

**OSCE Security Days  
Promoting Lasting Solutions —  
Approaches to Conflict Resolution in the OSCE Area**  
Vienna, 16 September 2013

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Session II

Strengthening the toolbox: Existing and potential mechanisms  
for conflict resolution in an OSCE setting

**Guarantees in the process of conflict resolution**

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**The scope of the presentation**

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- This presentation focuses on guarantees in the conflict resolution.
- Guarantees are a tool of reinforcing the trust in **compliance with agreements** already in place.
- Discussing guarantees may also facilitate reaching an agreement.
- External guarantees differ from action to prevent a conflict.
- Unless they are part of an agreement on measures that would be taken to prevent or terminate the re-escalation in a conflict.

## What are (external) guarantees?

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*"an implicit or explicit promise given by an outside power to protect adversaries during the treaty implementation period"*

Barbara Walter. *The Critical Barrier to Civil War Settlement*  
*International Organization* 51:3 (Summer 1997), p. 345

Guarantees are legal obligations or political commitments concerning specific action(s) to be taken in certain circumstances to ensure compliance.

## Procedures (mechanisms) facilitating trust and compliance

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- Intensive and stable official and unofficial **communication**
- Mutual transparency** not only in the security field
- Fact finding** establishing common factual ground
- Verification**
- Institutions/ procedures facilitating the **discussion of alleged non-compliance**
- Dispute settlement** procedures (conciliation, arbitration etc.)
- International **presence**
- Third parties **enforcement**

## What makes guarantees work?

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- Neutrality and impartiality of external guarantors.
- Multilateral institutions tend to be seen being more impartial and have more opportunities to pull resources.
- Guarantors need to be accepted and trusted by all parties.
- The stronger party seeks agreement and makes concessions.
- Demilitarization of the conflict.
- External guarantors are ready to allocate substantial resources.
- Returning to normalcy, promotion of participatory good governance, reconciliation, social, economic and psychological rehabilitation.

## What hinders guarantees from working?

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- Guarantees don't have a very good credit history. They never worked 100%.
- Guarantors don't take their promises seriously, or don't (can't) devote sufficient resources or don't act as expected.
- Realpolitik and pragmatism of great powers often undermine the credibility of their guarantees.
- Competition of external powers can sterilize guarantees of any of them, thus often multiple guarantors are required to balance the differences
- Dramatic changes in the external environment may depreciate the value of guarantees already given.

## Critical questions: What guarantees can the OSCE offer?

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- ❑ **What action can the OSCE credibly promise to guarantee compliance?**
- ❑ Fact finding to establish a common ground (if represented in the field, otherwise subject to consensus)
- ❑ Providing a platform to discuss alleged non-compliance, if present on the ground. Otherwise subject to consensus.
- ❑ **Devoting resources:** subject to consensus on a yearly basis.
- ❑ The OSCE does not enforce **compliance** and is bound to cooperation of relevant actors which can not be taken for granted.
- ❑ Promotion of participatory good governance, reconciliation, social, economic and psychological rehabilitation.

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## Conclusions

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- ❑ The OSCE does not enforce compliance.
- ❑ The OSCE can hardly promise to act, unless agreed by consensus.
- ❑ The OSCE has little resources to commit, particularly over long-term.
- ❑ If present on the ground, the OSCE can help facilitating agreed guarantees by:
  - promoting communication,
  - fact finding and establishment of common ground
  - providing a platform for discussing alleged non-compliance
  - promoting participatory good governance, reconciliation, social, economic and psychological rehabilitation.

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