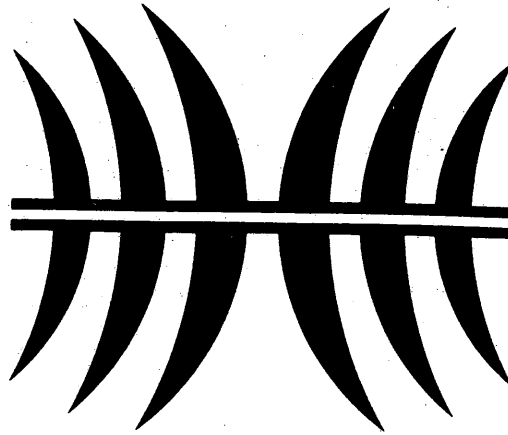


**THE HELSINKI FOLLOW-UP MEETING  
OF THE CONFERENCE  
ON SECURITY AND  
CO-OPERATION IN EUROPE**

**March 24 - July 8, 1992**



**A Report Prepared by the Staff of the  
Commission on Security and Cooperation in Europe  
September 1992**



**THE HELSINKI FOLLOW-UP MEETING  
OF THE CONFERENCE  
ON SECURITY AND  
CO-OPERATION IN EUROPE**

**March 24 - July 8, 1992**

**Commission on Security and Cooperation in Europe  
237 Ford House Office Building  
Washington, DC 20515**

STENY H. HOYER, Maryland, *Chairman*  
DENNIS DECONCINI, Arizona, *Co-Chairman*

DANTE B. FASCELL, Florida  
EDWARD J. MARKEY, Massachusetts  
BILL RICHARDSON, New Mexico  
EDWARD FEIGHAN, Ohio  
DON RITTER, Pennsylvania  
CHRISTOPHER H. SMITH, New Jersey  
JOHN EDWARD PORTER, Illinois  
FRANK R. WOLF, Virginia

FRANK LAUTENBERG, New Jersey  
TIMOTHY WIRTH, Colorado  
WYCHE FOWLER, Georgia  
HARRY REID, Nevada  
ALFONSE M. D'AMATO, New York  
LARRY E. CRAIG, Idaho  
MALCOLM WALLOP, Wyoming  
ARLEN SPECTER, Pennsylvania

**Executive Branch**

VACANCY, *Department of State*  
STEPHEN J. HADLEY, *Department of Defense*  
VACANCY, *Department of Commerce*

---

SAMUEL G. WISE, *Staff Director*  
MARY SUE HAFNER, *Deputy Staff Director and General Counsel*  
JANE S. FISHER, *Deputy Staff Director*

DAVID M. EVANS, *Senior Advisor for Post-Soviet and East European Affairs*  
R. SPENCER OLIVER, *Consultant*

MIKE AMITAY, *Staff Member*  
PATRICIA CARLEY, *Staff Member*  
BRENDA COLLIER, *Receptionist*  
OREST DEYCHAKIWSKY, *Staff Member*  
JOHN FINERTY, *Staff Member*  
ROBERT HAND, *Staff Member*  
HEATHER HURLBURT, *Staff Member*  
JESSE JACOBS, *Staff Member*

RONALD MCNAMARA, *Staff Member*  
JEANNE MCNAUGHTON, *Staff Member*  
TOM MURPHY, *Technical Editor*  
MICHAEL OCHS, *Staff Member*  
JAMES S. RIDGE, *Press Secretary*  
ERIKA B. SCHLAGER, *Staff Member*  
VINCA SHOWALTER, *Staff Member*  
CORINNE ZACCAGNINI, *Office Administrator*

## TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY .....	1
II.	CONCLUSIONS .....	4
III.	FROM PARIS TO HELSINKI: SETTING THE STAGE .....	8
IV.	THE HELSINKI MEETING: OVERTURE AND SIDESHOWS .....	13
	Preparations .....	13
	Evolution of the Plenary .....	13
	The Committee of Senior Officials: The Impact of Political Consultations .....	14
V.	THE HELSINKI MEETING: THE MAIN ATTRACTION .....	16
	WORKING GROUP I: Institutions and Structures .....	16
	Background .....	16
	Strengthening CSCE Institutions and Structures .....	16
	Conflict Prevention and Crisis Management .....	17
	Peacekeeping .....	18
	Peaceful Settlement of Disputes .....	20
	High Commissioner on National Minorities .....	22
	Relations with International Organizations, Non-Participating States, and the Role of NGOs .....	24
	Financial and Administrative Arrangements .....	27
	WORKING GROUP II: Military Security .....	29
	Background .....	29
	The Forum on Security Cooperation .....	29
	Code of Conduct .....	32
	WORKING GROUP III: The Human Dimension .....	33
	The Human Dimension Between Vienna and Helsinki .....	33
	The Human Dimension at Helsinki .....	35
	The Implementation Review .....	35
	Proposals and the Negotiation of a Concluding Document .....	39
	WORKING GROUP IV: Economics, Environment, Science and Technology .....	43
	Background .....	43
	The Environment .....	43
	Economic Cooperation: The Economic Forum .....	45
	Science and Technology .....	46
	Mediterranean .....	47
VI.	THE HELSINKI SUMMIT: THE GRAND FINALE .....	48
	The Helsinki Summit Declaration .....	48
	The Helsinki Summit .....	49
VII.	PARTICIPATION .....	52
	The Delegation of the United States .....	52
	Public Members .....	53
	Helsinki Commission Participation .....	53
	Non-Governmental Organizations .....	54
	International Organizations .....	54



## TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY .....	1
II.	CONCLUSIONS .....	4
III.	FROM PARIS TO HELSINKI: SETTING THE STAGE .....	8
IV.	THE HELSINKI MEETING: OVERTURE AND SIDESHOWS .....	13
	Preparations .....	13
	Evolution of the Plenary .....	13
	The Committee of Senior Officials: The Impact of Political Consultations .....	14
V.	THE HELSINKI MEETING: THE MAIN ATTRACTION .....	16
	WORKING GROUP I: Institutions and Structures .....	16
	Background .....	16
	Strengthening CSCE Institutions and Structures .....	16
	Conflict Prevention and Crisis Management .....	17
	Peacekeeping .....	18
	Peaceful Settlement of Disputes .....	20
	High Commissioner on National Minorities .....	22
	Relations with International Organizations, Non-Participating States, and the Role of NGOs .....	24
	Financial and Administrative Arrangements .....	27
	WORKING GROUP II: Military Security .....	29
	Background .....	29
	The Forum on Security Cooperation .....	29
	Code of Conduct .....	32
	WORKING GROUP III: The Human Dimension .....	33
	The Human Dimension Between Vienna and Helsinki .....	33
	The Human Dimension at Helsinki .....	35
	The Implementation Review .....	35
	Proposals and the Negotiation of a Concluding Document .....	39
	WORKING GROUP IV: Economics, Environment, Science and Technology .....	43
	Background .....	43
	The Environment .....	43
	Economic Cooperation: The Economic Forum .....	45
	Science and Technology .....	46
	Mediterranean .....	47
VI.	THE HELSINKI SUMMIT: THE GRAND FINALE .....	48
	The Helsinki Summit Declaration .....	48
	The Helsinki Summit .....	49
VII.	PARTICIPATION .....	52
	The Delegation of the United States .....	52
	Public Members .....	53
	Helsinki Commission Participation .....	53
	Non-Governmental Organizations .....	54
	International Organizations .....	54

Among the most historic steps taken during the meeting were the decisions to apply the consensus-minus-one procedures adopted by the Council of Ministers in January 1992 in two separate actions against Serbia and Montenegro, which had claimed the seat of Yugoslavia within the CSCE process. First, finding a pattern of "clear, gross and uncorrected violations of CSCE commitments," the CSO suspended Yugoslavia (Serbia and Montenegro) from participating in decisions relating to the crisis. In light of further subsequent deterioration of the crisis, representatives of Yugoslavia (Serbia and Montenegro) were then barred from attending any CSCE meetings until October 14, 1992, when the CSO is mandated to revisit this decision.

It was thought that the end of the Cold War would leave Europe freer and more united and peaceful than ever before. But the Yugoslav crisis and similar problems that have since erupted have left the CSCE participating States groping for direction; much of the euphoria that surrounded the adoption of the 1990 CSCE Charter of Paris for a New Europe had dissipated by the time the Helsinki Meeting opened. At a time when ethnic conflicts were fostering insecurity in the East and taking their toll in parts of the West, the member states of the European Community (EC) found themselves struggling with uncertainty, damaged first by inability to end the Yugoslav conflict, undermined by a less than fully effective presidency in the first half of 1992, and, finally, questioned as a symbol of European unity in light of the mid-June Danish referendum rejecting the Maastricht treaty. At Helsinki, consequently, EC effectiveness in shaping the course of the meeting did not live up to West European hopes or expectations. And while Europe in general and France in particular remained sensitive to appearances of American domination, a need for a U.S. presence and leadership in Europe was evident at the Helsinki Meeting as a result.

The escalation of open violence in several participating States repeatedly drew attention away from the task of developing crisis prevention and management tools for future use to the task of responding to crises that had already erupted. Nevertheless, delegations were able to engage in implementation review and negotiations aimed at improving relations among the participating States. It was clear at the outset of the Helsinki Meeting that a large number of participating States wanted to give prominence to the areas of military security and CSCE institution building, while relegating the Human Dimension and economic cooperation to second place. The United States and several other states, however, persuaded the Helsinki Meeting to place all of these areas on equal footing, resulting in the establishment of four working groups: Institutions and Structures; Military Security; The Human Dimension; and Economics, Environment, Science and Technology.

