnic Russians denied citizenship rights in these Baltic states; indeed, these missions achieved sufficient results so that they were closed down at the end of 2001."[101] While it may not be directly comparable to the situations to be discussed in this thesis, these examples do provide useful support for the overall effectiveness of the OSCE and additionally help demonstrate why Russia has continued to value the organization as a valuable tool which can be used to support its geopolitical goals.

Despite the challenges of determining what constitutes a successful outcome and despite the limits of the organization, according to Hopmann "when one surveys all of the myriad activities that the OSCE has undertaken since the early 1990s in the field of conflict prevention and resolution, one cannot escape the conclusion that, in spite of all its shortcomings and failures, it plays a much more significant role than it is generally credited with."[102] This study will provide further support for this idea that, when properly supported, the OSCE can positively influence crisis situations.

Conclusion: An Exploration of Best Practices Applied

In the remainder of my thesis, I will show how the OSCE used its best practices of monitoring and mediation to positively influence the 2004 Orange Revolution. I will then go on to show that despite using the same practices during the 2013-14

[100] Ibid., 154.
[101] Ibid.
[102] Ibid., 160.

Euromaidan Revolution, the OSCE's impact on the crisis was greatly diminished due to a weaker cooperation among its members, weaker international support, weaker public trust, and a slower response time. Finally, in the conclusion I will use these two examples of Ukraine to argue that the OSCE has the potential to positively influence crisis situations within its area of operation by using its best practices of monitoring and mediation, but that its capacity to act is dramatically reduced when it lacks cooperation among its members, international support, public trust, or a reasonable response time.

Cooperation among its members is important because without consensus, the OSCE's ability to take action is greatly diminished. International support, including both material support in the form of personnel and funds and political support by its member governments, is necessary for the OSCE to maintain the logistical capacity to respond to crises. Public trust, both generally from the publics of its member states and specifically from the public in a crisis-affected region, is necessary for the OSCE to carry out its on-the-ground operations and for its efforts to be seen as legitimate. Finally, a reasonable response time is key in addressing the crisis before it escalates beyond the point of the OSCE's capacity to handle. What constitutes an appropriate response time naturally varies depending on the specific conditions of the crisis, but in general, the quicker the response, the better chance the organization will have at preventing further crisis escalation.

As discussed above, determining if a the resolution of a crisis is successful can be incredibly tricky. Though there exists no absolute standard of a successful outcome, I will use a combination of expert testimonial and qualitative description to demonstrate

that thanks in part to the efforts of the OSCE, the outcome of the 2004 Orange Revolution was notably better than the outcome of the 2014 Euromaidan Revolution.

Chapter Two

The OSCE's Influence on the 2004 Orange Revolution

When Ukraine began preparing for its fourth-ever presidential election in 2004 practically everyone expected the official results to be fixed, as they had been at previous elections in 1998, 1999, and 2002.[103] The transition from the centralized socialist government of the Soviet Union to the ostensibly democratic government of independent Ukraine had not gone smoothly and corruption was rampant. Faith in the government was low, media censorship was high, and oligarchs exerted a disproportionate amount of influence on the Ukrainian government.[104] The presidential and parliamentary elections of the nineties were rife with scandals, and there was little reason to expect the 2004 presidential election would go any differently. As it turned out, however, 2004 was a watershed moment for Ukrainian civil society.[105] When the initial results of the vote were announced with obvious electoral manipulation, the Ukrainian people exploded into action, occupying the capital's central square, Maidan Nezalezhnosti, and protesting until an election re-run was conducted. Evaluated as free and fair by a variety of independent international election observation missions, the re-run elections put into power a protester-supported government which set to work reforming the Ukrainian state. Although many of the legal reforms passed immediately following the revolution were not long lasting and corruption continued to plague Ukraine in the years to come, the positive, peaceful outcome of the Orange Revolution

[103] Wilson, "Ukraine's Orange Revolution," 26.
[104] Ibid., 21-22.
[105] For a deeper discussion of pre-Orange Revolution apathy and how it changed before, during, and the after the revolution, see Paul D'Anieri, ed., *Orange Revolution and Aftermath: Mobilization, Apathy, and the State in Ukraine* (Baltimore: Johns Hopkins, 2010).

was vital to the growth of civil society and the development of democracy in Ukraine. Without international support, however, it is unlikely that the protests would have turned out as they did.

The OSCE, in particular, played a vital role in the international crisis management efforts both by monitoring the development of the revolution as it unfolded and by participating in the crisis mediation process. These monitoring and mediation efforts made accurate, unbiased information about the progression of the crisis internationally available, discouraged Kuchma's administration from violently cracking down on the protesters, and facilitated the negotiation process between the disagreeing parties. This successful OSCE intervention was possible because at the time the organization possessed consensus among its members, international support, public trust, and an appropriate response time.

On the Road to the Orange Revolution

The nineties were a turbulent time in newly-independent Ukraine. Although many viewed the collapse of the USSR as an incredible opportunity to build a prosperous and independent state, widespread uncertainty, lax oversight of the process, and a 'winner-take-all atmosphere' significantly hampered the implementation of reforms. While several elections were held during the country's first decade, they were widely regarded as fixed and neither of the first two presidents proved lastingly popular.[106] The first president, Leonid Kravchuk, was generally seen as corrupt, slow to act, and a relic of bygone Soviet days. His successor, Leonid Kuchma, quickly garnered

[106] D'Anieri, *Orange Revolution*, 26.

a reputation as ineffective and corrupt. As his term went on, governmental corruption grew more overt. As Wilson notes, "after his questionable re-election in November 1999, Ukrainian President Leonid Kuchma began a campaign against both media and civil society freedom."[107] Though he ruled from the center, Kuchma was generally regarded as giving preference to the Russian-speaking eastern half of the country, a fact which provoked further unhappiness among the underrepresented populace in the western regions.[108]

By the end of the decade, the country was in poor shape by just about every metric. Living standards, foreign investment, foreign currency reserves, and gross domestic production were all down, while inflation, corruption, and bribery were on the rise.[109] A large proportion of the media in the country was state controlled and even those which were independent were heavily censored. Kuchma's administration brought with it an increase in power for the oligarchs and mafia while the average citizen saw little benefit from the state-led reforms.[110] By the beginning of the 2004 election, the people of Ukraine were ready for change.

A Botched Election

Unfortunately, the run-up to the October 31, 2004, election was marred by controversy. At first glance, the election appeared promising. Twenty-four candidates participated, representing multiple parties and a wide variety of views.[111] In the end,

[107] Ibid., 21.
[108] John Besemeres, *A Difficult Neighbourhood: Essays on Russia and East-Central Europe since World War II* (Chicago: ANU Press, 2016), 150.
[109] Paul D'Anieri, ed., *Orange Revolution and Aftermath.*
[110] Ibid.
[111] OSCE, "Ukraine Presidential Election 31 October," 1.

however, only two candidates, Viktor Yushchenko and Viktor Yanukovych, received widespread support. Yanukovych was the incumbent Prime Minister, while Yushchenko, according to the OSCE International Election Observation Mission (IEOM), was the face of the opposition and the leader of minority political coalition Our Ukraine.[112] The two candidates were broadly characterized as the 'political insider' and the 'political outsider,' and both candidates worked to spin this generalization to his advantage. According to the IEOM, "A major theme in Yushchenko's campaign was the characterization of the government as corrupt, and the need to enact anti-corruption measures if Ukraine was to join the European Union, a major policy objective of the Yushchenko campaign."[113] A vote for Yanukovych, on the other hand, was seen as a vote for stability and for the continuation of current policies. There was widespread fear Yanukovych would try to win the election through illegitimate means.[114]

As for the remaining candidates, only two represented parties which competed in the 2002 parliamentary elections, while the remainder campaigned on single-issue platforms or none at all.[115] Though these 'technical candidates' were awarded the same rights and responsibilities as the two main candidates, they demonstrably did not have the same goals: according to the IEOM, "many of these candidates campaigned against Mr. Yushchenko rather than to promote their own platforms."[116] This both put Yushchenko's campaign on the defensive and allowed Yanukovych to focus his campaign efforts elsewhere. Additionally, the inclusion of so many candidates increased

[112] Ibid.
[113] Ibid., 17.
[114] Wilson, "Ukraine's Orange Revolution," 26.
[115] OSCE, "Ukraine Presidential Election 31 October," 5.
[116] Ibid., 7.

the workload of the election administration and made it more difficult to monitor the fair distribution of election resources. On the whole, many of the candidates were seen as either intentionally working to reduce the transparency of the election process or as unfairly targeting Yushchenko over any other opponent.[117]

The first two rounds of the election were heavily criticized almost across the board with major shortcomings at all levels of the election administration.[118] As the IEOM remarked, "The nature of the election campaign prior to the first and second rounds raised serious concerns regarding the Ukrainian authorities' commitment to hold democratic elections."[119] Transparency was one major issue. Both the Central Election Commission (CEC) and its regional counterparts, the Territorial Election Commissions (TEC), were generally regarded as operationally opaque and politically biased. Further, Kuchma's administration actively worked to prevent domestic NGOs from monitoring the election. The election laws at the time were designed such that domestic organizations were barred from stationing observers at polling stations. The Ukrainian NGO the Committee of Voters of Ukraine subverted this law, however, by working with the OSCE to deploy thousands of observers accredited as journalists to document polling station conduct. Without these disguised observers, there would have been no independent domestic monitoring of the election, which likely would have given the administration in power considerably more control over the flow of information about the election.[120]

[117] Ibid., 16-17.
[118] Ibid., 2.
[119] Ibid., 15.
[120] Ibid., 25.

Manipulation of the media was another of the most prominent issues throughout the election. While at first glance Ukrainian viewers appeared to have a wide variety of media choices, in reality information was much more centrally controlled. Though at the time of the election there were approximately 1,200 television and radio companies registered across Ukraine, according to political scientist Paul D'Anieri, "Ukrainian television, where over 75 percent of Ukrainians get their news, was largely owned by Kuchma's government and his supporters."[121] The flow of information was primarily controlled through a daily 'temnik' issued by Kuchma's government. Temniki were short daily bulletins (typically less than a dozen pages) sent from Kuchma's administration to all major Ukrainian media outlets.[122] They provided detailed instructions on what stories should be covered that day, as well as the slant the stories were to have.[123] These temniki were used to control how much screen time each candidate received and how the media should characterize them. Through them, Kuchma's administration was able to control the flow of information about each candidate and manipulate how they were portrayed. According to the IEOM, "In the run-up to the first and second rounds of voting, the campaign was largely rancorous, divisive and offered unequal opportunities for candidates to convey their messages to the electorate."[124] Media coverage was offered unevenly and dishonestly, and the manipulation could be traced directly back to Kuchma's administration through these temniki.

[121] Ibid., 19; Paul D'Anieri, *Understanding Ukrainian Politics: Power, Politics, and Institutional Design* (New York: Routledge, 2007), 198-199.
[122] 'Temniki' is the plural of 'temnik.'
[123] OSCE, "Ukraine Presidential Election 31 October," 19.
[124] Ibid., 1.

Manipulation of the law was another major issue. The IEOM recorded a number of irregularities in Ukrainian election laws, some of which hindered legitimate campaign efforts while others allowed for unethical practices to take place. One IEOM report noted that "some provisions are at odds with OSCE commitments and international standards" and that "unnecessary complexity of some provisions might have hampered implementation."[125] Vague terminology, an inconsistent application of laws, and limits on freedoms of expression were all also marked as issues.[126] In April 2004, six months before the election, a new Presidential Election Law came into effect, ostensibly based on previous OSCE recommendations, and was branded as solving these legal challenges. In reality, however, this law only addressed a limited number of concerns, was often applied restrictively by biased election commissions and lower courts, and contained several provisions that did directly contradicted OSCE commitments.[127] In practice it was irregularly implemented and largely failed to affect the initial election.

Voter lists were another area of targeted corruption throughout the first two rounds of the election. Ukraine at the time lacked any sort of centralized voter registry, and the disorganization of voter registration was widely abused. According the IEOM, "In almost 40% of election districts, observers received reports directly from TECs and PSCs [Polling Station Commissions] on a variety of inaccuracies in the voter lists, such as the inclusion of names of deceased persons, failure to reflect changes of citizen's residency, instances of multiple registrations, large numbers of misspellings of names of

[125] Ibid., 6.
[126] Ibid., 6-8.
[127] Ibid.

citizens or streets and a few examples where all voters living in the same building were omitted from lists."[128] Such gross inaccuracies raised questions about the actual representativeness of the vote and undermined the legitimacy of the election on the whole.

The Orange Revolution Unfolds

The first round of voting took place on October 31st, 2004. The official results declared Yushchenko as the narrow winner with 39.87% of the vote and Yanukovych with 39.32%.[129] Only three of the twenty-two other candidates garnered more than 1% of the vote. Because no candidate surpassed the fifty-percent requirement, a runoff election was scheduled for November 21st.[130] As per Ukrainian election law, only the two highest-ranked candidates in the first round were allowed to participate in the second round. Candidates were given only ten days before the second round to campaign, and according to OSCE election monitors, no official action was taken to address any of the issues noted during the first round of voting.[131] When Yanukovych was reported on November 24th as winning 49.46% of the votes compared to Yushchenko's 46.61%, many doubted the legitimacy of the results. Notably, "prior to announcing the results, the CEC failed to consider a large number of official complaints filed by the Yushchenko campaign [and] four CEC members refused to sign the official protocol of results."[132] Despite these complaints, the CEC indicated its intentions to

[128] Ibid., 13.
[129] Ibid., 30.
[130] Ibid.
[131] Ibid, 23-24.
[132] Ibid., 31

move forward and publish the results of the election. With the regular channels of dissent non-functioning and even the election officials calling the vote into question, the protests began the very next day.

On election night, Yushchenko called his supporters to Kyiv's Maidan Nezalezhnosti to follow the tabulation of exit polls. When the results revealed a dubious Yanukovych win, Yushchenko condemned the elections as rigged and called upon his supporters to remain in the square until new results were released. Over the next several weeks, hundreds of thousands of protesters occupied the central square, with many setting up tents and sleeping in the square despite sub-zero winter temperatures.[133] According to Wilson, the demonstrators were highly organized and drew extensively on the lessons learned from previous attempts to organize similar protests.[134] Remarkably, the protests were virtually bloodless. International attention on the revolution combined with a politically divided security force meant Kuchma's administration was unable to employ violent means to break up the demonstrations.

