Facilitating voting in Kosovo
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On the cover: An OSCE Mission in Kosovo team transports sensitive election material for the first round of Serbian presidential and parliamentary elections to a secure location ahead of election day, Mitrovicë/Mitrovica, 4 May 2012. (OSCE/Helen Jakobs)
The smell of fresh ink from the OSCE posters displaying voter information filled the air of the high school in the central Kosovo village of Donja Gušterica/Gushtericë e Ulët on 6 May. People of all ages consulted the posters to find their polling station, lined up patiently and then proceeded to cast their votes.

Only five days earlier, under an understanding reached by all relevant local and international actors, the OSCE Mission in Kosovo had been tasked to facilitate balloting for over 109,000 voters eligible to vote in the Serbian presidential and parliamentary elections.

“Our task evolved around a very basic but important concept and a democratic right. The very purpose of our exercise was to enable eligible voters in Kosovo to cast their ballots in the Serbian presidential and parliamentary elections — nothing more and nothing less,” said Ambassador Werner Almhofer, Head of the OSCE Mission in Kosovo, who guided the operation.

This understanding was the result of a long series of consultations led personally by the Chairperson-in-Office, Ireland’s Deputy Prime Minister Eamon Gilmore, and the Secretary General, Lamberto Zannier, which included trips to the region and led to a breakthrough in finding common ground for an OSCE voting facilitation operation in Kosovo. It was a rare case of unanimity among different stakeholders with whom the OSCE Mission in Kosovo has built trust and confidence by implementing its programmes and activities throughout the years. Institutions in Belgrade and Prishtinë/Priština as well as the European Union, the United Nations, NATO and foreign governments all welcomed the
understanding and expressed appreciation for the role being assumed by the OSCE.

An operation that would normally involve months of preparation had to be completed at record speed — a challenge that would involve not just the collective efforts of the entire OSCE Mission in Kosovo, but would pull in resources from OSCE field operations across South-Eastern Europe.

The logistical challenges involved securely transporting to Kosovo all the election materials including the voter list, ballots, ballot boxes and reconciliation forms, running a voter information campaign, setting up and staffing 90 polling stations across Kosovo, and then returning all the election materials to the Serbian Republican Election Commission, for it to count ballots in Raška and Vranje without the OSCE’s involvement.

As meetings and conference calls with the OSCE headquarters in Vienna were held around the clock and working hours doubled, plans took shape and the operation started to unfold in record time.

“The level of commitment, hard work and participation of all the neighboring OSCE missions in the Balkans was truly impressive. We were given five days to recruit and assign over 500 staff, train personnel, rent trucks and buses, plan convoys, book hotel reservations and make other necessary procurements, and all of that with the first day, 1 May, being a major public holiday,” said Jon Brown, the Mission in Kosovo’s Head of Administration and Finance.

A voter information campaign was developed in less than 24 hours, which included producing 112 different posters and 22 different leaflets and distributing them across Kosovo. A TV spot was produced overnight and went on air the next morning on five different channels.

Meanwhile, the Mission and its field offices resembled human anthills. While OSCE teams were being trained for the balloting, others were out in the field disseminating information and setting up the polling stations.

On election day, some 500 staff were deployed to the field, including staff of the OSCE Mission in Kosovo, 300 short-term local hires and 100 OSCE staff who came to assist with the operation from other OSCE field operations in South-Eastern Europe as well as the OSCE Secretariat.

For Ambassador Fletcher M. Burton, Head of the OSCE Mission to Bosnia and Herzegovina, which supported the operation, “the effort was successful for two main reasons: first, the concept was right — the OSCE helped to bring about an understanding that enjoyed broad political support, and second, the execution was strong.”

Election day passed in an orderly and peaceful manner, without a single reported incident — only a few polling stations opened with a slight delay, at 8:15 as opposed to 7:00.

“I commend the restraint shown by all parties, which allowed for a peaceful conduct of the OSCE-run balloting facilitation,” said OSCE Secretary General Lamberto Zannier in a statement welcoming the operation’s peaceful conclusion.
In the early hours of Monday, 7 May, the sealed ballot boxes were handed over to the Serbian Republican Election Commission as planned.

Later that morning, Mission staff reported for work as usual. “I’m ready for another election,” Deputy Head of Mission Edward Joseph said entering the headquarters.

Two days later, the Serbian Republican Election Commission confirmed that a second round would be held for the run-off in the presidential election, on 20 May.

This time, the aim was to do even better — taking account of lessons learned and making adjustments where necessary. The run-off went even more smoothly than the first round: polling stations Kosovo-wide opened on time, the balloting was orderly, no incidents were reported and the polling centres were closed and materials packed, on the road and out of Kosovo just after midnight.

The OSCE convoys with ballots reached the Serbian Republican Election Commission in Raška and Vranje in the early hours of 21 May, marking the end of a challenging but successful operation.

In a statement issued after voting concluded, the Chairperson-in-Office welcomed peaceful and orderly voting in Kosovo for the second round of the Serbian presidential election of 20 May. Commenting on the role played by the OSCE in this process he added, “The OSCE has once again demonstrated its ability to rise to meet new challenges, engage all relevant actors and successfully conduct a demanding operation in a very tight timeframe.”

Edita Buçaj is Deputy Spokesperson for the OSCE Mission in Kosovo.

**Round 1 in figures**

- 200 OSCE personnel and 300 locally recruited short-term staff contracted and formed into teams
- Support by 100 staff from five OSCE field operations in South-Eastern Europe and the OSCE Secretariat in Vienna
- 28 voting centres and 90 polling stations opened in 17 geographic locations — the right people, at the right place, at the right time, with the right materials
- Fleet of 200 vehicles including trucks, buses, minivans and SUVs organized in 11 convoys with police escort — 6,700 kilometers driven
- 4 mobile fueling stations
- 110 overnight hotel rooms for staff deployed Kosovo-wide
- Mobile phones, SIM cards, handheld radios and work stations with wireless network for some 100 staff
- 5 TV stations airing TV spots 10 times a day for 3 days
- 6,700 voter information posters distributed Kosovo-wide
The Transdniestrian conflict dates back to 1990, when separatists declared independence from Moldova. Following armed conflict that resulted in several hundred casualties, a ceasefire was agreed in July 1992, with the parties committing themselves to a negotiated settlement. Since 1993, the OSCE and its Mission to Moldova have supported efforts to find a comprehensive, durable and peaceful solution, within a process officially entitled the "Permanent Conference of Political Issues within the framework of the Negotiation Process towards a Transdniestrian Settlement".

Settlement talks are held in the "5+2" format, including representatives of the sides, mediators and observers in the negotiation process — Moldova, Transdniestria, the OSCE, the Russian Federation, Ukraine, the United States and the European Union.

Official 5+2 negotiations were suspended in February 2006 and were resumed only in November 2011 under the Lithuanian Chairmanship. Under Ireland’s 2012 OSCE Chairmanship two rounds of official meetings have been held, in February in Dublin and in April in Vienna.

Ambassador Erwan Fouéré, the Special Representative of the Chairperson-in-Office for the Transdniestrian settlement process, chairs the 5+2 talks this year. He spoke with Sonya Yee, OSCE Press and Public Information Officer, about developments to date and his hopes for the settlement process.

Sonya Yee: How would you assess developments in the Transdniestrian settlement process since the start of the Irish Chairmanship?

Erwan Fouéré: Developments have been extremely positive. I would say that looking at developments on the ground and in the context of the so-called 5+2 process we have reached what I would say is the highest level of interaction and positive momentum actually since the start of the conflict some 20 years ago.

We had our first meeting under the Irish Chairmanship of the 5+2 process in Dublin at the end of February. This was the first 5+2 meeting that brought together the Moldovan side and the new leadership in Transdniestria elected in December 2011. Following the Dublin meeting, we witnessed an accelerated rhythm of meetings at the ground level, between the authorities in Chisinau and Tiraspol. The Moldovan and Transdniestrian chief negotiators, Eugen Carpov and Nina Shtanski respectively, met several times, as did the working groups on confidence-building measures and the leadership.

Thanks to that very accelerated rhythm of activity, we’ve seen some practical consequences — very positive ones,
such as the restoration of rail services for freight. There is also the potential to restore passenger routes that had been working before but were stopped several years ago, in addition to the route between Chisinau and Odessa that was restored in October 2010. I think that demonstrates the political will on both sides to do everything possible to remove the obstacles which impede the free flow of goods, people, services and capital, and really augurs well for the future.

It is important that we capitalize on that momentum in order to make the best possible progress in the next weeks and months. And this is the objective of the Irish Chairmanship.

What about developments in the 5+2 process itself?

Of course events on the ground impact on the 5+2 process. During my last visit to the region in the beginning of April, I was able to see for myself the extent of the interaction between both sides and the level of good will, and this accelerated rhythm of activity has had a positive influence on the process. At the last meeting of the 5+2 in Vienna, we reached agreement on what you might call the ground rules for the negotiating process, setting out some basic principles and procedures, and we also agreed on an agenda for the formal negotiating process.

