

The Parliamentary Assembly and Its Political Influence In the OSCE

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The OSCE Parliamentary Assembly, organised and created at the request of the Heads of State and Government of the participating States of the CSCE, occupies a unique place in the structure of the Organisation. The Assembly's primary task is to facilitate inter-parliamentary dialogue, an increasingly important aspect of the overall effort to meet the challenge of democratisation. In addition, the Assembly provides a vital link between the governmental side of the OSCE and representatives from all the parliaments of the OSCE countries.

The vital role that the Parliamentary Assembly now plays in the OSCE was recognised at the Istanbul Summit in 1999 when it adopted the Charter for European Security which stated: *“The Parliamentary Assembly has developed into one of the most important OSCE institutions providing new ideas and proposals. We welcome this increasing role, particularly in the field of democratic development and election monitoring. We call on the Parliamentary Assembly to develop its activities further as a key component in our efforts to promote democracy, prosperity and increased confidence within and between participating States.”*¹

The ongoing discussions in the Governmental Structures of the OSCE on how to enhance the role of the OSCE presents an opportunity to look at the political influence of the OSCE Parliamentary Assembly within the OSCE.

The Creation of the OSCE Parliamentary Assembly²

The OSCE Parliamentary Assembly was created by the governmental structures of the organization. At the NATO Summit in July 1990, U.S. President George Bush urged the creation of a Parliamentary Assembly as part of the 'institutionalization' of the CSCE. Included in his proposal was an idea to base the CSCE Parliamentary Assembly on the

¹ OSCE Charter for European Security, Istanbul Summit 1999

² For a detailed account on the creation and early history of the OSCE Parliamentary Assembly see Secretary General R. Spencer Oliver, "The OSCE Parliamentary Assembly", *Helsinki Monitor*, 1996 no. 1

already existing Parliamentary Assembly of the Council of Europe. Many European countries argued that in order not to create more bureaucratic structures and to save money, the Council of Europe Parliamentary Assembly could transform into a CSCE Parliamentary Assembly when issues of relevance to the CSCE process were discussed.

However, during the preparatory meetings for the CSCE Summit in Paris in 1990, it was determined that the CSCE Parliamentary Assembly should be an independent parliamentary body. One main reason behind this was that major players of the CSCE at the time - such as the United States, Canada and the Soviet Union - were not Members of the Council of Europe and would inevitably be second-class members of a body made up of a majority of Council of Europe Parliamentarians.

During the Summit in Paris, the CSCE Heads of State and Government recognized the important role of parliamentarians in the Helsinki process and decided to create an Assembly involving Members of Parliaments from all participating States. The modalities of such a parliament were left to the parliaments themselves. The text of the Charter of Paris reads:

Recognizing the important role parliamentarians can play in the CSCE process, we call for greater parliamentary involvement in the CSCE, in particular through the creation of a CSCE Parliamentary Assembly, involving Members of Parliaments from all participating States. To this end, we urge that contacts be pursued at parliamentary level to discuss the field of activities, working methods and rules of procedure of such a CSCE parliamentary structure, drawing on existing experience and work already undertaken in this field.³

In his speech at the 1990 Paris Summit, the Prime Minister of Spain, Mr. Felipe Gonzalez delivered an invitation from the Spanish Cortes for parliamentary leaders to meet in Spain. In April 1991, high-level parliamentary leaders from all CSCE participating States met in Madrid in order to formally organize the CSCE Parliamentary Assembly. The Madrid Declaration, which was agreed at that meeting, set forth the rules of procedure, working methods, size, mandate and distribution of votes of the Assembly.⁴

³ OSCE Charter of Paris 1990, pp. 13-14.

⁴ Michael Fuchs and Angelika Pendzich-von Winter: "The OSCE Parliamentary Assembly – Origins, Functions, Method of Work and Constituent Bodies," *The OSCE Yearbook 1995-96*, The Institute for Peace Research and Security Policy at the University of Hamburg/IFSH, p. 355.

