

# **OSCE vs Transnational Threats**

## Today and in the Future

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## Abstract

Transnational threats, such as terrorism, illegal trafficking, organized crime, including cyber-crime, remain among the most significant threats to peace, security and stability worldwide and to the OSCE participating States. Such threats undermine the social and economic development of people who live in the OSCE region, their fundamental freedoms, their safety, stability and enjoyment of human rights. Are there any tools to address these threats in such a way that people in the OSCE region would feel secure and safe to fly, to enjoy meeting friends in cafes and restaurants, to attend masses and sporting events, to have usual human life without anxiety for their children, their families and friends, and for themselves? The author tries to answer this question, he provides an overview of the OSCE toolbox in this area and makes some suggestions on the way forward.

## Keywords

OSCE – peace – security – stability – transnational threats – terrorism – counter-terrorism – foreign terrorist fighters – confidence-building measures – cyber-security – narcotic drugs – border management – cross-border co-operation – organized crime – criminal justice – police – law enforcement – human rights – fundamental freedoms

Transnational threats, such as terrorism, illegal trafficking in narcotic drugs and human beings, organized crime, including cyber-crime, remain among the most significant threats to peace, security and stability worldwide and to the participating States of the Organization for Security and Co-operation in Europe (OSCE). These threats undermine the social and economic development of people who live in the OSCE region. These threats also undermine their fundamental freedoms, their safety, stability and enjoyment of human rights, including the right to life. Heinous terrorist attacks in France last year and this year, terror in Brussels and Istanbul airports, other numerous criminal acts continue to shock and shake. Are there any tools to address these threats in such a way that people in the OSCE region would feel secure and safe to fly, to enjoy meeting friends in cafes and restaurants, to attend various masses and sporting events, in short to have usual human life without anxiety for their children, for their families and friends, for themselves?

## OSCE Basics to Address Transnational Threats

In an effort to answer this question let us focus briefly on the OSCE toolbox developed by its participating States to address such threats and challenges.

The heads of State and Government of the OSCE participating States recognized in the Astana 2010 Commemorative Declaration the need to achieve greater unity of purpose and action in facing emerging transnational threats.

In the following year the OSCE Ministerial Council adopted a consensus Decision № 9/2011 to create “a department to address transnational threats, consistent with the OSCE mandates and within available resources, with a view to ensuring better co-ordination, strengthened coherence and more efficient use of the OSCE resources in addressing transnational threats”.

A set of important Decisions aimed to further strengthen the OSCE efforts to address terrorism and illicit narcotic drugs, to enhance police-related capacity of the OSCE participating States and to develop confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies was welcomed by the Ministerial Council in Dublin in 2012.

OSCE efforts toward “achieving progress in the implementation” of the above-mentioned Decisions were welcomed by the Ministerial Council in Kyiv in 2013.

OSCE's role in countering the phenomenon of foreign terrorist fighters and in countering kidnapping and hostage-taking committed by terrorist groups was underscored by the Ministerial Council in Basel in 2014.

Ministerial Declarations on Preventing and Countering Violent Extremism and Radicalization that lead to Terrorism and on Reinforcing OSCE Efforts to Counter Terrorism in the Wake of Terrorist Attacks, that occurred across the OSCE area and its neighbourhood in 2015, were adopted by the Ministerial Council in Belgrade the same year. The Council also devoted special attention to the OSCE Activities in Support of Global Efforts in Tackling the World Drug Problem.

The second set of confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies was adopted by the fifty seven OSCE participating States on 10 March 2016. The first set of eleven specific confidence-building measures (CBMS) was adopted by the Ministerial Council on 3 December 2013. It was designed to reduce causes of mistrust, misunderstanding and miscalculations over potential cyber actions believed to originate from another participating State. The first set of CBMS promoted exchanges of information and communication among participating States, it also established individual and collective efforts to address security when using information and communication technologies. The second set of five CBMS established a voluntary basis for the participating States to share information and facilitate inter-State exchanges in different formats. The purpose of these CBMs is to set the spectrum of co-operative measures as well as other processes and mechanisms that could enable participating States to reduce the risk of conflict stemming from the use of information and communication technologies. Though neither sets of CBMS directly addresses the misuse of modern information and communication technologies for criminal purposes, they do establish an important basis for the participating States to co-operate in cyber-space and thus to facilitate their joint action against criminal manifestations in this area.

