

1031st Plenary Meeting

PC Journal No. 1031, Agenda item 5

**DECISION No. 1153
OSCE PROGRAMME OFFICE IN ASTANA**

The Permanent Council,

Recalling its Decisions Nos. 231, 243, 462, 771 and 797, related to, *inter alia*, the establishment and the mandate of the OSCE Centre in Astana, formerly the OSCE Centre in Almaty,

Following up on its intention to hold regular reviews of the implementation of this mandate and the activities of the Centre, as set out in paragraph 4 of its Decision No. 797,

Willing to further improve forms of co-operation between the OSCE and Kazakhstan based on mutual understanding and close co-operation; to focus, streamline, prioritize and enhance the effectiveness and efficiency of the activities of this OSCE field operation; and to further align these activities with the evolving needs and priorities of the host country related to the implementation of OSCE commitments,

Decides that:

1. The OSCE Centre in Astana is hereby transformed into an “OSCE Programme Office in Astana”, with effect from 1 January 2015;
2. The OSCE Programme Office in Astana, hereinafter referred to as “the Office”, shall develop, implement and report on programmatic activities within all three OSCE dimensions of security, which are:
 - Consistent with OSCE principles and commitments and designed to assist the host country in the implementation of OSCE commitments in the areas outlined in paragraph 3 below; and
 - Requested by the relevant authorities or civil society of Kazakhstan and in consent with its Ministry of Foreign Affairs;

1 Reissued due to a technical error.

3. The Office shall implement projects in the following priority areas, in particular:
 - (a) Transnational threats to security, focusing on the fight against terrorism and violent extremism, combating organized crime and drug trafficking, or combating trafficking in human beings;
 - (b) Politico-military dimension, focusing on regional security or OSCE commitments in the framework of the Forum for Security Co-operation;
 - (c) Economic and environmental dimension, focusing on good governance; the fight against corruption and money-laundering; public and private partnerships; development of small and medium enterprises; transport, border crossing and customs control; energy security; management of water resources; protection of the environment; disaster risk reduction; or needs of landlocked developing countries;
 - (d) Human dimension, focusing on the development of civil society, rule of law, the election system, freedom of the media, or rights of persons belonging to national minorities;
 - (e) Regional projects in any of the above-mentioned areas which may include assistance in arranging OSCE regional events, visits to the area by OSCE delegations, or other events with OSCE participation;
4. In the implementation of its mandate as set out in paragraphs 2 and 3 above, the Office shall facilitate contacts and develop relationships between the authorities, civil society and academic institutions of Kazakhstan on the one hand and the Chairmanship-in-Office and relevant OSCE executive structures on the other, as well as maintain contacts with the central and local authorities, civil society and academic institutions of Kazakhstan and concerned international organizations;
5. Subject to any further changes to be approved within the 2015 OSCE Unified Budget, the newly established Fund “OSCE Programme Office in Astana” will have the same budget structure and the same post table as the former Fund “OSCE Centre in Astana”;
6. This mandate of the Office will apply until 31 December 2015 and its prolongation or any changes to it will be subject to new decisions of the Permanent Council to be taken on the basis of annual reviews by the Permanent Council of the activities of the Office and the relevance of its mandate to current realities;

Requests the Government of Kazakhstan and the OSCE Secretary General to update, in accordance with this decision, the Memorandum of Understanding between the Government of Kazakhstan and the OSCE on the Establishment of an OSCE Centre in Almaty, dated 2 December 1998, and the protocol on amendments to this memorandum, dated 21 March 2003, and requests the Government of Kazakhstan to apply the aforementioned memorandum, as amended in 2003, until the ratification of an updated memorandum concerning the Office.

**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 Kazakhstan:

“Mr. Chairperson, the delegation of Kazakhstan would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure in connection with the adoption of the Permanent Council decision on an OSCE Programme Office in Astana.

1. Kazakhstan will apply the following interpretation of the mandate of the newly established Office with regard to the scope of its mandated activities and to the scope of its reporting.
 - (a) According to tick one of operational paragraph 2, the Office shall implement programmatic activities designed in the priority areas outlined in operational paragraph 3. Any activity in an area other than those listed there shall be treated as a non-priority activity and may be implemented by the Office provided that all priority areas listed in operational paragraph 3 are fully addressed by the Office.
 - (b) Operational paragraph 2 of this decision shall be understood as restricting the scope of reporting of the Office only to its own programmatic activities. While the Office must closely follow and keep itself informed about developments in the host country in order to be able to implement its project activities, the Office must refrain from reporting on or assessment of any political, social, economic or other contextual developments in the host country in all its written and oral reports to the OSCE Permanent Council or its informal subsidiary bodies or in any other types of communication to all the participating States or general public.
2. Tick two of operational paragraph 2 should not be understood as creating a bottleneck in approval of project activities of the Office by the host country. To the contrary, the Office will benefit from having a focal point, single “clearing house” or “one-stop shop” within the Government of Kazakhstan, namely the Foreign Ministry, which will ensure that all project activities of the Office match the needs and priorities of the host country, that OSCE resources are used in the most effective, efficient and transparent way, and that projects of the Office are approved as fast as possible.
3. With regard to operational paragraph 6 of this decision, which represents a commitment by the Permanent Council, Kazakhstan calls on incoming OSCE Chairmanships

to ensure that annual reviews by the Permanent Council of the relevance of this mandate to current realities be held sufficiently in advance of the submission of the OSCE Unified Budget Proposal on 1 October of a given year, so that the Office was able to submit its annual resource requirements on the basis of the most updated mandate.

