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To the Heads of delegation
Parliamentary Assembly of the OSCE

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Dear colleague,

during the 16th Annual session of the OSCE-PA in Kiev we expressed our responsibility as parliamentarians with regard to the further development of the OSCE-Parliamentary Assembly by passing the "Resolution on the Role and Status of the Parliamentary Assembly within the OSCE".

In particular we underlined that there is a need for an effective involvement of the PA in the work of the OSCE as called for in the Charter of Paris. We urged governments to increase their efforts to solidify the status and role of the PA as an integral part of the organization while maintaining its autonomy. For us parliamentarians it is of particular importance to urge the OSCE executive structures to implement the Ministerial decisions from Brussels which defines OSCE election monitoring as a joint PA-OSCE/ODIHR exercise based upon the basis of the 1997 Cooperation Agreement. In addition I consider important the call upon the OSCE Chairmanship to place before the Permanent Council the Report of the 2005 Washington Colloquium, along with the recommendations of the OSCE PA Ad Hoc Committee on Transparency and Accountability, for consideration and discussion, including also with representatives of the OSCE Parliamentary Assembly.

The resolution contains important and forward looking views which I addressed in my presentation in the plenary debate. My thoughts on the further development of the status and role of the OSCE Parliamentary Assembly in the framework of the reform of the OSCE are laid down in a paper the content of which I am including as annex.

I would appreciate it if these views could contribute to the further discussion with regard to this important-topic.

Kind regards



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Thoughts on the further development of the status and role of the OSCE Parliamentary Assembly in the framework of the reform of the OSCE

Introduction

The core political issues at the beginning of the 1970s centred around objectives aimed at promoting peaceful coexistence in an era of Cold War confrontation. Détente, disarmament, renunciation of the use of force, equal conditions of security for all States, international cooperation in the fields of economics, science/technology, the environment, information and personal contacts, as well as respect of human rights and fundamental freedoms were the topics that the leaders and governments of the Western European countries, the United States, and Canada focused their attention on.

After years of confrontation between the superpowers and the blocs they led, the conviction emerged that despite continuing tensions in East-West relations, arising from opposed ideological beliefs and systemic differences, efforts needed to be undertaken in two directions. An attempt needed to be made to work towards the establishment of a constructive dialogue between East and West. And efforts needed to be undertaken to develop cooperation in areas where the countries involved were able to identify common interests.

The United States and Canada as well as the heads of state and government of thirty-three European countries viewed the Conference on Security and Cooperation in Europe as a promising opportunity to promote these objectives. At their meeting in Helsinki on 22 November 1972 the Finnish government took the initiative in the consultations with a view to convening a high-level conference aimed at concluding a treaty in which the problems that were the basis for the tensions in Europe would be resolved. The CSCE had started to take shape. The executive governments acted responsibly in a time of considerable international tension. The parliaments, for their part, also demonstrated responsibility in assuming their own role in due course and in an appropriate manner.

1. The developments that have taken place since the beginning of the Helsinki Process in 1972 and the signing of the Final Act of Helsinki in 1975, the Charter of Paris in 1990, and the Charter for European Security in Istanbul in 1999 testify to the fact that the driving forces behind these events have not been the executive governments alone. These developments, which have always contained elements of reform, have also been driven forward by the parliaments.

Parliamentary delegations from the IPU accompanied the CSCE Process at special CSCE conferences. In the national parliaments they discussed the results that had been achieved by the governments at the time as well as the resolutions they adopted at the conferences they held. This was done at seven CSCE conferences organized by the Inter-Parliamentary Union. They were held in Helsinki (January 1973, at which time a resolution was adopted stating that the national parliaments should also be involved in the process of reducing tensions and strengthening security in Europe), in Belgrade (January/February 1975), in Vienna (May 1978), in Brussels (May 1980), in Bonn (May 1986), and once again in Vienna (May 1991). Up until 1990 parliamentarians from the participating States held special meetings on CSCE matters, including during the twice yearly (spring and autumn) sessions of the IPU Assembly. Through their continued support of human rights and democracy, parliamentarians from the democratic countries made a significant contribution towards the collapse of totalitarian governments.

