



# **Reflections on Ireland's Chairmanship in Office of the OSCE, 2012**

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## Abstract

Ireland's first Chairmanship in Office of the OSCE in 2012 came at a time when the organisation was facing a number of internal and external challenges and was suffering from significant internal divisions. Despite the challenges faced by Ireland, as a small country in the midst of a recession, the Chairmanship was broadly successful; the Dublin Ministerial Council adopted some important decisions; most of its modest and realistic objectives were successfully achieved and some progress was recorded in handling protracted conflicts. The one area in which there was disappointment was in the Human Dimension; this was largely due to structural flaws within the Organisation and divisions among its members.

## Keywords

Chairmanship-in-Office; Ministerial Council; protracted conflicts; Transdnistria; Moscow mechanism; Human Dimension; consensus rule; Northern Ireland; Peace Process; peacebuilding; comprehensive security; Helsinki + 40

This was Ireland's first time to take the role of Chairman-in-Office of the OSCE; it followed a decision adopted formally in December 2009, preceded by a process of informal consultation over several months. Although international organisations are quite diverse in the manner in which they select the incoming Chairs, most have some formula or methodology – such as alphabetical order, regional or sub-regional rotation, etc. – but the OSCE has no formulaic method for making the selection; essentially, a participating state must volunteer (or, as may sometimes be the case, be pressed into volunteering) and then, rather than being elected, as in some organisations, must be approved by all the other participating States by consensus. When in 2008/2009 another participating state, which had expressed an interest in taking the Chair, had second thoughts, attention turned to Ireland and it became clear that we were considered to be a very acceptable choice by all states. For Ireland at that particular juncture, while we had always been a committed participant in the OSCE since its foundation (as the CSCE) in 1975, taking on the Chairmanship in 2012 presented a formidable challenge to a small state going through a period of severe recession with consequent pressure on resources; a further domestic complicating factor was that, after the initial political decision by the government, we had a change of government following the General Election in early 2011. However, the incoming administration, of which the new Minister for Foreign Affairs, Mr Eamon Gilmore, was also the Deputy Prime Minister, confirmed Ireland's agreement to take over the Chairmanship in the following year. Despite the challenges and the somewhat less than ideal timing, the Chairmanship was seen as an opportunity for Ireland to play a leading, constructive international role and to gain international credit for our willingness and ability to play such a role even at a time of domestic stress.

Was it worth it?, one might ask. The Chairmanship in Office (the formal title given to the Chairing role) is a complex task – some might say more complex than it should be – and one would be foolish to expect easy or dramatic breakthroughs in an organisation in which there are significant divisions and in which all decisions are taken by consensus. Having due regard to all that, after the end of a busy term, we can look back on a generally positive experience, in a year that saw some real progress though it also included some severe challenges and, inevitably, a few disappointments. As Tánaiste and Minister for Foreign Affairs, Eamon Gilmore, remarked in his closing speech at the end of the Dublin Ministerial Council on 6-7 December, “We can be happy that the Organisation has emerged strengthened from the decisions made in Dublin” and “we are happy that we have renewed our determination to work together on many key issues, to the benefit of our citizens”.

What was the state of the OSCE we inherited at the start of our Chairmanship? While apparently fully functioning and intact, the Organisation was suffering from a number of internal and external stresses and could be regarded as suffering from a form of metal fatigue in recent years, despite various attempts to rejuvenate it. Its relatively very modest core budget (approx. €150m) had been consistently frozen and even reduced in real terms over recent years, restricting the scope for any expansion of its activities unless extra-budgetary resources could be provided. It had had success in the Balkans in playing an important role in reducing and containing conflict in the aftermath of the Balkan conflicts of the '90s. It still has nearly 70% (though a reduced and still reducing proportion) of its personnel deployed in field missions, many in areas of past or potential future conflict '90s, mainly in south-eastern Europe, the Balkans and central Asia. However, the so-called "protracted conflicts" in relation to Moldova/Transnistria, Georgia and Nagorno-Karabakh had resisted all efforts to make progress towards a settlement. Part of the OSCE's success is indicated by the closure of some field missions; the mission in Croatia, for example, closed not long after the beginning of the Irish Chairmanship. A less sanguine interpretation could be attributed to the closure of the mission in Belarus in 2011, in the context of criticism by the OSCE election monitoring mission of the Presidential elections and in the aftermath of widespread international reaction on grounds of human rights and democracy to actions of the government of that country for abuse of the electoral process and suppression of internal opposition elements. This in turn led, under the Lithuanian Chairmanship, to the invocation in the OSCE of the rarely used so-called "Moscow mechanism" by which the consensus rule may, exceptionally, be circumvented in order to prevent blockage by a participating state of any attempt to investigate complaints of abuses of fundamental rights and democratic principles. Although widely supported, the use of the Moscow mechanism was a source of division within the membership and ultimately was of only limited effect.

