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Overview of the OSCE's Work in Support of the Global Effort against Terrorism

Introduction

The OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century¹ defines terrorism as “one of the most important causes of instability in the current security environment”. The Strategy points out that terrorism “seeks to undermine the very values that unite the [OSCE] participating States” and that it “will remain a key challenge to peace and stability and to State power, particularly through its ability to use asymmetric methods to bypass traditional security and defence systems”. Further, the Strategy highlights the need to address the threat of terrorism and its manifestations as well as conditions that may foster or sustain it as “a main priority” for the organization.

Over the years, the OSCE has developed a framework for comprehensive action to address this threat and has been actively contributing to the global effort to fight terrorism by helping national authorities develop their counter-terrorism capacities and capabilities and by adding value to activities undertaken by other international bodies and organizations.

Supporting the UN

The most fundamental premise for the OSCE's counter-terrorism work is that the OSCE is a regional arrangement under Chapter VIII of the United Nations Charter. As such, the OSCE recognizes that UN conventions and protocols and UN Security Council resolutions (UNSCR) constitute – as the Strategy defines them – “the legal framework for combating terrorism” and is committed to fully implementing them. Further, it recognizes that the UN, and particularly the Counter-Terrorism Committee of the UN Security Council (CTC), plays the leading role in all counter-terrorism matters from a global perspective.

For this reason, the OSCE has striven to maintain very close and regular contacts with the CTC and its Executive Directorate (CTED) in order to harmonize its activities with the objectives, priorities, and directions as defined by the CTC. CTC Chairs have regularly addressed the OSCE Permanent

¹ Organization for Security and Co-operation in Europe, Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003, Maastricht 2003, MC.DOC/1/03, 2 December 2003, *OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century*, pp. 1-10.

Council and have held consultations with the OSCE Secretary General and the Secretariat. In October 2005, the OSCE Secretary General, Marc Perrin de Brichambaut, addressed the CTC, outlining the Organization's counter-terrorism activities, which met with the warm approval of the Committee. In addition, one of the first visits abroad made by CTC Executive Director, Ambassador Javier Rupérez, was to Vienna, where he addressed the Permanent Council and held consultations with the Secretariat.

The OSCE's efforts to support the UN in the global fight against terrorism are most clearly reflected in the work on the ratification and implementation of the UN conventions and protocols relating to terrorism, the so-called universal anti-terrorism instruments (UATIs), one of the major requirements of UNSCR 1373. In its Bucharest Plan of Action, adopted by the OSCE Ministerial Council in December 2001, the participating States made a commitment to ratify all twelve UATIs as soon as possible. Following up on this commitment and in close co-operation with another UN body, the UN Office on Drugs and Crime (UNODC), as well as the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Action against Terrorism Unit (ATU) has organized a number of regional and national workshops to promote the ratification and legislative implementation of the twelve UATIs.

The results speak for themselves – the ratification rate has gone from 65 per cent in September 2001 to 93 per cent currently, with 43 OSCE participating States being Party to all twelve instruments. Most notably, the ratification rate of the Convention for the Suppression of the Financing of Terrorism has gone from four per cent (or two participating States) in September 2001 to 93 per cent (50 participating States) currently. The progress in ratification of the UATIs now allows, again in collaboration with UNODC, a focus on their legislative implementation – i.e. the reflection of the provisions of these instruments in the national legislation of the participating States. After the adoption by the UN General Assembly in 2005 of the 13th universal instrument against terrorism – the International Convention for the Suppression of Acts of Nuclear Terrorism – OSCE participating States pledged to make every effort to sign this convention on the day of its opening for signature. It was a very positive sign that 46 OSCE participating States fulfilled this pledge and signed the convention during the UN summit in September 2005 in New York.

Another example is the implementation of UNSCR 1566, which tackles the issue of enhancing legal co-operation among states in bringing terrorists to justice, based on the principle of "extradite or prosecute". On 15 April 2005, at the initiative of the CTC and in co-operation with UNODC, the OSCE organized an experts' workshop on enhancing legal co-operation in criminal matters related to terrorism. The workshop discussed existing problems in this area and ways to overcome them. Examples of best practices were brought forward and ways to strengthen co-operation, such as establishing judicial liaison offices, permitting foreign investigation teams to work

on their national territory, and the creation of joint investigation teams were outlined. The success of this event prompted participating States to adopt a special decision at the Ljubljana Ministerial Council, tasking the OSCE to work further on this issue, including through promotion of UNODC tools and mechanisms and the organization of training for national authorities. This decision was implemented by December 2005 with a three-day training course for 77 prosecutors, judges, and judicial officials from Serbia and Montenegro, organized by the ATU in co-operation with UNODC and the Council of Europe and with the participation of ODIHR. Similar events are planned for 2006 and 2007.