All of these important documents (be they Decisions, Declarations, set of confidence-building measures, etc.) set a wide range of necessary arrangements among the participating States to address transnational threats in the OSCE region. These arrangements also establish a clear-cut framework for close co-operation among participating States in the related area, for their interaction with the OSCE Partners for Co-operation and other international organizations, such as the UN and its Counter-Terrorism Executive Directorate, the UN Office on Drugs and Crime, Interpol, the Council of Europe, the Commonwealth of Independent States and its Anti-Terrorist Centre (CIS ATC) and the Police Co-operation Convention for South-East Europe, to mention a few.

### **OSCE Priority Areas in Addressing Criminal Threats and Challenges**

Anti-terrorism remains one of the OSCE's top priorities. As a regional arrangement under Chapter VIII of the UN Charter, OSCE contributes to the global fight against terrorism in a way that addresses both of the following: conditions that may foster and sustain terrorism and building capacities that are required to prevent and combat terrorism. OSCE facilitates the exchange of good practices, lessons learned and customized capacity-building. It promotes a comprehensive and co-operative approach to countering terrorism through programmatic activity, training and information sharing, conferences, workshops, etc.

Focused, result-oriented OSCE-wide counter-terrorism conferences constitute an important element in this regard. Following the OSCE Consolidated Framework for the Fight against Terrorism, adopted on 7 December 2012,

OSCE convenes such conferences on an annual basis. So far the following topics have been discussed:

- Priority issues for international co-operation in the fight against terrorism (2013);
- The role of the OSCE in addressing current terrorist challenges (2014);
- Countering the incitement and recruitment of foreign terrorist fighters (2015);
- Preventing and countering violent extremism and radicalization that lead to terrorism (2016).

Participating States attach great importance to the annual OSCE-wide counter-terrorism conferences. The reason is obvious. These conferences bring together decision-makers: deputy foreign ministers, national counter-terrorism co-ordinators and other high-level officials. These conferences provide them with a unique opportunity to discuss acute issues of counter-terrorist co-operation in an open and trustworthy manner. Participants in the conferences exchange views on the most efficient and otherwise best ways to address this scourge of the twenty-first century. They also jointly develop strategies and operational modalities of interaction to counter terrorism. Moreover, these conferences provide an excellent opportunity to network and to discuss business without politicising the problems. Such opportunities for result-oriented co-operation are highly valuable when participating States strive to build trust and confidence and to overcome different political misperceptions and prejudices that may divide them.

Along with annual OSCE-wide counter-terrorism conferences OSCE participating States share with each other, with OSCE Partners for Co-operation and OSCE partner organizations counter-terrorism capacity-building, experiences and “lessons learned”, facilitate trainings and other related activities. The OSCE Secretariat, OSCE field operations and OSCE institutions, OSCE Partners for Co-operation, OSCE Parliamentary Assembly, and OSCE partner organizations, such as UNODC, Interpol, CoE, CIS ATC and many other organizations make a considerable contribution to these activities.

Combating the threat of illicit drugs and the diversion of chemical precursors is another important focus area, in which the OSCE participating States have agreed to join their efforts. Through discussions in decision-making and informal bodies, the OSCE ensures a continued political dialogue on the implementation of related commitments and on the development of future co-operation by the participating States in this area.

OSCE-wide anti-drug conferences have been held since 2007. So far, the following issues have been addressed:

- Fighting the threat of illicit drugs (2007);
- International co-operation to combat trafficking in illicit drugs and chemical precursors (2008);
- Combating the threat of illicit drugs and strengthening control of precursor chemicals (2010);
- Combating drug trafficking and enhancing border security and management in the OSCE area (2011);
- Prevention of illicit drug supply to youth (2012);

- Prevention of illicit drug trade on the Internet (2013);
- Promoting partnership with non-law enforcement actors in combating the threat of illicit drugs and the diversion of chemical precursors (2014);
- Enhancement of mechanisms to cope with the increasing spread of illicit drugs amongst young people (2015).