2. This fact was paid tribute to at the Paris Summit in 1990, when the decision was taken to establish a CSCE Parliamentary Assembly for the purpose of promoting greater involvement of the national parliaments in the CSCE process. The CSCE PA was established at a special meeting, attended by parliamentarians from the then participating States, held in Madrid from the 2nd to the 4th of April 1991. This was done with strong support from the Chairman of the Committee on Foreign Affairs in the US House of Representatives, Congressman Dante Fascell (Democrat, Florida), and the President of the Spanish Parliament, Felix Pons Izazarabal. Pons Izazarabal deserves recognition for having laid out the preconditions for establishing the CSCE Parliamentary Assembly in the Western capitals and for having actively pursued this objective.
3. In 2006, the Council of Ministers, under Belgian chairmanship, undertook efforts to promote reform aimed at strengthening the OSCE. This process was moved forward among other things by creating a Panel of Eminent Persons. Considerable importance is attributed to the OSCE PA in an overall description of the status, role, and approach

of the OSCE. It is seen to be making a special contribution as a privileged member of the OSCE family. In particular, it is felt that the OSCE PA can play an important role in promoting awareness of OSCE principles and obligations in national parliaments.

For me as a parliamentarian in a national parliament and a member of the OSCE PA there is a question that arises in connection with this observation. The question I am referring to here is whether my parliament and, indeed, all of our parliaments are being included in the necessary process of democratization of multilateral organizations in keeping with their constitutional status, all the while respecting their relationship with executive government in accordance with established principles regarding separation of powers.

The OSCE PA took a position on this in a resolution in which it called for measures to enhance its role and increase its efficiency (Brussels 2006). In this context it stressed the crucial role played by parliamentarians in safeguarding democracy, the rule of law, and the respect of human rights at both the national and international levels.

4. Mindful of the important role played by parliaments, the OSCE PA discussed a resolution on reform of the OSCE at the Annual Session held in Washington in 2005. The resolution contains an appeal for us to implement the recommendations it lays out for effective reform of the OSCE.

The OSCE PA and the Swiss Foundation for World Affairs jointly organized a colloquium on "The Future of the OSCE" in June 2005. Key focuses at that meeting included election observation missions and the need to strengthen cooperation between the Office for Democratic Institutions and Human Rights and the OSCE PA with a view to protecting the independence of the OSCE in carrying out these missions. The fact that since the introduction of the election observation programme more than two thousand OSCE parliamentarians have been involved in election observation missions in countries inside and outside of the OSCE illustrates the need for constructive implementation of the cooperation agreement concluded in 1997 between the OSCE PA and the OSCE Chairman-in-Office.

This agreement attributes the leadership role in this matter to the parliaments and/or the OSCE PA. In this sense, there should be no disputes as to whether or not elections have been held freely and fairly. The role of the special coordinator proposed by the President of the Assembly to head the OSCE short-term observers deserves to be highlighted here. This is justified, given that the special coordinator is an elected parliamentarian proposed by the President of the Assembly and appointed by the Chair-

man-in-Office. General standards need to be developed for election observation missions, but without prejudice to existing commitments. An important consideration to keep in mind with regard to the future of the OSCE and improving cooperation with the OSCE PA concerns the need for the OSCE to develop an ability to make timely decisions by adjusting its decision-making procedures. Specific measures were proposed with regard to improving the ability of the organization to function effectively, i.e. enlargement of the analytical capacity of the OSCE Secretariat by forming a department of analysis and planning, the incorporation of accumulated practical experience in an office of management and consultation, as well as the development of an operational capability for rapid deployment in times of crisis. This thinking is along the same lines as the objectives laid out by the Panel of Eminent Persons in its "Structural Response", i.e. strengthening the OSCE's identity and profile, improving its consultative and decision-making processes, clarifying the roles of the Chairman-in-Office and Secretary General, enhancing field operations, and strengthening operational capacities.

