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NORDEM : Thematic Paper series

Dialogue Facilitation

– improving the OSCE Special Monitoring Mission’s (SMM) impact in Ukraine

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Executive summary

● The Organization for Security and Co-operation in Europe (OSCE) Special Monitoring Mission to Ukraine (SMM) is mandated to monitor the ceasefire agreement, facilitate dialogue and foster peace and security in Ukraine. Dialogue facilitation is an open-ended process aiming at clarifying perceptions and improving relations, and is an essential conflict management measure in a polarized and propaganda-ridden context like Ukraine. This thematic paper will argue that the SMM has not reached its full potential in fulfilling all parts of its mandate, and that by improving its efforts in dialogue facilitation it would increase its impact on the ground.

In certain cases, structured workshops and meetings are possible, while in other cases it might be more feasible with informal encounters in ‘no mans land’. Regardless of approach chosen, it is crucial to understand the actors involved and the shifting power dynamics. Therefore, the SMM needs to regularly conduct mapping of key actors and conflict analysis.

There is currently a lack of a mission-wide strategy for dialogue facilitation within the mission. A plan of action and policy needs to be developed and endorsed at all levels. This would ensure improved leadership from the management, and a better understanding among Monitoring Officers on how to implement such measures in its daily work.

Finally, Participating States of the OSCE should raise the issue in the Permanent Council, and encourage the OSCE Conflict Prevention Centre in Vienna and the SMM to increase its focus on dialogue facilitation in Ukraine.

The Special Monitoring Mission to Ukraine

● In the aftermath of the February 2014 revolution at the Independent Square (Maidan) in Kiev, the Russian annexation of Crimea and the outbreak of open conflict in Eastern Ukraine, an agreement was reached to halt the war in the Donbass region of Ukraine. Representatives from Ukraine, Russia, the Luhansk People's Republic (LPR) and the Donetsk People's Republic (DPR) signed the Minsk Protocol (September 2014) and its implementation document¹ (February

2015) under the auspices of the OSCE. The 57 OSCE participating States had by then deployed an unarmed civilian monitoring mission to Ukraine, mandated to monitor the ceasefire agreement, the withdrawal of heavy weapons, and to reduce tension and facilitate dialogue as peace, security and stability promoting efforts. The SMM also reports on human rights violations and on the humanitarian situation, in line with the principles of the OSCE.

1 Officially the *Package of Measures for the Implementation of the Minsk agreement*

What is dialogue?

● *Dialogue* is an open-ended form of communication aimed at improving relations and understanding by promoting information exchange between conflicting parties.² These encounters can be one-off conversations or continue over a longer period of time. Although dialogue can lead to concrete decisions and actions, the primary aim is to enable communication between conflicting parties. As such it is functionally distinguishable from other forms of conflict communication. *Negotiation* aims at reaching a concrete settlement between conflicting parties. *Mediation* involves an impartial third party assisting the conflicting parties in reaching a mutually acceptable agreement.³ *Discussion* emphasizes exchanges of opinion with persuasive aims. Due to its emphasis on information exchange for mutual understanding, dialogue can be implemented as an intermediary measure succeeded by negotiation or mediation.

Dialogue can take place at i) the local level, between individuals or communities, ii) the national level, involving multiple representative national stakeholders⁴, iii) the international level, between various states involved in a conflict and usually with the involvement of transnational organizations⁵. Dialogue is generally an open-ended process aiming to improve relations and understanding, however, in a formalized dialogue process at the national level the aim is often to agree on a vision and a way forward for the nation. At the international level, platforms for dialogue are often created as a means, or as an initial step, to facilitate a diplomatic resolution to a conflict.

This paper argues that the SMM should, in line with its existing mandate, increase its efforts in dialogue facilitation at the local level. If a national dialogue is to take place in the future, with national actors representing various groups within civil society and the government, the SMM should actively support and facilitate the process.

2 Maiese, Michelle (2003). 'Dialogue' in *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess.

3 OSCE 2014, «Mediation and Dialogue Facilitation in the OSCE», available at <http://www.osce.org/secretariat/126646?download=true>

4 As seen in Yemen during the National Dialogue Conference in 2013–2014.

5 Like the Trilateral Contact Group on Ukraine

Dialogue in Ukraine

● Dialogue is particularly suitable as a conflict management measure in Ukraine due to the deep and multifaceted divisions present in Ukrainian society, the sharpest of which is the heavily propagandized split between the Europe-oriented west and the Russia-oriented east. Empirical evidence illustrates how dialogue can successfully contribute to developing mutual understanding and respect between different conflicting groups, and the acknowledgement that different and opposing political views can viably co-exist in a democracy.⁶ Dialogue initiatives are a valuable instrument for conflict management and reconciliation as they clarify perceptions and reduce tension, which facilitates improved communication. When people are enabled to communicate, hostile attitudes can be replaced with cooperative attitudes, allowing the parties to achieve common identified goals such as peace and stability. The lack of interaction between the opposing sides in Ukraine is deepening the gap and increasing tension across the contact line. In other words, dialogue facilitation is important to reconcile conflicting parties and to foster peace in Ukraine.

