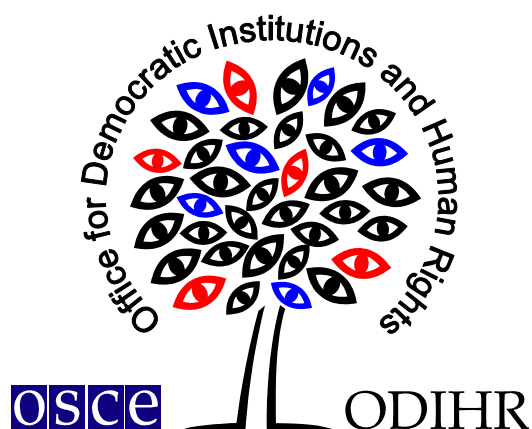


# Addressing New Security Threats in the OSCE Region: The Human Dimension



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## Introduction

At the beginning of the 21st century, the OSCE area is facing a number of new security threats. How do these threats differ from those that have afflicted participating States since the creation of the Organization? The answer to this question points to the continued relevance of the human dimension of security. New security threats emerge in the form of internal conflicts, the creation of refugees and general displacement including internal displacement, as terrorism against civilians, organised crime, as drug-related problems, trade in human beings, but also in the form of poverty, the consequences of natural disasters and economic crisis.

The traditional boundaries between criminal offense and acts of war have been challenged during the last years, leading, among other things, to uncertainty on the treatment of captives. This new type of conflict undermines all established norms - international and national. A clear legal basis, procedures and *modi operandi* to be applied to such asymmetrical conflicts are difficult to define. Needless to say, all civilized States and their relevant structures - be it the military, law enforcement or the judiciary - are being challenged in an unprecedented way and are urged to develop appropriate responses at the national and international level.

The OSCE region is not alone in being confronted with these threats, but it is the only world region which has an international organisation at its disposal that addresses security – and threats to security – in a comprehensive, multi-dimensional way. It is important, therefore, that the comprehensiveness is not put into question in the process when OSCE develops new strategies to new threats.

Since the adoption of its founding document, the 1975 Helsinki Final Act, OSCE participating States have recognised that security is not merely the absence of war, and that establishing or maintaining a secure environment in the region is not solely a political or military question. The OSCE's security concept goes beyond politico-military issues and includes, as integral parts, human rights and democracy as well as economic and environmental issues. It has moved away from concentrating on the security of States and governments to encompass more fully the security of the individual human being. It is one of the OSCE's core principles that developments related to human rights and democracy are not confined to internal affairs of the State concerned but is an issue of direct and legitimate concern to all participating States. This reflects the experience that conflict and instability are often caused by a deterioration of the human rights situation or the lack, or failure, of democratic processes.

The first model for an OSCE security policy adapted for the 21<sup>st</sup> century was set out in the Lisbon Summit in 1996. The approach is one of co-operative security based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice. This concept's fundamental elements are the comprehensiveness and indivisibility of security and the allegiance to shared values, commitments and norms of behaviour. The issue of indivisibility is especially relevant for the 21<sup>st</sup> century.

At the OSCE Summit in Istanbul, the participating States reaffirmed that “respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security”, and they committed themselves to “counter such threats to

security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism.”

At the time of its adoption the OSCE’s comprehensive security concept was groundbreaking. Today, in a world faced with a multitude of new threats and challenges, it is more relevant than ever. As these threats are multi-dimensional in nature they require a multi-dimensional response. Threats are not simply ‘politico-military threats’ or ‘human dimension threats’. Security threats must be seen in all their dimensions, i.e. in the possible harmful effect they can have on the various achievements our societies value highly. Hence, there is a human dimension to all threats considered in the current debate. This is true for terrorism, organized crime and trafficking in human beings, whose victims, first and foremost, are human beings whose security and integrity States are committed to protect. The same is true for the worrying trend of racism, xenophobia and intolerance, which are on the increase in many parts of the OSCE region. Naturally, lack of economic development principally affects those individuals who are trapped in the vicious cycle of marginalization and poverty.

