

THE SPECIAL MONITORING MISSION'S EFFECTIVENESS
IN FULFILLING ITS MANDATE

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Strategic Studies

by

ION COTOFANA, MAJ, NATIONAL ARMY OF THE REPUBLIC OF MOLDOVA
Military Institute, Chisinau, Republic of Moldova, 2008

Fort Leavenworth, Kansas

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THESIS APPROVAL PAGE

Name of Candidate: Major Ion Cotofana

Thesis Title: The Special Monitoring Mission's Effectiveness in Fulfilling its Mandate

Approved by:

_____, Thesis Committee Chair
Gregory J. Cook, M.A.

_____, Member
Dennis S. Burket, Ed.D.

_____, Member
Mark R. Wilcox, M.A.

Accepted this 15th day of June 2018 by:

_____, Director, Graduate Degree Programs
Robert F. Baumann, Ph.D.

The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

THE SPECIAL MONITORING MISSION'S EFFECTIVENESS IN FULFILLING ITS MANDATE, by Major Ion Cotofana, 109 pages.

The Organization for Security and Cooperation (OSCE) deployed a Special Monitoring Mission (SMM) to the Ukraine in 2014 to objectively observe and report on the conflict between Ukraine and its separatist regions in the East. The SMM is also tasked to facilitate dialogue between the parties of the conflict, monitor the ceasefire, and the withdrawal of the heavy weapons and foreign forces.

This study analyzes the SMM's effectiveness in the implementing its mandate. This analysis uses a framework of effectiveness derived from a New Zealand government document that focuses on resources that SMM uses, products, in the form of reports, that the SMM issues, and obstacles that the SMM encounters to fulfill its mandate.

This study finds that while the SMM is effective at implementing its mandate, this does not mean that the SMM is capable of resolving the conflict nor does it mean there is no room for improving its effectiveness. This study makes recommendations on how the OSCE and SMM might improve.

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Sometimes when we try to accomplish something, we understand at some point this is almost impossible. However, that is why the human being is created to help each other in generating good things. I have been living this story for about nine months, and I am really glad that I had wonderful people around me to help me to achieve one of my life goals.

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TABLE OF CONTENTS

	Page
MASTER OF MILITARY ART AND SCIENCE THESIS APPROVAL PAGE	iii
ABSTRACT.....	iv
ACKNOWLEDGMENTS	v
TABLE OF CONTENTS.....	vi
ACRONYMS.....	viii
ILLUSTRATIONS	ix
TABLES	x
CHAPTER 1 INTRODUCTION	1
Overview.....	1
Background and Overview of the Organization for Security and Cooperation in Europe	2
Research Question Statement	11
Assumptions.....	12
Definitions and Terms	12
Limitations and Delimitations	13
Significance	14
CHAPTER 2 LITERATURE REVIEW	15
Introduction.....	15
OSCE Key Documents	16
Articles and Publications	23
General Principles in Developing the Framework of Effectiveness.....	30
Module 1: Why Measure Performance?	31
Module 2: Building an Initial Performance Picture	32
Module 3: Engaging with Stakeholders in Measurement	32
Module 4: Defining Resources, Products, and Obstacles	32
Module 5: Developing Measures and Indicators	33
Module 6: Linking the Three Levels and Linking Results Back to Resources.....	33
CHAPTER 3 RESEARCH METHODOLOGY	35
Introduction.....	35
General Information About the Entire Research	35

Framework of Effectiveness	38
CHAPTER 4 ANALYSIS	47
Introduction.....	47
The Road to the Problem	47
Mandate.....	48
Resources	52
Does SMM have Sufficient MO in the Field to Reflect and Document the Reality on the Ground and What are their skills?.....	52
What are the SMM Tools that can Impact the SMM Effectiveness in Fulfilling its Mandate?.....	61
Does the OSCE Allocate Enough Funds to the SMM to Assure the Fulfilment of the Mission’s Mandate?	66
Products.....	70
How Effective are the SMM Products that Contribute to Fulfilling its Mandate? 70	
Obstacles	72
What are the OSCE Challenges that Hinder the Effective Implementation of the SMM Mandate in the Ukraine Conflict?	72
Internal Challenges	72
External Challenges	77
Mandate Accomplishment Evaluation	79
Does the SMM Have Enough Impact on the Society and Politics that would Contribute to a Conflict Resolution?	79
Does the Mandate Tie Up with the Situation on the Ground?	82
CHAPTER 5 CONCLUSION AND RECOMMENDATIONS	85
Summary.....	85
What are the Resources Allocated to the SMM in Ukraine Conflict?	86
How do SMM Products Affect the Fulfilling of its Mandate?	86
What Obstacles Hinder the Implementation of the SMM Mandate in the Ukraine Conflict?.....	87
What is SMM’s Effectiveness in Fulfilling its Mandate?.....	87
Recommendations.....	88
Recommendations for Further Research.....	89
Conclusions.....	90
BIBLIOGRAPHY.....	92

ACRONYMS

CiO	Chairperson-in-Office
CPC	Conflict Prevention Center
CSBM	Confidence and Security-Building Measures
EU	European Union
IoE	Indicators of Effectiveness
MO	Monitoring Officer
MOE	Measures of Effectiveness
MOP	Measures of Performance
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
SMM	Special Monitoring Mission
TCG	Trilateral Contact Group
UAV	Unmanned Aerial Vehicle
UN	United Nations
UXO	Unexploded Ordnance

ILLUSTRATIONS

	Page
Figure 1. OSCE Structure including Decision-making Bodies and Operational Institutions as of 31 December 2016	4
Figure 2. Research Methodology	37
Figure 3. The Framework of Effectiveness	40
Figure 4. The Framework of Effectiveness, Resources.....	41
Figure 5. The Analytical Framework of Effectiveness, Products	43
Figure 6. The Framework of Effectiveness, Obstacles	44
Figure 7. The Framework of Effectiveness, Mandate Effectiveness Evaluation	45
Figure 8. Donetsk and Luhansk Regions Location of Monitoring Teams, Patrol Hubs, and Forward Patrol Bases, Patrol Route Overview	60
Figure 9. SMM Budget Posts 2015, 2016	69
Figure 10. Freedom of Movement Restriction by Area in 2016.	74

TABLES

	Page
Table 1. SMM Personnel	54
Table 2. SMM Reporting in Numbers	61
Table 3. OSCE/SMM Financial Resources.....	67
Table 4. SMM Reporting in Numbers, Social Media	71

CHAPTER 1

INTRODUCTION

Overview

Over the past twenty years, the international security environment has been influenced by a series of destabilizing situations around the world. The types of conflict have changed, and international security organizations have adapted to these changes. Usually, this adaptation has been possible after a series of failures, criticism, and lessons learned. The Russian Federation's tendency to create a buffer zone between itself and NATO has put a lot of pressure on Eastern Europe. Regional security has progressively become worse since the Euromaidan movement in Ukraine in February 2014. After Russia's hostile annexation of Crimea, Ukraine requested the Organization for Security and Co-operation in Europe (OSCE) to monitor the Ukraine conflict.

The OSCE creation of the Special Monitoring Mission (SMM) in the Ukraine conflict revitalized the OSCE, and brought the regional security organization back to the center of the security discussion. With regards to the relationship between Russia and the West, the SMM in Ukraine has a particular standpoint because of its capacity to create a dialogue between the two sides. Russia's suspicions of NATO and the EU makes the SMM a reasonable alternative to correct the antagonized relationship caused by the crisis.

Under the magnitude of the conflict and the tense situation in the region, there seem to be many questions about the Special Monitoring Mission's effectiveness in resolving the conflict in Ukraine. This research focuses on the analysis of SMM effectiveness in fulfilling its mandate in the Ukraine conflict and what obstacles could influence the SMM accomplishment of the mandated tasks.

Background and Overview of the Organization for Security and Cooperation in Europe

The OSCE is a regional security organization created for maintaining the political dialogue between West and East during the Cold War. It has its origins from late 1975 known as the Conference for Security and Cooperation in Europe (CSCE) held in Helsinki. Later, on 1 January 1995 in accord with the results of the conference held in Budapest, the Conference for Security and Cooperation in Europe became the OSCE. The OSCE is a forum for political dialogue on a wide range of security issues and a platform for joint action to improve the lives of individuals and communities. The organization uses a comprehensive approach to security that encompasses the politico-military, economic and environmental, and human dimensions. Through this approach, and with its general membership, the OSCE helps bridge differences and build trust between states by co-operating on conflict prevention, crisis management, and post-conflict rehabilitation.¹

With fifty-seven participating States in North America, Europe, and Asia, the OSCE is the world's largest regional security organization. OSCE works for stability, peace, and democracy for more than a billion people, through political dialogue about shared values and practical work that aims to make a lasting difference.² The OSCE differs from other institutions for European security in several aspects. The most relevant difference is the fact that it was not created from the outset as an international

¹ Organization for Security and Co-operation in Europe (OSCE), "Who We Are," accessed 24 October 2017, <http://www.OSCE.org/who-we-are>.

² OSCE, "Participating States," accessed 24 October 2017, <http://www.OSCE.org/participating-states>.

organization under international law. It evolved from twenty years of conferences and meetings, which gradually led to a permanent institution. Hence, the term, “membership,” was avoided in OSCE. States accepted the term as “participating states.”³

Another fundamental characteristic of the OSCE is that all decisions are of a politically binding nature. Hence, participating states make political commitments that they hold each other accountable. The OSCE structure is continuously evolving about developments in the security environment, and it has changed and adjusted according to contemporary security requirements. The current OSCE structure includes the negotiating and decision-making bodies of OSCE, such as the OSCE Summit, Ministerial Council, the Permanent Council, and Forum for Security Co-operation (see figure 1). The official site of the OSCE provides a short information review about the OSCE structure its decision-making bodies and operational institutions.⁴

³ Othmar Commenda, “OSCE: New Tasks and Options in the XXI Century” (Carlisle Barracks, PA: Army War College, 1996).

⁴ U.S. Institute of Peace, “Module 1: Introduction to the OSCE,” accessed 25 October 2017, <http://react.usip.org/pub/m1/p4.html>.

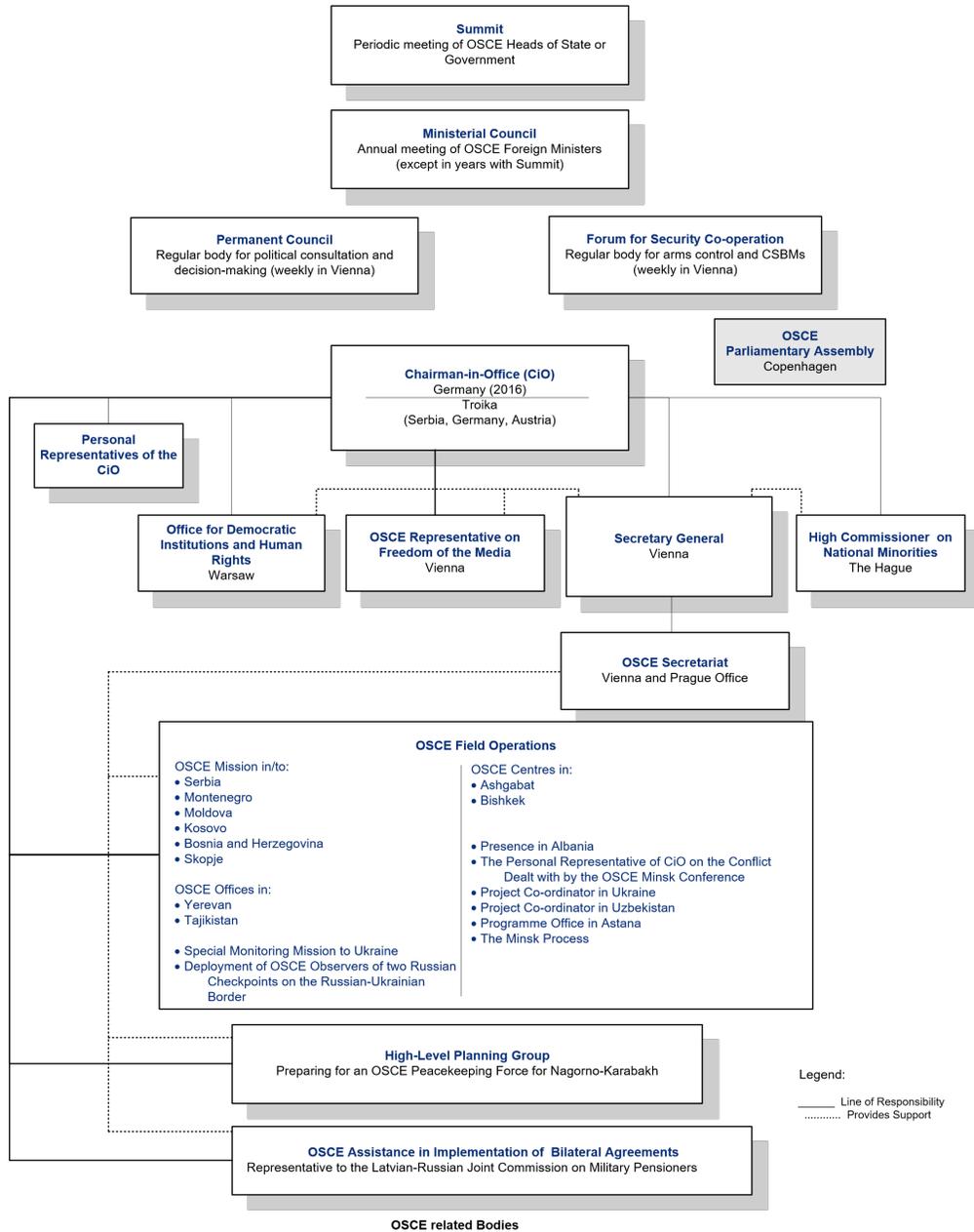


Figure 1. OSCE Structure including Decision-making Bodies and Operational Institutions as of 31 December 2016

Source: Organization for Security and Cooperation in Europe (OSCE), “Financial Report and Financial Statements and the Report of External Auditor,” accessed 21 December 2017, <https://www.osce.org/secretariat/329926?download=true>.

Consensus forms the foundation of the OSCE's decision-making and negotiations, because of this principle of OSCE participating states having equal status. This principle of the equality of the CSCE states was reflected as early as 1973 in the "Final Recommendations of the Helsinki Consultations," also known as the Blue Book.⁵ Consensus shall be understood to mean the absence of any objection expressed by a participating state to the adoption of the decision in question.⁶ Hence, the consensus rule and thus the equality of all participating states, no matter their geographical size, political or financial power, remains a fundamental characteristic of the OSCE.⁷ The OSCE is an organization characterized by a cooperative approach to security. Nevertheless, in cases of clear violation of OSCE commitments, decisions can be made without consensus. There exists one particular exception to the consensus rule, which was decided upon in 1992 at the Prague meeting of the CSCE Council amid the worsening human rights and the rule of law crisis in the then Federal Republic of Yugoslavia. To be able to protect human rights and the rule of law within the CSCE region—regardless of the opposition of the state concerned—Yugoslavia was suspended from the CSCE in May 1992. This remains to date the only occasion the so-called "consensus minus one" provision was applied.⁸

⁵ OSCE, "Final Recommendations of the Helsinki Consultations," 3 July 1973, accessed 19 December 2017, <http://www.OSCE.org/mc/40213>.

⁶ OSCE, "OSCE Rules of Procedure," accessed 05 January 2018, <http://www.OSCE.org/mc/22775>, paragraph II, (A)2.

⁷ Arie Bloed, *The Conference on Security and Co-operation in Europe: Analysis and Basic Documents, 1972-1993* (Dordrecht: Kluwer, 1993), 20-21.

⁸ Ibid.

A different exception to the principle of consensus is the “consensus minus two” rule. Under this rule, the Ministerial Council can instruct two participating states that are in dispute to seek conciliation, regardless of whether the participating countries object to the decision. The decision-making process takes place on three levels. Summits represent the highest level of decision-making and political approach to the organization. Between the summits, the central decision-making powers lie with the Ministerial Council, which makes the decisions necessary to ensure that the activities of the organization correspond to its primary political goals. The Permanent Council is the forum for regular consultation and decision-making regarding the Organization’s day-to-day operations. Periodic, specialized meetings, such as those of the Economic Forum or review and implementation meetings, supplement this structure.⁹ The CiO, who is responsible for setting the agenda and organizing the work of the OSCE’s negotiating and decision-making bodies, coordinates the decision-making process. The Chairman-in-Office also organizes informal meetings of representatives of participating states to facilitate discussion, statements, and documents that are then formally adopted by the appropriate decision-making body. In summary, the OSCE has six measures or tools that could be deployed to accomplish its objectives. These are fact-finding and reporting missions, long-term missions or field activities, personal representatives of the Chairman-in-Office,

⁹ OSCE, “Economic and Environmental Forums,” accessed 26 January 2005, <https://www.osce.org/secretariat/eeforum>.

ad hoc steering groups, mechanisms for peaceful settlements of disputes, and peacekeeping operations.¹⁰

After years in the margins of international diplomacy, the OSCE suddenly regained political relevance because of the Ukraine crisis that began in 2014. The Ukraine crisis turned a worsening relationship between Russia and the West into an acute crisis. Russia's annexation of Crimea and its involvement in a proxy warfare in Ukraine's eastern Donbas region violated some of the central principles of the OSCE documents, posing a direct challenge to everything for which the organization stood. Paradoxically, this massive setback to East-West relations suddenly revived the OSCE's political relevance, as the organization offered the best available framework (the SMM) for managing the crisis and avoiding further escalation.

The OSCE Special Monitoring Mission to Ukraine was deployed on 21 March 2014 following a request to the OSCE by Ukraine's government and a consensus decision by all fifty-seven OSCE participating states.¹¹ The SMM is an unarmed, civilian mission, present on the ground 24-7 in all regions of Ukraine. Its main tasks according to the mandate are to observe and report in an impartial, objective way on the situation in Ukraine and to facilitate dialogue among all parties to the crisis.¹²

¹⁰ OSCE, "Press and Public Information Section," *Organization for Security and Co-Operation in Europe (OSCE) Handbook* (Vienna: OSCE, 2007), accessed 12 November 2017, <https://www.osce.org/secretariat/31249?download=true>.

¹¹ OSCE, "Permanent Council Decision No. 1117," 21 March 2014, accessed 15 November 2017, <http://www.OSCE.org/pc/116747>.

