
Chairmanship: Albania**1274th PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 9 July 2020 (in the Neuer Saal and via video teleconferencing)

Opened: 10.05 a.m.
Suspended: 1 p.m.
Resumed: 3.05 p.m.
Closed: 4.30 p.m.

2. Chairperson: Ambassador I. Hasani

Prior to taking up the agenda, the Chairperson reminded the Permanent Council of the technical modalities for the conduct of meetings of the Council during the COVID-19 pandemic (SEC.GAL/45/20 OSCE+) (CIO.GAL/73/20/Rev.1 OSCE+).

The Chairperson also welcomed the new Permanent Representative of Georgia to the OSCE, H.E. Ambassador Ketevan Tsikhelashvili.

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

Agenda item 1: ADDRESS BY THE SPECIAL REPRESENTATIVE OF THE OSCE CHAIRPERSON-IN-OFFICE IN UKRAINE AND IN THE TRILATERAL CONTACT GROUP

Discussion under agenda item 2

Agenda item 2: REPORT BY THE CHIEF MONITOR OF THE OSCE SPECIAL MONITORING MISSION TO UKRAINE

Chairperson, Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (PC.FR/27/20 OSCE+), Russian Federation (PC.DEL/897/20), Germany-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Georgia and Ukraine, in alignment)

(PC.DEL/917/20), Georgia, United Kingdom, Turkey (PC.DEL/908/20 OSCE+), Switzerland, United States of America (PC.DEL/889/20), Kazakhstan, Norway (PC.DEL/915/20), Belarus (PC.DEL/890/20 OSCE+), Canada (PC.DEL/892/20 OSCE+), Bosnia and Herzegovina (PC.DEL/891/20 OSCE+), Ukraine (PC.DEL/894/20)

Agenda item 3: REVIEW OF CURRENT ISSUES

- (a) *Racism and police violence in the United States of America*: Russian Federation (PC.DEL/895/20), United States of America (PC.DEL/910/20)

- (b) *Recent sentencing of human rights defenders in Turkey*: United States of America (PC.DEL/898/20), Germany-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Armenia, in alignment) (PC.DEL/918/20), United Kingdom (also on behalf of Canada), Turkey

- (c) *Twenty-fifth anniversary of the genocide in Srebrenica, Bosnia and Herzegovina*: Germany-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Andorra, Georgia, San Marino and Ukraine, in alignment) (PC.DEL/916/20), Switzerland (PC.DEL/901/20 OSCE+), Russian Federation (PC.DEL/893/20), Turkey (PC.DEL/909/20 OSCE+), Serbia (PC.DEL/905/20 OSCE+), Canada (PC.DEL/913/20 OSCE+), United Kingdom (PC.DEL/906/20 OSCE+), United States of America (PC.DEL/896/20), Bosnia and Herzegovina (PC.DEL/907/20 OSCE+)

Agenda item 4: REPORT ON THE ACTIVITIES OF THE
CHAIRMANSHIP-IN-OFFICE

- (a) *Chairmanship high-level conference on “Good governance and the fight against corruption in the digital era”, held in Vienna on 6 and 7 July 2020*: Chairperson

- (b) *1275th plenary meeting of the Permanent Council, to take place on 16 July 2020*: Chairperson

- (c) *Ambassadorial retreat to be held in Pöllauberg, Austria, on 13 and 14 July 2020*: Chairperson

- (d) *Extension of the appointments of the Secretary General and of three heads of institution*: Azerbaijan (Annex), Chairperson, Turkey, Russian Federation, Italy

