

Special Representative

To:

PA President

and

PA Secretary General

Permanent Council Brief Week 47, 2011

This week, two meetings of the PC took place, as well as meetings of the FSC, the Contact Group with the Asian Partners, the PrepCom, and numerous other meetings of committees and drafting groups.

The PC adopted the agenda and modalities for the 2012 OSCE-Thailand Conference, the traditional forum with the Asian partners for Cooperation. It also discussed the latest report by the OSCE Office in Zagreb. The overwhelming majority of participating States favor closing the office by the end of the year. Slovakia has issued invitations for its early parliamentary elections in March 2012.

The number of drafts for the Ministerial Council (MC) in Vilnius now stands at 34. The diplomats will probably not even start discussing details of at least ten of these. Among them are drafts on serious and long-standing issues. However, the majority of states do not wish to debate these drafts which are considered to be "merely" proposals by delegations. Russia has protested against this unequal treatment of drafts, as well as the practice of drafting outside of the committees. The outcome of the MC will be decided by the fate of some drafts, on for instance the conflict cycle, certain aspects of media freedom, an enhanced cooperation with the Partners, but also the legal status of the OSCE and election observation. Another matter of importance will be how substantial the update of the Vienna Document will be. Russia has also objected to the participation of the EU in the drafting; the Chair has accepted this protest and excluded the EU from taking the floor in the drafting. All this goes to show that the preparations for Vilnius are bumpy.

Many of the drafts contain language in line with PA Annual Session recommendations. We have asked delegations to include references to PA resolutions, where they dealt directly with a related topic. In some cases, our appeal has been taken up either by the Chair or a delegation, though most texts do not mention the PA. Of particular interest are proposed references in the draft on the Conflict Cycle, for which we have proposed consensus language from the draft Action Plan in Astana last year. Several delegations rejected a reference to the PA's recent successful election observation in Tunisia in the text on Partners, although such a reference would have been welcomed by Tunisia. Despite compromise proposals from several delegations, Russia could not agree on a more substantial reference to the PA's activities in Partner countries. Russia also has problems with references to the PA in the drafts on National Human Rights Institutions, on the Safety of Journalists, and on Energy Security.

I received a reply by the Chair on my protest last Friday in the PrepCom after I was denied to comment on a paragraph about the PA in the text on the Partners during the paragraph-by-paragraph drafting. The reply referred to "specific settings" (referring to the presence of Partners for Cooperation) of this meeting and assured me that in a more "customary setting" the same liberal interpretation of the Rules of Procedure would be applied as in the past. This is connected to the way in which Partners for Cooperation are being treated in the preparations for the MC, which has drawn criticism from them and from many delegates. However, because we have seen the same "specific setting" reoccur, I have reiterated my fear that this will impact our future involvement in the drafting. Although I am aware of the difficulties the chairmanship is faced with in this regard, I am afraid that some might use it as an excuse for changing the established interpretation of a rule, which confers on us rights beyond those which Partners have. It also suggests that we are OSCE outsiders, and it impedes my ability to defend PA positions effectively in the drafting.



Andreas Nothelle,
Ambassador
November 29, 2011