The ODIHR is the OSCE’s specialized institution for promoting democratic elections, strengthening democratic institutions, and protecting and promoting human rights. In promoting democracy and the rule of law, the ODIHR assists participating States in building institutions capable of promoting and protecting basic human rights and fundamental freedoms as well as conducting free and fair elections. A number of other areas of activity, such as gender equality and supporting civil society, are also designed to improve basic human security across the OSCE region. The underlying philosophy of pursuing these goals is that democracy and the protection of human rights are the best guarantee for creating fair and open societies, thereby preventing possible human security threats from emerging or from causing harm to the stability of the OSCE area.

The ODIHR therefore welcomes the Decision on the Establishment of an Annual Security Review Conference and its stated objective of reinforcing the effectiveness of security across all three dimensions. The ODIHR expects that the ASRC will provide an opportunity not only to strengthen the politico-military security dimension but also reinforce the co-operation between the three dimensions and thereby strengthen the comprehensive security concept of the OSCE.

### **Re-balancing the dimensions?**

There can be no security without economic development, without effective agencies of law enforcement and border security, nor in the absence of a democratic state abiding by the rule of law. All these aspects of security rely on a framework of laws which protect property and human rights, and which are properly and justly implemented by a well-functioning judiciary. There must be a good system of governance operating in a transparent manner, enabling civil society to participate fully in political life - including holding peaceful public protests -, and to select their government in free and fair elections. Should any of these conditions not be fulfilled, a threat to security can, and invariably will, arise.

There have been voices about the “re-balancing” of the three dimensions in recent time. While the ODIHR recognizes the need to expand work on the first two dimensions, it is at the same time

important that this is not done at the expense of the human dimension. The OSCE's work on the human dimension, notably through the work of the ODIHR, forms the very basis for work in the other two dimensions. Without progress here, there is little hope for any lasting progress in the other two.

### **Enhanced co-operation**

There are many possibilities for enhanced interrelation between activities within the politico-military and the human dimension. The Code of Conduct on Politico-Military Aspects of Security (adopted in December 1994) can in fact serve as the bridge between the politico-military dimension and the human dimension; a bridge that has not been used often enough thus far. It should be explored more thoroughly as it contains a number of points common to both the politico-military and human dimension. The Code of Conduct points out that the sources of tensions that may lead to conflict include violations of human rights and fundamental freedoms and of other commitments in the human dimension. It also stresses that manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism endanger peace and security. These are all issues that are extensively covered by the human dimension commitments and are at the core of the mandate of the ODIHR.

The Code of Conduct also stresses the importance of democratic political control over the military and security forces. Promoting democracy and the rule of law is an important part of the ODIHR mandate. The ODIHR has assisted participating States in building institutions capable of promoting and protecting basic human rights and fundamental freedoms. There may in this respect be room for an expansion of the ODIHR's work by increasing its efforts to strengthen those democratic institutions that exercise political control over the military and security forces. The ODIHR could benefit from the knowledge and experiences that the FSC has acquired over the years while promoting the Code of Conduct. Moreover, OSCE staff working mainly with human dimension related issues such as human dimension officers in field missions should receive training in the Code of Conduct.

The Code of Conduct is also explicit and unequivocal in its protection of the rights of persons who are enrolled in national armies. It clearly states that in the recruitment phase and call-up of personnel in its military, paramilitary and security forces participating States must be consistent with their obligations and commitments with respect to human rights. Moreover, it ensures the right of service members to exercise their civil rights. This is another area that holds doors open for co-operation and invites the ODIHR to reach out towards the politico-military dimension.

The fact that a number of Human Dimension meetings will treat these topics in the course of this year opens even more doors for enhanced co-operation. These include a Supplementary Human Dimension Meeting on Freedom of Religion or Belief, conferences on anti-Semitism as well as on Racism, Xenophobia, and Discrimination and special topics in the second week of the Human Dimension Implementation Meeting which will include Prevention of Discrimination, Racism, Xenophobia, and Anti-Semitism. These meetings and conferences all provide opportunities to address the sources of tension as described above. The Annual Security Review Conference should take note of these opportunities and include these aspects in their discussions and recommendations.

