

## The Conference on Security and Cooperation in Europe (CSCE)

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## The Conference on Security and Cooperation in Europe (CSCE)

The **preparatory consultations** for the Conference on Security and Cooperation in Europe (CSCE) were held in Dipoli (Helsinki) between diplomatic representatives of the governments in the Finnish capital from 22 November 1972 to 8 June 1973. Their purpose was to decide the venues and criteria for the convening of the Conference, the procedure to be followed in its work and the main topics for the agenda. All those matters were the subject of the *Final Recommendations of the Helsinki Consultations*, a basic document governing the organisation and functioning of the Conference, known as the ‘Blue Paper’.

The French proposed that the **Conference as such** should be held in **three stages**. The initial stage, the official opening, took place at the level of Ministers for Foreign Affairs in Helsinki from 3 to 7 July 1973. The second stage, the committee meetings involving experts, took place in Geneva from 18 September 1973 to 21 July 1975. This was the principal negotiating stage. In three main committees, which in turn were divided into several sub-committees and working groups, it covered what were known as the ‘three baskets’ of the CSCE process: questions relating to security in Europe, cooperation in the fields of economics, science and technology and the environment, and cooperation in humanitarian and other fields. The third stage, the closure of the Conference, was a summit meeting of Heads of State or Government of the 35 participating States, held in Helsinki from 30 July to 1 August 1975. Its purpose was to adopt the final document of the Conference, the Helsinki Final Act, at a formal sitting.

### The Helsinki Final Act

The *Helsinki Final Act* was not a treaty or a legally binding instrument under international law. However, as an instrument drawn up by consensus and signed at the highest level by the two superpowers, Canada and all the European countries (apart from Albania and Andorra), it had an undeniable value as a morally and politically binding **code of conduct**.

Unlike the Soviet joint security treaty, designed to be a *lex specialis* for Europe, which was static, legitimised the status quo and enshrined the principle of ‘peaceful coexistence’ between the blocs, the Helsinki Final Act was adopted as a **general political commitment to peace, security and justice and the continuing development of friendly relations and cooperation** and formed part of a wider framework for *strengthening international peace and security and promoting human rights, economic and social progress and the well-being of peoples*. In the form of a **dynamic programme** for the implementation of the CSCE results, the Final Act clearly stated the objective of making *détente both a continuing and an increasingly viable and comprehensive process, universal in scope*.

Despite the diversity of the commitments that it contained (statements of principle, declarations of intent, recommendations, planning provisions), it had the merit of setting out a **Decalogue** of principles based on the universal principles of the United Nations Charter, governing reciprocal relations between States and placing the emphasis on their equality and interdependence. Thus, together with principles such as *respect for the rights inherent in sovereignty*, including the right of every State *freely to choose and develop its political, social, economic and cultural systems*, and *non-intervention in internal affairs* — which initially allowed the continued existence of the totalitarian regimes in Eastern Europe — it enshrined the principle of *respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion and belief*. Similarly, along with the principle of *inviolability of frontiers* — which, for the USSR, sanctioned the territorial status quo that had emerged from the Second World War — it provided for the right of peoples to *self-determination*. The Western States were thus able to reserve the right to monitor the human dimension of international relations and to defend the right of the German people to reunification.

According to the Final Act, all the principles of the Decalogue were of primary significance and, accordingly, would be equally and unreservedly applied, each of them being interpreted by reference to the others. The participating States expressed their resolve to respect all aspects of those principles and to implement them in full. At the same time, they confirmed the primacy of general international law.

After defining the areas and forms of cooperation, the Final Act included a chapter on the **follow-up to the**

**Conference** in which the participating States undertook to implement its provisions at three levels: unilateral, bilateral and multilateral. At multilateral level, they provided for meetings of experts from the participating States and continuation of the process started by the Conference, particularly by proceeding to a thorough exchange of views on the implementation of the provisions of the Final Act and of the tasks defined by the CSCE and by organising meetings between their representatives for those purposes, including, where necessary, a further conference. The date of the preparatory meeting to organise an initial meeting of representatives designated by the Ministers for Foreign Affairs in Belgrade in 1977 was set for 15 June 1977.

Ultimately, the value of the Final Act as an instrument for change and hence for an end to the division of Europe derived particularly from those two main characteristics: in terms of substance, the inclusion of **universal values** relating to individual rights and allowing limits to be placed on State power; in terms of form, the fact that the Helsinki Final Act was a **programme** for continuing the CSCE process as multilateral negotiations, both in the CSCE and under other international agreements existing alongside the CSCE.

