



**CONCLUDING REMARKS BY THE OSCE CHAIRMAN-IN-OFFICE  
PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS  
OF THE HELLENIC REPUBLIC  
H.E. MR. GEORGE PAPANDREOU  
TO THE CLOSING SESSION OF THE  
17<sup>TH</sup> MINISTERIAL COUNCIL OF THE OSCE**

*Check against delivery*

Ministers and Heads of Delegation,  
Mr. Secretary General,  
Excellencies,  
Ladies and Gentlemen,

It is my pleasure to close the 17<sup>th</sup> Ministerial Council of the OSCE. I wish to thank you all for coming to Athens and also for your support and hard work throughout the year.

Chairing the OSCE is both a challenging and an exciting experience. In this venue, images of Olympic sporting events of great skill and difficulty come easily to mind.

Where else can we find such a group of States, working together, despite their many differences, to broaden their similarities and to deepen their common co-operation on the basis of ambitious commitments to a comprehensive concept of security?

This is the nature of this unique forum, which we created together to underpin the commonality of our purpose. In essence, the OSCE is a work in progress. The Organisation has always been more of a project than an institution. From its earliest days at the 1975 Helsinki Conference, the purpose of this project has been to build a Europe that is whole, free, and at peace with itself and the rest of the world. Since the beginning, this project has been driven by an innovative concept of security. It is that security starts with the 'inherent dignity of the human person' and must take in political-military co-operation between States, as well as the development of healthy economic and environmental governance, and the protection of basic human rights and fundamental freedoms.

Taking this forward in practice requires constant dedication, continuous endurance and engagement. It is not an easy task, bearing in mind the diversities in our vast area, of which we are proud.

Since 1975, our predecessors produced historic changes in the OSCE area. As so many of you reminded us, we commemorated this year twenty years since the fall of the Berlin Wall, the Wall that divided our continent, separating our families and splitting our peoples.

Our work is not complete. Conflicts have not been resolved. Peoples remain displaced from their homes. We can do more to promote human rights and fundamental freedoms, and to foster tolerance in our increasingly pluralistic societies. Dividing lines remain in our minds. Distrust and misperceptions can only but divide. We have to eliminate them. And the best way to do so is to engage in an open, frank and bona fide dialogue. We have to better understand each other; our different perspectives and concerns as well as our specificities. This concept was born here in Athens, two and a half thousand years ago, and was passed down to us as the fundamental tool for building confidence among individuals, communities and states.

Ladies and Gentlemen, we turn a new page for our Organisation today, with the adoption, **after seven years**, of a Political Declaration which encompasses all our main premises regarding our common security.

I am very touched by the warm reception that our initiative has received by all our partners. With the Corfu Declaration and the Corfu Decision, which we have just adopted, the Corfu Process is formally a reality and the common legacy of all 56 participating States for the years to come. The Greek Chairmanship is both proud for this common achievement and grateful to all our partners.

Dear Colleagues,  
Ladies and Gentlemen,

We clearly need concrete results. We are aware that addressing all security problems in the OSCE area will be a long-term endeavour. But we already felt the mitigating effect of the Corfu Process during our meetings, yesterday and today. I detected an unprecedented degree of good will and a spirit of consensus-building in our deliberations here in Athens. We would like to express our special appreciation to the incoming Kazakh Chairmanship for their willingness to accommodate participating States' concerns, even at the last moment and we look forward to assisting them in their challenging task next year.

Thanks to this spirit, we succeeded to reach consensus on a large number of documents. Our meeting has provided some of the answers to the questions we face. We have taken decisions to strengthen dialogue on a wide array of issues as divergent as co-operation on energy security, small arms and light weapons, migration management, women's participation in political and public life. We also deliberated and decided that we need to address transnational threats and challenges to security and stability. We have also decided to welcome Australia to our extended

family, as an Asian Partner for Cooperation, and a special welcome to Ireland which will lead our Organization in 2012.

These achievements should encourage us to sustain the dialogue in other areas as well, where we share a common understanding on what remains to be done, while we still need to identify how to arrive there. The legal status of the OSCE is a case in point, and we hope that the next Chairmanship will follow-up on the work of my Personal Representative, whose report is attached to my statement. We are also looking forward to continuing our engagement in the promotion of the freedom of the Media, one of the most pertinent topics in our societies in the 21<sup>st</sup> century.