Agenda item 5: REPORT OF THE SECRETARY GENERAL

- (a) *Developments related to the COVID-19 pandemic affecting OSCE field operations in South-Eastern Europe and Central Asia*: Director of the Conflict Prevention Centre
- (b) *Participation of the Secretary General in the Chairmanship high-level conference on “Good governance and the fight against corruption in the digital era”, held in Vienna on 6 and 7 July 2020*: Director of the Conflict Prevention Centre
- (c) *Video teleconference between the Secretary General and the Co-Chairs of the OSCE Minsk Group on 8 July 2020*: Director of the Conflict Prevention Centre
- (d) *Video teleconference between the Secretary General and the heads of OSCE institutions, held on 3 July 2020*: Director of the Conflict Prevention Centre
- (e) *Participation of the Secretary General in a working breakfast on the COVID-19 pandemic together with the heads of Vienna-based international organizations, held on 8 July 2020*: Director of the Conflict Prevention Centre
- (f) *Accreditation of the Permanent Representatives of Georgia and Monaco to the OSCE*: Director of the Conflict Prevention Centre
- (g) *Secretariat Senior Management Retreat, to be held in Vienna on 9 and 10 July 2020*: Director of the Conflict Prevention Centre
- (h) *20th conference of the Alliance against Trafficking in Persons, to be held in Vienna from 20 to 22 July 2020*: Director of the Conflict Prevention Centre

Agenda item 6: ANY OTHER BUSINESS

- (a) *Parliamentary elections in Kyrgyzstan, to be held on 4 October 2020*: Kyrgyzstan (PC.DEL/912/20 OSCE+)
- (b) *The United Kingdom’s Global Human Rights Sanctions Regulations 2020*: United Kingdom, Russian Federation (PC.DEL/900/20), United States of America (PC.DEL/903/20)

4. Next meeting:

Thursday, 16 July 2020, at 10 a.m., in the Neuer Saal and via video teleconference



1274th Plenary Meeting

PC Journal No. 1274, Agenda item 4(d)

STATEMENT BY THE DELEGATION OF AZERBAIJAN

Mr. Chairperson,

In accordance with the relevant Ministerial Council decisions of 2017, the terms of office of the OSCE Secretary General and of three heads of institution – namely, the OSCE High Commissioner on National Minorities, the OSCE Representative on Freedom of the Media and the Director of the Office for Democratic Institutions and Human Rights (ODIHR) – will come to an end on 18 July 2020. The OSCE Staff Regulations and Staff Rules stipulate that the “appointment or assignment [of OSCE officials] shall end without notice on the expiration date”. Ministerial Council Decision No. 8 of 7 December 2002 indicates that, as part of its mandate, the Chairmanship-in-Office “shall carry out its responsibilities for appointments and assignments” (MC(10).DEC/8). In accordance with the OSCE’s standard recruitment procedures and the Staff Regulations and Staff Rules, the appointment procedure should be completed before expiration of the terms of office of the heads of the executive structures. We had expected the Albanian OSCE Chairmanship to display a proactive approach and leadership in steering the process of appointing the Secretary General and the three heads of institution. So far we have not seen this, yet there are only nine days left until the end of the terms of office of the current heads of the OSCE executive structures.

Given the current situation, the delegation of Azerbaijan would like to present its views on the activities of the Chairmanship.

The Staff Regulations and Staff Rules stipulate that appointments in the OSCE, which is a non-career organization, “shall not carry any expectation of extension or conversion to another type of employment” (Regulation 3.11). The same Regulation lays down that “extensions beyond the period set under Regulation 3.08 may be granted by the authority competent for appointment”, subject to consensus within the Organization. There is nothing in the text of the 2017 Ministerial Council decisions that would set a precedent or imply automatic extension of the mandates of all four heads of the OSCE executive structures. The delegation of Azerbaijan made an interpretative statement (MC(24).JOUR/2) to that effect, which is still valid.

Accordingly, the extension of the appointments of the heads of OSCE executive structures should not be taken for granted. The OSCE has a rigorous system for evaluating the operational activities of the OSCE executive structures and holding them accountable – this is accomplished, *inter alia*, through the Unified Budget process and by having fixed

terms of office. As laid down in the Ministerial Council decisions on the appointment of heads of institutions and the Permanent Council decisions on the approval of the Unified Budget, fund managers must “ensure full compliance of their programme activities with respective mandates and with the body of the OSCE principles, commitments and decisions” (PC.DEC/1326). This is a key condition on the basis of which the performance of the heads of the OSCE executive structures is evaluated and decisions on appointments are taken.

