

The OSCE Chairmanship: Development of an Institution¹

Political Executive as the OSCE's Distinctive Feature

The institution of the Chairmanship constitutes a central element of the OSCE's operational actions. The Chairman-in-Office (CiO) has the overall responsibility for executive action. He/she is not only the focal point of the consultation and decision-making process but also a channel for external contacts. The Chairmanship is also directly responsible for the implementation of decisions. This strengthens the link between policy decisions and their implementation and makes the OSCE more effective in this regard.

The OSCE Chairman-in-Office is the Foreign Minister of an OSCE country. The fact that the "head" of the Organization is a political personality ensures the primacy of a political approach in the activities of the Organization.

It keeps the Organization close to the participating States. It ensures political back-up to the activities of the OSCE, which is particularly engaged in conflict prevention and crisis management.

The Chairman-in-Office arranges for a specially assigned staff at his/her Foreign Ministry. His/her representatives chair the Senior Council and the Permanent Council. The Chairmanship staff in Vienna plays an important role in the day-to-day management of the OSCE.

The Chairman-in-Office is supported by the Secretary General in all aspects of his/her activities. The Secretariat and other OSCE institutions provide support to the Chair.

Like the OSCE itself, the institution of the Chairmanship has developed step-by-step, in a pragmatic manner, on the basis of experience and practical needs. It was not conceived on a drawing board but has grown in operative action.

Origins

The roots of the Chairmanship as an institution can be traced back to the Charter of Paris of 1990. The Charter established the first permanent institutions of the then CSCE. Nonetheless, the Chairmanship as such was not

¹ This paper is based on an oral presentation delivered by the author at a seminar organized by the Technical University of Zurich on 19 June 1995.

among them. There are in the Paris Charter only two provisions referring to the Chairmanship:

- the Foreign Minister of the host country was to chair the Council Meetings,
- a representative of his/her country should chair the meetings of the Committee of Senior Officials (CSO; now: Senior Council).

In other words, the responsibilities of the Chair were very much seen in the traditional pre-Paris sense and continued to be concentrated on presiding over formal meetings. The Paris Charter, however, broke with the CSCE tradition of daily-rotating chairmen. Since all the meetings of the Council and the CSO between two regular Council Meetings were chaired by the same country, it gave a continuous responsibility to the Chair at least as a focal point for consultations when preparing the meetings.

During the period of the first CSCE Chairmanship held by Germany, two important developments took place which called for the strengthening of the Chairmanship:

- first cases of CSCE involvement in crisis situations;
- accession of new participating States.

The CSCE mechanism for emergency situations approved at the Council Meeting in Berlin in 1991 envisaged an important role for the CSO Chairman. He was responsible for receiving requests for action under the mechanism, for consulting States at different stages, for convening emergency meetings and for providing available documentation.

Just a few days after the adoption of these decisions the mechanism was already in use: early in July 1991 the CSO met to consider the situation in connection with the Yugoslav war. Several emergency CSO meetings followed. The dramatic events in Yugoslavia also consolidated the role of the Chairmanship as the instrument for taking initiatives and determining a possible common denominator of views.

Increased responsibilities for the Chair came also from the process of admitting new participating States. In June 1991 Albania joined the CSCE, in September 1991 the three Baltic states, in January 1992 ten "post-Soviet" states. All these decisions involved extensive political consultation and coordination (e.g. convening of an extra Ministerial Meeting in Moscow in September 1991).

Another new task for the Chair was that of operational action. The Chairmanship was responsible for sending the first CSCE fact-finding missions to new participating States (the first one was dispatched to Albania). In this context

closer links were established between the Chairmanship and the CSCE institutions (the Secretariat, the Conflict Prevention Centre/CPC, the Office for Free Elections).