On the military-security front, external to the OSCE itself, the freezing of the "reset" in relations between the USA and the Russian Federation especially in the period between the Russian Presidential elections and the US Presidential elections, combined with the falling into decay of the CFE Agreement over the recent past, did not augur well for any plans in this field in the OSCE.

All was not doom and gloom, however: the OSCE had succeeded, under the guidance of the Lithuanian Chair, in reaching a consensus agreement on the appointment of a dynamic new Secretary General with an excellent background of experience in both the OSCE itself and with other international organisations, Lamberto Zannier from Italy. It was a considerable relief and comfort to the incoming Irish Chair not to have to deal with a potential stalemate over this appointment.

The lead-up to the Vilnius Ministerial Council in December 2011 was also somewhat overshadowed by controversy, fuelled in part by criticisms by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly and other international election observers of the standards observed (or not observed) in relation to the conduct of the parliamentary elections in the Russian Federation a few days before. This resulted in particularly heated exchanges between US Secretary of State Clinton, among others, on the one hand, and Russian Foreign Minister Lavrov, on the other, at the Vilnius meeting itself. In this rather charged atmosphere, it proved impossible, despite the excellent efforts of the Lithuanian Chair, to reach agreement on any draft decision in the area of the Third Dimension.

Basing our opening position in the Chair on the fundamental principles of the Helsinki Final Act and the other founding texts, as well as on the experience of previous Chairs, we made clear from the outset of our Chairmanship our objective to try to make progress in a balanced way on all three dimensions, without being

over-ambitious or unrealistic in our plans. We also stated our determination to play our part in trying to make progress on the resolution of the so-called protracted conflicts, some of which have evaded attempts at resolution for two decades. While again being realistic in not underestimating the complexities involved, we felt we could usefully try to bring some fresh thinking, drawing on our national experience, to the various talks processes which have been created to contain and to attempt to resolve these conflicts. However, in that endeavour we constantly reiterated the important premise that no two conflict situations are identical and that there is no single blueprint or model that can be applied to such diverse cases. What we hoped to tease out was whether presenting our own positive experience from the Northern Ireland Peace Process in the recent past would strike some responsive chord or positive reaction from those involved in conflict situations in the OSCE region.

In April, to this end, we were privileged to host in Dublin a Chairmanship conference on lessons learned in the Northern Ireland Peace process in the field of conflict resolution and reconciliation. In the chair was former President Marti Ahtisaari of Finland and among the main contributors was Senator George Mitchell, the veteran peace mediator who had played a pivotal role in the negotiations leading up to the Good Friday and St Andrews Agreements which copper-fastened the Northern Ireland settlement; a notable feature of the conference was the appearance, sitting side-by-side, of former bitter political opponents – Peter Robinson, First Minister and Martin McGuinness, Deputy First Minister, of the Northern Ireland Executive – who spoke extremely eloquently of the ongoing cooperation between former enemies in making the peace agreements work in practice.

This in turn inspired our efforts in relation to our role, as Chair in Office, in guiding some of the peace-building efforts in relation to protracted conflicts in the OSCE region, especially in relation to the ‘5 + 2’ talks, aimed at a settlement on Transdniestria, of which there were several rounds during the period of the Irish Chair (including two full sessions hosted in Ireland); in this we were fortunate to have the services of one of our two excellent Special Representatives of the Chair in Office: former EU Ambassador Erwan Fouéré, who led for the Chair on the Moldova/Transdniestria issue. We were also fortunate in that, towards the end of the Lithuanian Chairmanship in 2011, agreement had been reached to resume the talks which had been suspended since 2006. Following a number of rounds of the talks, we were very satisfied with the adoption of an agreed declaration on the ‘5 + 2’ process at the Dublin Ministerial, which acknowledged the progress achieved.