## **Preventing and combating terrorism**

Terrorism is a threat to stability, freedom and democracy, and all States therefore have an obligation to fight terrorism and religiously motivated violence, in order to protect their citizens. Responding to terrorism requires States to react to both the consequences and causes of the problem. Why should States feel the urgency to respond to the causes of the problem, when simply protecting themselves from the consequences of terrorism takes up so much energy, time and resources? The reason is that the promotion and protection of human rights is central to an effective strategy to counter terrorism. This is not simply because terrorism is a threat to the most fundamental human right, the right to life. The quest for the prevention of gross violations of human rights and conflicts is a defining issue of our time. Human rights have a crucial role to play in tackling the root causes of terrorism. Prevention needs to be taken seriously and not just for its own sake. Reaction and prevention must be equally emphasised in the OSCE's comprehensive security policy.

Accordingly, OSCE participating States have placed a strong emphasis on the protection of human rights in the fight against terrorism and extremism, which was confirmed at the last Ministerial Council in Porto. OSCE commitments include a positive obligation on States to foster a climate of mutual respect and tolerance, a climate in which religious communities themselves can begin the onerous task of challenging and countering sectarianism, fanaticism or religiously-motivated terrorism in their midst, a task which only they themselves are equipped to undertake. Persuading the Governments of the entire region that, contrary to the policies of the past and the present, only by lessening State control will they increase stability remains a key task of the ODIHR in the years ahead.

A comprehensive strategy to address terrorism requires tackling insecurities at their root. Claims of domination, discrimination and denigration of groups and individuals are often the triggering factors to violence. Human rights, in particular the full enjoyment of women's rights, promoting sustainable development and addressing environmental issues should be at the heart of a participating State's policies and action. Addressing the causes of insecurity requires commitment and the mobilisation of resources. However, progress can be made when States commit themselves to co-operate in tackling common concerns. Sub-regions can be assisted through identifying their specific human rights needs and strategies developed to address those needs. The comparative advantage of the ODIHR's approach is that many of these assessments and strategies are constantly evaluated and developed through the work of its specialised thematic units.

The absence of the rule of law and effective governance in States often enables terrorists to flourish. States that lack legitimacy and control over the economy and other traditional levers of power provide the space and oxygen for terrorist groups to flourish. Full participation in the economic and political systems of States give citizens a voice and a belief that their voice counts. People with a voice are less likely to engage in or support terrorism.

Supporting an independent judiciary is also an important part of the strategy to address the root causes of violence. An independent judiciary is transparent, and effective in checking abuse and providing remedies. The ODIHR has increased the number of projects it has implemented in the last three years significantly as a result of its success in concentrating on specific topic areas. The

ODIHR's rule of law related work is concentrated in areas such as legislative alert/review and assistance; technical assistance to ombudsman offices; legal training and education for students and legal professionals; prison reform and torture prevention. Adding an anti-terrorism dimension to many projects would have minimal resource implications but could prove very effective.

The role of civil society, and in particular human rights defenders is crucial in the quest to eliminate the root causes of terrorism. Part of the work of the ODIHR focuses on encouraging interaction between civil society actors and governmental agencies. The ODIHR continues to mediate and promote dialogue between governments and NGOs, in particular in Central Asia. While most human rights NGOs in the Caucasus and Central Asia suffer from a substantial lack of capacity and skills, the ODIHR is committed to provide human rights training and monitoring programmes. Through its civic diplomacy programmes the ODIHR concentrates on civil society – government relations with initiatives to build bridges between community actors in countries with serious societal rifts. An anti-terrorism dimension to the various trainings organised would reap results. The fact that the ODIHR staff frequently travel throughout the region could be used strategically both for fact-finding and assessment purposes, as well as for awareness-raising among government and civil society of anti-terrorism/human rights issues.

As mentioned above, the threat of terrorism, as all new threats, is multi-dimensional and therefore requires a multitude of responses. Some of these responses might touch the borders of what is admissible in a democratic society based on the rule of law. It can be quite a delicate matter at times to find the right balance between legitimate security concerns on the one hand and the protection of human rights on the other. Even seasoned democracies have been struggling to find appropriate responses to the changed security environment. However, it is imperative that we always remain aware of the inherent risk involved in fighting terrorism, i.e. the risk of undermining the very basis of democracy by measures that have been actually designed for its defense.

## **Tolerance**

The politicisation of culture and religion tends to create an intolerant environment. Religion is sometimes used and abused to fuel hatred, superiority and dominance. The rise of religious or anti-religious intolerance, including *Islamophobia* and anti-Semitism, is a cause of serious concern. The ODIHR is currently considering options for addressing the issue of religious extremism through providing States with practical assistance in ways of dealing with the problem.

