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SECURITY COMMUNITY

THE OSCE MAGAZINE



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Street life in
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The OSCE in Ukraine

Update for the period from February 2016 to November 2016

Mediation and Negotiation

OSCE Chairperson-in-Office German Foreign Minister Frank-Walter Steinmeier, OSCE Secretary General Lamberto Zannier, as well as President of the OSCE Parliamentary Assembly Christine Muttonen, continued to use every opportunity to urge an end to the fighting and the fulfilment of obligations under the Minsk Agreements.

The **Trilateral Contact Group (TCG)** comprises representatives of Ukraine, the Russian Federation and the OSCE (Chairperson-in-Office's Special Representative Martin Sajdik), and its four Working Groups. On 21 September 2016, the Working Group on Security Issues agreed on a Framework Decision on Disengagement of Forces and Hardware. The document, signed by representatives of the government of Ukraine and of the Russian Federation to the TCG and initialled by representatives from certain areas of the Donetsk and Luhansk regions, provides for, among other things, the disengagement of forces and hardware in three initial disengagement zones on the contact line. The Political Working Group has been focused on discussions surrounding the modalities of local elections in certain areas of Donetsk and Luhansk regions. Efforts in the Humanitarian Working Group have led to the release of some prisoners and enabled the repair of critical civilian infrastructure. The Economic Working Group has been dealing with questions such as the continued payment of pensions to those entitled on non-government controlled territory.

After a sharp increase throughout the spring and summer months in violation of the ceasefire, a basic requirement of the Minsk Agreements, the TCG on 26 August appealed for its full observation in connection with the start of the school year. After an initial period of relative quiet, the situation has since deteriorated, with on average over 1,000 explosions daily, reaching over 3,000 explosions a day in mid-November, including a high number of incidents involving the use of weapons proscribed by the Minsk Agreements.

Monitoring

The **OSCE Special Monitoring Mission to Ukraine (SMM)** continued to monitor the security situation in Ukraine and engage with the population to reduce tensions. The Mission's mandate was extended to 31 March 2017 with an approved budget of €98.8 million, by a consensus decision taken by the 57 OSCE participating States on 18 February.

On 25 May, the SMM established a ninth forward patrol base in the government-controlled town of Shchastia in Luhansk to extend the monitors' presence near the contact line. The monitors' movement continues to be restricted, especially in the areas not under government control, and there is a lack of security guarantees on both sides.

As part of its monitoring activities, the SMM took on the role of verifying the Framework Decision of the Trilateral Contact Group of 21 September, as foreseen by the signatories. It monitored the process in the disengagement areas of Stanytsia Luhanska, Zolote/Pervomaisk and Petrivske/Bohdanivka through patrolling and remote observations.

As of 9 November, the SMM included 682 international monitors and a total staff of 1,092. See daily updates on the Mission's work: www.osce.org/ukraine-smm/daily-updates and two new thematic reports, on restrictions to SMM freedom of movement and conflict-related displacements, published in August: www.osce.org/ukraine-smm/156571

The **OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk** continued to monitor and report on the situation at the two Russian checkpoints, as well as on cross-border movements. Its mandate was extended (on 4 October 2016) to 31 January 2017.

Rights and Freedoms

The **Office for Democratic Institutions and Human Rights** continues to strengthen dialogue among civil society and government stakeholders in Ukraine. Its projects are focused on human rights monitoring, promoting dialogue and co-operation between Russian and Ukrainian civil society, political party legislation and financing, parliamentary ethics, gender equality mechanisms, law-making, tolerance and non-discrimination and facilitating dialogue among religious or belief communities and Ukrainian authorities. In the period between February and November 2016, around 500 Ukrainian stakeholders benefited from confidence and capacity building, including events on countering hate crime, political party expert workshops, training programmes for gender advisers and seminars on parliamentary ethics.

The situation in Ukraine remained among the highest priorities of the **High Commissioner on National Minorities**, Astrid Thors, who ended her tenure on 19 August. She visited Kyiv in March to co-host, together with the Verkhovna Rada Committee on Human Rights, National Minorities and Inter-ethnic Relations, a roundtable meeting on strengthening the institutional framework for inter-ethnic relations in Ukraine in the context of decentralization. A follow-up event in October brought together regional state administration focal points to discuss how the HCNM recommendations on the institutional framework could be operationalized at the regional level. Also in October, the office of the HCNM and the National Agency on Civil Service convened an expert discussion on standards and best practices in the area of minorities' linguistic rights, including in relation to language certification.

The institution continues to draw the attention of the participating States to the situation in the Autonomous Republic of Crimea and the worrying

increase in politically motivated pressure on the representatives of the Crimean Tatar community.

The **OSCE Representative on Freedom of the Media**, Dunja Mijatović, continues to closely monitor the situation regarding media freedom and safety of journalists in Ukraine. During her four-day official visit to Kyiv in October, the Representative met with Foreign Minister Pavlo Klimkin, senior government officials, civil society and the media community and welcomed their commitment to strengthening media freedom in Ukraine. She also called on the authorities to intensify their efforts to end impunity for crimes committed against journalists.

The **OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings**, Madina Jarbussynova, visited the Donetsk region from 1 to 15 August to raise the awareness of central and local authorities, civil society organizations and internally displaced persons (IDPs) about the threat of human trafficking in eastern Ukraine.

Project Co-ordinator in Ukraine

The OSCE Project Co-ordinator in Ukraine continued to assist with Ukraine's crisis-related challenges, providing expert support to constitutional, judicial and law enforcement reforms and promoting dialogue to rebuild trust between the central government and conflict-affected communities in the east.

Projects include providing support to the government with mine action and elaborating strategies for the social adaptation of IDPs and ex-combatants. Another area of focus is promoting conflict-sensitive journalism and journalists' safety.

See previous updates on the OSCE's responses to the crisis in and around Ukraine in Security Community, Issues 2/2014, 3/2014, 1/2015 and 3-4/2015.

Security Day in Vienna

Revitalizing Arms Control

Eroding arms control, snap military exercises and close military encounters: these are dangerous developments bringing uncertainty to the European security landscape. The OSCE Security Day hosted by Secretary General Lamberto Zannier in Vienna on 3 October provided impetus for the urgently needed inclusive dialogue on these matters. OSCE delegates and security experts generated concrete proposals for preventing and managing military incidents, strengthening multilateral crisis response and reducing risk. They also elaborated on Chairperson-in-Office Frank-Walter Steinmeier's recent call for revitalized arms control in Europe.

Patricia Flor
Commissioner for Disarmament and
Arms Control of the German Federal
Government

Start a structured dialogue



“I heard many voices saying that security in Europe today is not in good shape. We have hybrid conflicts; we have close military encounters; we have large snap exercises which come as a surprise to others. So we have to do something

about the security environment in Europe. And I heard many point out what that means: working on updating the Vienna Document, which is about confidence building, transparency, doing inspections, and working on modernizing the regime of the Open Skies Treaty, which allows member states to overfly territory of others, and thus gain a picture of what's happening there. But it also means looking at the tools of conventional arms control with this question: how do we need to adapt them to today's challenges?

We have to start by looking at threat perceptions, the fears people have, the security perspectives they bring to the table. Minister Steinmeier's proposal is to start a structured dialogue about exactly these issues.

Conventional arms control means that you try in a mutually binding agreed framework to limit your military capabilities. You agree that at some stage it doesn't make sense to always increase what you can do, more weapons, more tanks, more military weaponry.

We need to find a common area of interest in Europe, where everyone can say: let's agree on certain rules, on certain arrangements, on certain limitations, ceilings, transparency and verification measures. At the end of the day, we believe, that will increase security in Europe for all of us. But it's going to be difficult.”

Alexander Grushko
Permanent Representative
of the Russian Federation
to NATO

It is necessary to talk



“Today we had a frank exchange on instruments we should use to improve the current tense security situation, addressing specific military

concerns that have resulted from intensified military activities in different parts of the European continent. In our view these discussions are very important. It is also necessary to talk about the need to reverse the very negative general trend in the European security. NATO's military activity on its eastern flank, the conversion of the Baltic region into an area of military competition, have seriously damaged the situation. It is not enough to look only at the instruments enshrined in the Vienna Document; we expect a complete reversal of NATO's policy. I do believe that the OSCE is the proper forum – everybody is on an equal footing, every delegation can raise any issue, the OSCE has a lot of relevant tools and instruments.

