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Assessing Functions and Performance***

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THE CHAIR IN THE UN CONTEXT: ASSESSING FUNCTIONS AND PERFORMANCE

Spyros Blavoukos and Dimitris Bourantonis

Introduction

The smooth conduct of negotiations in multilateral contexts requires the appointment of a Chair to exercise, in the first place, procedural control over the negotiations.¹ According to the exact nature and institutional structure of the multilateral context and the demands of the negotiation contours, the functions of the Chair may be extended to encompass agenda management and brokerage services. Hence, the role of the Chair can become critical in delineating the negotiation space or affect the negotiation direction and outcome *per se*. In that respect, it is important in multilateral frameworks of international negotiations to consider the functions and the role of the Chair, as well as the institutional constraints set in place by the participants to control his/her actions.

In this paper, we look at the role of the Chair in different institutional settings within the United Nations (UN), identifying the Chair functions in each framework and accounting for success and failure in performing them. Far from being comprehensive or exhaustive, our list comprises three case studies dealing with deliberations and negotiations in the Security Council (SC) and two different kinds of Working Groups (WG) on very sensitive issues (SC reform, disarmament and arms control). The paper begins with a short theoretical overview of the Chair functions and constraints, before proceeding to our three case studies. First, we examine the role of the British SC Chair in the Russian succession to the Soviet permanent seat in 1992. Second, we look at the role of the Malaysian Chair of the 'Open Ended Working Group on the reform of the Security Council', Ambassador Razali, in 1997. Third, we focus on the negotiations conducted in the 'Eighteen

1) An earlier version of this discussion paper was presented at the First Global International Studies Conference, in Istanbul, Bilgi University, 24-27 August 2005. We would like to thank all UN panel participants and especially Jochen Prantl for constructive comments. We are also very grateful to Professor Geoff Berridge who read the manuscript and helped us in clarifying a number of points and improving the argument throughout.

Nation Disarmament Committee' (ENDC) in Geneva, between 1962-69, and evaluate the American and Soviet co-chairing of the Committee. The paper concludes by revisiting the theoretical insights of the first section and assessing their relevance to the UN institutional framework of multilateral negotiations.

Our main findings concur with the Chair potential to delineate the negotiation space by shaping the negotiation agenda and direct the negotiation outcome by undertaking brokerage activities. However, the realization of such potential depends on exogenous and endogenous parameters that determine success or failure of the Chair's ventures. Given the great sensitivity of the issues in question, the most important exogenous parameter is the political backing to the Chair initiatives in relation to the overall power configuration in each negotiation environment. Endogenous parameters are primarily related to the magnitude of institutional constraints imposed to the Chair, deriving from the formal scope of his/her mandate and the decision-making rules in the specific negotiation contours.

The Chair in Multilateral Negotiations

In broad concordance with the rational approach to the design of international institutions,² we adhere to the functional origin of the Chair as a governance form.³ Through such power delegation and agent formation, the constituent states-principals aim to resolve collective action impediments in multilateral negotiations, ensuring procedural order, overcoming information asymmetries in political and technical areas of governance and enhancing rule-making efficiency.⁴ The setting up of an agent constitutes a contractual agreement, which is – to one or another extent – incomplete. Hence, in the fulfillment of the delegated tasks, the Chair-agent enjoys a zone of discretion,

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- 2) B. Koremenos, C. Lipson and D. Snidal, 'The Rational Design of International Institutions', in B. Koremenos, C. Lipson and D. Snidal (eds.) *The Rational Design of International Institutions*, (Cambridge: Cambridge University Press, 2004).
 - 3) J. Tallberg, 'The Power of the Chair in International Bargaining', paper prepared for the 2002 ISA Annual Convention, New Orleans, 24-27 March 2002.
 - 4) Cf. M. Thatcher and A. Stone Sweet, 'Theory and Practice of Delegation to Non-Majoritarian Institutions', *West European Politics*, 25:1 (2002), pp. 1-22.

limited by the *ex post* or *ex ante*,⁵ formal or informal,⁶ control mechanisms put in place by the principals.⁷

Typically, the most important functions of the Chair entail *agenda management* and *brokerage* services. The former includes both an *administrative-procedural* and an *agenda-shaping* component.⁸ Brokerage service

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- 5) The nature and strictness of these control mechanisms depend on the purpose of delegation. If principals create an agent in order to realize pre-determined and quite specific objectives, then the distribution of policy preferences among principals at the time of the delegation will determine *ex ante* the exact scope of agent discretion. In contrast, in cases of high level of uncertainty, rapid change or the existence of several policy alternatives along the Pareto line, effective *ex post* controls will be better suited to deal with 'agency losses'. See Thatcher and Stone Sweet (2002), p. 5 and J. Elster, *Ulysses Unbound. Studies in Rationality, Precommitment, and Constraints*, (Cambridge: Cambridge University Press, 2000).
 - 6) Formal constraints include mainly the institutional procedures that provide the formal basis of the agency and take the form of appointment, administrative and oversight procedures. See Tallberg (2002), pp. 25-27; R. Kiewiet and M.D. McCubbins, *The Logic of Delegation: Congressional Parties and the Appropriation Process*, (Chicago: University of Chicago Press, 1991); and M.D. McCubbins, R.G. Noll and B.R. Weingast, 'Administrative Procedures as Instruments of Political Control', *Journal of Law, Economics, and Organization*, 3:2 (1987), pp. 243-77.
Informal constraints comprise basically the – most often implicit – norms associated with the principal-agent relationship imposing *ex ante* constraints on the agent's behavior. Most commonly met are the norms of efficiency (directly linked with the functional nature of the agent to deliver prosperity-enhancing solutions to the collective action problems), neutrality and impartiality, with regard to the choice of options from the multitude available at the Pareto frontier. See Tallberg (2002), p. 29.
 - 7) See Thatcher and Stone Sweet (2002), p. 5; R.L. Calvert, M.D. McCubbins, and G. Weingast, 'A Theory of Political Control and Agency Discretion', *American Journal of Political Science*, 33:3 (1989), p. 589.
 - 8) Agenda shaping comprises agenda setting, -structuring and -exclusion. Agenda setting refers to accelerating the decision-making pace on specific issues by tabling concrete proposals for action or developing new institutional practices that structure future co-operation on these specific issues. Agenda structuring highlights the potential of the Chair to put certain issues on the political agenda in the first place or to alter existing policy prioritization. It becomes more important in milieus where there exists a temporal lag between the time an issue emerges and the time actual policy-making decisions are finally taken. Finally, agenda exclusion can occur either by stalling deliberation on a particular agenda item through instrumental use of the privileged control of decision-making procedures or by presenting impossible compromise proposals. See J. Tallberg, 'The agenda-shaping powers of the EU Council Presidency', *Journal of European Public Policy*, 10:1 (2003), pp. 6-13.