Our second Special Representative was the very able former Irish Ambassador Pádraig Murphy, who concentrated on the affairs of the southern Caucasus (assisted by Ambassador Kasprzyk, who has represented several previous Chairs and assisted the co-chairs of the Minsk Group in the region). We also noted some positive developments, although not as many as we would have liked, and some excellent work by the participants in the Geneva discussions on the Georgian conflict. The parliamentary elections in Georgia in the autumn, as well as certain other local developments, were complicating factors. Sadly, while we strongly supported the efforts of the Minsk Group, and this support was reiterated strongly in the course of a visit to Armenia and Azerbaijan, as well as Georgia, by Minister Gilmore in June, there was little progress to note, for reasons outside our control (most notably the Safarov case which cast a dark shadow during the second half of the year), in relation to the conflict (usually referred to as the conflict in relation to Nagorno-Karabakh) with which that Group is involved.

On a positive note, we were very happy to welcome in Dublin the formal accession of Mongolia as a new participating state, following agreement reached shortly before that after lengthy discussions in Vienna. This was

not as easy to achieve as it might seem, as some participating States – especially one very large bordering state – had reservations regarding the precedent that the admission of a state from outside the established boundaries of the OSCE region (dating back to Helsinki) might entail for the future. In addition, as happens all too often in the OSCE, when it seemed as if agreement had been reached, one or two other participating states raised extraneous matters in an apparent effort to use the issue as leverage. However, in the end all participating states came on board and the admission of Mongolia to the table was warmly welcomed by all in Dublin.

From an early stage in our Chairmanship we set out our intention to focus the minds of the participating states on efforts to rebuild confidence in the overall or “comprehensive” security dimension of the OSCE. This is clearly a formidable task at the present time, in the light of a clear divergence of views on some fundamental issues, notably in relation to the east-west relationship in respect of the overall security architecture, and the growing divergences with regard to priorities and practice in relation to human rights and respect for democratic rules and practices. We set as one of our objectives to achieve some form of a decision in Dublin on the aim of a “security community” in pursuance of the broad lines set out in the Astana Declaration. It will be recalled in this context that it was hoped at the Astana summit in 2010 that the Declaration by Heads of State and Government would be accompanied by an Action Plan – an agreed Work Programme document which would put flesh on the general aspirations and reiterated values set out in the Declaration. It did not prove possible, however, to reach agreement on this second document at that time. To this end, and building on previous work (notably under the Greek Chairmanship, which established the Corfu Process of ongoing dialogue and the Lithuanian Chairmanship in its “Vancouver to Vladivostok” programme of discussions), our thinking evolved, following intensive informal discussions with partners (including at dedicated Ambassadorial consultations – including the use of the “Ambassadorial Retreat” format – outside the formal Permanent Council framework, led by our shrewd and indefatigable Permanent Representative in Vienna, Ambassador Eoin O’Leary), into the aim to establish a framework for work in the short and medium term which we entitled the “Helsinki + 40” process, setting out a clear path from now until 2015 as a framework for strengthening the work of the Organisation and the renewal of the Helsinki principles. It was a key objective of the Chair to obtain the endorsement of the participating states at the Dublin Ministerial Council for this framework, which we had prepared in close consultation with the three incoming Chairs up to 2015 – Ukraine, Switzerland and Serbia. We were extremely pleased that consensus agreement was reached on a Declaration at the Dublin Ministerial on this important task. In the days leading up to the Dublin Ministerial, intensive negotiating efforts were led by Ambassador O’Leary and his team to finalise the text but it was proving difficult to overcome divergences on the scope and length of the text. That it proved possible to reach a final agreement was due in no small measure to the personal intervention and skill of Minister Eamon Gilmore in the course of the Dublin Ministerial Council discussions and this was probably the major achievement of the Chair at that meeting.

In the First Dimension, while having to accept that the overall international environment was not particularly conducive to new initiatives or significant progress in areas of existing cooperation in the military-security field, we were pleased that it was possible to reach agreement in Dublin on a package of measures on transnational threats and counter-terrorism (a number of these had been under discussion in Vienna during 2011 but it had not been possible to reach agreement on them at the Vilnius Ministerial Council). We also noted considerable progress towards an agreement on ICT security, though a formal decision on that could not command consensus support. Progress was also noted on work in the FSC in updating the Vienna Document and on the control of small arms, though regrettably consensus was absent on a formal endorsement of this progress, once again due to the efforts of one or two states to use these issues as leverage.