¹² OSCE, "OSCE Special Monitoring Mission to Ukraine," accessed 24 October 2017, <https://www.osce.org/special-monitoring-mission-to-ukraine>.

Through the years, the OSCE has attracted some criticism from different participant countries that were not satisfied with the OSCE's actions. Some of the complaints came from the NGO sector with allegations that the OSCE has played a negative role in assessing elections. They were unsatisfied that the OSCE's standards were high enough, and many countries were considered to have made sufficient progress with minimal rules.¹³

In December 2012, the OSCE launched the Helsinki +40 Process to give a new impetus to the work of the organization in the context of commemorating the fortieth anniversary of the Helsinki Final Act. To complement this process, the OSCE established a high-level panel on European security as a collective project, chaired by Wolfgang Ischinger.¹⁴ This was a response to criticism from different participant countries and to analyze the organization's activities since the Helsinki Final Act. In June 2015, this panel delivered an interim report written by Stefan Lehne on the lessons learned from the Ukraine crisis.¹⁵ This was particularly relevant in the context of the Helsinki +40, which aimed to restore the confidence of the participating states. It is not the first time the OSCE has sought to redefine its role. In 2005, another high-level panel delivered a report

¹³ Edward R. McMahon and Scott H. Baker, *Piecing a Democratic Quilt, Regional Organizations and Universal Norms* (Bloomfield, CT: Kumarian Press, 2006), 82.

¹⁴ In December 2013, the OSCE Ministerial Council adopted a Declaration on Furthering the Helsinki +40 Process, which encouraged the forthcoming Chairmanships to seek further contributions to the process by the OSCE executive structures and the OSCE Parliamentary Assembly.

¹⁵ OSCE, "Lessons Learned for the OSCE From Its Engagement in Ukraine," June 2015, accessed 23 November 2017, <http://www.OSCE.org/networks/164561?download=true>.

with recommendations that remained without political follow-up.¹⁶ The Corfu Process, launched in 2009 in response to Moscow's call for a new security organization, achieved some progress in reinvigorating the organization and culminated in the Astana OSCE Summit in December 2010, the first such meeting in eleven years. Nevertheless, no agreement reached on the Astana framework for action, which was supposed to encompass the reform agenda for the coming years.

Despite all the criticism, the OSCE, through SMM, has taken measures to resolve problems. The Minsk I and II Agreements are examples of significant effort made by OSCE to facilitate this negotiation.¹⁷ However, the objective of ending the fighting has not been achieved. Should violence escalate again, it might become necessary to consider a more robust type of presence including military peacekeeping. The OSCE has never carried out a peacekeeping operation, although the organization is preparing for one should the Nagorno-Karabakh conflict ever be resolved. This would require the OSCE to adjust the SMM mandate, but at the same time it would have to undertake a stronger role in keeping the parties away that would contribute to de-escalating local hot spots. Setting up the SMM was quite an achievement, but it required much improvisation and many ad-hoc decisions.

Thus, this study aims to analyze the SMM's capability, methods, and tools used in Ukraine conflict resolution to understand the effectiveness of the organization overall and

¹⁶ OSCE, "Common Purpose: Towards a More Effective OSCE," 27 June 2005, accessed 21 December 2017, <http://www.OSCE.org/cio/15805?download=true>.

¹⁷ OSCE "Package of Measures for the Implementation of the Minsk Agreements," 12 February 2015, accessed 21 December 2017, <http://www.OSCE.org/cio/140156>.

the challenges that the organization could face in future. The SMM has become a critical mission, not because the West and Russia have overcome their differences, but because their relations had declined to a point at which both sides needed to turn to the OSCE's crisis management tools to contain the risks of dangerous escalation. This analysis will offer a possibility to understand how the OSCE's allocation of resources to SMM aligns with mission products to support the SMM effectiveness in fulfilling its mandate in Ukraine conflict.

It is essential to consider that the SMM has faced different challenges in the past few years; the organization has identified its strengths and weaknesses. Thus, the purpose of this paper is to identify the SMM's effectiveness in fulfilling its mandate by understanding the SMM's internal and external challenges and the characteristics that impede the SMM's effectiveness in fulfilling its mandate. One of the challenges is the security of the mission members, especially overuse of minefields. Because of this, on 23 April 2017 in Luhansk, a paramedic who was part of a patrol of the OSCE Special Monitoring Mission to Ukraine died, and two SMM monitors were taken to the hospital the day after their vehicle was heavily damaged by an explosion near Pryshyb in a non-government-controlled area.¹⁸ Some difficulties that the OSCE faces currently are related to the decision-making process, which is still weak. There is a lack of leadership, and the funds are insufficient to cover the costs of all the functions that the OSCE has. Also, many of the OSCE reports are confidential or non-accessible, and many of the dialogues

¹⁸ OSCE, "OSCE Special Monitoring Mission to Ukraine Patrol Member Killed in Explosion Near Luhansk," 23 April 2017, accessed 28 December 2017, <http://www.OSCE.org/special-monitoring-mission-to-ukraine/312951>.

are categorized as hidden diplomacy, which prevents the broader public from knowing the efforts of the organization to prevent or to solve conflicts.¹⁹ All of this lead to the secondary questions: What are the resources allocated to the SMM in the Ukraine conflict? What obstacles hinder the implementation of the SMM mandate in Ukraine conflict? The SMM has adjusted its mandate in rapport to challenges that affected not just Mission but the entire region.

Research Question Statement

The purpose of this study is to identify two main things. First, determine the SMM's effectiveness in fulfilling its mandate in the Ukraine conflict. Second, identify the SMM's capability that supports the mission to achieve its tasks following the mandate. Overall this study analyzes how the SMM contributes to resolving the Ukrainian conflict by accomplishing its mandate. The primary research question is: What is the SMM's effectiveness in fulfilling its mandate in the Ukraine conflict?

There are three secondary questions that help answer the primary question: 1) What are the resources allocated to the SMM in Ukraine conflict? 2) How do SMM products affect the fulfilling of its mandate? 3) What obstacles hinder the implementation of the SMM mandate in Ukraine conflict?

¹⁹ Jonathan Dean, "OSCE and NATO: Complementary or Competitive Security Providers for Europe?" in *OSCE Yearbook, 1999* (Hamburg: Institut für Friedensforschung under Sicherheitspolitik an der Universtät Hamburg, 1999), accessed 28 December 2017, https://ifsh.de/file-CORE/documents/yearbook/english/99/OSCE_Yearbook_1999.pdf, 430-433.

Assumptions

Almost all of the post-Soviet Union countries are in the Russian area of interests. Confirmation of this is the actual frozen conflicts in post-Soviet countries where the Russian Federation directly or indirectly interferes, such as Moldova, Georgia, and Armenia-Azerbaijan (Nagorno Karabakh region). A relevant assumption is that besides the Russian annexation of the Crimea in February 2014, the Donetsk and Luhansk regions will remain under the status of frozen conflict for at least eight to ten years; this will maintain the research focus and not overextend it.

Definitions and Terms

The notion of effectiveness is usually linked to having achieved a determined objective envisaged in the short to medium term. The idea of the impact, on the other hand, relates to long-term, broader influence on the overall situation, whether achieved on purpose or unintentionally.²⁰ As opposed to effectiveness, the notion of impact may refer to both desired and undesired effects. By definition and due to the comprehensive mandate the SMM is long-term and aimed at creating structural stability. Overall effectiveness could be assessed by comparing desired accomplishments with undesired or unfulfilled mandate's tasks. The multitude of the elements and actors influenced the particular settings and made it difficult for SMM to establish the effectiveness.

²⁰ Martin Huber, David Lewis, Randolph Oberschmidt, and Yannick du Pont, *The Effectiveness of the OSCE Missions: The Cases of Uzbekistan, Ukraine, Bosnia, and Herzegovina* (The Hague: Netherlands Institute of International Relations, February 2003).

The second important definition to clarify is the seconded staff that represents the Monitoring Officers hired by the OSCE. Seconded Staff/Mission Member is a person recommended by or through a participating state for an assignment to the Secretariat, an institution, or a mission, to whom the OSCE does not pay any salary from its own Unified Budget.²¹

Limitations and Delimitations

It is necessary to acknowledge that this analysis presents some limitations. The selected case study is an ongoing conflict. For this reason, it is difficult to anticipate the decisions of parties involved in the conflict or make predictions. The case study of Ukraine's conflict has used as an effective way to investigate the SMM's effectiveness in the fulfilling of its mandate. This portion deserves emphasis. This paper focusses on the SMM's effectiveness in implementing its mandate, not on resolving the conflict itself. Another limitation is that the research focuses on the Ukraine conflict and especially on the Donbass and Luhansk regions. The next limitation of this study is access to exclusively published articles, video recordings, journals, and books. It is important to mention that paper focuses on the SMM activity in Ukraine. The boundary of the study is from 21 March 2014 until February 2018.

Therefore, this research does not include interviews since the field operatives respond slowly to a chain of command to release any information that may jeopardize political agreements.

²¹ OSCE, "Permanent Council Decision No. 550/Corrected reissue* Approval of the OSCE Staff Regulations," 27 June 2003, accessed 28 October 2017, <https://www.OSCE.org/pc/42747?download=true>.

Significance

There are two ways to express the significance of this research. The first is to analyze the SMM's effectiveness in fulfilling its mandate as a part of the most prominent regional security and cooperation organization. The SMM as an element of OSCE plays a significant role in regional security. By providing relevant information on the ground, the SMM contributes to the OSCE in the achievement of a few results such as the first and second Minsk Agreement. The negotiation platforms previously considered the exclusively a competence of the states now is a part of the OSCE mission. This impulse can give a political impetus to other countries that will lead to another level of cooperation. This revision appears to be urgent and how could it affect the new European security environment.

Secondly, the study is necessary to determine if the SMM has sufficient capacity to impact the resolution of Ukraine conflict and at the same time to determine the SMM's indirect effect on the regional security. In both situations, the conflict in Ukraine is used as a platform for analysis. In this context, the SMM is a tool that allows participating states to not employ their military forces in an effort to manage or resolve this conflict.

CHAPTER 2

LITERATURE REVIEW

Introduction

This chapter focuses on the analysis of the OSCE's key documents that relate to the SMM and the academic literature about the effectiveness of the mission itself. OSCE key documents facilitate identifying the SMM's effectiveness in fulfilling its mandate in the Ukraine conflict. The second point is to detect if the OSCE allocates sufficient resources to the SMM to fulfill its mandate and as a result to contribute to the conflict resolution in Ukraine. The third is to identify the challenges that impede the SMM fulfillment of its mandate.

This chapter divides into three main subchapters. The first subchapter reviews official documents and mandates of the OSCE such as the Helsinki Final Act,²² Charter of Paris for a New Europe,²³ Istanbul Charter for European Security,²⁴ Astana Commemorative Declaration toward a Security Community,²⁵ Code of Conduct on

²² OSCE, "CSCE/OSCE Key Documents," 2017, accessed 1 February 2018, <http://www.OSCE.org/resources/csce-OSCE-key-documents>.

²³ OSCE, "Chapter of Paris for a new Europe," 21 November 1990, accessed 20 November 2018, <http://www.OSCE.org/mc/39516>.

²⁴ OSCE, "Istanbul Summit 1999," accessed 8 January 2018, <https://www.OSCE.org/mc/39569?download=true>.

²⁵ OSCE, "Commemorative Declaration toward a Security Community," 3 December 2010, accessed 28 November 2018, <http://www.OSCE.org/mc/74985?download=true>.

Politico-Military Aspects of Security,²⁶ Stabilizing Measures for Localized Crisis Situations,²⁷ Permanent Council Decision No. 1117,²⁸ and Minsk Agreements I and II. The second subchapter reviews the articles publications and other authors research papers work reflected this topic.

OSCE Key Documents

To understand the SMM's effectiveness in fulfilling its mandate in the Ukraine conflict, it is essential first to identify and analyze the fundamental documents of the OSCE. One of the most important documents that marked the entire European security in the Cold-war era was the Conference on Security and Co-operation in Europe's (CSCE) Final Act, signed in Helsinki in 1975. The primary focus of the Helsinki Final Act was reducing tensions between the US and the USSR²⁹. The secondary aim was to establish fundamentals of security cooperation such as the declaration on principles guiding the relations between participating countries. Chapter II states, "the participating States will refrain from any acts constituting a threat of force or direct or indirect use of force against another participating State."³⁰ All of these principles are focused on building trust and

²⁶ OSCE, "Code of Conduct on Politico-Military Aspects of Security, 3 December 1994, accessed 15 November 2017, <http://www.OSCE.org/fsc/41355>.

²⁷ OSCE, "Stabilizing Measures for Localized Crisis Situations," 25 November 1993, accessed 15 November 2017, <http://www.OSCE.org/fsc/42314>.

²⁸ OSCE, "Permanent Council Decision No. 1117."

²⁹ OSCE, "Helsinki Final Act," 1 August 1975," accessed 1 February 2018, <https://www.osce.org/helsinki-final-act>.

³⁰ Ibid., 4.

stability in international relations. This act mentions that all the participants will refrain from any type of activity that has an impact on the internal affair. The document itself has many common principles with the United Nation Declaration of Human Rights.³¹ The declaration is based on the acknowledgment of the characteristic of the human rights, and the equivalent and necessary privileges of all individuals of the human family, and the establishment of opportunity, equity, and peace on the earth. The document stated the principles of cooperation with any other organizations that have the same share of understanding. One of the essential principles of the Helsinki agreement is the inviolability of the borders and sovereignty. In the Ukraine conflict, it seems that the rules of the Helsinki agreement have been twisted or interpreted by the biases of the political considerations. This could bring about the loss of international relations, which is a significant risk for security in the future according to Lamberto Zanier, the former secretary-general of the OSCE in his interview with Judy Dempsey, Carnegie Europe Editor in Chief, Strategic Europe.³²

The next relevant OSCE key document adopted right before the collapse of the Soviet Union was the Charter of Paris for a New Europe.³³ In comparison with the first fundamental document (Helsinki Final Act), the Chapter of Paris for a new Europe is more focused on freeing Europe itself from the legacy of the past. The fearlessness of

³¹ United Nations, “Universal Declaration of Human Rights,” 10 December 1948, accessed 1 February 2018, <http://www.un.org/en/universal-declaration-human-rights/index.html>.

³² Carnegie Europe, “The OSCE’s Near-Impossible Mission in Ukraine,” 5 March 2015, accessed 20 February 2018, <http://carnegieeurope.eu/strategieurope/59264>.

³³ OSCE, “Chapter of Paris.”

people, the nature of the will of the society, and the vitality of the considerations of the Charter of Paris for a New Europe have opened another period of democracy, peace, and solidarity in Europe.³⁴ These two OSCE key documents were signed when the Conference on Security and Co-operation in Europe was running.

The OSCE's first fundamental document as an organization was the Istanbul Document 1999.³⁵ In this document, OSCE-participating states declared their firm commitment to a free, democratic, and more integrated OSCE area where participating states are at peace with each other, and individuals and communities live in freedom, prosperity, and security.³⁶ A confirmation of the continuity of the organization was demonstrated by the willingness of the then fifty-six participating states to sign the Astana Commemorative Declaration toward a Security Community in 2010.³⁷ This declaration reaffirmed full support to the Charter of the United Nations and to all OSCE norms, principles, and commitments, starting from the Helsinki Final Act, Charter of Paris, and the Charter for European Security, and all other OSCE documents to which countries have agreed. An important point to notice is the relation of the SMM mandate to all the OSCE key documents mentioned above. The third point of the SMM mandate stated that SMM is the task to "Establish and report facts in response to specific incidents

³⁴ OSCE, "Chapter of Paris."

³⁵ OSCE, "Istanbul Summit 1999."

³⁶ *Ibid.*, 1.

³⁷ OSCE, "Commemorative Declaration."

and reports of events, including those concerning alleged violations of fundamental OSCE principles and commitments.”³⁸

Upon understanding the key OSCE documents, it is possible to move ahead to develop a deeper understanding of the documents that provide a legal aspect of the missions on the ground. The OSCE is an inclusive organization for dialogue and security issues. Even though the organization’s approach to security is diverse, and is focused primarily on the cooperation and dialogue, it has a Code of Conduct on Politico-Military Aspects of Security.³⁹ This code includes a series of norms that contribute to a collective security. Article 7 of Chapter III mentioned that the participating states recall that the principles of the Helsinki Final Act are all of the primary significance and, accordingly, that they will be equally and unreservedly applied, each of them being interpreted taking into account the others.⁴⁰ The code represents that OSCE is open to dialogue with the other peacekeeping, peacebuilding organizations that contribute to Europe’s security. OSCE fully supports the United Nations (UN) and the enhancement of its role in promoting international peace, security, and justice as mentioned in the SMM’s third point of the mandate.⁴¹ It is the start points for today when Russia mentioned that is ready to negotiate a UN peacekeeping or peacemaking mission in Ukraine. Earlier Russia submitted to the Security Council a draft resolution on the deployment of the UN forces

³⁸ OSCE, “Permanent Council Decision No. 1117.”

³⁹ OSCE, “Code of Conduct.”

⁴⁰ Ibid.

⁴¹ OSCE, “Permanent Council Decision No. 1117.”

to Donbas for protecting the OSCE Special Monitoring Mission observers. The Special Monitoring Mission of the OSCE will work with the UN to provide security for its observers.⁴² This could open more possibilities for the OSCE to conduct its monitoring mission in Donbas because to this day the SMM does not have unfettered the entire Donbas region. That is considered a challenge and a limitation for the SMM.

The Conflict Prevention Center (CPC) facilitates the exchange of military information between participating states as stipulated in the Vienna Document 2011 on confidence and security-building measures (CSBMs).⁴³ The intent was to expand receptiveness and sincerity concerning military exercises directed inside the area of application for the OSCE's CSBMs. This area of application incorporates the domain, encompassing ocean territories, and airspace of all European (Russia from the western fringe to the Ural Mountains) and the Central Asian states.⁴⁴ This sharing of information is a crucial element to building confidence and trust within the OSCE and in the area of responsibility of SMM in Ukraine in within its mandate limits.

To monitor and maintain the sense of stability and prevent conflict escalation, the OSCE has developed Stabilizing Measures for Localized Crisis Situations. These stabilizing measures may be applied individually or in various combinations, depending

⁴² Affairs Angelino Alfano, OSCE chairperson-in-office, 30 January 2018, interview with TASS, accessed 10 February 2018, <http://tass.com/world/987545>.