is meant to tackle negotiation failures due to tactical information concealing,⁹ with the Chair functioning as a channel of more or less reliable information about states' preferences. Such *informational resources* constitute the most important Chair asset.¹⁰ Resorting to existing bureaucratic resources (Secretariat etc) and procedural arrangements (confidential bilateral meetings etc), the Chair gets privileged access to undisclosed preference information, which can be instrumentally used for the exact demarcation of the existing contract zone, facilitating multilateral agreement. Longer tenure in office should be expected to create economies of scale in the gathering and instrumental use of collected information. Additional resources comprise the level of the Chair's *legitimacy* and *authority* as well as *socialization* resources.¹¹

The performance of the Chair depends on a set of *exogenous* (i.e. environment- and issue-related) and *endogenous* (i.e. institution- and Chair-related) parameters. The former primarily refer to international systemic developments that can either affect the Chair's resources (and in turn the capacity to perform the required tasks) and/or have an impact on the Chair functions themselves. Such systemic factors include, among others, the nature of negotiating issue (military, economic, environmental security etc), general world conditions of enmity or amity (periods of *détente* against periods of international polarization etc), humanitarian and other international (e.g. Gulf War, Iraq) crises and so on. Developments on these fronts affect political configuration in the international contours of multilateral negotiations and create a more (or less) conducive environment for the Chair to perform his (her) functions. As far as the *endogenous* set of parameters is concerned, and setting aside personality-specific features,¹² institutional design-specific

9) See H. Raiffa, *The Art and Science of Negotiation*, (Cambridge, M.A.: Harvard University Press, 1982).

10) Cf. T.M. Moe and W.G. Howell, 'The Presidential Power of Unilateral Action', *Journal of Law, Economics and Organization*, 15:1 (1999), pp. 132-79.

11) Cf. D. Metcalfe, 'Leadership in European Union Negotiations: The Presidency of the Council', *International Negotiation*, 3 (1998), pp. 413-34. Legitimacy refers to whether the Chair's involvement is considered legitimate by the negotiating parties whereas authority points to the personal or state attributes of the Chair to manage the agenda or mediate in a negotiation. Socialization resources entail the emergence of a common perspective through repeated social interaction of some longer duration, the argument being that such an interaction increases the likelihood of successful inter-state mediation. See J.A. Wall and A. Lynn, 'Mediation: a Current Review', *Journal of Conflict Resolution*, 37:1 (1993), p. 173.

12) Cf. J. Bercovitch, *Social Conflict and Third Parties: Strategies of Conflict Resolution*, (Boulder, CO: Westview, 1984); G. Yuki, *Leadership in International Organizations*,

characteristics refer primarily to the policy-making rules and the control mechanisms set in place to constrain the Chair's action. The more demanding the policy-making rule (i.e. special majority or unanimity), the more difficult for the Chair to perform his (her) functions. A narrow and exhaustive mandate of the Chair's tasks limits the potential of agent's over-assertiveness and undermines to some extent his (her) efficiency and effectiveness.

The January 1992 SC Summit: the role of the British Chair

Setting the Background

Since the SC expansion from eleven to fifteen members in 1965, the role of the Chair has assumed increasing responsibilities and has been pivotal in organizing the body's business. With the end of the Cold War, the scope of the Council's activities and therefore the volume of work in it expanded remarkably, requiring the chair to assume increased managerial responsibilities. The Chair is responsible for setting the SC agenda along with the Secretary General and calling for a (formal or informal) SC meeting 'at any time he deems necessary or at the request of any member of the Security Council'.¹³ However, in practice and apart from emergency situations, the Chair convenes a meeting only if there is a consensus among the permanent members.¹⁴ Besides agenda-management, the Chair also assumed, throughout the years, increasing brokerage responsibilities due to the growing complexity in the SC decision-making environment. However, the brokerage function of the Chair is severely constrained by a norm of consensus that seemingly developed in the post-Cold War SC environment, despite the fact that the SC can formally take decisions without resorting to unanimity.¹⁵

(Englewood Cliffs: Prentice Hall, 1981), p.270; M.G. Hermann, 'Explaining Foreign Policy Behavior Using the Personal Characteristics of Political Leaders', *International Studies Quarterly*, 24:1 (1980), pp. 7-46.

13) Rule 1 of the SC's Rules of Procedure.

14) D. Nicol, *The United Nations Security Council: Towards Greater Effectiveness*, (New York: UNITAR, 1982), p. 36. See also S. Bailey and S. Daws, *The Procedure of the UN Security Council*, 3rd Edition (Oxford: Oxford University Press, 1998), pp. 22-37.

15) S.C. Hulton, 'Council Working Methods and Procedure', in D.M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, (Boulder: Lynne Rienner, 2004), p. 237.

From the mid-1980s, the changing international environment and especially the altered Soviet attitudes towards the UN raised the potential of the UNSC which had been held hostage by the Cold War's bipolar rigidity. At the same time, there was a proliferation of voices considering the SC unrepresentative and calling for reform to reflect better the geographical representation of UN membership and the newly emerging world order. Unsurprisingly, the permanent five opposed any such call to broaden or alter membership in the 'most exclusive world club'. Either collectively or singly, they brought their influence to bear upon the members of the world organization with a view to averting debate on SC reform during the period 1990-1991. The successful involvement of the Council in the first Gulf crisis (August 1990 to January 1991) gave them the chance, on the one hand, to further cement their bonds of commonality and, on the other hand, to use the 'efficiency' argument (under the American slogan 'if it ain't broke, don't fix it' or its British version 'why change a winning team?') behind which they rallied in order to justify their objection to Council reform.