4. In general, the newly adopted mandate should be considered as an effort by Kazakhstan to contribute, in good faith, to strengthening the effectiveness, efficiency and transparency of all OSCE field activities and to the ongoing dialogue within the Helsinki+40 process.

Kazakhstan strongly believes that the mandate of any OSCE field operation must clearly define what it is mandated to do; must be kept up to date with the evolving needs and priorities of the host country and current realities; must enable the assessment of progress in the mandate implementation and eventual closure of the field operation; and must not be designed or updated on the basis of a “one-size-fits-all” approach or a dogmatic reliance on precedents.

In other words, the mandates of OSCE field operations must be SMART – specific, measurable, achievable, relevant and time-bound. Last but not least, OSCE field activities should not be restricted in their geographic scope and must be dispatched wherever need arises for the OSCE to ensure peace, security and compliance with OSCE principles and commitments.

Mr. Chairperson, I request that this interpretative statement be attached to the decision in question.”

**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 for the OSCE Programme Office in Astana, 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 has reluctantly joined consensus on the new mandate for the OSCE field presence in Kazakhstan, now called the Astana Programme Office. We did so despite deep reservations that the new mandate unduly restricts the ability of the Office both to respond flexibly to challenges as they arise and to engage in meaningful activity that addresses the full range of OSCE commitments, including those that are sometimes deemed “sensitive” by a number of participating States.

Hosting an OSCE presence is an opportunity for a participating State to demonstrate leadership and good faith in working toward full implementation of OSCE commitments. In order to provide effective support in this regard, an OSCE presence must be able to raise shortcomings and gaps honestly and straightforwardly with the host government and civil society. Problems that are ignored or swept under the rug don’t go away. We object to arrangements where OSCE presences are required to seek consent for particular projects because, as borne out by experience, governments often use this restriction to limit the activities of the presence. The prospect of “upsetting” the approval process has also impinged on the ability of the presence to be candid with the government and civil society about particular gaps or issues to be addressed. In order to be effective, an OSCE presence must be free to pursue openly and honestly its mandate to support implementation of the full range of OSCE commitments. This is not a concern limited to Kazakhstan; it is a general concern.

The government of Kazakhstan has repeatedly assured other participating States that it desires strong collaboration with the OSCE presence and that it will not curtail or limit its activities. We welcome these assurances. The United States urges the government of Kazakhstan to work collaboratively with the Programme Office to approve expeditiously project activities across all three dimensions of the OSCE’s comprehensive security concept. Project approval should be the norm and any concerns should be raised in a timely manner. An efficient approach would be to establish an approval timeframe period – perhaps two or three weeks – for government review, after which projects are presumed approved unless specific concerns are raised. In any case, we look to the government of Kazakhstan to make speedy decisions and not allow an unwieldy bureaucratic process to hinder OSCE activities in

Kazakhstan. We also look to the government of Kazakhstan to support projects in the human dimension, especially those that address improving implementation of OSCE commitments.

In order to ensure that we continue to support prudent allocation of resources, the United States intends to assess the quality and extent of the co-operation between the government of Kazakhstan and the Programme Office, and to share our assessment in an open letter to the Secretary General prior to the beginning of discussions on the 2016 Unified Budget.

I 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**

The delegation of Italy, 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 PC decision on an OSCE Programme Office in Astana, the European Union and its Member States would like to make the following interpretative statement under the relevant provisions of the Rules of Procedure:

It is with reluctance that the European Union joins consensus on this decision.

The EU considers OSCE field presences an important tool, which supports the host country in implementing its OSCE commitments to the benefit of the host country – both its government and, most importantly, people.

The OSCE has had field missions in Kazakhstan since 1999 which have carried out valuable work. We therefore welcome that the work of the field presence in Astana will continue.

In the course of negotiations, we have not heard convincing arguments from the host country on the need to change the name or mandate of the OSCE presence. We have advocated for a strong and flexible mandate for the OSCE presence in Astana in order to respond to developments as they arise. We have underlined that we do not consider the reference to the “consent” of the Ministry of Foreign Affairs for the Office’s activities, or the inclusion of a list, even if non-exhaustive, of activity areas, as necessary or desirable. We also do not consider these elements as a precedent for any future discussions within the OSCE, as we believe this approach limits the capacity of the OSCE presence to respond flexibly to the needs of the host country.

We are joining consensus on this decision on the understanding that the work of the OSCE presence in Astana will cover all three dimensions. We welcome the government’s stated desire for strong collaboration with the OSCE presence across all three OSCE dimensions and take particular note that it will not curtail or limit its activities. In this context, we welcome that the list contained in OP 3 of this decision is, as agreed with Kazakhstan in the negotiations, non-exhaustive.

The EU underlines that it is essential for the successful work of an OSCE presence, to be able to work freely with the civil society of the host country. We fully expect therefore

that access to NGOs will be unhindered, and that co-operation with the OSCE presence will have no detrimental consequences for NGOs.

The EU welcomes the continued OSCE presence in Kazakhstan and encourages the government to develop its co-operation with the OSCE to its full potential.

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

The candidate countries Montenegro¹, Iceland² and Albania¹, the country of the Stabilisation and Association Process and Potential Candidate Bosnia and Herzegovina, and the European Free Trade Association country Norway, member of the European Economic Area, align themselves with this statement.

1 Montenegro and Albania continue to be part of the Stabilisation and Association Process.

2 Iceland continues to be a member of the European Free Trade Association and of the European Economic Area.