European arms control is like a fallen bicycle. When you have a process based on legally binding instruments, with all the necessary formats for addressing specific issues, it's easy to build on it. But the machinery of

arms control in Europe has stopped, because NATO countries failed to ratify the adapted Conventional Armed Forces in Europe (CFE) Treaty, which Russia did in 2004. The old CFE Treaty is not relevant anymore and the adapted version is outdated. Maybe this is one of the reasons why Germany came to the conclusion that the time was ripe to re-launch fundamental discussions on the role of arms control in the new security environment in Europe.

For many years, security in the central part of Europe was based on restraint. We were working on a strategic partnership with the European Union, building constructive relations with NATO helping ISAF in Afghanistan, for example. The biggest ever project in countering drug trafficking from Afghanistan was implemented under the auspices of the NATO-Russia Council; jointly we trained more than 4,000 officers from Afghanistan, Pakistan and Central Asian countries.

Today the situation has changed drastically. NATO has suspended all concrete projects of co-operation. Some expert reports claim that Russia has refrained from invading the Baltic States only because NATO took the decision to deploy battalions there. If that is the perception, then it is a gross misperception. However, the real problem is that the military planning is based on such misperceptions.”



Alexander Vershbow
Deputy Secretary General
of NATO

We have conflicting visions

“As long as Russia is not ready to back away from its aggression against its sovereign neighbor Ukraine, the suspension of practical co-operation that’s been in place in recent years in the NATO-Russia framework will remain. The implementation of the Minsk Agreements would be one step away from the current impasse. But Crimea will still be illegally annexed, and that won’t be solved overnight – it might take years, even decades.

However, we are still talking to the Russians in Brussels. Transparency and risk reduction has been one of our priorities – at least to identify ways to pull back from the brink. Issues would then have to be sent to the appropriate forums for actual negotiations, and the OSCE is the number one on our list.

Air safety is another issue where there may be some encouraging signs, building on the work of the Baltic Sea states, including Russia, to strengthen predictability in management of civil-military air traffic. Military and non-military incidents in many cases reflect deliberate choices by the Russian Federation to raise tensions, to send an intimidating message, even to stake out spheres of influence, which we think have no place in the 21st century.

We have conflicting visions of how European security should be built. I think we in NATO, and in most of Europe, believe in the principles of the Helsinki Final Act and respect the sovereignty of every single state. Russia wants to go back to a kind of Yalta-2, based on spheres of influence. Until we all come back to the same space, we have to be realistic – not fatalistic, but realistic about how much we can do on the technical side.

Regarding the updating of the Vienna Document, there are a number of proposals on the table from different allied countries relating to lowering thresholds for exercise notifications, lowering the thresholds where mandatory inspections are required, at least narrowing if not closing the loophole that allows Russia to carry out unlimited “snap” exercises with up to a hundred thousand troops with no notification at all. Poland has put forward proposals on some provisions regarding hazardous military activities.

Russia actually used to be for a lot of these things. It’s a bit of a tragedy in my career that often both sides have the same position, but not at the same time. Let’s hope that Russia will see that it’s in its own interest to restore some of the predictability that the Vienna Document was meant to provide, to update it to the new, more challenging conditions.”

Read more:

“More security for everyone in Europe: A call for a re-launch of arms control”. Article by OSCE Chairperson-in-Office, German Foreign Minister Frank-Walter Steinmeier, published in the *Frankfurter Allgemeine Zeitung* on 26 August 2016: www.osce.org/cio/261146 (in English and German)

OSCE Security Days: www.osce.org/sg/secdays

Status-neutral Arms Control: Promises and Pitfalls

By Sergi Kapanadze, Uli Kühn, Wolfgang Richter and Wolfgang Zellner

The success of the Helsinki process in the 1970s was possible due to a willingness to accept the territorial *status quo* in Europe. By contrast, the end of the Cold War and the dissolution of the Soviet Union has led to the creation of a territorial reality characterized by new states with uncertain security status, separatist armed conflicts and ethnic strife.

Territorial disputes in Eastern Europe and the South Caucasus have poisoned relations between states and devastated the lives of people for already a generation. They have hampered the implementation of international agreements on arms control and confidence- and security-building measures (CSBMs) in areas under the control of *de facto* regimes. At the same time, disagreements over the status of these regimes have obstructed the development of pan-European arms control mechanisms, particularly the Conventional Armed Forces in Europe (CFE) Treaty and the Adapted CFE Treaty.

In these contested areas status-neutral confidence-building and arms control measures can play an important role as a tool for both conflict prevention and conflict resolution. There is no question that status-neutral arms control is difficult. Arms control agreements are usually concluded by governments that represent internationally recognized states. Yet many international lawyers take the position that joint activities and even treaties with *de facto* regimes are possible, if there is the political will to do so. Historical examples are the 1963 travel permit agreement between the two German States and the 1963 Limited Test Ban Treaty, but also the names and the functioning of a number of United Nations and OSCE field operations, including their respective missions in Kosovo, or the Geneva International Discussions that bring together participants from Tbilisi, Tskhinvali, Sokhumi, Moscow and Washington.

An almost forgotten OSCE document

The OSCE is perhaps the only regional security organization that possesses an agreed document on status-neutral steps to be taken in conflict situations. It is the almost-forgotten document, “Stabilizing Measures for Localized Crisis Situations”, adopted in 1993. There we read: “The parties involved in a particular crisis situation will be identified in each case in accordance with the relevant norms of international law and OSCE provisions. When such parties are not states, their identification and subsequent participation in a crisis prevention, management and/or settlement process does not affect their status.” In other words, states and other parties can collaborate in crisis prevention and management processes irrespective of their status – if all sides agree to such an approach.

The document offers a rich menu of possible options for action. Under the heading “Measures of Transparency”, we find “extraordinary information exchange” or “notification of certain military activities”. The section entitled “Measures of Constraint” contains proposals such as “treatment of irregular forces” or “constraints on certain military activities”. The “Measures to Reinforce Confidence” are particularly interesting, including proposals for “liaison teams”, “establishment of direct lines of communication”, “joint expert teams in support of crisis management” and “joint co-ordination commissions or teams”.

The measures outlined in this document aim at improving security in and around disputed territories without detriment to status-related positions of principle by the parties involved and without preempting the outcome of conflict settlement processes, which will ultimately define the political status of such territories.

Difficult to achieve

In reality, it has been difficult to achieve status-neutral arms control solutions. In fact, there are almost no examples of successful approaches. *De facto* regimes categorically reject the right of central governments to act as host states on the territory they control for the purposes of implementing arms control or confidence-building agreements. They typically either want to exercise such rights themselves or deny that the disputed territory belongs to the area of application of the agreement in question. Third states that have not recognized a *de facto* regime are not permitted under international law to cede host state functions – determining the points of entry/exit, providing escort teams or signing inspection reports – to that regime.

If a breakaway region has foreign armed forces stationed on it, states that recognize its independence might claim that the *de facto* regime has provided host nation consent, whereas the state from which it claims to have seceded will hotly dispute such an interpretation, regarding stationing forces in disputed territories as unlawful occupation in violation of their sovereignty.

Four examples

In order to link these deliberations to the real world of conflicts, it is useful to analyse the four conflict settings in Europe, where the OSCE is involved in the management of protracted conflicts.

In the case of **Nagorno Karabakh**, there are no relations between the state (Azerbaijan) and the *de facto* regime. The only form of exchange is by firing weapons. The situation could be improved by the introduction of transparency measures and an incidents prevention mechanism. The current increase in the number of monitoring visits is a small step in the right direction.

In the cases of **Abkhazia and South Ossetia**, limited relations between the state and the *de facto* regimes do exist. Although the latter are not formally recognized as negotiation partners by Georgia, the Geneva International Discussions bring together participants from Tbilisi, Tskhinvali and Sokhumi, Moscow and Washington under the joint chairmanship of the United Nations, the OSCE and the European Union. The Incidents Prevention

and Response Mechanisms for South Ossetia and Abkhazia initiated by the Geneva International Discussions deal with concrete problems on the ground. Although they do not currently include arms control agreements, they could be a framework for discussing and implementing such measures.