Over the next two weeks, the country slipped deeper and deeper into crisis. The parliament met frequently and the only consensus was a consensus of disagreement. In the west of the country, a number of regional governments announced they would not recognized Yanukovych as president no matter the outcome of the election and several even adopted resolutions recognizing Yushchenko as president. In some eastern and southern regions, on the other hand, local leaders expressed indignation at the protests and, most alarmingly, "at a conference in Severodonetsk (Luhansk) attended by Mr. Yanukovych, some regional governors began discussing proposals for the autonomy of

[133] Ibid.
[134] Wilson, "Ukraine's Orange Revolution," 29-30.

some eastern regions, if Yushchenko won."[135] With the country at risk of falling into civil war, outside intervention was needed to prevent further escalation of the crisis. On November 26, a roundtable (moderated in part by the Secretary General of the OSCE) was organized to break political deadlock and begin resolving the issues which had sparked the protest.

Naturally Yanukovych opposed the re-run of the election, decrying such a move as violating Ukrainian law.[136] His party fought to gain official recognition for the suspect results so that he could be sworn in as president and his administration could take power. As the debates continued, however, the Supreme Court blocked the publishing of the election results, preventing Yanukovych's inauguration. Yushchenko, on the other hand, filed a number of complaints to the Supreme Court. According to the IEOM, a televised, open and transparent five-day hearing was held to adjudicate his complaints. In the end, "the Supreme Court concluded that the CEC acted unlawfully in determining the final election results and established that a number of significant violations of the law and the Constitution had taken place before, during, and after the 21st of November."[137] In order to resolve these issues, it was deemed necessary to hold a repeat of the second round vote, scheduled to be conducted on December 26th. Additionally, the parliament went to work addressing some of the concerns ignored after the first and second rounds of voting. Their efforts included adopting a number of temporary amendments to the presidential election law to boost electoral transparency and the dissolution and reformation of the entire CEC.

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[135] OSCE, "Ukraine Presidential Election 31 October," 31-32.
[136] Steven Pifer, "European Mediators and Ukraine's Orange Revolution," *Problems of Post-Communism* 54, no 6 (Nov/Dec 2007): 33, doi:10.2753/PPC1075-8216540603.
[137] OSCE, "Ukraine Presidential Election 31 October," 32.

Less than three weeks later, with a newly amended presidential election law on the books and a new staff in the CEC, the rerun of the runoff ballot took place in what former US Ambassador to Ukraine Steven Pifer called "the most closely monitored election in Ukraine's history."[138] According to the IEOM, the re-run second round saw improvements almost across the board: "[The] conduct [of the repeat second round] brought Ukraine substantially closer to meeting OSCE commitments. In contrast to the two previous campaign periods, fundamental freedoms and civil and political rights were largely respected."[139] The new CEC was considered generally more effective and more transparent. Media coverage was much improved, with news outlets providing a wider-variety of opinions while outright rejecting government censorship by refusing to adhere to the guidelines of the temniki. There were fewer incidents of voter intimidation, a decrease in recorded abuse of state resources to alter voting outcomes, and fewer complaints filed overall.[140] According to the IEOM, "observers assessed the process much more favorably than the two previous rounds."[141]

When the polls were closed and the final vote tabulated, Yushchenko emerged as the winner with 51.99% of the vote and Yanukovych trailing far behind with 44.20%.[142] Though Yanukovych tried to have the election results thrown out (despite his earlier claims that such a move would be unconstitutional), the Supreme Court found no validity in his complaints and the results were allowed to stand.[143] On January 23, 2005, Viktor Yushchenko was sworn in as Ukraine's third president.[144] Though

[138] Pifer, "European Mediators," 34.
[139] OSCE, "Ukraine Presidential Election 31 October," 33.
[140] Ibid.
[141] Ibid., 36.
[142] Ibid., annex.
[143] Ibid., 37.
[144] Pifer, "European Mediators," 34.

naturally Yanukovych supporters resented the election outcome, the re-run of the runoff was viewed both domestically and internationally as legitimately representing the will of the majority of the people of Ukraine.

The OSCE: Monitoring and Mediation

To prevent further escalation and to assist in the peaceful resolution of the crisis, the OSCE capitalized on its international support and its IEOM already on the ground to draw attention to the crisis as it unfolded, to make accurate information available to relevant decision makers, and to prevent Kuchma's administration from cracking down on the protesters. To support a peaceful resolution, the OSCE joined in the negotiation process, leveraging its crisis mediation experience and its unique role as an IO with a wide membership to help bring the conflicting parties to the table, encourage a timely agreement, and to discourage all sides from escalating the crisis while negotiations were ongoing.

Monitoring Missions

As mentioned in the previous chapter, one of the OSCE's greatest strengths lies in its monitoring capabilities, bolstered by its continuous presence on the ground in its field operations across Eastern Europe, the South Caucasus, and Central Asia.[145] In order to participate in the OSCE, each member state is required to invite OSCE election monitors to report on the administration of any national elections which take place within the country. In Ukraine's case, the combination of an active IEOM and the

[145] OSCE, "Annual Report," OSCE, April 10, 2017, 59, http://www.osce.org/annual-report/2016.

permanent office of the Project Co-ordinator in Ukraine (PCU) allowed the OSCE to react immediately to the Orange Revolution as it unfolded. These monitors provided incredibly valuable information which played a role in both preventing further crisis escalation and in facilitating the eventual peaceful resolution of the crisis.

The IEOM for Ukraine's 2004 presidential election initially consisted of 636 observers from 33 OSCE participating states.[146] When the runoff election was declared, the IEOM's mandate was extended and 563 observers remained to monitor the election's second round. When voters began to protest the illegitimate election, the IEOM's mandated was extended once again, and when a rerun of the second round was scheduled for December 26th, the OSCE expanded the IEOM to include 1,372 observers from 46 OSCE participating states. At the time, this was the largest IEOM ever deployed by the OSCE.[147]

In addition to representing all 57 member states of the OSCE, IEOMs work closely with other regional security and political organizations in order to openly and efficiently monitor events. In this case, the IEOM worked with delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP), and the Parliamentary Assembly of NATO (NATO PA). This both increased the IEOM's logistical capacity to report on events and bolstered the legitimacy of its reports by increasing participation and input. Election monitors were also sent by the International Republican Institute, the Tel Aviv Institute for the Countries of Eastern Europe and CIS, and the

[146] OSCE, "Ukraine Presidential Election 31 October," 4.
[147] Ibid.

Commonwealth of Independent States (CIS).[148] Notably, the OSCE is the only of these organizations which counts Ukraine, Russia, the EU, and the US as members, providing it with a degree of legitimacy and international support for reporting which these other organizations lack.

IEOMs monitor and report on events on the ground as they unfold. In addition to tracking the administration of an election as it is held, observers arrive in the host country several months prior to a given election in order to monitor the political and social climate of the country and report on election preparations and on candidates' campaigning. In this situation, the IEOM identified a large number of issues (as listed earlier) which would contribute to the eventual unrest. This is important because when the crisis began, this information was readily available and the process of addressing these concerns was thus considerably expedited. Additionally, when the election results were called into question, the opposition was able to point to these documented issues and the lack of their resolution as support for throwing out the fixed election results.

According to the OSCE, IEOMs use "a long-term, comprehensive, consistent, and systematic election observation methodology" to fairly and honestly evaluate the validity of an election.[149] At the conclusion of an election, they issue both a report of how the election proceeded as well as suggestions on what can be improved in the future. IEOM methodology is based on a combination of research, best practices in the field of election monitoring, and its experience gained from monitoring over 230 distinct elections over the last two decades.[150] The IEOM post-election

[148] Ingmar Bredies, Andreas Umland, and Valentin Yakushik, eds., *Aspects of the Orange Revolution V: Institutional Observation Reports on the 2004 Ukrainian Presidential Elections* (Stuttgart: Ibidem, 2007).
[149] OSCE, "Election Observation Handbook," June 11, 2010, http://www.osce.org/odihr/elections/68439.
[150] Ibid.

recommendations are key for establishing accountability and a sense of continuity. They diminish the opportunity for host governments to claim ignorance of problems and encourage said governments to make positive changes by illuminating problematic areas. The rigorous, data-driven nature of IEOM reports boosts their credibility and makes it more difficult to misinterpret their findings. Before the second round of voting, the IEOM noted that "although these concerns were set out in the IEOM's preliminary statement after the first round of voting, the State authorities did not take remedial action, and continued to lend strong support to Mr. Yanukovych. Consequently, the campaign was unequal and unfair."[151] By establishing clear actions the Ukrainian government could take to improve the legitimacy of its elections (recommendations, it should be noted, which are to some degree implicitly supported by all fifty-seven members of the OSCE, each of whom had to approve the IEOM's initial deployment), the OSCE provided reason to call the administration's intentions into question and prevented it from claiming ignorance of the issues plaguing the 2004 elections. After the eventual conclusion of the election, the IEOM issued a series of fifty-nine recommended changes which it determined should be addressed before the 2006 parliamentary elections.

Support for the idea that the IEOM's reports were key in the successful resolution of the crisis are widespread: "Reports by international governmental and non-governmental organizations on the 2004 presidential elections in Ukraine constituted a significant factor in generating, facilitating, and completing the Orange Revolution."[152] Wilson argues that "in the election year, [the OSCE] played a prominent role in

[151] OSCE, "Ukraine Presidential Election 31 October," 15.
[152] Bredies, Umland, and Yakushik, *Aspects of the Orange Revolution*.

monitoring the voting progress."[153] Ibryamova goes further, writing that "the presidential elections in Ukraine in 2004 in the Orange Revolution are but one example of the positive impact OSCE election monitoring can have."[154] Galbreath makes the boldest assertion, asserting mildly at first that "in general, the OSCE made an important contribution to the 2004 election results," but going on to argue that the IEOM's report was the "push" Ukrainian society needed to spring into action.[155] Without the international condemnation of the election, Galbreath suggests the protests would not have experienced the same massive turnout. Several Western governments also made explicit the connection between the information provided in the reports of the IEOM and the decision to condemn the election. In one example, the chairman of the US Helsinki Commission, Representative Christopher Smith, wrote in January 2005: "Peaceful popular protests backed by OSCE standards on elections can bring down entrenched corrupt regimes that rely on fraud to remain in power."[156] A USAID publication from the time also expressed support for OSCE standards and IEOM reports as a legitimate basis for protest.[157] In one final benefit of the IEOM, Vorobyova argues that the mission's positive effect on civil society began even before the crisis ignited: "Because of the preparations to monitor the elections and to provide awareness campaigns, civil society in the countries that experienced electoral revolutions [such as Ukraine] has grown more mature and confident in its power as well as more rational

[153] Wilson, "Ukraine's Orange Revolution," 25.
[154] Nuray Ibryamova, "The OSCE as a Regional Security Actor: A Security Governance Perspective," in *The Security Governance of Regional Organizations*, eds. Emil J. Kirchner and Roberto Dominguez (London: Routledge, 2011), 98.
[155] Galbreath, "Putting the Colour into Revolutions," 171-172.
[156] Rick Fawn, "Battle over the Box: International Election Observation Missions, Political Competition, and Retrenchment in the Post-Soviet Space," *International Affairs* 82 (2006): 1133-1153, doi:10.1111/j.1468-2346.2006.00592, 1140.
[157] Ibid.

and strategic in its activities."[158] Although OSCE IEOMs and OSCE monitoring efforts in general do not by design engage with the crises they are tasked with tracking, they nevertheless play a vital role in enabling other relevant actors to take informed action in response to crises.

Crisis Mediation

While monitoring efforts are incredibly important for preventing escalation and providing the information needed for peaceful crisis resolution, monitoring alone cannot resolve crises. Information is a key tool necessary for conflicting parties to reconcile their disagreements, but it can only provide limited help when said parties are unwilling to work towards resolution at all. This is where the OSCE's crisis mediation efforts make a big difference. Leveraging its role as independent and supported by all of its fifty-seven members, the OSCE has on numerous occasions served as the middleman in intense negotiations and crisis resolution efforts. Some of these occasions have included the Minsk Process to solve the Nagorno-Karabakh conflict, the Transdniestrian settlement process in Moldova, and the Geneva International Discussions targeted at the 2008 crisis in Georgia.[159]

In 2004, these mediation efforts took the form of three round table talks which occurred over the course of the crisis. The first of the discussions remarkably took place just five days after the second round results were released. All three meetings included representatives from the Ukrainian government, representatives from both Yanukovych's and Yushchenko's factions, the presidents of Poland and Lithuania, the

[158] Vorobyova, "Will the Colours Fade," 129.
[159] OSCE, "Mediation and Dialogue Facilitation in the OSCE."

EU High Representative on Common Foreign and Security Policy, the Chairman of the Russian Duma, and the Secretary General of the OSCE.[160] This diversity of participation was intended to make the talks as representative and effective as possible. Each facilitating party faced different constraints. According to Pifer, the EU representative was not able to be as involved as he might have liked because at the time he was working on developing the EU-Russia relationship and "was sensitive that a misstep in Kyiv could have negative repercussions with Moscow. The Russian factor also appears to have weighed on the calculations of those European leaders less inclined toward EU involvement in Ukraine."[161] The presidents of Poland and Lithuania, on the other hand, participated most enthusiastically in moderating the negotiations, but were hindered by perceptions that they were biased in favor of their own countries' national interests. The OSCE representative therefor played an important role in ensuring balance. According to Pifer, while the primary credit for the successful resolution belongs to the two sides which successfully reached an agreement, "the international mediators nevertheless played an important facilitative role [and] helped the Ukrainian leaders find a settlement more rapidly than might otherwise have been the case."[162]

The mediators positively impacted the negotiations in a number of ways. First, they worked to prevent both sides from escalating the situation. On the side of the administration, they strongly discouraged the use of force for dealing with the protesters: "They provided a counterweight to--and gave Kuchma political cover for

[160] Renata Kosc-Harmatiy, "European Mediators and Ukraine's Orange Revolution," *Kennan Institute*, July 7, 2011. https://www.wilsoncenter.org/publication/european-mediators-and-ukraines-orange-revolution.
[161] Pifer, "European Mediators," 37.
[162] Ibid., 36.

resisting-- those in Yanukovych's camp who wanted a crackdown."[163] The mediators also discouraged the protesters on both sides from provoking the authorities and escalating the crisis while negotiations were taking place: "They persuaded Yanukovych's team to abort a miner's march that could have led to clashes with Orange demonstrators, and they consistently pressed Yushchenko's camp to reject suggestions from more radical elements to seize government buildings."[164] Had the conflict escalated to violence while negotiations were taking place, a peaceful resolution would certainly have been more difficult to achieve.

