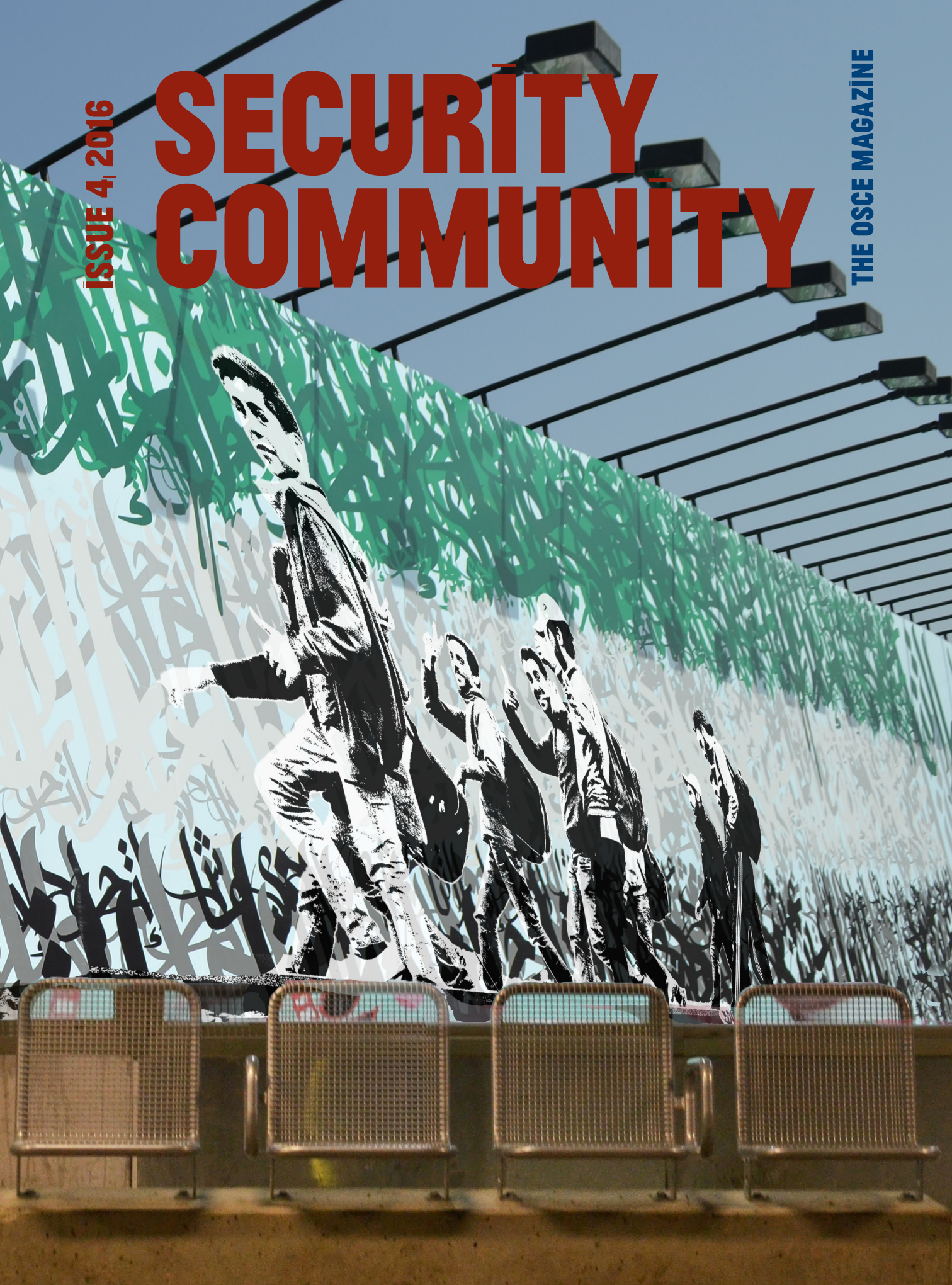


ISSUE 4, 2016

# SECURITY COMMUNITY

THE OSCE MAGAZINE



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**"Waiting"**

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# MINISTERIAL COUNCIL HAMBURG 2016



From 8 to 9 December 2016, OSCE foreign ministers convened in Hamburg, Germany, for the annual Ministerial Council to consider issues relevant to the Organization and take the appropriate decisions.

“It is no coincidence that we are meeting in the Free and Hanseatic City of Hamburg. More than almost anywhere else in Germany, this city stands for openness, tolerance and diversity,” said OSCE Chairperson-in-Office, German Foreign Minister Frank-Walter Steinmeier, who hosted the meeting.

After two days of vehement discussions – “we negotiated constructively and, it should not be a secret, we also argued”, Steinmeier said – the meeting ended with the adoption of a surprising number of decisions that will allow the OSCE to take its work forward on important current issues, including migration, cyber security and economic good governance.

It was also no secret at this ministerial meeting, however, that, beyond current challenges, the very foundations of the international security order the OSCE has helped to build and maintain are endangered, not only from outside threats but from the inside, from violations of international principles and from a tendency for countries to withdraw from the multi-lateral arena to a furthering of national interests. Steinmeier, in his closing remarks, left the participating States with a question:

“A quarter of a century after the end of the Cold War, we find ourselves at something like a crossroads. We are faced with the fundamental question: do we want to continue pursuing this vision of co-operative and comprehensive security or not?”

# Decisions and declarations adopted at the 23rd OSCE Ministerial Council

Decision on the OSCE's role in the governance of large movements of migrants and refugees

Decision on strengthening good governance and promoting connectivity

From Lisbon to Hamburg: Declaration on the twentieth anniversary of the OSCE Framework for Arms Control

Decision on OSCE efforts related to reducing the risks of conflict stemming from the use of information and communication technologies

Declaration on strengthening OSCE efforts to prevent and counter terrorism

Decision on enhancing the use of Advance Passenger Information

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OSCE Chairmanship in the year 2018

Decision on the OSCE Chairmanship in the year 2019

See the full text of decisions and declarations here: [www.osce.org/oscemc16](http://www.osce.org/oscemc16)



# Possible Implications of the Ministerial Council Decision on the OSCE's Role in the Governance of Large Movements of Migrants and Refugees

By Claude Wild

*Ambassador Claude Wild is the Permanent Representative of Switzerland to the OSCE, the United Nations and the International Organizations in Vienna. He chaired the OSCE Informal Working Group Focusing on the Issue of Migration and Refugee Flows in 2016.*

In migration policy circles, 2016 will be remembered as the year when the international community decided to give relevant organizations the necessary political guidance to start working on a global and inclusive migration and refugee framework. Through different important decisions taken in the course of the year, the issue of governance of large movements of migrants and refugees now has a chance of being addressed in all its multidimensional aspects, at the global level by the United Nations (UN) and also at the regional level in the OSCE.

