

Issue Number 2/2010



The OSCE and its partners

**Ban Ki-moon, Rasmussen and Jagland
on co-operating with the OSCE**

**Interview with Secretary General
Marc Perrin de Brichambaut**



**20 years of the
Copenhagen Document**

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Engaging for a common cause

The OSCE's co-operation with other organizations and institutions is a key topic of the discussions on the future of European security in the Corfu Process, which have continued to intensively engage delegates during the past months. This issue of the *OSCE Magazine* focuses on the Organization's external co-operation, featuring contributions by United Nations Secretary-General Ban Ki-moon, NATO Secretary General Anders Fogh Rasmussen and Council of Europe Secretary General Thorbjørn Jagland.

An interview with Secretary General Marc Perrin de Brichambaut and an overview of the OSCE's interaction with other organizations inside and outside its region by Oleksandr Pavlyuk, who heads external co-operation in the Secretariat, are followed by illustrations of the different forms this interaction takes — leading a global alliance against human trafficking, acting as a partner in an environmental coalition, promoting standards developed by organizations specialized in fields such as container security, or supporting the work of sub-regional organizations, such as police coalitions in South-Eastern Europe or the Central Asian International Fund for Saving the Aral Sea.

Important OSCE achievements in each of the three security dimensions mark their 20th anniversary this year: the *Bonn Document on Economic Co-operation* on 11 April, the *Document of the Copenhagen Conference on the Human Dimension* on 29 June and the *Vienna Document 1990* — the first version of the Organization's current agreement on military confidence- and security-building measures — on 17 November, followed by the *Charter of Paris for a New Europe* on 21 November. The *OSCE Magazine* pays tribute to the *Copenhagen Document* with a series of articles highlighting how this breakthrough document, which inextricably links human rights with democracy and the rule of law, continues to set the agenda in the areas of good governance, criminal and administrative justice, minority rights and election observation.



Organization for Security and
Co-operation in Europe

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ON THE COVER: Logo of the Human Dimension Conference held in Copenhagen from 5 to 29 June 1990



The Vital Role of the OSCE

by Ban Ki-moon

Hardly a crisis confronts the world that does not require local, national, regional and international co-operation. Regional organizations such as the OSCE are critical players in the global framework that is laid out so clearly in Chapter VIII of the United Nations (UN) Charter. That is why, in January, I convened a retreat in New York with heads of regional organizations, including the OSCE Secretary General. It was only the latest in a series of such efforts over the years aimed at strengthening ties with the varied and very capable constellation of regional actors.

By its very nature, the OSCE is well placed to tackle many challenges in its region. Proximity has many advantages: cultural affinity, shared history, deep ties, staying power, timeliness and cost-effectiveness.

But deepening the UN-OSCE partnership brings additional advantages. I see five distinct, practical areas for greater co-operation.

First, **nuclear disarmament and non-proliferation.** These are among my leading priorities. At the same time, we should not lose sight of the need for action on conventional arms. We must continue to explore ways to ensure that the OSCE's important work in stemming illicit trade in small arms and the work of the United Nations can better complement each other.

Second, **securing peace.** The United Nations is working on conflict prevention and post-conflict rehabilitation with a number of OSCE institutions and bodies. But there is much room to strengthen co-operation on key trends affecting security and stability in the OSCE region.

Third, **elections.** The United Nations is providing technical advice in building democracy throughout the world. The OSCE is widely seen as the "gold standard" in international election observation. Let us build on our joint strengths and utilize those in other regions through advice and training.

Fourth, the **environment and development.** This year presents two key opportunities: first, September's *High-level Plenary Meeting on the Millennium Development Goals*; and second, ensuring progress on addressing climate change. Let us explore ways to scale up proven strategies for sustainable development.

Fifth, **human rights.** Neither security nor development will be achieved without respect for human rights. The UN Human Rights Council and its subsidiary mechanisms continue to benefit from exchanges of information with OSCE institutions. Let us explore how to improve follow-up to outcomes, observations and recommendations from all UN human rights mechanisms, including the treaty bodies, special procedures and the Universal Periodic Review. Once again, the aim is to avoid duplication and create synergies to advance our common goals.

In April, I had the privilege of addressing the OSCE Permanent Council to advance that process. I have fond memories from my time in Vienna as Ambassador, and indeed of my time in the Permanent Council. It was a special privilege to come back as the first United Nations Secretary-General to address the OSCE in more than a decade. I now look forward to continuing to strengthen ties with the OSCE, a crucial partner in building a safer, better future for all.

Ban Ki-moon is Secretary-General of the United Nations.



NATO MEDIA LIBRARY

The OSCE and NATO: partners in security

by Anders Fogh Rasmussen

The OSCE is unique: as the standard-bearer of democracy and human rights, the Organization has accurately been called the “conscience” of our continent. It is the main venue for establishing agreed norms of behaviour, and for holding governments to account if these norms are violated. The OSCE is also the key forum for pan-European arms control and confidence-building, and has a significant role to play in preventing and managing conflicts. Without it, our goal of a continent whole, free and secure can never be realized. In short, the OSCE remains indispensable.

NATO has complemented the OSCE in several ways, and with considerable success. The Alliance’s partnerships, which include many OSCE participating States, as well as NATO’s openness to new members, have contributed to the OSCE’s goal of building a stable, peaceful and undivided Europe. NATO’s co-operation programmes with its partner countries have become a transmission belt for promoting the ideas and values that lie at the heart of the OSCE. And NATO’s engagement in the Balkans has created the safe environment for the OSCE to play its vital part in the democratic consolidation of this region.

Today, the OSCE and NATO complement each other even beyond Europe. We are both helping Afghanistan to stand on its own feet, and to make sure that the country will never again be a safe haven for the world’s deadliest terrorists. This shows the potential of international institutions co-operating to meet common challenges. NATO has been advocating such a comprehensive approach for some time, and it will feature prominently in the new *Strategic Concept* which the Alliance will adopt later this year.

Now is the time to give a fresh impulse to the European security debate. In recent years, that debate has been burdened by differences over NATO’s Open Door policy, missile defence and conventional arms control, as well as the lack of a solution to several frozen conflicts. In many cases, these disagreements have appeared to pit NATO allies and Russia against each other, creating the false impression of a Europe that is still mired in the Cold War.

Many of these differences are based on misperceptions and outdated stereotypes, yet they are a stark reminder that the European project is far from complete. Some

nations still feel threatened by their neighbours, some still aspire to a sphere of influence at their neighbours’ expense, and some are still unable to exercise their right to freely choose their security arrangements. As long as this is the case, a Europe whole and free will remain unachievable.

We need a fresh debate on the future of European security — a debate in which all the nations of this continent engage in good faith, without assuming the worst about each other. Above all, we need a debate that focuses on real issues rather than on treaties and conferences.

There are hopeful signs that such a new, focused debate has now started. Building upon proposals by Russia, the Corfu Process on a European security dialogue has created a promising new dynamic. Since all OSCE nations have a stake in the security of our continent, it is only natural that the OSCE should be leading this debate. But I firmly believe that NATO can help to make it a success. By working with Russia in areas where we have common interests, NATO can help to create a co-operative atmosphere. And by utilising our NATO-Russia Council as a forum for discussing specific security concerns relevant to NATO-Russia relations, we can also facilitate the OSCE’s work in managing the broader dialogue.

At the signing of the *Helsinki Final Act* in 1975, Gerald Ford, the President of the United States at that time, said that “history will judge this Conference not by what we say here today, but by what we do tomorrow — not by the promises we make, but by the promises we keep.” Re-launching a broad dialogue about the future of European security will give us an opportunity to keep the solemn promise that we all once made: to make this continent truly whole, free and secure.

Anders Fogh Rasmussen is Secretary General of the North Atlantic Treaty Organisation.



A Europe-wide haven of security and human rights

by Thorbjørn Jagland

Very important developments are on the way in Europe. On 1 December last year, the *Treaty of Lisbon* of the European Union entered into force. Article 6 of the Treaty says that the Union shall accede to the *European Convention on Human Rights*. This accession will be an event of great political and legal importance, not only for the European Union, but for the Council of Europe and the citizens of its 47 member states.

What is gradually falling into place is a new, continent-wide zone of dialogue, co-operation and interaction in the areas of democracy, human rights and the rule of law.

The European Union is a global player, and with its huge political and economic clout, it will continue to play the leading role in the process. The Council of Europe, as the guardian of the European Convention on Human Rights, will also play a major role. And of course, this picture is not complete without the vital role and contribution of the OSCE.

We have a joint responsibility — to the citizens we represent — to co-operate as closely as possible and necessary in order to fulfill our respective mandates. These mandates are not identical, in many respects they significantly differ, but the ultimate objective is the same: a Europe which is free, safe, stable and genuinely without dividing lines. The key to understanding the nature of our relationship and co-operation is the concept which is sometimes called soft security, sometimes deep security, sometimes democratic stability. Let me explain.

Sixty years ago, Europe had come to a crossroads. The lesson learned from the two terrible wars we had experienced was that a lasting peace had to be based on more than military stability.

Norms and standards on democracy, human rights and the rule of law, applicable to all and binding for all, were established, and the concept of soft security was born.

The Council of Europe was founded to take care of this dimension of security. Later, the Helsinki Conference was convened and the OSCE established, setting up common rules for peaceful co-existence. Europe moved away from nationalism towards internationalism.

The European Union has added tremendously to this dimension of soft security through the economic and political integration of its member states. The Council of Europe standards on democracy, human rights and the

rule of law served as a basis for European Union integration and European Union enlargement.

The idea of combining hard and soft security is still very relevant to efforts to reinforce predictability and stability in Europe. Hard security cannot function without soft security, and the other way around.

This is why the OSCE has developed its human dimension and a system of political commitments related to the democratic and human rights conduct of its participating States. This is, and must remain, a part and parcel of the OSCE's overall work on security. The fact that the Council of Europe has developed the most comprehensive system of legally binding benchmarks in the area of democracy, human rights and the rule of law in no way challenges this fact. We cannot, should not and will not compete, but we must — and should — co-operate and, whenever possible, favour complementarity over duplication.

Both the Council of Europe and the OSCE are inter-governmental organizations and ultimately we are accountable to the European citizens — and European taxpayers — to provide good value for money.

I believe that there is strong interest and resolve in Brussels, Strasbourg and Vienna to send a clear signal — to our governments and to the people of Europe — that the institutions of Europe are determined to work closely together, in a productive, constructive and effective way. Together, we will be able to deliver what we have been created for — freedom, stability and prosperity for our citizens. That is the future of Europe.

Thorbjørn Jagland is Secretary General of the Council of Europe.

The power and challenge of co-operation

by Oleksandr Pavlyuk

The OSCE and other organizations within its area

Eleven years after adopting the *Platform for Co-operative Security*, which sets out the basic principles and practical modalities of the OSCE's interaction with other organizations and institutions within the OSCE area concerned with promoting comprehensive security, participating States are again turning their attention to this subject.

