

Recommendations of the

OSCE Parliamentary Assembly Committee on Transparency and Accountability

The OSCE Parliamentary Assembly Response To The List Of Proposals By Participating States As Contained In The Chairmanship's Interim Report On The Corfu Process, Annex 4

A.

What we want to achieve with the help of the OSCE:

We want to shape a Trans-Atlantic and Eurasian security community extending from Vladivostok to Vancouver, guaranteeing the citizens of all participating States the same amount of individual and collective security, complementing the idea of a Europe whole and free. For this purpose, the OSCE participating States need to cooperate, on a daily basis, among each other and with other stakeholders, in order to increase the collective trust of the States as well as confidence and the individual rights of each citizen in a space of freedom, democracy, social coherence, mutual respect and tolerance. For this purpose, we reconfirm the pledges made in the Helsinki Final Act of 1975, the Charter of Paris of 1990, and all other relevant documents.

The strength of the OSCE lies in its working method which collectively and simultaneously addresses issues in the politico-military, the economic and environmental, and the human rights sphere. This working method which has opened up the sovereignty of each participating State is based on principles which must include transparency and accountability of the organization and its standard setting processes and involve the citizens of our States in the most immediate and inclusive manner. This can only be achieved if the formalized parliamentary dimension of the OSCE, which is its most valuable asset, distinguishing it from all other trans-continental organizations, is strengthened. The OSCE Parliamentary Assembly is the only OSCE body which comprises directly elected representatives of the peoples. Its members are characterized by a high degree of personal independence combined with unmatched legitimacy.

The success of the OSCE is measured in terms of tangible increase in confidence, security and citizens' involvement and credibility. The latter can only be reached by an organization which engages everybody in its efforts to secure our future – without any prejudices or double standards. The more we make progress in this, the more the OSCE will serve as an example, perhaps even blueprint, for others. The OSCE should therefore also continue to open up to its present and future partners.

B.

I. Implementation of all OSCE Norms, Principles and Commitments

- The foundation of trust lies in the periodic **reconfirmation of the OSCE's commitments**, their full implementation, and the organization's and its members' full adherence to the norms and principles of international law.
- There is a need for the OSCE to carry on **further reform** aiming at reducing the democratic deficit, strengthening transparency and accountability, enhancing the role of the Parliamentary Assembly and increasing its effectiveness and strengthening co-operation between the Parliamentary Assembly and the executive structures, including its involvement in the decision-making process. (Kyiv 2007, Astana 2008)
- The **review of the implementation of OSCE commitments** can be improved by the further elaboration of mechanisms of peer review, but it also requires mechanisms of democratic oversight, directly involving the OSCE Parliamentary Assembly and its work structures, in particular its committees and Special Representatives. The PA stands ready to engage in a more systematic follow-up of the work done by the OSCE intergovernmental operational structures and institutions and in particular the field missions (Oslo 2010). The OSCE executive structures should work closely with the OSCE Parliamentary Assembly to prepare options for a comprehensive and effective follow-up mechanism in the human dimension (Brussels 2006).
- The OSCE should **strengthen the democratic element** and make use of its autonomous democratic body, the Parliamentary Assembly. Advocacy and lobby groups articulating opinions and group interests add an important element of information to the role of the members of Parliament, who are the only legitimate representatives of Civil Society. Their involvement is best ensured in regular public hearings.

II. The Role of the OSCE in Early Warning, Conflict Prevention and Resolution, Crisis Management and Post-Conflict Rehabilitation

- The OSCE needs to **develop a civilian rapid reaction capability** that could be deployed in time of crisis to supplement the work of field missions. These teams would provide the OSCE with the opportunity to react swiftly to an unfolding crisis, assess the situation and its needs, and make policy recommendations to the OSCE executive bodies for future action. These civilian experts could be recruited on an ad hoc basis (Washington Colloquium 2005).
- The OSCE should issue preconceived fact-finding and negotiating mandates and involve representatives of the Parliamentary Assembly in rapid reaction measures (Oslo).
- The OSCE executive structures should make better use of the OSCE PA and its structures in all activities pertaining to the prevention of future crisis situations and rapid reactions once such situations are evolving. (Oslo p. 5)
- The PA should be invited by the OSCE to take more political initiative such as **organizing fact finding missions and offering good offices to facilitate negotiations**. These initiatives could be public or confidential (silent diplomacy) and carried out alone or in co-operation with other parliamentary actors (European Parliament, Parliamentary Assembly of the Council of Europe). Such initiatives would substantially increase the political credibility and visibility of the Organization. (Washington Colloquium).