Nonetheless, throughout the meeting, emphasis was given to the first two working groups. The modest results of the economic/environmental working group's efforts mean that the "forgotten basket" of the CSCE will likely slip further down the CSCE agenda. And the lackluster implementation review in the working group on the Human Dimension,



the dearth of discussion of human rights in summit remarks, and the comments heard in corridors that the problems of the Human Dimension were now largely solved, cast doubt on the CSCE's ability to bring lasting solutions to violence flowing from the denial of basic human rights.

Altogether, a total of 63 formal proposals were introduced: six in plenary, 14 in the working group on structures and institutions, one in the working group on military security, 26 in the working group on the Human Dimension, 11 in the working group on economic and environmental cooperation, and one during the summit. The United States introduced formal proposals on the peaceful settlement of disputes, Human Dimension seminars on migration, tolerance, and free media, traveling CSCE seminars on building democratic institutions, and on an economic forum. In the end, agreement was reached on organizing the institutions, mechanisms, rapporteur and fact-finding missions, and the political consultative process that the CSCE has now established. Potentially most important of all, agreement was reached on the principle that the CSCE may undertake peacekeeping in order to supervise and maintain ceasefires, monitor troop withdrawals, and provide humanitarian medical aid. However, the mandate is likely to exclude CSCE from much traditional peace-keeping activity, as it states flatly that CSCE peacekeeping will not involve enforcement action and provides that any proposed action may be referred to the UN because of its size or character.

In addition, follow-up work was mandated in several areas, including military security, peaceful settlement of disputes, economic and environmental cooperation, and the Human Dimension. This follow-up work will take different forms, from long-term, open-ended meetings (military security) to short, fixed-term seminars (Human Dimension). Efforts were also made to provide for greater interaction between the CSCE and non-governmental organizations (NGOs), and CSCE institutions were tasked with providing the public more information. Finally, closer links were forged between the CSCE and Japan, and international organizations such as the UN, NATO, and the Council of Europe.

There was a small but steady presence of NGOs throughout the meeting, primarily consisting of Finnish NGOs but also including several U.S.-based and European organizations. Organized with the assistance of an NGO office, NGOs held regular seminars and briefings in Helsinki for the public and interested delegates. The fact that these took place outside of the conference center, however, limited delegate attendance and confined most NGO-delegate interaction to private, bilateral meetings between NGO representatives and members of individual CSCE delegations. Efforts to spur public interest and involvement, as well as to increase the transparency of CSCE institutions, were met with indifference or hostility by many delegations. In the era of the global village, their preference that CSCE remain a closed shop for diplomats seems unlikely to help its development.

## II. CONCLUSIONS

The Helsinki Follow-Up Meeting reaffirmed, but did not complete, the CSCE's transition from process to structure. The network of CSCE bodies and work methods described in the beginning sections of the Helsinki Decisions is greatly developed and clarified from its Paris genesis. Some effort was also made to integrate existing structures and past practices. Notably, the CSCE took as its central concept for the future the U.S.-proposed theme "managing change." While the United States put this forward as a response to perceived European negativism and tendency to paint the future in apocalyptic colors, requiring only conflict-oriented responses, it was also telling that the United States and others were ready to see the CSCE as a key instrument for the management of inevitable change, rather than looking past the CSCE in efforts to maintain the status quo.

The period since the Vienna Follow-Up Meeting has seen a sea change in participating States' interest in using the CSCE to address and solve problems multilaterally. The institutions of the Charter of Paris, flawed though they are, were the first indication of this development -- their failure to react effectively to crises from Riga to Skopje reflected the less-than-complete willingness to use what had been created. The membership and subject matter limitations of organizations such as NATO and the Council of Europe, combined with a proliferation of conflicts after the signing of the Charter, made the CSCE a more palatable choice for responses.

This increase in political will to work through the CSCE was clearly evident in Helsinki. Commitments to use the CSCE for peacekeeping, aid to new states, and a host of other issues were expanded. More concretely, the CSO's role in crisis management expanded during the follow-up meeting, from suspending Yugoslavia (now representing only Serbia and Montenegro) to setting up a peace conference on Nagorno-Karabakh and attempting to send monitors to the region.

The CSCE gave itself several new tools, from regular reviews of implementation to the High Commissioner on National Minorities and peacekeeping capabilities. These new tools, it is hoped, will enable the CSCE to play a key role in managing post-Cold War relations among states of Europe, North America, and Central Asia. But given the inability of participating States to specify spheres of competence for the various institutions, this system, and thus the CSCE's role, will inevitably continue to be largely ad hoc.

The structures of the CSCE have another fundamental purpose, the achievement of which would be the best way of assuring peace and prosperity throughout the region - monitoring and assisting the observance of CSCE principles and commitments. This fundamental *raison d'etre* often seems to have been lost, as participating States rush to quick-fix mechanisms and procedures. The resulting lack of focus on implementation,

difficulty in viewing human rights violations or economic and environmental degradation as threats to security, and disinterest in the Human Dimension bring the foundation of the CSCE's activities into question.

Indeed, the Helsinki Meeting revealed substantial disagreement among the participating States in their approach to the Human Dimension of the CSCE. For the most part, the United States, sometimes with broad support but in many cases purely by the force of its own efforts in Helsinki, prevailed in having its views reflected in the concluding document, with the Human Dimension remaining central to the CSCE and its broad concept of international security. At the same time, other participating States, and particularly those within the EC, may have acquiesced only unwillingly to some U.S. points of view in Helsinki, remaining unconvinced that the Human Dimension should remain a prominent and active field for the CSCE. The dearth of discussion of human rights in summit remarks, and the comments heard in corridors that the problems of the Human Dimension were now largely solved, cast doubt on the CSCE's ability to bring lasting solutions to violence flowing from the denial of basic human rights. This was compounded by the reluctance of participating States to confront directly the issue of self-determination, even as problems relating to self-determination were at the core of many of the on-going crises that absorbed the Helsinki Meeting.

The CSCE, while its tools and implementation reviews have always enabled it to identify problems, has been markedly less successful at solving them. While it undoubtedly took on more than it (or perhaps any other organization) could handle in Yugoslavia and Nagorno-Karabakh, failure to look comprehensively at the situation in participating States, as the "old CSCE" and the Western insistence on complementary progress in all three baskets provided, is likely to lend a short-sighted cast to proposed solutions.

For example, most participating States assign national minority issues pride of place among the challenges facing them. Most are unable to see human rights issues as key challenges, however, and insist on considering national minority issues as a conflict prevention problem and only incidentally among human rights issues, considering the latter largely ancient history. Such short-sighted approaches lead to misunderstandings of the nature of violent conflicts, and handicap efforts at long-term solutions, as opposed to temporary cease-fires or stand-offs.

The dichotomy described above is central to several unresolved tugs of war which, while they lend vitality to CSCE proceedings, may seriously compromise its effectiveness in a time of dwindling resources. Battles over legalization of CSCE commitments, from the foundation of the institutions themselves to proposed courts and treaties, will continue. States interested in activities aimed at improved implementation of CSCE commitments and thus long-term conflict prevention will have to struggle against the trend to give priority to high-visibility responses to crisis situations, especially when those high-visibility remedies are torturous procedures, courts or treaties that are never used. They will also

have to develop better justifications for their approach, and better methods of taking action than small seminars for diplomats.

The diplomatic process inevitably resolves differences such as those discussed above through compromise. Compromise among national interest does not, however, provide the straightest road to peace and stability. In Helsinki, diplomacy-as-usual spawned an arms control forum that completely avoids hard arms control, one-week meetings of diplomats to address the most pressing problems in the CSCE area, and continuing expansion of CSCE institutions with visible reluctance to fund them adequately.

If the CSCE is to be a central institution for its participants, hard decisions will have to be made which cannot always please everyone. Serious rationalization and prioritization, or printing presses for a new CSCE currency, will be required. CSCE cannot be all things to all participants; but to date, no participating State has put forward a well-explained vision of what the CSCE and its institutions should become. This flexibility of purpose, while allowing the CSCE to respond as its environment changes, will lead to its over-extension and irrelevance unless states are willing to approach it -- and every CSCE activity agreed to -- with adequate funding, staffing and political will to take and implement meaningful decisions. In Helsinki, CSCE states demonstrated more interest than ever before in addressing a host of problems through the CSCE; however, their determination to see each area through to a resolution remains in doubt.

Public interest is an important component of political will, a fact which is often lost sight of in the preoccupation with diplomatic activity. Interest in using the CSCE and, in some countries including the United States, support for participation in the CSCE are contingent on public awareness, support, and pressure for the observance of principles and the use of methods to which participating States have committed themselves. Over recent years, however, as CSCE activities have become more arcane and less focused on traditional human rights concerns such as political prisoners and divided families, public interest has declined. Efforts to spur public interest and involvement, and to increase the transparency of CSCE activities, have been met with indifference or hostility on the part of many states. In the era of the global village, the notion that any institution can survive and prosper as a closed shop for diplomats is mistaken. Governments must keep this in mind, as should NGOs and individuals who would like to see the Helsinki process and its fundamental principles prosper.

Another key component of political will, both for the public and for governments, is the problem of financing. Costs may well handicap major operations like peacekeeping, but they already impinge on implementation of agreed activities by the institutions and on consideration of new proposals. Unwillingness to commit to the CSCE resources commensurate with national ambitions for it, or to make the hard choices required by limited resources, will handicap even routine CSCE activities and make extraordinary ones, such as peacekeeping missions, impossible. If the establishment of the CSO financial

committee were to lead to systematic review and consideration of expenses and cost-cutting measures, it would be one of Helsinki's major achievements.

CSCE institutions, now that ideological solidarity no longer motivates its participants, could provide institutional impetus for decisions and actions which states may not be prepared to take on their own. The Helsinki Meeting took further steps in this direction. Yet institutional impetus is of little use if states are not prepared to fund and, more importantly, to authorize collective action. Political will is the cornerstone of CSCE activity. All the "early warnings" received, all the dispute settlement procedures in place, and all the resources the institutions can muster are useless without participating State willingness to address problems and conflicts, and to address them multilaterally through the CSCE.