While the permanent members continued to act in concert to contain the debate on SC reform in the UN, the collapse of the Soviet Union in December 1991 brought with it uncertainty about its UN membership and especially its SC permanent seat. In late December 1991, the USSR was formally dissolved through the mutual recognition of the independence of its constituent republics and the creation by most of them of the Commonwealth of Independent States (CIS).¹⁶ Would Russia be considered as a state-successor to the USSR with respect to its membership in the UN and its permanent seat in the Security Council? With the demise of the 'Union of Soviet Socialist Republics' this name had to be expunged from Article 23 of the UN Charter. The Alma Ata agreement, which resulted in the creation of the CIS, complicated the replacement of the USSR with the Russian Federation, stating explicitly that 'with the establishment of the Commonwealth of Independent States, the Union of Soviet Socialist Republics cease[d] to exist'.¹⁷ If the admission stipulations of Article 4 of the UN Charter were to be followed, the Russian issue had ultimately to be discussed and decided upon within the framework of the General Assembly

16) For a comprehensive account of 'the demise of the Soviet Union' and the legal implications deriving from it see the relevant section in R. Rich, 'Recognition of states: the collapse of Yugoslavia and the Soviet Union', *European Journal of International Law*, 4:1 (1993), pp. 44-7.

17) See UN Doc A/47/60-S/23329, 30 December 1991, Annex II.

and Russia should go through the formal application procedure as an aspiring UN member.¹⁸

President Yeltsin took swift action to ensure, in the first place, a smooth transition from a Soviet to a Russian UN membership. In a letter, dated 24 December 1991, he informed the UN Secretary-General that ‘...the membership of the Union of Socialist Republics in the UN, *including the Security Council and the other organs and organizations of the UN system*, is being continued by the Russian Federation with the support of the countries of the Commonwealth of Independent States’.¹⁹ The letter was immediately circulated among UN members and received *de facto* acceptance, as no objection was formally raised.²⁰ The move conveniently took place once the General Assembly had completed the substantive discussions of its 46th session and left no room for examination or questioning of the issue. The only thing missing at this point was a symbolic high-profile political move that would seal the transition from the USSR to Russia and would confer upon the latter an additional *de facto* recognition of its right to succeed the former Soviet Union as a Security Council permanent member.

The Dual Agenda of the SC Summit

A Security Council summit was considered the most appropriate way to legitimise the Russian right to succeed the Soviet Union in the SC. This issue had to be tackled immediately so as not to generate any broader discussions about the SC structure and membership. Hence, the need emerged for convening a summit immediately after the December 1991 dissolution of the Soviet Union, conveniently coinciding with the British holding of the Council’s rotating presidency in January 1992. After consultations with the other SC members, Britain used its Chair power to convene, for the first time in Council’s history, a summit on 31 January 1992, seemingly to consider the

18) B. Conforti, *The Law and Practice of the United Nations*, (The Hague: Kluwer Law International, 1997), p. 45.

19) See UN Doc. S/23319, 1991, emphasis added; Y.Z. Blum, ‘Russia takes over the Soviet Union’s seat at the United Nations’, *European Journal of International Law*, 3:2 (1997), pp. 354-61; N.D. White, *Keeping the Peace: The United Nations and the Maintenance of International Peace and Security*, 2nd Edition (Manchester: Manchester University Press, 1997), p. 24.

20) Informally, though, it was received with mixed feelings and even bitterness by the diplomatic community, see G. Samuels, ‘Mixed reaction at the UN: Russia slips into the Soviet seat’, *The New Leader*, 10-24 February 1992, pp. 5-7.

SC role in the post-Cold War era, but, in reality, resolutely to confirm Russia as the rightful successor of the Soviet Union.²¹ The hidden part of the agenda was agreed in advance after private consultations held by the British Presidency with the other permanent members.²² The British Chair worked closely with the UN Secretary-General in order to draw up the official provisional agenda of the summit, comprising one sole item, namely the *Responsibility of the Security Council in the maintenance of International Peace and Security*.²³

Russia's claim to the Security Council permanent seat was an extremely delicate issue, threatening to open a Pandora's box of SC permanent membership, a prospect far from welcome especially for Britain and France. A discussion in the General Assembly of the Russian claim for SC membership might have prompted a broader debate and called into question the composition of the Security Council, which explains why 'the British needed the question of the permanent five sewn up quickly' (as did the French for that matter).²⁴ The Americans seemed to concur, also favouring '[a] quick and uncontested transfer of representation',²⁵ while the Chinese 'remained somewhat aloof ... but stopped short of being obstructive'.²⁶ In general, the permanent five worried that leaving the Soviet seat vacant would be seen as an open invitation to other members to push their proposals for expanding or altering the composition and the powers of the permanent five.²⁷

Backed by the consensual approach of the permanent five SC members, the role of the British Chair was to orchestrate the smooth and unopposed Russian succession to the Soviet SC seat. In that respect, the British Presidency called a SC meeting at the highest level, namely Heads of States and Government. Besides political reasons for maximising the legitimisation of the Russian case, the British presidency wanted to ensure that no SC

21) D. Bourantonis and G. Kostakos, 'Diplomacy at the United Nations: The Dual Agenda of the 1992 Security Council Summit', *Diplomacy & Statecraft*, 11:3 (2000), pp. 212-26.

22) Interviews, UN Officials, March 1998.

23) UN Doc. S/PV.3046, 31 January 1992.

24) *The Independent*, 7 January 1992; the title of the article, which refers to the preparatory stages of the Security Council summit, is very telling: 'UK finds a way to hold on to the mother of all seats'.

25) T. Daley, *Russia's continuation of the Soviet Union's Security Council membership and prospective Russian politics toward the United Nations*, Rand Monograph (1992), p. 8.

26) Samuels (1992).

27) M. Scharf, 'Musical Chairs: The Dissolution of States and Membership in the United Nations', *Cornell International Law Journal*, 28 (1995), pp. 47-8.

member would raise credential objections with regard to the Soviet representatives that might have jeopardised the real purpose of the summit.²⁸ Furthermore, the Chair had the possibility to raise the hidden agenda issue at any time he deemed appropriate during the debate on the official agenda item. Addressing the Council on the official agenda item, President Yeltsin, fully aware of the real purpose of the summit, emphasised that ‘...Russia is prepared to continue partnership between the permanent members of the Security Council’.²⁹ In response to Yeltsin’s remarks, the President of the Council, British Prime Minister Major, took the floor immediately following the Russian President’s speech in order to state pointedly: ‘Mr. President... I know the Council would wish me to welcome Russia as a permanent member of our Council. You are welcome indeed’.³⁰ That was it: the gavel hit the table and the time for any objections from whatever quarter had passed.³¹ The predominant objective of the summit – to ensure a smooth transition from a Soviet to a Russian permanent seat on the Security Council – had been secured.

