

ISSUE 4, 2013

SECURITY COMMUNITY

THE OSCE MAGAZINE



Overview »



1 Ukraine Huge stocks of a deadly chemical mix produced in the Cold War for firing rockets are being eliminated from the country. p.4

2 Afghanistan Citizens talk about their hopes and fears for their country and what the OSCE could do. p.16

3 Croatia NGOs are monitoring trials of wartime crime and sexual violence. p.32

4 Prague A look inside the office that guards the OSCE's institutional memory. p.44

Contents » Issue 4, 2013

Retrieving humanity

War crimes tribunals in South-Eastern Europe carry the burden of delivering justice for a multitude of victims in the midst of highly politicized societies. Can they put an end to immunity? Contribute to reconciliation? — 28



Milestones

Mélange leaves Ukraine

The largest donor-funded OSCE project ever is near completion. — 4



Open Forum

Energy, security and the environment — 6

Voices

Ambassador Silapberdi Nurberdiev, Turkmenistan — 8

#OSCE — 9

Interview

Janez Lenarcic on democratic elections — 8



Focus

Afghanistan: looking ahead — 12

Expectations — 16

Best practice

Keeping the devil out of the details A guidebook on protecting critical energy infrastructure — 18

Security community

Security Day on conflict resolution — 22



The changing phases of conflict prevention

Four successive Directors of the Conflict Prevention Centre. — 24

Special Section

Retrieving humanity
Can war crimes courts reconcile? Looking beyond retributive justice — 28

The benefits of cold, hard legal analysis Monitoring war crimes trials in Croatia — 32

Adapting to the adversarial system — 35

Arms control
The case for tracing — 36

A doubtful Liberator — 38

Hands up in 3D — 39

Human trafficking

When kidneys become commodities — 40

Project Co-ordinator in Ukraine Ukraine now has a safety net for trafficking victims — 43

Inside the OSCE The Prague Office — 44



Percolations

The OSCE Think Tank Network; Summer Academy in Stadtschlaining — 46



On the cover:

Mysteries undiscovered © by Ivan Marchuk.

Ivan Stepanovych Marchuk is a Ukrainian painter. His images reflect the deepest shock of our days.

Mélange

leaves Ukraine

For years, the long grey and white trains with special tank cars have been moving eastward from Ukraine to the Russian Federation. A close-up view would reveal the words: “danger” and “mélange” written in bold letters across the cisterns.





The OSCE-Ukraine project “Assisting the Government of Ukraine in Eliminating Mélange Stock” was launched in response to a request for assistance submitted by Ukraine to the OSCE in 2004.

The State Programme of Liquid Rocket Fuel Disposal from 2010 to 2014 adopted by the Ukrainian Cabinet of Ministers in 2010 contains provisions for the prevention of emergencies connected with the storage, transportation disposal of mélange.

The last trainload of mélange is expected to leave southern Ukraine in early 2014.

Mélange was the word used in Warsaw Pact countries for a highly toxic, combustible chemical mixture that served as a rocket propellant during the Cold War. After the breakup of the Soviet Union, Ukraine was saddled with some 16,200 tonnes of the nasty substance. Soon it will be completely eliminated from the country, thanks to the largest extra-budgetary project ever conducted by the OSCE.

The generic name for mélange is inhibited red fuming nitric acid. Scientists developed it for the purpose of firing a missile without the need to light a flame. When mixed with a rocket fuel such as samine, it spontaneously ignites. In fact, it will burn upon contact with anything organic – human skin, a leather boot or vegetation. This is what makes it so dangerous to handle.

The volatile liquid is also extremely difficult to store. With time, the ingredients that inhibit corrosion lose their effectiveness. By the early 2000s, the mélange stored in Ukraine was beginning to eat into its containers. Any escaping fumes would have brought death for kilometres around.

In 2004 Ukraine approached the OSCE for assistance. As the OSCE is committed to helping participating States to destroy dangerous military materials, it launched a project to remove all of the country’s mélange.

Since operations began in 2009, some 14,000 tonnes have been transported from six Ministry of Defence depots in western, central, eastern and southern Ukraine to two chemical plants in the Russian Federation, where it is being safely reprocessed for recycling,

in fuel additives and industrial explosives.

The military storage sites in Ukraine are being closed down and will be redeveloped for civilian use after environmental clean-up.

The Czech Republic, Denmark, Finland, Germany, Hungary, Norway, Poland, Spain, Sweden and the United States donated funds for the project. Ukraine provided trained military personnel for loading and specialized pumping equipment and railroad cisterns. It covered the costs for transport of the mélange to the Russian border.

Speaking at a side event organized by the Ukrainian OSCE Chairmanship at the Annual Security Review Conference in June, Olexandr Aleksandrovykh, Director for International Security and Disarmament of the Ministry of Foreign Affairs of Ukraine, expressed his gratitude to the donors and to the Russian consortium dealing with the mélange’s final disposal.

“This project is important not only for the government and people of Ukraine but also the OSCE community in general. I hope that the experience gained by the experts from the Ukrainian Ministry of Defence can further benefit the OSCE in conducting similar projects in Belarus, Bulgaria and Kyrgyzstan,” he said.

This article was prepared on the basis of information provided by the Ukrainian Chairmanship.



Energy, security and the environment

2013 has been a year of energy discussions at the OSCE. Participants in conferences held in Prague and Ashgabat share their views.

Open



“Energy has always been at the core of the everyday life of almost everybody but only occasionally at the core of politics. For decades it was predictable, but now everything has changed. The shale gas revolution made the United States’ gas ridiculously cheap compared to the rest of the world. The EU’s feed-in tariffs for renewables became unsustainable and the heavily influenced market is slowly becoming more and more regulated. Closing down nuclear power stations in Japan changed gas flows around the world. New opportunities and threats are, at a dramatic rate, causing crises, massive shifts in investments and even wars. Hopefully they are causing also decisive technological changes – the most appropriate answer to all the new challenges.”

Janez Kopač

Director, Energy Community Secretariat, Vienna

“I would like to recommend that the OSCE collect data on all life cycle phases of energy production and evaluate the environmental costs associated with energy production, costs which are not included in the expenses paid by the consumers, government subsidies, or environmental costs arising from the production of solar panels for instance.”

Marska de Wild-Scholten

Senior Scientist, SmartGreenScans,
The Netherlands

“Sustainable construction of buildings can ensure lower energy consumption and enhance the quality of life. Harmonizing sustainable building regulations could open the path to better implementation of building sustainability. CESBA (Common European Sustainable Building Assessment) is a tool that offers a set of key indicators and reference criteria which help to compare different building standards.”

Peter Steurer

Regional Development of Vorarlberg, Austria

Forum

“Energy security is interdependent, and in order to achieve it in Central Asia all the countries of the region should act together. Efficient management of interstate relations is a key to security and peace in the region.”

Benjamin Mohr
Director, Central Asian Regional
Environmental Centre (CAREC)
Almaty, Kazakhstan

OSCE events

The 21st Economic and Environmental Forum, “Increasing stability and security: Improving the environmental footprint of energy-related activities in the OSCE region”, Prague, 11 to 13 September

High-level International Conference “Energy Security and Sustainability – the OSCE Perspective”, organized jointly by the Ukrainian OSCE Chairmanship and the Government of Turkmenistan in Ashgabat on 17 and 18 October

Regional workshop on best practices in promoting renewable energy, Tashkent, 3 and 4 October

The Environment and Security Initiative (ENVSEC) marked its 10th anniversary with a debate, “Risk Nexus – 21st century environment and security challenges”, in Brussels on 6 November.

“It is November and the energy and oil outlook publications by OPEC and the IEA are out. Their bottom line is that the fossil fuel age is far from over. New fields, enhanced recovery rates and the so-called “shale gas revolution” in North America seemingly secure the supply side. The United States intends to become once again an exporter of fossil fuel like it was until 1945.

“While some voices are joining the chorus lauding the shale boom and its geopolitical implications, such as disengagement from the Middle East, others are more prudent and ponder on the many questions it brings. They range from environmental dangers and commercial costs to the geological uncertainty of rapid depletion. Royal Dutch Shell has decided to stop all its unconventional projects in the United States and Canada and considers rhetoric about the shale revolution to be “hype”.

“According to the old law of “follow the money”, political will and investments are turning away from the announced new age of transforming the energy-mix into a more sustainable one. Shale attracts poorly informed decision-shapers and hedgers. Boom or bust – what lies ahead for 2014? High oil prices will push for the shale camp and lower prices will also comfort those producers who are into conventional drilling. In the end, the price will decide. But in the meantime, we will have lost time and money to rethink the way we waste energy.”

Karin Kneissl
Independent analyst, Vienna

**We'd like to hear from you!
Send your views on security to
oscemagazine@osce.org.
Selected comments will be
published in Security Community.**

Paving the way for further co-operation

Ambassador Silapberdi Nurberdiev
Head of the Delegation of Turkmenistan to the OSCE

Turkmenistan as a participating State is engaged in fruitful collaboration with the Organization for Security and Co-operation in Europe (OSCE) for enhancing security in the OSCE region.

Turkmenistan's priorities within this partnership include: establishing effective mechanisms to prevent and resolve international conflicts; countering political and religious extremism, transnational threats, drug trafficking and cross-border crime; and developing modern models of international co-operation in the economic, energy and environmental sectors.

On 2 and 3 October 2013, Turkmenistan hosted the 11th conference of the Central Asian Border Security Initiative (CABSI). Representatives of international and regional organizations, including the OSCE, UN agencies and European Union structures met with law enforcement bodies and border and migration services of the concerned countries to exchange experiences. Modernization of border control systems, combating illegal migration and the struggle against illegal cross-border trade, drugs smuggling and corruption were on the agenda. The participants also discussed problems concerning cross-border co-operation between the Central Asian states and Afghanistan.

For Turkmenistan, the conference was an occasion to develop its co-operation with the international organizations, including the OSCE, with a view to implementing large-scale initiatives of global significance within the framework of its foreign policy.

The Government of Turkmenistan believes that ensuring security in the sphere of energy is one of the most important components of a stable world economy and its protection against distortions and disruptions. On 17 and 18 October 2013 the Ukrainian OSCE Chairmanship and the Government of Turkmenistan co-hosted a high-level conference in Ashgabat entitled "Energy Security and Sustainability - the OSCE Perspective", agreed in February this year by the Presidents of the two countries. It was an opportunity for participants to discuss a variety of subjects important for energy co-operation such as: ensuring the necessary conditions for development of the energy sector; strengthening regional energy co-operation; security and reliability of energy transport and energy infrastructure; and the promotion of sustainable energy solutions, energy savings and energy efficiency.

The conference was held with the aim of implementing the initiatives put forward by Turkmenistan to achieve peace and sustainable development all over the world and to continue the development of the legal basis to ensure power safety.

As these activities show, Turkmenistan strongly supports the consolidation of international community efforts to support and strengthen universal peace, stability and security by adopting meaningful decisions in the sphere of sustainable development and countering emerging challenges and threats. Consequently, Turkmenistan is steadily and resolutely following a policy of good-neighborly relations and active promotion of peace-building processes.

#OSCE

The rights of all

“Civil society and NGOs are watchdogs fighting for human rights. They can be nice if they want to, but they do not have to,” said Stavros Lambrinidis, EU Special Representative for Human Rights, in his keynote address to the 2013 **Human Dimension Implementation Meeting** in Warsaw from 23 September to 4 October. A record number of 1134 participants, including over 600 NGO representatives, attended.