In the case of **Eastern Ukraine**, the *de facto* authorities of Donetsk and Luhansk are not part of the official mediation format of the Trilateral Contact Group, but they frequently negotiate with it and have signed the two Minsk Agreements of September 2014 and February 2015. These include a number of ceasefire-related arms control measures, most prominently the withdrawal of certain categories of heavy weapons from security zones of different depths. Here measures of status-neutral arms control are clearly in place.

In the case of **Transdnistria**, the *de facto* regime is officially recognized as a negotiation partner by the state concerned and is part of the formal 5 + 2 negotiation scheme (Moldova, Transdnistria, OSCE, Russia and Ukraine, plus the European Union and the United States). Against this background, the OSCE Mission to Moldova, supported by Russian and Ukrainian experts, elaborated a comprehensive package of arms control and CSBM measures in 2004/2005 that would have led to a total demilitarization of these two entities had it been implemented, which has not been the case. The two most probable reasons for this failure were the worsened political atmosphere after the failure of the 2003 Kozak Memorandum (an agreement on an asymmetric unified Moldovan state), and the fact that the proposals included the entire territory of both Moldova and Transdnistria and, thus, implicitly treated the two entities as equal – an approach that backfired due to the perception on the part of Moldova that Transdnistria should not be treated as equal.

These examples show that the relationship between the more internationally recognized state and the seceding *de facto* regime is the key factor that decides the feasibility of status-neutral arms control. Although our four examples do not have a good record of success, they do show that status-neutral arms control measures can be implemented if all sides agree.

A more extensive article by the authors on this subject is due to be published in 2017.

OSCE Support to UNSCR 1540

Keeping a Lid on Nuclear, Chemical and Biological Weapons

Under United Nations Security Council Resolution (UNSCR) 1540 on weapons of mass destruction, states are obliged to take steps that number in the hundreds, and each is crucial to ensuring that nuclear, chemical and biological weapons and their means of delivery do not get into the wrong hands. The OSCE is playing a crucial role in helping participating States get the implementation of the resolution right. Adriana Volenikova, Associate Project Officer in the Forum for Security Co-operation Support Unit of the OSCE Conflict Prevention Centre, explains.

What do states need to do to implement UNSCR 1540?

UNSCR 1540 contains three main obligations for states. Firstly, they must refrain from supporting, by any means, non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their delivery systems. Secondly, they have to have the appropriate legislation in place. And thirdly, they must have strict domestic controls to make sure that any materials that could be used to create or deliver these weapons are well protected.

All in all, UNSCR 1540 contains some 300 obligations for states. To support them in their implementation, the UN Security Council established the 1540 Committee, which is supported by the UN Office on Disarmament Affairs (UNODA).

The key to implementing the resolution is addressing the weakest link. It is not enough that the large nuclear powers maintain strict control over their weapons, when a small state could be used as a country of transit, for instance. When it comes to controlling potential ingredients for chemical weapons, we are dealing with the chemical industry, which is huge. Biological substances are even more difficult to control, because they are used by regular laboratories and medical facilities, which need to

make sure that all their samples, the different viruses and pathogens, are well protected.

How is the OSCE involved?

The OSCE participating States first agreed that supporting UNSCR 1540 was important when the United States and the United Kingdom brought this topic to the OSCE agenda in 2009. Since then the OSCE's support has grown. In 2011 the UN Security Council passed UNSCR 1977 asking regional organizations to help in UNSCR 1540's implementation and the OSCE signed an MOU with UNODA later the same year, committing themselves to work together.



“Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security...”

**UN Security Council Resolution
(UNSCR) 1540**

The 1540 Committee has only a limited number of experts – currently nine – who are responsible for overseeing the implementation of UNSCR 1540 worldwide. At the OSCE, we are well placed to help. The 57 participating States meet weekly in the Forum for Security Co-operation (FSC) to discuss military aspects of security. Thanks to the day-to-day work that flows from this security dialogue, we are in frequent contact with the relevant ministries and have their trust. The participating States have appointed focal points in their ministries of foreign affairs and several of them participate in the informal “Group of Friends of UNSCR 1540”, chaired by Belarus and Spain. There has been a special capacity to support UNSCR 1540 implementation in the Conflict Prevention Centre’s FSC Support Section since 2010. In 2015 the FSC adopted a decision explicitly recognizing the OSCE’s role in facilitating the implementation of UNSCR 1540 and particularly the role of the Conflict Prevention Centre.

The OSCE’s support to UNSCR 1540 is an excellent example of how it operationalizes the UN Charter’s Chapter VIII on regional arrangements. On the one hand, it brings the Security Council resolution down to the regional and the country level. Not only does the FSC regularly have UNSCR 1540 on its agenda, but also, based on FSC decisions, the OSCE provides direct assistance to participating States in its implementation. On the other hand, our work circles back up to the global level. We are in regular contact with UNODA. Once a year, the UN 1540 Committee Chair comes to Vienna to address the FSC and to be briefed by the participating States.

How does the direct assistance to participating States work?

First, we sit down together and go through the so-called UNSCR 1540 matrix with them, which lists in detail all of their obligations. Due to the complexity of the obligations, we might have more than twenty different ministries around the table in this country-specific dialogue – the ministries of health, industry, economy, even veterinary services. We look at border controls, custom controls, the physical protection of materials – a large number of things – to make sure

that any potentially dangerous material the state has, even in normal civilian use, like X-ray equipment in hospitals or laboratory samples, is protected. A big part of the work is also to make sure that the industries producing these materials are self-aware and responsible. For that one needs so-called internal compliance programmes. And we encourage governments to collect data on what industries they have in their country, and to inform them of the risks the products they are producing might entail with respect to terrorism.

This country specific dialogue leads to the development of a national implementation action plan, normally around twenty measures that states want to adopt in the next three to five years. We always encourage states to make sure this is not just an artificial exercise, to prioritize, to be realistic. Also, to be specific about what kind of assistance they might need. Do they require someone to do a logistical review? Are they going to be able to incorporate activities into their state budget or are they going to need funds? Currently we have 15 UNSCR 1540 action plans in the OSCE region.

What unique service does the OSCE provide?

In order for UNSCR 1540 implementation to work, there needs to be a platform of co-operation. We bring people together. That is what we provide. We don’t try to reinvent the wheel. For instance, if I am working with a country on nuclear remnants and we find in our assessment with the different ministries that a nuclear component is an issue of concern, I will contact the International Atomic Energy Agency to see in how far they have been aware of this need and invite them to work with the country directly. Then I will inform the ministry of foreign affairs so that they know this is covered and efforts are not duplicated.

We do the same with the Organization for the Prohibition of Chemical Weapons, the World Health Organization and with the Biological Weapons Convention Support Unit. One would assume that these organizations, which are so large, wouldn't need the OSCE as a platform and would be able to do this alone. But, maybe because they are so large, or don't have the intimate contacts and focal points in the countries that we do, they do in fact rely on us.

Sometimes it's the little things that make the big difference. If a country is not implementing this or that obligation, I am always on the look-out to see: where is the problem, where is the gap? Often it's simply a lack of awareness of where they could get training or funds, or a lack of communication, a question of language. For example, Kyrgyzstan had received assistance with a control list for export control, but it wasn't translated into the local language and they didn't have money to do it. So we did that. A small thing, but because of it the government was able to go ahead and issue a governmental decree. And now Kyrgyzstan has a control list in place. Without the translation, they would not have.

Do you help with monitoring and review?

This year there was a global UNSCR 1540 Comprehensive Review and the OSCE participated in that. We put forward several proposals at the meeting in New York.

The OSCE also helps with peer reviews. They are a very useful way for states to learn from each other's practices, especially as the resolution itself does not include instructions on how to go about its implementation. This year, we supported a trilateral peer review between Kyrgyzstan, Tajikistan and Belarus. We had an initial meeting in Bishkek in 2014 and then one in Minsk in August of this year, where we took the Kyrgyz and Tajik officials to different institutions dealing with the identification of chemical, biological and nuclear materials. They also

discussed the export control laws of Belarus and went to the airport to see how things are screened there. We are currently supporting both Kyrgyzstan and Tajikistan on export controls through a United States grant, so it was fitting that they could also learn from Belarus. A third meeting is planned for January 2017 in Dushanbe.

How do you see OSCE support for UNSCR 1540 developing?

