



Second day of the Fourteenth Meeting
MC(14) Journal No. 2, Agenda item 8

**DECISION No. 16/06
LEGAL STATUS AND PRIVILEGES
AND IMMUNITIES OF THE OSCE**

The Ministerial Council,

Pursuant to the 1992 Helsinki Summit decision to “consider the relevance of an agreement granting an internationally recognized status” to the CSCE’s institutional arrangements,

Recalling subsequent decisions of the 1992 Stockholm Council Meeting and the 1993 Rome Council Meeting, in particular the Rome Council Decision on legal capacity and privileges and immunities (document CSCE/4-C/Dec.2 of 1 December 1993),

In implementation of the relevant provisions of the 1994 Budapest Decisions, the 1999 Charter for European Security and the 1999 Istanbul Summit Declaration,

Taking into account the discussions held in 2000 and 2001 and the report by the Permanent Council to the Ministerial Council on OSCE legal capacity and on privileges and immunities (PC.DEC/383 of 26 November 2000),

Reaffirming further tasks set in that regard by the Ministerial Council at its Ninth Meeting in Bucharest (2001) and its Tenth Meeting in Porto (2002),

Recalling the recommendation of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE (CIO.GAL/100/05 of 27 June 2005) that the participating States agree on a convention recognizing the OSCE’s legal capacity and granting privileges and immunities to the OSCE and its officials, without changing the politically-binding character of OSCE commitments,

Recalling Ljubljana Ministerial Council Decision No. 17/05 on strengthening the effectiveness of the OSCE,

On the basis of the recommendations of the group of legal experts established by the Chairmanship in 2006 and the report on the implementation of the first operative paragraph of Ljubljana Ministerial Council Decision No. 17/05 of 6 December 2005 on strengthening the effectiveness of the OSCE,

Taking into account that the aforementioned group of legal experts, after having reviewed the implications of the lack of international legal status and uniform privileges and immunities of the OSCE at a technical level, noted the existence of serious problems due to the lack of international legal status and uniform privileges and immunities of the OSCE,

Decides:

1. That the work on a draft convention on the international legal personality, legal capacity, and privileges and immunities of the OSCE will be continued on the basis of the text drafted by the legal experts in 2001 (redistributed as document CIO.GAL/188/06);
2. To establish an informal working group at expert level under the Permanent Council tasked with finalizing a draft convention on the international legal personality, legal capacity, and privileges and immunities of the OSCE. The working group will submit this draft convention to the Ministerial Council through the Permanent Council for adoption by the Ministerial Council, if possible, in 2007.

MC.DEC/16/06
5 December 2006
Attachment

ENGLISH
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**INTERPRETATIVE STATEMENT
UNDER PARAGRAPH IV.1(A)6 OF THE
OSCE RULES OF PROCEDURE**

By the delegation of the Russian Federation,

“While it has joined the consensus on the Ministerial Council decision on the legal status and privileges and immunities of the OSCE, the Russian delegation continues to insist that the only way of settling this matter in accordance with the norms of international law is to devise a founding OSCE document in the form of a charter or statute. Without a charter, the OSCE cannot be regarded as a fully fledged international organization. We believe it is necessary to proceed from the recommendation made in that connection in the report of the Panel of Eminent Persons, pursuant to which the participating States should devise a concise statute or charter of the OSCE containing its basic goals and principles along with reference to existing commitments and the structure of its main decision-making bodies.

In any case, the entry into force of a convention on privileges and immunities, if and when there is agreement on a draft, will be possible only in conjunction with the entry into force of a statute or charter of the OSCE.

The Russian Federation intends to firmly defend this position during the forthcoming talks within the expert working group on the legal status of the OSCE.

We request that this statement be attached to the decision adopted and be included in the journal of today’s meeting.”