

Special Representative

To:

PA President

and

PA Secretary General

Permanent Council Brief Weeks 16 - 18, 2007

During these weeks, meetings of the Permanent Council, the Contact Group with the Asian Partners, the PC committees and of the Working Group on international legal personality, legal capacity and privileges and immunities of the OSCE (WG on the legal status) took place. I also accompanied PA Vice President Grossruck and Special Representative on South East Europe Battelli to the SEECP Conference of Speakers of Parliament, and participated in the South East Europe Regional Heads of Missions Meeting in Montenegro, as well as in the Bureau Meeting in Copenhagen.

The Permanent Council took three decisions, on the extension of the appointment of the external auditor (Norwegian Court of Audit), Agenda, timetable and other organizational modalities of the 2007 Human Dimension Seminar, and of the 2007 OSCE Workshop on the Implementation of the Ministerial Council Decision No 7/03 on Travel Document Security. The other main points on the Permanent Council agenda were addresses by the Foreign Ministers of Armenia Vartan Oskanian of Ukraine, Arseniy Aytsenyuk, and of Kazakhstan Marat Tazhin, as well as by the Heads of the OSCE Missions to Skopje, Ambassador Giorgio Radicati Ambassador (together with Erwan Fouéré, European Union Special Representative, and Head of the European Commission Delegation) and the Project Coordinator in Ukraine, Ambassador Schumaker. All delegations praised the work of these offices. Ambassador Ake Peterson, Head of the OSCE Office in Minsk, referred in his report to the OSCE PA Working Group meeting in March, which had been headed by Uta Zapf. Germany (EU) and Canada welcomed the seminar held by the OSCE PA. Russia reminded the Office of its duty to remain within its mandate; the monitoring of domestic Belarusian politics was not part of the core mandate.

Under "Current Issues", the Permanent Council discussed the following issues raised by participating States: freedom of assembly in Russia (raised by the EU on the subject of the demonstrations in the country of which Russia gave a detailed account), death penalty in the U.S., developments in South Ossetia, recent events in Transdnistria, freedom of the media in Azerbaijan, the situation in Kyrgyzstan (the country included information on the PA President's visit to the country), the 21st anniversary of Chernobyl, the WW 2 Memorial in Estonia and related events, EU sanctions on Uzbekistan, the situation of Human Rights Defenders in Uzbekistan, World Press Freedom Day and ODIHR's compliance with MC Decision 1906 of Brussels on "Enhancing the Effectiveness of the OSCE". According to Russia, ODIHR has so far failed to implement the MC decision 1906 and to deliver written reports on its implementation. Belarus aligned itself with the statement, adding that no solution to the problem with the PA had been achieved. The U.S., the EU, Canada, also on behalf of Iceland, Liechtenstein, Norway and Switzerland rejected these accusations, underlining the importance of safeguarding ODIHR's autonomy. In the following meeting, under the item "recent election-related issues", Germany (EU) again expressed support for ODIHR as well as for the "measures taken by the Chairman-in-Office in order to assure cooperation between all those involved in OSCE Election Observation Missions". On May 8, 15:00 ODIHR Director Ambassador Strohal will informally brief the delegations on election-related matters.

Under "Any other business", Bulgaria informed the Council about the elections on 20th of May and Ireland announced parliamentary elections scheduled for the 24th of May. Austria informed about a draft bill for changes of the Austrian election law allowing international observers to observe Austrian elections.

In the Contact Group with the Asian Partners, which I informed about the ongoing PA visit to Central

Asia, Partners expressed their impatience about the lack of progress on the establishment of a partnership fund. In this context, the Afghan ambassador reminded me of the country's wish to establish a close cooperation with the PA on parliamentary projects. The Group also discussed the upcoming OSCE-Asia conference in Ulaanbaatar, Mongolia, on June 12/13.

The main political issue in the PC is the growing alienation between participating States from the CIS on one side and the EU and the US on the other side. The issues debated are only symptoms of a deeper crisis. The way in which the EU Presidency and the U.S. address contentious issues like the situation in Uzbekistan, the Kazakh bid for the OSCE Chairmanship, the demonstrations in Russia, the clashes in Estonia, and the like is seen by those countries as an indication of double-standards. While most of them make an effort to give detailed descriptions of the controversial events in order to demonstrate that they are in line with their commitments, they feel that the other side, instead of arguing on this basis, resorts to the rhetoric of the past. Countries West of Vienna, on the other hand, feel that there is a growing tendency in many CIS countries to move away from a genuine implementation of their commitments. The Forum for Security Cooperation has taken up the suggestion to make the U.S. plans for the stationing of anti-missile systems in two participating States an item of its debate on politico-military issues.

Another very contentious item has become the relationship with the PA. On one hand, the Spanish Chairmanship in its Food for Thought Paper "Road to Madrid" described the role of the PA and the need for cooperation in positive terms (in the paragraph on the "relationship between the Chairmanship and the different constituent parts of the OSCE" it specifically mentions the CiO's talks with the PA, and later it says: "The renewed engagement of the Parliamentary Assembly is also a symbol of the attention parliamentarians pay to our common activities and constitutes per se a positive signal of the vitality and relevance of our Organization").

On the other hand, others discuss the relationship in a very fundamental manner, not only in the context of the conflict about the Parliamentary Assembly's role in election observation and the recent exchange of letters between the Chairman-in-Office and the PA President, but also in connection with the drafting of a convention on the legal status of the organization, with positions taken by high PA representatives on issues like the bid of Kazakhstan for the OSCE Chairmanship, or with respect to the practice that has been established in the past years to have a formal interaction on the OSCE budget. From the many meetings and conversations I had with ambassadors and with the leadership of the OSCE Secretariat, I have received a clear impression that several delegations in Vienna seem to be wanting to put an end to what they probably see as PA expansionism and even turn the wheel back in time. One central point of this is the question they raise about whether the PA is an OSCE institution or another type of formal OSCE body, or whether it should refrain from any interference with the work of what they see as a purely intergovernmental organization and only deal with direct contacts with other parliamentarians, outside of the official OSCE structures. Others argue that the ambitions of the PA given the current East-West crisis of the organization create an additional danger to its further existence.

This leads to very practical difficulties in my work: for instance, according to delegations' reading of the OSCE Rules of Procedure, I have no right to formally introduce – on behalf of the OSCE PA – any amendment to draft texts. I may comment on them, but in order to become formal proposals, they need to be taken up by a national delegation. On the issues of getting some language on the PA into the draft convention on legal status and immunities, I have so far not found any delegation that is ready to take up our proposals.



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