⁴³ OSCE, "Vienna Document 2011 on Confidence and Security-Building Measures," accessed 20 December 2018, <https://www.OSCE.org/fsc/86597?download=true>, 30 November 2011.

⁴⁴ U.S. Department of State, "Overview of Vienna Document 2011," 2018, accessed 05 January 2018, <https://www.state.gov/t/avc/cca/c43837.htm>.

on circumstances. Their implementation will require coordination with peacekeeping and other relevant activities. Many of these measures would benefit from the participation of observers and monitors for verification purposes.⁴⁵ Given the OSCE's responsibilities for conflict prevention, crisis management, and peaceful settlement of disputes, specific militarily significant stabilizing measures may be required for application in localized crises to supplement and enhance the capabilities outlined in Chapter III of the Helsinki Document 1992. Stabilizing Measures for Localized Crisis Situations would support the political process of crisis resolution. The application of transparency measures is essential in Stabilizing Measures for Localized Crisis Situations especially the introduction and support of a cease-fire and what measures that are supposed to be taken.

On 21 March 2014, the OSCE Permanent Council adopted Decision No. 1117 to deploy Special Monitoring Mission to Ukraine.⁴⁶ The mission is tasked to gather information and report on the security situation establish and report facts in response to specific incidents, including those concerning alleged violations of fundamental OSCE principles. In accordance with Decision 1117, monitors are mandated to contribute to reducing tensions and to help foster peace, stability, and security. They accomplish this by engaging with authorities at all levels, as well as civil society, ethnic and religious groups and local communities to facilitate dialogue on the ground to reduce tensions.

Decision 1117 authorized the SMM to be deployed for six months and opened the possibility for the mandate to be renewed for further six-month periods by the decision of

⁴⁵ OSCE, "Stabilizing."

⁴⁶ OSCE, "Permanent Council Decision No. 1117."

the Permanent Council if requested by Ukraine.⁴⁷ The decision also defines the chain of command, and it shows the period of the mandate. No less important, this Decision approved the budget for the mission that directly affects the effectiveness of the SMM mandate.

Taking into consideration Permanent Council Decision No. 1117 and the tasks delegated to the SMM by both Minsk Agreements, a few attempts have been made already to provide a transparent approach to the problem. In the second Minsk agreement, two groups of negotiators set up the basis for the de-escalation of the conflict. The representatives of Russia, Ukraine, the OSCE and the leaders of the self-proclaimed Republics of Donetsk and Luhansk, formed one group. French President François Hollande, German Chancellor Angela Merkel, Russian President Vladimir Putin and Ukrainian President Petro Poroshenko formed the second group. The Minsk agreements, while leaving the mission's original mandate unchanged, defined some more concrete tasks for the SMM such as: 1) To facilitate—with support from the Trilateral Contact Group (TCG)—the withdrawal of heavy weapons (Point 2); 2) To provide effective monitoring and verification of a ceasefire regime and pullout of heavy weapons (Point 3); 3) To monitor the withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine (Point 10).⁴⁸ The SMM was to contribute—throughout the country—to reducing tensions, fostering peace, stability, and security, and to monitoring and supporting the implementation of OSCE principles and

⁴⁷ OSCE, “Permanent Council Decision No. 1117.”

⁴⁸ Ertuğrul Apakan and Wolfgang Sporrer, “The Ukrainian Crisis: The OSCE’s Special Monitoring Mission,” *Turkish Policy Quarterly* 15 no. 4 (Winter 2017): 17-25.

commitments. This document included very favorable conditions for the region begin with a cease-fire, identification of the demilitarization zone, and withdrawal of all international forces. However, to this day, despite the Minsk agreements and despite commitments made by both sides on numerous occasions, a full and comprehensive ceasefire has still not taken hold.⁴⁹ In conclusion, the OSCE key documents fully support the SMM requirements to effectively accomplish its mandate.

Articles and Publications

This subchapter studies the activity of SMM through the eyes of international authors and publications. It shows the diversity of opinions relevant to this topic.

Russia's annexation of Crimea in 2014 and the ensuing crisis in Ukraine have forced the EU to reevaluate its relations with both Russia and its Eastern neighbors. In his new book, *Europe's Eastern Crisis the Geopolitics of Asymmetry*, Richard Young examines the impact that the Ukraine conflict has had on EU foreign policy.⁵⁰ In 2014, the gap between a resurgent Russia and the West became even more in-depth over the Ukraine crisis. Nevertheless, despite a tense working mood and heated debates, the OSCE has managed to maintain consensus from all fifty-seven participating states. Young's opinion is that the opposing parties do not want to compromise the SMM's ability to do its work seriously. Swiss Foreign Minister Didier Burkhalter, who oversaw the foundation of the SMM as Chairperson-in-Office of the OSCE in 2014, underlined

⁴⁹ Apakan and Sporrer, "The Ukrainian Crisis: The OSCE's Special Monitoring Mission," 21.

⁵⁰ Richard Youngs, *Europe's Eastern Crisis: The Geopolitics of Asymmetry* (Cambridge: Cambridge University Press, 2017).

that “the OSCE is not a party to the conflict. It is neither East nor West.”⁵¹ This fact is an indication that in times of crisis, the SMM remains an essential and useful platform for dialogue between the East and West, even though over half of the OSCE participating states are either members of the EU (twenty-seven members) NATO (twenty-eight members) or both.⁵² While they do not always speak with one voice, they align behind the defense of Western values such as democracy, human rights, and the rule of law, and actively support the activities in the context of the economic and human dimensions of the OSCE.

In this context, the SMM became even more responsible for providing an appropriate platform for negotiation as noted by Christian Nünlist and David Svarin, who analyzed how the Western insistence on these values antagonized Russia and other post-Soviet states, and showed the importance of the SMM regarding the platform of the dialogue between East and West.⁵³ In addition, the Western reaction to the crisis in Ukraine put the OSCE in a dilemma. The organization now had to decide whether to cling to the common values established in the 1975 Helsinki Final Act, reaffirm in Paris and Astana in 1990 and 2010 respectively and risk antagonizing Russia and other authoritarian OSCE participating countries, or to serve again, like during the Cold War,

⁵¹ Didier Burkhalter, “A Roadmap for Concrete Steps Forward: the OSCE as an Inclusive Platform and Impartial Actor for Stability in Ukraine” (speech, Foreign Affairs Council of the European Union, Brussels, 12 May 2014).

⁵² Christian Nünlist, *Overcoming the East-West Divide: Perspectives on the Role of the OSCE in the Ukraine Crisis* (Zurich: FORAUS, December 2014).

⁵³ Christian Nünlist and David Svarin, *Perspectives on the Role of the OSCE in the Ukraine Crisis* (Zurich: ETH Zurich Research Collections, December 2014).

as an inclusive cooperative security dialogue forum for both democracies and authoritarian regimes.

As with many other organizations, the leadership has always been a matter of controversy. The leadership factor has brought the international community's attention to the OSCE. Since the OSCE is a chairmanship-driven organization, it offers space for launching initiatives by the Chair.⁵⁴ Switzerland used this space, and showed leadership by offering the OSCE both as a platform for political dialogue and operational crisis management. In February 2014, the OSCE Chairperson-in-Office (CiO), Swiss Foreign Minister Didier Burkhalter, appeared before the United Nations Security Council and proposed three ideas: 1) The establishment of a monitoring mission in Ukraine; 2) The creation of a contact group among the key stakeholders, including Ukraine and the Russian Federation; and 3) The nomination of a Special Representative of the CiO on Ukraine.⁵⁵ All three ideas were turned into reality over time. The OSCE Permanent Council Decision 1117, adopted on 21 March 2014, fulfilled the first of these ideas by mandating the deployment of an OSCE Special Monitoring Mission to Ukraine.⁵⁶ The Permanent Council committed to upholding the principles as preserved in the United Nations Charter and the Helsinki Final Act. In this context, the fast-tracked deployment,

⁵⁴ Nünlist and Svarin, *Perspectives on the Role of the OSCE in the Ukraine Crisis*, 11.

⁵⁵ OSCE, "Speech by OSCE Chairperson, Swiss Foreign Minister Didier Burkhalter," 24 February 2014, accessed 8 February 2018, <https://www.osce.org/cio/115638>.

⁵⁶ OSCE, "Permanent Council Decision No. 1117."

preparedness, and operational framework of the OSCE brought the attention to the international community.

The fast-tracking deployment was identified as a strong point of the organization. Within a week, monitors were deployed to all the locations specified in the Permanent Council decision. Also, within one month, on 22 April, the SMM hit the target of one hundred deployed monitors. All this was accomplished at a time when the OSCE was without a formal budget for 2014. The OSCE was conceptually and operationally prepared for the rapid response. The OSCE Secretariat's Conflict Prevention Centre (CPC) had been working intensively with other OSCE institutions and field operations on the development of its early-warning system. The CPC main responsibilities were to conceptualize systematic mediation-support and crucial for the rapid deployment of the SMM. It established an internal roster for rapid deployment, a virtual pool of equipment, and an operational framework for crisis response.⁵⁷ These tools were ready for employment when the Ukraine crisis broke out. Of these tools, the operational framework was an especially vital element of the OSCE that contributed to the SMM deployment. The operational framework is an internal document covering the processes and procedures by which the organization addresses a crisis or conflict in the OSCE area through adequately orchestrated collective action. In creating the framework, lessons learned and best practices from past experiences were taken into account. Such as the deployment of additional military monitors after the 2008 war in Georgia and the establishment of the Community Security Initiative (CSI) following the violent unrest in

⁵⁷ Claus Neukirch, "Early Warning and Early Action – Current Developments in OSCE Conflict Prevention Activities," *OSCE Yearbook 2013* (2014): 123-133.

southern Kyrgyzstan in June 2010. The document provided the framework for swiftly developing an implementation plan plus a budget for the deployment of the SMM.⁵⁸

In spite of all of the efforts that the OSCE has put into deploying the SMM in the Ukrainian conflict, there is considerable criticism from the international community. The other part of the international community sees the OSCE's effectiveness a bit differently. At the Vienna Ministerial Meeting in 2000, Vladimir Putin reprimanded the OSCE for its direct support of the EU. The Kremlin has been severely critical of EU members focused on democracy within the OSCE, mentioning that they promote their interests beyond what participating states are paying for.⁵⁹ Christopher J. Morrow and Matthew Mitchell in their article, "Europe's Forgotten Security Organization," stated that the OSCE needs to reexamine its general sense of itself or face expanding assignment to the edges of worldwide undertakings.⁶⁰ Russia no longer views the OSCE as a successful organization, but utilizes it as an instrument of exchange of security information and bringing attention to unfavorable decisions by using the consensus vote.

There is criticism from the West also. Germany's Foreign Minister Frank-Walter Steinmeier, the organization's chairman in 2016, said the organization's norms have been profoundly challenged, thus raising doubts about its legitimacy as an organization of cooperative security based on commonly agreed standards and values established in the

⁵⁸ Neukirch, "Early Warning and Early Action – Current Developments in OSCE Conflict Prevention Activities," 187.

⁵⁹ Christopher J. Morrow and Matthew Mitchell, "Europe's Forgotten Security Organization," 28 May 2014, accessed 25 January 2018, <https://worldpolicy.org/2014/05/28/europes-forgotten-security-organization/>.

⁶⁰ Ibid.

Helsinki Final Act.⁶¹ According to Steinmeier, it seems that even though the OSCE has made some progress, it has not been enough to respond effectively in Ukraine by providing an efficient negotiation platform in order to facilitate the solving of the conflict.

Even though the Minsk agreement is considered a success for the SMM, Judy Dempsey from Carnegie Europe, in her interview with Max Bader, does not see the Minsk Agreement as a success. Max Bader stated that, “The Minsk agreement signed in February 2015, also known as Minsk II, will fail because it was designed to fail.”⁶² The separatist leaders in eastern Ukraine and their Russian backers never intended to implement points 4 and 9 of the agreement. Point 4 stipulates that new local elections in the separatist territories must be held under Ukrainian legislation. Point 9 provides for the full restoration of Ukrainian state control over the country’s borders. Two years after Minsk II was signed, there is not the slightest indication that Moscow and the separatists intend to fulfill these elements of the accord. Moscow will not contribute to the full implementation of Minsk II unless it has a radical change of mind. Point 11 states that Ukraine needs to change its constitution to assign the separatist territories a special status. The constitutional amendments have been drafted, but they require a two-thirds majority

⁶¹ Jean P. Froehly, “The OSCE 40 Years After Helsinki: Fall Back or Reset?” *The Polish Quarterly of International Affairs* 25 no. 3 (2016), accessed 13 March 2017, <https://www.questia.com/library/journal/1P3-4305455451/the-osce-40-years-after-helsinki-fall-back-or-reset>.

⁶² Judy Dempsey, “Judy Asks: Can the Minsk Agreement Succeed?” Carnegie Europe, accessed 20 January 2018, <http://carnegieeurope.eu/strategieurope/?fa=68084>.

of the Ukrainian parliament, which will not materialize anytime soon.⁶³ However, it is useful to remember that the Minsk agreements of September 2014 and February 2015 brought a relatively stable ceasefire to eastern Ukraine, even though the truce stops short of peace.

Due to the complexity of the conflict in Ukraine and the political and economic issues facing the country, the SMM became a challenge, and at the same time, a sort of test for the OSCE. As Stephanie Liechtenstein stated, “The OSCE Special Monitoring Mission had become the eyes and ears of the international community on the ground in Ukraine.”⁶⁴ She explained the challenges that they are facing, in terms of security, rapid changes of the situation that requires not only careful planning and assessing, but also a continuous reassessing of the situation, and then cross-checking that information with both government forces and the rebel forces.

Another SMM challenge is restrictions on freedom of movement. Restrictions and violations of the SMM’s freedom of movement and access imposed by both sides have affected conflict prevention and conflict mitigation ability of the mission. It needs to be emphasized that such a restriction constitutes a violation of the mandate that the SMM

⁶³ Dempsey, “Judy Asks: Can the Minsk Agreement Succeed?”

⁶⁴ Stephanie Liechtenstein, “The OSCE Special Monitoring Mission has become the Eyes and Ears of the International Community on the Ground in Ukraine.” *Security and Human Rights*, 25 no. 1 (14 January 2014): 5-10, accessed 18 January 2018, <https://brill.com/view/journals/shrs/shrs-overview.xml>.

has unanimously received from all fifty-seven participating states of the OSCE, as well as of the Minsk agreements.⁶⁵

In conclusion, SMM representatives are working hard to fulfill their mandate, but the complexity and specifics of the mission sometimes limit their capability. It is very important that the international community criticizes the SMM's effectiveness because this can initiate discussions to fill identified gaps.

General Principles in Developing the Framework of Effectiveness

The framework of effectiveness is a tool that facilitates the research process to define the SMM's effectiveness in fulfilling its mandate. This instrument served as a guide, which was used to build and support the study, and provided the structure for defining the research approach to the primary research question. Eisenhart described a theoretical framework as “a structure that guides research by relying on a formal theory . . . constructed by using an established, coherent explanation of certain phenomena and relationships.”⁶⁶ The framework of effectiveness offers a logical structure of connected concepts that help provide a picture or visual display of how ideas in a study are related to one another within the theoretical framework.⁶⁷ The framework demonstrates the

⁶⁵ Apakan and Sporrer, “The Ukrainian Crisis: The OSCE’s Special Monitoring Mission.”

⁶⁶ M. A. Eisenhart, “Conceptual Frameworks for Research Circa 1991: Ideas from a Cultural Anthropologist; Implications for Mathematics Education Researchers” (proceedings of the 13th Annual Meeting of the North American Chapter of the International Group for the Psychology of Mathematics Education, Blacksburg, VA, 1991), 205.

⁶⁷ Cynthia Grant and Azadeh Osanloo, “Understanding, Selecting, and Integrating a Theoretical Framework in Dissertation Research: Creating the Blueprint for Your

theory and concepts that are relevant to the topic of the research paper and the amount of knowledge that has to be considered.⁶⁸ The fundamental principles of developing a framework of effectiveness facilitate chapter 3 to develop an appropriate framework by defining the variables. The variables of the framework are designed to define the SMM effectiveness in fulfilling its mandate.

A document from the government of New Zealand, “Performance Measure Advice and Examples on How to Develop Effective Frameworks,” informed the methodology and analysis contained in this thesis to a great degree. The New Zealand document’s six modules provided general guidance on how to develop frameworks of effectiveness based on a series of questions designated to prevent the author from being biased and stay focused on the research topic. An overview of the modules appears below, and special attention should be paid to the fourth module, as it was most influential in developing the framework of effectiveness used in this paper.

Module 1: Why Measure Performance?

This module explains why measuring performance is critical within the organization, and what can be gained from the effective measurement. It helps define “the results that matter most” for performance, and scopes out a monitoring framework

‘House,’” *Administrative Issues Journal Education Practice and Research* 4 no. 2 (2014): 17, accessed 18 April 2018, <https://files.eric.ed.gov/fulltext/EJ1058505.pdf>.

⁶⁸ University of California, “Organizing Your Social Sciences Research Paper: Theoretical Framework,” 2018, accessed 4 April 2018, <http://libguides.usc.edu/writingguide/theoreticalframework>.

and sets of measures to track progress.⁶⁹ For this research, the SMM effectiveness in fulfilling its mandate matter the most.

Module 2: Building an Initial Performance Picture

This module explores how the organization can look critically at current measurement frameworks, establish what it knows or does not know about its performance, make the enhancements needed to fill information gaps, and manage expectations about what the measurement framework will achieve and when.⁷⁰ For the SMM, it is critical to understand the mandate requirements and the reality on the ground.

Module 3: Engaging with Stakeholders in Measurement

This module explains the importance of developing a stakeholder engagement plan to further measurement process, build support for a measurement approach, and ensure that the process delivers the information needed by internal and external stakeholders.⁷¹ This module will help to define and analyze the internal and external challenges the SMM mandate faces, and how SMM can mitigate this to fulfill its mandate.

Module 4: Defining Resources, Products, and Obstacles

This module is the most important in this paper. The research paper is conducted according to the three defined variables. 1) Resources are described as all of the assets

⁶⁹ University of California, “Theoretical Framework,” 11.

⁷⁰ Ibid., 19.

⁷¹ Ibid., 23.

and funds the organization allocates to achieve the desired end state. The SMM resources are defined as monitoring officers, capabilities, tools, and funds that OSCE allocates for the SMM to accomplish its mandate; 2) Products are the crucial middle layer of the performance measurement framework, which articulates the effects of the organization on the society, environment, and politics to facilitate the SMM effective fulfillment of its mandate; 3) Obstacles are the challenges that hinder the SMM effective accomplishment of its mandate.⁷² These three variables represent the main body of the framework of effectiveness (see figure 3, chapter 3).

