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The OSCE Parliamentary Assembly – Driving Reform¹

Introduction

In our “globalized” societies, calling for the democratization of multilateral organizations – above all via control by national parliaments, but also, for instance, by means of referenda – is one aspect of the transition from foreign policy to global governance. There are still those who will continue to defend foreign policy’s claim to be the last bastion of executive exclusivity, but the reality of parliamentary governments, in particular, which are heavily oriented towards consensus between the executive and their parliamentary scrutineers, has weakened this bastion. As a result, it has become possible to pursue parliamentary activities that have been recognized as useful, particularly under the heading of “parliamentary diplomacy”. However, the limits of this openness are soon reached when parliamentarians seek to go beyond merely debating policy with their colleagues from other countries and demand a role in making policy or a right of oversight.

The Parliamentary Assembly of the OSCE (OSCE PA) has its roots in both governmental acts and parliamentary initiatives. When work began to transform the Conference on Security and Co-operation in Europe into an international organization, the euphoric drive towards democratization of the immediate post-Cold War period was powerful enough to ensure that the Charter of Paris, signed by the Heads of State or Government in 1990, explicitly provided for the Organization to have a parliamentary dimension, preferably in the form of a parliamentary assembly. The national parliaments did not need a second opportunity. The OSCE PA held its first Annual Session in 1992. As the story of these early days has already been covered in depth in this publication by Michael Fuchs and Angelika Pendzich-von Winter, I do not wish to treat of it any further here.² The later development of the PA, which I shall deal with from 1999 on, is, nonetheless, an expression of this same parliamentary momentum.

The statutes of the PA are dominated by the focus on parliamentary diplomacy; they do not contain genuine control mechanisms. The only two rudimentary control instances that do exist are, first, the willingness of the OSCE Chairman-in-Office and senior OSCE officials to appear before the

¹ The opinions expressed in this contribution are solely the personal views of the author.

² Michael Fuchs/Angelika Pendzich-von Winter, The OSCE Parliamentary Assembly, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1996, pp. 355-364. Cf. also R. Spencer Oliver, The OSCE Parliamentary Assembly, in: *Helsinki Monitor* 1/1996, pp. 42-57, and Beat Habegger, *Parlamentarismus in der internationalen Politik* [Parliamentarianism in International Politics], Baden-Baden 2005.

Annual Sessions of the PA and answer questions and, second, the agreement that the results of the Annual Session will be sent to the OSCE leadership.³ This reflects the legal view that the task of executive control continues to be exercised by national parliaments with regard to their governments. It is also a consequence of the fact that the composition of the Assembly, which consists of delegates from national parliaments, does not necessarily ensure that the delegations are actually representative of the parliaments they “represent”. Some national parliaments are therefore hesitant to grant real powers of control to assemblies of this kind.

Members of interparliamentary assemblies thus possess first and foremost an intermediary function. They pass information between the international and national levels, acting, where necessary, as “translators” for colleagues that might be less familiar with the political processes taking place so that, jointly, they can be more effective in scrutinizing their national governments. In an organization like the OSCE, whose participating States are at very different stages in the development of parliamentary democracy, the international level is often the only opportunity for some parliamentarians to receive important information that enables them to exercise their control function.

However, merely playing their intermediary role effectively requires the parliamentarians to do more than meet occasionally and debate political topics. They also need to establish constructive two-way relations with governments and, above all, with the executives of the organizations whose parliamentary counterpart they are, and to process the results of this in appropriate structures of their own. More than a few go one step further and – driven by their sense of mission as parliamentarians – call for powers of control similar to or even more extensive than those they enjoy in their national parliaments. This follows from the insight that the increasing delegation of tasks to the international level impedes a crucial precondition of parliamentary control, namely transparency. At the international level, where most decisions are based on compromises negotiated outside formal meetings and where each government can pretend at any time that, given the threat of a veto from another participating State, its room to manoeuvre is curtailed, the lack of transparency is accompanied by a loss of accountability. However, in order to raise transparency, and thus to increase the accountability of national governments, there are other means than a transfer of the classical model of the tripartite division of state power to the international level. Instead of the model of “confrontation” between parliament and government with rights of control and initiative in both directions, it is also conceivable, for instance, that legislature and executive co-operate on the decision-making process, thus raising its transparency to the parliamentarians.

3 Cf. Fuchs/Pendzich-von Winter, cited above (Note 2), p. 363.

This has always been a bone of contention between the PA and the OSCE,⁴ but the debate has been particularly heated since 1999. The battle cry for “more transparency and accountability” forms the background of the insistent claims made by the PA for OSCE reform. Persistent pressure has enabled the PA to get a foot in the door of the OSCE executive during this time. This has in part only been possible, however, because the basic demand for reform corresponds to the – differently motivated – demands made by Russia and her neighbours, as well as similar considerations made by non-NATO Western states. Consequently, the two issues of “reform” and “co-operation” frequently dominated the agenda of the PA in the period under discussion.

In the following, I shall look more closely at these developments, while also touching upon the contents of some of the issues the PA has addressed in recent years. (More is not possible in the available space.) First of all, however, I shall outline structural developments in the PA, which illustrate what has become of the “once frail bloom”.⁵

Changes in Structure and Working Methods

On the back of the parliamentary momentum, the PA is developing its originally simple structure at a quite breathtaking pace. At the same time, there have been attempts to define the Assembly in political and legal terms. The OSCE Summit in Istanbul in 1999 described the PA as one of the OSCE’s most important institutions and called upon it to continue to expand its activities. The recently adopted OSCE Rules of Procedure describe the PA as an autonomous body of the OSCE that has its own budget and co-operates closely with other OSCE structures. The rights of the PA to participate in the work of the bodies of the OSCE executive are mentioned explicitly in the relevant sections of the Rules. The PA and its staff have been granted diplomatic immunity and privileges in Denmark. In Austria, the OSCE PA Liaison Office and its staff were granted the legal status of a diplomatic mission.⁶

Structural changes have been accompanied by repeated amendments to the OSCE PA’s Rules of Procedure. This is remarkable simply for the fact that such changes require the virtually unanimous support of the Standing Committee (“consensus-minus-one”). A further revision has taken place in recent months. Several requests for amendment had already been presented at

4 Cf. *ibid.*, p. 356.

5 In preparing this paper, the records of the German *Bundestag* (*Bundestagsdrucksachen*), which contain the reports of the Annual Sessions of the PA and its resolutions, have been of invaluable assistance, cf. at: <http://dip.bundestag.de/parfors/parfors.htm>, as has the website of the PA itself, at: <http://www.oscepa.dk>, which contains – in English, and partly in other official OSCE languages – not only summaries of developments and a record of activities, published as the “News from Copenhagen”, but also allows visitors to access a full range of relevant documents and resolutions.

6 Cf. para. 3, sections 1 and 2 of the Federal Law on the Legal Status of OSCE Institutions in Austria, *österreichisches Bundesgesetzblatt (BGBl.) No. 511/1993*.

the 2005 Annual Session in Washington; the commission appointed to consider them delivered its recommendations at the 2006 Winter Meeting. At the 2006 Annual Session in Brussels, the issue was again postponed until the Autumn Meeting in Malta, where they were finally adopted, with the exception of a revision of Rule 38 on the PA Secretary General. Among the new Rules adopted is one that grants PA delegations the right to put forward written questions to the Chairman-in-Office.