The OSCE Parliamentary Assembly Today

The OSCE Parliamentary Assembly consists of 317 parliamentarians from all OSCE participating States, with the aim of promoting parliamentary involvement in the activities of the OSCE and facilitating inter-parliamentary dialogue and co-operation. Parliaments of all OSCE States are entitled to be represented in the Parliamentary Assembly. The Parliamentary Assembly has an independent budget. The responsibilities of the Parliamentary Assembly as listed in Article 2 of its Rules of Procedure are as follows:

- To assess the implementation of the objectives of the OSCE;
- To discuss subjects addressed during meetings of the Ministerial Council and the Summits of Heads of State or Government;
- To develop and promote mechanisms for the prevention and resolution of conflicts;
- To support the strengthening and consolidation of democratic institutions in the OSCE participating States; and
- To contribute to the development of the institutional structures of the OSCE and of relations and co-operation between existing OSCE Institutions.⁵

The main elements of the OSCE Parliamentary Assembly are the Annual Session, the Fall Meetings, the Winter Meeting, the Standing Committee of Heads of Delegation, the Bureau, the Expanded Bureau, the three General Committees, the President, the Secretary General and the International Secretariat. The Standing Committee, the Bureau and the International Secretariat⁶ carry out the work of the Assembly between Sessions, and ensure the efficient operation of the Assembly. The Standing Committee makes decisions according to the principle of consensus-minus-one, but the Bureau and the General Committees, as well as the Assembly's Annual Sessions take decisions by majority vote. This system allows the Assembly to take decisions and make recommendations on issues that are controversial in nature, including proposals on reforming the OSCE. The President of the OSCE Parliamentary Assembly plays a central role as its highest representative. He or she presides over meetings, pays official visits to participating States, and represents the Assembly at various meetings, along with the Parliamentary Assembly Secretary General, at the political level in the OSCE as well as in other international organizations and fora. The President also appoints Heads of Election Monitoring Delegations and other missions as well as Special Representatives to act on his or her behalf on issues of particular concern to the Assembly.

⁵ Rules of Procedure of the OSCE Parliamentary Assembly.

⁶ The Assembly's International Secretariat is located in Copenhagen, Denmark. A liaison office was opened in Vienna in January 2003.

The Assembly's Sessions and Final Declarations and Recommendations

The debates during the Annual Session are structured according to the three main baskets of the Helsinki Final Act and the Assembly divides into three General Committees: the General Committee on Political Affairs and Security; the General Committee on Economic Affairs, Science, Technology and Environment; and the General Committee on Democracy, Human Rights and Humanitarian Questions. Every year, a topical issue is chosen as the overall theme for the Session, and the role of the three General Committees is to discuss draft resolutions related to their general area of competence. Each Annual Session adopts a final Declaration as well as resolutions and recommendations, which are forwarded to the OSCE Ministerial Council, the OSCE Chairperson-in-Office and the national parliaments of the OSCE participating States.

The OSCE Parliamentary Assembly gathers each February for a Winter Meeting in Vienna, which allows Members to listen to reports and to ask questions to the leadership of the governmental side of the OSCE, the Chairperson-in-Office, as well as from the Secretary General and the Heads of the various OSCE Institutions. In addition, this second annual meeting provides a forum for debate on issues relevant to the OSCE and it gives Members an opportunity to follow-up on the Declaration passed at the last Annual Session. The Winter Meeting has worked to enhance continuity of the work of the OSCE Parliamentary Assembly. More recently, the Assembly has begun to hold regular Fall Meetings, consisting of a conference on a specialized topic, a meeting of the Standing Committee, and a Mediterranean Forum.