Continued willingness to work through the CSCE, to use its mechanisms and procedures, and to make its commitments meaningful, proceeding from the CSCE's fundamental principles and goals, is more important to the CSCE's future than any specific proposal adopted in Helsinki. If, however, governmental interest in the CSCE focuses on CSCE structures and tools, without concern for the fundamental causes of tensions and aspirations of peoples, the CSCE will become a dysfunctional and eventually non-viable organization of diplomats, rather than the inspiration to the people that gave the CSCE its strength in the past.

### III. FROM PARIS TO HELSINKI: SETTING THE STAGE

The Helsinki Meeting was the fourth meeting held to follow up on the original work that led to the signing of the Helsinki Final Act in 1975. The choice of Helsinki as a setting had symbolic importance: During a time of change within the CSCE and throughout its participating States, the conference returned to its cradle with high hopes for promoting its identity and role.

Previous follow-up meetings, in Belgrade (1977-78), Madrid (1980-1983), and Vienna (1986-1989), had been convened with the three-fold goal of reviewing implementation, considering new proposals to enhance existing provisions, and adopting a concluding document. Between the Vienna and Helsinki Follow-Up Meetings, however, the activities of and aspirations for the CSCE had changed dramatically. The collapse of repressive regimes in East-Central Europe in 1989-90, combined with the unification of Germany, left an undivided, euphoric Europe with newly-stirred ambitions for closer cooperation. With Soviet-imposed political, economic, and military institutions rapidly being phased out in the East, and the future role of NATO in doubt in some quarters, many countries -- most strongly the newly unaligned East-Central European states -- felt the need for new institutions, new systems of cooperation and support. The CSCE, comprehensive both in membership and mandate, seemed the ideal organization to meet this need. Vaclav Havel, then-President of Czechoslovakia (formerly a dissident "raised" under CSCE mechanisms), has described it as having "the potential of one day becoming a genuine guarantor -- in fact, the chief guarantor -- of collective European security."<sup>1</sup>

The desire for, if not a complete security system, new institutions to fill the void left by the demise of the bipolar system, led to strong support for the CSCE's development. At a special summit meeting in Paris in November 1990, the participating States took the first steps to regularize and institutionalize the CSCE process. Besides setting up the CSCE's three institutions -- the Secretariat in Prague, the Conflict Prevention Center (CPC) in Vienna, and the Office for Free Elections (OFE) in Warsaw -- the meeting created a set of regular political consultations, of which follow-up meetings became a part. Henceforth, follow-up meetings would occur at two-year intervals, with a duration of three months as a rule, instead of the multi-year marathons at three-year intervals which had been the practice. They would also, always, be the occasion of a summit of heads of state or government. In addition, foreign ministers would meet in a CSCE Council once a year, and a Committee of Senior Officials (CSO) would meet regularly in Prague to oversee the work of the CSCE.

---

<sup>1</sup> Vaclav Havel, Summer Meditations (Faber and Faber: 1992), p. 93.

The Paris Summit decisions had a far more profound effect on follow-up meetings than their simple abbreviation. By setting up a regular consultation process at various levels, they increased the opportunity for decisions to be made outside follow-up meetings, and decreased the importance of follow-up meetings as the sole opportunity for major changes or advances within the CSCE.

At the same time, the dramatic enlargement of the CSCE's activities and responsibilities heightened the need for a prolonged look at all of the CSCE, particularly the review of commitments and institutions already in place. Over the months between the Paris Summit and the Helsinki Meeting, it had become clear that the CSO, due to time pressure and political pressure for results, was incapable of reviewing past activities or of dealing with certain subjects in a meaningful way. Perhaps the Human Dimension suffered most grievously from neglect at the hands of the CSO, even when human rights violations of crisis proportions were being considered. Expert knowledge on most areas of CSCE activity was generally in short supply at hastily-called CSOs staffed minimally by most participating States.

CSO debates leading up to the Prague Meeting of the CSCE Council of Ministers highlighted numerous issues which needed further consideration. The pre-Council consultations had provided neither time nor incentive to structure the Helsinki Meeting as a thoroughly subsidiary body of the Council, despite the interest of many states in establishing the Council's absolute primacy. The Prague documents were used in developing Helsinki's work program but did not constitute a comprehensive structure or even a priority list. Issues highlighted for Helsinki included: peacekeeping; development of modalities for the use of the consensus-minus-one rule; relations with non-participating States, international organizations, and NGOs; national minorities and non-discrimination; arms control; support for new participating States; modalities for ODIHR activities; further consideration of economic issues, including establishment of an economic forum; and cost-saving.

Even so, the need for an in-depth review of the entire process was not clear to all. Sweden led other countries in expounding the view that follow-up meetings should be converted to preparatory meetings for the summits, their sole purpose being the drafting of a document -- a position similar to that espoused by the Soviet Union at the 1978-79 Belgrade Follow-Up Meeting. And, despite the problems inherent in the rapid expansion of the CSCE's responsibilities, many delegations were less than wedded to a full review of implementation and examination of all CSCE endeavors, preferring to focus on further development.

By the time of Helsinki, the mood in Europe had changed considerably from the euphoria of the 1990 Paris Summit. The seemingly intractable war in Yugoslavia, combined with the disintegration of what had been another of the old verities, the Soviet Union, and the numerous conflicts on its former territory, had shaken the faith of the

Europeans in their continent's ability to emerge strong, free, and united from the Cold War. In the West, an extended economic downturn and growing popular concern with Europe's future (which culminated during the Helsinki Meeting with the Danish electorate's rejection of the Maastricht treaty on European unity and crippling strikes by truckers and farmers in France) added to the feeling of anxiety with which participants from across Europe and the former Soviet Union faced the future.

Moreover, the CSCE's composition had changed dramatically. Although covering the same geographic territory as in 1975 (with the addition of Albania), the CSCE at the opening of the Helsinki Meeting comprised 48 states, as opposed to the original 35. Slovenia, Croatia, and Georgia were added at the opening, and Bosnia-Herzegovina later, bringing the total to 52. Although Macedonia had met the EC's criteria for recognition, Macedonian membership was blocked by the EC, due to Greek insistence that the existence of a republic by that name would adversely affect the stability of the region. Nevertheless, by the end of the Helsinki Meeting, the demise of the Soviet Union and Yugoslavia had accounted for 18 new participating States.

Some delegations feared that the new members would further slow or distort the already-cumbersome CSCE process. Others questioned the CSCE's ability to cope with the numerous disputes and desperate needs the new participants brought with them. For a variety of reasons, the majority of these concerns did not materialize. First, the fiercest disputes over future directions for the CSCE were among original participants and, largely, among Western allies. Second, small staffs, large numbers of diplomatic initiatives requiring attention, and most of all a simple lack of funds prevented most ex-Soviet republics from attending most of the meeting. Only Russia and Ukraine participated throughout, the Baltic States for much of the meeting, and Kyrgyzstan for about half. The other republics sporadically attended CSOs held in Helsinki and sent representatives to a seminar for new participants organized in parallel with the meeting. It had become clear to Helsinki Commission delegations, as well as others that had visited the former Soviet region, that the new states, particularly those of Central Asia, lacked basic information about the CSCE process and what their commitments to it involved.

Coming into Helsinki, perhaps the most immediate challenge before the CSCE was the Yugoslav crisis. From its first statement on the crisis in July 1991, the CSO had set itself up as the political legitimizer of actions to solve the crisis, ceding operative steps first to the EC and later the United Nations (UN). Although the CSCE had in fact attempted nothing beyond oratory, it joined the EC and UN as a target of public frustration as the conflict dragged on and intensified. Statements made in the summer of 1991 that the Yugoslav crisis constituted the first test of CSCE procedures came back to haunt the process.

The CSCE had taken on an additional challenge in the form of the disputed region of Nagorno-Karabakh, a largely Armenian-inhabited part of Azerbaijan. The current



round of fighting over the region began in 1988 and intensified sharply from late 1991. At the time of the admission of Armenia and Azerbaijan into the CSCE, in January 1992, the Council had decided, on the basis of a British proposal, to send a rapporteur mission to Nagorno-Karabakh to report on the situation and consider further steps the CSCE could take to facilitate a resolution of the conflict. At the opening of the Helsinki Meeting, the decision was taken to set up an 11-state conference on Nagorno-Karabakh under CSCE auspices. As with Yugoslavia, the CSCE took on, perhaps too blithely, a deep-rooted regional conflict.

The CSCE was formally committed to addressing these conflicts, and its effectiveness was increasingly seen to depend on their resolution. But other conflicts were burgeoning as well, notably in the ex-Soviet Union and around the question of Macedonian statehood. The CSCE was perceived, both from without and within, as inactive and unable to take operational steps to deal with any of these areas.

Led by the EC, many delegations had evolved certain expectations for the follow-up meeting, deriving primarily from the perceived intensification of threats to stability in Europe and the CSCE's inability to react. In their view, the CSCE should become an organization devoted primarily to European security. More than continued and expanded activity in the military security field, this meant improved and expanded capabilities for resolving conflicts, from legal mechanisms to peacekeeping forces. For the Helsinki Meeting, this meant abandoning the past practice of convening working groups corresponding to the CSCE's three baskets (military security/principles, economics/environment, and the Human Dimension). Interest in creating a working group on CSCE institutions and structures by combining the Human Dimension with economics/environment reflected not only the perceived need to strengthen procedures for dealing with crises, but also the perceived lesser importance, in a newly-cooperative Europe, of the other subjects. Ironically, at the very time that nascent democracies were struggling to manage violent ethnic clashes, to cope with their totalitarian heritages, and to guide their societies through an historic transition laced with political landmines, many West European delegations were heard to assert that human rights problems in Europe had been largely "resolved."