5. The Report of the Colloquium on "The Future of the OSCE" stated that the OSCE Parliamentary Assembly could approve the budget and confirm the Secretary General after nomination, doing so on the basis of an absolute majority or a weighted majority vote and after appropriate consultations. The influence of the OSCE PA can be greatly strengthened by promoting adoption of this reform and then jointly embracing and implementing the contents of the reform. At the same time, the necessity of more effective enforcement of the monitoring mechanisms of the work of the OSCE in order to increase the efficiency of the organization and to ensure a higher level of transparency and accountability in the organization, as expressed in the Brussels Declaration of 2006, was taken into account. If the Report notes that the OSCE needs to increase its network capabilities and reinforce its strategic cooperation with the EU, NATO, and the UN, then the national parliaments can contribute their experience in the inter-parliamentary assemblies. This spring the IPU initiated the process of setting up a Committee on United Nations Affairs. Membership of parliamentarians from OSCE participating States who are at the same time members of the EU and NATO will have an effect on democratization of third-party countries. It will be possible to work against democratic deficits there.
6. If, as an international organization of major importance, the OSCE continues to assume a key role in the promotion of security and stability in Europe, this will necessarily mean a stronger role for the OSCE PA as well. As such, the latter will need to be involved more closely in and/or allowed to participate in OSCE decision-making processes. The Parliamentary Assembly of the Council of Europe could serve as an example here. The OSCE PA should be able to undertake greater political initiatives in the

areas of conflict prevention and crisis management on its own responsibility, in cooperation with the Permanent Council. Such initiatives might, for instance, be related to fact-finding missions and special negotiating mandates. Their planning and implementation could take place in the framework of the "parliamentary diplomacy" that has been developing in recent years. For us parliamentarians this could open up fields of activity in numerous OSCE areas within the relevant bodies and institutions. Initiatives of this kind need to be undertaken in an effort to promote OSCE reform mechanisms with the aim of achieving a smoothly functioning and highly effective organization.

7. Cooperation between the executive structures of the OSCE and the OSCE PA should extend to all institutions and instruments whose ability to work and effectiveness needs to be strengthened. In keeping with this, the OSCE PA's Washington Resolution recommends taking the Report on the Colloquium on "The Future of the OSCE" into account in negotiations held at the government level and to include representatives of the OSCE PA in these negotiations. They would be the High Commissioner on National Minorities, the OSCE Representative on Freedom of the Media, the Office for Democratic Institutions and Human Rights (ODIHR), as well as field and election observation missions. Without going into the details of the legal status of the OSCE PA in the OSCE framework, it can be said that there is a need here to recognize dividing lines between the executive and legislative branches. But they must not be understood as factors that would stand in the way of closer cooperation with the executive structures of the OSCE in matters regarding the implementation and enforcement of OSCE resolutions.

When the participating States express their conviction that full respect for human rights and fundamental freedoms as well as the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice, and cooperation that they seek to establish in Europe (Copenhagen Document 1990), then it must be said that the efforts needed to achieve this end cannot be left to the initiative of the executive branch alone. Human rights and fundamental freedoms are the birthright of all human beings. They are inalienable and guaranteed by law. If their protection and promotion is the first responsibility of government (Charter of Paris 1990), then this responsibility must also apply to parliaments. Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law (Charter of Paris 1990). The will of the people is guaranteed and implemented by parliaments. As such, the possibility of parliaments to exert influence through the OSCE PA should be given at the meetings and, in part, also within the institutions of the OSCE. It is not enough that the OSCE Chairman-in-Office and

the OSCE Secretary General are accountable to parliamentarians during the annual sessions of the OSCE PA. The reaffirmation that respect for human rights and fundamental freedoms, democracy, and the rule of law is at the core of the OSCE's comprehensive security concept (Charter for European Security 1999) is also directed at parliaments, who debate and monitor the policies of their governments in the national parliaments. This is where the actual process of checks and balances take place with regard to government. The OSCE PA is called upon in connection with efforts to promote democracy to try and exert an influence on those parliaments that have been hesitant to exercise genuine control functions. Policymaking is not something that should be done in the absence of parliamentary controls.

The way cannot be paved for the development of democracy and the rule of law in all OSCE countries unless our parliaments are committed to the rule of law. The governments and the executive structures of the OSCE impose conditions. They exert an influence on instruments, mechanisms, bodies, and institutions. The integration of the national parliaments and the OSCE PA as their representative in activities of the "official OSCE", i.e. in negotiating and decision-making bodies as well as in operational structures, institutions, and field missions, is a demand whose fulfilment is urgently needed for the effective shaping and continued development of reform policies.

