

Organisation and operation of the CSCE

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Until 1990, the Conference on Security and Cooperation in Europe (CSCE) was a unique process of continuous and irregular multilateral negotiations. In contrast to normal international organisations, it had no permanent institutional structure and, unlike diplomatic conferences on the revision of international treaties, its meetings were held at unspecified intervals.

The Final Recommendations of the Helsinki Consultations (FRHC) include provisions on the organisation, operation and financing of the Conference itself, which was held in three stages between 1973 and 1975. The working bodies of the Conference, which met in its second stage, were the coordinating committee and the specialist committees and subcommittees. The working bodies, which were open to all participating States, set up such working groups as they considered useful; these were also plenary bodies. Only the inaugural and closing sessions of the CSCE were open to the public. Otherwise the work took place *in camera*.

The Rules of Procedure (paragraphs 64 to 88) embodied two main rules, **consensus** and **rotation**, based on the principle of equality between the States and their participation outside military alliances. Those two rules also applied to the follow-up to the CSCE.

The decisions of the Conference were taken by consensus, which eliminated the unanimous vote procedure. According to paragraph 69, *consensus shall be understood to mean the absence of any objection expressed by a representative and submitted by him as constituting an obstacle to the taking of the decision in question*. Therefore, the only obstacle to the taking of a decision was the expression of such an objection, whereas mere abstention did not prevent the successful conclusion of the negotiations. In negotiations that progressed particularly on a mutual concession basis, consensus made it possible to seek solutions that were acceptable to all parties. However, it prolonged the time spent on the negotiations and made the process more cumbersome, since agreement could not always be reached and the negotiations sometimes ended in a stalemate. The official jargon in the CSCE final texts often concealed the failure to secure a compromise. Formal reservations and interpretative statements were then introduced.

According to the rotation principle, representatives of the participating States chaired the plenary sittings and meetings of the working bodies of the Conference in turn for a half-day working meeting. The chairman for the day was designated in French alphabetical order, starting from a letter drawn by lot. During the meetings, the chairman kept a list of speakers and invited all the representatives to speak. If a speech was made after the list had been closed, the chairman had to grant the right of reply to any representative.

The venue for the meetings was chosen in the light of practical considerations and rotation. Of the three stages of the Conference as such, the first and third were held in Helsinki, the second in Geneva. The Minister for Foreign Affairs of the host country chaired the inaugural and closing meetings of the first and third stages of the Conference. A national of the host country concerned also acted as Executive Secretary with responsibility for technical matters. In organising the services, the Executive Secretary of each stage was responsible for the recruitment of his staff and was assisted by the Secretariats of the other stages.

The drafting work began with official proposals from the participants on matters of substance, which were submitted in writing to the chairman and circulated to all participants. These might be individual or joint, subsequently supported by other representatives, supplemented as the negotiations progressed, or amended. At the end of a whole series of negotiations, formal and informal, the proposals adopted were recorded by the Executive Secretary and circulated to the participants.

As regards the follow-up to the Conference, the FRHC provided that, having considered proposals to that effect, including proposals of an organisational nature, the coordinating committee should consider such measures as might be required to give effect to the decisions of the Conference and make any recommendations it deemed necessary, also considering the contributions that it believed could be sought from existing international organisations.

On the basis of a Western proposal negotiated in Geneva, arrangements for the follow-up to the Conference

were set out in a chapter of the Helsinki Final Act, which provided in particular for three types of multilateral meetings to be held:

- meetings of experts of the participating States;
- meetings between representatives designated by the Ministers for Foreign Affairs;
- a further conference, where necessary.

The meetings between representatives designated by the Ministers for Foreign Affairs were the main follow-up meetings and were designed to ensure a thorough exchange of views on the implementation of the provisions of the Final Act and development of the process of *détente* in the future. The meetings of experts of the participating States were intermediate specialised meetings.

According to the Final Act, the Rules of Procedure, working methods and scale of distribution for the expenses of the Conference applied *mutatis mutandis* to those meetings.

In the Final Act, arrangements were made for the first meeting of plenipotentiaries, or main meeting on the follow-up, to be held in Belgrade on 15 June 1977. The programme for future meetings was then drawn up on the basis of the Belgrade meeting: opening with a preparatory meeting, the main meetings consisted of general debates in plenary sitting and work by the subsidiary working groups responsible for reviewing in depth the matters in the three baskets. The closing document, adopted in plenary sitting, set the date for the next follow-up meeting and a series of specialised meetings of experts (special inter-session meetings), particularly on the first and third baskets. From the follow-up meeting in Vienna (November 1986–January 1989), the media, non-governmental organisations and individuals were allowed to attend the public sittings at the follow-up meetings, which were held before the suspension and resumption of each working sitting. After the Vienna meeting, the follow-up meetings no longer included preparatory meetings, and specialised inter-session meetings on the economic basket were convened for the first time. It should be emphasised that the closing document of the Vienna meeting put in place for the first time a general procedure for monitoring human rights (human dimension mechanism).