As described in detail by Fuchs and Pendzich-von Winter, the original structure and working methods as of the PA had the following form:⁷ Besides the plenary session and three General Committees, whose areas of business accord with the three Helsinki “baskets”, the PA also possesses a President (currently Göran Lennmarker of Sweden), a Bureau (President, nine Vice-Presidents, Treasurer, President Emeritus), and the Standing Committee, in which all delegations are represented and have a single vote. The 2006 revision of the Rules has replaced the Bureau entirely with what had been the Expanded Bureau. The Bureau thus now also includes the officers of the three General Committees. Administrative support is provided by the Copenhagen-based Secretariat. While the Committees and the plenary session make their decisions (mostly in the form of resolutions) by a simple majority, the Standing Committee, which is the PA’s main management organ, but also capable of making policy decisions, is governed by the “consensus-minus-one” principle, i.e. quasi-unanimity. The Bureau has a largely advisory function. The President is elected for a year and can be confirmed in office for a further year at most. He then becomes President Emeritus for the length of his successor’s term, and has a position in the Bureau with the right to advise. Vice-Presidents serve for three years and may be re-elected once.

The PA Secretary General

The executive heart of the PA is the Secretary General, who – like all other staff of the International Secretariat – is an international civil servant. Ever since the PA was established, the position has been occupied by R. Spencer Oliver, a former senior staff member of the US Congress who also took part in the Helsinki Process as a member of many US delegations. The Secretary General is initially appointed by the Standing Committee for five years and can be reappointed by a majority vote for a further five years. This last occurred at the 2005 Annual Session in Washington. There are no further limits to the term of office of the Secretary General, nor is there an age limit. In 2005, the Standing Committee considered the question of when the position can be considered vacant and thus when new applications should be possible. With a large majority, it took the view that the position will only be vacant when the holder has left office, died, or the Standing Committee has refused to renew his or her tenure. The recently discussed changes in the Rules of

7 Fuchs/Pendzich-von Winter, cited above (Note 2), pp. 358-359.

Procedure, which failed to achieve the required consensus-minus-one, had aimed to introduce a limit to the overall term of office – albeit with a clause that allows for exceptions. While the legally binding decision of the Standing Committee in Washington rules out rotation in terms of geography, political alignment, or similar criteria, it has the benefits of ensuring continuity and enabling the Secretary General to act largely free of influence from individual and group interests.

A strong secretariat is particularly important for an autonomous parliamentary assembly. Indeed, contrary to common misconceptions, the office of the Secretary General of an autonomous interparliamentary assembly such as the NATO PA, the Inter-Parliamentary Union (IPU), or the OSCE PA is Janus-faced. On the one hand, he or she is of course the senior parliamentary servant, as is the case in national parliaments. At the same time, however, given the organizational nature of these assemblies, which distinguishes them from statutory parliaments, and the fact that neither their presidents nor the entire leadership apparatus can perform their duties full time – after all, they remain in the first instance busy national lawmakers – the existence of a genuine executive is indispensable. In all three of the assemblies mentioned, a powerful Secretary General ensures that the institution remains effective.

The dual function described here is also evident in the representation of the Assembly to the outside world. While the President is the public face and supreme representative of the entire Assembly, the Secretary General, as the head of the Assembly's executive, is equally the head and chief representative of an institution – albeit subject to the directives of the governing bodies of the PA. To this extent, the relationship between the Assembly's President and Secretary General is comparable to that of the OSCE's Chairman-in-Office and Secretary General.

Unfortunately, some unnecessary tension between the PA and the OSCE is caused by the lack of willingness on the part of the representatives in the Permanent Council to take account of this aspect of the PA Secretary General's role. This refusal can be explained in part by the fact that the members of the Permanent Council, if they cannot treat the PA as a subordinate institution, e.g. on the level of the Office for Democratic Institutions and Human Rights (ODIHR), are only willing to treat the President as a full and equal partner, thereby placing themselves on his level. By contrast, the PA argues that the President is equivalent to the Chairman-in-Office and the PA Secretary General the equivalent of the OSCE Secretary General.

In passing, it should also be noted that, given the scope of the Assembly's tasks, the Secretariat, with 14 full-time positions in Copenhagen and Vienna, plus a handful of "research assistants" (paid interns), represents an extremely lean administrative apparatus that performs at an extraordinarily high level. Nonetheless, the proper functioning of the OSCE PA depends to a considerable extent upon the quality of the preparatory work performed by the secretariats of the national delegations for their delegates.

Policy Formation

The PA is generally supposed to form policy as follows: The three Rapporteurs from the General Committees draw up reports and draft resolutions in dialogue with the respective Committee. These are then debated at the Annual Session, adopted by the plenary session, and compiled in the declaration named after the location of the meeting. In addition, “supplementary items” and “questions of urgency” may also be introduced. Despite many attempts to reduce their number by changing the Rules of Procedure to tighten up minimum legal requirements and time limits, these have now come to play a far greater role in political discussions than the generally well-balanced reports and draft resolutions produced by the Rapporteurs of the General Committees.

Supplementary items allow individual delegations to place controversial topics on the agenda. Though for a long time it was only the experienced parliamentary delegates of Western countries that made use of this, which created an impression of a certain imbalance, others have since learned to utilize this instrument. The Russian delegation considers it a great success that, at the 2004 Annual Session in Edinburgh, the draft resolution concerning minorities in the Baltic states it had proposed was adopted – albeit in a significantly amended form. The PA thereby demonstrated again that parliamentary procedures, if applied correctly, can diminish the hardening of the confrontation we are observing between the states “East and West of Vienna” in the OSCE.

Expanded Bureau

Originally conceived of as an opportunity for the presidiums of the three General Committees (Chair, Vice-Chair, and Rapporteurs) to exchange views with the Bureau in preparation for the Annual Session, this consultative body (Rule 7 of the Rules of Procedure) has increasingly taken over the role formerly played by the Bureau. While it used to meet in Copenhagen in the week after Easter, the Expanded Bureau convened in Ljubljana in 2005 for the first time on the eve of the Ministerial Council – a time when traditionally the Bureau had met. The newly amended Rules of Procedure have now transferred the tasks of the Bureau and its title to the Expanded Bureau.

Winter Meeting

The winter session of the Standing Committee was first held as a Winter Meeting in 2002, with sessions of the General Committees – including joint meetings of all three – and other bodies and side events. To address the concerns of delegations that feared they would not be able to afford to send their full complement of members, the three Committees adopt no resolutions (in

theory, the Standing Committee can make policy decisions based on their recommendations, albeit only with consensus-minus-one) nor is there a genuine plenary session, but rather the possibility of joint sessions of all three Committees. Furthermore, the length of the Meeting is restricted to two days. The event is always held at the OSCE's headquarters in Vienna's Hofburg and is, in particular, also intended to facilitate dialogue with the Organization's executive structure.

However, these are not the only reasons why the Winter Meetings are readily accepted and garner the full attention of the executive in Vienna. This owes more to the fact that it has twice been possible, via these meetings, to hold extraordinary debates on current global political issues that have not only proved remarkably successful, but have also represented the only transatlantic discussion of policy fundamentals with such a broad range of parliamentary participants. The first discussion was held in February 2003, on the eve of the invasion of Iraq by a US-led coalition, the second concerned the *Jyllands-Posten* Muhammad cartoons controversy and took place at the 2006 Winter Meeting. While the former was seen as extremely hazardous and in stark contrast to the desperate efforts of the governmental side to keep the topic off the OSCE agenda, the second, by contrast, followed an appeal from the OSCE to the parliamentarians to hold such a debate; in fact, by this point, it had already been decided to discuss the topic of "The present world crisis regarding freedom of expression and respect for religious beliefs".