One of the results that is foreseen to come out of the Comprehensive Review is a recommendation for regional organizations to not only play a co-ordinating role but also close the gaps with concrete activities and seek donors to fund them. We have been making that transition. Thanks to Switzerland and Italy, which provided a small grant for the purpose, and the United States which continuously supports our activities, we developed a number of projects, including a chemical assessment in Ukraine and export control assistance for Central Asia. These activities are now raising hundreds of thousands of Euros. Currently the OSCE's UNSCR 1540 project has a budget of €1.6 million. The European Union intends to provide support for additional UNSCR1540 activities at the OSCE, pending a European Council decision.

We are also beginning to do more training: the first training of the OSCE 1540 points of contact was hosted this year in June/July by the Russian Federation in Kaliningrad.

Until now, these OSCE activities have been extra-budgetary. We are hoping that the Conflict Prevention Centre's UNSCR 1540 support will become part of the Unified Budget. This would allow for much better planning and also provide the recognition this work has earned as a vital activity of the OSCE.

Teaming Up with Insider Mediators

By Christina Stenner

The OSCE has a broad mandate from its participating States to strengthen peace and security throughout its region, yet, almost paradoxically, sometimes experiences self-imposed political constraints in fulfilling it. This, together with the rapidly changing nature of conflicts, calls for new and resourceful approaches to conflict prevention and mediation. Engaging with insider mediators is a promising option.

Ever since the OSCE developed from a conference to a fully-fledged organization, it has been mediating in situations of conflict and tension. In the 1990s it began deploying long-term field operations to accompany the transitions in the countries of the former Yugoslavia and Soviet Union. Many of OSCE field operations have mediation and dialogue facilitation in their mandates. The OSCE has also been an essential mediation tool in conflicts that have become protracted in its regions and has created mediation spaces of diverse formats to seek for solutions. It is a co-mediator in the 5+2 talks of the Transdniestrian Settlement Process; it functions together with the United Nations and the European Union as co-chair in the Geneva Discussions on Georgia; and it holds

the auspices of the Minsk Group dealing with the Nagorno-Karabakh conflict, co-chaired by Russia, the United States and France. In addition to the above mediation platforms, the OSCE is also engaged in mediating in on-going crises. For example, it is striving to open the way for a resolution of the conflict in eastern Ukraine as a member of the Trilateral Contact Group.

In all of these processes, the Mediation Support Team of the Conflict Prevention Centre's Operations Service offers OSCE special representatives, heads of field operations and other mediators targeted assistance, as mandated by the 2011 Ministerial Council Decision on elements of the conflict cycle, which calls for strengthening the OSCE's mediation capacity. The support is request-based and strives for a holistic approach, accompanying mediation processes with assistance that is pertinent to the given phase and identified needs. It may include individual coaching on mediation and negotiation, conflict analysis and strategy workshops or consultancy on dialogue facilitation or mediation processes. The question is how to make full use of the OSCE's expanded capacity for mediating conflicts?

Conflicts are changing

Violent conflicts have grown significantly more complex over the past twenty years. They are more frequent and more destructive. Some are a flaring up of old regional disputes and some involve new issues. The readiness for escalation and the propensity for violence seem to have increased over time. Something seems to have changed in the motivation of conflict parties, which requires more attention than it is given at present. Additionally, the number of stakeholders typically involved in conflicts has risen, enormously, further augmenting their complexity. This calls for new forms of mediation, not only between the conflict parties, but also within them and possibly even within the mediating organization. How best to respond to these new challenges is a matter of intense discussion among academics and practitioners.

In the author's view, the OSCE needs to both strengthen existing mediation processes and look out for new entry-points and hitherto unused potential. Insider mediators are a great resource for peace processes, but engaging with them requires sensitivity to avoid doing harm to them and their communities.

An untapped resource

Insider mediators are individuals, organizations, or institutions that come from the conflict context itself. They may belong, or have belonged, to one of the conflict communities. But they enjoy enough moral legitimacy and respect from all sides to be accepted as mediators.

Research on the behaviour of conflict parties, especially with regard to the rationale for changing conflict behavior, is still insufficient. But practical experience has shown that conflict actors are very receptive to peers or other former conflict participants. Insider mediators often have close relationships with conflict parties and therefore represent a valuable yet underutilized resource for peace building.

Protracted conflicts, the object of many of the OSCE's conflict resolution efforts, provide a good example of a context in which inside mediators can be engaged to advantage. These long-simmering disputes typically affect almost everyone in the society concerned. They can therefore never be settled by means of a high-level political peace agreement alone; their resolution requires the widest possible participation. Insider mediators often have access to an extensive social network. They can reach out not only to their own communities but often also to persons on the other side of the conflict.

Another context in which insider mediators can be invaluable is the prevention or resolution of conflicts involving deep local issues that affect parties' fundamental interests, needs and values, including matters of justice and human rights. These kinds of issues are deeply embedded in the stakeholders' moral orders and are likely to be non-negotiable. Insider mediators may be able to connect with key players on such issues where outsiders cannot.

One of the main reasons why insider mediators can be useful to the OSCE has to do with the Organization's unique political nature. The OSCE originated as a conference and is until today essentially a permanent forum of participating States, supported by a secretariat and with operational arms (institutions and missions) extending into the field. As an extended conference, it is its participants.

This provides a level of inclusiveness that is hard to exceed, but it also means that every activity the OSCE executive structures undertake has to derive from agreement among the participating States, who take their decisions by consensus. The conflict resolution

efforts of the OSCE are often characterized as impartial, that is, not taking the position of any of the parties to a conflict. Considering the above, they are, in fact, "omnipartial", reflecting the position of all the states. That can put constraints on action in certain situations. The OSCE may not have access to certain conflict regions or conflict actors. Or a certain structure may not have the political mandate to facilitate dialogue or engage in mediation. In such situations, supporting the work of insider mediators can be a good way forward.

OSCE activities

The OSCE, in its conflict resolution initiatives, has just started working with insider mediators. The Centre in Bishkek, for example, has since 2011 provided training and a platform for exchange to the so-called "Peace Messengers" in the south of Kyrgyzstan, a public-private network of civil society mediators who work in communities to resolve tensions between ethnic groups or between the public and governmental authorities.

The Project Co-ordinator in Ukraine trains local peace builders in dialogue facilitation, so that they can set up their own platforms for dialogue with the broader society on the many social issues with which the country is faced.

The "Follow Us Initiative" organized by the OSCE Mission to Serbia and the OSCE Mission in Kosovo has brought together influential women from Serbia and Kosovo for mediation training and exchange since 2012.

There is much potential for future OSCE engagement with insider mediators, for example by providing coaching and briefings, launching mentoring or fellowship programmes or supporting peer exchanges. In all of these activities, it will be important to keep in mind the particular vulnerabilities of insider mediators and to avoid doing harm. This includes being careful not to compromise their reputations because they are collaborating with international actors, and making sure one does not create a market of international attention and competition among them.

In conclusion, we cannot always go where we want and we cannot always talk to whomever we want. But the OSCE has a strong mandate to work for conflict resolution, including through mediation. We need to refocus our efforts on conflict parties, on their ability to develop and change. Insider mediators are a resource of great potential. We will do well to direct our efforts towards stimulating the necessary framework conditions for them to better exercise their functions in the communities concerned.

Dr. Christina Stenner is Mediation Support Officer in the Conflict Prevention Centre at the OSCE Secretariat in Vienna.

My Work as Insider Mediator in Northern Ireland

By Gary Mason

Let me tell you a true story of three boys, growing up in the 1960s and 1970s in the sectarian hotbed of Northern Irish society. They were normal kids whose lives were to be shaped by a conflict not of their making. Two of these boys attended religious Sunday school together. One boy's mother was a faithful teacher in that religious Sunday school. Two of the boys also attended the same primary school from the ages of four to eleven. They shared their education and dreams together. They were best friends, accompanying each other on the walk to school and back home. One of the boys is now dead. He was shot during the height of the conflict. The second boy was sentenced to life imprisonment and served 18 years for murder. The third boy is writing this essay.

