



Organization for Security and Co-operation in Europe

H A M B U R G

2016

**Twenty-Third Meeting of the
Ministerial Council
8 and 9 December 2016**

Statements and declarations by the Ministerial Council

Decisions of the Ministerial Council

Statements by delegations

Reports to the Ministerial Council

Hamburg 2016

9 December 2016

Original: ENGLISH

MC23EW79

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**I. STATEMENTS AND DECLARATIONS BY THE
MINISTERIAL COUNCIL**

DECLARATION ON STRENGTHENING OSCE EFFORTS TO PREVENT AND COUNTER TERRORISM

(MC.DOC/1/16 of 9 December 2016)

1. We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe, condemn in the strongest possible terms all terrorist attacks that occurred across the OSCE area, neighbouring regions, and worldwide, in particular in 2016. We reaffirm our solidarity with victims of terrorism and emphasize the need to promote international solidarity in support of them and to ensure that they are treated with dignity and respect. We offer heartfelt condolences to the families of the victims, and to the people and governments that have been targeted.
2. We condemn unequivocally and express outrage at the indiscriminate killing and deliberate targeting of civilians, numerous atrocities, persecutions of individuals and communities, *inter alia* on the basis of their religion or belief, by terrorist organizations, in particular by the so-called Islamic State in Iraq and Levant, also known as DAESH (ISIL/DAESH), Al-Qaida, ANF/Jabhat Fatah al-Sham, and associated individuals, groups, undertakings and entities.
3. We reaffirm that terrorism, in all its forms and manifestations, constitutes one of the most serious threats to international peace and security and that any act of terrorism is criminal and unjustifiable regardless of its motivations, and that terrorism cannot and should not be associated with any race, religion, nationality or civilization.
4. We underscore the central role of the United Nations in preventing and countering terrorism, and strongly reaffirm our commitment to take the measures needed to protect everyone within our jurisdictions against terrorist acts and the need for all actions to be conducted in compliance with the UN Charter, and all other applicable obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as well as relevant UN Security Council resolutions. In accordance with these documents, we underscore the importance of our commitments under the UN Global Counter-Terrorism Strategy. We also take note of the relevant good practices documents adopted by the Global Counterterrorism Forum.
5. We recall all relevant OSCE documents adopted in the field of preventing and countering terrorism under the previous Chairmanships. We also take note of the Council of Europe Convention on the Prevention of Terrorism and encourage OSCE participating States to consider becoming a Party to the Convention and to its Additional Protocol.
6. We stress that participating States have the primary role in preventing and countering terrorism and violent extremism and radicalization that lead to terrorism (VERLT), while respecting their obligations under international law, in particular human rights and fundamental freedoms. We strongly reaffirm our determination and commitment to remain united in preventing and countering terrorism, through increased international solidarity and co-operation and a sustained and comprehensive approach at all relevant levels, involving the active participation and co-operation of all participating States and relevant international and regional organizations. We recognize that participating States should take measures, consistent with their OSCE commitments, and while ensuring national ownership, to address

the conditions conducive to the spread of terrorism, while recognizing that none of these conditions can excuse or justify acts of terrorism. In this context, we recognize the need to address the threat posed by narratives used by terrorists, including public justification of terrorism, incitement and recruitment, and call on the participating States to act co-operatively to develop the most effective responses to this threat, in compliance with international law, including international human rights law.

7. We welcome the work done by the Financial Action Task Force (FATF) and stress that all participating States shall take appropriate steps to prevent and suppress the financing of terrorism and refrain from any form of financial support, in particular through engagement in favour of terrorist organizations in direct or indirect trade in natural resources, such as oil and oil products, in weapons, ammunition and spare parts, in cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance. We also underscore the importance of co-operation among OSCE participating States to prevent and counter the recruitment of members of terrorist groups, including foreign terrorist fighters. We will further reduce the threat of terrorism by preventing cross-border movement of persons, weapons, funds connected to the terrorist activities, in line with OSCE commitments.

8. We reaffirm that those who participate in the financing, planning, facilitating, preparing, or perpetrating terrorist acts must be held accountable and brought to justice on the basis of the principle extradite or prosecute, in compliance with the obligations under international law, as well as applicable domestic legislation. We reiterate our determination and commitment to co-operate fully in preventing and countering terrorism, while respecting human rights and fundamental freedoms, and in compliance with obligations under international law. We call on States to co-operate in efforts to address the threat posed by terrorists, including foreign terrorist fighters and returnees, by *inter alia* developing and implementing, after prosecution, rehabilitation and re-integration strategies.

9. We emphasize the key importance of information-sharing, especially in the areas of foreign terrorist fighters, stolen and lost travel documents, firearms, and looted or stolen cultural property, such as antiquities and encourage all States to make full use of available multilateral and bilateral mechanisms and data exchange systems.

10. We stress the importance of co-operation among OSCE participating States, including by involving where appropriate, civil society, to prevent and counter terrorism. We also underscore the important role that civil society, in particular youth, families, women, victims of terrorism, religious, cultural and education leaders, as well as the media and the private sector can play in preventing VERLT, *inter alia* by countering terrorist and violent extremism messaging and offering alternatives to these narratives, including on the Internet, social and other media. We encourage political leaders and public figures including from civil society and religious leaders to speak out strongly and promptly against violent extremism and radicalization that lead to terrorism.

11. We take positive note of the continued implementation of the “OSCE United in Countering Violent Extremism (#United CVE) campaign” and we recall that the UN General Assembly took note of the Plan of Action to Prevent Violent Extremism presented by the Secretary-General of the United Nations suggesting that States consider its relevant recommendations when developing, where appropriate, and as applicable in their domestic

context, national and regional plans of action for preventing violent extremism conducive to terrorism.

12. We welcome the activities pursued by the OSCE executive structures, including the OSCE institutions, within existing mandates and available resources, in support of the implementation of OSCE commitments in the field of preventing and countering terrorism, in line with the OSCE's comprehensive approach to security.

13. We invite the OSCE Partners for Co-operation to join us in affirming this declaration.

**MINISTERIAL STATEMENT ON THE
NEGOTIATIONS ON THE TRANSDNIESTRIAN SETTLEMENT
PROCESS IN THE “5+2” FORMAT**

(MC.DOC/2/16 of 9 December 2016)

1. The Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe:
2. Recall the past Ministerial Statements on the work of the Permanent Conference on Political Issues in the Framework of the Negotiation Process for the Transdniestrian Settlement in the “5+2” format,
3. Reiterate their strong resolve to attain a comprehensive, peaceful and sustainable settlement of the Transdniestrian conflict based on the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognized borders with a special status for Transdniestria that fully guarantees the human, political, economic and social rights of its population;
4. Underline the need to advance the work of the Permanent Conference on Political Issues in the Framework of the Negotiation Process for the Transdniestrian Settlement in the “5+2” format as the only mechanism to achieve a comprehensive and sustainable resolution of the conflict and the important role the OSCE plays in supporting this process;
5. Call upon the sides to engage constructively and regularly in outcome-based meetings of the “5+2” format with fully empowered Political Representatives to achieve tangible progress on all three baskets of the agreed agenda for the negotiation process: socio-economic issues, general legal and humanitarian issues and human rights, and a comprehensive settlement, including institutional, political and security issues;
6. Welcome the resumption of negotiations in the “5+2” format with a substantial meeting in Berlin on 2 and 3 June 2016 and the signature by all parties of the Berlin Protocol, output-oriented steps, to the benefit of the population on both banks, in accordance with the internationally agreed parameters as referred to in paragraph 3;
7. Urge the sides to ensure the continuity and increase the effectiveness of the process on a regular basis at the level of expert (working) groups and Political Representatives to further advance the settlement process and to implement the remaining provisions contained in the Berlin Protocol;
8. Call upon the sides to engage, under the Austrian OSCE Chairmanship, in the negotiation process within the existing negotiating formats and in accordance with the internationally agreed parameters as referred to in paragraph 3;
9. Applaud the unified and active approach by the mediators and observers in the Permanent Conference on Political Issues in the Framework of the Negotiation Process for the Transdniestrian Settlement in the “5+2” format in the course of their activities in 2016;

10. Encourage the mediators and observers of the OSCE, the Russian Federation, Ukraine, the European Union and the United States of America to continue co-ordinating their efforts and to make full use of their collective potential to promote progress in achieving a comprehensive resolution of the Transdnistrian conflict.

**MINISTERIAL DECLARATION ON
OSCE ASSISTANCE PROJECTS IN THE FIELD OF SMALL ARMS
AND LIGHT WEAPONS AND STOCKPILES OF CONVENTIONAL
AMMUNITION**

(MC.DOC/3/16 of 9 December 2016)

1. We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe,
2. Mindful of the security and safety risks and threats related to stockpiles of small arms and light weapons (SALW) and stockpiles of conventional ammunition (SCA),
3. Concerned at the excessive and destabilizing accumulation and uncontrolled spread of SALW and conventional ammunition,
4. Determined to contribute to the prevention and reduction of the risks and threats related to stockpiles of SALW and conventional ammunition, including through co-operation, information sharing and assistance,
5. Determined, notably, to prevent, combat and eradicate the use of SALW and conventional ammunition for terrorism and transnational organized crime,
6. Welcoming the broad range of OSCE assistance in the field of SALW and SCA,
7. Recognizing the value of OSCE practical assistance in addressing security risks and safety factors related to stockpiles of SALW and conventional ammunition, including liquid rocket fuel components, explosive materials and detonating devices in surplus in some States in the OSCE area and adjacent regions,
8. Reiterating the relevant provisions of the OSCE Document on Small Arms and Light Weapons, the OSCE Document on Stockpiles of Conventional Ammunition, the OSCE Plan of Action on Small Arms and Light Weapons, and related FSC decisions including Decision No. 2/16 on enabling the provision of assistance to OSCE Partners for Co-operation using procedures outlined in the OSCE Documents on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition,
9. Recalling that the preferred method for the disposal of SALW and SCA is destruction,
10. Recognizing the contribution of such OSCE projects to the effective implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and the pursuit of relevant UN Sustainable Development Goals,
11. Underline our resolve to jointly address these risks by making full use of OSCE mechanisms to elaborate and implement related assistance projects,
12. Note in this respect the valuable contribution of OSCE assistance under the OSCE Documents on SALW and SCA related to the improvement of physical security, stockpile management, risk awareness-raising and destruction of surplus SALW and SCA,

13. Welcome the progress achieved so far in developing and implementing OSCE projects, which have resulted in the destruction of more than 50,000 small arms and light weapons and 18,000 tonnes of conventional ammunition, in upgrades of safety and security at 95 storage sites, and in the enhancement of stockpile management capacity,
14. Recognize the importance of voluntary assistance, and welcome contributions made by participating States to OSCE projects on SALW and SCA, which in the period 2005–2016 have amounted to over 25 million euros, in addition to contributions in kind,
15. Acknowledge the valuable contributions of the recipient participating States to the successful implementation of the assistance projects,
16. Taking note of the efforts of the OSCE executive structures for SALW/SCA project management, including through the related OSCE trust fund repository programmes, encourage them to continue to promote co-ordination and assessment of progress with the view to enhancing synergies and avoiding duplication and call upon them to further assist participating States in implementing projects in an efficient and transparent manner, in accordance with the OSCE Documents on SALW and SCA and relevant FSC decisions,
17. Invite participating States to continue providing extrabudgetary contributions to support FSC assistance projects on SALW and SCA, either for a specific project or by providing resources and technical expertise to the OSCE's comprehensive programme on SALW and SCA;
18. Encourage continued discussions on topical security issues related to SALW and SCA projects, including within the FSC Security Dialogue meetings and consider holding periodic SALW and SCA conferences. These would, *inter alia*, assess the implementation of ongoing OSCE projects on SALW/SCA, whilst ensuring cost efficiency through combining, where appropriate, other related assessment meetings and Security Dialogues;
19. Invite participating States to exchange views and information and share best practices, on a voluntary basis and if relevant to the mandate of the FSC, to address the impact of excessive and destabilizing accumulation and uncontrolled spread of SALW and conventional ammunition on women and children as well as creating equal opportunities for women's participation in policymaking, planning and implementation processes with regard to the OSCE assistance projects in the field of SALW and SCA;
20. Invite participating States to consider, on a voluntary basis and in co-operation with other international organizations and institutions, providing technical, financial and consultative assistance for projects on SALW and SCA in response to requests from OSCE Partners for Co-operation and in accordance with FSC Decision No. 2/16;
21. Invite OSCE Partners for Co-operation to consider opportunities to jointly engage with the OSCE participating States on mitigating risks arising from the presence and destabilizing accumulations of SALW and SCA.

**FROM LISBON TO HAMBURG:
DECLARATION ON THE TWENTIETH ANNIVERSARY OF THE
OSCE FRAMEWORK FOR ARMS CONTROL**

(MC.DOC/4/16 of 9 December 2016)

1. This year we mark the twentieth anniversary of the OSCE Framework for Arms Control. Mindful of the enduring value of this document, we, the Ministers for Foreign Affairs of the 57 participating States of the OSCE, underline the importance of conventional arms control and confidence- and security-building measures (CSBMs) for advancing comprehensive, co-operative and indivisible security in the OSCE area,
2. Arms control, including disarmament and confidence- and security-building, is integral to the OSCE's comprehensive and co-operative concept of security. We value open and meaningful dialogue on these issues, notwithstanding diverging assessments of the challenges we are currently facing. We welcome steps to further develop military-to-military contacts amongst participating States, including the High-Level Military Doctrine Seminar of February 2016,
3. Today, in Hamburg, we commit ourselves to exploring, *inter alia*, how the negative developments concerning the conventional arms control and CSBM architecture in Europe can be reversed. Together, we will work towards creating an environment conducive to reinvigorating conventional arms control and CSBMs in Europe. The strong commitment of the OSCE participating States to full implementation and further development of arms control agreements is essential for enhancing military and political stability within the OSCE area,
4. At the same time, we recognize the interrelation between CSBMs and conventional arms control, and the wider politico-military context. We welcome launching of a structured dialogue on the current and future challenges and risks to security in the OSCE area to foster a greater understanding on these issues that could serve as a common solid basis for a way forward.

Attachment 1 to MC.DOC/4/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“Thank you, Mr. Chairperson,

On the occasion of the adoption of the Hamburg Ministerial Council Declaration, ‘From Lisbon to Hamburg: Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control,’ the United States of America would like to make the

following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

We note that the Declaration ‘welcomes steps to further develop military-to-military contacts amongst participating States,’ but does not commit any nation or group of nations to undertake any particular activity or engagement.

For the United States, military-to-military contacts in the context of this Declaration incorporate a wide range of activities, to include multilateral dialogue and engagement through the OSCE, such as the 2016 High-Level Military Doctrine Seminar, which we strongly supported. In this regard, the OSCE can provide for dialogue in an environment where routine or low-level military to military engagement may not be possible.

The United States faces statutory limitations on our bilateral military-to-military co-operation with the Russian Federation, per section 1233 of the 2017 National Defense Authorization Act.

We note that the United States Congress, recognizing the special and protected role that arms control plays, has provided an exemption for military-to-military activity in support of arms control implementation. In this regard, we encourage all participating States to fully implement the spirit and the letter of all conventional arms control and confidence- and security-building measures.

Mr. Chairperson, we ask that this statement be included in the journal of the day.

Thank you.”

Attachment 2 to MC.DOC/4/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

“Having joined the consensus on the OSCE Ministerial Council document adopted today ‘From Lisbon to Hamburg: Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control’, the delegation of the Russian Federation believes it necessary to make the following interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure of the OSCE.

1. With respect to paragraph 1 of the Declaration, the Russian Federation notes that the purpose of the Framework is, among other things, to contribute to the further development of the OSCE area as an indivisible common security space. It also recognizes the close interrelation of conventional arms control and confidence- and security-building measures (CSBMs) with the principle of the indivisibility of security; an integral part of the latter is the

need to ensure that no participating State, organization or grouping strengthens its security at the expense of the security of others.

2. With respect to paragraph 3 of the Declaration, the Russian Federation notes that it suspended operation of the Treaty on Conventional Armed Forces in Europe (CFE Treaty) in accordance with international law and, consequently, the provision of the Framework referred to in the Declaration on 'commitment (...) to full implementation (...) of arms control agreements' no longer applies to the implementation of the CFE Treaty by the Russian Federation. As for the prospect of developing CSBMs under the Vienna Document, the Russian Federation confirms the need to create the conditions that would make this possible.

I request that this statement be attached to the document adopted.”

II. DECISIONS OF THE MINISTERIAL COUNCIL

DECISION No. 1/16
EXTENSION OF THE MANDATE OF THE
OSCE REPRESENTATIVE ON FREEDOM OF THE MEDIA
(MC.DEC/1/16/Corr.1 of 23 March 2016)

The Ministerial Council,

Recalling Permanent Council Decision No. 193 of 5 November 1997 on establishing an OSCE Representative on Freedom of the Media,

Considering that according to Ministerial Council Decision No. 1/13, the term of the current Representative on Freedom of the Media, Ms. Dunja Mijatović, expired on 10 March 2016,

Taking note of the fact that no consensus could be reached to appoint a new Representative on Freedom of the Media,

Taking into account the recommendation of the Permanent Council,

Decides:

1. To extend, as an exceptional measure, the mandate of Ms. Dunja Mijatović as OSCE Representative on Freedom of the Media for a period of one year until 10 March 2017;
2. To ask the Permanent Council to remain seized with the matter with the aim to reach consensus on a new Representative on Freedom of the Media by the end of the year 2016;
3. To recommend to the Chairmanship to reopen the selection procedure in due time.

Attachment 1 to MC.DEC/1/16/Corr.1

INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE

The delegation of the Netherlands, in its capacity as EU Presidency, passed the floor to the representative of the European Union, who delivered the following statement:

“In connection with the decision of the Ministerial Council on the extension of the mandate of Ms. Dunja Mijatović as the OSCE Representative on Freedom of the Media, the European Union would like to make the following interpretative statement under the relevant provisions of the Rules of Procedure, and we request this statement to be attached to the decision.

The European Union considers the autonomous institutions to be key OSCE assets. We stand firmly with the Representative on Freedom of the Media as an institution and fully support its mandate and the excellent work of the current office holder, Ms. Dunja Mijatović.

The European Union thanks the Chairmanship-in-Office for its tireless efforts to appoint a Representative on Freedom of the Media before the mandate of Ms. Dunja Mijatović ends. Nine participating States nominated candidates for this position, including seven from the European Union, offering participating States a wide range of capable candidates to choose from. Despite the best efforts of the Chairmanship-in-Office to build consensus, they were all rejected by one participating State, the Russian Federation. We have heard so far no credible explanation from the Russian Federation as to why none of the nine candidates would be acceptable. Participating States must now show the strongest sense of responsibility and ownership, to find a new representative in a process that must be planned and managed carefully in order to be successful. The current situation must therefore be analysed carefully.

In this situation, a prolongation of the mandate of the current representative is a reasonable way to ensure the continued functioning of the office. We have called for a substantial and meaningful extension as an exceptional measure that would allow the representative and the institution to fulfil its mandate in a meaningful way. We interpret this decision as a commitment by all participating States to ensure the further proper functioning of the institution until a successor has been appointed, if consensus has not been reached by the end of the year.”

The candidate countries the former Yugoslav Republic of Macedonia¹, Montenegro¹, and Albania¹, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, as well as Ukraine and Georgia align themselves with this statement.

Attachment 2 to MC.DEC/1/16/Corr.1

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Canada:

“Mr. Chairperson,

Canada wishes to make an interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure in connection with the adoption of the Ministerial Council decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, Ms. Dunja Mijatović.

1 The former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.

Canada would like to thank the Serbian and German Chairmanships for the efforts they deployed throughout the selection process of a new Representative. We note with regret that the Russian Federation was not in a position to support any of the proposed nine candidates, including the one around which consensus appeared to coalesce in the last stage of the process. This led to an unfortunate stalemate and does not bode well for the ability of the Organization to attract strong, qualified candidates. This is detrimental to all of us, and we hope that we will not face a similar situation again.

In this context, and keeping in mind the importance of this autonomous institution and the mandate given to the Representative on Freedom of the Media by the participating States, we welcome the adoption of the decision to extend the mandate of the current Representative.

Canada would like to take this opportunity to thank Ms. Dunja Mijatović for having accepted this extension and to assure her of our co-operation and support going forward.

We request that this statement be attached to the decision and reflected in the journal of the day.

Thank you.”

Attachment 3 to MC.DEC/1/16/Corr.1

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

“In joining the consensus on the Permanent Council decision on the extension of the mandate of the OSCE Representative on Freedom of the Media by one year, until 10 March 2017, we should like to make the following statement.

The Russian Federation takes the position that extending the authority of the present OSCE Representative on Freedom of the Media for a seventh year is an exceptional case brought about by the need to maintain the continuous and effective operation of this important OSCE institution. We expect Ms. Dunja Mijatović to make steadfast efforts to ensure the Office’s effective and impartial work in accordance with the current mandate. We urge her to continue her contribution to ensuring the freedom, independence and pluralism of the media, the unhindered work of journalists throughout the OSCE area, the protection of their rights, the safety of journalists in conditions of armed conflict, and combating incitement to hatred.

In order to avoid difficulties and time pressure when selecting a new OSCE Representative on Freedom of the Media, we urge the German OSCE Chairmanship to start

shortlisting candidates in good time, so as to complete all competitive interviews with applicants by the end of 2016.

We trust that in accordance with paragraph 9 of the mandate ‘the OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected.’

I request that this statement be appended to the decision adopted, and included in the journal of the day.”

Attachment 4 to MC.DEC/1/16/Corr.1

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Switzerland:

“Mr. Chairperson,

Switzerland wishes to make the following interpretative statement, according to paragraph IV.1(A)6 of the OSCE Rules of Procedure.

Switzerland welcomes the adoption of the Ministerial Council decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, Ms. Dunja Mijatović, through a silence procedure. We reiterate our full support to the institution and the mandate of the Representative on Freedom of the Media. We join consensus on this decision for two reasons: first, because we have great respect for Dunja Mijatović and the way she accomplishes this difficult task and second, because we cannot allow having a vacancy in this important institution of the OSCE.

At the same time, we want to express our discontent about the failure to reach consensus on a successor for Ms. Mijatović in time. Functioning independent institutions are of paramount importance to the OSCE in order to transform words into action and turn commitment into reality. Switzerland is thus extremely worried by repeated attempts to delegitimize the work of the Representative on Freedom of the Media, and more specifically by the lack of constructive engagement of some delegations in the selection process on the appointment of the next holder of the mandate.

In closing, Switzerland would like to thank the German Chairmanship, as well as the Serbian Chairmanship last year, for their efforts in trying to find a successor for Ms. Mijatović and to reach consensus on this important issue.

Thank you, Mr. Chairperson, and I would kindly ask that this statement is attached to the Ministerial Council decision and the journal of the day.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“In connection with the adoption of the decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, the United States would like to make the following interpretive statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure:

We very much appreciate the efforts of the German Chairmanship in guiding the selection process for the next Representative on Freedom of the Media, after the Serbian Chairmanship launched it last year.

This decision was necessitated by the failure of one participating State to constructively engage in the process of identifying the next Representative on Freedom of the Media. Many hundreds of hours were invested into a transparent, thorough, open process which produced a clear candidate around whom consensus should be built. Yet because of the obstructionism of a participating State, we were unable to complete the process and nominate a successor to Ms. Mijatović.

There is no substantial reason for this obstructionism, which unfortunately sends a negative message to other delegations and the institution of the Representative on Freedom of the Media.

The Office of the Representative on Freedom of the Media is a highly visible and effective independent institution of the OSCE, and we should ensure continuous, strong leadership of that institution.

The United States has the utmost respect for the institution, and its current leader, Ms. Dunja Mijatović, and thus we are grateful for the generosity and flexibility of the current Representative in agreeing to extend her mandate for an additional year, as we seek to complete the task of identifying a replacement.

The decision adopted today calls for our engagement to identify a successor by the end of this year. It also foresees – if we cannot nominate someone by the end of 2016 – asking for Ms. Mijatović’s forbearance once again to serve for another substantial extension beyond March 2017.

Some are fond of calling for ‘mutual respect’ when speaking around this table. The best way to demonstrate and earn mutual respect in the months ahead is to move forward in good faith to do what is foreseen in this decision.

Thank you, Mr. Chairperson, and I ask that this statement be attached to the decision and to the journal of the day.”

DECISION No. 2/16
OSCE CHAIRMANSHIP IN THE YEAR 2018
(MC.DEC/2/16 of 27 July 2016)

The Ministerial Council,

Decides that Italy will exercise the function of the OSCE Chairmanship in the year 2018.

Attachment 1 to MC.DEC/2/16

INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE

By the delegation of Azerbaijan:

“Mr. Chairperson,

The Republic of Azerbaijan welcomed the decision of the Government of the Italian Republic to chair the OSCE in 2018 and views this as a demonstration of Italy’s willingness to contribute to realization of the mission of the Organization to enhance peace and security in its area based on Principles Guiding Inter-State Relations enshrined in the Helsinki Final Act.

We took note of the position of Italy as incoming Chairmanship-in-Office of the OSCE in 2018 with regard to resolution of the Armenia-Azerbaijan conflict. As a candidate for this responsible post, Italy held consultations with Azerbaijan and pledged to consult with Azerbaijan on matters related to the conflict between Azerbaijan and Armenia. We expect implementation of these commitments.

Italy committed to support the resolution of the Armenia-Azerbaijan conflict in full compliance with the relevant resolutions of the United Nations Security Council, OSCE decisions and documents, in particular on the basis of respect for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, as it was endorsed in the Joint Declaration on Strategic Partnership between the Republic of Azerbaijan and the Italian Republic.

The statement we just heard runs counter to the commitments and understandings reached at bilateral level. Azerbaijan will support the efforts of incoming Italian OSCE Chairmanship on peaceful resolution of the Armenia-Azerbaijan conflict in accordance with the relevant provisions of the above-mentioned joint declaration.

We ask this statement be attached to the journal of the day and the decision adopted.

Thank you, Mr. Chairperson.”

Attachment 2 to MC.DEC/2/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Armenia:

“The Republic of Armenia would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure and asks to attach it to the ministerial decision on the OSCE Chairmanship in the year 2018.

The Republic of Armenia supported assumption of Chairmanship of the OSCE by Italy in 2018 with an understanding that Italy throughout its Chairmanship will fully adhere to the OSCE commitments in regard to the peaceful resolution of the Nagorno-Karabakh conflict through extending full support to the efforts of the agreed format of the Minsk Group Co-Chairs aimed at negotiated and peaceful solution of the Nagorno-Karabakh conflict, based on the purposes and principles of the UN Charter, particularly those pertaining to the non-use of force, territorial integrity, and equal rights and self-determination of peoples.

In this regard the delegation of Armenia took note of the statement delivered by the Italian delegation, which also confirmed the supportive position of Italy with regard to the latest agreements on strengthening the capacities of the Office of the Personal Representative of the Chairperson-in-Office and creating of an OSCE mechanism to investigate ceasefire violations along the line of contact between Nagorno-Karabakh and Azerbaijan and the Armenian-Azerbaijani State border.”

DECISION No. 3/16
OSCE'S ROLE IN THE GOVERNANCE
OF LARGE MOVEMENTS OF MIGRANTS AND REFUGEES
(MC.DEC/3/16 of 9 December 2016)

The Ministerial Council,

Recognizing that the benefits and opportunities of safe, orderly and regular migration are substantial and often underestimated, whilst noting that irregular migration in large movements often presents complex challenges, and recognizing the substantial economic and social contribution that migrants and refugees can make for inclusive growth and sustainable development,

Recognizing the leading role of the United Nations,

Commending efforts made since 2015 by the Serbian and German OSCE Chairmanships to address issues related to the governance of these movements more effectively in the OSCE,

Acknowledging the many specific activities linked to migration and refugees already undertaken by OSCE executive structures, within existing mandates, as well as by participating States, based on existing OSCE commitments, relevant United Nations documents and national policies,

Building on in-depth discussions conducted at the OSCE, especially during the hearings of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows in spring 2016 and during a special meeting of the OSCE Permanent Council held on 20 July 2016,

1. Acknowledges the work of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows and the output discussed at the special meeting of the OSCE Permanent Council of 20 July 2016;
2. Encourages the OSCE executive structures, within existing mandates and available resources, to continue their work on the issue of migration, including by reinforcing activities leading to the exchange of best practices and enhancing dialogue and co-operation with Partners for Co-operation, in a manner that complements the activities undertaken by other relevant international organizations and agencies;
3. Encourages participating States also to use the OSCE platform, including appropriate OSCE working bodies, to continue addressing migration-related issues where the OSCE has developed its expertise, and improve dialogue on migration-related matters with regard to developing possible effective measures and common approaches to address them.

Attachment 1 to MC.DEC/3/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Turkey:

“In connection with the Ministerial Council decision just adopted on the OSCE’s role in the governance of large movements of migrants and refugees, the Republic of Turkey wishes to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure:

Turkey joined consensus on this text. We did so in order to pay tribute to the value of the significant work done at the OSCE throughout the year on this important issue.

