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**COMMONALITIES AND DIFFERENCES IN THE FUNCTIONING OF THE
OSCE SPECIAL MISSIONS IN UKRAINE AND GEORGIA:
INSTITUTIONAL AND PROCEDURAL DIMENSIONS**

It is analyzed the commonalities and differences in the functioning of the OSCE mission in Georgia and Ukraine and the effectiveness of the organization in resolving conflicts in the former Soviet Union. It is investigated the OSCE activities in Georgia and Ukraine, mainly its institutional and procedural dimensions. Emphasis is placed on the reforming of the decision-making process; introducing a coercive mechanism, whether economic or political, which could affect the parties to the conflict in order to implement the agreements; equipping of the OSCE missions with new security tools.

Keywords: OSCE, the OSCE Special Monitoring Mission, conflict in Georgia, conflict in the East of Ukraine, international security.

The Organization for Security and Co-operation in Europe (further: OSCE) is the major regional international organization in the field of security, which contributes to the resolution of many conflicts. Currently one of the priorities of the organization is the development of democratic institutions and sustainability of the former Soviet Union, including Ukraine. Despite significant activity in conflict resolution, many analysts assert about the low efficiency of such activities in the areas of a conflict. Therefore, in case of finding mechanisms for resolving the conflict in Eastern Ukraine with the direct participation of the OSCE, the studies of the effectiveness of its methods *are actualized* for establishing democratic order and peace in the former Soviet Union countries. To learn this, we can compare the OSCE activities in Georgia and Ukraine, mainly its institutional and procedural dimensions.

Conflicts in South Ossetia and Eastern part of Ukraine remains unresolved. Given the fact that the OSCE missions were involved in the settlement of both conflicts, the organization's activities are often criticized. Therefore, it is important to comprehensively examine the role of the OSCE in resolving both conflicts, namely the legal framework, the work of institutions and operational activities on the ground. Taking into account such various criteria as the development of a peaceful settlement program, the response of the OSCE bodies to crises, the operational activities of specific missions in both countries will help us to find which gaps exist in the structure and functioning of the organization. Such comparative approach was not used before, and OSCE activities in both conflicts were often viewed separately, without comparison. However, the experience of the closed OSCE mission in Georgia may be useful in developing a crisis management plan in Ukraine. Consequently, comparisons of conflict resolution methods in Georgia and Ukraine are very relevant and will allow to identify shortcomings, emphasize the achievements of the work of both OSCE Missions and develop recommendations for resolving such conflicts in the future.

The article *aims* to identify commonalities and differences in the functioning of the OSCE mission in Georgia and Ukraine and to analyze the effectiveness of the organization in resolving conflicts in the former Soviet Union.

The *source base of research* includes works on peacekeeping and conflict resolution, in particular, the issues concerning OSCE effectiveness in crisis resolution, as well as its cooperation with other international structures [12]. In this context, it is worth mentioning the work of J. Alsyte, in which the author describes the main achievements of the organization in

resolving "frozen conflicts" in the former Soviet Union and criticizes OSCE for insufficient legislative power and the lack of enforcement mechanism [9].

Conducting the research, we used analytical materials on the OSCE's work in resolving conflicts in Georgia and Ukraine. The issues of the Ukrainian conflict and OSCE missions in Ukraine were investigated by D. Sammut and J. Durso, paying great attention to the effectiveness of the mission in the Donbas region and the future development of the OSCE as an organization aimed at maintaining stability in the region [18]. Another researcher A. Bloed analyzes the activities of the OSCE in Ukraine and emphasizes the unique role of the conflict resolution mission [10]. T. Potier [16], M. Konig [11], M.-J. Rie [17] and S. Stöber [20] in their studies discuss the causes of conflicts in Georgia, shortcomings in the work of the OSCE in resolving the conflict in this country. All authors argue that Russia has had a significant influence on the development of the conflict and its destabilizing role in the post-Soviet region, which hinders OSCE missions in the effective management of conflicts.

