OSCE and Military Confidence-Building in Conflicts

Lessons from Georgia and Ukraine

Johan Engvall

FOI

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Cover: Unidentified military stand watch over a checkpoint to the Crimea region. (Copyright: OSCE, March 6, 2014.)

Sammanfattning

Vilka funktioner kan konventionell rustningskontroll och militära förtroendeskapande åtgärder fylla i en konfliktsituation? Det rysk-georgiska kriget 2008 och annekteringen av Krim samt den efterföljande ryska aggressionen i östra Ukraina 2014 pekar tydligt på att instrumenten inte förmår att hantera uppsåtliga konflikter. En mer realistisk ambition är istället att använda olika instrument för att skapa förutsättningar att övervaka en konflikt eller som förvarningsmekanism för att öka kostnaderna för angripande part. För OSSE:s framtida krishanterings-förmåga behöver emellertid sambandet mellan tidig förvarning och tidigt agerande stärkas. Erfarenheterna från Georgien och Ukraina påvisar ett antal tvetydigheter och kryphål i Wiendokumentet. För att stärka Wiendokumentets potential kan följande prioriteringar identifieras:

- Kapitel III – inspektioner anpassade till kriseskaleringsfaser.
- Kapitel V – stänga kryphålet för oplanerade övningar (*snap exercises*).
- Kapitel V – stänga kryphålet för storskaliga övningar rapporterade att vara under delat befäl.
- Kapitel V – sänka tröskeln för notifiering av militära aktiviteter.
- Kapitel VI – sänka tröskeln för inbjudan till observation.
- Kapitel IX – utökade inspektionskvoter med längre inspektioner samt inspektioner reserverade för kristillfällen.

Nyckelord: Konventionell rustningskontroll, militära förtroendeskapande åtgärder, Wiendokumentet, Open Skies, CFE-avtalet, OSSE, Ryssland, Georgien, Ukraina, väpnad konflikt.

Summary

What role can conventional arms control (CAC) and confidence- and security-building measures (CSBMs) play in a conflict situation? The Russian-Georgian war in 2008, and the annexation of Crimea and the Russia-inspired war in Ukraine's eastern Donbas region in 2014 confirm that CAC and CSBMs are not able to prevent intentional conflict. A more realistic ambition would be to use various instruments to monitor a conflict or function as early warning mechanisms that raise the bar for and increase the costs of conflict. For the future effectiveness of OSCE early crisis management, it is imperative to strengthen the link between early warning and early action. The experiences from Georgia in 2008 and Ukraine in 2014 show that there are ambiguities and loopholes in the Vienna Document that prevent transparency. Priorities for improving the effectiveness of the Vienna Document might include the following:

- Chapter III – introduce an inspection mechanism for crisis escalation.
- Chapter V – end the exemption of snap exercises from notification.
- Chapter V – address the issue of large-scale exercises being reported as separate and small-scale in order to avoid inspection.
- Chapter V – lower the threshold for the notification of military activities
- Chapter VI – lower the threshold for observation visits.
- Chapter IX – increase the quotas for inspection visits; enable longer, or sequential, inspections, as well as reserve inspections for emergency use.

Keywords: Conventional arms control, confidence- and security-building measures, Vienna Document, Open Skies Treaty, CFE Treaty, OSCE, Russia, Georgia, Ukraine, armed conflict.

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Johan Engvall

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Contents

Acronyms and abbreviations

CAC	Conventional arms control
CFE Treaty	Treaty on Conventional Armed Forces in Europe
CiO	Chairman in Office (OSCE)
CPC	Conflict Prevention Centre
CSBMs	Confidence- and security-building measures
DNR	Donetsk People's Republic
EU	European Union
EUMM	European Union Monitoring Mission in Georgia
FSC	Forum for Security and Co-operation
HCNM	High Commissioner on National Minorities
HFA	Helsinki Final Act
LNR	Luhansk People's Republic
NATO	North Atlantic Treaty Organization
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PC	Permanent Council
RFoM	Representative on Freedom of the Media
SMM	Special Monitoring Mission to Ukraine
TLE	Treaty limited equipment
UAV	Unmanned aerial vehicle
UN	United Nations
UNOMIG	United Nations Observer Mission in Georgia
Vienna Document	Vienna Document on Confidence- and Security-Building Measures in Europe

Executive summary

What role can conventional arms control (CAC) and confidence- and security-building measures (CSBMs) play in a conflict situation? This report addresses this question by analyzing the application of and gaps in the existing system of CAC and CSBMs in connection with Russia's military aggression against Georgia in 2008 and Ukraine in 2014. On this basis, the study identifies a number of lessons concerning opportunities and limitations when it comes to using CAC and CSBMs in order to raise the bar for military conflict in Europe.

While the conflicts in Georgia and Ukraine differed in several ways, there were some striking similarities regarding Russia's behavior. First, Moscow's suspension of the CFE Treaty in 2007 and its ingenious implementation of the Vienna Document facilitated preparations for the aggressive military actions, including large-scale military deployments along its flanks. Both in 2008 and in 2014, Russian large-scale military exercises preceded the actual military operation, and left Georgia and Ukraine guessing when the Russian armed forces would shift from exercises to preparation for war. The hybrid tactics used by Russia, including the use of proxy forces and a blurred distinction between foreign troops and local insurgents, proved difficult to handle by the means of CAC and CSBMs.

The OSCE took on a leading role in attempting to stabilize the hostilities in 2008 and 2014, though with mixed success. The inability or unwillingness either to understand or to act on the fact that Russia had in reality become a party to the conflicts proved to be a serious mistake, as it failed to raise the costs of conflict in time. The strength of the OSCE – its inclusiveness and consensus-based nature – are also its weakness in terms of leadership and effectiveness in a conflict situation. Taken together, this calls for realistic expectations concerning what the organization can or cannot do. Ultimately, its ability to wield power depends on what decisions participating states can unite around.

As for the potential stabilizing role of specific CAC and CSBMs, such as the CFE Treaty, the Vienna Document and the Open Skies Treaty, much depends on the nature of the conflict. In a local conflict that might erupt due to mistakes on the ground, CAC and CSBMs have a potentially crucial role to play in alleviating tensions by providing transparency and predictability. In a conflict that is escalating due to careless political leadership, CAC and CSBMs could play a calming role by providing the tools for clarifying the military situation. However, in the case of leaders intentionally seeking an armed conflict, there is not much help to be found from CAC and CSBMs in terms of conflict prevention. When one or several parties deliberately seek war, they tend to undertake measures to dilute compliance, to diminish transparency and to conceal intent through disinformation.

A more realistic ambition, as indicated by the developments in Georgia in 2008 and Ukraine in 2014, is to use CAC instruments as early warning mechanisms that raise the threshold for a potential aggressor or to create the conditions for monitoring and controlling a conflict. By activating the various tools at the OSCE's disposal, such as fact-finding missions, monitoring missions and consultations and inspections within the framework of the Vienna Document, the OSCE provided early warning on the conflict escalation in Georgia in 2008 and in Donbas in 2014. Overall, the major problem in 2008 and 2014 was that onsite early warning failed to generate a sufficiently strong political response. In short, CAC and CSBMs do not provide a remedy for conflict prevention. The best to hope for is to strengthen indicators, increase warning times and raise the political costs of cheating. However, converting early warning into action require political will by the actors involved.

In order for the instruments to support the kind of transparent and unambiguous informational basis required for decision-making, the most realistic way forward would be to remove certain ambiguities and loopholes, particularly from the Vienna Document. First, in its present configuration, the Vienna Document is ill-equipped to handle the smaller armies and different force structures of the 21st century. Second, to sharpen the Vienna Document's responsiveness to crisis escalation, another plausible idea would be to allow for an additional, or bonus, inspection mechanism. Third, a clear lesson from the wars in Georgia and Ukraine is that aggressive military exercises had an escalatory effect on the conflicts. Priorities for improving the effectiveness of the Vienna Document might therefore include the following:

- Chapter III – introduce an inspection mechanism for crisis escalation.
- Chapter V – end the exemption of snap exercises from notification.
- Chapter V – address the issue of large-scale exercises being reported as separate and small-scale in order to avoid inspection.
- Chapter V – lower the threshold for the notification of military activities
- Chapter VI – lower the threshold for observation visits.
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1 Introduction

The creation and implementation of agreements on conventional arms control (CAC) and confidence- and security-building measures (CSBMs) contain several built-in paradoxes. First, participating states are most likely to adhere to those agreements when they are least needed, that is, when the risk of armed conflict is low. In this sense, CAC and CSBMs presume good will and a rules-based order in which key actors respect the basic rules of interaction. To a certain extent, the opposite also applies. Even though the Cuban missile crisis in 1962 and other confrontations during the Cold War provided impetus to strategic talks on arms control, overall parties have less interest in divesting themselves of military options when there is a high risk of confrontation. Second, the risk of armed conflict tends to increase when the security environment is changing. In uncertain times, existing treaties and agreements are increasingly perceived by some states as detrimental to their national security. Thus, uncertainty, rather than predictability regarding military intentions and capabilities, tends to become the order of the day. Finally, when security is in flux there is often a desire to preserve as much as possible of existing treaties and agreements, even if those are increasingly insufficient for handling the new realities. This risks leaving participating states less willing to hold accountable those who are violating existing treaties and agreements, which in turn further corrodes the legitimacy of the existing framework.[1]

Since Russia unilaterally suspended its application of the Treaty on Conventional Armed Forces in Europe (CFE Treaty) in 2007, the existing system of CAC and CSBMs in Europe has been in decline. Moreover, in recent years a range of compliance problems has also beset the other two principal pillars of CAC and CSBMs in Europe – the Open Skies Treaty and the Vienna Document on Confidence- and Security-Building Measures in Europe (Vienna Document).[2] At the same time, twice in the past decade – in Georgia in 2008 and in Ukraine in 2014 – Russia has demonstrated that it is prepared to use military force to achieve political goals. In both conflicts, the Organization for Security and Co-operation in Europe (OSCE) deployed various CSBMs in order to stabilize the situation. Ultimately, these efforts proved unsuccessful in terms of preventing the outbreak of war, but may have had an effect on the course of the conflicts.

The armed conflicts in Georgia and, particularly, in Ukraine have had profound implications for European security: deep-seated political-military mistrust has

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[1] Eugene Rumer, *A farewell to arms…control*, US-Russia Insight, Carnegie Endowment for International Peace, April 2018; Oliver Schmitt, "The Vienna Document and the Russian challenge to the European security architecture," in *Military exercises: Political messaging and strategic impact*, eds., Beatrice Heuser, Tormod Heier and Guillaume Lasconjarias (Rome: NATO Defense College, NDC Forum Paper, no. 26), pp. 269–284.

[2] For a description of the basic tenets of the three regimes, see Chapter 2.

taken hold and deterrence has returned. Arms control agreements exist, but Russia is actively choosing not to implement some of them because they do not conform to Russian security interests.[3] In this hostile climate, challenges to arms control abound. Nonetheless, based on the experiences in Georgia and Ukraine it is worth taking a closer look at whether CAC and CSBMs can be used more effectively to prevent or stabilize conflicts. In other words, what lessons can be drawn from these two recent armed conflicts in Europe regarding how to strengthen the flexibility and resilience of existing CAC and CSBMs?

The purpose of this report is to evaluate and analyze the application of and the gaps in the existing system of CAC and CSBMs in connection with Russia's military aggression against Georgia in 2008 and Ukraine in 2014.[4] The case studies examine three questions:

- What happened between the conflicting parties on the ground in Georgia in 2008 and Ukraine in 2014?

- How did the OSCE respond and how were CAC and CSBMs used?

- What were the major gaps and missed opportunities in the application of CAC and CSBMs?

Based on an examination of the armed conflicts, the next step is to identify and discuss the major lessons for using CAC and CSBMs to raise the bar for military conflict in Europe.

The study draws on a combination of written and oral sources. Among the written sources are official documents and statements. The secondary literature on the armed conflicts also discusses the various efforts to use arms control instruments to defuse the conflicts. To complement the written documentation, the author conducted interviews with selected undisclosed diplomats and military experts involved in conflict prevention work in various professional capacities before, during and after the outbreak of Russia's military aggression in Georgia and Ukraine.

Chapter 2 briefly describes the OSCE's role in the conflict cycle and sketches the origins, purpose and limitations of the major arrangements in the interconnected fields of CAC and CSBMs in order to provide context for what follows. Chapters 3 and 4 deal with the armed conflicts in Georgia in 2008 and Ukraine in 2014, respectively, including a discussion of the developments between the conflicting parties as well as the OSCE's attempts to use various CSBMs for conflict

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[3] Johan Engvall, Gudrun Persson, ed., Robert Dalsjö, Carolina Vendil Pallin and Mike Winnerstig, *Conventional Arms Control: A Way Forward or Wishful Thinking*, FOI-R--4586–SE, April 2018.