As far as the official agenda is concerned, the members of the Council avoided entering into specific commitments. The unanimously approved

28) According to Rules of Procedure 13 and 15, each SC member shall be represented at the meetings of the Council by a representative whose credentials shall be communicated to the UN Secretary-General. The UN Secretary-General will examine these credentials and will submit a report to the Security Council for approval. But when the Security Council is convened at the level of Head of State/Government or Minister of Foreign Affairs, SC members are entitled to sit on the Council without submitting credentials.

29) See UN Doc. S/PV3046, 31 January 1992, p. 47.

30) Ibid.

31) Whereas all other permanent members kept silent on the thorny issue of Security Council reform during the summit session, leaving the Chair to do the job, several non-permanent members did refer to the subject, if only briefly. Most notably, the Japanese Prime Minister Miyazawa conceded that the Soviet Union’s seat should be taken by the Russian Federation, but took distance from the permanent five, stressing the need to render the SC more reflective of the realities of the new era (UN Doc. S/PV.3046, 31 January 1992). Neither did Germany raise objections to the way the Russian issue was handled through the Security Council summit. ‘...[S]ince the Germans have been calling more than anyone else for the need to involve Russia on the international stage, they could hardly fail to be satisfied by a proposal to bring President Yeltsin to New York and Russia on to the Council as quickly as possible’ (British diplomat quoted in *Independent*, 7 January 1992). After all, Moscow was the only permanent member that had raised the issue of a German permanent seat at the Security Council as early as September 1990.

concluding declaration, which was read out as a presidential statement by the British Prime Minister, referred rhetorically to the opportunities and risks of this 'time of change', inviting the Secretary-General to make recommendations on improving and strengthening the capacity of the UN for preventive diplomacy, for peacemaking and for peacekeeping.³² The delegation to the Secretary-General of the responsibility to make a comprehensive analysis and recommendations, provides further evidence in support of the argument that the summit was hastily prepared and its real objective was to ensure the transition from a Soviet to a Russian SC seat and not actually to deal with the issue officially on the agenda.

All in all, the January 1992 SC summit was predominantly preoccupied with ensuring Russia's succession to the Soviet seat in the Security Council. The role of the British Presidency in that respect was very important with regard to dealing in timely fashion with the issue and orchestrating the smooth and unopposed transition. The UK, in full concordance with the other SC permanent members, made instrumental use of the Chair capacity. In the first place, a SC meeting was convened immediately after the official USSR dissolution, in order to avoid an institutional lacuna in SC membership that might have generated more intensive calls for a substantive discussion of the SC reform. Furthermore, the meeting was called at the highest political level, not only to provide maximum legitimacy but also to bypass (potential) opposition based on credential technicalities. Finally, during the summit, at the appropriate time the Chair brought to the foreground the hidden agenda, sealing off the issue and thus managing to defer further debate on SC reform. The British largely acted within the scope of the Chair's official mandate. The Chair actions met with success primarily because they took place within a very favourable environment, enjoying the full support of the other permanent members and the silent acquiescence of the most important revisionist countries represented in the Security Council at that period. In that way, the (informal) decision-making constraints deriving from the SC unanimity norm were bypassed, paving the way for the smooth transition to the representation of Russia.

32) See UN Doc. S/PV3046, 31 January 1992, pp. 141-145.

The Open-Ended Working Group on SC Reform: the Razali involvement

Setting the Background

The January 1992 SC summit deferred the issue of SC reform but did not eliminate it from the UN agenda. In response to ever intensifying calls, the UN General Assembly established, in 1993, an Open-Ended Working Group to examine the very sensitive question of equitable representation on and increase in the membership of the Security Council and all other matters related to that body, including the right of veto.³³ The Open-Ended Working Group on SC reform was open to all UN members that wished to participate and operated on the basis of the consensus principle. From its creation in 1993 until 1997, much discussion took place in it but with little result. The Working Group produced in this period a number of documents on the issue in question but agreement on a widely accepted formula regarding the Council's reform was not achieved. Deliberations led the Working Group into a vicious circle of endless talks, countless arguments, conflicting proposals and therefore elusive results, for which it was severely criticized in and outside the UN.³⁴

According to the UN Rules of Procedure, chairing the General Assembly or a UN Working Group entails only procedural control over the deliberations without any formal brokerage requirements.³⁵ Nevertheless, growing frustration about the lack of progress in the Open-Ended Working Group led, in 1997, the then President of the General Assembly, Ambassador Ismael Razali of Malaysia, to seek a more active role. 'The Open-Ended Working Group', he said, 'should not be seen as a place for endless talk – that would give the United Nations a bad image'.³⁶ The polarizing nature of the issue in question and the consensual decision-making rule in the WG rendered any such mediation venture of the Chair a very difficult task, constraining his capacity effectively to broker an agreement. Razali could count on two assets: first, he was from a country with no strong preferences on the issue, hence seemingly well suited to offer objective mediation services

33) See Resolution 48/26 of 1993.

34) See B. Fassbender, 'Pressure for Security Council Reform' in Malone (2004), pp. 342-344.

35) Rule 35 of SC's Rules of Procedure.

36) See I. Razali's statement in *Asahi Shimbun*, 31 January 1998.

and act as an ‘honest broker’. Second, he could rely on his Chair capacity to collect information about the true preferences of the member states or discover states’ bottom lines, either through private consultations (which he held with 165 of the UN’s 185 members)³⁷ or through access to the resourceful UN Secretariat, which kept a record of all speeches, remarks and position-papers on SC reform submitted to the Open-Ended Working Group. The aim of the Chair was to make a framework proposal, which would provide ‘focal points’ around which bargaining could eventually converge.