Pass laws against domestic violence; protect children from abuse; improve data-gathering on hate crimes; ensure the right to freedom of worship; stop attacks against journalists; respect online privacy; defend linguistic rights of minorities: these were some of the recommendations made.

Download the consolidated report at www.osce.org/hdim_2013.

What terrorists deny

“As the threat of terrorism persists, so must our collective determination to counter it. As the threat of terrorism evolves, so must the response of the international community. But in their response to terrorism, states must always uphold and protect what terrorists aim to deny and undermine: human rights and the rule of law,” said Ambassador Ihor Prokopchuk, Permanent Representative of Ukraine to the OSCE, at the two-day **Conference on Priority Issues for International Co-operation in the Fight Against Terrorism** organized by the Ukrainian Chairmanship in Kyiv on 10 and 11 October. Current challenges and the implementation of the OSCE’s 2012 Consolidated Framework for the Fight against Terrorism were on the agenda.



Elections

Holding free and fair elections is a central tenet of the OSCE. Seventeen participating States invited the Office for Democratic Institutions and Human Rights to observe nine parliamentary, seven presidential and one local election(s) plus two sets of by-elections in 2013. The Parliamentary Assembly also sends short-term election observers.

The Mission in Kosovo facilitated municipal elections in four northern Kosovo municipalities on 3 November and a re-run in northern Mitrovica/Mitrovicë, in line with the 19 April Belgrade-Pristina/Pristinë agreement.

Security Days

Promoting Lasting Solutions – Approaches to Conflict Resolution in the OSCE area was the topic of an OSCE Security Day on 16 September 2013 in Vienna. See page 22.



“Democratic elections are the basis for the legitimacy of democratic government.”

Interview with Janez Lenarčič

Janez Lenarčič has been Director of the OSCE Office for Democratic Elections and Human Rights (ODIHR), the main OSCE institution dealing with human dimension issues, since July 2008.

Among the issues ODIHR deals with, election observation has a pretty high profile. This must have been interesting for you over the past five-plus years.

ODIHR's election observation activities do often attract a lot of attention, but all of the work we do is important. I'm proud of the assistance our Office provides to participating States in developing democratic institutions, in strengthening the rule of law, in promoting and ensuring the enjoyment of human rights and fundamental freedoms, as well as promoting tolerance and non-discrimination. Our efforts to help improve the situation of Roma and Sinti are also very important.

As for elections, over my time in this post I have taken part in more than 30 observation missions all across the OSCE region; I can't say that I've personally observed from Vancouver to Vladivostok, but I've come close. The work is sometimes difficult, but it is also very rewarding. It's been an opportunity to see how many different electoral systems operate, and to play a role in improving them.

The OSCE groups together 57 participating States, with different histories, traditions and forms of government – and different ways in which these governments are elected. Doesn't this pose a problem for ODIHR in its election observation activities?

You're right – no two electoral or governmental systems are the same. Members of parliament of some countries, for example, are elected based on proportional representation. In others they are elected directly in individual constituencies. The choice of system is up to the government and people of the country in question.

What these countries all have in common, however, is their OSCE commitment to the idea that genuine, democratic elections are the basis for the authority and legitimacy of all democratic government. Whatever system of government is chosen, it must comply with fundamental standards for democratic elections, in particular the right to vote and the right to stand in elections. It must ensure that the will of the people is, indeed, the sole basis of the authority and

legitimacy for those in government. These are the key standards that guide ODIHR's election observation work, in line with its mandate.

So your Office's job is to determine whether they meet these standards?

ODIHR's role is to provide them with recommendations on how their electoral processes can be improved, in line with these standards, and this is what we do in our final reports. The assessments produced on the basis of objective observation determine where there may be shortcomings and where improvements can be made – there is no such thing as a perfect election. These standards are elaborated in a fairly detailed manner in the OSCE Copenhagen Document, as well as a number of other important documents.

And the observation process is the same for every election?

The methodology we use is the same for every election. It is based on a determination of the added value an observation activity can bring for the electoral process in the country in question. This determination is made on the basis of a needs assessment mission sent to the country to meet with representatives from the authorities, political parties and/or candidates, as well as with representatives from civil society and the media. The information gathered during the mission forms the basis for a recommendation on what format of observation activity, if any, would bring the greatest added value.

In a world of infinite resources, financial and human, there would be no need to make such a determination. In the real world, however, we have limited resources, and it is our responsibility to provide the broadest and most effective assistance in improving electoral processes in the OSCE participating States within these constraints.

Nevertheless, every ODIHR election-related activity, whatever its format or size, is always conducted in strict compliance with the principles of election observation agreed on by all OSCE participating States: independence, impartiality and professionalism. There is no political or any other hidden agenda. We approach each and every election without bias or pre-conceived views.

What comes next?

Whatever has been identified as offering the most added value – election observation mission, limited election observation mission, election assessment mission – there are a number of different formats. The mission bases its findings and conclusions exclusively on information gathered in the field by a core team of analysts and long- and short-term observers. All of this information is duly scrutinized, analyzed and verified. We don't consider hearsay or second-hand information.

We then provide an assessment of the election process and, based on that assessment, our final report provides the country in question with a set of recommendations on how that process can be improved.

What are the reactions to these recommendations?

They can differ. In the majority of cases, we have been able to work with governments and other authorities on follow-up to our reports, providing technical expertise to help them with the implementation of recommendations. This is something we're always ready to do.

There are instances, though, where the political will is not there to implement the recommendations. It's unfortunate, because the bottom line is that all of these countries have committed themselves not only to invite ODIHR to observe, but also to follow up on the recommendations in election observation reports. When this doesn't happen, it's not just a failure to fulfil the promises all States have made within the OSCE, but also a failure to live up to the responsibility they all have to protect and promote the democratic rights of their voters.



Read more!

Living up to commitments?

ODIHR has released an analysis of its reports on 55 elections from 2010 to 2013 against commitments participating States have made. *Review of Electoral Legislation and Practice in OSCE Participating States* is available at www.osce.org/odihr/elections/107073

New voting technologies

Download ODIHR's *Handbook for the Observation for the Observation of New Voting Technologies* at www.osce.org/odihr/elections/104939



Afghanistan: Looking ahead

By Marcel Pesko

Afghanistan's transition decade is coming to a close—and its transformation period is beginning. With the withdrawal of the International Security Assistance Force and elections on the horizon, international stakeholders, including the OSCE, should consider re-calibrating their approach to strengthening security and stability in Afghanistan and the wider region. They should seek ways to better project their long-term strategic interests and to enhance co-ordination in their engagement with the region.

We all know that the transition to Afghan ownership is taking place in a volatile security and political environment. At stake are immediate concerns about security and systemic instability, as well as the serious risk that trafficking in drugs and weapons, terrorism, organized crime and extremism will spill over into neighboring countries and undermine their stability. At this critical stage, a key challenge for the

international community, including the OSCE, is to mobilize a co-ordinated and effective response. The international community should explore ways to ensure long-term engagement with a strategic focus on strengthening security and governance at both national and regional levels and further assisting the Afghan Government to enhance its capacities to address these challenges directly.

In moving forward, it is obvious that the countries in the region must be fully engaged in this response. Indeed, they are key stakeholders with ownership in the process of strengthening security, stability and economic growth. At the recent Heart of Asia Senior Officials Meeting in New York, the OSCE Secretary General confirmed that the OSCE, which has expressed its willingness to support three out of the seven confidence-building measures adopted by this regional initiative in support of Afghanistan – namely counter-terrorism, counter-narcotics and education – remains committed to this process and to advancing the implementation of the respective measures.

The mandate for OSCE's engagement with Afghanistan, as articulated in the relevant Ministerial Council decisions and underscored in the 2010 Astana Commemorative Declaration, is based upon the shared view that the security of the OSCE area is inextricably linked to that of adjacent regions. In 2007 participating States decided to increase OSCE engagement with its partner state Afghanistan; at the 2011 Ministerial Council in Vilnius, they resolved to strengthen this engagement.

Complementary role All these commitments emphasize the OSCE's complementary role to the international community's efforts to enhance stability in Afghanistan and the wider region. They provide a mandate for operations to strengthen border management between the Central Asian States and Afghanistan, to combat terrorism, fight trafficking in arms, illicit drugs and human beings, to promote economic and environmental activities, especially

good governance and trade, and foster human rights, tolerance, non-discrimination, freedom of media and gender equality.

Projects Since the adoption of the 2007 Decision a number of projects have been successfully implemented. Some of them have become flagship activities for the OSCE in the region, including the Border Management Staff College, the Patrol Programming and Leadership Project, the Customs Training Project and the Women's Entrepreneurship Project.

OSCE field presences in Central Asia also support several important initiatives, including mine clearance along the Tajik-Afghan border, regional co-operation on explosive hazards, programmes addressing radicalization, dialogue on trans-border water management, free economic zones and cross-border trade resource centers. The OSCE Academy in Bishkek, which educates Master's students from across Central Asia and Afghanistan, is developing an Afghanistan research centre to help the OSCE community deal with emerging issues of regional security.

There are also plans to establish a regional center for excellence in policing. The Secretary General has initiated a discussion with the Shanghai Co-operation Organization on possible co-operation on this initiative.

However, it is also true that some jointly identified projects have not gained the support of the relevant authorities or continue to face funding gaps that prevent their implementation.

But overall, the lessons learned from the implementation of our Afghanistan-related projects are very positive. Because OSCE activities focus on building capacity, they not only promote security in Afghanistan, but also strengthen stability throughout the Central Asian region.

Added Value The OSCE has demonstrated its added value as an inclusive platform for dialogue, co-operation, co-ordination and information sharing among key actors in Afghanistan and Central Asia. Earlier this year the Secretary General dedicated a Security Days conference to the international community's engagement with Afghanistan and the Central Asian States. High-level representatives from Central Asian States and Afghanistan as well as from the UN, NATO, the EU, CSTO and SCO participated in this event, which underscored that regional ownership must be a key component of international community initiatives aimed at promoting co-operation in the region.

Elections In 2014, two of the most critical events in Afghanistan will be the elections for President and for the Provincial Councils. ODIHR has recently received a formal invitation from the Afghan Independent Election Commission to support the presidential elections scheduled on 5 April 2014.

Can we do more?

Today, the key question is whether we can do more to support Afghanistan's transformation by offering the OSCE's comparative advantages, accumulated experience and extensive potential. Although the transformation brings numerous challenges, it also offers an opportunity to use the OSCE's framework and toolbox to pursue our shared objectives more vigorously.

As a part of its efforts to strengthen regional stability, particularly through the Heart of Asia process, the OSCE can play an even more visible role in facilitating regional co-operation involving Afghanistan and the Central Asian participating States. The Heart of Asia is now confronted with the challenge of moving forward with the implementation of its confidence-building measures. The OSCE could initiate and support regional dialogue on how to carry them out.

The CSCE Helsinki process, like the Heart of Asia initiative, was designed to build confidence among countries with diverse interests but a common will to avoid further military confrontation and conflict. Though the geo-political and historical context of each region is unique, the OSCE experience and lessons learned in formulating and implementing confidence-building measures could be relevant as the Heart of Asia process moves into its next phase.



“Our set of interlocking and mutually reinforcing arms control obligations could serve as an inspiration.”