Finally, it would be an omission to conclude without expressing my heartfelt thanks to all those who worked tirelessly, both in Athens and in Vienna, to bring us safely to harbour. A special thanks goes out to the OSCE Secretariat, under the able stewardship of the Secretary General, which has assisted us diligently throughout the year.

We are about to hand over the torch to Kazakhstan. From Athens to Astana the journey will be an exciting one. We will move from Mediterranean Europe to Central Asia, traversing the ancient routes of civilization. We wish to our Kazakh friends every success in their endeavours. We assure them that, as a member of the OSCE Troika in 2010, we will provide all support necessary for a fruitful Chairmanship.

Dear Colleagues,  
Ladies and Gentlemen,

My final remark is on accountability. We should never forget who we are working for. The ‘inherent dignity of the individual’ is a phrase written in 1975 and continues to resound today. The dignity of the individual is our starting point and our compass. Our decisions and declarations must be meaningful to all citizens and members of society. We must open up our Organization to improve its effectiveness and to make it more receptive to the needs of a new era.

Thank you for your attention.

# **REPORT OF MRS. ZINOVIA STAVRIDI, SPECIAL REPRESENTATIVE OF THE GREEK CHAIRMAN-IN-OFFICE FOR THE STRENGTHENING OF THE LEGAL FRAMEWORK OF THE OSCE**

## **Mandate**

Pursuant to Ministerial Council Decision No. 4/08, adopted at Helsinki on 5 December 2008, entitled “Strengthening the legal framework of the OSCE”, the Greek Chairman-in-Office was tasked, in consultation with the participating States, with pursuing a dialogue on strengthening the legal framework of the OSCE and reporting to the Ministerial Council meeting in Athens in 2009.

## **Background**

Discussions on the question of the legal personality of the OSCE date back to 1993, when the participating States sought ways of addressing legal and practical problems caused by the absence of a uniform legal framework for the OSCE.

After efforts had been made to establish a system by which States would unilaterally grant privileges and immunities to the OSCE, discussions were initiated in order to consider the possibility of adopting a multilateral convention that would embody common provisions regulating questions of international legal personality, legal capacity and privileges and immunities of the OSCE. In 2001, OSCE legal experts met in an open-ended working group on OSCE legal capacity and drafted the text of a convention on the international legal personality, legal capacity and privileges and immunities of the OSCE.

The issue was taken up again in 2006, when an open-ended working group was tasked with finalizing a draft convention on the international legal personality, legal capacity and privileges and immunities of the OSCE. On 22 October 2007, the chairperson of the working group submitted to the Chairperson of the Permanent Council a final text of a draft convention. It should be noted that two delegations had requested the inclusion of three footnotes in the draft, making reference to a charter.

On 30 November 2007, the Spanish Minister for Foreign Affairs, Mr. M. A. Moratinos, in his capacity as Chairman-in-Office of the OSCE, said in his concluding statement at the Madrid meeting of the Ministerial Council that there had been no agreement on how to solve the problem of recognition of the OSCE’s legal personality in the international sphere, and annexed the text produced by the working group to his statement for reference.

The need for the OSCE to possess a charter has been referred to on various other occasions, most recently through the attachment to Ministerial Council Decision No. 4/08 of an interpretative statement confirming the position of a number of participating States that a charter of the OSCE and a convention on the international legal personality, legal capacity and privileges and immunities of the OSCE should be adopted simultaneously.

## **The Personal Representative**

The Greek Chairmanship assumed this task with full knowledge of the difficulties inherent in it, as it was clear that the participating States, while generally agreeing on the need to enhance the legal status of the OSCE, held different views as to how this should best be achieved.

To this effect, the Greek Chairmanship considered that the appointment of a personal representative would enable the Chairmanship to gain a comprehensive view of the question in its current status, while at the same time facilitating a fruitful dialogue between the participating States.

As a consequence, on 10 March 2009, Mrs. Zinovia Stavridi was appointed by the Chairperson-in-Office as Personal Representative of the Chairperson-in-Office for the Strengthening of the Legal Framework of the OSCE during the Greek OSCE Chairmanship in 2009.