Module 5: Developing Measures and Indicators

This module explains how to develop measures and indicators, and how to ensure the organization defines the appropriate performance indicators.⁷³ Because each component is dependent on the other, it is necessary to undertake these activities in parallel, and, where possible, iterate what has been produced as progress is made.

Module 6: Linking the Three Levels and Linking Results Back to Resources

This module explains how to identify the causal linkages between different levels of the framework to connect the results back to resources.⁷⁴ In this research, the conclusion will link all of the resources plus products, minus obstacles. This combination helps to define the level of effectiveness of the SMM in fulfilling its mandate.

⁷² University of California, “Theoretical Framework,” 31.

⁷³ *Ibid.*, 41.

⁷⁴ *Ibid.*, 59.

The focus of the subchapter is to provide general information about the guidance that will facilitate the development of effectiveness framework. Overall, the New Zealand Government Performance Measurement Guides are used as a starting point to develop the framework to answer the primary research question that is: What is the SMM effectiveness in fulfilling its mandate in Ukraine conflict?

CHAPTER 3

RESEARCH METHODOLOGY

Introduction

This chapter illustrates the research methodology used to answer the primary and secondary questions. The chapter is divided into two parts. The first part contains general information that defines all the essential variables that facilitate the development of a framework of effectiveness. It describes the importance of the analytical framework. The second part approaches the problem by developing a framework of effectiveness that helps to define the SMM effectiveness in fulfilling of its mandate in the Ukraine conflict. Simultaneously, it provides information about the development of logic questions that contribute to determining the SMM effectiveness in the accomplishment of their mandate in Ukraine conflict.

General Information About the Entire Research

This particular analysis is a qualitative one. The qualitative study mainly uses statements, discussions, and specific categories as methods to recognize the needed details. “Qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry.”⁷⁵ It concentrates on the significance of knowing, and uses the inductive technique to find solutions to answer questions. Additionally, qualitative

⁷⁵ University of California, “Organizing Your Social Sciences Research Paper: Qualitative Methods,” 2018, accessed 18 February 2018, <http://libguides.usc.edu/writing/guide/qualitative>.

analysis is rich in information and shows the detail of knowing. It does not concentrate on asking “what” event occurred; instead, it concentrates on knowing “why” the specific occasion happened.⁷⁶ Despite this being a qualitative research, there was a need to analyze limited statistical data about budget authorizations and financial allocations of certain military cooperation programs. The data is shown in chapter 4. The research design is represented in figure 2

The first step of this research process is to state primary the research question that is defined as factual, firsthand accounts of the study. The secondary questions support finding the answer to the primary question. The method of writing secondary research is to collect primary research that is relevant to a writing topic and interpret what the research found. When the research defined the primary and secondary questions it moves to the next step that is collection data.

The second step of the research process used in this paper is the literature review, represented in chapter 2 of the research. As displayed in the research methodology, the literature review is divided into three subchapters. The first subchapter represents the analysis of the OSCE key documents. Analyzing the OSCE key documents facilitates understanding of the SMM. The second subchapter represents the analysis of the academic literature related to SMM. The third subchapter is based in general terms on the New Zealand Performance Measures Advice and Examples on How to Develop Effective

⁷⁶ University of Utah, “What Is Qualitative Research?” 2018, accessed 7 January 2018, <http://nursing.utah.edu/research/qualitative-research/what-is-qualitative-research.php>.

Frameworks of Effectiveness. This step is very important in the research, because it sets the basics on how to develop the framework of effectiveness.

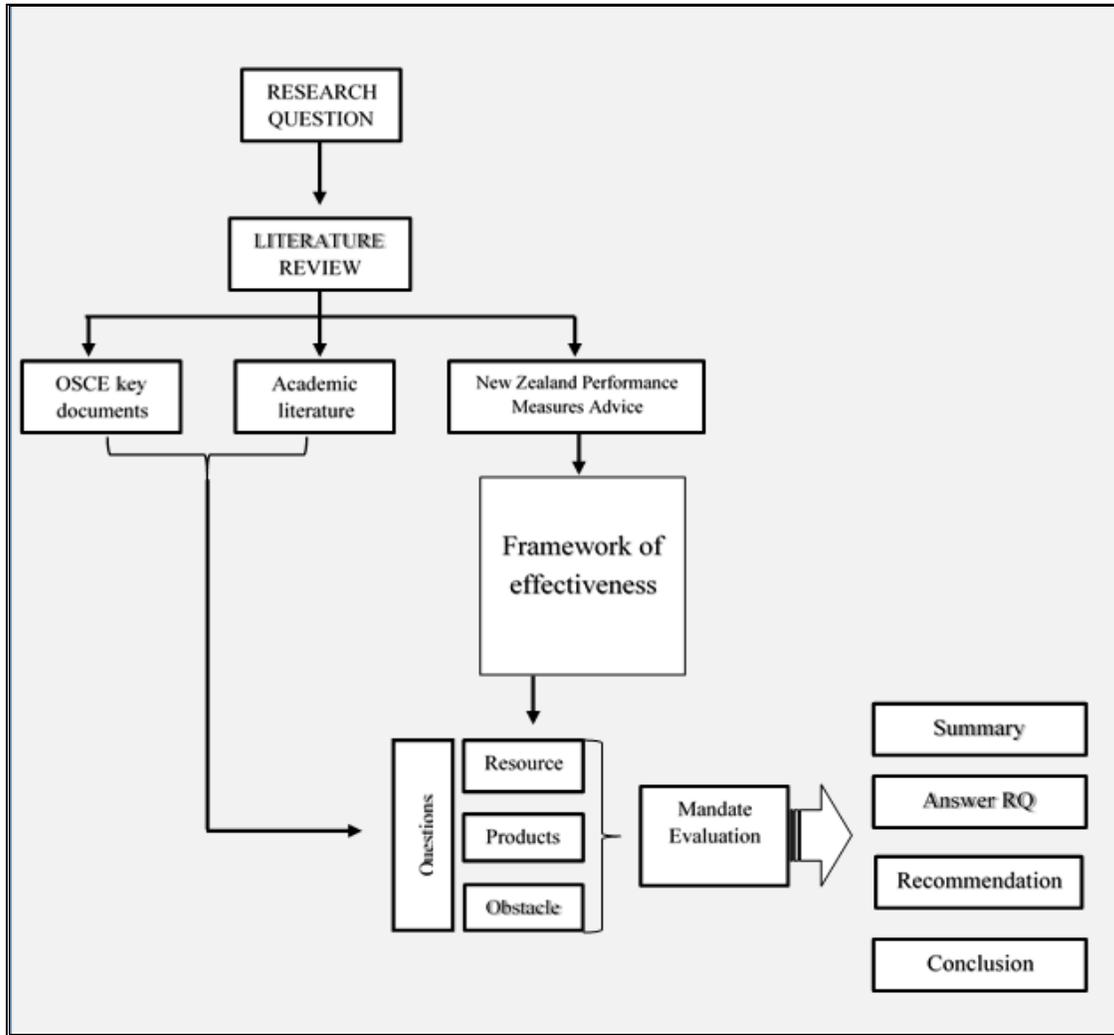


Figure 2. Research Methodology

Source: Created by author.

The third step of the research is the development of the framework of effectiveness that is represented in chapter 3 (see figure 3). The framework facilitates the

paper in defining the SMM's effectiveness in fulfilling its mandate. The framework of effectiveness that guided the analysis focuses on three fundamental variables: resources, products, and obstacles. For each variable are questions that help define their contribution to the SMM to fulfill its mandate. Then the framework of effectiveness concludes with a comparison of the mandate requirements and reality on the ground. The last step of the research is represented in chapter 5, and includes the summary, answers to the research questions, recommendation for further research, and the conclusion.

The research brings more clarity by dividing the conflict into two phases. That allows a detailed analysis of the OSCE's impact on the conflict by comparing the two phases of the conflict. The first phase started from the beginning of the deployment of the OSCE SMM on 21 March 2014 up to the adoption of the Minsk Agreement II on 12 February 2015. The second phase starts after the Minsk II Agreement was signed on 12 February 2015. The decision to divide the conflict into two phases reflects differences in size, format, and timing of the mission, and therefore indicates how OSCE has been able to manage the challenges in different stages of the conflict. The mission focuses on what has been achieved regarding particular problems and policies. The achievements were ground-centric and present in the field through SMM.

Framework of Effectiveness

This subchapter is focused on developing the framework of effectiveness and its use in the research. The framework facilitates the paper in defining the SMM effectiveness in fulfilling its mandate. Understanding the principles of developing the framework of effectiveness mentioned in chapter 2 will help to identify and concentrate on the priority areas. The framework of effectiveness draws the general picture of the

research and builds a better understanding of how each variable contributes to achieving the SMM mandate.

The framework of effectiveness that guided the analysis focuses on three fundamental variables: resources, products, and obstacles (figure 2). Before the evaluation question, the focus will be on the analysis of the Permanent Council Decision 1117 of deployment of OSCE forces in Ukraine. The study is focused on responsibility and restrictions of the SMM, while at the same time determining the reality between the mandate and the situation on the ground. So, the entire research drives from that standpoint of knowing what the requirements are. Then, the analysis of the variables facilitates a determination of the level of accomplishment of the SMM mandate.

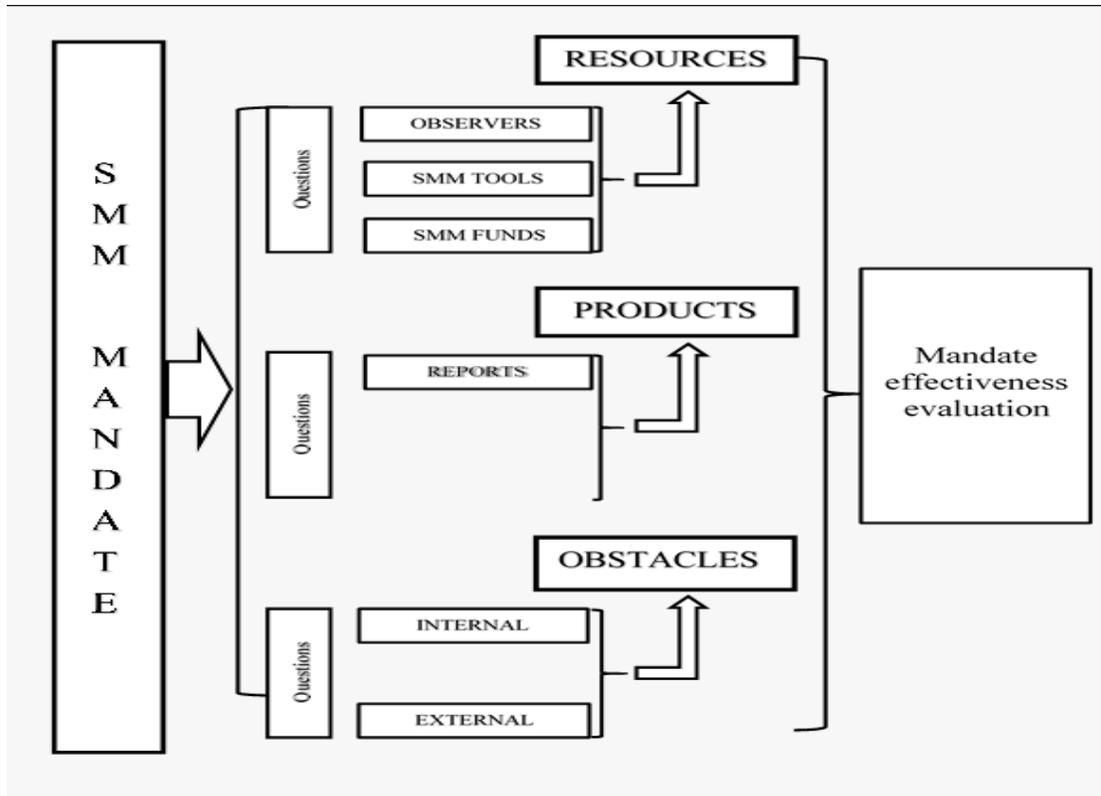


Figure 3. The Framework of Effectiveness

Source: Created by author.

The diagram illustrated in figure 3 represents the way that the paper defines the SMM effectiveness in fulfilling its mandate in Ukraine conflict. According to the New Zealand Framework of Effectiveness guidance, for each identified variable, the framework answers specific questions related to the variable. The answer to these questions is reflected in chapter 4 of the research as well as the detailed analysis. Because the study analyzes the information in both phases of the conflict by comparing the data, answers to the defined the questions shall provide enough information to delineate the SMM effectiveness in fulfilling its mandate.

The first variable represented in the analytical framework of effectiveness is resources (see figure 3). Resources contain information that the OSCE provides to the SMM to accomplish its responsibilities such as funds. Besides that, the SMM has to offer itself sufficient tools and Monitoring Officers (MO) to perform its missions. That is critical in the performance measurement framework because it allows articulating the effect on the organization and its interventions by OSCE resources allocated to SMM.

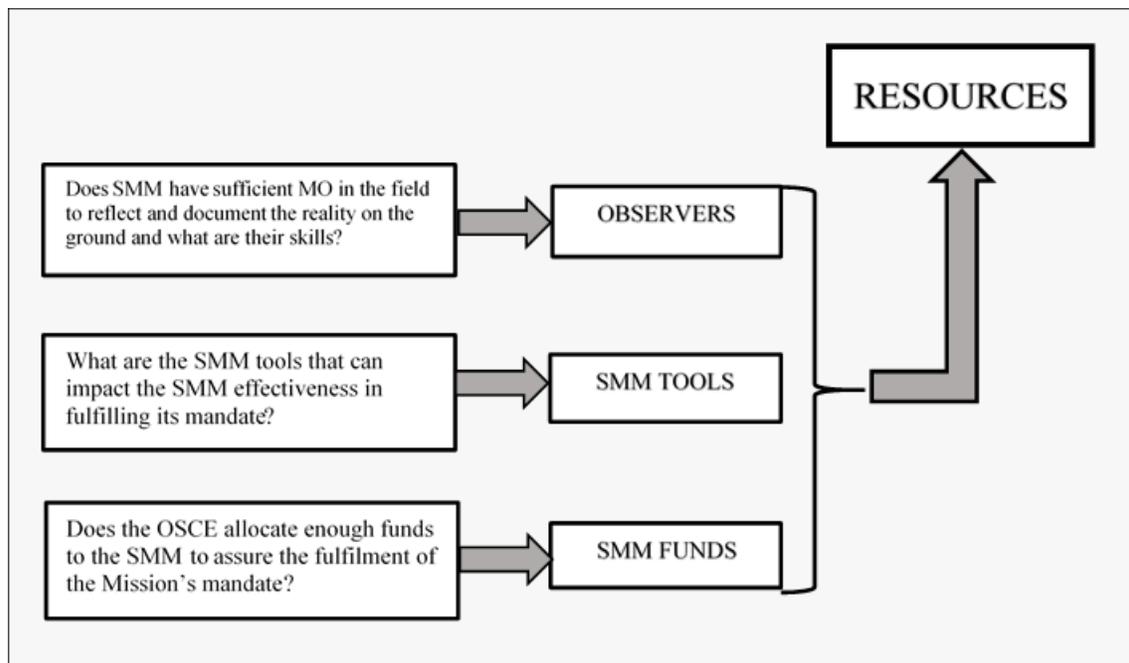


Figure 4. The Framework of Effectiveness, Resources

Source: Created by author.

In order to determine the input that OSCE applies to SMM, three evaluation questions have to be answered. The follow-on questions focus on resources that represent the OSCE's investment in SMM to achieve the desired end state. It is, essential to

analyze the tools such as reporting system that contribute directly to SMM fulfilling its mandate. 1) Does SMM have sufficient MMO in the field to reflect and document the reality on the ground, and what are their skills? 2) What are the SMM tools that can impact the SMM effectiveness in fulfilling its mandate? 3) Does the OSCE allocate enough funds to the SMM to assure the fulfillment of the mission's mandate? All of the questions stated above are focused on the MO, SMM tools, and funds (see figure 3). The conclusion of this step, the focus of comparing the data contrasting from both periods of conflict.

The second variable that contributes to identifying the SMM's effectiveness in fulfilling its mandate in the Ukraine conflict are the Products (see figure 4). Products represent the means that SMM uses to create an impact on the population, environment, society, and conflict overall. An important part of this is to analyze the community level of satisfaction from the outputs received from the SMM. The products are the messages and impact that SMM provides through their interventions, such as implementing policy, running regulatory conferences to inform the international community about the situation.

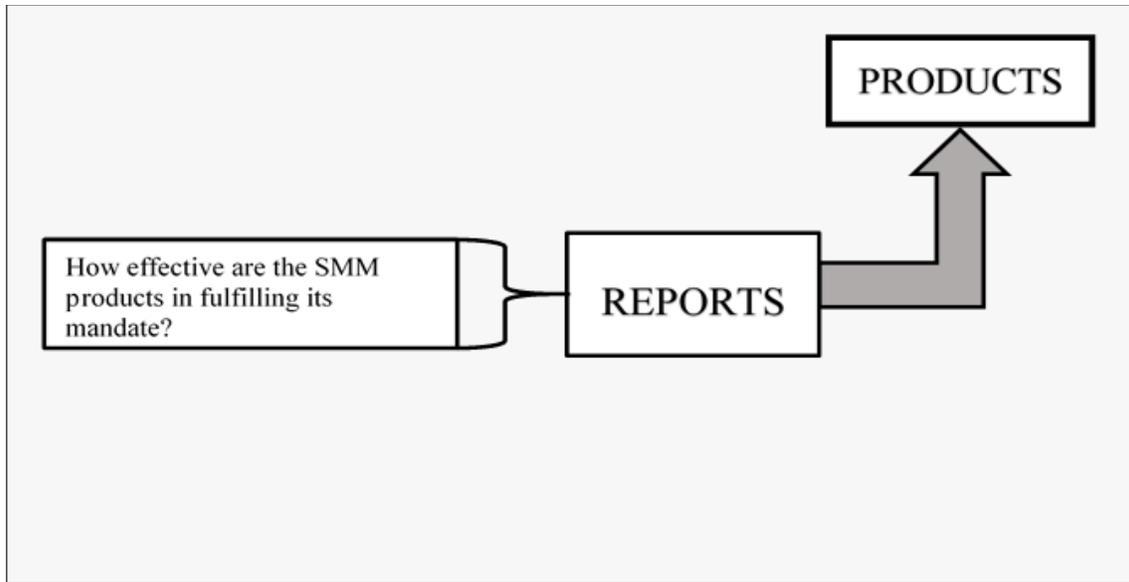


Figure 5. The Analytical Framework of Effectiveness, Products

Source: Created by author.