“The United Nations General Assembly (UNGA) special session 2016 on narcotic drugs: Roadmap for Tackling the World Drug Problem” – was in the focus of the 2016 OSCE-wide anti-drug conference, which was held in Vienna in October. Some 200 representatives of OSCE participating States, government authorities, experts from drug-related agencies, as well as international, regional and civil society organizations and the private sector discussed how to implement the outcome document of the 2016 UNGA special session. During the conference participants explored ways to strengthen information sharing on effective prevention and countering illicit trafficking in drugs and their precursors, considered more efficient mechanisms to tackle drug-related crime, addressed prevention, treatment, rehabilitation and reintegration based on scientific evidence and public health considerations. They also discussed cross-cutting issues related to the respect for human rights in designing and implementing balanced drug control policies.

The range of topics discussed by drug control experts is impressive and graphic. A solid overview of the OSCE's role in addressing the problem of illicit drugs and chemical precursors was shared with the participants of the UNGA special session on narcotic drugs in New York in April 2016 ([http://polis.osce.org/portals/drugs/index/detailsdoc\\_id=5251&lang\\_tag=&q5=](http://polis.osce.org/portals/drugs/index/detailsdoc_id=5251&lang_tag=&q5=)).

Various forms of criminal activity especially that of organized criminal networks may be effectively dealt with only when participating States closely

co-operate with each other, when they agree on needs assessment, capacity-building, institution-building, training and evaluation, and when they provide necessary support to each other. Among the Decisions welcomed by the Ministerial Council in Dublin in 2012 was the OSCE Strategic Framework for Police-Related Activities, which defines pertinent priority areas and aims to facilitate the streamlining of OSCE's activities in all areas related to policing within the Organization's wide approach to security. Some specific outputs in capacity-building include training of police and law-enforcement; the development of strategic planning activities; the creation of a transparent, effective, efficient human resources management system for police; and the development of police accountability structures.

OSCE has held Annual Police Experts Meetings since 2003 to address various criminal challenges and to develop police-related responses to them. Over these years, the OSCE participating States have discussed the following themes:

- Improving the effectiveness of law-enforcement in combating human trafficking, especially that of women and children (2003);
- Investigation of sexual crime (2004);

- Improving the effectiveness of law-enforcement in preventing and combating hate crimes (2005);
- Strengthening police role and co-operation in combating terrorism (2007);
- Fighting the threat of cybercrime (2008);
- Hate crimes and effective law-enforcement co-operation (2009);
- Opportunities for further enhancing OSCE police-related activities (2010);
- Harmonization of police reform with the reform of the wider criminal justice system (2011);
- Fighting the threat of cyber crime (2012);
- Improving the role of the OSCE in police-related activities: experiences and lessons learned (2013);
- Enhancing cross-border co-operation of the criminal justice system in combating transnational crime in the OSCE area (2014);
- Fighting organized crime in the OSCE area with a focus on trafficking in human beings and irregular migration (2015);
- Intelligence-led policing: a model for strategic planning, strengthening community policing and countering transnational threats posed by criminal activity (2016).

Cross-border co-operation is an important way to effectively reduce the threat of terrorism; to prevent the trans-border movement of foreign terrorist fighters and other criminals; to repress transnational organized crime, illegal migration, corruption, smuggling of small arms and light weapons, trafficking in drugs and human beings, and trafficking in funds connected with terrorist and criminal activity. The OSCE Border Security and Management Concept, adopted by the Ministerial Council in 2005, provides participating States with a solid framework to promote mutually beneficial co-operation of their border services, customs authorities, agencies issuing travel documents and visas, law – enforcement and migration agencies, as well as other competent national authorities. Following the adoption of this Concept, the OSCE participating States established a network of border security and management National Focal Points in 2006. The network and annual meetings of its members provide an important platform to ensure continued political dialogue about border-related issues, about the implementation of pertinent commitments and about furthering the development of co-operation among the participating States.

The annual meetings of National Focal Points in 2007–2011 focused mostly on some thematic issues, on ways to develop the network itself, and on the co-ordination and interaction among its members. Later on, border experts exchanged views on such topics as the following:

- Migration in the OSCE region: trends and challenges (2012);
- Promoting cross-border co-operation and confidence building in the OSCE area (2013, 2014);

- Cross-border and inter-agency co-operation (2015);
- Promoting cross-border co-operation and confidence building to address emerging threats and challenges in the OSCE region (2016).