Striving to Broker an Agreement: The Razali Plan

On 20 March 1997, Ambassador Razali outlined before the Open-Ended Working Group a reform plan aimed at breaking the deadlock on Security Council reform after more than three years of discussions. He introduced in the form of a draft resolution (of the General Assembly) a three-stage reform plan. First, the General Assembly would vote a *framework* resolution calling for an enlargement of the Security Council by the inclusion of five new permanent members (two from the industrialized and three from the developing countries with one each from Africa, Asia and Latin America and the Caribbean) and four non-permanent members. These non-permanent members would come from Africa, Asia, Eastern Europe, and Latin America and the Caribbean. Then, the Assembly would pass another *framework* resolution that would fill in the blanks by selecting the five new permanent members (without veto power). It was understood that, although Germany and Japan were not mentioned by name, it was them Razali had in mind when he referred to the ‘two industrialized’ countries that should enter as permanent members. In the third stage, the Assembly would vote for a so-called *amendment* resolution, implementing the two previous *framework* resolutions as Charter amendments. The Razali plan was novel in that it did not require two-thirds approval by the entire General Assembly membership during the first two stages (i.e. for the two *framework* resolutions). Only the third amendment resolution would need to be approved by two-thirds of all member states, as stipulated in UN Charter amendment provisions of Article 108. By circumventing Article 108 of the UN Charter in the first two and most problematic stages (during which the member states would agree on the SC reform formula and select the new five permanent members), SC reform

37) See *Indian Express*, 20 July 1997.

would become more feasible, since only a simple majority would be required for the passage of the two *framework* resolutions that would delineate the reform path.³⁸

Razali believed that his plan reflected the mainstream current in the debate. Indeed, his plan represented the negotiating middle ground between the five permanent members and the rest of the UN membership, mostly the non-aligned states, which constituted the strongest arithmetical group consisting of 114 states. The plan offered by far the best prospect for a solution thus far because it attempted to reconcile the views of the greatest possible number of states. Despite the serious repercussions for current SC permanent members, the group of five accepted the plan as a basis for negotiations, embracing the stage-by-stage approach and the outlined procedure.³⁹ Germany and Japan, aspiring permanent members, hailed the Razali plan as a 'concrete step' towards breaking the deadlock.⁴⁰ The Razali plan was further welcomed as a realistic plan by a large number of European states and India which believed, as did Germany and Japan, that the plan would offer her the chance to realize its ambition to become a permanent member.

Given such endorsement, it came as a surprise that the Razali plan failed, due to the negative attitude of the Non Aligned Movement (NAM), comprising those states that would have benefited most from the plan. The plan would have, if adopted, significantly increased the participation of non-aligned states in the Security Council, thus allowing them to have a significant voice in its decision-making and, by implication, in the UN as a whole. But

38) D. Bourantonis, *The History and Politics of the UN Security Council Reform*, (London: Routledge, 2005), pp. 74-77.

39) The United States, Britain and Russia had expressed their opposition to any SC increase to more than 20 or 21 states (they supported the increase of the permanent membership only by 5 permanent members without the right of veto). The UK welcomed Razali's input; likewise, France saw the plan as an opportunity to begin in earnest the process leading to SC expansion. See A. Penketh, 'New Security Council Enlargement Plan Unveiled', *Agence France Presse*, 20 March 1997.

40) Both candidates had come to realize that in order to buy backing from the developing states for their bid for permanent membership, they had to accept the inclusion of some of them in both the permanent and non-permanent categories of Council membership. Both wanted to show flexibility in the ensuing talks and deliberately played down the importance of the veto issue. Of course, they did not neglect to express disappointment that the Razali plan would withhold a veto from the incoming permanent members. But for tactical reasons they appeared reluctant to burden the early stage of the negotiations on the Razali plan with such a divisive issue.

the overwhelming majority of NAM countries chose not to associate themselves with it, despite the fact that most of them individually had previously aspired to reform proposals similar to those included in the Razali plan.⁴¹ This decision reflected NAM's heterogeneity and the conscious decision of the NAM members to safeguard the unity of the movement. The Razali plan envisaged the elevation of a few developing countries to permanent membership, bringing discord and disarray among the NAM ranks about the appropriate candidates. Hence, the NAM countries collectively considered that the Razali initiative put the viability of the Movement under severe strain and should therefore be rejected.⁴²

Fully committed to this stance, the overwhelming majority of non-aligned states launched a severe attack against Razali himself and the plan.⁴³ They accused Razali of producing this plan with no mandate from the Open-Ended Working Group, although acknowledging that he was entitled to give impulse to the stagnating debate and revive it. However, his role should stop short of interfering directly in the negotiations since no extraordinary brokerage power had been formally delegated to him. According to the permanent representative of Pakistan:

41) The Latin American and the Asian countries of the NAM, with a few exceptions, were in favor of the 'two plus three' formula, whereby two permanent seats would be assigned to Germany and Japan, and three permanent (named or rotational) seats to developing states, one each from the three Southern regions –Africa, Asia and Latin America. A somewhat different position had been expressed by the OAU countries of NAM which although adhered to the view shared by NAM that the expansion of the total membership of the Council should be up to 26 seats, they had claimed that the new permanent seats should have all rights and privileges associated with permanent membership including of course the right of veto.

42) The NAM Ministers of Foreign Affairs met twice, in New Delhi on 7 and 8 April and in New York on 25 September 1997, to discuss the Razali Plan, concluding that the Movement should be guided by 'the necessity of maintaining its unity and solidarity on this critical issue' (*Communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries at New York, 25 September 1997*, para. 15. See also the Final Document of the XII Ministerial Conference of the Movement of Non-Aligned Countries, New Delhi, 7-8 April 1997, para. 28).

43) The most militant states comprised Pakistan, Argentina and Mexico, which did not want to see their regional rivals (India, Brazil) elevated to permanent membership and other regional powers, such as Egypt or Indonesia, which were unlikely to win permanent seats.

it is true that each one of us can dream of trysts with history, and come forward with visionary ideas and suggestions. But we do so in all cases as representatives of our respective countries, and not as the representatives of the Working Group as a whole. So if your paper comes from the Permanent Representative of Malaysia, we would have no quarrel with it, but if it carries the stamp of the Chairman, then it clearly gives the impression that it was asked by all of us, or that we stand behind it, which is not the case. The powers of the General Assembly, and of the Chairmen of the Working Groups, are defined by Rules 35 and 36 of the Rules of Procedure, and do not confer '*suo moto*' powers as are given to the Secretary-General under Article 99 of the Charter.⁴⁴

In a nutshell, the Razali initiative was shelved due to the NAM's negative disposition, despite the lukewarm or more enthusiastic embrace of the plan by the permanent SC five and some of the most interested and influential revisionist countries (Germany, Japan, India etc). The Chair of the Open-Ended Working Group made use of his capacity and the advantages of information asymmetries to expand his role in the WG deliberations beyond mere procedural control into brokering an agreement. Given the lack of any strong Malaysian preferences in the SC reform process, his initiative could be seen to a large extent as a response to functional demands, stemming from continuing negotiation failure that jeopardized the future of the WG. Although the Razali plan reflected the middle-of-the-road in the SC reform negotiations, it did not attract universal acceptance, required by the WG consensus decision-making rule, and the Chair was accused of overshooting his official and authorized mandate.