[4] Temporally, the study focuses on the course of events taking place in 2008 and 2014 respectively. A detailed account of the background to and the aftermath of the conflicts thus fall outside the scope of this report.

prevention and conflict management. Chapter 5 identifies the major lessons to be learned from these conflicts for the OSCE and military confidence-building in times of crisis. The concluding chapter 6 makes some recommendations, based on the lessons learned from Georgia and Ukraine, on how military confidence-building could be strengthened to raise the costs of armed conflict.

2 OSCE and conventional arms control

Before turning to an examination of the conflicts in Georgia and Ukraine, an overview of both the role of the OSCE in conflict prevention and confliction management and the system of CAC and CSBMs in Europe is in order.[5]

2.1 OSCE and conflict prevention

The origins of the OSCE trace back to the negotiations and signing of the seminal Helsinki Final Act (HFA) of 1975 and the creation of the Conference for Security and Co-operation in Europe, which became an important multilateral forum for dialogue between East and West during the Cold War. Following the end of the Cold War, the OSCE became a key institution for building common security in Europe among what is now 57 participating states. Its comprehensive and cooperative approach to security incorporates three complementary and equally important dimensions: political-military, economic and environmental, and human rights.

Regarding the political-military dimension, the OSCE framework for arms control from 1996 stresses that arms control, including disarmament and CSBMs, constitutes an integral part of the organization's concept of security. In the sphere of CAC and CSBMs, the Vienna Document, the CFE Treaty and the Open Skies Treaty are described as a web of interlinking and mutually reinforcing commitments.[6] Since the early 1990s, the OSCE has also been involved extensively in the prevention, management and resolution of conflicts. The main tools at its disposal in the conflict cycle include field operations and the Conflict Prevention Centre (CPC). The OSCE field operations in various countries operate only with the consent of the host country. A number of field operations concentrate specifically on early warning and conflict prevention. In the case of an emerging or ongoing crisis, field missions observe and report on developments on the ground as well as assist with facilitating dialogue and mediation and promote confidence building. The CPC is responsible for the planning and structuring of the field operations and its links to the missions on the ground hand it a role in providing advice, analysis and support to decision-making in the OSCE.

There are several decision-making bodies with a role in addressing conflicts. The Permanent Council represents the regular body for political dialogue and decision-making among participating states, while the Forum for Security Co-operation is an autonomous decision-making body that provides participating states with a

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[5] This chapter draws on Engvall, Persson, ed., Dalsjö, Vendil Pallin and Winnerstig, *Conventional Arms Control*, pp. 21–27.

[6] OSCE, "Arms control," Information page, available at https://www.osce.org/arms-control (accessed February 6, 2019).

forum for consultations on military stability and security. Substantive influence over OSCE activities and priorities in a given year is entrusted the OSCE Chairman in Office (CiO). Held by a participating state for a year, that state's foreign minister acts as CiO and appoints special representatives to work on preventing an managing conflicts in the OSCE region. In comparison to the CiO, the mandate of the Secretary General is mainly restricted to supporting and administering functions.

2.2 CFE Treaty

Known as the military cornerstone of European security, the CFE Treaty was negotiated during the final years of the Cold War, and was signed on November 1990 by the then 22 members of the North Atlantic Treaty Organization (NATO) and the members of the Warsaw Pact. Since both the Warsaw Pact and the Soviet Union broke up shortly afterwards, 30 countries eventually ratified the legally binding treaty in 1992. The CFE Treaty regulates the possession and location of five categories of heavy military equipment, or so-called treaty limited equipment (TLE) – battle tanks, armored combat vehicles, heavy artillery pieces, combat aircraft and attack helicopters. Geographically, the treaty covers a zone from the Atlantic to the Urals. The basic principle behind the CFE Treaty is to limit the quantities and locations of weapons in order to reduce the risk of surprise attacks and the concentration of forces. To ensure compliance, the treaty stipulates a comprehensive set of intrusive verification measures that emphasizes onsite inspections. By 2013, the CFE Treaty had contributed to the elimination of more than 72,000 pieces of military equipment, more than 5,500 onsite inspections and detailed exchanges of data.

Seen in the most positive light, the CFE Treaty was, thus, essentially designed for the purpose of preventing military conflict in Europe. In particular, the signatory states committed to "eliminating, as a matter of high priority, the capability for launching surprise attack and for initiating large-scale offensive action in Europe".[7] The CFE Treaty was however designed for the Cold War and in order to adjust it to the post-bloc reality in Europe, a new Adapted CFE Treaty was negotiated and signed in Istanbul in 1999. While Russia ratified the new treaty, western states rejected ratification on the ground that Moscow had failed to withdraw its forces and equipment from the territories of Georgia and Moldova. Dissatisfied with western refusal to ratify the Adapted CFE Treaty and frustrated by the restrictions of the original treaty, Russia decided to unilaterally suspend its application of the CFE in 2007. Since then, Russia has refused to provide any data or allow any inspections, leaving the treaty for all intents and purposes dead.

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[7] *Treaty on Conventional Armed Forces in Europe*, p. 1.

2.3 Vienna Document

The Vienna Document on CSBMs was originally created in 1990, although it has been slightly revised in several rounds since then (in 1992, 1994, 1999 and 2011). It is the essential OSCE document on CSBMs and constitutes an integral part of the organization's all-encompassing approach to security as first outlined in the HFA of 1975 and subsequently confirmed in the Paris Charter of 1990. Politically but not legally binding, the Vienna Document is an integral and substantial part of the OSCE's work to promote confidence- and security-building in Europe. Specifically, this multilateral process aims "to undertake, in stages, new, effective and concrete actions designed to make progress in strengthening confidence and security and in achieving disarmament, so as to give effect and expression to the duty of States to refrain from the threat or use of force in their mutual relations as well as in their international relations in general".[8]

As a CSBM, the Vienna Document is intended to promote transparency concerning how participating states organize their military forces. Participating states commit to provide information on peacetime locations and holdings of large units as well as exercises that could potentially become invasions. They also exchange details of defense policy and expenditure, and agree on inspection and observation of certain military activities, as well as rules on notification of exercises and new deployments (of over 9,000 troops) and rules on observation of certain military activities (exceeding 13,000 troops).

Over the past decade, western criticism has increased regarding Russia's selective implementation of the provisions in the Vienna Document. Several attempts to re-issue the document have come up short, but the discussion remains on the table in Vienna. In particular, the focus of the modernizing efforts is to close some of the loopholes that prevent the agreement's effective implementation. Russia, however, has held the position that a modernized Vienna Document would only add value if accompanied by western ratification of the Adapted CFE Treaty.

2.4 Open Skies Treaty

The Open Skies Treaty was created when a group of 27 states in March 1992 decided to open their airspace to unarmed observation flights, and to collect data on military forces and activities on the territories of other signatories to the treaty. After a lengthy ratification process, the Open Skies Treaty entered into force on

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[8] OSCE, *Vienna Document 2011 on Confidence- and Security-Building Measures*, November 30, 2011, p. 1. The document consists of the following 12 chapters: (I) Annual exchange of military information; (II) Defence planning; (III) Risk reduction; (IV) Contacts; (V) Prior notification of certain military activities; (VI) Observation of certain military activities; (VII) Annual calendars; (VIII) Constraining provisions; (IX) Compliance and verification; (X) Regional measures; (XI) Annual implementation assessment meeting; (XII) Final provisions.

January 1, 2002. Shortly thereafter eight additional states joined, among them Sweden, Finland and the Baltic states. The geographical area of application of the Open Skies treaty extends beyond that of the CFE Treaty by incorporating North America and Siberia. Its declared purpose is to: "improve openness and transparency, to facilitate the monitoring of compliance with existing or future arms control agreements and to strengthen the capacity for conflict prevention and crisis management in the framework of the Conference on Security and Co-operation in Europe and in other relevant international institutions".[9] Thus, if the Vienna Document is intended to increase confidence to facilitate disarmament and the CFE Treaty is intended to prevent massive surprise attacks, the Open Skies Treaty has a less clear-cut purpose that includes conflict prevention and crisis management.

The Open Skies Treaty introduced unprecedented openness of territorial access, and facilitated cooperation since countries can conduct joint overflights and are obliged to share information from the flights equally between observing nation and observed nation. According to calculations made by the US State Department, as of mid-July 2017, 1,377 flights had been conducted under the agreement. Due to new technology that enables the collection of more sophisticated data from satellite photographs, the information-gathering value of the Open Skies Treaty is probably less relevant than its function as a tool for confidence- and security-building. In recent years, the treaty has suffered from several compliance problems and disagreements over quotas, which resulted in the cancellation of all flights in 2018. For 2019, however, the participating states have once again agreed on quotas and, as a result, observation flights have resumed.

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[9] OSCE, *Treaty on Open Skies*, March 24, 1992, p. 1.

3 Georgia 2008

In the early 1990s, nationalist animosities between an ultra-nationalist Georgian government under President Zviad Gamsakhurdia in Tbilisi and separatist movements in Abkhazia and South Ossetia escalated into two successive secessionist wars. Russia intervened in the conflicts at an early stage and, after the conclusion of ceasefire agreements, Moscow gained a role as peacekeeper and negotiator in the conflicts. Over the next 15 years, no progress on conflict settlement occurred, not least since Russia used its leading role to support the de facto secession of Abkhazia and South Ossetia from Georgia. In August 2008, a five-day war broke out between Russia and Georgia over South Ossetia. This short war took the world by surprise, and dramatically changed the geopolitical landscape not only in the Caucasus region, but also in Europe. In 2012, Vladimir Putin admitted that a plan for military action against Georgia had been prepared as early as 2006 and approved by him in 2007.[10]

3.1 What happened?

Tensions and hostilities between Russia and Georgia, concentrated around the small, unrecognized Georgian breakaway regions, South Ossetia and Abkhazia, had been mounting for some years prior to the war in 2008. In 2007, Russia used military strikes against Georgia on two separate occasions. In March, a helicopter attack targeted the administrative center in the Georgian-controlled Kodori gorge in upper Abkhazia.[11] In early August, Russia fired an air-to-surface missile that failed to detonate near a Georgian radar station just outside the South Ossetian conflict zone.[12]

In the spring of 2008, tensions increased further, particularly in the Abkhazian conflict zone. As Russian military activity intensified in the North Caucasus, Georgia bolstered its military presence near Abkhazia and sent out unmanned aerial vehicles (UAVs) to try to assess the situation. On April 20, a Russian MiG-29 aircraft downed a Georgian reconnaissance UAV over Abkhazia. While the Georgian government wanted to monitor Russian reinforcements in the region, Russia saw it as part of Georgian preparations for a military operation in Abkhazia. According to an investigation of the incident by the United Nations Observer Mission in Georgia (UNOMIG), the activities of both parties were in violation of the Moscow Agreement on a Ceasefire and Separation of Forces of 1994.

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[10] Pavel Felgenhauer, "Putin Confirms the Invasion of Georgia was Preplanned," *Eurasia Daily Monitor*, August 9, 2012.

[11] United Nations Observer Mission in Georgia (UNOMIG), "Joint Fact-Finding Group Report on the Rocket Firing Incident in the Upper Kodori Valley on 11 March 2007," July 12, 2007.

[12] David J. Smith, "Another Russian Attack on Georgia: Unmistakable Evidence," *Central Asia-Caucasus Analyst*, August 21, 2007.

Moreover, the Russian aircraft responsible for the downing was not part of the peacekeeping force, which represented an additional violation.[13]

Meanwhile, Russia continued to reinforce its peacekeeping force in Abkhazia by sending approximately 1,000 additional troops with heavy equipment not belonging to the peacekeepers without notifying Georgia or any international body. In late May, Russia sent a military railway unit of approximately 400 troops to repair the local railway, despite protests from the Georgian government. From a military perspective, the railway is critical to enabling rapid deployment of Russian troops to Abkhazia.[14] The servicemen remained in place for two months, ending their work on July 30, a week prior to the Russian-Georgian war.

As spring turned to summer, tensions gradually shifted from Abkhazia to the South Ossetian conflict zone following numerous skirmishes between Georgian and separatist forces. On July 15, Russia began a major military exercise, Kavkaz 2008, in the North Caucasus military district, next to the border with Georgia. Officially, the exercise activated 8,000 troops, 700 combat vehicles and more than 30 aircraft and attack helicopters. Several of the units that participated in the exercise were later used in the five-day war.[15] The scenario of the exercise included counterterrorism operations and preparation for special peacekeeping operations, such as supporting Russian peacekeepers in Abkhazia and South Ossetia. Prominent Russian and western analysts saw Kavkaz 2008 as a rehearsal for a military operation in the region.[16] Even at the time of the exercise, the former commander of the Group of Russian Forces in the Transcaucasus, retired Lieutenant General Yuri Netkachev, said that the official figures were underestimated in order to avoid the possibility of international observers.[17] In Tbilisi, the suspicion was that the exercise was intended to conceal Russian mobilization along the Georgian border.[18] While the exercise ended on August 2,

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[13] UNOMIG, "Report of UNOMIG on the Incident of 20 April Involving the Downing of a Georgian Unmanned Aerial Vehicle over the Zone of Conflict," undated. In total, Georgia acknowledged that three UAVs had been shot down in the spring of 2008, while the Abkhazian authorities claimed to have downed seven UAVs in that period.

