
Chairmanship: Finland**709th PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 17 April 2008

Opened: 10.10 a.m.

Closed: 1.15 p.m.

2. Chairperson: Mr. A. Turunen

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

Agenda item 1: ADDRESS BY THE SECRETARY GENERAL OF THE
LEAGUE OF ARAB STATES, H.E. AMRE MOUSSA

Chairperson, Secretary General of the League of Arab States, Slovenia-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, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association country Norway, member of the European Economic Area; as well as Armenia, Moldova and Ukraine, in alignment) (PC.DEL/297/08), Russian Federation (PC.DEL/307/08 OSCE+), Holy See (PC.DEL/309/08), Kazakhstan, United States of America (PC.DEL/300/08), Azerbaijan, Armenia, Egypt (Partner for Co-operation), Algeria (Partner for Co-operation), Morocco (Partner for Co-operation), Israel (Partner for Co-operation)

Agenda item 2: OSCE SPILLOVER MONITOR MISSION TO SKOPJE

Chairperson, Head of the OSCE Spillover Monitor Mission to Skopje (PC.FR/10/08 OSCE+), Slovenia-European Union (with the candidate countries Croatia and Turkey; the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Armenia, Moldova and Ukraine, in alignment) (PC.DEL/298/08), Norway (PC.DEL/312/08), Russian Federation (PC.DEL/308/08 OSCE+),

United States of America (PC.DEL/301/08), the former Yugoslav Republic of Macedonia, Greece (PC.DEL/315/08 OSCE+)

Agenda item 3: REVIEW OF CURRENT ISSUES

- (a) *Recent developments in Abkhazia and South Ossetia, Georgia*: Georgia (Annex 1), Slovenia-European Union (PC.DEL/299/08), United States of America (PC.DEL/303/08), Canada (PC.DEL/304/08), Norway (PC.DEL/313/08), Ukraine (also on behalf of Azerbaijan and Moldova), Russian Federation (PC.DEL/314/08 OSCE+)
- (b) *Freedom of the media in Azerbaijan and Slovakia*: United States of America (PC.DEL/302/08), Canada (also on behalf of Norway) (PC.DEL/305/08), Slovakia (Annex 2), Azerbaijan

Agenda item 4: DECISION ON THE AGENDA, TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES OF THE 2008 HUMAN DIMENSION SEMINAR

Chairperson

Decision: The Permanent Council adopted Decision No. 845 (PC.DEC/845), the text of which is appended to this journal, on the agenda, timetable and other organizational modalities of the 2008 Human Dimension Seminar.

Agenda item 5: REPORT ON THE ACTIVITIES OF THE CHAIRMAN-IN-OFFICE

- (a) *Selection process for the appointment of the Director of the Office for Democratic Institutions and Human Rights*: Chairperson, Turkey
- (b) *Appointment of the Head of the OSCE Office in Zagreb (CIO.GAL/62/08 OSCE+)*: Chairperson

Agenda item 6: REPORT OF THE SECRETARY GENERAL

Announcement of the distribution of the report of the Secretary General (SEC.GAL/75/08 OSCE+): Secretary General

Agenda item 7: ANY OTHER BUSINESS

Parliamentary elections to be held in the former Yugoslav Republic of Macedonia on 1 June 2008: the former Yugoslav Republic of Macedonia

4. Next meeting:

Thursday, 24 April 2008, at 10 a.m., in the Neuer Saal



709th Plenary Meeting

PC Journal No. 709, Agenda item 3(a)

STATEMENT BY THE DELEGATION OF GEORGIA

Mr. Chairperson, dear colleagues,

Today, I would like to draw your attention to the extremely alarming situation around the Tskhinvali region/South Ossetia and Abkhazia, Georgia, and particularly to the steps that the Russian Federation has recently undertaken towards annexation of Georgian regions.

On 16 April 2008, the President of the Russian Federation instructed the Government to launch formal co-operation with the *de facto* authorities of Abkhazia and South Ossetia in the economic, social, scientific, technical, informational, cultural and educational spheres, and to involve Russian regions in this process.

With this decree, the list of the documents issued to physical persons by the *de facto* authorities of Abkhazia and South Ossetia and recognized by the Russian Federation is established; the legal personality of entities registered in accordance with the legislation of Abkhazia and South Ossetia is recognized; and the federal organs of the executive authority are authorized to implement co-operation with Abkhazia and South Ossetia within the framework of provision of legal assistance in civil, family and criminal matters. At the same time, the territorial organs of the Ministry of Foreign Affairs of the Russian Federation will be able to perform certain consular functions for protection of the interests of persons permanently residing in Abkhazia and South Ossetia.

