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ENGLISH only

**Review Conference 2010, Warsaw, 30 September - 08 October 2010**  
**Statement by Ambassador at Large Madina Jarbussynova in response to**  
**the point of order raised by the European Union, Canada, United States of**  
**America and Norway**  
**Working Session 5: Rule of Law II**

1. First, the Chairmanship reminds all participants of this meeting that this is the OSCE Review Conference and not the OSCE's annual Human Dimension Implementation Meeting. The conduct of this Review Conference is governed by the modalities set out in Permanent Council Decision No. 952, which was adopted by a consensus decision of all participating States and can not be overruled neither by the Chairmanship nor by any other participating State, and definitely not by the OSCE Secretary General or by the ODIHR.
2. Second, PC Decision No. 952 clearly stipulates that any decision on attendance of any NGO or individual, the participation of whom has raised questions, should be in conformity with paragraph (16) of Chapter IV of the 1992 Helsinki Document and be based on the views of the interested participating States. Therefore, the Chairmanship has no right to decide on this matter. Furthermore, Kazakhstan did not declare itself as an "interested participating State", the views of which should be taken into account in deciding on this matter. This is only natural and is in full accordance with the mandate of any Chairmanship, as prescribed in Porto Ministerial Council Decision No. 8 on the role of the OSCE Chairmanship-in-Office. According to this mandate, the Chairmanship should 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, thereby ensuring neutrality and objectivity. In other words, the Chairmanship has to respect the opinion of every single participating State.
3. Third, the Chairmanship wishes to highlight the difference between the modalities of the ongoing Review Conference and annual HDIMs on this particular matter: the participation of NGOs at HDIMs is governed by the above-mentioned paragraph of the 1992 Helsinki Document, and no formally agreed procedure for ensuring such compliance was established by the participating States for HDIMs. With regard to the Review Conferences, the compliance with that paragraph is ensured by consultations held by the Secretary General and by the requirement that the views of all interested participating States should serve as a basis for any decision on the matter.

4. Fourth, regarding the situation with these particular individuals under discussion. They registered for the Review Conference, and their attendance was questioned by an interested participating State. Some other interested participating States expressed different views. Therefore, in full accordance with PC Decision No. 952, the Secretary General is conducting consultations with all interested participating States. No decision was taken on this matter, due to diverging views among the interested participating States.

5. Finally, the Chairmanship urges all interested participating States, including those who support and do not support the attendance of the Conference by these individuals, to take serious efforts towards converging their views and enabling a constructive resolution of this matter.

This statement will be attached to the journal of this meeting.