[14] Pavel Felgenhauer, "Russian Railroad Troops Complete Mission in Abkhazia," *Eurasia Daily Monitor*, July 31, 2008.

[15] Robert L. Larsson, ed., *Det kaukasiska lackmustestet: Konsekvenser och lärdomar av det rysk-georgiska kriget i augusti 2008*, FOI-R--2563–SE, September 2008, p. 27. Paratroopers, airborne formations from bases in Ivanovo, Pskov, and Novorossysk, and the Black Sea Fleet participated in the drill.

[16] Pavel Felgenhauer, "Russian Railroad Troops Complete Mission in Abkhazia"; Thom Shanker, "Russians Melded Old-School Blitz with Modern Military Tactics," *New York Times*, August 17, 2008.

[17] "Voinstvuyuschie mirotvortsy," *Nezavisimaya gazeta*, July 18, 2008.

[18] A leaflet was distributed to Russian forces during Kavkaz 2008 with the heading, "Soldier, know your probable enemy!" The leaflet detailed the composition of Georgia's armed forces, their strengths and weaknesses. See "Voin, znai veroyatnogo protivnika!", available at http://georgiaupdate.gov.ge/en/doc/10010616/Annex%2019_Know%20Your%20Enemy.pdf (accessed November 19, 2018).

some Russian troops and equipment remained by the Georgian border rather than returning to their home bases.[19] At the same time, the smaller US-led annual military exercise "Immediate Response" took place at the Vaziani base outside Tbilisi, with participating troops from Georgia, the USA, Armenia, Azerbaijan and Ukraine.

At the beginning of August, tensions inside South Ossetia escalated as serious clashes broke out between Georgian forces and Ossetian militias. An international fact-finding mission on the conflict led by the experienced Swiss diplomat, Heidi Tagliavini, later documented the course of developments.[20] On the night of August 7–8, Georgia decided to militarily enter Tskhinvali, the provincial capital of South Ossetia, "to restore constitutional order" and halt what the Georgian authorities had come to believe was an impending Russian invasion.[21] It is still debated whether Russian tanks were already inside Georgia when Tbilisi launched the large-scale military attack on Tskhinvali and briefly captured much of South Ossetia.[22] The international fact-finding mission could not sufficiently substantiate the claim of a Russian military incursion into South Ossetia prior to August 8. Beyond doubt is the fact that Russian troops quickly arrived and after three days of fighting, had fully expelled Georgian troops from South Ossetia. At the same time, Russia opened a second front in Abkhazia that resulted in Georgia losing control of the Kodori gorge.

On August 10, the Georgian government declared a unilateral ceasefire, while Russia launched an invasion of Georgian territory far beyond the conflict zones, reaching the port of Poti and advancing towards Tbilisi, forcing Georgian troops to withdraw to circle the capital city. Even though the Russian President, Dmitry Medvedev, accepted a ceasefire plan in a meeting with the President of France, Nicolas Sarkozy, in Moscow on August 12, Russian armed forces continued their military operations, destroying much of Georgia's military infrastructure.[23] Altogether, expert estimates put the number of Russian troops present in Georgia in August 2008 at 25,000–30,000 supported by more than 1,200 pieces of armor

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[19] Johanna Popjanevski, "From Sukhumi to Tskhinvali: The Path to War in Georgia," in *The Guns of August 2008: Russia's War in Georgia*, eds., Svante E. Cornell and S. Frederick Starr (Armonk, NY: M.E. Sharpe, 2009), p. 157.

[20] "Independent International Fact-Finding Mission on the Conflict in Georgia: Report," Volume 1, September 2009. Informally, the report was often referred to as the "Tagliavini report" after its team leader.

[21] Ronald D. Asmus, *A Little War That Shook the World: Georgia, Russia, and the Future of the West* (New York: Palgrave, 2010), p. 23.

[22] According to the official Russian version, the first Russian units entered South Ossetia in the early afternoon of 8 August and attacked Georgian targets with airstrikes and artillery.

[23] "Independent International Fact-Finding Mission," Volume 1.

and heavy artillery as well as 200 aircraft and 40 helicopters. In addition, thousands of Abkhazian and South Ossetian troops and militia members took part.[24]

It was not until August 22 that Russia withdrew its forces from Georgian territories outside the conflict zones, and then not without installing additional buffer zones south of Abkhazia and South Ossetia.[25] Four days later, Russia recognized Abkhazia and South Ossetia as independent states much to the irritation of western states. To counter Russia's actions, the international community increasingly stressed the concept of internationally recognized borders with reference to the region. In September, the European Union (EU) dispatched a monitoring mission to Georgia, the European Union Monitoring Mission in Georgia (EUMM), to monitor the ceasefire. However, in violation of the ceasefire plan, Russia does not allow the EUMM access to either South Ossetia or Abkhazia.[26]

3.2 Confidence- and security-building measures

Many accounts of the Russian-Georgian war have cited the failure of third party conflict prevention measures. Although several international organizations, such as the OSCE, the EU and the United Nations, tried a number of measures to calm the conflict, such as bilateral talks, fact-finding, permanent observations and inspections, the ultimate outcome proved disappointing in terms of defusing the escalating tensions.

Escalation had begun with the two serious military incidents in March and August of 2007. While the first incident, related to a Russian strike against Georgian villages in Abkhazia, received scant international attention, the second, an incident with an undetonated missile near a Georgian radar station just outside South Ossetia, brought a stronger reaction. Two intergovernmental fact-finding missions conducted onsite inspections and determined that aircraft flying from Russian airspace were responsible.[27] As a response to the missile incident, several participating states pushed for increasing the number of OSCE military observers in South Ossetia. Since observers can only be deployed by consensus, the attempt

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[24] "Independent International Fact-Finding Mission on the Conflict in Georgia Report," Volume 2, September 2009, p. 216.

[25] Marcel de Haas, "NATO-Russia Relations after the Georgian Conflict," April 7, 2009.

[26] Kornely Kakachia, "Conventional Arms Control in the South Caucasus," in *Conventional Arms Control in Europe: New Approaches in Challenging Times*, ed., Wolfgang Zellner (Hamburg: CORE Working Paper 26, September 2015), p. 41.

[27] "Report from the International Group of Experts Investigating the Possible Violations of Georgian Airspace and the Recovered Missile near Tsitelubani, Georgia, 6 August 2007," August 14, 2007; "Second Independent Intergovernmental Expert Group (IIEG-2) Report Investigating Possible Violations of Georgian Airspace and the Recovered Missile Near Tsitelubani, Georgia, 6 August 2007," August 20, 2007.

to expand the field operation failed to materialize due to Russia opposing such a decision.[28]

In the spring and early summer of 2008, the international community attempted several CAC and CSBMs, with some degree of success, to stabilize the situation in and around Abkhazia, which was at that time the prime area of tension in Georgia. The three principal instruments in the field of CAC and CSBMs in Europe – the CFE Treaty, the Open Skies Treaty and the Vienna Document – were all used at various points in the prelude to the Russian-Georgian conflict in August 2008.

First, both Georgia and Russia were signatories to the Open Skies Treaty. On April 1–4, 2008, Italy led an Open Skies observation flight over Georgia. The flight, which was scheduled in accordance with the quota distribution procedures of the treaty in 2007, monitored Georgian military activities near Abkhazia and reported unusual military preparations on the Georgian side.[29] It was also reported that the aircraft flew along the ceasefire line without prior notification, exposing the inspection team to possible danger.[30]

Second, the OSCE provided the forum for consultations in response to the incident with the UAV shot down over Abkhazia. The incident led first to the activation of Bucharest Ministerial Council Decision No. 3 on fostering the role of the OSCE as a forum for political dialogue. At the request of the Permanent Council (PC) and the Georgian OSCE Delegation, the Forum for Security and Cooperation (FSC) provided expert advice on the incident, which was discussed in several FSC meetings as well as joint PC-FSC gatherings. No consensus was reached in these meetings on concrete responses to the incident.[31]

In relation to the same incident, the conflicting states, Georgia and Russia, in late May also activated the Mechanism for Consultation and Cooperation as Regards Unusual Military Activities, paragraph 16 of the Vienna Document's Chapter III on Risk Reduction.[32] This began when the Georgian delegation to the OSCE sent

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[28] Author's interview with diplomat, February 19, 2019.

[29] Hans-Joachim Schmidt, "The Link between Conventional Arms Control and Crisis Management," in *OSCE Yearbook 2015*, ed., IFSH (Baden-Baden, 2016), p. 270; Mariam Grigalashvili, "Treaty on Open Skies: Could International Observation Flights be Canceled?" Research Paper 8, Georgian Institute of Politics, July 2018, p. 8.

[30] United Nations Security Council, "Report of the Secretary-General on the situation in Abkhazia, Georgia," July 23, 2008, pp. 3–4.

[31] Alice Ackermann, "OSCE Mechanisms and Procedures Related to Early Warning, Conflict Prevention, and Crisis Management," in *OSCE Yearbook 2009*, ed., IFSH (Baden-Baden, 2010), p. 229.

[32] This consultation mechanism allows a state to request an explanation for military activities that they perceive to be a security concern. The other party must provide a response within 48 hours. If the statement fails to bring clarity to the issue, the requesting state may then call for a meeting with the responding state within a further 48 hours. If still unresolved, a third step is to take the dispute to a joint FSC/PC meeting with all OSCE participating states within 48 hours. See OSCE, *Vienna*

a note to its Russian counterpart requesting an explanation for the involvement of a Russian aircraft in the destruction of the Georgian UAV in the airspace over Abkhazia on April 20. Russia, in turn, retorted with a request of its own regarding the legitimacy of Georgia sending UAVs over the Georgian-Abkhaz conflict zone, seeing it as an infraction of the Moscow Agreement on a Ceasefire and Separation of Forces of 1994 and of United Nations Security Council resolution 1808. Since neither state was satisfied with the respective responses, bilateral talks on the subject were held in the presence of the OSCE Chairman in Office (CiO) and other delegations on June 4. Having failed to resolve the issue, the discussions moved on to a joint FSC-PC meeting on June 11.[33]

There are different views on the degree of success of the meeting. On the one hand, on behalf of the OSCE, a joint statement of the FSC and PC chairpersons declared that the meeting "showed the continuing relevance of this Mechanism and the OSCE as a forum for dialogue on the security concerns of participating States".[34] An article in the OSCE Yearbook even went so far as to argue that the discussion was constructive and conflict preventive.[35] On the other hand, in a context of escalating hostility and deep mistrust, others have seen the activation of the consultative mechanism in the Vienna Document as a pawn that the two adversaries were able to use against each other.[36] According to this interpretation, the joint meeting, characterized by accusations and hostile rhetoric, did little to restore confidence and resulted in no specific proposals for de-escalating the conflict.[37]

Third, unlike Russia, which suspended its application of the CFE Treaty in December 2007, Georgia provided information on its TLE and allowed CFE inspections right up until the war. As part of its military modernization program, Georgia reported a substantial increase in troops and TLE falling under the CFE between January 2005 and January 2008. While Russia criticized the military

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Document 1999 of the Negotiations on Confidence- and Security-Building Measures, November 16, 1999, Chapter III, pp. 1213. In the minor 2011 revision of the document, the exact same paragraph applied, see OSCE, *Vienna Document 2011 on Confidence- and Security-Building Measures*, November 30, 2011, pp. 12–13.

[33] Valerie Pacer, *Russian Foreign Policy under Dmitry Medvedev, 2008–2012* (London: Routledge, 2016), pp. 92-94.

[34] OSCE, "35th (Special) Joint Meeting of the Forum for Security Co-operation and the Permanent Council," June 11, 2008, Annex 7.

[35] See Ackermann, "OSCE Mechanisms and Procedures," p. 230.

[36] Pacer, *Russian Foreign Policy under Dmitry Medvedev*. See also Embassy of the Republic of Belarus in the Republic of Austria, "Statement at the joint Meeting of the OSCE Forum for Security Co-operation and the OSCE Permanent Council regarding the activation of the mechanism for consultation and co-operation under Chapter III of the Vienna Document," April 7, 2014.

[37] For an illustration, see the statements of Russia and Georgia respectively in OSCE, "34th (Special) Joint Meeting of the Forum for Security Co-operation and the Permanent Council," June 11, 2018.

build-up and labeled Georgia "the most militarized country on the planet", Georgian armament nonetheless fell below the ceilings stipulated for the country in the treaty.[38] In the middle of June 2008, Georgia received a multinational CFE inspection near Gori close to South Ossetia. The inspection found "that Georgia no longer had 70 percent of its troops at the peacetime location".[39] However, at the request of the Georgian escort team, the follow-up inspection of these formations was cancelled. According to Hans-Joachim Schmidt: "The results of this inspection were not recognized sufficiently on an international level before the war".[40]

Other political-military tools were used as well. Since the early 1990s, the OSCE had been the principal international organization tasked with calming the territorial conflicts in Georgia, and it played a notable role throughout 2008. OSCE CiO Foreign Minister of Finland Alexander Stubb tried to facilitate a dialogue between Russia and Georgia for confidence-building purposes. In addition, the Finnish diplomats Heikki Talvitie, the OSCE's Special Envoy to the protracted conflicts, and Terhi Hakala, the Head of the OSCE Mission to Georgia, held recurrent meetings with the Georgian and Ossetian authorities as well as the Russian government.[41]

On the ground, the OSCE had military monitoring officers in Tskhinvali observing the security situation in South Ossetia.[42] The OSCE Mission to Georgia carried out early warning and conflict prevention activities. Throughout the summer, the mission sent Activity and Spot Reports back to Vienna, indicating rising tensions that called for an international response. In early July, the OSCE sent a delegation of 22 ambassadors, accompanied by military advisors from Germany, Latvia and Sweden, to South Ossetia, including the town of Java, Tskhinvali and even the Roki tunnel. Discussions with representatives of the South Ossetian de facto leadership, Georgian authorities and Russian peacekeepers led the delegation to assess that the situation was so tense that the logical next step in the conflict was war.[43] Less than a month later, the missiles were being launched.