Recently there has been a trend in participating States of legislative initiatives, which affect religious groups either directly or indirectly. The OSCE has consistently maintained that it is crucial that these be in full accordance with international human rights law and standards. The necessity of promoting and ensuring tolerance has never been greater, even in countries with a long tradition of ethnic and religious tolerance. It is only by dialogue and consultation that workable practices and procedures can be achieved for the benefit and mutual accommodation of all in society.

All OSCE missions and field activities have staff members responsible for the Human Dimension, which includes the protection of freedom of religion or belief and the promotion of

tolerance. The ODIHR has increasingly provided support to them and assisted in co-ordinating their activities in this area. It would be naïve to expect that anti-extremism/anti-terrorism measures and laws alone could defeat religiously motivated violence. Without democratic institutions, a functioning and independent judiciary and active civil society, it will be impossible to address the root causes of terrorism and prevent religious or political extremism.

## **Migration and Trafficking**

The phenomenon of migration in connection with the freedom of movement is another human dimension issue of direct relevance, upon which the ODIHR is mandated to work. The ODIHR, following the 1996 OSCE Lisbon Summit, assists participating States to meet their OSCE commitments in the areas of freedom of movement and choice of place of residence, migration and human contacts.

Almost all participating States of the OSCE have been affected by the migration that followed the enormous political upheaval of the collapse of Communist regimes more than a decade ago. Some States have become countries of destination, others transit countries for poor migrants making their way from Asia to Western Europe, while some States have lost up to 20 per cent of their original population in that time.

This has not been without difficulties in countries of destination, where there has been a notable rise in intolerance. The integration of these new immigrants is one of the most pressing issues facing many OSCE participating States. Failure to integrate results in social exclusion and marginalization, even in ghettoization. In other words migration, or rather the consequences of ill-handled migration, can lead to insecurity and destabilisation.

States often address this phenomenon by implementing restrictive migration policies to prevent legal entrance of migrant workers into the country and access to the labour market. As a consequence, criminal networks offer facilitation to enter and access developed labour markets illegally where there are plenty of jobs for migrants in the illegal, informal and unprotected labour sectors. The irregular, and often illegal, situations in which these immigrants find themselves leave them highly vulnerable to trafficking in human beings and other forms of organised crime.

The necessary facilitation of the migration process combined with a lack of adequate labour protections often results in serious violations of human rights including trafficking, exploitation and abuse. This reality must also be understood as a root cause of trafficking and a threat to security.

Trafficking in human beings challenges every component of the OSCE's comprehensive approach to security. As stated in the OSCE Anti-Trafficking Guidelines:

It is a *human dimension* issue of major proportions. Trafficking in the first instance strips the victims of their rights to liberty, dignity, security of person, the right not to be held in slavery, the right to be free from cruel and inhuman treatment, and – for the many trafficked minors – the other rights they are entitled to as children.

It affects the *politico-military dimension* of security – transnational organised criminal groups thrive on the proceeds of trafficking, illicit profits are used to corrupt government officials, and the costs and risks to law enforcement agencies are greatly increased. The international nature of many cases calls for increased cross-border co-operation. In addition, trafficking can be a particular problem in post-conflict areas as a result of social dislocations, while a large international presence can actually contribute to the incidence of trafficking.

As an element of the *economic dimension*, trafficking exists largely because of economic and social inequalities between, and within, countries. High rates of poverty, unemployment, low pay, and discriminatory labour practices all contribute to its spread. Increased trafficking is associated also with the dislocations resulting from economic transition, particularly the increased feminisation of poverty.

Taking this into consideration, the OSCE's response to trafficking must be a multi-faceted, comprehensive approach based on the rule of law and primacy of human rights. Furthermore, now more than ever, it must be recognised that trafficking threatens human security not only in countries of origin, but especially in countries of destination.

Displacement within borders of States is another major challenge. Internally displaced persons, whose numbers have reached new highs recently, are, unlike refugees, not beneficiaries of international protection under international law. Protecting the rights of IDPs and preventing their marginalization and exclusion is the foremost responsibility of the States concerned.