The United States opposed both the substance of this view and its procedural consequences, based on its longstanding insistence that the CSCE process retain a balance among the baskets and a comprehensive approach to security. During the course of the meeting, a U.S. counter-position emerged: Development of conflict-prevention and crisis management capabilities would indeed be a goal of the meeting, but based on an understanding of human rights as the foundation of security. This implied more attention to the CSCE's existing commitments, and to traditional activities such as monitoring implementation, as well as consideration of actions that could be taken to prevent or reduce tensions in early stages. The United States presented this view as a more positive response to European fears for the region, and eventually the U.S. concept of managing

change was accepted as the theme for the Helsinki Document.

The differences between the two views were not irreconcilable, and the division was not hard and fast throughout the meeting. The division manifested itself concretely, however, in discussions of proposals designed to give the CSCE a more legal character, the substance of which will be considered in the relevant chapters below. France, for months before the meeting opened, had been putting forward proposals to create a CSCE court for conciliation and arbitration; to make CSCE institutions legal, treaty-based entities; and to turn the CSCE's security talks into the negotiation of a Pan-European Security Treaty. These proposals, sketchy as they were, had a surprising resonance among delegations. They appealed to the felt need for solutions and enforcement structures and were even seen, by some emerging democracies, as a route to security guarantees from NATO.

The United States, determined to preserve the CSCE's character as a political process and its flexibility at a time of change, came to Helsinki knowing it would oppose all such proposals. The dynamics of Helsinki were thus substantially changed from CSCE meetings of the Cold War era. Disagreements among Western countries over the most appropriate means to enhance security and cooperation would dominate the meeting, with Eastern countries largely silent, except in attempts to draw attention to their problems, and the neediest countries largely unrepresented.

#### IV. THE HELSINKI MEETING: OVERTURE AND SIDESHOWS

##### Preparations

The Helsinki Meeting was preceded by a two-week preparatory meeting for organizational purposes. As is often the case in the CSCE, discussion of organization presaged substantive differences. The major issue of the preparatory meeting, the division of subjects into working groups, reflected the philosophical question discussed above: Had the CSCE taken a decisive turn away from balance among three groups of issues to focus primarily on security and conflict resolution?

The EC, feeling that the CSCE indeed had, proposed a three-working group structure, lumping Human Dimension and economic/environmental issues into a single group to make more time for institutions and structures. The United States, almost alone, strongly opposed the EC proposal. In the end, the U.S. proposal to add a working group on institutions and structures to the traditional three on military security, economics/environment and Human Dimension prevailed. Unfortunately, the United States was not simultaneously successful in convincing others of the continuing relevance of all working groups. As a result, delegations thinly spread over four working groups tended to neglect Human Dimension and economic/environmental issues (although certainly not as much as if those issues had been treated together) and harbored lingering resentment of the United States for imposing a concept to which others did not subscribe.

Past follow-up meetings had had an initial period of implementation review, followed by consideration of new proposals and then negotiation of a document. At Helsinki, each working group was left free to structure its own agenda on the understanding that implementation review could continue throughout the 12 weeks during which plenaries and working group meetings were scheduled.

##### Evolution of the Plenary

Most delegations elected to raise their major concerns regarding implementation of CSCE commitments in plenary sessions. Plenaries have always fulfilled several functions in the CSCE process; besides providing for review of implementation and highlighting particularly grave situations, they have traditionally given delegations the opportunity to lay out comprehensive views on the process and touch on major themes. Open to the public (Helsinki was the first follow-up meeting where *all* plenaries were open), plenaries also served as a forum for explicit policy statements.

Helsinki broke from the past, however, by achieving agreement, in the plenary, to respond in a unified way on issues of concern. In the past, threats to security and

cooperation that transpired during the course of a meeting, such as the Soviet invasion of Afghanistan or the incursion of the Soviet military into the Baltic States in January 1991, were met with strong, often coordinated statements from concerned states. But consensus statements had never before been reached, much less consensus actions. Helsinki plenaries not only provided a forum for agreement on an approach to the International Atomic Energy Agency (IAEA) over the Russian nuclear accident at Sosnoviy Bor, shortly after the meeting opened, but went on to form a key early debating ground in efforts to suspend or expel Yugoslavia. Such active plenaries lent an air of reality to a meeting that risked receding into theoretical and organizational debates, leaving the substance to the CSO.

### **The Committee of Senior Officials: The Impact of Political Consultations**

In January 1992, the CSO had decided to hold meetings in Helsinki, rather than Prague, because of the large number of senior officials who would be at the head of their Helsinki delegations. Up to that time, the CSO had met once or twice a month for one- to four-day periods. In Helsinki, however, the combination of mushrooming instability, greatly increased political will to use the CSCE to respond to crises, and the presence of so many officials led to the holding of eight CSOs, some stretching over entire weeks.

Before Helsinki had even opened, CSOs had met twice in 1992 to review the report of a rapporteur mission to Nagorno-Karabakh and to prepare Council decisions. The extraordinary session of the Council of Ministers which opened the Helsinki Meeting and admitted Slovenia, Croatia and Georgia also created an 11-state conference on Nagorno-Karabakh. Attempts to move the parties to the Nagorno-Karabakh violence toward negotiations spawned a series of further CSOs as fighting in the region intensified, as well as an expert group which attempted to formalize modalities for a proposed mission to monitor a cease-fire in the region. CSOs extended for days attempting unsuccessfully to convene the conference, or even to formalize declarations calling for its opening. Utilizing the consensus-minus-one procedures adopted by the Council of Ministers in January 1992, two separate actions were taken against Yugoslavia (now representing only Serbia and Montenegro). First, finding a pattern of "clear, gross and uncorrected violations of CSCE commitments," the CSO suspended Yugoslavia (Serbia and Montenegro) from participating in decisions relating to the crisis. In light of further subsequent deterioration of the crisis, representatives of Yugoslavia (Serbia and Montenegro) were then barred from attending any CSCE meetings until October 14, 1992. At that time, the CSO will revisit this decision. Meetings also discussed other flaring crises, such as Moldova and Ossetia.

The proliferation of CSOs had both practical and substantive consequences. The long-running meetings, with even longer periods of dead time while corridor negotiations took place, forced cancellation of scheduled plenaries and working group sessions.

Moreover, delegations' attention focused on the CSOs for their duration. Follow-up meeting sessions held during those times tended to be short and devoid of substance.

Substantively, however, the CSOs injected valuable realism and practical experience to deliberations at the Helsinki Meeting. Discussions on the structure of CSCE peacekeeping, for example, benefited greatly from the experience of delegates in attempting to craft a mandate for the Nagorno-Karabakh monitor force; although the force was never sent, a paper resulted which served as a useful example of how the CSO, or a similar working group, might construct a pragmatic chain of command. Awareness of circumstances surrounding actual crises added to deliberations on methods and processes.

Extensive discussions of crises in the CSOs obviated, in the view of many delegations, the need to raise them during working group discussions. Implementation review suffered accordingly, and one could have been left with the impression that many delegations were unconcerned about the violation of human rights in Yugoslavia, Nagorno-Karabakh, and other areas, although the violent manifestations of these violations were discussed in detail in the CSO. The process as it evolved could leave no doubt of the primacy of the CSO within the CSCE.

In addition to the CSO-mandated group on modalities for a Nagorno-Karabakh monitor mission, a CSO working group was formed to follow up on a Prague Ministerial agreement to provide assistance to new participating States through a coordinated program of support. Many delegations were concerned by the new states' absence and wanted to promote their interest and involvement in the CSCE. Finland, for example, put forward the idea of a "Seminar on CSCE Partnership" to be conducted during the Helsinki Meeting. In an effort to ensure participation, money was taken from the ODIHR budget, together with contributions from participating States -- Finland itself paid the costs of one participant from each state. For two weeks, participants heard lectures from experienced CSCE diplomats on a range of subjects, and also attended follow-up meeting sessions as time permitted.

Interest in longer-term assistance to the new members inspired further work -- led by Sweden (which will become CSCE Chair-in-Office after hosting the Council of Ministers in December 1992) -- on the "Programme of Co-Ordinated Support." While the results neither create any specific follow-up activities nor commit participating States to take any definite actions, they do mark a further step toward using the CSCE for active assistance in implementation of CSCE commitments. The ODIHR will act as a clearing-house for information and may arrange, subject to the approval of the CSO, meetings for the newly-admitted states -- as may individual participating States. This could be a useful way of coordinating assistance to the region, but it remains to be seen whether and in what form the newly-admitted states request support, as well as how much autonomous ODIHR activity in this and other areas the CSO is prepared to countenance -- and fund.

## **V. THE HELSINKI MEETING: THE MAIN ATTRACTION**

### **WORKING GROUP I: Institutions and Structures**

#### **Background**

The further development of CSCE institutions and structures was, for most delegations, the heart of the meeting. Opening speeches had made clear the expectation that further institutional development of the CSCE would provide tools sufficient to prevent or halt crises that threatened stability.

The subject matter of this working group was completely new to the follow-up meeting structure, having grown out of the decisions taken at the Paris Summit. In addition to a mandate in the Charter of Paris to review the "arrangements relating to the procedures, modalities, and the locations of these institutions," certain issues had been singled out at the Berlin and Prague Ministerials for further attention at Helsinki. These ideas formed the basis of an indicative agenda for the group, which covered the following items: further development of institutions and structures, including political consultations; the decision-making process, mechanisms and conflict prevention and crisis management instruments; peaceful settlement of disputes; legal, financial and administrative arrangements; and, relations with international organizations, non-participating States, and NGOs.

Because this area was not a traditional follow-up subject, and because the EC had made it the showpiece of its coordination, the negotiating dynamics in Working Group I were very different than in other working groups. With delegations showing little interest in reviewing the work of the institutions and structures to date, no review of implementation took place. Instead, proposals, most of which had been previewed in opening statements or in other discussions, immediately came to the fore. The diversity of subjects under discussion, including several "showcase" national proposals, led to the formation of small and sometimes technical sub-groups.