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[38] OSCE, "558th Plenary Meeting," Statement by the Delegation of the Russian Federation, Annex 1, October 1, 2008.

[39] Hans-Joachim Schmidt, "Military Confidence Building and Arms Control in Unresolved Territorial Conflicts," *PRIF-Reports* No. 89, Peace Research Institute Frankfurt (PRIF), 2009, p. 22. That Georgian troops and equipment were out of position was also underlined in the author's interview with a military expert, December 12, 2018.

[40] Schmidt, "Military Confidence Building and Arms Control", p. 22.

[41] Dov Lynch, "OSCE Early Warning and the August Conflict in Georgia," in *Failed Prevention: The Case of Georgia*, eds., Walter Feichtinger, Ernst M. Felberbauer and Predrag Jureković (June 10, 2010), p. 145.

[42] Dov Lynch, "OSCE Early Warning in Georgia," *Uluslararast İlişkiler*, vol. 7, no. 26 (Summer 2010), p. 144.

[43] Author's interviews with military expert, December 12, 2018 and diplomat, February 19, 2019.

In early August, OSCE monitors documented that tensions had been aggravated further on the ground. On August 4, a Spot report informed the OSCE participating states of exchanges of small arms fire and mortar shelling in what the report described as the most serious outbreak of firing since 2004.[44] The report on August 7 warned of significant Georgian troops and equipment moving in the direction of the zone of conflict.[45] Against a backdrop of this catalogue of activities and reporting, it is difficult not to agree with Dov Lynch's conclusion "that early warning by the OSCE was regular and unambiguous in the run-up to August 7".[46] In terms of establishing a link between early warning and proposals on which to act, however, the OSCE's achievements were less tangible, as is discussed in further detail below.

In addition to the OSCE, both the EU and the United Nations (UN) were involved in conflict preventive work in Georgia in 2008. The EU, represented by French President Sarkozy, managed to negotiate a ceasefire five days after the outbreak of the war.[47] Then it was the EU and not the OSCE that deployed its EUMM to monitor the ceasefire plan in September 2008. This represented a deathblow to the OSCE missions in Tbilisi and Tskhinvali. The OSCE shutdown in Georgia, however, was essentially connected to the lack of agreement on the mandate and procedures for its work in the country after the war. Russia did not accept that the OSCE office in Tskhinvali should be reporting to the office in Tbilisi, preferring instead direct reporting to Vienna – something that Georgia refused to accept. Russia also insisted that the conflict mandate of the mission in Tskhinvali was no longer valid since South Ossetia and Abkhazia were now, according to Russian legislation, independent states.[48] As the OSCE mission fell apart, portions of its staff transferred to the EUMM. Since its inception, however, that mission has been denied access to both Abkhazia and South Ossetia.

The UN had been playing a mediating role in the Georgian-Abkhazian conflict through UNOMIG since 1993. As with the OSCE, the UN's role was complicated by the fact that Russia – a permanent member of the Security Council – was a party

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[44] Spot Report by the OSCE Mission to Georgia, "Update on the Situation in the Zone of the Georgian-Ossetian Conflict," August 4, 2008.

[45] Spot Report by the OSCE Mission to Georgia, "Update on the Situation in the Zone of the Georgian-Ossetian Conflict," August 7, 2008.

[46] Lynch, "OSCE Early Warning and the August Conflict in Georgia," p. 147.

[47] While this may have prevented the spillover of full-scale hostilities from South Ossetia to Abkhazia and halted Russia's offensive towards Tbilisi, there are those who are critical of Sarkozy's self-imposed role as mediator. In particular, Sarkozy swiftly pushed aside the Finnish OSCE CiO, who had drafted the ceasefire document, and hastily traveled to Moscow without an interpreter to negotiate an agreement that was never fully implemented. According to one observer, Sarkozy's uncoordinated leadership serves as an illustration of "when personal prestige triumphs crisis management" (author interview with diplomat, February 19, 2019).

[48] Author's interviews with military experts, December 12 and December 19, 2018.

to the violent conflict. Russia used its veto to end UNOMIG's mandate in June 2009.

3.3 Gaps and missed opportunities

Overall, the OSCE lacked coercive instruments and proved unable to de-escalate the Russian-Georgian conflict. Even though the OSCE possesses a number of tools, it is an organization that operates by consensus, and securing approval among its 57 participating states can be difficult, not least when the conflicting parties are among its members. It is thus only as strong as the participating states collectively make it. Moreover, in the build-up to the conflict, the prevailing perception in OSCE circles was that the conflicts in Abkhazia and South Ossetia were primarily between the secessionist republics and Tbilisi. Russia's critical role in the escalation was therefore neglected. However, Russia was never a mediator in the region, but a party to the conflicts with its own interests.[49]

Several analyses of the five-day conflict emphasize that the military exercise Kavkaz 2008 served as a rehearsal for the military operation. The exercise had the stated aim of supporting peacekeeping operations in Georgia. After it ended, some troops and equipment remained near the Georgian border, enabling Russian forces to quickly advance into Georgia through the Roki tunnel once the order was given.[50] Russia's suspension of the CFE Treaty left the international community with no possibility of activating intrusive verification measures, such as calling for a challenge inspection, to determine the location of Russia's TLE. If Russia had not suspended the treaty, this intrusive inspection mechanism would have increased the chances of other signatory states providing early warning of Russia's military deployments. Deprived of this tool, and left with only the Vienna Document, which does not contain an intrusive verification component, the force deployments prior to the August war did not even require invitations to international observers.

While the Vienna Document's Chapter III mechanism on unusual military activities was activated in the build-up to the war, the document contains other mechanisms that were not used in the summer of 2008. Chapter IX stipulates quotas for military inspections. A small number inspections are available annually of every country. For Russia, the annual quota is three inspections and two evaluation visits. The low level of the quota typically leads to a race for inspections

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[49] The awkward role of Russian peacekeeping troops is particularly noteworthy. Since the early 1990s, Russia had propagated this peacekeeping model in the OSCE with the implication that there should always be a Russian presence in peacekeeping on the former Soviet territories (author's discussion with diplomat, January 25, 2019).

[50] "Independent International Fact-Finding Mission on the Conflict in Georgia Report," Volume 2, p. 217.

at the beginning of the year.[51] By the time Russia's military activities in and around Georgia intensified in 2008, the annual quota had already been exhausted. Similarly, by April 2008 participating states had already used all three inspections for Georgia under the Vienna Document.[52] Unlike the Vienna Document, which had run out of inspections for Georgia, one inspection under the CFE Treaty and three inspections under Open Skies were still available but not used before the outbreak of war.

Perhaps the main problem is that in a hostile environment, antagonists are tempted to use CSBMs like the Vienna Document for entirely different purposes than confidence building. For example, in January 2009, after the war, Russia requested inspection and evaluation visits in Georgia. In the words of one expert, in reality this amounted to a "control evaluation", or an evaluation of how successful the Russian armed forces had been in destroying Georgia's military capacity during the war.[53] Georgia refused the request and declared force majeure. However, in doing so, Georgia came in for criticism at the OSCE table in Vienna for violating the Vienna Document.[54]

As Lynch notes in an assessment of early warning activities in the build-up to the five-day war, "Early warning means little if it is not followed by early action". He concludes that while the OSCE was able to vent early warning signs in the run-up to August 2008, "sufficient early action did not follow".[55] Thus, on the one hand, OSCE observers were instrumental in raising international awareness of the conflict in Georgia both within the OSCE and in other multilateral institutions.[56] These warnings also spurred several diplomatic initiatives, including the ambassadorial visit a month before the war. On the other hand, the OSCE failed to adapt policies in response to the emerging escalatory logic documented by observers on the ground. In fact, as the reports issued by OSCE observers in early August were documenting a serious escalation, crisis diplomacy petered out, suggesting that the reports failed to register in Vienna.[57] In short: "Despite all of the signs of rising tension, putting together an accurate analysis and prediction of developments proved very difficult".[58] That said, in a consensual organization like

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[51] Wolfgang Richter, "A new start for the Vienna Document," *OSCE Magazine* 4/2010, November 23, 2010.

[52] Hans-Joachim Schmidt, "Military Confidence Building and Arms Control in Unresolved Territorial Conflicts," *PRIF-Reports no. 89*, Peace Research Institute Frankfurt (PRIF), 2009, p. 22.

[53] Author's interview with military expert, November 29, 2018.

[54] Ibid.

[55] Lynch, "OSCE Early Warning and the August Conflict in Georgia," p. 150.

[56] Author interview with military expert, December 19, 2018.

[57] Silvia Stöber, "The Failure of the OSCE Mission to Georgia: What Remains?" in *OSCE Yearbook 2010*, ed., IFSH (Baden-Baden, 2011), pp. 203, 216.

[58] Lynch, "OSCE Early Warning", p. 150.

the OSCE, early action ultimately boils down to the measures that participating states manage to agree on.[59]

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[59] Author's interview with military expert, December 19, 2018.

4 Ukraine 2014

Much more so than its invasion of Georgia in 2008, Russia's illegal annexation of Crimea and military aggression in Ukraine's eastern Donbas region marked a watershed in European security policy. While the implications of the Russian-Georgian war moved to the top of discussions on European security in its immediate aftermath, it soon lost prominence following the global financial crisis and the attempt to reset relations between the West and Russia. By contrast, following events in Crimea the west, in particular the US, managed to unite around and maintain sanctions against Russia. Nonetheless, the war between Ukraine and Russian-backed separatists in the Donbas region is now into its fifth year. Although the Minsk II agreement of February 2015 ended the most violent phase of the war and mandated the OSCE to oversee implementation of the agreement, including the withdrawal of troops and heavy weapons, no resolution to the conflict is in sight.

4.1 What happened?

The course of the events that ultimately led to Russia's annexation of Crimea and its instigation of military violence in eastern Ukraine essentially began as an internal Ukrainian affair – the Euromaidan revolution.[60] After three months of constant mass protests against the government, Ukraine's President Viktor Yanukovych fled Kyiv on February 22, 2014. On the same day, the Ukrainian Parliament, Verkhovna Rada, voted to relieve him of his duties. The following day, pro-Russian protests erupted against the new Kyiv government on the Crimean peninsula. Around the same time, reports surfaced of unusual military activity by Russian forces taking place around the Novorossiisk naval base. In an increasingly restless atmosphere, clashes broke out in Crimea on February 26 between Crimean Tatars, who favored the new government in Kyiv, and pro-Russian activists. By that point, Russian special forces, paratroopers and equipment had arrived in Crimea to bolster the contingent stationed there as part of the Black Sea Fleet.[61]

As tensions rose on the Crimean peninsula, President Vladimir Putin ordered a major snap readiness exercise of Russian troops in the country's Western and parts of its Central Military Districts. The drill involved 150,000 service personnel, 90

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[60] For a detailed timeline of events in Crimea, see Colby Howard and Ruslan Pukhov, eds., *Brothers Armed: Military Aspects of the Crisis in Ukraine* (Minneapolis: East View Press, 2015), pp. 209–213.

[61] Samuel Charap and Timothy J. Colton, *Everyone Loses: The Ukraine Crisis and the Ruinous Contest for Post-Soviet Eurasia* (New York: Routledge/IISS, 2017), p. 127.

aircraft, 120 helicopters, 880 tanks, 1,200 pieces of equipment and 80 ships.[62] The exercise focused on large-scale deployments to locations far from Ukraine's borders. In addition to signaling an unspoken threat, the exercise seemed designed to provide a distraction from the operation to establish military control over Crimea.[63]

On the morning of February 27, a group of no more than 60 heavily armed men, who identified themselves as the "Russian-speaking Crimean population's self-defense force", but were in reality Russian special operations forces, seized administrative buildings in the Crimean capital, Simferopol, including the parliament building. They raised the Russian flag and, at gunpoint, the Crimean Parliament installed Sergei Aksyonov – the leader of the pro-Russia party, Russian Unity – as prime minister.[64] On the night of February 27–28, a full-scale invasion began when armed personnel wearing uniforms without insignia and personal identifiers seized Sevastopol and Simferopol airports. On the morning on February 28, Russian transport and attack helicopters crossed into Crimea, and additional Russian units spread out across the peninsula, taking control of strategic objectives in a remarkably quick and well-organized operation.[65]

On March 1, the Federation Council, the upper house of the Russian Federal Assembly, unanimously granted President Putin permission to deploy military forces in Ukraine. Four large landing ships arrived in Sevastopol carrying Russian troops. By then, Crimea was no longer under the control of the Ukrainian government. As military experts have noted, "The speed and determination of Russia's Crimea operation took both Ukraine and the international community by surprise".[66] The invasion met little or no organized resistance from the Ukrainian armed forces.[67] While Russia went into Crimea with littler more than paratroopers

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[62] Ministry of Defense of the Russian Federation, "Voiska (sily), zadeistvovannye v proverke boevoi gotovnosti, perebrasyvayutsa v naznachennye raiony," Press release, February 27, 2014.