Each of the above-mentioned OSCE-wide conferences and meetings of police, border and cyber experts have considered, developed and adopted some specific, result-oriented recommendations and/or conclusions. One can hardly overestimate the practical value of these outcomes, as they are developed and agreed upon by highly qualified experts from the fifty-seven OSCE participating States. These outcomes also usually include contributions from the OSCE Partners for Co-operation and from international organizations such as Interpol, UNODC, etc. The whole set of outcomes from all these conferences and meetings constitutes very practical guidance for the participating States regarding their co-operation against crime. This set also establishes a framework for law-enforcement, police, border, intelligence, drug control and other related authorities to strengthen safety, public order and rule of law, to protect the human rights of the citizens of the OSCE's participating States and to prevent their fundamental freedoms from being infringed or violated by criminals, including terrorists, drug-dealers, hackers, traffickers, smugglers and anyone else involved in criminal activity.

However, the following questions seem to be in the air: “Why must people in Europe and in the wider OSCE region continue to be shocked and shaken by criminal manifestations even though all of the above-mentioned recommendations were developed by highly qualified experts and despite the fact that pertinent commitments were taken by the OSCE participating States? Why must these horrific terrorist acts cost us so many lives and wounds? What needs to be done to prevent such developments, and what in particular can the OSCE do?”

### Some Suggestions on the Way Forward

To develop an effective and efficient strategy to combat crime in the OSCE region, participating States, their law-enforcement and other sectors of the criminal justice system need first to identify a “profile of the criminal”. In other words they need to have an idea of the scope of the problem. Scarce information about the “criminal’s profile” in general and in the OSCE region in particular seems to prevent them from doing this. Indeed, according to the UNODC, transnational organized crime is estimated to generate \$870 billion – an amount equal to 1.5 per-cent of global GDP. But these are only estimates and they are already 7 years old! Drug trafficking, which is still considered to be the most lucrative form of business for criminal networks, is estimated to be worth \$320 billion annually. This is again according to the UNODC 2009 evaluation. The value of counterfeiting in the OECD region was estimated by the OECD to be \$250 billion per year. Cybercrime, in particular identity theft, one of the most profitable crimes in this area, generates around \$1 billion each year, according to the UNODC estimates of 2009. As far back as 2005, the International Labour Organization estimated annual criminal profits from trafficking in human beings at about \$32 billion. **Is our knowledge of the “criminal’s profile” in the OSCE region limited to these estimates only?** Unfortunately, the answer to this question seems to be positive, rather than negative. Are there any specific features that might differentiate a “universal” criminal from his or her “OSCE colleague”? Regrettably, there does not appear to be a clear-cut answer to this question. How effective can the OSCE counter-criminal strategy be if there exists only a “very vague evaluation” of whom exactly the Organization and its participating States oppose?

An important element of an effective anti-criminal strategy is efficient co-operation among the OSCE participating States. However, the lack of an answer to the very first question makes it difficult to clearly answer the second one, which compares the advantages and benefits of an individual participating State from anti-criminal

co-operation under the OSCE aegis in comparison to other international organizations, for example such as Interpol or UNODC.

To address these two key, inter-linked problems, OSCE participating States might wish to consider a multi-step approach.

*First*, OSCE participating States might discuss ways to strengthen and consolidate further OSCE analytical capacity to assess and address evolving transnational threats and challenges to security in the OSCE region. Under the present political atmosphere in the Organization and due to limited financial resources provided by participating States only a smart and rational solution may fly. One such solution might be to use the OSCE as a platform for direct dialogue among Ministers of the Interior. By exchanging threat assessments on the Organization's thematic priorities, such as terrorism, organized crime, illicit drugs and chemical precursors, trafficking in human beings and cyber crime and by reviewing, from time to time, OSCE implementation policies in the above-mentioned priority areas it should be possible to improve analysis of criminal challenges and to strengthen security in the region. It will certainly also contribute to closer co-operation among participating States. Someone may express concern about convening such ministerial meetings on an annual basis. But who said they should be annual? There are plenty of examples of policy makers who once every five years or within other time limits use international multilateral mechanisms to assess, develop and review policies and strategies on an *ad hoc* basis. For example, the ministerial meetings of the Paris Pact Initiative, dealing with Afghan opiates trafficking, take place once in three, five years or even more years. OSCE has never explored the possibility of bringing together Ministers of the Interior to discuss security in the region from their perspective. Is it not time for decision makers to take the lead and guide their police experts accordingly?