This was the mandate given to the 5+2 when it was decided to resume official talks last year, to achieve this. Having reached these agreements in the first months of 2012 gives us some very positive momentum for the next months. We have a rhythm of meetings which will encourage the continuation of that process.

What is the role of the OSCE Chairmanship in this regard?

We are chairing the 5+2 process. It is important that the sides have full confidence in the role of the mediator, that the mediator is seen as someone who understands the particular problems on both sides and also encourages the process forward, helps to find ways of overcoming any obstacles. In that sense the Chairmanship counts on the other mediators and observers — Russia, Ukraine, the European Union and the United States — to help in the process, to make sure we are all rowing in the same direction. We are 5+2 actors sitting in a boat, and we’ve got to keep rowing and making sure that everybody rows with the same level of political will and commitment, so that the boat will arrive at its final destination.

It has been some two decades since the start of conflict — what hope is there for arriving at a final destination, a political settlement?

I think there is a lot of hope because the more one can demonstrate to both sides the advantages of working together, the benefits of developing projects together, of developing economic
co-operation together, of enhancing the co-operation at all levels, the quicker we will be able to address the more difficult aspects of a final settlement.

The big challenge of any post-conflict peace process, as we’ve seen in Northern Ireland and in other processes, is creating a level of trust and confidence. And I believe, particularly following the Dublin meeting, that we have seen a level of trust established that hasn’t existed before. Now we have to ensure that we develop all aspects of the settlement process, using this positive momentum. After all, we mustn’t forget that this is being done for the benefit of the communities, of the people who live on both sides of the Dniestr/Nistru River. The more we can show the benefits of this close interaction, the better.

The Chairmanship held a conference in April on the experience of achieving a peaceful political settlement in Northern Ireland as a case study for conflict resolution efforts in the OSCE area and elsewhere. What are the possible insights for the Transdniestrian settlement process?

I think the title of the conference, “Shared Future”, says it all. It is only by coming together and sharing the future, by promoting reconciliation, that one can guarantee improved economic conditions and greater political certainty, which will make the region much more attractive for foreign investors, tourism and development. Of course, no two conflicts are identical; you cannot have one miracle model that will fit all. But there are basic principles which are common to many post-conflict peace processes. I recall that when I was in South Africa, all the Northern Ireland parties came down in 1997, to see what lessons could be learned from the South African reconciliation process. And it’s interesting to see that one year later we had the Northern Ireland agreement, the Good Friday Agreement as it’s called. So I do believe we can learn from other post-conflict peace processes.

This is another reason why at the end of May we brought the chief negotiators from Chisinau and Tiraspol together to come and explore the Northern Ireland peace process, with meetings in Dublin and in Belfast. So that together they could really see the advantages of what we call a shared future, and how this can help in the Transdniestrian settlement process.

Do you see fostering this learning as a responsibility of Ireland as an OSCE Chair with direct experience of conflict resolution?

Of course. It is not for us to prescribe blueprints for action, or to dictate what lessons could be learned, but it is an opportunity for us to show what we were able to achieve in the Northern Ireland peace process: that what to some appeared impossible to achieve was not, and that with sufficient trust and political will, it is possible to overcome what seems to be insurmountable obstacles and reach solutions that can really bring peace, economic growth and a better life for those involved. This is the example of Northern Ireland. Of course, we shouldn’t forget that peace is a process which only begins with the signing of an agreement and there is still a lot to be done in the case of the Transdniestrian settlement process. But the framework is there, and this is why we believe Northern Ireland can offer some examples for other peace processes around Europe and beyond.

You emphasize trust and political will, which are often brought up in the context of conflict resolution. What do you think they mean in practice?

For any post-conflict peace process to be successful you need basic ingredients. You need trust
first of all, where all those involved trust each other and there is a desire to reach a solution. If there is no desire there is no point. If the political leaders understand that achieving a final settlement will bring far more dividends than continuing a stalemate or status quo, it is the responsibility of the leadership to demonstrate that. This is why political will is so important, it is for the leaders to demonstrate the great advantages that can be achieved from coming together.

What about Track II efforts? Alongside the leaders demonstrating the benefits of a settlement, what do you think the people in the region need to know, or do?

Certainly a successful peace process will not be achieved if the public and public opinion are not on board. And it shouldn’t be something added on at the very end of a process. There needs to be — this is the lesson from so many peace processes around the world — as transparent a process as possible. And public opinion must be brought on board at the earliest possible stage. This can be done through open discussion, and civil society organizations coming together. On both of my recent visits to the region I made a point of meeting with civil society representatives from both sides of the river to underline the benefits that would come from an increased dialogue at the grassroots level.

The OSCE Mission to Moldova is the eyes and ears of the Organization on the ground and has a critical role to play in facilitating the discussion at all levels, in encouraging increased interaction and also in working with the other international actors that are active on the ground, such as, for example, the European Union, which has an extensive aid programme for the region. By working together, a lot can be achieved in making sure that the programmes being funded are ones that directly target and support the settlement process. This in the long run will help also to make the people on both sides of the river understand the advantages of coming closer together.

What are your hopes for the next round of talks scheduled for July, and for the Irish Chairmanship year?

On the first point, we want to build on the progress that has been achieved, both in terms of the trust and confidence in the process but also in getting into the substance of the negotiations — the nuts and bolts if you like, meaning the economic and social issues, and other issues linked to a final settlement, such as the institutional aspects and the security dimension. We don’t want to envisage great, giant leaps forward, this is a step-by-step process. Each step is an additional building block, and the more building blocks you have the greater the confidence, and the easier it will be to address what appear to be the more difficult issues at this stage.

This approach is what will guide us over the remaining months of the Irish Chairmanship. And I do hope that by the time the Irish Chairmanship comes to a conclusion, we will have reached a point where the progress towards a final settlement is irreversible. I don’t want to pre-judge the next steps, but we aim to have as many meetings as possible, at different levels, and of course the formal meetings of the 5+2 process. For example, at the end of June in Bavaria there will be a follow-up conference on wider confidence-building measures, and then the next meeting of the 5+2 in Vienna in July.

We are confident that with the current level of political will, we will be able to make substantial progress, thanks to the very clear desire of both sides, which was evident both in Dublin and in Vienna, to move forward as much as possible.
Exposing corruption: protection for the whistleblower

by Sarah Crozier

Y

ou consider yourself an honest person. You do your job well and you are loyal to your employer. One day you realize that one of your colleagues — perhaps your boss — does not share your ethical approach and is siphoning off considerable sums of money into his or her own pockets. What do you do?

The answer probably depends not just on your own sense of duty, but also on the protection given to whistleblowers in the country you live in. Martin Bridger, a legal consultant and former senior police officer in the United Kingdom, explained to participants at the Second Preparatory Meeting of the OSCE’s 20th Economic and Environmental Forum in Dublin in April the difficulties that London’s Metropolitan Police faced in the late 1990s when trying to fight corruption: “The challenge was not just to tackle the ten percent of the force that was thought to be corrupt, but to break the culture of silence among the other ninety percent of honest officers.”

Employees are often the first people to learn about corruption in an organization, whether in the private or public sectors. According to John Devitt, the Chief Executive Officer of the Irish office of Transparency International, a global non-governmental organization working on anti-corruption issues, one in four cases of fraud are believed to have been exposed by whistleblowers, and it is estimated that over the last twenty years more than $20 billion has been saved for the state by employees speaking out in the United States alone.

Any country that wants to get serious about combating corruption therefore needs to ensure that those who come forward and speak out about corruption they discover around them in the workplace are adequately protected.

Far too often, however, the very people who bring the attention to corruption suffer themselves for their service, through victimization or job loss.

“It’s understandable that people would be concerned about blowing the whistle and how they might be perceived by their employers and colleagues,” says Devitt. “It’s important therefore that employers and government make it clear that blowing the whistle is in everyone’s interest. Unfortunately, too few leaders in the public and private sector understand the role of whistleblowing in protecting the public interest and in defending human rights.”

In addition to creating an open, transparent and accountable culture in the workplace, whistleblowing limits the potential damage to an organization’s reputation and encourages early reporting of concerns — making the solutions easier.

In 1998 the United Kingdom passed the Public Interest Disclosure Act, which has come to be seen as a model for whistleblowing legislation. It protects workers from detrimental treatment and victimization from the employer if the disclosure is in the public interest and reports a case of wrongdoing. It also protects workers who have been dismissed as a result of exposing wrongdoing and compensates them for financial losses incurred.

Ireland is currently proposing new legislation in this area, which will in many aspects resemble the British approach. “It sounds quite obvious, but the legislation needs to be clearly written and then adequately enforced,” says Davitt. “In Ireland they have around thirty laws on the statute books aimed at protecting whistleblowers. The laws offer different levels of protection and only cover employees working in certain sectors and reporting very specified offences. You would need to be a lawyer to understand what protection you have. If anything, this ‘sector-by-sector’ approach has served to confuse people and leave them without the reassurance they need to come forward safely with information in the public interest.”

