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More Competencies and Functions for the Secretary General?

On 15 June 1993 the first Secretary General of the OSCE¹ took office. The second Secretary General, who took over in June 1996, is approaching the half-way point of his three-year term. Although the institution of the Secretary General is relatively young, it has acquired a solid and clearly defined place in the OSCE structure. Discussion of the role and mandate of the Secretary General began long before the office was created and has gone on ever since. This discussion, simply put, is divided into two main camps. One argues for a more political role for the Secretary General while the other would deny him such a function maintaining that his role should for the most part be that of the "chief administrative officer" of the OSCE.

The Existing Model of the OSCE Secretary General and Possible Alternative Models

The CSCE participating States agreed on a mandate for the Secretary General at the meeting of the CSCE Council in Stockholm in 1992. The basic decision made there puts the Chairman-in-Office, who alternates annually, at the centre of political work and gives him the main responsibility for political initiatives and for carrying out the decisions of the various OSCE decision-making bodies. The Secretary General acts mainly as representative of the Chairman-in-Office and supports him in all activities aimed at fulfilling the goals of the CSCE/OSCE. This basic model, whose development will be looked at later, differs fundamentally from the structures of other important international organizations. The UN Charter gives the Secretary-General of the *United Nations* a right of political initiative. Chapter XV, Article 99 states clearly: "The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." Article 98 says that the Secretary-General "shall act in that capacity in all meetings of the General Assembly, of the Security Council (...)". The role of the *NATO* Secretary General is similarly designed; he too has a right of political initiative which gives him the possibility (and duty) of exercising an

1 The first Secretary General of the OSCE: Dr Wilhelm Höynck, 15 June 1993 until 14 June 1996. The second Secretary General of the OSCE: Giancarlo Aragona, since 15 June 1996.

affirmative influence on the consultation and decision-making process within the Alliance. In addition, the Secretary General serves as the "spokesman" for the Alliance, a function that permits him to formulate and explain the policies and the concrete decisions of NATO to the outside world.

The participating States of the OSCE deliberately avoided choosing a model comparable to UN or NATO. Instead, the OSCE opted for a dual team consisting of the Chairman-in-Office with extensive political responsibility and the Secretary General with a supporting function. By deciding in favour of this basic model the OSCE at the same time answered the question as to how the (naturally tense) relationship between an "international institution", on the one hand, and the sovereign participating States, on the other, should be organized. This issue is particularly important in the building phase of an international administrative structure because as a rule every transfer of responsibilities to an "institution" is accompanied by a certain loss of authority on the part of the sovereign member states. The OSCE gives broad political responsibility to the Chairman-in-Office who, as such, is also a functioning part of the "institution". This responsibility is put on the broadest possible basis by the Chair's annual rotation which makes it possible for a large number of participating States, some of them small, to take over responsibility for the Organization. The office of the Secretary General, which provides for rotation every three years (five if the extension option is exercised) ensures that there is an element of continuity within the Organization. There are two ways in which this element influences the relationship of consultation and support between the Secretary General and the Chairman-in-Office: first, it is intended (along with the OSCE Troika) to help the Chairman-in-Office take up current developments and work his way into a subject quickly; second, it is meant to provide a long-term framework for the official acts of the rapidly alternating Chairmen-in-Office so as to ensure the further development of the Organization and its operations.

All in all, this model guarantees that a maximum of decision-making and guidance authority will remain in the hands of the participating States, keeping the "transfer of competence" to the institution to an absolute minimum. It also has the effect of nipping in the bud any danger of the institution's administration "asserting its independence", a risk that is "naturally" present under the laws of bureaucracy. The result is the greatest possible flexibility in the organizational structure when there is a need to act quickly; the administrative apparatus can be enlarged or - this is particularly important - also reduced in size quickly and at minimal cost.

Today, when there is discussion of a restructuring of the UN administration and a number of UN members are showing an inclination to freeze their membership contributions, this result takes on increased significance. The OSCE has been largely spared this discussion just as it has been spared the politically motivated withholding of contributions. This is not only because it enjoys the advantages

of a relatively new organization but above all because the above mentioned basic decision on the role of the Secretary General and the administrative apparatus he heads prevents such things from happening. This arrangement also corresponds to the CSCE's tradition as an open and flexible conference of states which in the seventies and particularly in the eighties enjoyed some clear successes.