Accordingly, by agreeing to hold regular meetings on the follow-up, the Western countries managed not only to circumvent the Soviet pressure for a permanent CSCE body, by making the creation of such a body dependent on prior consideration of its appropriateness in the light of developments in the process, but also to introduce monitoring of the implementation of the commitments given. Furthermore, in order to avoid duplication and unnecessary cost, they also established the principle that existing international organisations, such as the United Nations Economic Commission for Europe and UNESCO, should be used.

East and West reacted very differently to the Helsinki Final Act, which was widely distributed in all the participating States, especially in the Communist countries, where it was published in full in the Party newspapers. In the West, there was much criticism of the concessions made to the Soviet Union at a conference that was often seen as a farce characterised by official jargon. The governments in the Soviet bloc countries presented the Final Act as a victory for Socialism. However, Soviet enthusiasm was to wane with the unexpected emergence, from 1976 onwards, of various groups monitoring the Helsinki commitments and representing a significant wave of dissent.

### **Continuation of the CSCE process**

Three **meetings on the follow-up** to the CSCE were held between 1977 and 1989: the first in Belgrade from 4 October 1977 to 9 March 1978, the second in Madrid from 11 November 1980 to 9 September 1983 and the third in Vienna from 4 November 1986 to 19 January 1989. The meetings on the follow-up had two main functions: to evaluate the implementation of the commitments set out in the Final Act and to take the process forward by defining the arrangements for cooperation and planning future work. The closing documents for the meetings on the follow-up were thus equal in value to the Final Act, interpreting, supplementing or amending its provisions.

What was often a dialogue of the deaf between countries speaking two completely different languages was reflected in the ambiguous closing documents, in the euphemistic style of the Final Act, followed by contradictory interpretative statements. However, the meetings on the follow-up could be used to assess détente, establish any lack of agreement or shortcomings in implementation, take note of international crises and human rights violations and also record small steps forward.

After the failure of the Belgrade meeting, which ended with the adoption of a brief closing document that had no substantive provisions but, nonetheless, guaranteed the continuation of the process, the **Madrid** meeting succeeded, in an extremely tense atmosphere on the verge of breakdown and only with frequent suspensions of the proceedings, in adopting a substantive closing document. The parties reached agreement on the areas of confrontation between the two sides: the military détente being called for by the Soviets and the pressure from the West on human rights. In this way, the Soviets managed to introduce the subject of disarmament into the first basket of the CSCE, while the Western countries reinforced the commitments set out in the Final Act on human rights, particularly religious and trade union freedom. On the first basket, the Madrid document set up a conference on confidence-building and security measures and disarmament in Europe. It also confirmed the central importance of the evaluation debate, although the Soviets objected to any monitoring, citing non-

intervention in internal affairs.

Lastly, the **Vienna** meeting took place in the more favourable climate engendered by the ‘perestroika’ (restructuring) and ‘glasnost’ (openness) policies of the new General Secretary of the Communist Party, Mikhail Gorbachev. For the first time, the Eastern Bloc countries refrained from invoking the principle of non-intervention in internal affairs, and the evaluation gave rise to a fairly constructive debate on human rights. Also for the first time, the Eastern Bloc was starting to collapse, with, on the one side, the first steps towards openness in the USSR, Hungary and Poland and, on the other side, the rigidity of the GDR, Romania, Czechoslovakia and Bulgaria. The long and detailed closing document embodied progress in every area of the CSCE, particularly human rights. The list of rights and freedoms in the Helsinki and Madrid texts was considerably expanded, and a conference was set up to debate the human dimension of the CSCE. From then on, the ‘human dimension’ encompassed the humanitarian issues in the third basket (human contacts) and the commitments on principle 7 of the Decalogue (human rights and fundamental freedoms).

In the period between the main meetings on the follow-up, the participating States maintained multilateral contacts in **special inter-session meetings**: meetings of experts, fora, specialist seminars and conferences. These additional meetings, scheduled to be held simultaneously with the main meetings and presenting their final report to the next follow-up meeting, related particularly to the first basket (peaceful resolution of disputes, confidence-building and security measures) and the third basket (human contacts, information, culture and education). For a long time, the second basket (trade, scientific and technical cooperation and the environment) tended to be neglected because of the activities of United Nations Economic Commission for Europe in that area. Two specialist conferences set up as the Helsinki process evolved, the Conference on Confidence-Building and Security Measures and on Disarmament in Europe and the Conference on the Human Dimension of the CSCE, formed an integral and important part of the CSCE process.