[63] Johan Norberg, *Training to Fight: Russian Military Exercises, 2011–2014*, Stockholm: Swedish Defence Research Agency, FOI-R--4128–SE, December 2014, p. 49; Johan Norberg, Ulrik Franke and Fredrik Westerlund, "The Crimea Operation: Implications for Future Russian Military Interventions," in *A Rude Awakening: Ramifications of Russian Aggression Towards Ukraine*, eds., Niklas Granholm, Johannes Malminen and Gudrun Persson, FOI-R--3892–SE, June 2014, p. 41.

[64] Andrew Wilson, *Ukraine Crisis: What it Means for the West* (New Haven: Yale University Press, 2014), p. 110.

[65] For a thorough analysis of the operation, see Anton Lavrov, "Russian Again: The Military Operation for Crimea," in *Brothers Armed: Military Aspects of the Crisis in Ukraine*, eds., Colby Howard and Ruslan Pukhov (Minneapolis: East View Press, 2015), pp. 163–170.

[66] Norberg et al., "The Crimea Operation," p. 42.

[67] According to Andrei Vasiliev's estimates, all in all the Russian occupation army in Crimea approximated 30,000 to 35,000 servicemen. See Andrei Vasiliev, "The Crimean 'Army'," *openDemocracy*, March 14, 2014. The official Russian line was different. The Sevastopol basing agreement allowed Russia to have 25,000 personnel in the region, and President Putin insisted that Russia did not exceed that limit. See Presidential Administration of the Russian Federation, "Address by the President of the Russian Federation," March 18, 2014.

from Pskov and special forces – the so-called little green men – the critical point is that the concomitant concentration of massive Russian forces and equipment on Ukraine's eastern border provided a credible threat of a Russian invasion. This paralyzed Ukraine and the international community as they suspected that any action in Crimea would result in a Russian invasion.

On March 16, Moscow backed a contested referendum in Crimea in which an overwhelming majority of the voters allegedly supported reunification with Russia. Putin responded to the vote by signing a treaty on March 18 that incorporated Crimea into the Russian Federation. Russia's Federation Council quickly ratified the treaty, completing the illegal annexation of Crimea.[68]

Soon after the events in Crimea, the next act took place in Ukraine's eastern Donbas region. In early April, local rebels seized administrative buildings in Donetsk and Luhansk and declared the formation of the Donetsk People's Republic (DNR) and the Luhansk People's Republic (LNR). In response, the Ukrainian government launched what it chose to label an "anti-terrorist operation" against the DNR and LNR separatists. The situation on the ground quickly became complicated with Ukrainian armed forces and voluntary paramilitary formations on one side, and local separatists aided by Russian civilian volunteers and military personnel who had crossed the border from Russia on the other.[69] Fighting intensified in May and continued throughout the summer. Toward the end of the summer, when Ukrainian forces seemed to be on the verge of defeating the separatists, Russia stepped up its intervention by deploying soldiers, weapons and supplies on Ukrainian soil.[70] The Ukrainian armed forces suffered heavy losses in an offensive against the town of Ilovaisk in August 2014, forcing President Petro Poroshenko to accept a ceasefire – the so-called Minsk I agreement – on September 5 that tilted the balance in favor of the Russian-backed separatists.[71]

The brittle ceasefire was constantly violated and in early 2015 Russia undertook another major direct intervention, which again forced Ukrainian troops on the defensive. With the assistance of France and Germany in the so-called Normandy format, Ukraine and Russia managed to negotiate the Minsk II ceasefire agreement for eastern Ukraine. The violence eventually subsided, but it did not end. As intermittent fighting continued, the conflict resolution process stalled.[72] As in Georgia, official Russian policy maintains that this is not a bilateral conflict but a

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[68] In an interview in a Russian television documentary on the annexation of Crimea broadcast a year later, Putin admitted that he had ordered work on returning Crimea to Russia on February 22, 2014. See "Krym put' na Rodinu," *Rossiya 1*, March 15, 2015.

[69] Charap and Colton, *Everyone Loses*, p. 132.

[70] Igor Sutyagin and Justin Bronk, "Military Forces as a Tool of Russian Foreign Policy," *Whitehall Papers* 89: 1 (2017), p. 13.

[71] Rajan Menon and Eugene Rumer, *Conflict in Ukraine: The Unwinding of the Post-Cold War Order* (London: MIT Press, 2015), p. 86.

[72] Charap and Colton, *Everyone Loses*, pp. 142–143.

domestic affair between Kyiv and the so-called People's Republics of Donetsk and Luhansk.

4.2 Confidence- and security-building measures

On February 26, Russia notified snap exercises in Pskov and Rostov-on-Don. On March 1, while the seizure of Crimea was ongoing, a Latvia-led multilateral team arrived in Pskov within the framework of the Vienna Document to inspect the whereabouts of the 76th air assault division only to find an empty field. The military escort's explanation for the division's absence was that "they were all playing sport".[73] On August 18, 2014, President Putin awarded the same division the Order of Suvorov for the "successful completion of military missions".[74] Two days later, Ukrainian forces captured two infantry fighting vehicles belonging to the 76th division in the Luhansk region.[75]

As events in Crimea quickly unfolded, discussions in the OSCE grappled with how to respond to the Russian occupation of the peninsula. Inside the organization, participating states undertook an inventory of the general political-military toolbox in an attempt to find the tools to hold Russia accountable for its actions. Eventually, efforts coalesced around applying the Vienna Document. In accordance with Paragraph 18 of Chapter III, Ukraine reported security concerns about unusual Russian military activities and asked Russia to allow voluntary hosting of visits to dispel these concerns. Russia refused. In a creative interpretation of the same paragraph, Ukraine then requested the OSCE to gather an observation team to investigate the military situation in Ukraine instead. Thus, since Russia would not allow inspections on its territory within the framework of Chapter III, the idea was to try to observe Russian military activities from Ukrainian territory.[76]

The first verification visit began on March 5 when a group of up to 40 international inspectors landed in Odesa. From Odesa, the inspection team made four attempts to enter Crimea at three different checkpoints. On each occasion, masked uniformed personnel refused them access at gunpoint. On the last attempt, warning shots were fired at the checkpoint and the international inspectors were warned that any further attempts to enter Crimea would be met with "fire for effect". In the words of one of the inspectors, "we gave up after this incident".[77] Even if the

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[73] Author's interview with military expert, February 5, 2019.

[74] Presidential Decree No. 571, "O nagrazhdenii ordenom Suvorova 76 gvardeiskoi desantno-shturmovoi Chernigovskoi Krasnoznamennoi divizii," August 18, 2014.

[75] *Fokus*, "Obnarodovany fotografii zahvachennogo BMD Pskovskoi desantnoi divizii," August 21, 2018.

[76] Author's interview with diplomat, December 10, 2018.

[77] Author's interview with military expert, November 29, 2018.

attempt to visit Crimea proved unsuccessful, the verification visit, by default, enabled the OSCE to provide evidence that Crimea was no longer under the control of the Ukrainian government.[78] Moreover, the inspection team observed equipment consistent with the presence of Russian military personnel.[79] After being denied access to Crimea for several days, Ukraine expanded the inspection team's visit to the east of the country. After the visit ended on March 20, a second Chapter III verification visit initiated by Denmark extended inspections for another week.

In addition, the mechanism for consultation – Paragraph 16 of Chapter III – was invoked 18 times in 2014 by Ukraine and several other OSCE participating states in order to address concerns regarding unusual military activities conducted by Russian troops along the Ukrainian border. According to NATO estimates, Russia had amassed 20,000–40,000 soldiers at the border without advance notification. Eventually, three joint meetings of the FSC and the PC took place in April 2014.[80] However, Russia refrained from participating in any of the meetings. This led the delegations of Ukraine and several western states to condemn Russia for being uncooperative and not following the spirit of the Vienna Document.[81] Moscow in turn accused its critics of misusing the Vienna Document to "stir up a scandal".[82]

After the verification visits described above, enabled by the unconventional interpretation of Chapter III, smaller nation-led multilateral inspection teams were deployed to Ukraine in accordance with the Vienna Document's Chapter IX on Compliance and Verification and Chapter X on Regional Measures. To enable the observation of developments over time, NATO and partners covered Ukraine with inspection visits from March to June 2014.[83] In one of these inspections, separatists took a German-led team of seven inspectors hostage in the eastern Ukrainian town

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[78] Author's interview with military expert, November 23, 2018.

[79] Author's interview with military expert, November 29, 2018.

[80] "OSCE response to the crisis in and around Ukraine," June 1, 2015; Oliver Schmitt, "The Vienna Document and the Russian challenge to the European Security Architecture," in *Military Exercises: Political Messaging and Strategic Impact*, eds., Beatrice Heuser, Tormod Heier and Guillaume Lasconjarias (Rome: NATO Defense College, Forum Paper 26), 2018, p. 280.

[81] For an example of such a critique of Russia's inconsistent implementation of the spirit and letter of the Vienna Document, see United States Mission to the OSCE, "Statement on Russia's Unusual Military Activity Along the Ukrainian Border," Delivered by Ambassador Daniel B. Baer to a Special Joint Session of the Forum for Security Cooperation and the Permanent Council, Vienna, April 17, 2014.

[82] Ministry of Foreign Affairs of the Russian Federation, "Interv'yu Postoyannogo predstavitelya Rossii pri OBSE A.V.Kelina agentstvu, ITAR-TASS, 4 sentyabrya 2014 goda," September 5, 2014.

[83] Author's interview with military experts, November 23, 2018 and February 5, 2019. Formally, inspection teams were invited with reference to the Chapter X on supplemental regional measures, but in practice these "area inspections" were conducted in a similar manner as the ordinary inspections specified in Chapter IX.

of Slovyansk from April 25 to May 3.[84] The kidnapping incident sent shockwaves through the OSCE, and the Chancellor of Germany, Angela Merkel, was forced to become personally involved.[85] In 2014 alone, 17 verification visits took place in Ukraine and a further six visits in Russia. By June 2015, 26 countries had contributed military inspectors and observers to Ukraine for 25 verification visits, while another 14 countries had conducted 11 activities in Russia.[86] Even though these inspections did not provide clear-cut evidence of Russian troop activities in Ukraine, they may have had the effect of raising the threshold for conflict. At the very least, the hostage-taking incident aimed at scaring away the inspectors would indicate that these measures were a source of irritation to both Russia and the separatists it was supporting.

The Open Skies Treaty provided the framework for two different types of observation flights in response to the Ukraine crisis. The first type of flights, granted under Annex L of the Open Skies Treaty, permits states "on a bilateral and voluntary basis to conduct observation flights over the territory of each other".[87] Referencing this Annex, Sweden carried out an observational flight over Ukraine on March 13 for the first time ever, while the United States followed up with an observation flight over Ukraine on March 14. The Swedish-led flight covered the route Kyiv-Odessa-Poltava-Kyiv with a refueling stop in Odessa. Due to the security situation, none of the flights covered Crimea. A week later Ukraine conducted an observation flight over Russia within the same procedural framework. In addition to these flights, the Open Skies Treaty allows regular quota flights distributed on an annual basis to monitor military movements in both Russia and Ukraine.[88]

In total, between March and July, signatory states conducted 22 overflight missions over southwestern Russia. After a missile shot down Malaysian Airlines flight MH-17 over eastern Ukraine on July 17, 2014, however, Open Skies overflights were suspended for safety reasons.[89] In Crimea, the Russian annexation complicated the situation still further. Although Moscow invited Open Skies flights over Crimea after March 2014, western states understandably did not want to implicitly recognize Russia's land grab and therefore refrained from such

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[84] Paul Sonne, "Pro-Russia Militants Release OSCE Observers in Ukraine," *Wall Street Journal*, May 3, 2014.

[85] Author's interview with military expert, February 5, 2019.

[86] OSCE, "OSCE response to the crisis in and around Ukraine," June 1, 2015.

[87] OSCE, *Treaty on Open Skies*, March 24, 1992, Annex L, Section III, p. 96.

[88] Ariana Rowberry, "The Vienna Document, the Open Skies Treaty and the Ukraine Crisis," Brookings, April 10, 2014.

