

## Special Representative

To:

PA President

and

PA Secretary General

### *Permanent Council Brief Weeks 39/40, 2009*

During the first week, the usual meetings of the Permanent Council, the Forum for Security Cooperation, the Contact Groups with the Partners, of the Preparatory Committee, the Advisory Committee on Management and Finance and other committees, as well as another meeting of the informal ambassadorial Working Group on the Corfu Process took place. The second week was marked by the beginning of the two-week Human Dimension Implementation Meeting (HDIM) in Warsaw, which means to a large extent that the Permanent Council members and staff move to Warsaw for the time of the Conference.

The Permanent Council took no decisions. It did hear a report from the Advisory Committee on Management and Finance about the state of affairs of the Scales of Contributions. For years, several countries have requested a change in the current system. Russia in particular wants to gradually shift the system to one that is based on the "capacity to pay", on the basis of the UN scales. Right now, there are not only two different scales (for Vienna and the rest), but every country's contribution is the result of a political decision rather than that of a mathematical formula. Not surprisingly, those countries that would have to pay more after a change in the system are opposed to such a change. Past practice has therefore always resulted in a postponement of the decision, together with declarations of the intention to move into the direction of capacity to pay. Again this year, the Chairmanship is proposing to postpone the reform. So far, Russia has not accepted this. This discussion always has a direct impact on the discussions about the following year's budget, which means that it will normally lead to a prolongation of the decision-making process for the 2010 Unified Budget, the draft of which has just been released.

On the Corfu Process, there seems to be some readiness to discuss about possible additional Confidence Building Measures (CSBMs) in the larger sense and in the strict sense of the term. Proposals included: to begin work on a "Programme for immediate action" similar to that of 1993-1994, to elaborate an OSCE Strategy on Confidence and Security Building, and to elaborate CSBMs on a sub-regional level. As the Chairperson concluded, the objective of these proposals was to provide an equal degree of predictability and transparency and to strengthen the "OSCE toolbox" in early warning, conflict prevention and conflict resolution, as well as in relation to new threats and challenges. One of the most important revelations of the last meeting, however, was that many of the instruments from that "toolbox" have never been used in actual crisis situations. This leads to the question whether there is sufficient advisory capacity – and sufficient institutional memory in the delegations – to effectively use the advantage offered by having these instruments in store. More details are to be found in a Conception Paper circulated by the Chairmanship.

The Chairmanship has also distributed a second edition of its ideas for the upcoming Ministerial Council Meeting in Athens. I attach a list of possible subjects for MC decisions etc. It plans to continue with the preparations in the Ambassadorial Retreat end of this month. Last night, I received the invitation to attend the meeting.

The PA was represented in the HDIM by the Rapporteur of the Third Committee, Matteo Mecacci, and the Special Representative on Gender, Tone Tingsgard. Mr. Mecacci spoke on the Parliamentary Assem-

bly's Vilnius resolution on a Moratorium for the Death Penalty, a resolution that several other speakers (Denmark on behalf of the EU, Switzerland, Amnesty International) also referred to extensively. Ms. Tingsgard spoke about the importance of raising the profile of Gender issues in the OSCE, in an indirect reply to last week's presentation on the OSCE Gender Action Plan by the OSCE Secretary General.

The meeting developed in part into an open dispute between representatives of the Kazakh Civil Society and State Representatives about the country's progress on human rights issues, on the eve of its Chairmanship over the OSCE. In this context, Kazakhstan presented its Action Plan on the Implementation of Human Rights, which had been developed together with international Human Rights Activists and several participating States.

Of course, it is good and necessary that the HDIM gives NGOs an opportunity "to let steam off" and to confront the opposing opinions. But it does not achieve anything that could be considered to be something like a result-oriented dialogue. Due to the way in which it is organized, many "debates" remain superficial and inconclusive. A glance at the list of participants, which often contains more than half a dozen sections of certain NGOs, many of them religious minority groups, and at the two-minute rule on a "first come, first served" basis, reveals that it would be unrealistic to expect any such dialogue. Without active moderators and conference rules which ensure a more rational and flexible handling of the discussions, all many of them consist of is a series of statements, some of them of accusatory nature, some of them defensive, and unfortunately many of them without sufficient reference to hard facts. In the end, they will be viewed from everybody's already existing viewpoint or perhaps prejudice, instead of contributing to increased objectivity. Nor can this impressionist line-up of two to three minute statements serve as a professional, systematic and reliable investigation into the implementation of commitments by participating States.

In accordance with the provenance of most of the NGOs registered at the meeting, the vast majority of accusations and allegations, including some concrete references to specific pieces of legislation and many individual cases, were directed against countries "East of Vienna", in particular in Central Asia, the Caucasus and Belarus, but also Russia (in particular on the issue of impunity of attacks on journalists and human rights activists). Among Western countries accused of human rights violations were those that place restrictions on the work of certain religious minority groups, in the first place France, but also Germany. But there were also others, for instance the U.S. (death penalty and torture), Italy (breaches of the rule of law principle) and Greece (non-recognition of a Turkish minority).

One participating State, Turkmenistan, refused to take part in the meeting. While underlining its interest in a dialogue with Civil Society about the implementation of its commitments, it protested against the registration of a person who – according to the Turkmen view – has committed acts of terrorism and is sought by Interpol. In last week's Permanent Council the Turkmen delegation even threatened that it will also propose to the Government to review cooperation with the ODIHR stating that "this institution in contravention of our commitments, its own mandate and numerous UN Security Council Resolutions – 1373(2001) and 1566(2004)", offered a forum for fugitive terrorists.



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October 2, 2009

## **Possible items for the MC in Athens**

### **1. Political Declarations**

- General Political Declaration
- Political Declaration on the Corfu Process

### **2. Regional Statements**

### **3. Ministerial Council Decisions**

#### *Politico-military dimension*

#### *Non-military aspects of Security*

- Decision on «Further Measures to Support and Promote the international legal Framework against Terrorism»
- Decision on «Further Enhancing the police-related Activities within the OSCE»
- Decision on «Joining the International Civil Aviation Organization public Key Directory»
- Decision on «Enhancing the Role of the OSCE in combating Drugs»

#### *Forum for Security Cooperation*

- Decision on «Issues relevant to the Forum for Security Co-operation»
- Decision on «Small Arms and light Weapons and Stockpiles of Conventional Ammunition»

#### *Economic and Environmental dimension*

- Decision on «Migration»
- Decision on «Energy Security in the OSCE Region»
- Decision on «Security Implications of Climate Change in the OSCE Region»
- Decision on «Greening the OSCE»
- Decision on «The future Orientation of the second Dimension»

#### *Human dimension*

- Decision on «The Rule of Law : Democratic Law-Making and Access to Law»
- Decision on «Gender Equality : Women's Participation in Public and Political Life»
- Decision on «Hate Crimes»
- Decision on «Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration»
- Decision on «Fostering Freedom of the Media and Enhancing Pluralism»\*
- Decision on «Strengthening OSCE Efforts to Prevent Trafficking in Human Beings»

### **4. General Decisions**

- Decision on «The Continuation of the Corfu Process»
- Decision on «Strengthening the legal Status of the OSCE»
- Decision on «The Date of the next Ministerial Council Meeting»