UN Member States took three historic decisions at the UN Summit for Refugees and Migrants in New York on 19 September 2016. They embedded the International Organization for Migration into the UN system. They adopted the New York Declaration for Refugees and Migrants, a global plan for saving the lives of migrants and protecting their rights. And they launched work to set up a Global Compact for Safe, Orderly and Regular Migration as well as a Global Compact on Refugees by 2018.

This made it more important than ever for the OSCE participating States to give this Organization, as a regional arrangement under Chapter VIII of the UN Charter, adequate high-level political guidance as to how it could better define its role in the face of the

security and human rights consequences of large movements of migrants and refugees in the OSCE area. They had already made a first unsuccessful attempt at the Ministerial Council in 2015 to reach consensus on a text that was more focussed on the migrants and refugees “crisis” as it was unfolding particularly on the Balkan route. On 9 December 2016, at the Ministerial Council in Hamburg, a more general decision, giving future-oriented political guidance to the OSCE on the governance of large movements of migrants and refugees, found consensus and was adopted.

## A positive sign

The fact that the OSCE was able to adopt this ministerial decision shortly after the important global steps made in New York is a positive sign. It shows that our Organization, despite its cumbersome consensual decision-making process and diverging views among participating States on how to address current and future issues of European security, is nevertheless capable of staying connected with the UN system when dealing with a global phenomenon that affects security and human rights also in its region.

As a consequence of the decision, issues related to the governance of large movement of migrants and refugees now form an integral and cross-dimensional part of the OSCE's comprehensive approach to Euro-Atlantic, Eurasian and Euro-Mediterranean security.



The events on the Balkan route in 2015 and the drama we continue to witness at sea every day on the Central Mediterranean route leave no doubt about the challenge large movements of migrants and refugees pose both for ensuring security and protecting human rights in the OSCE area. Confronting this challenge must therefore be considered an integral part of the OSCE's comprehensive approach to security, as is already the case for the effects caused by forced movements of internally displaced persons.

Large movements of migrants and refugees can threaten security and human rights at different levels. Vulnerable persons on the move risk falling prey to traffickers and/or smugglers along the way or having their fundamental rights violated when crossing borders. Communities are often unprepared for receiving a large influx of people and therefore suffer societal security implications. Finally, states are confronted with increased organized crime, which gets strengthened by lucrative criminal activities along migration routes and through exploitation of vulnerable persons on the move.

On the other hand, the benefits of safe, orderly and regular migration are substantial and often underestimated. That is why responsible governance of large movements of migrants and refugees also has to include the recognition of the substantial economic and social contribution that migrants and refugees can make for inclusive growth and sustainable development.

These issues should now receive sustained focus and adequate resources in the work of the incoming and future OSCE Chairmanships as well as in the work of the OSCE executive structures, including that done with OSCE Partners for Co-operation.

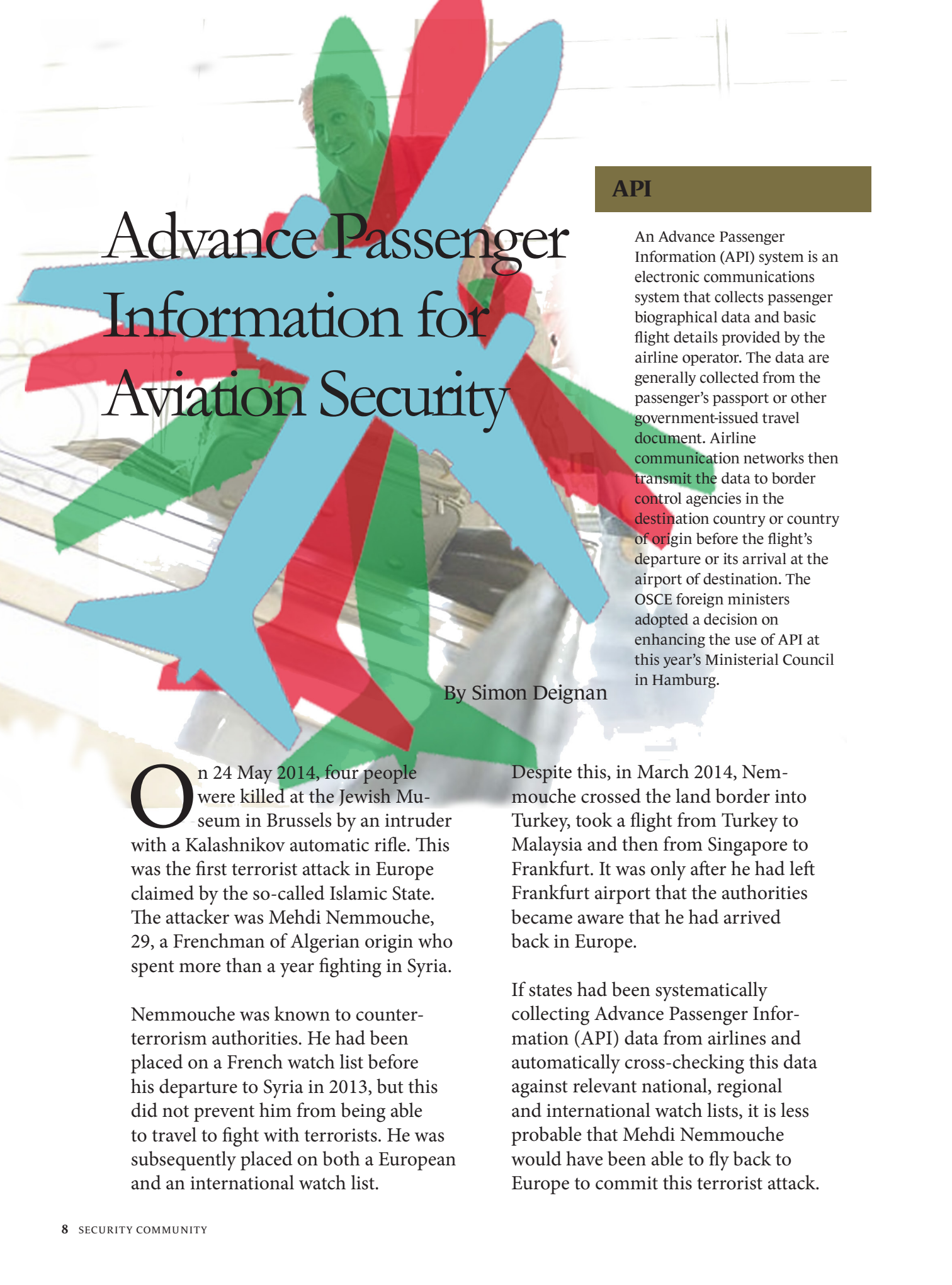
## Potential for OSCE action

The potential for value-added action by the OSCE, also using the Organization's convening power for dialogue and expertise, is huge. International actors dealing with the consequences of large movements of migrants and refugees (but with different mandates and tools), such as the International Organization for

Migration, the UN High Commissioner for Refugees and the UN Office of the High Commissioner for Human Rights, are encouraging the OSCE to use this potential more visibly and more consistently. Better internal and international co-ordination, enhanced project work by executive structures, including field missions, initiatives showing solidarity and partnership with frontline states within the OSCE area and with neighbouring countries, are all avenues for using this potential in line with the political guidance received in Hamburg and without duplicating the activities of other local, national and international actors.