Autumn Meetings

For several years now, the Standing Committee has met every autumn in connection with a seminar on a political issue chosen by the host country. In recent years, these two events have been joined by a third – the Mediterranean Forum. This followed a dispute over the desire expressed by several delegates from Mediterranean states to establish a Mediterranean regional working group. The proposal aroused fears that this might revive attempts to create regional groups, and might thus lead to the fragmentation of the PA. However, an invitation from the Italian delegation to discuss religious tolerance in Rome allowed the Parliamentary Assembly's leadership to co-opt the movement by announcing the creation of the Mediterranean Forum. The theme of "Partnership with the Mediterranean countries" has played an important role ever since.

The Mediterranean Forum is also intended to enhance the exchange of views with parliamentarians from the OSCE's Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia). The OSCE's Mediterranean Partners for Co-operation considered the PA as a strong advocate of their desire for greater participation in the OSCE. This took on a practical aspect in election monitoring, for instance. Parliamentarians from partner countries took part in election monitoring in the OSCE area,

while the PA sent a small delegation to monitor the Algerian presidential election. However, the strong emphasis placed by some on improving relations with the Islamic world was criticized by others, although a number of delegations saw this as balancing the PA's high-profile activities on the topic of anti-Semitism, which were felt by some partners to focus too strongly on one side of the tolerance debate.

Nonetheless, the partners' enthusiasm for the partnership began to ebb, including in Vienna, where the sense of a new dawn in relations between the OSCE executive and the representatives of the partners that had emerged during the participating States' "outreach" discussions had disappeared. Despite the creation of a working group and declarations of the Ministerial Council, the number of points of concrete co-operation has not increased significantly.

This tendency became even more apparent with the outbreak of the Muhammad cartoons controversy. Egypt publicly accused the OSCE of having waited too long to involve itself in the controversy, despite repeated requests from Egypt and, later, Turkey. This view was shared by others, including some Western countries, but especially by Russia, which criticized the slowness of the OSCE's reaction several times in the Permanent Council, seeing it as evidence that urgent problems in the states West of Vienna were not being tackled with the same energy as those in the countries of the former Soviet Union. In the first major OSCE debate on the crisis, a certain helplessness on the part of the Permanent Council led to the PA being urgently requested to participate in the discussion. As reported, the debate was a great success. Nonetheless, it is interesting to note that the call for further action to be framed in close co-operation with the PA, which was contained in an EU paper on how to continue and in a corresponding paper of the OSCE Chairmanship, has had little effect in practice. During the 2007 Malta Autumn Meeting, the PA again had the courage not only to tackle the difficult issue of the Middle East Conflict, but also invited a delegation from Libya to participate as guests.

Regional Conferences and Seminars

Since 1997, the OSCE PA has held four spring conferences on sub-regional economic co-operation – in Monaco (1997), Nantes (1999), Bern (2003), and Tromsø (2005). In 2003, on the basis of a proposal made by the previous year's PA President, Adrian Severin, at the 2002 Berlin Annual Session, a Trans-Asian Parliamentary Forum was held in Almaty, Kazakhstan. It met with great interest on the part of the Asian Partners for Co-operation. Although efforts have been made to organize a follow-up event, this has not yet been achieved (a loose biennial rhythm had been envisaged), because potential host states in the region – with the exception of Kazakhstan, which, as is generally known, is seeking to secure the OSCE Chairmanship – are under-

standably reluctant to take on the related costs and administrative burden. Further conferences and events that have been held include:

- January 2000, Bled: Strengthening Defence Committees in Bosnia and Herzegovina,
- May 2001, Helsinki/Mariehamn: Seminar on Self-Government,
- May 2003, Chişinău/Tiraspol: Parliamentary Seminar on Federalism,
- June 2003, Almaty: Trans-Asian Parliamentary Forum. The Trans-Asian Dimension of the OSCE: A Vital Security Link,
- September 2003, Chişinău/Bender: Second Parliamentary Seminar on Federalism,
- November 2004, Sofia: Parliamentary Conference on Fight against Organized Crime in South-Eastern Europe.

Ad Hoc Committees, Working Groups, Democracy Teams, Parliamentary Teams, and Special Representatives

Because the structure of the three General Committees and their original limitation to one session per year was perceived as too cumbersome, for some time now, use has been made of *Ad Hoc* Committees or Working Groups, sometimes called Democracy Teams or Parliamentary Teams, appointed by the Standing Committee on the suggestion of the President. *Ad Hoc* Committees have been formed to deal with, for example, Belarus (headed by the German parliamentarian Ute Zapf), Abkhazia, and Moldova. In 2001, an *Ad Hoc* Committee on Transparency and Accountability was set up to promote OSCE reform. For quite some time, the Committee was chaired by US Congressman Steny Hoyer, who has recently been elected Majority Leader in the US House of Representatives. Since this year's Brussels Annual Session, it has been chaired by the former Bulgarian Foreign Minister and 2004 OSCE Chairman-in-Office, Solomon Passy. Because the modalities for setting up *Ad Hoc* Committee meetings are still seen as too inflexible, however, and due to constraints on members' time, PA Presidents have made use of a large number of other instruments, partly drawing on the right of the President to appoint persons to support his work or act in his name. This was the origin of the "Democracy Teams" that have focused on matters such as the Stability Pact for South Eastern Europe and on Kosovo (the latter chaired by the deputy speaker of the German *Bundestag*, Rita Süßmuth), and Special Representatives of the President on the Nagorno-Karabakh conflict, South East Europe, Mediterranean Affairs, Central Asia, Human Trafficking Issues, Gender Issues, and Guantanamo. A Special Representative has now also replaced the Working Group on the OSCE Budget.

Participation in Third-Party Events

The PA participates in various joint events with the Council of Europe and the European Parliament within the scope of what are known as parliamentary troikas. The Parliamentary Troika for the Stability Pact for South East Europe meets regularly. The PA also regularly attends conferences, seminars and round-table discussions organized by the OSCE missions, and organizes seminars jointly with other OSCE structures, such as the Conflict Prevention Centre (CPC).

Political Groups and Elections

Within the Parliamentary Assembly, there are three, sometimes four, political groups without formal status – Social Democrats/Socialists, Conservatives/like-minded, Liberals, and, at times, a European Left Group, made up mostly of Greens and other environmentalists. Their role, however, is considerably more limited than in parliamentary assemblies with a smaller membership. That is because parliamentarians from North America, Central Asia, and, to some extent, Russia prefer, on the whole, to see themselves as independent of such groupings. There are also other interest groups that may in fact have a stronger effect, such as the PA members that are also members of the NATO PA, the Nordic Group, the Mediterranean states, or the Francophone countries. The attempt has also been made to create an EU group (under the leadership of French delegates), but this was largely unsuccessful. The work of the groups mainly concerns support of candidates for the various officer positions in the elections held during each Annual Session. However, in the PA the success or failure of a candidacy depends far more on personality, record of work in the PA, good working relations with the International Secretariat, and, crucially, the candidate's acceptability to both the Americans and the Russians than it does membership of a group. Nonetheless, the groups do facilitate the selection process by drawing up a joint set of candidate recommendations in which the number of controversial candidates is reduced.

Between 1999 and the Brussels Annual Session, the OSCE PA had four Presidents. They were Helle Degn (Denmark), Adrian Severin (Romania), Bruce George (UK), and Alcee Hastings (Florida, USA). The last-mentioned, a man of African-American descent, is an outspoken liberal Democrat, while the others are Social-Democrats. At the Brussels Annual Session in July 2006, Göran Lenmarker from Sweden became the first conservative President in four electoral cycles, beating the Social-Democrat Kimmo Kiljunen by a small margin in a run-off after Liberals and another Conservative were eliminated in the first round. The apparent domination by one side of the political spectrum is, in fact, a coincidental result of the circumstance that PA elections are not decided on the basis of political affiliation, but depend more on personality and qualifications. Successful candidates generally have a long

and respected history of working with the OSCE PA. By electing a woman, an Eastern European, an American representative of an ethnic minority, and now a conservative to the office of President, the PA has also shown that its members do take into consideration change and the inclusion of minorities as an essential element of democracy.