Transparency International runs a helpline, Speak Up, in Ireland, which has received more than 200 calls since its launch last year. “While it’s important for people to have alternative channels to report (such as hotlines), it’s vital that they also have helplines and advisers to turn to when they don’t know how or whether they should report a concern,” says Davitt. “Legal protections are important for whistleblowers but they also need advice to help them do the right thing.”

There is one further element needed to ensure whistleblowers come forward: “Effective investigative capability is crucial,” says Bridger. “Laws and company policies are only as good as their implementation.”

The importance of protecting those who expose corruption is gaining recognition in the international community. The G20 leaders, at their summit meeting in Seoul in November 2010, identified the protection of whistleblowers as one of the high priority areas in their global anticorruption agenda. A forthcoming OSCE handbook on combating corruption will include a chapter on good practices for protecting whistleblowers, based on the experiences of OSCE participating States.

Sarah Crozier is a Press and Public Information Officer in the OSCE Secretariat in Vienna.
Investigating drug trafficking or corruption often takes years, during which time criminals can enrich themselves with impunity and consolidate their power to the detriment of public safety.

Ireland’s Criminal Assets Bureau has pioneered an innovative approach to relieving suspected criminals of their ill-gotten gains. It was highlighted as a model for consideration by other OSCE participating States at the Second Preparatory Meeting of the OSCE’s 20th Economic and Environmental Forum* in Dublin in April.

“The origin of the Criminal Assets Bureau in the mid 1990s can be traced directly to a time in Ireland when a number of serious criminal operators had developed a capacity to insulate themselves from the operation of the ordinary criminal code, by instilling fear in their areas of operation and exercising considerable financial muscle,” Detective Chief Superintendent Eugene Corcoran, chief Bureau officer, recounted.

The Criminal Assets Bureau was created after the situation came to a head with the murders in 1996 of Garda (Police) Detective Jerry McCabe and investigative journalist Veronica Guerin. The Irish government decided that a way had to be found to strengthen the capacity of the state to undermine the power of criminal gangs, even in the absence of a criminal conviction.

Established by legislation in 1996, the Criminal Assets Bureau’s statutory remit is to carry out investigations into the suspected proceeds of criminal conduct and to take appropriate action to deprive or deny persons of the same. It is an investigative authority, which applies to the Court for assistance in enforcing its functions.

In the sixteen years since its establishment, the Bureau has been extraordinarily successful, with hundreds of millions of Euros of taxes collected and property frozen. The secret of its success is twofold: its multi-disciplinary structure and its wide investigative powers supported by legislation.

A MULTI-DISCIPLINARY AGENCY

The Criminal Assets Bureau brings together the powers and functions of Ireland’s Police Force, the Revenue Commissioners — for taxes and for customs — and the Department of Social Protection. It also includes legal experts, analysts and administrative staff.

“It is this multidisciplinary structure and the manner in which it operates in practice which is largely responsible for the success enjoyed by the Bureau to date,” Corcoran says. “The ability to freely share information among the agencies provides a remedy to a natural difficulty experienced in many large bureaucracies.”

There are approximately 70 members of staff in the Bureau, which is a national unit but is supported in its investigations by divisional asset profilers — specially trained members of the police force — throughout the country who provide assistance on a daily basis.

A solid package of legislation underpins the Bureau’s actions. The Proceeds of Crimes Act, passed in 1996, provides for freezing and confiscating the proceeds of crime using civil procedures in court, without the necessity for a criminal conviction.

Additional legislation concerning taxation and social welfare allows for disclosure of information across the various sections. Not only does the Bureau work to seize criminal gains, it is also authorized to assess, charge and demand tax on profits from unlawful activity and disentitle persons engaged in criminal activity from social welfare benefits.

INTERNATIONAL DIMENSION

The Criminal Assets Bureau works closely with international crime investigation agencies, and has successfully targeted proceeds of criminal acts committed outside Ireland in countries such as the United States and the United Kingdom.

The Bureau also works with international bodies such as the European Commission and Camden Assets Recovery Inter-agency Network (CARIN), an informal network of law enforcement agencies that share knowledge and information on how to trace assets in a member’s country. It is part of the European Union Asset Recovery Office (ARO) network that has been in place since 2007.

“Irish criminals have increasingly adopted a practice of locating themselves elsewhere, and our links to the various agencies concerned are playing an increasingly important role in the overall fight against this type of crime,” Corcoran says.

“The Criminal Assets Bureau has endeavored to become a best practice model for utilizing the multi-disciplinary agency concept and the non-conviction-based forfeiture remedies and, when invited to do so, welcomes participation in training and exchange with other jurisdictions,” Corcoran concludes.

This article was prepared on the basis of material provided by the Ministry of Justice of Ireland.

* Under Ireland’s 2012 OSCE Chairmanship, the 20th Economic and Environmental Forum, which will culminate in a meeting in Prague in September, is focusing on economic good governance.
Money laundering — the process by which criminals move proceeds through the international financial system in order to conceal their illicit origin — is notoriously difficult to investigate. A whole criminal service industry is devoted to setting up opaque and fluctuating global financial networks that use offshore tax havens and often involve shell companies owned by unsuspecting proxies.

As Ireland’s Minister of State Brian Hayes stressed when addressing the First Preparatory Meeting of the OSCE’s 20th Economic and Environmental Forum in Vienna in February, good governance and international co-operation are needed to suppress these networks that allow crime to pay: “Corruption, money laundering and terrorist financing are all challenges shared by participating States. All flourish where governance is weak and ineffective,” he said.

“To meet these challenges, the response of the international community must be robust and multi-faceted,” said Secretary General Lamberto Zannier.

The meeting, which took place in Vienna on 6 and 7 February 2012, focused on how governments, international organizations, the private sector and the media can join efforts to fight money laundering.

Drew Sullivan, an investigative journalist working in the Balkans, explained how journalism can be part of the solution, drawing on reports the Organized Crime and Corruption Reporting Programme he founded has posted on its website at www.reportingproject.net.

Boudewijn Verhelst, the Chair of the Egmont Group, reported on successes and challenges faced by this international network for secure and efficient information exchange among financial intelligence units.

A special session was devoted to national risk assessments, a relatively new process by which a country examines its vulnerability to money laundering. Ireland is financing an OSCE publication on national risk assessments that will provide guidance on the collection of data and on the use of findings to formulate national policy.

“I am convinced of the essential role that our Organization can play in bringing together national and international stakeholders for discussion on common priorities,” said Goran Svilanović, Co-ordinator of OSCE Economic and Environmental Activities, outlining the political and technical steps the OSCE Secretariat and field operations are taking to fight money laundering and the financing of terrorism.

With technical tools for tracing money laundering increasingly advanced, the onus for eliminating it is on governments. “The OSCE is a political Organization that works to build consensus at a political level on security issues. Money laundering and terrorist financing are threats to security that require a political response,” said Eoin O’Leary, Ambassador of Ireland and Chairperson of the Permanent Council.

“The financial crisis has shown how poor governance can lead to economic downfall and how good governance must be the foundation for the road to recovery. Political will to take on tough and sensitive issues is often forged during such times of crisis. Perhaps the challenging circumstances that we currently face will encourage us to be bold as we consider what further steps this Organization might take,” he concluded.
It trains government officials and businesses.

In Ashgabat, Turkmenistan, it organized multi-agency expert training on financial investigative techniques to combat money laundering in April 2012.

In Astana, Kazakhstan, it co-organized an anti-money laundering training course for financial police in March 2012, and for non-financial businesses and professions in May 2012.

In Ganja, Azerbaijan, it trained judges and prosecutors on combating money laundering and terrorist financing in December 2011.

It encourages participating States to implement the Financial Action Task Force (FATF) 40 recommendations.

The FATF revised its 40 recommendations to fight money laundering and the financing of terrorism in February 2012, to include measures aimed at improving global efforts to prevent and suppress financial transactions that benefit criminal and terrorist entities.

The OSCE supports its participating States in the implementation of the FATF recommendations, recently through three UNODC/OSCE sub-regional workshops in Kyiv, Chisinau and Bucharest on preventing and countering financing of terrorism.

It promotes information exchange networks such as the Egmont Group.

Money can move around the world in minutes and law enforcement can be effective only through an equally rapid international response. The Egmont Group of national financial intelligence units provides a secure platform for international information exchange on money laundering activities.

The OSCE supported Uzbekistan in joining the Egmont Group, which it did in July 2011. On the margins of the Egmont Group Plenary in Yerevan in July 2011, it co-organized a workshop for financial intelligence units from Central Asian participating States to exchange experiences and to inform aspiring Egmont Group members Tajikistan and Turkmenistan about the accession process.

It co-organized a regional seminar on international co-operation in criminal matters with a focus on money laundering together with UNODC in Almaty, Kazakhstan in July 2011. A follow-up workshop took place in Almaty in June 2012.

It supports money laundering national risk assessments.

Money laundering national risk assessments permit countries to identify where they can most efficiently concentrate their resources to combat money laundering. To date, only a handful of countries in the world have conducted them.