The *Platform for Co-operative Security*, an operational document of the 1999 *Charter for European Security*, was the culmination of a decade-long effort by the Conference on Security and Co-operation in Europe (CSCE), renamed the OSCE in 1994, to promote co-operative security, of which relations with other organizations in the region were an integral part.

With the end of the Cold War, the European region found itself in a unique situation. It was

home to the CSCE, but also to the European Union (EU), the North Atlantic Treaty Organisation (NATO) and the Council of Europe (CoE), institutions that had proved their value to members and were highly attractive to most non-members in the region. In addition, a whole series of new regional and sub-regional groupings, such as the Central European Initiative, the Organization of the Black Sea Economic Cooperation and the Council of Baltic Sea States had emerged, each of them looking for its role and place in post-Cold War Europe. The post-Soviet states had established the Commonwealth of Independent States, seen by some as a mechanism for managing the Soviet Union's dissolution and by others as a tool for re-integration.

How these various regional actors should interact was a dilemma of both conceptual and practical significance. Should there be one leading organization, a sort of European United Nations, to take the main responsibility for ensuring security and stability on the continent? And if so, could the CSCE/OSCE, being the most inclusive and comprehensive organization in the area and recognized in 1993



French President Jacques Chirac (centre) prepares to sign the *Charter for European Security*, containing the *Platform for Co-operative Security*, at the OSCE Summit in Istanbul, as Georgian President Eduard Shevardnadze (left) and Finnish President Martti Ahtisaari (right) look on, 19 November 1999. (Agence France-Presse)

by the United Nations (UN) as a Chapter VIII regional arrangement, serve this function? Or should there be rather a horizontal interaction of equals, and in this case what would the principles and modalities of such an interaction be?

PLATFORM FOR CO-OPERATIVE SECURITY

The Platform for Co-operative Security, agreed at the 1999 Istanbul Summit, ruled out a hierarchy of organizations in the OSCE area or a permanent division of labour among them. Instead, it promoted a concept of “mutually reinforcing [security] organizations.” Organizations were meant to complement each other in order to avoid duplication of efforts and wasting resources. Maintaining an inclusive and open approach, the Platform identified a set of principles, which applied across all three security dimensions and which members of other organizations were expected to adhere to, individually and collectively, in order for the OSCE to work co-operatively with them. In a way, participating States extended the body of mutually agreed principles and commitments governing the relations among themselves to their collective interaction with other organizations.

The *Platform* also outlined practical modalities of co-operation, both at the headquarters level and in the field, as well as in responding to specific crisis situations. Finally, together with the *Charter*, the *Platform* offered a kind of a special role for the OSCE as “a flexible framework for co-operation” of the various mutually-reinforcing efforts of relevant organizations and institutions, and a “forum for sub-regional co-operation”.

The *Platform* has therefore set in place a system and culture of interaction among organizations and institutions in the OSCE area: inclusive, non-hierarchical, transparent, comprehensive, mutually reinforcing and based on common principles and commitments.

The implementation of the *Platform* modalities has significantly expanded and strengthened the OSCE’s interaction with other international, regional and sub-regional organizations and institutions. Practical examples include the close co-operation developed between the OSCE, the UN and NATO in Kosovo, where the OSCE Mission (OMiK) has served as the institution-building pillar of the UN Mission (UNMiK), while the NATO-led Kosovo Force (KFOR) has provided the security environment. Since 2001, the OSCE has co-ordinated closely with NATO and the EU in implementing the *Ohrid Framework Agreement* that brought peace to the former Yugoslav Republic of Macedonia. It has worked jointly with the CoE on local government development in South-Eastern Europe. Together with the UN

and the EU, the OSCE co-chairs the Geneva discussions, foreseen in the 12 August six-point agreement that brought the 2008 armed conflict in Georgia to an end. The OSCE, UN and EU have co-ordinated closely in dealing with the latest unrest in Kyrgyzstan. The OSCE-led Alliance against Trafficking in Persons has been consolidated as an annual platform for joint advocacy by concerned international and regional organizations.

NEW DEBATE

Today, the web of security actors in the OSCE area has undergone another transformation. Several new organizations have emerged: the Collective Security Treaty Organization was founded in 2002; GUAM (uniting Georgia, Ukraine, Azerbaijan and Moldova) was transformed from a loose grouping into a regional organization in 2006; the Regional Cooperation Council was established in 2008. The OSCE’s traditional partners — the EU and NATO — have considerably expanded both geographically and functionally. They have developed what until recently were the OSCE’s trademarks — civilian capabilities and a comprehensive approach. The increased overlap in membership and mandates calls for closer co-operation and co-ordination, also to ensure the efficient use of financial and human resources — a particular need in times of global financial constraints.

Perhaps the most urgent reason for taking a new look at how the OSCE interacts with other organizations is that today’s complex, transnational security threats and challenges make co-operation more indispensable than ever. Challenges in the areas of energy security and cyber-crime, threats stemming from neighbouring regions, in particular Afghanistan, unresolved protracted conflicts and the sudden flaring up of crisis situations all require a closely co-ordinated effort.

There is a third reason for the renewed attention to relations among organizations and institutions. The broader debate on the future of European security that is taking place first and foremost within the OSCE Corfu Process has revitalized interest in interaction among organizations dealing with security in the OSCE area. This is an evolving debate, reminiscent of the discussions on a security model for Europe from 1995 to 1997 and negotiations on a Charter for European Security from 1998 to 1999. The 2009 Athens *Ministerial Decision on Furthering the Corfu Process* identified interaction with other organizations and institutions on the basis of the *Platform for Co-operative Security* as one of the main topics of future dialogue.

LESSONS TO REMEMBER

In elaborating on this important subject, it might be helpful to contemplate the lessons learned over the past ten years of co-operation.

Firstly, the *Platform*, with its concept of mutually reinforcing security institutions, has stood the test of time. It has allowed for pragmatic and flexible co-operation and co-ordination, building on comparative advantages and excluding a rigid division of labour and subordination of one organization to another. The key challenges here are: How can each and every organization be used to its fullest potential? How can one ensure that co-ordination is timely and efficient? How can burden-sharing be improved in joint endeavours?

Secondly, interaction with other organizations has never been a bureaucratic exercise, but demand-driven action. Consequently, the OSCE plays its role as a framework for co-operation most successfully when prompted by specific needs and situations. In 2002, for instance, when all organizations were elaborating strategies for combating terrorism, adapting their tools and developing new capabilities, the Organization displayed a timely initiative and convened two much appreciated co-ordination meetings with other regional and sub-regional organizations to share experiences and future plans. By contrast, attempts to create new

structures by political prescription, such as the proposal, in the 2003 Maastricht *Strategy to Address Threats to Security and Stability in the Twenty-First Century*, to enhance the functioning of the *Platform for Co-operative Security* by establishing a “new *ad hoc* consultative mechanism”, have been met with reluctance by partner organizations.

Finally, international, regional and sub-regional organizations are tools designed and applied by participating and member States. It is their interests and their will that ultimately determine the quality of co-operation among organizations. If the concept and genuine practice of co-operative security, which have gradually been eroding since 1999, could be revived, if the sense of sharing common values and interests and a common future could return to relations among states, co-operation and co-ordination among organizations in the OSCE region could be enduring and efficient.

The debate among participating States within the framework of the Corfu Process is already breathing new life into the *Platform for Co-operative Security*. Perhaps it could also inject new momentum into the practice of co-operative security? If it does, the *Platform* will maintain its value and continue to provide a solid foundation for co-operation among organizations in the OSCE area.

Engagement with organizations outside the OSCE area

The 1999 *Platform for Co-operative Security* focused on relations with organizations and institutions within the OSCE area. The OSCE had naturally first paid attention to building partnerships that could reinforce the implementation of its mandate of a regional organization.

It wasn't until two years later, in the *Bucharest Plan of Action for Combating Terrorism*, that participating States first pledged to broaden dialogue with regional organizations outside the OSCE area. The catalyst for this was the 9/11 terrorist attacks against the United States, which had immensely sharpened international comprehension of the global reach of security threats in the twenty-first century.

The 2003 Maastricht *Strategy to Address*

Threats to Security and Stability in the Twenty-First Century went a step further, explicitly recognizing that the OSCE region is vulnerable to dangers emanating from adjacent areas, and vice versa. The vision to extend interaction beyond OSCE borders was driven not only by the increased awareness of the trans-boundary nature of new security threats and challenges, but also by the fact that many OSCE participating States and Asian and Mediterranean Partners for Co-operation are at the same time members of other regional organizations. As the OSCE began to establish contacts with these organizations, focusing initially on exchange of experience in preventing and combating terrorism, they were able to play the important role of a bridge.

Another milestone was set by the 2007 *Madrid Ministerial Declaration on the OSCE Partners for Co-operation*, in which participating States encouraged increased sharing of the OSCE's experience in preventive diplomacy and confidence-building as well as further interaction with relevant regional organizations.

A BROADENED DIALOGUE

Dialogue and sharing of experiences with regional organizations from outside the OSCE area have now become a part of OSCE life. Substantively, exchanges have been tailored to the needs and mandates of individual organizations. With the Organization of the Islamic Conference (OIC), they have focused on tolerance and non-discrimination, and increasingly on human rights and election observation, as demonstrated in the recent address by the OIC Secretary General to the OSCE Permanent Council on 6 May 2010. With the League of Arab States (LAS), the OSCE has exchanged experiences regarding small arms and light weapons, conflict prevention and combating terrorism. Confidence- and security-building measures and preventive diplomacy have been the topics of talks with the ASEAN Regional Forum (ARF) and the Conference on Interaction and Confidence-Building in Asia.

When the African Union (AU) and the LAS recently set up Peace and Security Councils, they visited the OSCE Secretariat for in-depth briefings on early warning, conflict prevention and post-conflict rehabilitation. The AU delegates returned to their headquarters “with high impressions of their discussions, exposures and experiences at the OSCE,” as a follow-up letter to the OSCE Secretary General stressed.

The learning experience has been mutual. The OSCE has been able to share the merits of a comprehensive and co-operative approach to security and has itself learned from the working methods and instruments of other regional organizations. For instance, the Counter-Terrorism Network set up by the OSCE Secretariat

to share information among practitioners is modelled on a similar network established and maintained by the Secretariat of the Organization of American States.

NEXT STEP?

All in all, less than a decade after the adoption of the *Bucharest Plan of Action*, the OSCE has laid down a solid foundation for ties with regional organizations outside the OSCE area, despite limited resources available and natural constraints of distance and geography. The continuing interest on both sides gives grounds for optimism regarding the future of this dialogue.

It is further encouraging that within the ongoing Corfu discussions on interaction with other organizations and institutions, some participating States have called for a more active involvement with out-of-area regional organizations.

Given the trans-national nature of today's threats and challenges, it might indeed be timely for the OSCE to consider going beyond the mere exchange of experiences and expertise that has characterized this initial stage of interaction. It may wish to explore, on the basis of the 1999 *Platform for Co-operative Security*, more practical ways of engaging with regional organizations in other parts of the world — particularly with those overlapping the OSCE area — in addressing the concrete threats and challenges we all face.

