

The Role of the OSCE as a Regional Security Organization in Combating International Terrorism¹

The Organization for Security and Co-operation in Europe (OSCE) includes the word “security” in its name because it emerged from the CSCE (Conference on Security and Co-operation in Europe), a series of conferences held since the 1970s on overcoming the East-West conflict and on the creation of a security space stretching “from Vancouver to Vladivostok”. At the start of the 1990s, with the institutionalization of the CSCE and its renaming as the OSCE, it was hoped that the Organization would become *the* interstate regional security organization in the “northern hemisphere”, creating security in the entire region through bilateral and multilateral co-operation and confidence-building measures in security-relevant areas.

In the very early days of the CSCE, security was already recognized to go beyond military matters and to encompass economics, the environment and the collective and individual rights of human beings in the participating States (human rights, minority rights, democracy, rule of law and culture). This found expression in the “three baskets” of the Helsinki Final Act of 1975.

This philosophy is also evident in the more than twenty OSCE missions deployed so far, in the establishment of the Office for Democratic Institutions and Human Rights (ODIHR) and the creation of the offices of the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media.

Before 11 September 2001, combating international terrorism was just one among many aspects of promoting security in the OSCE. The attacks on the World Trade Center and the Pentagon, however, led to the immediate adoption in Bucharest at the annual OSCE Ministerial Council on 3 and 4 December 2001 of a Plan of Action for Combating Terrorism.² The Action against Terrorism Unit (ATU) was established within the OSCE Secretariat in Vienna, and the post of Co-ordinator on Anti-Terrorism Issues was created within ODIHR in Warsaw with the task of co-ordinating all projects and joint activities related to terrorism with the Secretariat.

On the basis of the 2001 Action Plan, the ATU’s tasks include monitoring the 55 OSCE participating States’ accession to and implementation of

1 This article reflects the personal opinions of the author.

2 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 391-417, therein: The Bucharest Plan of Action for Combating Terrorism, pp. 395-402.

the twelve UN conventions and protocols related to terrorism. The OSCE is providing participating States with advice and support in this area. Since the adoption of the Action Plan, the process of OSCE States' accession to the UN conventions has accelerated considerably. ODIHR has been tasked with offering them technical assistance on the legislation and implementation of the twelve UN conventions upon request. In the meantime, the Co-ordinator has initiated a joint programme with the ATU to provide support primarily to the countries of Central Asia and the Caucasus. On 10 and 11 February 2003, the OSCE, the British government and the United Nations Office on Drugs and Crime (UNODC) organized a seminar on technical assistance for Central Asian states in the implementation of UN Security Council Resolution 1373 on combating terrorism. ODIHR translated background information on legislation in this area. In March and April 2003, the OSCE arranged for experts to be sent to the Central Asian states. Similar programmes are planned for the Caucasus.

In 2002, the Co-ordinator of OSCE Economic and Environmental Activities conducted joint seminars in Kyrgyzstan and Kazakhstan with the UN Global Programme against Money Laundering (GPML) and developed recommendations for each government on implementing the relevant UN conventions. Both institutions also offered to conduct similar seminars in other OSCE States.

The Strategic Police Matters Unit (SPMU), created in 2002 within the OSCE Secretariat, offers assistance in implementing legal provisions to improve participating States' ability to uncover extremism and to react to extremist activities. Both the OSCE Secretariat's Conflict Prevention Centre (CPC) and its Strategic Police Matters Unit are offering to support participating States in improving border controls and border control systems on request.

Within the framework of the OSCE Forum for Security Co-operation, the questionnaire on the Code of Conduct was expanded to include questions related to terrorism. An expert meeting took place in May 2002, at which representatives of the United Nations Office for Drug Control and Crime Prevention (UNODCCP; since October 2002 UNODC) and NATO also participated. At this meeting, the threat of terrorism in the OSCE area was addressed from a military standpoint. Other events included a high-level meeting in Lisbon in June 2002 and a meeting with regional and subregional organizations and initiatives in the OSCE area in September 2002. This event focused mainly on discussing current and planned projects. An important topic is providing participating States with support in identifying and dealing with forged identity papers and other documents.

On 7 December 2002, the OSCE Ministerial Council in Porto adopted the OSCE Charter on Preventing and Combating Terrorism,³ which establishes a framework for further OSCE activities in this area.

The OSCE is planning numerous projects that, alongside border monitoring, primarily concern measures related to domestic security, the police and the judiciary in the economically weak OSCE States of Central Asia and Eastern and South-eastern Europe. Most of the projects related to terrorism come under the human dimension. As a rule, financing for these projects is obtained through voluntary contributions by individual OSCE participating States. Germany is, alongside the USA, one of the biggest donors.⁴

On 6 March 2003, a special meeting of the Counter-Terrorism Committee (CTC) of the UN Security Council took place, at which the role of regional organizations in combating national and international terrorism was discussed.⁵ In conclusion, the participants agreed to improve information exchange, in particular regarding best practices and standards. For its part, the CTC is to draw up and maintain an up-to-date list of contacts and to prepare an annual directory of relevant activities. This aims to avoid the unnecessary duplication of work and to intensify the efforts of each organization to combat terrorism within the scope of its specific mandate. Furthermore, the CTC will seek to use its influence to convince member and participating States to give combating terrorism the highest priority.

