

## The OSCE Parliamentary Assembly

### *Origins, Functions, Method of Work and Constituent Bodies*

#### *Early History and Founding Phase*

At the NATO Summit in July 1990 the US President, George Bush, suggested that a Parliamentary Assembly be created as part of the "institutionalization" of the CSCE and received the unanimous support of the Summit participants for this proposal. The initial plan was to tie the "new" CSCE Parliamentary Assembly to the already existing Parliamentary Assembly of the Council of Europe but this idea was ultimately abandoned, mainly because important participating States of the CSCE such as the United States, Canada and the Soviet Union were not or could not become members of the Council of Europe; it was decided instead to found a CSCE Parliamentary Assembly as an independent institution without ties to any previously existing inter-parliamentary bodies.

The Charter of Paris for a New Europe, which was signed by the Heads of State or Government of CSCE participating States on 21 November 1990, provided the first building block. The Charter states: "Recognizing the important role parliamentarians can play in the CSCE process, we call for greater parliamentary involvement in the CSCE, in particular through the creation of a CSCE parliamentary assembly, involving members of parliaments from all participating States. To this end, we urge that contacts be pursued at parliamentary level to discuss the field of activities, working methods and rules of procedure of such a CSCE parliamentary structure, drawing on existing experience and work already undertaken in this field."<sup>1</sup> Thus the Charter of Paris marked the hour of birth of the CSCE Parliamentary Assembly.

This was the background for an initiative of the Presidents of the Spanish House of Representatives and the Spanish Senate to convoke a meeting in Madrid of parliamentarians from all (at that time 34) CSCE participating States. The meeting took place from 1-3 April 1991 and decided unanimously to provide the CSCE with a Parliamentary Assembly which would meet once a year in plenary session. The date was to be chosen at a time when as many national parliaments as possible were not in session and thus in a position to

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<sup>1</sup> Charter of Paris for a New Europe, Paris, 21 November 1990, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 537-550, here: p. 549.

send their presidents and other high-ranking and important members to the annual meetings of the CSCE Parliamentary Assembly. It was agreed that the first session of the new Assembly would take place at the beginning of July 1992 in Budapest and that preparations would be made by a Committee of Heads of Delegation, the predecessor of the Standing Committee.

This Committee, made up of one representative from each of the participating States, met on 13 January 1992 and again on 22 May 1992 to prepare the inaugural session of the CSCE Parliamentary Assembly and also to discuss basic organizational issues such as the rules of procedure, the budget, financial arrangements, distribution of seats, the secretariat, as well as other organs of the Assembly.

This preparatory work made it possible to hold the first meeting of the CSCE Parliamentary Assembly in Budapest from 3-5 July 1992, attended by delegations from almost all CSCE participating States. The meeting took place just a few days before the CSCE Summit of Heads of State or Government on 9-10 July 1992 in Helsinki. It was an important event, not least because it represented a further step on the path to institutionalizing and strengthening the CSCE process.

#### *Responsibilities of the Parliamentary Assembly*

The OSCE Parliamentary Assembly is the parliamentary forum of the Organization for Security and Cooperation in Europe whose job is to give critical advice in the development of the OSCE process and provide the OSCE executive with useful ideas from the parliamentary standpoint. At the present time it is made up of 317 parliamentarians from the 55 participating States of the OSCE. The number of seats per country ranges from 17 (United States of America) to two (Andorra, Liechtenstein, Monaco, San Marino); the Federal Republic of Germany, like France, Italy and Great Britain, has 13. The Parliamentary Assembly is thus a connecting link between the executive organs of the OSCE and the elected, democratically legitimated parliaments of the participating States. Its chief responsibility is to promote inter-parliamentary dialogue - an area which because of the growing internationalization of more and more aspects of national political life and the increasing interdependence between them has acquired ever greater importance. The responsibilities of the Parliamentary Assembly as listed in Article 2 of its Rules of Procedure are the following:

- to assess the implementation of the OSCE's objectives,
- to discuss the subjects which are dealt with at the meetings of the Minis-

- terial Council and the Summit Meetings of Heads of State or Government,
- to develop and promote mechanisms for conflict prevention and conflict management,
  - to support the expansion and strengthening of democratic institutions in OSCE participating States, and
  - to participate in developing the institutional structures of the OSCE as well as promoting cooperative relations between existing OSCE institutions.