Oleksandr Pavlyuk is Head of External Co-operation at the OSCE Secretariat in Vienna.



The Secretary General of the Organization of the Islamic Conference, Ekmeleddin Ihsanoglu, addresses the OSCE Permanent Council, Vienna, 6 May 2010. (OSCE/Staniislava Gaydazhieva)

Operational Document - The Platform for Co-operative Security

Charter for European Security, OSCE Summit, Istanbul, 18-19 November 1999

I. The Platform

1. The goal of the Platform for Co-operative Security is to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area.

2. The OSCE will work co-operatively with those organizations and institutions whose members individually and collectively, in a manner consistent with the modalities appropriate to each organization or institution, now and in the future:

- Adhere to the principles of the Charter of the United Nations and the OSCE principles and commitments as set out in the Helsinki Final Act, the Charter of Paris, the Helsinki Document 1992, the Budapest Document 1994, the OSCE Code of Conduct on politico-military aspects of security and the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century;
- Subscribe to the principles of transparency and predictability in their actions in the spirit of the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures;
- Implement fully the arms control obligations, including disarmament and CSBMs, to which they have committed themselves;
- Proceed on the basis that those organizations and institutions of which they are members will adhere to transparency about their evolution;
- Ensure that their membership in those organizations and institutions is based on openness and free will;
- Actively support the OSCE's concept of common, comprehensive and indivisible security and a common security space free of dividing lines;
- Play a full and appropriate part in the development of the relationships between mutually reinforcing security-related institutions in the OSCE area;
- Are ready in principle to deploy the institutional resources of international organizations and institutions of which they are members in support of the OSCE's work, subject to the necessary policy decisions as cases arise. In this regard, participating States note the particular relevance of co-operation in

the areas of conflict prevention and crisis management.

3. Together these principles and commitments form the Platform for Co-operative Security.

II. Modalities for Co-operation

1. Within the relevant organizations and institutions of which they are members, participating States will work to ensure the organizations' and institutions' adherence to the Platform for Co-operative Security. Adherence, on the basis of decisions taken by each member State within relevant organizations and institutions, will take place in a manner consistent with the modalities appropriate to each organization or institution. Contacts and co-operation of the OSCE with other organizations and institutions will be transparent to participating States and will take place in a manner consistent with the modalities appropriate to the OSCE and those organizations and institutions.

2. At the 1997 Ministerial Meeting in Copenhagen, a decision was taken on the Common Concept for the Development of Co-operation between Mutually Reinforcing Institutions. We acknowledge the extensive network of contacts elaborated since then, in particular the growing co-operation with organizations and institutions active both in the politico-military field and in the human and economic dimensions of security, and the strengthening of co-operation between the OSCE and the various United Nations bodies and agencies, recalling the OSCE's role as a regional arrangement under the Charter of the United Nations. We are determined to develop this further.

3. The growing importance of subregional groupings in the work of the OSCE is another important area, and we support the growth in co-operation with these groups based on this Platform.

4. Development of co-operation can be further enhanced through extensive use of the following instruments and mechanisms:

- Regular contacts, including meetings; a continuous framework for dialogue; increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings;

and other contacts intended to increase understanding of each organization's conflict prevention tools.

5. In addition, the OSCE may engage in special meetings with other organizations, institutions and structures operating in the OSCE area. These meetings may be held at a political and/or executive level (to co-ordinate policies or determine areas of co-operation) and at a working level (to address the modalities of co-operation).

6. The development of the OSCE field operations in recent years has represented a major transformation of the Organization. In view of the adoption of the Platform for Co-operative Security, existing co-operation between the OSCE and other relevant international bodies, organizations and institutions in field operations should be developed and built upon in accordance with their individual mandates. Modalities for this form of co-operation could include: regular information exchanges and meetings, joint needs assessment missions, secondment of experts by other organizations to the OSCE, appointment of liaison officers, development of common projects and field operations, and joint training efforts.

7. Co-operation in responding to specific crises:

- The OSCE, through its Chairman-in-Office and supported by the Secretary General, and the relevant organizations and institutions are encouraged to keep each other informed of what actions they are undertaking or plan to undertake to deal with a particular situation;
- To this end, participating States encourage the Chairman-in-Office, supported by the Secretary General, to work with other organizations and institutions to foster co-ordinated approaches that avoid duplication and ensure efficient use of available resources. As appropriate, the OSCE can offer to serve as a flexible framework for co-operation of the various mutually reinforcing efforts. The Chairman-in-Office will consult with participating States on the process and will act in accordance with the results of these consultations.

8. The Secretary General shall prepare an annual report for the Permanent Council on interaction between organizations and institutions in the OSCE area.



INTERVIEW WITH OSCE SECRETARY GENERAL MARC PERRIN DE BRICHAMBAUT

Hard work and determination required by all

by Ursula Froese

Ursula Froese: This is a challenging year for the OSCE — Kyrgyzstan is in turmoil, the Corfu discussions are intense, the Organization is working towards a prospective summit. How do you define the role of the Secretary General?

Secretary General Marc Perrin de Brichambaut: The role of the Secretary General is to be a doer, to make things work, because there is a never-ending flow of problems that have to be addressed in the Organization. The Secretary General has to be a lookout, scanning the horizon for new developments, emerging threats and situations to which the Organization must find a rapid and effective response. And he acts as a guardian, ensuring that OSCE decisions are implemented and that participating States remain aware of their common commitments and values. As Secretary General, I support and represent the Chairperson-in-Office and oversee the executive operations of the

Organization. These days, with the crisis in Kyrgyzstan, for instance, my role is to advise the Chairmanship, to co-ordinate meetings in the Secretariat and with delegations, to maintain constant contact with our Centre in Bishkek and develop proposals for the Chairmanship and the participating States.

Last year, the OSCE launched the Corfu Process to discuss the future of European security, responding to the impetus given by Russian President Dmitry Medvedev and French President Nicolas Sarkozy in 2008. What is your sense of where the Corfu Process is going?

The Corfu Process has been a chance for the participating States to take stock of what has been achieved within the framework of comprehensive security, to refresh their understanding of the commitments they share, and to measure their willingness to renew their sense of trust and common purpose and chart

OSCE Secretary General Marc Perrin de Brichambaut, Vienna, 11 June 2010
(OSCE/Susanna Löf)

a common course for the future. Discussions have been intense; many proposals are on the table, on new approaches to conflict prevention and management, combating transnational threats, enhancing work in the economic and environmental dimension, improving implementation of human dimension commitments, improving follow-up to election monitoring. An interim report of the discussions held in the framework of the Corfu Process was presented and an informal meeting of ministers in Almaty in July will determine substance for a possible summit of the Organization. It is a difficult and demanding exercise, but it is vital — for restoring trust and building confidence, and also for renewing the engagement of all participating States to their commitment to co-operative and indivisible security. On this basis, we will be able to work together more strongly to tackle the problems we face and the challenges that we share.

One of the topics of the Corfu Process discussions is the OSCE's interaction with other organizations and institutions. This was a matter of debate already in the 1990s, eventually leading to the adoption of the *Platform for Co-operative Security* at the Istanbul summit in 1999. As head of the French delegation to the CSCE from 1991 to 1994, how did you experience these discussions?

The debate was lively, there were several different visions of how security should be guaranteed in Europe after the end of the Cold War. The delegates were divided. There were those who wanted a prominent role for the CSCE in ensuring security and stability on the continent, and to transform the CSCE into a fully-fledged regional organization with its own Charter. Another group wanted co-operation with other international organizations to be on an equal, transparent and flexible basis, taking into account the comparative advantages of each. With the agreement of the *Platform for Co-operative Security* in 1999, it was the latter point of view that was adopted. The *Platform* foresees non-hierarchical co-operation among mutually reinforcing organizations in the OSCE area. The OSCE works in close co-operation with many international organizations, the United Nations, the Council of Europe, but also the North Atlantic Treaty Organisation, the European Union and the Collective Security Treaty Organization. I have no doubt that the participating States can do more to make greater use of the potential role of the OSCE as a platform for pan-European security, as the place where all actors come together, as a clearing house for work on the common objective of co-operative and indivisible security.

On an operational level, the organizations with which the OSCE co-operates are often specialized in their fields. What quality does the OSCE bring to these partnerships?

What is special about the OSCE is that it brings the different aspects of security together into a single organizational structure. Other regional and international organizations approach issues mainly on a sectoral basis. The OSCE has been unique in integrating the human, economic and environmental and politico-military aspects of security, all three equally essential to real, long-term stability. The OSCE is a permanent forum for consultation, it has a unique capacity to generate ideas and approaches which can sometimes be taken up and implemented by specialized organizations. It is also an actor, weaving these different strands together in practice, on a daily basis — sometimes in very challenging circumstances.

What role remains for the OSCE in the area of military security, given the current landscape of military security organizations?

The OSCE is an important consultative forum for politico-military security. The Forum for Security Co-operation meets every week; it has negotiated important agreements on military transparency, in particular on confidence- and security-building measures, the latest version being contained in the *Vienna Document 1999*. These measures are discreet, they work behind the scenes, in background mode, so to speak, but are extremely useful. The politico-military *Code of Conduct* was a groundbreaking achievement in setting standards for the democratic control of the armed forces. We have the *Document on Small Arms and Light Weapons* and the *Document on Stockpiles of Conventional Ammunition*. Recently, in Ukraine, we initiated the biggest project which the OSCE has ever had, the destruction of 16,000 tonnes of the highly toxic rocket propellant mélange, which could easily create an environmental disaster as the containers are corroding. The *Open Skies Treaty* and the *Treaty on Conventional Forces in Europe*, although the latter is partially suspended, remain significant and relevant. The Forum for Security Co-operation has also been contributing to the Corfu discussions. Should there be better mechanisms in place for crisis response? Should the OSCE do more in the area of non-proliferation? These are some of the questions on the agenda.

What role is there for civil society actors in the work of the OSCE?

The OSCE has always taken into account the views and concerns of civil society. From the

beginning, there has been an ongoing dialogue, not only with NGOs, but also with business groups and the academic world. Civil society is at the heart of the solution to the problems the OSCE addresses and of the lasting outcome. NGOs raise issues and specific concerns, reminding participating States of their commitments, and OSCE institutions and field operations draw on their expertise and knowledge to implement their projects. OSCE meetings, the annual human dimension meetings and high-level conferences on tolerance and non-discrimination are open to the participation of civil society groups, where they have the opportunity to raise issues with participating States on an equal footing.

This year marks the 20th anniversary of the Charter of Paris for a New Europe, in which participating States proclaimed a new era of peace, democracy and unity in Europe. What relevance does the Charter retain for us today?

