

## Special Representative

To:

PA President

and

PA Secretary General

### *Legal Status*

*Next meeting of the Working Group on a Draft Convention on the International legal personality, legal capacity and privileges and immunities of the OSCE on October 11*

In the last meeting, due to stiff resistance from some participating States, the only compromise delegates in the Working Group could agree to with respect to the inclusion of the PA was a text which

- treats the PA members and staff as “other persons performing tasks of the OSCE” and
- leaves it up to the Chairman-in-Office, which activities they participate in can be determined as “OSCE work”.

While this constitutes a step away from the original refusal of some delegations to include the PA at all, it still has severe negative consequences. It means that

- the PA is not considered to be a regular part of the OSCE
- the PA and in particular its International Secretariat are still not accepted as “the parliamentary Institution” of the OSCE, as the PA’s 2007 Kyiv Declaration words it
- it is in the hands of the Executive Structures whether PA activities are considered to be OSCE work, which seriously affects the autonomy of the PA within the organization.

Several PA members have already voiced their strong concerns during the recent PA meetings in Portoroz. However, the upcoming meeting of the Working Group will be the last one before the Ministerial Council. Delegates of participating States taking part in the meeting will act upon instructions from their governments, which will be based on the proposal outlined above, limiting their room for manoeuvre.

As a consequence, it is very unlikely that the text will be changed in the meeting, unless there is heavy and immediate pressure from all Heads of OSCE PA delegations on their respective governments. Without such a pressure, the PA will either not figure at all in the first and only legal document of the OSCE – with negative consequences for the further development of its relationship with the Executive and its status - or it will be listed as a quasi-outsider whose activities are subject to decisions by the Executive Structures of the OSCE.

Either way, the next meeting threatens to have severe consequences for the status of the PA within the organization, if no urgent action is taken by the delegations.



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Ambassador  
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