During consultations among the participating States, Azerbaijan expressed its readiness to join the consensus on extending the mandates of the Secretary General, the Director of the ODIHR and the High Commissioner on National Minorities. Swift adoption of the relevant decisions is especially important in view of the ongoing OSCE-wide crisis in the politico-military dimension of security and the challenges related to the COVID-19 pandemic.

The delegation of Azerbaijan has made it clear on several occasions since May 2020 – notably during informal consultations with the Albanian Chairmanship, at the meeting with the Representative on Freedom of the Media held by the Albanian Chairmanship on 5 June 2020, in its letter of 11 June 2020 to the Chairperson of the Permanent Council (SEC.DEL/195/20), and in its statement at the 1273rd Meeting of the Permanent Council on 2 July 2020 (PC.DEL/819/20) – that it is not in a position to support an extension of the mandate of the current Representative on Freedom of the Media, Mr. Harlem Désir.

Owing to the lack of consensus within the Organization on reappointment of the current Representative on Freedom of the Media, the Albanian OSCE Chairmanship, in line with its mandate, should have opened a vacancy and invited the participating States to nominate new candidates for this post. It is regrettable that the Albanian Chairmanship has so far failed to issue such a vacancy notice. The Chairmanship should also have convened a preparatory committee to enable all 57 participating States to consider the draft decisions on extending the mandates of the Secretary General, the Director of the ODIHR and the High Commissioner on National Minorities, with a view to determining whether this proposal by the Chairmanship enjoyed consensus. Failure to deliver on these two accounts only complicates the situation further.

We believe that the reappointment of the heads of OSCE executive structures on which there is consensus would make it possible to finalize the selection process for other senior posts while ensuring the Organization’s continued functioning.

It is deplorable that some delegations linked the reappointment of the Secretary General, the Director of the ODIHR and the High Commissioner for National Minorities to the question of extending the mandate of the current Representative on Freedom of the Media. In so doing, they have essentially taken these heads of OSCE executive structures and, indeed, the whole Organization hostage. We resolutely reject such artificial linkages. Furthermore, the attitude of those delegations is completely at odds with the standard recruitment procedures and the OSCE Staff Regulations and Staff Rules, in particular with Regulation 3.11 cited earlier. Ultimately, regardless of the reasons behind their positions, these participating States will have to make individual decisions on the appointment of each head of an OSCE executive structure separately, and they will have to take responsibility for their actions.

We urge the Albanian Chairmanship to launch a transparent selection process without delay and to invite the governments of the participating States to nominate qualified candidates for the post(s) on which there is no consensus.

When undertaking efforts to reach a consensus on candidates, the Albanian Chairmanship must ensure “that its actions are not inconsistent with positions agreed by all the participating States and that the whole spectrum of opinions of participating States is taken into account”, as required by the Porto Ministerial Council decision on the role of the OSCE Chairmanship-in-Office (MC(10).DEC/8), adopted in 2002.

Scrupulous implementation of the respective mandates and full compliance with the OSCE principles, commitments and decisions will guide the Republic of Azerbaijan in the selection process for appointing the Secretary General, the Director of the ODIHR, the High Commissioner on National Minorities and the next holder of the mandate of Representative on Freedom of the Media. Both these conditions are prerequisites for the participating States’ collective support for activities of the OSCE institutions and field missions.

Furthermore, the delegation of Azerbaijan has previously drawn the participating States’ attention to the intolerable geographical imbalance in the recruitment of staff for the Organization. The need to ensure stronger implementation in practice of the principle of fair geographical distribution in recruiting OSCE staff will guide Azerbaijan throughout the selection process for the post of Secretary General and the heads of institutions.

The delegation of Azerbaijan requests that this statement be attached to the journal of the day.

Thank you, Mr. Chairperson.