To compare the legal regulation of the OSCE in conflict management in both countries there is another group of documents signed by the parties regarding the arrangements for conflict resolution. In the case of the conflict in Ukraine it was important to review the "Protocol on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin" [6] and "Package of Measures for the Implementation of the Minsk Agreements"[4]. Both documents are the results of the difficult negotiation process and contain requirements in order to end the war on the Donbass.

The review of bibliography and research sources of the OSCE's work on conflict resolution in the territory of Georgia and Ukraine shows that, in spite of the number of studies devoted to conflicts management and organization work, there are practically no scientific works in which the methodology of work is thoroughly analyzed and compared to conflict resolution in Donbass and South Ossetia. All in all, the researchers have raised the following issues in their works such as the main features of the activities of the regional organization, mechanisms for conflict management, principles of the OSCE and its role in the system of regional organizations, the effectiveness of the OSCE missions. These and other issues were the subject of interest for many researchers, including scientists from Western Europe, Ukraine, the USA, Russia, Canada and other countries. We also should note the relatively small number of scientific publications have been devoted to the OSCE Mission to Ukraine and the conflict in the Donbass, which could provide an objective assessment of the peaceful regulation and the OSCE work, and that could help to formulate specific recommendations and suggestions for improving the activity of the OSCE in resolving the Ukrainian crisis and similar conflicts.

The Organization for Security and Cooperation in Europe has extensive experience in resolving conflicts in the post-Soviet region. Nowadays there are two lasting conflicts on the territory of Georgia - in South Ossetia and Abkhazia. With similar consequences, however, with other preconditions in 2014, a conflict began in Ukraine, during which the so-called Luhansk and Donetsk national republics were created. The crisis, which began with the change of the political course of the country and the intervention of external forces – Russia, lasts for more than three years.

Defining commonalities and differences in the OSCE conflict resolution in Georgia and Ukraine we consider the best to analyze legal, institutional and organizational frameworks as well as operational activities of the OSCE in Ukraine and Georgia.

The main normative documents of the OSCE, which regulate the creation, continuation or cancellation of missions, are the Permanent Council decisions. In accordance with the decision made on December 13, 1992, at the meeting of the Committee of Senior Officials, the establishment of the mission, which was to promote negotiations between the conflicting parties in Georgia, were aimed at achieving peaceful political settlement of the conflict in this country

[21, p. 78]. At the Plenary meeting of the OSCE in 1999, the Permanent Council agreed to extend the mandate of the OSCE Mission to Georgiaby adding a Border Observation Operation in order to report on the situation on the border between Georgia and the Chechen Republic of Russian Federation [15]. The next expansion took place in 2001, respectively to which mission observed the situation also on the border with Ingushetia [13], and in 2002 – with Dagestan [14].

In 2008, due to the aggravation of the conflict, the Permanent Council on its plenary meeting decided to increase the number of military personnel observers to 100 people for a period up to six months, of which 20 should be immediately directed to South Ossetia [21, p. 80]. The mandate of the mission ended on December 31, 2008, as a result of Russia's blocking of proposals regarding the extension of observer activities [9, p.81-99]. However, the OSCE Military Observers continued to work in the South Ossetia until June 30, 2009, in accordance with a decision approved by Permanent Council in February 2009 [21, p.78].

The OSCE's presence in Ukraine is much older than in Georgia. The Project Coordinator in Ukraine was appointed in 1999 by the decision of the OSCE Permanent Council. With the beginning of the conflict in the Eastern Ukraine new OSCE Special Monitoring Mission (SMM) was launched on March 21, 2014. This Mission was repeatedly extended by the decision of the Permanent Council due to the constant military tensions in the conflict zone.

The main OSCE normative documents on the resolution of the crisis are agreements developed by its members. For example, in Georgia, basic regulatory documents and policy decisions on conflict regulation were taken by the Expert Group initiated by the OSCE. The first meetings of this group were organized in 1997 for the purpose of concluding the future document with the principles and commitments for conflict resolution. At the fourth meeting in Baden (Austria) in 2000, the first version of the Baden Document “On Fundamentals of political-legal relations between the parties in the Georgian-Ossetian conflict” was developed and presented by the Georgian and South-Ossetian delegations [11, c. 245-246]. However, the work of the OSCE was strongly criticized by the Georgian politicians, in particular, the opposition that treats the Ossetian people as “unwanted violators” on the historical territory of Georgia [16, c. 134-135]. In 2003, the authorities of South Ossetia disassociated the Baden document [3]. We can conclude that the parties have reached the agreements on paper, but they were not implemented in real life. It was the failure of the mechanism proposed by the international community, namely absence of obligations and guarantees of those agreements.