Second, the mediators were the ones to actually launch the negotiating process: "No Ukrainian negotiating process had emerged between November 21 and 26, despite calls from Kuchma and other for talks. There was simply no trust between the opposing camps. The presence of European mediators proved a prerequisite for negotiations: Yushchenko agreed to meet with Yanukovych and Kuchma only in their presence."[165] Without the presence of outside mediators, it is impossible to say how long the two sides would have taken to come to the table. Once there, the mediators played the vital role of keeping the conversation going and keeping the negotiating parties at the table. Finally, had the mediators not engage, the crisis could have dragged out far longer. According to Pifer, "A longer crisis, even with the best of intentions, would have carried the risk of a misstep that triggered violence."[166]

In short, the mediators played a key role in resolving the crisis by creating the framework for the negotiating process, keeping pressure on the all parties to continue

[163] Ibid.
[164] Ibid.
[165] Ibid.
[166] Ibid., 36.

working for a peaceful resolution, and providing a strong disincentive against escalating the situation by all sides. The negotiations resulted in a settlement on December 8th which included reforming the CEC, amending the questionable presidential election law, and an agreement on a series of constitutional reforms.[167] This was a dramatic victory for the protesters and included significant concession from Kuchma's administration. According to Pifer, "The Orange Revolution was a Ukrainian phenomenon, and Ukrainians deserve the bulk of the credit for its peaceful resolution. The key negotiations took place in Ukrainian channels, and Ukrainians made the compromises that ended the crisis. But European mediators, who took part in three roundtable meetings, played an important facilitative role."[168] The OSCE's participation in the discussions allowed for assistance from other regional actors (the Polish and Lithuanian presidents, for example) without undermining the credibility of any decisions. Emphasizing the OSCE's positive impact in the Orange Revolution, Pifer goes on to suggest that "similar crises may arise in the western CIS and that the [OSCE] could use its experience in Ukraine as a model for managing such situations in the future."[169] The OSCE's mediation efforts during the Orange Revolution should serve as an example of how the organization's best practices can positively influence crisis situations.

[167] Kosc-Harmatiy, "European Mediators."
[168] Pifer, "European Mediators," 28.
[169] Ibid.

Factors Enabling OSCE Effectiveness in 2004

Although the OSCE has proven experience positively contributing to crisis management and resolution efforts, because of its unique consensus nature and its soft power tool kit, the organization needs consensus among its members, international support, public trust, and an appropriate response time in order to make a difference

Agreement among members is clearly incredibly important in taking action as the OSCE is run on a consensus basis. Without consensus, very little be do done. As the Orange Revolution was targeted at preventing the Russian-supported Yanukovych from claiming victory in the fraudulent election, there was some fear Russia would block OSCE action in order to support its preferred candidate. Though Russia had already expressed discontent at the OSCE's characterization of the fraudulent Georgian election results after that country's 2003 Rose Revolution, it had not yet escalated its protest to the point of delaying OSCE action. As such, it and its regional allies continued to support OSCE action through the crisis, allowing for the organization to continue to be involved. Noting the improvements made between the November 21 and December 26 rounds of voting, the IEOM noted, "These measures stand in stark contrast to the previous votes, and demonstrate that when a clear political will is evident to conduct an election in line with OSCE commitments, much can ultimately be achieved in a short time period."[170] The lesson here is that above all else the OSCE is a collection of member states, and without the support of those member states, meaningful crisis response becomes much more difficult.

[170] OSCE, "Ukraine Presidential Election 31 October," 1.

Public trust is important for the OSCE to carry out its mission, for ensuring access to all necessary locations, and, most importantly, for its efforts to be seen as legitimate by the affected populations. Without public trust, IEOM observers face increased difficulty in performing their monitoring duties. While no public opinion polls were conducted in Ukraine at the time to measure public perceptions of the OSCE, public trust can be seen in the access the organization was afforded, the seriousness with which voters took the IEOMs election criticisms, and the fairly widespread support for further European integration for Ukraine at the time. The OSCE itself actually identifies enhanced public trust as one of the many benefits that IEOMs can produce.[171]

International support is key for the OSCE to prevent accusations of bias, to apply international pressure to prevent the local government from cracking down on protesters, to pressure all sides to continue to work for a solution. Besides the approval of all fifty-seven members before it acted, the OSCE enjoyed international support in several additional ways. First, the IEOM worked closely with the OSCE PA, PACE, the EP, and the NATO PA, issuing a combined election observation report and benefiting from the combined institutional weight of all these organizations. Further, the IEOM itself was comprised of observers from forty-six OSCE member states.[172] Finally, the efforts of the OSCE benefited tremendously from immediately international support for its election reports. Western capitals began to react publicly on November 23 and several, including the US and the Netherlands speaking for the EU, referred to the OSCE IEOM report to condemn the election as illegitimate.[173] This public support is

[171] OSCE, "Election Observation Handbook," 29.
[172] OSCE, "Ukraine Presidential Election 31 October," 4.
[173] Pifer, "European Mediators," 30.

incredibly important, because as a soft power organization, the OSCE has limited capacity to act on any issues it identifies. Its IEOM efforts are most effective when they empower other states and organizations to move forward with crisis resolution.

In terms of response time, the organization benefited greatly from already having staff on the ground at the time of the crisis. Based on its philosophy of long-term observation, the IEOM was established a full two months before the first round of elections, with 77 long-term observers deployed to monitor the run-up to the election, 636 OSCE observers present for the October 31 first round, 563 observers present for the November 21 second round and 1,372 observers for the final December 26 rerun of the second round.[174] By having long-term observers present before the start of the crisis, combined with the permanent PCU in Kyiv, the organization was able to respond rapidly to the crisis as it unfolded, providing reports on the crisis almost immediately after it began and joining in the crisis mediation efforts just five days after the annulment of the initial second round. Though the OSCE can be hindered by its consensus design, several loopholes allow for action even as debate proceeds in Vienna. Most notably, ODIHR operates administratively independent of the organization's Vienna secretariat, and though IEOMs must be approved by all member states in order to be initially dispatched or officially extended, once in country IEOMs do not need to seek continued PC approval before issuing individual reports. OSCE staff may also be dispatched to engage in crisis mediation without full approval in the PC. The organization's quick response was key in halting further escalation of the crisis and especially in preventing a descent into violence while a solution was worked out. The

[174] OSCE, "Ukraine Presidential Election 31 October," 4.

dramatic increase in the number of observers after November 21 made a strong statement on the OSCE's commitment to supporting a fair and meaningful resolution to the crisis.[175]

Conclusion: Crisis Averted

The Orange Revolution was unequivocally one of the most important events in the history of modern Ukraine. The explosion of popular discontent could have easily sent the country spiraling into a self-destructive cycle of protests and crackdowns possibly leading to civil war, but instead, thanks to international intervention and the support of the OSCE, the conflicting parties were brought together with accurate information on the state of affairs in order to reach a peaceful resolution. The Orange Revolution was a success not only for its general lack of violent conflict and the free and fair elections it produced, but also for the long term cultural and civil society changes it inspired.

According to OSCE reports, meaningful reform could be seen occurring even before the December 26 rerun of the botched second-round vote. Referring to the changes implemented after the conclusion of the third OSCE-mediated roundtable, the IEOM noted that "the improvement was most clearly demonstrated in the media coverage, the overall conduct of the campaign and the transparency in the CEC performance, including the immediate publication of polling station results."[176] Notably, these were two of the areas with the most issues prior to the OSCE-led mediation efforts. Further, according to Besemeres, Ukrainian elections over the next

[175] Ibid.
[176] Ibid.

decade were viewed as more free and fair, a fact which he connects to the success of the Orange Revolution.[177]

The positive effects of the revolution's peaceful conclusion extend well beyond improvements in election administration. As Besemeres explains, "These [gains from the Orange Revolution] are actually considerable, and can't be reduced to the judgement that the presidential and other elections on Yushchenko's watch have been pretty clean. On a range of international indices of socio-political progress, Ukraine has improved its position in the first years after the Orange Revolution, whereas Russia declined."[178] He goes on to note that "on the Bertelsmann Transformation Index (which examines a range of socioeconomic and governance issues), Ukraine went from 44th place in 2003 to 37th in 2010 (Russia from 41st to 65th). On Freedom House's freedom of the press index, Ukraine went from 68th in 2004 to 55th in 2009 (Russia from 67th to 80th), and other related indices recorded a similar pattern. For comparison, Reporters without Borders indices had Ukraine on 51 in 2004 (0 would be ideal), and 22 in 2009 (whilst Russia declined from 51 to 61)."[179] While naturally none of these indices are one hundred percent accurate or unbiased, in aggregate they paint a picture of a reforming and improving Ukrainian state, an image that becomes particularly stark when framed against Ukraine's increasingly repressive neighboring government. Indeed, in one incredibly strong example, freedom in the media (notoriously poor in pre-Orange Revolution Ukraine) improved so much after the crisis that a number of

[177] Besemeres, *A Difficult Neighbourhood*, 149.
[178] Ibid., 155.
[179] Ibid.

prominent Russian journalists actually relocated from Russia to Ukraine to practice their craft in a safer and more free environment.[180]

Finally, several scholars have argued that that the Orange Revolution reshaped Ukrainian civil society and political culture in a central way. According to Galbreath, "while the political settlement after the Orange Revolution has often been fractious, the nature of politics and the government's relationship with society had fundamentally changed."[181] Writing a decade after the end of the revolution, Solonenko agrees, arguing that "Ukrainian civil society, despite still suffering from a lack of sustainability, difficulties in effectively influencing the reform process and reaching out to the people, and an over-dependence on external funding, has made an important qualitative leap since the days of the Orange Revolution."[182] Vorobyova adds to the conversation, writing, "It can be observed that several impediments to democratic development have been removed as a result of the protest."[183] According to Vorobyova, the protests challenged the norm of election rigging and media censorship in Ukraine. The revolution empowered citizens and inspired hope that participation in civil society could make a meaningful different in the country. Today Ukrainian civil society is more organized and consolidated, seeing itself as a fully-fledged actor in the reform process and demanding inclusion in policy-making. This is a far cry from its almost non-existent status prior to the Orange Revolution. As Vorobyova argues, "the achievement of the Orange Revolution was not only in reaching its immediate electoral goals but also

[180] Ibid.
[181] Galbreath, "Putting the Colour into Revolutions," 169.
[182] Iryna Solonenko, "Ukrainian Civil Society from the Orange Revolution to Euromaidan: Striving for a New Social Contract," in *OSCE Yearbook 2014*, ed. The Institute for Peace Research and Security Policy at the University of Hamburg, Baden-Baden: Nomos Verlagsgesellschaft, 2015, 220.
[183] Vorobyova, "Will the Colours Fade," 127.

in awakening civic activism and consciousness in a new generation who is likely to transmit their democratic values and orientations into the future"[184] In short, the successes of the Orange Revolution went far beyond the facilitation of a single free and fair election.

In the end, thanks to its consensus among members, international support, public trust, and quick response time, the OSCE positively impacted the 2004 Orange Revolution in Ukraine by monitoring the development of the crisis in real time and assisting in crisis mediation efforts. Rather than trying to directly solve the problem (a task for which the organization is not suited), the OSCE focused on providing information to all parties, facilitating dialogue among those in disagreement, and preventing further escalation of the crisis until a resolution was reached. Thanks to its wide inclusive membership and international support, this was a role only the OSCE could have played.

[184] Ibid., 97.

Chapter Three

The OSCE's Influence on the 2013-14 Euromaidan Revolution

Systemic corruption cannot be eliminated overnight and though the new Yushchenko administration engaged in anti-corruption efforts and strengthened ties between Ukraine and the EU, the challenges of reform coupled with divisions within the governing coalition proved too great and reform progress was slow. Frustrated by the lackluster pace of change, the people of Ukraine voted Viktor Yanukovych into the presidency in February 2010. Popular support for his administration was fleeting, however, as government corruption continued to grow and Yanukovych's administration pushed itself further and further from Western Europe. Nearly nine years after the start of the Orange Revolution, protesters again occupied Maidan Nezalezhnosti en masse in order to express their opposition to the government's actions. Within the span of only a few months, Yanukovych fled from office, Russia annexed the territory of Crimea, and two oblasts in the east of the country were in open revolt. In spite of numerous additional years of experience in conflict management and the use of its proven monitoring and mediation capabilities, the OSCE largely failed to positively influence the 2013-14 Euromaidan Revolution as a result of its slow response, its lack of international support, disagreements between its member states, and its growing public image problem, especially in relation to the SMM.

On the Road to the Euromaidan Revolution

With the dust of the Orange Revolution settled, the new administration set out with popular support and ambitious plans for reforming the flawed political system of

Ukraine. Unfortunately, over his six-year presidency, Yushchenko was unable to achieve meaningful political reform largely due to infighting within the governing coalition.[185] Though the final elections which brought the Orange Revolution to a close were applauded both domestically and internationally, by the end of Yushchenko's presidency, his administration did not enjoy the same praise. According to political scientist Dmitry Gorenburg, "Under Yushchenko, the regime shifted from Kuchma's oligarchic authoritarianism to a defective democracy that was lacking in political participation, political competition, and adherence to constitutional norms."[186] The new administration either would not or could not effectively tackle the widespread corruption plaguing the country and the political elite of the time spent more time competing for power than working for change.[187]

Yushchenko's bloc continuously lost support over the course of his presidency, earning a progressively smaller percentage of the vote in each parliamentary election. When it came time to elect a new president in 2010, the people of Ukraine were so disillusioned, they elected the suspect candidate of the Orange Revolution, Viktor Yanukovych, into office. As to how this happened, Gorenburg contests the voters chose 'the lesser of two evils,' opting for predictability over the promise of reform: "Although there were concerns about the rollback of various rights and freedoms, Yanukovych's promise of stability was convincing for the majority of the electorate."[188] As it turns out, Yanukovych's rule would prove to be far from stable.