I have told this story across the world and have reflected on it from a variety of perspectives – theological, political, psychological and sociological. I still cannot explain why I did not join a paramilitary group to defend my community against “the enemy” and thus share the same fate as my boyhood friends. I still recall quite clearly one evening outside a building when several of my childhood friends in their mid-teens went inside the building and made the fateful decision to become a “terrorist”, a “paramilitary”, a “freedom fighter”. It would have been so easy for me to make the same choices and to operate under the ethos that violence was the only way to defend my community. I did not choose to participate in violence as a boy, but I have chosen to remain a critical friend and an insider mediator to the men of violence ever since.



Legacy of the conflict

On Good Friday, 10 April 1998, after thirty years of bloody civil war, in which more than 3,600 people were killed, more than 35,000 injured and 16,000 charged with terrorist-related offences, and which involved 34,000 shootings and 14,000 bombings (all this in a relatively small population of 1.7 million people), and after almost two long years of political talks, the negotiations that resulted in the Belfast or “Good Friday” Agreement finally concluded. The Agreement was approved by Northern Ireland’s main nationalist political parties and most of the unionist parties.

Eighteen years after the signing of the Good Friday agreement, the legacy of the conflict still looms large on the political landscape of Northern Ireland. This post-conflict landscape is characterized by fear, uncertainty, lack of trust and alienation. Many people in the loyalist, unionist Protestant community feel insecure and uncertain about the future. The republican, nationalist Catholic community has displayed positive demographic, civic, cultural and political developments in recent years that have not been mirrored in Protestant working-class areas. Many of these communities continue to struggle with internecine feuding and conflict, deindustrialization, cultural unease and ambiguity, and a continuing decline in educational standards. Too frequently I find myself mediating between factions who cannot settle their differences through dialogue, resorting instead to community expulsions or death threats.

While the violent conflict was primarily between republicans and loyalists, feuding also occurred internally within the individual camps. Just a year and a half after the Good Friday Agreement, simmering tensions between loyalist paramilitary groups boiled over when Loyalist Volunteer Force (LVF) supporters were severely beaten by Ulster Volunteer Force (UVF) leader Richard Jameson and his men at the Portadown Football Club’s social club in December 1999. LVF members swore revenge and assassinated Jamestown, initiating a string of further killings that came to a head when the UVF used its sister organization the Red Hand Commando (RHC) to kill two of the LVF’s leading figures, Adrian Porter and Stephen Warnock. I had the responsibility of conducting the funeral of Stephen Warnock and intense inside mediation was needed to ensure it passed off peacefully. The feud was not over, however, until five years and at least four deaths later. In February 2006, the Independent Monitoring Commission reported that it had ceased. I along with a colleague was one of the main insider mediators working to bring this bloodletting to an end.

Critical friend

I have now spent 28 years of my working life in the inner city of Belfast, never more than 200 metres from a “peace line,” the massive security barriers that separate Protestant and Catholic communities. A sizeable proportion of my work and ministry has been devoted to acting as a critical friend to those who have used violence to pursue their political ends. I work with Action for Community Transformation (the ACT Initiative), through which members of the UVF and the RHC can demonstrate transformation and positive citizenship.

The ACT Initiative is a voluntary conflict transformation programme supporting former UVF and RHC personnel on their journey from peace to conflict. It involves three phases. The transitional phase provides the volunteers with a training environment that is safe, comfortable and conducive to learning. Workshops focus on their lived experiences and emphasize listening, communication and accountability. Participants discuss what needs to or what has changed in their lives as individuals, as a group, in our communities and in society. The deeper understanding and critical awareness this generates prepares them to engage their communities more constructively. Phase two, the operational phase, connects the volunteers with organizations and networks for community development. Distributed leadership is a core concept here. This principle recognizes the diversity of skills and expertise and encourages shared accountability and commitment to community development.

The third phase moves volunteers more deeply into civic engagement, emphasizing positive, active citizenship. They are encouraged to be more representative and collaborative within their respective communities – to become politically engaged, to join residents’ groups, forums, cultural and historic societies, or whatever is relevant in their communities.

Through its three phases, the ACT Initiative demonstrates transformation and citizenship, and promotes collaboration with all elements of civic society. In sum, it is a model of politicization, which supports the reintegration of former combatants in partnership with critical friends and the wider community.



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“The ACT Initiative is a model of politicization, which supports the reintegration of former combatants in partnership with critical friends and the wider community.”

In the tense and fragile context of post-conflict Northern Ireland, the positive contribution of former paramilitaries may seem to go unnoticed. In their thorough coverage of their participation in violence, the media has left us with a stereotype that leaves little place for the kind of journey to peace that many of these men have taken. Moreover, given that what they do may be considered politically covert, their involvement has not been included as part of the official story. And yet, through the ACT Initiative, UVF and RHC members are experiencing transformation from former combatants into active citizens and making a positive contribution to sustaining peace in Protestant working-class communities.

My role as an insider mediator is an unusual one for a clergy person, and I am often asked whether the church should talk to these men of violence. I firmly believe that serving as a critical friend to my community, being a mediator when violence threatens to overwhelm, is my life's work. That has been my role: engagement but not endorsement. My life has been shaped by a conflict I did not create and by forms of violence I do not endorse. But my life has also been transformed by a ministry that keeps me connected to the community that shaped me and engaged with the men I might have been.

Rev. Dr Gary Mason, a prominent Northern Irish inside mediator, serves on the board of the ACT Initiative, chairs Northern Ireland Alternatives, a leading Restorative Justice programme and is the director of Rethinking Conflict a Belfast based NGO.

Read more:

“Disarming Militant Groups from Within: Building Support for Peace amongst Combatants in Northern Ireland” by Benedetta Berti, Ariel Heifetz Knobel and Gary Mason, in: *Negotiations in Times of Conflict* (Tel Aviv: Institute for National Security Studies, 2015).

Action for Community Transformation (ACT Initiative) :
www.act-ni.co.uk



“No one
leaves home
unless home
is the mouth
of a shark.”

– Warsan Shire, *Teaching My Mother How to Give Birth*

Trafficking and Enslavement: a Systemic Part of Conflict

By Gulnara Shahinian

For months and years, hardly a day has passed without news of inhuman hardship suffered by people in war-torn regions, of desperate voyages in search of safety that end in exploitation or death. The heart-breaking stories and photos have not left us indifferent. But they continue to come and the figures are numbing: over 60 million people worldwide uprooted from their homes according to the UN High Commissioner for Refugees, thousands of people drowned in the Mediterranean Sea.

We look for signs of improvement – in vain. Recent studies in zones of conflict and along migration routes tell us instead that the human exploitation, the trafficking and the enslavement that accompany conflict and war like an inseparable shadow are taking on new proportions, intensifying and diversifying. In countries where conflict rages, trafficking of women, children and men takes many forms: sexual exploitation, forced labour, enlistment into armed and terrorist groups, exploitation for the drug and organ trade. Parents in their desire to protect their daughters from rape and sexual exploitation forcibly marry them: in Syria, early forced marriages are on an unprecedented rise. But for the majority, this survival strategy turns into domestic and sexual slavery – and often prostitution abroad.

“This slavery is being widely recognized as a crime against humanity.”

The barbarity exercised by Daesh in Syria against the Yazidi people is appalling beyond belief. Survivors like the young Yazidi woman, Nadia Murad, who testified before the UN Security Council, tell of the systematic murder of Yazidi men and enslavement of Yazidi women, who are violently raped, forced to serve as sexual slaves to militants, sold at slave markets and terribly exploited and beaten. Yazidi girls who do not want to convert to Islam and become sexual slaves are burned alive. This slavery is being widely recognized as a crime against humanity.

Alarming trends

Violence and trafficking are evolving in worrying ways. An International Organization for Migration (IOM) survey for the reporting period June to September 2016 shows that the hate-driven cruelty typical seen in early stages of a war – killing of men before the eyes of their families, enslavement of women, exploitation of children – is increasingly being augmented by the use of people as a throwaway resource to feed war-driven demands for organs and blood. Here the majority of victims are men. Labour exploitation remains rampant. People being smuggled out of the conflict zone are forced to donate organs or transport drugs such as Catagons as partial payment of passage.