In the context of its mandate, the Greek Chairmanship, together with the Personal Representative, held a series of informal meetings and consultations in Vienna, with a view to establishing a mechanism of open dialogue that would enable the participating States to examine together ways of moving forward on the issue of the legal framework of the OSCE.

For this purpose, the Greek Chairmanship also took into account the activities that had been undertaken in this respect by the Finnish Chairmanship.

## **Meetings held**

The Greek Chairmanship held a first informal meeting with the participating States on 13 May 2009.

This meeting afforded the Chairmanship an opportunity to confirm that the participating States wished to keep open the dialogue on strengthening the legal framework of the OSCE and that the text of the convention, as finalized in 2007, continued to enjoy general support.

During this meeting, different views were expressed regarding the way ahead:

- A number of participating States proposed the establishment of a working group tasked with the elaboration of a charter, as well as the convening of a round-table meeting on legal personality, along the lines proposed by the Finnish Chairmanship in October 2008;
- Some other participating States, while agreeing with the idea of a round-table meeting, noted that such a meeting should not limit itself to reviewing the existing situation, but should also endeavour to identify commonly agreed ways of moving forward;
- Reference was also made to the draft charter that had been introduced by a number of participating States in 2007 (PC.DEL/897/07). It was pointed out by the authors of the text that no comments had as yet been received by other participating States.

The Personal Representative considered that the participating States seemed generally in favour of holding a round-table meeting on the legal framework of the OSCE. Consequently, the participating States were invited to participate in the round table and to present their legal and technical arguments on the necessity or otherwise for the OSCE to possess a constitutive document, so that a substantive discussion could take place on ways of moving forward.

Three meetings of an informal round table on the legal status of the OSCE were held.

(a) The first meeting took place on 17 June.

During this first meeting, the Legal Services presented examples from the day-to-day practice of the OSCE that pointed up the importance for the OSCE of possessing international personality, as well as the appropriate privileges and immunities.

The participating States that considered the adoption of a constitutive document as a prerequisite for the adoption of the convention presented a number of arguments to this end.

In this respect, reference was made to the recommendations issued in 2005 by the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE.

Other arguments were also presented, in particular that the OSCE, without a constitutive document, would remain a provisional arrangement, while a charter would regulate issues that could not be accommodated in the text of a convention on privileges and immunities, such as the purposes of an international organization, its competences, its organizational structure and institutions, procedures for the admittance and withdrawal of members, financial issues and decision-making mechanisms.

These participating States pointed out that such a constitutive document should not affect the political commitments of the OSCE.

The participating States that considered the adoption of a charter as a prerequisite for the adoption of the convention on legal personality proposed the establishment of a working group by a decision of the Permanent Council or the Ministerial Council, to function under the auspices of the Permanent Council (i.e., a PC working group), with the mandate to elaborate a constitutive document, not necessarily based on the draft charter presented in 2007 (see above).

Other participating States reacted to the arguments put forward on the need for the OSCE to possess a charter by stressing that there was no rule in international law according to which an international organization should in all cases possess a charter.

In the context of the idea of a charter, arguments were put forward in favour of a short text that would be limited to mentioning the organs of the OSCE and would in no way lead to a re-examination of the political commitments of the OSCE.

On the other hand, it was pointed out by other delegations that the adoption of a constitutive document, and consequently a choosing among commitments, could lead to the creation of two classes of OSCE commitments.

The idea of establishing an informal working group on the elaboration of a charter garnered some support, but a number of participating States did not seem to share the view that the adoption of a charter was a prerequisite for the adoption of the convention. On the contrary, those States supported the idea of the adoption of the draft convention as soon as possible, and more particularly in Athens.

The first meeting of the informal round table proved to be a valuable occasion for identifying the differing positions of the participating States regarding ways of strengthening the legal framework of the OSCE. The discussions were useful and the Personal Representative called on the participating States to examine the ideas put forward and to meet again in September.

(b) The second informal round-table meeting on the legal status of the OSCE took place on 17 September.

With a view to the meeting, the Greek Chairmanship had distributed two documents in advance: One prepared by the OSCE Secretariat's Legal Services, containing information on international organizations not established by international treaty (CIO.GAL/91/09) and a non-paper prepared by the Personal Representative of the Chairman-in-Office, on the legal status and privileges and immunities of the OSCE (CIO.GAL/115/09), based on previously released documents.