The last possible alternative model we will discuss here is the elimination of the OSCE Secretary General and his replacement by a Director General whose job description is a priori exclusively focused on administrative responsibilities and not political ones, not even in an advisory and supporting role. This model would not be entirely unrealistic because the mandate adopted in Stockholm in 1992 tasks the Secretary General, along with his support of the Chairman-in-Office, with the administration of the CSCE structures and operations in the capacity of Chief Administrative Officer of the OSCE. In the unlikely - indeed, hardly thinkable - case that the Chairman-in-Office did not need or want the advice and support of the Secretary General (over and above the purely administrative aspects) the existing model would in any event be reduced de facto to the model of a General Director. One possible advantage of this might lie in reduced costs as compared with the other models discussed here.

However, the decision of the OSCE participating States in favour of the model of a Chairman-in-Office who works with the support of the Secretary General was made unambiguously and for good reasons. Since adoption of the Secretary General's mandate, a change or amplification of that decision has been proposed and discussed a number of times in the course of preparations for Ministerial and Summit meetings, but there has never been a consensus for change. For example, the Swiss Chair, in preparing for the Lisbon Summit, suggested the following text regarding a strengthening of the Secretary General's position: "*The Secretary General, upon instruction of the Chairman-in-Office (CiO), should be able to act on the CiO's behalf in fact-finding missions, mediation or other action which the CiO may deem required.*" Since this text found no consensus for inclusion in the Lisbon Document, it seems reasonable to conclude that a change of the Secretary General's mandate as such, as it was set forth by Ministerial decision at Stockholm in 1992, would also not be capable of consensus.

Prospects and Limits with Regard to Function and Competence

In view of what has just been said, the initial question about more competencies and functions for the Secretary General can only be put on the basis of the mandate as it exists and of all OSCE norms; these are susceptible of interpretation

and allow, in their nature, a broad view with respect to the content and the limits of the mandate.

Under the terms of the Stockholm Ministerial decision of 1992, supplemented by the decisions of the Ministerial Council in 1993 in Rome and by the 1994 Budapest Summit, the extent to which the Secretary General is granted competencies and functions in individual cases depends ultimately on the Chairman-in-Office. The mandate adopted in 1992 in Stockholm says clearly that the Secretary General acts as the representative of the Chairman-in-Office, whom he supports in carrying out all of his activities aimed at fulfilling the goals of the OSCE. But the decision of the Chairman-in-Office about the degree to which he will call on the Secretary General for support cannot be one that hangs in empty space. This decision - like the actions of the Secretary General as well - is based on the "constitution" of the OSCE, i.e. all OSCE norms which define the existence and the role of the Chairman-in-Office. Among these norms is, *inter alia*, the decision on creating the Secretary General's office and mandate, along with the duty and responsibility of the Secretary General to carry out his mandate fully on behalf of the participating States that appoint him.

The "OSCE Constitution" provides an answer to the question of what contribution the Secretary General can make in fulfilling his mandate and the extent to which this contribution should be accepted and implemented. The criteria can be derived from the elements of the Secretary General's mandate. The Secretary General, with his three to five year term of office, provides the already-mentioned element of continuity in his relationship with the Chairman-in-Office, who alternates on a yearly basis. The Secretary General introduces the "institutional memory" into the work of the Chairman-in-Office and of the entire OSCE. Supported by the Secretariat and possessing profound and readily available knowledge on the status and prospects of political consultations as well as on the applicability and practicability of political mechanisms of the OSCE, he stands at the Organization's disposal.

The Secretary General is appointed on the basis of a consensus decision of the Ministerial Council. This gives him authority and lends to his voice a moral legitimacy that is related to the totality of OSCE norms and standards that "stand behind him". Moreover, his position as Secretary General of all 55 OSCE participating States gives him a neutral status, independent of national interests, which lends special weight to his counsel. In sum, the Secretary General possesses a potential that can be called on for the benefit of the Organization. It would appear not to be in harmony with OSCE norms, therefore, if full use were not made of these available possibilities, unless a change in the norms themselves was desired at the same time; the Chairman-in-Office has a responsibility to the other OSCE participating States in this regard.

Against this background, it would seem to make sense, for the benefit of the Organization, to strengthen and develop the following options within the Secretary General's field of responsibility:

Conducting Political Fact-Finding Missions on Behalf of the Chairman-in-Office:

In the second half of 1996 the Chairman-in-Office gave the Secretary General a written mandate to carry out a fact-finding mission in connection with the constitutional crisis in Belarus. Among the elements in the mandate were: to express to official circles on behalf of the OSCE the Organization's concern over the worsening of the political and institutional situation, to analyse the general political situation, to discuss possibilities for continuing co-operation between the OSCE and the competent authorities in Belarus and, finally, to report on the results of the mission.