The OSCE is producing a resource, funded by Ireland and due to be released later this year, to assist participating States in collecting data and assessing the risks of money laundering and terrorist financing.

In co-operation with the World Bank, the OSCE is supporting Kazakhstan, the Kyrgyz Republic and Serbia in conducting risk assessments.

It takes a wide perspective.

The OSCE’s comprehensive approach to security permits it to simultaneously address the economic, political and human consequences of money laundering. For example, the Office of the Co-ordinator of OSCE Economic and Environmental Activities, the Office of the Special Representative and Co-ordinator on Trafficking in Human Beings and the Strategic Police Matters Unit co-organized the Expert Seminar on Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking, held at the OSCE headquarters in Vienna in October 2011.
Hussaini Azada Mohammad, a 27-year old woman from Afghanistan, says that she chose to enrol in the OSCE Academy in Bishkek’s new Master’s programme in economics because of its practical approach and focus on Central Asia: “The students are from all over the region and we are constantly comparing the different practices in our countries. Afghanistan is a special case, but there is also culture and history we all share.”

Azada spent her childhood and youth as a refugee. She was born in Iran, educated in Pakistan and studied in the United States. On completion of her studies at the Academy, she plans to return to Afghanistan. “I always wanted to go back after graduation. I want to contribute to my country’s development and I am sure that the knowledge I will acquire through this programme will help.”

The OSCE Academy launched its new Master’s in Economic Governance and Development at the beginning of this year to complement the Master’s in Politics and Security it has been offering since 2004. Practically all of the courses concern Central Asia indirectly or directly. There are applied modules on governance, water, energy and trade. A course on money laundering, a priority topic under this year’s Irish OSCE Chairmanship, is currently being developed. It will reflect the practice of financial intelligence units in Central Asia.

The decision by the OSCE Academy to launch a study programme focusing on economics reflects the participating States’ conviction that good economic governance is essential for Central Asia’s future stability and prosperity. “Stable states with transparent and accountable policies attract foreign and domestic investment, enabling governments to reduce poverty and promote equality and social integration,” Goran Svilanović, the Coordinator of OSCE Economic and Environmental Activities, told students at a special introductory seminar in March.
CONTRIBUTING TO THEIR COUNTRY

The Master’s in Economic Governance and Development has been officially approved by the Ministry of Education of the Kyrgyz Republic, which as the OSCE Academy’s host country has frequently acknowledged the institution’s usefulness and encouraged the expansion of its academic curriculum.

Twenty-two-year-old Daniyar Moldokanov, who was born in Bishkek and earned his first degree at the American University of Central Asia located in the city, had already started a career at the Ministry of Finance of Kyrgyzstan when he decided to enrol in the programme. “I was finding the style of government still much influenced by older methods and practices and looking for fresh ideas that could help me support my country,” he recounts.

Several months into his studies, Daniyar says that one of the things he finds most interesting is that the courses are still being elaborated and tailored. “Being a part of this process in a kind of experimental academic group is amazing. Since we are all graduates in economics and many of us have work experience, we are capable of asking questions that result in fruitful exchanges,” he says. Maxim Ryabkov, the Director of the OSCE Academy, gives an example of student input into the curriculum’s development: “Students have shown much interest in international and regional trade agreements, and this has prompted the school to think of strengthening the components dealing with this issue.”

The institution’s encouragement of students’ practical involvement also extends to assisting them in finding external opportunities for learning by doing. “Internships are a very important part of the educational process in a programme that, like ours, focuses on policy and governance issues. We are working to establish partnerships with relevant institutions where our students might be interning,” Ryabkov says.

The OSCE Academy is noteworthy not only for what it offers its students but also because of the insight its research and discussions bring to the OSCE as a whole. Ambassador Andrew Tesoriere, who chairs the Academy’s Board of Trustees and for the past four years headed the OSCE Centre in Bishkek, describes it as a two-way mirror: “Through higher education, research and debate, the Academy disseminates shared OSCE values, probes core topical issues, and lifts understanding within the whole OSCE community. I see each Academy student as a potential future leader, each roundtable as generating innovative thinking, and the Academy well attuned to the needs and context of Central Asia and the wider region.”

Many OSCE participating States recognize the importance of education in the development of Central Asia. The Academy has received funding from 21 participating States. In 2012, it is funded by Austria, Finland, Germany, Denmark, Norway, the Geneva Centre for Security Policy and the United States, as well as from the Unified Budget. The new Master’s programme in Economic Governance and Development is funded by Austria, the Norwegian Institute of International Affairs and the United States. For Austria, the fact that Afghan students are participating — there are currently nine at the Academy — was an important reason for co-funding the programme. At the Vilnius Ministerial Council in December 2011, the OSCE took the decision to widen its co-operation with Afghanistan to include economic and environmental and human issues. “Bringing students from Afghanistan and Central Asia together in this programme, allowing them to gain profound economic knowledge and to develop cross-border professional and personal ties is a very concrete contribution towards this political goal,” explains Robert Müllner of the Austrian delegation to the OSCE.

Svetlana Levina is the Spokesperson of the OSCE Centre in Bishkek.

The OSCE Academy was established in 2002 on the basis of a Memorandum of Understanding between the OSCE and the Kyrgyz Republic. More information on the Academy and scholarship opportunities is available on its website at www.osce-academy.net
With the whole world migrating online, we are not moving into a civic digital commons — but rather into a series of virtual private malls. Private corporations essentially own the Internet from one end to the other. They produce the hardware, lay the cables, store the data and manage the networks.

The privatized Internet and corporation-owned mobile communication networks are increasingly the platform on which we express our opinions, seek, receive and impart information, and the gateway through which we exercise our other basic rights. In addition to governments and state regulators, it is increasingly the private sector that is becoming the arbiter of our freedoms. Can we be sure that it cares?

Fortunately, to some extent, the right to communicate and the business model of the communication sector overlap. Our right to communicate is their network traffic; our right to express ourselves freely is their social network.

What is more concerning are the areas where the business model of the communication sector and the right to communicate do not overlap, where there is money to be made with products that suppress information, silence speech. Dual-use technology — technology that can be used to legitimately manage network traffic and spam as well as to surveil and censor political opponents — is a problem which has not been solved. Companies from several Western European countries, including Germany, Sweden and Britain as well as the United States and Israel have been found to be exporters of dual-use technology to repressive regimes, an industry worth over US$4 billion a year according to the London-based NGO Privacy International.

What can companies and what can governments do, to ensure that human rights are protected in the digital world? This is a question we at AccessNow.org are often asked, and we have a few answers.

HUMAN RIGHTS BY DESIGN
First and foremost, one of the best ways for companies and governments to develop a human rights policy is to employ a model we call human rights by design: “During the research,
development and design stages, technology companies should anticipate how and by whom their products and services will be used. Developing a human rights policy and engaging in diligence at the earliest stages helps companies prevent crises, limit risk, and enable evidence-based assessment of company activities and reporting. This was one of the basic principles affirmed in the Silicon Valley Standard, the outcome document of the Silicon Valley Human Rights Conference we hosted in San Francisco in October of last year.

We need to recognize that there are human rights implications all the way along the value chain, even at the level of coding technology. Offering off-the-shelf geo-location technology may get a seller closer to a customer. But it also gets an authoritarian regime closer to its dissenters.

Companies should adopt the United Nations Human Rights Council’s Protect, Respect, and Remedy Framework for Business and Human Rights, known as the Ruggie Framework, which sets out corporate responsibilities for protecting human rights. The Ruggie Framework’s provisions need to be applied to the information and communications technology (ICT) environment. An important step would be to join the multi-stakeholder Global Network Initiative for the protection and advancement of freedom of expression and privacy in the ICT sector and begin human rights impact assessments.

As for governments, they must embed rights-respecting policies into all their laws. Rights should always come first when lawmakers seek to regulate the Internet. Any exemptions should only be made after the rights are enshrined in law. Legislation in the name of national security, copyright enforcement or preventing child pornography should not be rushed through legislatures without due consideration of its implications for the Internet’s infrastructure, for how content is accessed and for the right to free expression. Governments do need to protect the public and make sure that creators are properly paid, but this should never come at the expense of our fundamental rights.

POWER IN THE MARKETPLACE

Companies have power in the marketplace, and they should be using that power to encourage governments to protect human rights through appropriate policies, practices, legal protection and judicial oversight. They need to pressure governments to not allow the copyright industry to trump freedom of speech in the name of Intellectual Property. It is also vital that they advocate for control over their networks, even in times of crisis.

Companies must ensure that any restrictions requested by government authorities are necessary, consistent with international human rights laws and standards and the rule of law, and proportionate to achieving a clearly defined and legitimate public purpose.

Governments, in turn, must listen to companies and respect their decisions to embed human rights into their corporate DNA. This includes when companies stand strong for net neutrality, i.e. the equal treatment of all Internet traffic, be it video, audio, e-mail or the text of a web page. The Netherlands’ lead on committing to net neutrality was a major step forward, and is prompting similar legislation in Belgium, Spain and elsewhere.

