

Special Representative

To:

PA President

and

PA Secretary General

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The first week, meetings of the Permanent Council, a Special Permanent Council, the Preparatory Committee, the Advisory Committee for Management and Finance (ACMF), and the Economic Subcommittee, took place. Parliamentary Assembly President Lennmarker participated in the Permanent Council on Thursday, which was devoted to the visit by the King of the Belgians, and talked briefly to Chairman-in-Office Foreign Minister of Belgium de Gucht. I was absent from the office for the election observation in Bosnia and Herzegovina. The second week, marking the first half of the Human Dimension Implementation Meeting (HDIM) in Warsaw, only saw a briefing by the Parliamentary Assembly on its election related activities, following the last briefing by Ambassador Strohal excluding the PA from active participation and disallowing the distribution of the letter in which I had complained about it.

The royal visit was rather ceremonial. Two days before, a Special Permanent Council had discussed Kazakhstan's ambitions for the Chairmanship in 2009, at the occasion of an address by Oralbai Abdykarimov, Secretary of State of the Republic of Kazakhstan. The U.S. made it very clear that – in spite of the improvements laid out by Mr. Abdykarimov – it did not consider a Kazakh Chairmanship in 2009 to be timely. While the CIS countries supported the candidature, all others remained quite vague on their position.

On the briefing about the Parliamentary Assembly's election related activities:

As I have reported many times, ever since the debate about finding a solution to the Russian criticism of ODIHR started, some delegates in Vienna have discussed whether reducing the role of Parliamentarians could help reduce the Russian dissatisfaction. The starting point is the false allegation that the former two PA Presidents have gone beyond the agreed post election statements in the Press Conferences after Election Day. In this context, diplomats usually oppose "Parliamentarians who fly in on the day of the election" against "ODIHR's experts employing a worldwide recognized methodology".

This assessment is based on a lack of knowledge about how the preliminary post election statement comes about. What diplomats do not know, or probably do not want to hear when they are told, is:

- For the past several years, ODIHR has insisted on drafting the text of the preliminary statement. In spite of the Cooperation Agreement, which calls for a close cooperation of the two OSCE institutions, and the Chairman-in-Office's appointment of a parliamentarian to deliver this statement, the Parliamentary Assembly is only allowed to comment on the draft after it has been distributed to all observer delegations, shortly before it has to be finalized.
- The draft is written by staff from Warsaw who fly in a few days before the election, based on the observations by the Long Term Observers, and other information. Contrary to what the Cooperation Agreement stipulates, ODIHR refuses to make this information available to the Parliamentary Assembly representatives in charge of preparing the Parliamentary Assembly's input into the draft. Instead, all the Parliamentary Assembly gets is the generally published interim report, which is based on this information.
- Disagreements about the text usually relate to differences of opinion about the target of the assessment. Parliamentarians want it to be restricted to an assessment of whether the voters could freely and fairly express their will, whereas ODIHR insists on including extended criticism of – to a large extent - technical details, which cannot be derived from the Copenhagen Commitments, and which are often worded in bureaucratic language.

- However, the post election statement and the Press Release are negotiated between all members of the International Observation Mission, and the Parliamentary Assembly Representatives have not gone beyond the agreed language.
- ODIHR has been ignoring several other important stipulations of the Cooperation Agreement, for instance the right of the Parliamentary Assembly to be included in Needs Assessment Missions, the respective roles of the Special Coordinator and the On-Site Coordinator (which ODIHR calls the “Head of Mission”), or to have an input into the final report by ODIHR.
- ODIHR has ignored calls by the Parliamentary Assembly to include more countries “west of Vienna” into their observation activities. Their current practice of one-sided decisions to send out reduced Assessment Missions to these countries usually means that the Parliamentary Assembly, if it decides to deploy a full mission to these countries, cannot get the usual logistic support.

In two meetings on July 7 and September 22, organized as informal briefings by ODIHR Director Ambassador Christian Strohal, the diplomats discussed what ODIHR’s report to the Ministerial Council will be. The meetings were based on a list of questions by participating States, which ODIHR had summarized, and which contained the issues of the cooperation between ODIHR and the Parliamentary Assembly and the Cooperation Agreement. On both occasions, the Parliamentary Assembly has been denied active participation in the meetings, one of which was held in parallel to the Parliamentary Assembly’s Annual Session. I was allowed to “observe” both meetings, in which several delegations criticized the Parliamentary Assembly and/or proposed reducing the role of parliamentarians in election observation.

This is why this informal briefing by the Parliamentary Assembly was organized. Since it had to be done in a timely connection with the aforementioned briefings by ODIHR, it was held on a Friday during the two-week HDIM. Although no official meetings take place in Vienna during these two weeks, it is well known that most ambassadors only visit Warsaw for a few days during this event. Delegations, including ambassadors, turned out in high numbers. The briefing lasted for almost two hours.

