

212th Meeting of the Council of Permanent Representatives (CPR)

Report

11th July, 2016
ECO Secretariat-Tehran

Report

The **212th CPR Meeting** was held on **Monday 11th July 2016** at the ECO Secretariat, Tehran. The Meeting was Chaired by H.E. Mr. Majid Bizmark, Permanent Representative/Director General of the Ministry of Foreign Affairs of the Islamic Republic of Iran. It was attended by the Permanent Representatives/Representatives of all ECO Member States except Kyrgyzstan and Uzbekistan. The ECO Secretary General along with concerned officials of the Secretariat also attended the Meeting. The list of participants is enclosed as *Annex-I*.

2. At the outset, the CPR Chairman extended his sincere Eid-ul-Fitr greetings to all the attending Permanent Representatives/Representatives of the CPR Meeting.

Agenda Item No.1

Adoption of the Agenda

3. The Council adopted the following agenda for deliberations. However, the Representative of the Islamic Republic of Iran proposed that the *sub-agenda item 5(a)* may be deleted till consultations between Iran and Pakistan result in a decision:

1. Adoption of the Draft Agenda of the 212th CPR Meeting
 2. Adoption of the Draft Report of the 211th CPR Meeting
 3. Continued discussion on holding the next 13th Csummit and 22nd Meeting of the Council of Ministers (COM)
 4. Establishment of Relations iwth UNWTO
 5. **Administrative Matters:**
 - a) ~~Continued discussions on the post of Programme Officer of Projects, Economic Research and Statistics (*Deleted as proposed by Iran*)~~
 - b) Entitlement of a former staff of the Secretariat; and
 - c) Recommendations of the Selection Panel
 6. Follwong pending issues with Member States delegations
 7. Any Other business
 8. Date of the next CPR Meeting
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Agenda Item No.2

Adoption of the Draft Report of 210th CPR Meeting

4. The Council adopted the Draft Report of the 211th CPR Meeting contained in the document ECO/CPR/211/2 (2nd June 2016) which was circulated among the Member States vide Secretariat's Note Verbale No.CFU/211th CPR/2016/724 dated 2nd June, 2016.

Agenda Item No.3

Continued discussion on holding the next 13th Summit and 22nd COM Meeting

5. The 211th CPR meeting was informed by the CPR Chairman that as per Article IV of Treaty of Izmir (The ECO Charter), *"The Heads of State/Government of the Member States shall meet biannually or more often if considered necessary by the Member States. The Summit meetings shall review the objective conditions and progress in implementation of ECO Programmes and Projects and shall also serve as the highest-*

level forum for exchange of views on regional and global issues of common interest to the ECO Region". The Council was also briefed that 12th ECO Summit was held almost four years ago in 2012 in Baku (Azerbaijan). The Council was also briefed, in details, about the meetings of Heads of State/Government of the ECO Member States held previously. It was recalled that after the 21st Meeting of ECO Council of Ministers (COM) held on 26th November 2013 in Tehran, the Islamic Republic of Pakistan offered to host the 22nd Council of Ministers (COM) along with 13th ECO Summit in 2014 which was welcomed by the delegations of Member States. However, most recently, the Islamic Republic of Pakistan has informed that in 2016 it has prior commitments to host the SAARC Summit and other high-level events. Therefore, it will not be possible for them to host 13th ECO Summit at Islamabad this year. It was also suggested that the 13th ECO Summit may be hosted by another willing ECO Member State in the year 2016 and that Pakistan will be happy to host the next (14th) ECO Summit at a convenient date. It was further reiterated that there are issues of vital importance including development and adoption of New ECO Vision-2025 which require immediate attention and resolution at the highest level. Moreover, in the new reality of time, the Summit may give an impetus to cooperation in the framework of the Organization and define new directions to achieve mutually beneficial objectives of the Member States through closer cooperation in the spheres of trade, transportation, energy and other areas of cooperation.

6. During deliberations on the issue in 211th CPR Meeting, the Ambassador of the Republic of Turkey offered to check with his authorities for a chance of hosting the Summit and COM Meetings in Turkey.