A similar situation has also arisen in resolving the conflict in Ukraine. Talks were conducted in the Minsk format and with the participation of the parties to the conflict (representatives of Ukraine, Russia, unrecognized Luhansk and Donetsk national republics and the OSCE). The first agreement on a temporary armistice was reached on September 1, 2014, after the escalation of the conflict in Eastern Ukraine. The OSCE Representative Ambassador Heidi Tagliavini, former President of Ukraine Leonid Kuchma, Russian Ambassador to Ukraine Mikhail Zurabov took part in preparation and signing of the Minsk Protocol. The signatures were also put up by representatives of self-proclaimed republics Alexander Zakharchenko and Igor Plotnytsky. This protocol provided for: cease-fire; decentralization of power in Ukraine and adoption of the Law on the special status of Donetsk and Luhansk regions; holding early local elections; the withdrawal of illegal armed groups, military equipment, fighters and mercenaries from the territory of Ukraine, etc. The OSCE was entrusted with observing compliance with the terms of the treaty, in particular with regard to the cease-fire regime in the conflict zone and monitoring at the Ukrainian-Russian state border [6]. However, many of these provisions were not implemented by the parties to the conflict, and the OSCE constantly recorded cases of cease-fire violations near the delimitation line from both sides. The elections were impossible to organize on the territory where illegal armed formations are still present.

Due to the escalation of the conflict, there was a summit in the Normandy format with the leaders of Germany, France, Ukraine, and Russia. The participants developed a set of measures to implement the Minsk agreements (Minsk II), which included specific conditions on disarmament, hostage release and elections. In particular, the OSCE mission had to monitor the removal of heavy weapons from demarcation line and elections with the help of the OSCE Office for Democratic institutions and human rights [4]. However, this agreement was partially fulfilled and did not solve the problem of control over the part of the Ukrainian-Russian border, which is uncontrolled by Ukraine. After the signing of the Agreement, the OSCE SMM has recorded ceasefire violations in Luhansk, Donetsk, Debaltsevo and Raygorodtsi [5]. According to the SMM reports, the ceasefire violations continue to this day.

All in all, the documents signed between the parties to the conflict with the assistance of the OSCE, the Minsk Agreements, and Baden document, are quite similar due to its format. The point is that all parties to the conflict took part in signing both documents, and they were developed with the support and initiative of the OSCE. However, there are some differences. In the development of Minsk agreements, there were involved many important actors of international relations, such as France and Germany (Normandy format), which significantly enhanced the credibility and importance of these agreements. In addition, this had a significant impact on the implementation of decisions taken by Russia and Ukraine, as the negotiations conducted at the highest level with the participation of the presidents of both countries. We can talk about the greater involvement of the international community in resolving the conflict in Ukraine, rather than in the case of Georgia.

It is known that the OSCE usually works with the field operations. In 2014, the Special Monitoring was directed to Ukraine to monitor and report on the situation in the east of Ukraine, as well as promoting dialogue between the parties to the conflict [2]. According to the Permanent Council decision, observers stayed in Kherson, Odessa, Lviv, Ivano-Frankivsk, Kharkov, Donetsk, Dnipropetrovsk, Chernivtsi, and Lugansk. Initially, the mission consisted of 100 civilian observers; however, it has been significantly expanded [21, p. 27]. As for May 3, 2017, the mission consists of 656 observers from 44 States OSCE Members. The vast majority of observers are concentrated in the Luhansk and Donetsk regions. The largest number of observers are citizens of the United States (61 persons), The United Kingdom (49 people), Russian Federation (37 people) and Poland (35 people) [2].