[89] Matthias Bieri and Christian Nünlist, "Organization for Security and Cooperation in Europe," in *The Handbook of European Defence Policies & Armed Forces*, eds., Hugo Meijer and Marco Wyss (Oxford: Oxford University Press, 2018), p. 419.

missions.[90] The dangers surrounding CAC and CSBMs in a hot conflict phase also became apparent when a Ukrainian Open Skies aircraft, albeit not on a mission at the time, was shot down in July 2014.

While the CFE instrument was unavailable for collecting information on Russian military forces, its mechanisms for information exchange and verification provided NATO and its partners with insights on aspects such as the location of Ukrainian equipment, troop morale and training.[91]

At the time of the escalating crisis in and around Ukraine, the OSCE also emerged as the leading international forum for diplomatic initiatives. In particular, the Swiss OSCE CiO, Foreign Minister Didier Burkhalter, pushed for a diplomatic solution to the conflict through the use of political dialogue and confidence-building steps. In February 2014, the CiO appointed Swiss diplomat Tim Guldimann special envoy to coordinate OSCE activities on Ukraine and later appointed Heidi Tagliavini OSCE representative in the OSCE Trilateral Contact Group, which also included representatives from Ukraine and Russia. The main task of the group was to facilitate a diplomatic solution to the conflict.[92] The general approach of the Swiss CiO was to seek compromise and dialogue. Opinions differ on the merits of the CiO's work in the spring of 2014. While some were appreciative of the strategy,[93] others saw some of the activities as submissive toward Russia and as being pursued without consulting other participating states, including Ukraine.[94]

Besides the CiO, the activities of OSCE's autonomous institutions – the High Commissioner on National Minorities (HCNM), the Office for Democratic

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[90] Ibid. In a statement to the OSCE, the Russian delegation pointed out that all Russia's commitments under the Vienna Document also applied to Crimea. See OSCE, 752nd Plenary Meeting of the Forum for Security Co-operation, "Statement by the Delegation of the Russian Federation," April 9, 2014.

[91] Author's interview with military expert, February 5, 2019.

[92] For her own account of the work of the Trilateral Contact Group during its first year, see Heidi Tagliavini, "Mediation in the Crisis in Eastern Ukraine up to 23 June 2015," in *OSCE Yearbook 2015*, ed., IFSH (Baden-Baden 2016), pp. 217–227.

[93] For a supportive account of the Swiss leadership, see Christian Nünlist, "Testfall Ukraine-Krise: Das Konfliktmanagement der OSZE unter Schweizer Vorsicht," *Bulletin 2014 zur Schweizerischen Sicherheitspolitik*, 2014, pp. 35–61. See also OSCE, "Lessons Learned for the OSCE from its Engagement in Ukraine," Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project," June 2015, p. 10.

[94] Author's interview with diplomat, December 10, 2018. In particular, Ukraine and several other participating states were highly critical of the work of special envoy Guldimann. Following the eventual deployment of the OSCE Special Monitoring Mission (SMM) and the appointment of Turkish diplomat Ertugrul Apakan as head of the mission, Guldimann's role was discreetly sidelined. In addition, the so-called OSCE Roadmap for Ukraine initiated by the CiO was, according to critics, presented after consultations with Moscow but over the heads of the Ukrainians. Officially, however, the CiO did his best to present the Roadmap as a Ukrainian-owned initiative. In the end, Ukraine launched its own plan for a national dialogue and the CiO's Roadmap was cast aside. See OSCE, "Swiss Chairperson-in-Office receives positive responses to OSCE Roadmap, says implementation is well underway," May 12, 2014.

Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media (RFoM) – also had a role to play, even if more indirectly, in providing early warning signals. The RFoM, Dunja Mijatović, turned out to be particularly proactive and independent-minded in a difficult situation. She undertook a first trip to Crimea and Kyiv on March 4–7 and followed up with a visit to Kyiv, Kharkiv and Odesa in mid-April, repeatedly warning of the deteriorating media situation in Crimea, including denial of entry to journalists, kidnappings of journalists and the manipulation of media outlets.[95]

On March 21, 2014, the OSCE's PC decided, with the consent of all OSCE participating states, to send a Special Monitoring Mission (SMM) to Ukraine to monitor the crisis.[96] The OSCE deployed the first monitors in less than 24 hours. The quick deployment betrayed a delicate negotiation process. Indeed, for a while it appeared unlikely that the OSCE participating states would agree on the mission at all. Facing the risk of a stalled process, some EU member states in a parallel track pushed for an EU mission. On March 20, the day before the OSCE participating states agreed to the SMM, the European Council turned the heat on Russia by putting the option of an EU observer mission on the table: "In the absence of an OSCE mission in the coming days, the European Union will launch an EU observer mission".[97] Moscow, fearing an EU mission, responded the next day by accepting the OSCE SMM, the size, geographical scope and management of which it had managed to constrain during the negotiations.[98] The final mandate represented a typical OSCE compromise spurred by the urgency of getting a mission on the ground in Ukraine. At the opening of negotiations, Crimea was the intended geographic area of operation, but Russia's refusal meant that the mission was deployed to 10 regions in Ukraine but excluded Crimea altogether. In addition, the mission had been intended to deploy military observers, but Russian objections meant that it ended up with civilian monitors.[99]

Staffed by unarmed civilian observers rather than military peacekeepers, the SMM's task is to gather information on the security situation on the ground and to report on specific incidents. The ultimate aim is to "reduce tensions and facilitate dialogue between all sides".[100] Since its inception, the OSCE participating states

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[95] On the RFoM's Crimean visit, see Timothy Karr, "A Free Press Crusader on the Crimean Front," *Huffington Post*, March 7, 2014. For the RFoM statement on denial of entry of journalists, see e.g. OSCE, "Communiqué by the OSCE Representative on Freedom of the Media on denial of entry of journalists from one OSCE participating State to another," April 3, 2014.

[96] For a description of the creation and development of the SMM, see Claus Neukrich, "The Special Monitoring Mission to Ukraine in its Second Year: Ongoing OSCE Conflict Management in Ukraine," in *OSCE Yearbook 2015*, ed., IFSH (Baden-Baden 2016), pp. 229–239.

[97] European Council, "Remarks by President Herman Van Rompuy following the first session of the European Council," Press Statement EUCO 67/14, March 20, 2014.

[98] Author's interview with diplomat, December 10, 2018.

[99] Ibid.

[100] OSCE, "OSCE Special Monitoring Mission to Ukraine," Factsheet, December 2016.

have agreed to prolong the mission's mandate several times, most recently for another year in March 2018.[101] After a full year of work, the SMM's continuous reporting on the security situation had resulted in more than 300 daily reports as well as several Spot reports.[102] To further the mission's objective to provide early warning regarding conflict dynamics on the ground, eventually including ceasefire violations, its technical capacity includes drones and satellite images.

Separate from the SMM, in late July 2014 the OSCE deployed an Observer Mission to the two Russian border checkpoints of Donetsk and Gukovo. The task of this mission is to monitor and report on the situation at the checkpoints, including movements across the border.[103] Ukraine and western states maintain that the limited deployment is only having a marginal effect and have called for the mandate to be expanded.[104] Russia has repeatedly rejected this request. Given Ukraine's de facto loss of control over its border with Russia, the relevance of this particular mission appears limited.[105]

4.3 Gaps and missed opportunities

Events in Ukraine in 2014 moved rapidly from a political crisis to a major armed conflict in Europe within a few months. In that period, several signatory nations used the Vienna Document, the Open Skies Treaty and the CFE Treaty to monitor the situation in and around Ukraine. The SMM, in turn, secured a permanent presence on the ground that, some argue, raised the threshold for renewed large-scale fighting and therefore had a stabilizing effect. At the same time, however, as Spencer Oliver notes, if the OSCE is viewed in light of its maximum objective to ensure comprehensive and cooperative security in Europe, then "the Ukraine crisis should never have happened in the first place".[106] In short, despite early warning activities and de-escalation attempts, the consensus-based OSCE proved unable to halt the quickly escalating hostilities.

While some OSCE participating states were critical of the unusual application of the Vienna Document, notably the repeated inspection visits from March to June

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[101] OSCE Permanent Council, "Decision No. 1289, Extension of the OSCE Special Monitoring Mission to Ukraine," March 22, 2018.

[102] "OSCE response to the crisis in and around Ukraine."

[103] OSCE Permanent Council, "Decision No. 1130, Deployment of OSCE Observers to two Russian Checkpoints on the Russian-Ukrainian border," July 24, 2014.

[104] For example, observers are not entitled to any technical aids, not even binoculars, and the two observation points are constrained to a very limited geographical area. As a result, one military expert has labeled the initiative "ridiculous" (author's interview with military expert, November 23, 2018).

[105] Stefan Lehne, "Reviving the OSCE: European Security and the Ukraine Crisis," Carnegie Europe, September 2015, p. 6.

[106] Spencer Oliver, "Can Europe's Security Watchdog Survive the Crisis in Ukraine?" *Foreign Policy*, May 15, 2014.

2014, others saw this as a way of demonstrating that Ukraine had lost control of Crimea as well as a political statement against Russia's aggression, and thus as raising the political costs of further Russian action.[107] While there are different opinions on whether the repeated ad hoc inspections conducted in the spring of 2014 represented a novel interpretation or an abuse of the Vienna Document, there appears to be a consensual understanding that the recurring verification visits did not reveal any Russian activities in Ukraine.[108] The lack of substantive information produced by these verification visits in combination with the SMM being up and running eventually led to a reduction in the frequency of inspections after June 2014.[109]

Chapter IX stipulates that no participating state should be obliged to accept more than three Vienna Document inspections in a single year. In 2014, states had already exhausted the annual quota of inspections for Russia before the end of March. Two military inspections, conducted by Latvia in the Pskov region and Switzerland in the Moscow region, took place around the time of the annexation of Crimea, while the final one took place in Belgorod and Kursk, near the Russian-Ukrainian border, on March 19–20.

The Vienna Document's inspection mechanism does not cover snap inspections or exercises. Nor does it apply to de facto large-scale exercises formally reported as small-scale and under separate commands. Russia has taken advantage of these loopholes to the fullest extent by presenting large-scale exercises west of the Urals as a series of smaller exercises that did not meet the threshold for evaluation. Formally, Russia compartmentalized the large readiness inspection in February 2014 as a sequence of snap exercises.[110] Igor Sutyagin and Justin Bronk found two organizational aspects noteworthy. First, to avoid the notification requirements of the Vienna Document, Moscow tailored troop deployments to keep them under the threshold of 9,000 ground troops in any single zone. Second, the Russian armed forces organized troops as battalion tactical groups that appeared to operate independently of each other, and not to be under central command, thereby allowing Russia to bypass Paragraph 40, Chapter V of the Vienna Document.[111] By cunningly taking advantage of existing loopholes in the Vienna Document, Russia complied with the letter, if not the spirit, of the document. In fact, it should be emphasized that Russia is keen on systematically following the letter of the Vienna Document.[112]

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[107] Author's interviews with military experts, November 23, 2018 and February 5, 2019.
[108] Author's interviews with military experts, November 23 and November 29, 2018.
[109] Author's interview with military expert, November 29, 2018.
[110] Gustav Gressel, "Under the Gun: Rearmament for Arms Control in Europe," Policy Brief, European Council on Foreign Relations, November 2018, p. 6.
[111] Sutyagin and Bronk, "Military Forces as a Tool of Russian Foreign Policy," pp. 13–14.
[112] Author's interview with military expert, November 29, 2018.

The possibility of detecting military build-ups with the use of Open Skies observation flights is also questionable. First, and most importantly, the intention with Open Skies was never to spot tanks in the forest, but it can be used to support crisis management. Second, their procedural underpinnings also set limits. In preparation for each observation flight, the observing party is required to send a message notifying the observed state no less than 72 hours before the estimated time of arrival. The observed party is obliged to acknowledge the notification within 24 hours. On arrival, the observed party then conducts a pre-flight inspection of the aircraft.[113] Taken together, this procedure provides the observed state with significant time to warn military units that may be conducting unusual activities.[114] These types of verification activities have also become more challenging because force sizes have shrunk dramatically since the early 1990s. In other words, battalions are easier to "conceal" than divisions.