The OSCE has also been supporting CTED's visits to OSCE participating States. So far, there have been two such visits in the OSCE area: to Albania in June 2005 and to the Former Yugoslav Republic of Macedonia in March 2006. The purpose of OSCE participation, apart from helping CTED to build up a more complete picture of country's need for counter-terrorism capacity-building assistance, is to avoid duplication of efforts in providing such assistance and to identify additional areas for counter-terrorism co-operation between the OSCE and the participating State visited. CTED visiting teams usually include experts from different international organizations who are knowledgeable in various fields relevant to the implementation of UNSCR 1373. During the visit to the Former Yugoslav Republic of Macedonia, OSCE participation had an additional value as the Organization provided the only border-security expert that the team possessed and a background paper highlighting relevant human dimension issues.

The OSCE's efforts to support the UN are primarily, but not exclusively, focused on the CTC. The Organization also contributes to other activities in the fight against terrorism. For instance, the OSCE is very much concerned with the nuclear, chemical, biological, and radioactive threat and is considering ways to contribute to the implementation of UNSCR 1540 on the non-proliferation of weapons of mass destruction, adopted in 2004. Considerable support is also provided to the UNSCR 1267 Committee – the Al-Qaida and Taliban Sanctions Committee – and its Monitoring Team.

Reinforcing Implementation of International Standards

The political weight of the OSCE plays an important role in supporting the activities of a number of specialized global and international organizations. The OSCE as a political organization with 56 participating States, eleven partners for co-operation and 18 field presences has significant resources to contribute. For instance, the OSCE can reinforce the implementation of specific international standards, norms and practices developed or adopted by these organizations. In most cases, such standards are just recommendations.

The OSCE's political support and commitments made by its participating States reinforce the case for their application in practice.

There are already a number of examples of effective OSCE support in this respect. A significant one is the collaboration with the International Civil Aviation Organization (ICAO) on travel document security. The ICAO has the lead in setting standards for international travel documents to make it more difficult for passports to be counterfeited or altered by criminals and terrorists. Working closely with the ICAO at the OSCE Maastricht Ministerial Council in December 2003, the OSCE participating States not only endorsed these ICAO standards but agreed to specific deadlines for implementation. The OSCE is now following up, providing technical assistance to individual countries requesting help with implementing those standards as well as upgrading their passports.

Another example of this role: In July 2005, the OSCE Permanent Council adopted a decision to support the International Atomic Energy Agency's (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources. This is aimed at improving the control and accountability of such sources, so as to reduce the possibility of their falling into the hands of terrorists to be used as "dirty bombs". Of the 56 participating States, 15 States had not yet signed on to the IAEA Code. This decision encourages them to do so under the umbrella of the OSCE.

A similar course of action has been taken in the area of container security. In December 2004, the Sofia Ministerial Council took a decision tasking the OSCE with exploring the possibilities of contributing to the improvement of container security in order to prevent the use of containers for terrorist purposes. In February 2005, the OSCE organized a technical experts' workshop that drew 170 participants from 60 participating and partner States and twelve international organizations to exchange views and best practices on this subject. On the basis of the workshop and subsequent consultations with the relevant international organizations, the OSCE Ljubljana Ministerial Council adopted another decision in December 2005, containing a commitment to implement the global standards for supply chain security and facilitation approved by the World Customs Organization (WCO) in June 2005.

The OSCE also focuses on the implementation of international human rights standards. Events such as the Copenhagen Workshop on Protecting Human Rights while Countering Terrorism in March 2004 or the Supplementary Human Dimension Meeting on Protecting Human Rights in the Fight against Terrorism in July 2005 provided experts with the opportunity to discuss issues relating to the implementation of the international human rights framework in the context of counter-terrorism.

Facilitating International Capacity-Building Assistance

In addition to this political reinforcement role, the OSCE can support international and national capacity building and other means of addressing current and emerging terrorist threats by disseminating lessons learned, best practices, and model legislation, and providing technical assistance to participating States. The specialized international organizations can offer technical expertise and capacity-building support while the OSCE can provide a unique forum for information dissemination and follow-up. There is no danger of duplicating or usurping the roles of the other organizations – they are the experts and the OSCE does not want to compete with them. What we are able to offer them is help in bringing their message and expertise to the relevant national authorities.