Co-chairing disarmament negotiations in the UN/ENDC

Setting the background

In 1962, the Eastern and the Western group, led by the Soviet Union and the United States respectively, took disarmament and arms control negotiations outside the UN purview, in a newly established negotiating body, the 'Eighteen Nation Disarmament Committee' (ENDC). The composition of the ENDC, consisting of five states from the Eastern group, five from the

44) Statement by the Permanent Representative of Pakistan to the UN in the Open Ended Working Group on Council Reform, 20 April 1997.

Western group and eight from the group of the non-aligned states reflected the then tripartite division of the UN membership into three main blocs. The establishment of the ENDC came about with the active encouragement of the United Nations General Assembly (UNGA), which with Resolution 1722 (XVI) of 20 December 1961 unanimously endorsed its birth. The UNGA welcomed the new negotiating body, set up mainly by the United States and the Soviet Union,⁴⁵ under the assumption that the Assembly would remain the principal negotiation agenda setter, through resolutions mirroring the will of the whole UN membership. In that respect, and despite the ENDC formal autonomy from the UN, UNGA considered the ENDC more as a dependent agent set in place to facilitate negotiations rather than as an autonomous institutional body/structure. The provision for a UN Secretary General representative to attend all ENDC meetings and the availability to ENDC of UN Secretariat facilities and services further enhanced the ties between the multilateral negotiating body and the UN structures.

At its first meeting, the ENDC adopted by consensus a very synoptic procedural arrangement, conferring on the United States and the Soviet Union privileged procedural control and a leadership position through the permanent co-chairmanship office. The co-chairmen were required to consult with each other and other delegations as desirable with the aim of facilitating both the formal and informal work of the Committee.⁴⁶ Not a usual practice at the UN but a byproduct of the ENDC's autonomy, the co-chairmanship office ensured a form of co-operative cohabitation of the two major powers at the head of the negotiating body. By virtue of their position and the procedural powers conferred on them, they could play a significant role in setting the negotiation agenda, under the constraint of the UNGA's recommendations. They were also authorized to take general decisions on the sequence, frequency and the structure of the meetings and more generally on the negotiating process. By preparing and presenting draft agreements for consideration, they were actually in a position to direct negotiations at their will. The establishment of the co-chairmanship office was aimed to provide an *ex ante* control mechanism to the Chair's activities, given the confrontational nature of the US-USSR relationship. The unanimity decision-making rule on

45) The selection of the 8 non-aligned members of the ENDC was the result of hard bargaining during which the United States refused to accept the inclusion of radical states, like Indonesia and Ghana, which it regarded as having an anti-western attitude.

46) See Doc. ENDC/1 of 14 March 1962, Agreement on Procedural Arrangements.

all issues, procedural and substantive, was an additional constraint in the performance of the co-chairs' functions.

The co-chairs as agenda setters: from Disarmament to Arms Control

The ENDC was not a UN body but it was expected to follow the UN General Assembly suggestions about the negotiation agenda. The General Assembly called the ENDC to undertake 'as a matter of utmost urgency' negotiations with a view to reaching agreement on general and complete disarmament (GCD).⁴⁷ The main thrust of all UNGA resolutions between 1962-1964 was towards an agreement on GCD rather than arms control measures, which were given – at the time – lower importance by the General Assembly.

However, despite the UNGA priorities, the ENDC agenda was largely shaped according to what the two co-chairs, the United States and the Soviet Union, thought ripe for consideration. From the very beginning, the co-chairs tried successfully to persuade all of the body's members, especially the non-aligned states, that despite the UNGA's mandate, a single plan on GCD negotiations was not feasible at that particular time. Instead, the ENDC had to focus on arms control measures, which were portrayed as a more realistic option and the GCD was, thanks to the co-chairs role, convincingly visualized as an ultimate goal to be reached gradually. The first arms control measures that were successfully negotiated in the ENDC were the Partial Test Ban Treaty (PTBT)⁴⁸ and, more importantly, the Non-Proliferation Treaty (NPT, 1964-8).

Given the unanimity decision-making rule in ENDC, the ease with which the two co-chairs managed to take control over the agenda and impose their selective arms control measures for negotiation in the period 1962-1968 is noteworthy. This owed much to the attitude of the eight non-aligned states that took part in the ENDC deliberations, reflecting the still moderate stance of the Non-Aligned Movement (NAM) that had come into existence in 1961. In general, the NAM countries envisaged for themselves a bridging role between the two rival camps, East and West. At the time the ENDC was set

47) Resolution 1722 of 20 December 1961.

48) The PTBT was negotiated in the ENDC's plenary meetings as well as in an ENDC's subcommittee consisting of the United States, the Soviet Union and Britain. In Moscow in August 1963, after brief deliberations, the three powers signed the treaty the substantive aspects of which had been sufficiently explored during the negotiations in the ENDC.

in place, the dominant view within NAM ranks was that the movement's capacity to influence international developments was still low but had a growing potential. The realization of this potential was conditional upon exhibiting a responsible and mature attitude and convincing the two blocks about the Movement's impartiality.⁴⁹ This determination of the NAM to stand as a conciliator between the two camps and its eagerness to show that it did not constitute a bloc pursuing its own goals imposed a moderate attitude in the UN and subsequently the ENDC.⁵⁰ In that respect, the non-aligned states were prepared to associate themselves with any disarmament initiative taken by the two superpowers or their respective camps even if the negotiations required strong commitments from their own part, as was the case for example with the NPT. Their moderate attitude added a great deal of flexibility in ENDC deliberations and facilitated the co-chairs in shaping the ENDC's agenda, enabling a discretionary selection of arms control measures for negotiation.

The agenda setting power of the ENDC co-chairs began to decline from the beginning of 1970s, owing much to the NAM's abandonment of its early moderate stance and the adoption of a more aggressive attitude in world affairs. The huge increase of their numbers in the UN rendered them the strongest numerical force in the General Assembly, equating a stronger UN with prospects for promoting their own interests. Their basic aim was to make the Assembly's role predominant and central in the management of all issues, not least disarmament. In that respect, they sought to upgrade the General Assembly's role in the disarmament negotiations, reinstating it as the real agenda-setter for ENDC (which had been renamed in 1969 to 'Conference of the Committee on Disarmament' – CCD). Hence, the NAM countries called more consistently for specific nuclear disarmament measures, a concrete disarmament program and a comprehensive test-ban treaty.

