

News from Copenhagen

OSCE's need for legal personality in focus at Helsinki +40 seminar



Sec. Gen. Spencer Oliver asks Lisa Tabassi, Head of Legal Services at the OSCE Secretariat, a question, while Head of Danish Delegation Peter Juel Jensen and Dep. Head of Serbia's Mission to OSCE Miodrag Panceski listen.

The fourth seminar of the OSCE PA Helsinki +40 Project took place in Copenhagen on Monday, with participants focused on the OSCE's lack of an international legal status and the challenges this entails for its personnel and operational capacity, particularly during crisis situations.

The problems faced by the Organization in trying to respond rapidly to the situation in Ukraine has demonstrated the urgency of the issue, said the diplomats, legal experts and OSCE parliamentarians in attendance. It took 12 weeks for the OSCE and the Ukrainian government to sign a Memorandum of Understanding on safety guarantees and other privileges for monitors. Without an international legal status in place, the first OSCE Special Monitors deployed to Ukraine had no protection beyond the courtesies extended to official visitors.

The seminar, hosted by the Danish Parliament in co-operation with the Danish Institute for International Studies (DIIS), was opened by Project Chair Joao Soares (MP, Portugal) and was addressed by Peter Juel Jensen, Head of the Danish Delegation to the OSCE PA; Miodrag Panceski, Deputy Head of Serbia's Mission to the OSCE; John Bernhard, Special Advisor of the OSCE Chairperson-in-Office on the

Legal Framework; Lisa Tabassi, Head of Legal Services at the OSCE Secretariat; OSCE PA Secretary General Spencer Oliver; OSCE PA Special Representative Amb. Andreas Nothelle; and Karsten Jakob Moller of the DIIS, providing a detailed overview of the Organization's previous attempts to reach consensus on a document that would have the force of law. The event also featured a presentation on overall OSCE reform by Irish Ambassador to the OSCE Philip McDonagh, who serves as co-ordinator with responsibility for reviewing the 'effectiveness and efficiency' of the OSCE within the Informal Helsinki +40 Working Group in Vienna.

Tabassi and Bernhard explained that the Organization's 24 separate entities in 23 countries operate under a broad variety of legal statuses, resulting in a patchwork of privileges and immunities – and many gaps. "This problem is not just a theoretical one or a playground for lawyers," Bernhard said. "It is clearly unacceptable that common and clear rules about status, privileges and immunities are not already in place when the OSCE has to act so rapidly."

Panceski said Serbia's Chairmanship has stressed the need to achieve tangible progress towards strengthening the legal framework, while Oliver offered a possible way forward.

"The only way for something this complex, requiring almost treaty ratification by the OSCE's 57 countries, to work, is perhaps to start with a 'coalition of the willing' and build from there," Oliver said.

Previous OSCE PA Helsinki +40 seminars were held in Moscow, Washington and Stockholm. The Project's next event will be held in Belgrade in May.

OSCE PA leadership meets in Copenhagen for discussions on ongoing work

The OSCE PA's Bureau, comprising the elected president, vice-presidents, treasurer and committee officers, were joined by a number of special representatives at the Danish Parliament in Copenhagen on Monday to discuss ongoing Assembly work and plans for the future.

In opening the meeting, President Ilkka Kanerva (MP, Finland) reported on the PA's upcoming Annual Session in Helsinki, the ongoing Helsinki +40 Project and co-ordination with the Serbian OSCE Chairmanship.

Rapporteurs of the OSCE PA's three general committees presented their draft reports and resolutions to be considered at the Annual Session followed by a discussion in which members offered feedback and suggestions.

The meeting featured remarks by Peter Juel Jensen, Head of the Danish Delegation to the Assembly, Secretary General Spencer Oliver and Treasurer Roberto Battelli (MP, Slovenia). Oliver and Battelli thanked the Danish Parliament for its generous support, which includes hosting the Secretariat.

The Bureau also heard reports on the Assembly's recent



election observation mission to Tajikistan and the work of its special representatives. Bold Luvsanvandan, a member of Mongolia's Delegation to the PA, discussed his national parliament's preparations for the Assembly's Autumn Meeting, to be held in Ulaanbaatar in September. Bureau members also discussed plans for the Annual Session and further meetings.

On Sunday the Bureau met in closed session to consider candidates for Secretary General when the present Secretary General steps down at the end of the year. The Bureau members subsequently forwarded to the Standing Committee the nomination of Director of Presidential Administration Roberto Montella for consideration at the Annual Session.