The briefing was conducted by Parliamentary Assembly Secretary General Spencer Oliver, the Chairman-in-Office appointed Special Coordinator of the last Election Observation Mission to Bosnia and Herzegovina, UK MP David Heath, Slovenian MP Roberto Battelli, member of the Parliamentary Assembly’s Transparency Committee and participant – as Special representative on South East Europe - in all recent Election Observation Missions in the region, and myself. We concluded that the Parliamentary Assembly is ready to continue cooperating closely with ODIHR, provided that ODIHR is ready to accept and fully implement the Cooperation Agreement.

Unfortunately, there was little readiness to discuss the issues listed above. While Russia and Belarus welcomed the meeting and called for an effort to solve the existing problems, some Western diplomats led by the representative of the Chairmanship preferred to criticize the timing of the briefing and the documents distributed in connection with it, and they reiterated – in general terms – their support for ODIHR. One ambassador made use of very unusual language, describing the attitude of the Parliamentary Assembly representatives as “sandbox”-style. The representative of the Chairmanship questioned the right of the four persons who conducted the briefing to speak on behalf of the PA. Secretary General Oliver had to remind him of the Brussels Declaration passed in July, which says:

“87. Recommends that OSCE participating States take into account all of the existing commitments regarding elections, while making sure that these commitments are applied to elections in all participating States, and avoid double standards in any case;

88. Urges the Parliamentary Assembly to continue to provide political leadership to the OSCE Election Observation Missions, with the technical, logistical and long-term observer support of ODIHR respecting the Co-operation Agreement and, if possible, reinforcing it;

89. Encourages the OSCE Parliamentary Assembly to continue its practice of deploying short visits during the pre-electoral period, which can at times help to achieve a true image of the evolution of the election campaign.”

Mr. Heath expressed his astonishment that a representative of the Chairmanship referred to him as “an individual expressing his individual opinion” in spite of the fact that he had just completed a task transferred to him by the same Chairmanship, and on the experience with which he now was reporting. He also reminded him that the Chairmanship is the guardian of the Cooperation Agreement. This was a welcome contrast to the obvious strategy of some diplomats to depict the briefing as a waste of valuable ambassadorial time by reporting a family in-fight. The Cooperation Agreement has been concluded with the Chairmanship, not with ODIHR, and the participating States are discussing ODIHR’s report to their Ministers, with some having the

intention of impacting directly on the Parliamentary Assembly's role in election observation, without allowing the PA to comment on it. It is therefore inappropriate to refer this back to the PA and to ODIHR to settle the issue among them. As the following shows, the reason why this briefing was overdue goes even further, because the root cause of the problem lies in the general attitude that the OSCE executive branch displays towards parliamentary participation in OSCE matters.

After the meeting, in a private conversation with one of the ambassadors, Mr. Heath expressed his satisfaction that in Bosnia and Herzegovina he had succeeded for the first time to have ODIHR accept that the International Observation Mission is a joint exercise of the "OSCE, comprising ODIHR and the Parliamentary Assembly", together with the Parliamentary Assembly of the Council of Europe, although again the draft of the preliminary statement had only been given to him in a pompous ceremony together with the head of the PACE delegation. He then was told that this touched upon the "theological" question of whether the Parliamentary Assembly was part of the OSCE or, as this diplomat seemed to prefer, a separate organization. This, of course, is not only contrary to the founding documents of the OSCE, but in particular to the Istanbul Charter, adopted by the Istanbul Summit in 1999, which opens the chapter on the OSCE Institutions by stating that

"OUR INSTITUTIONS

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."

and the Istanbul Ministerial Declaration of the same Summit, which expressed

"We value the work of the ODIHR and the OSCE Parliamentary Assembly - before, during and after elections - which further contributes to the democratic process."

Like the 1997 Cooperation Agreement, they clearly call for a continued and cooperative involvement of both institutions into the whole election observation process. It is unclear to me, why some delegations, after we had reached a positive development in the first years after the opening of the office, continue their attempts to keep us at a distance. This regression has been particularly noted since the beginning of this year.

A general dislike of the Parliamentary Assembly involvement into the OSCE's activities is the only explanation, why some have jumped so easily to the conclusion that ODIHR'S problem is the Parliamentary Assembly, because there is no real basis for this assumption. It is also regrettable that some use it as an additional argument against the Parliamentary Assembly, when countries that are generally critical of ODIHR support the Parliamentary Assembly's effort to put the facts on the table. It is the refusal to take the Parliamentary Assembly's complaints seriously and to remind ODIHR of its obligations under the Cooperation Agreement, or to undertake steps to deescalate the situation, which has brought it into the open and made this unpleasant development possible. I in particular am disappointed that my continued calls for a discreet and serious consideration of our arguments have thus far been ignored.



Andreas Nothelle
Ambassador
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