- OSCE participating States should adopt a political declaration endorsing the **Bolzano/Bozen Recommendations** on National Minorities in Inter-State Relations and agree to adhere to their principles (Oslo).

Decision-making process:

- It is necessary to rebalance the OSCE decision making process and to make it more transparent and inclusive. The OSCE should improve its ability to make timely decisions through **adjusting its decision-making procedure**. (Washington Colloquium). The OSCE could modify the consensus rule for decision-making, at least for decisions concerning personnel, budget and administration, through, for example, implementing an approximate consensus of 90 per cent of both membership and financial contributions for certain managerial decisions (Vilnius 2009). In all other cases a country which blocks or holds up consensus must do so openly and be prepared to defend its position publicly (Astana).

Permanent Council:

- The OSCE Permanent Council should **open formal meetings to the press and the public** (Vilnius) and to allow for real and active dialogue.
- The Permanent Council should engage in a **meaningful discussion on OSCE PA recommendations**, particularly those related to the urgent need for reform of the Organization (Vilnius).

III. Role of the Arms Control and Confidence and Security Building Regimes in Building Trust in the Evolving Security Environment

- The OSCE should continue its **open dialogue** within the framework of the Corfu process in the OSCE on key problems of European security first of all in order to promote proposals for increasing the role of the OSCE in addressing security threats (Oslo)
- The OSCE participating States must actively **promote the modernization and further strengthening of arms control regimes and Confidence and Security Building Measures (CSBMs)** in the OSCE area (Vilnius), in order to correct deficiencies of the current system and to create new trust where it has been absent, in particular also on the sub-regional level.
- Arms control instruments, including the **Strategic Arms Reduction Treaty and the Conventional Armed Forces in Europe Treaty (CFE)**, with its unique acquis of the Treaty and its principles of transparency, verification and reduction of holdings of treaty-limited equipment, (Vilnius) must be strengthened in order to enhancing trust, confidence, and security within the OSCE region. (Oslo)
- The discussions on a renewal of the CFE Treaty should be linked with the issue of **non-proliferation** and with the widely discussed initiatives on **new security governance** in Europe (Vilnius p.25).
- The PA supports the intention of participating States to hold vigorous negotiations in the interest of signing, if possible by the end of 2010, **a new version of the Vienna Document**. (Oslo p. 23)
- Another core challenge is the strengthening of **democratic oversight over the Armed Forces and other public and private security forces** and the further implementation and development of the Code of Conduct. (Astana)
- The PA encourages the new activities of the FSC (Oslo p. 23).

- Participating States should give concrete, substantive **follow-up to the Ministerial Decision on Small Arms and Light Weapons (SALW)** of 5 December 2008, by actively seeking a consensus on the fields where it would be appropriate to increase the legal instruments available to the OSCE, in the light of its implementation, in order to fight illegal trade and transport of SALW by
 - a. formulating a series of criteria for export controls on SALW;
 - b. preparing a normative framework for the management of stocks of SALW and their ammunition;
 - c. preparing a normative framework for the marking and tracing of SALW;
 - d. making efforts towards the standardization of SALW end-user certificates within the OSCE area.(Vilnius p. 23)

IV. Transnational multidimensional threats and challenges

- Perhaps the **most pressing multidimensional issue is migration**, entailing both benefits and security challenges and calling for strong political action in all three dimensions. There is a need of increased cooperation among destination countries with the aim of maximizing the benefits gained from legal migration and by combating illegal migration. Synergy among host OSCE participating States should be enhanced towards promoting a sound, homogenous migration management strategy aimed at regulating migratory flows so as to maximize the economic and social benefits brought by legal migration, to minimize the loss caused to the countries of origin by migratory movements and to curb illegal immigration. (Kyiv 2007)
- In addition, the OSCE should **focus** on massive **cross-dimensional threats**, such as organized crime and terrorism as well as related threats such as trafficking in human beings, arms and narcotics and from violations of cyber security. All these areas require improved and concerted legislation and increased oversight in order to safeguard human rights in measures which address these challenges, making a stronger involvement of parliamentarians through the PA indispensable.
- The success of any **modernized “Maastricht Strategy”** to address these challenges will depend on a closer involvement of parliaments and parliamentarians.