As the country hosting the highest number of refugees and asylum seekers not only in the OSCE but in the entire world, we regret that the only text which could achieve consensus is lacking considerably in substance, and does not reflect such key notions as ‘solidarity’, ‘compassion’, ‘empathy’ and ‘dignity’ which govern our approach to the question.

Regardless of our sad inability to adopt a text more worthy of both the matter and our collective efforts pertaining thereto, Turkey will continue to address this humanitarian issue in the exemplary manner it has done until now.

I request that this interpretative statement be attached to the journal of the day and to the decision in question.”

Attachment 2 to MC.DEC/3/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“Thank you, Mr. Chairperson.

In connection with the Ministerial Council decision just adopted on the OSCE’s role in the governance of large movements of migrants and refugees, the United States would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

The United States believes that this phenomenon is truly a multi-dimensional, cross-cutting challenge that will affect security throughout the OSCE for the foreseeable future. As we have made clear throughout our negotiations, we would like to have seen a stronger decision adopted by the Ministerial Council today.

Many of the OSCE executive structures and field missions are already active, within their mandates, on humane migration management and combatting trafficking in human beings.

We believe the Conflict Prevention Centre and OSCE field missions should intensify their migration-related work, including through joint regional activities with other international organizations, as well as monitoring and early warning.

The Secretary General should engage with participating States to recruit secondees to work on migration-related projects, reprioritize to have staff dedicated to co-ordinating migration-related activities, and create a network of migration focal points.

The OSCE, and in particular the ODIHR, can assist participating States with the integration of migrants and refugees.

As recommended in the report by the chairperson of the Informal Working Group on Migration and Refugee Flows, OSCE executive structures should, within their respective mandates, mainstream the issue of migration into the larger OSCE agenda, assist with sharing of best practices, strengthen co-operation and co-ordination among themselves, increase outreach to OSCE Partners for Co-operation as well as to civil society, and contribute to capacity-building efforts to improve governance of large movements of migrants and refugees.

The Special Representative and Co-ordinator for Combatting Trafficking in Human Beings should increase engagement in the protection of victims of trafficking in the context of refugees and migration. We would note, however, that we do not support any alteration of her mandate to encompass human smuggling.

The United States strongly urges the incoming Austrian Chairperson-in-Office to appoint a Personal Representative on this issue, in order to strengthen coherence across the OSCE and increase engagement with Partners for Co-operation, international organizations, and civil society.

Mr. Chairperson, we ask that this statement be attached to the decision we have just adopted and also included in the journal of the day.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America (also on behalf of Azerbaijan, Canada, Georgia, Latvia, Lithuania, Sweden and Ukraine):

“In connection with the adoption of the ministerial decision on the OSCE’s role in the governance of large movements of migrants and refugees, we would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure:

The delegations of Azerbaijan, Canada, Georgia, Latvia, Lithuania, Sweden, Ukraine, and the United States are pleased that consensus has been reached on the OSCE’s role in the governance of large movements of migrants and refugees. We are concerned, however, that this decision does not address the important issue of protecting the rights of internally displaced persons.

We call on OSCE participating States, in parallel to actions being taken to address large movements of migrants and refugees, also to use the OSCE as a platform for elaborating a comprehensive OSCE response addressing the protection of the rights of internally displaced persons.

We also acknowledge language in the New York Declaration for Refugees and Migrants adopted by consensus at the High-Level Plenary Meeting of the United Nations General Assembly on addressing large movements of refugees and migrants on 19 September 2016, which reads:

‘We recognize the very large number of people who are displaced within national borders and the possibility that such persons might seek protection and assistance in other countries as refugees or migrants. We note the need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement.’

We request that this interpretative statement be attached to the decision and to the journal of the day.

Thank you, Mr. Chairperson.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Switzerland:

“Switzerland makes the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure and asks that it be attached to this Ministerial Decision.

Mr. Chairperson,

Switzerland welcomes the adoption of a ministerial decision on the OSCE’s role in the governance of large movements of migrants and refugees.

Switzerland however regrets that the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, was not able to find consensus among its participating States to refer to the phenomenon of forced movement of people in its entirety, covering both large movements of internally displaced persons and large movements of migrants and refugees, as has been referred to by the Member States of the United Nations when they adopted the New York Declaration for Refugees and Migrants of 19 September 2016.

I kindly ask that this interpretative statement be attached to the journal of the day as well as to the decision in question.

Thank you, Mr Chairperson.”

DECISION No. 4/16
STRENGTHENING GOOD GOVERNANCE AND
PROMOTING CONNECTIVITY

(MC.DEC/4/16 of 9 December 2016)

The Ministerial Council,

Reaffirming the relevance of, and our full respect for all OSCE norms, principles and commitments related to our co-operation in the economic and environmental dimension, and bearing in mind the comprehensive approach of the OSCE to security,

Reaffirming the OSCE commitments on combating corruption, in particular the relevant provisions of the Charter for European Security adopted in 1999 at the OSCE Summit in Istanbul, the OSCE Strategy Document for the Economic and Environmental Dimension adopted in Maastricht in 2003, Ministerial Council Decision No. 11/04 on combating corruption adopted in Sofia in 2004, the Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism adopted in Dublin in 2012, and Ministerial Council Decision No. 5/14 on prevention of corruption adopted in Basel in 2014,

Reaffirming the commitments related to transportation and trade facilitation in the OSCE area, in particular those contained in the Helsinki Final Act adopted in 1975, the Document of the Bonn Conference on Economic Co-operation in Europe adopted in 1990, the OSCE Strategy Document for the Economic and Environmental Dimension adopted in Maastricht in 2003, the OSCE Border Security and Management Concept adopted in Ljubljana in 2005, Ministerial Council Decision No. 11/06 on future transport dialogue in the OSCE adopted in Brussels in 2006, Ministerial Council Decision No. 11/11 on strengthening transport dialogue in the OSCE adopted in Vilnius in 2011, and other relevant OSCE documents,

Recognizing that good governance, transparency and accountability are essential conditions for economic growth, trade, investment and sustainable development, thereby contributing to stability, security and respect for human rights in the OSCE area,

Recognizing that corruption and lack of good governance are potential sources of political tension that undermine the stability and security of participating States,

Acknowledging that good governance, rule of law, the prevention of and fight against corruption, money laundering and the financing of terrorism; sound regulatory frameworks, including adequate protection for whistle-blowers; a public sector based on integrity, openness, transparency and accountability as well as good corporate governance based on efficient management, proper auditing, accountability and adherence to and respect for laws, rules and regulations, business ethics and codes of conduct established in close consultation with business and civil society are critical components for promoting a positive business and investment climate in the OSCE area,

Welcoming the fact that almost all participating States have ratified or acceded to the United Nations Convention against Corruption (UNCAC) and are working towards fulfilling the commitments deriving from the Convention,

Recognizing the importance of the Financial Action Task Force's (FATF) "International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation",

Affirming that transparent management of public resources by strong and well-functioning institutions, a professional and effective civil service as well as sound budgetary and public procurement processes are major components of good governance,

Recognizing the importance of the active participation of the private sector, including small and medium-sized enterprises, civil society and media, in preventing and combating corruption and promoting a sound business and investment climate,

Recognizing that regional and subregional integration processes and agreements can give an important impulse to trade and economic development in the OSCE area and the OSCE participating States,

Acknowledging the importance of promoting, where appropriate, regional and subregional economic co-operation,

Recalling the UNECE transport agreements and conventions for the OSCE's work in the field of transport and trade facilitation,

Underlining that promoting connectivity through transport and trade facilitation is an important part of our economic co-operation,

Reaffirming that our economic co-operation should be based on solidarity, transparency, equal and non-discriminatory partnership, mutual accountability, and full respect for the interests of all OSCE participating States, and that, if action in the economic field has a negative impact on other participating States, we will seek to minimize this, in line with our international obligations,

Calling upon participating States to promote free and secure movement of persons, goods, services and investments across borders, in conformity with relevant legal frameworks, international law and OSCE commitments,

Reaffirming the commitments of OSCE participating States to assist each other to increase the integration of their economies into the international economic and financial system, above all through early accession to the World Trade Organization (WTO),

Underlining the importance of the 2014 WTO Trade Facilitation Agreement,

Recalling the 2030 Agenda for Sustainable Development and its Sustainable Development Goals and Targets as well as the Paris Agreement adopted in December 2015, including the role that good governance, among other factors, plays in their implementation,

Recognizing the importance of the public and private sectors' full adherence to labour, social, and environmental standards and its contribution to good governance and sustainable development,

Welcoming the substantial discussions held in the framework of the 24th Economic and Environmental Forum and of the thematic Economic and Environmental Committee meetings held in 2016,

Welcoming the discussions held at the OSCE Chairmanship Conference on “Connectivity for Commerce and Investment” held in Berlin on 18 and 19 May 2016 and taking note of the outcome document “Conference Outcome – Chair’s Perception”,

Reaffirming the existing OSCE commitments in the field of good governance, stressing our determination to fight trafficking in human beings in all its forms, and recognizing the role that transparency and accountability in public procurement processes can play in preventing and combating human trafficking and labour exploitation,

Strengthening good governance, promoting transparency and improving the business climate

1. Encourages participating States to accede to, ratify and implement the United Nations Convention against Corruption (UNCAC) and to exchange information and best practices on the UNCAC Second Review Cycle process, as laid out in UNCAC;
2. Encourages participating States to, where appropriate, implement and adhere to other relevant international standards, such as those prescribed by the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the Financial Action Task Force’s (FATF) “International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation”, and to contribute to intensifying the involvement of all relevant stakeholders, including civil society and the business community in their implementation, as laid out in these international instruments;
3. Encourages participating States to promote the exchange of best practices among all relevant stakeholders that contribute to good public and corporate governance, the promotion of transparency, and the prevention and combating of corruption, also in the sphere of the environment;
4. Calls upon participating States to further promote integrity, accountability and cost-effectiveness in public procurement processes, also by ensuring that private interests are not unduly influencing decisions at relevant levels of government, and to ensure adequate transparency requirements for companies participating in public tenders;
5. Calls upon participating States to facilitate access to appropriate government information by increasing the accountability of the public sector and by stimulating public participation through e-governance;
6. Tasks relevant OSCE executive structures, including field operations, within their mandates and available resources, to contribute to enhancing co-operation between participating States, the private sector and civil society and to actively involve the private sector and civil society in their activities on strengthening good governance, promoting transparency and improving the business and investment climate;

Promoting connectivity through transport and trade facilitation

7. Recognizes that connectivity through transport and trade facilitation, including through measures at different levels of government, can enhance economic co-operation that is mutually beneficial and contribute to good-neighbourly relations, confidence-building and trust in the OSCE area;
8. Calls upon participating States to further promote transparency, integrity and the fight against corruption in customs, cross-border operations and infrastructure development, including by improving border-crossing procedures and processes;
9. Encourages participating States to enhance co-operation between landlocked, transit and non-landlocked countries for the benefit of regional economic development, thereby contributing to the creation of a conducive environment for promoting connectivity within the OSCE area;
10. Encourages participating States to promote policies and initiatives reducing the environmental footprint of transport and its impact on climate change;
11. Encourages participating States that are members of the WTO to sign and ratify the 2014 WTO Trade Facilitation Agreement and to support its full implementation;
12. Invites participating States to implement additional trade facilitation measures, aimed at making customs, administrative and regulatory processes more predictable, transparent and accountable, including by harmonizing, simplifying and streamlining norms and procedures without weakening current standards, by strengthening cross-border and regional co-operation of relevant authorities including customs, and by strengthening dialogue and co-operation between relevant government authorities and the private sector;
13. Encourages participating States to further pursue, where appropriate, opportunities for mutually beneficial regional and subregional economic co-operation, including through promoting dialogue and co-operation among participating States and with relevant international and regional organizations, including WTO;
14. Tasks relevant OSCE executive structures, including field operations, within their mandates and available resources, in co-operation with relevant international organizations, to support participating States, upon their request, in the development of trade facilitation measures with a view to strengthening good governance, promoting border-crossing facilitation and fostering business interaction;

Strengthening good governance through adherence to labour, social, and environmental standards

15. Encourages participating States to facilitate secure transportation and trade while preventing illicit trafficking in accordance with the relevant provisions of international law and agreements to which the OSCE participating States are parties, and to increase efforts aimed at overcoming challenges such as labour exploitation and poorly regulated and inspected worksites;

16. Invites participating States to strive for better application of internationally recognized labour, social, and environmental standards within the UN, ILO, and where appropriate OECD;

17. Encourages participating States to promote, in co-operation with the private sector, sustainable consumption and production patterns based on internationally recognized labour, social, and environmental standards;

18. Tasks relevant OSCE executive structures, including field operations, within their existing mandates and available resources, to support participating States in exchanging best practices on raising awareness of the relevance of internationally recognized labour, social and environmental standards, and on strengthening good governance and promoting transparency in public procurement processes;

Strengthening public-private partnerships in the fight against corruption, money laundering and financing of terrorism

19. Encourages participating States to facilitate co-operation among law enforcement, the judiciary and financial intelligence units and other relevant actors as well as between the public and the private sector and civil society, including media, in combating corruption, money laundering and other financial crime;

20. Tasks relevant OSCE executive structures, including field operations, within their mandates and available resources, to facilitate dialogue and co-operation among governments, private sector and civil society in order to support good governance efforts, including combating corruption, money laundering and the financing of terrorism, and in order to address impediments to economic growth and sustainable development;

21. Encourages the Partners for Co-operation to voluntarily implement the provisions of this decision.

Attachment 1 to MC.DEC/4/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“Thank you, Mr. Chairperson.

In connection with the Ministerial Council decision just adopted on strengthening good governance and promoting connectivity, the United States would like to make the following interpretive statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

The United States welcomes the adoption of this decision. We would, however, like to express our disappointment that the Russian Federation would not accept more robust language on the importance of combatting human trafficking and ensuring that our supply chains – including for government procurement – are accountable and that our policies towards them prevent and combat human trafficking and labour exploitation.

OSCE participating States have committed themselves to combat human trafficking, and also asked the OSCE Secretary General to ensure that OSCE's own procurement supply chains do not contribute to human trafficking or labour exploitation.

The United States looks forward to the Austrian Chairmanship addressing this as a priority issue throughout 2017.

Mr. Chairperson, we ask that this statement be attached to the decision we have just adopted and also included in the journal of the day.

Thank you.”

Attachment 2 to MC.DEC/4/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Ukraine:

“Mr. Chairperson,

In connection with the adoption of the ministerial decision on strengthening good governance and promoting connectivity, the delegation of Ukraine would like to make the following interpretative statement in accordance with paragraph IV.1(A)6 of the OSCE Rules of Procedure:

The delegation of Ukraine joined consensus on the ministerial decision on strengthening good governance and promoting connectivity.

We did so in the recognition that the economic and environmental dimension is an important part in the OSCE concept of comprehensive security linking co-operation in the economic and environmental dimension to peaceful inter-State relations. Such co-operation necessitates that all OSCE principles and commitments, starting from the Helsinki Final Act, be implemented fully and in good faith. We expect that the work of OSCE Chairmanships will continue to be underpinned, including on this decision, by ensuring adherence to the core OSCE principles and commitments and the imperative of correction of existing glaring violations.

The delegation of Ukraine requests that this interpretative statement be attached to the decision and to the journal of the day.

Thank you, Mr. Chairperson.”

Attachment 3 to MC.DEC/4/16

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Armenia:

“Mr. Chairperson,

In connection with the Ministerial Council decision on strengthening good governance and promoting connectivity the delegation of Armenia would like to make the following interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure.

We welcome adoption of the ministerial decision on strengthening good governance and promoting connectivity.

Armenia attaches importance to their promotion as important factors for enhancing trust and confidence-building, narrowing divisions and building bridges across dividing lines, including in the situation of application of unilateral coercive measures.

We welcome that concept of connectivity will build upon and reinforce the principles of our economic co-operation, that of solidarity, transparency, non-discriminatory partnership, mutual accountability and full respect for the interests of all OSCE participating States, as well as minimizing negative impact of actions in the economic field on other participating States.

The decision clearly refers to the OSCE principles, norms and commitments related to the economic and environmental co-operation. Thus it reaffirms the commitment of refraining from any act of economic coercion. We hope that the implementation of the decision will assist participating States which apply acts of economic coercion particularly through closing transport links and borders to reconsider their current practices.

The delegation of the Republic of Armenia requests that this statement be attached to the decision and registered in the journal of the day.

Thank you, Mr. Chairperson.”

DECISION No. 5/16
OSCE EFFORTS RELATED TO REDUCING THE RISKS OF
CONFLICT STEMMING FROM THE USE OF INFORMATION AND
COMMUNICATION TECHNOLOGIES

(MC.DEC/5/16 of 9 December 2016)

The Ministerial Council of the Organization for Security and Co-operation in Europe,

Reaffirming that efforts by OSCE participating States to reduce the risks of conflict stemming from the use of information and communication technologies will be consistent with: international law, including, *inter alia*, the UN Charter and the International Covenant on Civil and Political Rights; the Helsinki Final Act; and their responsibilities to respect human rights and fundamental freedoms,

Welcoming UN General Assembly resolution A/RES/70/237, and stressing the relevance to OSCE efforts to reduce the risks of conflict stemming from the use of information and communication technologies of the 2010, 2013 and 2015 reports of the United Nations Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security,

Emphasizing the importance of OSCE confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies to complement existing global, regional and subregional efforts in this field,

Emphasizing the importance of communication at all levels of authority to reduce the risks of conflict stemming from the use of information and communication technologies,

Recalling Permanent Council Decision No. 1039 of 26 April 2012, which established the OSCE framework for the development of CBMs designed to enhance inter-State co-operation, transparency, predictability, and stability, and to reduce the risks of misperception, escalation, and conflict that might stem from the use of information and communication technologies, and welcoming the work of the informal working group established pursuant to Permanent Council Decision No. 1039,

Building upon Permanent Council Decision No. 1106 of 3 December 2013 on an initial set of OSCE confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies,

1. Endorses the adoption of Permanent Council Decision No. 1202 of 10 March 2016 on OSCE confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies;
2. Stresses the importance of implementing existing OSCE confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies and developing additional confidence-building measures in line with the Considerations set out in Permanent Council Decision No. 1202;
3. Welcomes the participating States' activities in the implementation of the existing OSCE confidence-building measures to reduce the risks of conflict stemming from the use of

information and communication technologies, and notes in this respect the importance of continuously updating national contact points to facilitate pertinent communication and dialogue;

4. Encourages all participating States to contribute to the implementation of the OSCE confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies;
5. Recognizes the importance of effective information exchange among participating States related to the OSCE confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies and, *inter alia*, of ensuring rapid communication at technical and policy levels of authority, and of elaborating procedures for holding consultations in order to reduce the risks of misperception and of possible emergence of political or military tensions or conflict that may stem from the use of information and communication technologies;
6. Intends to explore, within the cross-dimensional, informal working group established pursuant to Permanent Council Decision No. 1039 under the auspices of the Security Committee, ways of strengthening the work of the OSCE as a practical platform for constructive and efficient implementation, and the possible development of further confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies;
7. Invites participating States to make concrete proposals to this end by 30 June 2017;
8. Encourages relevant OSCE executive structures to assist participating States, upon their request, in the implementation of the OSCE confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies, and to enhance pertinent national capabilities and processes, within available resources;
9. Welcomes the work undertaken by the 2016 OSCE German Chairmanship aimed at identifying how OSCE efforts to reduce the risks of conflict stemming from the use of information and communication technologies can be made more effective and can be intensified to promote an open, secure, stable, accessible and peaceful information and communication technologies environment in line with relevant OSCE commitments;
10. Underscores that further OSCE activities to reduce the risks of conflict stemming from the use of information and communication technologies, including those of relevant OSCE executive structures, should build on existing OSCE efforts, be in line with respective mandates and OSCE commitments, complement efforts by the United Nations, international and other regional fora, and be organized within available resources;
11. Invites the OSCE Partners for Co-operation to enhance dialogue on efforts to reduce the risks of conflict stemming from the use of information and communication technologies.

DECISION No. 6/16
ENHANCING THE USE OF ADVANCE PASSENGER INFORMATION
(MC.DEC/6/16 of 9 December 2016)

We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe,

Reiterating the need to combat terrorism, which constitutes one of the most serious threats to international peace and security, in accordance with the Charter of the United Nations and international law, including applicable international human rights law, international refugee law and international humanitarian law,

Recalling the obligation in UN Security Council resolution 2178 (2014) to prevent the movement of terrorists or terrorist groups, in accordance with applicable international law, by, *inter alia*, effective border controls, and to intensify and accelerate the exchange of operational information, in accordance with domestic and international law regarding actions or movements of terrorists and terrorist networks, including foreign terrorist fighters, especially with their States of residence or nationality, through bilateral or multilateral mechanisms,

Reiterating the Ministerial Declaration on the OSCE Role in Countering the Phenomenon of Foreign Terrorist Fighters in the Context of the Implementation of UN Security Council resolutions 2170 (2014) and 2178 (2014) (MC.DOC/5/14), which commits OSCE participating States to prevent the movement of foreign terrorist fighters through effective border controls and controls on the issuance of identity papers and travel documents, to exchange information in this regard, and to implement Ministerial Council Decisions No. 7/03, No. 4/04, No. 6/06 and No. 11/09 on travel document security while fully respecting the obligations under international law, in particular international human rights law and international refugee law, including to ensure that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts,

Declaring our intention to detect and prevent the movement of foreign terrorist fighters in full compliance with UN Security Council resolutions 2178 (2014) and 2309 (2016), which call upon all States to “require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011), 2253 (2015)” and resolution 2178 (2014), which further “calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations”,

Stressing that UN Security Council resolution 2178 (2014) also “calls upon Member States to improve international, regional, and subregional co-operation, if appropriate through bilateral agreements, to prevent the travel of foreign terrorist fighters from and through their territories, including through increased sharing of information for the purpose of identifying foreign terrorist fighters”,

Taking note of the Memorandum of Understanding between IATA and the OSCE Secretariat signed in Geneva on 14 October 2016 to intensify co-operation and support international efforts for enhancing aviation security and preventing the travel of foreign terrorist fighters,

Decide that OSCE participating States commit to:

1. Establish national advance passenger information (API) systems in accordance with the provisions contained in ICAO's Annex 9 to the Convention on International Civil Aviation (the Chicago Convention) and aligned with the WCO/IATA/ICAO Guidelines on Advance Passenger Information (API), including those on privacy and data protection, in order to effectively collect passenger and/or crew data from airlines operating in their territories;
2. Consider establishing at the national level an interactive system to exchange API data (iAPI) in order to prevent the movement of foreign terrorist fighters in line with UN Security Council resolutions 2178 (2014) and 2309 (2016);
3. Adhere to ICAO Document 9082 "ICAO's Policies on Charges for Airports and Air Navigation Services" in the context of establishing an API system, recognizing that States are responsible for ensuring the implementation of adequate security measures at airports;
4. Collaborate with all relevant national stakeholders in the implementation of national-level API systems, and consider establishing one authority to receive, on behalf of all other authorities, all forms of passenger data through one single window data entry point;
5. Increase the added value of API data by seeking to establish automated cross-checking of this data against relevant national, regional and international watch lists, in particular Interpol databases and UN Sanctions Lists;
6. Provide assistance to support other requesting participating States in establishing an API system;

We task the OSCE executive structures, within their respective mandates and available resources, with:

7. Supporting global efforts in raising awareness of the requirements of UN Security Council resolutions 2178 (2014) and 2309 (2016) on advance passenger information and by determining the technical assistance needs of requesting participating States, as well as identifying potential donor assistance for capacity-building;
8. Supporting requesting participating States in the establishment of API systems, in co-operation with relevant international and regional organizations.

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Holy See:

“Mr. Chairperson,

The Holy See wishes to recall that its participation in the OSCE has always been, and continues to be, in accordance with its possibilities, its special character and the nature of its mission. Therefore, the Holy See, while joining the consensus on the Ministerial Council decision on enhancing the use of advance passenger information, in conformity with its special nature and particular mission, wishes to make the following interpretative statement, under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

The Holy See, not being a Member State, but a Permanent Observer State at the United Nations (see UN General Assembly resolution A/58/314), is not legally bound to comply with the Security Council resolutions. It does, however, voluntarily observe those decisions concerning the fight against terrorism.

Since there are no airports or airlines operating in the State of the Vatican City, the Holy See deems that this decision is not applicable to its specific circumstances.

We request that this interpretative statement be attached to the decision and annexed to the journal of the meeting under this item.

Thank you, Mr. Chairperson.”

DECISION No. 7/16
OSCE CHAIRMANSHIP IN THE YEAR 2019
(MC.DEC/7/16 of 9 December 2016)

The Ministerial Council,

Decides that Slovakia will exercise the function of the OSCE Chairmanship in the year 2019.

DECISION No. 8/16
TIME AND PLACE OF THE NEXT MEETING OF THE OSCE
MINISTERIAL COUNCIL

(MC.DEC/8/16 of 9 December 2016)

The Ministerial Council,

Decides that the Twenty-Fourth Meeting of the OSCE Ministerial Council will be held in Vienna on 7 and 8 December 2017.

III. STATEMENTS BY DELEGATIONS

**STATEMENT BY THE CHAIRPERSON-IN-OFFICE
AND FEDERAL MINISTER FOR FOREIGN AFFAIRS OF GERMANY
AT THE OPENING SESSION OF THE TWENTY-THIRD MEETING OF
THE MINISTERIAL COUNCIL**

(MC.DEL/1/16 of 8 December 2016)

Ladies and gentlemen,

Welcome to the twenty-third Ministerial Council of the Organization for Security and Co-operation in Europe. It is no coincidence that we are meeting in the Free and Hanseatic City of Hamburg. More than almost anywhere else in Germany, this city stands for openness, tolerance and diversity. I would like to take this opportunity to thank the people of Hamburg for their hospitality. I hope that the spirit of this city will serve to inspire our talks.

Esteemed colleagues,

Our year at the helm of the OSCE ship is coming to an end. We set off in turbulent times in January – and the seas have not become any calmer since then. On the contrary, they have become even rougher when one thinks of Syria, Iraq, Yemen, Libya and the ongoing conflict in Ukraine. The crisis mode seems to be the current state of matter in the world.

I firmly believe that we need structures for dialogue and co-operation at turbulent times like these in particular. More than ever, we need the OSCE as a lighthouse to guide our course.

Our aim as OSCE Chairmanship was and is clearly defined. We want to help rebuild lost trust through renewed dialogue in order to restore security between Vancouver and Vladivostok.

To achieve this goal, we used tried and tested methods, but also took new approaches, such as our informal meeting in Potsdam. Our discussions were often heated, but always constructive.

However, the OSCE is not just the Chairmanship, the participating States or Lamberto Zannier's team in the Secretariat. The OSCE family is far more than that. It includes the independent institutions, whose constructive criticism and input guide us every day in implementing our voluntary commitments in the fields of human rights, fundamental freedoms, democracy and the rule of law. It includes the field missions, which play a valuable role in providing concrete support that meets the particular needs of individual participating States. And it includes the OSCE Parliamentary Assembly, which is very highly regarded as the democratic backbone of our system, especially as regards election observation.

At the same time, a strong OSCE needs to think beyond the confines of State structures. By this, I mean civil society and academia, which look closely at our day-to-day work. I had a chance to speak with representatives of the Civic Solidarity Platform yesterday. Day in, day out, courageous men and women fight for the protection of human rights and fundamental freedoms in our countries, often under difficult conditions. Thank you very much for your hard work.

I am also thinking of the business sector, which plays a key role in improving connectivity in the OSCE area and beyond. Whether we are talking about local border traffic or Europe-wide infrastructure projects, we need to make use of this potential in order to bring about greater security.

Ladies and gentlemen,

In signing the Helsinki Final Act over 40 years ago, we pledged to uphold the joint principles and undertakings that form the foundation of our co-operation. But this foundation is crumbling. Relativism, a veritable arbitrary interpretation of our principles, is spreading in our ranks. In some cases, we are also seeing indifference when it comes to standing up for and defending our common standards.

Esteemed colleagues, I say here and now that this development is dangerous. And we share responsibility for taking a decisive stand against it.

Sometimes I ask myself what our continent would look like without the OSCE. For example, what would this mean for the people in conflict regions in our common area? No matter how different the individual conflict regions may be, they have one thing in common – and that is our Organization's will and work to contain these conflicts and to prevent escalation. We need a functional and resolute OSCE in order to be able to help bring about lasting solutions for a breakthrough.

Allow me to first address the topic of Ukraine. The Minsk agreements, which were signed two years ago now, paved the way to a peaceful resolution of the conflict in Donbas. But this path must now be followed by all sides. Progress is slow – far too slow. There are still outbreaks of violence and the civilian population is suffering.

Agreements on ceasefires are regarded more as recommendations – and are breached on a daily basis. This state of play is more than sobering. I find it unacceptable. I would like to take this opportunity to express my particular gratitude to the entire team of the Special Monitoring Mission (SMM). It observes developments on the ground every day, often working under dangerous conditions. It is regularly hindered in its work or even attacked. We must not put up with this treatment of the SMM.

