

Chairmanship: Spain

**SPECIAL MEETING OF THE PERMANENT COUNCIL
(694th Plenary Meeting)**

1. Date: Friday, 21 December 2007

Opened: 5.10 p.m.

Closed: 5.15 p.m.

2. Chairperson: Mr. C. Sánchez de Boado y de la Válgoma

3. Subjects discussed — Statements — Decisions/documents adopted:

Agenda item 1: DECISION ON THE ESTABLISHMENT OF AN OSCE
OFFICE IN ZAGREB

Chairperson

Decision: The Permanent Council placed the decision on the establishment of an OSCE Office in Zagreb, the text of which is appended to this journal, under a silence procedure with the period of silence expiring on Friday, 21 December 2007, at 12 midnight CET.

Agenda item 2: DECISION ON THE EXTENSION OF THE MANDATE OF
THE OSCE MISSION IN KOSOVO

Chairperson

Decision: The Permanent Council adopted Decision No. 835 (PC.DEC/835), the text of which is appended to this journal, on the extension of the mandate of the OSCE Mission in Kosovo.

Serbia (interpretative statement, see attachment 1 to the decision), Portugal-European Union (with the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Montenegro; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; in alignment)

(interpretative statement, see attachment 2 to the decision), United States of America (interpretative statement, see attachment 3 to the decision)

Agenda item 3: ANY OTHER BUSINESS

None

4. Next meeting:

Thursday, 10 January 2008, at 10 a.m., in the Neuer Saal



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.DEC/835
21 December 2007

Original: ENGLISH

694th Plenary Meeting

PC Journal No. 694, Agenda item 2

**DECISION No. 835
EXTENSION OF THE MANDATE OF THE
OSCE MISSION IN KOSOVO**

The Permanent Council,

Recalling its Decision No. 765 of 14 December 2006, by which the mandate of the OSCE Mission in Kosovo was extended until 31 December 2007,

Decides:

1. To extend the mandate of the OSCE Mission in Kosovo until 31 January 2008;
2. At the end of this period, and at the end of each month afterwards, the mandate will be extended for another month unless a participating State objects in writing to the Chairperson of the Permanent Council;
3. Should the mandate end, the Mission will start the procedure for closing down without delay;
4. At the same time, negotiations will start on the terms of a possible further engagement of the OSCE in Kosovo.

PC.DEC/835
21 December 2007
Attachment 1

Original: ENGLISH

**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 Serbia:

“The Republic of Serbia considers the mandate of the OSCE Mission in Kosovo, as it stands now, to be fully consistent with United Nations Security Council resolution 1244 (1999). Therefore, we understand that the full and correct name of this Mission should be the OSCE Mission in Kosovo/Republic of Serbia, referring to the fact that Serbia is the legal successor of the Federal Republic of Yugoslavia, whose territorial integrity and sovereignty was confirmed by resolution 1244.

We request that this interpretative statement be attached to the journal of today’s meeting of the Permanent Council.”

PC.DEC/835
21 December 2007
Attachment 2

Original: ENGLISH

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

By Portugal on behalf of the European Union:

“Mr. Chairman,

On behalf of the European Union as well as the Delegations of Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Montenegro, Iceland and Norway, we would like to make the following interpretative statement to be attached to the Decision on the extension of the mandate of the OSCE Mission in Kosovo.

In joining consensus on this decision to extend the mandate of the OSCE Mission in Kosovo, we would like to emphasize the following points.

We reiterate our appreciation for the essential work done by the OSCE Mission in Kosovo through its Headquarters in Pristina as well as its broad field presence. We see the OSCE continuing to play an important role in the support of a peaceful, democratic and multi-ethnic Kosovo, with full respect for the rule of law, the protection of minorities and of cultural and religious heritage, and the highest level of internationally recognized human rights and fundamental freedoms.

We had been fully committed to extending OMiK’s mandate to 31 December 2008. We joined consensus on the current decision solely to prevent the expiry of OMiK’s mandate on 1 January 2008.

It is our understanding that the Head of Mission will be responsible for implementing this Permanent Council decision, taking into account the realities on the ground and the negotiations that will begin on the OSCE’s further engagement in Kosovo. Flexibility will be needed to meet the challenges ahead.

Mr. Chairman,

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

PC.DEC/835
21 December 2007
Attachment 3

Original: ENGLISH

**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:

“Mr. Chairman,

The United States associates itself fully with the EU statement we have just heard. Like the European Union, we believe OMiK’s work has been essential to a peaceful and democratic Kosovo. We would like in particular to single out OMiK’s invaluable work with minority ethnic groups.