Faced with the choice – which is a non-choice – between submitting to violence, cruelty and likely extermination and embarking on a risky journey of escape, people opt for the second, leaving behind their homes and life savings and agreeing to any conceivable conditions for the opportunity to bring themselves and their children to safety. Sadly, they become trapped in another tragic cycle, exposed to numerous risks at every stage of their journey. The IOM provides disturbing evidence based on data gathered from 9,000 migrants over the period of ten months in 2016 that more than 70 per cent of migrants arriving in Europe by boat are trafficked or exploited. Half of the respondents had been held against their will, often kidnapped for ransom, with forced labour without pay the only way to freedom. A December 2015 IOM report on human trafficking and exploitation in times of crisis mentions the disappearance of many migrant women and unaccompanied children, possibly for forced labour, sexual exploitation and other criminal purposes. Unfortunately the tragic journey of these people does not finish upon reaching Europe. Many are not granted entitlement to international legal protection; poor identification practices and the restrictive policies of some states result in heightened vulnerability to trafficking and exploitation. Terre des Hommes has reported forced labour, including child labour, in refugee and asylum camps.

Seeking durable solutions

This disastrous situation is rooted in countless causes: extreme poverty and absence of opportunities for economic development; environmental degradation; vulnerability to crime and lack of protection due to protracted political crises and civil wars; violence and unseen brutalities committed against ethnic and religious groups by extremist organizations. Current conflicts seem to have very limited perspectives for resolution: a political settlement for the Syrian war remains out of sight and there is no clear international strategy for addressing the related conflict in Iraq. No stability has been achieved in Afghanistan, Somalia or Libya. Programmes and policies to address the chronic poverty, discrimination, failing governance, climate and environmental changes in many developing countries have also been inadequate. Crises are expected to multiply as all of the many problems that people are facing stay unresolved.

Further study and analysis is needed to fully determine the nature and extent of the trafficking and enslavement in conflict zones and migration routes. But the information we already have provides sufficient grounds to state that trafficking is not a side effect of conflict, it is a systemic part of it, and requires special attention from the very onset. The current humanitarian crisis is providing us with strong alarm signals. There is an urgent need to develop durable, innovative policy responses that put human security and dignity at the centre.

Early warning

We should be very attentive to early warning signals and be able to address them immediately through diplomacy and in development and humanitarian programmes. Prevention has to be rethought to address the cause of vulnerabilities. By strengthening prevention, we might be able to stop the process of death and destruction at its inception.

Protection

People fleeing conflict should receive special protection and support. There needs to be a strengthened human rights-based approach to the identification of people on the move and a consideration of everyone's best interest in providing them with protection under the obligation of international law.

Research shows that the longer migrants spend in transit, the more likely they fall prey to criminal exploitation. To provide minimum security, it is necessary to strengthen the operation of European Union rescue teams and widen their geographic coverage.

Co-operation and co-ordination

Of all the magic words used to describe effective policies to fight human trafficking, these are the most important. Co-operation between countries of origin, transit and destination and among stakeholders in each country is crucial. A long-term and comprehensive strategy to tackle the causes and consequences of the current influx of migrants, adequate diplomatic and political efforts, improving and harmonizing asylum and resettlement systems are primary requirements.

Investment

Short-term and long-term investment and programmes that create viable opportunities for employment and economic development are needed in countries of exodus to promote peace and stability.

Analysis of root causes

Studies should be conducted on the nature and incidence of trafficking and enslavement in conflict and war zones. Root causes – indicators of trafficking and also of risks of trafficking – need to be studied, analysed and reflected in policies and laws. Otherwise, the wars, migration waves and environmental catastrophes that are driving today's crisis will continue to be replicated and expand.

Standard asylum procedures

Countries of destination have to agree on standard asylum procedures that consider everyone's best interest and ensure that the right to seek asylum as enshrined in the Universal Declaration of Human Rights and guaranteed in the European Union Charter of Fundamental Rights is upheld. Proper screening and identification should be provided. People fleeing conflict, victims of trafficking and slavery, women, children and other vulnerable groups require special attention.

Use of intellectual capital

The intellectual capital of refugees and asylum seeking should be used and enhanced as a resource both in the countries of asylum, lessening their burden and meeting their specific labour demands, and in the countries of exodus upon their return. Provided refugees, insofar as their potential allows, with job training in innovative market-oriented areas, which they can share with their country of origin, can be a good investment. In many countries to which I travelled in my capacity as UN Special Rapporteur, I witnessed situations of latent conflict in refugee camps where those with skills and education were not addressed at all. Effective use of human capital is invaluable for strengthening the protection and harmony in societies.

Today's crisis is a human rights crisis and a strong test for the value system to which we all adhere. We need political co-operation based on shared universal values and strong will of the political leadership. Human lives and dignity, our most valuable good, are at stake and every effort should be made to move from conflict to a sustainable peace.

Gulnara Shahinian is former UN Special Rapporteur on contemporary forms of slavery, its causes and consequences.

Through the Lens

of Transatlantic Slavery



By Julia O'Connell Davidson

Since 2000, it has become commonplace for politicians, policy makers and many NGOs to speak of human trafficking as the contemporary equivalent of transatlantic slavery. Writing of the horrifying surge in deaths of people crossing the Mediterranean from Libya in April 2015, for example, Italian Prime Minister Matteo Renzi wrote, "Human traffickers are the slave traders of the 21st century, and they should be brought to justice". The depiction of trafficking as a slave trade fits with a long history of thought in which slavery is defined by its reduction of persons to articles of merchandise. In 1845, George Bourne, one of the founders of the American Anti-Slavery Society, described the singular wrong of slavery as the fact it "reduces persons to things". Present-day trafficking in human beings is understood to be modern slavery because it similarly seems to disregard the line between persons and things that is fundamental to human dignity and wellbeing, treating human beings as nothing but commodities to be exploited for profit. It is therefore, the argument concludes, a trade that must be suppressed by any means necessary.

However, more careful attention to the history of transatlantic slavery points to a rather different set of conclusions about the defining horror of slavery, as well as about why migrants and refugees are vulnerable to exploitation and abuse, and the policy measures required to protect them.

Persons, things, and slaves

In New Orleans in 1834, a fire broke out in a mansion belonging to Dr. Louis LaLaurie and his wife Delphine. Neighbours who arrived to assist found the upper chambers locked, and when they broke in, they discovered seven people, still alive, but suspended from the ceiling by chains and horrifically mutilated. The victims were slaves belonging to the LaLauries, and Delphine LaLaurie was subsequently discovered to have tortured and murdered many more men, women and children. Antislavery publications of the time made much of this case, since it graphically revealed the powerlessness of the enslaved in the hands of their masters and mistresses. Yet it is important to note that in most slave states, the murder of slaves was illegal and Delphine LaLaurie had actually

violated Louisiana's civil code on slavery, which stated that owners must not maim, mutilate or kill their human property.

Property owners are normally free to do as they please with their property. There was nothing in the same civil code to prevent a property holder from, say, ripping up an unwanted book. This alerts us to the fact that whilst the enslaved were legally constructed as objects of property in the Atlantic World, they were not conceived of as "things" like any other. In fact, at the heart of slavery was a body of law that gave the enslaved what Saidiya Hartman describes as a "double character" as both things and persons. In theory, that body of law constrained slaveholders. More crucially, it constrained the enslaved by making them legally and morally responsible, as persons, for any criminal act they committed.

Unlike the livestock to which they were routinely compared, Atlantic World slaves were arrested, tried and punished for committing outlawed acts. These acts included every form of resistance or refusal to submit to the authority of a master or any white person, no matter how arbitrary or extreme. The law also criminalized any effort to escape. Indeed, under Fugitive Slave Law, the runaway slave was liable, as a person, for the crime of stealing herself, as a thing. This contradiction was a necessary feature of slavery. Unless human beings are killed or chained in dungeons, they retain the capacity to act independently, and a dead slave, or a slave securely locked in a dungeon, would not have been a productive asset. Slave law, with its spectacularly brutal punishments, was designed to prevent enslaved people from acting independently, in particular, from fleeing or resisting the conditions under which they were constructed as objects of property ownership.

In law, then, the slave was not quite a "thing", and not quite a "person". This ambiguity meant that in practice, the enslaved had no protection against an owner who chose to torture or murder them. Delphine LaLaurie's slaves would have been committing a crime had they left her house without her permission. Anyone who assisted them in escaping would also have been committing a criminal offense.

“Some people express moral outrage about the individuals who take advantage of the powerlessness of migrants and refugees in order to subject them to the most egregious violence and exploitation, without also condemning the laws that leave all irregular migrants potentially vulnerable to such abuse.”