Our set of interlocking and mutually reinforcing arms control obligations could serve as an inspiration.

For instance, the OSCE Communications Network could offer a basis for establishing a “hot line” between Afghanistan and its Central Asian neighbours. The OSCE could provide access to the Network in order to enhance contacts between Afghanistan and neighboring OSCE participating States. This secure and reliable connection could also be used to exchange information on security policies, military postures and defence planning. Current operations or possibilities for military co-operation, including joint training, could also be shared.

The OSCE could support practical work on exporting, brokering controls, tracing and managing stockpiles of small arms and light weapons. It could also help to organize meetings and training for Afghan experts on the control of conventional arms transfers.

In the field of physical security and stockpile management, better co-ordination with other organizations, including NATO and CSTO, could be envisaged. On non-proliferation of weapons of mass destruction, best practices from the Central Asian region on developing National Action Plans could be shared, and perhaps even jointly developed. The OSCE could provide technical expertise and assistance as well as invite Afghan

participants to national and regional workshops and seminars in Central Asia on the implementation of United Nations Security Council Resolution 1540. It could also support Afghanistan in developing a National Action Plan. In the medium term, confidence could be built through joint training courses, military contacts, cross-border communication networks or voluntary notifications of military operations. In the short term, the OSCE should consider inviting Afghan officials more systematically to relevant workshops and seminars in the region.

The OSCE could intensify its support in critical areas such as water and resource management, energy and transport security, promotion of tolerance and non-discrimination, good governance and rule of law, trade and investment, education, electoral reforms and gender equality.

Obviously, we should always keep in mind that the role of the international community, including the OSCE, is to provide support for the Afghan transformation process, not to impose it. Greater ownership by Afghanistan and Central Asian States is the key component of effective regional co-operation.

I am confident that the OSCE is ready to re-energize its efforts to address the challenges arising for our partner country as it takes full responsibility for its own security.

Marcel Pesko is the Director of the Office of the OSCE Secretary General. This article is based on a presentation to the joint Permanent Council/Forum for Security Co-operation meeting on 9 October 2013.



Citizens of Afghanistan share their hopes and fears for post-2014.

“Despite decades of conflict, Afghanistan has changed dramatically. The transformation began right after the start of United States multi-sector co-operation in 2001. I would even call these changes a revolution, a revolution which is very tangible and has touched the lives of every single individual living in Afghanistan. Today more than eight million Afghan children are enrolled in schools all over the country. Afghans have access to power, paved roads, drinkable water, better health facilities, free media outlets, technologies, communications, cell phones, good military and non-military institutions, an accountable and a very transparent system of collecting customs revenues.

“Signing the Bilateral Security Agreement (BSA) with the United States is a must. By signing this valuable agreement, we will be able to secure our future. A free and fair presidential election in April 2014 will be vital for strengthening democracy in Afghanistan. I would like to encourage all Afghans to participate in order to form a new legitimate government free of fraud. And I would like to call on Afghanistan’s international friends to keep on helping Afghanistan, until it acquires full peace and stability.”

-Abdul Satar Sarhal is Director of Customs in Balkh, Afghanistan. A chemist and international narcotics expert, he has attended OSCE conferences and training courses in Dushanbe and Baku.

“Will Afghanistan be able to handle the important changes coming in 2014? I am quite hopeful. Our foreign relations with countries near and far are much improved from what they were. In Washington, Berlin, London, Moscow, Beijing, Tehran, Islamabad, New Delhi, and every other capital, it is well understood that leaving Afghanistan in a mess is not in the interest of anybody. The scenario envisaged for Afghanistan is one of co-operation.

“Still, the question arises, what if? What if the international community were once again to abandon Afghanistan? What if the progress were to be reversed? What if present achievements were wasted, especially as regards women’s involvement in politics and the economic sphere? And what if the Afghan government were not able to handle matters alone? What if threats coming from the neighborhood continued to undermine progress? What if the present track of progress were not sustained?”

-Suhaila Khyber from Afghanistan studied at the OSCE Academy in Bishkek.

“The very word *amniat*, which means “security” in most languages spoken in Afghanistan, has an establishment-centric connotation of protecting the regime against internal and external aggression, almost always at the expense of individuals.

“Never since 2001 has this view been as prevalent as it is now. The earlier, at least stated, goal of establishing a democratic and prosperous Afghan state at peace with itself and the rest of the world is being increasingly replaced with a minimalist objective of having an Afghanistan that is no longer a sanctuary and launch pad for international terrorism. This, in a nutshell, is security with a predominantly military face. This approach may not be sustainable in the long run, however. Afghanistan needs to prioritize human security and take the individual, rather than the state, as its referent.

“Security is not just the end of war, but also the ability to go about one’s business safely, in a safe environment; to have a job; to participate in political processes; to have choices for the education of one’s children; to lead a healthy



life; and to do all this with the knowledge that these gains will not be taken away tomorrow.

“The Afghan government needs to empower all people in its territory to lead fulfilling lives and, thus, contribute to national recovery and development. This would be something worthy of all-out support from the international community. This can and should be security with a human face.”

Said Reza Kazemi, former student of the OSCE Academy in Bishkek, is a visiting researcher in the Norwegian Institute of International Affairs (NUPI), Oslo.

“For most people outside Afghanistan, 2014 spells danger and growing instability. But not for me and my generation. Optimism and hope shape our expectations.

“This is why: we have come back from universities abroad to work for the development of our country. Thousands of Afghans have been educated abroad, and many of us are already working in the government, the private sector and international organizations.

“Despite many shortfalls in governance, development and security, the past decade has transformed Afghanistan.

Developments in education, media, communication technology, banking and services have fundamentally changed people's lifestyles. Politically, Afghanistan is relatively free, with a vibrant media and a developing civil society.

"Women, despite many structural constraints, are an emerging political power. Democracy remains a hope, even a necessity in a country of minorities for whom it is an existential question.

"Fiscal problems, however, are an existential threat. The security forces in Afghanistan are almost entirely financed by international partners, and the Afghan government will not be able to maintain as large a national army in the coming decades. It is therefore extremely important that international commitments to support Afghanistan continue beyond 2014.

"The political transition is far more important than the peace talks with the Taliban. A peaceful transfer of power to a new government in the 2014 election can ensure the



institutional continuity of the state, a fundamental national security interest. Therefore, it is important the international community, including the OSCE, focus on programming for a successful transfer of power in the 2014 elections."

Elham Gharji, an OSCE Academy alumnus, is currently heading the Gawharshad Private University in Kabul. He is also a founding member of the Afghanistan 1400 Movement, a youth movement preparing to enter politics and lead Afghanistan in the coming 1400 century (according to the Afghan calendar, it is now 1392).

"I remember the days when we were afraid of leaving our houses during the Taliban regime. Women were prohibited from public appearance and we had to say goodbye to our schools. Several times I witnessed Taliban beating women and treating them like animals. They turned Afghanistan into a ruin.

"After the Taliban fell in 2001, women endeavored to restore their social positions and participate in all spheres of economic, political and social activity. Therefore, it is understandable that they are worried about the uncertain future.

"There are three possible scenarios for post-2014. The upcoming elections could be transparent and the Afghan people, with the help of international community, have a stable future. Or Afghanistan could experience another civil war, based on the personal interests of different parties. Or the Taliban could take over again.

"The chances for the last two possibilities are very high, for several reasons. The majority of people living in rural areas are still not happy with the social and political changes in their country. They oppose women's presence in the workforce. They are therefore inclined to support the Taliban regime.

"It is naïve to be optimistic about Afghanistan's situation in the coming years. Whatever happens, women's rights will be negatively affected. The future for Afghan women does not seem bright."

Sakina Qasemi, student at the OSCE Academy in Bishkek, Kyrgyzstan

"The transition from international forces to the Afghan National Security Forces could be a turning point in the country's history. But Afghans cannot do it alone. We need our international allies to stand beside us and continue their support to root out Al-Qaeda from the region and convince the Afghan Taliban that

there is no way back.

This could be done through an Afghan-led peace process, supported by neighbouring states. The presence of international forces could reduce the security challenges and help Afghans to empower their fragile economy. Signing the security agreement with the United States would be another important step.

"The OSCE could work with Afghanistan and Central Asian countries to overcome the challenges related to poppy cultivation and drug trafficking, which threaten the health of people around the globe.

"The OCSE can contribute to the quality and credibility of the 2014 elections by deploying election support teams. It can offer its expertise in implementing confidence-building measures between Afghanistan and its Central Asian neighbours. It can also continue to offer training for border guards and border police to help Afghanistan secure its borders from international terrorism and drug trafficking."

Farima Nawabi is an Afghanistan-Canada bilateral desk officer in the Ministry of Foreign Affairs of Afghanistan. From March to July 2012 she worked in the Borders Unit of the OSCE Secretariat's Transnational Threats Department in Vienna.



class="jargon" style="color

HTML PUBLIC "-//W3C//DTD" title="

VIR

Keeping the devil out of the details

**Protecting critical energy
infrastructure from terrorist attack**

The ancient Roman aqueducts were a triumph of engineering, yet when the Empire started to crumble the graceful arches turned out to be its weakest point, most open to attack.

Today's technology has left the aqueducts far behind, but the irony is that we are even more vulnerable than our Roman predecessors.

We rely on a sophisticated electric energy infrastructure to bring us water, light, heat, and the power to run the many tools and devices we use almost every minute of our waking lives. If it were to stop functioning, so would life as we know it.

The advent of information and communications technology (ICT) has raised this vulnerability a further notch. Smart power grids, driven by computers, make energy transmission safer as they can register any disturbance along the supply lines in real time. But they are also open to cyber-attack, be it from hackers, disgruntled employees, competitors– or terrorists.

Our energy infrastructure is definitely something we take for granted. If we are asked: what is your biggest security concern? we are likely to answer “the economic crisis”, “faltering social insurance systems”, “instability in neighbouring regions”, “uncontrolled migration”. No one is going to say they lie awake at night thinking the light switch might not go on in the morning. We might get a little worried if our coffee maker doesn’t work, the streets are dark, the trams are not running and the computers at work are all down.

The damage from a sustained attack on our infrastructure would spread very wide. One thing spills over to another – the so-called cascade effect. It may take a little time, but within days aircraft control systems would be down, transport come to a standstill, hospital life support systems cease to function.

A report released by the United States National Academy of Sciences last year stated that an attack on the national power grid could cause blackouts for months and lead to hundreds or even thousands of deaths.

The fact that such an outage might be caused by a cyber-attack adds to the danger. If the attack were ongoing, standard recovery mechanisms that kicked in might cause the same damage to be done again, as long as the root cause was not eliminated.

But these scenarios are unlikely to happen. And that’s as it should be. Because if they ever did, as with the attack of the Germanic tribes on the aqueducts of Rome and Cologne, it would be too late to do much about it.

The lesson we need to learn is that it is crucial to be aware of the vulnerability of the infrastructure we rely on. We need to invest thought, time and money into its protection.

The Action against Terrorism Unit of the OSCE’s Transnational Threats Department has recently released a good practices guide to encourage just that approach among OSCE participating States. It provides governments and the private energy sector with policy guidelines and best practices for the protection of critical energy infrastructure, with a special focus on potential terrorist attacks coming from cyber-space.

Calculating risk

The key to ensuring that a disaster will never happen is minimizing the possibility that it could. Our critical energy infrastructures are enormously complex, with many interrelated physical, human and information systems. If we wish to be prepared for all eventualities, we need to identify and assess every dangerous event, scenario or development that could possibly occur. We need to calculate the risk.