We are witnessing the culmination of a “creeping annexation” by the Russian Federation, which is being carried out in a blatant and daring manner. This process cannot continue any further; we are on the brink of — and I am perfectly serious when I say this — an unexpected and dangerous unfolding of events.

As you may already recall, this action was preceded by a series of provocations by the Russian Federation, which were, however, in no way comparable to this one in boldness and the potential to cause danger.

On 6 March 2008, the Russian Federation unilaterally withdrew from the sanctions regime aimed at preventing the increase in armaments and military forces in Abkhazia. We have already informed the Permanent Council regarding this matter, but I want to reiterate once again that this action creates a serious risk of having a territory in the OSCE area where

no arms control regime exists. And we know where a state of uncontrolled armaments in a region can lead.

On 13 March, the Russian State *Duma* issued a statement which directly supports the separatism, and hence infringes the territorial integrity and sovereignty of Georgia. On 3 April 2008, the President of Russia, in an official letter, promised the separatist regimes “not declarative, but essential assistance”. In this letter, President Putin promises the *de facto* authorities essential assistance under the pretext of defending the rights of the Russian citizens currently residing in the conflict zones of Georgia.

We would also like to inform you that, last week, the Ministry of Justice of the Russian Federation appealed to the Ministry of Justice of Georgia and expressed the intention to begin official co-operation with “the government of Abkhazia” regarding transfer of Russian citizens convicted on the territory of Abkhazia. This action is also considered by Georgia as an open attempt to infringe its sovereignty.

These are only a few examples of the steps recently taken by the Russian Federation. On every occasion and from all levels of the Russian establishment, we hear intimidation and threats against Georgia and its sovereignty. Let me remind you of the statement made by General Yuri Baluevsky, the Chief of Staff of the Russian Armed Forces, who openly declared that Russia would protect its interests through military and “other measures” in the event of integration of Georgia and Ukraine into NATO. As you all remember, the decision that Georgia and Ukraine will eventually join the North Atlantic Treaty Organization was taken two weeks ago by 26 countries, all of which are represented here today. We would very much like to know what protection of Russia’s interests through “military and other measures” implies.

The timing of the above-mentioned actions by the Russian Federation is the subject of our special concern, as they followed shortly after the peace proposals by the President of Georgia aimed at timely conflict resolution and at guaranteeing protection of the political, economic, social and cultural rights of Abkhazia. This gives us serious grounds to perceive the actions by the Russian Federation as being aimed at a deliberate disruption of any Georgian steps towards peaceful conflict resolution.

There can be no better evidence of Georgia’s commitment to peace than the proposals to facilitate resolution of the conflict in Abkhazia, Georgia, made by the President of Georgia on 28 March 2008.

These generous proposals envisage early and steady economic progress for Abkhazians through the creation of joint economic free zones in the Gali and Ochamchire districts, linking them with the economic free zone of Poti. These proposals envisage guaranteed Abkhaz representation in Georgia’s central executive and legislative authorities, creation of a constitutionally guaranteed position of vice-president of Georgia for Abkhazians, and most importantly, the granting to Abkhazians of a right to veto all decisions which concern Abkhazia’s status and rights. We are ready to have international guarantors involved in this process, including the Russian Federation.

This is our understanding of wide federalism and “unlimited autonomy”, which, in our mind, will create all the necessary preconditions for developing Abkhazia’s culture, language and national identity.

Regarding the Tskhinvali region/South Ossetia, you are all aware of the new proposal which was presented here at the Permanent Council. This proposal, which aims at engaging in a dialogue on the political status of the Tskhinvali region/South Ossetia in the 2+2+2 framework, is a logical adjustment of already existing formats of negotiation to the new realities. At the same time, I want to stress again that we are ready to use all the negotiating forums which exist today, as long as they yield positive results for the population on the ground. Georgia has already expressed its readiness to meet with the Tskhinvali *de facto* authorities, and it is unfortunate that no serious reciprocal steps have been observed in this regard.

Just a few days ago, on 12 April 2008, the President of Georgia put forward an additional set of proposals which emphasize the importance of carrying out a package of confidence-building measures that was agreed with the EU. Also, the relevant ministries have been instructed to draft concrete proposals building on the initiatives of the President and to engage in direct negotiations with Abkhazia.