The following question is focus the research on the products defined in the first step of the framework through the prism of effectiveness and transparency (see figure 2). How effective are the SMM products in fulfilling its mandate? The evaluation questions are focused on analyzing the effects of the products and tools of the SMM defined in the first step of the framework, resources allocated. That will include the reporting methods from the tactical level in the field to the decision makers to assess the effect of the daily, and monthly reports of the SMM and of conferences the mission conducted. The focus is more on the effectiveness of SMM in fulfilling its mandate, and what are the achievements in each phase of the conflict.

The third variable represented in the framework of effectiveness are the obstacles (figure 2). The framework of effectiveness defines two types of obstacles that could impede the SMM in achieving the mandate requirements: internal and external.

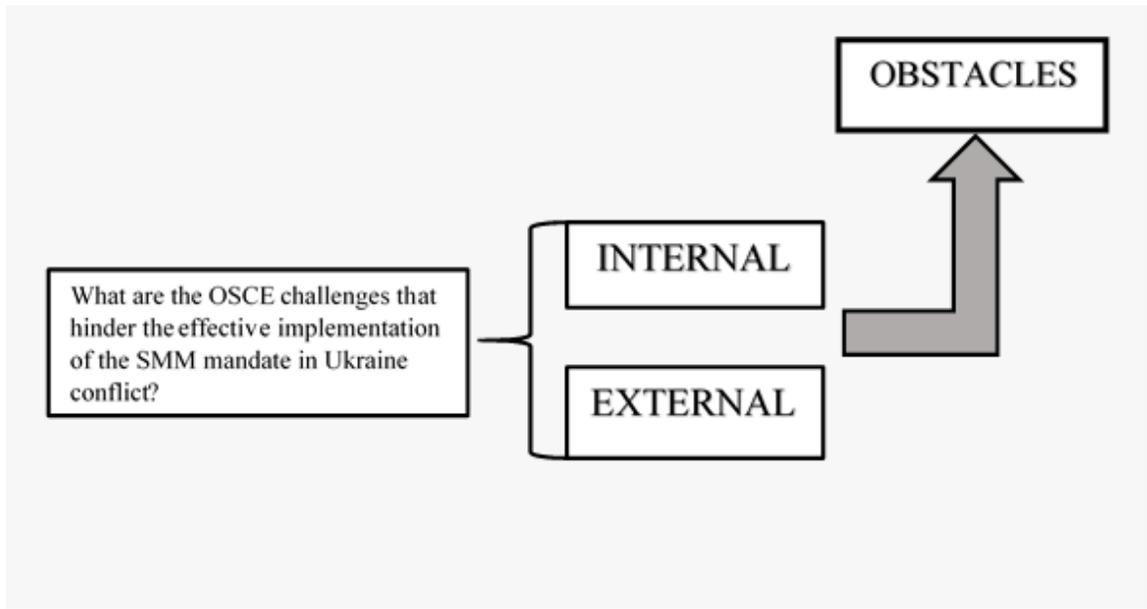


Figure 6. The Framework of Effectiveness, Obstacles

Source: Created by author.

SMM internal obstacles are related to SMM capability that can be influenced by OSCE or SMM itself. External barriers can directly or indirectly impact strategic planning and long-term priorities such as the end state of the SMM that is nested with the fundamental principles of OSCE. Sometimes the mission is affected by an external factor that cannot be influenced by either SMM or OSCE. The evaluation question is: What are the OSCE challenges that hinder the effective implementation of the SMM mandate in

Ukraine conflict? The comparable analysis will define the OSCE challenges that impede the SMM conflict resolution.

After the analysis of the SMM mandate requirements and the three defined variables, resources, products, and challenges, the next step is to analyze the mandate accomplishment evaluation. The study of the SMM mandate and resources provides a big picture of the SMM requirements and capabilities.

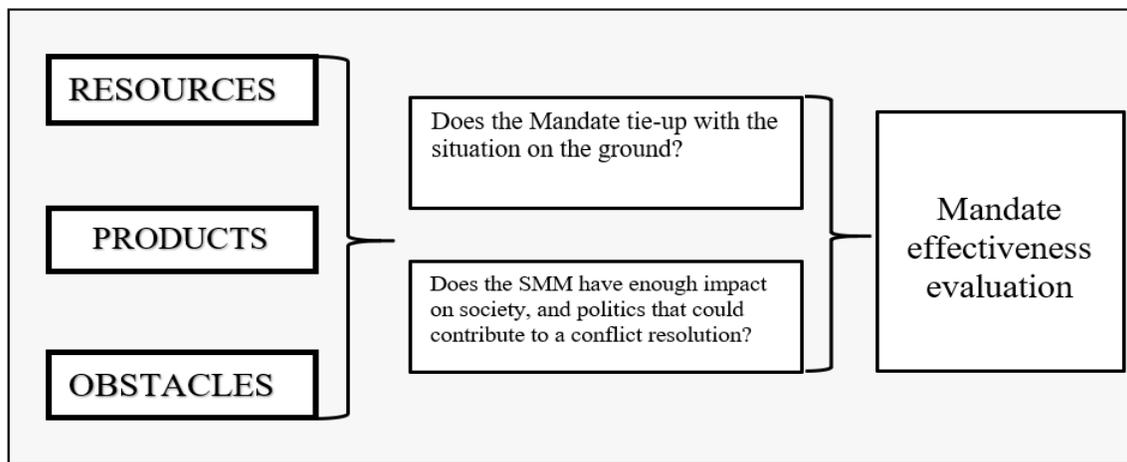


Figure 7. The Framework of Effectiveness, Mandate Effectiveness Evaluation

Source: Created by author.

This step answers the Evaluation Question: Does the Mandate tie-up with the situation on the ground? The research connects the resources, products, and obstacles to facilitate identifying the SMM effectiveness in fulfilling its mandate in Ukraine conflict to define if the capabilities are related to the situation on the ground (see figure 6).

Second evaluation question: Does the SMM have enough impact on society, and politics that could contribute to a conflict resolution?

In conclusion, the study uses the qualitative method of research and establishes the way to approach the problem by using the framework of effectiveness. It facilitates the analysis of SMM's capabilities. The comparison of two phases of conflict is to better assess the effectiveness of one of the OSCE's responses to the conflict—the SMM. The variables defined in the paragraphs above provide enough information to measure the SMM effectiveness in fulfilling its mandate in Ukraine conflict. The data accumulated at each step of the measurement framework should give signs as to where the real linkages lie amongst assets and products. However, it is important to decide the relative significance of the links between the levels with the goal. Overall, chapter three represents general information about research methodology used to answer to the primary and secondary questions.

CHAPTER 4

ANALYSIS

Introduction

Chapter 4 represents the analysis of the data gathered from research. This chapter is divided into three subchapters. The first is the analysis focused on the responsibility and restrictions of the SMM, while at the same time determining the reality between the mandate and the situation on the ground.

The second subchapter provides the analysis of the SMM resources, products, and obstacles regarding what is their contribution to the SMM fulfilling its mandate. Study of the resources provides a better understanding of the SMM capabilities, which have a direct impact on the effectiveness of the mission. The second variable is products that affect the SMM effectiveness in fulfilling its mandate in Ukraine conflict. Further, understand the challenges that impede the SMM to accomplish its mandate allow the research to conclude by comparing with the requirements of the mandate.

The third subchapter focus on the analysis of the mandate accomplishment evaluation. It is critical to mention that overall chapter 4 looks at every subject of the argument through the prism of effectiveness. The chapter addresses secondary research questions, which lead to the answer to the primary research question.

The Road to the Problem

The resolution of the conflict in Ukraine is critical for the peace and security of Europe and the economic relations in the region. In the past decade, one of the participating states in the organization has seriously violated the fundamental principles

on which the OSCE is supposed to operate. The most aggressive example was when the Russian Federation annexed the Ukrainian region of Crimea in 2014. Since March 2014, the OSCE Special Monitoring Mission has been empowered to gather information, facilitate the delivery of humanitarian aid, improve dialogue between conflicting parties, and report on the security situation in Ukraine. The mission has gradually expanded to over seven hundred personnel, seconded by a large number of OSCE participating states, including the Russian Federation. For this study, the Ukraine conflict was divided into two phases. The first phase starts 21 March 2014 and ends once the II Minsk Agreement was signed on 11 February 2015. The second phase runs from 12 February 2015 until February 2018.

Mandate

Before evaluating the SMM's effectiveness in fulfilling its mandate, one must evaluate the mandate. SMM, in both phases of the conflict, was tasked to:

1. Gather information and report on the security situation in the area of operation;
2. Establish and report facts in response to specific incidents and reports of incidents;
3. Monitor and support respect for human rights and fundamental freedoms;
4. Facilitate the dialogue on the ground in order to reduce tensions and promote normalization of the situation;
5. Report on any restrictions of the monitoring mission's freedom of movement or other impediments to the fulfillment of its mandate;

6. Coordinate with and support the work of the OSCE executive structures, including the High Commissioner on National Minorities, the OSCE Office for Democratic Institutions and Human Rights, and the OSCE Representative on Freedom of the Media.⁷⁷

All the efforts are to reduce tensions and foster peace, stability, and security, and to monitor and support the implementation of all OSCE principles and commitments.⁷⁸

The mandate initially was focused on the requirements of Permanent Council Decision 1117, authorizing the deployment of an OSCE mission to the Ukraine. However, the reports provided by SMM for the OSCE and the international community facilitated parties to the conflict to begin negotiations. On 1 September 2014, the Trilateral Contact Group met in Minsk and discussed the ceasefire agreement in the Ukraine conflict. The negotiation culminated with the signing of the Minsk Protocol⁷⁹ The Minsk Protocol, or so-called Minsk Agreement I, was a vague formulation of requirements and did not carry much responsibility. The third point of the Protocol called for granting special status to the Donetsk and Luhansk region. That would require a change of the Ukrainian Constitution, for which the government and society were not ready.⁸⁰ Taking into consideration the SMM's inability to implement the Minsk Protocol,

⁷⁷ OSCE, "Permanent Council Decision No. 1117."

⁷⁸ *Ibid.*, 1.

⁷⁹ OSCE, "Protocol on the Results of Consultations of the Trilateral Contact Group," 2018, accessed 3 February 2018, <https://www.OSCE.org/ru/home/123258?download=true>.

⁸⁰ Froehly, "The OSCE 40 Years After Helsinki: Fall Back or Reset?"

the SMM was at a significant disadvantage in the first phase of the conflict. This is explained by the fewer numbers of MO (see table 1), equipment, and increased difficulties regarding restricted freedom of movement. Ambassador Abakan, Chief Monitor of the OSCE SMM, during a speech to the UN Security Council on 12 November 2014, argued for expanding the mission from three hundred MO to five hundred, the maximum allowed by the SMM mandate.⁸¹

The experience from the first phase gave a significant push to the SMM in the second phase of the conflict. Taking into consideration the ambiguity and near failure of the Minsk I Agreement, the OSCE initiated discussion with the parties to bring more responsibility in conflict resolution. As a result, on 12 February 2015, the Minsk II Agreement was signed, which contained more precise measures regarding exact actions that were to be taken, such as what type of weapons were to be withdrawn, and the exact time when it ought to happen.⁸² The SMM embraced a greater sense of ownership and responsibility in the second phase of the conflict after the Minsk II Agreement was signed. However, the degree of implementation of the Minsk Agreements does not entirely reflect the SMM's effectiveness in fulfilling its mandate in the Ukraine conflict as there are many internal and external factors that impeded the mission's ability to accomplish its tasks. In effect, the SMM, a mission of civilian observers, was tasked by these documents to engage in activities—such as monitoring the ceasefire and verifying

⁸¹ United Nations, "Ukraine - Security Council, 7311th meeting," UN Web TV, accessed March 2018, <http://webtv.un.org/watch/ukraine-security-council-7311th-meeting/3888744131001>.

⁸² OSCE, "Minsk Agreement II," 12 February 2015, accessed 10 November 2017, <https://www.OSCE.org/ru/cio/140221?download=true>.

the withdrawal of weapon systems and armed formations—that could be regarded as tasks for a military peacekeeping mission.⁸³ The mandate of the mission—which remains unchanged to this day—was adopted in an environment of political crisis, and the mission was designed as a classic instrument of preventive diplomacy while pursuing the OSCE’s approach to comprehensive and co-operative security.⁸⁴ It is important to note that the SMM’s additional tasks as a result of the Minsk Agreements, such as monitoring the withdrawal of the weapons from a security zone, were to be implemented in parallel with its other core activities, including monitoring the security situation and facilitating dialogue on the ground whenever possible.

Because of its vague formulation, analyzing the mandate alone is not the most suitable method for determining the effective functioning and impact of the SMM. The degree of mandate accomplishment cannot be answered without looking more closely at the SMM’s capabilities and how the SMM has performed in both phases of the conflict. In analyzing SMM’s mandate and the actions that have been taken to fulfill it, there does not seem to be any question about whether SMM follows the mandate requirements. But there is a question about whether those requirements are suitable for accomplishing its mission.

⁸³ Claus Neukirch, “The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons” *OSCE Year Book* (2014): 193.

⁸⁴ Apakan and Sporrer, “The Ukrainian Crisis: The OSCE’s Special Monitoring Mission.”

Resources

Does SMM have Sufficient MO in the Field to Reflect and Document the Reality on the Ground and What are their skills?

Due to the specifics of the mission, it is clear that MOs do most of the heavy lifting for the SMM. In this context, it is essential to analyze the monitoring officers in both phases of the conflict. It is important to determine the level of their abilities in monitoring missions, and the level of readiness they possess in accomplishing the tasks. As one author noted, “The success of peace operations/monitoring missions depends a great deal on getting the right people—and fast.”⁸⁵ The OSCE has the practice to request the participating states to delegate representatives as secondments or contractors. It is essential to have people with the right skill sets, language abilities, temperament, and experience, especially to work in hazardous environments.

The responsiveness of the SMM to deploy MO in Ukraine within twenty-four hours is recognized as a strong point of the organization.⁸⁶ Within a week, after the Permanent Council adopted Decision 1117, SMM monitors deployed to Ukraine. While the mission headquarters was emplaced in Kyiv, monitors were also deployed to Kherson, Odessa, Lvov, Ivano-Frankivsk, Kharkov, Donetsk, Dnipropetrovsk,

⁸⁵ Walter Kemp, *OSCE Peace Operations: Soft Security in Hard Environments* (New York: International Peace Institute, 2016).

⁸⁶ Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg, “OSCE Yearbook 2014,” 196, accessed 10 March 2018, <https://ifsh.de/en/core/publications/osce-yearbook/yearbook-2014/>.

Chernivtsi, and Luhansk.⁸⁷ Within one month, on 22 April, the SMM hit the target of one hundred deployed monitors.⁸⁸

Given the fact that the situation in Ukraine became more and more tense, by the end of the year SMM had recruited 341 MO from forty-four countries.⁸⁹ In comparison with the first phase of the conflict in February 2018, SMM had 735 MO in the entire area of conflict, almost doubling the number from the first phase of the conflict.⁹⁰ That is an indicator that the SMM required more capability to be able to fulfill its mandate effectively. Another point is that the situation on the ground has become more stable over the years. Table 1 presents the information related to the personnel involved in the SMM to demonstrate differences, similarities, and changes over time of the conflict, and how this supports the SMM effectiveness of fulfilling its mandate.

⁸⁷ OSCE, “991st Plenary Meeting. Permanent Council Decision No. 1117,” 21 March 2014, accessed 10 October 2017, <https://www.osce.org/pc/116747?download=true>.

⁸⁸ OSCE, *Yearbook 2014* (Baden-Baden: Nomos Publishers, 2015), 185.

⁸⁹ OSCE, “SMM Report Status 19NOV-3 DEC 2014,” accessed 09 January 2018, <https://www.osce.org/ukraine-smm/128941?download=true>.

⁹⁰ OSCE, “SMM Status Report 21 February 2018,” accessed 1 March 2018, <https://www.osce.org/special-monitoring-mission-to-ukraine/373396?download=true>.

Table 1. SMM Personnel				
Activity	I Phase 21 March 2014-11 February 2015	II Phase 12 FEB 2015 - FEB 2018		
	2014 - FEB 2015	FEB-2015	2016	2017
Monitoring Officers SMM	358	666	688	695
International staff	403	740	786	785
Local staff	141	295	328	375
Total	544	1025	1,114	1,160

Source: Organization for Security and Cooperation in Europe (OSCE), “Annual Report 2014,” April 2014, accessed 15 December 2017, <https://www.osce.org/annual-report/2014?download=true>; OSCE, “Annual Report 2015,” April 2015, accessed 21 December 2017, <https://www.osce.org/annual-report/2015?download=true>; OSCE, “Annual Report 2016,” April 2016, accessed 9 January 2018, <https://www.osce.org/annual-report/2016?download=true>; OSCE, “Annual Report 2017, April 2017. accessed 21 January 2018, <https://www.osce.org/annual-report/2017?download=true>.

Based on data presented in table 1 regarding monitoring officers, the second phase of the conflict had a significant advantage over the first phase. The increased number of MO was established during the transition period from the first to second phase. This transition was marked by the Minsk Agreement II that increased tasks for the SMM. No less significant was the magnitude of the international and local staff that contributed to the SMM effectiveness of fulfilling its mandate. Along with the MO, the rest of the personnel increased from 544 in the first phase to 1,160 at the end of the second phase.

The SMM’s MO’s represent almost all of the OSCE participating states with the USA having the highest number of representatives at sixty-four, the United Kingdom with fifty-four, and the Russian Federation with forty MO as of February 2018. SMM

teams, by contrast, are multinational and combine personnel from different cultural and professional backgrounds, including very different skill sets and levels of language proficiency.⁹¹ This shows that SMM is committed to diversity and inclusion within its workforce, and encourages the nomination of qualified female and male candidates from all national, religious, ethnic, and social backgrounds.⁹² The diversity of MO is another strong point of the OSCE that gives it a different flavor to the mission and facilitates transparency. However, a critical point is that the OSCE is supposed to appropriately address is the inequitable geographical distribution; over 40 percent of the staff of these operations come from the United States, Britain, France, and Germany.⁹³

Regarding recruitment methods and level of readiness, the OSCE has recognized the value of ex-military officers' skills in its field operations and headquarters. "It should not exclude the possibility of recruiting serving military personnel on secondments where this can be done without jeopardizing the civilian character of OSCE Field Operations."⁹⁴ This is stated in the SMM Specific Requirements that "the candidate is supposed to have an excellent knowledge of security management, combined with a solid background in

⁹¹ Neukirch, "The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons," 195.