Luckily, a lot of work has been done to make this task an easier one. The good practices guide provides valuable information on tools that are available for managing risk, such as the procedures developed by the International Organization for Standardization (ISO), including the ISO 27000 series focusing specifically on energy infrastructure. These standards are constantly evolving, as indeed they must to keep up with the fast-paced advances in energy technology.

Partnerships

As the main responsibility for maintaining infrastructure is in private hands, private-public partnerships have become the mantra of critical energy infrastructure protection.

The Swiss government and industries have set an excellent example by developing critical infrastructure protection roundtables among different public agencies on the one hand, and business continuity management among private companies on the other, and harmonizing the risk management procedures of the two.

The United States Department of Homeland Security's National Infrastructure Protection Plan enables collaboration between private industry representatives in Sector Co-ordinating Councils and the various levels of government in Government Co-ordinating Councils.

The OSCE, as a forum that brings governments, business representatives, experts and civil society together can encourage exchange, build political will and assist with building capacity for the protection of critical energy infrastructure. And it can help raise awareness, as with this guidebook.

Its message, in a nutshell is: we need to make our infrastructure resilient. Starting from the assumption that any harmful act that can be done will eventually be attempted, we need to put the mechanisms in place to ensure that if and when that happens, it is not going to bring the infrastructure down.

Download the *Good Practices Guide on Non-Nuclear Critical Energy Infrastructure Protection (NNCEIP) from Terrorist Attacks Focusing on Threats Emanating from Cyberspace* at www.osce.org/atu/103500

Security Day on conflict resolution

Are there techniques for ending conflict?
Can one provoke a breakthrough? Make a
peaceful solution last?

Distilling expertise from the OSCE's long
experience in conflict resolution and ex-
ploring new approaches was the aim of the
OSCE Security Day held in Vienna on 16
September. Reframing disputes that have
led to a deadlock, exploiting moments of
ripeness, engaging potential spoilers,
exploiting multiple channels were some of
the avenues explored. Three of the
participants reflect on their experience.

BUILDING A

SECURITY

Inclusiveness

“The OSCE’s most effective capacity is its presence on the ground, the fact that it has people in missions in so many places who are keeping track of things in the countries where they are stationed and institutions like the High Commissioner on National Minorities who can try to deal with conflicts locally before they expand into something greater. Inclusiveness is a very important part of that. One of the OSCE’s strengths is the ability of the missions to work at the highest diplomatic levels but also deal with civil society organizations or even individuals.

“The most frustrating thing is of course that the parties who want to block efforts to solve a conflict can do so, particularly in an organization that is consensus based. In 1992 the rule of consensus minus one was invoked to suspend Yugoslavia, which led to the mission in Kosovo, Vojvodina and Sandjak being closed, and I think the Organization since then has tried to avoid that kind of cost. Sometimes it means keeping a presence even if it isn’t always able to do all that one would hope it could do. But it does provide some continuing influence and reminder about the necessity of moving toward a resolution of the conflict and keeps the structures available in the event that ripeness ever appears.”

- P. Terrence Hopmann, Director of the Conflict Management Programme at the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, United States

Respect for local expertise

“When international partners come to our region for conflict prevention and peace-building, we the locals really expect them to listen to us and plan their programmes according to our local needs. We often feel that they come with agendas and activities decided in advance.

“In many countries, such as Kyrgyzstan, civil society and local organizations are well qualified to do basic training in

conflict transformation themselves, in the local language, which is very important in remote areas. But when the topic is new for us, then yes, we can learn from our international partners.

“The OSCE Centre in Bishkek and its field office in Osh, when they are planning to do something new, have the practice of inviting NGOs for a meeting to ask what we think. This is a good practice and we respect it. But still sometimes the international organizations could do things differently. After the June 2010 events, for example, Roza Otunbayeva, our President at the time, requested help with training mediators. But what happened was that all of the international organizations got funding for mediation and the whole country was crazy attending mediation workshops and trainings. That is why co-ordination among international organizations is very important.”

- Raisa Kadyrova, President of the Foundation for Tolerance International, Kyrgyzstan

Latent potential

“The OSCE has a lot of experience in mediation, conflict prevention, early intervention, settlement and implementation of settlements. It did a lot more in the 1990s and 2000s and is troubled now by a less co-operative relationship between the major players. This affects the ability of the organization to reach consensus and to undertake activities, especially activities in the field. It’s not that it is without successes; it is simply that they are far fewer and the scope of activities a lot more limited than they were. I think that is too bad, because there is a lot of potential. The countries in the OSCE taken together have enormous talent and capability and by applying these in a directed way to problems that exist within and between participating States it could do a lot. The Organization is not coming anywhere near to realizing the potential it showed earlier in its existence. And I think that if meetings like this can point this out, perhaps that will help change the current situation.”

- William Hill, National War College, Fort McNair, United States

Community

Read the key conclusions and recommendations of the Security Day event “Promoting lasting solutions, approaches to conflict resolution in the OSCE area”, available at the conference webpage: www.osce.org/sg/103915

The changing phases of conflict prevention

How has the challenge of preventing conflicts changed over time? Four successive Directors of the Conflict Prevention Centre offer their reflections.

Marton Krasznai (1998–2002)

During my time as Director of the Conflict Prevention Centre (CPC), conflicts in South-Eastern Europe remained the top priority. The Kosovo Verification Mission between October 1998 and March 1999 was perhaps the largest and most challenging OSCE operation ever. The strengthening of the Spillover Monitoring Mission to Skopje, the Presence in Albania and establishment of the large Mission in Kosovo in July 1999, as well as continued support to the Mission in Bosnia and Herzegovina placed a serious burden on the relatively small Centre.

The South Caucasus was another priority area. Setting up the Border Monitoring Operation of the Mission to Georgia was a challenge due to logistical difficulties and the highly sensitive nature of the information collected. The CPC worked closely with missions in the South Caucasus to develop new, creative approaches that would enable the OSCE to make gradual progress in the resolution of “frozen conflicts”. Despite a few successful projects, this task was beyond the capacity and mandate of the CPC.

Setting up in the summer of 1998 the OSCE Centres in Ashgabat, Astana and Bishkek, the OSCE Office in Dushanbe and later in 2000 the OSCE Centre in Tashkent required new types of support. Central Asia was not a priority, however. Available resources (both

for the CPC and the missions) did not match the broad and complex challenges that the region faced – from religious extremism, drug trafficking, disputes over water resources to difficulties of the democratization process. The CPC repeatedly highlighted the “window of opportunity” opened by the intervention of the coalition forces in Afghanistan – with limited success.

It was fascinating and challenging to perform so many different tasks (planning and setting up missions, information management, analysis, support to the Chairperson-in-Office, work on new approaches to conflict prevention and resolution, co-ordination and

co-operation with partner organizations) with a relatively small staff. The deployment of seconded staff allowed the organization to rapidly build up large operations and maintain an impressive field presence with a modest budget. At the same time, seconded personnel sometimes lacked in-depth knowledge of the political, economic and human aspects of conflicts. The CPC with its relatively small

number of non-career staff was mostly unable to compensate for this weakness.

Improving support to field operations was my absolute priority, including setting up the Situation and Communications Room and working for closer co-operation between the missions and the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights as well as partner organizations like the EU, NATO, Council of Europe and the UN High Commissioner for Refugees.

Marton Krasznai is currently Regional Advisor in charge of the UN Special Programme for the Economies of Central Asia, Co-Chair of the UNECE Task Force on the Programme “Regional Dialogue and Cooperation on Water Resources Management in Central Asia” and UNECE Focal Point for the Regional Economic Cooperation Conference on Afghanistan.



Lamberto Zannier

(2002–2006)

My tenure in the CPC was at a time of consolidation and transformation. The OSCE was taking stock of its fast institutional development during the nineties while at the same time adjusting its agenda and operations to address the challenges of the new century. Of course, there are strong elements of continuity, such as the structured efforts to address the protracted conflicts, still ongoing today, but the context was obviously different. In many ways, it was an exciting time, and we had difficult tasks, such as the operation of our mission in Chechnya and the Border Monitoring Operation in Georgia, along the Russian border.



One of my first tasks, in 2002, was to renegotiate our mandate for a presence in Minsk, a task we successfully accomplished following intense negotiations over Christmas with a high-level delegation from Minsk. At the same time, our presence and role in Central Asia was steadily expanding. The countries of the region were stepping up their engagement within the organization and were bringing new issues onto our agenda.

It was also a time of turmoil and change. We had to deal with unrest, crises and more or less peaceful transitions in countries like Georgia, Kyrgyzstan, Uzbekistan, and Ukraine. And we had, in different ways, to find ways to deal with those events, to avoid the risk that they result in wider instability.

In many ways, South-Eastern Europe was still at the centre of the OSCE's attention, as a result of the strong investments made by the Organization in that region during the previous decade. This was particularly visible in Kosovo, where our field operation continued to operate as a pillar of the UN Mission. One of our successes was the operation of a police school that

made quite an impact on the ground – I saw confirmation of this when I was there years later on behalf of the UN. The multi-ethnic mode of the training has been key to the success of policing in Kosovo today. Our Mission to Bosnia and Herzegovina was already a large operation at the time, involved in many aspects of the political activities of the international community in the country. We had a large and active Mission in Croatia, which I closed less than two years ago; and most of the missions in the region, including those in the former Yugoslav Republic of Macedonia and in Albania, had a network of smaller field offices, vastly reduced today as a result of progress within the respective host countries.

In those days we also started paying increased attention to the global challenges that have today become a large part of the OSCE agenda. Having joined the CPC less than a year after 9/11, I witnessed the discussions revolving around the need for a regional organization to address these new kinds of challenges. I made a contribution by establishing a Borders Unit within the CPC. Now I have had the opportunity to set up a Transnational Threats Department that deals more systematically with these questions.

It was also a time of internal reform. The Integrated Resource Management System and performance-based budgeting were tools that we introduced during those years with Department of Management and Finances Director Michael von der Schulenburg under the leadership of Secretary General Jan Kubiš. They changed profoundly the way OSCE operates. It was at that time that in the CPC I set up the unit for assessment and evaluation of our projects, so as to ensure efficiency, coherence and transparency in our programmatic activities.

The OSCE then was also starting to look beyond its direct remit, as its agenda evolved and its activities developed on the ground, to engage with other external partners. Recognizing the importance of this, I opened up a part of our periodic meetings of Heads of Missions to partner organizations. This gave our discussions more strategic depth but also allowed us to improve the effectiveness of our operations. And it was very much in line with the Platform for Security Co-operation that had been adopted at the 1999 Summit in Istanbul. I still regard that period as a turning point in the way the OSCE engages with other organizations.

Lamberto Zannier is currently Secretary General of the OSCE.

Herbert Salber (2006–2011)

The ambition to prevent conflicts before they become violent or cause unacceptable damage comes close to daring the impossible. While the OSCE in principle has the instruments and mechanisms to do what is necessary, we must admit that the overall balance in conflict prevention is not satisfactory. The Conflict Prevention Centre has developed impressive compilations of documents directly related to conflict prevention which are the result of a dynamic period in the OSCE's history after the end of the Cold War. The result of an in-depth analysis of their effectiveness was not encouraging. We found that most of them were never used. Why is this so? The answer is multifaceted, but the main reason seems to be a growing unwillingness of participating States to make use of co-operative approaches to security. On almost every issue there exists a wide variety of views among participating States which are difficult to reconcile. Not all involved in or observing an emerging conflict from outside have similar or even coinciding perceptions of its seriousness or virulence. But in pre-conflict situations action is needed in order to mitigate an emerging conflict. Here is where the problem starts: how to mobilize political will to reach a consensus on action?