*Second*, OSCE participating States might review cross-border co-operation in the OSCE-wide region together with the OSCE Partners for Co-operation. The April 2016 meeting of National Focal Points from border security and management agencies in Berlin turned out to be the biggest ever with close to one hundred participants. What was the reason? Apparently it has to do with policy considerations and with operational and practical needs. Participants from national border agencies and from international organizations made it clear: security challenges whether illegal migration, illegal trafficking, or any

other form of transnational organized crime may be effectively addressed only when cross-border co-operation is in place. The OSCE with its border management concept of 2005, its network of National Focal Points in border management of 2006 and its Border Management Staff College established in 2009 is a well recognized leader in this area among other international organizations. To maintain its leading role, OSCE shall contemplate the possibility to convene a meeting of Heads of Border Agencies to review what has been achieved in practical terms and to develop further OSCE border management strategy, for example till 2025.

*Third*, OSCE participating States might develop strategies to prevent and combat illicit financial flows and money laundering to enhance measures for the identification, tracing, freezing, seizure and recovery of the proceeds of crime. It is no secret that criminal assets often have the OSCE region as a final destination. Close co-operation among participating States and their financial intelligence units certainly will strengthen security, safety and the rule of law in the OSCE area.

*Fourth*, OSCE participating States could identify ways to develop further dialogue and interaction with the OSCE Parliamentary Assembly (PA) on crime-related issues. The PA may play a key role in facilitating that the OSCE



participating States become parties to the universal anti-terrorist and anti-criminal conventions and international treaties. The Assembly may also contribute to further implementation of these treaties by the OSCE participating States and Partners for Co-operation.


*Fifth*, OSCE participating States could explore ways to strengthen public-private partnerships in preventing and countering crime in all its forms and manifestations. The Ministerial Council adopted a Decision on Public Private Partnerships in countering terrorism in Madrid on 3 November 2007. Public – private partnerships need to be expanded to other areas of anti-criminal co-operation. On the basis of mc.dec 5/07 participating States may wish to consider developing a set of basic principles or a comprehensive strategic framework for public-private partnerships when dealing with transnational threats in the OSCE region, thus following the Organization's multidimensional approach to security.

*Sixth*, through all of the above-mentioned meetings, discussions and activities, OSCE participating States might identify still other ways to continue facilitating OSCE-tailored support and assistance to the interested participating States and Partners for Co-operation in capacity building.

Most of these suggestions were discussed with the delegations of the OSCE participating States'. Some were discussed in general terms, others in detail. It is clear that such initiatives may be agreed upon and implemented only given the political will of all fifty-seven OSCE participating States and only if they are ready to co-operate fairly and with good will to make the lives of people in the region more secure, safer and better protected from criminals and their diverse illicit activities. The deed deserves an effort indeed.

### **About the Author**

Alexey Lyzhenkov is the first Director of the Transnational Threats Department of the OSCE Secretariat in 2012–2016. He has since 2007 held the diplomatic rank of Minister Extraordinary and Plenipotentiary. 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 the United Nations Office on Drugs and Crime, International Narcotics Control Board, UN Interregional Crime and Justice Research Institute, Paris Pact Initiative addressing illicit trafficking in opiates originating from Afghanistan, and a number of other international organizations in Vienna. He represented his country at the policymaking bodies within the UN system in crime prevention area: Commission on Narcotic Drugs and Commission on Crime Prevention and Criminal Justice. From 2004 to 2007, he served at the Russian Ministry of Foreign Affairs as Deputy Director of the Department on New Challenges and Threats and led Russian delegations to the G-8 Roma/Lyon senior expert group, addressing terrorism and transnational organized crime, co-ordinated activities of the Department regarding Russia's participation in the UN, the CoE, the SCO, the CSTO and other multilateral and bilateral mechanisms of international co-operation against terrorism, transnational organized crime, illegal trafficking in narcotic drugs and human beings, corruption and money-laundering, cybercrime, and other related transnational threats.



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