V. Economic and Environmental Challenges

- The OSCE must strengthen its toolbox for the **protection of critical energy-infrastructure**. (Vilnius p.30)
- The OSCE should develop improved **mechanisms for early warning on economic and environmental threats**. A new and major challenge to security in Europe and in OSCE participating States is food self-sufficiency and the related political issue of world **food security**. The issue of food security must therefore become a top priority on the OSCE agenda, embracing attention and commitment to all three areas traditionally falling within the remit of the Organization (conflict prevention, economic environmental co-operation and human rights), since the right to food must be considered intrinsic to other fundamental human rights, including political rights(Vilnius p.7). Participating States should co-ordinate their actions in order to minimize the impact of food shortages and ensure the adequacy of food supply (Astana, p. 6).
- Economic answers to the root causes of **migration** and to the challenges caused by the need for the integration of immigrants need further elaboration. Participating States should improve cooperation with appropriate regulatory agencies and international financial institutions towards optimizing remittance mechanisms and small business micro-loan programs, particularly for women supporting the development of local financial institutions, which improve the economic contributions of remittances to the positive development of countries of origin (Astana, p. 40).

- The **fight against corruption** should remain a center-piece of OSCE work. Governments and appropriate regulatory agencies should introduce mandatory revenue transparency reporting for the operations of companies at home and abroad (Astana, p. 28).

VI. Human rights and fundamental freedoms as well as democracy and the rule of law

- Participating States should ensure that their laws, regulations and practices and policies promote the **free flow of information as well as the public's access to information**, including the use of the Internet and other modern communications technologies. They should also eliminate administrative and other impediments that hinder the ability of investigative journalists from undertaking their professional activities. The right of journalists not to disclose their sources of information should be fully respected. (Oslo) All participating States must ensure that journalists are able to conduct their work without fear of repression or retribution (Astana, p. 8).
- The OSCE must debate the renewed danger **civil liberties** are facing in many countries, including some with long-standing democratic traditions, often because of measures taken to counter so-called "new threats" . (Vilnius p.48). Civil Society, e.g. **political parties and NGOs**, has the right to organize itself without the imposition of unnecessary and excessive requirements by state bodies (Astana, p. 8).
- Participating States are urged to implement fully all provisions of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), and all other commitments for the **conduct of democratic elections** that have been freely entered into since and including the Helsinki Final Act as well as the 1997 Co-operation Agreement, as endorsed by the OSCE Ministerial Council in 2006. (Vilnius)
- Strengthening of integration processes in Europe widen the possibilities for the **movement of capital and people**, and cooperation in vitally important areas such as transport, trade, investment and energy. (Washington 2005). Simplification of the procedure of **visa issuance** will encourage development of interpersonal contact (Kyiv 2007)
- The positive economic, cultural, and social contributions to both countries of origin and destination by **migrant communities** should be commemorated for instance by introducing legislation, speaking out against anti-migrant sentiments in parliaments, working with migrant communities to develop policies which empower all and protect vulnerable migrants such as women, children, and racial and ethnic minorities, and to avoid making statements and actions that may excite xenophobic and discriminatory tendencies in their societies (Astana, p. 39-40).
- **Promotion of gender equality** remains vital, in particular also among migrant communities.
- Participating States should extend **freedom of religion** for individuals and communities, in the light of our societies' greater degree of religious diversity, due to the greater cultural diversity brought about, to a great extent, by migration flows. (Oslo)
- Participating States applying the **death penalty** should declare an immediate moratorium on executions. (Paris 2001, Oslo)

VII. Enhancing the OSCE's Effectiveness, including Review of Recommendations of the Report of the Panel of Eminent Persons (PEP) and Relevant Proposals by participating States

General

- The OSCE needs to carry on **further reform aiming at reducing the democratic deficit, strengthening transparency and accountability, enhancing the role of the Parliamentary Assembly** and increasing its effectiveness and strengthening co-operation between the Parliamentary As-

sembly and the executive structures, including its involvement in the decision-making process. (Kyiv, Astana)