Many consider involvement by the international community as undue interference from the outside and are only ready to accept assistance once it is too late, when conflicts turn violent. In this case we find ourselves rather quickly in the mode of conflict management or post conflict rehabilitation. No doubt this function also has merits, it can ameliorate the situation, reduce or avoid human suffering and prevent further conflict from surfacing – but this does not achieve the original objective of preventing conflict. What can we do about this dilemma? There is no choice but to convince representatives of participating States to

strengthen conflict prevention instruments and allow for their use in cases of need. Suggestions have been on the table for quite some time. The willingness to take them up constructively, however, remains limited.

This is worrying. We cannot say that all conflicts in the OSCE space have been solved. For example, there are the “protracted conflicts”. Progress at the political level to develop solutions to

these conflicts should be underpinned by efforts to go deeper into the societies of the regions affected. Root causes of conflicts that turned violent even more than 20 years ago still exist: ethnic, religious or politically motivated separating lines have not disappeared. It would be promising to address these issues in order to further peace, which in many instances remains fragile. That might certainly imply a limited amount of interference, but a kind of interference that could benefit all parties concerned.

Herbert Salber is currently Deputy Permanent Representative of Germany to NATO.

Adam Kobieracki (2011–)

My experience with the CPC is still “unfinished business”, so I will limit myself to just a few comments. We in the OSCE are at the moment looking at our approaches and instruments for preventing conflict.

Simple as it is to understand, and at the same time difficult as it will be to do, we need to adapt the tools at our disposal to new political realities and a new security environment. Our philosophy will remain unchanged

- comprehensive conflict prevention.

Formally speaking, the work in this context is based on the decision taken at the 2011 Ministerial Council in Vilnius on Elements of the Conflict Cycle. Under that mandate, we are looking at different possibilities with regard to OSCE involvement throughout the conflict cycle from “classic” conflict prevention, including early warning and early action, through conflict management and resolution to post-conflict rehabilitation. A lot of attention is being devoted to mediation and reconciliation.

We are not reinventing the wheel; we are just trying to make sure that our wheels fit the somewhat bumpy and rocky road of conflict prevention. Let me assure you: there is no shortage of ideas. Let me however also advise you to read carefully what my immediate predecessor, Herbert Salber,



had to say about the willingness of the participating States to use existing OSCE instruments, tools and mechanisms.

The above-mentioned, more conceptual work is being carried out in parallel with the on-going conflict prevention and resolution efforts. As far as the so-called “protracted conflicts” in the OSCE area are concerned, the existing negotiating formats have been more or less

successful in terms of containment, but have not brought us any closer to actual resolution of those conflicts. The CPC, with its highly professional and dedicated staff, spares no efforts to improve the lives of those affected by conflict through multidimensional capacity-building projects as well as the implementation of both military and civilian confidence-building measures.

Another challenge we face is how to perform and orchestrate our conflict prevention work at a time when some of our field presences are either closed (like in Minsk) or their mandates are being changed (like in Baku – from OSCE Office to Project Co-ordinator). Let me stress that from my point of view, a field presence is not an end in itself but rather a very, very important instrument.

Overall, my main concern so far has been that we are constantly being asked “to do more with less” – more effective conflict prevention and resolution with less money, fewer people, fewer field presences. Ideas and concepts alone will not do the job.

Adam Kobieracki is currently Director of the OSCE Conflict Prevention Centre.



**Retrieving
humanity**

Can war crimes courts reconcile?

By Sir Geoffrey Nice QC

After 20 years of international criminal tribunals, do they contribute anything to the resolution of conflict or the bringing of reconciliation? I could really conclude after the next sentence, which is: “Well, not much.”

When considering the work of the international courts, it is always useful to take a step back and compare them to the national justice systems with which we are more familiar. Crime and punishment systems are meant to protect the public and to convict offenders. No one expects them to reconcile rapist to victim, houseowner to burglar, reckless driver to the bereaved – although one may dream of a victim-based justice system, in which changing behaviour were central.

But in fact, the first international criminal courts did dream, at least in the beginning. If you go back to their founding documents you will find that they were going to end impunity. A nice idea – unrealistic. In the first report from the International Criminal Tribunal for the former Yugoslavia to the United Nations, Antonio Cassese, a much respected international lawyer, sadly no longer with us, recalled that the tribunal was conceived as one of the measures designed gradually to promote the end of armed hostilities.

“How could a woman who had been raped by servicemen from a different ethnic group or a civilian whose parents or children had been killed in cold blood quell their desire for vengeance if they knew that the authors of these crimes were left unpunished and were allowed to move around freely, possibly in the same town where their appalling actions had been perpetrated? The only civilized alternative to this desire for revenge is to render justice, to conduct a fair trial by a truly independent and impartial tribunal and to punish those found guilty. If no fair trial is held, feelings of hatred and resentment seething below the surface will, sooner or later, erupt and lead to renewed violence,” he wrote. “The role of the tribunal cannot be overemphasized,” he followed. “Far from being a vehicle for revenge, it is a tool for reconciliation.”

Why? What is there that is truly reconciliatory about crime and punishment? I think this is a really difficult problem. The advantages and benefits of these courts are immense, but when it comes to the simple question do they necessarily have much to do with the

resolution of conflict, I am afraid the answer is a slightly unhappy one, or at least it may be. Certainly if you read the tribunal’s subsequent reports, you see much less of this sort of language and much more about the nuts and bolts of how to get these trials done.

In the 500 days of hearings of the Milosević case, reconciliation was never the focus of our work. In fact, looking through the files one finds only about five mentions that are arguably interesting. None of them refer to the work of the trial as such. Instead, reconciliation is said to depend on a comprehensive process of democratization in Serbia, or a fair division of territory in Bosnia and Herzegovina, or an equal treatment of all leaders involved in the conflict.

The one exception is a statement by Milan Babić, the dentist from Knin who had been involved in the early part of the Croatian conflict on behalf of the Serbs. He pleaded guilty, was sentenced and then gave evidence in the Milosević case. To begin with, he gave evidence with his face on the screen pixelated and his voice distorted. But after a time he asked for the disguise to be lifted. And through his lawyer he gave a number of reasons. One of these was that, in his view, his being seen telling the truth in court would serve the purposes of reconciliation.

The rest of the story about Babić is, to my mind, quite disturbing. He was a devout religious man, a family man, he was clearly contrite. He did everything he could to serve the purposes of any trial or any truth commission aimed at bringing people together because he wanted, in his own terms, reconciliation. He was called again in a second trial and booked for a third. In the second trial he was cross examined aggressively on the basis that he was a traitor, and he hanged himself.

The tribunal, apart from recording his death and having an inquiry to make sure that the penitentiary was let off the hook, showed little interest. But wasn’t this man, in the process of dealing with the conflict, as important a figure as any? In a gloomy way, this proves

the point I made at the outset: the courts are not there to bring perpetrators and victims together. They are there to perform a very valuable function, but much, much more limited. International courts and legal systems protesting that they will end impunity have to acknowledge that making crimes of murder or rape in national criminal justice systems has not stopped killing or raping.

And yet, might they not be seen, not so much as ends in themselves, but as part of a larger project? I have never been the victim of conflict violence and thus cannot know how such victims feel about the need for retribution through convictions and sentencing of offenders. And I do not diminish their potential importance. However it seems clear that after conflicts a principal concern of the affected citizen is to know what happened and to be confident that the best possible narrative of events is left behind.

The international courts have added to knowledge immeasurably. Deterrence – a good ambition – is unlikely to result from the work of the tribunals alone; but it might come as the product of politicians, social scientists and many others in our open societies working hand in hand, sometimes with lawyers, and building on knowledge from wherever generated and in particular from knowledge available in accurate records of armed conflicts.

The tribunals in The Hague and the International Criminal Court have inspired regional and national war crimes courts that conduct trials much closer to the citizens in the affected areas, who can attend them and see for themselves justice being done.

With time, we may come to see the current family of international criminal tribunals as experiments, works in progress. In fact, in these days of modern communication and the World Wide Web, for the purposes of leaving a record of events citizens no longer have to show respect to the great institutions if they fail to serve them well. By way of example, an international group of diaspora Iranians recently created an informal tribunal to deal with the massacres of Iranians during the 1980s in Iran's prisons. At modest cost, with the benefit of Skype, 75 witnesses from around the world were heard in

London and the reports of this evidence, together with other critical witnesses, were heard by highly reputable pro bono judges in The Hague in October.

I was recently struck by reminding myself of the substantial peace movement that existed between the middle of the nineteenth century and the start of the First World War. People at that time envisaged things like war crimes trials and actually believed it might be possible to end war. How disappointed they must have been. But had they been able to travel in time, they would have seen that their idealism had taken shape, first with the tribunals at Nurnberg and Tokyo and the identification of new crimes such as genocide and crimes against humanity, then with the family of war crimes tribunals that we have now, whether they deal with conflict or not. Their idealism, although unsuccessful at the turn of the century, must have been a building block for what was to follow, which to them would have looked like a success.

I believe our duty now is to identify the new idealism. Not simply to look at the institutions we have got, which will buttress the way ahead if it needs buttressing and do serve useful purposes. My idea is that the new idealism will not focus on retributive justice. It may have it as a component but it won't focus on it. The new idealism has to focus on knowledge and information. Because it is, I think, maximising knowledge and information about what happens in conflict that will enable us as citizens of the world to find better mechanisms in the future to control and limit – not to end, I suspect – conflict and may, however slowly, increase the prospects of achieving some reconciliation.

Sir Geoffrey Nice QC, practicing barrister and Gresham College Professor of Law, worked at the International Criminal Tribunal for the Former Yugoslavia between 1998 and 2006 and led the prosecution of Slobodan Milošević, former President of Serbia.

The above article is an abridged version of Gresham College public lectures "War Crimes Courts that Reconcile: Oxymoron or Possibility?" and "International Criminal Tribunals: Experiments? Works in progress?" approved by the author. View the entire lectures and others by Sir Geoffrey Nice QC at www.gresham.ac.uk

The benefits of cold, hard legal analysis

Monitoring war crimes trials in Croatia

Courageous activists in Croatia have for years been countering the silence that tends to surround the suffering caused by war crimes by advocating passionately for victims' rights, convinced that only a deep and intense public dialogue, as painful as this might be, can bring their society forward. The NGO Documenta, for example, has conducted a hugely ambitious documentation of human losses and personal memories since 1941.

Since 2012, however, Documenta and two other NGOs, the Centre for Peace, Non-violence and Human Rights and the Civic Committee for Human Rights, have been following quite another track, with equal dedication. The three organizations, which have taken the lead on monitoring war crimes trials in Croatia, have been working with OSCE trainers to take some of the passion out of their trial monitoring reporting and use objective analysis to further their cause.

War crimes trials expert Richard Rogers, one of the international trainers, tells the story.

What was the objective of the training?

After the OSCE Office in Zagreb completed its mandate of monitoring war crimes trials in Croatia, local NGOs took on the responsibility of monitoring these trials. The training programme was a way for the OSCE to pass on the necessary knowledge and skills to the NGOs.