#### *Organization and Working Methods of the Parliamentary Assembly*

At the first annual meeting of the Parliamentary Assembly, the Committee of Heads of Delegation met for a third time on 2 July 1992, following the two preparatory sessions already mentioned, and agreed on provisional Rules of Procedure. These stipulated that the plan of holding (only) one annual meeting should be retained, that the work of the Assembly should be divided between three Committees corresponding to the "three baskets" provided for in the Helsinki Final Act of 1975, and that the leadership of the Assembly should be vested in a President, to be elected at each year's meeting, who would be supported by five Vice-Presidents and a Treasurer. The Committee of Heads of Delegation was transformed into a Standing Committee as the decision-making body in whose membership the Heads of Delegation were joined by the President, the five Vice-Presidents, and the Treasurer. The work of each of the three Committees was assigned to a Chairman, to be elected anew every year, supported by a Vice-Chairman and a Rapporteur. Beyond that, decisions about the composition of the Committees and involvement in their work were to be left up to the Delegates at the annual meetings.

The President of the Finnish Parliament, Ilkka Suominen, was elected as first President of the CSCE Assembly at the start of its inaugural meeting in Budapest. The five Vice-Presidents came from Canada, Denmark, Hungary, Turkey and Russia. The British Delegate Sir Peter Emery was elected as Treasurer. In addition, the Committees for security, economic cooperation and the human dimension were established.

After the Budapest meeting the provisional Rules of Procedure were revised in light of the experience that this first session of the Parliamentary Assembly of the CSCE had provided. At its meeting on 15 January 1993 in Copenhagen the Standing Committee unanimously adopted new Rules of Procedure which implicitly altered the Madrid decision of April 1991 insofar as its provisions were no longer consistent.

The organization of the OSCE Parliamentary Assembly, based on these new Rules of Procedure, is as follows:

At the head of the Assembly is the President who is elected for one year and can be reelected once.<sup>2</sup> Nine Vice-Presidents support him, each of whom serves a three-year term and can be reelected once. To provide a certain continuity, three Vice-Presidents are elected each year.<sup>3</sup> In addition, the OSCE Parliamentary Assembly has a Treasurer who is elected for two years and can be reelected twice.<sup>4</sup>

President, Vice-Presidents and Treasurer are elected at the annual sessions by secret ballot. Together they constitute the Bureau which, in accordance with Article 6 of the Rules of Procedure, is responsible for ensuring that the decisions of the Standing Committee are carried out and that the Assembly is capable of functioning between meetings of the Standing Committee. The Bureau makes its decisions by majority vote.

The Standing Committee is the guiding organ of the Assembly. It is made up of the members of the Bureau supplemented by the Chairs of the General Committees and the Heads of the national delegations. According to Article 30 of the Rules of Procedure it prepares the work of the Assembly between sessions and takes such steps as it considers necessary to ensure the continuation of that work when the Assembly is out of session. The Standing Committee makes its decisions on the basis of "consensus minus one" with the proviso that this will be changed to the "consensus minus two" formula as soon as that arrangement has been adopted by the OSCE executive.

The substantive work of the Assembly is done according to specialties in the General Committees set up for that purpose, the most important being:

- the General Committee on Political Affairs and Security,
- the General Committee on Economic Affairs, Science, Technology and Environment, and
- the General Committee on Democracy, Human Rights and Humanitarian Questions.

Members of the General Committees are appointed by the national delegations, bearing in mind the need for a balanced composition.

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<sup>2</sup> After Ilkka Suominen had served two terms as President, the President of the Belgian Senate, Frank Swaelen, was elected as his successor at the Third Annual Session of the CSCE Parliamentary Assembly in Vienna. And after he had been in office for two years, the Spanish Delegate Javier Ruperez was elected President at the Fifth Annual Session in July 1996 in Stockholm.

<sup>3</sup> The current Vice-Presidents are: Ivan Petrovich Rybkin (Russia), Willy Wimmer (Germany), Jacques Genton (France), Steny H. Hoyer (United States), Dr. Kazys J. Bobelis (Lithuania), Ms. Helle Degn (Denmark), András Bársony (Hungary), John English (Canada) and Wojtech Lamentowicz (Poland).