7. The Secretary General firstly extended Eid-ul-Fitr greetings to all the distinguished members of the Council attending the CPR Meeting and then updated the Council that until now the Secretariat has not received any formal response from any Member States for hosting 13th Summit and 22nd COM Meeting. He proposed that in this situation we may now only concentrate on hosting of regular COM Meeting. He further mentioned that the Secretariat, through a Note Verbale to the Member States, requested to explore the possibility of hosting the Ministerial Meeting of Planning and Development to finalize the Draft Vision 2025 before its final approval by the COM Meeting. He informed the Council that the Iranian side has shown its willingness to host the Ministerial Meeting of Planning and Development. The Secretary General further informed that the 71st UNGA in New York is scheduled for September 2016 and in case regular COM does not materialize an Extraordinary COM on the sideline of UNGA may be arranged to get decisions on some important matters.

8. Recalling the Extraordinary COM Meeting in New York in 2015, the Secretary General pointed out two issues on which the Foreign Ministers/Representatives of ECO countries had reservations:

- (a) Heavy Agenda, which was difficult to discuss due to dearth of time; and
- (b) Timings (*as Ex-COM was arranged at the end of UNGA Meeting*) and some of the Foreign Ministers had left New York by that time.

The Secretary General emphasized that regular COM is necessary to address many important policy issues.

9. The Representative of the Republic of Turkey informed the Council that *it will not be possible for Turkey to host the Summit or any other high-level meeting within the year of 2016*. However, upon queries by the Secretary General and CPR Chairman that whether this information also includes “not” holding of COM or Ministerial Meeting of Planning and Development, the Representative assured to get clarification on this issue.

10. The Representative of the Islamic Republic of Iran taking part in the discussion opined that it will be better if any Member State may host a regular COM Meeting otherwise there will be no alternative but to organize informal COM Meeting on the sideline of UNGA as was done in the previous year.

11. After discussion, the Chairman summed-up the agenda by saying that the Representative of the Republic of Turkey will seek clarification from their capital and will inform the Council, in detail, about hosting of next COM Meeting. He said that Iran has showed its willingness to hold Ministerial Meeting of Planning and Development in Tehran. He further said that we should also discuss about holding of Extraordinary COM Meeting on the sideline of UNGA in September 2016 and, therefore, the same agenda will further be discussed in the next CPR Meeting.

Agenda Item No.4

Establishment of Relations with United Nations World Tourism Organization (UNWTO)

12. The 24th RPC Meeting mandated the Secretariat to establish relations with United Nations World Tourism Organization (Paragraph 230: “the Member States asked the Secretariat to start establishing relations with the relevant international organization in the field of tourism industry i.e. UNWTO”). Moreover, 25th and 26th Meetings of RPC also supported the initiative for establishing relations with UNWTO.

13. With a membership of 156 countries, 6 Associate Members, 2 Observers, and over 400 Affiliate Members representing the private sector, educational institutions, tourism associations and local tourism authorities, UNWTO aims at generating market knowledge, promotion of competitive and sustainable tourism policies and instruments, fostering tourism education and training to make tourism an effective tool for development through technical assistance projects in over 100 countries around the world. As the leading international organization in the field of tourism, UNWTO promotes tourism as a driver of economic growth, inclusive development and environmental sustainability and offers leadership and support to the sector in advancing knowledge and tourism policies worldwide.

14. The Secretary General briefed the Council stating that “*Tourism*” will be one of the priority areas in the coming years as the region has huge potential and also there is consensus among the Member States on the subject. He said the Secretariat is trying to strengthen connections with other organizations and one of them is the UNWTO. He requested the Council to authorize the Secretariat to continue coordination resulting in having a Memorandum of Understanding (MoU) signed to organize some mutual meetings and events with the World Tourism Organization.

