

Talking points for the reply of OSCE PA Special Representative Ambassador Andreas Nothelle to the Statement of the “Like Minded” (Canada, Iceland, Liechtenstein, Norway, Switzerland) in the 831 PC on October 12, 2010 (*check against delivery*)

I thank the Swiss Delegation and the Group of the “Like-minded” for their statement. It refers to a personalized letter I sent to every one of my colleagues here several weeks ago in an attempt to clarify our position ahead of the many upcoming election observation missions. The need for clarification arose in August when the ODIHR Director, in a letter addressed to the CiO on which he also copied us, expressed views about the 1997 Cooperation Agreement that are directly opposed to my view of a reasonable interpretation.

By dealing with very concrete issues stemming directly from the provisions of the Cooperation Agreement I hoped to receive answers which addressed the concrete points that I made in the letter. Most of you were not present at the Ministerial Council in Brussels; I was. At the time, I urged my colleagues to draft and adopt language calling on the ODIHR to implement the Cooperation Agreement in what later became the famous MC Decision 19/06. My intention then was the same as the one I had when writing the letter: to avoid controversies about institutional issues in the field, a place where we have more pressing issues to deal with. Although the decision did not put an end to the controversy, and despite what we just heard from my distinguished Swiss colleague, I remain convinced, and the Parliamentary Assembly will insist that through their decision the ministers endorsed the Cooperation Agreement.

The decision did in fact lead to a number of improvements in the details of our cooperation, although most of them only materialized following steps taken by the Finnish Chairmanship and the strong and helpful intervention by the Greek Chairmanship. Those improvements have helped, but they should not distract from the fact that – allow me to employ the language of our post-election statements – that there are some persistent issues of concern which urgently need to be addressed in order to ensure a full and smooth joint operation in full compliance with the Cooperation Agreement.

I believe an understanding President Efthymiou and Director Lenarcic reached ten days ago in Sarajevo to eliminate the misleading term “International Election Observation Mission” from all future statements constitutes a step forward. There is no room for a “second mission”. If you read the Cooperation Agreement, its concept is very clear: during the short-term election observation phase, PA and ODIHR establish a short term OSCE observer mission led by the Chairman-in-Office appointed senior PA politician. According to the Cooperation Agreement, observers from other parliamentary organizations may join in, and if they are strongly represented in the mission, they can be appointed deputy chairs of the mission. This is more or less how we practice in our post-election press conferences.

Contrary to what the statement we just heard suggests, leading an OSCE observer mission with a mandate of the Chairman-in-Office and to be tasked with the delivery of the preliminary post-election statement is clearly more than just the coordination of some short term observers. I am not a native English speaker, but I do not know how else you want to call it “leadership” when someone heads a mission, appoints deputies, chairs the Press Conference and delivers the statement on behalf of the mission. This “leadership” is provided by the PA when the President nominates the PA Head of Delegation for the position of Special Coordinator. I cannot see anything wrong in our website saying exactly this, in full accordance with many PA resolutions. When the CiO-appointed Special Coordinator delivers the statement on behalf of the mission, there is no PA or ODIHR, there is only the one short term OSCE observer mission he leads. If this con-

cept of the Agreement is strictly observed, it creates the unity that we all want the observers to demonstrate to the public, and this is why we will continue to insist on its full implementation.

The EOM Kyrgyzstan, in line with the Press Release on the Post-Election Statement we already had in Bosnia-Herzegovina, demonstrated again how the concept of an integrated short-term OSCE election observer mission should be presented to the public. For those of you who read German, I recommend today's article about the elections in the Frankfurter Allgemeine Zeitung. It illustrates how helpful it is for the visibility of the OSCE to avoid using improper terminology which blurs responsibility and creates confusion. This positive trend towards more clarity could be further strengthened if everybody contributed to promoting the OSCE's visibility in this core activity of the organization, instead of singling out the ODIHR as "the" primary OSCE institution for Election Observation.

I would like to repeat my call on all of you to assist us in finding solutions to persisting problems, for instance when our Special Coordinators are de-facto prevented from studying first-hand Long-Term observer reports. Roberto Battelli, the Special Coordinator for the Election Observation in Bosnia and Herzegovina, when reporting to the Standing Committee of the PA in Palermo the day before yesterday, said that he felt offended by the reasons offered by the ODIHR Headquarters for why he is forced to look at these reports on ODIHR premises under supervision, and why he was prohibited from making copies of elements in the reports that he would like to use in his work.

The Cooperation Agreement is not the result of a momentary aberration of a former Chairmanship and a former PA President. It is a clearly conceptualized and well formulated document that is intended to aid us in our common endeavor to observe elections. Not only that, but it also describes the established practice existing at the time. A decade of attempts to erode it has led to endless discussions harming the usually good and fruitful cooperation between our members and the ODIHR-appointed long-term observers in the field. When we are doing this demanding and delicate job in an OSCE observer mission - and we are trying to do it well! - we need your support. And in particular the person who the Chairman-in-Office has appointed as Special Coordinator needs all support he or she can get, instead of the proverbial sticks being thrown between his legs.

Ten days ago I was intimately involved in the negotiations in Bosnia and Herzegovina. The personal atmosphere between us - especially the CiO-appointed Special Coordinator Battelli, ODIHR-appointed On-site coordinator Ambassador Everts, a well known colleague and old friend of mine, and the other staff of the ODIHR Core Team could not have been better. This is not where the problems come from. As always, Mr. Battelli consulted an advisory group comprising MPs from Croatia, Italy, Poland, Switzerland and the UK on all issues. As far as I have been informed, cooperation with the ODIHR team on the ground also went reasonably well during the last weekend in Bishkek. Austrian MP Grossruck, who will lead the short term OSCE observation mission to Azerbaijan, has already renewed his friendly contacts with Dame Glover, the ODIHR On-site Coordinator for this mission. He and I will fly there on Thursday on a pre-assessment mission and to have our first meetings with the ODIHR team on the ground. On our part, we certainly do all we can to create a good rapport.

One last remark on Azerbaijan: In Palermo, Mr. Grossruck also met with the leader of the PACE delegation. When working out our Preliminary Assessment on the basis of our joint observations, and together with our parliamentary partners, we will carefully assess the facts that we have been able to establish, and we will hopefully come to conclusions that will help further develop the democratic institutions of the country. This is the fact-based methodology the PA has been using in two decades of election-observation, and which we will continue to apply also in future.