Giving this mission to the Secretary General has remained unique in the history of this institution. It demonstrated that the Secretary General is an appropriate organ and a correct approach to use in cases like this. He draws his authority from a consensus decision of the OSCE Ministerial Council and embodies, as it were, the totality of OSCE norms and standards. Thus when he speaks it is with great political and moral weight. He is a neutral organ which does not represent the interests of individuals or of a particular group of countries. This ensures his objectivity. The OSCE Secretariat makes it possible for him quickly to gather knowledge and experience on the prospects for using existing OSCE mechanisms and to use this as a basis for his analysis of the options for concrete co-operation between the country concerned and the OSCE.

It would make sense to send the Secretary General on more fact-finding missions of this kind in other areas of conflict within the OSCE. His mandate could be expanded to include concrete mediation efforts between parties to a dispute or between conflicting interests.

Preparation and Conduct of OSCE Meetings

The Stockholm mandate stipulates that the Secretary General, in close co-operation with the Chairman-in-Office, should prepare and conduct OSCE meetings and ensure the implementation of OSCE decisions. Under the terms of the OSCE's "basic constitution" the Chairman-in-Office chairs all meetings of OSCE bodies. In this respect, the Secretary General could be used in the following way: the Chairman-in-Office can ask him to take the chair in meetings that deal with subjects in which the Secretary General, by virtue of his position, has special knowledge. An example of this took

place on the margin of the Lisbon Summit when the Swiss Chair asked the Secretary General to conduct a co-ordinating meeting at the highest level with representatives of international organizations attending the Summit, which he successfully did.

In addition, the Chairman-in-Office can use the Secretary General as a neutral mediator when controversial consultations between states require certain finishing touches in order to reach agreement. This would mean that the Secretary General - with the approval of the Chairman-in-Office - could propose wording and compromise formulations of his own and discuss them with the states involved in the consultations.

The neutral status of the Secretary General already mentioned, along with the knowledge of the applicability of OSCE mechanisms readily available to him by way of the Secretariat, should also favour using him as "facilitator" in connection with difficult substantive issues. One example that could be cited here is the debate that took place within the OSCE in connection with the outbreak of the Albanian crisis in March 1997 and that was characterized by conflicting views. The negotiations focused on the politically and legally relevant question about the necessity of appealing to the UN Security Council to legitimate the military part of the operation which, among other things, was intended to provide security for the civilian OSCE Presence. Some countries thought that a consensus decision by the OSCE (as a regional arrangement in the sense of Chapter VIII of the UN Charter) would be sufficient to legitimize such a military operation. Others thought that was not enough and that a mandate from the Security Council was necessary. The controversy led to difficult negotiations and it appeared possible that the entire operation might fail. The neutral position of the Secretary General, supported in a case such as this by readily available specialized legal knowledge, could be used to reach constructive decisions within the OSCE - which is ultimately what all of the participating States wanted.

Another aspect that needs to be mentioned in this connection is "burden-sharing". The Secretary General could be charged more frequently to direct meetings on matters that are not of top political priority for the Chairman-in-Office. This would be particularly helpful to Chairmen-in-Office whose Foreign Ministries do not have large personnel resources. In some areas this is already an established practice. For example, the Secretary General or his representative chair meetings whose purpose is to prepare OSCE seminars.

Full use of the resources of the Conflict Prevention Centre (CPC), which is under the direction of the Secretary General, might provide additional opportunities in connection with the work of OSCE missions. Political analysis and political leadership of the missions are the respon-

sibility of the Chairman-in-Office. The role of the CPC is currently limited to administrative support, which for the time being is vital for the missions. Without any great change in personnel requirements, the CPC could do more to help the Chairman-in-Office, to the extent that he desires this, by providing analyses and basic evaluations of political issues to facilitate his decision-making. Part of this might be the conduct of meetings, both formal and informal, on the occasion of visits to Vienna by Heads of OSCE missions.