The purpose of the CFE Treaty on the other hand is to prevent the kind of large-scale military mobilization and massed armored attack that took place in Donbas. If Russia were still participating in the exchanges of information stipulated in the treaty, it would have been subjected to 25 inspections, in addition to the special challenge inspection, and 100 percent accountability over the location of every piece of TLE. Taken together, this would have made its operation, and the transfer of military equipment to separatists in Ukraine, much harder to hide.[115]

Regarding the effectiveness of the SMM, the fact that it was made up of unarmed civilian staff rather than military personnel severely reduced its ability to handle the assigned tasks of enforcing the ceasefire and the withdrawal of weapons.[116] These shortcomings were revealed when fighting broke out anew shortly after the conclusion of each of the two Minsk agreements. In short, ensuring genuine compliance would have required a peacekeeping mission. With regard to its other main responsibility, to provide reliable information about conflict developments, some see the SMM as a trusted source of reporting and an important transmitter of early warning.[117] Others take a less rosy view of its abilities, noting that the fact that Russia is represented at every stage of the process – from the SMM through the field office in Ukraine to Vienna – ensures that reporting is filtered through several stages, never producing any information to act on, and is therefore of limited value.[118] Russia, on the other hand, holds the opposing view: that the SMM is essentially a transmitter of the Ukrainian narrative.[119] A military expert also

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[113] OSCE, *Treaty on Open Skies*, pp. 11–12.
[114] Author's interview with military expert, November 23, 2018.
[115] Author's interview with military expert, February 5, 2019.
[116] Charap and Colton, *Everyone Loses*, p. 142; Lehne, "Reviving the OSCE", p. 8.
[117] See e.g. Neukrich, "The Special Monitoring Mission to Ukraine in its Second Year", pp. 229–239.
[118] Author's interview with military expert, November 23, 2018.
[119] Ministry of Foreign Affairs of the Russian Federation, "Interv'yu Postoyannogo predstavitelya Rossii pri OBSE A.V.Kelina".

argues that the monitors lack basic knowledge of how to gather, process and present information. As a result, reporting is non-systematic and based on what individual monitors randomly observe, with limited traceability.[120]

In sum, the very complexity of the military conflict, including the use of irregular forces, disinformation and restrictions on onsite inspections, presented challenges both for the use of arms control initiatives and the assessment of compliance with existing commitments.

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[120] Author's interview with military expert, November 23, 2018. The shortcomings allegedly include the use of technological intelligence tools.

5 Lessons to learn

What were the major differences and similarities between the events unfolding in Georgia in 2008 and Ukraine in 2014? What lessons can be drawn from these?

5.1 Russia's behavior

While the conflicts in Georgia and Ukraine differed in several ways, there were some striking similarities regarding Russia's aggressive actions. In the preparatory phase of the Russian-Georgian war, Moscow deployed paratroopers and heavy equipment to Abkhazia while also introducing railway troops to the region. When escalation shifted to South Ossetia, Russia brought personnel and equipment to the vicinity of the Roki tunnel connecting North and South Ossetia. In 2014, Russia moved troops near the border with Ukraine. These deployments enabled Russian armed forces to rapidly enter Georgia and Ukraine. This type of military activity close to neighboring countries proved difficult to address with existing arms control tools. When Russia suspended its implementation of the legally binding CFE Treaty, all limits on Russian military deployments along its flanks were removed. This facilitated preparations for the war in Georgia as well as the annexation of Crimea.

In 2008 and again in 2014, Russian military exercises near the borders with Georgia and Ukraine preceded the actual military operation. These exercises were no coincidence, and served as both diversions from, and support for, the subsequent operations. Kavkaz 2008 not only had an escalatory effect on the Georgian government but also pre-positioned troops and equipment for the military invasion. The sequence of snap readiness exercises in the spring of 2014 provided cover for the simultaneous mobilization for the Crimea operation. These exercises kept Georgia and Ukraine guessing when the Russian military would "shift from exercises to preparation for war".[121] It is also true that Russia has substantially increased the size of its military exercises since the war in Georgia. From handling armed conflicts and local wars, "exercises since 2009 display an ambition and capabilities increasingly pertaining to regional wars".[122]

In both conflicts, Russia deployed what is usually referred to as "hybrid warfare" tactics, such as the use of cyberattacks and the spread of mass disinformation and propaganda along with military warfare.[123] In Georgia, Russia justified its

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[121] Gustav Gressel, "Under the Gun: Rearmament for Arms Control in Europe," Policy Brief, European Council on Foreign Relations, November 2018, p. 6.

[122] Johan Norberg, *Training for War: Russia's Strategic-level Military Exercises, 2009–2017*, FOI-R--4627–SE, October 2018, p. 3.

[123] Niklas Nilsson, *Russian Hybrid Tactics in Georgia* (Washington, DC, and Stockholm: Central Asia-Caucasus Institute and Silk Road Studies Program, January 2018).

involvement partly in terms of a humanitarian campaign aimed at stopping an ongoing Georgian genocide in South Ossetia, and partly as part of its peacekeeping mission in the region. None of these justifications withstood scrutiny.[124] Similarly, the annexation of Crimea was justified by the need to defend the Russian-speaking population on the peninsula from a purportedly "fascist regime" in Kyiv.[125] Warfare in Ukraine initially relied on soldiers without insignia, which granted the Russian government a certain degree of deniability regarding the involvement of Russian forces in Crimea and Donbas. From the outset, the Russian leadership branded the conflict in Ukraine as a civil war and, despite convincing proof to the contrary, still insists to this day that Russian soldiers involved in the conflict are volunteers and not following orders from Moscow.[126] Thus, the rise of hybrid warfare, use of proxy forces and blurred distinction between foreign troops and local insurgents had not been foreseen when existing arms control instruments were conceived. It is unrealistic to envision that they could ever handle such complex realities, even under an entirely new type of regime.

The use of military force enhanced Russia's territorial and military presence in the region at the expense of two neighboring countries' territorial integrity. On the basis of agreements with the de facto governments in Abkhazia and South Ossetia, Russia has deployed its military to bases in both territories.[127] The annexation of Crimea means that the Russian military now has unlimited access to the peninsula while the instigation of violence in Donbas provided Moscow with leverage over a significant additional part of Ukraine's territory. The lack of military transparency in these contested territories is problematic. Therefore, in OSCE circles, experts elaborate on the possibility of devising special CAC arrangements for these regions. Proposals along these lines have already found their way into OSCE documents.[128] Such attempts are however not without risk. First, it is difficult to design special arrangements without compromising the principle of the territorial integrity of Georgia and Ukraine. Second, it risks implicitly sending out the signal that military violence has been rewarded.

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[124] "Independent International Fact-Finding Mission on the Conflict in Georgia: Report," Volume 2, September 2009, pp. 188–190, 422.

[125] See e.g. "Address by the President of the Russian Federation."

[126] On the Russian view, see e.g. Jakob Hedenskog, "The feasibility of UN peacekeeping mission in Donbas: Views from Ukraine and Russia," FOI Memo 6437, June 2018.

[127] Jaba Devdariani, "Conflicting Realities in Russia and the EU's Shared Neighborhood," Carnegie Moscow Center, March 15, 2018.

[128] Lukasz Kulesa, "Making Conventional Arms Control Fit for the 21st Century," European Leadership Network, September 2017, p. 3. For a concise version of the argument, see Sergi Kapanadze, Uli Kühn, Wolfgang Richter and Wolfgang Zellner, "Status-neutral Arms Control: Promises and Pitfalls," *OSCE Magazine*, *Security Community*, no. 3 (2016), pp. 8–9.

5.2 The role of the OSCE

The OSCE was used as a forum for dialogue and "an acquis" in the conflict cycles in both Georgia and in Ukraine, albeit with mixed success. In the build-up to the Russia-Georgia war, intensified Russian military activities in the conflict regions had been observed at least since the spring of 2007, when Russia attacked Georgian-controlled villages in Kodori gorge in Abkhazia. The failure of the OSCE and other international organizations to solicit a strong response to the next major act of aggression – the missile incident in the fall of 2007 – probably emboldened Moscow to carry out ever more brazen provocations. In this sense, instruments that are available but not used can have the opposite effect to calming a conflict.

In fact, international institutions tended to view the conflict predominantly as an internal Georgian affair between Tbilisi and the secessionist republics, while preferring to see Russia as a third party or, due to its "peacekeeping" missions, as a mediating force.[129] The inability or unwillingness either to understand or to act on the fact that Russia had in reality become a party to the conflicts proved to be a serious mistake, as it failed to raise the costs of conflict in time.

In 2014, the OSCE demonstrated mixed abilities to react. Since there was no organized international presence on the ground in Crimea, the OSCE and other international organizations were, as one close observer notes, "blind and unable to engage in early crisis response".[130] Furthermore, the sheer speed of the military operation meant that the international community "was soon confronted with a fait accompli".[131] When hostilities moved to eastern Ukraine, several participating states attempted conflict prevention measures, not least by activating a series of inspection visits under the Vienna Document, and crisis management initiatives, such as the SMM and the OSCE Trilateral Contact Group. However, the stabilizing measures deployed did not prevent the outbreak of outright war in eastern Ukraine in April 2014. This was not necessarily due to flaws in the CAC and CSBMs. As one expert notes, the tools worked in the sense that there was "more than enough information to act – if we wanted to. It is all about political will".[132]

In the consensus-based OSCE, for political reasons there was a marked reluctance to call what was going on in Ukraine what it was: a war.[133] Indeed, articles commissioned for the OSCE's informative, if slightly self-laudatory, yearbooks,

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[129] S. Frederick Starr and Svante E. Cornell, "Tactics and Instruments in Putin's Grand Strategy," in *Putin's Grand Strategy: The Eurasian Union and its Discontents*, eds., Starr and Cornell (Washington, DC: Central Asia-Caucasus Institute, 2014), pp. 74–75.

[130] Fred Tanner, "The OSCE and the Crisis in and around Ukraine: First Lessons for Crisis Management," in *OSCE Yearbook 2015*, ed., IFSH (Baden-Baden, 2016), p. 242.

[131] Ibid.

[132] Author's interview with military expert, February 5, 2019.

[133] Author's discussion with military expert, June 7, 2018.

dealing with the armed conflicts in Georgia and Ukraine, conspicuously tone down the role played by Russia as a direct party to the conflicts. Assessments of the arms control tools tried and tested in 2008 and 2014 focus almost exclusively on Georgia and Ukraine, neglecting the fact that Russia twice invaded a sovereign neighbor. At the same time, however, inside the OSCE some lessons do appear to have been internalized since the two conflicts. During and after the Russia-Georgia war, the issue of early warning gained increased prominence inside the OSCE. Following developments in 2014, the issue of aggressive Russian military exercises, especially those conducted next to state borders, has leaped to the top of the agenda inside the OSCE and in other forums.[134]

The strengths of the OSCE – its inclusiveness and consensus-based nature – are also its weaknesses in terms of leadership and effectiveness in a conflict situation.[135] Under such circumstances, the whole idea of collective security is undermined. It is difficult to conceive of a way out of this dilemma without jeopardizing the consensual design that the legitimacy of the organization builds on. However, as a minimum there should be room for innovation concerning strengthening the OSCE's ability to take swift action without employing the consensus rule. Despite the shortcomings noted above, the war in Ukraine has arguably revitalized the OSCE to a certain extent.[136] Its prominent role during the crisis contrasted with the Russian-Georgian war, when the EU, under the auspices of the French presidency, took center stage. It negotiated a truce subsequently supervised by the EUMM, leaving the OSCE no role to play in Georgia. Since 2014, the OSCE has been the only forum for organized dialogue with Russia on European security.

Overall, the above assessment of the OSCE's role in conflict situations underscores the fact that expectations should be realistic in relation to what the organization can or cannot do. The OSCE is not an actor with autonomous institutional powers; its ability to wield power depends on the sanctions which participating states can unite around. Regarding utilizing the OSCE's multifaceted political-military toolbox for early warning purposes, this asset should not be conflated with intelligence gathering. Rather than sharpening the OSCE's intelligence gathering capabilities, the main advantage lies in its transparency-fostering activities. Transparent OSCE reporting, documentation and verification can provide a legitimate foundation for public discussion and, ideally, for demanding accountability.

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[134] Author's interview with diplomat, December 10, 2018.

[135] OSCE, "Lessons Learned", p. 10.

[136] In the words of Thomas Greminger, the Ukraine crisis represented "both a curse and an opportunity" for the OSCE. See Thomas Greminger, "Ukraine Crisis: Curse and Opportunity for the Swiss Chairmanship," in *Overcoming the East-West Divide: Perspectives on the Role of the OSCE in the Ukraine Crisis*, eds., Christian Nünlist and David Svarin (Zurich: CSS/Foraus, 2014), pp. 11–12.

5.3 Arms control and the conflict cycle

What realistic role can CAC and CSBMs play in a conflict situation? It should be emphasized that the effectiveness of the instruments depends on the nature of the conflict. In a local conflict that might erupt due to mistakes on the ground, CAC and CSBMs have a potentially crucial role to play in alleviating tensions by providing transparency and predictability. In a conflict that is escalating due to careless political leadership, CAC and CSBMs could play a calming role by providing the tools for clarifying the military situation. However, in the case of leaders willfully seeking an armed conflict, there is not much help to be found from CAC and CSBMs in terms of conflict prevention. In the end, the parties decide how to implement the agreements as they see fit. As a rule, the agreements function well when the parties seek to avoid unintentional conflict, while the opposite applies when one side actively seeks conflict.

The experiences from Georgia and Ukraine identify three distinct points in the conflict cycle: the initial conflict situation, a hot war and a frozen conflict. In this cycle, the tasks evolve from conflict prevention via conflict management to conflict resolution. The expectations on CAC and CSBM regimes differ depending on the phase in which the instruments are used.