In parallel to the UN's preparations for the adoption of the New York Declaration for Refugees and Migrants and the roadmap to Global Compacts on Migration and on Refugees, the OSCE conducted in-depth hearings between March and July 2016 in the framework of the Informal Working Group Focussing on Migration and Refugee Flows (IWG). As Chair of the IWG, I had the mandate to prepare a report that was presented and discussed at the special meeting of the Permanent Council on 20 July 2016. The report and the groundwork done in the IWG remain comprehensive and useful references to inspire current and future work of the OSCE. This was also the case during the negotiations conducted in Vienna during the autumn that eventually led to the ministerial decision adopted at the Hamburg OSCE Ministerial Council. One can conclude that the ministerial decision and the work done in the OSCE during 2016 were timely, in phase with reality and will now allow the Organization to make full use of its expertise, its convening power and its position as a regional arrangement under Chapter VIII of the UN Charter, in order to play its specific role in the governance of large movements of migrants and refugees.

*Disclaimer: the opinions expressed in this article are those of the author as Chair of the OSCE Informal Working Group Focusing on the Issue of Migration and Refugee Flows and do not necessarily represent the position of the Government of Switzerland.*



# Advance Passenger Information for Aviation Security

## API

An Advance Passenger Information (API) system is an electronic communications system that collects passenger biographical data and basic flight details provided by the airline operator. The data are generally collected from the passenger's passport or other government-issued travel document. Airline communication networks then transmit the data to border control agencies in the destination country or country of origin before the flight's departure or its arrival at the airport of destination. The OSCE foreign ministers adopted a decision on enhancing the use of API at this year's Ministerial Council in Hamburg.

By Simon Deignan

**O**n 24 May 2014, four people were killed at the Jewish Museum in Brussels by an intruder with a Kalashnikov automatic rifle. This was the first terrorist attack in Europe claimed by the so-called Islamic State. The attacker was Mehdi Nemmouche, 29, a Frenchman of Algerian origin who spent more than a year fighting in Syria.

Nemmouche was known to counter-terrorism authorities. He had been placed on a French watch list before his departure to Syria in 2013, but this did not prevent him from being able to travel to fight with terrorists. He was subsequently placed on both a European and an international watch list.

Despite this, in March 2014, Nemmouche crossed the land border into Turkey, took a flight from Turkey to Malaysia and then from Singapore to Frankfurt. It was only after he had left Frankfurt airport that the authorities became aware that he had arrived back in Europe.

If states had been systematically collecting Advance Passenger Information (API) data from airlines and automatically cross-checking this data against relevant national, regional and international watch lists, it is less probable that Mehdi Nemmouche would have been able to fly back to Europe to commit this terrorist attack.



## The OSCE role

The OSCE has long been recognized for its expertise in providing guidance on border security and management. It has played a central role in the development of programmes to deal with topics such as travel document security and foreign terrorist fighters. Recently, the OSCE has established a mobile training team set to deploy to frontline border crossing points to train officers to better identify suspected foreign terrorist fighters.

Building on its leading advisory role, the OSCE has recently begun encouraging participating States to make better use of API to prevent the movement of suspected terrorists. Within the OSCE context and at regional API events co-organized with the United Nations (UN), it has raised participating States' awareness of API requirements under key UN provisions, particularly UN Security Council Resolutions (UNSCRs) 2178 (2014) and 2309 (2016). These resolutions call upon states to require that airlines operating in their territories provide API to the appropriate national authorities in order to detect the movement on their territories of persons suspected of intending to commit terrorist acts.

From 29 November to 1 December 2016, the OSCE organized the first in a series of national workshops in Serbia, in close co-operation with the International Air Transport Association (IATA) and national experts from other countries. Participants identified strengths and weaknesses of the country's national passenger processing environment, determined its technical assistance needs and drafted a road map that will eventually lead to the establishment of an API system in Serbia.

## Ministerial Council decision

The OSCE foreign ministers took a significant step towards enhancing the participating States' use of API when they took a decision on this topic at the Ministerial Council in Hamburg. They committed the OSCE participating States to promoting and extending the implementation of the UNSCRs on API. OSCE participating States will establish national API systems in alignment with existing international standards and seek to automatically cross-check the data against watch lists. The text of the decision includes a provision tasking the OSCE executive structures with supporting participating States in doing this.

The collection and use of API data by government authorities for the purposes of exit, entry and transit control of air passengers is becoming increasingly important for state security. Not only can API systems be an effective tool in interdicting the travel of terrorists and individuals engaged in transnational organized crime, they enhance border and aviation security generally, especially when used in conjunction with multilateral law enforcement databases, such as that of the International Criminal Police Organization (INTERPOL).

Intensified pressure on terrorist groups in conflict zones is leading to an increase in the number of foreign terrorist fighters returning to the OSCE region. Many of these individuals will likely be on international watch lists or terrorist databases. The use of API is one more tool in our armoury to prevent the movement of foreign terrorist fighters and ensure the security and safety of our citizens.

*Simon Deignan is an Associate Programme Officer in the Transnational Threats Department of the OSCE Secretariat in Vienna.*



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# Mission (im)possible: renewing dialogue on European security

By Fred Tanner and Juraj Nosal

The security situation in Europe is more dangerous and a concerted diplomatic process to address it more needed than ever: these were the conclusions of discussions organized during 2016 at the initiative of members of the Panel of Eminent Persons on European Security as a Common Project and presented at a side event of the Ministerial Council in Hamburg.

The depth of the rifts that are dividing OSCE participating States and threatening the project for a co-operative security regime in Europe became evident a year ago when the Panel of Eminent Persons on European Security as a Common Project, initiated by the Swiss OSCE Chairmanship in 2014 to find a way out of the impasse, presented its final report at the Ministerial Council in Belgrade. The group of leading personalities from across the OSCE region had not been able to agree on a common narrative explaining the breakdown of trust. Instead, it presented three competing narratives – from the West, from Moscow and from the “states in between” – of the events in Europe since the end of the Cold War.

The Panel was unanimous, however, in seeing the security situation in Europe as the most dangerous in decades and in calling for a robust political and diplomatic process, concluding with a summit meeting, to re-establish European security on a co-operative basis.