The *Charter of Paris* is a forward-looking document, and the vision that it set out is far from attained. Participating States determined in the *Charter* that their co-operation would henceforth be based on democracy, human rights and the rule of law, and agreed a long list of guidelines for the future, including a far-reaching and diversified body of commitments in the human dimension, on political and military security, economic co-operation, the environment, culture, migrant workers, as well as co-operation with our partner countries and non-governmental organizations. The *Paris Charter* remains a very modern document, open for implementation. Democratic progress based on individual rights is a key element of peace and stability over the long horizon, and that is something that requires consolidated, sustained efforts. We now have democracy in a number of places where the forms are in place, but the life of all the elements that make up a democracy, in terms of civil society, of parties, of freedom of speech, freedom of the media, of the openness of the democratic process of balloting is not quite there. The global financial downturn has created circumstances that strengthen trends of placing stability ahead of democratic principles. The task of building a Europe that is whole and free and at peace with itself remains a work in progress — there is still a lot to be done.

Many of today's security threats are global in nature and often emanate from non-state actors. How does this change the nature of the OSCE's work?

The OSCE is always adapting, as new threats and challenges evolve it needs to find new, innovative solutions, in co-operation with its

partners. There is a broad common basis for enhanced efforts in combating trans-national threats — preventing and combating terrorism, fighting organized crime, promoting cyber security — due to the commonality of participating States interests. New threats present the challenge of breaking new ground, and determining the specific role of the OSCE. The comparative advantage of the OSCE is its broad membership and geographic scope, its key role as a forum for political dialogue, and its expertise in developing comprehensive, cross-thematic responses.

Looking to the future, do you see the OSCE expanding geographically?

We have the Mediterranean and the Asian Partners for Co-operation, and together with them we are addressing challenges arising from outside the OSCE area, principally from Afghanistan. The OSCE has assisted international efforts and the Afghan government strategies in the areas of border security and management, training of police and customs officers, combating drug trafficking and election observation. Co-operation could be expanded to include project activity inside Afghanistan, but this would require consensus among the participating States. New organizations are developing outside the boundaries of the OSCE and we are engaging with them. But it is also important not to overstretch our limits, not to lose sight of where our real strengths lie. Security in the Euro-Atlantic and Eurasian area still requires hard work and determination by all. Promoting the security of the Euro-Atlantic and Eurasian area is inextricably tied to this task.

A co-ordinated response in Kyrgyzstan

Hours after violent unrest toppled the government in Kyrgyzstan on April 8, leaving over 80 dead, the Special Envoy of the OSCE Chairperson-in-Office, Zhanybek Karibzhanov, arrived in Bishkek. He held daily meetings with the United Nations (UN) Secretary-General's Special Envoy Ján Kubiš and the European Union (EU) Special Representative for Central Asia, Pierre Morel, to ensure synergy among the three organizations' work.

Karibzhanov conferred extensively with the Kyrgyz provisional government to help defuse tensions and encourage political dialogue, voicing a common position agreed with the UN. He was supported in the talks by Herbert Salber, the Director of the OSCE Conflict Prevention Centre, and Adil Akhmetov, the OSCE Parliamentary Assembly President's Special Representative. Active mediation by the OSCE, the UN and the EU paved the way for a solution to the immediate political impasse: the ousted President, Kurmanbek Bakiyev, left the country.

OSCE Chairperson-in-Office Saudabayev came to Bishkek on 20 April, after consulting with top UN, EU and international government leaders, to hold talks with the head of the provisional government, Roza Otunbayeva, and other key government and international figures.

The OSCE's long-standing Centre in Bishkek, which has a field office in Osh and an unparalleled network of contacts throughout the country, initiated emergency response measures to restore public order, improve inter-communal relations, strengthen the rule of law and democracy and support business. It helped to publicize the constitutional referendum, planned for 27 June, and trained journalists and human rights defenders on responsible crisis reporting. On 29 April, the OSCE Permanent Council allocated €200,000 in contingency funds to the Centre.

An Office for Democratic Institutions and Human Rights long-term mission arrived in Kyrgyzstan on 20 May to observe the referendum process, including in the south of the country.

In June, when the political crisis escalated into a humanitarian tragedy in southern Kyrgyzstan, Karibzhanov immediately returned to Kyrgyzstan to develop concrete measures to stabilize the situation. Again, daily meetings with the UN and EU Special Representatives formed the basis of his work.

The OSCE High Commissioner on National Minorities, in a rare activation of a special provision in his mandate, issued an early warning on 12 June on the threat to peace and stability that a further breakdown in inter-ethnic relations would pose to the region. A Special Permanent Council meeting held on 14 June in Vienna heard his report. UN Special Envoy Kubiš also



The OSCE Chairperson-in-Office, Kazakhstan's Secretary of State and Foreign Minister, Kanat Saudabayev, meets with the head of the provisional government of Kyrgyzstan, Roza Otunbayeva, in Bishkek, 20 April 2010.

MINISTRY OF FOREIGN AFFAIRS OF KAZAKHSTAN/IVAS OIMAROV

addressed the meeting, expressing the UN Secretary-General's determination to assure a co-ordinated response to the crisis.

In a second Special Permanent Council meeting on 15 June, the participating States issued a *Statement on the Situation in Kyrgyzstan*. They echoed the UN Secretary-General's intention to co-operate closely with other international organizations, and this was further confirmed in a joint statement by the OSCE, the UN and the EU Special Envoys in Bishkek on 16 June.

The Chairmanship has been actively engaged in consultations with the participating States on additional OSCE assistance to the Kyrgyz authorities and society, in order to support the restoration of the rule of law and engage the process of long-term stabilization and normalization.

Statement on the Situation in Kyrgyzstan adopted by the Permanent Council on 15 June 2010

The Permanent Council:

- Expresses its deep concern over the recent developments in the southern regions of Kyrgyzstan, taking note of the early warning issued by the High Commissioner on National Minorities;
- Deplores the loss of lives and expresses the deepest sympathies of the OSCE community to the families of the victims;
- Acknowledges that the stability of Kyrgyzstan directly affects the security of the whole region;
- Calls for the rapid restoration of peace, public safety and the rule of law and calls upon all communities in Kyrgyzstan to refrain from violence and exercise restraint;
- Welcomes the discussion on the current situation in the United Nations Security Council on 14 June 2010 and affirms that it will continue to support Kyrgyzstan, building upon the ongoing efforts of the Special Envoy of the Chairperson-in-Office, the OSCE Centre in Bishkek, the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights; and
- Reaffirms that the OSCE stands ready to assist Kyrgyzstan upon its request in resolving the current crisis, preventing the spillover of tensions in the region, and in promoting post-conflict rehabilitation, and to work in close co-ordination and co-operation in this respect with the UN and other relevant international actors on the ground, and urges the international community to provide immediate humanitarian aid.

Container security

Engaging with international partners to prevent terrorism

by Mehdi Knani



The global container transport system is a critical component of the infrastructure supporting the world economy. More than 90 per cent of global freight moves by containers, with more than 400 million shipments annually.

Containers go by sea, air and land, and a multitude of public and private actors are involved in their handling and movement across borders and jurisdictions. Containers can be easy to tamper with in the course of their journeys and are therefore vulnerable to criminal abuses such as cargo theft and various forms of trafficking. With the 9/11 terrorist attacks against the United States, governments around the world became increasingly concerned over possible targeting or misuse of the

container transport system by terrorists, for instance to deliver a weapon of mass destruction. This mobilized the international community to better secure the system.

Several countries launched national programmes with the dual goal of securing container transport and at the same time making it more efficient, the United States taking the lead with its *Customs-Trade Partnership against Terrorism*. Specialized global organizations, such as the World Customs Organization (WCO), the International Maritime Organization (IMO) and the International Civil Aviation Organization began addressing the issue and developed international standards on their pieces of the container transport security puzzle.

Malta Freeport, Malta. The Customs Department of Malta organized a guided visit of the port for participants in the OSCE Workshop on an Integrated Approach to Supply Chain Security for the Mediterranean Region on 17 December 2009. (OSCE/ Mehdi Knani)



The OSCE, for its part, rallied to build political will in support of these initiatives. Participating States mandated the Secretariat to promote the exchange of information and best practices on container security, and to lend support to efforts in this field by international organizations.

In 2005, the OSCE became one of the first organizations to endorse the *WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE)*. Truly global in scope, with the customs administration members of the WCO processing more than 98 per cent of world trade, the *SAFE Framework* sets standards for advance electronic cargo information, risk management, non-intrusive container inspection and possible benefits for complying businesses.

THE OSCE AS A TRANSMISSION BELT

The OSCE's role in promoting container security is typical of how a regional organization can add value to global counter terrorism efforts. "This may be best described by the concept of a 'transmission belt' between the global and national levels," explains Raphael Perl, head of the Secretariat's Action against Terrorism Unit (ATU). "Regional organizations can help channel downwards objectives, approaches and measures agreed upon at the global level. They can serve as a multiplying force by supporting the outreach and capacity building activities of specialized global organizations within their respective regions," says Perl.

The ATU's close collaboration with the WCO in support of the *SAFE Framework* is a case in point. "The *SAFE Framework's* implementation is essential to driving the modernization of customs administrations so that they can meet the challenges and opportunities of the twenty-first century," says Vitali Mikeladze, Regional Development Manager for Europe at the WCO Capacity Building Directorate. Under the *WCO Columbus Programme*, the ATU has helped to organize national *SAFE* workshops for five

OSCE participating States, enabling the countries to draw up strategic action plans for implementing the *SAFE Framework*. "We are now discussing whether and how the OSCE can provide assistance for specific actions under these national plans, such as providing equipment and supporting cross-border co-operation," says Mikeladze.

Another track followed by the ATU has been to promote the *Code of Practice on Security of Ports*, developed jointly by the International Labour Organization (ILO) and the IMO. Marios Meletiou, Transport Specialist at the ILO, recalls how the OSCE was instrumental in avoiding a piecemeal approach. "I first engaged with the ATU at the Technical Expert Workshop on Container Security that they organized in Vienna in 2005," he recalls. "I asked them to help promote our *Code of Practice* and they suggested that we expand the related training package to also cover the work of other organizations." A modified package, that included information on the WCO, the European Commission, the International Atomic Energy Agency and the United States government was tested a year later at a joint OSCE/ILO training workshop in Istanbul.

PLATFORM FOR CO-OPERATION

The global supply chain is complex and securing it requires a comprehensive vision and coherent action. In 2007, participating States encouraged the OSCE to serve as a platform where international organizations and national authorities could join forces to develop an integrated approach to supply chain security. They also gave the Organization a mandate to promote co-operation between state authorities and the private sector in countering terrorism.