The same applies to the nine Vice-Presidents, not only because the proportion of women is significantly higher than with regard to senior positions in the OSCE executive (as is the overall percentage of women in the Assembly). Despite using secret ballots, and hence having no opportunity to steer outcomes, the PA has also been consistently successful in including the delegations from “East of Vienna”, partly by electing Russian candidates as Vice-Presidents. The political instincts of parliamentarians – precisely because they are free from the shackles of bureaucratic horse-trading – often lead spontaneously to more appropriate results than personnel packages carefully designed by diplomats.

Co-operation Between the PA and the OSCE Executive

Starting Positions

A fundamental question that has concerned the OSCE PA in recent years is that of how to improve co-operation between the PA and the governmental side.⁸ This was combined with the hope of reforming the OSCE’s opaque and undemocratic decision-making process. The starting point was events in the late 1990s such as the allegedly or actually missing funds in the OSCE budget, and the tortuously long decision-making processes when it came to budgetary matters and appointments of senior officials. This topic had already been taken up by the former PA President, Helle Degn. Her successor, Adrian Severin, redoubled efforts in the struggle for “transparency and accountability”, as did the PA Secretary General, who reflected the long-held Assembly positions that were highly critical of the OSCE’s democratic deficit and the effects of the consensus principle on decision-making. Criticisms that were openly voiced in the OSCE, such as those contained in a resolution on the democratic deficit (1999), led to a powerful reaction by a number of OSCE ambassadors from the Permanent Council in Vienna, in particular. In late 2001, it was agreed to hold a closed meeting in Salzburg in early 2002, at which 14 representatives of the PA, consisting in the most part of the members of the Committee on Transparency and Accountability, led by US Congressman Steny Hoyer, and including Vice-President Rita Süßmuth, were to meet an equal number of members of the Permanent Council. In the end, all the key figures were present, including both Secretaries General.

8 Cf. Habegger, cited above (Note 2), pp. 129ff.

Of course, there could be little convergence with regard to the fundamental question of the PA's role in oversight of the OSCE's executive side. While the parliamentarians pointed out that their *political* role makes them the natural partners of the Ministerial Council (the Permanent Council being an *administrative* organ), the ambassadors stressed that their role is a political one and that they represent the country as a whole and thus all its institutions, including the legislature. Nonetheless, it was still possible to reach agreement on a large number of "questions of protocol". As a result, the PA now no longer always comes last in lists of the members of the OSCE family, such as on the OSCE website. Agreement was also reached on appearances at each other's meetings, although these had long been established practice, with the exception of the presentation of the budget to the PA Standing Committee by the Secretary General.⁹

In contrast, no agreement was reached over whether the PA can expect the executive to respond to its statements and resolutions in the way that, for instance, the NATO Secretary General responds to the NATO PA. The representatives of the governments singled out the consensus principle as the most significant obstacle, as achieving unanimity on complex resolutions was nearly impossible. As later became apparent, however, behind this lay a fundamental rejection of anything that made the Permanent Council or any other part of the OSCE leadership appear to be accountable to the PA.

The Vienna Liaison Office

The most tangible result of the retreat is the Liaison Office in Vienna, which had first been proposed by Helle Degn and was supported in principle by the Austrian government.¹⁰ However, the ambassadors made it clear that they would only accept the appointment of someone with plenipotentiary powers and a rank equal to their own. Apparently, they were thinking in terms of an ambassador or former ambassador. Even if it had avoided the cost, the PA would have been unwilling to accept such a "role reversal", but rather conceived of a more modest solution: an office whose task would be to gather and distribute documents and to act as a bridgehead for visits by the President, other leading politicians, or the PA Secretary General. Against this background, the German *Bundestag*, on the initiative of PA Vice-President Süssmuth, under the leadership of the *Bundestag* Speaker and Head of the German PA Delegation, Wolfgang Thierse, and with the strong support of the Foreign Office, resolved to give the proposal a boost by seconding an official to the PA to head the office. The Speaker of the German *Bundestag* was thus able to announce, at the Berlin Annual Session 2002, a three-year second-

⁹ Cf. *ibid.*

¹⁰ Cf. Helle Degn, *The OSCE Parliamentary Assembly – Growth in Recent Years*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 365-372, here: p. 370.

ment to Vienna of a civil servant with the rank of Ambassador (First Class), and PA Secretary General Oliver subsequently appointed him head of the Vienna Liaison Office.

For months beforehand, however, the plans were balanced on a knife-edge. President Severin and the Portuguese Chairmanship wanted to sign a memorandum of understanding, if possible before the Berlin Annual Session, which was also to mark the end of Severin's Presidency. This was to define the modalities of involvement of OSCE PA representatives in Vienna, and especially those of the Special Representative of the OSCE PA to the OSCE. The governmental side, which found itself confronted by a permanent representative of the PA on its home turf for the first time, was only ready to agree to written declarations that did not go as far as had previously been the case in practice.¹¹ This, in turn, met stiff opposition from the *Ad Hoc* Committee for Transparency and Accountability and the PA Secretary General. In the end, there was no memorandum; but thanks to Germany's generous offer, the Office was reprieved. Instead of a written decision, agreement was reached on a "pragmatic solution", which effectively left responsibility for further development in the hands of those active in Vienna. At the Autumn Meeting in Madrid, following an announcement by PA President Bruce George, the Standing Committee warmly welcomed the German official, who was designated "Special Representative", permitted him to accept the title of ambassador from the German authorities, and expressed their pleasure that he would be the PA's ambassador in Vienna. This proved a valuable source of initial momentum as, although he was part of the PA Secretariat, the ambassadors in the Permanent Council could not dispute the Special Representative's right to speak on behalf of the Parliamentary Assembly in their meetings. At the Brussels Annual Session, the Standing Committee approved a budget that allowed for changing the seconded position into a contracted one.

Among other things, the OSCE Rules of Procedure now cover the rights of representatives of the PA to participate in meetings of OSCE bodies. However, there is still no definition of the PA's involvement in the budgetary process or of a requirement for feedback on its recommendations. A comparison of the rules relating to the PA with the situation at the time the Liaison Office started its work in November 2002 shows just how much progress has been made in co-operation. In 2002, the new Special Representative was requested to refrain from attending meetings other than sessions of the Permanent Council. The Portuguese Chairmanship feared, not unjustifiably, that Belarus, whose PA delegation was at that point still not able to assume their PA seats and which had therefore opposed, for instance, the inclusion of the point "Address by the President of the OSCE Parliamentary Assembly" on the agenda of the Porto Ministerial Council, would harden its position on other matters, too. However, both Portugal and the Netherlands, which held the Chairmanship in 2003, supported the gradual integration of the Special

11 Cf. Habegger, cited above (Note 2), p. 132.

Representative in further meetings. Subsequent Chairmen-in-Office followed this example, with some foreign ministers who were keen parliamentarians making this issue a priority.

The OSCE Rules of Procedure mentioned above include a general right of PA representatives to be included in an advisory capacity in all meetings of OSCE decision-making bodies, as well as in all existing “informal” sub-committees. They also state that the President of the PA should speak at the opening sessions of OSCE Summits and Ministerial Council Meetings. The PA’s demands regarding the memorandum have thus been largely realized or even exceeded in practice despite the memorandum’s failure. This progress reached is – however – endangered by the attitude of individual OSCE ambassadors who continue to resent the Parliamentary Assembly’s role in the OSCE and reject its requested role in enhancing transparency and accountability – as it has again surfaced in the course of the discussions about the Parliamentary Assembly’s leadership in Election Monitoring.

