

Efforts and Possibilities of the OSCE in Combating Terrorism

Pointing out that the preoccupations of the international security community changed after the terrorist attacks in the US on 11 September 2001 will get you no points for analytical skills. Thus, although the OSCE had for years hesitated to carry out a thorough analysis of its capabilities in addressing terrorism, it is not surprising that all the participating States showed full and unanimous willingness to contemplate this question after the horrible events. Following the swift adoption by the Permanent Council of a decision condemning the attacks, stating the determination of the states “to unite and put an end to terrorism” and underlining that this should be done “acting together with the entire international community”¹, an OSCE informal open-ended Working Group on Combating Terrorism was established on 28 September 2001. The then Romanian Chairmanship-in-Office gave the Group the mandate to prepare a draft text on combating terrorism to be adopted by the Ministerial Council in December 2001 and to make recommendations for a plan of action for the OSCE. In this article, the primary focus will be placed on the results of this work and on how they may be implemented by the various components of the OSCE. By contrast, the activities to be taken on by individual participating States will not be a main point of interest, since we are dealing here with the possibilities and limitations of the OSCE as an organization.

In accomplishing its task, the Group had, simultaneously, both a little and a lot to go by: *little* in the way of available texts, documents and agreed OSCE language, but *a lot* in terms of useful and relevant activities already carried out by the OSCE and particularly in terms of the willingness of delegations to work constructively on establishing a new text.

Some formulations on this did, of course, exist. Already in the 1975 Helsinki Final Act, participating States committed themselves to refraining “from direct or indirect assistance to terrorist activities”. Throughout the 1980s, more extensive wording on the condemnation and combating of terrorism was agreed, often on the initiative of states directly affected. In the 1999 Charter for European Security, participating States pledged to enhance their “efforts to prevent the preparation and financing of any act of terrorism (...) and deny terrorists safe havens”. It was clear, however, that a wider range of activities and commitments was called for, if a true profile for the OSCE in preventing and combating terrorism was to be defined. There was a need to consider

1 OSCE, Permanent Council, Decision No. 438, Decision by the Permanent Council on the Acts of Terrorism in New York City and Washington, D.C., PC.DEC/438, 13 September 2001.

how the OSCE could contribute comprehensively to international efforts in this regard, how it could support the United Nations as the framework for international endeavours, and how it could add value to actual or planned activities in other international forums, all at that time actively considering their own possible contributions and roles. It became necessary to pose the question: Does the OSCE possess the characteristics and tools enabling it to take on tasks in the struggle against terrorism? Although the OSCE has neither military nor economic might, the answer was “yes” and a yes, indeed, for a number of very specific reasons.

In the Plan of Action adopted at the Ministerial Council held in Bucharest on 3-4 December 2001, the strengths and comparative advantages of the OSCE were identified as being the Organization’s “comprehensive security concept linking the politico-military, human and economic dimensions; its broad membership; its experience in the field; and its expertise in early warning, conflict prevention, crisis management, post-conflict rehabilitation and building democratic institutions”.² It was also recognized that “many effective counter-terrorism measures fall into areas in which the OSCE is already active and proficient, such as police training and monitoring, legislative and judicial reform, and border monitoring”.³

Indeed, the very basis of the Organization made it particularly relevant in a context of new threats and challenges to security and the global efforts to counteract them. Compared to other more “hard-nosed” international actors, the OSCE’s soft profile proved to be its competitive edge. A good deal of the existing activities and tools of the OSCE could be viewed in the context of combating terrorism. That is to say, the challenge for the Working Group was not so much to come up with a long list of new jobs for the OSCE to take on but rather to consider and evaluate existing tools and mechanisms in the light of this new challenge and to regroup and develop them from this perspective. One major advantage of this approach was that it allowed the OSCE to reach consensus about a relatively concise, yet comprehensive Plan of Action at a time when other international organizations - and for that matter national agencies - were still in the phase of developing their views on their function in combating terrorism within their own area of operation. Perhaps more importantly, at least in the longer term, this approach necessitates increased co-operation and co-ordination between the OSCE’s different institutions and structures, all called upon to accomplish tasks in similar fields and with the same objective.

It follows from this approach that central elements of the Plan of Action are focused on combating social, economic, political and other factors that engender conditions in which terrorist organizations are able to recruit and win

2 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 395.