<sup>4</sup> The Treasurer of the Assembly is still Sir Peter Emery (Great Britain).

Every Committee has a Bureau made up of the Chair, the Vice-Chair and a Rapporteur. The members of the Bureau are elected by the members of each Committee for one year, but the Rules of Procedure put no limit on their reelection.<sup>5</sup>

In addition to the General Committees, the Standing Committee can also set up ad hoc committees for particular purposes, establishing at the same time the length of their mandate, their composition and their responsibilities. In 1995 and 1996 such a committee was formed to provide a draft "Code of Conduct on Politico-Democratic Aspects of Cooperation". This project goes back to an initiative of the President of the German *Bundestag* and Head of the German Delegation, Dr. Rita Süßmuth, who at the session of the Standing Committee in January 1995 had proposed a Code of Conduct of this kind to parallel and supplement the "Code of Conduct on Politico-Military Aspects of Security" which had been adopted by the OSCE executive. Ms. Süßmuth directed the ad hoc committee; its other members were from Denmark, Finland, France, the Netherlands, Poland and the United States. The text it worked out was adopted unanimously by the Assembly at its Fifth Annual Session in July 1996 in Stockholm.

Finally, the OSCE Parliamentary Assembly has an International Secretariat which is located in Copenhagen. At its head is the Secretary General, who is nominated by the Standing Committee on the recommendation of the Bureau; he has a five-year term of office which can be renewed by a majority decision of the Standing Committee.<sup>6</sup> He is supported by two Deputy Secretary Generals<sup>7</sup> of whom one is responsible for financial matters. The International Secretariat's job is to prepare and organize the various activities of the OSCE Parliamentary Assembly and to support its elected officials, both organizationally and substantively, in their work.

#### *Finances/Budget*

The OSCE Parliamentary Assembly works on the basis of annual budgets and it is the Treasurer's job, with the support of the Secretary General, to prepare the draft budget for the next fiscal year and to present it to the Standing Committee for discussion and for a decision. The fiscal year runs from 1

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<sup>5</sup> To date, two Germans have served on the Bureaus of General Committees: The President of the German *Bundestag* and Head of the German Delegation, Dr. Rita Süßmuth, was in 1992 Rapporteur and in 1993 Chairwoman of the Committee on Economic Affairs, Science, Technology and Environment; Delegate Freimut Duve was elected Chairman of the Committee on Democracy, Human Rights and Humanitarian Questions in July 1995 in Ottawa.

<sup>6</sup> The American, R. Spencer Oliver, was appointed first Secretary General of the Assembly in January 1993.

<sup>7</sup> The Deputy Secretary Generals are the Finn, Pentti Väänänen, and the Russian, Vitaly Evseyev.

October until 30 September of the following year. The last budget, i.e. for the 1995/1996 fiscal year, totalled 9.4 million Danish Kroner (about 2.45 million DM). The budget for 1996/1997 was adopted at the Fifth Annual Session of the Assembly in Stockholm and amounts to 9.65 million Danish Kroner.

Referring back to the Madrid Resolution, the national contributions to the Assembly's budget are calculated according to the scale of distribution used at Government conferences of the OSCE. The six biggest contributors (France, Germany, Italy, Russia, Great Britain and the United States) account for nine percent of the total while the smallest participating States only pay 0.15 percent. The German *Bundestag* has posted its contribution share in its own section of the Federal budget.

#### *Past Annual Meetings of the OSCE Parliamentary Assembly*

Article 11 of the Rules of Procedure prescribes that the Assembly will hold a plenary annual session during the first ten days of July for a period of not more than five days. Thus there have so far been five sessions:

- the first from 3 to 5 July 1992 in Budapest,
- the second from 6 to 9 July 1993 in Helsinki,
- the third from 5 to 8 July 1994 in Vienna,
- the fourth from 4 to 8 July 1995 in Ottawa, and
- the fifth from 5 to 9 July 1996 in Stockholm.