The Contribution of the PA to OSCE Reform – the Washington Colloquium

Given the active role that the PA has played for years in demanding OSCE reform, its representatives could not understand why no individual recommended by the PA was considered for inclusion on the Panel of Eminent Persons that the OSCE Chairman-in-Office appointed on the basis of the Ministerial Council Decision of Sofia. Concurring with a proposal of the Chairman-in-Office, the Slovenian Foreign Minister, Dimitrij Rupel, President Hastings convened a further expert commission on behalf of the PA. Seventeen renowned OSCE experts – politicians, diplomats, parliamentarians, and academics, many of whom combined more than one of these roles in their person – were invited to contribute.

On 5 and 6 June 2005, a colloquium on “The Future of the OSCE” was held in Washington, D.C. It was chaired by the PA President and jointly organized by the Swiss Foundation for World Affairs. On 24 June, President Hastings presented the Colloquium Report to the Chairman-in-Office. Secretary General Oliver briefed the Permanent Representatives in Vienna on the Report. At the Annual Session in Washington, the PA adopted a resolution endorsing the Report in general terms on the recommendation of the *Ad Hoc* Committee on Transparency and Accountability and called upon the OSCE to take it into consideration in its future consultations.¹²

The Report was available to the participants in the High-Level Consultations in September 2005. The annotated agenda of that meeting made explicit reference to its findings. In his summary, the Chair referred directly to

12 Report: Colloquium on “The Future of the OSCE”, A Joint Project of the OSCE Parliamentary Assembly and the Swiss Institute for World Affairs, Washington, 5-6 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 381-388.

the role of the PA, which was represented in the consultations by the PA Special Representative from the Vienna Liaison Office. In the subsequent months, however, a fierce tug-of-war raged over whether the schedule for reform – the “roadmap” – eventually adopted by the Ministerial Council of Ljubljana should refer directly to the PA’s contribution. In the end, this was to prove possible, although most of the PA’s wishes were not reflected in the roadmap. Nor have the – albeit less ambitious – Vienna consultations led very far as yet. This was criticized – most recently at the Brussels Annual Session and by the Special Representative at the Reinforced Permanent Council in Vienna on 20 July 2006 – alongside the lack of willingness to cooperate with the PA in this area.

The Colloquium summarized its conclusions as follows:

1. The crisis of the OSCE is primarily political in nature and can therefore not be solved by structural reforms alone. Instead, it is necessary for the participating States to reconfirm and implement the commitments they voluntarily entered into.
2. The OSCE’s activities in the areas of security, the economy, and the environment must not be strengthened at the expense of the human dimension. The first basket should be enlarged by further elaborating the Code of Conduct on Politico-Military Aspects of Security and by enhancing the role of the Forum for Security Co-operation.
3. In the area of election observation, general standards should be developed that do not compromise existing commitments. It is recommended that the PA and ODIHR increase their co-operation to combat threats to the independence of OSCE election observation. Finally, more election observation activities should be carried out in Western countries and double-standards should be avoided.
4. The role of the OSCE Secretary General should be strengthened in the political, budgetary, and administrative spheres. He should be able to issue policy pronouncements in consultation with the Chairman-in-Office and to criticize breaches of OSCE commitments.
5. The OSCE should overhaul its decision-making procedure to improve its ability to make timely decisions. Modifications of the consensus principle should be explored for decisions relating to personnel, budgeting, and administration.
6. Transparency and accountability could be improved by making public the names of countries blocking consensus and requiring them to publicly defend their position.
7. After appropriate consultations, the PA could approve the OSCE budget and confirm the nominated Secretary General by an absolute or weighted majority vote.

8. The budget must be passed in time and must be appropriate to the OSCE's tasks. Multi-year planning should be introduced to enable long-term strategic thinking.
9. Structural reform should improve the effectiveness of the OSCE: 1) by creating an Analysis and Prospective Unit in the Secretariat; 2) by creating a Lessons Learned Unit, also in the Secretariat; and 3) by developing a civilian rapid reaction force.

OSCE Budget

As might be expected of parliamentarians, the PA has been greatly interested in the OSCE's budget ever since the confusion that affected it in the late 1990s. As a result of the clashes of 2000 to 2002 – or rather the means by which they were overcome – the OSCE Secretary General now presents the budget to the Standing Committee of the PA at its Autumn Meeting and answers questions from the floor. The PA is also entitled to give the OSCE its written recommendations. No official answer to these recommendations was received from the OSCE until the consultations on the 2006 budget, when a letter was sent by the Chairman of the Permanent Council. Despite this, discussion of the PA's statement is still not included as an item on any formal agenda. On the other hand, the PA still has to clarify its procedure for formulating its comments.

The first sets of recommendations were forwarded by then President Bruce George after a number of PA officials had been asked to make their views known. The Working Group on the OSCE Budget was later formed under the chairmanship of a Dutch parliamentarian, and formulated the PA's comments. In contrast to the early years, the recommendations made by the Working Group refrained from detailed budgetary analysis but rather draw the OSCE's attention to recent PA resolutions that are relevant for the budget. Two fundamental demands repeatedly appear: for the introduction of multi-year budget planning, and for the reduction of seconded personnel in the missions in favour of contracted personnel. After the 2006 Annual Session in Brussels, a Special Representative on the Budget, an Icelandic parliamentarian, who intends to work more intensively with the individual stages of the highly complex budgetary process, has replaced the Working Group.

In this connection, it is worth noting that the Vienna Liaison Office of the OSCE PA has taken part in the consultations of the Advisory Committee on Management and Finance (ACMF) since February 2004, the body that has day-to-day control of the OSCE's administrative apparatus. The committee works together with the Secretariat to draw up the budget and monitor expenditure, and has a direct influence on personnel and administrative matters. Because it is largely staffed by younger diplomats, who are not necessarily experts in administration or budgeting, it is a target of criticism, amounting to accusations of micromanagement by non-experts.

Election Observation

The election observation activities of the OSCE PA are constantly expanding; in just over twelve years, more than 80 missions have been deployed. Although such activities were originally supposed to be limited to national parliamentary elections, in the meantime there have been a number of exceptions; as well as several presidential elections, the recent Montenegrin referendum was also observed. There is a growing tendency for parliamentarians to take part in the observation missions, which now generally have between 60 and 100 members. There was considerable public and media interest in the observation of the elections in the USA in November 2004, but also in the missions to Georgia, Ukraine, Kyrgyzstan, and Russia.

The President of the Assembly proposes the head of the PA election observation mission to the Chairman-in-Office to lead the OSCE short-term observation mission and act as Special Co-ordinator. This role is usually taken by the President, one of the Vice-Presidents, or another highly experienced member of the Assembly. The Special Co-ordinator has the task of delivering the preliminary post-election statement on the results of the observation on the day after the election. The announcement of the preliminary results naturally receives a great deal of publicity, especially where elections in crisis regions are concerned.