3 Ibid.

support. It should be noted that taking on commitments and providing assistance to participating States in such areas has important interlinkages with advances in the more general OSCE objectives of furthering democratization and stability in the entire region. The OSCE can and does contribute to *institution building and strengthening the rule of law*, for example, through assistance to developing an independent judiciary and better administrative capacity, strengthening national human rights or ombudsman institutions and promoting good governance, as rendered by the Office for Democratic Institutions and Human Rights (ODIHR) and by the missions. These efforts, if successful and long-lasting, will open peaceful channels for addressing grievances and improving the quality of life available to citizens.

Further, the OSCE can and does contribute to *promoting tolerance and multiculturalism*, primarily, of course, through the work of the High Commissioner on National Minorities, but also through the monitoring, early warning activities and projects of the Representative on Freedom of the Media, ODIHR and the field missions. Preventing and combating violence, intolerance, extremism and discrimination against people belonging to ethnic minorities and at the same time working to promote respect for the rule of law, democratic values and individual freedoms among these persons can contribute towards removing violence and terrorism from the toolkit of accepted forms of behaviour between ethnic groups even in times of conflict between them and can also serve to reduce the frequency and intensity of such conflict.

The OSCE has become increasingly aware that it can and must take part in the efforts of the international community to *address negative socio-economic factors*. According to the OSCE Secretariat, four areas have been identified as being primarily relevant for developing social prospects and prevention of terrorism: good governance, support to educational systems, small and medium-size enterprise development and international trade relations.⁴ While, as is often stated, the OSCE is not a donor organization, it does have the capacity to take on a catalytic role in formulating projects, promoting co-operation between relevant agencies and organizations, and mobilizing support, primarily through the Office of the Co-ordinator of OSCE Economic and Environmental Activities, and through the field missions. Contributing to improved socio-economic prospects for individuals and groups as well as countering poverty and large economic disparities may make resorting to violence and extremism less likely options.

In this regard, it should also be recognized that the *environmental* part of the mandate of the Co-ordinator and of some missions could also come into play. An interesting perspective in this context is offered by the project envisaged by the OSCE Mission to Georgia - in co-operation with the International Atomic Energy Agency (IAEA) - to salvage and safely store radioactive materials which could otherwise fall into misuse for terrorist purposes.

4 Cf. OSCE Secretariat's Road Map on Terrorism, SEC.GAL/35/2/Rev.1, p. 6

It is clear that these and related efforts are all long-term and do not in themselves suffice to eradicate terrorism. Therefore, agreement was also reached that the OSCE could offer assistance in processes more immediately and directly connected to terrorism: Remaining within the purview of the Office of the Economic Co-ordinator, *suppressing money laundering and the financing of terrorism* is of utmost importance in the efforts to root out terrorism. In this area, assistance may be offered to the relevant authorities and agencies in participating States on implementing recommendations such as those of the Financial Action Task Force (FATF) and on administrative technologies and instruments available to prevent financial flows to terrorists. It may also foster co-operation between institutions within countries and across borders. In this connection, also the Decision of the Permanent Council of 11 July 2002 should be noted in which the participating States committed themselves to completing the FATF questionnaire on meeting the eight special FATF recommendations by 1 September 2002.⁵ By the beginning of September, more than ten states had given notice that they had submitted their questionnaires. A number of commitments were agreed with a view to *supporting law enforcement and fighting organized crime*. There are clearly interlinkages between terrorism and transnational organized crime, such as trafficking in human beings, arms or drugs. For instance, the channels used for trafficking may well also be used by terrorists when crossing borders, and also funds raised by illegal means can go towards financing terrorism. Recognizing this, participating States commit themselves in the Bucharest Plan of Action to preventing such activities on their own territories and to offering each other assistance in exchanging information on criminal proceedings in this regard. A role for the OSCE as such is envisaged in a number of ways. These include assistance to increased border monitoring, capacity-building vis-à-vis police structures, as well as exchange of information and best practices among practitioners in the field. Police training is, indeed, one of the central areas of OSCE expertise, particularly in the Balkans. With the establishment at the 2001 OSCE Ministerial Meeting in Bucharest of a strengthened policing capacity in the Secretariat, ways of applying this experience in other regions may be found. Border monitoring is also already being carried out in Georgia and is recognized to have contributed generally to confidence building in the region. Plans already exist for ODIHR - and the International Organization for Migration (IOM) - to conduct training for border guards at the Regional Training Centre for Border Guards being set up in Almaty, Kazakhstan. Furthermore, assistance can be offered to legislatures in drawing up appropriate legislation and in establishing and strengthening legal institutions that uphold the rule of law. One very interesting and future-oriented aspect under the above area is the agreement that the OSCE Representative on Freedom of the Media should support the elaboration of legislation on preventing the abuse