As a rule these meetings are also attended by representatives of the Parliamentary Assembly of the Council of Europe, the Assembly of the WEU, the North Atlantic Assembly, the Inter-Parliamentary Union and the European Parliament, all of which have been given observer status by the Standing Committee.

At all of their annual sessions the parliamentarians have dealt with a broad range of issues from the CSCE/OSCE realm and in each case, by the time the meeting finished, produced a concluding document as well as a series of resolutions and recommendations based on their discussions.

In these documents they reaffirm the importance of common values such as democracy, pluralism, the rule of law, respect for human rights and the protection of minorities as the foundation of cooperation in the CSCE/OSCE.

In every case they devote a great deal of space to the subject of "The CSCE (or, after Ottawa, OSCE) and European Security", especially the role of the OSCE in a new European peace and security order.

The parliamentarians regard early identification of conflicts, early warning, conflict prevention and crisis management as being among the most important tasks of the OSCE. In this connection, they have spoken in favor of further development of the OSCE's mechanism for conflict prevention and securing peace; seeking the support of other regional organizations such as NATO and the WEU for peace missions; and transforming the OSCE into a regional security organization under the terms of Chapter VIII of the Charter of the United Nations, thus providing it with an appropriate legal basis. They agree that the role of the OSCE should be further strengthened in view of the many new regional and ethnic conflicts. It is their view, moreover, that the concept of security should no longer be understood in a purely politico-military sense; on the contrary, there needs to be an expanded security concept which takes account of economic, social and ecological factors and, in particular, politico-democratic cooperation.

With regard to the economic dimension the parliamentarians emphasize again and again the close reciprocal relationships between freedom, democracy, pluralism, market-economy structures and social justice. They point out that economic change must be brought about in a responsible and balanced way in the countries being in transition to market economies and that those countries need the economic, technical and financial assistance of the Western industrial countries in order to keep their substantial social and ecological risks at as low a level as possible.

With regard to the human dimension the parliamentarians point out that implementation of human rights and, in particular, the protection of minorities remain central objectives of the OSCE, just as in the past. For this reason, they favor sending OSCE observer missions to countries in which minority rights are being violated and they support the participation of members of the Parliamentary Assembly in such missions.

In addition to these three areas which are reflected in the General Committees, the parliamentarians, at all their annual sessions and at the meetings of the Standing Committee, have discussed other current problems and situations which they see as a threat to European security. For example, they have repeatedly preoccupied themselves with the situation in former Yugoslavia, especially the problems in Bosnia and Herzegovina, the Chechnya conflict, the situation in Nagorno-Karabakh and the human rights problems in Turkey, and have passed declarations on these subjects, either independently or as part of the concluding document.

Apart from the annual sessions, the activities of the Parliamentary Assembly of the OSCE focus in particular on the three programs it has set up to promote democracy and therewith to strengthen security: election monitoring, missions and the Democratic Assistance Programme.

The monitoring of parliamentary elections by parliamentarians who have been elected by the people in their own countries is of particular significance. If democratically experienced parliamentarians confirm that the parliament of a new democracy is the product of free and fair elections, then that parliament's position is strengthened both as a counter-weight to its own government and in its relations with the international community of states. An additional point is that election monitoring carried out by members of the OSCE Parliamentary Assembly is viewed as more critical and more objective than that of many other institutions, both because the parliamentarians are public office holders and because, as representatives of the people, they are independent of the government.

Since 1993 approximately 400 observers from 40 participating States have taken part in the monitoring of parliamentary elections in Armenia, Azerbaijan, Belarus, Croatia, Estonia, Georgia, Kazakhstan, Latvia, Macedonia, Moldova, Russia, the Ukraine and Uzbekistan. The most recent observations were carried out in Albania, Russia and Bosnia and Herzegovina.

In addition to election monitoring, the OSCE Parliamentary Assembly sends delegations of high ranking politicians to areas of tension and crisis in order to promote informal dialogue between parliamentarians of various participating States. Following these missions, which are meant to contribute to the protection of human rights and rule-of-law principles in the target countries, a report is submitted to the appropriate authorities and then discussed by all of the parliamentarians at the next annual session. The most striking example of such a mission so far is the one to Turkey in May 1995 under the leadership of the German Delegate and Vice-President of the Parliamentary Assembly, Willy Wimmer.