We regret that the actions of the two participating States that insisted on this month-to-month mandate renewal endanger the entity that has been the most trusted interlocutor and forceful advocate for the minority populations in Kosovo. These OMiK functions have been indispensable and will have to be continued regardless of Kosovo’s final status.

The OSCE also has a responsibility to OMiK’s employees, and the United States is disappointed that this month-to-month extension decision continues the uncertainty that has threatened the job stability of over 700 local employees and over 200 international staff, both contract and secondees.

Thank you, Mr. Chairman.

I request that this interpretative statement be included along with this decision in the journal of the day.”



694th Plenary Meeting

PC Journal No. 694, Agenda item 1

**DECISION ON THE
ESTABLISHMENT OF AN OSCE OFFICE IN ZAGREB, SUBJECT TO
A SILENCE PROCEDURE EXPIRING ON FRIDAY,
21 DECEMBER 2007, AT 12 MIDNIGHT CET**

The Permanent Council,

Recalling Permanent Council Decisions Nos. 112 dated 18 April 1996 on the establishment of the OSCE Mission to Croatia, and 176 dated 26 June 1997 on its expansion and reinforcement, and Nos. 271 dated 19 November 1998, 327 dated 9 December 1999, 345 dated 23 March 2000, 396 dated 14 December 2000, 455 dated 21 December 2001, 514 dated 12 December 2002, 578 dated 18 December 2003, 644 dated 16 December 2004, 695 dated 17 November 2005, and 748 dated 23 November 2006 on the progressive downsizing of the Mission,

Noting the positive resolution of remaining outstanding issues in the field of Rule of Law such as the increased State funding to the Constitutional Court and Ombudsman, as well as the continuous implementation of the minority employment guarantees of the Constitutional Law on National Minorities,

Noting the latest Status Report (No. 18/Ref No. FR/0017/07) of the OSCE Mission to Croatia outlining the progress achieved in the field of refugee return and integration, in particular on the agreed benchmarks related to the implementation of the housing care programmes for former Occupancy and Tenancy Rights holders,

Decides to close the OSCE Mission to Croatia and to establish an Office in Zagreb.

The Office in Zagreb is primarily tasked to monitor the proceedings related to cases referred to Croatia pursuant to Rule 11 *bis* of the ICTY's Rules of Procedure and Evidence on behalf of the OSCE as well as on behalf of the Prosecutor of ICTY, in line with Permanent Council Decision No. 673 dated 19 May 2005. The Office will also monitor, as part of the national proceedings followed, all other cases involving ICTY transfers including so-called "Category II" cases as well as all domestic war crimes proceedings initiated at the local level. The Office will also report on residual aspects of the implementation of the housing care programmes in Croatia;

In carrying out its tasks the Office will closely work with government offices and non-governmental bodies and offices as appropriate.

The Office will facilitate contacts, co-ordinate activities and promote information exchange with the Chairman-in-Office, Secretariat and OSCE institutions. It will also co-operate with international and regional partners.

The OSCE Office in Zagreb will report to the Permanent Council on a regular basis on the implementation of the mandate and the activities of the Office.

In its reporting the confidentiality of the proceedings and the protection of victims and witnesses, as foreseen by the ICTY Statute and its "Rules of Procedure and Evidence", as well as the respective rules of the Croatian courts shall be fully respected.

The Office will be located in Zagreb. It will be led by a Head of Office assisted by an adequate number of international members supported by national staff to implement the above-mentioned tasks in an appropriate way. The Head of Office has the authority to assign staff as she/he deems necessary to most effectively support Croatia in the completion of tasks under the mandate.

The Permanent Council tasks the Secretary General to present by 31 December 2007 a revised 2008 Unified Budget proposal to reflect the financial implications of the establishment of the Office in Zagreb. Pending adoption of a decision on this issue, the OSCE Office in Zagreb is authorized to use appropriate resources not to exceed the resources foreseen for the former Mission to Croatia in the 2008 Unified Budget proposal (PC.ACMF/61/07 of 1 October 2007).

The duration of the Office will be until 31 December 2008. Extensions and possible changes of its mandate will be subject to new decisions of the Permanent Council.

The rights and obligations established with the OSCE Mission to Croatia will be continued with the OSCE Office in Zagreb. The rights and obligations of the Mission will therefore be transferred to the Office to the extent covered by the mandate.

A Memorandum of Understanding regarding the modalities of the OSCE Office in Zagreb will be signed between the Government of Croatia and the OSCE Secretary General or his duly authorized representative. Until this Memorandum of Understanding enters into force, the present Memorandum of Understanding concluded between the OSCE and the Government of the Republic of Croatia on 29 August 1996 and its agreed amendments will remain in effect and apply to the Office.