15. Mr. Kanan Nazarov, Deputy Secretary General (T&I, AIT & IR) further briefed the Council on the issue. He said that 24th Regional Planning Council (RPC) mandated the ECO Secretariat to establish relations with UNWTO and according to the Modalities for Signing Agreements with Regional and International Organizations, the Secretariat

prepared the **Background Paper** which was circulated among the Member States for consideration on 18th May 2016. He also informed the Council that till-today, the Secretariat has formally received support from the Republic of Azerbaijan, Islamic Republic of Pakistan and the Republic of Tajikistan for establishment of relations with UNWTO. He said that as a Secretariat we consider this cooperation with UNWTO will give an opportunity to develop and realize integrated strategy on tourism for the region to improve tourism competitiveness of the Member States and to promote sustainable tourism development. In this regard he said the Secretariat is seeking authorization from the Council to officially engage with UNWTO to develop a draft MoU and as soon as it is ready it will be shared with Member States for final approval.

16. The Representative of the Islamic Republic of Iran appreciated the briefing by the Secretariat in enhancing ECO relations with the relevant organization. Principally welcoming and supporting the cooperation, the Representative requested the Secretariat to also prepare and submit the Work Programme along with draft MoU in accordance with the relevant modalities for further consideration by the relevant authorities. He said, of course, the Secretariat will be informed in this regard officially.

17. After deliberation, the Council authorized the Secretariat to establish relations with UNWTO and work-out the Draft of the MoU which will be shared with the Member States for final approval.

Agenda Item No. 5

Administrative Matters

a. Continued discussions on the post of Programme Officer of Projects, Economic Research and Statistics

18. Discussions on the future distribution of the post of “Programme Officer for Project & Economic Research and Statistics (PERS)” have been continuing since 205th CPR Meeting. Earlier, at the Working Group Meeting on the post of “Programme Officer for Project, Economic Research and Statistics” convened on 14th October 2015, the Representative of the Islamic Republic of Pakistan proposed that the post may be circulated among the Member States for nomination of suitable candidates. The Iranian delegate did not agree to circulate the post among the Member States and proposed that the tenure of Mr. Amini be extended or another appropriate Iranian nominee may be appointed until the conclusion of the new distribution formula under the reform process.

19. Later on, during 207th CPR Meeting, the concerned Member States (Iran and Pakistan) agreed to have informal consultations and expressed the hope that an agreement would be reached between them. But since that time the informal consultations were deterred due to different reasons.

20. As also raised under “*Agenda Item No.1*” above, the Representative of the Islamic Republic of Iran proposed that this sub-agenda item may be deleted till a compromise is reached on the issue as consultations are still continuing between the concerned Member States (Iran & Pakistan).

b. Entitlement of a former staff of the Secretariat

21. In April 2015, the ECO Secretariat received a letter from a former employee of RCD-ECO, Mrs. Frideh Yeganeh Esfarjani (Iranian national) who brought to the attention

of the Secretariat a pending case on her working relations with the ECO Secretariat. According to her explanations, on the 21st year of her service in September 1985 and while on approved annual leave, her services were terminated. Following her failed attempts in the Secretariat to get back to work, the Labour Court of the host country (Iran) issued a verdict in her favour in 1988 requesting the Secretariat for remedial measures. She also informed the Secretariat that she had not received her entitlement under the Termination Benefit Fund of the Secretariat.

22. Following Mrs. Yeganeh's letter, the ECO Secretariat examined the case internally through collecting and studying all possible information and available documents, taking into account the facts surrounding the matter as well as the applicable administrative law.

23. The Secretary General informed that the Secretariat made careful examination of the facts and measures related to the case based on the information and documents available. The examination was made from administrative as well as financial perspectives, taking into account the facts surrounding the matter and ECO Rules as well as the applicable administrative law. Since this is the first case of its kind, the Secretariat paid due attention to the case for its resolution and as a result of comprehensive examination of the case the Secretariat has come to the conclusion that the case may be settled amicably. Based on the principle of remedy for hardship as well as her entitlement under ECO Termination Benefit Fund, it is envisaged that she may be paid around 20,000 US Dollars as a compromise for agreeing on an amicable settlement for the case. The exact amount will be decided through discussions with Mrs. Yeganeh Esfarjani. He also informed the Council that after getting the letter from Mrs. Yeganeh Esfarjani, the Secretariat had a meeting with her representative in Iran and the Secretariat understood that they are ready to reach an amicable solution.