[185] Dmitry Gorenburg, "Ukraine after Yushchenko," Russian Politics and Law 49, no. 5 (September-October 2011): 4.
[186] Ibid.
[187] Ibid.
[188] Ibid., 3.

Upon gaining power, Yanukovych set to work undoing the reforms made by Yushchenko's administration. The biggest changes were in Ukraine's foreign policy. As noted earlier, Ukraine has faced great uncertainty in balancing its East-West relations since the fall of the Soviet Union. Despite a growing support for stronger integration with Europe among the majority of Ukrainians, Yanukovych favored Russia and Russian-backed institutions.[189] Throughout his term as president, Yanukovych expressed great hostility toward European institutions in general and especially the OSCE, a fact that should come as little surprise due to its role in rescinding his fraudulent 2004 electoral victory.[190]

As soon as he entered office, Yanukovych began to roll back the Europeanization pushed by Yushchenko's government. One of the most notable changes came in 2014 when his administration refused to sign a planned Ukraine-EU Association Agreement, which would have significantly enhanced Ukraine's economic, political, and social ties to the EU.[191] As Ukrainian historian Serhy Yekelchyk explains, "Popular dissatisfaction with the corrupt regime had been mounting for years, and the sudden diplomatic turn from Europe to Russia was simply the last straw."[192] According to most academic analysis on the subject, the primary factors which drove disgruntled citizens to the streets included frustration with the poor economic state of the country, the perpetuation of corrupt systems, and widespread disillusionment with the government as a result of continued failed reforms.[193] Yanukovych's regime abandoned

[189] Besemeres, *A Difficult Neighbourhood*, 153-154.
[190] Serhiy Kudelia, "The House That Yanukovych Built," *Journal of Democracy* 25, no. 3 (July 2014): 19-34, doi:10.1353/jod.2014.0039.
[191] Yekelchyk, *The Conflict in Ukraine*, 102.
[192] Ibid.
[193] Ibid., 102-104.

its proposed economic and political reforms shortly after gaining power, choosing instead to focus on amassing personal wealth for those in power. One of the major political changes they did push through, however, was the removal of the 2004 constitutional and legal reforms put into place following the Orange Revolution.[194] Most of the government officials appointed between 2004 and 2010 were also replaced. Faced with an unresponsive government and several clear steps backwards, citizens again took to the streets.

The Euromaidan Revolution Unfolds

Although dissatisfaction was mounting, widespread disillusionment with the failures of the Yushchenko administration combined with a broader political nihilism made the idea of a second nationwide revolution seem entirely unrealistic. According to Ukraine expert Tetyana Bohdanova, not five months earlier the leading opposition parties in the country had tried to organize just such an uprising and failed spectacularly, attracting just 20,000-30,000 supporters based in opposition strongholds compared to the 100,000 demonstrators the organizers had hoped would appear across the country. Though the popular discontent was present, Bohdanova suggests a lack of a significant catalyst stymied these demonstrations. Unknown to the organizers at the time, Yanukovych would provide that catalyst less than half a year later.[195]

On the night of November 21st, nine years to the day after the start of the Orange Revolution, discontented Ukrainians again took to the streets, with a crowd of 2,000 participants on the first night ballooning to somewhere between 50,000-300,000

[194] Kudelia, "The House That Yanukovych Built," 21.
[195] Bohdanova, “Unexpected Revolution,” 134.

protests within the span of a few days.[196] As the protests grew, they attracted increasingly diverse participants and spurred growing political polarity. A large amount of the tension could be traced back to disagreements between pro-Western and pro-Russian camps and these tensions began to appear in popular media, slogans, and songs. One of the most dramatic manifestation of this opposition came in the destruction of physical monuments constructed during the Soviet Union, a clear rejection of Ukraine's Soviet past and its ties to Russia. Of these, monuments to Lenin were the most-common targets with 504 monuments of Lenin knocked down during 2014 according to the Ukrainian Institute of National Remembrance.[197] This destruction underscores the deep resentment many Ukrainians felt towards Russia and their desire for closer ties with Europe.

Initially led by opposition and pro-EU figures, the protests attracted a wide range of participants, including celebrities, politicians, and even popular music groups who performed nightly to entertain and encourage protesters.[198] As crowds continued to grow, the unrest spread across the country, first to European-leaning cities like Lviv and then across the country. A major turning point occurred on November 30th when riot police cleared Maidan Nezalezhnosti using tear gas, stun grenades, and batons. Reportedly employing excessive force, the riot police were seen chasing down and beating unarmed protesters, assaulting journalists, detaining non-protesting civilians in the vicinity of the square, and even jamming cell networks to prevent demonstrations

[196] Yekelchyk, *The Conflict in Ukraine*, 104.
[197] Andriy Liubarets, "The Politics of Memory in Ukraine in 2014: Removal of the Soviet Cultural Legacy and Euromaidan Commemorations," *Kyiv-Mohyla Humanities Journal* (2016): 200. doi:10.18523/kmhj73968.2016-3.197-214.
[198] Euromaidan Press, "How It All Happened,", February 20, 2016, http://euromaidanpress.com/2016/02/20/the-story-of-ukraine-starting-from-euromaidan.

from reforming.[199] Rather than crush the spirit of the protesters, this aggressive crackdown further stoked the rage of the populace, and hundreds of thousands more turned out to protest in the coming weeks, as demonstrators built barricades and the Internal Troops (Ukraine's national guard) were called in. At its height, attendance was estimated to have reached somewhere between 400,000-800,000 demonstrators.[200]

Notably, despite the violent nature of the administration's crackdown on protesters, relatively little international attention was focused on the demonstrations. Some analysts attributed this to a sentiment referred to as 'Ukraine fatigue,' a term coined by Steven Pifer to describe a sense of frustration and exhaustion among Western policymakers with the slow pace of reform in Ukraine.[201] The lack of action from the West and the OSCE specifically was particularly damning, however, as Ukraine held the OSCE's rotating chairmanship that year and the organization's annual ministerial conference was taking place in Kyiv that very December. Even as police violently cracked down on demonstrators, the meetings continued, with only a small coalition of 10 EU-member-state ambassadors and the then Secretary-General of the OSCE, Lamberto Annier, meeting briefly with protesters to discuss events.[202] Noting this lack of meaningful action, the protesters clamored for international support, seeking legitimacy. According the protester-run website Euromaidan Press, despite some dramatic declarations, little meaningful action was taken: "Euromaidan asks the EU, the

[199] Interfax-Ukraine, "75 Were Injured during Nov. 30 Dispersal of EuroMaidan," *Kyiv Post*, December 5, 2013, https://www.kyivpost.com/article/content/ukraine-politics/75-were-injured-during-nov-30-dispersal-of-euromaidan-333103.html.
[200] "How It All Happened," Euromaidan Press.
[201] Besemeres, *A Difficult Neighbourhood*, 143-146; Steven Pifer, "Curing 'Ukraine Fatigue,'" *The New York Times*, February 9, 2010.
[202] Dennis Sammut and Joseph D'Urso, "The Special Monitoring Mission in Ukraine: A Useful but Flawed OSCE Tool," *European Policy Center* (April 2015): 2.

USA, and other countries to intervene by imposing sanctions on Ukraine's government leaders and Ukraine's oligarchs. It is frustrated with the slow action (and ineffective words) of world leaders in helping to de-escalate the situation."[203]

According to protest leaders, as the demonstrations grew in size and support, Yanukovych's government sought to undermine their efforts by employing street hooligans, known as "titushki", to provoke violence and undermine the legitimacy of the protests, with some reportedly going so far as to kidnap reporters and hospitalize protesters.[204] At the same time, the government rapidly pushed anti-protest laws through parliament, threatening demonstrators with years of jail time and thousands of dollars of fines if they were caught on the street. These efforts again backfired and demonstrations only grew. Though a few opposition figures in government took it upon themselves to serve as mediators between the occupiers of Maidan and parliament, according to Euromaidan Press, they did not accurately represent the interests of the demonstrators and many remained skeptical of both their intentions and their capacity to effectively mediate due to their proximity to the situation.[205]

As protests stretched into the new year, Yanukovych became increasingly desperate. In a futile bid, he first tried placating protesters by sacking his prime minister and pushing through amnesty laws for those who agreed to leave Maidan. When these measures proved entirely unsuccessful, the government again reverted to force.[206] From there, violence escalated, reaching a peak on February 20th with as many as 67

[203] Euromaidan Press, "A Timeline of the Euromaidan Revolution," February 19, 2016, http://euromaidanpress.com/2016/02/19/a-timeline-of-the-euromaidan-revolution.
[204] Ibid.
[205] Ibid.
[206] Radio Free Europe "Ukraine's Euromaidan Revolution, Then and Now," January 23, 2017, https://www.rferl.org/a/ukraines-euromaidan-then-and-now/28251782.html.

demonstrators killed and nearly 1000 wounded by government snipers and Berkut in one night.[207] As it turns out, these were the last ditch efforts of a desperate autocrat, and only a day later Yanukovych left office to flee to Russia. A number of his allied ministers and politicians departed as well.[208] Yanukovych's Speaker of Parliament resigned along with several of his contemporaries and the remaining parliamentarians formed an interim government, reinstating the country's 2004 post-Orange-Revolution constitution and scheduling emergency presidential elections for May 25th of that year.[209] Though this dramatic resolution should have brought an end to the crisis, disagreements over the legitimacy of the new government, a lack of substantive support from the West, and increased Russian aggression instead further escalated the situation.

Crisis Escalation: The Annexation of Crimea and War in the Donbass

As the new government began preparing for emergency elections and much-anticipated political reform, conflict grew in the eastern regions of the country. Though the protests were widely supported across Western Ukraine, many in the East had voted for Yanukovych and viewed his departure as an illegal coup. On top of this, many ethnic Russian living in Crimea and Eastern Ukraine professed fear of repression under their new European-oriented government. Having supported Yanukovych through two presidential elections and his botched presidency, Russia viewed the ousting of his administration and the resultant political changes as a significant threat to its foreign policy and international interests. Whether supporting its ethnic diaspora or protecting

[207] Euromaidan Press, "How It All Happened."
[208] Yekelchyk, *The Conflict in Ukraine*, 111.
[209] Ibid.

its geopolitical interests, the Russian government sent in unmarked armed men to begin taking control of the Autonomous Republic of Crimea only a week after Yanukovych fled office.[210]

Under Ukrainian control since 1954, the territory of Crimea has long played an important strategic role to Russia, serving as home to both the country's Black Sea Fleet in the city of Sevastopol and to a significant population of ethnic Russians. Though the territory is the ancestral home of the Crimean Tatar people, as a result of Stalin-era ethnic cleansing coupled with the popularity of the peninsula as a retirement spot for old Soviet military officers meant that at the time of Euromaidan, well over half of the territory's population was ethnically Russian, and the region had backed pro-Russian candidates since the dissolution of the USSR.[211] As a result, when unmarked soldiers seized government buildings, organized a regional independence referendum, and declared the territory to be a part of Russia, many locals reportedly supported the annexation. Despite this supposed support, the lack of international observation of the referendum has led many to question the legitimacy of its 93% in-favor result.

Not long after the annexation of Crimea, men with the same unmarked uniforms and Russian military equipment began to appear across Eastern Ukraine. Working with already-discontented locals, these unidentified Russian-speaking soldiers armed with Russian military equipment began taking control of government buildings, building barricades, and installing pro-rebel officials into office. Lacking popular support in the East, the new Ukrainian government was unable to reign in these dissenters, and before long two self-proclaimed states emerged from the discontented regions—the Donetsk

[210] Ibid.
[211] Euromaidan Press, "How It All Happened."

People's Republic (DPR) and the Luhansk People's Republic (LPR). Fearing the loss of more territory, the Ukrainian government initially attempted to carry out "anti-terrorist" operations against the rebellious region, but their botched efforts instead dramatically exacerbated the tension, effectively escalating the conflict to the point of a civil war.[212]

As tensions rose, so did the scale of the tragedies occurring. In one of the most dramatic displays of aggression, Malaysian Airlines Flight 17 (MH17) was shot down, killing all 283 passengers and 15 crew members on board. Though Russia and representatives from the DPR and LPR contest its findings, an international Joint Investigation Team found that the aircraft was shot down with an anti-aircraft missile transported from across the Russian border and fired from rebel-controlled territory. After the MH17 incident, Western government imposed economic sanctions on Russia, but these measures proved ineffectual, and over three years later, the conflict rages on with casualties numbering in the thousands.[213] According to a resolution in the US Congress, "the Russian Federation has provided military equipment, training, and other assistance to separatist and paramilitary forces in eastern Ukraine that has resulted in over 4,000 civilian deaths, hundreds of thousands of civilian refugees, and widespread destruction."[214] Many on both sides blame the lack of effective Western intervention for the continuation of the conflict. Even when Russia annexed Crimea, writes Euromaidan Press, "world leaders voiced their concern but took no action."[215] The sanctions came

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[212] Andrei Tsygankov, "Vladimir Putin's Last Stand: The Sources of Russia's Ukraine Policy," *Post-Soviet Affairs* 31, no. 4 (2015): 279-303, doi:10.1080/1060586x.2015.1005903.
[213] OSCE, "Status Report as of 31 February 2018,"; OSCE, "Thematic Report: Civilian Casualties in Eastern Ukraine 2016," September 2017, http://www.osce.org/special-monitoring-mission-to-ukraine/342121.
[214] "Strongly Condemning the Actions of the Russian Federation, under President Vladimir Putin, which Has Carried Out a Policy of Aggression against Neighboring Countries Aimed at Political and Economic Domination," H.R. 758, 113th Cong. (2014).
[215] Euromaidan Press, "A Timeline of the Euromaidan Revolution."

too little too late, material support was lacking, and nothing offered by the West came close to the support Russia offered the rebel groups. What really was needed from the start of this conflict, and especially after the deposition of Yanukovych, was an unbiased, internationally-support mediator.