The negative CCD response made increasingly clear that the real agenda-setting role still remained in the hands of the co-chairs. The two major powers turned a deaf ear to the General Assembly's demands to deal with broader issues of disarmament, despite the fact that they were '...duty bound to take

49) See L. Mates, *Non-Alignment: Theory and Current Policy*, (London & Belgrade: Oceana Publications, 1972), p. 263 and C. Crabb, *The Elephants and the Grass: A Study of Alignment*, (New York: Praeger, 1965), p. 102.

50) R. Mortimer, *Third World Coalition in International Politics*, (New York: Praeger, 1980), p. 12.

into account the will of the majority as reflected in relevant resolutions'.⁵¹ The co-chairs continued bringing to the CCD selective arms control issues for negotiation. This situation led the non-aligned states openly to attack the two major powers for misusing the co-chairmanship office for their political interests. NAM representatives argued that '...the fact that the formulation of the agenda of the conference [i.e. the CCD] falls within the province of the co-chairmen explains why that body is not responsive in the desired degree to the urgent requests of the General Assembly'.⁵² They complained that '...the relationship between the co-chairmen and the negotiating body was the same as that which Louis XIV regarded as existing between himself and the French state'⁵³ and demanded the abolition of the co-chairmanship office in order to lessen the stranglehold of the two major powers. That would bring about complete CCD subordination to the UN and especially to the General Assembly. The co-chairmanship institution was finally replaced by a rotating chair in 1978.

The co-chairs as brokers in the Non-Proliferation Treaty (1965-1968)

Besides the agenda setting function, the ENDC co-chairmanship office also carried out a very significant brokerage role, especially evidenced during the NPT negotiations that led to one of the most significant and discriminatory arms control agreements ever adopted in the UN multilateral context. The issue of non-proliferation of nuclear weapons was very important for both co-chairs and their allies, seeking the consolidation of the nuclear *status quo* at the time. Procedural control and privileged information about the preferences of the ENDC negotiating parties permitted the co-chairs to steer the negotiations toward their own preferred outcome.

At the initial stage of the negotiations, each co-chairman presented a draft treaty, heavily reflecting their own preferences without revealing, however, their bottom lines or leaving any room for trade offs to the non-

51) M. Sullivan, 'Conference at the Crossroads: Future prospects for the CCD', *International Organization*, 29:2 (1975), pp. 392-3.

52) See Doc. CCD/PV. 662, p. 15.

53) See GAOR, UN Doc. A/C.1/24/1691, 17 November 1969, p. 17, Iran. For the attack on the co-chairmanship institution, see, for instance, the following documents: CCD/PV. 545, p. 35; CCD/PV.557, p. 16, CCD/PV.580, p. 10; CCD/PV.616, p. 13; CCD/PV 727, pp. 8 and 9; CCD/PV. 768, p. 21; CCD/PV. 769, p. 9.

aligned, non-nuclear weapon states (NNWS).⁵⁴ The objective of this exploratory move was to probe the true preferences of non-aligned states on the Treaty basics in attempt to identify and delineate a possible underlying zone of agreement. The co-chairs' strategy entailed offering at a subsequent negotiating stage 'last minute' compromises through revised texts, giving the impression of making concessions to NNWS requests. As expected, the non-aligned states heavily criticized the submitted draft treaties. Although acknowledging and accepting in principle the inherent discriminatory nature of any such Treaty as consolidating the division between 'haves' and 'have-nots', the NNWS wanted at least the eventual treaty to 'embody an acceptable balance of mutual obligations and responsibilities'.⁵⁵

Although the commitment by the nuclear weapon states (NWS) not to disseminate nuclear weapons was not considered generally an adequate and sufficient concession, there was quite a divergence of views in the ranks of the NNWS as to what could render the Treaty balanced.⁵⁶ Such variance revealed

54) The two drafts were almost identical, revealing the high degree of cooperation between the Soviet Union and US on the issue. The two draft treaties contained only a few provisions whereby basically the NNWS would have the responsibility and the obligation not to acquire nuclear weapons with the NWS taking up the responsibility and obligation not to proliferate nuclear weapons to them.

55) For the non-aligned viewpoint with regard to the request for a balance of obligations and responsibilities see, for instance, Doc. ENDC/PV.298, 23 May 1967, p. 9; ENDC/PV.300, 27 May 1967, pp. 5 and 11; Doc. ENDC/PV. 334, 28 September 1967, pp. 6-7 and 8; Doc. ENDC/PV.293, 14 March 1967, p. 10; Doc. ENDC/PV.295, 21 March 1967, p. 20. See also D. Fischer, *The International Non-Proliferation Regime*, (New York: UNIDIR, 1987), p. 1 and N.A. Sims, *Approaches to Disarmament*, (London: Quaker Peace Service, 1979), pp. 67-74.

56) If the NNWS were to relinquish their access to nuclear weapons, they had to be given at least *security assurances* and *essential guarantees* that their commitment to the NPT regime would not hurt their interests in *economic development*. To be deprived of the peaceful applications of atomic energy was equated with their deprivation of '...access to the economic benefits and technological spin-offs of the nuclear age at a time the developing countries were facing severe economic and resource problems'; R. Townley, *The United Nations. A View from Within*, (New York: Charles Scribners' Sons, 1968), pp. 113-4. For the most militant non-aligned states (India, Brazil and Pakistan), measures of NWS *nuclear disarmament* constituted a crucial element of balanced obligations and responsibilities. Thus, they attempted to link NPT negotiations with nuclear disarmament. In their view, the NNWS commitment to sign away the right to manufacture or otherwise acquire those weapons should be *coupled* with a specific and binding NWS agreement to halt the nuclear arms race. Other non-aligned states, however, took a different stance and were against the idea of using NPT as a political lever to ensure nuclear disarmament. They argued that the NPT should

that the non-aligned states did not form a solid bloc with a single point of view, thus undermining their negotiating power. In order to adopt a common bargaining position in the ongoing NPT negotiations, the non-aligned states called for a NNWS Conference to meet not later than 1968, with the aim ‘...to evolve a common standpoint of non-nuclear weapon countries, which would enable them to enter into a fruitful dialogue with the nuclear weapon states’.⁵⁷

This initiative of the non-aligned states made the co-chairs realize the need to speed up and conclude NPT negotiations prior to the Conference, under the assumption that had this conference been convened, it would have in all probability led the NNWS-non-aligned countries, influenced by the most militant ones, to adopt common, more radical positions. Hence, even the Conference preparations exerted considerable pressure on the co-chairs, compelling them to reconsider their tactics. In that respect, the co-chairs submitted an interim ENDC report to the General Assembly by which they informed the members of the UN that significant progress had been made towards drafting a NPT. On the basis of this report, they sponsored, along with NATO and Warsaw Pact states, a General Assembly’s draft resolution, specifying a precise timetable for the conclusion of NPT negotiations. This draft resolution was adopted by the General Assembly, requesting the ENDC to submit to the former, on or before 15 March 1968, an NPT draft treaty.