⁹² OSCE, "Connecting Gender Equality to Peace and Security," 8 March 2017, accessed 17 March 2018, <https://www.OSCE.org/stories/connecting-gender-equality-to-peace-and-security>.

⁹³ Kemp, *OSCE Peace Operations: Soft Security in Hard Environments*.

⁹⁴ OSCE, "Lessons Learned."

military, police or security specialization.”⁹⁵ Besides specific requirements, there are general minimum requirements that include the general condition requirements.⁹⁶ Field of expertise requirements is based on university education in an area related to security matters. The mission specific requirements are the most important that influence the effectiveness of the SMM and express the skills that a MO is supposed to possess to be selected.⁹⁷

Having military officers with a significant background in security management allows the SMM to economize time and resources for preparing the MO for the SMM. At the same time, the OSCE is a non-career organization committed to the principle of staff rotation. That means that the OSCE does not have permanent staff for its field operations. By having MO that already have a level of information related to similar operations gives a considerable advantage to the SMM in fulfilling its mandate. The selection process influences the SMM’s effectiveness in achieving its mandate. A strong point is that SMM has an important capacity to increase the qualified number of MO’s in a short period and respond to conflict escalation.

Regarding training, the preparation for the SMM is organized in Vienna by the Learning and Development Unit of the OSCE Secretariat. This program is more an introduction week than a training event. The program lasts five working days and is

⁹⁵ OSCE, “General Conditions of Employment,” accessed 20 February 2018, <https://jobs.OSCE.org/general-conditions-employment>.

⁹⁶ OSCE, “Vacancies,” accessed, 25 February 2018, <https://jobs.OSCE.org/vacancies/security-officer-vnsmus00273>.

⁹⁷ Ibid.

usually offered at an interval of seven weeks. This orientation program consists of a core-training module and function-specific briefings. Taking into account the short training period, the ad-hoc recruitment by the OSCE accepts the risk that the MO would not reach the desired level of readiness in terms of conducting the effective missions by establishing and reporting facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments.⁹⁸ While it may be acceptable to have an orientation week for those MO that has a military background, there are a lot of MO's that do not have primary knowledge in types of weapon systems or any other ammunition systems that they could face during their patrols. For example, erroneous reports bring mistrust from the population and both parties to the conflict. Fortunately, this does not happen now, but it is a possibility to happen. That could affect the social trust in the SMM and OSCE.

One of the primary responsibilities of the MO in SMM is to conduct patrols. While on patrol MOs collect information, provide impartial fact-based reports on the security situation on the ground (including specific incidents), human rights violations, and work to establish contacts and facilitate dialogue with the aim of reducing tensions.⁹⁹ Facilitating the implementation of the Minsk agreements is a major part of the MOs' work. Apart from reporting, the SMM actively contributes to promoting dialogue and reducing tensions in the conflict area by monitoring prisoner exchanges, assessing the situation of minority groups, assisting in dealing with internally displaced persons (IDP),

⁹⁸ OSCE, "Permanent Council Decision No. 1117."

⁹⁹ OSCE, "Mandate," 2018, accessed 1 March 2018, <https://www.OSCE.org/special-monitoring-mission-to-ukraine/mandate>.

brokering local ceasefires, and negotiating with separatist groups that seized political and administrative buildings in the Donetsk and Luhansk Oblasts.¹⁰⁰ As a critical requirement to deliver on all these responsibilities, SMM observers have to work hard to establish an extensive network of close relations with important local stakeholders as well as build close working relations with other international actors active in Ukraine. No less important is the close collaboration between different OSCE institutions, which has proven to be crucial in reducing tensions and stabilizing the situation on the ground.¹⁰¹ Just how complicated the situation was on the ground can best be described by using the example of the downing of flight MH 17 in July 2014. At 13:20 on 17 July, Malaysian flight MH 17 from Amsterdam to Kuala Lumpur crashed in Eastern Ukraine approximately eighty kilometers east of Donetsk in an area controlled by the separatists. The question immediately arose whether the separatists would provide investigators with access to the crash site. To clarify this question, the OSCE reacted promptly by using an already planned video link between the Trilateral Contact Group (TCG) and the representatives of the DPR and LPR on the evening of July 17.

Establishing the TCG shows that SMM, in the first phase of the conflict, achieved another indicator of performance that works toward consensus and transparency of the SMM that directly contributes to the conflict resolution. On the morning of the following day, an observer team, led by Deputy Chief Monitor Alexander Hug, escorted by armed

¹⁰⁰ Special Monitoring Mission to Ukraine, “Report of the Chief Monitor Ambassador Ertuğrul Apakan to the OSCE Permanent Council for the Period 12 May to 6 July,” PC.FR/19/14.

¹⁰¹ OSCE, “787th Plenary Meeting of the Forum,” 6 May 2015, accessed 13 February 2018, <https://www.osce.org/fsc/156776?download=true>.

guards provided by the DPR, visited the area where the plane crashed for the first time. During this conference, an agreement was reached to allow SMM observers to access the crash site.¹⁰²

To facilitate this type of work in the area and to improve responsiveness, in the second phase of the conflict, the SMM opened its first forward patrol bases on 26 September 2015 in Volnovakha and Novoaidar, in eastern Ukraine. It now successfully operates ten such offices in Debaltsevo, Popasna, Kadiivka, Pokrovsk, and Stanytsia Luhanska, in both government- and non-government-controlled areas, enabling a permanent presence of monitors close to the contact lines where most incidents take place. The SMM enhanced its technical observation capabilities to achieve maximum monitoring of the conflict zone, with a particular focus on the thirty-kilometer-wide security zone along the 487-kilometer stretch of the contact line.¹⁰³ These achievements were possible because SMM increased the number of MO in the second phase of the conflict and was able to cover a more significant area (see table1). It is important to understand that the SMM has to cover an area almost as big as Switzerland.

The map of eastern Ukraine in figure 7 shows locations where the SMM has offices, monitoring teams, patrol hubs, and forward patrol bases in the Donetsk and Luhansk regions. The forward patrol bases have been established to shorten the time required to provide a better monitoring mission on the ground. In red are forward patrol

¹⁰² OSCE, “787th Plenary Meeting.”

¹⁰³ OSCE, “Annual Report 2017,” accessed 10 April 2018, <https://www.OSCE.org/annual-report/2017>.

bases from which SMM staff temporarily relocate based on recommendations of security experts from participating states as well as SMM security considerations.¹⁰⁴

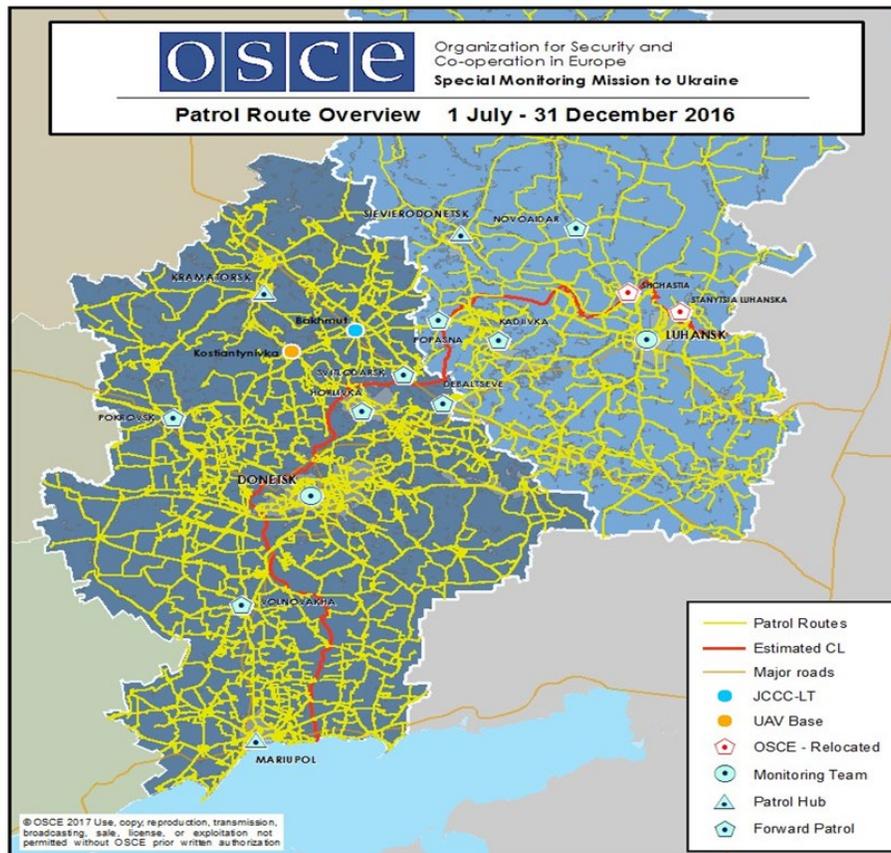


Figure 8. Donetsk and Luhansk Regions Location of Monitoring Teams, Patrol Hubs, and Forward Patrol Bases, Patrol Route Overview

Source: Organization for Security and Cooperation in Europe (OSCE), “Thematic Report: Restrictions to SMM’s Freedom of Movement and Other Impediments to Fulfilment of Its Mandate,” January 2016, accessed 3 March 2018, <https://www.osce.org/ukraine-smm/261066?download=true>.

¹⁰⁴ OSCE, “Table of Ceasefire Violations as of 5 February 2018,” 5 February 2018, accessed 1 March 2018, <https://www.OSCE.org/special-monitoring-mission-to-ukraine/370626?download=true>.

What are the SMM Tools that can Impact the SMM Effectiveness in Fulfilling its Mandate?

The most important tool that the SMM uses is the reporting system that reflects the situation on the ground to the entire world. SMM provides spot reports, daily reports, weekly reports, and special events speeches. The SMM, in one day, could provide up to sixty reports from patrols as well as detailed imagery from satellites, cameras, and mini, mid, and long-range UAVs, all of which must be analyzed and interpreted before being published. To address this, the SMM established an Information Management Cell. The chart below represents the evolution of the reports activity in both phases of the conflict.

Table 2. SMM Reporting in Numbers				
Activity	I Phase 21 March 2014-11 February 2015	II Phase 12 FEB 2015 - FEB 2018		
	2014 - FEB 2015	FEB 2015	2016	2017
Daily and spot reports published	275	336	340	336
Ceasefire violation after Minsk Agreement II	—	*	3201,30	401,336
SMM Freedom of Movement restrictions	*	*	1,950	2,422

Source: Organization for Security and Cooperation in Europe (OSCE), “Annual Report 2014,” April 2014, accessed 15 December 2017, <https://www.osce.org/annual-report/2014?download=true>; OSCE, “Annual Report 2015,” April 2015, accessed 21 December 2017, <https://www.osce.org/annual-report/2015?download=true>; OSCE, “Annual Report 2016,” April 2016, accessed 9 January 2018, <https://www.osce.org/annual-report/2016?download=true>. * Data not available.

Reports are the most significant products that the SMM can provide to the international community. The increased number of reports in the second phase in

comparison with the first is explained by a series of actions that have been taken by the SMM, such as its increased planning capacities by taking on additional operational planners; increased reporting and analysis capacity by taking on additional reporting officers and analysts; an expanded around-the-clock operations center by taking on additional professional staff; the additional of seventy additional armored vehicles with protection and personal protective equipment for all staff; adapting the operational concept for the use of UAVs to include the gathering of ceasefire-related information and situational awareness; and installation of a high-frequency radio network for eastern Ukraine to complement the use of mobile and satellite phones and VHF for short distance communication.¹⁰⁵ Taking into consideration the number of reports, the difference between phases is about sixty reports per phase (see table 2). This is a result of the SMM growth of allocated funds, increased number of MO, the improved, new technology that has accrued in past years, and, of course, the accumulated experience during the conflict.

Within the first month of its deployment, the security environment for the SMM had severely deteriorated. While the mission was being planned and during its initial deployment, the situation in eastern Ukraine had been tense with continual demonstrations and picketing, and an increased number of administrative buildings being occupied by unidentified armed groups. With fighting becoming increasingly intense, two monitoring teams held hostage by unidentified armed groups, and other teams in these areas at high risk of becoming targets, the SMM decided to freeze the further buildup of the mission and put all operations on hold in areas in eastern Ukraine that were outside of

¹⁰⁵ Neukirch, “The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons,” 194.

the control of the Ukrainian government and reconfigure its deployment. Only a small group of monitors stayed behind in Luhansk and Donetsk cities while the majority were redeployed to other locations.

Because the security situation had deteriorated continually during these two months of the first phase of the conflict, the entire mission was in constant crisis mode, struggling to build up a sustainable structure while dealing with multiple crises. In response to this and the complex challenges on the ground, SMM applied new technologies that were never used before in OSCE missions, including unmanned aerial vehicles and camera-based surveillance systems. Drones were considered particularly useful in supporting the work of the SMM.¹⁰⁶ They allowed the mission to gather information and gain situational awareness in areas, which were not accessible to ground patrols due to security concerns or denied access. Detailed examinations of the introduction of drones and remote cameras offer insights into how the SMM has evolved to increase its effectiveness.

The introduction of drones began with the development of an operational concept for their use. Although the UN Department of Peacekeeping Operations provided the Conflict Prevention Center (CPC) with the operational concept it had developed, this proved to be too complicated for application by the SMM. Thus, it first had to be adjusted to the specific needs of the mission and the security environment in which the SMM

¹⁰⁶ OSCE Annual Report 2014, “Special Monitoring Mission to Ukraine,” 7, accessed 7 January, <https://www.osce.org/annual-report/2014?download=true>.

operated.¹⁰⁷ The acquisition of UAVs turned out to be more difficult than expected. The Secretariat initially intended to purchase Austrian drones. However, delivery would have taken months, so other acquisition possibilities had to be considered. The German government—in collaboration with France—signaled its willingness to send unarmed UAVs to East Ukraine, where they were projected to provide air observation of the Russian-Ukrainian border as well as the security zone agreed upon in the Minsk Protocols.¹⁰⁸ Concerns of the German Federal Armed Forces about sending civilian operators without the protection of an armed component to eastern Ukraine complicated the discussions. The SMM, designed as an exclusively civilian mission, was reluctant to deploy armed soldiers under its auspices. Consideration was, therefore, given to deploying the respective military units under a separate mandate, but Russia objected. Ultimately, the lack of security guarantees made the deployment of German UAVs impossible. For the drones to be used, the CPC would have had to recruit additional personnel with the necessary expertise to operate UAVs as well as to analyze the data received. To supplement UAV observation, the CPC also started planning for the use of satellite imagery. At the beginning of the second phase, February 2015, the European Union deployed two experts to the headquarters in Kiev where they provided the

¹⁰⁷ Larissa Daria Meier, “A Role for OSCE Peacekeeping? From the 1992 Helsinki Guidelines to the Special Monitoring Mission to Ukraine” (Master’s thesis, University of Hamburg, Hamburg, Germany, 2015).

¹⁰⁸ OSCE” Package of Measures for the Implementation of the Minsk Agreements,” 5 September 2014, accessed 17 October 2017, <https://www.osce.org/cio/140156>.

communication between the SMM and the EU Satellite Centre.¹⁰⁹ One month later, an agreement between the OSCE, France, and Germany on the provision of further satellite imagery was concluded.¹¹⁰ In April, the CPC started to explore the possibility of commercial satellite image providers with direct ownership of data by the SMM to facilitate reporting and future verification activities. However, this remains a flexible lesson for OSCE due to the lack of SMM regulations, and is explained by the lack of documents and personnel that OSCE/SMM requires to use this type of technology. These restrictions affected the SMM effectiveness in fulfilling its mandate in both phases of conflict and continue to be a problem. Apart from the bureaucratic system, the financial implications of procuring long-range UAVs, which accounted for almost 17 percent of the budget, was defined as a SMM weak point that should be addressed properly.

Working with the technical experts to examine technologies that complement the UAVs and satellites, the SMM installed thermal cameras in specific “hotspots” to ensure the around-the-clock monitoring. The first camera was deployed in the village of Shyrokyne in January 2016, and an additional three cameras were deployed in Marinka, Maiorsk, and Pyshevyk disengagement areas in October 2016.¹¹¹ A different project that SMM is working on now is to deploy acoustic sensors that can enhance ceasefire

¹⁰⁹ Meier, “A Role for OSCE Peacekeeping? From the 1992 Helsinki Guidelines to the Special Monitoring Mission to Ukraine.”

¹¹⁰ OSCE Secretary General, “Talking Points Permanent Council 16 April 2015,” SEC.GAL/72/15, accessed 20 April 2018, <https://www.osce.org/resources/379477?download=true>.

¹¹¹ OSCE, “Annual Report 2016,” April 2016, accessed 9 January 2018, <https://www.osce.org/annual-report/2016?download=true>.

violation reporting.¹¹² All of the steps that the OSCE took, significantly improved the level of effectiveness by providing more information to the international community and developing the SMM capability to react to potential conflict escalation. It also highlights the possibilities and limitations of lend-lease agreements for equipment with participating states. In Ukraine, it quickly became apparent that the SMM required specialized technical expertise, such as using unmanned aerial vehicles (UAVs) and analyzing satellite images. Since these skills are in short supply, and will no doubt be needed in future OSCE peace operations, it would be useful to retain such expertise in-house.¹¹³

In conclusion, given the current limitations on SMM ground and aerial patrols, the SMM cannot and will not be able to detect each ceasefire violation. In fact, the mission is not necessarily in a position to monitor, independently verify, and report on especially significant or grave ceasefire violations, as these often happen during the night or at other times when the SMM cannot patrol for security reasons, or in areas it is not allowed to access.

Does the OSCE Allocate Enough Funds to the SMM to Assure the Fulfilment of the Mission's Mandate?

With a budget of €57.18 million for its first twelve months of operation, the SMM is the most expensive, most complex and most important OSCE field operation. The 2014 annual budget for the rest of the OSCE, excluding the SMM, was only €142 million. The SMM was not included in the 2014 Unified Budget, but has been initially financed

¹¹² Institute for Peace Research and Security Policy, *OSCE Yearbook 2016. Collection of the Essays* (Baden-Baden: Nomos Publishers, 2017), 31.