### **Response to threats**

Developments in the field of human rights standards in the post-September 11 world constitute an area that should be highlighted as of particular concern. There is a danger that States may use the on-going 'war on terrorism' to justify repression of political opposition and clampdowns on various aspects of society. This has also been used as an excuse to suppress legitimate expressions of dissent and limit precious freedoms, in particular freedom of religion and belief, freedom of expression and freedom of assembly. In addition, standards of privacy and the fair administration of justice are at risk in the current climate, particularly with the introduction of strong anti-terrorism measures. There is clearly a balance to be struck between legitimate national security concerns and human rights. However, in the words of United Nations Secretary General Kofi Annan 'the danger is that in pursuit of security, we end up sacrificing crucial liberties, thereby weakening our common security, not strengthening it – and thereby corroding the vessel of democratic government from within.'

The emergence of terrorist networks and other non-state actors as a major source of conflict and instability creates tremendous challenges for our societies. It is evident that these new challenges must be addressed with a variety of new tools and methods to be effective. It should also be pointed out that there is a danger that States may use the on-going 'war on terrorism' to justify repression of political opposition and clampdowns on various aspects of society. This has also been used as an excuse to suppress legitimate expressions of dissent and limit precious freedoms, in particular freedom of religion and belief, freedom of expression and freedom of assembly. In addition, standards of privacy and the fair administration of justice are at risk in the current climate, particularly with the introduction of strong anti-terrorism measures.



As traditional methods may no longer be deemed sufficiently effective, there is a great temptation to bypass potential legal obstacles in favour of applying the principle "the end justifies the means". However the OSCE has consistently maintained that it is crucial that the legitimate right of States to combat terrorism be exercised in full accordance with international law including international human rights law and commitments. International human rights law and commitments are flexible enough to allow exceptional measures in situations where national security is in danger - within certain clearly defined limits, of course, and in line with the appropriate mechanisms.

Responsive and accountable governments are best placed to ensure that tensions of an ethnic or religious character can be defused or at least prevented from being abused by conflict engineers. At the same time, such governments can best ensure economic and social development. This in turn will decrease the danger of organized crime from finding opportunities to spread. Democratic governance which places the protection of human rights high on its agenda is in a better position to fight destructive elements such as terrorist activity and criminal networks. Safeguarding human rights and fundamental freedoms and securing democratic institutions are thus necessary prerequisites for economic stability and growth.

As for additional measures, which the ODIHR could undertake in order to address the most pertinent threat scenarios, the Office's long-term view of preventing threats from emerging through solid institution-building offers the best guidance. Within the ODIHR's broad approach to institution building, which involves activities related to elections, human rights and democratization, the ODIHR must be alert to new challenges and opportunities on a permanent basis. Over the past years, the ODIHR has moved into new areas whenever such opportunities could be identified and a specific added value of ODIHR's involvement was recognized. Such flexibility in adjusting to permanently changing environment, including the emergence of new perceived threats, guides the ODIHR in the evaluation of its activities and planning. The ODIHR therefore explores the possibility of gradually moving into areas of democratization and human rights work which have so far not been given the deserved attention.

## **Conclusion**

Human rights cannot be set aside in order to achieve security. Ensuring respect for human rights while creating a democratic environment is the best long-term guarantor of security. The ODIHR is uniquely placed to foster the human dimension element of the OSCE's comprehensive security policy. Much of the work is already being done in the guise of the ODIHR's continuing human dimension programs and projects. These projects have a vital role to play in promoting security and tackling the root causes of factors of instability.

Developments in the field of democratization and human rights in the OSCE area have been impressive over the last decade. Yet, thirteen years after the adoption of the Charter of Paris, much work still needs to be done. In fact, just as democracy and human rights can never be taken for granted, work in this area can never be completed. It remains a permanent challenge for democracies to renew their efforts in guaranteeing human rights and freedoms, and in responding to new human rights issues and the changing needs of their citizens. In focusing our attention at new threats to stability, we must not lose sight of the good and important work undertaken so far.

As the Annual Security Review Conference is tasked with identifying and analyzing emerging threats with a view to developing a new overall OSCE strategy, it is essential that security - and new threats to security – continue to be discussed in the same comprehensive manner as has been the case throughout the OSCE’s history. Only by addressing new challenges in all their dimensions will the OSCE be able to make a genuine and lasting contribution to international efforts to promote security and stability throughout Europe.