The General Assembly decision, based on the ENDC report written exclusively by the co-chairs, fixed a very short time limit for the ENDC final negotiations, thus ensuring for the co-chairs full control over the concluding negotiation stages. Resolution 2346 was tantamount to an appeal to all ENDC members and especially the non-aligned states to focus on the common ground, which was, conveniently for the co-chairs, the prohibition of the horizontal proliferation of nuclear weapons, and not to strive for their own versions of perfection. On the basis of their discretionary power to present draft treaties on a ‘take it or leave it’ basis when they deemed it essential, the co-chairs submitted to the ENDC in the following months treaty versions in an advanced stage without engaging themselves in actual negotiations with NNWS.⁵⁸

not be coupled but *followed* by nuclear disarmament measures (Doc. ENDC/PV.300, 30 March 1967, p. 12 and Doc. ENDC/PV.304, 13 June 1967, p. 6).

57) United Nations, *The United Nations and Disarmament, 1945-1970*, (New York: United Nations, 1970), p. 307.

58) Interview with John Edmonds, Chief British Negotiator in the ENDC.

Only at the very final stage, did the co-chairs submit a distinctly improved draft treaty, appearing to make concessions and further improvements in the 'balance of obligations' by widening the NPT's scope. In this final draft, general provisions regarding the peaceful applications of atomic energy were incorporated and so were security safeguards from the NWS to NNWS in the form of a general statement of intent. As for the non-aligned states' demand for nuclear disarmament (coupling or following NPT), the NWS conceded nothing more than a very broad, good faith clause.⁵⁹ This draft was presented shortly before the due time of the Treaty submission to the General Assembly, exercising additional pressure on the NNWS to acquiesce in the completion of the negotiations as required by the General Assembly. In that respect, the co-chairmen succeeded in placing upon the NNWS the weight of political responsibility, a burden further increased by the intervention of the UN Secretary General who made a plea that the years of patient negotiations on an NPT 'must be brought into fruition'.⁶⁰ After minor text revisions, an overwhelming UNGA majority finally adopted this draft, which largely reflected the co-chairs' preferences. The NNWS 'forgotten Conference' was held later that year, but facing a *fait accompli* after the NPT adoption, it had to redefine its objective and devoted its working sessions to seek means to ensure the widest possible NPT adherence.⁶¹

In a nutshell, the ENDC negotiations were highly influenced by the two co-chairmen both with regard to the agenda and the bargaining outcome. Having strong preferences on disarmament and arms control issues, the co-chairmen successfully managed to direct discussion to the latter, bypassing the UNGA's requests. In this agenda-shaping role, the co-chairmen were assisted by the moderate approach of the non-aligned states, overcoming in that respect the constraining unanimity decision-making rule of the Working Group. Only at a later stage, when the NAM became more militant and radical, did the agenda shaping capacity of the chairmen come under fire and eventually find itself curtailed, resulting in the replacement of the permanent with a rotating chairmanship. With regard to the NPT negotiations, the two co-chairmen exploited their procedural capacity to submit treaty drafts on a

59) 'Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control' (Article VI).

60) See Doc. ENDC/PV 357, 18 January 1968.

61) W. Epstein, *The Last Chance: Nuclear Proliferation and Arms Control*, (New York: Macmillan, 1976), pp. 128-134.

'take it or leave it' basis to push towards their desired outcome. Having imposed tight temporal constraints, they uploaded the weight of political responsibility to the NNWS, making it very difficult for them to reject the tailor-made Non-Proliferation Treaty that heavily reflected Soviet and American preferences.

Conclusions

In this paper we have examined, in the light of existing theoretical insights about the role of the Chair in multilateral negotiations, three significant cases in the UN context, whereby the Chair actively intervened in an attempt to affect the final outcome. We neither claim that our case studies cover the whole spectrum of UN structures, nor that the conclusions are fully generalizable, since, as our cases indicate, the Chair's role and functions heavily depend on a number of endogenous and exogenous parameters that affect his/her effectiveness. Endogenous parameters are related primarily to the institutional context within which the Chair operates, comprising the mandate of the institutional body and decision-making rules, while exogenous parameters basically refer to the international political power configuration, which may or may not be conducive to the Chair's initiatives.

Each case study provides a different insight into the role and effectiveness of the Chair. The Russian succession to the Soviet seat in the Security Council highlights the importance of a conducive environment (all permanent members plus the most important revisionist states) in legitimizing the Chair's initiatives and overcoming formal (i.e. decision-making rules) or informal (i.e. consensus norm in the SC) constraints. The failure of the Razali plan indicates how an exogenous international parameter (plan rejection in order to safeguard NAM unity) can block the Chair's venture to expand his mandate and break a negotiating deadlock. In this highly sensitive case, the obstacles raised by the consensus decision-making rule were insurmountable. In the ENDC case, the co-chairmanship succeeded in both altering the negotiation agenda and shaping the final bargaining outcome according to the preferences of the chair holders. The former occurred due to a favourable environment (NAM trying to establish a moderate profile), which enabled the co-chairs to control and manipulate the ENDC official mandate without much objection. The latter shows the Chairs' (conditional) capacity to overcome obstacles by instrumental use of the procedural power at their disposal (report to the General Assembly, drafting monopoly).

In all three cases, the Chair resorted to informational resources, gathered through instrumental use of existing procedural arrangements. In the first case, the British Chair acted having first ensured the necessary backing and support. In the Razali case, the Chairman was in position to submit his reform plan only after having mapped most states' preferences by means of bilateral confidential meetings. The Razali plan did reflect the middle-of-the-ground in the negotiation space and would have produced a negotiation breakthrough, should the WG negotiations have not become intertwined with intra-NAM politics. In the ENDC case, the co-chairmanship submitted drafts to detect bottom line positions of NNWS.

What emerges from the account of these three case studies is that the exploitation of informational asymmetries is a necessary but not sufficient success condition in the performance of the Chair's functions. Formal (demanding decision-making rules; curtailed mandate) and informal (norm-related) constraints provide plenty of opportunities for a non-conducive, external environment to annul and block Chair's initiatives.