With regard to the Tskhinvali region/South Ossetia, Georgia, it was stressed by the President — and I want to communicate this message to you — that we are still focusing on implementation of the peace plan developed by Georgia and approved by the OSCE Ministerial Council meeting in Ljubljana.

Furthermore, the Ministry of Economic Development of Georgia has been instructed to develop a plan of action and to allocate funds for the guaranteed purchase of agricultural goods from the Tskhinvali region/South Ossetia and Abkhazia, Georgia. We have already taken a decision to provide ten students from Tskhinvali with scholarships to study abroad under the aegis of the Programme of the President of Georgia. The summer vacation programme for schoolchildren will also be enhanced this year.

On the President’s instructions, interagency working groups on legal, economic and political issues have been set up involving the Ministries of Foreign Affairs, Economic Development and Justice and the Offices of the State Minister for Reintegration and the National Security Council. The aim of these groups is to thoroughly process the new peace initiatives, to develop a plan for their implementation which will be presented to you in the very near future, to enter into a direct dialogue with the Abkhaz side and the Tskhinvali *de facto* authorities and to involve the international community in this process.

It was stressed by the President — and I want to emphasize it here — that the success of our peace initiatives is conditional on a more active involvement of the international community, in particular the Russian Federation, in the ongoing processes.

Mr. Chairperson, distinguished colleagues,

There can be no doubt that the recent decree of the President of the Russian Federation and a cascade of events which preceded this decree are in complete violation of all the existing norms of international law and are directed towards legitimizing

the *de facto* annexation of the territory of a sovereign State. These facts cannot be considered otherwise than as part of the comprehensive policy of aggression of the Russian Federation. This is a policy that promotes the full economic, legal and political integration of Georgian regions into the Russian space.

We are pleading with the international community not to turn a blind eye to the obvious and blatant annexation of our territories. We know that such a development of events will be to no one's benefit. We plead with the international community to act promptly against this action by the Russian Federation. An adequate response, in our view, would be a public denunciation of the *de facto* annexation of the territory of a sovereign State and an expression of support for the peace initiatives of the President of Georgia.

Mr. Chairperson,

Despite all the aforementioned destructive actions by the Russian Federation, we are confident that our new peace proposals open up a completely new vista for peaceful resolution of the conflicts, create a unique mechanism for the protection of the rights of national minorities in Georgia and provide additional opportunities for the engagement of the international community in the conflict-resolution process.

Just two days ago, the United Nations Security Council, including the Russian Federation, adopted its resolution 1808 (2008) on the situation in Abkhazia, Georgia, once again reaffirming the inviolability of the sovereignty and territorial integrity of Georgia within its internationally recognized borders. We believe it is obvious that a permanent member of the United Nations Security Council should respect the sovereignty and territorial integrity of Georgia not only in word, but first and foremost in deed.

Mr. Chairperson,

We firmly believe that, instead of absorbing Georgian territories, it would be better for the Russian Federation to engage more actively in the process of ensuring a safe and dignified return of internally displaced persons/refugees — victims of ethnic cleansing, as provided for by a number of United Nations Security Council resolutions. In this context, we would like to recall that, in the latest resolution, the sides in the conflict are called upon to commit themselves to fulfil within a reliable time frame the conditions necessary for the safe, dignified and swift return of refugees and internally displaced persons.

Therefore, Mr. Chairperson, we urge the OSCE and its participating States, the United Nations, the United Nations Secretary-General's Group of Friends of Georgia, and other States concerned to lend their support to Georgia's peace proposals, to engage in the implementation of the above-mentioned initiatives and, hence, give a fresh positive impetus to the peaceful resolution of the conflicts on the territory of Georgia.

Mr. Chairperson,

Last, but not the least, I would like to inform you that, in the very near future, we will avail ourselves of all possible formats within the OSCE to revert to this issue in the most serious way.



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

PC.JOUR/709
17 April 2008
Annex 2

Original: ENGLISH

709th Plenary Meeting
PC Journal No. 709, Agenda item 3(b)

STATEMENT BY THE DELEGATION OF SLOVAKIA

Mr. Chairperson,

Allow me to express my appreciation of the interest of the OSCE Representative on Freedom of the Media as well as that of some participating States in the new Media Act that was approved by the Slovak Parliament last Wednesday. The Act, once signed by the President, will enter into force on 1 July 2008. Slovakia needed the new Act on the Periodic Press and News Agencies because the current one, which has been in force since 1966, has already been amended several times. This initiative has been welcomed by several Slovak professional organizations.