In the Second Dimension, we highlighted the issues of Good Governance and measures to combat corruption, especially measures aimed at breaking the link between corruption and organised crime; we hosted a major conference on this theme in Dublin in April. At the Dublin Ministerial, a Declaration on Good Governance, which affirmed the intention of the OSCE states to deepen their engagement to combat and prevent corruption, was adopted by consensus. This was another substantial achievement for the Irish Chairmanship, the fruit of much diligent efforts and broad consultation with other states and with the Coordinator for Economic and Environmental Affairs of the OSCE and his staff.

In the Third Dimension, dealing with Fundamental Rights and Democracy, we highlighted a number of important issues related to fundamental rights and freedoms, as set out in Minister Gilmore's opening statement to the Permanent Council in January, reiterated in his statement to the UN Security Council in New York in February. In our programme, we benefited from the assistance of an international team of four excellent representatives of the Chairman-in-Office for combating religious intolerance, discrimination, racism and xenophobia (including a former Judge of the Irish Supreme Court, Judge Catherine McGuinness). However, the Human Dimension proved to be the most problematic of all areas for the Chairmanship, due to an underlying significant divergence on what is meant by fundamental rights and democratic principles in today's world (despite the existence of clear precedents and agreed basic texts from Helsinki onwards). From the outset we clearly indicated our priority attachment to highlighting freedom of the media, in particular Internet Freedom. Other priorities were identified, such as Tolerance and Combating Racism and Xenophobia and Freedom of Assembly and, in the run-up to Dublin, we were also prepared to progress a text on Freedom of Movement (a priority for the Russian Federation and some other states).

Our main priority, Internet Freedom, was the subject of a very successful and rather innovative conference in Dublin in June, which featured interactive participation by both governmental and civil society representatives – including online participants. This we regarded as one of the highlights of our Chairmanship – not merely for the content of the conference but for its open, transparent style and active embracing of modern means of mass communication, especially in the use of social media (Facebook, Twitter, blogging, etc.). In order to do this we had to tread on a few toes – some of the more traditional-minded delegates were rather disconcerted that we favoured inclusive and interactive panel-type discussions and discouraged set-piece formal delegation statements – but we felt it was a useful means of trying to engage participants in facing up to the realities of twenty-first century political communication and debate. The online debate received attention across a wide online audience and during the day it was reported as “trending” on Twitter internationally.

We prepared a very balanced package of decisions for the Dublin Ministerial, following exhaustive consultations and discussions in Vienna. Despite this, to our disappointment, it was not possible to reach consensus agreement on any of the texts proposed, due to the negative approach adopted by a few delegations which used the consensus rule to block progress. Right through the year the Third Dimension was the most problematic area in the management of our Chairmanship business, despite the fact that it was probably the area in which we deployed more diplomatic effort than any other; in fact, enormous hours were devoted by both our Vienna based and Dublin-based staff in trying to find a way through the tangle of conflicting positions and in ceaseless efforts to try to broker agreement between the main parties – principally the EU (which played a constructive role throughout), the USA and the Russian Federation. Even getting to first base, as it were, was difficult. In the opening months, agreement on our annual work programme in this Dimension was held up for several weeks, due to the bargaining attempts by states in the (somewhat misnamed) “East of Vienna” category to obtain concessions not only on the content of the programme but on

other fronts, principally in trying to force through “reforms” of the annual Human Dimension Forum meeting organised by ODIHR. We did, as it transpired, put forward a package for a reform of this event, and were grateful for the assistance afforded by a very useful Swiss funded consultants’ study, but – no surprise here – no agreement was forthcoming on this reform package either.

As this was the second year in succession in which no decisions had been agreed under the Third Dimension, this was acknowledged as a disappointing outcome and a sign of a worrying trend by the Chairman in Office, Minister Gilmore, in his closing speech and at the subsequent press conference; he noted “the sad reality that respect for basic human rights and fundamental freedoms is currently under great threat in many parts of the OSCE region” and that “if we are being true to our comprehensive approach to security we cannot detach human rights and human security from this”. There was, however, considerable satisfaction for many in that a Declaration on Fundamental Freedoms in the Digital Age was signed by over 40 delegations, including Ireland, by the conclusion of the conference.