I believe that no mission – no matter how big it is – will be able to enforce a ceasefire if the political will is lacking. What we urgently need is new impetus for a withdrawal of the heavy arms and further disengagement. The SMM stands ready and willing to guide this process. It needs sufficient staff and technical resources for this – and that includes next year. We must do justice to this in the forthcoming budget talks. That is why I call on you to play a constructive part in these talks.

Despite all our efforts in eastern Ukraine, we won't forget Crimea. It was annexed in violation of international law, and to this very day OSCE institutions aren't being granted access.

Developments in the Nagorno-Karabakh conflict give cause for concern: the renewed outbreak of hostilities in early April brought home to us all how dangerous this conflict remains. My many talks have reaffirmed my belief that consolidating the ceasefire and finally launching genuine negotiations to find a political solution are of pressing importance. We

will continue to steadfastly support the efforts of the Minsk Group and its co-chairs. During the talks in Geneva, we at least succeeded through the combined efforts of the OSCE, United Nations and EU to revive this format somewhat. However, I feel that more has to be done to enhance confidence-building, to ensure greater security and, not least, to improve the humanitarian situation.

The sides in the Transdnistria conflict have taken an astute step forward: after a break of more than two years, they came together once more in Berlin for “5+2” negotiations. Even more importantly, they’re now prepared to adopt a results-oriented approach to the negotiations – to the benefit of people on both sides of the Dniester River. I saw that for myself during my trip to Chisinau and Tiraspol. Let us show our appreciation of the work done by mediators and observers by setting forth what we’ve achieved here in Hamburg in a joint declaration.

Ladies and gentlemen,

Germany will resolutely continue to pursue this course of multilateralism in action. We shouldn’t delude ourselves: it’ll take a while before we can bring about a major step forward and overcome what divides people. However, we can refuse to be despondent and work steadfastly on realistic solutions. I’m pleased that we’re being followed by Austria and Italy, two committed partners who share our vision of a future with a strong OSCE for a secure Europe.

We’re all aware that the OSCE must equip itself for new tasks and challenges. We see five fields of action:

First of all, we have to keep open and expand channels of communication across political divides. This includes innovative dialogue formats as well as a conscious decision to refrain from a ritualized exchange of blows. That was why we hosted an informal foreign ministers’ meeting in Potsdam in September. And my impression was that our meeting was welcomed for that very reason.

Second, we have to do more to pool our resources more effectively in order to make possible substantial and durable progress in conflict resolution. I have great faith in women, who can bring a different perspective to such processes. When debates on the fundamentals lead into a dead end, we should at least focus on improving the quality of life of those concerned.

Third, for a long time, our arms control architecture was a guarantor for security and stability. Recently, however, this predictability has evaporated. Traditional mechanisms have been increasingly ineffective because they’re no longer fit to deal with the security, military and technological realities of today’s world. We have to counter this trend – by modernizing the Vienna Document, a task which has progressed well in the course of this year. What’s more, my proposal calling for an urgently needed relaunch of conventional arms control has met with broad approval. But that in itself is not enough. We now have to begin the hard slog – the experts call it structured dialogue – and work towards crisis-proof arms control for Europe geared to the challenges of this day and age. No one can want a new arms race to be triggered, which could ultimately result in us losing political control. We have to halt it in good time – to ensure that our Europe doesn’t become even more dangerous.

Fourth, we have to look at new challenges and threats. Terrorism, radicalization, cyber issues, migration, discrimination of any kind and hate – I'm thinking here in particular of anti-Semitism and intolerance towards Sinti and Roma. We're too small and too ineffective to successfully tackle these phenomena as individual States. That's why we should anchor this more firmly in the OSCE. And let me make one last point: on my trips to the trouble spots in the OSCE area, I've seen for myself our Organization's wealth of experience – from conflict prevention to crisis management and post-conflict peace-building. However, we're still not good enough to deal with the increasingly complex conflicts of the present day. Efforts to genuinely and durably strengthen our Organization mustn't remain mere lip service. The Ministerial Council cannot be the only time this year when we remember the OSCE. We need to modernize and expand our Organization's capabilities throughout the conflict cycle. For that we need money. For that we need more qualified personnel. For that we need a clear legal framework. All of this is only possible with the sustained political will of us all.

Esteemed colleagues,

Without keeping a close eye on the compass – and by that I mean our values compass – we won't achieve our aims in these turbulent times. There can be no comprehensive security without democracy, without the rule of law, without respect for human rights and fundamental freedoms.

With this compass in our hands, let us start our consultations here in Hamburg. I hope that in the coming days we'll all have the courage and readiness to engage in dialogue, to enter into compromises and – wherever possible – to find pragmatic solutions.

Thank you very much.

**STATEMENT BY THE CHAIRPERSON-IN-OFFICE
AND FEDERAL MINISTER FOR FOREIGN AFFAIRS OF GERMANY
AT THE CLOSING SESSION OF THE TWENTY-THIRD MEETING OF
THE MINISTERIAL COUNCIL**

(MC.DEL/42/16 of 12 December 2016)

Esteemed colleagues,

It was a short night, with our hard-fought negotiations going on into the early hours of the morning. We have now almost reached the end of this Ministerial Council. It is time to attempt a summary.

You will soon have a chance to read the conclusions of our Chairmanship in detail when we distribute them. However, I would like to flag up three observations here and now.

These observations are not only shaped by the large number of intensive debates over the past two days here in Hamburg and the talks held earlier in Vienna, Potsdam and New York. What actually gave me particular insight during this year of our Chairmanship were the many trips we undertook into the conflict areas – to the Southern Caucasus, to Moldova and repeatedly to Ukraine. We discussed the difficult situation on the ground with dedicated OSCE experts. And we met people for whom conflict and violence have been a reality of everyday life for far too long.

Esteemed colleagues,

When we examine the state of our common security today, one thing is clear to me. What was envisaged in Helsinki, Paris and Astana – the vision of a co-operative security order based on shared principles and rules – is not only at risk today because of the frequency of crises. Far more is involved.

Twenty-five years after the end of the Cold War, we are at a crossroads. We are faced with the fundamental question of whether or not we want to continue pursuing this vision of co-operative and comprehensive security.

This vision – and that is my second observation – remains important. But it is also in danger. And this danger does not primarily arise from external threats and challenges, but rather from inside, from the violation of rules and principles that have guaranteed peace and security in Europe for decades.

That is why I ask you if all of us are still willing to invest as necessary in this order and to stand up with determination and conviction for its strengths.

We need this commitment, particularly when it comes to dealing with those who call elements of this order into question. The conflict in and around Ukraine is first and foremost in my mind here. However, I am also referring to the struggle over the OSCE's human dimension, which – and I want to state this very clearly – I regard as one of the supporting pillars of our common security and crucial to the future.

Esteemed colleagues,

We also need joint endeavours and persuasiveness when it comes to our own societies. And we need this now in particular, at a time when we are hearing calls for a withdrawal to the national level in many places in Europe. These calls come from people who want to fool us into thinking that the patent remedy against crises is for countries to go it alone and that international commitments and solidarity apparently no longer matter.

However, and this is my third and somewhat encouraging observation, we took an important stand here in Hamburg against this trend. Despite all our differences of opinion, we met here and negotiated constructively with one another. And it should be no secret to anyone that we also had some arguments.

But by working together constructively, we reached agreement on a number of joint texts. And these texts reflect the OSCE's wide spectrum, ranging from security issues and the topic of connectivity, which is of such great importance to the future of the business sector, to the important topic of migration.

We laid foundations for equipping the OSCE better for the fight against terrorism. And we took decisions on our approach to small arms, the topic of passenger data and the challenges in the cyber area. We made crucial progress on the topic of arms control.

And we addressed a regional conflict in our declaration on the Transnistria talks in the "5+2" format. This shows that progress is also possible on difficult issues if we work together in a pragmatic way.

We also provided valuable input on many other topics during our Chairmanship. As examples, I would like to mention our Chairmanship Conference on Tolerance and Diversity, the meetings of members of parliament and experts on combating anti-Semitism and our series of events on freedom of the media.

We have shown that we are capable of making compromises and of acting together. However, we cannot content ourselves with this. We now need to make use of this impetus, to look ahead and to ensure that the OSCE becomes even more effective and more capable of taking action in the future.

Along with Sebastian Kurz and Paolo Gentiloni, we made suggestions on this here at this Ministerial Council in Hamburg.

And my experiences of the last couple of days have confirmed to me that we are on the right path in the five elements in our Hamburg Declaration.

The first point from this agenda, that is, the need for substantive exchange and dialogue, in the OSCE was highlighted by this very meeting here in Hamburg.

The presence of so many ministers and the lively participation by civil society, academia, parliaments, media and young people from the entire OSCE area show that there is indeed a need and a willingness to counter alienation and mistrust with more dialogue.

I already felt encouraged by the open discussions in a spirit of mutual trust at the informal ministerial meeting in Potsdam a couple of months ago. And I am pleased that we have been able to build on this spirit here in Hamburg.

My second point is that the OSCE must become more effective and more capable of taking action as regards preventing and resolving conflicts. Our intensive discussions early yesterday afternoon showed how pressing this topic is for us all. It was clear that we do not agree on all issues, but we are all very aware of the benefits of an effective OSCE. I would like to thank Lamberto Zannier and his team for their willingness to now draw up concrete proposals on how we can make the OSCE even more effective in the conflict cycle.

Thirdly, we urgently need a wide-ranging new start in conventional arms control. Our talks yesterday on this topic brought this home to me once again.

Our arms control architecture, which reliably underpinned peace, security and stability in Europe for many years, has become fragile. And it no longer reflects today's security policy, military and technological realities. We must take action here to restore greater predictability and trust. Our objective is clear, namely greater security for all! We commenced work to modernize the Vienna Document this year.

And I am most delighted that I am able to launch a structured dialogue today on challenges and risks to our security in the OSCE on the basis of our declaration. We need dialogue in order to find a common path to greater security for us all. I think that this dialogue could start with cross-cutting issues such as threat perceptions and military doctrines, before turning to specific aspects of arms control at a later stage.

In all of our discussions over the last two days, it was clear that our responses to the challenges of our age can only be joint ones! This is my fourth point. Anyone who believes that solutions to problems such as terrorism, extremism or cybercrime can be found by countries going it alone is profoundly mistaken.

And there are encouraging signs of this sort of co-operation, for instance in the fight against international terrorism. The OSCE has the capacity to play an even more important role in this area if we use its potential more effectively and intensify our co-operation.

We should also draw on the OSCE's instruments and many years of experience when it comes to migration. We have contributed initial input here in recent months.

There can only be joint solutions for all of these important issues. And it is just as clear that we will only be able to master the new and complex threats of our age with a contemporary understanding of the concept of security. Protecting human rights and fundamental freedoms is and remains indispensable. Strengthening tolerance in and between our societies is and remains indispensable. This is a question of credibility. And we must take tangible steps, for instance by agreeing, at long last, on a joint definition of anti-Semitism.

Esteemed colleagues,

The most important task for the near future – and we are in agreement on this in the future OSCE Troika – is the fifth point of the agenda for the future, strengthening the institutional make-up of the OSCE.

This task should actually be the easiest to accomplish as it is something that is in our hands alone. It is our responsibility to put the OSCE on a firm basis as a strong organization for a secure Europe.

A strong organization that is capable of action is not something that can be had for nothing, however. We must establish the framework conditions – both structurally and materially and in terms of personnel. But let me quite clearly say that the number of tasks facing us is on the increase. And zero growth in the budget over a period of several years represents a de facto cutback! Moreover, the OSCE needs a firm international legal framework.

And it also needs personnel decisions to be made now. Let me say this very clearly: leadership vacancies particularly in our important institutions weaken our Organization. And that, ladies and gentlemen, is something that we can ill afford in times of manifold threats – which call for foresight and rapid responses.

Esteemed colleagues,

It is an important signal of continuity and unity that the future Chairs Austria and Italy intend to continue to pursue this vision for the future of the OSCE in the next two years.

I am very grateful for their willingness to assume this responsibility.

And I am delighted that Slovakia will be taking up the baton in 2019.

I would like to take this opportunity to sincerely thank all those who offered us, and me personally, their advice, support and encouragement in the preparations for, as well as during, our OSCE Chairmanship.

Especially Secretary General Lamberto Zannier and his amazing team at the Secretariat in Vienna, Dunja Mijatovic, Astrid Thors and Michael Link, as well as the Special Representatives of the OSCE Chairperson-in-Office, and, above all, the men and women at the missions and institutions of the OSCE in the field, who work day by day and often under difficult conditions to promote the cause of peace and understanding.

It is their dedication in particular that has impressed me during my visits and meetings.

Ladies and gentlemen,

Our special bond with, and commitment to, the OSCE will not come to an end for us, for Germany, on 31 December.

We will continue to work together with you to achieve the vision of common and co-operative security and for a strong OSCE.

Esteemed colleagues,

Helmut Schmidt, a great citizen of Hamburg and Federal Chancellor, once quipped that “whoever has visions should go to the doctor”.

And with his pragmatism guided by his ethical mind set, he indeed won over generations of Germans who continue to venerate him after his death. But despite his fundamental scepticism of visions, Helmut Schmidt was indeed a great supporter of the tangible vision of co-operative security in Europe. It was he who signed the Helsinki Final Act on behalf of the Federal Republic of Germany in 1975.

A German OSCE Chairperson-in-Office therefore cannot wind up a Ministerial Council such as this – especially in Hamburg – without due reference to him once again. However, allow me to turn Schmidt’s dictum on its head in light of the current circumstances. I hope that he would have agreed with me:

No doctor will be able to help anyone who has neither visions nor a compass for the future at a time of fundamental upheavals and challenges.

With this in mind, I would like to thank you once again for your support this year and would like to give the floor to the future Chairperson-in-Office of the OSCE, Sebastian Kurz.

CONCLUSIONS OF THE CHAIRPERSON-IN-OFFICE

(MC.GAL/10/16 of 9 December 2016)

1. The Foreign Ministers of the participating States of the Organization for Security and Co-operation in Europe (OSCE) met in Hamburg on 8 and 9 December 2016 against the background of fundamental security challenges, transnational threats and violent conflicts in the common space between Vancouver and Vladivostok.
2. The OSCE Ministerial Council addressed the current situation in depth. Ministers deplored the violation of international law and common principles and commitments in relations between OSCE participating States.
3. While discussions highlighted marked differences, at the same time ministers stressed the OSCE's significance as a cornerstone of the European security order, all the more in such difficult times, and acknowledged its experience and capacities in jointly and comprehensively addressing both existing and emerging threats and challenges facing participating States and their peoples.
4. Ministers also recognized the OSCE's ability to search for common paths to bridge dissent, rebuild trust and restore security. In this context, the work of the Secretariat, the OSCE's autonomous institutions and field missions in fulfilling their respective mandates effectively and continuously was widely commended, while the dedication of the women and men serving them was saluted.
5. Tribute was paid to the OSCE Parliamentary Assembly and its members in facilitating dialogue across lines of division, fostering confidence-building and engaging in active mediation in conflict situations.
6. Ministers underlined the crucial importance of honouring the canon of common principles and commitments enshrined in the Helsinki Final Act, the Charter of Paris, the Charter for European Security and the Astana Commemorative Declaration in order to promote comprehensive and co-operative security, stability, democracy and prosperity throughout the OSCE area.
7. The issue of unresolved regional conflicts as a predominant concern was highlighted. All sides of these conflicts in the OSCE area should contribute more actively and more constructively to de-escalation and peaceful settlement, supported by the OSCE and other international actors.
8. Focusing on the crisis in and around Ukraine, ministers called upon all sides to meet their commitments swiftly and comprehensively. They recognized the central role played by the OSCE within the Trilateral Contact Group and expressed their strong support for the indispensable work undertaken by the Special Monitoring Mission to Ukraine, including in supporting the full implementation of the Minsk agreements.
9. In its response to this crisis, the OSCE demonstrated its ability to act quickly. At the same time, the conflict proved the need to further develop the OSCE's capabilities in order to face multidimensional and complex situations across the entire conflict cycle adequately. Ministers therefore discussed ways to strengthen the OSCE sustainably through the best use

of its broad range of instruments, in particular with regard to early action, conflict resolution and reconciliation. These efforts must be accompanied by the granting of a firm international legal status to the organization and the provision of skilled human resources and adequate funding based on fair burden-sharing between participating States.

10. With regard to transnational threats and challenges such as terrorism, violent extremism and radicalization that lead to terrorism and cyber issues in all three dimensions, Ministers acknowledged the joint efforts and initiatives being pursued within the OSCE to face these phenomena. In this context, the irrevocable determination to ensure full respect for human rights, fundamental freedoms and the rule of law was emphasized. The importance of deepening dialogue and enhancing co-operation with Mediterranean and Asian partners to that end was underlined.

11. Ministers referred to the important role the OSCE can play to contribute to global efforts in addressing large movements of migrants and refugees. The New York Declaration for Refugees and Migrants was highlighted as a comprehensive guiding document in this regard. The interest to enhance discussions on the situation of internally displaced persons in the OSCE area was also put forward.

12. Numerous ministers further underlined the essential role of confidence- and security-building measures (CSBMs) and conventional arms control that reflect today's technological, military and political realities. Modernizing the Vienna Document must be seen as a prerequisite for rebuilding trust and restoring security in the OSCE area. In this regard, the concept of a structured dialogue on security and arms control was identified as a possible way forward.

13. Sustainable economic connectivity and good governance are further means to enhance confidence-building, stability and security in the OSCE area and beyond. An inclusive approach, comprising the private sector, and based on our common principles and commitments, is crucial to that end.

14. The indispensable role of the human dimension within the OSCE's comprehensive approach to security was frequently highlighted. Sustainable security in the OSCE area cannot be achieved without full respect for fundamental freedoms, human rights, democracy and the rule of law. Promoting tolerance within and between our societies strengthens our resilience against crises and conflict.

15. Co-operation and common action in implementing commitments in the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They should therefore be strengthened. To that end, participating States will continue to benefit from the experience and the dedicated work of the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative on Freedom of the Media.

HAMBURG DECLARATION OF THE INCOMING OSCE TROIKA: A STRONG OSCE FOR A SECURE EUROPE

(MC.GAL/11/16 of 9 December 2016)

The OSCE has proven itself to be a key forum for ensuring security in Europe and strengthening co-operation among practically all countries of the northern hemisphere. However, the conflict in and around Ukraine has made very clear that adherence to international law and to our common principles and commitments can no longer be taken for granted. We are deeply concerned by the challenges to our common principles and commitments, which remain the bedrock of our common security.

There can be no sustainable peace in the OSCE area without full respect for our comprehensive security concept. Working to achieve an effective multilateralism, we rely on an organization that places common values and fundamental freedoms and human rights at the heart of the European security order. These are the pillars of our security.

We should draw today on our Organization's historical experience and bear in mind its instrumental role in maintaining dialogue in times of acute division. The OSCE deserves full support from all participating States to contribute to renewed security in Europe. As a consensus-based organization, it provides a unique forum for ensuring that everyone's voice is heard in an exchange within an increasingly heterogeneous community of States.

It is therefore our firm conviction that we must promote an OSCE that is owned and supported by all of its participating States. The OSCE requires an agenda for the future. We, the members of the incoming OSCE Troika, invite all OSCE participating States to continue to work jointly along the following five lines of action:

1. A solid platform for dialogue: expanding channels of communication

The OSCE has proven its worth as a platform for dialogue across dividing lines. Dialogue must take place among political leaders and include opportunities for informal exchange.

Innovative and high-level encounters such as informal meetings of ministers, for example in Potsdam on 1 September 2016, high-level political attendance of conferences with our Partners for Co-operation and informal discussions among ministers focusing on specific topics (including those organized on the margins of UN General Assembly in New York or during OSCE Ministerial Councils) provide a good basis to this end. Parliamentary representatives, youth, civil society, academia and the business community should be included in our discussions, to reinvigorate discussions within the OSCE and to make best use of the OSCE's convening power.

We must put the OSCE at the core of multilateral diplomacy in Europe once again and keep political channels of communication open, not least in challenging times.

2. Progress for peace: investing in sustainable conflict resolution

Conflicts and divisions are overshadowing the security order in Europe and affecting the lives of far too many people. The core objective of the OSCE – as the biggest regional arrangement under Chapter VIII of the Charter of the United Nations – remains to prevent the outbreak of violent conflict and to work towards sustainable solutions for existing conflicts within the OSCE area. Conflicts must be resolved in a peaceful and negotiated manner, within agreed formats, applying agreed principles equally, and in full observance of the UN Charter, OSCE principles and commitments and international law. Our shared aim must be to bring about an end to any violations of these fundamental principles.

Mindful in particular of the lessons learned from the OSCE's response to the conflict in and around Ukraine, concrete steps are needed for the OSCE to adapt to new challenges of multidimensional and often complex conflict situations. We must therefore continue to develop the OSCE's instruments along the entire conflict cycle and not lose sight of the urgent need to improve conditions on the ground for those affected by conflict.

3. Greater security for all: reviving CSBMs and conventional arms control in Europe

Confidence- and security-building measures and arms control continue to play a fundamental role in ensuring predictability, reducing military risks and restoring security in Europe.

We regard the necessary modernization of the Vienna Document and a substantial relaunch of conventional arms control as mutually reinforcing with a view to the wider politico-military context. We are committed to launching a structured dialogue on security and arms control.

4. New challenges, renewed co-operation: setting our common agenda

Our States and societies are facing an unprecedented number of new global challenges – which by their nature cannot be tackled by individual participating States acting alone.

It is therefore vital to continue to seek common responses within the OSCE to challenges such as terrorism, radicalization and violent extremism, as well as cyber security, migration, hate crimes and issues relating to ensuring tolerance and non-discrimination. These challenges can only be mastered jointly, in full respect for the rule of law and fundamental human rights.

Co-operation in the economic and environmental spheres can also support confidence-building, stability and security in the OSCE region.

Important work on these issues is already under way within the OSCE. We must build on these efforts – enlarging and deepening the common agenda for our Organization. We must face common challenges together, and our common agenda consists of all dimensions of security.

5. Our Organization, our responsibility: enabling the OSCE to deliver

The OSCE can only be as strong as the totality of its participating States allows it to be.

We therefore encourage all participating States to live up to their responsibility towards our common Organization and to work together for the shared ownership for the OSCE – by providing sufficient financial resources, strong political support and competent staff, as well as by supporting field missions, respecting and promoting the mandates of our autonomous institutions and, last but not least, by ensuring continuity of their leadership.

We must also expand and deepen dialogue and co-operation with other international organizations and our partners, in particular those of the Mediterranean region, as well as strengthen the legal framework of the OSCE and improve its budgetary procedure with a view to enabling longer-term planning.

The better we invest in the OSCE, the greater the service the Organization can provide for us all – the 57 OSCE participating States, partners and their populations. We owe this to them.

**STATEMENT BY THE DELEGATION OF ALBANIA
(ALSO ON BEHALF OF BELGIUM, BULGARIA, CANADA,
CROATIA, THE CZECH REPUBLIC, DENMARK, ESTONIA,
FRANCE, GERMANY, GREECE, HUNGARY, ICELAND, ITALY,
LATVIA, LITHUANIA, LUXEMBOURG, MONTENEGRO, THE
NETHERLANDS, NORWAY, POLAND, PORTUGAL, ROMANIA,
SLOVAKIA, SLOVENIA, SPAIN, TURKEY, THE UNITED KINGDOM
AND THE UNITED STATES OF AMERICA)**

(Annex 1 to MC(23) Journal No. 2 of 9 December 2016)

Thank you, Mr. Chairperson.

This statement is delivered on behalf of the following participating States: Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom, and the United States of America as well as my own country, Albania.

Mr. Chairperson,

Arms control, disarmament, and non-proliferation continue to play an important role in the achievement of our security objectives. Both the success and failure of these efforts can have a direct impact on our security environment. We welcome the decisions by the Ministerial Council to adopt the Declaration on the Twentieth Anniversary of the OSCE Framework for Arms Control and the Declaration on OSCE Assistance Projects in the Field of Small Arms and Light Weapons and Stockpiles of Conventional Ammunition.

We remain committed to conventional arms control as a key element of Euro-Atlantic security. Full implementation and compliance with these commitments is essential to rebuild trust and confidence in the Euro-Atlantic region. Russia's unilateral military activity in and around Ukraine continues to undermine peace, security, and stability across the region, and its selective implementation of the Vienna Document and Open Skies Treaty and long-standing non-implementation of the Conventional Armed Forces in Europe Treaty have eroded the positive contributions of these arms control instruments. We call on Russia to fully adhere to its commitments. We are determined to preserve, strengthen, and modernize conventional arms control in Europe, based on key principles and commitments, including respect for sovereignty and territorial integrity, reciprocity, transparency, and host nation consent.

We underscore the importance of modernizing the Vienna Document to ensure its continued relevance in the evolving security environment, including through its substantive update. We welcome the wealth of concrete proposals aimed, *inter alia*, at strengthening its risk reduction mechanisms, enhancing military transparency, preventing military incidents and rendering verification more effective. Reciprocal military transparency and risk reduction has the potential to improve stability and security in the Euro-Atlantic area. In this context, we call on Russia to constructively engage in the ongoing discussions in the OSCE to modernize the Vienna Document, to help close the loopholes that reduce military transparency.

Mr. Chairperson,

The participating States subscribing to this statement request its inclusion in the journal of this ministerial meeting.

Thank you.

STATEMENT BY THE DELEGATION OF FINLAND

(Annex 2 to MC(23) Journal No. 2 of 9 December 2016)

Mr. Minister,

Finland deeply regrets that the OSCE participating States were not able to agree on the draft decision on promoting and protecting the human rights and fundamental freedoms of persons with disabilities. As stated by our Head of Delegation, Secretary of State, Mr. Peter Stenlund yesterday, the OSCE commitments on this topic date back to 25 years ago. It would have been high time to make further progress and pay respect to this important issue also within the OSCE, which in this regard clearly lags behind other regional and international organizations and actors.

As you, distinguished colleagues, are well aware, the rights of persons with disabilities is one of the top priorities for Finland. The topic has not only received special attention in the Human Dimension Committee under the Finnish Chairmanship, but also through a number of discussions and events in various fora within the Organization. The message from all participants, in particular the civil society experts, has been clear: we need to move into further action. Therefore, I hope that colleagues will refrain from politicizing the issue so that we can make progress.

It is our joint responsibility to respond to this need here at the OSCE. The work will continue.

I request that this statement be attached to the journal of today's meeting.

Thank you, Mr. Minister, Mr. Chairperson.

**STATEMENT BY
THE REPRESENTATIVE OF THE EUROPEAN UNION**

(Annex 3 to MC(23) Journal No. 2 of 9 December 2016)

The delegation of Slovakia, in its capacity as EU Presidency, passed the floor to the representative of the European Union, who delivered the following statement:

We want to start with expressing our deep gratitude to the German Chairmanship for the hospitality we have enjoyed here in Hamburg. Minister Steinmeier, we would like to thank you and your excellent team for the tremendous work you have put into preparing and hosting this Ministerial Council, and for your tireless efforts in taking us through difficult discussions, this week and throughout this year.

For a third year, the Ministerial Council takes place against the bleak backdrop of the crisis in and around Ukraine. Russia's illegal annexation of Crimea and destabilization of eastern Ukraine continues to violate the principles and commitments, as enshrined notably in the Helsinki Final Act and the Paris Charter, constituting the basis of the European security order. Respect for the fundamental principles and commitments must be restored. We reiterate our strong condemnation of the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol, which we will not recognize. We reaffirm our unwavering support for Ukrainian sovereignty, independence, unity and territorial integrity within its internationally recognized borders.

We hoped and worked for consensus on a ministerial declaration on OSCE action addressing the crisis in and around Ukraine and regret consensus was not possible. We recall that only Russia refused to join consensus on the last draft tabled by the Chairmanship.

We reaffirm our strong support for the OSCE's role in the crisis in and around Ukraine. We commend the OSCE's essential and multifaceted contribution to facilitating the full implementation of the Minsk agreements. We reiterate our support for the essential role of the Special Monitoring Mission to Ukraine (SMM) in advancing the full implementation of the Minsk agreements and call for full, safe and unhindered SMM access throughout Ukraine, including ensuring the safety and security for monitors and their equipment. We call on all sides to work effectively and in good spirit to fully implement the Minsk agreements to ensure a sustainable political solution in line with OSCE principles and commitments. Restoring respect for these fundamental principles is crucial. We underline Russia's responsibility in this regard. The re-establishment of full Ukrainian control of the Ukrainian-Russian State border is crucial.

The resolution of the protracted conflicts in the Republic of Moldova, in Georgia and of the Nagorno-Karabakh conflict remains a top priority for the European Union. We call on all parties to show the political will necessary to make progress in resolving them in 2017. We reiterate our strong support for the Geneva International Discussions, the negotiations within the "5+2" format and the mediation of the Co-Chairs of the Minsk Group. In this context we welcome today's ministerial statement confirming our commitment to advance efforts in reaching a settlement of the Transnistrian conflict. In addition, commitments regarding the withdrawal of Russian military forces should be honoured. We welcome the joint statement by the Heads of Delegations of the OSCE Minsk Group Co-Chair countries. We regret that it was not possible to adopt a statement on the conflict in Georgia.