Co-operation and the division of labour with ODIHR is governed by a Co-operation Agreement that was concluded between the PA and the then Danish Chairmanship in 1997. Unsurprisingly, this Agreement assigns the political leadership role to the parliamentary side – notwithstanding repeated attempts by ODIHR to contest this. In view of the current debate over election observation and Russian accusations of bias, ODIHR, alongside a number of Western representatives, laid the blame for Russian dissatisfaction on what are seen as politically motivated statements emanating from parliamentarians. This is hardly convincing, however, as such statements are usually negotiated in detail between the Special Co-ordinator and the ODIHR leadership on the basis of a draft that should be prepared by the ODIHR and the PA (moreover ODIHR has recently excluded the PA from the drafting process). Unfortunately, this misunderstanding led some diplomats to consider meeting Russian concerns by “depoliticizing” the missions via a removal of parliamentarians from this core activity. After all the progress described above, this created a major setback in the relationship between the PA and the governmental side.

The parliamentary approach is to ask the political question: “Were the elections free and fair?” ODIHR’s technocratic approach, on the other hand, which is based on methods and criteria whose universal applicability is not beyond question, leads to a verdict that usually reaches the same conclusions and also has a political effect, but contrasts in terms of phrasing and overall approach. The parliamentarians’ knowledge and experience in this field,

which is one they know inside out, are undoubtedly at the very least as extensive as those of most short-term observers sent by governments – who have, at best, received some basic training, are usually highly committed, and are often involved in NGO work. The heads of the ODIHR teams (called “On-site Co-ordinators” in the Agreement) and especially the ODIHR leadership have a decisive influence on the overall direction of the statements and reports issued, and it is their selection, among other points, that has become a target of Russian criticisms, whereas the Special Co-ordinator has the triple legitimacy of being an elected parliamentarian, nominated by the elected PA President, and appointed by the Chairman-in-Office. With their political sensibilities, it is not rare for parliamentarians to even be more diplomatically adept at avoiding the appearance of finger pointing. The assessment of the observations against the background of the Copenhagen criteria is a political evaluation that is given more credibility when it emanates from highly legitimate parliamentarians than from an ODIHR appointee. Nonetheless, Russia, after the attempts to put the blame on parliamentarians, had originally demanded that the Co-operation Agreement be renegotiated, and many Western states had backed Russia’s calls. It was only after the PA made these misunderstandings public that all Vienna delegations accepted the crucial role of parliamentarians.

The PA believes that it is necessary – for reasons of credibility and acceptance – to perform observations of at least some elections in “established democracies” on the same scale as in the “new democracies”. However, ODIHR sends – allegedly for financial reasons – only small assessment teams to established democracies, thus depriving the PA, which might be of a different opinion, of the logistical support called for in the Co-operation Agreement. Lawmakers from Western countries, and not only those from opposition parties, have urgently demanded equality of treatment on this issue. Among other things, it is hoped by some that the participation in missions to observe polling processes in established democracies might prove a beneficial learning experience for representatives of the new democracies. This became particularly evident during the 2004 US presidential elections. ODIHR did not carry out a full observation, despite the problems with the previous election, which had been much discussed both in America and around the world. ODIHR was only prepared to examine the implementation of the Help America Vote Act. In Vienna, there was concern that the negative reaction in some quarters of the Bush administration could result in opposition to the OSCE with financial consequences. In the end, the PA was forced to take over most of the organizational work.

Once they had arrived in the country on the invitation of the State Department, public opinion towards the election observers improved rapidly. Even initially critical circles proved receptive to the argument of a positive learning experience for certain observers. The State Department was also openly supportive of the mission in the later stages. Overall, the mission was

a great success, thanks, in particular, to the successful demonstration of the PA's impartiality and the considerable interest of the media. Another consequence was that the US government expressed a strong interest in continuing the dialogue with the PA. The conclusions reached by the head of the PA delegation and presented to ODIHR for inclusion in the final report, however, were not taken into account in Warsaw – even though the Co-operation Agreement clearly requires this. When these and other problems with the co-operation or with individual aspects of ODIHR's activities are criticized by the PA, however, Western diplomats – especially those who would have been willing to give in to Russia's wish to de-emphasize the political element by reducing co-operation with the PA – are generally quick to accuse the PA of taking sides with the critics. At the time of writing, the discussion had reached its peak. The report that ODIHR delivered in November 2006 to the ministers about possible improvements in its area of responsibility, including election observation, again reveals that ODIHR wants to see the PA as an OSCE outsider akin to other observer groups and prefers to ignore the leadership role clearly defined in the Co-operation Agreement.

This issue precipitated sometimes heated discussions at the 2006 Brussels Annual Session, in which a few politicians swung behind the diplomats' position, while most called for a strengthening of the parliamentary leadership role. In some individual cases, the second group's anger even took the form of a demand that ODIHR's role be reduced to providing administrative support to the PA, and that responsibility for the OSCE's election observation missions be placed entirely in the hands of the PA, as is the case with the Council of Europe and other organizations. Ironically, this discussion took place with reference to the report and draft resolution of the General Rapporteur of the Third Committee, the President of the Belgian Senate, Anne-Marie Lizin, and hence from the same country as the Chairmanship. However, proposed amendments that were intended to strengthen the wording of those passages of the draft resolution concerning election observation in accordance with the views of the critics were just as incapable of securing a majority as those that aimed to water down Lizin's text. As things currently stand, and as stated in the 2006 Declaration of the PA Annual Session in Brussels, the PA would like to co-operate with ODIHR on the basis of the Co-operation Agreement, with a strong leadership role and in strict avoidance of double standards. The 2006 Brussels Ministerial Council Decision on Strengthening the Effectiveness of the OSCE stressed "that election observation is a common endeavour involving the OSCE/ODIHR, the OSCE Parliamentary Assembly and other parliamentary institutions", recognized "that close co-operation with the OSCE Parliamentary Assembly considerably enhances the visibility of the OSCE's election observation efforts", and called "on the ODIHR to continue to work in partnership with the Parliamentary

Assembly on election observation missions on the basis of the 1997 Co-operation Agreement”.¹³

Annual Sessions

In the period covered by this contribution, eight Annual Sessions took place on the following general topics:

- Eighth Annual Session, 6 to 10 July 1999, St. Petersburg, “Common Security and Democracy in the Twenty-First Century”;
- Ninth Annual Session, 6 to 10 July 2000, Bucharest, “Good Governance: Regional Co-operation, Strengthening Democratic Institutions, Promoting Transparency, Enforcing the Rule of Law and Combating Corruption”;
- Tenth Annual Session, 6 to 10 July 2001, Paris, “European Security and Conflict Prevention: Challenges to the OSCE in the 21st Century”;
- Eleventh Annual Session, 6 to 10 July 2002, Berlin, “Confronting Terrorism: Global Challenge in the 21st Century”;
- Twelfth Annual Session, 5 to 9 July 2003, Rotterdam, “The Role of the OSCE in the New Architecture of Europe”;
- Thirteenth Annual Session, 5 to 9 July, 2004, Edinburgh, “Co-operation and Partnership: Coping with New Security Threats”;
- Fourteenth Annual Session, 1 to 5 July 2005, Washington, D.C., “30 Years Since Helsinki: Challenges Ahead”;
- Fifteenth Annual Session, 3 to 7 July 2006, Brussels, “Strengthening Human Security in the OSCE Region”.

In addition to the reports of the General Rapporteurs, each of which looks at the entire scope of the OSCE’s work from the perspective of one of the three General Committees and with regard to the topic of the Annual Session, the agenda of Annual Sessions have included resolutions on the following supplementary items:

- The role of the OSCE in an enlarged Europe
- OSCE reform
- The OSCE’s democratic deficit
- Transparency and accountability in the OSCE
- Strengthening the role and raising the effectiveness of the OSCE PA

13 Organization for Security and Co-operation in Europe, Ministerial Council. Brussels 2006, Second day of the Fourteenth Meeting, MC (14) Journal No. 2, Agenda item 8, Decision No. 19/06, Strengthening the Effectiveness of the OSCE, MC.DEC/19/06, 5 December 2006, p. 5.