In Georgia, the OSCE mission began to operate in 1992, with the onset of the conflict in Ossetia. The mission contributed to the peace talks during the Georgian-Ossetian war, and also supported the peaceful resolution of Georgian-Abkhaz conflict under the auspices of the UN. Consequently, its mandate included several directions of work in accordance with the region. As for the Georgian-Abkhaz conflict, the OSCE has a limited mandate in this area, and its activities were aimed at maintaining links with the UN operation in Abkhazia, in order to regularly report on the situation in the region. On the whole territory of Georgia, the mission had to promote the dissemination of the principles of human rights and freedoms in development of democratic institutions and processes, including the development of a new constitution and the implementation of the law on citizenship, as well as coordinate the work of the OSCE with other international organizations - the UN, the EU, the Council of Europe [21, p. 79].

When Abkhazia and South Ossetia proclaimed their independence, Russia began to demand the launching of two separate missions in Georgia and South Ossetia. It was unacceptable to the international community and especially to Georgia [19]. Subsequently, in 2009 the mission completely ceased its work. In the following years, there were some attempts to create the new mission in Georgia, but all ended only with regular OSCE staff visits to Georgia. They helped the EU mission, which monitored the situation near the demarcation line

from the Georgian side. The knowledge of the former staff of the OSCE mission based on their experience in the South Ossetia proved to be very helpful for a new EU mission [20, с. 219].

Thus, the organizational component of the mission in Georgia was much weaker than in Ukraine for several reasons. Firstly, the mission did not have enough observers who could respond promptly to the aggravation of the conflict. Secondly, one mission in Georgia had to perform approximately the same set of functions that two missions in Ukraine performed. In our opinion, dividing obligations for observing compliance with agreements and work with the community (multidimensional approach to security) is extremely important for better coordination of the mission's work. Thirdly, the presence of other observers –Peacekeeping forces could have a negative impact on the effectiveness of the OSCE mission in Georgia. Although some authors believe that such peacekeeping forces are contributed to the work of the mission and such formation meets the basic principles of the OSCE [12, p. 54].

In general, the OSCE organizational activity in both countries can be assessed as ineffective. The missions were appointed with the onset of conflicts and activities of the OSCE were conducted with the multidimensional approach, also countries had an opportunity to increase the number of observers. But also there are some difficulties in the organizational work of mission. In some cases, it was unable to prolong the work of mission due to the consensus approach in the OSCE decision-making process.

The OSCE mission in Ukraine insists on the objectivity of its activities, as well on the fact that the parties have to agree on themselves and stop the military actions. Moreover, the observers are invited to check on the compliance of those arrangements. Activities of missions are reflected in daily, operational, thematic and weekly reports [7]. The rhetoric of reports is neutral, that is why observers write only what they saw with their own eyes or what they were able to find out with the help of special devices. In particular, they write about where and what happened. Mission has the opportunity to observe the situation on both sides of the front line. Observers often describe shelling in a certain area, however, they never say it was from the opposite side and do not blame any party. In the reports, there are specified the directions from which they were firing, and the type of weapons. Such an approach results in criticism from both sides of the conflict, especially in the cases where a significant number of victims are. At the end of the reports, there are data on the humanitarian situation in the region. In addition, reports often mention the obstruction of the OSCE's access to a site where a shelling or other critical situation has occurred, which is also a violation of the terms of the agreement [8].

Military incidents in Georgia took place quite often, especially at the time of the biggest outbreak of the conflict in August 2008. It was difficult to achieve proper security controls in view of the fact that there were a small number of the OSCE military observers and they were unarmed. Besides, the OSCE with the UN was essentially forced out by a large number of armed peacekeeping forces created by Russia, Abkhazia and South Ossetia [17]. In its operational activities, the OSCE mission in Georgia has repeatedly faced problems regarding peacekeeping forces. In particular, with the fact that they could not for objective reasons distinguish members of the peacekeeping forces of Georgia and South Ossetia from other security forces. The problem was that the two parties did not comply with the arrangements for the number of participants who should participate in these groups [20, p. 214].