That said, the challenge of how to move beyond the initial process of dialogue to practical implementation of conflict resolution and peacebuilding measures remains. Dialogue is not a panacea for resolving all conflicts in Ukraine, it is merely one of several conflict management measures necessary – and one that currently is underutilized by the SMM. There is capacity within the SMM to implement its mandate to facilitate dialogue, and there is willingness for dialogue at different levels in Ukraine. However, so far the efforts remain localized and ad hoc.

⁶ See for instance: Steinar Bryn: “Inter-ethnic dialogue between Serbs and Albanians in Serbia/Kosovo 1996-2008” Nansen Centre for Peace and Dialogue, and “Conflict resolution: Learning lessons from dialogue processes in India” The Centre for Humanitarian Dialogue and the Delhi Policy Group

Shortcomings of current approach

● The SMM has conducted introductory training on dialogue facilitation for Monitoring Officers (MOs), developed manuals for the MOs and organized some sporadic dialogue facilitation meetings between commanders. Know-how to implement dialogue facilitation efforts in day-to-day work nonetheless remains scarce among MOs in the field. This knowledge gap inhibits senior management leadership in dialogue facilitation efforts. Moreover, the SMM management prioritizes tasks that are requested from Vienna and the Permanent Council, and they have so far not requested any efforts on dialogue. Dialogue facilitation efforts furthermore suffer from the tendency of MOs to focus on tasks producing more tangible results such as reporting on ceasefire violations and overseeing the withdrawal of weapons. As a consequence, the SMM is not developing the institutional expertise and capacity to engage systematically as dialogue facilitators, despite the fact that the SMM is in a privileged position, with unparalleled access to areas and actors, to function as facilitator between all parties.

The SMM is risk averse to negative publicity, which is clearly reflected in the tight control of its interaction with the media. In trying to avoid negative reporting, the SMM chooses a passive approach towards conflict management measures. This is ultimately counterproductive, as a more proactive actor would be positively perceived by the population and in turn would create a safer operating environment for the SMM.

Some efforts of dialogue at the *international* level have been made through the Trilateral Contact Group (TCG) on Ukraine. The TCG consists of government representatives from Russia and Ukraine, and the OSCE. It was created as a means to facilitate a diplomatic resolution to the war in the Donbass region of Ukraine and to facilitate dialogue between the Ukrainian and Russian government. Although these kinds of initiatives are important to create a platform for communication and dialogue at a national level, similar efforts at the *local* level should not be neglected. The SMM has succeeded in facilitating dialogue between military commanders at the local level, and between local administration and between gas, water and electricity companies when facilitating the repair of infrastructure damaged by shelling. In the case of dialogue between military commanders, it has often taken place without the presence, and some times even knowledge, of the more senior commanders. The meetings have often been informal encounters between local commanders in ‘no-mans land’, agreeing on local ceasefire agreements (within the formal ceasefire). These encounters have, in some cases, resulted in the exchange of phone numbers so the commanders could call each other to clarify any allegations of shelling, which again prevented unnecessary repercussions. The weakness of this approach, however, is the continuous rotation of commanders in certain areas, which makes the sustainability of these local ceasefires questionable. Nonetheless, for the broader objective of dialogue these encounters are vital.

Despite some successful examples of dialogue facilitation in Ukraine, much remains to be done and the full potential of SMMs impact on the ground has not nearly been reached. Based on some lessons learned, the following section offers some key recommendations on how to improve.

Lessons learned and good practices

- It is paramount to understand the actors involved; who they are and what they want to achieve, as well as shifting power dynamics.
 - Dialogue facilitation has proven to be easier and more successful when conducted among lower level military commanders. However, in the long run dialogue has to take place on all levels.
 - Dialogue has proven to be relatively easy to facilitate when conflicting parties are communicating over other issues of mutual interest.
- For instance, between military commanders it may be a prisoner exchange, handing over of a soldier's corpse or old military equipment, or in the case of civilians it might be the repair of infrastructure.
- Contrary to theoretical wisdom favoring a structured approach (i.e dialogue workshops and meetings), dialogue has proven more easily facilitated with a less formal structure in 'no man's land'. Neither approach should be neglected.

Recommendations

- Develop a mission-wide strategy and ensure that its endorsed at all levels of the mission
 - Conduct intermediate and advanced trainings of MOs, and provide continuous guidance in dialogue facilitation
 - Appoint designated dialogue facilitating officers at Hub level, working closely with the Dialogue Facilitation Officer in Kiev
 - Ensure a good understanding of, and support for, dialogue facilitation among the senior management at all levels within the mission. This would lead to improved leadership and structured encouragement in dialogue facilitation on the ground.
- Mapping of key actors/conflict analysis should be conducted regularly at the local level
 - The Norwegian government, and other participating States of the OSCE, should raise the issue in the Permanent Council and encourage the OSCE Conflict Prevention Centre in Vienna and the SMM to increase its focus on dialogue facilitation.
 - The OSCE should continue to promote national dialogue in anticipation of the increasing importance of dialogue to resolving the conflict in Ukraine

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NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a civilian capacity provider specialising in human rights and support for democracy.

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