The OSCE: Action and Inaction

While the OSCE positively impacted the outcome of the Orange Revolution, it failed to achieve a similar influence in the Euromaidan Revolution despite the added benefit of numerous additional years of crisis management experience. While its various monitoring efforts and its support for peace talks again offered promise, in contrast to its efforts during the Orange Revolution, the OSCE's influence was weakened by its slow response, disagreements among its members, diminished international support, and decreased public trust.

Monitoring Missions

Despite the permanent presence of the PCU in Kyiv and an awareness of the crisis as it unfolded, the OSCE did not organize its first monitoring mission until early March, more than three months after the start of protests. According to Stefan Lehne, the first OSCE monitoring missions were proposed on February 24 when the OSCE chairman in office Didier Burkhalter addressed the UN Security Council and called for a series of missions to address the developing crisis in Ukraine. Within two weeks of

this address, the organization began sending its first observers to Ukraine. It then built on this momentum, dispatching five separate missions by the end of the year.[216]

The first mission was organized on March 4th, just over a week after Yanukovych fled from office. Activating a clause in the 2011 Vienna Document, the new interim government requested an observation mission consisting of representatives from any and all OSCE participating states in order "to dispel concerns about unusual military activity."[217] This mission was notable because it is a rare example where OSCE member states can act within the organization without consensus approval. From March 5 to 12, 18 OSCE participating states (all NATO members) sent a team of 35 unarmed military personnel to report on conditions on the ground.[218] Though this marked an important first step, the mission was limited in scope and was prevented from entering the Crimean Peninsula by occupying forces, reducing its effectiveness.

The second mission, officially dubbed the OSCE National Dialogue Project, was dispatched on March 20th. According to a press release from the OSCE, "the project [aimed] to contribute to a peaceful and sustainable political transition in the country and to immediately address problematic issues through supporting a national, inclusive and impartial dialogue throughout Ukraine."[219] Involving fifteen international experts traveling to five locations over four weeks, the National Dialogue Project was

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[216] Stefan Lehne, "Reviving the OSCE: European Security and the Ukraine Crisis," *Carnegie Europe*, September 22, 2015, http://carnegieeurope.eu/2015/09/22/reviving-osce-european-security-and-ukraine-crisis-pub-61362.
[217] Sammut and D'Urso, "The Special Monitoring Mission in Ukraine," 2. The Vienna Document is an agreement between OSCE member states intended to diminish the risk of interstate conflict. For the full text, see OSCE, "Vienna Document 2011," December 22, 2011, https://www.osce.org/fsc/86597.
[218] OSCE, "OSCE National Dialogue Project in Ukraine: The Facts," accessed March 1, 2018, http://www.osce.org/ukraine/116881.
[219] OSCE, "OSCE Launches National Dialogue Project in Ukraine," March 20, 2014, http://www.osce.org/ukraine/116637.

essentially created to gather information and lay the groundwork for eventual crisis resolution efforts, including negotiations between the new government and the rebelling oblasts.[220]

The third mission, also established on March 20th, was the IEOM for the May 25th early president elections. Although IEOMs are typically deployed in country several months before the election, in this case the OSCE had just two months from the establishment of the mission to the holding of election. Despite this short turn around, over 1,200 long-term and short-term observers from 49 OSCE member states were deployed to Ukraine to monitor the election.[221] On the whole, the IEOM characterized the election as hastily organized and challenged by divisions within the country, but ultimately free, fair, and sufficiently representative. According to the IEOM, "the Central Election Commission (CEC) operated independently, impartially, collegially, and generally efficiently, and met all legal deadlines, despite the challenging environment, the limited lead time and the changeable legal framework."[222] Compared to previous Ukrainian presidential elections, the 2014 emergency presidential election was noted to have a number of improvements: "Unlike in previous elections, the OSCE/ODIHR EOM observed no cases of misuse of administrative resources, and interlocutors did not raise it as an issue of concern."[223] Further, freedom of the media was greatly improved over every previous presidential election. There was also stronger inclusion of domestic NGOs and improved candidate registration. Unfortunately, because of the security issues in the country, the campaign period only lasted two weeks

[220] Ibid.
[221] OSCE, "Ukraine Early Presidential Election 25 May," 5.
[222] Ibid.
[223] Ibid., 2.

and only nine of the twenty-one registered candidates were able to conduct visible campaigns.

The IEOM rightly emphasized the significance of holding free and fair elections as a tool of conflict resolution, but noted that the severity of other events in the country diminished its effectiveness: "This presidential election was seen by a majority of national and international actors as an important first step in the de-escalation of a tense situation. At the same time, while the election featured in the political discourse, it was eclipsed by events in the east and the role of the Russian Federation in that part of the country."[224] Notably, the IEOM was able to call out Russia's actions in the eastern oblasts because IEOM reports do not need to be approved by consensus in OSCE PC meetings. Despite the challenges of the election, it was a key step in the crisis resolution process, as it established the legitimacy of the new government in Kyiv. Further, the IEOM's monitoring played a key role in establishing the legitimacy of these elections, preventing Russia or any other state from attempting to invalidate the election results. This can be seen in Russia's reversal on its official opinion of the election after the OSCE report was released. According to Yekelchyk, Russia initially condemned the preterm presidential election as illegitimate but ultimately changed its position and recognized the outcome.[225] Much the same as in 2004, despite clearly disliking the results of the election, Russia was unable to outright reject the results because the OSCE's election monitoring efforts were internationally-supported, transparent, and implicitly supported by Russia through its OSCE membership. In response to the

[224] Ibid.
[225] Yekelchyk, *The Conflict in Ukraine*, 159.

Euromaidan Revolution, the OSCE election monitoring mission was a key step in the crisis resolution efforts.

The fourth mission, by far the largest and most complex of those sent, was the SMM. Though it took until March 21 to establish a mandate for the SMM, the first monitors were on the ground within twenty-four hours of the decision, demonstrating the OSCE's capacity for rapid response when its member states agree.[226] An unprecedented undertaking of the OSCE, the SMM was initially tasked with covering the whole of Ukraine, though it was ultimately prevented from entering Crimea and some parts of the DPR and the LPR. According to Sammut, "The SMM's main role is to be the eyes and ears of the international community, giving decision makers a clear picture of what is happening on the ground."[227] Composed of over 700 monitors from 44 OSCE participating states, the SMM was sent as a follow-up to the first two missions to report on the security environment, monitor the humanitarian situation, facilitate the delivery of humanitarian aid, assist in establishing local dialogues, and track the implementation of any ceasefires.[228] The SMM issues a variety of reports, including Daily Reports, which track ceasefire violations and crisis escalation, and Thematic Reports, which address large trends within the crisis. At the time of writing the SMM is the only independent observation mission allowed in rebel-held territory and continues to serve as the primary source of impartial reporting on the progression of the crisis.

[226] Lehne, "Reviving the OSCE."
[227] Sammut and D'Urso, "The Special Monitoring Mission in Ukraine," 3; OSCE, "Status Report as of 31 February 2018."
[228] OSCE, "OSCE Special Monitoring Mission to Ukraine," accessed March 1, 2018, http://www.osce.org/special-monitoring-mission-to-ukraine; OSCE, "Status Report as of 31 February 2018."

Beyond being notable in its scope and rapid deployment (after its mandate was approved), the SMM was remarkable simply for its unprecedented nature. According to Sammut, "The complexity of the situation, the size of the Mission and the context in which it is operating makes it the precursor of possible future OSCE deployment in other similarly sensitive areas, such as in Nagorno-Karabakh and Georgia, where the OSCE has been involved for many years and where the prospect that it may be asked to provide either a peacekeeping force or a large monitoring force remains."[229] To put it another way, the SMM has not only been important for the information it has provided on the ongoing crisis but additionally for demonstrating the potential capabilities of the OSCE in addressing future crisis-resolution efforts.

Lastly, the fifth and final mission, poetically titled The OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk, was authorized on July 24th to observe two border checkpoints between Russian and the rebel-occupied territories of the DPR and LPR in Eastern Ukraine.[230] Working closely with the Russian government, a team of approximately twenty civilian monitors supported by a local staff was tasked with recording any unusual cross border activity. This was based on concerns of Russian citizens and soldiers crossing the border to fight with the Ukrainian separatists. This mission turned out to be a largely symbolic move, however, as the ability of the monitors to examine cargo or speak with travelers was greatly restricted. Monitors were only allowed to observe travelers as they crossed the border and briefly visually inspect the cargo area of trucks traveling through the checkpoint. They were not allowed to

[229] Ibid.
[230] OSCE, "Decision No. 1130 Deployment of OSCE Observers to Two Russian Checkpoints on the Russian-Ukrainian Border," July 24, 2014, http://www.osce.org/pc/121826.

speak with any border-crossers or physically search passing trucks. Further, this mission was restricted to observing just two of eleven of border crossings, covering a total of two kilometers of the four-hundred-kilometer-long border.[231] Moscow has blocked every proposed expansion of the mission's coverage.[232] With nearly three hundred kilometers of the border left unmonitored, many analysts have doubted this last mission's ability to generate useful observations.[233]

Crisis Mediation

With monitors on the ground, the OSCE slowly but surely set to work employing its other most effective tool, crisis mediation. Drawing on its inclusive membership and experience from past successful negotiations, the organization brought together various stakeholders in a series of resolution efforts which culminated in the signing of the ambitious-but-ultimately unsuccessful Minsk II agreement. Though this final series of talks did produce a ceasefire agreed upon by all parties, SMM reports have shown little to no compliance with the specifics of the agreements from the DPR and LPR. Furthermore, the OSCE's slow response meant that this ceasefire was not agreed to until more than a year after the start of the crisis, after thousands of casualties had already occurred. Had the organization capitalized on its established reputation for crisis mediation to address the unrest when it first began, it would have faced a less-

[231] Jorg Eigendorf and Julia Smirnova, "OSZE-Chef Ist Behinderung durch Separatisten Leid," *Die Welt*, January 27, 2015, https://www.welt.de/politik/ausland/article136800724/OSZE-Chef-ist-Behinderung-durch-Separatisten-leid.html.
[232] Lehne, "Reviving the OSCE."
[233] Judy Dempsey, "How Not to Monitor Russia's Border with Ukraine," *Carnegie Europe*, April 30, 2015, http://carnegieeurope.eu/strategiceurope/59942.

complicated and less-intractable situation and may have been able to facilitate a more peaceful resolution to the crisis.

The first attempt at negotiating a resolution did not occur until a full six months after the start of the crisis when, shortly after the May elections, a group of world leaders met on the sidelines of an event memorializing the 70th anniversary of D-Day.[234] From this group, the Trilateral Contact Group on Ukraine was formed and included Russian and Ukrainian representatives as participants and Heidi Tagliavini, special representative of the OSCE General Secretary, as moderator. Despite several meetings, because no representatives from the breakaway regions were present, this coalition ultimately failed to reach a meaningful agreement and a new forum for discussion was needed. According to Lehne, two additional efforts spearheaded by EU foreign ministers also failed because Russia felt excluded from the talks.[235]

The second OSCE-supported attempt at negotiating a settlement came later that year on September 5 in Minsk, Belarus. Incorporating lessons learned from the failure of the first negotiations, this second attempt included all of the parties from the Trilateral Contact Group and was expanded to include representatives from the DPR and LPR. This time Ukraine was represented by former president Leonid Kuchma. In an attempt to avoid legitimizing the separatists and their cause, however, the Ukrainian government refused to grant Kuchma and the representatives of both republics official status in the negotiations.[236] Despite this lack of official recognition, this was the first effort at negotiation which included representatives from the separatist regions. Though

[234] Yekelchyk, *The Conflict in Ukraine*, 155.
[235] Lehne, "Reviving the OSCE."
[236] Ibid.

the discussions were more comprehensive than the first attempt, ultimately the Ukrainian government and the rebel groups were unable to establish common ground and this attempt failed as well.

The third and final attempt began on February 11, 2015, nearly a year after Yanukovych fled office and fourteen months after the start of the crisis. This time the stakes were raised as the OSCE invited the heads of state of several nations in order to address the crisis at the highest level. The new Ukrainian president Petro Poroshenko, Russian president Vladimir Putin, German Chancellor Angela Merkel, and French president Francois Hollande came together with Tagliavini again serving as mediator. By all accounts Tagliavini played a vital role in bringing the opposing sides together in dialogue: "Tagliavini helped stave off a collapse late in the talks, according to officials who were there. As someone Putin has long felt he could trust, diplomats say, she was able to silence a contingent of separatists who wanted to see the whole deal reworked."[237] These talks, dubbed Minsk II, were incredibly in-depth, covering everything from the frequency of patrols allowed along the line of contact to the caliber of weapons each side could maintain. Unfortunately, though all parties signed the eventual agreement, neither side fully supported its implementation in practice. Ceasefire violations quickly became a daily occurrence and fighting in breakaway territories continued.

It would be easy to dismiss all of these crisis resolution efforts as failures for their lack of lasting results, but that would be overlooking the significant role they have

[237] Helene Fouquet, Ilya Arkhipov, and Daryna Krasnolutska, "The Unsung Heroine of Minsk Talks," *Bloomberg*, February 12, 2015, https://www.bloomberg.com/news/articles/2015-02-12/unsung-heroine-how-swiss-diplomat-rescued-ukraine-talks.

played in advancing dialogue and establishing the extent of the conflict. Of all of the efforts to end the post-Euromaidan conflict in Ukraine, the only negotiations which included parties representing the West, Russia, the Ukrainian government, and the separatists were those moderated by the OSCE. Because of this, they are the only negotiations which can reasonably claim to have represented all stakeholders. Indeed, before the OSCE began serving as a mediator for the conflict resolution efforts, hope for a productive agreement was slim. Four-state talks which occurred in Geneva without OSCE guidance, for example, were labeled by one analyst as "a case of the EU-US grabbing at straws to keep diplomacy alive."[238] Without an inclusive space to discuss the conflict and an experienced mediator to guide the talks, peaceful resolution to the conflict becomes much less realistic.