When we started working with the NGOs two years ago, we found a group of young, bright, keen and ethical monitors. The problem was that they tended to approach their task with the mindset of activists and view the cases purely from the victims' perspective. As a trial monitor one should assess the cases objectively and strictly against fair trial standards. This is an issue of credibility.

We encouraged the monitors to introduce a much more structured style of observation and report writing based on the international fair trial standards, as articulated in the European Convention on Human Rights and the International Covenant of Civil and Political Rights. Croatia has signed up to both of these international treaties, so there is an obligation on the state to apply them and not just on the individual judge. The most important rights include the right to presumption of innocence, to an effective defence, to a public trial, to call and question witnesses, to an independent and impartial tribunal. In Croatia, the right of victims to an effective remedy is perhaps the most important right that needs to be monitored.

By using these international fair trial standards, monitors are able to assess whether or not the court proceedings comply with these international obligations and to compare the Croatian courts with other courts in the region or internationally.

We need to be very clear: the point of trial monitoring is not to change the results of any individual trial. Monitors are not there to act as a second appeals court. In fact they should aim not to influence the individual trials at all.

What they should do is to raise individual concerns, point out the systemic problems, and make recommendations on ways to improve the criminal justice system.

In Croatia there are very important and complex trials being administered. And there are many benefits of having trial monitors oversee those trials – to feed their concerns back into the system, to issue their public reports, and create an accurate, objective public record of what is happening to pursue accountability. What the NGOs are doing is very important, not only for the parties, but also for society as a whole.

What can trial monitoring hope to achieve?

A good trial monitoring programme can improve the fairness of the system. That is in the interest of the defendant, certainly, and it is also good for the victim. Fair trials are more likely to achieve the right result – that's as important to the victims as much as anyone else. If your husband has been murdered, you don't just want anyone to be convicted; you want the actual perpetrator to be found guilty and imprisoned.

Monitoring is also of benefit to the public. The public reports provide an accurate historical record of the trial. People who did not have the chance to attend a trial can still read about it. Academics can go to the NGOs and ask: how many trials have there been in the last ten years, how many ended in conviction, how many acquittals, what were the problems, how many Serbs, how many Croats, what were the charges?

The reports are also useful for the Croatian authorities. Not only can they benefit from the recommendations to improve their system. But the reports can also highlight achievements that may otherwise be overlooked.

It's worth remembering that trial monitoring need not just be about criticism; it should also be about achievements. I think in Croatia this is important, particularly for war crimes cases. It is always very difficult for states to try war criminals, for a number of reasons. Firstly, the trials themselves are very difficult to administer, because of their size and complexity. Secondly, there are tricky issues that are not so acute in the international tribunals, such as witness protection. And thirdly, there is often huge public pressure on the court and the state not to try its own people.

In spite of this, Croatia has conducted hundreds of trials, not only of ethnic Serbs but also of Croats. I think Croatia has gone as far as almost any other country in trying its own people after a war, and that is definitely something we should recognize as positive.

What have been some of the concerns voiced by the monitors?

The biggest problem in Croatia is that there is a huge backlog of trials. The single main concern voiced by the monitors in their reports is that victims are not finding justice. And there are some concerns about the difference of treatment between ethnic Serbs and Croats when it comes to war crimes trials – both in relation to conviction and sentence.

In the early days there were many, many more trials against Serbs - the trials against Croats were put on the back burner. There is the whole area in the east of Croatia where 200,000 people were driven out of their homes in the huge ethnic cleansing campaign, Operation Storm, and you have a huge number of Serb victims – Serb by ethnicity but Croatian by nationality – still waiting for justice. This is a very difficult issue that is dividing the society.

Some of the monitors' main recommendations revolve around moving this forward, putting these cases on trial and providing some kind of justice for these victims. As a result of the training they have framed these recommendations in terms of the international right to effective remedy.

Their 2012 annual report is structured in line with best international practice. It opens with the monitoring programme's mandate and objectives and keeps the historical, political and social analysis neatly distinct from the trial monitoring findings, which are primarily built around violations of international fair trial standards. Specific observations on individual cases have been moved to an annex. The report is shorter than previous ones and easier to read.

What is the way forward?

This year we moved into a new area with a training session on the challenges of monitoring crimes of wartime sexual violence. This is very relevant in Croatia. In 2012 the government issued a protocol on conduct in cases of sexual violence. The NGOs will have the opportunity to monitor the implementation of that protocol and may issue recommendations to the national authorities on the adoption of international best practices.

The topic was recently given momentum when the G8 issued a Declaration calling on countries to act to prevent wartime sexual violence. This was compounded in June when the UN Security Council issued Resolution 2106 demanding the elimination of sexual violence as a weapon of war and urging all states to prosecute alleged cases. Later, in September, the UN issued a high level Declaration on the subject, which was endorsed by over 100 countries. The UK's Preventing Sexual Violence Initiative is deploying experts in various parts of the world to help local partners prevent wartime sexual violence. It is encouraging to see that the NGOs in Croatia are currently preparing a new project proposal for monitoring sexual violence cases, as they can play an important role in this process.

The project "Capacity-building for Croatian NGOs Monitoring War Crimes Trials" was conducted by Legal Services of the OSCE Secretariat in 2012. It was continued in 2013 as an extra-budgetary project funded by the Netherlands, Austria, the United States, Sweden and the United Kingdom.

You can find the three NGOs' joint 2012 annual report on war crimes monitoring, in Croatian and English, on the Documenta website: <http://www.documenta.hr> and on the website of the NGO Centre for Peace Non-violence and Human Rights: <http://www.centar-za-mir.hr>

Adapting to the adversarial system

War crimes courts in the Western Balkans share many of the same challenges. One common trend is that a huge backlog of cases has led to the move from an inquisitorial to an adversarial justice system, which allows for the possibility of abbreviated cases or plea bargaining as a way of settling cases quickly.

If a defendant chooses to admit guilt without going through the long process of trial, in return for a reduced sentence, the courts may be freed to move on to other cases. Plea bargaining and the informal negotiations it entails is not without its difficulties. Without a trial a victim's search for truth and recognition of its status as a victim may not be satisfied.

Through a series of regional peer-to-peer meetings organized by the Office for Democratic Institutions and Human Rights (ODIHR), judges from the Western Balkans have the opportunity to discuss and exchange experiences on challenges posed by plea agreement procedures and how to more effectively handle war crimes trials.

ODIHR co-operates closely with OSCE field operations to build the capacities of institutions and justice professionals in South-Eastern Europe to deliver justice to victims and effectively adjudicate war crimes cases in line with international standards.

The OSCE trains justice professionals based on a training curriculum on international law developed by ODIHR, facilitates regional exchanges and co-operation among them and assists in knowledge transfer from international tribunals to national jurisdictions.

Learn more about ODIHR's work on war crimes justice at www.osce.org/odihr/74803



125576788888

tracing

The case for tracing

In 2010 the United Kingdom's National Ballistic Intelligence Service (NBIS) received a request to research the origin of three Glock pistols recovered in the North West of England. Within days, it had established that the weapons had been purchased from a weapons manufacturer in North Carolina, United States.

This was possible thanks to close collaboration with the American Bureau for Alcohol, Tobacco and Firearms (ATF) and the use of eTrace, its online tracing tool, explains Ian Head, the NBIS's Intelligence Manager.

Not only was the point of sale of the guns identified, so were the serial numbers of 80

further firearms that had been purchased from the same manufacturer in a six-month period. Sadly, the intelligence could not prevent one of the Glocks in question from being used as a murder weapon in the United Kingdom nine months later. But the knowledge about the weapon's history gave investigators a head start in solving the crime.

In Toronto, Canada's largest city, a community called Jamestown was cowed into resigned silence by persistent gang violence, drug trafficking and a series of murders. The police decided to trace all the firearms seized in the neighborhood during the previous five years, recounts Vincent Paris, Assistant Crown Attorney and Counsel to the Toronto Police. Many of them came from a small town on the Texas-Oklahoma border, 2,400 kilometers away. The ATF located an individual who had purchased several hundred firearms at this store over the years. Further investigation revealed details of cohorts bringing large quantities of guns and drugs over the border. As a result of the tracing, an entire smuggling ring was shut down, and the Toronto suburb is a safer place.

A footnote to the story is that a DVD with a musical number performed by the Jamestown gang outlining their control of drugs and violence in the town provided the first evidence permitting the police to initiate the investigation. The smugglers were later shocked to learn that they were dismantled due to a seven-minute rap video.

Both of these stories illustrate an important point: tracing firearms is a valuable aid in fighting crime. Platforms such as eTrace, used in the two cases described above, and iARMS, a similar web-based information exchange system recently launched for the 190 member countries of INTERPOL, are powerful investigative and analytical tools. They can make it possible not just to arrest and prosecute a particular suspect, but to shut down a whole criminal network.

"Successful tracing involves three major challenges: marking, record keeping and co-operation among states," says Glenn McDonald of the Geneva-based research institute Small Arms Survey.

"If you look at a firearm that has been seized, you should see a serial number inscribed onto the frame or receiver. For the marking to be of any value to you, you need to know not only the general type of firearm but also the specific model, because many manufacturers repeat the same serial numbers. This requires expertise," he explains.

"Secondly, good record keeping is essential," he continues. "You're dependent upon existing records to tell you about changes in ownership of the small arm or light weapon, to reconstruct its entire history. Perhaps you have to go all the way back in time to when it was manufactured. If you're lucky, you can access a much more recent point in time, the last legal import."

"The third challenge is co-operation among states. Many states are not yet fully aware of the value and importance of placing and answering tracing requests. This is the area where there is the most work to be done, and it is especially here that the OSCE can help," McDonald concludes. The OSCE participating States have been working together to tackle the proliferation of illicit small arms since they adopted the Document on Small Arms and Light Weapons in 2000. The document sets out commitments relating to the production, transfer, storage, collection, seizure, destruction and also the tracing of weapons.

Some of the OSCE's provisions on tracing complement those of the 2006 International Tracing Instrument, the major international agreement on tracing. An example is the recommendation that governments abstain from the practice of delivering stocks of unmarked weapons to other governments, who will want to enter their own markings, to avoid the danger that these might be diverted along the way.

But even more important is the OSCE's political work to encourage participating States to make use of tracing tools, which it pursues in weekly discussions in the Forum for Security Co-operation and conferences that bring together government officials and experts on small arms and light weapons.

Armed conflict

Tracing is used routinely in criminal investigations, but what about monitoring weapons flow in armed conflict? Perhaps not surprisingly, little has been done to date, as it is difficult to access weapons from within a conflict zone.

"From the perspective of illicit weapons transfers, conflicts are generally opaque to external observers. This is because the majority of trafficking into conflict zones is by land – by vehicle or on foot – rather than by air or sea. There are consequently few international monitoring mechanisms available to identify illicit supply routes and traffickers precisely. This is compounded by the fact that illicit transfer by manufacturing states directly into armed conflicts is rare and most illicit transfers are re-transfers, orchestrated by states within the conflict-affected region," says James Bevan, who heads the institute Conflict Armament Research.

Conflict Armament Research has done pioneering work in physically documenting illicit arms supply in conflicts in Africa. "Documenting conflict weapons on site and conducting parallel studies into trafficking dynamics arguably provides the most solid evidence for weapons transfers into armed conflict, elucidating precise transfer dynamics and responsible parties," Bevan explains.