#### **Strengthening CSCE Institutions and Structures**

The Helsinki Meeting left existing structures largely unaltered. The procedures, modalities and the locations of the institutions were not reviewed at Helsinki, as had been foreseen at their creation. Instead, existing provisions or unwritten status quo arrangements were restated or expanded to allow the Helsinki Document to include a catalog of CSCE structures -- minus the ODIHR and Conflict Prevention Center (CPC).

Reacting to sentiments that follow-up meetings were no longer necessary except as preparation for biennial summit meetings, they will be replaced by "review conferences" of short duration, prepared by the CSO and preceding summits. A separate understanding that review conferences will be based on existing modalities may or may not preserve meetings as they have been.

The oversight and coordination functions of the Council and the CSO were confirmed, and the support available to the Chair-in-Office was increased. This was done by formalizing three already-existing practices: representatives of the past and future Chairs-in-Office assisting the present Chair in a so-called troika; establishing ad hoc groups of representatives of a limited number of participating States to carry out certain tasks; and permitting the Chair to designate a personal representative to carry out clearly mandated tasks.

### **Conflict Prevention and Crisis Management**

This area garnered the most intense interest, as it included proposals for CSCE peacekeeping. Initial discussion papers from Hungary and the United Kingdom attempted to create an ordered set of procedures for conflict prevention and crisis management. Once the concept was accepted, supplanting any prospects for reconsideration of existing institutions or substantive rationalization of existing and overlapping mechanisms, the proposals re-emerged as EC and Hungarian proposals which, particularly the latter, formed the basis for drafting a hierarchy for conflict prevention and management, beginning with "early warning."

Early warning was a Dutch concept introduced along with the proposal for a High Commissioner on National Minorities. Ideally, early warning would allow the CSCE to identify and treat emerging problems before they led to violence. Some noted that early warnings have always existed in the information presented by NGOs, implementation reviews, and states concerned, but that the political will to deal early with problems had been lacking. This view is in fact supported by the document, where the section on early warning restates existing provisions by which situations can be raised before the CSO. Ironically, the Dutch in the end felt that the only early warning innovation, the High Commissioner, was too important to be placed under early warning and insisted on its separate placement in the document.

The political management of crisis follows early warning. These are the sorts of activities CSCE has already undertaken, such as sending rapporteur missions or setting up separate negotiations. Here again, the Helsinki Document outlines existing possibilities, clarifying expectations that efforts to solve a crisis would proceed through a series of steps.

An Austro-Polish-Slovenian proposal developed into a systematic procedure for CSO fact-finding and rapporteur missions, again delimiting a procedure already used numerous times by the CSO. Reflecting the focus on security aspects of crises (and the predominance of delegates with security backgrounds), the document extends the CPC Consultative Committee the authority to send missions -- a practice already tested during the Helsinki Meeting, when the CSO mandated a Consultative Committee mission to Serbia-Montenegro. It also mandates that reports normally be made public after discussion by the CSO, which if agreed would mark a significant step forward in opening the new CSCE process to public scrutiny; and, in a move to regularize and encourage responsible use of missions, agreement was reached that all participating States share in the costs of missions. (Prior to Helsinki, costs had been borne on a volunteer basis.)

### **Peacekeeping**

The crisis management section of the document culminates in procedures for CSCE peacekeeping, as a complement to political processes. Proposals for CSCE military forces had first been raised during discussions preceding the Paris Summit. They began to seem less academic after fighting broke out in Yugoslavia in the summer of 1991. Dissatisfaction among some non-European Community CSCE States that they could not participate fully in the EC force there was joined to the desire that the CSCE, representing all of a unifying Europe, be able to solve Europe's problems without recourse to external bodies such as the UN. After then-Foreign Minister of Germany Hans-Dietrich Genscher proposed CSCE peacekeepers during the Moscow meeting of the Conference on the Human Dimension, preliminary papers on peacekeeping began to circulate. Throughout the fall of 1991, a group of countries deeply committed to UN peacekeeping -- the Nordics, Canada, and East-Central Europeans -- took the lead. Notably, the group centered around countries not members of the EC and was held together only by its interest in pushing peacekeeping -- which would lead to problems when its members more interested in close relations with the EC were pressed. A group of similar composition, 14 states led by Poland and Norway, tabled an outline early in the Helsinki Meeting, and thus focused further discussion.

The fact that such a large and diverse group not bound by any formal ties could make and defend a proposal indicates the importance peacekeeping had attained. A subset of this group produced a second formal proposal, which together with an EC proposal, fueled negotiations. Lengthy and difficult discussions focused on the roles of various CSCE institutions in the operational chain of command; the conditions under which peacekeeping missions could be formed and dispatched; and the role to be played by other organizations.



Reflecting both the primacy of political over military considerations and the sometimes parochial concerns of security experts, the structure that emerged is not as clear as might have been hoped. Peacekeeping operations may be proposed by any participating State, through the Chair-in-Office. After the CSO agrees by consensus, and the CPC Consultative Committee has developed the terms of reference (it may also have been requested by the CSO to propose in advance types of peacekeeping operations), operational guidance passes to the Chair-in-Office assisted by an ad hoc group. The ad hoc group, located at the CPC, will fulfill a liaison and monitoring function between the Head of Mission and the participating States, by providing information to the CPC Consultative Committee, where all participating States are represented. The decision to draw on the resources of other organizations, such as NATO or the Western European Union (WEU), may be made after consultations with participating States also members of the organization as well as the consultations regarding the composition, size and character of the mission.

The number of entities (Chair-in-Office, CSO, Head of Mission, CPC Consultative Committee, ad hoc group) involved and the fairly complex structure of responsibility and information aroused some concern. However, given the immense importance of any peacekeeping mission undertaken, and given that representatives on all these bodies will be working for the same governments with presumably the same positions, these complexities are likely to be overcome. More serious are the built-in impediments which may prevent CSCE peacekeeping from ever occurring.

The conditions which must be fulfilled before the CSCE may decide to dispatch a mission make it clear that the CSCE is unwilling to undertake major actions. Required guarantees of safety *at all times* for personnel and establishment of an *effective and durable* cease-fire are stricter than the corresponding UN principles. The document also stipulates that peacekeeping operations, as an adjunct to rather than a substitute for political settlements, will be temporary. Stating flatly that CSCE peacekeeping operations will not entail enforcement action, and providing that any proposed operation should be referred to the UN Security Council because of its character and size, this mandate for peacekeeping seems to price the CSCE out of much traditional peacekeeping activity. The two UN operations in Europe are the 25-year old UN Peacekeeping Force in Cyprus and the newly-created UN Protection Force (UNPROFOR) in Yugoslavia, which will involve over 10,000 troops and cost an estimated \$634 million dollars in its first twelve months. While taking steps toward peacekeeping, the CSCE is thus far clearly unready to take on the role of policeman in Europe.

CSCE efforts to establish a monitor force in and around Nagorno-Karabakh, which went on in parallel to the negotiation of the peacekeeping principles for the Helsinki Document, exemplify this problem. Debates over the size and purpose of the mission, themselves highly charged, were made irrelevant by the inability of the parties to the conflict to arrive at any sort of ceasefire. Any effort to stop the fighting, as pundits have

indicted the CSCE for failing to do in Yugoslavia as well as Nagorno-Karabakh, would involve not peacekeeping but peace-making, a step that CSCE participants are clearly not ready to take. In the meantime, the existing provisions may allow for useful monitor missions and for a physical CSCE presence in conflict areas -- provided the aversion to high costs and physical danger to troops involved can be overcome even for small-scale missions.

### **Peaceful Settlement of Disputes**

The subject of peaceful settlements of disputes (PSD) -- Principle V of the Helsinki Final Act -- has a long and often troubled history in the CSCE. Two CSCE inter-sessional meetings on the subject (Montreux, 1979; Athens, 1984) as well as extensive negotiations at follow-up meetings failed to result in substantive progress in either agreed language or practice. A third inter-sessional meeting, held in Valletta in January 1991, produced a document which set forth principles for the peaceful settlement of disputes and established a framework for a PSD mechanism within the CSCE process -- but has not yet been tested on a real case.

Continued problems in places such as Cyprus and Northern Ireland as well as the escalation of violence in and among some newly independent states underscored that, if anything, the need to settle disputes peacefully had only taken on heightened importance with the end of the Cold War. Improving methods for the peaceful settlement of disputes was perceived as one of the ways the CSCE might improve its ability to manage and respond to change.

Against this backdrop, Robert Badinter, president of the French Constitutional Council and a highly respected legal expert, developed a proposal for a Court of Arbitration and Conciliation designed to resolve conflicts between CSCE participating States, including disputes related to minorities. This idea was discussed at the Prague CSCE Council of Ministers meeting in January 1992, where the Ministers noted (but declined to adopt) a proposal to convene a high-level group of legal experts to elaborate a draft statute for a CSCE court. In Helsinki, 15 countries joined France in submitting a formal proposal outlining the idea for the court. Working Group I then agreed to hold an informal, open-ended working group from May 11-22 under the chairmanship of Finland to discuss and work on the subject of peaceful settlement of disputes generally. Almost all delegations actively participating in the group were joined by legal experts brought in from their capitals.

During this two-week meeting, most discussion centered on a draft treaty circulated by France. Approaches to the issue came from two very different perspectives. In the first camp were those delegations, such as the Swiss and the Swedish, which fully supported legal approaches to PSD. Their questions and comments were directed at

illuminating shortcomings of the draft treaty with a view to amending it for possible adoption. A second camp, including the United States, the United Kingdom, and Turkey, came to the discussion with serious doubts as to the fundamental utility of a rigid, treaty-based approach to this subject within the political context of the CSCE.