Factors Inhibiting OSCE Effectiveness in 2013-14

Although the OSCE did employ its best practices of monitoring and mediation in response to the 2013-14 Euromaidan Revolution to monitor the progression of the crisis and to bring together the conflicting parties to negotiate a peaceful solution, the organization simply did not act fast enough to have a similar positive effect as it did in 2004. By the time the OSCE became involved, the crisis had escalated beyond a point that the OSCE is equipped to handle. The effectiveness of its efforts were further diminished by its lack of transparency and diminished public trust compared to 2004. The OSCE's slow response was connected to both an initial lack of international

[238] Amanda Paul, "Ukraine on the Edge," *European Policy Central* (April 24, 2014): 1-2, http://www.epc.eu/pub_details.php?pub_id=4363&cat_id=4.

support for it to become involved in Ukraine and then by conflict within the organization among members which led to a lack of consensus.

As detailed above, the OSCE did not deploy its first monitoring mission until March 2014, over three months after the first protesters began gathering in the Maidan. Notably, in order to monitor the initial development of the crisis, the OSCE did not even need to deploy an observation mission, but rather could have relied on its PCU in Kyiv to begin tracking the crisis in the same way that the IEOM already on the ground in 2004 immediately began issuing reports on the evolving Orange Revolution. Although the PCU did issue regular reports to the OSCE PC, these reports were not made available outside of these meetings and thus their potential benefit was diminished by their limited distribution.[239] Where the OSCE's publicly-available reports in 2004 were vital in discouraging Kuchma's administration from violently cracking down on protesters, Yanukovych was not initially constrained by the same international pressure in 2013-14. Further, though after the departure of Yanukovych the PCU did begin a series of dialogue initiatives, titled "Reconstruction through Dialogue," with the hopes of mediating crisis de-escalation on the local level, these efforts have not been connected with the state-level negotiations also mediated by the OSCE, a fact which has raised doubts about the initiatives' potential for long-term effectiveness.[240]

The OSCE's sluggish response cannot be connected to a lack of awareness of the revolution as it unfolded, evidenced, as noted above, by the annual OSCE ministerial conference being held in Kyiv at the same time as the protests. Even with

[239] OSCE, "Permanent Council Decision No. 295."
[240] Mir Mubashir, Engjellushe Morina, and Luxshi Vimalarajah, *OSCE Support to Insider Mediation* (Berghof Foundation: December 2016), 67.

OSCE representatives witnessing the protests unfolding firsthand, it took a full three weeks and four PC meetings before any participant state mentioned the unrest on record within the OSCE PC.[241] In comparison, the issues of the emerging Orange Revolution were debated in the PC just four days after the spark of those protests in 2004.[242] This points to a broader initial lack of international support for OSCE-led crisis resolution.

Analysts generally agree that early on in the Euromaidan crisis, the US and the EU were averse to becoming involved, a fact often attributed to Pifer's theory of Western 'Ukraine fatigue.'[243] While the EU initially tried to tackle the problem unilaterally, conducting limited negotiations with Yanukovych's regime, its efforts were seen as unrepresentative and ineffective by protest participants. In spite of these efforts, Marples asserts that "the EU and the United States had largely failed to influence the course of events in the later stages."[244] Onuch agrees with this assessment, noting that "informally, Ukrainian political insiders have complained about Europe's and America's lack of initial interest and then later mismanagement of the Euromaidan crisis."[245] This stands in contrast to the rapid international support provided during the Orange Revolution in 2004.

Despite these complaints, there is meaningful support within Ukrainian civil society for the international community to take a larger role in crisis resolution efforts, with a large number of civil society organizations (CSOs) openly supporting greater international involvement. One extensive survey of these organizations conducted by

[241] OSCE, "Journal of the 977th Plenary Meeting of the Permanent Council," December 13, 2013, http://www.osce.org/pc/109576.
[242] OSCE, "533rd Plenary Meeting of the Council," November 25, 2004, http://www.osce.org/pc/18653.
[243] Besemeres, *A Difficult Neighbourhood*, 143-146; Pifer, "Curing 'Ukraine Fatigue.'"
[244] David R. Marples, "Introduction," in *Ukraine's Euromaidan: Analyses of a Civil Revolution*, ed. David R Marples and Frederick V. Mills (Stuttgart: Ibidem, 2015), 15.
[245] Onuch, "Comparing the Orange Revolution," 45.

the OSCE found that "CSOs hope that the international community will support conflict resolution, dialogue and the reform processes through capacity-building. This can be achieved by bringing best practices from other countries, and through applying pressure on parties to the conflict and State actors to resolve Ukraine's current crisis."[246] Still, opinions remain mixed about who exactly should be participating in the crisis resolution efforts. According to the OSCE, most civil society organizations in Ukraine have expressed support for the high-level talks between Ukraine and Russia, and many agree that the US and the EU should be involved as well. Opinions are much more mixed on whether or not the government should negotiate with "terrorist" organizations in the east.[247]

Though discussion was slow to begin, once the issues were on the table within the OSCE PC, several Western powers began advocating intervention. The EU, for example, declared in its first on-record statement that it "stands ready to consider a facilitating role for the OSCE in Ukraine, using the toolbox and relevant mechanisms available within our organization."[248] Resistance from both the Russian representatives and from Yanukovych's government, however, delayed meaningful action until after Yanukovych fled office. According to Yekelchyk, this fact remained irrelevant as a lack of reliable international reporting coupled with diminished interest from Western governments resulted in "Western and domestic opposition leaders often [falling] behind the rapid tempo of revolutionary events in the solutions they offered."[249] This

[246] OSCE, "Thematic Report: Civil Society and the Crisis in Ukraine," 4.
[247] Ibid., 7.
[248] OSCE, "OSCE Permanent Council Nr 977," December 13, 2013, http://www.osce.org/pc/109614.
[249] Yekelchyk, *The Conflict in Ukraine*, 113.

lag in information could have been addressed through either the PCU or a separate independent monitoring mission had action been agreed upon more quickly.

Unfortunately, even with support for greater international intervention, the OSCE's capacity to act was greatly restrained by its consensus design. Although this policy gives the organization much more legitimacy when it does take action, when its members strongly disagree about what action should be taken, the OSCE's ability to act can be dramatically decreased. Although early neutral monitoring and mediation efforts may have been possible (Russia actually expressed support for early mediation efforts between the protesters and the Yanukovych regime), as the crisis escalated, the situation became more and more intractable.[250] When Yanukovych was driven from power in late February, the crisis entered into a new stage and cooperation between Russia, Ukraine, and the West became much more difficult. While the protesters and most of the West saw Yanukovych's removal as a win for Ukrainian civil society, from Moscow's point of view, it was little more than a Western coup. As Marples explains, Russia's understanding of the Euromaidan Revolution contrasts strongly with that of the West. In Moscow's eyes, the crisis began when the West became outraged at Yanukovych's refusal to sign the EU Association Agreement and thus "financed and openly supported a mass protest in the streets of Kyiv during which violent protesters, organized by nationalist extremists, set afire their own police with Molotov cocktails" and then drove the democratically-elected administration from power. These radicals (as the Kremlin understand them) then installed a pro-Western regime devoid of any pro-Russian representation.[251] From this point of view, it should come as little surprise that the

[250] Marples, "Introduction," 18.
[251] Ibid., 19-20.

Russian government was skeptical of the West's intentions and hesitant to come to any agreement. When Russia annexed Crimea and began arming the rebels in the DPR and LPR a month later, relations further deteriorated. Despite this deterioration, however, even after this point the members were eventually able to come to an agreement and deploy a series of monitoring and mediation efforts. Had stronger international support for intervention been present from the beginning, it is possible that neutral OSCE monitoring and mediation efforts could have been dispatched even before Yanukovych's removal from office and Russia's escalation of the situation. Once this early opportunity was lost, however, the OSCE's capacity to influence the situation was decreased. Since that point, discussions within the OSCE PC have become much more difficult. In an interview with Die Welt, OSCE Secretary General Lamberto Zannier described the atmosphere in the organization as reminiscent of that of the Cold War.[252]

Finally, even after the OSCE member states were able to agree on the creation and deployment of several missions, the efforts of these missions were hindered by a lack of transparency from the organization and a lack of public trust from the people in the affected areas of Ukraine. Examining public perception of the SMM around the time of its deployment reveals this skepticism. When it was first deployed, many in the public expressed distrust for the SMM connected with fears of manipulation by Russia, fundamental misunderstandings of the mission's goals and capabilities, and lack of faith in its ability of the mission to achieve its goals.

Perhaps the most frequent criticism of the SMM has been rooted in fears of Russian manipulation or collusion. When the mission was first organized, Russian

[252] Eigendorf and Smirnova, "OSZE-Chef Ist Behinderung."

occupiers barred it from traveling to Crimea by claiming the territory was no longer part of Ukraine. Reasoning that some monitoring was better than none, the organizers of the mission decided to deploy monitors to the rest of Ukraine, however some interpreted the SMM's deployment to all of Ukraine but Crimea as a political statement which de facto recognized Russia's annexation of the peninsula.[253] This confusion could have been cleared up relatively easily, but the OSCE failed to provide any public information on the deployment until well after the mission was established, denying stakeholders a full explanation of the goals and scale of the mission.

Further fears arose in the accusation that Russia was using the SMM as a sort of Trojan horse to allow its representatives to assist the separatists occupying the contested regions. These fears were connected in part with the fact that Russian monitors were allowed to participate in the mission while Ukrainian monitors were excluded, and in part from widespread misinformation spread during the initial deployment of the mission.[254] In the first month of deployment, there were several instances of Ukrainian and Western political figures citing incorrect information on the size of Russian influence over the SMM. Though only 26 of the initial 459 monitors were Russian citizens, in one of the more spectacular claims, an advisor to Ukrainian Defense Minister Basil Budik declared on national television that over 80% of the monitors were Russian.[255] Though he subsequently apologized and rescinded his claim,

[253] Sammut and D'Urso, "The Special Monitoring Mission," 3.
[254] For complaints of Russian participation in the SMM, see Olena Makarenko, "OSCE SMM Deputy Chief on Why Expectations of Them Are Too High," *Euromaidan Press*, July 27, 2016, http://euromaidanpress.com/2016/07/27/osce-smm-chief-on-why-expectations-of-them-are-too-high.
[255] Sammut and D'Urso, "The Special Monitoring Mission," 2.

misinformation like this undermined the legitimacy of the SMM and threatened its ability to maintain public trust.

Further examples of criticism and pro-Russian skepticism abound. One prominent Russian human rights activist blamed the OSCE staff directly for cooperating with Russian-backed militants when she was prevented from assisting refugees in crossing from the crisis zone to Western Ukraine.[256] Another Ukrainian analyst lamented that the OSCE is "fooled by Russia and their proxies in the Donbass."[257] Still another speculated that Russian intelligence had infiltrated the OSCE and was manipulating the mission from the inside, further lambasting the organization for its unwillingness to "solve" the crisis.[258] Seizing on this idea of Russian manipulation, another reported described the OSCE as Moscow's "useful idiot."[259] Of course, Moscow and the rebelling factions take the opposite stance, decrying the SMM as unfairly biased in favor of what they believe to be an illegitimate government in Kyiv. Thus though the SMM strives to impartially report on conditions on the ground, an initial failure to properly communicate the purpose, parameters, and plan of the mission has led to simultaneous conflicting accusations that the SMM is both excessively "pro-Russian" and inappropriately "pro-Ukrainian."[260] Had the OSCE been more transparent

[256] Paula Chertok, "Human Rights Advocate Detained by Militants: OSCE Betrayed Us," *Euromaidan Press*, March 24, 2015, http://euromaidanpress.com/2015/03/24/human-rights-advocate-detained-by-militants-osce-betrayed-us.
[257] Nicole Gallina, "OSCE Bans Exhibition on Crimea," *Euromaidan Press*, March 20, 2015, http://euromaidanpress.com/2015/03/20/osce-bans-exhibition-on-crimea.
[258] Liudmyla Vannek, "Треба відслідковувати, хто з місії ОБСЄ працює на спецслужби Росії – Яременко," *Radio Liberty*, November 10, 2014, https://www.radiosvoboda.org/a/26684279.html.
[259] Taras Panto, "Чому ОБСЄ грає роль 'корисного ідіота' при Московському дворі," *Espresso.tv*, July 1, 2014, https://espreso.tv/article/2014/07/01/fihovyy_lystochok_z_chotyrma_literamy.
[260] Makarenko, "OSCE SMM Deputy Chief."

from the initial deployment, such misinformation would have been harder to spread and the SMM would likely have enjoyed greater support in its early stage.

Further complaints were directed at the mission's perceived lack of empathy for those affected by the conflict. As one journalist complained, "the unproductiveness of the mission is reinforced by its external image. In a city that has been effectively under siege for more than a year, where the majority of remaining residents are forced not to live but to survive, counting every last coin, the OSCE's expensive cars jam the luxury hotel parking lot on Pushkin Boulevard while mission members feast at restaurants, engendering hatred and negativity among the locals."[261] In a similar vein, one resident in the DPR described the SMM as "foreign masters dining in expensive restaurants and from time to time going out on safari to get a feel for the locale."[262] While living in rebel-held oblasts do support the efforts of the SMM, negatives perception such as these can hurt public trust in the mission and diminish its capacity to effectively monitoring the progression of the crisis in the region.

Even for those who trusted the intention of the SMM, there was initial skepticism and anger directed at the mission linked to widespread misunderstanding of what exactly the SMM is supposed to do. As the Deputy Chief Monitor of the SMM Aleška Simkić explained in an interview with the Euromaidan Press:

> Our job is to report on what we see, what we hear and what we can verify. If we cannot meet those criteria, the information does not make it into our reports.

[261] Jerry Toms, "Письма из оккупированного Донбасса. ОБСЕ. «Их ненавидят все»," *Radio Liberty*, September 11, 2015, https://ru.krymr.com/a/27237978.html.
[262] Ibid.