SECURITY AND ENCRYPTION OF WEB ACTIVITY

Digital attacks are the greatest threat to an open Internet. Civil society members’ Internet accounts are constantly being hacked, their networks compromised and their sites brought down. They need the assistance of the technology sector for the establishment of a reliable security infrastructure.

As affirmed in the Silicon Valley Standard: “Effective Internet security is essential to ensuring freedom of speech, privacy, and the right to communicate online. Technology companies must provide a basic level of security (e.g. HTTPS and its improvements) to their users by default and resist bans and curtailments of the use of encryption.”

A security infrastructure is reliant upon governments not banning encryption and other security mechanisms. Encryption tools are critical for activists, political dissidents and civil society at large. Rights-respecting governments, civil society and private companies must advocate for the privacy of individuals, and support their efforts to protect themselves.

INTERMEDIARY LIABILITY

Freedom of speech, association, and commerce increasingly depend on Internet intermediaries such as broadband service providers and web hosting companies. These intermediaries should not be required to determine the legality of, or be held liable for, the content they host, as is being asked of them by the copyright lobby in proposed multilateral trade agreements such as the Anti-Counterfeiting Trade Agreement (ACTA) and the Trans-Pacific Partnership (TPP) or in the Stop Online Piracy Act (SOPA) in the United States.

Companies must fight this trend and governments must not hold these hosts liable for their content. They should pass laws that allow for a reasonable time frame for intermediaries to take down illegal content upon judicial decisions and following due process and provide protection from prosecution for the mere posting of content. Holding website hosts liable is a blunt instrument
that can be used to quiet dissent and chill the political climate.

Global co-ordination is needed to protect intermediaries because if they are held liable, our right to freedom of speech will be severely compromised.

LEGAL JURISDICTION IN A BORDERLESS VIRTUAL WORLD

The global nature of the Internet means that a law in one country has an effect on users worldwide. The Silicon Valley Standard requires corporations to minimize the negative impact of government rules and regulations that infringe upon freedom of expression or other human rights. It calls on technology companies to incorporate adequate privacy protections for their users by default: “Technology companies should resist overboard requests from governments to reveal users’ information, disclose no more information about their users than is legally required, and inform their users so they can choose to legally respond to these requests.”

In times of crisis, when open communication is especially important, companies should resist government efforts to conduct blanket surveillance of corporate networks, shut down services or block access to their products.

Governments, for their part, should listen to civil society and multi-stakeholder groups when drafting legislation and refrain from bypassing the judiciary when submitting requests to companies for surveillance or data sharing. Technologically developed nations must know that they are being looked upon for guidance on Internet policy. The decisions they make set precedents for the rest of the world.

Governments and corporations alike must support the development and implementation of an open Internet and mobile communication environment. Now is the time for us to work together to achieve an open Internet, so that all can enjoy their rights.

Brett Solomon is the Executive Director of AccessNow.org, a global movement for digital freedom.

The Silicon Valley Standard detailing principles for ensuring rights in the ICT sector can be viewed at www.rightscon.org.

Eole Wind (flickr.com/eole)
Regulating the Internet is like herding cats
by Mike Stone

Though the issues are complex, the answer is simple: the Internet must remain free.
That’s the position of the OSCE Representative on Freedom of the Media, Dunja Mijatović.

“While governments do have a limited role to play when it comes to Internet content, any restriction is legitimate only if it is in compliance with international norms, is absolutely necessary for the functioning of a democratic society and is set out specifically in a nation’s laws,” she says. “Frankly, many of the arguments used for content control are disingenuous. In the end, the controls are intended to quell dissenting voices in a country.”

Blocking access to websites and social media such as Facebook and Twitter is doomed to fail. Even if done in a technologically effective way, it’s still akin to herding cats, a waste of time, as there are unlimited ways to bypass the restrictions.

Still, the Internet is not free by nature but by design and many technical means of content control endanger the free Internet as we know it today.

OSCE-WIDE SURVEY

Mijatović recently commissioned an OSCE-wide survey of laws and regulations affecting the Internet. She says it reveals a worrying trend: participating States’ attempts to regulate online content and availability are increasing.

Access to the Internet is a fundamental human right, as affirmed by the United Nations in a June 2011 report by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression. Only two OSCE countries have laws recognizing this right. Seven have legislation in place to limit access.

In many participating States, provisions to criminalize hate speech or incitement to terrorism on the Internet are worded vaguely, leaving them open to misinterpretation.

There is an increasing use of the disproportionate three strikes measure against Internet piracy, which cuts off a user’s Internet access at a third attempt to download material that violates copyrights. Proposed intellectual property laws in the United States and the European Union put too much responsibility on the shoulders of Internet service providers to police traffic and make decisions about cutting off access.

A number of states have started blocking access to unwelcome websites and social media platforms hosted outside of their legal jurisdiction. Their policies, even if voluntary, often lack transparency and are incompatible with the right to information. So is the total suspension of Internet access in emergency situations that is legally foreseen in some countries.

The report, Freedom of Expression on the Internet, prepared by the Turkish law professor Yaman Akdeniz, analyzes data received from 46 participating States and provides recommendations for an open Internet. It is available in English by writing to the Representative at pm-fom@osce.org and in English and Russian by accessing www.osce.org/fom/80723.

Mike Stone is a Senior Adviser of the OSCE Representative on Freedom of the Media.

OSCE commitments to a free Internet across borders

“The participating States reaffirm that everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”
— Copenhagen Document, art. 9.1, 1990

“We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society.”
— Charter for European Security (Istanbul Summit), 1999

“The participating States pledge to take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights, and to foster access to the Internet both in homes and in schools.”
— Permanent Council Decision No. 633, 2004
When the first Central Asian Internet Development Forum was held in Almaty in 2010, much of the talk was still about Internet development in the region being in its infancy. This May, when the OSCE-supported Forum convened for the third time, there was no longer any question of the Internet’s profound impact on the region. As one participant from Kyrgyzstan put it, among young people, a few years ago, the Internet was fashionable; today, it is a professional necessity and a personal way of life.

The change has been tectonic. In Kazakhstan, for instance, Internet use has increased six-fold in the past five years. In societies that until recently were relatively contained, voices from individuals across the planet about their political, social and private life have become readily accessible. Governments have participated in the trend, promoting e-business and investing in e-government. At the same time, worried about the influences sweeping in over the web, they have felt the need to regulate and filter.

About 100 web practitioners, journalists, lawyers, NGO representatives and government officials gathered in Almaty on 17 and 18 May for what is becoming an annual event. They came from Central Asian participating States — Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan — and from beyond, from Georgia, Lithuania and Ukraine, and for two days engaged in an intense and open debate. They discussed trends and innovations, but also the challenges posed by the regulation of the net.

“The Internet and information technology are
the fastest growing sector of the economy worldwide. And Central Asia is no exception in this regard. It must be noted, however, that there are also some problems in the region, including the blocking of sites and filtering of content, censorship and legislative barriers,” said Adil Jalilov, the Chair of the Media Alliance of Kazakhstan.

The problems that arise for freedom of expression when governments apply journalistic standards to Internet content was one of the issues participants considered. Treating web content — websites, portals or blogs — essentially like newspaper articles stifles communication, especially in countries where journalists can still be criminally charged for libel. When sites that are hosted outside the country’s jurisdiction are deemed in violation of media standards, they are sometimes filtered or blocked.

“The Internet is supposed to be a means for ordinary people to communicate freely across the globe, a way of overcoming boundaries and differences. The use of laws to regulate the Internet has the opposite effect, the denial of freedom of expression, because of the fear of being censored or, worse, prosecuted abroad,” said Olga Didenko, a lawyer with the Internews Network in Kazakhstan.

But the liberating aspect of the Internet was also high on the Forum’s agenda. The innovative use of social networking in Kyrgyzstan, for instance in a charity campaign conducted over Twitter, was presented by Sabina Reingold, who writes for the online version of the Bishkek Evening Newspaper. Alia Sembay from Kazakhstan recounted how the web magazine Ekpin, which she launched in February, is bringing cultural content to young readers in the Kazakh language.

Nicolas Journoud, a French freelance illustrator who has been living and working in Kazakhstan since 2006, told the story of how his encounter with a teenage boy suffering from cerebral palsy became the starting point for a project that opens the secluded world of persons with disabilities to the public imagination, mesqueunblog.kz.

“The name of the project, which means ‘more than a blog’, derives from the motto, ‘more than a club’, of the boy’s favourite football team, Barcelona,” he explained.

“My blog presents the everyday family life of an 18-year old boy suffering from cerebral palsy. But actually, what it tries to present is a collective image of people with disabilities. Isolation is what people with disabilities feel to be their most pressing problem. If viewers start to perceive the hero of my blog not as a disabled person but as just another teenager, the main goal of the project will be achieved,” he said.

Journoud’s project is implemented by the NGO International Journalism Centre MediaNet, which is also the OSCE Centre in Astana's implementing partner for the Central Asian Internet Development Forum. The Forum is establishing itself as an annual event that promotes reflection and sows innovation as Central Asia assumes its place in the worldwide virtual forum that is the Internet.