That diagnosis has now been confirmed in a new report that presents the results of outreach events initiated by various members of the Panel throughout 2016 to take the discussion further – in Washington, Brussels, London, Berlin, Rome, Athens and Kyiv as well as on the margins of multilateral conferences, including the Munich Security Conference, the Warsaw Security Forum, the Riga Conference and the Globsec Bratislava Security Forum.

The discussions reflected a security situation in Europe that has become even more unstable and unpredictable than a year ago and is marked by continuing shelling in eastern Ukraine despite a negotiated cease-fire, further deterioration of Russian-Western relations, stalled arms control talks, signs that existing agreements might unravel and a continuing high number of hazardous military incidents, particularly between Russia and NATO member states.

Given this toxic environment, numerous participants in these outreach discussions called for more extensive use of the OSCE as a platform for inclusive security dialogue, de-escalation and détente. Many echoed the Panel’s call for a structured political dialogue on European security under the OSCE umbrella. These are some of the essential topics on which such a process should focus, as highlighted in the report:

**“States in-between”:** states that became independent with the dissolution of the Soviet Union but still have an undefined security status were dubbed “states in-between” in the Panel’s final report. Their external military and economic relations are contested and they subscribe neither to the “Western” nor to the “Eastern” narrative on European security. This territorial uncertainty is a source of geopolitical instability in Europe. The security status of the “states in-between” and, more broadly, security regimes and guarantees with respect to these states, need to be addressed.

**Protracted conflicts:** renewed efforts should be made to resolve protracted conflicts in the OSCE area and existing negotiation formats should be used to build confidence, not just between the parties to the conflict.

**Arms control:** it is necessary to re-launch a dialogue on conventional arms control and confidence- and security-building measures.

**Risk reduction:** the OSCE needs to strengthen risk reduction measures to improve prevention and crisis management of military incidents and accidents – especially since the NATO-Russia Council has been unable to address this matter so far.

**Connectivity:** economic connectivity is another area that deserves more attention as it has potential to deescalate tensions, promote co-operation and engage the business community and civil society.

**Empowering the OSCE:** many participants at the Panel's outreach events called for empowering the OSCE as the main institution for co-operative security and supported the recommendations of the Panel's interim report, particularly those regarding legal personality and increased autonomy and capacities in conflict prevention and crisis management.

While it is clear that discussions on these topics will be extremely difficult and any such process might resemble a "mission impossible", the gravity of the current security situation in Europe makes such efforts more urgently needed than ever. The OSCE has been created exactly for this purpose and we should use it before mutual mistrust and confrontation reach levels that will make any negotiations unfeasible.

As the 2016 OSCE Chairperson-in-Office, German Foreign Minister Frank-Walter Steinmeier said in his call for a re-launch of discussions on arms control published in the *Frankfurter Allgemeine Zeitung* in August, "it would be irresponsible not to try". The OSCE Ministerial Council in Hamburg brought some positive results, particularly a declaration on reinvigorating conventional arms control and CSBMs in Europe, which also welcomed the launching of a structured dialogue on current and future challenges and risks to security in the OSCE area. It is now up to the Austrian OSCE Chairmanship to figure out how to initiate and steer this process.

*Fred Tanner is Senior Adviser and Juraj Nosal is Project Assistant at the OSCE Secretariat in Vienna.*

## Info Note

The Panel of Eminent Persons on European Security as a Common Project was mandated by the 2015 OSCE Troika (Switzerland, Serbia, Germany) to prepare the basis for an inclusive and constructive security dialogue in the Euro-Atlantic and Eurasian regions and provide advice on how to prevent further escalation between Russia and the West, re-build trust and return to co-operation in Europe. The Panel did not attempt to prescribe solutions to the current problems of European security as these can only be negotiated by the states themselves if they are to be sustainable. Instead, it provided a diagnosis of the current crisis and suggested how answers could be found. For more information, visit [www.osce.org/networks/pep](http://www.osce.org/networks/pep).

## Read more:

*Renewing Dialogue on European Security: a Way Forward:* Report on outreach events of the Panel of Eminent Persons on European Security as a Common Project in 2016. [www.osce.org/networks/291001](http://www.osce.org/networks/291001)

*Back to Diplomacy:* Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project [www.osce.org/networks/205846](http://www.osce.org/networks/205846)

*Lessons learned for the OSCE from its engagement in Ukraine:* Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project [www.osce.org/networks/164561](http://www.osce.org/networks/164561)

# OSCE CHAIRMANSHIP 2017



An aerial photograph of a city, likely Vienna, with a prominent green copper dome in the foreground on the left. The rest of the city is blurred in the background.

**Interview with the new  
OSCE Chairperson-in-  
Office, Sebastian Kurz,  
Austrian Federal Minister  
for Europe, Integration  
and Foreign Affairs**

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## What are Austria's priorities for its 2017 Chairmanship?

The Austrian Chairmanship intends to put an emphasis on three of the main security challenges currently facing Europe, namely: the further escalation of violent conflicts; the increasing threat to internal security through radicalization, especially of young people; and the increasing loss of trust between states, but also of citizens in state institutions and the organizations that are meant to secure peace and our values.

These are, of course, significant challenges, which will not be resolved overnight. Nevertheless, during our Chairmanship we will focus on making best use of the Organization to strengthen comprehensive and co-operative security, as well as security within its 57 participating States, and to begin rebuilding trust and confidence in the OSCE area. We firmly believe that the OSCE can play a pivotal role in addressing and resolving these challenges. Our approach will be based on an enhancement of dialogue – critical, but constructive dialogue among governments, experts and civil society actors to discuss perceptions and develop common solutions.

## You have stated that countering radicalization is an important theme for you – what initiatives would you like to see in this direction?

Violent extremism and radicalization, particularly of young persons, is an increasing threat to our security. We know that over 10,000 people from the OSCE area have joined the so-called Islamic State as foreign terrorist fighters to rape, kill and try to annihilate religious minorities in Syria, Iraq and Libya. Military success against these barbaric terrorists could entail a higher number of terrorist returnees and an increased level of threat in the midst of our societies.

Given this scenario we must work together to identify and address root causes and triggers for radicalization. Listening to youth is an essential element in this effort. We therefore intend to hold four regional workshops, in Western Europe, the Black Sea region, Central Asia and the Western Balkans, on the topic of youth radicalization. Youth will participate and help develop innovative approaches to dealing with this problem. These ideas will give us a sound basis for further work within the

Organization. The Chairmanship also plans to implement a project in 2017 to empower youth to address radicalization in their societies.

## What do you see as the role of the OSCE in addressing the new reality of migration?

Recent waves of migrants have brought new challenges for many OSCE participating States as well as for their people. I am convinced that a co-operative approach, in particular based on the exchange of experiences and best practices, can contribute to a sustainable reduction of migratory flows.