¹¹³ Kemp, *OSCE Peace Operations: Soft Security in Hard Environments*.

mainly by voluntary contributions and a special fund consisting of extra payments made by participating states. The successive mandates of the SMM in 2014 did not correspond to the financial calendar year. The following chart shows the financing structure consisted of budgetary in 2016 and 2014-2017.

	2014	2015	2016	2017
OSCE Budget	€ 142304000	€ 143185000	€ 142,053,800	€ 139,982,600
SMM	21 March 2014- 21 March 2015	21 March-31 March 2016	21 March 2016-31 March 2017	1 April 2017- 31 March 2018
Total resources allocated for SMM	€57,181,100	€88,677,100	€98,774,700	€105,501,500

Source: Organization for Security and Cooperation in Europe (OSCE), “2014 Financial Report and Financial Statements and Report of the External Auditor,” 2014, accessed 16 March 2018, <https://www.osce.org/secretariat/178636?download=true>; OSCE, “2015 Financial Report and Financial Statements and Report of the External Auditor,” 2015, accessed 17 March, <https://www.osce.org/secretariat/253311?download=true>; OSCE, “2016 Financial Report and Financial Statements and Report of the External Auditor. 2016, accessed 11 March 2018, <https://www.osce.org/secretariat/329926?download=true>.

The SMM budget from 21 March 2014 until 20 March 2015 was €57,181,100.¹¹⁴ For the period 21 March 2015 to 31 March 2016, the budget was €88,677,100, with €65,000,000 from assessed contributions, €3,600,000 from forecast savings, and €20,077,100 from extra-budgetary contributions.¹¹⁵

¹¹⁴ OSCE, “Annual Report 2014,” April 2014, accessed 20 April 2018, <https://www.OSCE.org/annual-report/2014?download=true>.

¹¹⁵ OSCE, “Annual Report 2015,” April 2015, accessed 7 March 2018, <https://www.OSCE.org/annual-report/2015?download=true>.

In the second phase of the conflict for the period 1 April 2016 to 31 March 2017, the SMM budget has constituted €98,774,700 with €79,019,800 from assessed contributions and €9,650,418 from extra-budgetary contributions.¹¹⁶ For the period, 1 April 2017 to 31 March 2018 was allocated €105,501,500, with €84,401,200 from assessed contributions and €21,100,300 from extra-budgetary contributions with €10,175,563 pledged.¹¹⁷

Analyzing the funds allocated in the first and second phase of the conflict, significant growth was at almost 100 percent. First, the increased number of MO from three hundred to seven hundred can explain this. SMM spends approximately 70 percent of its budget on personnel (see figure 8). The budget increase allowed SMM to provide more capacity for the mission to monitor the entire area of conflict (see figure 6).

¹¹⁶ OSCE, “Annual Report 2016” April 2016, accessed 10 March 2018, <https://www.osce.org/annual-report/2016>.

¹¹⁷ OSCE, “Annual Report 2017,” April 2017, accessed 10 April 2018 <https://www.OSCE.org/annual-report/2017>.

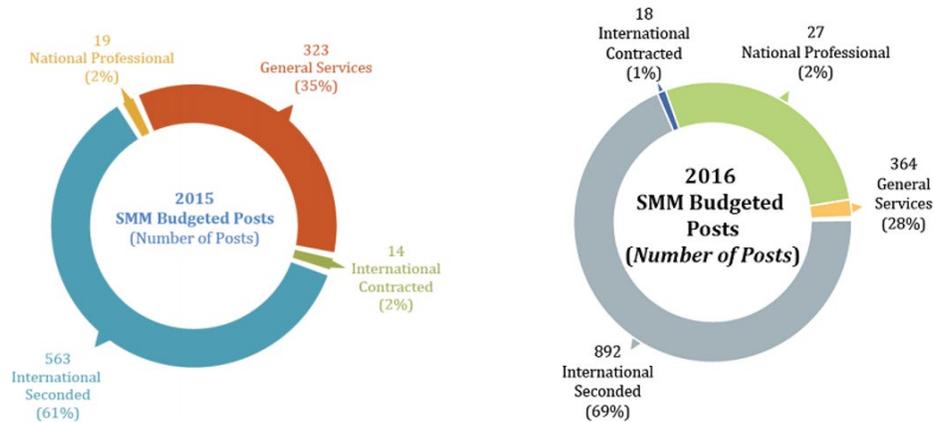


Figure 9. SMM Budget Posts 2015, 2016

Source: Organization for Security and Cooperation in Europe (OSCE), “Annual Report 2015,” April 2015, accessed 12 March 2018, <https://www.OSCE.org/annual-report/2016>; OSCE, “Annual Report 2016,” April 2016, accessed 12 March 2018, <https://www.OSCE.org/annual-report/2016>.

As of the first phase of the conflict, 31 December 2015 there were 919 budgeted posts for the SMM (500 monitors and 419 other staff) compared to 2,401 positions for the Unified Budget, further demonstrating the magnitude of the SMM as compared to the rest of the organization. It should be noted that 61 percent of SMM’s budget in 2015 and 69 percent in 2016 was spent on personnel. This has been identified as a challenge for SMM to develop and implement new capabilities due to the around 30 percent of funds allocated to this type of activity. Even though the OSCE does not allocate sufficient funds to invest in developing more capabilities, it has been taken a significant step in this direction.

In conclusion, the SMM allocates enough funds for its accomplishment of the mandate core tasks but with the evolution of technology, the SMM is forced to develop new capabilities. Spending around 70 percent on personnel does not allow much

flexibility for the SMM to create new capabilities that would be able to contribute more to the accomplishment of its mandate.

Products

How Effective are the SMM Products that Contribute to Fulfilling its Mandate?

The SMM's main effort is to observe and report in an impartial and objective way on the situation in Ukraine and facilitate dialogue among all parties to the crisis.¹¹⁸

All this information is reflected in the publicly available SMM reports, which, thanks to the OSCE's acknowledged impartiality, have become the most important and best-trusted source of information on ceasefire violations.¹¹⁹ All of the products that the SMM delivered to the public contribute to informing the local population and international community. If so, at what level the SMM products could contribute to the accomplishment of its mandate? In this context, one measure of performance is to analyze how SMM delivers their products to the public in social media. The SMM reports are provided in three languages Ukrainian, Russian, and English. This gives the possibility to a broad spectrum of the population's access to the reports. Living in an era where social media has a big impact on the population and is sometimes found as a primary information campaign tool, it is vital to analyze the evolution of social media in sharing the SMM reports.

¹¹⁸ OSCE, "OSCE Special Monitoring Mission to Ukraine," 2018, accessed 1 March 2018, <https://www.osce.org/special-monitoring-mission-to-ukraine>.

¹¹⁹ "Cease Fire Monitoring" Collection of Essays, OSCE Yearbook 2017, 233.

Table 4. SMM Reporting in Numbers, Social Media			
Social media	I Phase 21 March 2014 11 February 2015	II Phase 12 February 2015 February 2018	
	2014 - FEB 2015	FEB 2015	2017
Facebook followers	2,966 likes	over 5,600 likes	14,273 likes
Twitter followers	9,675 followers	16,000 followers	25,942 followers

Source. Organization for Security and Cooperation in Europe (OSCE), “Annual Report 2014,” April 2014, accessed 15 December 2017, <https://www.osce.org/annual-report/2014?download=true>; OSCE, “Annual Report 2015,” April 2015, accessed 21 December 2017, <https://www.osce.org/annual-report/2015?download=true>; OSCE, “Annual Report 2016,” April 2016, accessed 9 January 2018, <https://www.osce.org/annual-report/2016?download=true>.

Even though the SMM publishes all of the reports on the official OSCE page, it has defined other alternatives. Table 4 shows the evolution of SMM social media pages on the two best known social media sites, Facebook and Twitter. The significant increase of likes and followers in the second phase, in comparison to the first phase, indicates the SMM has become more known worldwide (see table 4). Even though this cannot be considered a measure of effectiveness, it demonstrates that the SMM is fulfilling its task stated in Permanent Council Decision 1117 to “establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments.”¹²⁰

¹²⁰ OSCE, “Permanent Council Decision 1117.”

Obstacles

What are the OSCE Challenges that Hinder the Effective Implementation of the SMM Mandate in the Ukraine Conflict?

The OSCE works hard to enable the SMM to operate in a highly unstable security environment and carry out new tasks under its original mandate effectively. In particular, this means that candidates with military and related expertise were prioritized in the recruitment process and further training, such as on verification and ceasefire monitoring, stress management awareness, and dealing with hostage taking, was developed. The CPC had to create a mission-wide security system and build up a medical infrastructure, appropriate for a mission operating in a high-risk environment.¹²¹ Despite the effort that has been put into the SMM, it has faced a series of challenges both internal and external. External barriers can directly or indirectly impact strategic planning and long-term priorities such as the end state of the SMM that is nested with the fundamental principles of OSCE. Sometimes the mission is affected by external factors that cannot be influenced by either SMM or OSCE. Internal obstacles are related more to OSCE capabilities that can be influenced by SMM regarding freedom of movement and the ability to conduct their mission.

Internal Challenges

The SMM continued to monitor and report on developments in line with its mandate, as dictated in OSCE Permanent Council Decision 1117, dated 21 March 2014. This stipulates that the SMM shall have safe and secure access throughout the country.

¹²¹ Neukirch, “The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons,” 194.

Additionally, it tasks the SMM to report on any restrictions to its freedom of movement or other impediments to the fulfillment of its mandate.¹²² The Package of Measures stipulates that effective monitoring of the ceasefire regime and the verification of the withdrawal of heavy weapons is to be carried out by the OSCE. All signatories of the Addendum to the Package of Measures have agreed that the leadership of the Armed Forces of Ukraine and the armed formations of “certain areas of Donetsk and Luhansk regions” should ensure secure and safe access for the SMM. They have agreed that restrictions to the SMM’s freedom of movement constitute a violation of the Addendum. Furthermore, all signatories agreed on the need for rapid responses to these violations. The Addendum to the Package of Measures also stipulates that any interference to the SMM’s use of technical equipment—such as unmanned aerial vehicles (UAVs) and cameras—constitutes a violation as it hinders effective monitoring and verification by the OSCE using all necessary specialized equipment.¹²³

In 2015, Ukrainian Armed Forces and armed formations restricted the SMM’s freedom of movement on 692 occasions, of which 353 occurred in so-called Donetsk Peoples Republic (DPR)-controlled areas, 199 in so-called Luhansk Peoples Republic (LPR)-controlled regions, and 99 in government-controlled areas. In forty-one cases, including incidents of jamming of UAVs, it was not clear where the act of impeding SMM’s monitoring originated or if it originated in areas not under control of either side.

¹²² OSCE, “Thematic Report: Restrictions to SMM’s Freedom of Movement and Other Impediments to Fulfilment of Its Mandate,” January 2016, accessed 3 March 2018, <https://www.osce.org/ukraine-smm/261066?download=true>.

¹²³ *Ibid.*

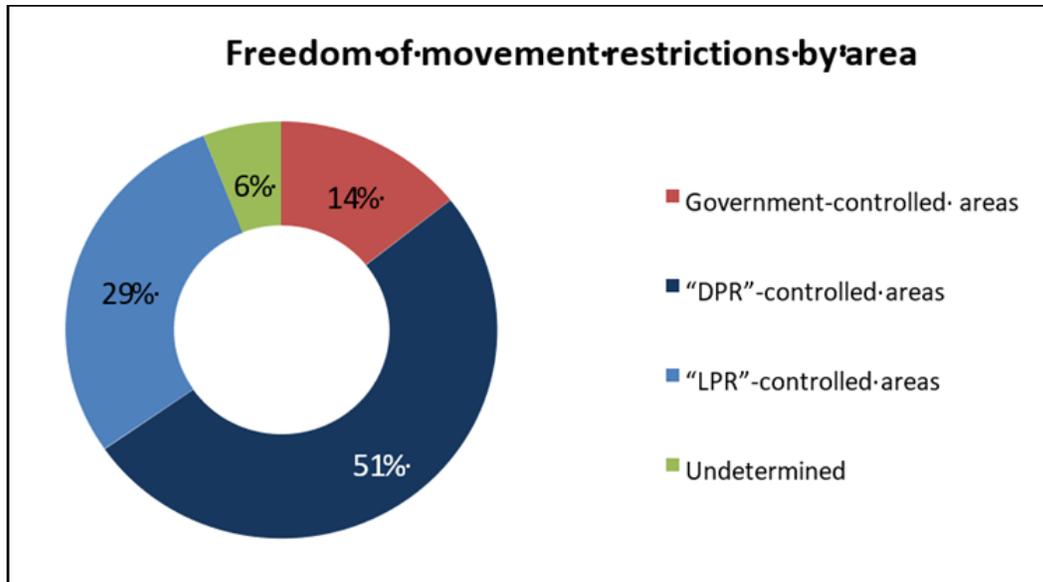


Figure 10. Freedom of Movement Restriction by Area in 2016.

Source: Organization for Security and Cooperation in Europe (OSCE), “Thematic Report: Restrictions to SMM’s Freedom of Movement and Other Impediments to Fulfilment of Its Mandate,” January 2016, accessed 3 March 2018, <https://www.osce.org/ukraine-smm/261066?download=true>.

From 1 January to 30 June 2016, the SMM encountered nearly seven hundred restrictions to its freedom of movement—80 percent of which occurred in areas not controlled by the Government. In comparison with about 480 occasions in 2017, almost 120 occurred in government-controlled areas, and over 360 in areas not controlled by the Government (about 280 in Donetsk region and about 80 in Luhansk region). Figure 10 represents the freedom of movement restrictions in the area where it shows that 51 percent of the limits occurred in the DPR and LPR controlled regions.

Another challenge that SMM faces is unexploded ordnance (UXO). The presence of anti-tank mines on roads represents one of the obstacles. This resulted in the death of an SMM patrol member in an incident on 23 April 2017 near Pryshyb (an area outside

government control) and was the most severe consequence of the threats and dangers that the SMM faced in an insecure environment. The incident resulted in further restrictions on the mission's operations in Donetsk and Luhansk regions.¹²⁴ The removal of mines and UXOs was implemented only on an incomplete and haphazard basis. Unfortunately, the mission's access to some areas remained wholly or partially restricted due to the inaction of the sides to ensure safe and secure access, and also due to the risk of mines and UXO.

In some of the restricted areas, SMM uses new technology. The use of technology such as UAVs has raised questions about where such assets should come from and who should operate them. In theory, military units could provide and operate UAVs, and several participating states have offered such assistance to the SMM. But since the SMM is a civilian mission, it cannot include military units. It, therefore, SMM purchased UAVs from a private supplier. Such technology plays a significant role regarding achieving the desired level of effectiveness of the mission, and at the same time protects forces and improve surveillance, reconnaissance, and situational awareness. Besides all of this success from the mission side, the SMM still faces many challenges using UAVs, such as jamming. Violators jammed SMM UAVs on thirty occasions in 2016 and prevented the SMM on eight occasions from launching its UAV, sometimes threatening to shoot the UAV down if it was started.¹²⁵ On both 6 and 7 May, for instance, Ukrainian Armed

¹²⁴ The number of restrictions of freedom of movement during the first half of 2017 would likely have been higher if the SMM's patrolling had not been reduced after 23 April.

¹²⁵ OSCE, "Thematic Report."

Forces personnel denied the SMM access to the Stanytsia Luhanska railway bridge (sixteen kilometers northeast of Luhansk), and ten days later an SMM UAV was fired at from a government-controlled position in the same area. Moreover, on 2 June 2016, a UAV suffered signal errors (most likely due to jamming) and crashed north of the Stanytsia Luhanska railway bridge.¹²⁶ Violators caused the loss of communication between the SMM and seven UAVs, including three long-range UAVs, while flying in “DPR”-controlled Ozerianivka (thirty-five kilometers northeast of Donetsk) on 27 May, in “DPR”-controlled Korsun (thirty-one kilometers northeast of Donetsk) on 1 June, and in government-controlled Stepanivka (fifty-one kilometers northwest of Donetsk) on 17 June.¹²⁷ The incident that caused the downing of a long-range UAV on 27 May, occurred only minutes after it had spotted a surface-to-air missile system (9K35 Strela-10, 120mm) in “DPR”-controlled areas. Armed “DPR” members also kept the power supply to the SMM’s repeater in Donetsk city disconnected between 20 May and 13 June, thus disabling the SMM cameras in Avdiivka and at “DPR”-controlled Oktiabr mine (near Donetsk airport), claiming that they had an order to do so.

The restriction on freedom of movement and challenges in using UAV that the OSCE Special Monitoring Mission (SMM) to Ukraine is facing is critical to the execution of its mandate and the fulfillment of its role as foreseen by the Minsk agreements. Overall, freedom-of-movement restrictions allow the belligerent parties to pick and choose what they allow the mission to see. The SMM’s efforts to contribute to

¹²⁶ OSCE, “Thematic Report,” 6.

¹²⁷ OSCE, “SMM Daily Report 10 March 2016,” accessed 19 January 2018, <https://www.osce.org/ukraine-smm/227061>.

normalization and stabilization in Ukraine will continue to be undermined as long as its freedom of movement is restricted. The ongoing nature of such restrictions, 80 percent of which occurred in areas not controlled by the Government, calls into question the political will of the sides to facilitate de-escalation and normalization. These restrictions undermined the mission's ability to implement its mandate, including those tasks explicitly requested by the signatories of the Minsk agreements. The mandate obliges the mission to report on any restrictions of its freedom of movement or other impediments to the fulfillment of the mandate.

External Challenges

The current crisis in Ukraine is a major challenge, not only in the European region but at the global level as well. The fraught of relations between some OSCE participating states raises the issue of effectiveness of existing tools that are available to the OSCE for responding to crisis situations. The implications of border changes in Europe, and consequently the breach of fundamental principles of international law and the Helsinki Final Act, are much more prominent. They have triggered an avalanche of other challenges, such as political to economic and energy issues to include the unavoidable human dimensions.