The OSCE Centre in Astana supports the development of Kazakhstan’s media sphere through monitoring, reporting, training, dialogue facilitation and legislative assistance. The Centre helps journalists enhance their professional skills through training courses. It also provides expertise and legal opinions to the government on draft laws related to the media. Its roundtables on media-related issues enjoy broad participation and stimulate discussion on topics such as new media tools for Kazakh language journalists, media legislation, Internet development trends in Central Asia, and freedom of speech and access to information principles.

*This article was prepared on the basis of material provided by the OSCE Centre in Astana.*
In the current financial climate, it is more important than ever for international organizations to avoid duplication of activities, maximise the impact of programmes and use resources effectively and efficiently. For OSCE field operations, this is a very practical challenge that requires innovation and responsiveness on a daily basis.

Last December, the OSCE Ministerial Council tasked executive structures to identify best practices in co-ordination and co-operation in the field, in Ministerial Council Decision No.3/11 on Elements of the Conflict Cycle. Where is the OSCE working successfully with international partners, and why? The Conflict Prevention Centre has gathered answers to these questions from across the OSCE field operations, soon to be published in a practical guidebook.

**NATIONAL OWNERSHIP**

Field operations support their host countries in the fulfilment of their OSCE commitments, and their collaboration with international partners substantively contributes towards this goal. Small wonder, therefore, that the most successful and sustainable joint initiatives include a high degree of national involvement.

The Montenegro Demilitarization (Mondem) programme, under which the Montenegrin Ministry of Defence, the United Nations Development Programme (UNDP) and the OSCE have been working on demilitarization and safe storage of ammunition since 2007, is an excellent example.

National ownership is the key to Mondem’s success. The original request came from the Ministry of Defence, and the result has been a truly shared project. The three partners together represent Mondem, working with the different...
The first of 61 surplus tanks is cut up to mark the start of the Montenegro Demilitarization (Mondem) Programme, a joint project between the country’s Ministry of Defence, the OSCE and the UNDP, Podgorica, 3 July 2007.

Dragan Mijatovic

Donor communities. The excellent quality of their working relationship on the ground has in fact led to joint work in other areas as well, such as in the recent co-operation between the OSCE, UNDP and the Ministry of the Interior on the control and reduction of small arms and light weapons.

At every step of the way, the priorities of the host country have determined the activities undertaken under Mondem, and this has proved a solid basis for co-operation. More than 100 tonnes of highly toxic rocket propellant have been safely disposed of, 3,300 tonnes of heavy weapon systems cut and melted for scrap, the Taraš ammunition storage site upgraded and 850 tonnes of surplus conventional ammunition destroyed.

The considerable human and financial resources that Montenegro continues to make available for Mondem testify to the national relevance of the programme.

INCLUSIVE AND PARTICIPATORY APPROACH

Many elements come together to make for successful co-ordination. In Moldova, when the need arose to consolidate efforts to combat human trafficking, the OSCE Mission to Moldova in 2005 initiated Technical Co-operation Meetings. All parties agree that they have been highly effective in bringing international, national and civil society anti-trafficking and gender groups onto the same page.

The key to their success has been the Mission’s inclusive and participatory approach. They have brought together all state structures involved in combating human trafficking and promoting gender equality — the Ministry of Labour, Social Affairs and Family, the Ministries of Justice, Health and Education, the National Committee to Combat Trafficking in Human Beings, the Centre for Combating Trafficking in Persons under the Ministry of Internal Affairs and the Office of the Prosecutor-General. They have also included national and international NGOs, embassies and international organizations such as the UN Population Fund, UNDP and UN Women. The meetings are open: anybody who is interested can attend.

Another success factor has been the general acceptance of the OSCE Mission’s leadership. No international organization has a mandate to take the lead in every situation. In this case, the OSCE’s previous experience in anti-trafficking and positive political image in the country make it an appropriate co-ordinator.

And again, national ownership is a significant factor. Although the OSCE initially organized the meetings alone, the Ministry of Labour, Social Protection and Family has been co-chairing them since 2009. Today, they are mainly attended by national actors and discussions are conducted predominately in Romanian, with English translation. The role of the OSCE and the international community has become largely one of mediation, support and advice.

But there are other reasons why the meetings have been so successful in getting the co-ordination of anti-trafficking in Moldova off the ground. The Mission’s easily accessible and politically neutral premises, the provision of simultaneous translation and minutes of the meetings in English and Romanian, even the opportunity to network and talk informally over a coffee before or after the meetings are details that may seem mundane, but each of them has made a difference.

STRATEGIC DIRECTION

Where political sensitivities are high and stakeholders numerous, co-ordination among international organizations can be a formidable task that requires open lines of communication and a clear vision. In Tajikistan, the Border Management Working Group (BIG) and its supplementary Working Sub-group on border and law enforcement training, co-chaired by the OSCE Office in Tajikistan, provide an excellent opportunity for the more than a dozen groups involved in border management and security to harmonize their efforts by informing partners about future activities and discussing common challenges. The BIG and its Sub-group have developed several good information-sharing practices, including listing the different activities and training events of organizations in matrices and scheduling presentations on a topic of common interest to precede the regular roundtables.

The discussions have benefited from the forward-looking perspective provided by Tajikistan’s National Border Management Strategy, a document developed with OSCE support in 2010. It foresees the eventual establishment of a permanent inter-agency secretariat to take over the responsibility of co-ordinating border management assistance to the country. In the meantime, the long-term goals it sets are making it worthwhile for international actors to invest in sustainable co-ordination and co-operation mechanisms, especially important in light of the impending withdrawal of NATO troops from Afghanistan.

There are many more examples of innovative practice in the OSCE field. With its Good Practices Guide on International Co-ordination and Cooperation, the Conflict Prevention Centre aims to stimulate that innovation, by providing material for a fruitful exchange.

Gudrun Van Pottelbergh is an Operational Support Officer in the Conflict Prevention Centre in the OSCE Secretariat in Vienna.
In March 2012, the OSCE High Commissioner on National Minorities Knut Vollebaek made his first visit to the new university department of economics in Bujanovac, southern Serbia, since attending its opening last autumn. The fact that this department even exists is testament to the High Commissioner’s persistent encouragement and the constructive co-operation of a wide range of governmental and academic stakeholders.

During his visit, the High Commissioner was able to see the results of this perseverance: Albanian and Serbian students studying together in a shared space.

The academic facility was three years in the making. At some points, numerous delays and administrative obstacles made the project seem impossible to realize, and as recently as last summer, when students should have been enrolling, another postponement seemed inevitable.

Yet today, 93 students have settled in to university life, on their way to becoming the first alumni of what the High Commissioner hopes will develop into a leading example of how multilingual and multi-ethnic tertiary education can be delivered in deeply divided communities.

The Bujanovac department, a branch of the University of Novi Sad’s Faculty of Economics in Subotica, is special because it is the first truly multilingual and multi-ethnic higher education institute in southern Serbia. “This is an example of how multilingual education can be used in practice to solve the dilemma of either...”

— The OSCE High Commissioner on National Minorities Knut Vollebaek, at the launch of the feasibility study on higher education in Preševo and Bujanovac, March 2010

Bujanovac’s new multilingual university department: solving the language dilemma

by Michelle Pirotta

“It is through education that young people gain the knowledge base and skills needed to improve their economic situation and living conditions. It is through education that young people from all ethnic groups can better learn how to overcome the economic and social challenges of today. It is through education that young people from diverse backgrounds can learn that we share common values despite our individual differences.”

— The OSCE High Commissioner on National Minorities Knut Vollebaek, at the launch of the feasibility study on higher education in Preševo and Bujanovac, March 2010
mother-tongue or state-language education,” Vollebaek declared at its opening.

The department offers courses in marketing and economics in both Serbian and Albanian languages. About two-thirds of the first-year courses offered are in Albanian. The proportion shifts to about two-thirds state-language courses at the higher levels. The department is state accredited and all the students receive public financing via various official bodies. Roughly half the students are ethnic Serbs and half are ethnic Albanians.

THE PROBLEM OF SEPARATION

Bujanovac is located in the Preševo valley, where large numbers of Albanians reside, essentially living separately from their Serbian compatriots. This area has experienced escalation of inter-ethnic strife in the past and remains tense even today. In 2000, a year after the end of the Kosovo war, an Albanian insurgency erupted inside a NATO-established buffer zone that included Bujanovac. More recently, tensions have flared following the arrests of five local men on charges of war crimes just before the Serbian elections on 6 May. Barely two weeks later, on 17 May, a local police checkpoint close to Kosovo was attacked by unknown gunmen. There are some in the region who still aspire to the unification of the Preševo valley with Kosovo, which would have destabilising effects across the wider region.

In addition, southern Serbia is economically depressed, and the lack of opportunities for both higher education and employment leads youth of all ethnicities to depart for bigger cities. Ethnic Albanians predominantly go to Albanian-language universities in Prishtinë/Priština, Tirana or Tetovo. Many do not return.