The ATU put this into practice for the first time by organizing the *Workshop on an Integrated Approach to Supply Chain Security for the Mediterranean Region* in December 2009 in Malta. In addition to experts from 17 countries, including five OSCE Mediterranean Partners



1 A container is towed for inspection by a mobile x-ray scanner mounted on a truck, Malta Freeport, 17 December 2009. (OSCE/Mehdi Knani)



2 The general manager of the container terminal in Poti Seaport, Georgia, explains the handling and warehousing of containers during an OSCE-facilitated needs assessment visit, May 2010. (OSCE/Mehdi Knani)

for Co-operation, 20 international organizations and private sector associations attended the workshop. A review of the full picture of current international, regional and key national initiatives on supply chain security stimulated reflection on the best way forward to make it as cost-effective and consistent across the different modes of transportation as possible. Building on the workshop's success, the ATU is now offering to organize similar events for other sub-regions of the OSCE.

LOOKING AHEAD

The workshop in Malta also opened a new door for co-operation with the United Nations Office on Drugs and Crime (UNODC).

Ketil Ottersen manages the Container Control Programme (CCP), a joint UNODC-WCO venture launched in 2005.

The CCP helps developing countries train law enforcement officials to identify and inspect high-risk freight containers, in order to prevent illicit trafficking.

"We started the CCP with a focus on key ports in Latin America and Africa. We are now moving east and decided to engage with the OSCE," says Ottersen. "To begin with we have agreed to work together in response to an assistance request from Georgia," he explains.

The ATU facilitated a needs assessment visit to Georgia by a team of UNODC and WCO experts in May 2010. The team held several meetings with law enforcement agencies in

Tbilisi and visited the ports of Batumi and Poti on the Black Sea. The findings of the mission now serve as a basis to define modalities for implementing the CCP in Georgia, and deciding how the OSCE can help further.

ATU co-operation with the WCO is also expanding. The ATU was recently granted observer status to the *SAFE* Working Group, which meets twice a year at the WCO to discuss implementation progress and possible improvements of the *SAFE Framework*. The ATU has also started supporting WCO workshops for the European region on key *SAFE* standards. In June 2010, it co-sponsored a workshop at the St. Petersburg branch of the Russian Customs Academy, on the use of non-intrusive inspection technologies by customs to scan suspicious containers.

Securing container shipments to deter illicit trafficking remains a priority for the international community. Significant progress has been achieved, but there is still much work ahead. The ATU's engagement with international partners to make sure that existing tools are used and countries receive the assistance they need to enhance container security is typical of the Unit's approach in all its eight thematic programmes.

Mehdi Knani is Assistant Programme Officer in the Action against Terrorism Unit at the OSCE Secretariat. He manages the Unit's programme on enhancing container and supply chain security.

OSCE commitments on container and supply chain security

Sofia, 2004: Ministerial Council Decision No. 9/04

"[The Ministerial Council] decides that OSCE participating States will act without delay in accordance with their domestic legislation, and necessary resources available, to enhance container security, based on best practices and on norms and standards to be agreed internationally."

Ljubljana, 2005: Ministerial Council Decision No. 6/05

"All OSCE participating States should take measures recommended in the *WCO Framework of Standards to Secure and Facilitate Global Trade* as soon as possible. [...]"

Madrid, 2007: Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy

"The OSCE will continue its activities aimed at promoting supply chain security, especially by supporting and facilitating the capacity-building work of the World Customs Organization in implementation of the *Framework of Standards to Secure and Facilitate Global Trade* and will endeavour to serve as a platform for co-ordination and co-operation between relevant international organizations and national authorities for the development and application of an integrated approach to supply chain security."

Madrid, 2007: Ministerial Council Decision No. 5/07

"[The Ministerial Council] decides to task the Secretary General and OSCE institutions to continue to promote the involvement of the private sector (civil society and the business community) in their counter-terrorist activities, where relevant and appropriate."



Forming a lasting alliance to combat trafficking in human beings

by Caraigh McGregor and Vera Gracheva

Trafficking in human beings is one of the most ubiquitous and complex security threats we face. Involving people from all participating States and all walks of life, it is sometimes committed by individuals, much more often by organized criminal groups, frequently linked with other profitable illegal enterprises, such as people smuggling, illicit trade in drugs and weapons, corruption, document fraud, money laundering and even terrorism. It is often remarked that organized criminals engaging in this modern form of slavery communicate and co-operate better across ethnic and national lines than do governments or international organizations, even in post-conflict zones, and that they are one step ahead of those working to combat their activities. The transnational organized crime of human trafficking clearly requires a consolidated, unified response.

ALLIANCE AGAINST TRAFFICKING IN PERSONS

This point was taken extremely seriously and translated into action by the first OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Helga Konrad. In intense consultations with the Chairperson-in-Office, the Secretary General, participating States and potential partners, she proposed establishing an informal platform for co-operation among international and non-governmental organizations (NGOs) active in the fight against human trafficking. The initiative received a warm welcome from all, and in July 2004 the Alliance against Trafficking in Persons was born.

The spirit of the Alliance remains strong. Hosted and chaired by the current Special Representative, Maria Grazia Giammarinaro, it combines the efforts of its now over 40 members to develop joint strategies and set a common agenda to stamp out modern slavery. Annual high-level conferences and technical seminars held in Vienna bring the best possible knowledge and expertise to the participating States and, at the same time, provide a global perspective on anti-trafficking activities being undertaken by the international community. In June 2010 in Vienna, the Special Representative convened the *10th Alliance against Trafficking in Persons Conference*, which shed light on a particularly hidden form of trafficking, domestic servitude.

The Alliance Expert Co-ordination Team (AECT), which meets twice a year, serves as a consultative forum for the partners. "The Alliance is a good example of how the OSCE can work in a strong partnership to address transnational threats," said Giammarinaro at its latest meeting. "In this impressive environment, I will continue to work in the spirit of my predecessors. At the same time I intend to further develop the OSCE's unique cross-dimensional anti-trafficking efforts and take both

a broader and deeper approach to anti-trafficking policy, centred on a human rights approach, in the context of co-operative security," she declared.

OTHER PARTNERSHIPS

In line with the OSCE *Platform for Co-operative Security*, the Office of the Special Representative also contributes to other anti-trafficking forums, such as the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). It recently co-ordinated the innovative UN.GIFT study, *Analyzing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*. "Much of the prevention focus to date has been on the potential victim. This study is an excellent first step towards developing deeper understanding of the criminal side of the human trafficking equation," says Ruth Pojman, Deputy OSCE Co-ordinator, who first proposed the idea for the project.

Recently, the Office collaborated with the International Organization for Migration (IOM), an Alliance and UN.GIFT partner, to edit and print the Russian version of the IOM *Handbook on Direct Assistance for Victims of Trafficking*, widely used by NGO service providers who work directly with those rescued from modern slavery. Reflecting the fact that each trafficked person is unique, the *Handbook* contains practical guidance on how to assist victims from initial contact and screening up to their effective social reintegration. The translated edition assures access to this effective tool for a wide spectrum of Russian-speaking NGOs.

Another partner is the International Governmental Organizations Contact Group on Human Trafficking and Migrant Smuggling, an informal group of mostly Geneva-based international organizations and NGOs working on trafficking, initiated by the Office of the United Nations High Commissioner for Human Rights a few years ago. The Special Representative contributed to a meeting of the Contact Group in May.

Partnerships, be they at the global, regional or even local level, prove effective in the fight against modern slavery when they are based on a shared understanding of trafficking and respect for human rights. That remains the cornerstone of the OSCE's collaboration in combating this transnational crime of global dimensions.

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Vera Gracheva is Senior Advisor to the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.



The Environment and Security Initiative: a concurrence of strengths

by David Swalley

The heat is almost unbearable as a dozen men in yellow reflective clothing rush past me through the pine stands towards the crackling fire and billowing cloud of smoke ahead. The fire-fighters work feverishly with picks and shovels, clearing a five-meter firebreak to halt the advancing blaze. The crew chief barks orders over his short-wave radio to other fire-fighters standing next to fire trucks on the gravel roadway behind me, ready to engage their water pumps should the fire jump over the break. Eventually, the team gains control of the flames and directs them into the fire-break, where they lose their force. The second line of fire-fighters open up their water hoses,

extinguishing the last sparks, everyone relaxes and the less glamorous work of mopping up begins.

The demonstration I have just witnessed is part of an advanced course organized by the Antalya Regional Forestry Directorate of Turkey together with the OSCE and the Environment and Security (ENVSEC) Initiative. The fire-fighters' performance is impressive. But what makes this course truly extraordinary is that it brings together officers from Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, the former Yugoslav Republic of Macedonia, Georgia and the Russian Federation. Not only are these technical specialists

Firefighters douse a fire in the advanced course organized by the Antalya Regional Forestry Directorate of Turkey together with the OSCE and the ENVSEC Initiative. (OSCE/David Swalley)



gaining valuable skills to bring back home, they are also sharing experiences with their colleagues from neighbouring countries.

Confronting environmental threats, which typically know no borders, to build security and confidence among states is exactly what the ENVSEC Initiative is all about. A partnership of international organizations that grew out of discussions after the 2002 *OSCE Economic Forum*, ENVSEC is dedicated to finding solutions for environmental hazards before they cross national borders and cause political instability. With a budget of approximately €30 million, the ENVSEC Initiative is currently implementing around 45 projects in South-Eastern Europe, Central Asia, the South Caucasus and Eastern Europe.

Six organizations each bring their own special attributes to the ENVSEC partnership. The OSCE, with its regional security mandate and field missions, lends important political support. The United Nations Environment Programme (UNEP) and the United Nations Development Programme contribute environmental expertise and sustainable development approaches. The United Nations Economic Commission for Europe, holder of five multilateral environmental conventions, provides legal frameworks of co-operation. The Regional Environmental Centre for Central and Eastern Europe leads environmental efforts in its region. Finally, the North Atlantic Treaty Organisation's Science for Peace and Security Programme, an associate partner, facilitates scientific co-operation.

Getting the different mandates and approaches of these organizations to mesh smoothly is a challenge that is tackled by a central management board, regional desk officers and a Secretariat based at the UNEP Regional Office for Europe in Geneva. Officers work hard to refine communications and co-ordination among the partner organizations and also among participating ENVSEC countries. The Finnish government has recently pledged €6.5 million to further strengthen the ENVSEC Secretariat and implement additional projects throughout the region.

HOW IS AN ENVSEC PROJECT DEVELOPED?

From day one, national ownership has been the driving philosophy of the ENVSEC Initiative. National government ministries, civil society organizations and academics provide ENVSEC partners with a compendium of environment and security issues which they regard as priorities. These perspectives are merged with those of neighbouring states to

produce regional assessment reports, on the basis of which ENVSEC partners develop concrete projects and mobilize political support. In doing so, they work closely with national authorities and civil society organizations.

Since environment and security issues are relevant not only to environmental ministries, ENVSEC has recently begun to encourage the formation of national working groups in which other ministries and civil society organizations are represented as well. These groups help ENVSEC to focus resources and expertise on the problems that are the most urgent for the people on the ground.

OSCE field operations often provide important on-the-spot assistance to the ENVSEC Initiative. Reciprocally, as a recent experience in Armenia has shown, ENVSEC can assist field operations in carrying out their mandates.