There are numerous concrete examples in this area, too. In collaboration with the ICAO, in March 2004, the ATU organized an OSCE-wide workshop in Vienna covering key travel-document concerns, including adherence to international standards, strengthened handling and issuing procedures, and emerging technologies such as biometrics. One hundred and forty-five experts from 47 OSCE capitals and international organizations participated in this conclave. In fact the ICAO was so impressed by the success of this joint endeavor that it was decided to replicate it in other regions.

In addition, over the last year and a half, the ATU has conducted five sub-regional workshops to combat the use of fraudulent or counterfeit travel documents. These workshops brought together over 100 national law enforcement officials from 30 countries with relevant ICAO experts, providing a forum for the sharing of forensic and other practical information and enhancing regional and cross-border co-operation related to the prevention of travel document abuse. In 2005, we started a new series of sub-regional workshops, which focus on the ICAO minimum security standards for handling and issuing passports. The first one, held in Sofia in June 2005, brought together experts from eight countries from South-eastern Europe. The second, held in December in Almaty, involved experts from the Central Asian participating States and Afghanistan.

There are additional possibilities in this area too. After the workshop on container security, both the International Maritime Organization (IMO) and the International Labour Organisation (ILO) offered to team up with the OSCE for training workshops in the OSCE region, to be carried out in close co-operation with the WCO. We are also in contact with Interpol and the International Organization for Migration (IOM) to determine the best possible ways for the OSCE to facilitate assistance to interested participating States in linking up to and making use of the Interpol's Automated Search Facility/Stolen Travel Document Database.

Combating Terrorist Financing and Money Laundering

In OSCE participating States, measures to combat money laundering increasingly play a key role in efforts to promote economic development, private enterprise, and the rule of law. Money laundering is also an important means of financing terrorism. The UN Political Declaration against Money Laundering (1998) recommended that states adopt, by 2003, national money-laundering legislation in accordance with relevant provisions of the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, as well as other UN measures. The UN International Convention for the Suppression of the Financing of Terrorism (1999) recognizes that financial operations are at the heart of terrorist activity. The Convention calls for efforts to identify, detect, and freeze or seize any funds used or allocated for the purpose of committing a terrorist act.

In 2002, as a direct implementation of the Programme of Action endorsed at the December 2001 “Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, the UNODC Global Programme against Money Laundering (GPML) and the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) began co-operating on activities aimed at combating money laundering and suppressing the financing of terrorism within the OSCE region.

Recent OSCE Ministerial Meetings have encouraged the OCEEA to continue pursuing these programmes in co-operation and co-ordination with UNODC and to support OSCE participating States’ efforts to strengthen their ability to prevent and suppress the financing of terrorism and organized crime. This was reiterated in the OSCE Strategy Document for the Economic and Environmental Dimension that was adopted in Maastricht in December 2003.

The first joint activity between the two organizations was a working session on issues relating to the combating of money laundering within the framework of the Tenth OSCE Economic Forum in Prague in 2002. On 11 July 2002, as a follow-up to this event, the then 55 OSCE participating States agreed, with Decision No. 487 of the OSCE Permanent Council, to complete the self-assessment questionnaire of the Financial Action Task Force.

Furthermore, in 2004, at the initiative of the Russian Federation, the Permanent Council adopted Decision No. 617 on Further Measures to Suppress Terrorist Financing. As a result, in November 2005, the OCEEA, together with other OSCE units, UNODC, and the US State Department, organized a high-level conference on combating terrorist financing, which included a session on the role played by charities in the financing of terrorism.

In a co-operative effort, the OCEEA and UNODC have jointly developed national workshops on combating money laundering and suppressing the financing of terrorism. The first phase of the workshops involves an exer-

cise in awareness-raising and needs-assessment, with a view to enhancing capacities. The second phase consists of legal framework development and implementation assistance, which includes a mentorship programme, capacity-building, and specific training elements.

The workshops are organized at the request of the host government and conducted jointly by the OCEEA, UNODC, the OSCE field missions, and the host country. They bring together international and local experts, as well as representatives from the respective ministerial, judicial, and financial government bodies. So far, eight first phase workshops have been implemented with the governments of Albania, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Romania, Tajikistan, and Uzbekistan. The workshops have resulted in a number of concrete recommendations which have, in turn, led to the drafting of relevant legislation.

Round table meetings as a follow-up to the workshops are currently being organized in a number of countries. They are designed to provide assistance in creating mechanisms to combat money laundering. Workshops aimed at streamlining the functioning of the national Financial Intelligence Units (FIUs) were held in Kazakhstan and Kyrgyzstan in April 2005, in Armenia and Georgia in May 2005, and in Kazakhstan, Turkmenistan, and Uzbekistan in October and December 2005. Interest in arranging workshops has also been expressed by the governments of Belarus, Serbia, and Montenegro. In June 2005, the OCEEA, in co-operation with UNODC, organized a regional workshop on the fight against money laundering for financial sector supervisors in Vienna aimed at countries with advanced institutional frameworks. In November 2005, the OCEEA, in co-operation with UNODC, NATO, and the US State Department, organized a high-level conference on combating terrorist financing in Vienna.