“Weapons don’t have to be physically seized; if one can get close enough to take a photo, that can be enough to trace them with the right amount of expertise,” he adds.

Conflict Armament Research has a growing dataset approaching 20,000 individual records from conflict areas across Africa. The larger the database, the more powerful it becomes for analysis. Data can be profiled by country, by actor or by year of manufacture, showing, for instance, a peak year for weapons of a certain type.

The institute expects to present the data in a free public access global online mapping portal called iTrace in early 2014.

Technology

Advances in technology are opening up new opportunities for tracing. Electronic devices can be used to constrain the use of a weapon to a legitimate user, prevent its use in certain areas, to disable it via remote control or record and monitor its use.

On the other hand, advances in affordable 3D printing of objects are showing that tracing, no matter how diligently pursued, has its limits. Already today, criminals can download weapons designs from the Internet and produce usable throwaway guns that disregard tracing requirements.

For the foreseeable future, however, the main threat from small arms and light weapons will come from the millions of arms in circulation that have been traditionally produced and duly marked by legitimate manufacturers. The OSCE region includes major weapons producers and exporters, and most illicit traffic is diverted from the legal market. By co-operating on tracing, the OSCE can help to stem this traffic, in its own and in other areas of the world.

Find out more!

OSCE Document on Small Arms and Light Weapons (2000) www.osce.org/fsc/20783

OSCE Handbook of Best Practices on Small Arms and Light Weapons (2003) www.osce.org/fsc/13616

OSCE Plan of Action on Small Arms and Light Weapons (2010) www.osce.org/fsc/68450

The Inaugural Conference on tracing illicit small arms and light weapons in the OSCE area, organized by the OSCE, INTERPOL, UNODC and UNODA, was held on 23 and 24 May 2013 in Vienna.

A doubtful Liberator

If you have the chance to visit the London Science Museum soon, go to the ground floor of the Wellcome Wing, where in one of the Perspex cases you will find a curious display: a broken Liberator pistol made entirely of white plastic. Entirely, that is, except for a drill bit used as a firing pin – and some remains of a shell casing.

Modelled on a famous historic predecessor, the one-fire pistol dropped by American planes into occupied territories during World War II, this Liberator is decidedly a product of our information age. It was printed with a 3D printer in Finland using the free printer files posted on the Internet by Defence Distributed, the American company that made headlines earlier this year by producing the first pistol made (almost) entirely out of printed parts.

This one shattered upon test firing. But it is a sign of challenges to come.

3D: Printing the Future
LondonScienceMuseum
Until 15 June 2014
#printthefuture



Hands up in 3D



By Murray A. Smith

Like many technological advances that make the headlines, the technique of 3D printing, or additive fabrication as it is more properly called, is not really new. Industrial manufacturers have been using it for decades, primarily as a quick way of creating prototypes.

What is new, however, is that 3D printers have become inexpensive enough to be readily available to the average person. Nowadays you can get a 3D printer for US\$1,000 – although you will still pay a hundred times more for a high end model.

People, being curious, have inevitably tried to print all sorts of things – including firearms and firearm components.

There is nothing very complicated about 3D printing. Basically, you design a part, save it as an electronic file, usually in an STL format, and press “print”.

The only part of this process that might be a bit of a challenge is coming up with the design. But given the speed and simplicity of 3D printing, a trial and error approach is quite feasible. Simpler yet is to download a ready-to-use design file from the Internet. Huge collections are available on websites like Thingiverse.

The production of complete working firearms using 3D printing is, at the present time, limited and experimental. Attempts to manufacture them have been driven mostly by a misguided philosophical desire to evade or demonstrate the futility of firearms controls. The best-known example is the single shot 380 auto caliber Liberator pistol designed by Defense Distributed in the United States. It is neither reliable nor safe, as it is prone to exploding on firing.

The printing of components presents a greater potential risk. The lower receiver for an AR-15 rifle, for example, is a relatively low stress part and therefore amenable to manufacture by 3D printing. It is also the most heavily regulated component of the firearm for import, export, registration and possession. In many nations, the rest of the AR-15 components are unregulated and available to anyone. This means that a criminal could assemble a working and reliable firearm from the 3D printed lower receiver and commercially available parts.

Firearm silencers are another accessory available for download. These are generally seen as facilitating criminal use of firearms and therefore heavily regulated in many jurisdictions.

3D printers are here to stay. Manufacturers are increasingly using them to produce not only prototypes but also final products. NASA is testing the use of 3D printed rocket engine injectors. As printing technology matures, costs will continue to fall and 3D printers will become increasingly available to the average person.

Regulation of sales and control of their use is practically impossible. One approach to prevent unauthorized use that has seen limited application is to block known STL design files, either on the network to which the printer is attached or in the printer control software itself. This is similar to the approach taken by anti-virus software, and would require frequent updating. However, as we all know, computer viruses have not been eradicated and there is no reason to believe illicit STL files will.

Law enforcements officers need to be aware that, more and more, individuals with little or no gunsmithing knowledge will be able to manufacture firearms and their components. Also, persons with access to industrial grade equipment may be in a position to print guns by making unauthorized use of company 3D printers. Such firearms will leak into criminal use. And since there will be no record of production, nor markings on the firearms, investigators will be able to trace their origin only with difficulty, if at all.

The best option at present is for police to be mindful of 3D printing technology when conducting seizures and searches. Only by taking account of this new reality in investigational analyses and strategies will they be able to remain one step ahead of the game.

Murray A. Smith is the Canadian Firearms Programme's foremost expert in 3D firearms printing. He is Manager of Specialized Firearms Support Services, the unit that produces the Firearms Reference Table, an element of INTERPOL's iARMS initiative. As part of its work to monitor the firearms marketplace, the unit has produced 3D printed Liberator pistols, AR-15 rifles and other components in its lab.

When kidneys become



Trafficking in human beings for the purpose of organ removal is a dirty business that feeds on the deepest human vulnerabilities. The fact that health professionals are involved adds to the insidiousness of the crime.

It may seem like a simple, almost humanitarian arrangement. Transplants are increasingly saving lives, yet organs are in short demand. Desperate families will do almost anything to get a kidney. Corrupt health professionals can offer a solution, for a price, because they have connections to another world of equal desperation: people living in poverty so abject that they are willing to allow a part of themselves to be cut out in order to be able to sustain their families. Whole villages have fallen prey to the smooth talk and glossy brochures of “kidney hunters”. The operation is not dangerous, a routine procedure, they are told. It will save a person’s life. And it will mean instant cash, a large amount of cash. Enough to build a permanent shelter, send the children to school.

The reality typically looks very different. The organ removal is often done shoddily and practically always without proper after-care. The victim-donors are paid less than the amount promised, or not paid at all. In either case, they find that the money is soon spent and often their health no longer

permits them to make a living doing manual labour, so that they enter a downward spiral of poverty and social exclusion. Recipients, too, may suffer long-term health issues from organs received illegally.

“Health security is affected in the cruelest way,” this is how Maria Grazia Giammarinaro, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings characterizes the harm done by this gruesome forms of exploitation.

The only ones sure to gain are the international brokers, recruiters, minders, and health care professionals complicit to the crime. The profit margin is large. While recipients might pay over a hundred thousand Euros for a kidney, donors will get a few thousand at most.

As recently as fifteen years ago, trafficking in human beings for the purpose of organ removal was considered an obscure practice in remote parts of the world, written about mostly by anthropologists. But in recent years an increasing number of cases have reached the courts of law, including in the OSCE area. Recognition is growing of the urgency of combating this crime.

It was therefore prescient on the part of the OSCE Special Representative to commission a study of the phenomenon and analysis of cases in the OSCE region, which was released earlier this year. The study reveals the complexity of this cross-border crime.

Milbert Shin, the main author of the publication, talks about challenges and ways forward.

What makes prosecuting this crime difficult?

“The number of jurisdictions that can be involved even in one trafficking network is daunting. Both victims and recipients can come from multiple countries; the transplant surgery can take place in yet another country, involving medical professional that are also from different countries. And the financial hubs where money is being received can be somewhere else again.

“This makes detection, investigation and prosecution very complicated. The international broker at the centre of the trafficking network is generally able to move easily among countries, eluding accountability. Initiating a court proceeding in that person’s country of citizenship may be impractical if the national laws lack the necessary extraterritorial reach. On the other hand, starting a case in the country where the victim is located presents the problem of extraditing the person charged with the crime, often a complicated and lengthy affair.

“In addition, there is the matter of gathering evidence. In a number of the cases the OSCE report considers, the evidence did not come solely from the place where the victim originated, nor solely from where the transplant occurred; evidence was also required from the recipients, at least in one case, to establish the flow of the money.”

What can the OSCE do?

“With the rise in illnesses such as diabetes and a shortage of kidneys available through altruistic donation, the demand for illegal kidneys is rising. If we wish to combat this crime, we need to learn more quickly about how trafficking in persons for the purpose of organ removal works and how countries can co-operate to combat it.

“This is where the OSCE has an added advantage because it can bring together countries in the region to share experiences. The discussion has already begun with the preparation of the released report, for which several participating States provided valuable information. To me this was an important and courageous step because the more we can speak openly about this and are able to be candid about the issues, the better position we will be in to find ways of co-operating in combating this truly transnational crime. It is also essential to bear in mind that this form of human trafficking is not a problem of relatively poor countries alone, it is equally a problem of Western Europe, of Canada and the United States, because the networks involved have a global reach.

“A second area where the OSCE could be useful is in promoting multidisciplinary exchanges. There are several distinct communities that have been involved in studying and combating

trafficking for organ removal, and there has been little contact among them. There is the community of NGOs, government officials and activists who work on human trafficking, which traditionally has meant trafficking for sexual or labour exploitation. There is the medical profession, especially the transplant community, which has been working on ethical issues. And there is the medical anthropology community, the social scientists who were the first to bring to light this phenomenon through their academic writing and co-operation with the media. There is much to be gained from exchanges among these three communities.

“One of the most important areas of potentially fruitful exchange is victim support. Victims of this form of trafficking suffer lifelong consequences. Even in countries with relatively strong networks providing support to trafficking victims, there may be a need for more complex and extensive support. In developing an anti-trafficking response there are very important questions to raise, such as how to identify victims, what their needs are, how a victim is going to get compensation, who will pay for rehabilitation. In this regard, learning from the experiences of groups such as the Coalition for Organ Failure

transfer of the human body and its parts for material gain is prohibited in virtually every country. Nonetheless, given the growing gap between demand and availability, there is an ongoing debate over whether there should be a legalized market for organs.

“Pending progress on these extremely difficult issues, the practical exchanges I am proposing could lead to results that are within reach: more public awareness that will let potential victims know that they may be being facing fraudulent offers involving organs, accountability for those engaging in this form of human trafficking, closer co-operation with the medical community on prevention strategies and the development of mechanisms to support those unlucky enough to have fallen prey to the false promises of unscrupulous dealers in body parts.”

Milbert Shin is an international human rights lawyer and former expert consultant for the OSCE. The views he expresses are his alone and do not necessarily reflect the views of his current employer the International Criminal Tribunal for the former Yugoslavia or the United Nations in general.

poverty co-ercion

Solutions, COFS, the leading NGO in this area, will be critical.”

What about closing the gap between demand and availability of organs?