OBsolete PESTICIDES IN ARMENIA: ACTING QUICKLY TO DIVERT DISASTER

In March of this year, the OSCE Office in Yerevan received an urgent request from the Ministry of Emergency Situations of Armenia to assess the environmental and health risks of a burial site for obsolete pesticides in Nubarashen, half an hour's drive from Yerevan.

The thirty-year-old site dates from a time when the use of organo-chlorine pesticides such as DDT, which are now banned, was widespread. To contain expired chemicals, the Soviet government used to conduct pesticide sweeps, collecting huge amounts into large storage facilities like the one at Nubarashen. According to official records, the Nubarashen site holds over 500 tonnes of at least 31 different types of pesticides.

Residents and NGOs, in particular the Armenian Women for Health and a Healthy Environment, have been worried about the health risk posed by the obsolete chemicals for years. The pesticides are buried on a hillside that is prone to landslides. More than one thousand people live less than one kilometre away, in the villages, Jrashen, Geghanist and Moushakan.

The Office responded to the Ministry's request by contacting ENVSEC via the OSCE Secretariat in Vienna. The OSCE submitted a proposal to the ENVSEC management board and it was unanimously approved. An international expert, John Vijgen, was sent to Armenia to launch a detailed assessment of the situation.

AN UNEXPECTED EMERGENCY

Vijgen arrived in Armenia on April 11 and began preliminary discussions with ministries and NGOs organized by the OSCE Office in Yerevan. But a visit to the storage site brought a shocking surprise.



1 ENVSEC expert John Vijgen and Armenian experts inspect the devastation of the pesticide site in Nuburashen, Armenia, April 2011. (Armenian Women for Health and Healthy Environment/Elena Manvelyan)



2 The Nubarashen pesticide burial site is in a landslide prone area less than a kilometer from inhabited villages. (Armenian Women for Health and Healthy Environment/Elena Manvelyan)

“I knew the site from photos from 2003, and it had been completely devastated,” recounts Vijgen. “Everything was open and pesticides were scattered over the whole area,” he says.

The situation was now not one of long-term risks, but a high emergency. Cattle grazing near the exposed pesticides could die, or their milk could be contaminated. Most importantly, there was an imminent danger that rain, which is especially heavy in the spring, would wash the poison to the villages located downhill from the open landfill.

The OSCE Office in Yerevan reported the finding to the Armenian Government, which made a rapid decision to grant US\$80,000 for short-term emergency measures, while bringing in international organizations such as the Food and Agriculture Organization to assist in determining long-term remediation measures. It has ordered an investigation into the illegal excavation of the burial site.

Steps are being taken to reclose the site safely. Soil and surface water samples are being taken downstream of the site and the groundwater examined to determine the spread of the contamination. “It will be important to verify if the one and a half metres of clay that, according to the site design held by the Ministry of Agriculture, should be forming the foundation of the site, is really there,” says Vijgen. “This is crucial. If there is no clay layer present, there is a chance that the pesticides will have leached into the surroundings.”

Also under investigation is the amount of

pesticide actually present. “The first impression is that there are more than the originally indicated 500 tonnes of pesticide waste,” says Vijgen.

In addition to determining immediate measures, ENVSEC and the Office in Yerevan are keeping the broader perspective clearly in view. “It is important to use this opportunity to take an inventory of all the pesticide storage sites in Armenia, and determine a way to get rid of the hazard once and for all,” says Ambassador Sergey Kapinos, Head of the Office in Yerevan.

ENVSEC and the OSCE Office in Yerevan are working together closely to secure funding for a feasible long-term solution for the Nubarashen site. This could mean improving the existing facility, neutralizing the pesticides on-site or removing them to be treated elsewhere.

In line with ENVSEC practice, the solution that is eventually chosen will be based on careful consultation with the residents, the experts and the authorities.

David Swalley is an Economic and Environmental Affairs Officer in the Office of the Co-ordinator of OSCE Economic and Environmental Activities at the OSCE Secretariat in Vienna.



Bringing hope to Aralsk

The long fight to save the Aral Sea

by William Metzger

Visitors arriving at the train station in Aralsk, a town of 40,000 in southern Kazakhstan, are welcomed by a realist mosaic announcing, “We will answer Lenin’s letter with 14 train cars of fish.” The statement is a testament to Aralsk’s history as a proud fishing port, cradled on the banks of the North Aral Sea. Today, Aralsk is miles from the water. The rusty remains of Aralsk’s fishing fleets are beached in a parched and salty desert. The local economy is devastated, the basin population is plagued by health problems, and trans-boundary water disputes threaten regional stability. The disappearance of the Aral Sea is one of the world’s worst environmental tragedies.

Understanding the severity of the problem, the five Central Asian states established the International Fund for Saving the Aral Sea (IFAS) in 1993. The Fund recently launched a new programme to co-ordinate international funding of complementary projects for the years 2011-2015. At the IFAS summit in April 2009, Kazakh President Nursultan Nazarbayev proposed using the occasion of his country’s 2010 OSCE Chairmanship “to define the importance of Aral Sea issues and attempt to launch a full-scale dialogue.” OSCE Chairperson-in-Office Kanat Saudabayev later announced that addressing the Aral Sea’s challenges was a major Chairmanship priority.

United Nations Secretary General Ban Ki-moon has also drawn attention to the Aral Sea problem in the

OSCE context. Speaking at the Permanent Council in Vienna last April, he called it “a collective responsibility, shared among communities and shared among nations of the international community, which demands collective action.”

The OSCE Centre in Astana has moved quickly to respond. In November 2009, it signed a Memorandum of Understanding with IFAS’s Kazakhstan branch and it has prepared plans for a comprehensive extra-budgetary project on water management in the Aral Sea basin.

“This is the first time there is an OSCE field mission in a Chairmanship country, and I see our engagement on the Aral Sea as a model for how this relationship can work,” says Head of Centre Ambassador Alexandre Kelchewsky.

FLIGHT OVER THE ARAL SEA

A primary challenge in facing the Aral Sea crisis is bringing experts’ knowledge and international organizations’ capacity for implementing projects together. In May 2010, the OSCE Centre in Astana, together with IFAS Kazakhstan, invited over 70 senior diplomats, representatives of international organizations, local and national government officials, non-governmental organizations and experts to Kyzylorda for a roundtable on water security in Kazakhstan’s Aral Sea basin, followed by a flight over the North Aral Sea. For most, it was a rare first opportunity to

witness the extent of the environmental tragedy. The sights from the plane were sobering.

“During the flight, the views and perspectives of scientists and practitioners merged into a real understanding of the contemporary problems and potential of the region,” commented Benjamin Mohr, an Aral Sea project manager from the German development organization GTZ.

During the fly-over, participants saw the results of efforts to save parts of the Aral Sea. Among the most prominent of these was the Kokaral Dam, a structure financed by the World Bank. The dam was designed to corral more water into the North Aral Sea and since the dam’s completion in 2005, water has started to return. Another hopeful sight from the plane was a newly formed lake system that promotes biodiversity and gives local fishermen new sources of livelihood.

As the plane closed in on Aralsk, the pilot announced that he had calculated the distance from the Aral shore to the city to be 18 kilometres — closer than he had ever seen before. The Aralsk mayor, on board the plane, couldn’t hide his elation. He said he hopes water will soon reach the city. This milestone would be a small victory in the long fight to save the Aral Sea.

William Metzger is a graduate of the Georgetown School of Foreign Service.

Boating on a tideway below the Kokaral dam (EC IFAS/Kanat Ospanov)

Cliffs showing the former water level of the Aral Sea (OSCE/Aiman Smagulova)

Woman from the North Aral Sea fishing village, Karateren (EC IFAS/Kanat Ospanov)

Joining forces in South-Eastern Europe to thwart the drug trade

by Thorsten Stodiek

In 2007, the law enforcement authorities of Slovenia, Romania, Hungary, Bulgaria and Turkey collaborated to trace the illegal shipment of chemicals used to manufacture heroin through their countries. “Operation Plastenka” resulted in five arrests and the seizure of about 20 tonnes of precursor chemicals.

Drug trafficking in South-Eastern Europe remains a serious and multi-faceted problem. Without cross-border operations such as the one described above, known in law enforcement parlance as “controlled deliveries”, identifying trafficking routes and perpetrators would often be impossible.

“Controlled delivery” shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more states, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence.”

— *United Nations Convention against Transnational Organized Crime*

Many elements have to come together for police co-operation between different countries to work. *The United Nations Convention against Transnational Organized Crime (UNTOC)* goes a long way towards ensuring that different states speak the same language. UNTOC provides a clear definition of controlled deliveries and requires parties to make use of them when appropriate. The OSCE’s Strategic Police Matters Unit (SPMU) works hard with the United Nations Office on Drugs and Crime (UNODC) to encourage participating States to ratify and implement this comprehensive and legally binding treaty.

Just as essential, especially in a region like South-Eastern Europe, which has recently emerged from military conflict, is building trust among civil law enforcement agencies and setting up detailed rules under which they

can co-operate. This is the aim of the *Police Cooperation Convention for Southeast Europe*, signed by Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Moldova, Romania and Serbia and Montenegro in 2006. The SPMU has joined forces with regional organizations to promote this important legal framework. It includes a chapter on controlled deliveries, stipulating that they must be carried out under national law and spelling out conditions for inter-state requests, seizures and arrests.

A CONTROLLED DELIVERY MANUAL

Even with global and regional regulations in place, conducting a controlled delivery can be difficult. Arrangements have to be made quickly, and success or failure can hinge on something as banal as getting the right telephone number of a counterpart in a neighbouring country.

Operation Plastenka was co-ordinated through a regional police organization dedicated to rapid information exchange, the South-east European Cooperative Initiative Regional Centre for Combating Trans-border Crime (SECI Centre). In 2008, the SPMU teamed up with the SECI Centre to make controlled deliveries easier to arrange.

Together, they developed the *Controlled Delivery Manual for South-East European Countries*. Completed in 2009, the *Manual* provides brief descriptions of national legislation or rules governing controlled deliveries and explains how to request them. Most critically, it provides details on how to reach authorizing persons across the region.

“The SECI Centre, with its capacity for information exchange, was the most natural partner for the OSCE in this endeavor,” says Valery Korotenko of the SPMU, who managed the project. The OSCE was responsible for overall planning, compiling data and editing the manual, while the SECI Centre collected data from its 13 member countries.

“We consider the *Controlled Delivery Manual* to be one of the most successful projects we have been involved in. It’s a very practical and highly useful tool,” says Dejan Radusinović of the SECI Centre. “The SECI Centre has committed itself to keeping the manual updated,” he adds.

LOCAL OWNERSHIP

Fostering local ownership is a major consideration for the SPMU in all of its police-related activities, which range from supporting police reform in line with the principles of democratic policing to combating trafficking in drugs and human beings, fighting terrorism, preventing

the sexual exploitation of children and improving the situation of Roma and Sinti.

By maintaining a good working relationship with regional organizations and institutions, the OSCE ensures that its initiatives meet specific needs and are appropriate to the political and cultural environments of host states.