The OSCE is particularly concerned to assist participating States in ensuring that measures taken to combat terrorism are in accordance with the human-rights standards and commitments – the so-called “human dimension” – of the OSCE. Unfortunately, there are indeed good grounds to be concerned that measures to combat terrorism can be accompanied by human-rights violations and that the fight against terrorism can be used as a pretext for infringing the rights of “undesirable” political opponents. Restrictions on civil rights in OSCE participating States are a cause for concern (for example, on freedom of the press, on which particular emphasis has been laid by the OSCE Representative on Freedom of the Media).

How realistic are the expectations that the OSCE can play more than a minor supplementary role in combating international terrorism? Given the current crisis within major international organizations such as the UN and NATO, hopes should not be raised too high.

The OSCE’s role in combating terrorism is restricted by the following deficits, in particular:

To date, the 55 participating States have not been able to agree on giving the OSCE the status of an international organization under international

3 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 und 7 December 2002, printed in this volume, pp. 421-455, herein: OSCE Charter on Preventing and Combating Terrorism, pp. 425-428.

4 Information on all OSCE projects and the status of their implementation can be accessed at the OSCE website at: <http://www.osce.org/osceprojects/index.php>.

5 Cf. Report of the OSCE Secretary General of 25 March 2003, SEC.GAL/53/03.

law. This stems from the fact that participating States, especially the USA, Russia and the EU states, cannot agree on the role the OSCE should play as a regional arrangement under Chapter VIII of the UN Charter.

The OSCE's main decision-making body – alongside the annual Ministerial Council – is the Permanent Council in Vienna, which is composed of the permanent representatives of the participating States. In this Council of 55 states, all decisions are reached through consensus. This has the advantage that the participating States must share responsibility for decisions once they have been passed. However, decisions based on compromise are often reduced to a lowest common denominator containing vanishingly little of substance.

The annually rotating Chairmanship-in-Office carries limited decision-making authority. Recent Chairmanships have repeatedly been weakened by unforeseen events such as the Kosovo war in 1999, the “EU boycott” of the Austrian government in 2000 and the unexpected change of government in Portugal in 2002.

The OSCE Secretary General has relatively few competencies compared to the Secretaries General in other organizations. His function consists primarily of advising the Chair. In addition, he acts as the head of the Secretariat, a provider of services for the participating States and OSCE field activities. He has no authority over other OSCE institutions and missions and cannot even compel them to abide with financial and administrative regulations.

Around 80 per cent of OSCE expenditure goes to the missions. In 2003, the Organization's budget was 185.72 million euros, compared to 177.5 million in 2002. In theory, Heads of Missions are accountable to the Permanent Council. However, when Heads of Mission appear before the Permanent Council, errors in administrative and personnel policy, which are the responsibility of the missions, are very seldom addressed. In general, Heads of Mission are solidly supported by the delegations of their native countries. Consequently, such matters are usually discussed with representatives of the Secretariat, who do not, however, have the authority to issue instructions to the missions.

The majority of current and planned projects in the area of combating terrorism are being conducted jointly by ODIHR, the Secretariat and the missions. Because the OSCE – in contrast to UN organizations or the EU – has very little project funding of its own, it is dependent for its projects on its partners and the voluntary contributions of the participating States. About 90 per cent of these come from only a handful of countries, who thus have a dominant influence on the selection of projects to be funded.

The OSCE States in which missions are stationed often perceive them as restricting their sovereignty. The missions' mandates give voice to the fact that the states involved exhibit failings in the areas of democracy, human rights and the rule of law. The frequently repeated reproach that the OSCE is

one-sided is not justified inasmuch as, already in 1991, all participating States declared that “the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”.⁶ Host states have generally been disappointed in their hopes that they would receive material support through the presence of OSCE missions. They are thus often only prepared to accept those projects that bring them material advantages. Attempts to influence or control matters such as legislation and its implementation are accepted reluctantly and are viewed as interventions in the state’s internal affairs.

All these weaknesses restrict the role of the OSCE in combating terrorism. Furthermore, projects that have been planned have not yet found financing.

Nevertheless, the OSCE may still play a supplementary role in certain areas of the fight against international terrorism, acting in concert with other international organizations. But this will require that the participating States can summon the necessary political will to undertake reforms in relevant structures and decision-making processes and to provide the necessary funding for these. It will also be important to eliminate duplication and to replace competition between international organizations – which is currently widespread – in favour of stronger co-operation and co-ordination with international and national partners. The OSCE has the important task here of setting a good example. The Organization’s manageable size and relative transparency mean it is ideally suited to this role. It has also gained vast experience in the field, which it can put to good use.

Together with the Council of Europe, the OSCE can monitor the compatibility of each participating State’s anti-terrorist measures with their commitments to human rights and the human dimension of the OSCE. Thanks to its experience in police training and police monitoring in Kosovo, Macedonia, Croatia, Bosnia and Herzegovina and Serbia and Montenegro, the Organization can provide advice and assistance in this area to the participating States. This is also true of border monitoring (Georgia) and the large and complex range of tasks involved in promoting the rule of law. Whether and in what way the OSCE plays a role in combating terrorism depends on the oft-mentioned “political will” of the OSCE participating States – in particular that of the major powers, the USA and Russia. Nevertheless, the EU countries also have a special responsibility in this area.

6 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 605-629, here: p. 606.