The OSCE is working on a number of migration-related issues, including creating opportunities for young people in countries of origin. It is also facilitating labour migration policies and integration in host societies. It is helping participating States to cope with migration-related challenges: facilitating dialogue on this subject, assisting in co-ordinating their responses and helping them to respond effectively to the situation.

Through our field operations we can provide tangible assistance in co-ordinating border management and security and in protecting human rights. The OSCE's work on tolerance and non-discrimination will also assist participating States in integrating those migrants who remain, so as to ensure they become contributing members of our societies.

## What will be Austria's approach to overseeing efforts to resolve the protracted conflicts in the OSCE area?

Austria aims to contribute to preventing and resolving conflicts in the OSCE area. We will therefore concentrate our efforts on reducing the intensity of existing conflicts, by building trust between the parties. The Chairmanship will support the existing OSCE formats to solve these conflicts. In parallel, we will continue discussion on strengthening the OSCE's instruments for conflict prevention and resolution. The protracted conflicts in the OSCE area have differing characteristics. Accordingly, we also want to take varying approaches and initiatives depending on the contexts and developments.

First and foremost, concern for the safety and security of the affected populations must once again be at the centre of all political initiatives to resolve the conflicts. People in the affected areas face daily challenges in their lives;

we must try to ease their problems, even if by small steps. Austria will be open to co-operation and support targeted projects in this regard. As a neutral country, we offer ourselves as an honest broker to help make Europe safer again.

We will also encourage the participation of women in these discussions and initiatives. Women's inclusion is essential for the sustainability of efforts to prevent, manage and resolve conflict. Peace processes can only be successful in the long term when the voices, perspectives and needs of the entire population are taken into account. Therefore, the Austrian Chairmanship will support efforts to increase the participation of broader segments of society, in particular women and youth, in peace and security-related activities.

### **Do you think Austrian neutrality has lessons for some of the OSCE participating States today?**

Neutrality has served Austria extremely well as a foreign policy and security instrument and has in the meantime become an integral part of the Austrian national identity. The OSCE participating States pledged in 1975 to respect the sovereignty and territorial integrity of other participating States, each of which was granted the right to be a party to an alliance or treaty or to remain neutral. The 1999 Charter for European Security reaffirmed the inherent right of each and every participating State to be free to choose or change its security arrangements. These are fundamental principles of our common security and must be respected as such.

What I want to achieve, however, as Chairperson-in-Office, is to move away from the newly emerged bloc thinking in and outside the OSCE.

### **You belong to a generation that did not know the Cold War, and have announced that it is important for you to give youth a voice. Do you see fresh, new ways on the horizon for multilateral co-operation on security?**

I was privileged to grow up in an ever more open Europe, enjoying freedom, peace and the rule of law within a democratic system – and that not least thanks to the work of the OSCE. Unfortunately, the promise

of enduring peace and stability is not yet a reality for all in the OSCE area. The challenges that confront us today are more complex and interwoven than ever. Our responses must be equally comprehensive. This is why the OSCE's holistic approach to security is essential to confronting these challenges.

Our response must be comprehensive not only in terms of the methodology applied or the range of topics covered, but also in terms of participation. Participation is key – we need to bring in all the voices, all the elements of society. Participation will provide us with a fresh perspective and allow for innovative ideas to emerge. The OSCE has the right tools to make a significant contribution to security and stability in its area. Input from younger generations has increasingly become a priority as well. Giving youth a greater voice in the Organization will help it to see things from a different perspective and enable it thereby to better meet the needs of all members of our societies.

### **What do you regard as the niche role for the OSCE regarding European security?**

The OSCE's niche is wherever dialogue and co-operation is most needed. The OSCE is the best place in Europe to begin resolving the conflicts that have cost so many lives over the past years; it is the best place to continue improving security within states, through commitments and programmes designed to support sustainable democratic development and prosperity; it is the best place to intensify efforts to rebuild trust between states. And it is also the best place to begin work to restore the confidence of our citizens in their institutions and to give them the prospect of a better future.

The OSCE has several unique strengths that make it essential for this endeavour. First, it is the world's largest regional security organization, bringing together States from a vast geographic area. "From Vancouver to Vladivostok" says it all. More important than geography are the shared values and commitments to which our diverse participating States have subscribed. The OSCE brings them together as equals, offering all participants a place for dialogue and discussion, even in the most difficult situations and conflicts.

Second, the OSCE addresses security and stability in a comprehensive, sustainable way. It recognizes that security within states is essential for security between states.

Third, this comprehensive approach is matched by a wide array of instruments at the Organization's disposal. These instruments – in particular the institutions and field operations – allow the OSCE to make a crucial contribution to ensuring that its values are felt by the people on the ground.

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# Towards Sustainable and Ethical Supply Chains



**D**id you know that the production of one electronic device can involve up to 1,000 suppliers? Now consider that 90 per cent of forced labour happens within supply chains. In today's globalized economy, where materials and labour are sourced from all around the world, can you be certain that the devices you use on a daily basis, your computer, phone, television, tablet, oven, washing machine or radio, were not produced by persons who have been trafficked or exploited?

The larger the scope of a supply chain, often with multiple tiers of subcontractors globally, the more difficult it is to be sure that goods and services procured were not produced by trafficked labour. International standards have recognized the duty of both businesses and governments to protect workers against human rights abuses and lessen the risks of unfair competition and loss of tax revenue to hidden company profits by businesses that abuse and exploit workers.

The OSCE has demonstrated political leadership in preventing trafficking in human beings for labour exploitation. The 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings advocates zero-tolerance policies in government procurement of goods and services.

The 2011 Vilnius Ministerial Declaration encourages “participating States to work with the business sector to apply principles of due diligence and transparency in assessing and addressing risks of exploitation throughout the supply chain”.

The OSCE Parliamentary Assembly, at its annual meeting in Helsinki in 2015, adopted the Resolution on Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services. It calls on participating States to require by law and regulation that all government contracts for goods and services go only to businesses that have a plan in place to ensure that their subcontractors and employees do not participate in activities that contribute to or constitute human trafficking.

This December at the Ministerial Council in Hamburg the OSCE foreign ministers adopted Decision No. 4/2016 on Strengthening Good Governance and Promoting Connectivity. They stressed the determination of OSCE participating States to fight trafficking in human beings in all its forms and recognized the role that transparency and accountability in public procurement processes can play in preventing and combating human trafficking and labour exploitation.





The decision tasks “relevant OSCE executive structures...to support participating States in exchanging best practices on raising awareness of the relevance of internationally recognized labour, social and environmental standards, and on strengthening good governance and promoting transparency in public procurement processes”, thereby reinforcing the economic aspect of addressing human trafficking for forced labour, which is critical to turning this crime from a lucrative activity motivated by greed into a high-risk and unprofitable undertaking.