Although the Declarations of the OSCE Parliamentary Assembly are sent to the Ministerial Council, Members of the Permanent Council as well as to the Chairmanship of the Organization, there are no mechanisms that ensure that they are taken into consideration. Usually, the OSCE PA Secretary General has presented the Assembly's ideas to the Permanent Council at one of their first meetings after the Annual Session, but there are no guarantees that they react or follow-up. OSCE PA recommendations have led to, for example, the establishment of the Representative on Freedom of the Media, and increased attention to gender issues in the OSCE - in spite of these and other success stories where the OSCE has taken ideas and recommendations from the Parliamentary Assembly, it is rare that the Governmental side makes direct references to the OSCE PA documents or gives credit for these ideas to the parliamentarians.

After some criticism of the lack of feedback, members of the Permanent Council have made comments on the outcome of the Parliamentary Assembly's Sessions, although substantive discussion continues to be quite limited.

The Assembly's Political Influence in the OSCE

As mentioned earlier, the OSCE Parliamentary Assembly was created in 1990 by the governmental structures of the Organization, namely by the Paris Summit. Besides the paragraphs in the Charter of Paris and the Istanbul Summit Declaration, and the Cooperation Agreement on Election Monitoring, there is no written or formal agreement about the concrete role of the OSCE PA in the work of the OSCE, and co-operation has to a large extent developed through practice and mutual agreement with the governmental side.

The Assembly has incrementally increased the interaction with the leadership of the OSCE as well as with the other OSCE Institutions. One example of the incremental development of the relationship between the leadership of the OSCE and the Parliamentary Assembly is the increased number of regular reports, both oral and written, by the OSCE Chairman-in-Office, as well as the leaders of the other OSCE Institutions, to the Assembly. From 1993 to 1996, the Chairman-in-Office reported to the Assembly's Annual Session once a year and answered direct questions from the floor. Since 1996, the Chairman-in-Office, the leaders of the OSCE Institutions as well as the OSCE Secretary General, report to the Assembly twice a year - during the Annual Session and at the Winter Meeting. At these Sessions, the leadership of the OSCE answers direct questions from Members of the Parliamentary Assembly. What this relationship offers to the Parliamentary Assembly is an opportunity to request and receive information about the activities carried out by the governmental side of the OSCE. Anyone who has seen a session of the British House of Commons will appreciate the potential and importance of direct questioning of government officials by experienced parliamentarians! Also, at the Fall Meeting of the Assembly's Standing Committee of Heads of Delegation, the Secretary General of the OSCE presents the draft OSCE budget to Members of the Assembly and receives comments from Members.

The Assembly also contributes to the work of the OSCE by its Ad Hoc Committees and Special Representatives and by the involvement of parliamentarians in election monitoring.

Ad Hoc Committees and Special Representatives

The Standing Committee of the OSCE Parliamentary Assembly may appoint Ad Hoc Committees to address issues of particular concern. The OSCE Parliamentary Assembly presently has four active Ad Hoc Committees; the Working Group on Belarus, the Parliamentary Team on Moldova, the Ad Hoc Committee on Abkhazia (Georgia), and the Ad Hoc Committee on Transparency and Accountability. Special Representatives appointed by the President cover specific areas of interest to the OSCE. There are now six special representatives for Gender Issues, Nagorno Karabakh, Mediterranean Affairs, Human Trafficking Issues, Guantanamo, and South-East Europe.

Of particular importance is the Ad Hoc Committee on Transparency and Accountability, created at the OSCE PA Annual Session in Paris in July 2001. The mandate of the Ad Hoc Committee, included in the resolution on "Strengthening Transparency and Accountability in the OSCE" which was adopted unanimously by the Assembly in Paris, contains provisions to strengthen the parliamentary dimension of the OSCE by increased involvement of parliamentarians in the work of the Organisation. The work of the Committee has been successful and progress can be noted regarding several aspects of co-operation between the Assembly and the OSCE. Among others, the Committee has had intensive contact with the Governmental structures of the Organisation; more feedback has been provided to the Assembly's Resolutions and Recommendations; the OSCE Parliamentary Assembly's Liaison office has been opened in Vienna; and the OSCE Secretary General now presents a draft of the OSCE budget to the Assembly.

