

**DECISION No. 1/16
EXTENSION OF THE MANDATE OF THE
OSCE REPRESENTATIVE ON FREEDOM OF THE MEDIA**

The Ministerial Council,

Recalling Permanent Council Decision No. 193 of 5 November 1997 on establishing an OSCE Representative on Freedom of the Media,

Considering that according to Ministerial Council Decision No. 1/13, the term of the current Representative on Freedom of the Media, Ms. Dunja Mijatović, expired on 10 March 2016,

Taking note of the fact that no consensus could be reached to appoint a new Representative on Freedom of the Media,

Taking into account the recommendation of the Permanent Council,

Decides:

1. To extend, as an exceptional measure, the mandate of Ms. Dunja Mijatović as OSCE Representative on Freedom of the Media for a period of one year until 10 March 2017;
2. To ask the Permanent Council to remain seized with the matter with the aim to reach consensus on a new Representative on Freedom of the Media by the end of the year 2016;
3. To recommend to the Chairmanship to reopen the selection procedure in due time.

1 Includes corrections to the translation of attachment 3.

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

The delegation of the Netherlands, in its capacity as EU Presidency, passed the floor to the representative of the European Union, who delivered the following statement:

“In connection with the decision of the Ministerial Council on the extension of the mandate of Ms. Dunja Mijatović as the OSCE Representative on Freedom of the Media, the European Union would like to make the following interpretative statement under the relevant provisions of the Rules of Procedure, and we request this statement to be attached to the decision.

The European Union considers the autonomous institutions to be key OSCE assets. We stand firmly with the Representative on Freedom of the Media as an institution and fully support its mandate and the excellent work of the current office holder, Ms. Dunja Mijatović.

The European Union thanks the Chairmanship-in-Office for its tireless efforts to appoint a Representative on Freedom of the Media before the mandate of Ms. Dunja Mijatović ends. Nine participating States nominated candidates for this position, including seven from the European Union, offering participating States a wide range of capable candidates to choose from. Despite the best efforts of the Chairmanship-in-Office to build consensus, they were all rejected by one participating State, the Russian Federation. We have heard so far no credible explanation from the Russian Federation as to why none of the nine candidates would be acceptable. Participating States must now show the strongest sense of responsibility and ownership, to find a new representative in a process that must be planned and managed carefully in order to be successful. The current situation must therefore be analysed carefully.

In this situation, a prolongation of the mandate of the current representative is a reasonable way to ensure the continued functioning of the office. We have called for a substantial and meaningful extension as an exceptional measure that would allow the representative and the institution to fulfil its mandate in a meaningful way. We interpret this decision as a commitment by all participating States to ensure the further proper functioning of the institution until a successor has been appointed, if consensus has not been reached by the end of the year.”

The candidate countries the former Yugoslav Republic of Macedonia¹, Montenegro¹, and Albania¹, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, as well as Ukraine and Georgia align themselves with this statement.

1 The former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Canada:

“Mr. Chairperson,

Canada wishes to make an interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure in connection with the adoption of the Ministerial Council decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, Ms. Dunja Mijatović.

Canada would like to thank the Serbian and German Chairmanships for the efforts they deployed throughout the selection process of a new Representative. We note with regret that the Russian Federation was not in a position to support any of the proposed nine candidates, including the one around which consensus appeared to coalesce in the last stage of the process. This led to an unfortunate stalemate and does not bode well for the ability of the Organization to attract strong, qualified candidates. This is detrimental to all of us, and we hope that we will not face a similar situation again.

In this context, and keeping in mind the importance of this autonomous institution and the mandate given to the Representative on Freedom of the Media by the participating States, we welcome the adoption of the decision to extend the mandate of the current Representative.

Canada would like to take this opportunity to thank Ms. Dunja Mijatović for having accepted this extension and to assure her of our co-operation and support going forward.

We request that this statement be attached to the decision and reflected in the journal of the day.