We greatly appreciate the consultations with the OSCE Representative on Freedom of the Media and the recommendations subsequently made by him. The Slovak Government and Parliament considered them very seriously and the relevant improvements have been introduced into the text.

The changes adopted reflect many of the recommendations by the OSCE Representative on Freedom of the Media, including the major recommendation that members of the executive should not have the power to impose sanctions on media outlets. This possibility was eliminated, including restriction on content. The new Act increases the responsibility of publishers and owners of other media for published information and gives the possibility to the public to request publication of a response and correction without administrative delays. At the same time, it embodies mechanisms protecting the interests of the media. The right of reply is a mechanism commonly included in the media laws of other OSCE participating States. The Act can be amended if its implementation reveals problems for freedom of the media in practice.

A more detailed explanation of the Slovak position will be distributed to all the OSCE participating States in due course.

Mr. Chairperson,

Slovakia is a democratic country that fully respects freedom of expression and honours the independence of the media. The Slovak Media Act is in compliance with all the international legal obligations that Slovakia is committed to. And there should be no concern about its misuse. To support this, allow me to draw your attention to the latest report of the

well established NGO Reporters without Borders, in which Slovakia has been ranked third among 169 countries on the index measuring the level of press freedom.

Thank you, Mr. Chairperson.

I request that this statement be attached to the journal of the day.



709th Plenary Meeting

PC Journal No. 709, Agenda item 4

**DECISION No. 845
AGENDA, TIMETABLE AND OTHER ORGANIZATIONAL
MODALITIES OF THE 2008 HUMAN DIMENSION SEMINAR**

Warsaw, 14 to 16 May 2008

Constitutional justice

I. Agenda

1. Opening of the Seminar
2. Opening plenary: keynote addresses
3. Discussion in four working groups
4. Closing plenary: summing up and closing of the Seminar

II. Timetable and other organizational modalities

1. The Seminar will open on Wednesday, 14 May 2008, at 10 a.m. It will close on Friday, 16 May 2008, at 6 p.m.
2. All plenary sessions and working group sessions will be open to all participants.
3. The closing plenary session, scheduled for the afternoon of 16 May 2008, will focus on practical suggestions and recommendations for addressing the issues discussed during the working group sessions.
4. The plenary and working group sessions will take place in accordance with the work programme below.
5. A representative of the ODIHR will chair the plenary sessions.
6. The Rules of Procedure of the OSCE and the modalities for OSCE meetings on human dimension issues (Permanent Council Decision No. 476) will be followed,

mutatis mutandis, at the Seminar. Also, the guidelines for organizing OSCE meetings (Permanent Council Decision No. 762) will be taken into account.

7. The discussions during the plenary and working group sessions will be interpreted from and into the six working languages of the OSCE.

Working group I: Constitutional justice and the rule of law

- Institutional models for ensuring the supremacy of constitutional provisions and safeguarding constitutional principles;
- Constitutional review of draft and adopted legislation — practices and lessons learned;
- Role of constitutional courts in fulfilling obligations in international law, including international human rights treaties, and co-operation with international bodies when appropriate.

Working group II: Constitutionalism and the separation of powers: the role of the courts*

- Interpreting and clarifying the boundaries of authority for the executive and the legislature;
- Horizontal accountability of State institutions and the role of the courts;
- Impact of court decisions on policy-making — practices and guiding principles;
- Stability of constitutional order and constitutional changes.

Working group III: Access to constitutional justice

- The right to petition constitutional courts — good practices and lessons learned;
- Co-operation of constitutional courts with civil society;
- Transparency and relationship with the media.

Working group IV: Independence and the effectiveness of constitutional courts

- Maintaining judicial impartiality and safeguarding independence;
- Ensuring compliance with court decisions;
- Practical measures to improve the administration of constitutional courts.

* All courts authorized to carry out constitutional review are hereinafter referred to as “courts”.

Work programme

Working hours: 10 a.m. – 1 p.m.
3–6 p.m.

	Wednesday 14 May 2008	Thursday 15 May 2008	Friday 16 May 2008
Morning	Opening plenary	Working group II	Working group IV
Afternoon	Working group I	Working group III	Closing plenary