5 Cf. OSCE, Permanent Council, Decision No. 487, Financial Action Task Force (FATF) Self Assessments on Terrorist Financing, PC.DEC/487, 11 July 2002.

of information technology for terrorist purposes. This commitment should be viewed in connection with the ongoing work on cybercrime in the Council of Europe, which has culminated in the Convention on Cybercrime, opened for signature in November 2001.

Connected with both the suppression of financing of terrorism and with the strengthening of the rule of law are efforts to *prevent movement of terrorists*. In addition to the already mentioned activities in the areas of policing and border control, there is an opportunity to provide assistance to efforts to hinder counterfeiting, forgery and fraudulent use of identity papers and travel documents. This is an area in which the OSCE has already provided its expertise, for example, in some missions in the field.

While terrorism is indeed a problem affecting the entire OSCE region, as was clearly demonstrated by the September 11 events, some regions within the OSCE region may have unique security challenges to deal with because of their geographical location, their specific history or for other reasons. Within the OSCE, special emphasis has been placed on the countries of Central Asia not least because of the laudable initiative of the Kyrgyz government to host, on 13-14 December 2001, the “Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, an initiative that was launched by President Askar Akaev, it should be noted, already in June 2001.⁶ Indeed, the Conference was then seen as an opportunity to begin a discussion on providing practical support to Central Asian participating States in applying the Bucharest Plan of Action and to conduct a more general exchange of views on best practices and experiences in the fields where commitments were adopted in this Plan. The Conference, widely regarded as a success, adopted a Programme of Action on combating terrorism, based partly on the Bucharest Plan of Action.⁷ The Programme details a number of measures to combat and prevent terrorism and recommends they be implemented by the OSCE, the United Nations Office for Drug Control and Crime Prevention (UNODCCP) and participating States as well as by both (potential) donors and the Central Asian states. The Programme basically operates with the same categories of areas for activities as the Bucharest Plan of Action: human rights, democratization, civil society participation, rule of law, peaceful conflict resolution, tolerance, free media, economic and social problems, rapid ratification and implementation of relevant international instruments (in this case including the FATF’s 40 Recommendations on Money Laundering and eight Special Recommendations on Terrorist Financing), and furthering regional and inter-

6 Cf. UNODCCP/OSCE, Summary Report, Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism, 13/14 December 2001, Bishkek, Kyrgyz Republic, Vienna/Bishkek 2002, SEC.GAL/32/02.

7 In addition to a Declaration agreed upon by the participants of the Conference, the Summary Report also contains this Programme of Action.; cf. Summary Report, cited above (Note 6).

national co-operation. It furthermore identifies additional needs in Central Asia resulting from the region's vicinity to Afghanistan. It pleads for special efforts to be made by the international community to provide technical and financial assistance to Central Asia, and the participating States agree to consider granting financial and other aid to the region to strengthen the fight against terrorism. Strengthened capacity for border control, sustainable economic development and joint training activities and capacity-building are the main areas recognized in this regard.

In order to facilitate implementation of the Bucharest Plan of Action and the Bishkek Programme of Action, the Portuguese Chairman-in-Office has appointed a Personal Representative for Preventing and Combating Terrorism. The former Danish Minister of Defence, Jan Trøjborg, who has been given this position, has been mandated to act on behalf of the Chairman-in-Office to mobilize and articulate OSCE activities in implementation of the two documents and to undertake efforts to co-ordinate with other international organizations. The implementation efforts will also be supported by a new Anti-Terrorism Unit in the OSCE Secretariat.

