

Romanian Chairmanship

368th PLENARY MEETING OF THE COUNCIL

1. Date: Thursday, 15 November 2001

Opened: 10.30 a.m.

Suspended: 1.05 p.m.

Resumed: 3.20 p.m.

Closed: 4.35 p.m.

2. Chairman: Mr. L. Bota
Ms. V. Epure

3. Subjects discussed - Statements - Decisions:

Agenda item 1: REVIEW OF CURRENT ISSUES

- (a) *Framework for Enhanced Regional Co-operation on Return Issues: Croatia* (also on behalf of Bosnia and Herzegovina and Yugoslavia) (PC.DEL/912/01), United States of America (PC.DEL/915/01), Belgium-European Union (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/919/01), Canada, Norway, Chairman
- (b) *Recent meeting between the Foreign Ministers of the Federal Republic of Yugoslavia and Croatia on the margins of the 56th United Nations General Assembly in New York: Yugoslavia* (also on behalf of Croatia) (PC.DEL/917/01)
- (c) *Latest developments in the former Yugoslav Republic of Macedonia: the former Yugoslav Republic of Macedonia, Belgium-European Union* (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/924/01), United States of America (PC.DEL/916/01), Russian Federation, Albania, Chairman

- (d) *Relations between Montenegro and Serbia within the Federal Republic of Yugoslavia*: Belgium-European Union (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/925/01), Canada, Chairman
- (e) *Experimental elections in 28 administrative units in Kazakhstan on 20 October 2001*: Kazakhstan, Kyrgyzstan, Belarus, United States of America, Russian Federation, Armenia, Azerbaijan, Switzerland, Norway, Chairman
- (f) *Reform of the prison system in Kyrgyzstan*: Belgium-European Union (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/918/01), Norway, Canada, Kyrgyzstan
- (g) *Seminar on the implementation of regional CSBMs with Central Asian countries, held in Germany from 8 to 13 November 2001*: Germany
- (h) *Contributions to the OSCE voluntary fund to facilitate the withdrawal of Russian troops from and destruction of ammunition and military equipment in the territory of Moldova*: Germany, Chairman, Moldova
- (i) *Visit of the President of Turkey to Georgia*: Georgia (also on behalf of Turkey)
- (j) *ODIHR election assessment mission to Ukraine*: Ukraine
- (k) *Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism*: Switzerland, Chairman
- (l) *Legal proceedings against a citizen of Azerbaijan in Baku*: United States of America (PC.DEL/929/01), Azerbaijan
- (m) *Joint declaration issued by the OSCE and the Council of Europe subsequent to the 11th high-level "2+2/3+3" meeting*: Armenia (PC.DEL/923/01), Azerbaijan

Agenda item 2: BRIEFING ON OSCE FIELD ACTIVITIES

Issues related to the OSCE Mission in Kosovo: Secretary General

Agenda item 3: OSCE CENTRE IN TASHKENT

Head of the OSCE Centre in Tashkent (PC.FR/50/01), Belgium-European Union (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic

and Turkey) (PC.DEL/920/01), Canada, United States of America (PC.DEL/930/01), Russian Federation, Norway (PC.DEL/928/01), Kyrgyzstan, Uzbekistan, Chairman

Agenda item 4: REPRESENTATIVE ON FREEDOM OF THE MEDIA

Representative on Freedom of the Media (FOM.GAL/21/01/Rev.2), Belgium-European Union (also on behalf of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, the Czech Republic and Turkey) (PC.DEL/926/01), Italy (Annex), United Kingdom (also on behalf of Ireland) (PC.DEL/914/01), United States of America, Russian Federation, Yugoslavia, Norway, Turkey (PC.DEL/922/01), Ukraine, Poland, Azerbaijan, the former Yugoslav Republic of Macedonia, Tajikistan, Chairman

Agenda item 5: DECISION ON THE BUDGET FOR THE 2001
MINISTERIAL COUNCIL MEETING IN BUCHAREST

Chairman

Decision: The Permanent Council adopted Decision No. 443 (PC.DEC/443), the text of which is appended to this Journal, on the budget for the 2001 Ministerial Council Meeting in Bucharest.

Agenda item 6: DECISION ON THE ESTABLISHMENT OF AN OFFICE IN
PODGORICA

Chairman

Decision: The Permanent Council adopted Decision No. 444 (PC.DEC/444), the text of which is appended to this Journal, on the establishment of an office in Podgorica.

Agenda item 7: BRIEFING ON THE FIRST PREPARATORY SEMINAR OF
THE TENTH MEETING OF THE OSCE ECONOMIC
FORUM (BELGRADE, 5 AND 6 NOVEMBER 2001)

Postponed

Agenda item 8: REPORT ON THE ACTIVITIES OF THE
CHAIRMAN-IN-OFFICE

None

Agenda item 9: REPORT OF THE SECRETARY GENERAL

- (a) *Address by the Secretary General to the Council of Europe in Strasbourg on 8 November 2001: Secretary General (SEC.GAL/251/01)*

- (b) *NATO-OSCE staff-level meetings and EU/NATO/OSCE/UNHCR/CoE co-ordination meeting on the former Yugoslav Republic of Macedonia, to be held in Brussels on 16 November 2001*: Secretary General, the former Yugoslav Republic of Macedonia
- (c) *Issues related to the Press and Public Information Section*: Secretary General
- (d) *Asset management evaluation mission to Kosovo*: Secretary General
- (e) *Appointment of the Head of the OSCE Centre in Bishkek*: Secretary General
- (f) *Financial situation of the OSCE*: Secretary General