- Improving the implementation of OSCE election standards and commitments and the effectiveness of OSCE election observation activities (twice)
- Co-operation between the PA and the Permanent Council of the OSCE
- Following up OSCE activities in national parliaments
- Financing ODIHR
- Financing the post of an ODIHR Advisor within the programme on Tolerance and Non-Discrimination
- Promoting gender equality in the OSCE
- The Mediterranean dimension of the OSCE (at three Annual Sessions with different focuses)
- Renewing the OSCE partnership
- Anti-Semitism in the OSCE region (five Annual Sessions)
- National minorities
- Belarus (three Annual Sessions)
- Freedom of the media
- Strengthening effective parliamentary control of the security and intelligence services
- Crisis prevention and conflict resolution
- The North Caucasus
- The conflicts in Armenia, Azerbaijan, and Nagorno-Karabakh
- Georgia – the situation in Abkhazia
- Georgian peacekeeping troops in South Ossetia
- Moldova (six Annual Sessions)
- Forming a Global System of Warning and Eliminating Consequences of Natural Disasters
- Risk management
- Monitoring the social development of the OSCE region
- Co-operation with civil society and non-governmental organizations
- Rule of law and human rights in the Russian Federation
- South-Eastern Europe (three Annual Sessions)
- Activities of the SECI Regional Center for Combating Trans-Border Crime
- Kosovo (two Annual Sessions)
- School education for Roma
- Anti-personnel mines (two Annual Sessions)
- Small arms and light weapons (two Annual Sessions)
- The special consequences of terrorism for women
- Terrorism and suicide bombers
- Terrorism and human rights (two Annual Sessions)
- Money laundering
- Corruption and international crime in the OSCE region (three Annual Sessions)

- Limiting parliamentary immunity to strengthen good governance, public integrity, and the rule of law in the OSCE region.
- Trafficking in women and children (all Annual Sessions in the period examined, sometimes with direct appeals to OSCE staff)
- Child pornography
- Ukraine (two Annual Sessions)
- Welcoming Afghanistan as a new partner for co-operation
- The International Criminal Court
- Abolition of the death penalty
- Torture (two Annual Sessions)
- Guantanamo
- Human rights violations in Libya
- The murder of Galina Starovoitova
- Maritime security and piracy

Details on Selected Topics

Belarus

After hearing from both Belarusian sides and examining the report of a rapporteur mission sent to Belarus by the OSCE Parliamentary Assembly, the Standing Committee resolved on 7 July 1998, on the recommendation of the Credentials Committee, to uphold the mandates of the delegates of the 13th Supreme Soviet as Belarus's official representatives in the Assembly. Belarus was urged to fulfil the preconditions for the holding of free and fair elections in line with OSCE commitments; this includes a free and open press, fair conditions for parties and candidates while upholding the principle of equality, and international election observation that may be supported by the OSCE Advisory and Monitoring Group (AMG) and other OSCE institutions. In addition, an *Ad Hoc* Working Group was also created to support the work of the AMG in Belarus, to promote democratization, to facilitate dialogue, and to smooth the way towards national reconciliation.

This position was maintained and the representatives of Belarus's new legislature were denied their seats until the end of the official term of the 13th Supreme Soviet. Even thereafter, the legitimacy of the representatives sent by the Belarusian parliament continued to be called into question and the matter was referred to the Credentials Committee. This led to a lively discussion that cut across national and party boundaries of whether this was still appropriate after the mandate of the delegates of the 13th Supreme Soviet had expired. In both the relevant Committees and the Secretariat, the realization grew that the PA had no actual means of sanction available when a participating State was in breach of OSCE commitments.¹⁴ Furthermore, there was also strong support for the view that OSCE was an organization whose participating States had all committed themselves to the pursuit of certain goals, but that fulfil-

14 For more details, cf. Habegger, cited above (Note 2), p. 99.

ment of these goals was not a precondition for membership – unlike the Council of Europe. The essence of the OSCE was rather to be found in the declared readiness to enter into dialogue, even where deep differences of opinion exist. The creation of mechanisms for monitoring and sanctioning was also demanded by some, on the model of the Council of Europe, for instance. However, in the face of the alternative view, as detailed above, and given the fact that changes to procedures meant that it was necessary to achieve “consensus-minus-one”, i.e. near unanimity, this path was not seriously pursued. Finally, at the Winter Meeting in Vienna in 2003, the majority necessary for a further adjournment of the examination of the new delegates’ legitimacy was not achieved, and they were able to occupy their seats in the Assembly.

Despite numerous, repeatedly recurring setbacks, the Belarusian side also made use of the opportunities for dialogue that arose from the existence of the *Ad Hoc* Working Group. After the most recent elections, which were criticized in the strongest possible terms by the PA and ODIHR, and the imposition of travel restrictions by the EU, Belarus at first saw no possibility of further visits to the country by the Working Group. During the Annual Session in Brussels, however, the Belarusian delegates once again met with the Working Group, which suggests that an opportunity exists to restart the dialogue.

South-Eastern Europe

The numerous recommendations made on the situation in South-eastern Europe, and particularly in the Western Balkans, demonstrate that the PA considers this a key aspect of its work. With the Democracy Teams on South-eastern Europe and on Kosovo, and the recent establishment of the position of Special Representative on South East Europe, the PA is not only looking to co-operate with the region’s parliamentarians and to support concrete institution-building programmes, it has also repeatedly made strenuous efforts to bring together politicians from former conflict parties – sometimes successfully. The PA takes part in the work of the Task Force on Parliamentary Cooperation under the Stability Pact for South Eastern Europe and is a member of the Stability Pact’s Parliamentary Troika, whose Presidency the OSCE PA will assume for the second time in 2007.

Civilian Control of the Security Forces

The PA has always made a concrete contribution to this area in connection with institution building, but increasingly also within the scope of the current discussion on respect for human rights, particularly in the fight against terrorism. For example, a highly productive two-day seminar with over 150 attendees was held in Vienna in May 2004 on the topic of parliamentary control of the armed forces, police and security services, which the PA hosted jointly with the Conflict Prevention Centre. Other events focusing on this

topic were also held elsewhere. The role of private security forces and the issue of oversight is also being increasingly discussed. The resolution on parliamentary oversight in the Brussels Declaration represents the most thorough treatment of these issues so far.

Anti-Semitism

There can hardly have been an initiative of the parliamentarians with such an immediate influence on the business of the OSCE as that on combating anti-Semitism. After holding a hearing on increasing anti-Semitic tendencies in Europe, the US Helsinki Commission, an organ of the US legislature with executive participation, made a request to the German hosts of the 2002 OSCE PA Annual Session in Berlin that a side event be held on the topic. Despite the lack of preparation time, concerns about the impending German parliamentary election campaign, and the crisis over the death of former minister Jürgen Möllemann, it not only proved possible to organize a very impressive side event, but the German delegation was also quick to assume co-responsibility for the initiative. First the French delegation and then the Russian PA Vice-President of the time aligned themselves with the American-German initiative. Further side events on the same topic were a feature of subsequent PA meetings. On the urging of the USA, and following the example set by the parliamentarians, the OSCE instigated a programme of tolerance-related activities and meetings, including the Anti-Semitism Conference in Berlin. When the governments agreed, by way of a compromise, to appoint three special representatives for tolerance corresponding to the three “religions of the book”, the Member of the German *Bundestag* and, at the time, Vice-President of the PA, Gert Weisskirchen, was named Personal Representative of the OSCE Chairman-in-Office on Combating Anti-Semitism.

