

## Special Representative

To:

PA President

and

PA Secretary General

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All Permanent Council bodies are currently preparing the upcoming Ministerial Council. A number of draft texts, some of them containing language on the Parliamentary Assembly, have been proposed and are under discussion in the Committees. As expected, the following items are giving rise to the biggest controversies:

- Human Rights Defenders and Independent National Human Rights Institutions
- Effective Participation in Democratic Societies
- OSCE/ODIHR Observation of National Elections
- OSCE Chairmanships in the years 2009, 2010 and 2011
- Charter of the OSCE.

The delegates are also making another effort to agree on a draft Ministerial Council Decision. The Parliamentary Assembly's contribution on Human Rights Defenders in its Kyiv Declaration has been welcomed by a number of delegations, and it is also playing a role in the ongoing discussions of the 2008 Draft Budget. Since the drafts are changing on a daily basis, the outcome of the deliberations cannot yet be clearly predicted. It might well be, though, that in the end none of these texts will be consensual.

Russia issued an invitation to observe the upcoming Duma elections, submitting it to certain restrictions. This was criticized by several delegations. Russia then emphasized that general standards for the extent of an observation did not exist, and that a number of participating States from West of Vienna had in the past either prohibited foreign observers from observing their elections or from entering polling stations. Russia also referred to the limited size of election observation activities of the ODIHR in most of these countries.

The presentation of ODIHR's regular report in the Permanent Council, as well as of ODIHR'S draft budget in the ACMF, gave an opportunity to discuss the continued failure of ODIHR to acknowledge the 1997 Cooperation Agreement and the special character of the cooperation between both OSCE institutions. The EU and the U.S. delegation both stated the importance of the Agreement, with the U.S. delegation also underlining that this special cooperation is to be distinguished from the one with other observer groups. I also had an opportunity to correct the inaccurate description of our role in ODIHR's budget proposal.

In the budget discussions, not only Russia, but also the U.S, criticized some of the proposed spending in very severe terms, with most other delegations calling for a zero growth. Speculations whether Serbia might block an extension of the mandate of certain field missions if unilateral steps with regard to Kosovo are taken add another element of uncertainty to the budget discussions.

The Working Group on the Legal Status of the OSCE has submitted its final report. It will most probably be forwarded to the Ministerial Council for its endorsement, without a possibility to reenter into negotiations on the text, which does not properly recognize the status of the Parliamentary Assembly and submits it to decisions by the CiO. The report describes the way the group has dealt with the status of the PA, but it remains silent on the position taken by the PA. It states that the Secretariat, the Institutions and the missions were seen by most delegates as part of the OSCE, opening again for a possibility to interpret the Parliamentary Assembly out of the organization. The reason for not naming the PA given by the Dutch Ambassador who had chaired the Group was that a number of unnamed delegations still had doubts about the status of the PA. On the other hand, in the most recent ACMF meeting, like in the last two meetings of the Working Group, nobody objected when I repeated the Parliamentary Assembly's position on its status as the OSCE's parliamentary institution.



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