Agenda item 10: ANY OTHER BUSINESS

- (a) *Informal open-ended Working Group on Combating Terrorism*: Chairman
- (b) *OSCE Parliamentary Assembly observation election mission to Kosovo*: Chairman
- (c) *Information circulars on the Ninth Meeting of the OSCE Ministerial Council*: Chairman
- (d) *Transfer of chairmanship in the Committee of Ministers of the Council of Europe*: Liechtenstein, Lithuania (PC.DEL/927/01)

4. Next meeting:

Thursday, 22 November 2001, at 10 a.m., in the Neuer Saal



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

PC.JOUR/368
15 November 2001
Annex

Original: ENGLISH

368th Plenary Meeting
PC Journal No. 368, Agenda item 4

**STATEMENT
BY AMBASSADOR GUIDO LENZI,
PERMANENT REPRESENTATIVE OF ITALY**

Mr. Chairman,

I concur fully with the statement of the distinguished Ambassador of Belgium, speaking as representative of the Presidency of the European Union, to which I would need to add the following.

An old French saying states that, “tout ce qui est exagéré ne compte pas” (all that is exaggerated is irrelevant).

I will nevertheless reply to yet another demonstration of the casual approach of the Representative on Freedom of the Media in relation to Italy, which appears in his written quarterly report distributed today. My authorities have so far not deemed it necessary to do so, preferring to address the issue in a less theatrical fashion. The instructions I have received, and that I have personally conveyed to Mr. Duve, are very concise, but the insistence of some accusations prompts me to expand upon them. So bear with me.

With the intention of proving that he is “geographically blind” and “does not pick and choose”, the Representative on Freedom of the Media has recently cast the net of his scrutiny much more widely, extending the field of his investigations to some of the most ancient and consolidated democracies. This is commendable, as nobody’s perfect, or rather everybody’s perfectible. In doing so, however, one must avoid the risk of becoming less discriminating in one’s analyses, since quantity can never substitute for quality as a measure of balanced judgement.

As one of the 55 equal participating States, Italy does not claim any special treatment. As a democratic country, it does not shun criticism and is not beyond scrutiny, especially from the OSCE, arguably the most democratic of international organizations. Freedom of expression is one of the things Italy has plenty of, and for which its vibrant society is best known.

This having been said, I object very strongly to Mr. Duve's statement in today's written report that "we have different views [...] with the Italian Government, which believes that [the] issue is outside my mandate". That is not so, it has never been so, and I had the opportunity to stress it very forcefully to Mr. Duve himself during a conversation we had on 24 October. The assertion appearing in today's report is false and slanderous.

What we find wanting, instead, is the way in which Mr. Duve has gone about executing his mandate with respect to Italy, an entirely different issue, a most important one for the Organization itself. The following brief chronology of events should demonstrate my point.

On 1 June, Mr. Duve addressed a letter to the then Foreign Minister Dini, asking him to express to the incoming successor his concerns about the course of action that the new Government could have taken with respect to the well-known issue of a possible conflict of interests. Even before taking such a step, Mr. Duve had gone public with the issue, in a press statement issued in Hamburg on 22 May. On 21 June, a week after the new Italian Government was confirmed in parliament, Mr. Duve found it useful to raise the issue in the Permanent Council. That was a most improper procedure, it may have dissuaded the new Foreign Minister from paying attention to such untimely and speculative considerations, which had not in any case been addressed directly to him.

The Representative on Freedom of the Media then, on 27 July, turned his attention to the street violence that had occurred during the G8 Summit in Genoa, asking for appropriate information about "several journalists assaulted by the police [...] ignoring their shouts that they represented the media", as if they had been singled out in the scuffles, when we well know that, in such circumstances, journalists are nowadays hardly distinguishable in the crowd. An answer was in this case duly provided to Mr. Duve, assuring him that he would be informed of the results of the investigations.

Finally, Mr. Duve has sent yet another letter to Minister Ruggiero, on 7 November, inquiring about a commercial deal concerning the Italian State television RAI that did not go through. He raises this issue publicly with us today, with the argument that "the *Financial Times*, for example, seems to suggest that RAI would suffer an economic loss".

In every one of the aforementioned circumstances, the Representative on Freedom of the Media has resorted to articles in the press as the springboard for his action, as if an institution of the OSCE could take its independent mandate and operational flexibility to the point of neglecting to undertake its own more in-depth investigations and consultations. Nothing in the mandate of the Representative on Freedom of the Media authorizes him simply to denounce events, let alone to assume developments that have yet to take place. Venting his personal feelings, however lofty, is not enough, neither is simply quoting press clippings.

The mandate of the Representative on Freedom of the Media states that he "will assist the participating States in a spirit of co-operation [...], in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles [...], seek direct contacts, in a proper manner, with the participating States [...], assess the facts, assist

the participating States, and contribute to the resolution of the issue [...], and report to the Permanent Council on the results [of his activities], and on his observations and recommendations”.

The Representative on Freedom of the Media is a subsidiary institution of the OSCE, in the sense (established by the Oxford dictionary) that it should “assist or supplement” it, while maintaining its independence of action. That is why our considerations here may serve as useful guidance, in order to ensure the overall coherence and comprehensiveness of the political purpose of the Organization, while preserving the flexibility of approach of its diverse bodies.

Any departure from a given mandate risks discrediting not only the institution concerned, but also in the end the organization to which it belongs. Which is indeed an issue that is taken up in our present process of reform. But that is another story.

I ask that this statement be attached to the journal of the day. This statement and the relevant documents that I have quoted will be distributed in the pigeon holes.