Throughout the year we supported the Chairmanship's efforts to strengthen the OSCE capabilities across the conflict cycle. While we regret that no consensus could be reached on a decision on this important topic, we welcome the Chairmanship's report as a strong basis to continue work to this effect.

We are pleased to have found consensus on a decision on migration, even if we would have liked to see a stronger, more substantial text. This sends a strong signal about the importance we attach to addressing the large movements of migrants and refugees and of the complementary role we see for the OSCE in the global efforts led by the UN. We are deeply indebted to Ambassador Claude Wild for his tremendous and tireless efforts to forge difficult compromises and find language that could find consensus. We also recognize the important issue of protecting the rights of internally displaced persons, also in light of the New York Declaration for Refugees and Migrants of September 2016 that recognizes the very large number of people who are displaced within national borders and the possibility that such persons might seek protection and assistance in other countries as refugees or migrants.

Instruments of military transparency to reduce risks and increase predictability, play an important role in fostering confidence and stability. In this context, we welcome the agreement on the Ministerial Council declaration celebrating the 20th anniversary of the Lisbon Framework for Arms Control and reaffirming the enduring goals and values of this inspiring document, although we would have wished to see a stronger outcome, as well as the agreement on the Ministerial Council declaration on small arms and light weapons and stockpiles of conventional ammunition assistance projects, an important area of OSCE's contribution to the stability and security in the OSCE region. We remain committed to the full implementation of the existing commitments in the politico-military area, including the Vienna Document, the Treaty on Open Skies and the Treaty on Conventional Armed Forces in Europe. Furthermore, given the changes in the security environment as well as technological developments in the military sphere our work on the modernization of our politico-military instruments in the framework of the OSCE must continue.

This year's numerous and heinous terrorist attacks, in the OSCE area and worldwide, prompted ministers to once again speak out strongly against the continued threat posed by terrorism and to express solidarity. We welcome that the adopted declaration emphasizes our commitment to work with civil society in preventing and countering terrorism and to protect human rights as this will make our efforts more effective. Ministers also provided a clear mandate to enhance the use of advance passenger information systems across the OSCE, which should concretely contribute to preventing the movement of terrorists. The OSCE has played a pioneering role in adopting and implementing confidence-building measures to address security of and in the use of information and communication technologies. The ministerial decision rightly endorses these efforts and provides a welcome push to continue to address the cyber challenges we all face.

The signal sent from the parallel civil society conference, this year again, on the ongoing or even increasing restrictions on civil society and crackdown in human rights and fundamental freedoms in parts of the OSCE region is loud and clear. Our OSCE commitments are more relevant than ever and we call on all participating States to live up to them and reverse existing violations. We will continue to work on strengthening respect for fundamental freedoms and to advance the implementation of our commitments in this regard. Despite some progress made, we deeply regret that we were not able to adopt any of the eight

decisions tabled in the third dimension. We believe that work on priority areas needs to continue in the upcoming years.

With the decision on good governance and connectivity we have taken a step forward in our commitment to combatting corruption and promoting transparent and accountable governance and to advancing trade and transport links in our region. We believe this decision provides a solid foundation for our work under the Austrian Chairmanship next year.

The European Union stresses its strong support for the OSCE autonomous institutions, the OSCE field missions and the Secretariat. We reiterate our deep appreciation for the work of the Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media and the High Commissioner on National Minorities and our unwavering support for their strong and flexible mandates. Their ability to carry out these mandates must be preserved.

We welcome the planned activities announced by the President of the OSCE Parliamentary Assembly and are looking forward to a fruitful co-operation.

The OSCE's southern region – the Mediterranean – should remain a priority in 2017. We appreciate the Austrian Chairmanship's efforts throughout the year on common interests and challenges, including the situation in Libya, which represents a major risk to security in the Mediterranean region and the OSCE area as a whole. We look forward to working with the Italian upcoming chairmanship of the Mediterranean Contact Group. The OSCE Mediterranean Conference in October this year has confirmed the relevance of youth in the security context. We are convinced that a youth perspective is essential particularly when dealing with issues such as preventing radicalization, and migration. We cannot waste the great potential of youth in the creation of democratic and inclusive societies.

We greatly appreciate Austria's readiness to assume the Chairmanship of the OSCE at this critical point in time. Minister Kurz, we look forward to working with you and your able team during your Chairmanship and we wish you every success. You can count on our full support.

I request that this statement be attached to the journal of today's meeting.

The candidate countries the former Yugoslav Republic of Macedonia¹, Montenegro¹ and Albania¹, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, the European Free Trade Association country Norway, member of the European Economic Area, as well as Ukraine, the Republic of Moldova, Georgia and San Marino align themselves with this statement.

1 The former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.

**STATEMENT BY
THE DELEGATION OF THE UNITED STATES OF AMERICA**

(Annex 4 to MC(23) Journal No. 2 of 9 December 2016)

Mr. Chairperson,

Let me begin by thanking the German Chairmanship, obviously, the Chairperson-in-Office, but also those who do the work throughout the year that has fuelled the German Chairmanship – the team in Vienna, in Berlin, and now the expanded team of many here in Hamburg. Thank you for doing such able work on behalf of all of us.

Thank you also to all of the security personnel who have kept us safe this week and to the people of Hamburg who have put up with the disturbances of having motorcades going through their town over the last few days.

Thank you to the Secretariat for the help in organizing these meetings throughout the year and this meeting, of course, as well. And thank you to the institutions for the inspiration and contributions that you make to our work. I'd like to offer five points in closing out this Hamburg ministerial meeting:

First, this was a political meeting of ministers, and as we might expect in a political meeting about European and Eurasian security in December 2016, the top item on the agenda remained what we call in this forum "the crisis in and around Ukraine." In fact, my delegation counted among the ministers' statements 53 mentions of Russia's attempted annexation of Crimea or Russian aggression against Ukraine – or both – over the ministers' statements.

The continuing crisis precipitated by Russian aggression against Ukraine overshadows our collective efforts to enhance European security and represents a risk to security, including the principles of sovereignty and territorial integrity, far beyond Ukraine's borders. Despite several agreements in Minsk to stop the fighting, reports by the Special Monitoring Mission to Ukraine (SMM) reveal a highly volatile ongoing level of violence, with a clear trend of provocation by combined Russian-separatist forces in the Donbas, as recorded by the SMM's cameras on the contact line.

For progress on the political aspects of the Minsk agreements to be achieved, a comprehensive ceasefire must be secured, and Russia must, at last, uphold its responsibilities in this regard. As the fighting enters its third winter, it's the people of Ukraine who are forced to pay the highest price. The SMM has counted hundreds of civilian casualties this year alone. To ease the suffering, Russia and its separatists must reciprocate Ukrainian actions to open crossing points on the contact line and ensure at-risk communities have uninterrupted access to water, electricity, and humanitarian provisions.

We express our hope that prisoners and detainees will be released before the end of the year on the basis of the all-for-all principle, in keeping with the commitments made in the Minsk agreements. We call on all parties to comply fully with the Minsk agreements, including upholding the ceasefire, withdrawing proscribed weapons, making progress on disengagement and providing the SMM full and unfettered access to all parts of Ukraine – particularly the territory controlled by combined Russian-separatist forces.

Russian authorities commit serious abuses in occupied Crimea against the Crimean Tatar population and others who have opposed the occupation, and we reiterate that Crimea-related sanctions will remain in place until Russia ends its occupation and attempted annexation of Crimea and returns this territory to Ukraine. We join our European and other partners in restating that our sanctions against Russia for its aggression in eastern Ukraine will remain until Russia fully implements its commitments under the Minsk agreements.

The second point I'd like to make, colleagues, is yesterday we heard from the Russian Foreign Minister calling for a change in the tone of our debates. This is bullying dressed up as politesse. Our debates are fervent not because we want them to be, but because the damage done to European security by Russian actions is so severe. Russia would like to persuade you that our calls for Russia to reverse its destructive actions are the problem, rather than the actions themselves. Don't fall for it. Russia would like to silence you by persuading you that good manners demand that you refrain from criticizing Russia's blatant violations of our trust and Russia's gross failures to uphold its OSCE commitments. Don't fall for it. Strong, justified statements aren't the cause of our current challenges, and nice words won't repair the damage that Russia has done. Russian action must be the starting point.

It's also worth noting that even as the head of the Russian delegation counsels what they call "mutual respect," we've seen a stunning display of disrespectful bad faith throughout the negotiations here at Hamburg and in the lead-up to the ministerial. The German Chairmanship worked tirelessly and produced high-quality draft decisions that would have advanced our work and strengthened our Organization.

Let me remind you of just a few of them that died on a Russian sword: the Ukraine declaration, where Russia was the only participating State to block consensus despite significant concessions by Ukraine and others on specific language. Russia was totally isolated. The decision on strengthening the capabilities of the OSCE in addressing the conflict cycle, where Russia attempted to use the text to advance its efforts to fundamentally remake the nature of the OSCE.

The decision on the definition of anti-Semitism, where Russia proposed to radically alter this text – which had received wide support – and as a result, we missed an opportunity to provide participating States a much-needed tool to fight anti-Semitism in all its many forms. Obviously, the definition remains available to all of us and to OSCE institutions to use in our work going forward.

The decision on torture, which was blocked at the last minute today after two years of tireless work. This will not stop us from raising specific cases, like the case of Mr. Ildar Dadin, which we raised in the Permanent Council just a few weeks ago. The decision on combating hate crimes – Russia insisted on language on neo-Nazism and Nuremburg knowing that others disagree with the political manner in which Russia wields these terms. The decision on Roma and Sinti – Russia bracketed nearly the entire text and refused to engage, claiming an inability to get instructions despite the large size of its delegation.

And I join my Finnish colleague in expressing regret that Russia blocked the decision on persons with disabilities because it couldn't get a reference to the Paralympics in this text. And I think it's important for all of us to acknowledge – I would guess that nobody around

this table has any problem with the Paralympics, indeed, many of our countries invest a great deal in supporting this valiant effort. But what we refused to do was to allow the Russian Federation to instrumentalize a text that should have applied to tens of millions of people across the OSCE region to use it for its own propaganda to cover the State-sponsored doping efforts that led to the suspension of its Paralympic team. And it is a strange coincidence that just today a report comes out that more than 1,000 athletes were involved in the State-sponsored doping programme of the Russian Federation. And the leader of this report said, "it's impossible to know how deep and how far back this conspiracy theory goes. For years, international sports competitions have unknowingly been hijacked by the Russians." So let's remember why that decision failed, because we refuse to allow Russia to use it for its own propaganda.

On each of these, the Russian Federation was, if not the only, then a determinant obstacle to consensus. In negotiations, Russia routinely inserted amendments it knew were unacceptable to many others with the sole purpose of obstruction or scoring political points. They refused to offer rationales for removing quality content, or offered rationales that were illogical and unserious. And even on the very few decisions on which Russia joined the rest of us in consensus, it only did so after significantly weakening the texts, removing much of their content and thereby throwing out much of what could have been the basis for the kind of co-operation that at other times the Russian Federation claims to want.

Obviously, this is regrettable, but not new. But there's a risk here that we allow Russian behaviour to change the way we all interact at the OSCE. When a delegation consistently fails to show good faith, we not only lose respect for them, but we start to accept that kind of engagement as normal. But this is not normal. And we should remember to hold each other accountable. That is, after all, a central component of mutual respect. And so, my delegation, in line with a respectful mode of engagement, is clear – we hold Russia accountable for its failure to engage in good faith, and for the destructive approach it has taken to the work in this Organization, as we do for its violations of international law and its failures to uphold its OSCE commitments domestically and internationally.

Third, we share many of the views of the European Union on a number of issues, including the urgency of making progress on resolving the protracted conflicts. We remain committed to confidence- and security-building measures and conventional arms control, and we are ready to work on the much-needed modernization of the Vienna Document and to engage in dialogue on key issues in the political-military dimension.

Fourth, colleagues, I want to say something about the lack of decisions at this ministerial in the human dimension, which several others have mentioned. The United States shares the deep regret of many around this hall that we were not able to agree on a single decision in the human dimension. This is obviously a missed opportunity, for there is urgent work to do in the human dimension. As Secretary Kerry made clear yesterday, the United States is deeply concerned by the crackdown on independent voices and backsliding on democracy and rule of law in too many places. As Secretary Kerry said, "let me be clear: bigotry, repression, and the silencing of dissent cannot become the new normal for any of us. Every chip away at the fundamentals of freedom is actually an ugly building block in the road to tyranny. And the fact is that we all need to be aware of the danger of authoritarian populism."

But colleagues, even though there were no decisions in the human dimension, we should remember that the OSCE *acquis* contains a great wealth of commitments by participating States. And there's plenty of progress to be made by diligently assessing implementation of this *acquis*, calling attention to gaps and working in good faith to do better. That is what we know that people across the OSCE area count on us to do, whether they are in Central Asia, or Central Europe, or the South Caucasus, or elsewhere. That is what the participants in the parallel civil society conference called on us to do.

There is good work to do together, and none of us needs consensus to start doing it – only courage.

Fifth: today is International Anti-Corruption Day. Tomorrow, as we heard from our Norwegian colleague is International Human Rights Day, and the culmination of this year's Orange the World campaign to counter violence against women, which is why a number of us wear orange today. These days, these campaigns are meant to draw affirmative attention to our urgent work on behalf of human dignity. In a number of places around the world, violence and instability remind us of the consequences of failing to do so.

The failures of participating States to implement their OSCE commitments do not make the fundamental truth underlying the OSCE concept of comprehensive security any less true. States with governments that respect human rights and fundamental freedoms, that foster shared prosperity through openness and good governance, that respect the rules of the international system, including the sovereignty and territorial integrity of their neighbours, are States that are more stable, more resilient, and more innovative – that are better partners and better able to provide a stronger future for their people.

So as Foreign Minister Steinmeier urged us, let us remember the visionary wisdom of Helsinki, and let us let it guide us going forward.

Thank you, Mr. Chairperson, and I ask that this statement be attached to the journal of the day.

STATEMENT BY THE DELEGATION OF CANADA

(Annex 5 to MC(23) Journal No. 2 of 9 December 2016)

Mr. Chairperson,

The Ministerial Council just adopted eight substantive decisions. Canada had hoped for decisions on important topics in the human dimension, notably on freedom of expression, gender, combating hate crimes and adopting a non-legally binding definition of antisemitism.

For us, the protection of human rights and the promotion of respect for diversity must remain at the core of the OSCE's comprehensive approach to security. As Minister Dion said yesterday, in a period when the winds of mistrust, fear and even xenophobia are blowing over our region, we must remain faithful to these shared principles.

Despite the inability to adopt these decisions, we are convinced that the well-established OSCE commitments and principles we have all agreed on must continue to guide our collective action, and we salute the contribution made by our OSCE autonomous institutions in this regard. Their work is essential and we regret that the leadership of two of those institutions remains in doubt.

Mr. Chairperson,

One of the fundamental principles of the OSCE is respect for territorial integrity, and we reiterate that we oppose recent attempts to redefine European borders by force. We regret that consensus was blocked by one participating State on declarations on the crisis in and around Ukraine and on Georgia, both of which must remain at the very top of our Organization's agenda.

We take this opportunity to express our strong support for the OSCE's essential contribution to ensuring a sustainable political solution to the conflict in eastern Ukraine, in line with OSCE principles and commitments including by facilitating the full implementation of the Minsk agreements. We salute once again the work of the OSCE Special Monitoring Mission to Ukraine and reiterate our full support for their work in support of peace and stability. We reaffirm our unwavering support for Ukraine's sovereignty and territorial integrity within its recognized borders, as well as the fact that Canada does not and will not recognize the illegal annexation of the Autonomous Republic of Crimea, which remains an integral part of Ukraine.

Mr. Chairperson,

In closing, my delegation thanks you and the entire team of the 2016 OSCE Chairmanship for your efforts throughout the year and for your warm hospitality in Hamburg. Canada looks forward to working closely with Austria as it takes over the Chairmanship of our Organization in 2017 and to meeting in Vienna next year.

I would ask that this statement be reflected in the journal of the day.

Thank you.

STATEMENT BY THE DELEGATION OF UKRAINE

(Annex 6 to MC(23) Journal No. 2 of 9 December 2016)

Mr. Chairperson-in-Office,
Excellencies,

The delegation of Ukraine would like to start by expressing gratitude to the German hosts, personally to Federal Minister F.-W. Steinmeier, for the warm hospitality in Hamburg, and by commending the dedicated work of the Chairmanship team, both in Vienna and in Berlin, throughout this year.

The Hamburg ministerial clearly indicated the difficulties of promoting dialogue against the backdrop of gross violations of the OSCE principles and commitments, eroding European security. Our efforts to rebuild trust and to restore security continue to be impeded by actions of the Russian Federation, maintaining its course of undermining the very foundation of the rules-based order by its aggression, ambitions of domination and the use of force to this end.

The last draft Ministerial Council declaration on the crisis in and around Ukraine, tabled by the Chairmanship, was acceptable for all participating States, except Russia. Russia again failed to recommit to the fundamentals of security and of this Organization, starting from the Helsinki Decalogue of Principles. At the same time the discussions at this Ministerial Council registered, in particular, the resolute support to the peaceful resolution of the crisis on the basis of full respect for Ukraine's sovereignty and territorial integrity within its internationally recognized borders, condemnation and non-recognition of the attempted annexation of the Autonomous Republic of Crimea and the city of Sevastopol by Russia, the need to comprehensively address complex challenges, associated with the illegal occupation of Ukraine's Crimea. Addressing the serious violations of human rights and fundamental freedoms in the occupied peninsula, including by seeking unimpeded access there of the OSCE and other international organizations, must remain in the focus of our efforts.

We reiterate our support to the activities of the OSCE Special Monitoring Mission to Ukraine and OSCE's facilitating efforts in the Trilateral Contact Group, which also comprises Ukraine and the Russian Federation. Ukraine is fully committed to implementation of the Minsk agreements in good faith as a basis for sustainable peaceful resolution. Just as was done at this Ministerial Council in Hamburg, it is important to continue focused efforts aimed at stimulating the Russian Federation to abide fully by the Minsk agreements as a signatory of these documents, thus allowing restoration of peace in Donbas, as well as of Ukraine's sovereignty over its territory. Resolving the problem of the uncontrolled section of the border between Ukraine and Russia, enhancing the international security presence on the ground remain among priority tasks on the peace track.

Mr. Chairperson,

As a country suffering from exported terrorist activities, we welcome and have contributed to agreement on strengthening OSCE efforts to prevent and counter terrorism.

We also welcome the adoption of the document on confidence-building measures to enhance cybersecurity. We contributed to reaching consensus on the decision on the OSCE's

role in the governance of large movements of migrants and refugees. Pursuing a holistic approach in addressing interrelated elements of forced displacement of people, it is necessary to use the OSCE platform for elaborating a comprehensive OSCE response addressing the protection of rights of internally displaced persons.

Consensus was ultimately reached on a decision in the second dimension which constitutes an important part of the OSCE concept of comprehensive security. Our co-operation in this dimension must be geared up to full respect for all OSCE principles and commitments.

We commend the efforts of the OSCE Chairmanship aimed at building consensus on the draft decisions in the human dimension. We are very disappointed that again no decisions were adopted this year in the third dimension, including on such critically important issues as freedom of expression and countering propaganda.

It is essential that the incoming Austrian Chairmanship duly addresses the current threats to security in the OSCE region, emanating from the gross breach by one participating State of the Helsinki Decalogue, and places the issue of ensuring strict adherence to the OSCE principles and commitments at the top of the OSCE agenda in 2017.

We wish our Austrian colleagues every success at the helm of the OSCE and are ready to closely co-operate with the incoming Chairmanship across the OSCE mandate.

The delegation of Ukraine kindly requests that this statement be attached to the journal of this council's meeting.

Thank you, Mr. Chairperson.

**STATEMENT BY
THE DELEGATION OF THE RUSSIAN FEDERATION**

(Annex 7 to MC(23) Journal No. 2 of 9 December 2016)

Mr. Chairperson,
Esteemed colleagues,
Ladies and gentlemen,

Allow me to thank the German OSCE Chairmanship, the Chairperson-in-Office, Minister Frank-Walter Steinmeier, personally and the Hamburg city authorities for their hospitality and the commendable organization of the OSCE Ministerial Council meeting.

We believe that the number of decisions is not a measure for judging the success of a Ministerial Council meeting. The Hamburg meeting has confirmed the OSCE's role as the leading pan-European forum for political dialogue.

We are pleased that we have managed to openly discuss the worrying situation in the politico-military sphere. Constructive discussion is particularly called for in view of NATO's policy of moving its military infrastructure closer to Russia's borders, which is undermining stability. We hope that the launch of structured dialogue on security challenges set out in the declaration adopted today "From Lisbon to Hamburg" will help to restore trust and advance our common goal – building a community of equal and indivisible security. We welcome the adoption of the Ministerial Council decision on small arms and light weapons.

We regret that the politicized position of a number of countries has prevented the adoption of a document on the OSCE's contribution to resolving the conflict in eastern Ukraine. We note that during the Ministerial Council meeting none of the ministers have called into question the Minsk agreements, the work of the Trilateral Contact Group, the Normandy format or the role of the OSCE Special Monitoring Mission to Ukraine. We hope that the authorities in Kyiv will finally be able to proceed with responsible implementation of the Minsk Package of Measures, above all its political aspects – the special status of Donbas, constitutional reform and an amnesty.

We regret that differences on regional issues have prevented the adoption of a general political declaration. However, we believe that there has been a frank exchange of views on conflicts. We welcome the document on the Transdniestrian settlement and the statement by the Troika of the OSCE Minsk Group Co-Chairs on the settlement of the Nagorno-Karabakh conflict. Although it proved impossible to agree on a decision on the Geneva Discussions on Security in the Trans-Caucasus, we trust that work in this format will continue. Reaching agreements on the non-use of force between Georgia, Abkhazia and South Ossetia is a matter of priority.

We do not wish to dramatize the absence of a decision on the crisis-response role of the OSCE. The most important thing is that this year the Chairmanship has succeeded in taking stock of the OSCE's capabilities in this area and confirmed that our Organization has sufficient crisis-response tools. We believe that the way to improve the effectiveness of the OSCE is through the elaboration of a Charter and rules for the work of the executive structures.

We are pleased at the adoption of important documents on countering terrorism – on OSCE efforts to combat terrorism and on the exchange of airline passenger information. These documents confirm the OSCE's role in global counter-terrorism efforts. The approval at the Ministerial Council of new confidence-building measures in the use of information and communication technologies demonstrates the OSCE's capacity for dealing with incidents concerning information security.

Mr. Chairperson,

The decision agreed upon by the ministers on economic connectivity is a logical continuation of the German Chairmanship's efforts. We hope that the development of this topic next year will enable us to unlock the OSCE's potential in terms of harmonizing integration processes.

We support the dialogue launched in the OSCE on migration. The Ministerial Council decision agreed upon is an important practical step in the OSCE's contribution to overcoming the migration crisis in Europe. We trust that our Organization will be able to find an effective niche for itself in the international efforts in this area.

Ladies and gentlemen,

Unfortunately, the Ministerial Council meeting has confirmed that the human dimension is one of the most problematic areas and requires radical reform. When we set off for Hamburg, we were hoping for the adoption of a number of important decisions, but no agreement was reached. We trust that the future Austrian Chairmanship will structure its work in this dimension on a pragmatic basis and with account taken of the interests of all the participating States.

The inability of the OSCE to respond adequately to the rise in discrimination and religious intolerance is a cause of great disappointment. For the second year in a row, the adoption of declarations on combating intolerance and discrimination against Christians and Muslims is being obstructed. We hope that in 2017 it will prove possible to carry out the Basel Ministerial Council's instructions and elaborate such declarations.

We are convinced that combating anti-Semitism, anti-Christian sentiment and Islamophobia should be addressed comprehensively and on an equal basis. We supported the Chairmanship's initiative regarding the use at the OSCE of the working definition of anti-Semitism adopted by the International Holocaust Remembrance Alliance. We did so in spite of the fact that a number of respected Jewish organizations in Russia called for further refinement of this definition. For reasons we do not understand, some delegations were unwilling for the OSCE to take this definition as a basis for working towards a global consensus on this issue together with the United Nations and other multilateral organizations.

We attach great significance to combating hate crimes, aggressive nationalism and neo-Nazism. We regret that the decision on this question was not adopted. The refusal of a number of delegations to include in the text reference to the rulings of the Nuremberg Tribunal, particularly in its 70th anniversary year, is puzzling.

Also striking is the cynicism of some OSCE States that talk loudly about the rights of persons with disabilities but refuse to grant them equal opportunities to take part in sporting events, including the Paralympic Games.

Mr. Chairperson,

We should like once again to repeat that the number of decisions is not a measure for judging the success of a Ministerial Council meeting. The meeting in Hamburg has confirmed the high demand for the OSCE as a platform for dialogue and an instrument for restoring trust and bringing our States closer together. We hope that this function of the OSCE will be strengthened and wish Austria every success in chairing the OSCE in 2017.

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

STATEMENT BY THE DELEGATION OF AZERBAIJAN

(Annex 8 to MC(23) Journal No. 2 of 9 December 2016)

Mr. Chairperson,

The delegation of the Republic of Azerbaijan thanks the German Chairmanship for the excellent organization of the meeting of the Ministerial Council and wishes every success to the incoming Austrian Chairmanship.

The discussions we held for the last two days demonstrated that unresolved armed conflicts that resulted in large-scale displacement of people are among the most acute problems requiring urgent actions by the OSCE participating States. It is the view of the overwhelming majority that internal displacement, which occurred due to violations of OSCE principles and commitments, shall be placed high on OSCE agenda.

The majority of the participating States stressed the need to address the root causes of internal displacement with a view to facilitating the return of internally displaced persons (IDPs), in safety and dignity and their reintegration into places of origin without discrimination, and in accordance with the relevant OSCE commitments.

I regret that lack of consensus due to the position of one delegation prevented proper reflection of protection of the rights of IDPs in the decision adopted by the Ministerial Council. In this regard, the delegation of the Republic of Azerbaijan along with other participating States will continue to use the OSCE platform for elaborating a comprehensive response addressing the protection of the rights of IDPs.

We urge the participating State, which prevents consideration of the issue of protection of the rights of IDPs, to become a part of the solution of these problems, rather than remaining to be a part of the problem.

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

Thank you, Mr. Chairperson.

IV. REPORTS TO THE MINISTERIAL COUNCIL

REPORT BY THE 2016 GERMAN OSCE CHAIRMANSHIP

(CIO.GAL/219/16 of 23 December 2016)

Introduction

Germany dedicated its 2016 Chairmanship of the OSCE to exploring ways to renew dialogue and to restore trust among participating States. To this end, Germany initiated and supported substantive work on the priorities of its Chairmanship, which included *inter alia* strengthening OSCE capabilities across the conflict cycle, tackling challenges to fundamental freedoms in the OSCE region, strengthening economic connectivity and good governance and combating terrorism and other transnational threats as well as providing new impetus to conventional arms control and confidence- and security-building measures (CSBMs), including to the modernization of the Vienna Document. The German Chairmanship continued work in fields participating States had set out in previous years and initiated new processes to address new challenges such as those stemming from large movements of migrants and refugees, including questions of tolerance and non-discrimination, in increasingly diverse societies. Complementary to established OSCE formats, the German Chairmanship organized a variety of conferences both at high and at expert level along with informal meetings to advance discussions on these issues.

The aim of this report is to take stock of the work done throughout 2016 in preparing the ministerial meeting and to enable the Organization to build on it in the future. The year 2016 has shown that participating States are ready – and feel the need to – lead a meaningful dialogue and co-operate in various fields of common interest throughout the three dimensions, even on issues where it was not possible to reach consensus in Hamburg.

Crisis management and conflict resolution

As OSCE Chairmanship, Germany invested considerable efforts in addressing the crisis in and around Ukraine and to facilitate the implementation of the Minsk agreements. Through its Special Representative in Ukraine and in the Trilateral Contact Group (TCG), Ambassador Martin Sajdik, and the co-ordinators of the four TCG working groups and the provision of administrative, conceptual and political support to them, the Chairmanship ensured that regular, output-oriented discussions on the implementation of all aspects of the Minsk agreements were conducted and concrete agreements such as on disengagement were reached. With a view to facilitating agreement on the conduct of local elections in certain areas of the Donetsk and Luhansk regions of Ukraine, as foreseen by the Minsk agreements, the Chairmanship conducted informal consultations on a possible role for the OSCE with regard to election security, supported an ODIHR study on the role of public security providers in elections and tasked the OSCE Secretariat to provide for options and prepare for the operational planning for such a contribution. It circulated to participating States a set of questions elaborated by the Secretariat's Legal Service with regard to a possible OSCE contribution to supporting security for local elections. The Chairmanship also conducted a series of informal consultations on enhancing transparency along the Ukrainian-Russian State border.