Gender Equality

From 1993 until 2002, the PA held a special meeting during its Annual Sessions for female parliamentarians. At the Berlin Annual Session in 2002, the female lawmakers – in part on the initiative of PA Vice-President Rita Süsmuth – succeeded in achieving agreement that gender equality should be discussed at every regular meeting, should be added as a permanent item to the agenda of the plenary session, and the post of PA Special Representative on Gender Issues should be created and a person entrusted with pursuing this issue in the Secretariat. This brought an end to the separate special meetings (though they continued in the form of working breakfasts).

The report of the Special Representative on Gender Issues is not limited to the PA but also describes, in close co-operation with relevant OSCE offices, the situation within the executive. It is considered a valuable aid by both the Senior Gender Advisor in the OSCE Secretariat and the relevant Permanent Council working group. Scandinavian states also consider gender equality to be one of the key focal points of their work in the OSCE. Further

results include unambiguous statements in resolutions of the PA, most recently at the Washington Annual Session. This urged the parliamentarians to scrutinize the actions of their own governments with regard to gender equality.

Trafficking in Human Beings

Over many years, the US delegation to the PA has worked tirelessly to keep the topic of human trafficking on the agenda, addressing not only police counter-trafficking measures, but also victim protection. Explicit reference was already made at the 2000 Ministerial Council to relevant articles on this topic in the PA's Bucharest Declaration.¹⁵ The final declaration of the 2003 Rotterdam Annual Session recommended that the OSCE take the leading role in the fight against human trafficking within the community of international organizations. This was raised in a discussion of the OSCE's future activities during the consultations at the Maastricht Ministerial Council in that same year, and there followed close contacts between the PA and the relevant OSCE offices. In February 2004, US Representative Chris Smith was appointed Special Representative of the PA President on Human Trafficking Issues. The Decisions of the Ljubljana Ministerial Council owed a great deal to the resolutions on the conduct of members of international organizations that the PA had adopted at its 2005 Annual Session in Washington.

Guantanamo

At the PA's Annual Session in Rotterdam in the summer of 2003, against the background of a draft resolution on the topic of Guantanamo Bay detainment camp, there developed a discussion between representatives of the US delegation and the resolution's sponsors. For a time, it appeared that the participants were ready to agree to suspend discussions while simultaneously creating a mixed delegation to inspect the prison camp. This initiative failed, however, as a result of the uncompromising position of some Europeans. An entirely American delegation did later visit the camp and report back to the Assembly. In 2005, President Alcee Hastings appointed the President of the Belgian Senate, Anne-Marie Lizin, who was at that time the Rapporteur of the third General Committee, as the Special Rapporteur on Guantanamo. The US government allowed her to visit the camp in March 2006, although she was subjected to the same restrictions as other visitors, namely a ban on speaking with the prisoners and on spending the night at the camp. Attending the OSCE Permanent Council, the UN Special Rapporteur on Torture, Manfred Nowack, withdrew his criticism of the PA Special Rapporteur for ac-

15 Cf. *ibid.*, p. 165; cf. also Organization for Security and Co-operation in Europe, Eighth Meeting of the Ministerial Council, Vienna, 27-28 November 2000, Decisions of the Eighth Ministerial Council, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 497-501, here: Decision No. 1: Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings, pp. 497-499, p. 498.

cepting the conditions that he had rejected after the Special Representative of the OSCE PA in Vienna had assured him that her visit was not a formal inspection. Her task was rather to collect information to use in her report to the PA. He also noted that the report and the discussions likely to follow it would record that it took the insistence of the Assembly to enable foreign parliamentarians to first visit the camp, and that the conditions imposed by the US government would be described in detail. The report was presented at the Annual Session in Brussels in July 2006 and was prominently reported in the media. The Special Rapporteur on Guantanamo made recommendations to the US government for the closure of the camp as soon as possible, but also called for strengthened co-operation between intelligence agencies.

OSCE Prize for Journalism and Democracy

The OSCE Prize for Journalism and Democracy was established on the initiative of the first OSCE Representative on Freedom of the Media, Freimut Duve, and is awarded annually by the OSCE PA.¹⁶ During the 2001 Annual Session, a highly moving ceremony took place in which the posthumously awarded prize was presented to the widows of the murdered journalists Georgiy Gongadze (Ukraine) and José Luis López De Lacalle (Spain, murdered by ETA). The PA was of course deeply shocked by the murder in 2006 of Anna Politkovskaya (Russia), considering her murder as a sign of the situation faced by many journalists within the OSCE area. Politkovskaya had been awarded the prize in 2003 for her courageous reports from Chechnya. In October 2006, PA Secretary General Oliver attended her funeral on behalf of the OSCE. The other recipients of this prize in the time covered by this contribution have been:

- 1999 Christiane Amanpour (UK)
- 2000 Andrei Babitsky (Russia)
- 2002 Friedrich Orter (Austria) and Pavel Sheremet (Belarus)
- 2004 Committee to Protect Journalists (USA)
- 2005 Ukrainian Channel 5 television.

Outlook

Although this contribution has of necessity only been able to touch briefly upon many topics, I hope it has made clear just how varied and, in some

16 Cf. Christian Möller, Press Freedom in the OSCE Area and the Activities of the Media Representative, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 323-336, here: pp. 333-334.

cases, detailed the activities of the PA are within the OSCE. To give but a single example: The intensive activities of the Swedish PA President Göran Lennmarker as Special Representative on the Nagorno-Karabakh Conflict are enough by themselves to justify a separate contribution examining closely their effect on the process of *détente* between the sides. Ensuring that this depiction remains honest, however, also requires the following: In the Assembly's significant and – in themselves – successful activities, there is frequently too little systematic follow-up. With the latest amendments to the PA Rules of Procedure, a step has been taken to remedy this by tasking the Vice-Chairs of the three General Committees with follow-up activities. Following earlier initiatives such as the creation of the post of Representative on Freedom of the Media and activities on combating anti-Semitism and trafficking in human beings mentioned above, there has also been a successful initiative to launch a discussion on “new minorities”. The High Commissioner on National Minorities (HCNM) included this topic on his agenda and initiated, at the request of the PA, a study into how much the experience he has gathered so far is relevant to the integration of immigrants. The HCNM presented this report at the Brussels Annual Session, which was hailed in an official statement¹⁷ by the Turkish Mission in Vienna as an especially significant achievement, and it was welcomed by many participating States on the occasion of the HCNM's last report to the Permanent Council.

In these, and similar initiatives, a lot depends upon the national parliaments. They need to provide their delegations with appropriate support, because the small and very effective PA Secretariat can hardly increase the enormous effort it already makes. At the same time, the PA needs to focus harder on selected issues and to engage directly with the items on the agenda of the OSCE executive. Despite repeated calls for restraint by the PA leadership, the Assembly's resolutions still cover too many issues. Finally, the national delegations – and not only the delegates, but above all also the support structures – could make far more use of the rich array of instruments that stands available for them in Vienna. Requesting information from the Office in Vienna or calling in when spending time in Vienna or just passing through can provide an excellent opportunity to gather information or make proposals.

Ideally, both sides should make use of the indisputable advantages the PA offers for their work: Parliamentarians do not need to reach agreement or seek the approval of their capitals before they can express their opinions. Their unconventional thoughts – which are often desperately needed to set stalled processes back in motion – do not create binding obligations. For the same reason, their work is not restricted to day-to-day politics. In an organization that should be willing to think the unthinkable in its preventive strategies, and whose consensus principle instead creates the necessary temperatures to keep conflicts frozen forever, both of these are of inestimable value.

17 In the session of the Contact Group with the Mediterranean Partners of 21 July 2006.