8. The OSCE PA has addressed a broad range of issues in the debates it has held and the resolutions it has adopted at its annual sessions over the past several years. Of the many issues dealt with we would like to single out those for which measures should continue to be carried out in the future. They include OSCE reform, reducing democratic deficits, strengthening transparency and accountability in the OSCE, enhancing the role of the OSCE PA and increasing its effectiveness, strengthening cooperation between the OSCE executive structures and the OSCE PA, as well as increasing parliamentary attention to OSCE activities at the national level.

The status of the OSCE PA and the effectiveness of its role will depend on the extent to which we succeed in having the content of our resolutions dealt with as follow-up measures in national parliaments and implemented together with national governments. After each annual session debates should be scheduled in the parliaments of the OSCE participating States and the results reported back to the OSCE PA. These results would be addressed in the framework of cooperation between the OSCE executive structures and the OSCE PA. Where things go from there would be decided jointly.

The OSCE PA needs to promote the acceptance of democracy and our system of shared values in the participating States, particularly in the Eastern European and CIS

countries. It sees itself in this context as an integral part of the OSCE and as the parliamentary institution of the OSCE in its dealings with governments. The objectives laid out in the summit charters can be achieved through more than just OSCE bodies and institutions, i.e. first and foremost through the OSCE PA and the national parliaments. The OSCE PA has the status of a sovereign body in the OSCE framework, based on its elected representatives. There is a need to expand its influence on decision-making activities in this framework.

This presupposes enhancing the status of the President of the OSCE PA. A significant step in this direction has been taken by granting the President the right to speak at the opening of OSCE Summits and Ministerial Councils. In connection with the objective of promoting transparency and accountability, efforts undertaken pursuant to adoption of the Resolution on Correcting the Democratic Deficit in the OSCE (1999) need to be focused on defining the role of the OSCE PA and its President in monitoring the activities of the OSCE's executive structures. A clarification is needed, but without intending to call into question the fact that the ambassadors, i.e. the members of the Permanent Council, have a political role to play. However, the constitutional status of parliaments and their members makes their role more pre-eminently political compared with that of the ambassadors, whose functions are primarily administrative in nature.

OSCE bodies and institutions can only function by virtue of the existence of parliamentary democracy in the participating States, the democratic legitimization of which is manifested in the OSCE PA by the parliaments. OSCE bodies and institutions can be shaped and successfully continue to be developed through reforms only if this process is supported by the parliaments of the participating States.

9. In assessing the current status of the OSCE we need to take into account the changes that have taken place since its early years, e.g. the adjustments it has made to the new challenges that have arisen in the security area, the spread and stronger presence of democratic values in the participating States, and improvements in the coordination of OSCE activities. Today there are further considerations we need to take into account. Despite the changed nature of the challenges we face, the OSCE lacks effective means and instruments with which to implement its measures and activities in politically difficult situations. The OSCE does not have any instruments comparable to Chapter VII of the UN Charter nor are its documents binding under international law. The capability that exists nonetheless to make a significant contribution towards the development of a cooperative European security architecture on the basis of a comprehensive security concept and the wide-ranging areas of activity that follow from this can be given strong and sustained support by the parliamentary component.

As proposed in the Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, and as expressed in the Resolution on Enhancing the Role and Increasing Efficiency of the OSCE Parliamentary Assembly (Brussels Declaration 2006), it will be of key importance for the success of reforms and in the process of increasing the effectiveness of the OSCE to make a firm recommitment to the original standards and political commitments of the OSCE, to concentrate on core competences, to improve internal and external cooperation, including with the OSCE PA, as well as to work towards achieving further structural reforms. As indicated in the Report, particular importance will be attributed to achieving better implementation of OSCE standards in the areas of the human dimension and election monitoring.

10. Issues dealt with by the OSCE can be addressed more effectively when the national parliaments and the OSCE PA are involved. This applies with regard to binding force under international law as well as to the expansion of OSCE long-term missions (accompanied by a considerable increase in costs). The national parliaments could take these needs into account in the course of planning and approving government budgets. Improving the effectiveness of decision-making procedures in which 56 participating States are involved is a task that will have to be addressed jointly by the OSCE executive structures and the OSCE PA. Experience accumulated in the past could be helpful in this regard. One need only think of the criticism expressed by the OSCE PA with regard to the OSCE's insistence on consensus-based decision-making. One might also call to mind the work of an ad-hoc committee headed by the current Majority Leader in the US House of Representatives, Congressman Steny Hoyer (Democrat, Maryland), who succeeded in improving cooperation between the OSCE executive structures and the OSCE PA.