The French proposal tapped into the deepening sense of urgency with which the participating States viewed the mounting number of crises surrounding them, from Sarajevo to Bendery. In addition, the relative paucity of concrete proposals on dispute settlement helped the French proposal draw support that was wide if not deep. Yet many questions about the proposed court remained unanswered at the end of the two-week meeting. It was not clear, for example, why the French sought to establish a new PSD court when the Council of Europe's 1957 Treaty on the Peaceful Settlement of Disputes (a treaty France has refused to ratify) already established such a court. Numerous concerns were raised about the cost and financing of such a system. And the relationship of the proposed legal structure to the complex political processes the CSCE already has in place was not clarified. Indeed, some delegates voiced concern that the court might derail or undermine other CSCE procedures.

But perhaps the most important questions surrounded the scope of authority for the proposed court and the basis it would use to draw conclusions. Although the French portrayed the court as a legal institution that would make decisions on the basis of international law, many of the subjects that would fall within its jurisdiction, such as minority relations, have a decidedly political character. The inability of both the United Nations and the Council of Europe to draft legally binding treaties on this subject underscores its complex and contentious nature. In these kinds of situations, such a court might in fact supplant national political structures.

Two other informal proposals were discussed by the ad hoc group. First, the United Kingdom presented a non-paper, which was revised and expanded several times during the course of the meeting, on improving the Valletta PSD mechanism. In particular, the British paper suggested dropping the mechanism's exceptions clause of the (which had the potential effect of blocking the procedure from ever being utilized in the kind of dispute that many countries clearly wanted it to address) and elaborating a CSCE conciliation procedure. The second informal proposal was introduced by the U.S. Legal Advisor, Edwin Williamson, who joined the meeting during the second week of work. Specifically, he proposed that the Council of Ministers or the Committee of Senior Officials be empowered to mandate conciliation on a consensus-minus-the-disputants basis. This idea made a logical link between conciliation processes and recourse to the political pressure of the CSCE. At the same time, this proposal would move toward a mandatory element many delegations believe is essential.

Although the U.S. proposal had the potential to bridge the gap that divided the room, many delegations expressed the need to have more time to consider an admittedly

novel approach to the subject. Indeed, although all agreed on the importance and urgency of settling disputes peacefully, for most of the meeting the two camps talked past each other. No agreement emerged on the general way in which the CSCE should deal with this subject -- much less on the specifics. As it did not appear possible to reach agreement on any of the ideas considered by the ad hoc group in the remaining time in Helsinki, the United States suggested that a group of experts -- both legal and political -- be convened following the Helsinki Meeting to address the issues identified by the working group and to further develop the CSCE dispute settlement mechanism. To the surprise of many, the representatives of France stated that this suggestion was unacceptable, presumably believing that agreement on their own treaty proposal was still possible.

The report of the ad hoc group submitted as a non-paper by the Finnish chair to Working Group I communicated the most important aspects of the group's efforts. In particular, the report reflected 1) that a fundamental difference between delegations remained unresolved regarding the necessity of a PSD treaty and the appropriateness of attaching such a treaty (if it is found to be necessary) to the CSCE process; 2) nevertheless, all delegations agreed on the need to strengthen the CSCE dispute settlement mechanism; and 3) future work in this area should be continued in light of the resolution of these issues.

When the issue was returned to Working Group I, virtually no further progress was made. At the urging of interested delegations, the United States developed the directed conciliation idea into a formal proposal. But none of the PSD proposals was ever fully debated by Working Group I, which was bogged down with the broad range of competing proposals in the whole field of conflict management and prevention. (Indeed, it remained unclear how the overlapping fields of "conflict resolution," "conflict management and crisis prevention," and "peaceful settlement of disputes" related.) In the end, agreement was reached to hold an inter-sessional meeting on the subject in Geneva from October 12-23, 1992. There, delegations will consider negotiating "a comprehensive set of measures to expand the options available within the CSCE to assist States to resolve their disputes peacefully." This meeting will pick up where the ad hoc working group left off.

#### **High Commissioner on National Minorities**

As part of a focus on early warning to ward off conflicts, Dutch Foreign Minister Hans van den Broek had put forward in Prague the idea of an independent figure who would explore and resolve conflicts in their early stages. The establishment of an office whose occupant -- a "High Commissioner" -- could work quickly and confidentially and who would be of a sufficiently high level to command respect in all quarters was expected to avoid shortcomings caused by the CSCE's cumbersome procedures and politically-induced

delays.

At Helsinki, Foreign Minister van den Broek reintroduced the concept in his opening speech. Shortly thereafter, an initial proposal was circulated, and the Dutch began to seek co-sponsors. Very committed to making the High Commissioner a consensus project, the Dutch delegation conducted extensive consultations. As would be the case with several major initiatives of the Helsinki Meeting, many delegations were so eager to develop visible conflict prevention and management institutions that they took an absolutely uncritical attitude to the details of the proposal.

A small group of delegations, notably the United States, United Kingdom, France and Turkey, expressed initial skepticism or outright opposition. Besides specific concerns about the domestic consequences of such a mechanism, which often motivate these governments' extreme caution if not hostility to minority initiatives, the United States and the United Kingdom expressed more general concerns.

U.S. concerns centered around the High Commissioner's potential to increase tensions within a country; the definitional and practical limitations of the term "national minority"; and the possibility that the High Commissioner's independence from the CSO would lead to duplication or evasion of the political consultation process. However, the opportunity to link human rights issues to the CSCE's rapidly-developing conflict and crisis-related activities appealed to the U.S. perspective on human rights as the core of security.

British and French hesitations doomed EC co-sponsorship, but the proposal garnered strong backing and 25 co-sponsors nonetheless. Faced with such overwhelming support, the dissenting delegations elected to smooth offending features from the proposal, rather than oppose it absolutely. Thus, what had begun life as a vaguely worded "High Commissioner on Minorities," with sweeping provisions for consideration of individual cases emerged with numerous specific caveats but central vagaries still in place.

The High Commissioner is empowered to gather information, including through visits, and promote dialogue over situations which, in his or her opinion, have the potential to develop into a conflict requiring the attention of the Council or CSO. Communication with organizations or individuals who practice or publicly condone terrorism is prohibited, as is involvement in situations "involving organized acts of terrorism." The lack of a hard and fast definition of terrorism may well allow this provision, added at the insistence of several states with militarized opposition groups, to be used to frustrate legitimate efforts at dispute resolution. However, concerns over potential insurgencies are so high in some areas that doing without such provisions proved impossible.

Further steps are tightly controlled by the CSO. Following a trend requiring that every CSCE activity report back to the CSO for guidance, the originally-broad powers of

the High Commissioner were circumscribed by requiring that he or she consult with the Chair-in-Office before paying a visit and after visiting or concluding consideration of an issue. If unsatisfied with the results of consultations, the High Commissioner may issue an early warning, which will be put on the agenda of the CSO. Further action by the High Commissioner aimed at resolving the issue, or action on an issue already under consideration by the CSO, requires consensus of the participating States through the CSO.

The extensive development and specification of the High Commissioner's accountability to the CSO may provide more stimulus for political actions at early stages of crises. However, it draws into question the ability of the High Commissioner to act quietly to resolve conflicts, allegedly the objective of the proposal's supporters.

The negotiation of the proposal, emphasizing language fixes to meet particular concerns over conceptual debates, obscured several points which may be crucial to the functioning of the High Commissioner. The whole concept of early warning raises questions, for in fact, states are flooded with early warnings, from the media, non-governmental organizations, and their own diplomats in a given country. What is lacking, then, is usually not early warning of an impending crisis or conflict, but a clear solution for resolving it and the political will to implement that solution. Whether the High Commissioner, as envisioned, will help generate political will remains to be seen. Concerns have also been raised that the presence of the High Commissioner, particularly if the person chosen is not well-grounded in the histories of specific local conflicts, may exacerbate latent conflicts or diminish the incentive for parties to resolve disputes on their own.

Nevertheless, the dedication of a high-ranking, impartial individual to CSCE national minority issues is a helpful step toward providing the CSCE with the independent capabilities that will be necessary over the long run to work profitably with emerging disputes. Also, the connections both inherent in the mandate and expressed in the plan for High Commissioner support to come from, and briefings to go through, the ODIHR bring Human Dimension issues into core considerations of security problems, where they belong. Much will depend on the figure chosen to be the High Commissioner (expected to occur in fall 1992) and on the degree of seriousness and openness with which states approach his or her activities. Already, subjects such as Slovak-Hungarian relations are mentioned as profitable for High Commissioner attention.

#### **Relations with International Organizations, Non-Participating States, and the Role of NGOs**

The CSCE's relations with the outside world had become increasingly problematic in the period since the Vienna Follow-Up Meeting. Increased attention paid to the CSCE following the end of the Cold War had created concerns regarding competition and

overlap with other international organizations, most notably NATO and the Council of Europe (CoE). Each organization had its own defenders, and continued wrangling over prerogatives culminated in agreement at the Berlin Ministerial, in June 1991, to regular exchange of information and at the Prague Ministerial to allow contributions by certain organizations "to specialized CSCE Meetings where they have relevant expertise." Closer ties to the CSCE for Japan had been under discussion since the Berlin Ministerial. And a process of marginal improvements to the status of NGOs at Human Dimension experts meetings had been underway since the Vienna Follow-Up Meeting, without agreement on where CSCE-NGO relations should be directed, or consideration of NGOs' relationship to the new CSCE structures.

These issues received relatively little attention through the majority of the Helsinki Meeting, as delegations were preoccupied with conflict- and crisis-related issues. An unwieldy group of delegations, convened by Austria, attempted to put forward proposals on NGO status in the Human Dimension; Italy led the European Community work on status for Japan.