Chairman-in-Office as an Institution

The Czechoslovak Chairmanship took over from Germany an agenda that was heavy enough. Rapporteur missions to the newly admitted States had to continue. In addition, the Chair had to cope with a rapidly expanding list of crisis management tasks. In March 1992, after exploratory missions, the CSCE became involved in mediating the Nagorno-Karabakh conflict. It was also involved in various aspects of the conflict in the former Yugoslavia which in the spring of 1992 fully spread to Bosnia and Herzegovina, threatening further spillover. In September the CSCE established its first long-term missions: to Kosovo, Sandjak and Vojvodina as well as to Skopje. The CSCE became involved in the peaceful settlement of the conflicts in Georgia (South Ossetia and Abkhazia).

Confirming the established role, the Helsinki 1992 Summit formally institutionalized the Chairmanship. The Chairman-in-Office was added as a separate entity to the list of institutions. The prerogatives of the Chairman-in-Office were codified as follows:

- to ensure coordination of and consultation on current CSCE business;
- to communicate Council/CSO decisions to CSCE institutions and to give them advice regarding those decisions;
- to serve as a channel for early warning and to coordinate CSCE conflict prevention and crisis management activities.

The latter function had already been initiated at the Prague Council Meeting in January 1992. However, whereas that decision gave the Chair a rather narrow mandate (he was to act with "precise mandate for action", provisions for reporting back, etc.), the Helsinki Document reflected growing confidence in the impartiality of the Chairmanship. The Chairman-in-Office enjoyed the right to "retain the freedom to determine how to proceed, with whom to consult, and the nature of any recommendations to be made".²

The Chairman-in-Office acquired, in particular, new and important prerogatives in the context of the newly established mandate for the CSCE to conduct peacekeeping operations. The CiO was entrusted with initiating a peace-

² CSCE Helsinki Document 1992, *The Challenges of Change*, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 701-777, here: p. 724.

keeping operation, exercising overall political control and overall operational guidance of field operations, nominating the Head of Mission, determining the composition of a force, and keeping the UN Security Council informed about the conduct of operations.

The High Commissioner on National Minorities was requested to consult closely with the Chair on his activities.

The 1992 Helsinki Summit also introduced instruments of assistance to the CiO. They were:

- the Troika;
- ad hoc steering groups (The Minsk Group was largely modelled on this concept, but an attempt to form a steering group on former Yugoslavia ultimately failed);
- Personal Representatives.

The Helsinki Summit, while formalizing broad responsibilities of the CiO, did not offer solutions to two problems which were posed by increased operational involvement of the CSCE:

- how to ensure better continuity in view of the annually rotating Chairmanship;
- how to strengthen the link between the political executive (CiO) and administrative structures (institutions).

The Stockholm Council Meeting in December 1992 brought an answer by establishing the post of the Secretary General.

The Chairmanship during the Period of Growth

The year of 1993 was a period of rapid development of the CSCE's operational activities and of the establishment of a corresponding operational infrastructure.

The Swedish Chairmanship developed the potential of that function, concentrating its activities on the following priorities:

- *CSCE activities in the field*: it was at this time that the basic new form of the CSCE presence on the ground was established - the long-term missions. There were no rules and prescriptions in the CSCE documents on how to manage them. The Swedish Chairmanship developed a pattern of political management of the missions. It also had to organize, together

with the then weak CPC, the necessary patterns of organizational support.

- *Contacts with the United Nations and other international organizations:* as the CSCE became more involved in operational activities, in particular in conflict prevention and crisis management, close contacts and good cooperation were a matter of necessity. The Chairman-in-Office was designated by the Stockholm Council decision as the channel for these contacts. One of the most tangible results was the conclusion of the Framework Agreement between the CSCE and the United Nations in 1993.
- *Coordination of the political consultation process and preparation of decisions:* in 1993 political consultation in the CSCE acquired a permanent character. The so-called Vienna Group was established for this purpose under the CSCE Chairmanship guidance.
- *Integration of the newly admitted participating States:* the Swedish Chairmanship developed programs of integration, in particular for Central Asia. The CiO herself was directly involved, paying visits to Central Asia and Transcaucasia.