The articles that follow show three examples of how businesses, governments and workers have found ways to prevent human trafficking through ethical sourcing, fair competition, the promotion of decent work and sustainable economic growth.

### Read More

Publications by the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings:

*Ending Exploitation: Ensuring that Businesses Do Not Contribute to Trafficking in Human Beings: Duties of States and the Private Sector* (Occasional Paper Series No. 7, 2014)  
[www.osce.org/secretariat/126305](http://www.osce.org/secretariat/126305)

*Survey Report 2016 of Efforts to Implement OSCE Commitments and Recommended Actions to Combat Trafficking in Human Beings*  
[www.osce.org/secretariat/289951](http://www.osce.org/secretariat/289951)

*Prevention of Trafficking for Labour Exploitation in Supply Chains* (Conference Report, 2016)  
[www.osce.org/secretariat/290106](http://www.osce.org/secretariat/290106)

*Special Section prepared by Aude Feltz, Junior Professional Officer in the Communication and Media Relations Section of the OSCE Secretariat, on the basis of information provided by Ruth Freedom Pojman, Senior Adviser in the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings*

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# The Electronic Industry Against Forced Labour

By Rob Lederer

The Electronic Industry Citizenship Coalition is a non-profit coalition of more than 110 leading companies to improve social, environmental and ethical conditions in the global electronic supply chain.

In 2004, eight forward-thinking electronics companies wanted to better protect the rights and well-being of workers and communities impacted by the electronics supply chain. They founded the Electronic Industry Citizenship Coalition (EICC). Today the EICC comprises more than 110 companies with combined annual revenue exceeding US\$4.75 trillion, millions of workers and thousands of suppliers manufacturing in more than 120 countries: a sizable industry footprint.

Eliminating the conditions that contribute to forced labour has been one of the EICC's highest priorities since it was founded. There is virtually no difference between the positions of civil society and those of member companies in the EICC on forced labour. All agree that the exploitation of workers through force, fraud, debt bondage or other forms of coercion is an affront to human rights and no company wants it in their supply chain.

EICC members commit and are held accountable to a common code of conduct, which explicitly bans trafficked and forced labour. In 2014, EICC members ratified an updated version of the code, which now prohibits the holding of passports and other key identity documents as well as unreasonable restrictions on the movement of workers. Additionally, it requires that workers are provided with a written employment agreement in their native language prior to departing from their country of origin.

Realizing that recruitment fees were becoming an increasingly problematic issue contributing to the risk of forced and bonded labour situations, the EICC membership overwhelmingly approved additional changes to the code of conduct in a special, out-of-cycle membership vote that concluded in March 2015. Those additional changes, banning recruitment fees paid by workers, went into effect on 1 January 2016.



The EICC has developed an end-to-end framework of tools and programmes for responsible labour practices. These include pre-departure orientation for workers in their sending country, labour agent training and certification, and a special audit programme geared to identifying forced labour in the workplace. This supplements the Validated Audit Process (VAP), one of the fundamental programmes the EICC provides to its members. A self-assessment questionnaire helps companies to identify the risk of forced labour in factories and among labour agents, and a worker grievance mechanism assists workers throughout hiring and employment processes. When issues related to forced labour are found, the EICC works with members on corrective action plans.

## Partnerships

As many of the factors that can lead to forced labour are common across industries, the EICC has been working through partnerships to expand the reach of its tools to other sectors facing these challenges. At the EICC Multi-Industry Forum on Combating Forced Labour in Global Supply Chains last spring in Malaysia, representatives from the construction, agriculture, apparel, retail and services sectors explored ways to improve conditions for workers – especially foreign migrant workers. In the near future, the EICC plans to launch the Responsible

Labour Sourcing Initiative, which will help companies in and outside of the electronic industry to benefit from EICC tools and programmes for combating forced labour in their supply chains.

## Sustained collaboration

Eradicating forced labour in the global supply chain is a complex issue that requires sustained collaboration among companies, governments, non-governmental organizations and other stakeholders. The EICC and its members will continue to identify and raise awareness of trends and best practices, act as a convener of diverse groups facing similar challenges and provide solutions based on internationally recognized standards, working with governments, civil society and other stakeholders to make a difference. Together we can have a greater, more positive impact than any one company or organization could alone.

*Rob Lederer is the Executive Director of the Electronic Industry Citizenship Coalition.*

### Read more:

Visit the website of the Electronic Industry Citizenship Coalition: [www.eiccoalition.org](http://www.eiccoalition.org)

See the EICC Code of Conduct: [www.eiccoalition.org/standards/code-of-conduct](http://www.eiccoalition.org/standards/code-of-conduct)

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# The Coalition of Immokalee Workers' Fair Food Programme

By Greg Asbed

In the Coalition of Immokalee Workers' Fair Food Programme, farm labourers partner with supermarket giants and fast-food chains to keep their supply chains fair. The programme has been singled out by the United Nations Working Group on Business and Human Rights as a uniquely promising model for use in low-wage environments around the world.

Immokalee, Florida, is at the centre of one of the United States' most important agricultural regions, a major source of tomatoes and other produce. In 2011, the Coalition of Immokalee Workers, a worker-led human rights organization, launched the Fair Food Programme (FFP), a pioneering partnership among farmworkers, growers and retail food corporations that aims to guarantee better wages and humane working conditions for farm labourers.

Based in Florida, the FFP has grown to cover the states of Georgia, South Carolina, North Carolina, Virginia, Maryland and New Jersey and is being adapted in Vermont. It partners with the giants of the food industry: the supermarket chains Walmart and Ahold, the fast-food leaders Subway and Burger King and the foodservice corporations Sodexo and Compass Group.

## **Worker enforcement of standards**

The FFP employs a ground-breaking approach to monitoring and enforcing workers' rights, the Worker-driven Social Responsibility (WSR) model. The WSR approach is founded on two distinct and equally important pillars: worker participation and an intense focus on enforcement.



Standards are a necessary element of any social accountability programme. But only a comprehensive regime of enforcement can convert standards into real change. Retailers have a powerful enforcement tool in their hands in that they can choose to buy only from socially responsible suppliers. But they can only wield their buying power effectively if they know when it is necessary to use it.

In order to provide its participating buyers with reliable information upon which to base their purchasing decisions, the FFP employs three essential transparency and enforcement mechanisms. The first is worker education, which in the FFP is provided by other workers. Worker education is not only essential to gaining real-time insight into workplace conditions, it creates an extremely economical multiplier that effectively deputizes tens of thousands of workers as frontline monitors of their own rights.