Seen in the most ambitious light, agreements such as the Vienna Document, the Open Skies Treaty and the CFE Treaty should help to prevent conflict. However, as noted above, arms control does not provide the tools for preventing intentional conflict. When one or several parties deliberately seek war, they tend to undertake measures to dilute compliance, to diminish transparency and to conceal intent through disinformation.[137] A more realistic ambition, as indicated by the developments in Georgia in 2008 and Ukraine in 2014, is to use CAC instruments to create the conditions for monitoring and controlling a conflict or to function as early warning mechanisms that raise the threshold for a potential aggressor. Usually, this means external actors observing and reporting on developments.

First, by activating the various tools at the OSCE's disposal, such as fact-finding missions, monitoring missions and consultations and inspections within the framework of the Vienna Document, the OSCE provided early warning on the conflict escalation in Georgia in 2008 and in Donbas in 2014. The Vienna Document in particular enabled an international presence on the ground from an early phase of the crisis in Ukraine. It could also be argued that the OSCE's ability to deploy international monitors and inspectors to Ukraine raised the costs of Russian aggression by putting the international spotlight on Moscow's behavior.

Overall, the major problem in 2008 and 2014 was that onsite early warning failed to generate a sufficiently strong political response. For the future effectiveness of

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[137] Author's discussion with military expert, June 7, 2018.

OSCE early crisis management, it would seem imperative to establish a more robust link between early warning and early action. A minimum level of ambition should be to allocate special budgetary funds for fact-finding missions, the deployment of special envoys, shuttle diplomacy and so on, but also to increase the possibility of quick and effective leadership. That said, even if such measures may provide additional possibilities, they cannot substitute for the actual political will to act.

Second, during a hot war, the experiences from Georgia and Ukraine underline the conventional wisdom that CAC regimes are largely obsolete by the time a conflict has escalated to a regular war. By that point, the conflict parties are unwilling to disclose information on heavy weapons and therefore unlikely to submit themselves to transparency measures. If intrusive inspections are unlikely to be allowed by the conflict parties in the war phase, the policy of short visits stipulated in for example the Vienna Document is also insufficient at this stage. The Vienna Document is essentially a fair-weather conflict- and security-building tool; built on trust rather than suspicion or control, it is too weak a tool in a severe crisis situation.

In Ukraine, the OSCE acted on this realization by deploying a novel initiative in the form of the SMM to ensure a permanent presence on the ground that at least in theory could monitor escalation. The SMM fulfills a valuable monitoring role and may have a constraining effect on conflicts. In other words, at a certain point in the escalation ladder inspections are unlikely to add value and should therefore give way to alternative crisis management measures. On the one hand, this calls for flexibility and adaptability among outside actors. On the other hand, the need for flexibility also creates room for wavering.

Finally, in OSCE circles, some experts have introduced the concept of status-neutral security and arms control regimes for conflict regions with unclear international status, such as Abkhazia, South Ossetia and now Crimea. By applying arms control instruments, the idea is to address the lack of military transparency in territories plagued by protracted conflicts. Since agreements on CAC and CSBMs are non-functioning in these conflict regions, there is a high degree of uncertainty about the activities and capacities of the military forces stationed in these territories. Developing special CAC and CSBMs that are applicable to conflict regions, irrespective of their political status, therefore, represents one potential way out of this dilemma. However, those skeptical of this depoliticized status-neutral approach to so-called frozen conflicts argue that CAC and CSBMs cannot be developed in a manner that directly or indirectly legitimizes Russia's violations of neighboring countries' sovereign right to territorial integrity and their right to make their own security policy choices freely.[138] Classical arms control instruments may serve to build political-military trust and transparency in

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[138] Engvall, Persson, ed., Dalsjö, Vendil Pallin and Winnerstig, *Conventional Arms Control*.

frozen conflicts, but only as part of a post-conflict rehabilitation process. Otherwise, such measures are likely to freeze a conflict further without contributing to its resolution. Ultimately, the sticking point for contested territories is related to how much exchange the international community can have with Abkhazia and South Ossetia without de facto recognizing them as independent political entities, and in the case of Crimea without accepting Russia's annexation.

5.4 Implications of Russia's suspension of the CFE Treaty

The fact that the Vienna Document, unlike the legally binding CFE Treaty and Open Skies Treaty, is a politically binding agreement means that non-compliance does not constitute a violation of international law. Consequently, the question emerges how feasible softer transparency-fostering CSBMs such as the Vienna Document are in the absence of an anchor in the form of a hard legally binding arms control treaty, such as the CFE. Applied to the events in Georgia in 2008 and Ukraine in 2014, this is related to the implications for conflict escalation of Russia's suspension of the CFE Treaty in 2007.

Some experts note that the main Russian irritant with the CFE Treaty was not the TLE quotas, but the so-called flank limitations.[139] The Adapted CFE Treaty favored by Moscow but never ratified by western states after its negotiation in 1999 would have increased Russia's allocations in the flank zones. Since Russia unilaterally suspended its application of the CFE Treaty in December 2007, it has provided no notification of troop movements and no information on changes in the location of TLE. Nor has it accepted any intrusive verification measures.[140] Released from the CFE Treaty limitations, the Russian military proceeded to build up troops and armaments in the North Caucasus close to the border with Georgia. The mobilization intensified after February 2008. Russia's deployment of heavy military equipment to Abkhazia in the spring of 2008 represented a violation of the CFE Treaty's ceilings on TLE. However, even before it suspended implementation of the CFE Treaty, Russia had stockpiled TLE in Abkhazia and maintained a garrison at the Gudauta base in breach of treaty stipulations.[141] This

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[139] Russia's ceilings for treaty-limited equipment included 6,400 tanks, 11,480 combat armored vehicles, 6,415 heavy artillery pieces, 3,450 combat aircraft and 890 attack helicopters. See Richard A. Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty* (London: MIT Press, 1995), p. 279.

[140] Jeffrey D. McCausland, "After Georgia: Russia, NATO and the CFE," Carnegie Council, November 3, 2008; Pavel Felgenhauer, "A Treaty that Ended the Cold War in Europe is Denounced in Moscow," *Eurasia Daily Monitor*, March 12, 2015.

[141] Vladimir Socor, "Russia Deploys Railway Troops to Abkhazia," *Eurasia Daily Monitor*, June 3, 2008.

indicates the difficulty in preventing intentional military build-up and the use of military force through legislative means.

Nonetheless, at least in theory, as Pavel Felgenhauer argues, CFE inspections could have provided advance notice of Russia's military build-up in Georgia and warned of possible early preparations for military actions that prefigured the annexation of Crimea.[142] If nothing else, Russia's suspension of the CFE Treaty represented a form of political warning in itself.

In comparison with the restrictive inspection quotas of the Vienna Document, the CFE treaty entails a much stricter verification mechanism with different types of onsite inspections. The verification provisions of a ratified Adapted CFE Treaty would have obliged Russia to accept about 30 inspections.[143] The CFE's highly intrusive verification mechanisms therefore make it possible to verify the data reported in a significantly more comprehensive way than the Vienna Document. That said, none of the instruments, whether legally binding or politically binding, are designed to withstand intentional warfare.

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[142] Pavel Felgenhauer, "A Treaty that Ended the Cold War in Europe is Denounced in Moscow," *Eurasia Daily Monitor*, March 12, 2015.

[143] Wolfgang Zellner, "Summary and Conclusions," in *Conventional Arms Control in Europe: New Approaches in Challenging Times*, ed., Zellner (Hamburg: CORE Working Paper 26, September 2015), p. 57.

6 Way forward

The OSCE is a mirror of the general state of European security. This calls for realistic expectations regarding what the organization can and cannot do. In the most realistic sense, the OSCE possesses the political-military tools to provide early warning signals on which its participating states and others can act. There are, however, several thresholds to pass. The first concerns how to enable early warning initiatives to begin with, especially when a participating state is the aggressor in the conflict. The second concerns how to move from early warning to early action. Again, the main obstacle is that in a consensus-based organization, one particular state can successfully block any attempt at early action. One way to try to overcome this hurdle would be to devise methods to facilitate the OSCE's ability to act without the need for consensus.

The experiences from Georgia and Ukraine demonstrate that the Vienna Document has its limits with regard to providing information and transparency in an environment of mistrust, conflict escalation and hostility. Indeed, the efforts attempted under the Vienna Document, but also the Opens Skies Treaty, the SMM and the border monitoring initiative in 2014 handed Russia certain deniability since they allowed Moscow to point out that no clear-cut evidence of Russian involvement could be identified on the basis of these measures. Intrusive and robust verification activities are ultimately difficult to accomplish as long as unpredictability and non-transparency are integral parts of Russia's military advantage in its near abroad. A similar trend toward less openness and less predictability is emerging among western states.

In the current hostile security environment, strategic incentives are hardly in place for a brand new CAC regime, at least not for as long as the two major players – the United States and Russia – have no interest, for different reasons. Instead, a more plausible, if admittedly rather limited, ambition would appear to be fine-tuning and sharpening CSBMs in order to reduce doubts about the information and evidence derived from them. The experiences from Georgia and Ukraine indicate the need to remove certain ambiguities and loopholes, particularly from the Vienna Document. This would help to strengthen the capacity of the OSCE in general and the Vienna Document in particular to provide the kind of transparent informational basis for dialogue and decision-making required.

First, in its present configuration, the Vienna Document is ill-equipped to handle the smaller armies and different force structures of the 21st century. Since the end of the Cold War, military deployments have changed from large tank armies to smaller, more readily deployable units. The thresholds in Chapter V of the Vienna Document for prior announcement and observation of military exercises, however, still reflect the larger composition of military exercises that was common in the past. For example, lower thresholds would at least have made it more difficult for Russia to avoid inspection of its military exercise Kavkaz 2008 and the sequence

of snap readiness exercises in conjunction with the Crimea operation. Moreover, the current low quotas mean that participating states tend to have exhausted their inspection quotas early in the year, thereby nullifying this tool in case of military escalations later in the year. Hence, the Vienna Document's high threshold for information and observation in combination with the low quota for onsite inspections prevented any effective use of verification activities at the time of crisis escalation in 2008 and 2014. Lowering the threshold for information and observation and expanding quotas would therefore represent concrete measures that could have had a bearing on the conflicts in Georgia and Ukraine.

Second, to sharpen the Vienna Document's responsiveness to crisis escalation, another plausible idea would be to allow for an additional, or bonus, inspection mechanism. One idea might be to expand Paragraph 16 of Chapter III to include an inspection mechanism as a last resort in the consultative mechanism. This consultation mechanism allows a state to request an explanation for military activities that they perceive to be a security concern. The other party must provide a response within 48 hours. If the statement fails to bring clarity to the issue, the requesting state may then call for a meeting with the responding state within a further 48 hours. If still unresolved, a third step is to take the dispute to a joint FSC/PC meeting with all OSCE participating states within 48 hours. This mechanism was activated in both 2008 and 2014 without making much headway in defusing the tensions. An additional fourth step could therefore be to activate an obligatory inspection to address the security concerns. Given the difficulty of unanimously agreeing on such a measure, an exploration of the possibilities of activating this mechanism without consensual approval would appear to be necessary.

Third, a clear lesson from the wars in Georgia and Ukraine is that aggressive military exercises had an escalatory effect on the conflicts. The revival of the Russian practice of undertaking snap exercises, exemplified prior to the annexation of Crimea, has made this threat more acute. Since 2013, Russia has systematically used the loophole that snap exercises are exempt from prior notification to avoid inspections and observation. In conjunction, removing the complementary loophole that exempts from inspection exercises not represented as under single command would also be a way of strengthening the inspection regime and the ability to gather early warning information.

Under current security conditions, the prospects for a wholesale reform of the existing system of CAC and CSBMs appear slim. Lessons from the experiences in 2008 and 2014, however, suggest that the OSCE participating states could improve the effectiveness of the Vienna Document by undertaking a few concrete modernization measures, all of which have in some form already been placed on the table in Vienna:

- Chapter III – complementing the consultative mechanism with an inspection mechanism in accordance with a crisis escalation ladder, that is, as a way of reserving an extra inspection for emergency use.

- Chapter V – closing the loophole that exempts snap inspections and alarm exercises from the notification and inspection mechanism.

- Chapter V – closing the loophole that allows large-scale exercises to be reported as separate and small-scale in order to avoid inspection.

- Chapter V – lowering the threshold for notification of military activities

- Chapter VI – lowering the threshold for observation visits to better capture the capabilities of the smaller force structures of the 21st century.

- Chapter IX – increasing the quotas for inspection visits and enabling longer, or follow-up, inspections.

While closing the gaps and shortcomings in the Vienna Document, or any other agreement, is desirable, it does not provide a remedy for conflict prevention. The best to hope for is to strengthen indicators, increase warning times and raise the political costs of cheating. The rest, such as converting early warning into action, will require political will. As one expert perceptively notes: "Arms control is not magic".[144]

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[144] Author's interview with military expert, February 5, 2019.

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About the author

Johan Engvall, PhD, is a researcher in FOI's Department for Security Policy and Strategic Studies, focusing on conventional arms control, security in the Baltic Sea region and domestic, foreign and security policy in Eurasia. He is the author of several books, reports and articles on security, state-building and corruption in Central Asia. He has previously worked at Uppsala University and the Swedish Institute of International Affairs, and has served as a consultant for the World Bank.