The Overall Responsibility for Executive Action

The Italian Chairmanship dealt in 1994 with a rapidly expanding CSCE agenda. In addition to the types of tasks taken over from the preceding Chair, such as conflict prevention and crisis management (new missions were established during the Italian Chairmanship), increased political coordination effort (the Vienna Group was replaced by the Permanent Committee) and related tasks, some new areas of responsibility emerged.

The Chair took the lead in making CSCE peacekeeping a realistic option, preparing the political and operational ground for an eventual deployment of a peacekeeping force, including collection of pledges from participating States to deliver a contingent.

The Chair presided over a major effort to find an acceptable formula for the concept of so-called third party peacekeeping (unfortunately without result).

The Italian Chairmanship took up the responsibility for increased contacts with non-participating States. Expanded forms of cooperation were introduced in that period with the Mediterranean states as well as with the Republic of Korea. The Chair also became more involved in the management of internal CSCE business. For example, the Rome Council in December 1993

assigned to the Chair the responsibility to decide on the appointment of the Heads of Department of the CSCE Secretariat.

The Budapest Summit drew upon the positive experience of the functioning of the institution of the Chairmanship. Reflecting the growth in responsibilities and functions of the Chair, the 1994 Budapest Summit assigned to it the "[o]verall responsibility for executive action".³ The Hungarian Chairmanship undertook a successful attempt to make full use of the potential involved in these provisions. The beginning of its term was marked by a bold initiative to get the OSCE involved in the peace settlement process in Chechnya. In the context of that operation, the Chairmanship became *de facto* a free-standing crisis management mechanism (and not just an instrument). The action by the Chair successfully employed the invocation of existing formal conflict prevention and crisis management mechanisms. The Chair emphasized the cooperative approach to crisis resolution.

The end of the Hungarian term was marked by preparation for the implementation of the challenging tasks given by the Dayton Agreement to the OSCE in Bosnia and Herzegovina.

The Dayton Agreement itself directly envisages a role for the Chairman-in-Office (specifically, to appoint the Human Rights Ombudsman). It was thus noteworthy that instead of leaving to the OSCE itself who or what body should decide on a matter assigned to the OSCE, the Agreement made direct reference to the CiO. This reflected a recognition of the role played by the Chairmanship and confidence in its efficiency. The 1995 Budapest Decision on "OSCE Action for Peace, Democracy and Stability in Bosnia and Herzegovina" turned the Chairmanship into the central element of the implementation process. He was authorized together with the Secretary General under the Chairman's direction and other OSCE bodies and institutions "to take all necessary steps to ensure effective and timely implementation of the OSCE's tasks".

The Chair was authorized in particular to appoint a Head of Mission, to take decisions regarding conditions for and of the elections, to designate a Personal Representative for confidence-building and arms control negotiations. The assignment of these functions to the Chairman-in-Office further strengthened this institution.

The Swiss Chairmanship took up those tasks with vigor and creativity. To shorten the period of adapting to its new role, the formal takeover was preceded by careful preparations.

³ CSCE Budapest Document 1994, Towards a Genuine Partnership in a New Era, in: Helsinki Monitor 1/1995, pp. 79-106, here: p.84.

Lessons and Challenges

The institution of the Chairmanship is a framework which is filled with substance by the initiative and creativity of the country holding it. It has as much weight and as much meaning as each individual holder puts into it.

Established patterns are of help, but due to the rapidly changing circumstances, the work of the Chairmanship has to be approached creatively. So far the OSCE has been lucky with the countries holding the Chairmanship. Each one has been able to give it a creative interpretation.

The OSCE needs political leadership, and developments have shown that the Chairmanship is precisely an agent of impartial leadership.

It remains, however, a challenge to use the weight of a State and the personality of an active statesman without being exposed to criticism of taking advantage of the Chair to pursue national interests. The experience so far has been positive. Countries holding the Chairmanship have been able to draw a clear line between their OSCE role and their national interests.

Another challenge is how to continue the short-term perspective of one-year terms of office of the Chair and the need to look at the Organization from a longer-term strategic perspective.