In Ukraine, the OSCE is the only international organization that monitors the situation in the conflict area. Moreover, the SMM conducts regular meetings with the civilians, organizes roundtables with the authorities and citizens. The mission ensures the delivery of humanitarian aid, as well as the access of repair teams to places along the front line. After the accident with the Malaysia Airplane in the Donetsk region, SMM was the first international observer to arrive at the scene. They also provided access to the accident for international experts [7].

All in all, we can find a lot in common in the activities of both missions. In particular, the organization's approach to crisis management is similar. In Georgia as well as in Ukraine, the

OSCE activity can be broadly divided into observation and dialogue activities, and the development of democracy. A wide range of issues that covers the activities of the organization in the territories of these countries proves a multidimensional approach to the solution of the crisis. This should include working with the society, conducting trainings, communicating with local authorities, organizing negotiations, etc.

Analyzing observation activities of the OSCE, in particular in Ukraine, they were often hampered by various factors: the obstruction of access to certain places where a military incident occurred; unpreparedness of the equipment at the disposal of the mission to the conditions of combat operations; insufficient number of observers, or their absence in places of probable aggravation of the conflict. In Georgia, the main problem was that there was an insufficient number of observers, and apart of them there were other peacekeeping forces, which did not always contribute to the work of the mission.

To sum up, it should be noted that the effectiveness of the work of the OSCE in resolving conflicts in Georgia and Ukraine is generally debatable. It is said that by analyzing the normative and legal documents on these conflicts, the specific institutional and operational activities of the OSCE in these countries, we can indicate the partially shared positive and negative points that characterize the OSCE's activities.

Therefore, the Organization for Security and Cooperation in Europe remains the main structure in resolving conflicts on the territory of both states. In case of Ukraine, it is generally the only international organization that provides information on compliance with the parties' agreements. International representatives from the UN worked on the territory of Georgia and observers from the EU continue their work till now [1], but the presence of such representatives did not affect the outcome of the conflict, and it is still considered to be frozen.

Among the achievements of the OSCE missions, it is necessary to highlight its neutral status in the system of international organizations related to security measures. This position allows involving a large number of participants in the negotiations. In the case of Georgia and Ukraine, the OSCE has become a platform for negotiating with Russia as one of the parties to the conflict and without the consent of which it is impossible to reach any decision. Hence, the other achievement of the organization was the involvement of the parties to the conflict to negotiate and reduce the intensity of hostilities. In its activities, the OSCE follows a multifunctional community-based approach that includes a humanitarian approach to work with the public and monitoring human rights. Observers cover in their reports only those events that they saw with their own eyes and try to be objective.

Challenges in the work of the OSCE include the difficult decision-making process, in accordance with the OSCE principle, the participating countries need to reach a consensus. One of the problems of the organization is the lack of a mechanism of coercion in implementing agreements, which leads to their violations. The OSCE missions are often criticized for not being present at the site of armed incidents. Some peculiarities in the work of unarmed observers are their inability to patrol at night when the greatest violations occur. Of course, such measures are taken for the sake of security, but at the same time, they jeopardize the objectivity of the information provided.

As a result of our work, we can propose such recommendations for the improvement of the OSCE's activities in the settlement of conflicts. First, the organization should reform the decision-making process, especially when the parties to the conflict are involved in making important decisions. The point is that the principle of absolute consensus may not be possible in the case when the conflict party places its hostile interests on the first-place ignoring interests of all international community, as well as its principles and commitments. Secondly, within the framework of the OSCE, it is important to introduce a coercive mechanism, whether economic or political, which could affect the parties to the conflict in order to implement the

agreements. Thirdly, OSCE missions should be equipped with new security tools to eliminate the risks for international observers and better monitoring in the conflict zone.

Thus, an analysis of the OSCE's work in resolving conflicts on the territory of Georgia and Ukraine has shown that the organization responds promptly to the emergence of conflicts and uses the developed methods for their solution. At the same time, the activities of this organization in Ukraine and Georgia confirm the need to reform the structures and mechanisms for preventing and resolving conflicts. Such reform is especially necessary and urgent in the light of the resolution of the Ukrainian conflict and the effective resolution and prevention of regional and international crises.