- The Chairman-in-Office should convene a special meeting of the OSCE Permanent Council, with the participation of representatives of the Parliamentary Assembly, to discuss the implementation of the recommendations put forward by the OSCE Panel of Eminent Persons and the OSCE PA Colloquium on the Future of the OSCE in 2005 (Astana).
- The PA should be given an **oversight role in relation to the OSCE budget** and for confirmation by the Assembly of the OSCE Secretary General, once nominated. (Vilnius)

Legal Framework

- The OSCE should be strengthened in its competence, professionalism and effectiveness, and that, as an important first step, the **draft convention on legal personality and privileges and immunities** must be adopted. (Oslo)
- It is vital in the context of the Corfu Process to devise and adopt without delay an **OSCE constituent document**, in order to strengthen the OSCE's institutional basis, to finalize the process of its transformation into a fully-fledged international organization and to enhance its ability to address effectively the evolving challenges and threats to European security. (Oslo)

Professionalism

- In order to attract and retain performing staff, fixed **term limits on duration of service** should be eliminated. At the same time, **reliance on seconded personnel** should be reduced. However, when seconded personnel are assigned to Field Missions, governments should ensure that such assignment is for a substantial period of time – at least one or two years. (Astana).
- The **Secretary General**, as well as and in consultation with the Chairman-in-Office, should be able to speak for the Organization and to make policy pronouncements as well as appropriate criticisms when OSCE commitments are not observed. (Washington Colloquium)

Budget

- The budget must be adopted in a timely fashion and be commensurate with OSCE political objectives. A **multi-year financial plan** should be established in order to pursue longer term strategies. (Astana)
- Precise **guidelines for sub-contracting** must ensure transparency.
- The OSCE needs **professional auditing** in line with International Standards. Auditors should be familiar with the organization, should receive remuneration and should be employed over a period of at least six years and report directly to the OSCE PA. The OSCE PA should be formally involved in the debates on the report of the External Auditors. External Auditors should be chosen – preferably by the PA – after an open competition.
- The Audit should extend fully to the use of **extra-budgetary funds**.

Election monitoring

- The PA reiterates that parliamentarians, in light of their political expertise and judgment, and as practitioners of democratic processes, provide unmatched credibility, reliability and visibility to **OSCE election observation activities**. (Oslo) The involvement of the Parliamentary Assembly is critical to maintain the visibility and independence of OSCE election observation.
- Stresses that OSCE election observation must continue to improve and adapt (Astana, p. 48).

- The PA is ready to continue mutually cooperating with the ODIHR, calling on ODIHR to **fully implement the 1997 Copenhagen Cooperation Agreement**. (Oslo)
- There is a need to complement the existing **election standards and to continue to improve election observation**, which should in no way result in a watered-down version of existing standards. (Washington Colloquium, Vilnius, Astana)

Partners

- The OSCE should consider further strengthening its **Mediterranean dimension**, including by extending Partnership for Co-operation to all interested Mediterranean States. (Oslo p. 47)
- There should be more **interaction with the partners**, which could be based on a regular and systematic two-way exchange of experience in concrete fields of OSCE activities, if possible taking on the format of reports and questionnaires.

Observers

- The PA recommended (Washington 2005) to the OSCE to consider developing its relationship with the **Palestinian National Authority**.

VIII. Interaction with other Organizations and Institutions on the basis of the 1999 Platform for Co-operative Security

- Calls on the OSCE and the OSCE Parliamentary Assembly to continue **close co-operation** with the United Nations, the European Union, and the Council of Europe in their efforts to bring stability through addressing specific severe political crisis situations in participating States (Oslo p.2).

IX. The Cross-Dimensional approach to Security

- The continued missed opportunities to employ women in high-level OSCE positions, thus prevents the OSCE from reflecting its own values. The failure of the Organization to effectively implement the 2004 Ministerial Council Decision (MC.DEC/14/04) on the 2004 Action Plan for the Promotion of **Gender Equality** calls for immediate steps to correct this. (Vilnius Declaration 2009)

X. General Questions of Euro-Atlantic Security

- It is necessary to further intensify the **dialogue on European and transatlantic security** (Vilnius p. 25), after having re-launched it in the Corfu Process.