The United States, however, began well into the meeting to put forward a unified view of these disparate issues, suggesting that the CSCE needed to open itself to real exchange and cooperation with a broad range of organizations in order to realize common goals as effectively as possible. Pointing to the burgeoning interest of think tanks and academics in the CSCE, U.S. Ambassador John C. Kornblum suggested that the CSCE cooperate with them, as well as with traditional human rights NGOs and inter-governmental organizations, in the development of follow-on activities, taking advantage of their expertise and resources. Similarly, a maximum degree of openness was sought for Japan.

Late in the meeting, the U.S. approach was put forward in a non-paper that had the effect of placing NGOs, considered by many to be of concern only in the Human Dimension, together with international organizations and non-participating States for negotiation in the group dealing with CSCE institutions and structures.

For NGOs, this procedural development may have constituted the major advance of the meeting. Provisions for increased flow of information on the political consultation process and the institutions formalize and clarify duties that already existed. Similarly, provisions for NGO involvement in meetings, by and large, organize and extend practices already followed by at least some participating States. Notable exceptions are the extension of guidelines previously agreed for NGO access to Human Dimension and follow-up meetings to all CSCE meetings, easing NGO access to economic- and security-related meetings; and notification to NGOs of future meetings and activation of mechanisms, when these are not confidential.

However, as the number of NGOs active on the sidelines of CSCE meetings has

fallen dramatically over recent years, the impact of these provisions remains to be seen. A split over future directions for NGO participation was also evident: The United Kingdom was the strongest proponent of imposing criteria on the UN model for NGOs, an idea which later became a formal proposal by the EC. NGOs which "have demonstrated a close and constructive interest in CSCE activities" and do not engage in, support or condone terrorism would gain increased privileges, including eligibility to speak formally at meetings, while others would lose even the right to attend plenaries and receive unrestricted documents that they currently enjoy. This, as well as the practical difficulties and possibilities for purely national politicking inherent in a selection procedure such as that proposed, engendered the forceful opposition of the United States, Canada, Austria, and others. It was recognized, however, that criteria-based access enjoys some support among NGOs and will remain an issue in the future.

While the existing provisions provide some scope for new activity, particularly if encouraged by the United States and other supportive delegations -- the Netherlands, Canada, Austria and the Nordic countries -- sentiment against further involvement of NGOs, on the grounds that the CSCE should remain the province of diplomats, remains strong among certain countries. Additionally, increased concern about terrorism and the allegedly "terrorist" orientations of certain NGOs led to, for the first time, acceptance of a provision barring NGOs which "resort to the use of violence or publicly condone terrorism or the use of violence."

The Prague provision for contributions by specified international organizations at expert meetings had been hard-fought, and some were surprised when the United States reopened the issue at Helsinki. Provoked, however, by difficulties in having the International Committee of the Red Cross (not, technically speaking, an international organization) make a presentation to a CSO meeting on its efforts in Nagorno-Karabakh and in facilitating CSCE interaction with NATO on peacekeeping issues, the United States attempted to move forward.

When compared with proposals for cooperation with specific international organizations advanced in working groups (the CoE on numerous Human Dimension issues, the IAEA on nuclear energy, the International Committee of the Red Cross in humanitarian assistance), the U.S. proposals look fairly innocuous. Permitting representatives of other organizations to attend CSCE meetings freely, to make presentations as relevant, and encouraging them to work with the CSCE on issues of mutual interest would have seemed self-evident. However, sensitivities on the part of some countries toward some organizations (French opposition to "excessive" U.S. influence through NATO, U.S. reciprocity against the CoE) have created a felt need for constant veto power over appearances by those organizations. Thus, the language made no advances.



However, the section on international organizations did designate the CSCE a regional arrangement under Chapter VIII of the UN Charter. This action, more symbolic than substantive, expresses a will for the UN and the CSCE to work together.

Finally, interest in involving Japan more closely with the work of the CSCE (Japan has followed the CSCE's activities keenly since its inception) resulted in agreement to invite Japan to meetings "which consider specific topics of expanded consultation and cooperation," while holding open the possibility of contributions to other meetings. A more enhanced status for Japan fell victim to disagreement over improved status for the non-participating Mediterranean States. The role of the Mediterranean States has traditionally been considered in the economic and environmental basket and, although vocally supported by the European Mediterranean States, has remained peripheral.

### **Financial and Administrative Arrangements**

Since November 1990, the institutionalization of the CSCE had necessitated the development of administrative regulations and some managerial expertise among delegations, which assumed strict oversight of the institutional budgets. There was some hope that the Helsinki Meeting would produce further refinements to financial procedures, as well as major adjustments to the budgets of the institutions themselves, commensurate with their increasing number of tasks.

In addition to the expected reluctance to devote time and resources to administrative questions, consideration of these issues was hamstrung by overall concerns about financial implications. Prolonged discussion on peacekeeping, and the prospect of setting up a long-term force for Nagorno-Karabakh in addition to the costs of the conference established on that region, brought home to many delegations the potential costs of Helsinki agreements -- UN-style expenses of \$634 million projected for the first year of UNPROFOR's operation in Yugoslavia were substantially higher than all current CSCE shared costs for a year.

The first area affected was the revision of the scale of distribution of costs. Not only did eighteen new members have to be factored in, but Hungary, Czechoslovakia and Poland had requested a restructuring of the scale, on the grounds that their shares did not reflect the grievous state of their economies. The addition of so many states meant that most members' percentages were lowered (the United States from 9.03 to 9.00, for example), but contemplation of geometrically-increasing expenses made agreement difficult. Small states were particularly concerned with their potential burdens.

Rather than leading to a reassessment of potentially expensive projects such as peacekeeping, or to an overall prioritization of CSCE activities, however, concerns with

costs resulted in focus on low-budget activities (e.g., Human Dimension seminars) and delays on necessary expenditures. Regrettably, delegations were uninterested in revisiting the funding of the three institutions after their enlarged duties had become clear. A set of procedures was adopted to increase oversight and host country accountability for meeting expenses, through provision of advance draft budgets. Many types of meetings are exempted from these requirements, however, and delegates shied away from addressing certain sensitive but extremely expensive areas, such as language services and arrears. These tasks, along with the problems of administration and cost-saving (which also received scant attention despite rhetoric about burgeoning expenses) will be confined to a financial committee meeting in conjunction with the CSO. It is to be hoped that the existence of the committee will lead to a more serious approach to these issues.

## WORKING GROUP II: Military Security

### **Background**

While Working Group II did not review implementation as such, largely because the Conflict Prevention Center convenes an annual meeting to review implementation of CSBMs, the agenda item "Current Politico-Military Issues" allowed for discussion of pressing military issues. The Baltic States used the opportunity to raise concerns over ex-Soviet forces on their territories. Hungarian concerns regarding activities of Yugoslav armed forces led into extensive discussions of the Yugoslav crisis. Concerns over the slowness of former Soviet republics to agree on their shares of the forces allotted to the Soviet Union under the 1990 Treaty on Conventional Forces in Europe (CFE) were also raised.

From the beginning, however, the task of Working Group II was understood to be the elaboration of a mandate for post-Helsinki talks on security and arms control issues. Already at Paris, in November 1990, participants had agreed that such a forum would replace CSCE's ongoing talks on military matters -- the Negotiations on Confidence- and Security-Building Measures (CSBM) and the Conventional Forces in Europe (CFE) talks - which had led to a 1990 treaty among those CSCE States belonging to NATO or the now-defunct Warsaw Pact. A final consequence of the Cold War-era division of Europe, the limitation of participation in arms control to alliance members, would thereby be removed.

Pressure to begin development of the mandate had been building since the Paris Summit, as countries with intense security concerns or public pressures for further disarmament efforts -- notably the East-Central European states and Germany -- wanted demonstrable progress. Consultations had begun in Vienna on the sidelines of the CSBM talks, and delegations arrived in Helsinki having already spent considerable time discussing various proposals. The outlines of the forum had already emerged and were crystallized in one such proposal laboriously worked out among NATO delegations in Vienna. That proposal was brought to Helsinki in a package of proposals presented to the working group, and, as amended by the Russian delegation and tabled by the Bulgarians, became the basis of negotiation.

### **The Forum on Security Cooperation**

Serious questions began with the permanence and role of the Forum on Security Cooperation. Was it just another arms control negotiation, which might run on for years (as had many of its predecessors) but could eventually achieve its goals and be closed? Or was it a new fixture of European security, a security-giving institution in and of itself? In the post-Cold War environment, where threats to security are not so well-defined and

traditional arms control is discounted, the latter view found great support, especially among those who would like to see the CSCE develop into a collective security organization, guaranteeing the security of its members. Although the issue was eventually hedged for the United States, the Forum has every appearance of a permanent CSCE body. Nowhere is provision made for the review of its existence, nor does it have short-term goals.

The Forum on Security Cooperation is divided into two sub-bodies, which were known at one stage of the negotiation as "pillars." This structure attempts to provide for traditional negotiations and also for discussion of topics which some countries feel are crucial to security but on which others are unwilling to negotiate or are unlikely to reach agreement. Thus, topics are divided into "*negotiations on arms control, disarmament, and confidence- and security-building*" and "*consideration of, goal-oriented dialogue on and, as appropriate, elaboration or negotiation of proposals for security enhancement and co-operation.*" This latter category includes force planning, allowing some states to express their preference for "defensive restructuring" of armed forces along the lines of neutral countries' organization; defence conversion, not a subject for negotiation but one where co-operation is urgently needed; non-proliferation, where the United States has been reluctant to commit to strict controls; further contacts and consultations; and regional issues.

The possibility of regional negotiations under the CSCE's aegis is perhaps the most innovative feature of the Forum. Previously, military measures had been limited by stipulations in the Final Act and Madrid mandate that all measures must apply equally to all participants. By the end of the CSBM negotiations, however, it had become clear that measures which were desperately needed in some areas were unduly burdensome to other participants. For example, a country the size of Belgium would have limited territory on which to station armed forces after demilitarizing border zones of 50 miles, as has been proposed for tense borders elsewhere in Europe.