Protecting Human Rights

The OSCE has a focus on co-operative security based on democracy, respect for human rights and fundamental freedoms, the rule of law, a market economy, and social justice. Due to the OSCE's comprehensive and multidimensional approach to security threats, the human rights aspect is truly an integral part of all OSCE anti-terrorism commitments and action. Terrorism impairs the enjoyment of human rights and is a threat to fundamental freedoms. Consequently, OSCE participating States have pledged on several occasions to promote counter-terrorism measures – while fully respecting the rule of law and their obligations under international human rights, refugee, and humanitarian law. Clear commitments to this effect are expressed, for example, in the Bucharest Plan of Action for Combating Terrorism (December 2001), the OSCE Charter on Preventing and Combating Terrorism (December

2002), and the Sofia Ministerial Statement on Preventing and Combating Terrorism (December 2004).

Of special relevance is the contribution of ODIHR to OSCE anti-terrorism activities in connection with human rights. Most ODIHR activities in the field of human rights and anti-terrorism are conducted and implemented as part of the current Human Rights and Anti-Terrorism Programme. This programme operates OSCE-wide projects as well as projects addressing specific national needs and challenges. However, all programme components aim to strengthen compliance with international human rights standards and OSCE commitments relating to the fight against terrorism and violent extremism.

The implementation of a Training Module on Human Rights and Terrorism is a prominent element of the programme. As a first step, the training module provides practical tools to help senior policy makers and public officials ensure respect for human rights and meet the requirements of international human rights standards while countering terrorism. In addition to the training module, the ODIHR is developing a manual on the protection of human rights in the context of the struggle against terrorism. These activities are carried out in consultation with other parts of the OSCE, such as the ATU and the Representative on Freedom of the Media, as well as with other international organizations working on counter-terrorism in the region. This ensures that they are relevant, comprehensive, and complementary to other work carried out in the OSCE region.

Another significant part of ODIHR's programme consists in offering, at the request of participating States, technical assistance or advice on the implementation of the UATIs and relevant UNSC resolutions and on the drafting of national anti-terrorist legislation with a view to ensuring the conformity of these legislative tools with international human rights law.

The ODIHR programme also focuses strongly on the protection of victims of terrorism. A specific project aims to facilitate and assist national governments and civil society in their efforts to design and implement an effective and comprehensive protection structure for victims of terrorism. To this end, an expert level seminar was organized in Spain in March 2006 to explore practice and policy across the OSCE region relating to solidarity with the victims of terrorism.

Besides these long-range efforts, ODIHR has organized a series of events on issues such as violent extremism that are relevant from both a human rights and a counter-terrorism perspective. Moreover, ODIHR has produced a number of background papers on human rights issues of key concern in the context of counter-terrorism, such as extradition, rendition, and the use of diplomatic assurances in criminal cases related to terrorism.

These few examples underscore the indispensable link between respect for human rights and the implementation of any effective counter-terrorist strategy. In the development of its approach to counter-terrorism, the OSCE

remains very mindful of the fact that the obligation to protect human rights should not be seen as a barrier to effective co-operation in guaranteeing security, but rather as a way of promoting a form of security and international co-operation that allows for effective prosecution and effective work to prevent terrorism.

Identifying Gaps

The OSCE is also instrumental in identifying areas where the international community is not doing enough to address certain terrorist threats, and in focusing the attention on these gaps. For instance, in 2003, the ATU undertook an enormous effort to research international and bilateral assistance provided to OSCE participating States in the area of counter-terrorism. The result of this research is an inventory of all anti-terrorism projects (both OSCE and non-OSCE) related to UNSCR 1373 in the OSCE region. The survey has served as an invaluable aid in avoiding overlap and identifying areas where more attention might be needed.

This inventory showed that, on the specific threat that shoulder-fired missiles (MANPADS) pose to civil aviation, a significant international effort was being dedicated to improving export controls and stockpile security and management to prevent them from falling into the hands of terrorists. However, not enough was being done to address the issue of better protecting civilian aircraft from such missiles as were already in the hands of terrorists.