In view of the OSCE's increasing engagement with Central Asia, the SPMU, based on its experience in South-Eastern Europe, is intensifying its support for transnational law enforcement co-operation in that region. The Collective Security Treaty Organization (CSTO) and the Central Asia Regional Information and Co-operation Centre (CARICC) are key regional institutions that will play a major role in this process.

Declares Kevin Carty, the OSCE's Senior Police Adviser: "SPMU will continue to implement its mandate, working closely with participating States, Partners for Co-operation and international organizations to develop efficient and effective law enforcement to defeat transnational crime."

Thorsten Stodiek is a Police Affairs Officer and Advisor on Research and Analysis in the Strategic Police Matters Unit at the OSCE Secretariat in Vienna.

Improving the representation of women in policing

Providing women police officers in South-Eastern Europe with a platform where they can exchange experiences and develop strategies for increasing the representation of women in the police forces of the region, which now stands at between 10 and 20 per cent, is the aim of a Southeast Europe Police Chiefs Association (SEPCA) project now underway to develop a Woman Police Officers Network for South-Eastern Europe, due to be launched by the end of 2010.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Regional Cooperation Council (RCC) proposed the idea to SEPCA in October 2008, which immediately embraced the initiative.

The OSCE Mission to Serbia has provided funds, hosted expert group meetings and, most crucially, assisted the Serbian Interior Ministry and the expert group in conducting a survey of over 4,000 policewomen in eight countries. "The survey report should give a powerful impetus to gender mainstreaming within the police services in the region," says Branka Bakić, who is leading the Mission to Serbia's efforts.

Other OSCE field operations, ODIHR and the SPMU are also supporting the process. The United Nations Development Programme (UNDP) and its South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) have been on board since 2009. The Regional Cooperation Council (RCC) has played a co-ordinating role from the beginning.

"This is an excellent example of regional players — SEPCA and RCC — and international players — the OSCE and UNDP — pooling their forces to improve the gender situation in policing," says Predrag Vijičić of the RCC.



The SPMU's main regional partners in South-Eastern Europe

Southeast European Cooperative Initiative Regional Centre for Combating Trans-border Crime (SECI Centre), soon to be renamed the Southeast European Law Enforcement Co-operation Centre (SELEC), created in 1995, exchanges information among its 13 member countries to dismantle organized crime networks.

Southeast Europe Police Chiefs Association (SEPCA), founded in 2002, develops strategies and projects to strengthen democratic policing in the region.

Southeast European Prosecutors Advisory Group (SEEPAG), in existence since 2005, assists states in harmonizing their laws and providing mutual legal assistance on matters such as extradition and freezing of financial assets.

Regional Cooperation Council (RCC), which succeeded the Stability Pact for South Eastern Europe in 2008, co-ordinates initiatives in many fields, including law enforcement.

“The participating States express their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government and reaffirm that the recognition of these rights and freedoms constitutes the foundation of freedom, justice and peace.”
— *Copenhagen Document*, Article 1

The Copenhagen Document

An idea whose time had come

Twenty years ago, in the space of a few short months, the barriers dividing Europe into East and West came down so quickly that the Conference on Security and Co-operation in Europe (CSCE), which had laboured for well over a decade to propel the process, suddenly found itself scrambling to keep up. The Berlin Wall fell in November 1989, a wave of democratization swept the Warsaw Treaty states soon after, and by the time the CSCE Foreign Ministers convened in Copenhagen on 5 June 1990 to open the second of three Human Dimension Conferences that had been mandated by the Vienna Follow-up Meeting less than two years before — in itself a remarkable achievement —, the conference agenda, geared to the long implementation reviews characteristic of Cold War CSCE meetings, had become obsolete.

In typically flexible CSCE style, the delegates shifted their negotiations — made much more complicated by the disappearance of clear, opposing blocs — to four informal working groups that convened parallel to the official sessions. Within three and a half weeks, they compiled 43 new proposals and 36 proposals carried over from the first Human Dimension Conference in Paris the previous year into what remains one of the richest and most definitive internationally agreed catalogues of human and democratic rights in existence.

Hailed at the time by the head of the Soviet negotiating team, Yuri Rehetov, as “a new European constitution”, the *Copenhagen Document* contains unprecedented provisions on free and democratic elections, the rights of national minorities, including the rights of Roma and Sinti, limitations on states of emergency, the right to leave and return to one’s country, the right to enjoy private property, freedom of association, freedom of conscience and freedom of expression. But perhaps what makes the *Copenhagen Document* most noteworthy, and marks its originality as the document of a security organization, is that it binds human rights commitments to a system of government that is democratic, pluralistic and characterized by the rule of law.

In contrast to traditional human rights agreements, the *Copenhagen Document* treats rights not just as a matter of the relationship between the state and the individual, but insofar as they are ensured by democratic institutions and taken note of by fellow participating States. The fact that for the first time

a human rights provision, permitting the presence of observers at court procedures, is called a “confidence-building measure” — a term theretofore restricted to military arrangements — underlines the fact that this is a document designed to ensure stability — not only within but also among states. This latter aspect of the *Copenhagen Document* was given further weight at the third Human Dimension Conference held in Moscow in 1991, when participating States declared human rights and democracy to be matters of direct and legitimate concern to all and adopted an enhanced mechanism to verify and express this concern.

The *Copenhagen Document*’s understanding of the rule of law is itself outstanding for its substantive breadth. Insisting that it goes beyond just enforcing democratic order, the participating States affirmed that it flows directly from the recognition of human dignity: “[The participating States] consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement

of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.”

Addressing the Conference, German Foreign Minister Hans-Dietrich Genscher spoke of the irresistible strength of an idea whose time had come. “Man with his inherent dignity and inalienable rights is everywhere becoming the yardstick of political and social life,” he said.

The *Copenhagen Document*’s firm grounding of government and the rule of law in the recognition of human dignity is a legacy for the OSCE’s work for security in all its dimensions.



“Last year in Paris we commemorated the bicentenary of the French Revolution. This year, in Copenhagen we can reap a rich harvest from the European Revolution in 1989,” proclaimed Danish Foreign Minister Uffe Ellemann-Jensen at the opening of the second Conference on the Human Dimension in Copenhagen on 5 June 1990. (Polfoto)



Promoting the rule of law in OSCE field operations

by Charles E. Ehrlich

Although legal traditions and approaches differ among OSCE participating States, current understanding of the rule of law has grown out of Article 5 of the 1990 *Copenhagen Document*, which lists 21 essential elements of justice, ranging from free elections, representative government and equality under the law to governmental accountability. These aspects were explicitly understood within the context of the CSCE, with participating States confirming in Article 4 that “they will respect each other’s right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems.”

Article 5 of the *Copenhagen Document* lists the following essential elements of justice: free elections; representative government; government compliance with the constitution; clear separation between state and political parties; government, administration and judiciary act in accordance with the law; military and police under the control of civil authorities; human rights and fundamental freedoms guaranteed by law; legislation published and accessible; all persons equal before the law; effective means of redress against administrative decisions; administrative decisions fully justifiable; independence of judges; independence of legal practitioners; clear definition of powers in relation to prosecution; right to be brought before a judge upon arrest; right to a fair and public hearing; right to defend oneself and receive legal assistance; criminal offences must be provided for by law; everyone will be presumed innocent until proven guilty.

conflict Societies, which has become a point of reference for the general international approach, defined the rule of law to include all-encompassing governance issues. In contrast to the *Copenhagen Document*, however, it provided a separate definition for “justice,” restricting the latter to the more formal justice system.

The development of this agenda in the years immediately following the Copenhagen Conference included the creation of OSCE field operations. Initially deployed to address conflict situations, they were subsequently given more long-term and generalist mandates. They began to promote the rule of law in the broad sense of good governance, touching on a wide range of security issues, often within the human dimension, thereby enhancing the comprehensive approach to security stemming from the 1975 *Helsinki Final Act*, which the participating States have an obligation to fulfill in partnership.

The OSCE remains at the forefront in this area. The United Nations (UN) has followed. The UN Secretary-General’s 2004 report, *The Rule of Law and Transitional Justice in Conflict and Post-*

The European Union (EU) has deployed several field missions with what it terms “rule of law” components, including within the OSCE area to places which already had OSCE field operations. With the EU missions often dwarfing their OSCE counterparts in size and budget — for example, in Kosovo, where the EU Rule of Law Mission (EULEX) has nearly 2000 international police, judges, prosecutors and other law and justice personnel — it is important to understand the value the OSCE field operations add in the area of rule of law.

While the EU missions have often focused their promotion of the rule of law on strengthening civil authority in the police and justice sectors, OSCE field operations work on a broader front to assist government authorities in fulfilling the rule of law components of their comprehensive OSCE commitments. With their long-term mandates, they have greater flexibility to respond to developments in their areas and to assist the local authorities in holistic systemic reform. OSCE field operations further underscore the OSCE’s fundamental respect for working within the legal systems of each participating State, while assisting them in upholding and fulfilling their OSCE commitments. They therefore continue to play a crucial role in this sector.

OSCE field operations in South-Eastern Europe, in particular, have worked with the respective authorities in order to ensure the incorporation of certain fundamentals into the legal process, as concerns arise. They regularly scrutinize, comment on, and assist in drafting legislation to ensure not only that it complies with applicable European standards, but also that it is structured in a way that the authorities can effectively implement it. OSCE rule of law components also address the functionality of the state through development of secondary legislation, particularly to ensure equal treatment under the law. In Kosovo and Bosnia and Herzegovina, the OSCE Missions’ extensive regional and municipal presence has been an important source of information on how government affects individuals across society, enabling them to assist the authorities in improving these conditions. This has extra importance with respect to non-majority ethnic communities and other at-risk groups.

Often overshadowed by higher-profile thematic areas, the rule of law components of OSCE field operations thus perform an important role, effectively working with governmental authorities to assist them in the fulfillment of OSCE commitments through a broad concept of good governance.

Charles E. Ehrlich is an independent legal consultant based in Vienna. He has previously served with the OSCE Mission in Kosovo, the OSCE Secretariat and the OSCE Mission to Georgia.



The Copenhagen Document and administrative justice in the OSCE

by Carsten Weber

The *Copenhagen Document* spelled out commitments regarding the functioning of the administrative justice system. Yet for a long time, OSCE field operations and the Office for Democratic Institutions and Human Rights (ODIHR) chose to focus their support for the rule of law predominantly on criminal justice assistance programmes. This was a general trend in other international organizations as well.

Why this reluctance to tackle administrative justice? In the post-conflict situations in which many field operations were operating, it may have seemed that criminal justice courts, working closely with the police, were more closely linked to urgent security threats, whereas public administration, municipal authorities and their acts, could wait until a minimum of security had been achieved.

Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.

Administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available.

