

Special Representative

OSCE's parlamentariske Forsamling
OSCE alm. del - Bilag 68
Offentligt

To:

PA President

and

PA Secretary General

ORIGINAL

Permanent Council Spot Report Week 30, 2007

The Parliamentary Assembly, in its Kyiv Declaration, has asked governments "to draw the only possible conclusion from the PA's status that persons acting on behalf of the OSCE PA enjoy the same rights and receive the same treatment as persons working for the OSCE's decision making bodies and executive structures". Some PA delegations have already been in contact with their foreign ministries about the issue of the draft convention on the legal personality, privileges etc. of the OSCE. I had reported about the attempts of the diplomats in Vienna to use this text as a vehicle to define the PA out of the organization. The consequence of these contacts has been assurances by some diplomats that they will support the PA. This was before the Annual Session.

It is important to note that none of them have so far publicly supported the PA. The only Vienna delegations supporting the PA in public have so far been the Armenian and the Danish delegation. However, the latter one, under pressure in particular from the Canadian and the German delegation, unfortunately withdrew their proposal for a compromise text.

The proposal that was tabled instead is called a "compromise", especially by those diplomats who verbally made concessions to their PA delegations. However, the text proposed is not a compromise. All it does is to spell out that parliamentarians and their staff can, under certain circumstances, be treated like any other OSCE outsider who temporarily works for the OSCE. In fact, by including the PA and its staff in the group of "persons performing tasks for the OSCE", the text implies clearly that the PA is not part of the OSCE. It goes even further: Parliamentarians and staff of the PA are only benefiting from this clause if they participate in "OSCE meetings" or in the "work of the OSCE". The first term explicitly excludes PA meetings, and the second term gives the power to determine when this is the case to the OSCE Secretary General – i.e. the executive branch.

While I still think that the best solution would be to list the PA as one of the OSCE institutions, and the second best to revive the Danish proposal, I will propose changes to the text that remedy at least partly the mentioned deficiencies. I have attached such possible amendments. Unfortunately, according to the reading of the Rules of Procedure by the Dutch Chair of the Working Group, I am not allowed to formally introduce drafting proposals; my right is limited to making comments. It is therefore indispensable that a national delegation in Vienna takes those proposals up. In order for this to happen, PA delegations could again approach their Foreign Ministries and urge them to change their policy. This should be possible, since the policy on these issues has apparently so far been made in Vienna, and not in the capitals.

By contacting their ministries, the PA delegations would also implement another decision of the Annual Session, since the Kyiv Declaration also "Calls upon the national PA delegations to assist national parliaments in pointing out the importance of a full and unconditional respect for the status and role of the PA as the parliamentary institution of the OSCE to their governments".

The next and probably decisive meeting of the Working Group will take place on September 13, 2007.



Andreas Nothelle
Ambassador
July 23, 2007

Appendix:

Suggestions

So-called “compromise” text:

Draft proposal for Article 1 (j)

[(j) “Persons Performing Tasks for the OSCE” shall refer to:

...

cc) members of the OSCE Parliamentary Assembly, their assistants accompanying them, and officials of the Secretariat of the OSCE Parliamentary Assembly, attending OSCE meetings or taking part in the work of the OSCE;

but shall not include persons who are locally recruited and receive an hourly or daily rate of pay.]

Possibilities to improve the text:

Instead of “persons performing tasks for the OSCE” the groups of people enumerated in the text should either be named “**other OSCE actors**” or – if this goes to far because of the other groups mentioned – it should read “**members and staff of the OSCE Parliamentary Assembly (OSCE PA) and persons performing tasks for the OSCE**”.

The second half of the sentence in “cc” “attending OSCE meetings ...” should either be deleted entirely, or it should read “attending OSCE meetings, **including meetings of the OSCE PA**, or taking part in the work of the OSCE, **including of the OSCE PA**”.

OUR INSTITUTIONS

17. The Parliamentary Assembly has developed into one of the most important OSCE institutions continuously providing new ideas and proposals. We welcome this increasing role, particularly in the field of democratic development and election monitoring. We call on the Parliamentary Assembly to develop its activities further as a key component in our efforts to promote democracy, prosperity and increased confidence within and between participating States.

18. The Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media are essential instruments in ensuring respect for human rights, democracy and the rule of law. The OSCE Secretariat provides vital assistance to the Chairman-in-Office and to the activities of our Organization, especially in the field. We will also strengthen further the operational capacities of the OSCE Secretariat to enable it to face the expansion of our activities and to ensure that field operations function effectively and in accordance with the mandates and guidance given to them.

We commit ourselves to giving the OSCE institutions our full support. We emphasize the importance of close co-ordination among the OSCE institutions, as well as our field operations, in order to make optimal use of our common resources. We will take into account the need for geographic diversity and gender balance when recruiting personnel to OSCE institutions and field operations.

We acknowledge the tremendous developments and diversification of OSCE activities. We recognize that a large number of OSCE participating States have not been able to implement the 1993 decision of the Rome Ministerial Council, and that difficulties can arise from the absence of a legal capacity of the Organization. We will seek to improve the situation.