Co-operation with International Organizations

The institutional knowledge of the Secretary General and the Secretariat can be particularly useful in maintaining contacts and co-operating with international organizations. Both Secretaries General of the OSCE have traditionally established close contacts with other international organizations so as to achieve the greatest possibly synergy effects and avoid duplication of effort in the complicated and obscure network of their responsibilities. Such co-operation involves especially the UN with its subsidiary organizations, the Council of Europe, NATO, WEU, CIS, CEI (Central European Initiative), SECI (Southeast European Co-operative Initiative), CBSS (Council of the Baltic Sea States), and other regional organizations. The Stockholm mandate gives the Secretary General the task to assist the Chairman-in-Office in maintaining contacts with international organizations. It is important, particularly with a view to the continuity of relations, that this support function be carried out to the fullest. All in all a broad range of responsibilities has evolved which the Secretary General carries out on behalf of the Chairman-in-Office. Thus he speaks regularly for the OSCE to the General Assembly of the United Nations.

Press and Public Relations

Press and public relations work has proved to be particularly important. With his broad understanding of his range of responsibilities and competencies, the Secretary General has provided durable support for the Chairman-in-Office in this field. It would appear to be capable of further development, however. This is particularly true if the country that supplies the Chairman-in-Office has a small Foreign Ministry without a large international press office. The support provided by the Secretary General can help small countries by making it easier for them to take over the Chairmanship and to make the most of the opportunities this offers. The creation of an OSCE Representative on Freedom of the Media by the Lisbon Summit deserves mention in this connection. As soon as his mandate

has been worked out and a Representative named he will be able to rely on the full support of the Secretary General.

Tabling of Initiatives in the Permanent Council and Other Bodies

The competencies of the Secretary General, working together with the Chairman-in-Office, could be used more extensively for the tabling of initiatives in the Permanent Council. The personnel resources of the Secretariat, especially those of the Conflict Prevention Centre, should be used to follow up the numerous OSCE operations - if necessary by means of political initiatives - particularly in such cases when the resources of the Chairman-in-Office are focused on certain areas of crisis where immediate action is required. This might mean as well taking care of OSCE missions in the field which often do good work in such regions whose problems do not attract the international public's greatest attention.

As an already existing example for this the OSCE Secretariat's Liaison Office for the Central Asian participating States (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan) which is located in Tashkent, can be mentioned. The Office was established on the initiative of the Secretary General. Directly subordinated to the Secretary General it ensures permanent dialogue between the new republics and the OSCE on all areas related to OSCE norms and standards. It would make sense to strengthen the work of the Secretary General in this field, e.g. by opening projects similar to this one in other OSCE regions.

Advice and Support for Personal Representatives of the Chairman-in-Office

Considerable potential for the work of the Secretary General lies in the area of advice and support for *Personal Representatives of the Chairman-in-Office*. The use of such a Personal Representative has become an increasingly effective tool of crisis management. Thus the Chairman-in-Office, in March 1997, appointed the former Austrian Chancellor, Dr Franz Vranitzky, as his Personal Representative for Albania.

It is an important part of the Secretary General's responsibility to make his institutional knowledge available and useful to the *Personal Representative of the Chairman-in-Office*, who must frequently take over a difficult job at very short notice and does not have years of experience with the functions and operating methods of the OSCE. Counselling on the applicability and practicability of OSCE mechanisms, support in press and public relations work and in the use of synergies in dealings with other in-

ternational organizations are all areas in which the competence of the Secretary General could be increasingly used.

The OSCE Co-ordinator on OSCE Economic and Environmental Activities

The OSCE participating States decided at the Lisbon Summit to strengthen the Organization's work in the economic dimension, in a way consistent with the OSCE's comprehensive approach to security, by creating the position of OSCE Co-ordinator on OSCE Economic and Environmental Activities, whose mandate is to be worked out by the time of the 1997 Ministerial Meeting in Copenhagen and presented there. The Lisbon Document states that the Co-ordinator's post is to be created "within the OSCE Secretariat" and thus subordinated to the Secretary General. This decision gives the Secretary General broad opportunities to make his own contribution to the discussion of the Co-ordinator's mandate. At the same time he can use his position as head of the Secretariat to initiate and secure the active use of the later mandate.

Concluding Evaluation

In summary it can be said that the initial question about more competencies and functions for the Secretary General ought not to lead to any change in the basic dual model of Chairman-in-Office/Secretary General. There is no need for that. The statements in this article should have made clear that this basic model gives participating States sufficient opportunities to make full use of the Secretary General's potential, both in their daily co-operation and through the gradual strengthening of the patterns developed in that co-operation for the benefit and effectiveness of the OSCE.