The High Commissioner has long been concerned about this region and is aiming to address the root causes of inter-ethnic tensions in addition to responding to current issues. He is specifically mandated to use quiet diplomacy to identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations among OSCE participating States. Since the institution was established by the OSCE in 1992, Vollebaek and his predecessors have focused on education as one of several tools for long-term conflict prevention, fulfilling his mandate to "provide … ‘early action’ in regard to tensions involving national minority issues”.

One of the effects of the divisions in the area is that Serbian and Albanian children study in different, mono-linguistic, mono-ethnic schools. As the High Commissioner consistently points out during his country visits, educational separation based on ethnic or religious background cannot lead to integrated societies. Instead, such entrenched divisions make it possible for tensions between the different ethnic groups to fester, creating the potential for conflict.

"From an early age, education sets children on a path that could lead to integration or to separation," Vollebaek explains. "At school, they learn their languages and their history. At school, they get to meet each other and make friends with each other. When children are separated from one another by language and by ethnicity, they are less likely to make contact and are more likely to build separate futures.”

GETTING THE BALL ROLLING

The university department in Bujanovac was established to address these issues. Its story began in 2009, when the High Commissioner and the Serbian Government commissioned a feasibility study on higher education development in Preševo and Bujanovac. This initiative builds on an earlier project to set up a local department in the neighbouring town of Medveda, which began offering lectures with simultaneous interpretation into Albanian in 2009.

On the basis of numerous interviews with stakeholders, the study concluded that a multilingual education institution would be a positive step toward inter-ethnic integration in these municipalities, providing local youth with the opportunity to study and socialize together, maybe building lasting friendships. Ethnic Albanians should be able to follow tertiary education in their mother tongue without having to depart to universities elsewhere, it maintained. At the same time, being able to fluently speak the state language would greatly widen their career choices in Serbia. A university institution could help stimulate local economic development, drawing students and lecturers and, in the longer term, producing entrepreneurial graduates who would want to stay in the region. Based on these considerations, the study proposed establishing an institution of higher learning in Bujanovac or Preševo.

The OSCE Mission to Serbia, the European Union and the Friends of South Serbia, a group of bilateral ambassadors in Belgrade, agreed, and were strong advocates of the project from the start. However, as the study also noted, winning the support and co-operation of all the required partners, including the Serbian Government, the local authorities and the Albanian National Minority Council, was likely to be a challenge.

Building coalitions of the reluctant is part of the High Commissioner’s work. He works confidentially behind the scenes to bring the relevant stakeholders together and keep them moving forwards. Of course, he can only operate as a catalyst; the relevant partners have to choose to put aside their differences and work together to build a future for their children.

Vollebaek was able to draw on his office’s accumulated experience of how multi-ethnic higher education facilities can and should work. In 2001, for instance, the first OSCE High Commissioner on National Minorities, the late Max van der Stoel, was instrumental in founding the South East European University in Tetovo, in the former Yugoslav Republic of Macedonia.

On the occasion of the feasibility study’s publication in Belgrade in March 2010, Vollebaek, said the experience in Tetovo would be applied in southern Serbia, while also taking local cultural and political sensitivities into account.

An inter-ministerial working group on higher education put together a plan to make this vision a reality. The first step was to set up a department of an established university in Bujanovac. Being part of a larger education institute brings the benefits of shared experience and a smoother accreditation process. Meanwhile, the Serbian Government
made a firm commitment to provide the necessary political and financial support. However, in May 2011, just five months before the department was expected to open its doors, a suitable “mother institution” had still not been identified. In the months that followed, the High Commissioner and the Serbian authorities, working closely with the OSCE Mission to Serbia, tried to find a willing partner. Eventually, the Faculty of Economics in Subotica (a branch of the University of Novi Sad) agreed to open a department in Bujanovac. The University of Novi Sad is Serbia’s leading provider of multilingual tertiary education, having delivered courses in Hungarian, Romanian and Slovakian, among other languages, in addition to Serbian for several years. The Faculty of Economics of the State University of Tetovo said it could provide visiting professors who would lecture in Albanian.

**THE FIRST STEP**

The department officially began welcoming students on 28 October 2011. Miodrag Gusevski, an ethnic Serb, and Xhabir Aziri, an ethnic Albanian, were two of the first to enrol. They chose to study here because it allows them to stay in their own town, which is much less expensive for them than studying elsewhere.

Both say they appreciate the chance to socialize with students of different ethnicities.

“We live in a multi-ethnic place, and mixing with members of different communities is unavoidable, whether we want it or not. I believe that communication, especially among young people, is essential and this department is a good place to start,” says Miodrag.

Xhabir agrees: “This is the best thing for all of us who live in Bujanovac because we can only achieve something if we are united. I believe that opening this department was the best idea for the integration of different groups in society.”

Both Miodrag and Xhabir plan to stay in Bujanovac after their graduation. Miodrag already works full time as an accountant, running between his classes and the office.

“I believe that there is a potential for a nice and peaceful life here, but it requires a lot of effort from all its citizens, regardless of their ethnicity,” he said.

If the department of economics in Bujanovac is to play its part in the integration of this fractured community, it will need more students like Miodrag and Xhabir who choose to stay in the town and contribute to their country or locality. It will also require the continuous support of the local and central authorities.

The High Commissioner and the OSCE Mission to Serbia will continue to monitor this department and region. They will identify potential tensions at the earliest possible stage and encourage local stakeholders to keep working together, as the establishment of the university department in Bujanovac has proven they can do to great success, for the long-term stability and prosperity of Serbia.

Michelle Pirotta is the Communications and Editorial Assistant for the OSCE High Commissioner on National Minorities.
The OSCE Permanent Council adopted the mandate of the Office of Internal Oversight in December 2000 and the Office started work in 2001. Since then, the Office has cemented its role as a cornerstone of the Organization’s efforts to ensure effective and efficient use of the resources provided by the participating States. In 2009, it expanded its activities to include the full range of oversight functions under its umbrella — audit, evaluation and investigation.

Paul Manning joined the OSCE as Director of the Office of Internal Oversight in January this year, having spent five years with the UK Government’s Department for International Development and previously working with the private sector and international NGOs. He answered questions for the OSCE Magazine.

OSCE Magazine: What does the Office of Internal Oversight do?
Paul Manning: We have a highly talented team providing an objective and independent assurance and consulting function to the OSCE. Our internal audits provide assurance on the Organization’s governance, risk management and control processes. Our evaluations assess the relevance, effectiveness, efficiency, impact and sustainability of the Organization’s activities — from police training in the Balkans and Central Asia, through legislative strengthening, to a review of the OSCE’s secondment system whereby participating States sponsor some staff members directly. The Office of Internal Oversight also operates the Oversight Hotline, which enables staff and others to confidentially raise any suspicions of fraud, waste or mismanagement — allegations which are looked into by our investigators. And we provide ongoing advice to managers, to help them manage risks to achieving their objectives and make the best use of participating States’ funds.

How do these activities add value to the Organization?
The Office of Internal Oversight works with the Secretary General and other managers as a "critical friend": someone who understands the Organization’s issues, can challenge current practice and acts as a catalyst for improvement. Working with the Audit Committee and the external auditors, we provide independent assurance that the Organization is well-managed and is deploying its resources effectively and efficiently to achieve its vital objectives. And our work helps the OSCE demonstrate its results, providing participating States with comfort that the maximum value is being generated from their taxpayers’ funds which they entrust to the Organization.

But arguably the biggest value we add to managers and teams right across the OSCE is to facilitate sharing of knowledge — especially as the Office of Internal Oversight has a unique position covering all of the Institutions, the field operations and the Secretariat. The OSCE is a knowledge-based organization, and our Office helps unlock that knowledge and share it where it will help enhance OSCE operations. Our specialist skills and expertise, as well as our independent status, have enabled us to act successfully as a change agent in areas such as risk management and ethical conduct.
And the need for our services is increasing rather than diminishing as the OSCE faces an evermore demanding and challenging internal and external environment.

**What are the challenges for an oversight office in helping the Organization deal with the current economic crisis?**

The participating States’ domestic budgets are under growing pressure, and we need to demonstrate how every Euro provided to the OSCE is a Euro well spent. And as the Organization’s resources are increasingly stretched, it is even more vital that those resources are used prudently and efficiently. Since joining the OSCE, I have been impressed with what the Organization achieves within its budget. The Office of Internal Oversight’s evaluations help demonstrate these results, using innovative tools such as outcome mapping, as well as sharing lessons to continually improve the Organization’s performance. Our audits and investigations help to safeguard the OSCE’s assets and resources — particularly important when the economic crunch is raising the risk of fraud and other misconduct in the environments where we work — and to make sure costs are managed effectively. And just as the Organization as a whole is increasingly challenged to prioritize, so we’ve got to pick the areas where this Office can add most value given our own limited resources.