Over and above the concrete steps to be taken, a relevant role of the OSCE must also be seen in the fact that it constitutes a permanent forum for deepening political discussion, debate and negotiation. This means that through the OSCE, participating States - and, to some extent, the various partners for co-operation - can be mobilized to do their own, national part in a battle that concerns all of us. The swift agreement of participating States to take a united stand against terrorism must be viewed in the context of the increasing importance attributed to addressing issues affecting the entire OSCE region. The work on terrorism can be seen very much as a common endeavour, and the active and constructive approach taken by all participating States contributed immensely to demonstrating the ability of the OSCE to rapidly come to an understanding and concretization on the work to be done and to proving the usefulness of the Organization to all its participants.

All parts of the OSCE have become engaged in the struggle against terrorism. The OSCE Parliamentary Assembly has made "Confronting Terrorism - a Global Challenge in the 21st Century" the theme of its Annual Session in July 2002 and adopted a comprehensive resolution on this issue. The Assembly has also developed its own road map of activities to help implement the Bucharest Plan of Action. The special role of Parliamentarians in contributing to achieving the goals of the OSCE must be recognized, particularly vis-à-vis conducting a dialogue among Parliamentarians with a view to further developing legislation needed to combat terrorism, as well as in the area of strengthening democratic structures across the OSCE region.

While the Bishkek Conference, being co-organized by the OSCE and the UNODCCP, is an excellent example of co-operation between international organizations and thus of the practical implementation of the Platform for Co-operative Security, the need remains for continuous co-ordination be-

tween various actors in the field. This was registered also in the OSCE Bucharest Plan of Action. The OSCE has constantly defined its role in the fight against terrorism as being auxiliary to that of the UN, and a lot of effort in the Plan of Action goes towards ensuring compliance with UN conventions and protocols on anti-terrorism issues and Security Council resolutions, which are regarded as constituting the overall, global legal framework for combating terrorism. Participating States have pledged to apply efforts to become parties to all the twelve relevant UN conventions and protocols by the end of 2002, and several states have informed the Permanent Council of their subsequent ratification of these documents. This is *one* way of creating synergies between the activities of states and organizations, but most likely others exist. On 12 June 2002, the Portuguese Chairman-in-Office convened a meeting between the Secretaries General of the relevant international organizations to co-ordinate strategies regarding counter-terrorism programmes. This successful meeting was followed by a meeting on 6 September 2002 with sub-regional organizations and initiatives in the OSCE region where likewise questions on a joint approach to combating terrorism were discussed. Only through such concerted efforts will the fight against terrorism be successful. Not least there seems to be a role for the OSCE to play as a regional platform for the implementation of UN decisions, after all, the OSCE is a regional arrangement under Chapter VIII of the UN Charter.

All actors have the common end goal of eradicating terrorism, but their strategies, means, and intermediate objectives do vary a great deal. While some originally thought that the scope would be considerable for broadening initiatives taken by other organizations, institutions and fora, such as the EU or the G8, to the bigger circle of OSCE participating States, it then however became evident that - at least to a large extent - these other groups carry out very specific activities not necessarily suited to or possible in the more multi-faceted framework of the OSCE participating States. The European Arrest Warrant provides an example in this regard. This is not to say, however, that all groups would not benefit from an exchange of views and information on work in progress or planned. Ambitions for co-operation do have to be focused very much on complementary activities, though, and cannot strive to copy each other. Here interaction with the EU on well-defined questions relevant to the fight against terrorism, such as policing, border monitoring, anti-trafficking and combating the financing of terrorism, may be more relevant, also keeping in mind the presence of the OSCE in areas of relevance such as Central Asia.

Working to combat terrorism has proven an integrating factor for the OSCE as an organization. The capacity of the Organization to react rapidly to a new situation after September 11 was demonstrated and the ability to develop relevant responses to emerging security challenges confirmed. Implementation of the tasks we have set ourselves is underway and the readiness to co-ordinate with other organizations as they develop their responses will con-

tinue to be a main characteristic of our activities. Further, internal co-ordination between various institutions and between, to mention one example, the Permanent Council and the Forum for Security Co-operation, is likely to improve, perhaps also more generally. The strengths of the OSCE lie in tools and tasks that take effect over time and need sustained effort. While we should not, perhaps, expect the OSCE's activities to lead to massive improvements in the very short term, they provide a distinct perspective for change over time.