The Swedish Presidency of the European Union made a statement on behalf of the member States of the EU, stressing that it was urgent to adopt the convention, after deleting the footnotes, if possible in Athens. If that was not feasible, the incoming Kazakh Chairmanship of the OSCE could be tasked with continuing the efforts to strengthen the legal framework of the OSCE. Finally, it was recalled that the European Union saw merit in devising a statute or charter for the OSCE, as long as it did not reopen existing commitments, and it would be willing to continue discussions on such a statute or charter.

One participating State proposed the establishment of an informal working group on the legal status of the OSCE that would enable the participating States to engage in an exchange of views, to be followed by elaboration of the various positions, with the aim of reaching concrete results.

This proposal garnered the support of a number of participating States.

Concluding the meeting, the Personal Representative noted that the draft convention enjoyed the general support of the participating States, and invited them to endorse the text of the convention in order to ensure that the discussion on its content would not be reopened.

The Personal Representative retained the idea of the establishment of an informal working group, recalling that a proposal for the establishment of a working group had already been put forward by other participating States at the previous meeting.

She also noted the intention of the Chairmanship to convene a last meeting of the informal round table in November, and called on the participating States to demonstrate a constructive spirit based on the new elements presented during the meeting, bearing in mind that the unimpeded functioning of the OSCE needed to be ensured.

Finally, she added that, pursuant to her mandate and to Helsinki Ministerial Council Decision No. 4/08, in her capacity as Personal Representative, she would submit her report to the Chairman-in-Office.

(c) The last meeting of the informal round table was convened by the Greek Chairmanship on 11 November.

Pursuant to the discussions at the previous round-table meeting, on 10 November, the Chairmanship distributed an addendum (CIO.GAL/91/09/Add.1) to the information note on international organizations not established by international treaty, which had been circulated as CIO.GAL/91/09 on 8 July 2009.

Summarizing the various positions that seemed to have emerged from the discussions, the Personal Representative made the following remarks:

- The participating States appeared to agree that the OSCE needed a convention on legal personality and privileges and immunities, and that the text elaborated in 2007 continued to enjoy general support;
- A number of States considered that the convention could not resolve fundamental issues of the functioning of the OSCE, which could be addressed only through the adoption of a charter. These States considered that the charter must be adopted together with the convention;
- A number of States, while not rejecting the idea of the OSCE acquiring a constitutive document, did not consider that this document constituted a prerequisite for the adoption of the convention. Nevertheless, these States could envisage the idea of continuing discussions on the possible elaboration of a constitutive document, provided that this document did not affect the political commitments of the OSCE;
- Some States remained sceptical about the idea of a constitutive document, considering that the elaboration of such a document might prove problematic in view of the fact that the participating States would have to make a choice as to which commitments should be included in the constitutive document and which should not, possibly leading to the creation of two classes of OSCE commitments.

### **Concluding remarks**

The discussions revealed that:

- (a) The text of the Convention, as finalized in 2007, continues to enjoy general support among the participating States;
- (b) The next Chairmanship should continue the dialogue in order to identify possible ways of addressing the concerns of the participating States, as expressed during the discussions;
- (c) The proposal for the establishment of an informal working group which would further examine the legal status of the OSCE was retained by the participating States.



On the basis of these elements, the Personal Representative proposed, at the last meeting of the informal round table, that the work undertaken during the round-table meetings, as well as the willingness of the participating States to pursue dialogue, could be reflected in the text of a draft decision, to be presented for adoption by the Ministerial Council meeting in Athens on 1 and 2 December 2009.

Relevant consultations were held and a draft decision was circulated by the Greek Chairmanship on 12 November (MC.DD/15/09), based mainly on the understanding that the text of the articles of the draft convention had remained uncontested by the participating States since 2007.

Extensive consultations and informal discussions with the most interested delegations took place in Vienna during the preparatory phase of the Ministerial Council meeting, and these were reflected in a new version of the draft decision, issued as MC.DD/15/09/Rev.2, of 24 November 2009.

This revised version was discussed three times in the Preparatory Committee meetings that were held in Athens, and further informal consultations took place. Despite all efforts to accommodate the different positions, the Chairmanship finally withdrew the draft decision during the last meeting of the Preparatory Committee on 1 December 2009, since not all the participating States were ready to join a consensus on its text.

Athens, 1 December 2009