Thank you.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

“In joining the consensus on the Permanent Council decision on the extension of the mandate of the OSCE Representative on Freedom of the Media by one year, until 10 March 2017, we should like to make the following statement.

The Russian Federation takes the position that extending the authority of the present OSCE Representative on Freedom of the Media for a seventh year is an exceptional case brought about by the need to maintain the continuous and effective operation of this important OSCE institution. We expect Ms. Dunja Mijatović to make steadfast efforts to ensure the Office’s effective and impartial work in accordance with the current mandate. We urge her to continue her contribution to ensuring the freedom, independence and pluralism of the media, the unhindered work of journalists throughout the OSCE area, the protection of their rights, the safety of journalists in conditions of armed conflict, and combating incitement to hatred.

In order to avoid difficulties and time pressure when selecting a new OSCE Representative on Freedom of the Media, we urge the German OSCE Chairmanship to start shortlisting candidates in good time, so as to complete all competitive interviews with applicants by the end of 2016.

We trust that in accordance with paragraph 9 of the mandate ‘the OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected.’

I request that this statement be appended to the decision adopted, and included in the journal of the day.”

1 Includes corrections to the translation.

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Switzerland:

“Mr. Chairperson,

Switzerland wishes to make the following interpretative statement, according to paragraph IV.1(A)6 of the OSCE Rules of Procedure.

Switzerland welcomes the adoption of the Ministerial Council decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, Ms. Dunja Mijatović, through a silence procedure. We reiterate our full support to the institution and the mandate of the Representative on Freedom of the Media. We join consensus on this decision for two reasons: first, because we have great respect for Dunja Mijatović and the way she accomplishes this difficult task and second, because we cannot allow having a vacancy in this important institution of the OSCE.

At the same time, we want to express our discontent about the failure to reach consensus on a successor for Ms. Mijatović in time. Functioning independent institutions are of paramount importance to the OSCE in order to transform words into action and turn commitment into reality. Switzerland is thus extremely worried by repeated attempts to delegitimize the work of the Representative on Freedom of the Media, and more specifically by the lack of constructive engagement of some delegations in the selection process on the appointment of the next holder of the mandate.

In closing, Switzerland would like to thank the German Chairmanship, as well as the Serbian Chairmanship last year, for their efforts in trying to find a successor for Ms. Mijatović and to reach consensus on this important issue.

Thank you, Mr. Chairperson, and I would kindly ask that this statement is attached to the Ministerial Council decision and the journal of the day.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“In connection with the adoption of the decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, the United States would like to make the following interpretive statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure:

We very much appreciate the efforts of the German Chairmanship in guiding the selection process for the next Representative on Freedom of the Media, after the Serbian Chairmanship launched it last year.

This decision was necessitated by the failure of one participating State to constructively engage in the process of identifying the next Representative on Freedom of the Media. Many hundreds of hours were invested into a transparent, thorough, open process which produced a clear candidate around whom consensus should be built. Yet because of the obstructionism of a participating State, we were unable to complete the process and nominate a successor to Ms. Mijatović.

There is no substantial reason for this obstructionism, which unfortunately sends a negative message to other delegations and the institution of the Representative on Freedom of the Media.

The Office of the Representative on Freedom of the Media is a highly visible and effective independent institution of the OSCE, and we should ensure continuous, strong leadership of that institution.

The United States has the utmost respect for the institution, and its current leader, Ms. Dunja Mijatović, and thus we are grateful for the generosity and flexibility of the current Representative in agreeing to extend her mandate for an additional year, as we seek to complete the task of identifying a replacement.

The decision adopted today calls for our engagement to identify a successor by the end of this year. It also foresees – if we cannot nominate someone by the end of 2016 – asking for Ms. Mijatović’s forbearance once again to serve for another substantial extension beyond March 2017.

Some are fond of calling for ‘mutual respect’ when speaking around this table. The best way to demonstrate and earn mutual respect in the months ahead is to move forward in good faith to do what is foreseen in this decision.

Thank you, Mr. Chairperson, and I ask that this statement be attached to the decision and to the journal of the day.”