Reframing the parallels between past and present

If the history of transatlantic slavery is to be invoked in relation to contemporary crisis-driven migrations, the slave trade that carried Africans into slavery in the Americas does not offer a useful point of comparison. African victims of the slave trade did not wish to move; it took overwhelming physical force to transport them. Refugees and migrants want to move, and for excellent reasons. The more convincing historical comparison is between contemporary migrants and refugees and slaves who attempted to escape from slavery. The latter sought to move to free territory in the hope of saving their lives and/or of radically improving their status and life-chances. Similar hopes motivate those whose movement today is described as a ‘migration crisis’.

If we focus on this common, strong desire for mobility, another clear historical parallel comes into view, namely, that between slave states and contemporary states, especially regarding the techniques they use to restrict human mobility. Almost all of the strategies currently employed by European Union states to that end were anticipated and deployed by slave states to control the mobility of the slave population, including: passports, visas, border patrols and surveillance, carrier sanctions, detention and also laws penalizing those who offer assistance and support to people who move without state authorization. In March 2016, Lisbeth Zornig, a Danish campaigner for children’s rights, was prosecuted and fined under people trafficking laws for allowing a family of Syrians to hitch a ride with her to Copenhagen. Her husband was also fined for taking the family into his home for coffee and biscuits and then driving them to the railway station, where he bought them tickets to Sweden. In this and similar examples, there is no parallel between what is being legally constructed as “trafficking” and the transatlantic slave trade, but there is a strong resemblance between today’s trafficking law and American fugitive slave law that was used to criminalize those who assisted runaway slaves.

There are also echoes of slavery to be found in the experience of those migrants and refugees who – with or without assistance – do manage to make it across the sea or

through the razor wire, past the “border hunters”, sentry points and other heavy and violent barriers to safe movement set in place by European Union states. Unauthorized migrants on European Union soil are increasingly criminalized for undertaking more or less any and all acts necessary to support life itself, from taking employment to renting housing to accessing banking services, and forced into destitution. They are also increasingly being forcibly immobilized, either through immigration detention or by measures taken to prevent them from escaping locations where they can barely access the means of life and are exposed to the elements, disease and fires (camps such as the recently closed Jungle at Calais and at the border to the Former Yugoslav Republic of Macedonia).

The similarities between the condition of those who today lack a regular, authorized immigration status and those who historically lacked free status in slave states are striking, but they do not lie in the reduction of persons to things. The similarities lie in the two groups’ construction as particular and unequal kinds of “person”. Just as the free white citizen of a slave state enjoyed, by mere accident of birth, rights and freedoms extending far beyond that of the slave, so today the European Union citizen (again often by accident of birth) has rights and freedoms far in excess of those afforded to the unauthorized migrant standing on the same soil. This inequality opens a space for exploitation and abuse.

Those who do not have rights to what is necessary to live on a given territory (work, housing, healthcare) or rights to move where they need to move, or to stand where they are standing (so that at any moment they may be seized, detained or forcibly moved across a border by state officials), are compelled to depend on others to mediate their access to mobility and the means of life. Given this intense dependency, it is no surprise that we hear reports of migrant and refugee children and women being sexually abused; or learn that migrants and refugees are paying huge sums to, and placing themselves in the hands of, individuals who say they can help them escape or subsist; or to discover that some of the people who offer them assistance turn out to be unscrupulous or even brutal, taking advantage of their vulnerability to cheat, exploit or abuse them.



Certainly, the individuals who abuse child and adult migrants are morally despicable. But the laws and policies that trap migrants and refugees in appalling, insanitary, dangerous and hopeless conditions, that separate them from their partners and children, that render them destitute and homeless, and that refuse them the rights that make (most) European Union citizens into full persons, are surely equally despicable. European Union asylum and immigration policies turn the lives of tens of thousands of peaceable men, women and children, who have moved only in an attempt to secure their own lives and wellbeing, into a mere game of chance.

A change has got to come

In pre-Civil War America, even white people who condemned slavery on moral grounds did not all believe it was feasible or practical to suddenly abolish it and make free and equal citizens of the enslaved. The abolition of slavery, they said, would depress the wages of free white workers, and lead to economic ruin since freed slaves would be a huge and unaffordable burden on the community. The enslaved were not ready for equal citizenship, they said. Slaves of African descent were too ignorant, too culturally different, too prone to violence. If freed, male slaves would sexually abuse white women, they said. It is uncanny how closely these arguments against the immediate abolition of slavery and the extension of equality to the enslaved resemble the arguments today made against opening the European Union's borders and ending discrimination on the basis of nationality.

Leaving aside the racism that informs such objections, the fact is that human beings will not stop moving – mobility is part of what it means to be human. People certainly will not stop moving from war zones and other contexts where it is impossible to access the means of life or pursue dreams and aspirations, towards places where the opportunities are greater. If we do not want them to drown, or to suffocate in container lorries, or to be

crushed under train wheels, or to be exploited and abused by people who promise to help them move and find work, but then trap and violate them, then we have to remove the barriers, restrictions and inequalities that make them so incredibly vulnerable.

Delphine LaLaurie provides us with the moral case for change. For while it is no surprise that antislavery activists were horrified by her crimes, we should remember that white slaveholding society was also appalled. Indeed, free citizens of New Orleans were so outraged by her depravity that they mounted the city's first riot to wreak revenge upon the LaLaurie home. Supporting or benefiting from the legal institution of slavery was not the same thing as supporting sadistic torture. It was therefore possible to condemn LaLaurie's excessive and gratuitous violence without also condemning the legal division between slave and free populations. Likewise today, some people express moral outrage about the individuals who take advantage of the powerlessness of migrants and refugees in order to subject them to the most egregious violence and exploitation, without also condemning the laws that leave all irregular migrants potentially vulnerable to such abuse.

If Europeans do not want to stand in relation to victims of trafficking in the same way that New Orleans slaveholders stood in relation to Delphine LaLaurie's victims, weeping over the fate that we – in effect – have sealed them into, then we have to start opening borders, resettling refugees, creating more legal channels for migration and working towards equal rights, regardless of nationality.

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Migration and Human Trafficking: an Inextricable Link

By Madina Jarbussynova

In a rapidly globalizing world, tackling human trafficking will only be effective if we understand its connection with mixed migration flows and the ever-changing international political and social context in which they occur. In response to the unprecedented displacement stemming from the prolonged instability along the Mediterranean shores, the Sahel and elsewhere, the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) has quickly adjusted its efforts to fight trafficking in human beings towards raising awareness of the perilous links between migration and human exploitation.

In the year 2015, FRONTEX, the European Union's external border agency, calculated more than 1.8 million detections of illegal entries, associated with an estimated one million individuals – more than 4.5 times the total number of arrivals for 2014, according to the UN High Commissioner for Refugees (UNHCR). To put this figure into perspective, it corresponds to the entire population of Vienna or Hamburg. Preliminary figures from 2016 show similar results. These statistics serve not only to illuminate the scale of the recent migration flow into Europe, but perhaps more importantly, should alert us to the scale of the response that is needed.

Too often in times of crisis, one sees profiteers emerge who seek to exploit the misery and vulnerability of others. Traffickers prey on individuals desperately lacking in security and opportunity, using threats and deception to control them for their own ends. Women and children are particularly at risk of being coerced into complying with the demands of those promising them safe passage to a better life. With the recent tightening of immigration policies, migration routes are now often longer, more expensive and life-threatening. By limiting people's opportunities for legal migration, this tightening has inadvertently aided both human smugglers and human traffickers.

Human smuggling vs. human trafficking

For many, the terms “human smuggling” and “human trafficking” have become simply interchangeable, resulting in a blurring of the distinction between the two. Yet, as often pointed out by leading international organizations and practitioners in the field, they are separate crimes. Smuggling always involves the crossing of an international

border and individuals who pay a smuggler to gain entry into a state do so voluntarily, at least in principle. Europol estimates that more than 90 per cent of the more than one million irregular migrants who surged into Europe last year used services provided by more than 40,000 people operating in loose criminal networks. With services rendered ranging from forging documents to bribing law enforcement officials, Europol estimates that criminal networks involved in migrant smuggling had a turnover of between €3 billion and €6 billion in 2015.