The Chairmanship further ensured the timely adoption of the mandates and budgets of the Special Monitoring Mission to Ukraine (SMM) and the Observer Mission to two Russian Checkpoints and provided both field operations with political and operational guidance, in

close co-operation with the OSCE's Conflict Prevention Centre (CPC), on the reporting, management and security standards of the SMM as well as the capability of the SMM to effectively use technological surveillance tools. To further support these efforts, Germany provided the SMM with experts, surveillance data and equipment on a national basis. Two visits to Ukraine by the Chairperson-in-Office, including to the conflict area, underlined this commitment.

To adequately reflect the important role of the OSCE in addressing the crisis in and around Ukraine and with a view to rallying continuous support for these efforts, the Chairmanship worked towards building consensus on a ministerial declaration on OSCE action in addressing the crisis in and around Ukraine.¹ While failing to reach consensus, the final draft circulated by the Chairmanship enjoyed overwhelming support. Discussions confirmed the strong support of all participating States for SMM and its work, including safety and security of the monitors and continuing to provide SMM with all necessary support, including resources.

Germany also intensified efforts to create conditions that allow for further steps in the resolution of other conflicts in the OSCE area. With Ambassador Günther Bächler and Ambassador Cord Meier-Klodt, the Chairmanship appointed experienced diplomats with outstanding expertise as its Special Representatives for the South Caucasus and the Transdniestrian settlement process. In both their areas of activity positive developments could be accomplished.

Within the framework of the Geneva International Discussions, the resumption of the suspended Gali Incident Prevention and Response Mechanism was achieved, a much needed tool to improve confidence, predictability and transparency on the ground. The Co-Chairs of the Geneva International Discussions also explored ways to make better use of the format for discussions and to improve the conduct of the meetings.

With regard to the conflict dealt with by the OSCE Minsk Conference, the Chairmanship reacted swiftly after the escalation of hostilities at the line of contact in April 2016. On 5 April, the Chairmanship initiated a special meeting of the Permanent Council with participation of the Personal Representative of the Chairperson-in-Office (PRCiO), Ambassador Andrzej Kasprzyk, and the Co-Chair of the Minsk Group Ambassador James Warlick. The Chairmanship supported the implementation of agreements reached at presidential level in Vienna and St. Petersburg by presenting a draft document on the expansion of the Office of the PRCiO² and sharing outlines of an investigative mechanism with the Co-Chairs of the Minsk Group. Chairperson-in-Office Foreign Minister Frank-Walter Steinmeier supported the efforts of the Minsk Group Co-Chairs during his visit to the South Caucasus from 29 June to 1 July.

Thanks to the unified approach of the mediators and observers in the Transdniestrian settlement talks, the year 2016 marked the resumption of substantial "5+2" talks in Berlin and the agreement on an output-oriented roadmap outlining concrete steps in accordance with the internationally endorsed parameters for a final settlement. The visit by the Chairperson-in-Office and the traditional Bavaria Conference in July further strengthened the process and led to a commitment by the Moldovan Government to work out a vision for a

1 Latest version: MC.DD/22/16/Rev.2
2 PC.ACMF/28/16

special status for Transdniestria and to enhance internal co-ordination. The ministerial statement adopted on the Transdniestrian settlement process³ prepared the ground for future work.

Strengthening OSCE capabilities across the conflict cycle

Against the background of the conflicts in our region and with a special focus on the crisis in and around Ukraine, the German Chairmanship placed particular emphasis on further strengthening the OSCE's capabilities in early warning, conflict prevention, crisis management, conflict resolution and post-conflict rehabilitation. To this end, the Chairmanship conducted a structured dialogue with participating States throughout the year.

Four round-table discussions organized jointly with the OSCE Secretariat on dialogue facilitation and mediation support, early warning and early action, OSCE responses to complex crises, and strategies for sustainable peace were complemented by an internal workshop to discuss practical questions on expert level and by a focused ambassadorial retreat. In addition, various other formats provided platforms for exchange on issues related to the conflict cycle throughout the year – such as a high-level side event on “The Force of Civilian Crisis Management – Strengthening the Capacities of the OSCE as a Chapter VIII Organization” on the margins of the 71st UN General Assembly meeting, the OSCE Annual Security Review Conference, the Informal Working Group on Strengthening the Legal Framework of the OSCE as well as the Chairmanship Conferences on the “OSCE as a Mediator”⁴, on “Combating Violence against Women in the OSCE Region”⁵ and a conference on “A Case for Inclusive Peace and Security: How to accelerate the implementation of UNSCR 1325?”⁶, organized by the Federal Foreign Office and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

Based on these intensive exchanges, the Chairmanship elaborated a draft decision on further strengthening OSCE capabilities in addressing the conflict cycle⁷, emphasizing the need for continued and comprehensive implementation on Ministerial Council Decision No. 3/11 on elements of the conflict cycle while at the same time outlining concrete steps for further enhancing OSCE capabilities in particular in the area of crisis responses. No final consensus was reached on this text, but the steps proposed by the Chairmanship enjoyed wide support in the widely shared understanding that work in this area needs to continue. The Chairmanship presented its report “A Stronger OSCE for a Secure Europe – Further Strengthening OSCE Capabilities and Capacities across the Conflict Cycle”⁸ to the Ministerial Council and initiated an informal discussion on strengthening the OSCE between foreign ministers during the Ministerial Council in Hamburg.

The German Chairmanship further supported conceptual work by commissioning a study on insider mediation in the OSCE as well as on OSCE best practices in sustainable peace-building in South East Europe. On the operational side, Germany helped to establish the post of a United Nations liaison officer in Vienna to strengthen co-operation with the UN and forged consensus on augmenting the CPC with an expert for operation planning, who

3 MC.DOC/2/16; First draft distributed as MC.DD/26/16.

4 CIO.GAL/136/16

5 CIO.GAL/110/16/Rev.1; Summary Report SEC.GAL/182/16

6 CIO.GAL/197/16

7 Latest version: MC.DD/18/16/Rev.2

8 MC.GAL/5/16

supported the CPC in developing standard operating procedures and administrative fast track procedures for crisis situations.

Work in the three dimensions

Germany set out priority areas in the three dimensions of the OSCE's comprehensive security concept. To advance work in these areas, the German Chairmanship relied on the valuable support and careful preparation by the Romanian Chairperson of the Security Committee, Ambassador Cristian Istrate, the successive Greek and Serbian chairpersons of the Economic and Environmental Committee, Ambassador Andreas Papadakis and Ambassador Vuk Žugic, and the Finnish chairperson of the Human Dimension Committee, Ambassador Katja Pehrman.

The German Chairmanship further enjoyed excellent co-operation with the successive Chairmanships of the Forum for Security Co-operation in 2016, under the respective leadership of the Permanent Representative of the Netherlands, Ambassador Desirée M. J. Kopmels, the Permanent Representative of Poland, Ambassador Adam Bugajski, and the Permanent Representative of Portugal, Ambassador Maria da Graça Mira Gomes.

Politico-military dimension

Conventional arms control (CAC) and CSBMs, including the Vienna Document

In 2016, the OSCE was effectively used as a platform for intensified dialogue on politico-military matters, both at working and at political level. In co-operation with the Dutch, Polish and Portuguese Chairmanships of the Forum for Security Co-operation (FSC) and the Secretary General of the OSCE, the German Chairmanship organized or supported a number of high-ranking events in this field, notably joint meetings of the FSC and the Permanent Council dedicated to European Security and to arms control in the first and third trimester of the year, the High-Level Military Doctrine Seminar in February, side events on arms control from a practitioners perspective as well as on European security during the Annual Security Review Conference, the Secretary General's Security Day on military confidence-building and arms control in September and a side event at ministerial level focusing on the relevance of arms control for today's European security architecture at the Ministerial Council in Hamburg.

Providing new impetus to conventional arms control (CAC) and CSBMs, including to the modernization of the Vienna Document, was of high priority to the German OSCE Chairmanship. Consequently, Germany engaged on all three pillars of the CAC/CSBM architecture, the Vienna Document, the Open Skies treaty and conventional arms control.

On the Vienna Document, Germany, alongside with other participating States, submitted a number of food-for-thought papers and proposals aimed at, *inter alia*, strengthening its risk reduction mechanisms, enhancing military transparency, rendering verification more effective and empowering the OSCE as an impartial actor to dispel concerns.⁹ Today, there is a wealth of Vienna Document proposals on the table, aimed at

9 FSC.DEL/19/16, FSC.DEL/20/16, FSC.DEL/34/16, FSC.DEL/35/16, FSC.DEL/50/16, FSC.DEL/106/16

strengthening its provisions, and discussions on these proposals have doubtlessly intensified. Many participating States concur that there is an urgent need to substantially modernize the Vienna Document. On the Open Skies Treaty, likewise, important steps were taken to modernize the regime and participating States redoubled their efforts to address outstanding questions related to its implementation.

Foreign Minister Frank-Walter Steinmeier's call in Potsdam on 1 September 2016 for a relaunch on conventional arms control revitalized discussions on the future of this central pillar of European security. The Ministerial Council in Hamburg and its side event on the "Relevance of Arms Control for Today's European Security Architecture" illustrated the topicality of conventional arms control and CSBMs. With the adoption of the declaration "From Lisbon to Hamburg"¹⁰ on the 20th anniversary of the OSCE Arms Control Framework, participating States paved the way for a structured dialogue on future challenges and risks in the politico-military field. As a first step, the process could focus on threat perceptions and military doctrines and, building on that, discuss the implications for the future of conventional arms control. Germany will continue its efforts to sustain momentum in this field and to work towards the modernization of the CAC/CSBM architecture under the auspices of the OSCE.

Project activities in the field of small arms and light weapons (SALW) and stockpiles of conventional ammunition (SCA)

OSCE assistance in the field of SALW and SCA tangibly contribute to the security in the OSCE area by reducing the risks emanating from SALW/SCA stockpiles and by preventing their use for terrorism and transnational organized crime. During its Chairmanship, Germany provided substantial support to OSCE project activities throughout the OSCE area. The overall German contribution to these SALW and SCA projects in 2016 amounts to more than 1 million euros, in addition to 1.5 million euros invested in the clearance of the territories in the east of Ukraine from explosive remnants of war. Germany will increase its financial engagement for SALW/SCA project activities in 2017. The declaration on OSCE assistance projects, adopted by the Ministerial Council, highlights both the value of these activities for our common security and perspectives for future engagement in this field.¹¹

Strengthening OSCE efforts to prevent and counter terrorism

Following up on work done by the 2014 Swiss and 2015 Serbian Chairmanships, Germany continued supporting the OSCE executive structures to enhance their efforts to counter terrorism, reflecting the Organization's comprehensive approach to security.

The annual Counter-Terrorism Conference organized by the Chairmanship in Berlin brought together more than 300 participants from OSCE participating States as well as Asian and Mediterranean Partners for Co-operation, and built on relevant declarations adopted at the 2015 Belgrade Ministerial Council on OSCE efforts to counter terrorism and on countering violent extremism and radicalization that leads to terrorism. Preventive measures with the aim to counter radicalization and extremism and the use of policing and prosecution powers in line with the rule of law were key issues of the conference. Participants recognized

10 MC.DOC/4/16; First draft distributed as MC.DD/9/16.

11 MC.DOC/3/16

that as the world's largest security arrangement under Chapter VIII of the Charter of the United Nations, the OSCE with its multidimensional approach to security, its specialized executive structures and network of field operations is an important regional actor in preventing and countering violent extremism and radicalization that lead to terrorism.

Furthermore, the German Chairmanship supported different workshops *inter alia* regarding identification of foreign terrorist fighters, identification of forged travel documents, and countering the use of the Internet for terrorist purposes for judges, prosecutors and investigators. It also supported related initiatives, in particular the online communications campaign OSCE United in Countering Violent Extremism (#UnitedCVE) to reinforce a global consensus against violent extremism as well as the project development of "Leaders against Intolerance and Violent Extremism – LIVE" training courses.

Together with France, the German Chairmanship proposed a draft ministerial declaration on strengthening OSCE efforts to prevent and counter terrorism. The aim was to reaffirm the commitment to work together to prevent and counter terrorism and to reinforce efforts to that effect, in compliance with international law while respecting human rights and fundamental freedoms. With the adoption of the declaration, ministers spoke out strongly against the continued threat posed by terrorism and underlined the key importance of information-sharing, especially regarding foreign terrorist fighters, and called on all participating States to make full use of available multilateral and bilateral mechanisms and data exchange systems.¹² The important role of civil society in preventing violent extremism that can lead to terrorism is reflected in the declaration.

Advanced passenger information

The OSCE is committed to supporting the implementation of the UN Counter-Terrorism Strategy and relevant resolutions of the Security Council. UN Security Council resolution 2178 calls upon Member States to require that airlines operating in their territories provide advanced passenger information (API) to the appropriate national authorities in order to detect possible foreign terrorist fighters. The German Chairmanship steered discussions in different fora on this issue and proposed a Ministerial Council decision on API. By adopting the decision, participating States committed to establishing national API systems, and to consider establishing at the national level an interactive system to exchange API data.¹³ The decision moreover tasks the OSCE Secretariat with providing assistance to participating States upon request in establishing an API system in accordance with international standards.

Economic and environmental dimension

The German Chairmanship aimed at re-emphasizing the relevance of the work of the economic and environmental dimension and at strengthening its potential to renew dialogue and rebuild trust among participating States. It promoted enhanced participation of the business community and civil society throughout the OSCE conferences and meetings in 2016 in the second dimension, which led to a meaningful dialogue between all relevant stakeholders that deal with economic and environmental challenges in the OSCE area.

12 MC.DOC/1/16; First draft distributed as MC.DD/16/16.

13 MC.DEC/6/16; First draft distributed as MC.DD/5/16.

The work in the economic and environmental dimension in 2016 focused on two priorities – good governance and connectivity, as both cross-cutting topics are essential for economic exchange and regional co-operation and thereby contribute to mutual trust, stability and security in the OSCE area. “Good governance” was agreed upon as the main theme of this year’s Economic and Environmental Forum¹⁴ and was discussed in the two preparatory meetings of the Economic and Environmental Forum under the perspective of good environmental governance and good governance as a basis for business interaction and good investment climate, the fight against corruption, money laundering and the financing of terrorism, as well as good migration governance. Both conferences fed into the Concluding Meeting of the Economic and Environmental Forum (from 14 to 16 September 2016 in Prague). Furthermore, good governance was a key topic at the Economic and Environmental Dimension Implementation Meeting on 17 and 18 October 2016 in Vienna.¹⁵ In addition, the Economic and Environmental Committee dealt with important aspects of good governance throughout the year, namely at the thematic meetings on labour migration, business climate and countering of financing of terrorism. Aspects of good environmental governance were discussed in the thematic meetings on energy, water governance and disaster risk reduction and on climate change. The German Chairmanship also supported, together with other participating States, the project work of the OSCE Secretariat aimed at strengthening good governance, for example through projects on capacity-building in the fight against corruption in Uzbekistan and Mongolia as well as through support for the work of the Aarhus Centres in promoting good environmental governance.

Connectivity as the other Chairmanship priority in the economic and environmental dimension was the main theme of the Chairmanship Business Conference under the title “Connectivity – for Commerce and Investment” (on 18 and 19 May in Berlin). The conference gathered over 900 participants from more than 60 countries and provided a valuable platform for dialogue between the public and the private sector. The Chair’s perception outcome document summarized the strong interest of both participating States and business sector in promoting economic connectivity.¹⁶ Connectivity-related topics like trade facilitation measures and good governance in logistics and supply chains were discussed at this year’s Economic and Environmental Forum and at thematic sessions of the Economic and Environmental Committee. The German Chairmanship also supported a workshop organized by the OSCE Secretariat together with the World Customs Organization on “Enhancing Trade Facilitation through the Improvement of Regional Transit in Central Asia” from 27 to 29 September 2016 in Astana. Furthermore, the OSCE/Chairmanship Conference on “Prevention of Trafficking in Human Beings for Labour Exploitation in Supply Chains” (on 7 and 8 September in Berlin) and the Economic and Environmental Dimension Implementation Meeting (on 17 and 18 October 2016 in Vienna) discussed connectivity-related topics like the adherence to social and labour standards in supply chains and good governance in transport and trade facilitation.

Against this background the German Chairmanship tabled a draft Ministerial Council decision on “Strengthening good governance and promoting connectivity” that reflects the work on both priorities and highlights their importance for the OSCE. The draft was based on a Chairmanship’s food-for-thought paper¹⁷ which had been discussed at the Economic and Environmental Forum where it received broad support. By adopting the decision at the

14 PC.DEC/1176
15 PC.DEC/1213
16 CIO.GAL/107/16
17 CIO.GAL/150/16

Ministerial Council in Hamburg, the term “connectivity” was formally introduced to the OSCE for the first time. The decision calls for, *inter alia*, promoting transparency in public procurement and improving the business climate, for enhancing co-operation in the field of transport, customs and trade facilitation, for better application of internationally recognized labour, social and environmental standards, and for strengthening dialogue and co-operation between the public and the private sector.¹⁸

The German Chairmanship explored possibilities how to further strengthen the co-operation between the OSCE Secretariat – especially the Office of the Co-ordinator of Economic and Environmental Activities – , the field operations, and the delegations in Vienna in order to make better use of the Economic and Environmental Dimension and its potential to enhance co-operation among participating States. A high-level panel debate at this year’s Economic and Environmental Implementation Meeting provided forward looking ideas in this respect, especially more continuity regarding thematic priorities, closer regional co-operation among field operations, and better use of synergies between the work of the OSCE Secretariat and the field operations. The Austrian OSCE Chairmanship intends to follow up on this discussion in 2017 and to continue the work on good governance and connectivity based on the above-mentioned Ministerial Council decision.

Human dimension

Freedom of expression and freedom of the media

Freedom of expression and freedom of the media as one of the core fundamental freedoms were a priority of the German Chairmanship in the human dimension.

The Chairmanship supported the office of OSCE Representative on Freedom of the Media (RFoM) in organizing a conference “Propaganda for War and Hatred, and Freedom of the Media” where the newly published non-paper by RFoM on “Propaganda and Freedom of the Media” was discussed.¹⁹ The second Supplementary Human Dimension Meeting continued in this field, including addressing media co- and self-regulation as ways to improve ethical standards and to counter propaganda.²⁰ Together with the Council of Europe and its Estonian Chairmanship, the topic of Internet freedom as part of freedom of the media and its role in democratic societies were discussed during a conference in Strasbourg.²¹

With two draft decisions, the German Chairmanship suggested to bring current challenges in the area of freedom of expression and freedom of the media to ministerial level.²² Discussions on both draft decisions reflected high interest and concerns of participating States in this field and were found useful to clarify positions and challenges. However, they also revealed controversial views and approaches, for example on the scope and definition of the phenomenon of “propaganda”, on the legitimacy of certain restrictions

18 MC.DEC/4/16; First draft distributed as MC.DD/14/16.

19 12 February, CIO.GAL/14/16

20 27 and 28 October, CIO.GAL/173/16, “Freedom of expression and freedom of the media with a special focus on conflict situations, including protection of journalist and reporting during armed conflicts”

21 9 September, CIO.GAL/86/16, “Internet Freedom – A Constant Factor of Democratic Security in Europe”

22 Latest versions: MC.DD/11/16/Rev.1 on counteracting propaganda for hatred and war in the OSCE area, and MC.DD/12/16/Rev.4 on freedom of expression and free and pluralistic media in the OSCE area

in the case of hate speech as well as on how media freedoms apply to the online world. Work should continue in order to find common ground on these issues.

Tolerance and non-discrimination

Recognizing that the principle of non-discrimination is a crucial element in the promotion of human rights and an important factor for stability, security, co-operation and peaceful development throughout the entire OSCE region, and aware of the challenges stemming from increasingly diverse societies, the German Chairmanship put a special emphasis on the promotion of tolerance, diversity and non-discrimination. Recalling the indivisibility of human rights, it was guided in its efforts by the approach ministers of OSCE participating States agreed to in Madrid 2007 to acknowledge the specificity of different forms of intolerance, while at the same time recognizing the importance of taking a comprehensive approach and addressing cross-cutting issues in order to effectively combat all forms of discrimination. The German Chairmanship also continued the long-standing practice of appointing Personal Representatives of the Chairperson-in-Office on combating intolerance and discrimination.

With the valuable support of ODIHR and other relevant organizations and actors, especially the Council of Europe, a series of events was organized throughout the year. Although different in focus, all events pursued the goal of enhancing discussions about ways to combat all forms of discrimination and intolerance in the OSCE region, to identify best practices and to share experiences. A common denominator of the events was the focus on education policies and strategies as well as awareness-raising measures. While several conferences tackled specific forms of discrimination, such as anti-Semitism or discrimination directed against Muslims, Roma and Sinti, and Christians, the first Supplementary Human Dimension Meeting²³ as well as a Chairmanship Conference held in Berlin on “Tolerance and Diversity”²⁴, explored the root causes of intolerance and discrimination and emphasized the pertinent challenge in addressing the various manifestations of intolerance, notably hate crimes, hate speech and hate on the internet (“cyberhate”). In the face of current challenges such as the large movement of migrants and refugees to our region and the fight against violent extremism and radicalization that lead to terrorism, participants from both governments and civil society emphasized the need to maintain a human rights-based approach when preventing and combating manifestations of intolerance and discrimination.

As a result of the intensive work and discussions throughout the year, the German Chairmanship tabled a Ministerial Council draft decision on enhancing efforts to prevent and combat hate crimes.²⁵ The draft generated keen interest and support from participating States, who especially welcomed the added value of the draft decision with regard to improved recording of hate crime data, the need for political leaders to publicly denounce hate crimes and actively counter hate speech, the enhanced assistance to victims of hate crimes and the acknowledgement of the role of and better support of civil society. Although few substantial differences remained, the decision could not be adopted in the end.

The German Chairmanship tabled a Ministerial Council draft declaration on enhancing efforts to combat intolerance and discrimination, including against Muslims,

23 14 and 15 April 2016, “Policies and strategies to further promote tolerance and non-discrimination”, SHDM agenda, PC.SHDM.GAL/3/16/Rev.1

24 20 October 2016, Chairmanship summary to be issued.

25 Latest version: MC.DD/17/16/Rev.5

Christians and members of other religions.²⁶ However, informal discussions on this draft revealed diverging, if not controversial positions of participating States on how to tackle the issue of tolerance and non-discrimination in the OSCE and in our societies. The dialogue on these issues should continue.

Building upon the decision of the International Holocaust Remembrance Alliance (IHRA), the German Chairmanship tabled a Ministerial Council draft decision on adopting a non-legally binding working definition of anti-Semitism.²⁷ The decision could not be adopted, however, the overall usefulness of the working definition for the fight against anti-Semitism by the participating States and the ODIHR in the areas of education, awareness-raising as well as training and prosecution was not questioned.

Rights of persons with disabilities

The Finnish chairmanship of the Human Dimension Committee (HDC), strongly supported by the German Chairmanship, brought the topic of human rights of persons with disabilities back to the OSCE's human dimension agenda, after the last commitments in this field had been adopted 25 years ago in Moscow (1991). As a result of several events organized throughout the year by the Finnish chairmanship of the HDC, also in co-operation with other participating States such as the United States of America and the Russian Federation, as well as two non-papers elaborated by Finland and the United States, the German Chairmanship tabled a draft ministerial decision on promoting and protecting the human rights and fundamental freedoms of persons with disabilities.²⁸ Although participating States welcomed the initiative as an important step to give due attention to the needs and human rights of persons with disabilities, the decision could not be adopted, the only remaining issue being how to refer to sports events in the text.

National minorities

New challenges to security and stability have inspired the German Chairmanship to choose national minorities as one of its priorities and to look at the positive contributions national minorities can make to the societies in which they live, as well as to their kin States. Upon the Chairmanship's request, the Office of the High Commissioner on National Minorities (HCNM) co-ordinated a project and collaborated with the European Centre for Minority Issues (ECMI), the European Academy of Bolzano/Bozen (EURAC) and Associate Professor Nina Bagdasarova, to explore the "bridge-building potential" of national minorities by conducting an OSCE-wide study. Preliminary results were presented and discussed during the second Supplementary Human Dimension Meeting.²⁹ First recommendations, including the input from the Supplementary Human Dimension Meeting, were presented during a mixed zone event at the Ministerial Council in Hamburg and encouraged participating States to continue working with and perceiving national minorities in a positive and constructive manner.³⁰

26 MC.DD/24/16

27 Latest version: MC.DD/18/16/Rev.2

28 Latest version: MC.DD/10/16/Rev.5 as of 9 December 2016

29 10 and 11 November 2016, PC.SHDM.GAL/7/16 on national minorities, bridge building and integration

30 CIO.GAL/215/16

Roma and Sinti

The promotion of human rights of Roma and Sinti was a priority for the German Chairmanship. In co-operation with the ODIHR, the Council of Europe and the Central Council for German Roma and Sinti, the German Chairmanship organized a high-level event on “Confronting Anti-Gypsism – The Role of Political Leaders in Countering Discrimination, Racism, Hate Crimes and Violence against Roma and Sinti Communities” (6 September 2016, Berlin). Following the discussions in this conference as well as in the working session on Roma and Sinti of the Human Dimension Implementation Meeting 2016, the German Chairmanship felt encouraged to start work on a draft ministerial decision focused on enhancing the participation of Roma and Sinti in public and political life with a special focus on Roma and Sinti women and youth.³¹ Participating States welcomed the initiative as a positive step forward in ensuring sustainable policies for Roma and Sinti integration. However, one participating State was not able to agree to the very concrete operational paragraphs of the decision.

Prevention of torture

Germany attaches paramount importance to the worldwide abolition of torture and other cruel, inhuman or degrading treatment or punishment as well as the complete rehabilitation of torture victims. The German Chairmanship undertook efforts to strengthen the OSCE’s work in the field of torture prevention, not least in light of ongoing conflicts in the OSCE region and also the large movement of migrants and refugees to our region. The German Chairmanship, together with the Danish Institute against Torture (DIGNITY), supported Denmark and the Convention against Torture Initiative (CTI) in organizing a seminar at which representatives of participating States, civil society and international organizations were able to exchange best practices on rehabilitation models for victims of torture.³² A follow-up workshop in Vienna, organized by Denmark, the CTI and the ODIHR with the support of the German Chairmanship discussed possible contributions by the ODIHR and OSCE field presences to the efforts by participating States in the field of rehabilitation (12 October 2016, Vienna). Marking this year the 10th anniversary of the entering into force of the Optional Protocol to the Convention against Torture (OPCAT), the German Chairmanship also supported ODIHR and the Association for the Prevention of Torture (APT) in bringing together representatives from national preventive mechanisms from the OSCE region³³.

Building upon the work by the Swiss Chairmanship 2014 and the Serbian Chairmanship 2015, the German Chairmanship, supported by the Chairperson of the Human Dimension Committee as well as Denmark and Switzerland, tabled a draft ministerial decision on the topic of prevention of torture and other cruel, inhuman or degrading treatment or punishment, building on the draft generally agreed already during the Belgrade Ministerial Council.³⁴ The decision could not be adopted in the end.

31 Latest version: MC.DD/23/16/Rev.2

32 “Regional meeting on rehabilitation for victims of torture in the OSCE region”, 23 and 24 June 2016, Copenhagen

33 First annual meeting of the national preventive mechanisms from the OSCE region, 13 and 14 October 2016, Vienna

34 MC.DD/13/16

Rule of law

Following a traditional German policy priority, the German Chairmanship and the ODIHR co-organized the Human Dimension Seminar on promoting effective and integral justice systems and on how to ensure the independence and quality of the judiciary. The results have shown that finding and maintaining a balance between judicial independence and accountability of judges is an ongoing challenge for all OSCE participating States.

Strengthening the implementation of commitments

To further strengthen implementation of existing commitments was the cross-cutting approach of the German Chairmanship, including in the human dimension. Following the Swiss and the Serbian example, an evaluation of the implementation of OSCE human dimension commitments in Germany was carried out by the German Institute for Human Rights.³⁵ German civil society was included into the project and commented on the report that was presented at the margins of HDIM as well as in Berlin.