The conflict of geopolitical and military interests between Russia and the West has led to a security dilemma and the worsening of relations. The sanctions imposed against the Russian Federation only worsened mutual ties and led to a no-win situation for all those involved. Therefore, the Ukrainian crisis poses a challenge and requires the development of a comprehensive approach that will prevent further deterioration of already strained relations. The complexity of this crisis is reflected in the spillover of the

political crisis to other sectors and levels of security. The economic and energy factors certainly affect the development and course of events. Precisely, due to the economic implications, but also the potential destabilization of other sensitive areas of Eastern Europe, it is in the interest of all states to approach the resolution of this crisis from a pragmatic viewpoint. In theory, the Minsk Agreements (2014, 2015) indicate the commitment of all parties to finding a peaceful solution and ceasefire. On the other hand, the failure to put words into deeds indicates the sensitivity of the issue. Given the implications for the human dimension and the security of citizens, as well as the growing problem of migration from Ukraine, this is clearly a large-scale crisis. However, the limited scope of this instrument and the seriousness of the crisis indicates the need to consider possible changes in the way in which the OSCE operates and finding new mechanisms that would contribute to greater efficiency. As Aleksandra Obradović stated in one of her essays, “It should be borne in mind that in order to create a stable and functional European security architecture, it is necessary to integrate Russia into it. Otherwise, the divisions and conflicts will deepen and continue forever.”¹²⁸

In conclusion, the SMM is playing a significant role in monitoring the Ukrainian crisis. However, to remain essential for Ukraine conflict, it must effectively respond to other security challenges. Likewise, there is a need for funding SMM in line with new requirements of the modern states’ security environment; participating countries should invest more in the organization and thus contribute to a more secure

¹²⁸ Aleksandra Obradović, “OSCE and Contemporary Security Challenges,” in *the OSCE and Contemporary Security Challenges: a Collection of Essays* (Vienna: Organization for Security and Co-operation in Europe Mission to Serbia, 2015), 31.

international order, otherwise in the coming years, the OSCE will possibly deal with the consequences of the geopolitical earthquake that broke out in Ukraine in 2014.

Mandate Accomplishment Evaluation

Does the SMM Have Enough Impact on the Society and Politics that would Contribute to a Conflict Resolution?

The effectiveness and impact of the mission critically depend on its ability to manage the opportunities and limitations inherent in the OSCE and SMM in particular. The SMM has been able to mitigate concrete problems and assist areas that were difficult to address politically.

Many observers have noted that the crisis has fostered a much stronger sense of Ukrainian identity and a strong determination to shape their future among the vast majority of the Ukrainian population. While the substantial economic and social cost of the crisis could lead to political instability, it is far from clear that Moscow would be the beneficiary. The SMM has been taking actions to improve the local population's lives. One of the initiatives was OSCE support to "Restore Electricity Supply in Donetsk Region." The SMM met with a representative of the electric company to discuss possible courses of actions. Power engineering specialists then used specially equipped vehicles to establish electrical restoration in the Donetsk region (2014). Electricity was restored to thirty towns in the Donetsk region.¹²⁹ The Luhansk region bridge in Stanytsia Luhanska, another example of the SMM's facilitation of partial repair and clearing the landmine of

¹²⁹ OSCE, "Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 18:00 (Kyiv time), 11 September 2014," 12 September 2014, accessed 8 February 2018, <https://www.OSCE.org/ukraine-smm/123526>.

the bridge and adjacent roads, was reopened for pedestrian traffic on 7 August 2017 for the first time since March. During the time the bridge was nonoperational, civilians used dangerous pathways to cross the river through areas contaminated with mines.¹³⁰ In July and August 2017, the SMM facilitated demining and urgently needed repairs to the water-supply infrastructure around Horlivka and Maiorsk—spanning the contact line. The water began to flow again on 14 August 2017.¹³¹ The SMM implication in solving such problems carry a very important message promoting the OSCE fundamental values.

A key consideration moving forward is how to maintain the link between the political and the operational. A weak link to a political process could undermine the SMM by resulting in a lack of clear objectives and an exit strategy, and potentially in less support from participating states when taking crucial decisions on the budget or continuation of the mission's mandate. On the other hand, a political process with no credible peace operation, like the SMM, reduces the potential buy-in of parties seeking a reliable security guarantee.¹³² Recognition for the work of the 2014 Swiss Chairmanship has focused on the successful launch of the Special Monitoring Mission (SMM), but a mission of this kind is only as good as the strategy it is implementing. An example is the initiative of the Chairmanship in creating the Trilateral Contact Group (TCG) is as significant as the SMM. This has enabled the negotiating process leading to the Minsk Agreements—subsequently taken forward by the Normandy Group. The further step of

¹³⁰ OSCE, “Annual Report 2017,” accessed 9 April 2018, <https://www.OSCE.org/annual-report/2017>.

¹³¹ Ibid.

¹³² Kemp, *OSCE Peace Operations: Soft Security in Hard Environments*.

creating the Working Groups under the TCG has the potential to build peace in concrete ways through the security and political aspects of the Minsk agenda, and also by developing security in the other OSCE Dimensions in humanitarian activities; in the framework of the human dimension; and economic exchanges.¹³³ As the High-Level Independent Panel on Peace Operations Report states, “Politics must drive the design and implementation of peace operations” and “politics must have primacy.”¹³⁴ The OSCE Panel of Eminent Persons made this point clearly, saying “An operation designed to build or keep peace should be backed by a political strategy.”¹³⁵

Reciprocally, political work should be informed by operational realities on the ground. The panel suggested that “this is a method that should be retained as a best practice, or as an operational doctrine.”¹³⁶ It is worth recalling that, already in 1992, the Helsinki Document said that CSCE peacekeeping activities should be carried out “in support of an ongoing effort at a political solution.” For example, the OSCE was not part of discussions in NATO and the UN that led to the deployment of the Kosovo Verification Mission in 1999.¹³⁷

¹³³ OSCE, “Lessons Learned.”

¹³⁴ Ibid.

¹³⁵ United Nations, “Uniting Our Strengths for Peace – Politics, Partnership and People,” 16 June 2015, accessed 15 February 2018, http://peaceoperationsreview.org/wp-content/uploads/2015/08/HIPPO_Report_1_June_2015.pdf.

¹³⁶ Ibid.

¹³⁷ OSCE, “Kosovo Verification Mission,” accessed 1 April 2018, <https://www.osce.org/kvm-closed>.

In conclusion, the success or failure of the SMM's contribution to a conflict resolution depends on the progress towards a political settlement. Effective leadership is significantly dependent on which country is chairing the OSCE. It has repeatedly been pointed out that its success was due to the fortunate circumstance that Switzerland, one of the few neutral countries in Europe, which is not a member of either the EU or NATO with a long experience in conflict mediation, chaired the OSCE in 2014. Stronger political leadership and management of the Secretariat, institutions and field operations of the organization should contribute to the desired coherence and long-term relevance and applicability of fundamental principles, while the different institutions should retain their ability to make independent evaluations and take programmatic initiatives by their respective mandates.¹³⁸

Does the Mandate Tie Up with the Situation on the Ground?

The analysis of the SMM mandate and resources provides a big picture of the SMM requirements and capabilities. The research connects all the variables that facilitate identifying the SMM effectiveness in fulfilling its mandate to define the connection between capabilities and the situation on the ground.

The SMM seems to carry a comprehensive mission, taking into consideration its mandate requirements and tasks that have been added during the mission, such as those set out in the Minsk Agreements. SMM-expanded tasks, as contained in Minsk Agreements, have forced the mission to almost double the number of MO from 358 in the

¹³⁸ OSCE, "Final Report, and Recommendations of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE," 27 June 2005, accessed 21 March 2018, <https://www.OSCE.org/cio/15805?download=true>.

first phase to 695 in the second phase. This significantly facilitates the improvement of the two first tasks stated in the mandate to “gather information and report on the security situation in the area of operation.”¹³⁹ However, a critical point that the OSCE is supposed to address appropriately is the distorted geographical distribution of MOs; in the first phase of the conflict, over 40 percent of the staff of these operations came from the United States, Britain, France, and Germany.¹⁴⁰

By increasing the number of MO, the SMM provides more capacity to monitor the situation in the area, and there has been an increase in the number of reports going from 275 in the first phase to 336 in the second. The growing number of reports in the second phase is explained by a series of actions that have been taken by the SMM, such as having increased its planning capacities, increased reporting and analysis capacity, and expanded around-the-clock operation center. This contributes to the fulfillment of the second task of the SMM to, “establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments.”¹⁴¹ All the actions listed above would not have been possible if not for a budget increase.

The SMM budget was increased from €57,181,100 at the beginning of the mission to €105,501,500 in the second phase. Although it was a significant increase, the SMM

¹³⁹ OSCE, “Permanent Council Decision No. 1117.”

¹⁴⁰ Kemp, *OSCE Peace Operations: Soft Security in Hard Environments*.

¹⁴¹ OSCE, “Permanent Council Decision No. 1117.”

still struggles with funds for implementing new technology due to almost 70 percent of the budget committed to personnel.

Nevertheless, the SMM has confronted a progression of difficulties, both internal and external. These challenges affected the SMM effectiveness in fulfilling its mandate. The most notorious challenge is the freedom of movement restrictions. The fact that restrictions and violations of the SMM's right of freedom of movement and access imposed by both sides have impacted the conflict prevention and conflict mitigation ability of the mission is indisputable. It needs to be underlined that such a restrictions constitutes a violation of the mandate that the SMM unanimously received from all fifty-seven participating states of the OSCE, as well as of the Minsk agreements.¹⁴²

In conclusion, the rapid deployment, enlargement of the number of MO, and the increased budget is a significant achievement for the SMM effectiveness in fulfilling its mandate. It is impressive how quickly the SMM has adjusted to a continuously changing conflict environment and—most importantly—to an increasingly complex mandate. However, in comparison to the challenges the SMM had to deal with once on the ground, the initial deployment was, in hindsight, the easier part of the operation. Driven by a series of consecutive “crises within the crisis,” an incredibly dynamic and volatile situation on the ground, and high-level political demands for immediate action, the SMM and, by extension, the Secretariat and especially the CPC, were stretched continuously to and beyond their limits. The SMM has been and remains forced to take risks on all levels, to demonstrate flexibility, and to be willing to strive for new horizons.

¹⁴² Apakan and Sporrer, “The Ukrainian Crisis: The OSCE’s Special Monitoring Mission.”

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

Based on the analysis presented in chapter 4, chapter 5 summarizes the findings and formulates necessary conclusions. Chapter 5 is divided into four subchapters. The first subchapter summarizes the research with a short recap of the answers to the research questions. The second subchapter address the recommendations regarding the comprehensive approach to the necessary improvements of the mission. The third subchapter mentions the recommendation for further research. The fourth subchapter is conclusions that summarize the research findings based on the questions addressed in chapter 4. As such, the first conclusion refers to the overall mandate and SMM's adjustments to a continuously changing conflict environment. The second conclusion summarizes the SMM capabilities that contribute to the effectiveness of fulfilling the mandate. Third, the conclusions point out the findings on the challenges that hinder the SMM effectiveness implementation of its mandate. Finally, the subchapter ends with the conclusion on the external factors that influence the SMM effectiveness in fulfilling its mandate.

Summary

The purpose of this research is to determine what is the Special Monitoring Mission's effectiveness in fulfilling its mandate in the Ukraine. The main findings from previous chapters indicate that the Special Monitoring Mission to Ukraine has the capabilities to fulfill its mandate. However, in consideration of the challenges that the

mission faces, such as restriction freedom of movement, it is clear that SMM needs to strengthen its capabilities.

The short answers to the secondary research questions are:

What are the Resources Allocated to the SMM in Ukraine Conflict?

The SMM's most important resources are monitoring officers and funding. Monitoring officers are identified as a tactical level center of gravity with representatives from almost all of the OSCE participating countries. SMM teams, by contrast, are multinational and combine personnel from different cultural and professional backgrounds, including very different skill sets and levels of language proficiency. The diversity of MO is another strong point of the OSCE that gives a different flavor to the mission and facilitates transparency.

The SMM budget for its first twelve months of operation was €57.18 million and achieved €105,501,500 in the second phase of the conflict. Taking in consideration that the 2017 annual budget for the rest of the OSCE, excluding the SMM, is only €139,982,600, the SMM is considered the most expensive, complex, and most important OSCE field operation.

How do SMM Products Affect the Fulfilling of its Mandate?

The ability of the SMM to provide regular reports on incidents and hotspots may have helped to fuel the international community with evidence that occurred on the ground. The significant increase of the likes and followers in the social media is an indicator that the SMM becomes more widespread throughout the world. Therefore, this

is one of the biggest problems that the community does not know what the SMM is tasked to do. Besides this, the SMM has been taken actions to improve the local population's lives in some regions. Overall, this facilitates the dialogue between SMM and a local population, which is the primary task of its mandate.

What Obstacles Hinder the Implementation of the SMM Mandate in the Ukraine Conflict?

The SMM's main obstacles are the restriction freedom of movement, and it still faces many challenges in using UAVs, such as jamming. The freedom of movement of the OSCE Special Monitoring Mission to Ukraine is critical to the execution of its mandate and the fulfillment of its role as seen by the Minsk agreements. These restrictions undermine the mission's ability to implement its mandate, including those additional tasks explicitly requested by the signatories of the Minsk agreements. Minefields are another obstacle that influences the freedom of movement and restricts the implementation of the SMM mandated tasks. Jamming of the UAV's is a very complex problem with a big impact on the SMM that impedes the implementation of the mandate.

What is SMM's Effectiveness in Fulfilling its Mandate?

In an environment dominated by war propaganda, the SMM became a valued source of objective and public information about developments on the ground. At each step in its crisis management efforts, the SMM's role was confirmed, and its tasks were expanded. Even though the monitoring mission was reinforced, and its technical capacity was enhanced through the use of drones and satellite images, it still experienced enormous difficulties. Still, the Minsk implementation tasks—different from the original

agreement—brought about a limited reduction of military activity. Despite almost-daily violations of the ceasefire and the risk of renewed escalation, the overall military situation has become more stable. Through its constant monitoring and reporting and its local facilitation efforts, the SMM was found to be effective in fulfilling its mandate and remains a key factor for maintaining the fragile peace in eastern Ukraine.

Recommendations

The first recommendation is to enhance the monitoring mission’s capabilities for stabilizing the situation. This recommendation is required to develop more stringent and verifiable rules for the withdrawal of heavy weapons from the conflict zone. Since this is one of the most stringent problems of the conflict. It would require a higher-level discussion. In this situation, all of the fifty-seven participating countries would have a sense of ownership and the opportunity express opinions openly instead of avoiding criticisms that could deteriorate relationships with specific states that violate OSCE principles.

The second recommendation is related to the SMM capabilities. In the new technology era where the three-dimensional war is conducted, it is quite difficult to perform effective missions with the standard package of capabilities that have been used since the formation of the organization. Even though OSCE/SMM has made some progress in the field of technology, there is room for further improvements. In this context, OSCE-SMM should allocate more resources in acquiring more UAVs and cameras, using more than just 30 percent of its budget, and reexamine its policy on using the new technology. By accomplishing this, the SMM would be able to mitigate the risks it faces today regarding restricted freedom of movement.

Recommendations for Further Research

This study identifies three potential areas for further research about the OSCE mission in the field.

The first recommendation for new research is tightly related to the current strategic environment. As the Russian Federation has shown more willingness to U.S. suggestions on a possible UN peacekeeping mission in eastern Ukraine, and because the UN is better suited to crises where long-term strategies are required a relevant research topic becomes, what is the optimal way to transform or reinforce of the SMM mission into or with a UN peacekeeping operation?

The second recommendation for further research focuses on the comparison of the Special Monitoring Mission to Ukraine and the Kosovo Verification Mission. The purpose of this recommendation is that the missions differ in size, format, and timing. Therefore, this reflects how OSCE has been able to manage the challenges in different stages of the conflicts. The analysis of the missions by comparison method would bring more clarity regarding the evolution of the OSCE.

The third recommendation is related to the identification of operational and administrative needs of SMM, capability gaps, and solution implementation. As such, DOTMLPF domains constitute a potential framework that will take this research a step forward and investigate in more detail the transformation of the SMM.¹⁴³ DOTMLPF is

¹⁴³ DOTMLPF is an acronym used by the United States Department of Defense. DOTMLPF is defined in The Joint Capabilities Integration Development System Doctrine and represents the Organization, Training, Materiel, Leadership, Personnel, and Facilities.

essential for the development of the SMM that it needs further in-depth investigation and identification of viable and feasible solutions.

Conclusions

The conflict in Ukraine, in spite of all the suffering and instability it has brought to the region, has also shown just how indispensable the OSCE is for security in Europe. The SMM's mandate has not changed during the entire mission. However, a series of additional tasks were added to the SMM via the Minsk Agreements. This adjustment has occurred in a continuously changing conflict environment. Despite this, the current mandate of the OSCE's Special Monitoring Mission to Ukraine has proven its worth. It gave the mission all the scope it needed to fulfill its tasks. The monitors were able to respond flexibly to the developments on the ground and to meet new demands as they arose.

The SMM has enough capabilities to fulfill its mandate. The military observers provide the most valuable capabilities that SMM can offer. The recruitment system that gives preference to ex-military personnel brings more experience in the organization, but the SMM did not have permanent staff and hired ad-hoc. In order to support the MO's in their work, the SMM started to use UAVs for the first time in an OSCE mission, a significant step towards to implementation of the technology. However, this step came along with many challenges, such as jamming UAVs, and this does not seem to end soon. Along with UAV jamming, the SMM is facing many restrictions regarding freedom of movement and even though this is a significant violation of the Minsk Agreements and mandate itself, it does not appear to be ending soon. The main point of this is that both parties seem to restrict access of the SMM in the areas where they do not want the SMM

to go. The restriction of movement contravenes with the agreements that have been signed and does not allow SMM to conduct an effective monitoring mission according to the mandate. Another point is that the Ukraine conflict is very dynamic, and there is so much uncertainty in knowing the motives and capabilities of conflicting parties; this brings more ambiguity for the mission. At the end of the day, the effectiveness of a conflict management mechanism such as the SMM depends to a great extent on the will of the belligerent parties.

The situation in Ukraine is so complicated that sometimes it is difficult to understand the challenges that SMM is facing: do they come from inside of the country or outside? The SMM is between East and West and is trying to find the balance. It has been accused by both sides of favoring the other. In this situation, more importantly, it tests how far the OSCE, or more importantly member states, are willing to go to build the SMM's capacity and capability to accomplish its mandate. Rebuilding trust and restoring security, should be the primary focus of the OSCE through the SMM. Trust in Europe has been dramatically diminished over the past few years. It will be difficult to rebuild—but there is no way around doing so.

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