> Often we cannot accurately verify who is shelling or shooting; however, we include as much detail as possible in our reports. We conduct our observations and reporting this way not for the sake of neutrality, but for the sake of accuracy and to avoid being involved in speculation. Our reporting is both balanced and factual. We report what we see with our own eyes or means of observing; however, it is up to the reader, including the sides, to decide on how they use this information. We don't hide anything – if we know it, we report on it.[263]

The SMM mandate is one of observation and reporting. They do not investigate, proclaim guilt, or otherwise involve themselves in the conflict. Instead, the SMM is intended to provide information in support of stakeholders and policy makers in taking action to resolve the crisis. Further, while the SMM does assist in facilitating the distribution of humanitarian aid, it does not itself source or distribute the aid. Despite this clear mandate, initial poor communication with the target regions led to widespread criticism of the mission as ineffective for not accomplishing goals which do not actually fall within its stated mandate.[264]

Even among those who understand the SMM's mandate, there exist legitimate concern about the SMM's operational capability in the face of a sophisticated military force.[265] In just the first year, the SMM dealt with two instances of having its monitors kidnapped, several instances of having its drones shot down, one occasion were several

[263] Makarenko, "OSCE SMM Deputy Chief."
[264] For an example of analysts fundamentally mischaracterizing the mission of the OSCE, see Nicole Gallina, "OSCE Getting More 'Neutral,'" *Euromaidan Press*, February 17, 2016, http://euromaidanpress.com/2016/02/17/osce-getting-more-neutral.
[265] Sammut and D'Urso, "The Special Monitoring Mission," 3.

SMM vehicles were destroyed in an arson attack, and numerous impediments in its physical maneuvering.[266] A lack of training preparing monitoring for these challenges further diminished the SMM's ability to achieve results. Some doubted that the SMM has even been given access needed to fulfill its mandate: "Because it takes SMM patrols more than three hours to drive to the border, monitors must drive past numerous separatist checkpoints, giving combined Russian-separatist forces plenty of time to ensure there is nothing of consequence for the SMM to see once it arrives at the Ukrainian border with Russia,"[267] These setbacks damaged international perceptions of the SMM and, more broadly, of the OSCE's crisis management efforts. While more information would not necessarily have prevented these unfortunate events, it would have assisted policy makers and the public at large in creating reasonable expectations for the mission. With greater transparency comes stronger public trust: strong public trust directly supports the OSCE's ability to carry out its missions.

Conclusion: Crisis Frozen

According to Sammut, "when the crisis reached its climax in February 2014, the OSCE was better informed and prepared to make decisions than in any other crisis in its history."[268] Despite this optimal position, the organization fell short in responding to the 2013-14 Euromaidan Revolution. While its eventual monitoring and mediation efforts should not be discounted, a slow response, a general lack of transparency, a lack of initial international support, and difficulties in cooperation among its members

[266] Ibid.
[267] Euromaidan Press, "OSCE Observes 30,000 Military-Clad Persons Crossing from Russia to Ukraine," November 11, 2016, http://euromaidanpress.com/2016/11/19/osce-checkpoints-gukovo-donetsk-smm.
[268] Sammut and D'Urso, "The Special Monitoring Mission," 2.

prevented the OSCE from having the same impact in 2013-14 as it did in 2004. Because of its slow response, the OSCE's role in 2013-14 was more crisis management than crisis prevention. The organization itself has recognized this "failure of prevention" in one of its own reports, noting that the costs of ending a conflict always outweigh the costs of preventing it. According to this report, one of the primary "lessons learned" from the conflict was that "the OSCE should give priority to conflict prevention and should empower the Secretary General to act on its behalf in pursuit of this objective."[269] With that said, the OSCE's eventual response to the Euromaidan Revolution and ensuing crisis in Ukraine has been considerably stronger than any single-state response. As Lehne explains, "The Ukraine crisis has revived the organization. While political crisis management has been left mainly to a few capitals working with the parties to the conflict, the OSCE's monitoring mission in Ukraine has become an essential factor of stability. Violence has not stopped, however, and the mission's work remains hampered by insufficient cooperation from the parties."[270] In other words, the OSCE's crisis response to the Euromaidan Revolution was good, but not good enough. With greater support and cooperation among its members, the organization could expand on the best aspects of its crisis response and have an even more meaningful impact on future crises. While the OSCE failed in preventing the Euromaidan Revolution from developing into a long-term international crisis, its efforts should not be discounted. Indeed, it is vital that the OSCE learns from both its successes

[269] OSCE, "Lessons Learned for the OSCE from its Engagement in Ukraine," June 2015, http://www.osce.org/networks/164561.
[270] Lehne, "Reviving the OSCE."

and its failures in order to more effectively work in the future in support of peace, security, and stability across Europe and around the world.

Conclusion

The OSCE as a Means of Crisis Management

At its core, the OSCE exists to support peace and security across Europe. As can be seen from its response to the 2004 Orange Revolution, the organization possesses the tools and capacity to positively influence intrastate crises through monitoring and mediation when its response is reasonably quick and properly supported. When it lacks international support, public trust, agreement among its members, or a reasonable response time, however, the OSCE's effectiveness dramatically decreases. Unfortunately, as seen in the 2013-14 Euromaidan Revolution, the organization can be undervalued, challenged by disagreements between its members, stymied by its own lack of transparency, and generally hindered in pursuing its objectives. In the wake of the Euromaidan Revolution, many academics and policy makers questioned the organization's relevance, and some believed that its failure to effectively intervene in 2013 would lead to the end for the organization.[271] Though it did eventually engage in monitoring and mediation efforts, the OSCE's interventions in 2014 simply came too late to slow crisis escalation as it did in 2004. Its eventual action should not be discounted, however, as it has highlighted the unique position of the OSCE and its continued relevance as the only European security forum which boasts broad membership and a history of successful crisis management. Sammut argues that rather than doom the organization, the Euromaidan Revolution gave the OSCE "a new lease of life."[272] With a concerted effort to solve the challenges hindering the organization, the

[271] European Policy Centre, "EU-US Security Forum - The European Security Order after Crimea," February 25, 2016, http://www.epc.eu/events_rep_details.php?pub_id=6367&cat_id=6.
[272] Sammut and D'Urso, "The Special Monitoring Mission," 1.

OSCE could better employ its best practices of monitoring and mediation more quickly and more effectively in the future, allowing for outcomes which more strongly resemble that of the 2004 Orange Revolution.

Continued Support for the OSCE

Despite the challenges the OSCE faced in responding to the Euromaidan Revolution, support for the OSCE's continued involvement in the crisis resolution process persists both internationally and locally. Although the Minsk II agreement has failed to produce a stable ceasefire on the ground, it remains the most inclusive and productive negotiations conducted so far and the best hope at stabilizing the conflict. Further, while the SMM was initially plagued by a lack of public trust, as it has better communicated its mission to the public and become more effective in carrying that mission out, local support for its continued presence has grown.

Many conflict stakeholders have expressed the belief that any inclusive negotiations are key to producing a tenable solution to the ongoing crisis. In interviewing approximately 260 civil society organizations (CSOs) across Ukraine, the SMM found that despite the failure of Minsk II so far, "the predominant opinion amongst respondents was that high-level conflict resolution efforts such as the Minsk talks should be upheld, and that intensified efforts should be carried out to foster inclusive dialogue at all levels (community, local and inter-regional levels), creating spaces also for views of civil society representatives, including at the grass-roots levels. The CSOs urged the OSCE to intensify its efforts to maintain and strengthen the Minsk

talks." [273] Additional suggestions including increasing the involvement of the EU and UN and of establishing additional contacts amongst the separatists in the east. Other analysts have echoed the idea that a lasting peace must be built on inclusive representations of the country's diverse regions and competing interest groups.[274] As the only outside organization with lasting contacts on both sides of the conflict, the OSCE is well suited to continue to assist in connecting conflict stakeholders. According to OSCE Secretary General Zannier, the organization enjoys free access and movement among the Ukrainian government's forces and limited but consistent access among the separatists. [275]

Despite its many initial challenges, the SMM too enjoys continued and growing support. Interestingly, because it has established itself as a reliable and impartial source of information on the crisis in the east, the SMM is seen as vital in countering the very propaganda that initially hindered its work. According to the above survey of Ukrainian CSOs, "biased media coverage and what is referred to as propaganda were brought up by many organizations as major obstacles for conflict resolution and dialogue. It is here that most CSOs saw the OSCE's and more specifically, the OSCE Special Monitoring Mission's contribution as necessary. The OSCE's main role was seen as the provider of reliable and impartial monitoring and information on conflict in the east." [276] Although several CSOs criticized the SMM's performance up to that point, the common opinion was that the mission needed to be improved rather than scrapped. Further, some CSOs

[273] OSCE, "Thematic Report: Civil Society and the Crisis in Ukraine," March 4, 2017, https://www.osce.org/special-monitoring-mission-to-ukraine/141046, 8.
[274] Balazs Jarabik and Bogdan Belei, "Political Infighting is Destabilizing Ukraine," *The Moscow Times*, April 13, 2017, https://themoscowtimes.com/articles/the-domestic-sources-of-the-spike-in-russian-ukrainian-tensions-57713.
[275] Eigendorf, "OSZE-Chef ist Behinderung."
[276] OSCE, "Thematic Report: Civil Society and the Crisis in Ukraine," 4.

expressed the belief that the SMM should be more directly involved in the negotiation and mediation efforts and could better connect stakeholders in the east to the talks in Minsk.[277] Respondents also expressed hope that the SMM would collaborate more with civil society groups, help them to establish inter-regional contacts, and enhance their capacity in the field of conflict resolution and dialogue.[278]

The OSCE's Best Practices

As a soft power IO with a broad definition of security and a massive area of operation, the OSCE risks being overwhelmed by the sheer scale of problems it aims to address. Rather than trying to solve crises, however, the OSCE excels at empowering stakeholders with the information and structures needed for conflict resolution. Specifically, its crisis monitoring and mediation efforts constitute two of its best practices.

Accurate, up-to-date information is incredibly important in crisis management. A problem becomes easier to address when it is better understood and documented. By providing impartial, current information on the development of a crisis, the OSCE both provides decision-makers with the necessary information to intervene and prevents parties in the conflict from misrepresenting events. Real-time, on-the-ground reporting draws interest from abroad and can be used to apply pressure to conflict participants through greater accountability. If the world is watching a protest unfold, a repressive government may be less likely to use violence to silence the opposition, as in the bloodless Orange Revolution. Thanks to the OSCE IEOM reports, Kuchma's

[277] Ibid.
[278] Ibid., 9.

administration was discouraged from cracking down violently on protesters. Further, when the rerun of the second round of the election was held, neither Russia nor Yanukovych was able to successfully dispute the results because the elections were monitored by an impartial IO. Finally, by providing reports on the progress of reforms, pressure is maintained despite the passing of time. In 2004, for example, the OSCE IEOM was able to use these reports to show the lack of action by Kuchma's government to address elections issues, a key fact in the decision to rerun the second round of the elections.

For lasting conflict resolution, conflict stakeholders must be the drivers of the settlement efforts. Operating on this understanding, the OSCE's primary role is one of facilitating the negotiation process rather than itself attempting to solve disputes.[279] Naturally, gathering conflicting parties together to negotiate peace is rarely an easy task. As such, the value of the OSCE's contribution lies in its ability to bring divergent groups together and overcome the barriers to dialogue. A conflict mediator can play many roles in the negotiation process, but the OSCE focuses on engaging disputing parties and helping to reframe their understanding and attitude toward the dispute. Hopmann explains the potential benefits of OSCE mediation, noting that "the mediator may assist [conflicting parties] to reframe the issues so that they no longer appear to be 'zero-sum,' to overcome stereotyped images of their 'enemies,' to locate possible formulas that merge their joint interests and identities rather than divide them, and to make concessions that will not entail loss of face or opening themselves to exploitation by the other."[280] This reframing breaks down the barriers to resolution and encourages

[279] Hopmann, *Building Security*, 27.
[280] Ibid., 26.

productive discussion to take place. According to Hopmann, "What matters in the eventual success of the intervention is usually the OSCE representative's ability to assist the disputants to move away from hard bargaining based on competing interests and into a problem-solving mode."[281] In 2004, the OSCE was able to use its influence and legitimacy to encourage all of the parties to remain at the table long enough for a settlement to be reached. Though negotiation efforts took much longer to initiate in 2014, the OSCE-moderated talks in Minsk remain the only negotiation efforts to include representatives from the Ukrainian government, Russia, and the separatist regions.

Barriers to Success

Unfortunately, despite the incredible potential of the OSCE to positively influence crisis situations, it faces numerous challenges, all of which delayed the organization's action in the wake of the Euromaidan Revolution and diminished its eventual impact. A lack of international support, disagreement among members, a lack of public trust, and a slow response are all key issues that need to be addressed.

One of the most significant problems facing the OSCE is that many governments simply fail to recognize its potential and thus fail to provide it proper support. In arguing for greater international support for the OSCE, Biscop explains, "Neither in the public debate nor in the Brussels policy-making scene is the OSCE a major topic. Rather than seeking to profile itself vis-a-vis the OSCE, the EU often simply seems to ignore it, developing its own policies and capabilities and deploying

[281] Ibid., 27.

missions in areas where the OSCE has been active for a long time."[282] Sammut, on the other hand, asserts that the EU undervalues the OSCE by treating it primarily as a "feel-good mechanism – a tool that can be deployed to park problems for which there is no immediate solution, whilst giving the impression that it is actively engaged with the issue."[283] In both of these situations, the significant potential of the OSCE is being missed and its core benefits ignored. In a similar vein, Hopmann characterizes the US's approach to the OSCE as "cautious," noting it often fails to capitalize on the potential of the organization because of this caution.[284] He also argues that "because the OSCE is thought by some to be too weak and undependable, the United States and other key governments have not provided the economic and human resources, and political support necessary to develop its potential fully. Furthermore, even its limited but important successes have largely gone unnoticed in the United States. Hence, the organization seldom has received the credit that it deserves for what it has accomplished."[285] If the organization's strengths or past successes are not recognized by its member governments, it is unlikely to receive the support it needs to achieve similar success in the future.