Cross-dimensional issues

Gender

The German Chairmanship decided to pay special attention to the cross-dimensional issue of gender with a focus on the issue of women, peace and security and an emphasis on combating violence against women. With two special thematic presentations in the Permanent Council (Mr. Ralf Kleindiek, State Secretary of the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth³⁶; and Address on the United Kingdom's Preventing Sexual Violence in Conflict Initiative by the Rt. Hon. Baroness Anelay of St Johns DBE, Minister of State, Foreign and Commonwealth Office³⁷), the topics were put high on the OSCE's agenda. The Chairmanship supported the OSCE gender section in the organization of a conference on "Violence against Women – Bringing Security Home".³⁸ Based on the conference in July and with support of the Chairmanship, the Gender Section put together a publication "Combatting Violence against Women in the OSCE Region – a Reader on the Situation in the Region, Good Practices and the Way forward"³⁹ which includes a first set of recommendations for the national level. Discussions on the role of women in conflict prevention, crisis management and post-conflict rehabilitation were also held during a Chairmanship Event alongside the OSCE Annual Security Review Conference ("Participation of Women in Conflict Settlement"⁴⁰) and a conference in Berlin ("A Case for Inclusive Peace and Security – How to Accelerate the Implementation of UNSCR 1325?"⁴¹). All events unanimously emphasized the need to better implement existing commitments with respect to gender equality, to continue working on combating gender-based violence, and stressed the importance of focusing on the role of women in conflict prevention, resolution, reconciliation and post-conflict rehabilitation. These issues were also discussed during the

35 CIO.GAL/174/16

36 CIO.GAL/35/16

37 PC.DEL/1239/16

38 CIO.GAL/110/16/Rev.1, Summary report SEC.GAL/182/16

39 SEC.GAL/190/16

40 CIO.INF/54/16, Chairmanship events on European security, 29 and 30 June 2016

41 CIO.GAL/197/16

country visits to Bosnia and Herzegovina and to Georgia undertaken by Special Representative Ambassador Verveer.⁴²

Considerable efforts were undertaken, supported by Swiss Ambassador Claude Wild and by the Special Representative of the OSCE Chairperson-in-Office on Gender, Ambassador Melanne Verveer, to explore prospects for the adoption of the draft Addendum to the “2004 OSCE Action Plan for the Promotion of Gender Equality”⁴³, based on the latest draft version from Belgrade.⁴⁴ Participating States confirmed the need to update the Gender Action Plan but maintained diverging views on the scope of the Addendum. Following discussions at the reinforced ambassadorial retreat on 7 October, the German Chairmanship decided not to aim for adoption during the Ministerial Council in Hamburg.

Migration

The German OSCE Chairmanship initiated substantive discussions on the phenomenon of large movements of migrants and refugees. A special meeting of the Permanent Council in July 2016 dedicated to this cross-dimensional issue was thoroughly prepared by an Informal Working Group led by Ambassador Claude Wild, the Swiss Permanent Representative to the OSCE. This inclusive process highlighted the impressive amount of migration-related OSCE expertise and activities. A possible future role of the OSCE and the need to increase coherence and co-ordination were identified. Key outcomes were compiled in a comprehensive Chairperson’s report which has become a useful reference document.⁴⁵ Its recommendations propose specific measures for a more effective contribution by the OSCE to comprehensive governance of large movements of migrants and refugees.

Discussions during the year, *inter alia* with input by the IOM Director-General William Swing, UNHCR Assistant High Commissioner for protection Mr. Volker Türk and UN Special Representative of the Secretary-General for International Migration Mr. Peter Sutherland, highlighted the large degree of existing co-operation of the OSCE with other regional and international organizations. The OSCE is a much appreciated partner with unique expertise and competences in specific migration-related areas. The important role of the OSCE has been unanimously confirmed. The high-level Security Days conference organized by Secretary General Zannier in March 2016 stressed the role of the OSCE in line with its comprehensive concept of security.

The following conclusions can be drawn from the intense work during the year: Large movements of migrants and refugees are a security challenge for participating States. The topic therefore needs to be put even higher on the OSCE agenda. The OSCE is well placed to address migration-related issues – its comprehensive approach to security, its well-established co-operation with Partners for Co-operation and other regional and international organizations and its field presence are assets unique to the Organization. The OSCE should on these grounds contribute to global, in particular United Nations efforts in addressing large movements of migrants and refugees. The decision on “the OSCE’s role in the governance of large movements of migrants and refugees”⁴⁶ adopted by the Ministerial Council sends an important signal of agreement among participating States in this regard.

42 CIO.GAL/210/16, Report on Bosnia and Herzegovina

43 MC.DEC/14/04

44 PC.DD/21/15/Rev.5

45 CIO.GAL/117/16/Rev.1

46 MC.DEC/3/16; First draft distributed as MC.DD/6/16.

OSCE efforts related to the security of and in the use of information and communication technology

Advancing cybersecurity was an important issue for the German Chairmanship with three main objectives: first, to strongly support the Informal Working Group under the leadership of the US Chairperson, Ambassador Daniel Baer, in particular to reach agreement on cyber confidence-building measures (CBM) and to strengthen cyber CBM implementation efforts, second, to identify areas for further discussion on cyber related activities beyond the politico-military dimension and thirdly, to prepare a Ministerial Council document on cyber/information and communication technology (ICT) at the Ministerial Council in Hamburg.

The cyber conference in Berlin on 20 January 2016⁴⁷ explored the fields of action for OSCE. Discussions demonstrated the multidimensionality of cyber/ICT and showed broad general support for the Chairmanship's approach. Participating States adopted new cyber CBMs in March 2016, highlighting the OSCE's forerunner role in the field of cybersecurity.⁴⁸ Moreover, implementation of cyber CBMs has notably increased and broadened: 52 OSCE participating States have implemented one or more cyber CBMs and a first communication check of the cyber contact points of OSCE participating States proceeded successfully. A Track II project initiated by the OSCE Transnational Threats Department will further enhance implementation.

The comprehensive Secretariat's cyber input paper⁴⁹ with contributions of all relevant OSCE executive structures provided concrete ideas and proposals for supporting OSCE's work in the cyber CBM field and for potential future OSCE activities building on the Organization's comprehensive approach to security. The decision on cyber/ICT was tabled. The decision adopted at the Hamburg Ministerial Council⁵⁰ includes a political endorsement of the cyber CBMs and prepares better and concrete implementation of the CBMs. Moreover, the decision paves the way to consider further OSCE activities related to ICTs building on the Organization's comprehensive approach to security.

Legal personality

Germany identified the lack of an international legal personality as a priority of its Chairmanship. Together with its Special Advisor Ambassador John Bernhard and in consultation with participating States, the German Chairmanship pursued dialogue in this regard. In three meetings of the Informal Working Group on Strengthening the Legal Framework of the OSCE (IWG), four options were discussed and the search for solutions was intensified. Participating States discussed ways to enhance the legal status of the OSCE through domestic legislation and/or through bilateral agreements with the OSCE Secretariat. To that end, Germany amended its national regulation on the OSCE's privileges and immunities. The German Chairmanship further supported a conference by the Max Planck Institute for Comparative Public Law and Public International Law in Berlin-Dahlem on 13 July 2016, entitled "Between Aspirations and Realities: Strengthening the Legal Framework of the OSCE", to discuss issues related to the international legal status of the

47 PC.INF/19/15

48 PC.DEC/1202

49 CIO.GAL/71/16

50 MC.DEC/5/16; First draft distributed as MC.DD/7/16.

OSCE from a scholarly point of view. A report to the Ministerial Council on “Strengthening the Legal Framework of the OSCE in 2016”⁵¹ has been issued under MC.GAL/7/16.

Scales of Contributions

Throughout 2016 Germany remained committed to achieving a fair burden sharing among participating States in order to strengthen the OSCE. The last minor reform of the OSCE Scales of Contributions took place as long ago as 2005. In 2013 and 2015 participating States committed themselves⁵² to re-negotiating the scales in the format of an Informal Working Group on Scales of Contributions. To give new impetus to the IWG the German Chairmanship appointed Ambassador Jutta Stefan-Bastl from Austria as new Chairperson on 1 March 2016. The Chairmanship invited to monthly IWG meetings throughout 2016, as envisaged in Permanent Council Decision No. 1196, with a view of supporting and advancing the discussions. During a successful reinforced Permanent Council on 6 June, the Chairperson submitted recommendations and participating States committed themselves again to the reform. In eight meetings of the IWG during 2016 revised criteria for the calculations were discussed, tables and charts distributed. At the Hamburg Ministerial Council, Foreign Minister Steinmeier reiterated the importance of fair burden sharing in his conclusions of the Chairperson-in-Office.

Youth and security

Building upon the initiatives of the Swiss Chairmanship 2014 and the Serbian Chairmanship 2015, the German Chairmanship focused in particular on the young generation. In order to strengthen the voice of young people and to enhance youth participation within the OSCE, three young people from the Troika countries Serbia, Germany and Austria were appointed as Special Representatives of the Chairmanship-in-Office on Youth and Security. Ms. Milena Stošić, Mr. Paul Steiner and Ms. Anna-Katharina Deininger advised the Chairmanship on youth issues. They voiced the view of young people on issues such as countering radicalization and terrorism, migration or human rights at OSCE events and actively championed the concerns of young people in the OSCE. In addition, a considerable number of activities were devoted to increasing exchange between young people from all participating States and to offering young people an opportunity to get to know the OSCE better.

Civil society

Civil society has played a pivotal role in the CSCE process since its beginning in the 1970s. As the OSCE Chairmanship in 2016, Germany aimed to continue and enhance the dialogue with civil society within the OSCE framework and support its activities. The German Chairmanship supported four civil society expert workshops organized by the Civic Solidarity Platform on different subjects and in different places of the OSCE region (“Migration” in Berlin; “Shrinking Space for Civil Society and the Protection of Human Rights Defenders” in Tbilisi; “Freedom of Expression” in Almaty; “Security, War and Peace – Human Rights as a Cross-Dimensional Issue” in Vienna). These workshops resulted in recommendations to participating States and OSCE institutions, which were presented and handed over to the OSCE Chairperson-in-Office and German Foreign Minister

51 MC.GAL/7/16

52 PC.DEC/1072, PC.DEC/1196

Frank-Walter Steinmeier at the parallel civil society conference on 7 December in Hamburg. On 8 and 9 December, OSCE institutions and academic think tanks presented projects and achievements of 2016 in the so-called “mixed zone” of the Hamburg Ministerial Council. This new concept provided a platform for informal dialogue between delegates, NGO representatives, media and the academic community.

**REPORT BY THE SECRETARY GENERAL TO THE
TWENTY-THIRD MEETING OF THE MINISTERIAL COUNCIL**

(MC.GAL/9/16 of 9 December 2016)

Mr. Chairperson, lieber Frank-Walter,

Thank you for your warm welcome. I would like to express my appreciation for your personal commitment and active leadership of the OSCE this year, and for the hard work of your dedicated teams in Berlin and Vienna led by Ambassadors Leendertse and Pohl.

Ministers,
Excellencies,
Ladies and gentlemen,

This is my final address to the Ministerial Council, so I would like to take this opportunity to briefly reflect on how the Organization has responded to a rapidly evolving security landscape during my tenure. We have seen the OSCE reassert its relevance, become more visible, and align its work ever more closely with the global peace and security agenda. I am proud to leave the Organization in a stronger and more prominent position than when I took up my post.

However, it is easy to become discouraged when we consider the array of challenges our region faces today, *stürmische Zeiten*, as Frank-Walter has said – from armed conflict, terrorism and violent extremism to mass movements of people and climate change, just to name a few. Such challenges can only be dealt with effectively through co-operative and co-ordinated approaches. Yet, we are seeing growing divides within our region and, increasingly, within our societies, which is cause for real concern.

We are also seeing a progressive erosion of the vision of the OSCE as a platform for engagement by countries with different perspectives and interests which nonetheless recognize that they must work together to address shared threats to security. Today, the OSCE's unity of purpose is constantly being tested, together with the validity of the principles on which the Organization is founded and on which your own relations are based. As a result, the OSCE is increasingly being used as a forum for mutual accusations and recriminations about violations of key commitments. Instead of real debate, we hear carefully scripted statements.

To return to the path of pragmatic co-operation requires mutual trust and confidence, which comes through open communication. We must revitalize our dialogue and return to genuine debate and engagement to help us find co-operative approaches to shared problems. The OSCE has the potential to play a unifying role, but it is up to you, the participating States, to decide how to use it.

The crisis in and around Ukraine has dominated the OSCE agenda for almost three years. Empowered by the participating States, the Organization responded quickly and nimbly to the unfolding crisis, facilitating the political process and efforts to de-escalate tensions, and flexibly adapting to new tasks on the ground as the conflict developed. We have proved to be an organization with room for manoeuvre, a bridge-builder trusted by all sides. As our role has evolved, expectations for us have increased – in spite of difficulties in the

political process and on the ground. However, ultimately it is the responsibility of the sides to end the conflict.

It is also up to the sides to ensure that the Special Monitoring Mission to Ukraine (SMM) is able to fulfil its mandate. This means guaranteeing the security of our monitors and giving them full and unfettered access to all areas covered by their mandate. This also applies to SMM equipment used to assist with monitoring. The number of incidents of harassment, intimidation and targeting of our monitors is growing. From January to the end of November, SMM personnel came under fire 19 times. The Mission's UAVs and cameras continue to be jammed and shot down. The SMM is a civilian operation, and our monitors remain unarmed. I salute their courage and commitment to do all that they can to facilitate peace and improve conditions for people living in the conflict zone. Hostile actions against our monitors – your monitors – must be resolutely condemned, and the sides must enforce accountability for any such actions by their combatants.

The peaceful resolution of the protracted conflicts in the South Caucasus and Moldova also depends on the political will of the sides in these conflicts. There is a need to re-energize the negotiating formats and to explore other approaches, so we will redouble our efforts to seek paths toward mutually acceptable and sustainable solutions.

Tools and mechanisms for conflict prevention and crisis management are all the more important when tensions are high, so I welcome efforts to strengthen the role of the OSCE in all phases of the conflict cycle. I also welcome Minister Steinmeier's initiative to renew discussion on conventional arms control. We must build on this fresh momentum. In October, I convened a Security Days round table which concluded that there are many options for reducing the growing risk of close military encounters, enhancing transparency, and modernizing arms control instruments to address new challenges.

Dear ministers,

Today we face an unprecedented confluence of transnational and global challenges to security whose complexity, scale and interconnectedness require comprehensive and co-ordinated responses at every level. No single country can tackle them alone.

The OSCE has long acknowledged that security in our region is inextricably linked to that of neighbouring regions, and today's complex global security environment has brought us even closer to our Asian and Mediterranean Partners for Co-operation. I encourage the participating States to lift out-of-area restrictions on OSCE activities designed to benefit the Mediterranean Partners; this would make practical co-operation easier and more efficient.

We also need to embrace innovative forms of multilateral co-operation that complement traditional intergovernmental dynamics by mobilizing the capacities and resources of civil society, academia, media and business. Building flexible coalitions and strategic partnerships can help us to confront transnational and global challenges more effectively.

In this spirit, fostering OSCE engagement with civil society, academia, women and youth has been one of my personal priorities, and I am pleased that a number of initiatives to channel their voices into our debate are flourishing. The OSCE network of think tanks and academic institutions and the New-Med Network of Mediterranean think tanks have provided

valuable analysis and recommendations, and Security Days continue to stimulate informal discussions on key issues on the OSCE agenda. For example, a recent Security Days event on migration triggered a larger debate within the Organization that is helping us to consolidate our work in many migration-related areas into a more strategic approach. Next March, I will host a Security Days debate featuring mayors of major cities to introduce their innovative responses to global security challenges into our policy debate.

The OSCE is intensifying its efforts to support the role of youth in preventing and resolving conflicts, countering global and transnational challenges, and building peace across our region. And we continue to reinforce the role of women in all stages of conflict prevention and resolution, and to mainstream gender into OSCE policies, programmes and activities.

Excellencies,

OSCE field operations are important partners for their host countries, supporting them in the implementation of their OSCE commitments. Recently, however, we have experienced pushback from some host countries, so perhaps it is time to take a fresh look at our model. Over time, the needs of host countries evolve, so without losing sight of the Organization's core mandate to promote security and stability, we should invest more in providing tailored practical assistance and informing the public about OSCE values, principles and commitments. We could consider opening OSCE offices with a regional or thematic focus, which could be located also west of Vienna. Regardless of the model, we always engage with governments to ensure that OSCE field operations are providing added value.

Delivering added value is a consideration in everything we do. The OSCE has proved to be an effective tool for addressing conflict, providing political space for dialogue and tools to follow up and deliver. As the range of the Organization's activities has expanded, this has not been matched with adequate resources. A number of you emphasized at the informal ministerial events this fall in Potsdam and New York that the OSCE deserves more financial and human resources. As the OSCE remains a very lean, inexpensive and efficient organization, the sustained policy of zero nominal growth applied to our very modest budget is limiting the effectiveness of our Organization.

I would also like to highlight the OSCE's lack of legal personality, which poses a major risk to the Organization. Our staff deserve adequate duty of care and privileges and immunities to protect them, so I have begun seeking bilateral standing arrangements with participating States as a stopgap measure until consensus on the Organization's legal status can be reached.

Dear ministers,

I urge you and your delegations to put more trust in the Organization, and to give my successor more room to manage its daily affairs. Moreover, constructive engagement on scales of contribution, the unified budget, legal personality and other institutional issues would strengthen the OSCE's capacity to respond to emerging crises and other challenges to security in our region.

In closing, I would like to thank the hard-working staff of the OSCE. It is thanks to their tireless dedication that we are able to accomplish so much. I would also like to praise

the enhanced co-operation and co-ordination among the Secretariat, the institutions and the Parliamentary Assembly.

Next year our region will continue to struggle with very serious challenges. I look forward to working with the incoming Austrian Chairmanship, and you have my assurances of our continued commitment to support the implementation of your decisions and your efforts to restore peace and stability in our region and beyond.

Thank you very much.

**LETTER FROM THE CHAIRPERSON OF THE
FORUM FOR SECURITY CO-OPERATION TO THE FEDERAL
MINISTER FOR FOREIGN AFFAIRS OF GERMANY, CHAIRPERSON
OF THE TWENTY-THIRD MEETING OF THE MINISTERIAL
COUNCIL OF THE OSCE**

(Annex 9 to MC(23) Journal No. 2 of 9 December 2016)

As the Chairperson of the Forum for Security Co-operation (FSC), it is a pleasure for me to inform you about the activities of the Forum in 2016.

In preparing this letter, I have consulted with the previous 2016 FSC Chairmanships of the Netherlands and Poland. During 2016, the Chairmanships worked in close co-operation with each other to ensure continuity and efficiency in the implementation of the Forum's annual work programme.

Even though the situation in and around Ukraine remained the dominant topic of the discussions in the FSC, several initiatives put forward by participating States led to the adoption of five decisions which were designed to support the implementation of existing commitments and their further development. In particular, the FSC adopted a decision to extend the assistance mechanisms outlined in the Documents on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition to the OSCE Partners for Co-operation on a voluntary basis. Furthermore, the participating States decided to allow the publication on the OSCE website of certain information they exchange on anti-personnel landmines, conventional arms transfers and small arms and light weapons.

The strategic discussions during the Security Dialogues emphasized the FSC's importance as a platform for addressing and discussing security issues. Specifically, an active dialogue took place on matters related to topical European security issues, including, *inter alia*, arms control and confidence- and security-building measures (CSBMs), the Code of Conduct on Politico-Military Aspects of Security, small arms and light weapons and stockpiles of conventional ammunition, UN Security Council resolutions 1540 (2004) and 1325 (2000) and subregional military and defence co-operation. All three FSC 2016 Chairmanships actively stimulated discussions by organizing a total of nineteen Security Dialogues.

It is worth noting that the issue of arms control and CSBMs was accorded particular importance during the tenure of the three FSC Chairmanships, which was highlighted through a number of activities in 2016.

On the basis of paragraph 15.7 of the Vienna Document 2011, the Netherlands organized a High-Level Military Doctrine Seminar (on 16 and 17 February). This event provided a much needed opportunity to facilitate military-to-military contacts and to examine recent developments in participating States' military doctrines. The Netherlands also co-chaired a joint meeting of the FSC and the Permanent Council on "European security".

Poland dedicated a Security Dialogue to the topic of "Conventional arms control and CSBMs". Furthermore, under the Chairmanship of Poland, the FSC contributed to the Annual Security Review Conference (from 28 to 30 June). The discussions during working session II:

“Conventional arms control and confidence- and security-building measures: problems and prospects” highlighted that the FSC can play a key role in promoting co-operative responses to current and future challenges.

Under the Chairmanship of Portugal, the FSC devoted a Security Dialogue to the issue of “Changes in the role of the military forces – practical and military doctrinal implications”. Moreover, a joint meeting of the FSC and the Permanent Council was dedicated to “Revisiting the 1996 OSCE Framework for Arms Control”. The meeting showed that arms control, including disarmament and confidence- and security-building, remains integral to the OSCE’s comprehensive and co-operative concept of security.

Beyond the regular discussions on arms control and on modernizing and updating the Vienna Document, several participating States published a number of food-for-thought papers and proposals for Vienna Document Plus decisions as provided for in paragraph 151 of the Vienna Document 2011. The FSC Chairperson’s Co-ordinator for the Vienna Document organized during 2016 several informal meetings to discuss certain aspects of updating the Vienna Document and on the reissuance of the Vienna Document. A special meeting of the FSC was held in accordance with paragraph 152 of the Vienna Document 2011, although it did not result in the reissuance of the Vienna Document due to a lack of consensus.

In conclusion, the FSC has continued in 2016 to provide an important platform for participating States to discuss matters related to arms control and CSBMs in general and the Vienna Document in particular. The large number of proposals for Vienna Document Plus decisions indicates that many participating States see a potential and necessity for further developing the Vienna Document and for continuing sustained efforts in that regard.

**REPORT BY THE CHAIRPERSON OF THE
CONTACT GROUP WITH THE ASIAN PARTNERS FOR
CO-OPERATION TO THE TWENTY-THIRD MEETING OF THE
MINISTERIAL COUNCIL**

(MC.GAL/2/16 of 2 December 2016)

During its Chairmanship of the Asian Contact Group in 2016, Serbia assisted the German OSCE Chairmanship in its activities to promote an open and interactive dialogue between the OSCE and the Asian Partners for Co-operation following a demand-driven approach and responding to the interests and priorities of the Asian Partners.

Five meetings of the Asian Contact Group were held in Vienna during the course of the year, providing a valuable platform for information exchange and dialogue between the OSCE participating States and the Asian Partners for Co-operation. The subjects of the five meetings were jointly selected by the Chairmanship and the Asian Partners reflecting the wide range of topics of interest to the individual Asian Partner countries. Each meeting featured speakers from one of the Asian Partner countries, and in addition, the meetings saw presentations by experts on topics pertinent to the Asian Contact Group.

In the first meeting of the Asian Contact Group, held on 11 March, Mr. Jang-keun Lee, Deputy Director General for International Organizations Bureau at the Ministry of Foreign Affairs of the Republic of Korea spoke about the “Security Situation on the Korean Peninsula: Recent Development and its Implication to the OSCE”. In his presentation, Deputy Director General Lee stressed that the Republic of Korea was looking into adapting elements of the OSCE’s comprehensive security approach into its own Northeast Asia Peace and Cooperation Initiative (NAPCI) and invited the OSCE to actively engage in addressing Korean security issues. Throughout 2016, the OSCE and the German Chairmanship indeed repeatedly voiced their concern about the DPRK’s launch of a missile on 6 January and three more failed missile launches in late April and on 31 May, which again stressed the necessity of a regional security framework such as NAPCI. Ambassador Fred Tanner, Senior Adviser in the Office of the Secretary General presented the projects and activities of the OSCE Network of Think Tanks and Academic Institutions. In February, the South Korean think tank The Asan Institute for Policy Studies had joined the OSCE Academic Network of Think Tanks and Academic Institutions. Together with the Research and Development Institute of Regional Information (RDIRI) from the Ritsumeikan University in Japan, it so far represents one of the only two East Asian research institutes within the OSCE Network. Following up on Asian Contact Group discussions in 2015 on promoting exchange on cyber security, Ms. Monica Greco, Political Adviser at the United States Mission to the OSCE, briefed about the activities of the OSCE informal working group dedicated to this topic. This created an early link to the discussion which continued in June at the 2016 OSCE Asian Conference held in Bangkok, Thailand. It further triggered the initiative of a joint OSCE-Korean cyber security conference which has been planned throughout the year and is scheduled to take place in spring 2017.

The main speaker of the second meeting of the Asian Contact Group, held on 17 May, was Mr. Toshihiro Aiki, Deputy Director General of the European Affairs Bureau at the Ministry of Foreign Affairs of Japan, who presented on “Japan’s Enhanced Contribution to Peace, Security and Stability in Asia”. Deputy Director General Aiki highlighted i.e. Japan’s co-operation and co-ordination with allies and partners, the importance of UN collective

security measures and peacekeeping operations and Japan's readiness to contribute to them, as well as the relevance of a new legislation in Japan dedicated to peace and security. The meeting continued with a presentation by Ms. Janice Helwig, Representative of the Helsinki Commission at the United States Mission to the OSCE, who introduced a concept for a side event on cyber security planned during the margins of the OSCE Asian Conference in Bangkok. Also in this meeting, Mr. Thomas Wuchte, Head of the Anti-Terrorism Issues Unit at the Transnational Threats Department of the OSCE Secretariat, provided an update on the activities of his unit.

This year's OSCE Asian Conference was held in Bangkok, Thailand on 6 and 7 June. Co-organized by the Ministry of Foreign Affairs of Thailand and the OSCE, the conference focused on "Strengthening Comprehensive Security" with emphases on cybersecurity, sustainable development, trafficking in human beings, and illegal migration. The event provided a timely opportunity for OSCE participating States and Asian Partners for Co-operation to share views and experiences with a view to identifying avenues for concrete co-operation. The three thematic sessions reflected the OSCE's three dimensions of security while at the same time integrating current discussions on topics of particular concern. In addition, the sessions were designed under the premise to include follow-up on the main conclusions from the joint perception paper of the 2015 Swiss Chairmanship of the Asian Contact Group. The first session focused on enhancing international efforts to strengthen security co-operation and looked into potential for co-operation in preventing and countering violent extremism and radicalization that lead to terrorism (VERLT), potential for enhanced regional and international co-operation, including best practices in information-sharing to combat terrorism and options for interregional exchange on best practices related to efforts designed to enhance confidence between States in the field of cyber/ICT security. In the second session, dedicated to the promotion of the 2030 Agenda for Sustainable Development to ensure peace and prosperity, speakers presented model examples aimed at promoting measures to lift people out of poverty and improve their living conditions, as well as initiatives focusing on women's empowerment and enhancing the role of women in economic development. In the following discussion, OSCE participating States, Partners and guests contributed by presenting their respective initiatives and activities targeted at the framework of UNGASS 2016 and the 2030 ASD. The third session addressed the root causes of trafficking in human beings and irregular migration, targeting economic and social development and the improvement of livelihood in at-risk communities. The relevance of strengthened law enforcement to dismantle smuggling and trafficking networks was discussed as well as the need for enhanced international efforts to ensure protection and assistance to victims of trafficking, especially women and children.

Increasing engagement on cyber/ICT security was the topic of a side event organised by the United States Mission to the OSCE. The OSCE participating States and Asian Partners contributed to the discussion by sharing OSCE experiences in developing risk reduction and confidence-building measures and considering voluntary options for increased understanding and transparency.

Shortly after the Conference, on 22 July, the third meeting of the Contact Group was held in Vienna focusing on potential synergies between the OSCE and ASEAN. Ambassador Arthayudh Srisamoot, Permanent Representative of the Royal Thai Embassy spoke on the topic of "ASEAN-OSCE: Enhancing Cooperation between the Two Regions" and presented recent developments in the ASEAN region, noted similar priorities and visions between the ASEAN Regional Forum (ARF) and the OSCE, and highlighted the importance for an

exchange of information and best practices between the OSCE and ASEAN. Ambassador Andreas Papadakis, Chairperson of the EEC, continued with presenting the activities of the Economic and Environmental Committee, while Project Support Officer at the CPC/FSC Support Section, Mr. Diman Dimov, introduced an Assistance Mechanism under the OSCE Document on SALW and the OSCE Document on SCA.

In the fourth meeting, organised on 14 October, Mr. David Lewis, Chargé d'Affaires a.i. of the Permanent Mission of Australia presented on the "Implementation of UNSCR 1325 on Women, Peace and Security: Australian Perspectives". Starting with a video statement by Lieutenant-General David Morrison, which stressed Australia's zero-tolerance approach to violence against women, Chargé d'Affaires a.i. Lewis provided an overview of the National Action Plan which seeks to integrate a gender perspective into Australia's activities and policies through "perspective, participation, protection and prevention" and which entails concrete steps for the implementation of UNSCR 1325 in Australia while at the same time looking into promoting women, peace and security implementation internationally. Also on UNSCR 1325, Ambassador Miroslava Beham, OSCE Senior Adviser on Gender Issues, continued with a presentation on "The role of the OSCE in the implementation of Women, Peace and Security Agenda: opportunities and challenges". Mr. Mikko Autti First Secretary from the Permanent Delegation of Finland presented the activities of the Human Dimension Committee (HDC) on behalf of the Finish HDC Chairperson.