Election monitoring, particularly in the successor states of the former Soviet Union, has revealed many procedural weaknesses, most of which can be attributed to a lack of democratic tradition in these countries. As a consequence the OSCE Parliamentary Assembly has since 1995 been offering politicians in the new democracies training seminars which are conducted by experienced parliamentarians from other OSCE participating States. Their objective is to create stable political systems with effectively functioning parliaments and a strict separation of powers.

*The Relationship between the OSCE Executive and the OSCE Parliamentary Assembly*

At their first meeting on 19-20 June 1991 in Berlin the Foreign Ministers of the CSCE participating States welcomed the creation of a CSCE Parliamentary Assembly which they deemed to be an important step toward greater involvement of parliamentary work in the CSCE. Reaffirming their commitment to strengthening democracy as the only form of government of their countries, they looked forward with keen anticipation to the collective expression of the views of the CSCE Parliamentary Assembly on security and cooperation in Europe and on the future development of the CSCE.

In the Prague Document on Further Development of CSCE Institutions and Structures, which was adopted at the second Meeting of the CSCE Council on 30-31 January 1992 in Prague, the Foreign Ministers again expressed their support for an active dialogue between the CSCE executive and the Parliamentary Assembly and announced their willingness to send the Chairman of the Council to the Assembly's Budapest Meeting in July 1992 so that he could report there on the work of the CSCE, answer questions from the parliamentarians in this regard and take note of their views, which he would then take back to the Council.

The Budapest Declaration of 1992, which was adopted at the First Annual Session of the Parliamentary Assembly of the CSCE in Budapest and directed to the Heads of State or Government, in fact marked the real beginning of reciprocal relations between the CSCE/OSCE Parliamentary Assembly and the CSCE/OSCE executive.

All declarations and reports adopted at the annual sessions of the Parliamentary Assembly along with all reports on election monitoring, missions and other activities of the Parliamentary Assembly are forwarded to the Chairman-in-Office of the OSCE as well as to other OSCE institutions. At the same time, representatives of the OSCE executive report regularly to the Parliamentary Assembly on their activities. Thus it has become a tradition since 1993 for the Chairman-in-Office of the OSCE to report personally to the Annual Session of the Assembly on the work and activities of the OSCE executive and to answer the parliamentarians' questions in this regard. The Chairmen of a number of other OSCE institutions generally take part in the meetings of the Standing Committee. Moreover, the Assembly is represented at every official OSCE meeting, including those of the Senior Council and Permanent Council and the annual meeting of the Ministerial Council, and it maintains close working relations both to the Chairman-in-Office and the Secretary General of the OSCE as well as to the other OSCE institutions in Vienna, Prague, Warsaw and The Hague.

That the OSCE executive has in two recent cases asked on its own initiative the Parliamentary Assembly for its contribution to two pending projects shows how much importance it has come to attach to cooperation with the Assembly. At issue were the development of a "Common and Comprehensive Security Model for Europe for the 21st Century" and, in the other case, the elections in Bosnia and Herzegovina, where the Dayton Peace Agreement assigns key functions to the OSCE in regard to preparation, execution and monitoring.

### *Outlook*

Considering this background, it is to be expected that the relations between the Parliamentary Assembly and the executive of the OSCE will further deepen and continue to provide a basis for fruitful cooperation to the benefit of all.

This is especially true because the involvement of parliamentarians in international affairs can help enormously to come to terms with the calls for democratization in this field which have increasingly been heard in recent years.

The diplomats who traditionally deal with foreign policy are public servants and as such have no direct democratic legitimation. Parliamentarians, on the other hand, are directly elected by the people and from that acquire both legitimation and responsibility. And while diplomats usually carry on their negotiations behind closed doors, the profession of a parliamentarian is characterized by an open, public and hence transparent exchange of opinions and counter-opinions, and also by the struggle for majorities. Thus parliamentary diplomacy in general and the involvement of delegates in inter-parliamentary assemblies in particular can help to overcome speechlessness and to build bridges of understanding in ways which official diplomacy is not and could not be capable of.

The OSCE, as an organization which strives to develop a common security space resting on a comprehensive and cooperative concept of indivisible security, could especially profit from this.