Human trafficking, by definition, involves some form of coercion, physical or psychological, for the purpose of exploitation of the victim. As laid out in Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, the exploitation must include “at a minimum, the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. Human trafficking is thus clearly a gross violation of human rights and dignity. As opposed to smuggling, it can also very well occur within national borders.

Given this clear distinction between human smuggling and human trafficking, why is it increasingly blurred, especially among the media and the general public? Interpol offers a compelling argument: although in principal, the relationship between smuggler and migrant ends once the individual arrives in the new country, there is considerable evidence that smugglers continue to exploit illegal migrants after arrival, through threats and demands for additional fees. Clearly, human trafficking is often a direct consequence of human smuggling among mixed migration flows.

By way of illustration, recent International Organization for Migration (IOM) data predicts that of more than 3,600 Nigerian women arriving by boat in Italy in the first six months of 2016 (double the number registered for 2015), more than 80 per cent will be trafficked into prostitution in Italy and across Europe. It is an increasingly sad reality that many women, after having survived a perilous and often life-threatening journey, simply disappear from asylum and reception centres into the hands of traffickers seeking to exploit them. Salvatore Vella, Deputy Chief Prosecutor in Agrigento, Sicily, recently lamented the fact that many asylum and reception centres were actually acting as “a sort of warehouse where these girls are temporarily stocked...before being picked up by mobsters”.

As regards migrant children, Europol reports that 85,482 unaccompanied minors arrived in Europe in 2015. There is little sign of this abating, with UNHCR, noting, for example, that from January to June this year the figure for unaccompanied minors arriving in Italy rose to 10,524, as compared with 4,410 during the same period in 2015. The European Migrant Smuggling Centre estimated in January 2016 that over 10,000 migrant children were unaccounted for. According to Věra Jourová, the European Commissioner for Justice, they run a high risk of being exploited by criminal gangs for human trafficking, sex work or slavery.

In view of such findings, the OSCE is refining its approach to addressing the intertwined phenomena of smuggling and human trafficking. Only when the link between the two is duly recognized, understood and analysed as having a concrete connection, will it be possible for governmental and non-governmental actors to better respond to them.

OSCE action

Despite the seriousness of these crimes, human trafficking in the context of crisis-driven migration is still largely overlooked by both governmental and non-governmental actors. Given the unique leverage of the OSCE as a regional security organization with human rights as part of its core agenda, my team and I at the OSR/CTHB have striven, since the onset of the migration crisis and the deterioration of the situation in Ukraine, to counter the accompanying exploitation of human life by traffickers. I have travelled to Ukraine several times and worked with the authorities and the Special Monitoring Mission to Ukraine (SMM) to raise their awareness as well as that of displaced persons themselves of the risks the crisis poses.

I have also carried out official visits to temporary protection and first reception centres in key locations along migration routes in the OSCE region, including in Turkey and Italy. Observing the situation on the ground has proven invaluable in assessing the scale of the danger of human trafficking at these sites and confirmed how important it is for migrants themselves to be aware of the perils they face. If victims of trafficking are able to identify themselves as such, they will be able to seek help more quickly and avoid being further abused or coerced.

These visits have enabled me to experience first-hand the progress made by authorities in identifying potential victims among mixed flows of migrants and refugees. It has become clear to me that there is still considerable potential for improving the capacity of frontline operators to screen such flows so as to promptly identify victims of trafficking. This is partly why our Office is further developing our guidelines on national referral mechanisms. Taking a participatory approach, we are beginning with a first consultation with anti-trafficking NGOs from the OSCE region and representatives of UN agencies in Geneva on 23 and 24 November.

Witnessing the current lack of efficient co-operation schemes and diverging legislative frameworks has provided inspiration for an ambitious multi-disciplinary and cross-sectorial project the OSCE is implementing in Vicenza, Italy, in 2016 and 2017.



Photo: OSCE/Claudio Formisano

From 14 to 18 November, a first group of around 200 law enforcement officials, prosecutors, labour inspectors, financial investigators and civil society representatives from frontline countries of origin, destination and transit along migration routes met at the Centre of Excellence for Stability Police Units (CoEPSU) in Vicenza. After two days of intense discussion of theoretical, methodological and technical aspects of anti-trafficking action, they participated in a three-day simulation exercise on the grounds of the Centre.

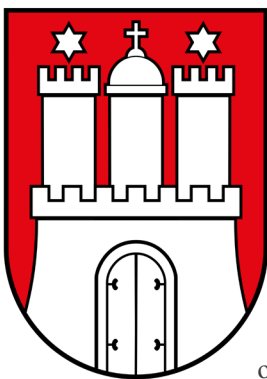
The goal of the exercise was to promote practical co-operation and joint solutions for victim identification and criminal prosecution. It focused on trafficking for sexual and labour exploitation and highlighted the fact that financial investigation is often the best means of dismantling complex criminal organizations. Reality-based scripts acted out by actors assured the realism of the simulations. At the same time, they contained no country-specific references and were therefore suitable for beneficiaries across the whole OSCE region. Experts coached the participants on how best to respond to situations as they unfolded before them.

With one third of the selected trainees for this first simulation exercise coming from the Western Balkans, it is my sincere hope that the skill and knowledge they acquired in Vicenza will be put to good use in the regional context. The exercise is an excellent example of how OSCE-wide projects can complement our support of regional co-operation in South-Eastern Europe, where we are working with our field missions and national partners to promote concerted action in preventing and tackling human trafficking along the Western Balkan route. In conclusion, this article offers but a cursory insight into the nature of some of the projects which the OSR/CTHB has been undertaking in 2016. Despite the scale and breadth of the challenges our region is facing, I am convinced that thanks to the OSCE's comprehensive approach to security and our close co-operation with international and local partners, we can make a significant contribution to highlighting and mitigating the scourge of human trafficking. In doing so, each and every one of us has a duty to recognize a human being in every single individual on the move.

Madina Jarbussynova is the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

Hamburg, City of the Hanseatic League

On 8 and 9 December, OSCE Foreign Ministers at the invitation of Chairperson-in-Office, Germany's Federal Minister for Foreign Affairs Frank-Walter Steinmeier, are convening in the City of Hamburg to seek consensus on the most important matters of security which the 57 participating States have negotiated over the past year. It is the first time the OSCE Ministerial Council has met in Hamburg. But hosting high-level representatives from across Europe to reach agreement on common concerns is not new for the city. In the Late Middle Ages, Hamburg was a prominent member of the powerful Hanseatic League, a confederation of merchant guilds and their market towns that stretched from Novgorod in the east to London in the west and at its height numbered over 200 cities.



Like the OSCE, the Hanseatic League took its decisions by consensus. Following the Low Saxon tradition of *Einung*, the proposals which gained sufficient support were dictated aloud to the scribe and passed as binding if the attendees did not object. Those favouring alternative proposals unlikely to get sufficient support were obliged to remain silent during this procedure. If consensus could not be established on a certain issue, a number of league members were empowered, by consensus, to work out a compromise.

For most of the four centuries of its existence, Lübeck was the political centre of the Hanseatic League. But from 1410 to 1416 Hamburg took over the lead and hosted the decision-making meetings. To this day, the city proudly calls itself the Free and Hanseatic City of Hamburg.

OSCE Exhibit on Austrian National Day

On 26 October, Austria's National Day, the people of Vienna traditionally take to the streets to visit numerous exhibits and displays in the in the capital city's centre. Around 1,400 people visited the OSCE exhibit at this year's open house at the Austrian Foreign Ministry.

Three members of the Special Monitoring Mission to Ukraine (SMM), currently serving in eastern Ukraine, were on hand to answer questions, as were trainers from the Austrian Armed Forces International Centre in Götzendorf, where newly recruited SMM monitors undergo a pre-deployment induction course to prepare for what awaits them in the field.

Austria will take over the OSCE Chairmanship under the leadership of Foreign Minister Sebastian Kurz in 2017. The concluding exhibition panel featured a summary of the Chairmanship priorities for the coming year: "Austria's OSCE Chairmanship will focus on three major threats to security and stability: The continuing increase of military conflicts; the growing threat to internal security through radicalization and terrorism and the continuing loss of trust between states as well as between citizens, on the one hand, and state institutions and organizations that need to safeguard their freedoms and values, on the other."



Photo: @BMEIA-Mahmoud



Organization for Security and
Co-operation in Europe