A corollary to educating workers about their rights is the need to provide them with the means to report violations of those rights. In the FFP, this is a 24/7 complaint resolution system, accessible to workers without fear of retaliation. It creates what is essentially a live video feed from the workplace to the oversight agency, ensuring that those farm bosses who might violate their workers' rights know that their chances of being caught are high. Since its inception five seasons ago, more than 1,500 complaints have been filed and processed, with 80 per cent resolved in well less than a month.

Finally, the FFP uses in-depth audits, which are necessary to uncover unwanted conduct that is invisible to individual workers, like tampering with minimum wage calculations where workers are paid according to a piece rate. Audits also provide an opportunity to talk to workers about their perceptions of the work environment. But that only yields meaningful results if the workers know their rights and trust the auditors and if the auditors talk to enough workers to reach conclusions that are statistically significant. The Fair Foods Standards Council, the organization responsible for conducting the FFP audits, interviews at least half of the workers present – hundreds of workers on the larger farms –, which is well above standard auditing practice in the industry.

In sum, worker education, a confidential complaints resolution mechanism and regular audits, backed by retailers' "power of the purchasing order", are the essential elements that have allowed the FFP to gradually but inexorably transform what was not long ago considered one of the most backward sectors in the entire United States produce industry into a fair working environment.

*Greg Asbed is a Co-Founder of the Coalition of Immokalee Workers and of the Fair Food Programme.*



# Sustainable Public Procurement in Sweden

Pauline Göthberg is the National Co-ordinator of the Swedish County Council Network on Sustainable Public Procurement.

In Sweden, 21 county councils have joined forces to make sure the products and services they procure do not involve human trafficking or violations of workers' rights.

## **When was the Swedish County Council Network on sustainable public procurement founded and why?**

In 2007, an independent NGO called Swedwatch, which reports on Swedish business relations in developing countries, decided to investigate the conditions under which the surgical instruments that some of our county councils were procuring for the public healthcare service were being manufactured in Pakistan. During the course of their investigation, they detected child labour, hazardous working environments and pay below the minimum wage. In response to this disturbing surprise, the work of county councils on sustainable public procurement was initiated. Most of the county councils' procurement – around 80 per cent – is in the area of healthcare. The councils are also responsible for dental care and public transportation, but general healthcare products and services are the main area of procurement.

At the beginning, the large county councils worked together in a pilot project. In 2010, all the other county councils joined – 21 in all. In 2012, I was hired as the National Co-ordinator. My main responsibility is to develop a national process and routines, so that everyone in all the county councils is doing the same work, and to collaborate with other global actors. The network also includes a secretariat and a group of eight experts, who co-ordinate the work in their specific region and within their own areas of expertise. We have developed a national code of conduct based on the ten principles of the UN Global Compact as well as a set of conditions for contract performance.

## **What conditions have you set for public procurement contracts?**

By entering into a contract with us, a supplier agrees to deliver products made in compliance with the following standards: the 1948 United Nations (UN) Universal Declaration of Human Rights; the International Labour Organization's eight core conventions (which together cover the topics of forced labour, child labour, discrimination, equal remuneration, freedom of association and the right to organize); the UN Convention on the Rights of the Child (in particular, Article 32 on forced labour); the UN Convention against Corruption; and the laws and regulations applicable in the country of manufacture on health, safety and worker protection, on labour (including rules governing conditions of pay and social insurance protection) and on environmental protection.

Suppliers need to implement due diligence processes to ensure that the goods they supply are made in compliance with these standards. Their routines must include the following: a policy commitment, an internal division of responsibility, a risk analysis mechanism, a description of how the social requirements of the contract are passed forward and followed up in the supply chain and, importantly, a description of how any violations are remedied.

During the contractual period, our experts follow up on certain contracts where we believe the risks are greatest to ensure that our suppliers are abiding by our contract clauses.

### **How do the experts go about evaluating the suppliers for compliance?**

We follow a three-stage method. First, we send out a questionnaire asking the suppliers whether all the necessary processes and policies are in place to ensure that they have a quality system for abiding with the social requirements. Then, we ask them to verify how these processes actually work in reality. So we want to see an audit result; we want to see how their risk assessment looks; we want to see whether they had any violations and how they fixed them.

Finally, based on these results, we may decide to conduct an on-site audit in factories. For that, we use a third-party auditor, one of the global audit companies that have local expertise, knowledge of the local language and also knowledge of the language of the migrant workers whom they interview.

### **So the primary responsibility for ensuring compliance falls on suppliers?**

Yes, at the beginning it is very much self-assessment by the suppliers. But then we verify their assessment by asking them to send in audit reports, risk assessments and so on and we evaluate those documents.

Also for corrective action plans, it is important that the supplier assumes responsibility. When we have done an audit and the auditor points out violations, the company must come back to us with a plan for remedying these violations. It is not a matter of us telling them what to do, but we do review their suggested remedies and if we think that some of them are not good enough, we will suggest others.

### **Can you give an example of how you successfully followed up on a contract?**

In 2015, several major human and labour rights violations were detected in a surgical glove factory in Malaysia during an audit performed on behalf of our network. Our supplier was a healthcare products wholesaler based in Sweden, who was sourcing surgical gloves from this factory. We followed up on the contract using the three-stage method I have described to you. We checked whether they did risk analysis and how they verified compliance in their supply chain, but they could not give us a good description of these processes. So we decided to commission an auditor to do an on-site audit at their sub-supplier in Malaysia.

For the factory management it was quite surprising because this was the first time a buyer had done an on-site audit there. They were very open and willing to show us all the documents. Sometimes it can be quite difficult to detect slave labour, but in this instance it was quite obvious. The company was lending money to its workers so that they could pay the recruitment agencies and then the money was deducted from their salaries; it withheld migrant workers' passports and made them sign contracts that basically did not allow them to terminate them and go back to their countries of origin. In total, 23 points of non-compliance with our sustainable procurement conditions were found.

After the audit, we had a discussion with the factory management on the correction plan. This was tricky, as it was hard for us to know how far we should go. So I solicited help from the International Trade Union Confederation and discussed with them what kind of remedy we should ask for. They suggested that the supplier should assume responsibility for all the recruitment fees, but also repay migrant workers not working there anymore. Even though we didn't get all the way, our suppliers did assume responsibility for all the foreign recruitment fees, not just now, but also going forward and in all the factories. But we did not get them to repay former workers in these factories.

This was a good example of how we can achieve results by working together with our suppliers. There was no confrontation with the factory managers, who in my estimation acted responsibly on this case. They took several measures as a direct consequence of our audit, which have improved conditions for the workers.

### **Do you partner with other networks?**

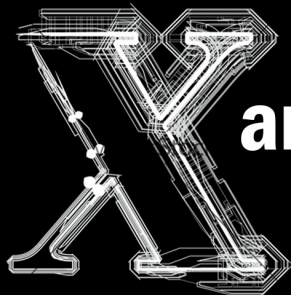
Yes, we do. We are collaborating with the National Health Service in England and the healthcare sector in Norway, with whom we have signed a letter of intent. Together we plan our activities for the upcoming years, so that we do not duplicate our work. We are also collaborating with the United Nations Informal Interagency Task Team on Sustainable Procurement in the Health Sector. And we have signed a letter of intent with the municipalities in Sweden.