24. The Secretary General said that the Secretariat is seeking CPR's consent to pay the amount through the General Reserve Fund, utilizing savings made from the staff benefits. Upon CPR authorization, the Secretariat will make final agreement with Yeganeh Esfarjani and as per rules, the authorization to use General Reserve Fund resources will be ultimately put before COM meeting for approval.

25. The Representative of the Islamic Republic of Pakistan raised following questions and comments;

- (i) Why the case has been presented to CPR 28 years after the judgement passed by Labour Court of the Islamic Republic of Iran i.e. in 1988?
- (ii) ECO Secretariat may prepare details of the case highlighting the circumstances of the case, rules and laws under which the action of dismissal was taken and the court judgements etc. Also to fix responsibility in case the complainant was not treated under the existing laws of the time.
- (iii) During the court adjudication, was ECO properly represented or was it an ex-parte decision.
- (iv) A court decision after 28 years may be time barred, this also needs to be probed properly.

He underscored the importance of getting all the facts right before taking any decision on the issue, as this case holds serious financial implications for the ECO Member States.

26. The Representative of the Republic of Turkey endorsed the views of the Representative of the Islamic Republic of Pakistan. He also highlighted the risk of this case becoming a precedent for further litigation/case by other ex-employees of ECO.

27. He also cited the case of a Turkish staff of ECO who was not provided financial benefits, as per ECO Rules, citing problems with her medical certificate.

28. He explained that all staff at ECO must be treated fairly and such instances if are on increase, will create complications for ECO. He agreed with the Representative of Pakistan that ECO Member States may be given details of the case and time to further evaluate it.

29. The Legal Advisor commenced his explanation by making a reference to the "Due Process Principle" in the judicial system which found its way into administrative law of intergovernmental organization including RCD/ECO. He said that the aim of the "Due Process Principle" is to guarantee a fair treatment, fair and precise decision and prevention of wrongful deprivation of interests. He further explained that, the main procedure of the "Due Process Principle" is the "Notice and Hearing" procedure which requires that the alleged charges against a person that are considered as the cause of deprivation of rights should be brought to the notice of the concerned person and she/he should be given a reasonable opportunity to be heard (to defend herself/himself through provision of the counter evidence).

30. He added that the abovementioned procedure was also set forth in article 20 (c) of the Staff Regulations of RCD adopted in 1977 as part of the administrative law of the RCD/ECO. As per article 20 (c), *"After suspension from duties or before dismissal on disciplinary grounds, the member of the staff concerned shall be given a written statement by the Secretary General of the charge against her/him and a reasonable opportunity to answer the charge in writing."* Considering the importance of the said procedure for fair decision, he, said that, the examination of the case of Mrs. Yeganeh, revealed the fact that this procedure had not been observed before the issuance of the dismissal letter.

31. He continued that, the charges such as absence from work which were mentioned in the dismissal letter as the "cause" of termination of services of Mrs. Yeganeh could have been answered by the counter evidences if the abovementioned procedure had been applied. The counter evidences could reject the charges and prevent resorting to the disciplinary measure of dismissal.

32. The Legal Advisor, further, mentioned that, due to interplay between the charge of absence from work (as the cause of termination of services) and the total calculated amount of Termination Benefit Fund due to Mrs. Yeganeh in 1985, her share of the Termination Benefit Fund remained unsettled since then¹.