Election Monitoring

The Parliamentary Assembly became involved in election monitoring in 1993, when the then Swedish Chairperson-in-Office, Ms. Margeretha af Ugglas urged OSCE Parliamentarians with their unique experience and knowledge in this field to participate actively in election monitoring. Since then, the OSCE Parliamentary Assembly has sent over two thousand Parliamentarians to monitor elections. When observing elections, the OSCE Parliamentary Assembly always co-operates with other parliamentary bodies such as the Council of Europe Parliamentary Assembly and the European Parliament as well as the NATO Parliamentary Assembly when they are present. Parliamentarians bring professional political experience and sound political judgment to these missions, adding visibility and credibility to election monitoring projects. The Parliamentary Assembly takes

the political lead in OSCE Election Observation Missions as the Head of the OSCE Parliamentary Delegation is appointed to lead all OSCE Observers by the OSCE Chairman-in-Office. This involves serving as focal point during the drafting of the *preliminary statement* following the election observation, and in addition, the Head of the OSCE PA Delegation delivers the statement during the press conference.

In addition, in order to avoid overlap and redundancy in the election monitoring work, the OSCE Parliamentary Assembly and the ODIHR have a 'Co-operation Agreement', signed in September 1997 by the Danish Chairman-in-Office and the then President of the Parliamentary Assembly, Mr. Javier Ruperez. The Agreement specifies the practical division of labour between the two Institutions when working in the field of election monitoring. According to the Agreement, the OSCE Chairman-in-Office designates a political figure - normally the President of the OSCE PA or an OSCE senior parliamentarian - as a Special Co-ordinator to lead the OSCE Observer Mission. The ODIHR is responsible for deploying short-term observers from OSCE participating States, as well as arranging Long-term Observation Missions, in which long-term observers are sent into the field several weeks prior to the election. The OSCE Parliamentary Assembly primarily deploys parliamentarians as short-term observers, with technical and logistical support provided by the ODIHR, although through preliminary visits, research, and following developments through the internet and the newspapers, and briefings from their national governments, the Parliamentary Assembly monitors are well informed and well prepared before actual deployment.

Development of the Co-operation Between the OSCE PA and the OSCE

Throughout the years, the OSCE Governmental political bodies have given increased attention to the OSCE Parliamentary Assembly, which can be seen in Summit and Ministerial Council Declarations. At the Summit level, several Final Declarations demonstrate the political will of the Heads of State and Government to co-operate and include the Parliamentary Assembly. At the Helsinki Summit in 1992, the Heads of State and Government stated: "*We welcome the establishment of the CSCE Parliamentary Assembly which held its first meeting in Budapest on 3 to 5 July and look forward to the active participation of parliamentarians in the CSCE process*".⁷ Likewise, in 1994 the Heads of State and Government decided "*The CIO [Chairman-in-Office] will continue to maintain close contacts and an active dialogue with the Parliamentary Assembly (PA)*".

⁷ OSCE Helsinki Document following the Summit in 1992.

The CIO will draw the recommendations of the PA to the attention of the Permanent Council and inform the PA on the activities of the CSCE."⁸ In 1999, at the Summit in Istanbul, it was stated: *"The Parliamentary Assembly has developed into one of the most important OSCE institutions continuously providing new ideas and proposals. We welcome this increasing role, particularly in the field of democratic development and election monitoring. We call on the Parliamentary Assembly to develop its activities further as a key component in our efforts to promote democracy, prosperity and increased confidence within and between participating States."*⁹