Reflecting on this afterwards – and space does not permit one to go into the full details of a very complex problem here – it is very hard to avoid the following general conclusions: (a) there is a serious breach between the so-called “West of Vienna” and the “East of Vienna” camps as to what constitutes acceptable standards of human rights and democratic values; (b) there are also serious divergences regarding how the Helsinki principles and the commitments of the participating states in the Human Dimension field should be respected (or even, one might say, in some cases, if they should be respected at all); (c) while there may be some fault on both sides – and it is true that some human rights principles (e.g. the rights of individual freedom as compared with, for example, social or economic rights, in the broad sense), not to mention certain standards of democratic practice in relation to the conduct of elections, are more prized in some states than in others, the serious back-sliding in standards of fundamental rights evident in some participating States cannot be ignored in OSCE discussions. However, the attitude of some participating states – and this has been articulated in many contacts – is that strong criticism of some states on grounds of breaches of their OSCE Human Dimension commitments to fundamental rights, especially if backed by actions such as sanctions, is incompatible with the concept of “solidarity” implicit in fellow-membership of an Organisation based on the principle of comprehensive security. Finally (as a sort of corollary of the last point above):

(d) the consensus rule is open to abuse, and has been consistently abused, as a means of thwarting attempts to apply the Helsinki and other fundamental principles in framing decisions especially, though not exclusively, in the Third Dimension area; this dubious tactic (sometimes used as a form of diplomatic “hostage-taking” by states with particular, sometimes unrelated, national axes to grind) is aimed at – and unfortunately results in the diminishment of the whole Human Dimension area and, more generally, has a negative effect on the discourse of the OSCE as a whole.

Nevertheless, outside the normal Vienna-based discussion arena, the OSCE continues to play a significant role in promoting peace and security. A noteworthy instance of this role which arose during the course of the Chairmanship was the issue in relation to participation by Serb citizens in Kosovo in the Serbian elections in May 2012. Fortunately, the Chairman in Office, in close consultation with the Secretary General, was personally able to intervene in assisting to mediate an agreement which resulted in facilitation by the OSCE and OMIK of participation in these elections, which passed off peacefully and without incident. This was a good example of the good offices of the OSCE in mediating positive outcomes in cooperation with participating states, even where there are significant tensions present. This was one of the occasions in which, despite the negative and


somewhat jaded attitudes which are often encountered in OSCE affairs, it is possible to demonstrate that the spirit and the principles of Helsinki are still alive and can be adduced directly to the benefit of the citizens.

Other areas to which we devoted considerable work during the year were: the long-running issue of the legal status of the organisation, on which, thanks to the excellent work of former Danish Ambassador John Bernhard, we set out the issues in a succinct but comprehensive updated report; and the question of relations between the OSCE and other international organisations, on which another excellent report was prepared on behalf of the Chair by Ambassador Lars-Erik Lundin. While the issues dealt with in those two reports did not prove ripe enough for specific decisions during the Irish Chairmanship, they represent a significant contribution to the work of the Organisation and will undoubtedly be used as reference points in the future.

The holding of the Ministerial conference in Dublin, with the participation of over 70 delegations in all, including approximately 50 Ministers, was a major organisational challenge for Ireland but I am happy to report that the result was very successful and the arrangements worked very well; in addition, the project was achieved well within our limited budget. Both I, as Head of the Task Force based in Dublin, and Ambassador O'Leary, our Permanent Representative in Vienna, were extremely fortunate to be supported by a relatively small but extremely talented, hard-working and able team of officials and a few very capable interns. We are also very grateful to the Austrian, Lithuanian and UK foreign ministries, each of which provided an officer on loan for the year. Overall, the Chairmanship was a very positive experience, with many good outcomes. It was a task which we welcomed as an opportunity to play a dynamic and positive role in international affairs, and thus to make a modest though useful contribution to the progress of the OSCE in pursuit of its objectives of comprehensive security based on respect for democracy and fundamental rights and freedoms.

The adoption of the Helsinki + 40 framework decision represents an important opportunity for the OSCE to re-examine its role and re-dedicate itself and its membership to those ideals, which are self-evidently worth striving to achieve. We will continue to take an active interest in the progress of this initiative, building on the good rapport we have already built up with the next three Chairs in Office, Ukraine, Switzerland and Serbia. We were very happy to pass the baton to the Ukrainian chairmanship at the beginning of this year; indeed, we have had excellent cooperation with the incoming Chair over the last year in the Troika and we extend to Ukraine our full support and best wishes for their task (which we admire but do not envy) of guiding the OSCE in 2013.





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