33. He added, in case of Mrs. Yeganeh, the host country established its jurisdiction over the case, and finally issued a verdict by default in favour of the applicant in 1988 and

¹ Article 22 of the Staff Regulations of 1977 provides that the Secretariat will pay an amount corresponding to 10% of the salary of the staff on a monthly basis and staff members shall contribute an equal amount to the termination benefit Fund. The total of these amounts including the interest which would accrue thereon will be paid to the employees at the termination of their services.

thereby a compensatory amount was considered based on article 33 of the Labour Law of the host country². He explained that, the judicial systems, at the international level, have in recent decades adopted a restrictive approach with respect to the diplomatic immunity when it comes to the observation and implementation of the Labour Law of the host country in terms of local staffs.

34. He added that it is expected that the administrative system of ECO would be able to settle the cases internally based on the rules and regulations developed for this purpose. In this context, the case of Mrs. Yeganeh was considered internally and it was proposed that time value of approximately 20000 dollars which includes her termination benefit fund and the decision of the Labour Court be considered as an amount for compromise.

35. The Representative of Pakistan supported the views of the Representative of Turkey and thanked the Legal Adviser for explanation. He, however, observed and reiterated that:

- i) As per Legal Adviser's explanation approach of host countries towards diplomatic immunity with reference to labour rights of local staff has become restrictive and there was ex-parte decision in favour of the staff in 1988 by the Labour Court of host country and since its non-implementation by ECO Secretariat the time value of compensation has increased to US\$20,000/-. Then has there been any internal inquiry into the issue to fix the responsibility for non-representation/non-contesting of case in the court and delay in implementation. As Organization should not pay the cost of negligence by individuals in the Organization.
- ii) The issue of precedence needs to be seriously considered before taking a decision on the issue as new cases older than 20 years may surface. He supported the views of Turkish Representative that the advantage of legal recourse is only available to local staff as they remain in the country after being eased out of job at ECO.

36. The Legal Adviser referred to the concerns raised by the Representatives of the Islamic Republic of Pakistan and the Republic of Turkey regarding disadvantage of the staff members who are not the nationals of host country and explained that the host country can just establish jurisdiction in cases of local staff. Establishment of jurisdiction is not possible in cases of the international civil servants. He further said that there are no documents showing that why the Secretariat refrained from participating in the hearing sessions.

37. The Secretary General appreciated the contribution by the Representatives of the Islamic Republic of Pakistan and the Republic of Turkey in the matter and agreed that

² Article 33 of the Labour Law of the host country provides that "whenever, the labour contract has been concluded for an indefinite period, it can be terminated by either party by giving 15 days prior notice. In case that the services were rendered for a consecutive or non-consecutive year, the employer should pay 15 days salary at the end of the services for each year of services rendered by the labour." This article of the Labour Law is similar to the second paragraph of article 22 of the Staff regulation of 1977 of RCD which states that "directly recruited staff covered by social insurance scheme will also receive one month's basic salary for every year of satisfactory service with the organization on termination of their employment"

this case needs to be deliberated in more details and requires more time as there are lots of issues requiring scrutiny. Moreover, the Secretariat does not have proper documentation about what happened in the past and that all the questions could not be answered. He emphasized that ECO is trying to make efforts to compensate the complainant for what she rightfully deserves while she was in ECO as it has been noticed that she was not paid her Provident Fund. He suggested that all available information on the case will be shared with the ECO Member States along with a detailed brief of the case.

38. After lengthy deliberations, the CPR Chairman decided that the matter requires more time for evaluation and said that any further question from any Member State can be raised with the Legal Office of the Secretariat and then it could be discussed in the next CPR Meeting

c. Recommendations of the Selection Panel

39. The Council was informed that the Selection Panel's Meeting was held on Monday 11th July, 2016 and on its recommendations, the Council approved the extension in tenure of Ms. Fatma Guller (*Turkish National*), Documentation Officer (Category-II, P2) of the ECO Secretariat, for a period of three months effective from 13th August, 2016.

Agenda Item No. 6

Pending issues with the Member States delegations

40. The Secretary General reminded the distinguished members of the Council about a the Note Verbale circulated among the Member States wherein the Secretariat has requested to explore the possibility of hosting the Ministerial Meeting of Planning and Development to finalize the Draft Vision 2025 before its final approval by the COM Meeting. He requested an urgent response from the Member States.