The Russian government, on the other hand, has expressed concern over the purported manipulation IOs including the OSCE by the West. In a speech in the wake of the Euromaidan Revolution, Putin asserted, "Key international institutions are not getting any stronger; on the contrary, in many cases, they are sadly degrading. Our

[282] Sven Biscop, "The EU, the OSCE and the European Security Architecture: Network or Labyrinth?," *Asia Europe Journal* 4 (2006): 25, doi:10.1007/s10308-006-0044-8.
[283] Sammut and D'Urso, "The Special Monitoring Mission," 4.
[284] Hopmann, "The OSCE: Its Contribution to Conflict Prevention," 577.
[285] Hopmann, *Building Security*, 6.

western partners, led by the United States of America, prefer not to be guided by international law in their practical politics, but by the rule of the gun."[286] Here Putin challenges the legitimacy of the OSCE, implying it is being used by the US and its allies to push a Western agenda by force in Russia's own backyard. Giulio notes that Russia has expressed decreased support for the OSCE over the last several years as the Kremlin has come to believe that the organization shows a bias for Western priorities.[287] Matching this trend, Russia's position on the world stage has changed dramatically since the institutionalization of the OSCE. As it has grown economically and politically more powerful, Russia has seen a decrease in it need to work through Western-back IOs to push its priorities, instead showing a greater and greater preference for opposing non-Western organizations such as the CIS and the Shanghai Cooperation Organization. Governments of other CIS countries have similarly criticized the OSCE for focusing too much on human rights and democratic institutions to the detriment of supporting host governments and state sovereignty.

As member states value the organization less and less, cooperation within the OSCE becomes more difficult. If member states are not committed to addressing crises in part through the OSCE, they have little reason to negotiate and achieve consensus within the organization. Dominguez argues that the two greatest challenges to OSCE effectiveness are the resurgent ideological confrontations between Russia and the US/EU and competition with other regional organizations.[288] Many critics focus on the challenges of the OSCE's consensus policy, claiming this feature results in a slower

[286] Vladimir Putin, "Address by President of the Russian Federation," *Kremlin*, March 18, 2014, http://kremlin.ru/events/president/news/20603.
[287] Giulio, "Realist Perspective," 46.
[288] Dominguez, *The OSCE*, 179.

slow response time and an inability to take action on more controversial subjects. Dominguez defends the OSCE's consensus rules, however, explaining that while consensus voting has its disadvantages, it "has enhanced the willingness of states to expand topics on their common agenda, to broaden the scope of their commitments and to augment the OSCE's capacities for implementation and monitoring. […] While the OSCE imposes no legal obligations, their process of peer review has fostered an impressive record of implementation." [289] Indeed, the challenges of the consensus policy can actually be seen as one of the organization's greatest strengths because when member states are committed to addressing crises through the OSCE, the perceived legitimacy of the organization's crisis response is greatly enhanced. This is only possible when the member states value the OSCE and are committed to involving it in the crisis resolution process. When the OSCE lacks broad based international support, a consensus is much harder to achieve. The OSCE's design creates a standard framework in which the US, EU, Russia, and all other member states regularly meet and can work through disagreements as they arise, but only when these states are willing to engage in the discussions. [290]

Other fears which have led to decreased international support and public trust are connected to the operational capacity of the OSCE. Speaking on its relative newness on the international stage, Sammut concedes that "the organization is not old or experienced enough to have had a number of successes and failures on which precedents and good practices could be built."[291] Other policymakers believe the OSCE

[289] Ibid., 184.
[290] Eigendorf, "OSZE-Chef ist Behinderung."
[291] Sammut and D'Urso, "The Special Monitoring Mission," 3.

to be an unreliable tool in resolving conflicts in crisis situations because, unlike the UN or NATO, it lacks its own peacekeeping forces.[292] Finally, to many policy makers, the overlapping mandates of the various European security institutions have obscured each's potential and spread resources too thin: "The shake-up of the European security architecture produced by the end of the Cold War has not led to a clear-cut division of labour between the different actors involved. [...] The expansion of the EU and NATO in terms of both competencies and membership and the institutionalization of the OSCE have resulted in an intricate web of functionally and geographically overlapping institutions."[293] This redundancy has led to a frequent duplication of effort by these organizations and a suboptimal distribution of resources to projects across Europe. These operations challenges may also be linked to an issue of funding for the organization, which in turn may reflect a decreasing value some member states attribute to the OSCE's work. While tracking challenges in the OSCE's budget over time would provide valuable evidence in the analysis of obstacles to OSCE effectiveness, unfortunately OSCE budget information is not made publically available, a challenge which is linked to broader OSCE issues of transparency.

Finally, the deployment of the SMM is just one example of the poor transparency and insufficient public trust threatening the OSCE. Several academics have noted difficulty in examining the day-to-day functioning of the organization. As Sammut explains, "[Within the OSCE] information is disseminated in an opaque fashion, as decisions are made collectively, with little insight available into the process through which conclusions have been reached. It is often difficult to get the OSCE to

[292] Hopmann, "The OSCE: Its Contribution to Conflict Prevention," 578.
[293] Biscop, "The EU, the OSCE and the European Security Architecture."

respond directly to queries, or to explain why decisions were taken." [294] Though the OSCE maintains publicly-accessible digital archives, a lack of sufficient funding has left them poorly organized and missing information. Despite the fact that weekly PC meetings are one of the most important and frequent forums of decision-making in the OSCE, published PC meeting minutes often omit considerable detail and individual comments from member states are only retained if the speaking country specifically requests the inclusion of the comment in the record. Both the media and the public at large are generally barred from observing PC meetings. While this in theory should allow the countries to debate more freely, in reality PC statements are typically prepared ahead of time and simply read during the meetings. According to Leverdier and Devin, this lack of publicly available information is an issue present in most major IOs.[295] Better record keeping and more publicly available information would improve transparency and boost public trust in the organization.

Greater international support, more agreement among members, and stronger public trust would allow for the OSCE to respond to crises in a more timely fashion. Hopmann sums up the dilemma of the OSCE succinctly, saying, "There can be little doubt that the OSCE has failed to meet many of the expectations generated on its behalf when the Cold War came to an end [...]. In large part this is due less to the inherent inadequacies of the institution than to the unwillingness of member states to make the necessary contributions of human and economic resources as well as political support to enable the OSCE to be more successful."[296] Even the best-designed organization cannot

[294] Sammut and D'Urso, "The Special Monitoring Mission in Ukraine," 3.
[295] Leverdier and Devin, *Making Peace*, 1.
[296] Hopmann, "The OSCE: Its Contribution to Conflict Prevention," 602.

achieve its objectives if it lacks the support and funding of its members.

Suggested Improvements

The OSCE is experienced, well positioned, and focused on an inclusive basket of security concerns. More than anything it needs appreciation for its potential and stronger support for its continued functioning. This is not a solitary suggestion, but rather supported by several scholars in the field. Hopmann argues that "what is needed is a recognition of the concrete accomplishments already made by the OSCE and support for the optimistic but not unrealistic belief that some modest efforts to strengthen the OSCE could make a significant positive contribution to a more secure common future for all Europeans 'from Vancouver to Vladivostok.'"[297] Sammut, on the other hand, focuses on the EU, writing, "The EU needs to recognize its important role within the OSCE context, as the organization representing nearly half of the OSCE member states. It should sharpen its performance and up its game in OSCE councils. It also needs to define its own vision of what it wants the OSCE to be in the future and build a coordinated position amongst its members."[298] When the Euromaidan Revolution began, for example, the EU pushed several ultimately-unsuccessful conflict resolution efforts without consulting or including the OSCE, wasting resources and duplicating effort.[299] Had it chosen to instead work within the framework of the OSCE, its efforts would have been more inclusive of the conflict stakeholders and potentially more effective in addressing the unfolding crisis.

[297] Ibid., 608.
[298] Sammut and D'Urso, "The Special Monitoring Mission," 4.
[299] Ibid., 2.

Beyond potentially benefiting from greater support from its member states, the OSCE would likely greatly benefit from closer cooperation with other international organizations. Larive notes that there are currently no formal linkages between the decision making bodies of the EU, NATO, and the OSCE.[300] For the sake of coordinating action, sharing information, and preventing the duplication of work, this should be changed. Indeed, the OSCE as a whole would benefit from a clearer role in the European security architecture and deeper cooperation with NATO, the EU, and the CIS.[301] All three of these groups should improve information exchange and operational cooperation with the OSCE, moves which would cut overall costs and decrease the duplication of conflict-resolution efforts. It is vital that as greater cooperation with the EU and NATO is achieved, equal effort is given to the inclusion of the CIS and other Russia-backed institutions in order to forestall claims of bias. In terms of operational security, the UN, NATO, and CIS all could serve as potential partners, providing peacekeeping forces in high-risk areas in order to ensure safer, more effective OSCE observation missions.[302] Finally, these organizations could greatly benefit from drawing more frequently on the OSCE's rich experience. As Hopmann explains, "The OSCE has invented and developed more fully than any other regional organization certain techniques and institutional structures to deal with violent conflict that might usefully be applied elsewhere, either by regional security organizations or the UN."[303] Rather than reinventing the wheel every time a crisis arises, regional security organizations and

[300] Larive, "The European Architecture," 174.
[301] Sammut and D'Urso, "The Special Monitoring Mission," 1.
[302] Hopmann, "The OSCE: Its Contribution to Conflict Prevention," 605.
[303] Ibid., 611.

the UN alike could benefit from incorporating relevant OSCE's best practices into their own crisis-resolution strategies.

The OSCE's Potential for Positive Impact

Though considerable misinformation about the OSCE's effectiveness prevails in policy circles, many scholars in the field have attested to both the organization's potential and actual real-world impact. Specifically, the organization's flexibility and ability to rapidly respond to crisis situations are often cited, along with its inclusive membership and unique position in the European security sphere. Political scientist James Sperling takes the broad approach, calling NATO and the OSCE "the two most important regional security organizations."[304] Foreign Policy analyst Samuel Goda employs similarly broad-assertions in discussing the necessity of involving organizations like the OSCE to resolve disputes, stating, "International organizations are one of the most important tools for dealing with crisis management."[305] Stuart Horsman, international relations expert, focuses his analysis, noting the OSCE's particular advantage in providing essential assistance in conflict prevention and confidence building in regions where political confidence and cooperation are lacking.[306] Hopmann, a scholar of conflict management, emphasizes the flexibility and adaptability of the organization which enables it to respond and adapt to developing

[304] Stuart Kaufman, "Ethnic Conflict and Eurasian Security," in *Limiting Institutions? The Challenge of Eurasian Security Governance*, eds. James Sperling, Sean Kay, and S. Victor Papacosma (Manchester: Manchester University Press, 2003), 21.
[305] Samuel Goda, Oleksandr Tytarchuk, and Maksym Khylko, eds., *International Crisis Management: NATO, EU, OSCE and Civil Society* (Amsterdam: IOS Press, 2015), preface.
[306] Stuart Horsman, "Transboundary water management and Security in Central Asia," in *Limiting Institutions? The Challenge of Eurasian Security Governance*, eds. James Sperling, Sean Kay, and S. Victor Papacosma (Manchester: Manchester University Press, 2003), 93-94.

crises more quickly than most other institutions.[307] In a separate article, he contests "the two greatest attributes of the OSCE are its proven ability to strengthen democratic institutions in societies undergoing transition and its capacity to respond rapidly to crises."[308] Finally, Alice Ackermann, senior operational advisor at the Conflict Prevention Center of the OSCE, argues that it is important to consider the OSCE in context as an inclusive soft power organization focused on cooperation and comprehensive security.[309] While many policy makers continue to disparage the organization, some assert the OSCE offers much greater potential than it is typically afforded. As Sammut explains, "[The OSCE's] strength has been in its ability to make modest incremental contributions, alongside other parties, often carrying out the detailed work necessary to make more publicized activities successful. It often operates quietly, outside the glare of publicity, so that the large number of significant contributions it has made to security building in Eurasia have frequently gone largely unnoticed."[310] In this way, the OSCE's incredible potential often goes entirely unrecognized, overshadowed by the work of more prominent (but not necessarily more capable) intergovernmental organizations.

Though it offers great promise in the realm of crisis resolution, the OSCE simply cannot operate without sufficient access to resources, support, and information. As Hopmann contests, "In the effort to revive these war-torn societies, the OSCE cannot succeed alone, but its contribution is nonetheless essential to the successful

[307] Hopmann, "The OSCE: Its Contribution to Conflict Prevention," 601.
[308] Hopmann, *Building Security*, vi.
[309] Alice Ackermann, forward to *Peace and Security in the Postmodern World: the OSCE and Conflict Resolution* (New York: Routledge, 2007), xiv.
[310] Hopmann, "The OSCE: Its Contribution to Conflict Prevention," 607.

accomplishment of this task."[311] In the end, the OSCE is a tool to solve problems. If properly utilized, as it was in the Orange Revolution, it carries the potential to significantly positively influence crisis situations. When undervalued by its members, however, as occurred during the Euromaidan Revolution, its enormous potential largely goes to waste.

[311] Hopmann, "The OSCE role in Eurasian Security," 160.

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Appendix - Acronyms

CEC - Central Electoral Commission

CIS - Commonwealth of Independent States

CSCE - Conference on Security and Cooperation in Europe

CSO - Civil Society Organization

DPR - Donetsk People's Republic

EMO - Election Monitoring Organization

EP - European Parliament

EU - European Union

FSC - Forum for Security Cooperation

HCNM - High Commissioner on National Minorities

IEOM - International Election Observation Mission

IO - International Organization

LPR - Lugansk People's Republic

MH17 - Malaysian Airlines Flight 17

NGO - Non-Governmental Organization

NATO - North Atlantic Treaty Organization

ODIHR - Office for Democratic Institutions and Human Rights

OSCE - Organization for Security and Cooperation in Europe

PA - Parliamentary Assembly

PC - Permanent Council

PACE - Parliamentary Assembly of the Council of Europe

PCU - Project Co-Ordinator in Ukraine

PSC - Polling Station Commission

SMM - Special Monitoring Mission to Ukraine

SR - Socialist Republic

TEC - Territorial Election Commission

UN - United Nations

US - United States of America

USSR - Union of Soviet Socialist Republics