The fifth meeting of the Contact Group, held on 9 November, included a special segment on "Security, Stability and Development in Afghanistan: Transforming Threats into Opportunities for Younger Generation". Both the Serbian Chairperson and Permanent Representative of Serbia to the OSCE, Ambassador Vuk Žugić and OSCE Secretary General, Ambassador Lamberto Zannier, delivered welcoming remarks. As a highlight of the meeting, the Deputy Foreign Minister for Economic Co-operation of the Islamic Republic of Afghanistan, Ms. Adela Raz addressed the Contact Group with a key note speech reflecting on the recent developments in Afghanistan, stressing Afghanistan's interest in continuously strong relations with the OSCE and advocating for a stronger engagement in the field of economic co-operation aimed at promoting the potential of the youth in Afghanistan. The meeting continued with two panel discussions, which looked into potential for "Transforming Threats into Opportunities" and encouraging the OSCE in "Assisting Afghanistan: Can we do more?" The first speaker of the first panel was Ambassador Kairat Sarybay, Permanent Representative of Kazakhstan to the OSCE who illustrated the traditionally strong relations between Kazakhstan and Afghanistan and his country's persistent commitment to the OSCE's engagement with Afghanistan. The second speaker, Mr. Haseeb Humayoon, Member of the Board of Directors of the Afghanistan Centre at Kabul University reiterated, among others, that youth in Afghanistan should be targeted as a top priority in any initiatives aimed at the development of the country. The second panel, moderated by Ambassador Marcel Peško, Director of the OSCE Conflict Prevention Center, had four speakers: Mr. Ayaki Ito, the UNHCR Deputy Director from the Regional Bureau for Asia and the Pacific, Dr. Orzala Ashraf Nemat, an Afghan scholar and expert on local governance in Kabul, Ms. Anna-Katharina Deininger, the Special Representative of the Chairmanship-in-Office on Youth and Security, and Mr. Abdul Hasib Ghafari, a research fellow from Afghanistan at the OSCE Academy in Bishkek, Kyrgyzstan. The panellists agreed that working together with Afghanistan based on a comprehensive security approach would be vital to tackle the current security challenges in and around Afghanistan. Sustained political engagement towards peace and stability and concrete actions aimed at filling the gap between humanitarian, social and economic related aspects of development were also

important preconditions to ensure a voluntary, safe and gradual return of Afghans to their country. The panellists further encouraged the OSCE and its field operations to increase initiatives for and with youth in its future engagement with Afghanistan. Concluding remarks were provided by Ambassador Vuk Žugić, who *inter alia* stressed that borders should not only be controlled, but used also to foster mutual co-operation through trade and other means, Chargé d’Affaires a.i. Hassan Soroosh, who recommended that the OSCE keeps the momentum already created in the development of Afghanistan, Ambassador Clemens Koja, Permanent Representative of Austria to the OSCE, who reiterated that sharing best practices and lessons learnt are some of the OSCE’s unique tools to be used in the development of Afghanistan, and Ambassador Paul Bekkers, Director of the Office of the Secretary General, who concluded that challenges should be addressed at both political and operational levels and that the OSCE should rethink its engagement with Afghanistan.

REPORT BY THE CHAIRPERSON OF THE CONTACT GROUP WITH THE MEDITERRANEAN PARTNERS FOR CO-OPERATION TO THE TWENTY-THIRD MEETING OF THE MINISTERIAL COUNCIL

(MC.GAL/4/16 of 5 December 2016)

The major themes of the 2016 Austrian Chairmanship of the Mediterranean Contact Group were dialogue and inclusivity. The Chairmanship thus opened in the presence of the Tunisian National Dialogue Quartet, the Nobel Peace Prize Award Winner. Youth representatives, civil society actors and religious representatives were integral parts of meetings and other initiative throughout the year. The Chairmanship supported several initiatives and practical projects including the first ever Retreat of the Mediterranean Contact Group outside of Vienna that was promoted together with Spain. The highlight of the Chairmanship – the 2016 OSCE Mediterranean Conference, focused on the topic of challenges for comprehensive security and youth on both sides of the Mediterranean. OSCE's Mediterranean Partners for Co-operation took part very actively not only in various OSCE events, but also in numerous projects throughout the year.

Meetings of the OSCE Mediterranean Contact Group

Five Mediterranean Contact Group meetings were held in Vienna in the course of 2016. The Austrian Chair consulted the topics for the meetings with the Mediterranean Partners for Co-operation, OSCE participating States and the OSCE Secretariat on a regular basis and continuously throughout the year. All meetings featured active contribution from Partners for Co-operation. Representatives of the Secretariat regularly updated the Mediterranean Contact Group about activities of special relevance to the Partners. The Austrian Chairmanship also organized several Contact Points Meetings and informal meetings to discuss ongoing activities and initiatives.

- The first meeting held on 29 February was opened by H.E. Michael Linhart, Austrian Deputy Minister for Europe, Integration and Foreign Affairs, H.E. Lamberto Zannier, Secretary General of the OSCE and Philip Nobel, Director of the Nobel International Fraternity Academy. Their speeches were followed by a session with the Tunisian National Dialogue Quartet, winner of the 2015 Nobel Peace Prize which serves as a powerful symbol of successful civil society dialogue in difficult conditions. The Quartet representatives of the TN General Labour Union, TN Confederation of Industry, Trade and Handicrafts, TN Human Rights League and TN Order of Lawyers focused in their inputs on the challenges for Tunisia, such as economic development or fight against radicalization.
- The second meeting took place on 14 March – ten days after Security Days on migration in Rome, and served as a follow-up to this event. The meeting was opened by H.E. Lamberto Zannier and H.E. Ambassador Eberhard Pohl, Chairperson of the Permanent Council and Permanent Representative of Germany to the OSCE. Three experts – Lieutenant Colonel Ali Sheyab from Jordan, Frank Remus from UNHCR and Kilian Kleinschmidt, advisor on migration issues for the Austrian Federal Ministry of the Interior and founder of the Innovation and Planning Agency (IPA),

shared their experience with migration management and opinions on the current migration trends. Afterwards during a discussion, delegations called for more co-operation and co-ordination in the migration management as well as stronger involvement of the OSCE in this field.

- The meeting on 19 April delved into the topic of interreligious dialogue through a panel discussion of Kamal Boraiqa Abdelsalam Hassan from Al Azhar University in Cairo, Mohanad Ouadir Mechnan from Algeria’s Ministry for Religious Affairs and Elif Medeni, representative of the Islamic Religious Authority of Austria. In the subsequent discussion all delegations stressed the significance of interreligious dialogue. At this meeting Austria presented a draft decision of the Permanent Council regarding the place and date of the 2016 Mediterranean Conference which was accepted. ODIHR informed about its work in the field of freedom of religion or belief. Transnational Threats Department updated the participants about relevant upcoming events.
- Main topic of the fourth meeting on 14 June was radicalization of youth and its prevention. First, two speakers from France – film maker Fabienne Servan Schreiber and Valérie de Boisrolin, President of “Syrie Prévention Famille“, shared their experience with combating radicalization of youth in France. Second, youth representatives Fadwa Al Ahmadi from Tunisia and Aissam Benaissa from Algeria reported together with Moussa Al Hassan Diaw, Austrian expert advising the Federal Ministry of Justice on de-radicalization issues, about a workshop on the prevention of radicalization of youth in North Africa that was organized by Austria on 3 May in Tunis. Both sessions were followed by lively discussions with delegations. Thirdly, the German OSCE Chairmanship reported about the OSCE Counter-Terrorism Conference held in May in Berlin. The Mediterranean Contact Group meeting was concluded by the Chair’s update about the preparations of the annual Mediterranean Conference.
- Austrian Chairmanship of the Mediterranean Contact Group was concluded on 18 November on a positive note with the topic of job creation and business opportunities for youth around the Mediterranean. Firstly, H.E. Ambassador Christian Strohal, chairperson of the meeting, reflected briefly upon the Chairmanship of the Mediterranean Contact Group. Secondly, Mr. Martin Gleitsmann from the Federal Austrian Economic Chamber presented two innovative projects on youth employment co-ordinated by the Economic Chamber in Austria. Mr. Adnan El Ghali from Ibn Khaldoun University focused in his speech on the challenges for youth employment in Tunisia. Thirdly, representatives of the OSCE Secretariat reported about a workshop on border security and management in Malta as well as a workshop on the OSCE Code of Conduct in Jordan. Lastly, the German Chairperson-in-Office updated meeting participants on preparations of the Ministerial Council in Hamburg.

2016 OSCE Mediterranean Conference

On 5 and 6 October the highlight of Austria's Chairmanship, the 2016 OSCE Mediterranean Conference under the title "Youth north and south of the Mediterranean: facing security challenges and enhancing opportunities" was held in the premises of the Hofburg in Vienna. The Conference was attended by more than ten Ministers and Deputy Ministers including the Libyan Foreign Minister H.E. Mohammed Taher Siala who reiterated Libya's interest in becoming an OSCE Partners for Co-operation. All sides considered the active participation of youth representatives in all sessions of the Conference a successful attempt to directly include the voice youth into deliberations.

Libya was likewise high on the agenda also thanks to the participation of Martin Kobler, UN Secretary General's Special Representative and Head of the UN Support Mission in Libya, who delivered opening remarks during the high-level segment of the Conference. Keynote speeches were also presented by H.E. Sebastian Kurz, Austrian Federal Minister for Europe, Integration and Foreign Affairs and H.E. Vincenzo Amendola, Italian Undersecretary of State for Foreign Affairs and International Cooperation.

OSCE Secretary General Lamberto Zannier concluded the Conference together with Minister Kurz. The consolidated summary of the Conference was circulated under SEC.GAL/171/16 on 15 November.

Co-operation beyond Political Dialogue: Projects

As in previous years, political dialogue between participating States and Mediterranean Partners for Co-operation was complemented and reinforced by a growing variety of projects of practical co-operation. Projects covered all OSCE dimensions and key areas of the current OSCE and Mediterranean agendas. They were funded through extrabudgetary contributions generously provided by a number of participating States, confirming the usefulness of the OSCE Partnership Fund established almost ten years ago in 2007.

As the Chair of the Mediterranean Contact Group, Austria supported a number of initiatives and projects that saw proactive engagement from the Mediterranean Partners for Co-operation. Most notably, in collaboration with Spain, Austria promoted the organization of the first ever Retreat of the Mediterranean Contact Group outside of Vienna. Held in Madrid on 23 and 24 May, Retreat participants discussed in an informal setting the future of the OSCE Mediterranean Partnership, including possible innovations in the Partnership's format and modalities. The event was attended by a large number of participating States and Mediterranean Partners, together with representatives from Libya and civil society. Martin Kobler, UN Secretary General's Special Representative in Libya and other experts provided relevant input. The Retreat was preceded by an expert workshop organized by the CPC (MST) on the topic of civil society dialogue for social cohesion. The workshop allowed for an exchange between mediation experts and practitioners from Mediterranean Partners' countries and Mediterranean participating States. The findings of the workshop were distilled into recommendations which were shared with all delegations.

Anticipating a set priority of its 2017 OSCE Chairmanship, Austria as the Chair of the Mediterranean Contact Group also supported and promoted a series of events and activities

focused on preventing and countering violent extremism and radicalization that lead to terrorism (VERLT). Notably, a Regional Roundtable for North African Youth on Preventing and Countering Violent Extremism was organized in Tunis on 3 May. The event provided an informal platform for youth from North Africa to discuss among themselves and with selected experts their perceptions of the drivers of VERLT, including those underlying the recruitment of foreign terrorist fighters. The outcome of the roundtable discussion was presented to participating States and the Mediterranean Partners for Co-operation at the June meeting of the Mediterranean Contact Group in Vienna, as well as during a side event at the 2016 OSCE-wide Counter-Terrorism Conference. Youth representatives from this workshop were subsequently invited to follow-up events, including the OSCE-Mediterranean Conference in Vienna on 5 and 6 October. Austria continued with this initiative by organizing a workshop in Vienna on 4 October for Western Europe. In 2017 Austria plans to hold three more such workshops – in the Black Sea region, Western Balkans and Central Asia.

Representatives and experts from the Mediterranean Partners for Co-operation were involved in a range of projects designed by the OSCE Secretariat in close consultation with the Mediterranean Partners' delegations in Vienna. As an example, a Field Study on Sustainable Energy for Partners was organized between 11 and 15 July by OCEEA/Energy Security. The field study saw the participation of several energy experts from Mediterranean Partners for Co-operation and participating States, including from the private sector. It facilitated an exchange of perspectives and knowledge regarding renewable energy and energy efficiency. Representatives of energy institutions from each of the Partners were able to engage in an exchange with Austrian and German energy stakeholders. A special focus was put on state-of-art technologies, business partnerships, financing and strengthening capacity to implement sustainable energy policies and solutions in the six Med Partners.

In the fall, a Workshop on the Code of Conduct on Politico-Military Aspects of Security was organized in Amman on the invitation of Jordanian authorities by CPC (FSC) from 17 to 20 October. In line with FSC Decision No. 1/08, this workshop raised awareness and facilitated a discussion on the OSCE Code of Conduct amongst OSCE participating States and Mediterranean Partners for Co-operation. Participants contributed national perspectives and discussed relevant provisions of the OSCE Code of Conduct. Some participants expressed their desire to continue the exchange of perspectives and information, including on the issue of women serving in the armed forces.

In the context of the project run by OSR-CTHB on Combating Human Trafficking along Migration Routes, Mediterranean Partners representatives from law enforcement, the judiciary, labour inspectors, public social services and civil society were invited to participate in the first of three simulation-based learning exercises which took place at the Center of Excellence of Stability Police Units (COESPU) in Vicenza, Italy from 14 to 18 November. The exercises consisted of realistic simulations of criminal cases of labour and sexual exploitation among migrants, including child victims.

With the support of the OSCE Chairmanship-in-Office, and in close co-operation with the Government of Malta, TNTD (BSMU/ATU) organized a Workshop on Strengthening Co-operation between the OSCE Partners for Co-operation and participating States in the Area of Border Security and Management in Valletta from 15 to 17 November. The event gathered some 80 national and international experts from the OSCE participating States, the OSCE Partners for Co-operation, the OSCE Border Management Staff College, as well as

Frontex, Europol, INTERPOL, International Organization for Migration, DCAF/Police Co-operation Convention for South East Europe, EUNAVFOR MED/Operation SOPHIA, EUBAM Libya, International Institute of Justice and UNHCR. The three day interactive discussions showed the interest among the participating States and the Mediterranean Partners for Co-operation to exchange information and best practices, to strengthen cross-border bonds, and to explore additional forms of international assistance, signally in the area of risk analysis and management. As a follow-up, TNTD/BSMU is exploring ways to involve “points of contact” from Mediterranean Partners for Co-operation in the border security and management focal point network of the OSCE. A series of capacity-building trainings in the area of risk analysis and management tailored to the needs of the Mediterranean Partners for Co-operation are envisaged for 2017.

Acknowledgement

The 2016 Austrian Chairmanship of the Mediterranean Contact Group would like to express its sincere gratitude to the German OSCE Chairmanship, the OSCE Secretariat, the OSCE participating States and the Mediterranean Partners for Co-operation for their engagement, commitment, support and intensive co-operation within the Mediterranean Partnership 2016.

**A STRONGER OSCE FOR A SECURE EUROPE – FURTHER
STRENGTHENING OSCE CAPABILITIES AND CAPACITIES
ACROSS THE CONFLICT CYCLE: REPORT BY THE GERMAN OSCE
CHAIRMANSHIP 2016 TO THE MINISTERIAL COUNCIL**

(MC.GAL/5/16 of 8 December 2016)

**I. The need for civilian crisis engagement in turbulent times: A structured
dialogue on the conflict cycle**

As a civilian, inclusive and values-based organization, the OSCE plays a key role in civilian crisis engagement in Europe. Its capabilities were much needed during the German Chairmanship in 2016, which once again proved to be a turbulent year on the international stage. The Chairmanship was actively involved in international efforts within established formats to find solutions to regional conflicts in the OSCE area. Throughout the year, OSCE Chairperson-in-Office, Foreign Minister Frank-Walter Steinmeier, was personally involved in these efforts and also travelled to conflict regions. He visited Ukraine twice in 2016, including a visit to eastern Ukraine jointly with his French counterpart, and also held substantive talks in Armenia, Azerbaijan, Georgia, Moldova and other countries.

The volatility of some of these conflicts underlined that it is vital to tackle challenges in all phases of the conflict cycle in order to foster sustainable security in Europe through effective measures in the fields of early warning, early action, dialogue facilitation, mediation support and post-conflict rehabilitation. The rapid establishment and operation of the OSCE Special Monitoring Mission to Ukraine (SMM) highlighted the OSCE's crucial role in this regard and, at the same time, demonstrated the need for a "lessons learned" process. Impetus for this process came from the interim report by the OSCE Panel of Eminent Persons published in June 2015.

Building on this work and with a view to further strengthening the OSCE's capabilities across the entire conflict cycle and, in particular, to further enabling it to fulfil its role in civilian crisis management as a regional organization under Chapter VIII of the UN Charter, the German OSCE Chairmanship conducted a structured dialogue with participating States throughout the year.

Four round-table discussions on mediation, dialogue facilitation and mediation support, early warning and early action, OSCE responses to complex crisis and strategies for sustainable peace, which were co-organized with the OSCE Secretariat, were complemented by an internal workshop to discuss practical questions at expert level and an Ambassadorial Retreat. In addition, various other events throughout the year provided forums for exchange on relevant issues related to the conflict cycle. These included:

- A high-level side event "The Force of Civilian Crisis Management – Strengthening the Capacities of the OSCE as a Chapter VIII Organization", on the margins of the 71st UN General Assembly;
- The OSCE Annual Security Review Conference;
- The Informal Working Group on Strengthening the Legal Framework of the OSCE;

- The two Chairmanship Conferences on the OSCE as a Mediator and on Combating Violence against Women in the OSCE Region;
- The conference “A Case for Inclusive Peace and Security: How to Accelerate the Implementation of UNSCR 1325?” organized by the Federal Foreign Office and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

The Chairmanship food-for-thought paper on further strengthening OSCE capabilities and capacities across the conflict cycle provided a basis for discussion at the ambassadorial retreat and was based on suggestions and ideas voiced during these meetings. It also took into account the debates and results of work done in earlier years and proposed steps on the strategic and operational level to further strengthen OSCE capabilities and capacities across the conflict cycle with a particular focus on ensuring the Organization’s ability to respond quickly and effectively to complex crises.

Based on this paper and subsequent discussions, the German OSCE Chairmanship conducted consultations on a ministerial document on further strengthening OSCE capabilities and capacities across the conflict cycle and worked with the OSCE Secretariat on concrete steps in this regard.

This report sums up the conclusions of this work and suggests further steps, taking into account measures that have been initiated by the German Chairmanship in 2016:

- OSCE co-operation with UN by establishing the post of a liaison officer in Vienna should be deepened;
- The OSCE’s planning capacity and ability to deal with new technologies such as the use of UAVs should be further strengthened. The temporary secondment of an additional operational planner by Germany in 2016 and the work done by the Conflict Prevention Centre in developing a flexible mechanism for the establishment of a temporary in-house planning capacity provide a good basis in this respect;
- The work initiated under the German Chairmanship on creating a set of OSCE standard operating procedures and developing a regulation for fast-tracking of administrative procedures in crisis situations should be continued;
- The issue of legal personality needs to be addressed with a view to overcoming the operational impediments for rapid deployment;
- OSCE mediation capacities should be further strengthened.

II. Chairmanship conclusions: A stronger OSCE for a secure Europe

Building on Ministerial Council Decision No. 3/11

Five years after the adoption of Ministerial Council Decision No. 3/11 in Vilnius on elements of the conflict cycle – and mindful of the lessons learned from the OSCE's response to the crisis in and around Ukraine – concrete steps are needed to adapt the Organization to the new and potential future challenges of multidimensional and complex conflict situations. For example, the OSCE needs to improve its ability to operate in volatile environments and at the same time to provide adequate safety and security for its staff. It also needs the capability to operate complex surveillance and other technologies for monitoring, verification and early warning.

At the same time, the decisions, principles, commitments and expectations contained in Ministerial Council Decision No. 3/11 on elements of the conflict cycle and in the OSCE and UN documents referred to in this Decision remain fully valid and the important work done in implementing the Decision needs to continue in order to ensure its ongoing comprehensive implementation.

The rationale of the OSCE: Conflict prevention and conflict resolution

The ultimate goal of OSCE activities across the entire conflict cycle remains to prevent the outbreak of violent conflicts and to work towards lasting solutions to existing conflicts in the OSCE area in a peaceful and negotiated manner, within agreed formats, the equal application of agreed principles, and in full observance of the UN Charter, the Helsinki Final Act and international law. While the OSCE constantly offers instruments and formats for conflict resolution, their use depends exclusively on the political willingness of the participating States.

Making the best use of existing tools: Field operations, institutions, the Secretariat and the OSCE Parliamentary Assembly

With the Secretariat and its dedicated units, its network of field operations, the personal and special representatives of the Chairmanship, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, and the Representative on Freedom of the Media, the OSCE has at its disposal a wide array of tools for providing multidimensional responses to tensions and conflicts in the OSCE area from early warning and conflict prevention to crisis management and post-conflict rehabilitation. The OSCE Parliamentary Assembly's contribution to mediation and effective response to crisis and conflicts should also be recognized and OSCE executive structures should be encouraged to make the best use of the OSCE's parliamentary dimension when addressing the conflict cycle.

Further developing early warning

Over the past years, the OSCE has developed a solid system for collecting, collating, analysing and communicating early warning signals and has made considerable progress towards developing a corporate early warning culture. However, discussions have shown that the available mandates, tools and processes are not always fully used and that gaps continue to exist, particularly in areas without a permanent OSCE field presence. OSCE executive

structures should be encouraged and given support to take full advantage of their respective early warning mandates and to provide the Chairmanship and – as appropriate – participating States including at the Permanent Council with timely information on emerging crises and conflicts affecting the OSCE area. Moreover, the Secretary General could make proposals on how to further improve analytical capabilities for early warning-related purposes, in particular with regard to areas where the OSCE does not have a field presence.

In line with Ministerial Council Decisions No. 18/06 and No. 3/11 contributing to the debates on relevant agenda items, including the review of current issues, and participating in such debates by, *inter alia*, providing background information, analysis and advice, and bringing to the attention of the Permanent Council any situation involving emerging tensions and conflicts in the OSCE area, the German OSCE Chairmanship invited the Secretary General to report to the Permanent Council under a separate agenda item before current issues on any pressing issue he would like to bring to the attention of the participating States. The Secretary General made use of this standing invitation for the first time on 17 November 2016.

Further strengthening mediation

The need to strengthen the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, as well as the important role of regional organizations in the field of mediation, has been expressed *inter alia* by the UN General Assembly in resolutions 68/303 of 31 July 2014 and 70/304 of 9 September 2016. The appointment of the OSCE Parliamentary Assembly's first Special Representative on Mediation is to be welcomed. The OSCE should continue the valuable work done in this respect over the past years.

Apart from further strengthening its own structures for mediation and dialogue facilitation across the entire Organization, the OSCE should also support the development of local and national capacities for mediation and dialogue facilitation.

Like Switzerland and Serbia in 2014/2015, Germany and Austria have agreed to the consecutive appointment of OSCE Special/Personal Representatives of the OSCE Chairperson-in-Office. Future Chairmanships should be encouraged to consider such consecutive appointments in order to provide these representatives with a multi-year mandate.

Increasing confidence-building and reconciliation

Confidence-building measures applied in all phases of the conflict cycle and across the three dimensions, as well as future-oriented reconciliation processes aimed at overcoming divisive memories and feelings of hatred in order to reduce tensions, prevent the recurrence of new conflicts and rebuild trust are important in preventing the (renewed) outbreak of violence and in achieving just and sustainable peace. The OSCE is able to play a useful role in supporting such processes within existing mandates when societies need and want external facilitation.

Building on the OSCE's civilian and comprehensive approach

Without prejudice to provisions on peacekeeping contained in the 1992 "Helsinki Document: The Challenges of Change", and the mandate of the High-Level Planning Group, the OSCE's strength lies in its civilian and comprehensive approach, demonstrated not least by its current engagement in the crisis in and around Ukraine.

Addressing the issue of legal personality

The practical limitations to effective conflict prevention and crisis management stemming from the lack of a legal personality need to be further addressed, in particular with regard to their implications for operational developments, i.e. UAVs etc. This could be achieved *inter alia* by taking adequate national measures and continuing the dialogue on strengthening the OSCE's legal framework.

Establishing an effective crisis-funding mechanism

Discussions this year reconfirmed that readily available funds are needed to deploy fact-finding and/or needs-assessment teams or otherwise provide a rapid response to emerging crises or conflicts. To this end, the German OSCE Chairmanship has tabled a draft Permanent Council decision on establishing a conflict-prevention fund, which would combine the need for quickly available crisis funding with the need to respect the consensus principle. Deliberations on this proposal should continue in a constructive manner, also taking into account that the Chairmanship otherwise needs to advance funds, something that is not foreseen in the system. Alternatively, proposals could be developed to establish a mechanism of this type based on voluntary contributions. However, preference should be given to solutions that put the costs of crisis response measures collectively on the shoulders of the 57 participating States.

Putting staff and equipment on the ground

The OSCE has made good progress over the past years as regards improving its ability to deploy qualified staff and necessary equipment to the ground quickly. However, further work on improving rosters and other tools to ensure such timely deployments is still needed. The establishment of a crisis roster of national experts and increased co-operation among participating States with a view to improving their ability to select and train experts and staff should also be further explored.

Improving command and control

Effective crisis response requires an efficient decision-making process, which in turn requires proactive and close co-ordination and co-operation between the Chairmanship, the Secretary General, the Conflict Prevention Centre and the respective field operation. To this end, the Conflict Prevention Centre should be authorized to provide operational guidance to field operations in line with their respective mandates and in close co-ordination with the Chairmanship.

Developing a flexible mechanism for in-house planning capacity

In the context of discussions in 2016 on a possible OSCE contribution to the security of local elections to be held in line with the Minsk Agreement, the Secretariat developed a flexible mechanism to allow for the establishment of a temporary OSCE Secretariat in-house planning capacity, making best use of the expertise available within relevant OSCE executive structures. It would be worthwhile pursuing the development of a general mechanism on this basis.

Preparing the inclusion of police

In the same context, the Secretariat developed a set of questions on the principal legal issues to be explored at the national level with regard to the potential deployment of police units (armed or unarmed) and/or individual police officers (collectively, “police”) under an OSCE mandate.

Given the past experience of integrating police into OSCE field operations and the potential use of police in other contexts, in the future it would be worthwhile studying the answers to this set of questions and developing proposals for the arrangements needed to allow the effective inclusion of police units or individual police officers in OSCE field operations. Such preparatory work, which would be without prejudice to an eventual consensus decision to deploy police, would strengthen the OSCE’s abilities to respond promptly and adequately to relevant challenges.

Adjusting rules and regulations to new challenges

At the request of the German OSCE Chairmanship, the OSCE Secretariat analysed the OSCE Common Regulatory and Management System this year and developed concrete suggestions for changes to the Organization’s set of regulations, aimed at strengthening OSCE capabilities for responding rapidly and effectively to emerging conflicts. These suggestions include a new set of rules that would allow the OSCE to fast track early action procedures in a transparent and regulated manner. The Secretariat further developed a set of standard operational procedures on crisis response actions, such as establishing fact-finding missions. This work should continue and include steps to further improve and refine available rosters and other tools and to ensure that qualified staff and equipment can be deployed quickly to the field. Putting these changes into practice will help to make the OSCE fit for purpose and further strengthen its ability to react quickly and flexibly to emerging crises and conflicts.

Building on international co-operation

Over the past years, the OSCE has developed closer ties to the United Nations (UN), including through the establishment of joint work plans between both organizations’ mediation support teams and concrete exchanges on crisis response and security procedures. Co-operation between the OSCE and the UN, as well as other relevant international and regional organizations, should be developed further with the aim of strengthening the OSCE’s capabilities across the conflict cycle, including by enabling the Organization to draw on their expertise, staff and equipment for its activities in the fields of early warning, conflict prevention, crisis response, conflict management and post-conflict rehabilitation. In this context, the high-level side event on the margins of this year’s UN General Assembly

provided a forum for political dialogue on this issue. Seventeen foreign ministers from participating States underlined the OSCE's unique strength in the field of civilian crisis engagement at this event.

Striving for inclusivity

OSCE activities across the conflict cycle should be carried out in accordance with the principle of inclusivity. Chairmanships and OSCE executive structures should take into account the value of contributions by women and civil society in all phases of the conflict cycle and across conflict areas in the OSCE region as agreed by participating States directly concerned in order to enhance the prospects for preventing violent outbreaks and achieving lasting resolution of conflicts and disputes.

The Chairmanships should appoint more women as lead mediators and participating States should include more female participants in their delegations to negotiation processes and make qualified female mediators available to the OSCE.

Preventing violence against women in conflict situations

Greater efforts are also needed in the implementation in conflict situations of Ministerial Council Decisions No. 15/05 and No. 7/14 on preventing and combating violence against women, including during and after armed conflict.