41. The Representative of the Islamic Republic of Iran informed that the matter is under process and hopefully the dates are going to be finalized and the Secretariat will be informed in due course.

42. The Representative of the Islamic Republic of Iran further mentioned about a Ministerial Meeting of Commerce which is most important priority of the ECO Organization and has been proposed to be held on 22-23 of August of this year in Tehran by the Ministry of Trade of Iran. He further said that the said meeting has been previously postponed two times due to lack of quorum. He also informed that the Council of ECOTA, which is very important, is also scheduled to be held on the sidelines of this Ministerial Meeting. He requested the Secretariat to follow the case with the Member States and inform the Iranian authorities for holding or otherwise of the said meeting.

Agenda Item No.7

Any other business

43. Nothing was discussed under the agenda item.

Agenda Item No.8

Date of the next CPR meeting

44. The CPR decided to convene its next (213th) Meeting on **Monday 15th August, 2016 at 1000 hours at the ECO Secretariat.**

45. The Secretary General also proposed the Council for holding of ***Special CPR Meeting*** acting on ***behalf of the SOM*** on ***6th or 7th September 2016*** at the Secretariat in order to finalize the Agenda for the Ex-COM Meeting on the sideline of the UNGA.

46. While concluding the meeting, the CPR Chairman expressed his sincere thanks to the distinguished Permanent Representatives/Representatives of all ECO Member States for their participation and valuable contribution in the Meeting.

Annex-I

LIST OF PARTICIPANTS

The Embassy of the Islamic Republic of Afghanistan:

- Mr. Ahmad Haroon Najmpoor, Minister-Counsellor
- Mr. Mohammad Rahim Sarwari, First Secretary
- Ms. Zahra Badaghi, Administrative Assistant

The Embassy of the Republic of Azerbaijan:

- Mr. Taleh Zohrabov, Counsellor
- Mr. Nariman Orudjaliyev, First Secretary

The Ministry of Foreign Affairs of the Islamic Republic of Iran:

- H.E. Mr. Majid Bizmark, Permanent Representative/Director General
- Mr. Abulfazl Mohammad Alikhani, Director of ECO Affairs Bureau
- Mr. Ahmad Safari, Deputy Director of ECO Affairs Bureau
- Mr. Tofigh Seddigh Mostahkam, Senior Expert, ECO Affairs Bureau
- Mr. Mohammad Arabi, Expert, ECO Affairs Bureau
- Ms. Fatemeh Mirbagheri, Expert, ECO Affairs Bureau

The Embassy of the Republic of Kazakhstan:

- Mr. Serik Zhumabekov, Minister-Counsellor

The Embassy of the Islamic Republic of Pakistan:

- Mr. Saqib Rauf, Charge d, Affaires a.i.
- Mr. Ghulam Hussain, Third Secretary

Embassy of the Republic of Tajikistan:

- H.E. Mr. Nematullo Emomzoda, Ambassador
- Mr. Saidali Shosaidov, Embassy officer

The Embassy of the Republic of Turkey:

- Mr. Baris Saygin, Counsellor
- Ms. Sevgi Ilhan, Second Secretary

The Embassy of Turkmenistan:

- H.E. Mr. Ahmet Kurbanow, Ambassador

The ECO Secretariat:

- H.E. Mr. Halil Ibrahim Akça, Secretary General
- Mr. Kanan Nazarov, Deputy Secretary General
- Mr. Bahodur Rahmonov, Assistant Director (CFU)
- Mr. Muhammad Muqeeq Asim Shah, Assistant Director (IR)
- Mr. Mahmoud Khoubkar, Legal Adviser
- Mr. Farhad Najafzadeh, Chief Accountant
- Mr. Israr Ahmad Khan, Steno-Secretary
- Ms. Aynur Mammadova, Russian Interpreter/Translator
- Ms. Nurgul Duissenova, Russian Translator
- Mr. Amir Javaheri, Persian Interpreter/Translator