The OSCE Ministerial Council has also appreciated the role of the OSCE Parliamentary Assembly within the OSCE. As early as 1991, the declaration passed by the Ministers for Foreign Affairs said: *"The Council welcomes the successful outcome of the meeting in Madrid on 2 and 3 April 1991 of parliamentarians from CSCE participating States; They note with satisfaction the consensus reached to adopt the "Final Resolution concerning the establishment of the CSCE Parliamentary Assembly". The Council considers that this Resolution represents an important step forward for the development of the Charter of Paris for a New Europe regarding greater parliamentary involvement in the CSCE. Reaffirming their commitment to strengthening democracy as the only system of government of their countries, the Ministers look forward to the collective expression of the views of the CSCE Parliamentary Assembly on security and co-operation in Europe and on the future development of the CSCE"*¹⁰ In Prague in 1992, the OSCE Ministerial Council expressed how the discussions in the Parliamentary Assembly contribute to the work of the Council. They also decided that *"the Chairman of the Council will be prepared to make himself available to report on the work of the CSCE; to answer parliamentarians' questions in this regard; and to take note of parliamentarians' views for subsequent transmission to the Council."*¹¹

At the Ministerial Council Meeting in Copenhagen in 1997, the Foreign Ministers heard a report by the President of the Parliamentary Assembly of the OSCE. They noted *"with appreciation the contributions from the Parliamentary Assembly to the work of the OSCE and the specific contributions by the President of the Assembly during elections in Bosnia and Herzegovina"*. The Ministers also welcomed the agreement with the ODIHR on procedures to enhance co-operation in election monitoring and they underlined the contributions made by the President of the Assembly to the work of the OSCE Ministerial

⁸ OSCE Budapest Declaration following the Budapest Summit, 1994.

⁹ OSCE Charter for European Security, Istanbul Summit, 1999.

¹⁰ OSCE Ministerial Council Declaration 1991, Berlin.

¹¹ OSCE Ministerial Council Declaration 1992, Prague.

Troika.¹² In spite of these positive declarations by the OSCE's political leadership, several actors still question the status of the OSCE Parliamentary Assembly as an OSCE Institution and try to block the participation of the OSCE PA in various OSCE events.

The OSCE Parliamentary Assembly - formed by elected officials - is an OSCE Institution, but at the political level, which makes it quite different from the rest of the OSCE Institutions, which are subordinate to the governmental structures of the OSCE. Because the Parliamentary Assembly is made up of elected officials, it is closer to the level of the political bodies of the OSCE such as the Chairmanship-in-Office, the Ministerial Troika, and the Ministerial Council, also normally composed of high-level political personalities who are usually also elected politicians. The Assembly is represented in such political bodies by the President, Members of the Bureau, or the Secretary General. On the governmental side, the Director of the ODIHR, the HCNM, and the Representative for Freedom of the Media, are designated as "Head of Institution" within the OSCE governmental structure. The OSCE Parliamentary Assembly does not use this designation, since all of its leaders are elected by the Assembly or its Standing Committee of Heads of Delegation, although the Parliamentary Assembly's Secretary General, as a full-time manager, is the equivalent counterpart of the OSCE "Heads of Institution". A Special Representative, with the rank of Ambassador, is appointed to represent the Assembly in the Permanent Council, which is also composed of appointed Ambassadors of all OSCE States.

Through projects of the OSCE Parliamentary Assembly Ad Hoc committees, the election monitoring missions, and presidential visits as well as through the visits of Members of Parliaments to OSCE Field Missions, the OSCE Parliamentary Assembly has created close links to the OSCE Missions in the field. The OSCE Missions have often used the visits of parliamentary delegations to facilitate access to the highest level Officials in their host country or to deliver messages that they may have found difficult to convey for political or diplomatic reasons. Through the activities of the OSCE Parliamentary Assembly, most national parliaments now have cadres of well-informed Members of Parliaments who support the political and financial aspects of the work of the OSCE Missions.

In addition to providing this political framework, many of the practical projects of the OSCE Parliamentary Assembly have been effective; especially the Ad Hoc Committees and the election monitoring projects, which have provided direct added value to the fieldwork of the OSCE. As an example, in January 2000, the OSCE PA and the OSCE

¹² Summary of the OSCE Ministerial Council Meeting in Copenhagen 1997.