REPORT TO THE MINISTERIAL COUNCIL ON STRENGTHENING THE LEGAL FRAMEWORK OF THE OSCE IN 2016

(MC.GAL/7/16 of 9 December 2016)

Introduction

1. While there may be a lack of clarity on the formal legal status, privileges and immunities of the OSCE and its officials, there is clarity on the operational activities it is expected to perform as an international entity, carrying out its activities as if it enjoyed the privileges and immunities that the treaty-based international organisations normally need and are formally granted.
2. In contrast to most international organizations which have been established by treaty, the OSCE evolved over time from the 1975 Helsinki Accords which expressly stipulated that the text of the Helsinki Final Act would not be eligible for registration under Article 102 of the UN Charter. Consequently, although signed in a diplomatic conference at summit level, the Helsinki Accords do not constitute a treaty or international agreement which can be invoked before any organ of the United Nations, including the International Court of Justice. This implies that the Helsinki Accords are politically, not legally, binding.¹
3. Although the key OSCE documents reflect the consistent intentions of the participating States concerning the nature of the Organization's political status, the nature of the Organization's structure and operations evolved over time as a result of the increasingly complex operational functions mandated to it and the structures created to accommodate them.
4. At the 1993 meeting of the CSCE Ministerial Council in Rome, the ministers established the Secretariat in Vienna and recognized that in order to carry out the tasks that were being assigned to the Organization, the CSCE needed legal capacity, privileges and immunities, including for its officials. Recognizing that under the circumstances these would be granted in most cases by the national legislatures, and with the intention of achieving harmonised treatment through national measures in favour of the OSCE, the ministers decided upon recommended provisions to be implemented by each participating State at the national level subject to their constitutional and related requirements in the Rome Ministerial Council Decision on Legal Capacity and Privileges and Immunities.²
5. The following year when the 1994 Budapest Summit decided to change the name of the CSCE to the current OSCE, it stipulated that: "The CSCE will review implementation of the Rome Decision on Legal Capacity and Privileges and Immunities and explore if necessary the possibility of further arrangements of a legal nature. Participating States will

1 This same stipulation was included in the 1990 Charter of Paris for a New Europe – also signed at the summit level – which initiated the transformation of the CSCE into its present institutionalised form. The OSCE Rules of Procedure also expressly provide that OSCE decision-making bodies have authority to adopt documents having a politically binding character for all the participating States. (MC.DOC/1/06, dated 1 November 2006. Rules of Procedure, Chapter II. OSCE decision-making and informal bodies. (A) General provisions. ... (2) Decisions of the OSCE decision-making bodies shall be adopted by consensus (3) Such documents shall have a politically binding character for all the participating States or reflect the agreed views of all the participating States.)

2 CSCE/4-C/Dec.2, dated 1 December 1993

furthermore examine possible ways of incorporating their commitments into national legislation and, where appropriate, of concluding treaties.”³

6. In 2007, following open-ended negotiations, consensus was reached at expert level on the text of the 2007 Draft Convention on the International Legal Personality, Legal Capacity and Privileges and Immunities of the OSCE.⁴ Although the text was acceptable to all, three footnotes were inserted at the conclusion of the negotiations at the request of some participating States which made the conclusion of the 2007 Draft Convention conditional on the existence of a “Charter of the OSCE”. As such a Charter has not been realized, the 2007 Draft Convention remains a draft and has not been adopted by an OSCE decision-making body.

7. As the Organization has evolved over time to its present composition of 57 participating States, decision-making bodies and structures operating in 22 States, in addition to projects and mandated activities carried out in others, the practical implications of such a status give rise to a number of operational problems. The grant on a national basis of legal status, privileges and immunities pursuant to the 1993 Rome Council Decision has resulted in a fragmentation of the OSCE structure. There currently exist 24 separate entities under a very broad variety of legal arrangements. This includes the Secretariat, the three institutions, 17 field operations as well as the OSCE autonomous bodies: the Parliamentary Assembly and the Court of Conciliation and Arbitration.

8. The current practice of granting legal status, privileges and immunities on a bilateral basis carries a multitude of risks.⁵ It also means that there are broad differences in treatment under the various national measures: 12 States adopted national legislation or executive orders; 15 structures (i.e., field operations) are the subject of bilateral agreements between the host State and the OSCE; and one field operation achieved status through a UN Security Council resolution and subsidiary UN legislation. Even when status has been granted to the particular field operation and its members, other OSCE structures and their officials have not been recognized, and when present in the country hosting a field operation, they travel with no formal protection.

9. Some of the national measures and bilateral agreements have been ratified by the national parliament concerned, others not. The enforceability of these national measures is consequently not clear. It should be noted, however, that since the decisions to deploy field operations are taken by consensus, serious practical issues are normally resolved in due course as the political willingness to establish the field operation carries the political willingness to facilitate its operations and resolve any problems.

Dialogue on strengthening the legal framework of the OSCE

10. The lack of a recognized legal personality was identified as one of the most visible weaknesses of the OSCE. The consequent absence of a recognized international legal personality for the OSCE has been the object of various efforts since 1993 to secure across

3 Budapest Summit, Decision I on Strengthening the CSCE, dated 21 December 1994

4 CIO.GAL/48/07/Rev.6, dated 23 October 2007

5 A major risk is that they can disappear overnight, as happened in 2015, when a host State notified the OSCE by note verbale that the memorandum of understanding granting legal status, privileges and immunities to the field operation was terminated with immediate effect and the OSCE was given one month to discontinue its operations and exit.

the OSCE region legal status, privileges and immunities for the Organization, its officials and the representatives of its participating States. In 2008 the Ministerial Council in Helsinki decided to task the Chairmanship, in consultation with participating States, to pursue a dialogue on strengthening the legal framework.⁶ Engaged to this effect, the Greek Chairmanship appointed in 2009 the Personal Representative of the Chairperson-in-Office to foster dialogue on strengthening the legal framework of the OSCE.⁷

11. The open-ended Informal Working Group on Strengthening the Legal Framework of the OSCE (IWG) evolved from the discussions in 2009 to pursue the necessary dialogue among participating States.⁸ At the end of 2014, it reduced the number of options under consideration from six to four, as summarized in the 2015 Chairmanship Report to the Belgrade Ministerial Council.⁹ Although it has been continuously endeavouring for the past seven years to identify and secure consensus on a way forward, little progress has been achieved.

12. Taking into account the outcome of the 2015 IWG meetings, the number of options for strengthening the legal framework remain in 2016 unchanged. To consider further the four options, three meetings of the IWG were convened in 2016.

13. While there were no breakthroughs in the meeting discussions, the Secretariat highlighted acute operational issues arising from the absence of a legally binding document granting international legal personality to the OSCE. The operational impact leads to difficulties in extending the protection and duty of care incumbent upon the OSCE as an employer and also raises the question of accountability and liability in the event of damage or injury in OSCE field operations.

14. The proceedings of the IWG meetings in 2016 are recorded below.

6 Ministerial Council Decision No. 4/08 on strengthening the legal framework of the OSCE, dated 5 December 2008

7 CIO.GAL/60/09, dated 8 May 2009

8 The Greek Chairmanship convened the informal round table on the OSCE legal status three times in 2009 and proposed a draft Ministerial Council decision on strengthening the legal framework of the OSCE to “further pursue the dialogue by establishing an informal working group at expert level on the legal status of the OSCE, with a view to preparing proposals for the OSCE to acquire international legal status...” (MC.DD/15/09, dated 19 November 2009). In 2010 the Kazakh Chairmanship established the IWG on Strengthening of the Legal Framework of the OSCE in its letter, CIO.GAL/36/10, dated 11 March 2010.

9 MC.GAL/4/15, dated 1 December 2015. They are Option 1: Adoption of the Draft 2007 Convention on International Legal Personality, Legal Capacity and Privileges and Immunities of the OSCE (CIO.GAL/48/07/Rev.6, dated 23 October 2007); Option 2: Parallel or consecutive adoption of a Constituent Document for the OSCE and the 2007 Draft Convention (“Draft Constituent Document”) (CIO.GAL/68/11, dated 12 June 2012); Option 3: Chairmanship non-paper on a possible “Convention Plus” or “OSCE Statute” (CIO.GAL/46/15, attachment 4, dated 8 April 2015); Option 4: Implementation of the 1993 Rome Decision through signature and ratification of the 2007 Draft Convention by the States ready to do so (CIO.GAL/173/14, attachment 2, dated 2 October 2014).

Activities of the Informal Working Group

First meeting: April 2016

15. The first meeting of the IWG in 2016 was convened by the German Chairmanship¹⁰ on 29 April and was marked by vigorous deliberations with representation from nearly forty participating States. The Chairmanship encouraged the IWG members to move forward in their discussions and, at the same time, underlined the need for a stopgap measure in the interim to guarantee privileges and immunities for OSCE officials.

16. In its update¹¹ on the operational consequences of the lack of a clear legal status of the OSCE, the Secretariat informed the IWG that, due to the critical need for legal status, privileges and immunities for the OSCE to function, the Secretariat must argue that the OSCE enjoys them on a *de facto* basis, citing a 1949 advisory opinion of the International Court of Justice (ICJ) that concluded that the United Nations possessed international legal personality as a necessary consequence of the important tasks that its Member States had assigned to it.¹² The conclusion of the ICJ could be assimilated to the situation of the OSCE. In the absence of any further arrangements to address operational needs, the Secretariat was only left with the option of asserting the objective *de facto* legal personality of the OSCE and functional privileges and immunities for its officials on a customary basis.

17. In support of this, the Secretariat highlighted the existing legal uncertainty due to the fragmentation of the OSCE structure, i.e., jurisdictions where particular OSCE structures enjoy legal status, privileges and immunities, including for their officials, by virtue of national measures, and jurisdictions where no national measures have been adopted to recognize the OSCE (30 participating States). As a result, there were broad differences in treatment under the various national measures leaving not only discrepancies but a lack of transparency vis-à-vis the enforceability of those national measures. Furthermore when legal status, privileges and immunities have been granted on a bilateral basis through national measures, they could also disappear overnight.

18. The IWG was reminded that, as an interim solution to address that legal uncertainty, the Secretary General, as Chief Administrative Officer, proposed in July 2015 a model standing arrangement between the OSCE and each participating State, to address the duty of care towards OSCE staff and his accountability to the Permanent Council for the sound management of the OSCE's assets.¹³ The Secretariat underscored the fact that the Secretary General's initiative was consistent with the 1993 Rome Council Decision, by pursuing the status, privileges and immunities through national measures, and those efforts were on a separate track from the ongoing discussions in the IWG which were aimed at identifying a multilateral, permanent solution to the problem. A bilateral arrangement was also consistent with Staff Regulation 2.03 (Privileges and Immunities):

“(a) The Secretary General, the heads of institution and heads of mission, as well as staff members and international mission members shall enjoy the privileges and

10 CIO.GAL/53/16, dated 18 April 2016

11 Published as SEC.GAL/67/16, dated 6 May 2016

12 1949 Advisory opinion of the International Court of Justice on reparation for injuries suffered in the service of the United Nations, dated 11 April 1949, ICJ Reports 1949, page 183

13 SEC.GAL/148/15, dated 24 July 2015, and reissued as SEC.GAL/135/16 on 8 September 2016, to reflect revisions and comments by delegations.

immunities to which they may be entitled by national legislation or by virtue of bilateral agreements concluded by the OSCE relating to this matter. Local staff/mission members shall enjoy privileges and immunities only to the extent granted to them by the respective host State under national legislation and relevant bilateral agreements which may be concluded between a State and the OSCE.”¹⁴

19. Following this, the Chairmanship informed about the meeting of the EU Council Working Group on the OSCE and the Council of Europe in Brussels on 22 April 2016, in which it held a briefing with the Secretariat on the legal framework of the OSCE and the work of the IWG. The delegation of Germany (Mr. D. Stockhausen, OSCE Chairmanship Task Force, Ministry of Foreign Affairs) delivered a presentation on the new domestic legislation (adopted on 18 February 2016) on privileges and immunities of the OSCE and its officials in Germany, succeeding the former 1996 regulation and fully enacting the 1993 Rome Council Decision as national law.¹⁵ According to the new regulation, the OSCE is recognized as a regional arrangement under Chapter VIII of the UN Charter. It extends the scope of privileges and immunities based on the functional approach, chiefly to create an adequate framework for those attending OSCE events in Germany, including granting privileges and immunities to the Parliamentary Assembly as part of the “OSCE family”, and also OSCE institutions to explicitly include the Representative on Freedom of the Media, the High Commissioner on National Minorities and Office for Democratic Institutions and Human Rights.

20. Lastly, the Chairmanship opened the floor to delegations to consider in further detail the agenda’s options on strengthening the legal framework. In the debate, support was voiced in favour of a Constituent Document for the OSCE (Option 2). Strong support for the adoption of the 2007 Draft Convention was also expressed (Option 1). The possibility of a “Convention Plus” (Option 3) was not entirely dismissed, i.e., reopening the 2007 Draft Convention with a view to adding statutory elements and leaving its text otherwise untouched. Regarding the implementation of the 1993 Rome Council Decision through the signature and ratification of the 2007 Draft Convention by willing participating States (Option 4), some maintained that while States could reach commitments by implementing national measures, it could result in ad hoc and incomplete legal capacity, privileges and immunities – consequently, leaving the Organization in a weaker position. The negotiation of all four options remained on the agenda for the next meeting.

Second meeting: July 2016

21. The second meeting of the IWG was held on 26 July, upon invitation of the Chairmanship,¹⁶ with the aim of continuing the detailed consideration of the four options for strengthening the legal framework of the OSCE. Under the standing agenda item, “Update on the operational consequences of the lack of a clear legal status for the OSCE,”¹⁷ the Secretariat presented a legal assessment of the deployment of formed police units under an OSCE mandate, to provide security for election monitoring in accordance with the Minsk

14 DOC.SEC/3/03, dated 17 July 2014

15 “*Verordnung über Vorrechte und Immunitäten der OSZE*” and “*Bestimmungen über die Rechtsfähigkeit der KSZE-Institutionen sowie über Vorrechte und Immunitäten*”, published in the “*Bundesgesetzblatt 2016 II Nr. 4*”, dated 18 February 2016

16 CIO.GAL/115/16, dated 13 July 2016

17 Published in SEC.GAL/128/16, dated 10 August 2016.

agreements.¹⁸ In particular, the question was put forward to the IWG with respect to how the absence of recognized international legal personality, legal capacity, and privileges and immunities of its officials across the OSCE region could impact the issue.

22. It was recalled that the Helsinki 1992 Document provided the OSCE with a mandate to carry out civilian and military peacekeeping operations, and the 1994 Budapest Decision II on the Nagorno-Karabakh conflict had foreseen that OSCE peacekeeping would involve a UN Security Council resolution that might be sufficient to allow potential contributing States to authorize the secondment of military personnel.¹⁹ However, even with a resolution endorsing an OSCE mandate adopted under Chapter VII of the UN Charter, it might not resolve national legal obstacles in seconding personnel or in concluding an arrangement with the OSCE as the authority of an OSCE operation.

23. Taking into account the possibility of legal obstacles in the implementation of an OSCE mandate to deploy formed police units, the Secretariat recommended that participating States examine whether they have legal impediments to seconding formed police units to the OSCE, particularly given its present legal status. It was submitted before the IWG that, theoretically, even if States were politically willing to agree to contributing personnel in support of an OSCE mandate, would their national legal systems permit such a commitment? If consensus on a mandate involving the deployment of formed police units were to be achieved, would any State interested in seconding its personnel to such a mission be able to take the national measures necessary to enter into legal arrangements? The answers would not be found in international law and must be researched on a case-by-case basis, in a national context, and in terms of the national legislation and regulations with regard to the possible deployment of formed police units as a contribution to supporting security for local election monitoring by the OSCE under the Minsk Agreements.

24. The Chairmanship informed the IWG of its participation with the Secretariat in the conference entitled “Between Aspirations and Realities: Strengthening the Legal Framework of the OSCE”, convened by the Max Planck Institute for Comparative Public Law and International Law in Berlin on 13 July 2016 with the sponsorship of the Chairmanship. The conference was useful for an exchange of constructive views and to raise awareness among policymakers, experts and academia. It was also announced that a representative from the Max Planck Institute would report on the conference at the next meeting of the IWG.

25. Under the final agenda item, “Consideration of the options for strengthening the legal framework of the OSCE”, the Special Adviser of the Chairperson-in-Office encouraged the IWG participants to continue their deliberation of the four tabled options and recognized the critical need for a solution to the lack of clarity of the OSCE’s legal status. It remained clear that interest as well as legal creativity continued to be expressed in exploring solutions; however, in the interim, it appeared unlikely to reduce the number of options under

18 Election monitoring in Section 12 of the package of measures for the implementation of the Minsk Agreements of 12 February 2015 states: “Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.”

19 The 1994 Budapest Decision II on the Nagorno-Karabakh conflict foresaw that, “[The conclusion of a political agreement on the cessation of the armed conflict] would also make it possible to deploy multinational peacekeeping forces as an essential element for the implementation of the agreement itself. [The participating States] declared their political will to provide, with an appropriate resolution from the United Nations Security Council, a multinational CSCE peacekeeping force...”

discussion, as the lack of political will to reach consensus on any one option persisted. The four options would remain on the IWG meeting agenda.

Third meeting: October 2016

26. The third meeting of the IWG was held on 19 October upon invitation of the Chairmanship.²⁰ A representative from the Max Planck Institute for Comparative Public Law and International Law was invited to give an overview of the Chairmanship-sponsored conference “Between Aspirations and Realities: Strengthening the Legal Framework of the OSCE.” It was explained that the purpose of the conference was to raise awareness of the political and institutional implications caused by the lack of clarity of the OSCE legal framework by opening the debate to a broader audience of international scholars and practitioners in both legal and political fields. The outcome of the conference revealed a general concern among legal experts with respect to the impasse in resolving the OSCE legal status. The common finding was that without legal personality, the OSCE could not be held legally accountable under international law.

27. In its report on the operational consequences of the lack of a clear legal status of the OSCE,²¹ the Secretariat announced that it had delivered presentations relevant to the work of the IWG at three separate events in September 2016: (1) the regional meeting of the heads of missions/field operations, devoted to the operational aspects of patrolling/monitoring; (2) the Chairmanship’s ambassadorial retreat on the conflict cycle; and (3) the Advisory Committee on Management and Finance (ACMF) informal retreat on local staff income taxation. In response to Permanent Council Decision No. 1197 on the approval of the 2016 Unified Budget, the German Chairmanship organized the informal retreat of the ACMF on “local staff income taxation,” an issue in which the linkages to the legal status of the OSCE could not be ignored.²²

28. The Secretariat expanded on the issue of legal liability for patrolling and monitoring in conflict zones, particularly with regard to the carrying out of mandates which acknowledge that OSCE officials would operate in potentially hazardous working environments. It cautioned that major challenges during crisis response were due to the fragmented legal capacity of the OSCE. The absence of protection and security guarantees raised financial and legal risks and might impede and limit the OSCE’s overall ability to resolve crisis situations.

29. The current patchwork practice creates gaps. These gaps in the legal framework leave the OSCE exposed and interfere in its obligations towards its officials. For example, if a suit were to be brought against the OSCE or its officials by an injured party and immunity in such an incident failed, to mitigate the possible damages, the OSCE should be in a position to show that it has reasonably met its duty of care as an employer.²³ In the “Advisory opinion

20 CIO.GAL/172/16, dated 6 October 2016

21 Published in SEC.GAL/159/16, dated 1 November 2016.

22 PC.ACMF/63/16, dated 7 November 2016. Permanent Council Decision No. 1197 takes note of the Secretary General’s reports to the Permanent Council on local staff income taxation, as well as the 2014 Chairmanship Conference, and “tasks the ACMF and the Chairmanship, in co-ordination with the Secretary General, to continue discussions on local staff income tax and to actively pursue solutions with a view to ensuring full compliance with the OSCE Staff Regulations and Staff Rules” (PC.DEC/1197 of 31 December 2015).

23 “Duty of care” has been defined as a legal relationship arising from a standard of care, the violation of which subjects the actor to liability. Black’s Law Dictionary, Eighth Edition, edited by B. A. Garner, 2004, page 545.

on reparation for injuries suffered in the service of the United Nations” the International Court of Justice adopted a clear position on the obligation incumbent on the UN as an employer, deploying its officials in dangerous areas:

“Having regard to its purposes and functions already referred to, the Organization may find it necessary, and has in fact found it necessary, to entrust its agents with important missions to be performed in disturbed parts of the world. Many missions, from their very nature, involve the agents in unusual dangers to which ordinary persons are not exposed. [...] Both to ensure the efficient and independent performance of these missions and to afford effective support to its agents, the Organization must provide them with adequate protection.”²⁴

30. As a responsible employer, the OSCE must demonstrate that it meets its duty of care towards OSCE officials, i.e., to ensure that effective protection be afforded and commensurate with the standards expected for the international civil service, in terms of health, safety and security, and a professional work environment enabling the independence and reliability required of the OSCE official under the OSCE Code of Conduct.²⁵

31. The Secretariat recommended that in the short term professional liability insurance should be obtained to protect OSCE officials in territories where legal protection for the OSCE was lacking and encouraged vigilance by management to safeguard the OSCE’s duty of care. In that connection, it reiterated the urgent need for national legislation which recognizes the OSCE and its officials in a comprehensive and harmonized manner. It added that, while a long-lasting solution to reach a final conclusion in the work of the IWG was not anticipated any time soon, the Secretary General’s initiative for the standing arrangement with each OSCE participating State stands to serve as an interim measure that would address the serious operational need to protect OSCE officials and assets in States where no national measures in favour of the OSCE exist. It would replace the current suboptimal memoranda of understanding and ensure the Secretary General’s duty of care towards OSCE staff.

32. A brief update on the 17 responses received from participating States to the Survey of National Implementation Measures was provided and additional responses were encouraged.²⁶

33. Following this, the Secretariat discussed the set of questions on a possible OSCE contribution to supporting security for local elections in accordance with the 2014 Minsk package of measures, which had been published in a Chairmanship perception paper.²⁷ The Chairmanship announced that it had thus far received two responses and informed delegations that the responses would be presented anonymously. Describing the questionnaire as a feasibility study, the Secretariat advised that, due to the unclear legal status of the OSCE, participating States should scrutinize their respective legal systems to identify possible national impediments and solutions enabling legal arrangements to realize a potential

24 1949 Advisory opinion of the international court of justice on reparation for injuries suffered in the service of the United Nations, dated 11 April 1949, ICJ Reports 1949, page 183

25 The OSCE’s duty of care as an employer has been explicitly incorporated into the Staff Regulations and Staff Rules. Staff Regulation 2.07 on functional protection provides as follows: “OSCE officials shall be entitled to the protection of the OSCE in the performance of their duties within the limits specified in the Staff Rules.”

26 Survey published in CIO.GAL/152/14, dated 29 August 2014.

27 Questionnaire published in CIO.GAL/132/16, dated 28 July 2016.

deployment of formed police units under an OSCE mandate. It was therefore anticipated that States would require time to both carefully consider the UN model arrangements attached to the questionnaire and to determine whether they would be in the legal position to contribute; the Chairmanship nevertheless encouraged States to respond as soon as possible. Responses to those questions would enable an assessment to be made as to whether OSCE formed police units would be a viable option.

34. The Special Adviser of the Chairperson-in-Office moderated the discussion devoted to the options on strengthening the legal framework of the OSCE. All four options – the adoption of the 2007 Draft Convention (Option 1), a legally binding Constituent Document for the OSCE (Option 2), a “Convention Plus”/“OSCE Statute” (Option 3), and the implementation of the 1993 Rome Decision through signature and ratification of the 2007 Draft Convention (Option 4) by willing participating States – were considered further, with particular attention paid to the first two options. The Chairmanship urged future discussions in the IWG to consider those options which have the most potential for reaching a compromise.

35. To close, the Special Adviser took note of the expressions of support for a possible draft Ministerial Council Decision that would task the incoming Chairmanship to continue the efforts to strengthen the legal framework of the OSCE in consultation with the participating States.

Conclusion

36. In conclusion, the Chairmanship notes that the four options under consideration remain on the IWG meeting agenda, with the aim of reducing the number of options in the future.

37. If common and clear rules on the status, privileges and immunities are not already in place when the OSCE is expected to act, legal protection of the Organization and the safety and security of the 3000+ officials who are dedicated to delivering the OSCE’s mandate are at stake.

38. Ambassador J. Bernhard, Special Adviser to the Chairperson-in-Office and Chairperson of the IWG, stated that the problem arising from the lack of clarity about the legal status of the OSCE was neither a theoretical one nor was it a “playground” for lawyers. It was therefore of serious concern if the legal framework was not strengthened in a satisfactory manner. He found that the IWG had had interesting and lively discussions, especially on the four options, which were on the table during 2016, but it remained clear that the lack of progress towards a consensus was not due to a lack of legally viable options, but to a lack of political will. He therefore appealed to delegations to show flexibility in order to try to find a solution to a problem for the Organization, the importance and urgency of which was recognized by virtually all participating States.

LARGE MOVEMENTS OF MIGRANTS AND REFUGEES – A SECURITY CHALLENGE FOR THE OSCE: GERMAN 2016 OSCE CHAIRMANSHIP’S REVIEW

(MC.GAL/8/16 of 9 December 2016)

In his opening address to the OSCE Permanent Council on 14 January 2016 the Chairperson-in-Office, German Foreign Minister Steinmeier, declared: “Especially on migration, we should make use of this organization’s potential. Its geographical span and comprehensive approach make it a suitable vehicle. It is a good forum for discussion and exchange. And it is the right place to look at the social impact of migration and immigration – with a special focus on tolerance and non-discrimination.”

Substantial debate

Building on discussions under the Serbian Chairmanship, the German Chairmanship decided to intensify work on the topic. The debate was guided by the core question how the OSCE could contribute to international efforts to address large movements of migrants and refugees.

The German Chairmanship set up an informal working group (IWG) under the Swiss Permanent Representative to the OSCE, Ambassador Claude Wild. In a comprehensive and transparent process the IWG reviewed migration-related activities and expertise of the OSCE. From the outset delegations participated constructively, expressing shared concerns and challenges and developing common views on the work of the OSCE. It was clearly established that the OSCE has a long record of expertise and valuable activities related to migration, in particular in the fields of labour migration, protection of human rights, promotion of tolerance and non-discrimination, combating organized crime including trafficking in human beings, law enforcement co-operation, border management and integration. Autonomous OSCE institutions, in particular the ODIHR, and a number of field presences have been actively engaged in migration-related activities. At the same time delegations agreed that more coherence within the OSCE was needed to make these numerous activities more effective.

Discussions during the year, *inter alia* with the IOM Director-General, William Swing, the UNHCR Assistant High Commissioner for Protection, Mr. Volker Türk, and the Special Representative of the United Nations Secretary-General for International Migration, Mr. Peter Sutherland, have highlighted the large degree of existing co-operation of the OSCE with other regional and international organizations. The OSCE is a much appreciated partner with unique expertise and competences in specific migration-related areas. The important role to be played by the OSCE was unanimously confirmed. A high-level Security Days Conference organized in Rome in March 2016 by the OSCE Secretary General, Mr. Lamberto Zannier, stressed the role of the OSCE in line with its comprehensive concept of security.

Reference document

As a result of the discussions in the IWG, its chairperson issued a comprehensive report that has become a useful reference document for further OSCE engagement.¹ It convincingly argues that migration and refugee flows constitute a security challenge that needs to be put high on the OSCE agenda. It highlights the impressive scope of engagement of the OSCE relating to migration and the tools the OSCE has at hand. The report also identifies a need for more coherence and visibility of the OSCE's activities in order to improve their outcomes.

Substantive recommendations were developed during the IWG's discussions and retained in the report. Above all, the recommendations propose specific measures for a more effective contribution of the OSCE to comprehensive governance of large movements of migrants and refugees affecting the OSCE area.

A special meeting of the Permanent Council discussed the report and its recommendations. Participants, including ODIHR Director Mr. Michael Link and the chairperson of the OSCE Parliamentary Assembly's Ad Hoc Committee on Migration, Mr. Filippo Lombardi, confirmed the benefits of a substantial migration-related debate in the OSCE. Despite diverging positions on how to address particular aspects of large movements of migrants and refugees participants agreed that international co-operation was essential and that the OSCE was a suitable platform for co-operation among participating States, with OSCE Partners for Co-operation and with other regional and international organizations. Representatives of participating States concurred that the OSCE had developed considerable expertise on which it should build. As a regional arrangement under Chapter VIII of the Charter of the United Nations, it could contribute to the implementation of global efforts, they underlined.

Strengthening coherence

Efforts during the German Chairmanship to increase the visibility of the OSCE's migration-related expertise and activities have strengthened coherence and co-ordination within the OSCE and with other stakeholders. The OSCE Secretary General was invited to update the Permanent Council on steps taken in this regard. The Secretary General reported that a migration focal point had been designated in his office and an internal co-ordination group of OSCE executive structures had taken up regular meetings. Recommendations of the report relevant to their respective areas of work were debated in the Security Committee, the Economic and Environmental Committee and the Human Dimension Committee.

The following conclusions can be drawn from the intense work during the year: Large movements of migrants and refugees are a security challenge for OSCE participating States. The topic therefore needs to be put higher on the OSCE agenda. The OSCE is well placed to address migration-related issues – its comprehensive approach to security, its well-established co-operation with OSCE Partners for Co-operation and other regional and international organizations and its field presence are assets unique to the Organization. On these grounds the OSCE should contribute to global and in particular United Nations efforts in addressing large movements of migrants and refugees.

1 Distributed on 27 July 2016 under reference CIO.GAL/117/16/Rev.1.