“This involves complex health policy issues, for instance on how to do more to increase the availability of altruistic and deceased donations. In the context of the growing gap between demand and availability, it should also be noted that, in addition to the prohibition against human trafficking, the



Download the publication **Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region: Analysis and Findings** at <http://www.osce.org/cthb/103393>

HOW WE DID IT

Project Co-ordinator in Ukraine

A safety net for trafficking victims

by Oleksandr Kyrylenko

Six years ago, the Ukrainian Government asked the OSCE Project Co-ordinator in Ukraine to assess the need for state support to victims of human trafficking. The results of the assessment were clear. Social workers, medical practitioners and educators in the country were largely unaware of the plight of people unlucky enough to have fallen prey to traffickers. In some regions, NGOs were doing excellent work, but their ability to help was dependent on their ability to solicit funds. What was required was a state-led network for identifying and assisting victims. In other words: a national referral mechanism.

The government decided to proceed with the project and entrusted the OSCE Project Co-ordinator with seeing it through.

It was no easy task. To guarantee support for victims and ensure effective prosecution and prevention, a comprehensive anti-trafficking law would have to be developed.

It took a national drafting group of representatives from ministries, civil society and international organizations, including the OSCE, seven months to come up with a draft law. Two ODIHR legal opinions, one public hearing and almost four years of advocacy later, the law finally made it through the Ukrainian legislature.

Adopted in September 2011, it was well worth the wait. It emphasizes victim protection, as recommended in the OSCE Action Plan on Combating Trafficking in Human Beings. Importantly, it stipulates that a person can be recognized as a victim of trafficking regardless of whether he or she co-operates in a criminal proceeding. It includes provisions on combating child trafficking and providing state support to trafficking survivors who are foreigners, stateless or without documents.

Piloting in Donetsk and Chernivtsi

While the law was being developed, work was already underway to pilot the referral mechanism

itself – a challenge perhaps even more complex, as it involved determining how all the civil servants and professionals that might come into contact with victims of trafficking, from many different agencies, each with their own regulations and procedures, could work together to provide an integrated network of support.

The government selected two pilot regions: the large coal-mining and industrial region of Donetsk and the country's smallest region, Chernivtsi. One factor determining this choice was that in each, a well-established NGO had been working for years to identify and assist victims of trafficking: the Regional League of Business and Professional Women in Donetsk and Suchasnyk in Chernivtsi. The OSCE Project Co-ordinator selected them as implementing partners.

A multitude of issues were raised and discussed with social service providers, law enforcement officers, medical practitioners, employment centres and many other stakeholders during two and a half years of intensive meetings and training.

The hands-on training brought benefits to victims of trafficking already during the piloting: 66 victims and 338 presumed survivors, who otherwise might have gone unnoticed, were identified and assisted.

All of this work bore fruit. On 22 August 2012, the Cabinet of Ministers of Ukraine decreed the establishment of a state-led National Referral Mechanism, which synthesized the models piloted in Chernivtsi and Donetsk, incorporating the best elements of each. It also issued decrees defining the status “victim of trafficking in human beings” and approving a one-off financial aid package for trafficking survivors. Nation-wide rollout

Donetsk and Chrenivtsi are just two regions in this country of 45 million. The Project Co-ordinator is now organizing the nationwide roll-out of the national referral mechanism, in the regions of Vinnytsya, Khmelnytsky, Kharkiv and Luhansk. There are plans to expand even more and reach out to the whole of Ukraine from 2014 onwards.

Note: By mid-November 2013, under the new decree, 51 persons have officially been granted the status of victim of trafficking in Ukraine.

Oleksandr Kyrylenko is a National Project Officer in the OSCE Project Co-ordinator in Ukraine.

The Prague Office: institutional memory

Ambassador Jiří Parkmann, head of the Secretariat's Prague Office since 2008, offers a look inside the institution that keeps the OSCE's institutional memory alive.

How do you see the role of the Prague Office in the OSCE?

To my mind there are two inseparable factors, its historical-political significance and its actual contribution to the organization.

The CSCE/OSCE started in Helsinki in 1975. In its first decades, its goal was just to prevent the Cold War from becoming a hot one. But in 1989, after the end of the Cold War, a new period began. Its work took on a new quality, the sharing of values, of democracy, of free elections, of a market economy. And here, Prague played a central role.

The first permanent structures were established in Prague: the Committee of Senior Officials; a Secretariat – which worked as hub for the institutions in Warsaw and Vienna. Later, when the post of the Secretary General was created, the Secretariat was transferred to Vienna. But the

Prague Office has remained, as a reminder of this new quality of sharing values.

What is the work that you do?

Our foremost task, linked with this historical and political significance, is to be keeper of the archives. We have working papers from the early stages of the CSCE and the drafting evolution of most major CSCE/OSCE documents: the Paris Charter, The Challenges of Change and the Convention on the Peaceful Settlement of Disputes. The participating States' annual exchanges of military information are deposited here. And when an OSCE mission closes down or completes its mandate, all its vital records and historical evidence come to the Prague archives.

We support researchers in-



Černín Palace

residence that come to Prague; we have workstations for them and on the basis of a legal agreement which we developed several years ago, they are given access to a large array of documents.

In our day to day work we respond to information requests from inside and outside the organization; we receive groups of visitors interested in the OSCE history and activities. We work closely with the central records and management services in Vienna, and our IT section posts the journals of and statements made at the Permanent Council and the Forum for Security Cooperation. One of our important public services is to disseminate the Security Community magazine and other publications to subscribers and we also cater to the needs of our 67 depository libraries throughout the OSCE area.



The Prague Office also organizes the Economic and Environmental Forum.

Yes, since the very first Forum held 21 years ago in Prague, it has been convening at the Ministry of Foreign Affairs, in the Černín Palace. Today we are responsible for everything linked to the smooth functioning of the event: preparing the premises, registration, accreditation, list of participants and visa procedures for delegates. We support document distribution and the conference website. ▼

What about future plans?

Our oral history project is nearing completion. We have recorded the memories of nine diplomats that were involved in preparing the first Helsinki conference. The collection will be published in a book. We hope to continue the project for the new OSCE era after 1989, the period so closely linked with Prague. During the last Forum in September, the Secretary General

as a meeting place, and for the research institutions in the Czech Republic join the debate on the security community. ■



It is a huge challenge, but also a true pleasure for us. Up to 300 people attend. To my mind, the questions discussed are gaining in pertinence and actuality: good governance, corruption and transport, for example.

met with the Czech Foreign Minister Jan Kohout and proposed organizing Security Days in Prague, for the first time outside Vienna. The topic should be linked to the economic and environmental security dimension. It would be a good occasion for us to demonstrate the possibilities of the Prague Office

Factsheet about the Prague Office
www.osce.org/secretariat/102299

Factsheet about the Researcher-in-Residence Programme
www.osce.org/secretariat/102310

Economic and Environmental Forum www.osce.org/eea/43229



OSCE Think Tank Network

“Drug trafficking, organized crime, terrorism: these are all threats that transcend borders. What aspects are most promising for states to take common action?”

“What are the perceptions that underlie governments’ positions on restarting negotiations on conventional arms control, which have stalled for over a decade?”

These are some of the questions for which the newly formed OSCE Network of Think Tanks and Academic Institutions can help to find answers.

Researchers and analysts are pooling their brainpower for the benefit of the OSCE in an ever more complex security environment.

In the first common endeavour, experts from about twenty institutes are mapping their own governments’ perceptions of military and transnational threats. Each sub-region of the OSCE is represented. The country studies will be consolidated in a final report that will help participating States to see: what do we share, where do we diverge?

The OSCE Network of Think Tanks and Academic Institutions is an inclusive forum open to institutes in the OSCE area.

For more information, please contact Dr. Wolfgang Zellner, head of the Centre for OSCE Research in Hamburg and co-ordinator of the network zellner@ifsh.de

The OSCE Summer Academy

Just getting to Stadtschlaining from Vienna requires leaving the beaten track. It takes a little over an hour to travel from Vienna to the castle in the little town that hosts the OSCE Summer Academy. The road winds through what Austrians call the hunch-backed world – *Bucklige Welt* – with tree-covered hills cradling picturesque villages. You step out of the car and with the first breath you know you have entered a different world.

The courtyard is absolutely idyllic, keyboard music, green hanging vines. You join the company seated at the long wooden table, twenty-odd young Academy participants, the guest lecturers of the day, and plunge into the conversation: the ethnic situation in Osh, Kyrgyzstan, media freedom in Serbia, the latest developments in Mongolia, priorities of the next OSCE Chairmanship.

Arie Bloed, co-founder of the Summer Academy, and Walter Kemp, who leads it together with him, are also at the table. “We started the Academy 17 years ago to meet a real need at the time for training mission members in the field or diplomats who got posted in OSCE-related functions. The summer school we started as a pilot project turned out to be so successful that we changed the name to Summer Academy as a reflection of the really outstanding policy discussions that were taking place among the diplomats,” Bloed explains.

“Many participants have gone on to occupy high positions in the OSCE,” he adds.

The young professionals, graduate students and practitioners that take part in the two-week course are instructed by senior scholars, diplomats and international trainers on the history and functioning of the OSCE. Every year, it ends with a simulation exercise. This time, it is a mock Permanent Council meeting to prepare a decision about co-operating on Central Asian water management. The discussion is heated. There is informal negotiation, misunderstanding, mediation, constructive dialogue and, at the end, an adopted solution. If this is a sign of the creativity of future diplomats, we are on a good track.

The next Summer Academy will take place from 22 June to 4 July 2014. Applications should be sent by April 2014. Qualified students may be eligible for scholarships generously made available by participating States.

For more information visit www.aspr.ac.at



Security Community is published by the OSCE Secretariat Press and Public Information Section
Wallnerstrasse 6
1010 Vienna, Austria
Telephone: +43 1 51436 6267
oscemagazine@osce.org

Available in print in English and Russian and online in English, Russian, German and French at www.osce.org

Security Community is available as a free app for iPad.

The views expressed in the articles are those of the authors and do not necessarily reflect the official position of the OSCE and its participating States.

Editor

Ursula Froese

Editorial Board

Miroslava Beham, Cathie Burton, Ursula Froese, Adam Kobieracki, Alexey Lyzhenkov, Ian Mitchell, Marcel Pesko, Desiree Schweitzer

Design and Illustrations

Antoine van Dijck

Print

Imprimerie Centrale
Fonts LeMonde Journal; Akkurat

Security Community nurtures the development of a community of people committed to furthering trust and stability across the OSCE area. Written contributions on aspects of politico-military, economic and environmental or human security are welcome. Texts are subject to editing.

The cover of Security Community is a space for a visual debate on the idea of a security community and related issues. Artists are invited to contribute. Copyright remains with the artist.

All materials published at the OSCE's discretion. No fees are paid for published work. Please write oscemagazine@osce.org.

The OSCE thanks all authors and artists for their contributions.

Front Cover

Mysteries undiscovered © by Ivan Stepanovych Marchuk

Photos

p. 4 Ukrafoto	p. 26 OSCE
p. 5 Photo group top:	p. 27 OSCE
Ukrafoto; others: OSCE	p. 38 London Science Museum/ Jennie Hills
p. 10 romea.cz	p. 44 OSCE/Lubomir Kotek
p. 12 Scott Clarkson	p. 45 OSCE/David Bednar
p. 24 OSCE	
p. 25 OSCE	

All illustrations by Antoine van Dijck