Decisive for the future role of the OSCE PA will be whether or not it succeeds in steering the cooperation that is needed between the OSCE executive structures and the OSCE PA in a forward-looking and positive direction. The advantage of parliaments lies in their independence and in the freedom enjoyed by the holders of parliamentary mandates. The latter can work together extremely well with representatives of the executive branch, who are bound by instructions given to them by their governments, doing so in accordance with OSCE objectives that have been in place since the signing of the Final Act in 1975. A stronger weighting of parliaments and the OSCE PA in decision-making processes is inevitable.

Summary.

1. The bloc confrontation and stalemate situation that existed at the beginning of the 1970s led to the idea of establishing the Conference on Security and Cooperation in Europe (CSCE).
2. The CSCE, later renamed OSCE, was jointly shaped by governments and parliaments. Seven inter-parliamentary CSCE conferences were held between 1973 and 1991. The collapse of communist dictatorships can be attributed in part to parliamentary activity carried out in the CSCE framework.
3. Parliamentarians from the participating States founded the OSCE Parliamentary Assembly (OSCE PA) in Madrid in 1991 on the basis of a decision taken at the Paris summit in 1990.
4. A special role is attributed to the OSCE PA in the framework of OSCE reform, based on the work of its Panel of Eminent Persons. This has to do with the ability of the OSCE PA to focus attention in national parliaments on OSCE principles and obligations, such as safeguarding the rule of law and respecting human rights.
5. The cooperation agreement between the OSCE PA and the OSCE Chairman-in-Office of 1997 attributed a leading role to the national parliaments and the OSCE PA in cooperation with the Office for Democratic Institutions and Human Rights.
6. The OSCE PA was given the task of approving the OSCE budget and confirming the Secretary General after the latter's nomination. The OSCE's networking capabilities are to be improved and strategic cooperation expanded with the EU, NATO, and the UN with the involvement of the national parliaments.
7. The OSCE PA needs to be included to a greater extent in OSCE decision-making processes. The OSCE PA should be able to undertake greater political initiatives in the areas of conflict prevention and crisis management on its own responsibility, in cooperation with the Permanent Council.
8. There should be closer cooperation between the OSCE executive structures and the OSCE PA in implementing OSCE resolutions. The national parliaments should be able to exert influence on and inside of the OSCE executive structures through the OSCE PA.

9. The ability of the OSCE PA to shape policy is dependent on its ability to initiate and pass follow-up measures in the national parliaments in cooperation with the executive governments. The results of these efforts should be taken into account in cooperation between the OSCE executive structures and the OSCE PA. The OSCE PA, on the basis of its elected delegates, represents the national electorates in the OSCE and, as such, stands above executive bodies and institutions. Its influence needs to be strengthened.
10. The OSCE needs to address the new challenges in the security sector just as it needs to address the task of spreading and reinforcing democratic values in the participating States. When the OSCE finally consists of nothing but participating States that are democratic and respect the rule of law then the governments and parliaments will have achieved their objectives. We need to continue to develop effective means and instruments for implementing the measures necessary to achieve these objectives.
11. The establishment of forward-looking and positive cooperation between the OSCE executive structures and the OSCE PA will be decisive for the further role of the OSCE PA. In this connection the national parliaments and the OSCE PA will need to be attributed greater importance and given a bigger say in things. The rules of procedure of the Parliamentary Assembly of the Council of Europe are a good example of what needs to be done. The newly negotiated EU Treaty, in which additional powers are conceded to the European Parliament (e.g. rules of procedure, co-decision-making rights, and budgetary rights) could be used as a basis for consideration of further steps to be taken. Clarity of expression, truthfulness, transparency, and proximity to the interests of the people will help to ensure public acceptance.
12. Like other international organizations, the OSCE and OSCE PA need to adapt to changing requirements in the present in order to be able to continue to carry out the important work they do in the future.
There is a saying in German that translates more or less as follows: „Those who don't move with the times will soon fall by the wayside.“
The thinking behind the OSCE and OSCE PA continues to be as vibrant and modern as it was when these organizations were first founded. There is a definite need for the OSCE and OSCE PA.