— *Copenhagen Document*,
Articles 5.10 and 5.11

In recent years, this view has been increasingly challenged, both within the OSCE and without. A comprehensive study by the Swedish Folke Bernadotte Academy entitled *Rule of Law in Public Administration: Problems and Ways Ahead in Peace Building and Development*, released in 2008, demonstrates the close connection between administrative justice and security. Especially in fragile political situations, the study argues, a well-functioning administration can boost the confidence of citizens and enhance a state's legitimacy, while a corrupt and poorly functioning one can increase tensions and heighten the risk of conflict. Indeed, whereas the number of persons that come into contact with the criminal justice system is relatively low, everyone needs administrative services, ranging from the registration of birth to property titles, so the potential for disturbances is high.

For the OSCE, as a security organization, the lesson is clear, and attention to administrative justice is growing. The Mission in Kosovo, for instance, after monitoring criminal justice since 1999 and civil justice since 2004, began a comprehensive review of the laws on administrative procedures and disputes and their application in 2006. The results, published in the 2007 *Report on the Administrative Justice System in Kosovo*, made recommendations regarding the justification of administrative decisions, the availability of interim measures and the right to a hearing.

DISCUSSING FUNDAMENTALS

Approaches to administrative justice vary widely among participating States. This came to light at a forum on criminal justice in Central Asia organized by ODIHR in 2008, in a discussion of due process such as the right to a fair trial with regard to criminal and administrative offences codes. It became clear that experts were not always on the same page. Some saw administrative justice not only as a system of citizens' rights to services and how to exercise them, but also as means to sanction citizens for minor infractions, sometimes even with detention.

A session on administrative justice and remedies was consequently included in the 2009 *Human Dimension Seminar on Strengthening the Rule of Law in the OSCE Area*. Participants compared different models of judicial review of administrative decisions and differences in its scope, especially regarding decisions made by administrative authorities exercising their discretionary powers. Also on the agenda was the problem of administrative offences and the guarantee of a fair trial.

The discussion generated great interest and some delegations specifically requested ODIHR to create programmes on administrative justice, organize discussion platforms and perhaps develop a methodology on monitoring administration proceedings before the relevant courts in the OSCE participating States. Similar recommendations were made at a rule of law expert workshop organized by the Hamburg-based Centre for OSCE Research (CORE) in Vienna in February 2010.

ELECTORAL DISPUTES

ODIHR recently started to look more deeply into one specific area of administrative justice: electoral disputes. This topic builds a bridge between administrative justice and another rule of law topic that is also covered by a vast number of OSCE commitments, including in the *Copenhagen Document*: judicial independence. In no other case might judiciaries be under more pressure from often two or more different political sides. This shows that administrative justice cannot be tackled in isolation. It is embedded in the overall rule of law framework and needs to be treated as such.

It appears that among OSCE participating States, the interest in administrative justice is steadily growing. Certainly much more needs to be done and ODIHR takes recommendations addressed to the Office very seriously. With its broad understanding of the rule of law in terms of fundamental rights and democratic institutions, as enshrined in the *Copenhagen Document*, the OSCE is well equipped to meet this challenge.

Carsten Weber is Chief of the Rule of Law Unit in the OSCE Office for Democratic Institutions and Human Rights in Warsaw.



The Copenhagen Document and minority rights

by Dmitri Alechkevitch

This year marks the 20th anniversary of the first internationally agreed detailed list of national minority rights in the OSCE region. With the adoption of the *Copenhagen Document* in 1990, participating States affirmed that the respect for the rights of persons belonging to national minorities was an integral part of the body of universally recognized human rights and an essential factor of security. The *Copenhagen Document's* provisions on national minorities, united in a special section of the document (Articles 30 to 40), went beyond previous negative measures against discrimination and inequality, contained for instance in the 1966 *International Covenant on Civil and Political Rights*, to argue for positive minority rights.

The *Copenhagen Document* obliges participating States to take steps to protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and

The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.
— *Copenhagen Document*, Article 30

to create conditions for the promotion of that identity. It contains the first reference in an international agreement to autonomous administrations as one of the possible means to protect ethnic identity. Several articles affirm the right of persons belonging to national minorities to freely use their mother tongue in private and in public, to receive instruction in their mother tongue and to use it before public authorities.

Heading the section on minority rights is a key provision (Article 30) establishing a clear link between minority rights and the rule of law, affirming that a

democratic political framework and a functioning independent judiciary are prerequisites for resolving questions relating to these rights. Effective remedies allow for a right to be used, not just held.

Belonging to a national minority, according to the *Copenhagen Document*, is “a matter of a person’s individual choice” (Article 32). This self-identification of minorities limits the potential abuse of terminology by states and neatly sidesteps the definition debate. A definition that is too wide would become meaningless, whereas a narrow one may not be applicable to all national minorities.

Read together with the *Report of the CSCE Meeting of*

Experts on National Minorities in Geneva of the following year, the *Copenhagen Document* forms a comprehensive expression of the consensus of participating States on minority rights and freedoms. While not legally binding, these standards carried strong expectations and have had a clear impact on policy setting in the OSCE region. They have also influenced the work of other organizations. The Council of Europe’s 1995 *Framework Convention for the Protection of National Minorities* explicitly acknowledges “the documents of the Conference on Security and Co-operation in Europe, particularly the *Copenhagen Document* of 29 June 1990.”

The post of the OSCE High Commissioner on National Minorities was established in 1992. Over the years, the High Commissioner’s thematic recommendations have provided additional clarifications and guidelines, which assist the participating States in their domestic policies and inform the OSCE’s work for stability and peace in minority-majority relations. Implementing the commitments of the *Copenhagen Document* remains high on the OSCE agenda.

Dmitri Alechkevitch is a Political Advisor to the OSCE High Commissioner on National Minorities in The Hague.



Assessing elections in established democracies

Why ODIHR sends observers and experts to countries across the entire OSCE region

by Jens-Hagen Eschenbächer

The *Copenhagen Document* prescribed for the first time a comprehensive catalogue of standards that countries must respect when organizing an election. All participating States pledged to hold periodic, democratic elections that express the will of the people. And all agreed to invite international observers to monitor their elections.

The observation of elections is among the OSCE's most high-profile activities. The presence of international observers helps to bolster the electorate's confidence in the election process, deter fraud and identify possible shortcomings that need fixing.

This has been particularly important in states making the transition to democracy following the end of the Cold War. The Office for Democratic Institutions and Human Rights (ODIHR) has therefore traditionally focused its observation activities on these countries. But recently, and still largely unnoticed by the general public, ODIHR has been increasing the number of election missions it sends to longer-standing democracies with well-established election processes. "In fact, the deployment of assessment missions to countries such as the United States, France or Switzerland has become routine for us," says Nicolas Kaczorowski, the head of ODIHR's election department.

A routine for ODIHR perhaps, but in some of the countries that now find themselves subjected to international scrutiny of their democratic credentials, the presence of ODIHR election observers is occasionally met with raised eyebrows, or even outright criticism.

Do the critics have a point? Is it not a waste of tax-payers' money to send international observers to countries that have proven that they can organize democratic elections? And does the presence of international observers not infringe on national sovereignty?

Ambassador Janez Lenarčič, the director of ODIHR, sees two main reasons why long-standing democracies should not be excluded from election observation. "Firstly, all OSCE

participating States are under the same obligation to implement election-related commitments and to invite international observers to verify this. And secondly, our experience has shown that established democracies are not immune from election-related problems and that they can benefit from international expertise in addressing such problems."

No participating State is exempt from the commitments made in Copenhagen in 1990: they apply equally to all. Nor can any country fend off scrutiny of its democratic practice by referring to the principles of sovereignty or non-interference into internal affairs. Meeting in Moscow in 1991, a year after the Copenhagen Conference, participating States adopted the groundbreaking provision according to which human rights and democracy commitments, including those related to elections, are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the state concerned.

CLEAR BENEFITS

Strong democracies — countries with a multi-party system, respect for fundamental freedoms, a functioning administration and judiciary, independent media and a pluralistic civil society — generally have the capacity to detect and remedy election-related problems themselves. So are they inviting ODIHR missions just because they are obliged to?

Far from it. An election assessment is a service from which countries with a long-standing democratic history can clearly benefit. While outright electoral fraud such as ballot box stuffing or the falsification of results is extremely rare in well-developed electoral systems, ODIHR missions have often identified issues such as party and campaign financing, access to the media, complaints mechanisms and electronic voting provisions as meriting reform in established democracies.

"Our added value is the external independent expertise we bring to the process," explains Kaczorowski. "This serves to draw attention to existing weaknesses that have not been addressed adequately. And it can result in initiating or renewing the momentum of electoral reform processes, also taking into account the experiences made in other countries."

One example where ODIHR's report linked closely with an ongoing reform process is in Norway. Following every election, Norwegian authorities and parliament review the process with a view to making improvements. After last year's parliamentary



elections, where ODIHR deployed an Election Assessment Mission, authorities worked closely with ODIHR to follow up on the recommendations made. The ODIHR experts' recommendations included giving consideration to restricting candidates from working in polling stations and reviewing a provision obliging citizens to stand as candidates if nominated, even against their will. Following meetings in both Oslo and Warsaw, the follow-up process culminated in inclusion of such amendments into a larger set of proposed reforms. Norway also presented its follow-up activities to other participating States, sharing its model for including ODIHR recommendations in electoral reform processes.

REFINING OBSERVATION TOOLS

Standard election observation missions with hundreds of short-term observers deployed to monitor election-day proceedings are neither useful nor necessary for countries with high levels of public confidence in the electoral process and little concern about irregularities during the voting and vote count.

With this in mind, ODIHR has refined its methodology and developed a variety of election mission formats tailored to different needs. The options available now range from large-scale observation missions looking at the entire election process to

small expert teams focusing only on aspects identified as being potentially problematic.

The geographic location of a country or the length of its democratic tradition play no role in ODIHR's decision on the format of an election mission, stresses Lenarčič. "East or West, long-standing democracy or new democracy — these categories are not important to us. We only look at the facts, and we look at each country individually. What determines our decision is the legal and institutional framework in place and the level of confidence the electorate and the candidates have in the process."

International scrutiny of national elections is well on the way to becoming a well-established practice across the entire OSCE region. In fact, only a handful of OSCE participating States have not had one of their elections assessed by ODIHR. The openness shown by countries with long democratic traditions is of benefit not only to them but also to others, says Lenarčič. As mature and self-confident democracies, they can serve as positive examples for countries that still meet election observation with suspicion and fear of international interference.

Jens-Hagen Eschenbächer is Spokesperson of the OSCE Office for Democratic Institutions and Human Rights.



Julian Peel Yates, leader of the ODIHR team that monitored the Austrian presidential elections in April 2010, speaks with Austrian television journalist Eugen Freund about election monitoring in established democracies. "It's a wholly cost-effective instrument — a small number of experts for a limited number of days — and it provides a very valuable opportunity for those countries to benefit from expert, objective, fundamentally constructive international assessment, comment and, where necessary, advice," says Peel Yates. (OSCE/Susanna Löff)

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