That is why, in 2004, the ATU and the ICAO hosted an unprecedented closed-door, law-enforcement-sensitive international workshop on the issue, which was attended by civil aviation security and counter-terrorism experts from NATO, the Collective Security Treaty Organization (CSTO), the European Commission, and almost all OSCE participating States, most sending relevant national officials. This workshop showed that there are some simple and inexpensive measures that airport security authorities can take to reduce the possibility of an attack against a civilian airliner occurring. We have been glad to receive feedback from several participating States, informing us that they were acting on the information provided at the workshop.

Another growing threat that did not seem to be getting enough attention from the international community is the spread of suicide terrorism. This is not a new phenomenon, but it has been expanding and spreading to regions where it had previously been unknown. Between 1994 and 1999, most suicide attacks were committed in Sri Lanka and Israel, but in recent years we have seen the phenomenon occurring in a number of countries in the OSCE area: the US, the Russian Federation, Turkey, and Uzbekistan. This is why, on 20 May 2005, the ATU organized a closed-door law-enforcement-sensitive workshop on suicide terrorism. There, experts in combating terrorism and the psychology of suicide terrorism, not just from the OSCE area,

but from all over the world, including Sri Lanka and Israel, shared with the national participants their insights about this phenomenon and ways to counter or mitigate it, so that national authorities can be better prepared to deal with this threat.

Similarly, terrorist attacks in London (July 2005), Madrid (March 2004) and Moscow (February 2004) illustrated how critically fragile and vulnerable urban transport systems (metro, bus, and train) remain. Terrorists seem to have made mass transit their soft target of choice. Urban transportation systems move millions of passengers daily, which makes them both difficult to secure and attractive as terrorist targets. They are inherently open environments, as they are designed to move a high volume of passengers to their destinations quickly. The consequences of a future attack could be devastating if more powerful devices or CBRN (chemical, biological, radiological, and nuclear) materials were deployed. At the same time, international efforts in the area of transport security seemed to focus on international aspects of transport and travel (container security, aviation security/MANPADS, maritime security, and travel document security), while responsibility for urban transport security throughout the OSCE region was left to national or municipal authorities, working to widely varying standards of security. To address this vulnerability, the ATU conceived of a workshop, which was held in early 2006 in Vienna. This workshop provided a platform for experts and practitioners (counter-terrorism officials, security experts, as well as public and private transport operators) from participating States to address this vulnerability, to share experiences and good practices as well as information about existing and potential new measures and methods that can be used to reduce the possibility of attacks targeting urban transport.

Interacting with Other Regional Organizations

Regular contacts with other regional organizations are necessary and valuable, as each can learn from the other's experience. An example of such sharing is the establishment of an OSCE Counter-Terrorism Network (CTN), which is based on a similar network linking the OAS states. The CTN, in operation since February 2004, facilitates information flow between delegations of participating States, counter-terrorism officials in capitals, and the OSCE Secretariat. The ATU has published monthly CTN Newsletters since February. In addition to working directly with the network, OSCE participating State delegations have provided the CTN with national points of contact in 44 OSCE capitals. The CTN also includes ten of the OSCE's partner States, 18 international organizations, and all OSCE institutions and field operations.

Positive exchanges of this kind have taken place with a number of regional partners. The ATU has had substantive counter-terrorism discussions with the African Union, the Asia-Europe Meeting (ASEM), OAS, the CIS

Anti-Terrorism Centre, the CSTO, the Council of Europe, the EU, NATO, and others. These bilateral consultations will continue and expand as we seek to strengthen a global network against terrorism. The success of the OSCE's outreach and collaboration with other international organizations was recognized by the CTC, which agreed that the OSCE, in co-operation with UNODC, Asia Europe Meeting the Third Special Meeting of the Counter-Terrorism Committee with International, Regional and Sub-regional Organizations on 11-12 March 2004 in Vienna.

More importantly, the Fourth Special Meeting of the CTC with International, Regional and Sub-Regional Organizations, held in January 2005 in Almaty, showed that the CTC considers the OSCE, together with the OAS, to be setting a good example for other regions of counter-terrorism efforts and active collaboration with other organizations.

Conclusion

It is obvious that the OSCE can, does, and should continue to bring added value to the counter-terrorism work of other international organizations and bodies. This work reflects the current security concerns of its participating States and is further proof of the organization's ability to be flexible and develop its agenda to take such concerns into account. As these concerns evolve and take shape, so does the Organization's anti-terrorism agenda. New issues are on the table for consideration by the participating States: public-private partnership in the fight against terrorism, countering incitement to terrorism, recruitment, and radicalization. The extent to which the OSCE will remain involved in these and other complex problems will be determined by the political will of its participating States, and will, in turn, determine the continued relevance of the Organization to their interests and needs.