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СПІЛЬНЕ ТА ВІДМІННЕ У ФУНКЦІОНУВАННІ СПЕЦІАЛЬНИХ МІСІЙ ОБСЄ В УКРАЇНІ ТА ГРУЗІЇ:

ІНСТИТУЦІОНАЛЬНИЙ ТА ПРОЦЕСУАЛЬНИЙ ВИМІРИ

Проаналізовано спільне та відмінне у функціонуванні місій ОБСЄ у Грузії та Україні та ефективність діяльності організації у врегулюванні конфліктів на пострадянському просторі. Зіставлення особливостей діяльності місій у двох країнах у інституціональному та процесуальному вимірах актуалізується із точки зору виявлення ефективності діяльності ОБСЄ та пошуку оптимальних методів роботи задля встановлення демократичного устрою та миру. Враховуючи те, що місії ОБСЄ були

залучені до врегулювання конфліктів в обох країнах та значну критику діяльність організації, стверджується про доцільність комплексного вивчення ролі ОБСЄ у вирішенні обох конфліктів, а саме її нормативно-правової основи, роботи інституцій та оперативної діяльності на місцях. Доведено, що досвід роботи вже закритої місії ОБСЄ в Грузії може стати корисним при розробці плану врегулювання кризи в Україні. Серед досягнень функціонування місії ОБСЄ у Грузії та Україні виокремлено її нейтральний статус, що дозволяє залучити до переговорів велику кількість учасників. У випадку Грузії та України ОБСЄ стала платформою для ведення переговорів з Росією, як однією зі сторін конфлікту і без погодження з якою неможливе вирішення кризи. Наголошено на такому досягненні організації як залучення сторін конфлікту до переговорів та зменшення інтенсивності військових дій, враховуючи й той факт, що у своїй діяльності ОБСЄ дотримується багатофункціонального підходу у вирішенні кризи у суспільстві, який містить гуманітарний підхід у роботі з населенням та моніторинг прав людини. Виокремлено виклики у роботі ОБСЄ, до яких віднесено складний процес прийняття рішень, відсутність механізму примусу щодо виконання домовленостей, що призводить до порушення угод та невирішеності конфлікту, часту відсутність спостерігачів на місці, де трапляються збройні інциденти тощо. Доводиться необхідність реформування процесу прийняття рішень, особливо у випадку, коли сторони конфлікту долучені до прийняття важливих рішень; впровадження механізму примусу, чи то економічного, чи то політичного, який міг би впливати на сторони конфлікту задля виконання домовленостей; оснащення місії ОБСЄ новим обладнанням та засобами безпеки задля усунення ризиків для міжнародних спостерігачів та кращого моніторингу в зоні конфлікту.

Ключові слова: ОБСЄ, спеціальна моніторингова місія ОБСЄ, конфлікт у Грузії, конфлікт на Сході України, міжнародна безпека.

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ЗАБЕЗПЕЧЕННЯ ІНФОРМАЦІЙНОЇ БЕЗПЕКИ В КОНТЕКСТІ РЕАЛІЗАЦІЇ ДЕРЖАВНОЇ ІНФОРМАЦІЙНОЇ ПОЛІТИКИ

В XXI столітті людство отримало стрімкий розвиток науково-технічного потенціалу завдяки швидкому поширенню інформації та впровадженню сучасних інформаційних технологій (ІТ) в повсякденне життя суспільства. Виявлено, що розвиток ІТ призведе до принципово нового витка розвитку людства, що може привести до корінних змін в багатьох сферах суспільства, зокрема в політичній та економічній. Автором з'ясовано, що в новому столітті відмічається попит на інформацію як новий стратегічний ресурс, що відкриває нові можливості для країн, що розвиваються як в економічному, так і політичному секторі. Також встановлено, що з розвитком інформаційного суспільства зростають інформаційні загрози, з'являється необхідність забезпечення інформаційної безпеки держави, суспільства та особистості. В період модернізації політичної системи держави владою повинні бути визначені основні напрямки державної інформаційної політики в сфері забезпечення інформаційної безпеки.

Ключові слова: інформаційна політика, інформаційна безпека, кібербезпека, хакери.