Mission in Bosnia co-hosted a seminar on *"Strengthening Parliamentary Defence Committees in Bosnia and Herzegovina."* The seminar proved to be a useful means of enhancing dialogue and to build a plan of action for the future work in this field in the area. Another very useful seminar was the one on Self-Government, held in Finland in May 2001, assembling all parties concerned in the Transdniestrian conflict thereby promoting dialogue. The Assembly has also - in close co-operation with the OSCE Missions in Armenia and Georgia - carried out training programmes for staff of the two parliaments in order to strengthen professionalism at the staff level.

The Assembly and the Decision Making Procedures in the OSCE

The main and most consistent criticism of the OSCE made by the Parliamentary Assembly has been directed at the deficiencies stemming from the unanimous consensus rule within the OSCE. The governmental side of the OSCE explains that the consensus rule reflects the *"Organization's co-operative approach to security, and the fact that all States participating in the OSCE activities have equal status."*¹² The OSCE Parliamentary Assembly has pointed out that the use of consensus for all decisions is hindering flexibility and the ability to react rapidly to crisis situations in the OSCE area. At the Second Annual Session in Helsinki in 1993, the OSCE PA for the first time called for the OSCE to abandon the consensus decision-making procedure in order to speed up the decision-making process and to prevent the possibility for any single country to veto a measure supported by virtually all CSCE/OSCE participating States. As the President of the OSCE PA, Mr. Javier Ruperez, said at the Lisbon Summit in 1996: *"the requirement for unanimity among 55 States for virtually all important decisions in OSCE will allow single States to use their veto to paralyse the OSCE and to prevent collective action in times of crisis"*. He went on to say that the end result of requiring absolute unanimity *"is at best the lowest common denominator, rather than our highest common purpose."*¹³

Since the Third Annual Session in Vienna in 1994, the Parliamentary Assembly has advocated adopting a decision-making procedure that is based on requiring an "approximate consensus", whereby the OSCE can act with the agreement of participating States which equals 90 per cent of both membership and financial contribution, rather than the unanimous consensus procedure. Such a procedural change would completely eliminate single country vetoes that presently plague many international institutions. The OSCE parliamentarians have also offered proposals to use the consensus for certain types

¹² "OSCE Handbook," Third Edition, OSCE Vienna 2000 pp. 28-29.

¹³ Javier Ruperez, *Asambleas parlamentarias y diplomacia: la OSCE y la OTAN, Politico Exterior*, Vol. XLII, 1999, p. 37.

of decisions, which involve principal commitments or decisions related to the security situation, but to use "approximate consensus" for budget and senior personnel decisions. At nearly every Annual Session since that time, the Parliamentary Assembly has reiterated its call for the abandonment of the consensus requirement on all - even minor - decisions.

In addition to advocating approximate consensus, the OSCE PA has also been a vocal advocate of more transparency, openness and accountability in OSCE Institutions. In 1999, in an effort to advance accountability, the Assembly unanimously adopted a Declaration requesting that the OSCE PA be given the responsibility of approving the appointment of the OSCE Secretary General. The Declaration also recommends that the Ministerial Council of the OSCE be obliged to ask the opinion of the Parliamentary Assembly before making important political decisions. The OSCE PA has recommended several times that meetings of the Permanent Council be made open to the public. The Parliamentary Assembly argued that only under special circumstances, and after a decision has been made public by the OSCE participating States, should meetings be closed to the public.

Conclusion

The OSCE Parliamentary Assembly, created by the will of the governments of the OSCE participating States, will continue to work to assure its position as a reliable partner contributing to the success of the OSCE. The Assembly not only brings added visibility to the OSCE by involving national political personalities in the work of the Organization, but also provides a continuous flow of input and fresh ideas. The Parliamentary Assembly also serves as a tool to ensure that the agenda of the OSCE remains current and that it addresses the real concerns of OSCE citizens, as reflected through directly elected officials. The Assembly through its numerous activities will continue to strengthen the dialogue between and among the parliamentarians of the OSCE, and to make every effort to increase and improve the co-operation between the governmental structures of the OSCE and the more than three hundred parliamentarians that provide the OSCE with a firm democratic foundation.