

Special Representative

To:

PA President

and

PA Secretary General

PC Spot Report June 14/15, 2007

During those two days, the discussions about an inclusion of the PA into the scope of a draft Convention on Legal Status, Legal Personality, Privileges and Immunities of the OSCE continued.

After the refusal of my proposal to make the Convention – as a logical consequence of the status of the PA as an integral part of the OSCE - applicable also to the PA, Denmark had proposed in the last meeting an article which - as a compromise - avoided any definition of the PA's place in the organization, but made sure that the effects of the Convention would also cover the PA. The text proposed was the same as one that in 2002 had already been part of an earlier draft.

However, the delegations of Germany, Canada and the UK again made it clear in strong terms that they reject the idea that the PA is part of the OSCE. Canada also claimed that the inclusion of the PA would violate Canadian legislation. Numerous efforts of the Dutch Chair and the Austrian Co-Chair to come to compromise solutions failed because of the persistent opposition of these three delegations. At some point they were also supported by Portugal. My reference to the OSCE documents and the history of the organization, which give clear evidence that the PA is the parliamentary institution of the OSCE, was again ignored. In this context, the German delegate criticised at some point that "some participants informed others outside of this room about what individual delegates said in the Working Group", apparently referring to my reports to the leadership of the PA. With the exception of Armenia and Turkey, none of the delegations who had told me bilaterally that they could support the proposed article took the floor to help the Danish delegate.

The Chair then proposed a new text which deals with PA members and staff as "Other Persons Performing Tasks *for* the OSCE", clearly presenting them as outsiders to the OSCE, and extending limited privileges and immunities to them only "if they participate in OSCE meetings". In the eyes of some delegates the latter does not automatically include PA meetings and leaves – at the present state of the convention - the decision, what is an OSCE meeting or task, up to the OSCE Secretary General. I criticised this as unacceptable and asked for a postponement of the discussion until the meeting which will take place after the Annual Session, in order to give the PA time to discuss the issue. In spite of my criticism, Denmark then, urged by the Chair, withdrew its own proposal. The new text will be included into brackets and only discussed at a later stage. In her final remarks, the Chair said that "while they all had heard what the PA representative had to say, this would also give an opportunity to the delegations to individually discuss the issue with their national parliamentarians."

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Ambassador
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