

Special Representative

To:

PA President

and

PA Secretary General

Permanent Council Brief Weeks 48/ 49, 2006

These weeks saw the Ministerial Council Meeting on December 4/5. In Vienna, meetings of the Permanent Council, the Preparatory Committee, the Advisory Committee for Management and Finance, and the Working Group on Reform, took place. Meetings of the Preparatory Committee already started in Brussels as of December 2.

The Ministers took a number of decisions, out of which the one on strengthening the effectiveness of the OSCE, which was underpinned by two others on reform issues, as well as the one on the future Chairmanships, had been the most controversial ones. There also were to statements on Nagorno-Karabakh and on the future of the Mission in Kosovo, but none on Georgia or Moldova. This was to be expected, as much as it became quickly clear that there would again be no Ministerial Declaration, because of the ongoing controversy about the fulfillment of the so-called Istanbul Commitments. On the Istanbul Commitments, a large group of participating States represented by France, as well as the EU and the U.S., made statements urging for their full implementation, while Russia reiterated that it had met all commitments that result from the CFE Treaty.

Other decisions dealt with a number of regular OSCE issues and were less controversial; they are available on the OSCE website.

In the many meetings and negotiations that preceded the final adoption of the Ministerial Documents, two of the drafts on the table were of particular interest to the Parliamentary Assembly: the draft of a possible Ministerial declaration, and the ministers' response to the PC's and ODIHR's implementation of the reform agenda contained in the 2005 Ljubljana "Roadmap" Decision, called "decision on strengthening the effectiveness of the OSCE".

The failure to agree on a Ministerial Declaration also affected the paragraph on the Parliamentary Assembly it had contained, which – in a general way – assessed the PA activities positively, without referring to its election observation activities. This paragraph then reappeared in the perception paper issued by the Chairman-in-Office at the end of the conference. It reads: "Ministers stress the crucial role of parliaments and parliamentarians in safeguarding democracy, the rule of law and the respect of human rights at both the national and international levels. In this regard, they recognize the important role of the OSCE Parliamentary Assembly and appreciate the close interaction that has developed in recent years. Ministers commend its active contribution to conflict resolution by creating a forum for inter-parliamentary dialogue."

The decision on strengthening the effectiveness of the OSCE was soon to become the center piece of the Brussels Ministerial, over which the countries critical of the current situation of the organization in general and the work of ODIHR in particular on one side, and those on the other side, who do see no or only little need for reform, clashed. The UK, as the delegation fundamentally opposed to most reform efforts, and Russia, the main advocate of substantial changes of to OSCE procedures, made it a long and painful process, at the end of which stood some compromise decisions that might lead to an improvement here and there, but that do not deserve to be called a reform. In any case, they do not come in any way close to what for instance the Parliamentary Assembly Washington Colloquium had recommended. They include the setting up of three committees corresponding to the three OSCE dimensions, and an encouragement to the Secretary General to make energetic use of what most believe he could do anyhow. A number of countries therefore expressed their deep disappointment about this outcome, whereas Russia did seem less un-

happy about the results, perhaps because the documents contained some veiled appeals to ODIHR to change some of its practices related to election observation. The Chairmanship seems to have been very instrumental in achieving the compromise, which almost would have failed to get a consensus because of another last minute amendment by the UK delegation.

One issue in the document on strengthening the effectiveness was the relationship between the roles of ODIHR and of the Parliamentary Assembly. An earlier draft by the Belgian Chairmanship had contained language asking for full and unreserved implementation of the 1997 Cooperation Agreement. The call of the Parliamentary Assembly President to refer to the Parliamentary Assembly's Brussels Annual Session Declaration, which the Swedish Delegation had taken up, did not receive any support. A new wording then introduced by the U.S. Delegation and taken up by the Chairmanship strengthened the text by calling upon a full implementation of the Cooperation Agreement, in accordance with its spirit and its letter.

Despite all efforts of the Parliamentary Assembly to inform the diplomats about the deficiencies that exist in this respect, and despite the observations of non-compliance that the report of the "monitors of the monitors" contains, several delegations under the leadership of the UK made it a point that they did not see any failure of ODIHR to comply with the Agreement. I underlined that the Parliamentary Assembly in its Brussels Declaration would not have made this an issue if there was no reason for it. This group of delegates nevertheless insisted on deleting any reference to a need for the Agreement's full implementation. It has been reported to me that Austrian representatives in the EU Caucus had apparently questioned the merits of the Cooperation Agreement altogether, and that it was owed to the Finnish Chairmanship that the EU mentioned the Cooperation Agreement in its Ministerial Statement. The text of the decision, as it has finally been adopted, now only calls on ODIHR to "continue" to work in partnership with the Parliamentary Assembly on the basis of the Agreement.

In general, the atmosphere created in particular by a group of EU countries' delegates is tangibly hostile to any mentioning of the Parliamentary Assembly in OSCE documents. This became clear on occasions when isolated delegations that traditionally are in favor of a close cooperation with us – unsolicited by the Parliamentary Assembly – proposed to make reference to the Assembly. In spite of all efforts to show our readiness to cooperate, there appears to be a small group of EU countries' delegates who seem to be unwilling to seriously consider the concerns of the Parliamentary Assembly and who prefer to dismiss them as personality issues. I also can sense a strong reluctance on their side to see the Parliamentary Assembly as an integral part of the OSCE. This is in stark contrast not only to OSCE documents, but also to the attitude of others, inside as well as – in particular – outside of the EU; about a dozen of whom referred to the Parliamentary Assembly in their ministerial statements. We also have received positive signals from the incoming chairmanships of the OSCE (Spain) and the EU (Germany) that things might change for the better in 2007.

The last document - while welcoming Kazakhstan's offer to chair the organization, but spelling out certain conditions - postponed the decision on the Chairmanship in 2009, despite a commitment of participating States to take such a decision two years before it has to be implemented,. Russia, in an explanatory statement, made it clear that this did not mean to create a precedent in terms of conditions for future chairmanships. It was quite clear that an overwhelming majority of participating States would have been ready to join a consensus on a Kazakh Chairmanship in 2009, but that the resistance coming primarily from the U.S. and the UK made it impossible to arrive at a consensus.



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