**What do you see as the future priorities for the Office of Internal Oversight?**

I see the Office of Internal Oversight’s role as supporting management across the OSCE as a strategic partner, whilst delivering on our mandate to provide objective and independent assurance and appraisal. It’s so much better if we can help managers achieve their objectives in a well-controlled way from the outset, rather than (to use an old auditor’s joke) “arriving after the battle to bayonet the wounded”. Feedback on our oversight activities — audits, evaluations and investigations — has been very positive, and managers and their teams clearly recognize the value which our work brings. We also enjoy the support of the Secretary General and work closely with him. The Office of Internal Oversight is here to help, and we look forward to continuing to work with everyone across the Organization to support the OSCE in achieving its vital mission to build trust and bridge differences.

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**When the Office of Internal Oversight evaluates activities it uses a variety of tools:**

- Focus group meetings with police officers in academies and schools
- Interviews with beneficiaries, government officials and OSCE staff
- On-line surveys to collect quantitative data
- Examining trends over time based on data available
- Examining performance indicators
- Statistical analysis
- Triangulation of observations and financial information

**Recent tools the Office of Internal Oversight has used:**

- Outcome mapping to establish the changes caused by projects
- Qualitative analysis of text
- Social media measurement tools
Bringing environmental rights violators to justice

by Ursula Froese

Residents of a village in country X have noticed an odd taste in their well water lately and an increased incidence of respiratory problems among their children. A nearby former military site is being used as a dumping ground for ashes from a power plant. They are worried there might be a connection. But when they try to find out, they are subjected to a bureaucratic run-around. The administrative board responsible for the site denies having any obligation to provide information. The local environment and health authorities say they have done a risk assessment study but refuse to disclose it, claiming it contains business secrets of the power plant.

This kind of scenario was foreseen by the drafters of the United Nations Economic Commission for Europe (UNECE) Aarhus Convention on environmental rights, the implementation of which the OSCE supports with an extensive network of Aarhus Centres. Article 9 of the Convention guarantees members of the public the right to a judicial review if they have been denied access to information or participation in decision-making in environmental matters or if they wish to challenge private or public violations of law related to the environment.

Although there is no doubt that the Aarhus Convention’s provisions on access to justice, often referred to as the Convention’s “third pillar”, have brought a substantial improvement to environmental democracy, challenges remain, not only inside but also outside the courtroom.

“In some countries you have to try to go the administrative route first and then when you try to challenge in court it might be too late,” says Jan Darpo, who heads the UNECE Aarhus Convention Task Force on Access to Justice. “Furthermore, success in court does not guarantee success on the ground. You can actually go to court, but the court decisions are not enforced or enforced using time-consuming procedures. And of course, costs are always a problem: court fees, lawyers’ fees, witness fees, securities — all kinds of different costs. The Convention stipulates that procedures shall not be prohibitively expensive, but what constitutes ‘not prohibitively expensive’ is something that one can and does argue about,” he explains.

The Parties to the Aarhus Convention recently acknowledged that enforcement of its third pillar is lagging behind. In response, the OSCE Office of the Co-ordinator of Economic and Environmental Activities together with the UNECE decided to organize a regional meeting in Almaty, Kazakhstan on 22 and 23 May 2012. It was hosted by the OSCE Centre in Astana and attended by participants from the five OSCE participating States in Central Asia and from Mongolia, which has recently expressed interest in becoming a Party to the Convention.

The meeting was innovative because it was tailored for different target groups, both inside and outside the judiciary. The participants included senior judges and
representatives of judicial training institutes but also representatives of Aarhus Centres, NGOs and government officials. They discussed case scenarios prepared on the basis of material gathered by the Aarhus Convention’s Compliance Committee — itself an innovative body which individuals or groups can approach directly if they find that a State Party is not complying with the Convention’s provisions. For each case, the question was asked, “what could the Aarhus Centres have done to help ensure that justice was done?”

“Having different stakeholders participating in the discussions really improves the conditions for discussions, and quite often the Aarhus Centres are very well informed,” Darpo observes. “Using the technique of discussing concrete scenarios allows you to bridge professional and also cultural differences. Of course you will never have a judge as outspoken as an NGO, but the exchange can be quite fruitful.”

One of the added values of the Aarhus Centres mentioned was that, in addition to informing citizens and providing legal advice on how to approach the courts, they constitute an international network and can share case outcomes and experiences from one country to another.

“Addressing environmental challenges to security requires co-operation between and within countries and among a variety of stakeholders, including civil society, and the Aarhus Convention and the Aarhus Centres are an exceptional tool to this end,” said Goran Svilanović, Co-ordinator of OSCE Economic and Environmental Activities. “The Aarhus Centres provide an excellent platform for promoting dialogue between authorities and non-governmental organizations on environmental protection issues,” Jeanette Kloetzer, Deputy Head of the OSCE Centre in Astana, added.

The representatives of the Central Asian Aarhus Centres convened for a separate day-long consultation after the meeting, at which they discussed how to enhance their network. The OSCE supports 38 Aarhus Centres in 11 countries, which provide practical advice on all aspects of the Aarhus Convention’s implementation. They are part of the Environment and Security (ENVSEC) Initiative work programmes in Central Asia, South Caucasus, Eastern Europe and South-Eastern Europe.

Ursula Froese is editor of the OSCE Magazine.

Appointments

Jennifer Leigh Brush from the United States took up her duties as Head of the OSCE Mission to Moldova on 11 April 2012. A career diplomat, she comes to the OSCE from Washington where she was the Director of the State Department Office for South Central European Affairs. She has served as the Deputy Chief of Mission at the United States Embassies in Belgrade, Serbia, Ashgabat, Turkmenistan and Majuro, Republic of the Marshall Islands. She has received numerous Superior and Meritorious Honor awards for her work in promoting democracy and conflict resolution. Other postings abroad have been to the United States Mission to the International Organizations in Vienna and the United States Embassies in Sarajevo, Ankara, Warsaw and Belgrade. She received her Master’s Degree in Public Policy from Princeton University’s Woodrow Wilson School and is a native of Solon, Ohio.

Marcel Peško from Slovakia assumed his position as Director of the Office of the Secretary General on 1 May 2012. Prior to joining the OSCE Secretariat, Ambassador Peško was Head of the Permanent Mission of Slovakia to the International Organizations in Vienna. As a career diplomat he held various senior posts in the Ministry of Foreign Affairs of the Slovak Republic, including Secretary General of the Ministry, Director of the United Nations Department and Head of the United Nations Security Council Co-ordination Unit. At the beginning of his career Ambassador Peško served in the Slovak Permanent Mission to the CSCE/OSCE; later he was in charge of the Slovak Embassy in Dublin. From 2003 to 2005 he worked as Executive Officer in the Office of the OSCE Secretary General.
Alexey Lyzhenkov from the Russian Federation assumed the position of Director of the Transnational Threats Department on 23 April 2012. Prior to joining the OSCE, he was the Deputy Permanent Representative of the Russian Federation to the United Nations in Vienna where he led activities of the Mission regarding transnational organized crime, corruption, illegal trafficking in narcotics, counter terrorism, cyber-crime, trafficking in human beings and other related transnational threats. From 2004 to 2007, he served at the Russian Ministry of Foreign Affairs as Deputy Director of the Department on New Challenges and Threats where he co-ordinated activities of the Department regarding Russia’s participation in international co-operation against terrorism and other transnational threats.

Jens Behrendt from Germany assumed the post of Chief of Recruitment in the Department of Human Resources on 27 February 2012. For the past eight years, he worked as Head of Human Resources and Deputy Director at the Centre for International Peace Operations (ZIF) based in Berlin. From 1994 to 2003 he served with United Nations Volunteers and the United Nations Development Programme in Geneva, Bonn and Jakarta, gradually switching from project management to recruiting and supporting staff. He also spent two years in Ghana advising on small business development. In the past years he has also been teaching international relations and human resources management at universities in Berlin and Pisa.

Thomas Wuchte from the United States took over as Head of Anti-Terrorism Issues in the OSCE Secretariat’s Transnational Threats Department in March 2012. Before assuming his duties at the OSCE, he was the United States Special Co-ordinator for United Nations Security Council Resolution (UNSCR) 1540, which is included in the United Nations Counterterrorism Strategy, established to reinforce rule of law, secure borders, and normative measures against terrorists in close co-operation with police and customs. Mr. Wuchte is a graduate of the United States Military Academy at West Point and received a post-graduate degree in International Relations and Russian Studies from the University of Illinois. He recently received the Department of State’s award for Excellence in International Security Affairs from Secretary Clinton for his efforts to work collaboratively with international partners.

Claus Neukirch from Germany took up his duties as Deputy Director of the Conflict Prevention Centre for Operations Service on 15 March 2012. He brings with him a wealth of OSCE experience from his previous positions in the OSCE Mission to Moldova, as Deputy Head of Mission from 2008 to 2011, as the Mission’s Spokesperson from 2003 to 2008 and as Human Dimension Officer from 1996 to 1997. From 1999 to 2003 he was a researcher at the CORE Centre for OSCE Research at the University of Hamburg, from which he holds a PhD in International Relations and a Master’s Degree in Political Science and Public Law.