With these partners, we share results of audits, follow-ups and discussions we have with suppliers and problems we detect. Even though we procure goods and services for €13 billion a year, we are really a small buyer on the global scale. Co-operating with others gives us greater leverage to produce some change.



**Demilitarization**


**A Constructive Tool for  
Co-operation and Peace**



**ample  
of the**

**Åland Islands**





In 2017, Finland is celebrating its centennial. In 2016, it marked an even older anniversary: on 30 March it was 160 years since the demilitarization of the Åland Islands, an archipelago of more than six and a half thousand islands scattered in the middle of the Baltic Sea between what is today mainland Finland and Sweden. They are inhabited by almost 29,000 people, the vast majority of whom are Swedish speakers.

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**T**he demilitarization of the Åland Islands was established by a tripartite convention between Great Britain, France and Russia and confirmed in the 1856 *Treaty of Paris*, which ended the Crimean War. To be sure, it was hardly a naïve love of peace that motivated the agreement, nor was there at the time any particular concern for the wellbeing of the people who populated the islands. The logic of the demilitarization was, and still is, that of ensuring that this small piece of territory would not be fortified and therefore would be less attractive militarily and less dangerous than it would otherwise be. This was of particular concern for neighbouring Sweden, one of the driving forces behind the agreement, even though Sweden chose to remain outside the settlement of 1856 for various reasons.

### **An early confidence-building measure**

With the *Convention on the Demilitarization of the Åland Islands*, the superpowers of the time wanted to provide a pragmatic solution to the challenge of strengthening, as it was put in the French original text, “*les bienfaits de la paix générale*” – “the benefits of general peace”. Rather than competing for military presence in and territorial control of this controversial territory, the states parties accepted to keep away from it and create a platform for communication about matters that concerned it. One could call it an early confidence-building measure.

The demilitarization agreement can be seen as a forerunner to the collective security system that was established through the *Covenant of the League of Nations* in 1920, with the aim of limiting the use of force in interstate relations and creating new avenues for addressing conflicts and threats to peace. The idea of collective dispute settlement was at the core of the League of Nations system, but, as we all know, it collapsed, or rather took time out (in part as a result of the unwillingness of the superpowers of that time to follow the rules

they had themselves enacted) before being succeeded by the United Nations and the *United Nations Charter* in 1945.

Meanwhile, the *Convention on the Demilitarization of the Åland Islands* was strengthened through the adoption in 1921 of the *Convention on the Non-Fortification and Neutralization of the Åland Islands*. Among the ten original signatories was Finland, which had been recognized by then as an independent state and become a member of the League of Nations. Finland had already been granted territorial sovereignty over the islands through a dispute settlement by the League of Nations earlier that same year.

The internationally entrenched binding rules on neutralization for the islands are distinct from the policy of neutrality and non-alliance of Finland. The neutralization rules added to the previous international legal commitments the prohibition of using “directly or indirectly” the Åland Islands “for any purpose connected with military operations” in times of war.

### **A long tradition**

In fact, demilitarization was nothing new in the late 19th century. The first documented examples date back to the early Middle Ages and rules requiring the demolition of fortifications and prohibiting their reconstruction were found regularly in peace treaties concluded in Europe in the 17th and 18th centuries.

An early example was the 1559 *Treaty of Château Cambrésis* (between France and Spain), which included a prohibition of fortifications in the area of Théroutanne. In 1768, Denmark ceded several islands in the mouth of the river Elbe to Hamburg and at the same time it was agreed that no military installations were to be built on these islands. A large number of demilitarization arrangements were included in the treaties ending the First World War, e.g. on the Saar Region, the Free City of Danzig, Spitsbergen/Svalbard and islands in the Mediterranean. This pattern continued well into the period following the Second World War, for instance with regard to the Dodecanese Islands, Pelagos and the Free Territory of Trieste.

A special case, in terms of the level of institutionalization of its internationalized management is that of Antarctica. The 1959 *Antarctic Treaty* stipulates that “in the interest of all mankind...Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord”. A more recent, though inconclusive, effort towards demilitarization was the 1999 plan by the former United Nations Secretary General Kofi Annan for Cyprus. One element of the plan was the demilitarization of the island.

## Sovereignty maintained

Demilitarization and neutralization can be understood as limitations to territorial sovereignty, but they function, simultaneously, as confirmations of the idea of territorial sovereignty and control of territory. In fact, the Åland Islands regime is premised upon clear territorial sovereignty and thus the ability and legal right as well as obligation – of Finland in this case – to repel attacks and imminent threats against the zone, in order to safeguard its demilitarized and neutral status.

However, this same solution is also an exception and a provocation to our thinking about the ways in which such territorial sovereignty can be exercised. The rules of demilitarization and neutralization entail a legally binding promise of giving priority to diplomatic means of communication and negotiation, before means of military power, even though power relations are acknowledged. The demilitarization is managed primarily by the Finnish Ministry for Foreign Affairs. The system requires transparency and communication on alleged controversies, something which became even clearer in the 1940 bilateral treaty between Finland and the Soviet Union. Both Sweden and the Russian Federation have consulates on Åland. The Governor of the Åland Islands heads the state administration on the islands, attends to state security matters and functions as a link between

the Republic of Finland and the regional government and parliament of the self-government of Åland. The Governor, who is appointed by the President of the Republic of Finland with the agreement of the Speaker of the Åland parliament, also maintains regular contact with the consulates.

Demilitarization is a small step towards disarmament. It is a recognition of the fact that the arms races that took place in many countries prior to both 1914 and 1939 were strong contributing factors to the outbreak of the devastating World Wars. The financial frustrations of these pre-war periods are absent today. According to the United Nations Development Programme’s 2015 *Human Development Report*, most countries in the OSCE region belong to the top strata of countries with a very high or high human development level. Still, we are witnessing, in Europe and beyond, a slow but steady escalation of aggressive rhetoric and military expenditures and activities, alongside an expanding use of force internationally. It is seldom easy or fruitful to try to establish who was first to start a conflict and who should take the largest blame in the midst of a difficult situation.

Under such conditions we need to strengthen tools and strategies of communication and co-operation wherever we can and find new ways of promoting disarmament. Demilitarization is one of them. It is a pragmatic and contextual solution which requires cautious management by all parties concerned and a commitment to the restriction of the use of force. Could it be useful in new situations? What about the Arctic, for instance? Could a different but similar solution be envisaged here, relying on the old idea that the Arctic areas should be used exclusively for peaceful purposes?

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