

Special Representative

To:

PA President

and

PA Secretary General

*Working Group on Legal Status and Immunities on April 19/20, 2007
Supplementary Information on Position of Canadian Delegate*

I talked to the Canadian delegate during a coffee-break. In a nutshell, this is what he told me:

He “understands the attempts of the PA” to get a similar status as the one that the OSCE institutions have. But this would be totally unjustified and is absolutely unacceptable for Canada, the only legitimate representative of which is the government. The Charter of Paris has diligently made it clear that the PA is not an institution of the CSCE/OSCE; it rather is a private group like the NATO PA was when it was founded. All later documents (including Istanbul, which calls the PA “one of the most important OSCE institutions”,) are friendly political declarations, but have no effect on its status. The OSCE Rules of Procedure, which define the PA as an OSCE body, are for internal use only and do not have any legal character.

The convention that the group is working on is the first legal document on the OSCE. There is no way that Canada will accept recognition of the PA in such a legal document.

There also is absolutely no way that the PA International Secretariat and its staff could be put into one category with OSCE officials. There is no such thing as “international civil servants”. The only rationale for giving OSCE officials diplomatic privileges and immunities is because they are performing tasks that otherwise would be performed by diplomats. PA staff never perform diplomatic functions.

He was the first one to put it into such clear language. But over the past months it has become clear that – as a reaction to our fight with the PA – someone must have produced a piece of research which resulted in this argumentation, since many, in particular the UK, Italy and Belgium keep using similar arguments. I am afraid that the legal expertise on the status of the PA which the OSCE Legal Services have been asked to produce will come to the same conclusion. This is where the arguments probably originated from in the first place.

The consequence might be that the planned convention on legal status and immunities of the OSCE, if it is met with consensus, will legally exclude the PA from the organization and will then serve as a basis for further diminishing our role in the organization.



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