The "negotiations" category also suffered from uncertainty over what exactly a post-Cold War, post-CFE security negotiation should cover. The result makes clear the reluctance on the part of numerous Western countries to pursue so-called hard arms control: reduction or limitation of weapons. By describing the objective of the negotiations as "keeping or achieving the levels of armed forces to a minimum commensurate with common or individual legitimate security needs within Europe and beyond," and omitting reductions from the program of immediate action devised to give the mandate some specificity (and to emphasize or de-emphasize some items for political reasons), Western delegations expressed their preference for taking further reductions unilaterally. The awkward initial formulation recalls East-Central European concerns that further reductions were both necessary and desirable. Intense Russian support for inclusion of "qualitative measures," designed to limit or render transparent the introduction of high-technology weapons of the sort that allowed Western equipment an easy victory over its Soviet-

supplied counterparts in Iraq, also failed.

Another area proposed for priority negotiation was harmonization of obligations under existing conventional arms control regimes. While many countries, including the United States, made this a priority, it is primarily a bureaucratic expedient and a political statement, a levelling of the playing field among countries party to the CFE treaty and those not, rather than a security enhancement of any significance. Further development of existing confidence- and security-building measures, including development of a more extensive global information exchange, and "co-operation in respect of non-proliferation" are also envisaged.

The most controversial issue surrounding the mandate negotiations had nothing to do with the substance of the talks, but rather concerned the areas of application for measures negotiated. Previously, CSCE security agreements had been limited (under the Madrid mandate, negotiated at the Madrid Follow-Up Meeting) to Europe from the Atlantic to the Urals and the adjoining sea and air space. This description had the effect of ruling out extensive naval-related measures and excluding all North American territory, both important U.S. interests. Pressure to include naval forces or North American territory had in fact dropped off over the 1980s.

The admission of former Soviet republics whose territory is entirely in Asia and which would not have forces stationed in Europe (as the United States and Canada had) sparked concerns that a different class of CSCE participation would develop if some states were allowed to remain entirely exempt from military commitments. An agreement associated with the last CSBM document, adopted in Vienna in March 1992, added all the territory of those republics while leaving the Russian zone untouched. Western Europeans were determined to remedy this inequity during the Helsinki Meeting but ran up against Russian opposition reminiscent of the Soviet period. The best that could be achieved was acknowledgement that participating States might "offer certain assurances" on adjacent territories, "if they consider such forces relevant to the security of other CSCE participating States." The issue, along with the problem of exclusion zones for states bordering non-CSCE States, was thus left open for future acrimonious, if militarily insignificant, wrangling.

The results to be expected of the Forum on Security Cooperation, and its place in European security architecture, remain very much uncertain. Western countries have treated the Forum as primarily a talk shop or, at most, a foundation for further cooperative efforts (the United States sees almost no legitimate security interests being touched, positively or negatively, by the Forum). The implementation of previously-agreed treaties -- primarily the 1990 CFE treaty, which is finally going into effect after equipment limits were renegotiated among Soviet successor states, but also Open Skies overflights and the innovative CFE-1A system of declaratory self-limitations on personnel - will be watched closely before further far-reaching efforts are begun.

East-Central European countries, however, expect more from the Forum. Many of them, as well as the former Soviet republics, retain an excess of military hardware and personnel; negotiations and group efforts will help reductions proceed smoothly and comprehensively. Additional areas of tension remain, not all among Eastern countries. Confidence-building measures, limitations on regional arms races, and measures to defuse tense situations will be essential tools in conflict prevention. So, indeed, will stricter export and proliferation controls and, eventually, development of joint military or political responses to crisis situations.

### **Code of Conduct**

Reflecting the sense that security was no longer best assured through negotiations over quantities of arms, France had put forward prior to the meeting a proposal for a pan-European security treaty. Envisaging that military commitments eventually be made in legally-binding treaty form, the French proposed codification of all existing CSCE norms affecting security, as well as new legal commitments concerning, for example, assistance to visiting missions or, more grandly, non-aggression agreements. France, joined by Germany, argued that the treaty, a "non-exclusive security system capable of fostering common behavioral standards in the face of the new security issues," was the best response to the post-Warsaw Pact security vacuum in East-Central Europe.

The French proposal was not supported by NATO, which followed the United States lead in concluding that the CSCE was not ready for mutual security-type agreements and did not need to be tied into inflexible treaty language on norms of behavior at such a fluid moment in the development of the region. The idea of elaborating norms of behavior found wide resonance, however, particularly among former Warsaw Pact countries and the new states, which suffer from a lack of security guarantees or alliances of any kind.

A compromise proposal for work on a code of conduct, not legally binding but including norms of behavior that states outside the Western alliance system could look to as a first step toward security guarantees, found wide support. Continuing U.S. opposition softened enough to allow agreement to "consultations with a view to strengthening the role of the CSCE, by establishing a code of conduct governing their mutual relations in the field of security." Visionaries may view this provision as a first step toward a CSCE community where security is truly viewed as collective, and aggression against another participant becomes unthinkable and sanctionable. Given the continuing reluctance on the part of major powers to give up sovereignty on military issues, however, whether unwillingness to sign such a treaty or unwillingness to include national nuclear weapons in negotiations, such optimism seems premature at best.

## WORKING GROUP III: The Human Dimension

### **The Human Dimension Between Vienna and Helsinki**

At the core of the Human Dimension are issues that have been central to the Helsinki process from the very beginning. The phrase "Human Dimension" was first coined at the Vienna Follow-Up Meeting, which agreed to a four-paragraph procedure (to become known as the "Human Dimension Mechanism") for one participating State to obtain information from and meet with another participating State on a particular Human Dimension issue, and a CSCE "Conference on the Human Dimension" (CHD) consisting of three four-week meetings held between Vienna and Helsinki. The areas covered included, specifically but not exclusively, Principle VII of the ten principles found in Basket I of the Helsinki Final Act, regarding respect for human rights and fundamental freedoms, and Human Contacts and other issues of a related humanitarian character that are traditionally found in Basket III.

By the time the Helsinki Meeting convened, however, the Human Dimension of the CSCE had developed considerably since its inception at the Vienna Meeting. This development can be divided into three distinct periods.

During the first period, immediately following Vienna, CSCE governments generally believed that the new commitments undertaken in the Human Dimension were so far-reaching that emphasis was more appropriately placed in reviewing their implementation than in striving for their further enhancement. This was clearly evident at the London Information Forum and the Paris CHD Meeting in the first half of 1989, neither of which adopted concluding documents. Instead, western countries, armed with Vienna commitments, attacked repression, especially in Honecker's East Germany, Husak's Czechoslovakia, Zhivkov's Bulgaria and, above all, Ceausescu's Romania. This concerted criticism was reinforced through extensive use of the Human Dimension procedure. Vienna achievements, combined with Gorbachev's policies of *glasnost* and *perestroika*, brought the CSCE to the point where compliance with Human Dimension commitments and the methods of a one-party state were increasingly viewed as fundamentally inconsistent, raising the specter not just of improved performance but of radical and systemic changes to the state itself. This view was perhaps first evident in the CSCE by the U.S. introduction of a proposal at the Paris CHD Meeting on the right of people to chose their own government through free elections.

Within a year of these meetings, Europe was actually undergoing the breathtaking metamorphosis that this new view presaged, initiating a second period of development for the Human Dimension. The hard-line communist regimes of Eastern Europe disintegrated or were toppled by a growing combination of internal socio-economic stagnation, the determination of dissenters, and the external pressure exemplified by the CSCE. The

moderates moving into power generally followed the Polish example of August 1989, scheduling the first multi-party elections in their countries since World War II. In the Soviet Union and Yugoslavia, where the central authorities rested nervously on their neo-reformist laurels, democratic forces within the constituent republics planned similar elections that inevitably produced a devolution of political power in these countries.

The CSCE's reaction to the new unity and freedom sweeping Europe was essentially to abandon the traditional implementation reviews and to elaborate standards for free and fair elections, the rule of law and democratic institutions generally. Lengthy new documents were adopted at the second and third CHD meetings, in Copenhagen and Moscow respectively, as well as at the Geneva Experts Meeting on National Minorities mandated by the Paris CSCE Summit of November 1990.<sup>2</sup> Reflecting increasing concern over ethnic tensions, these documents detailed new commitments regarding national minorities and the rights of persons belonging to them. New human rights issues from the CSCE point of view, such as on the death penalty and conscientious objection to military service, were also advanced by concerned CSCE countries, and the Human Dimension procedure first established by Vienna was gradually developed into a more intrusive mechanism.

Ironically, and reflecting the growing lack of focus on implementation, by the time of the Helsinki Meeting the mechanism was rarely being used. Indeed, as the Helsinki Meeting approached, it became clear that the Human Dimension was entering a third period in its development. Having capitalized on emerging democratic trends, it was evident as early as Geneva that developing commitments further, especially on the traditional subjects, would be a marginal exercise. With severe problems, perhaps best represented by the atrocities already being committed in the Yugoslav republics, a new emphasis on implementation was acknowledged, coupled with so-called "gap filling" in areas often of direct concern to only a limited number of countries and where previous commitments did not address contemporary problems as directly as desired. At the same time, with Europe no longer divided into East and West, most participating States entered this new stage rather grudgingly and had no wish to return to the aggressive implementation review of the past in which specific cases or situations and the guilty parties were clearly cited, an activity that was largely viewed as an outdated relic of the Cold War era. This left the Human Dimension somewhat sterile, with discussions and negotiations at the Helsinki Follow-Up Meeting directed toward action on Human Dimension issues through CSCE institutional development.

---

<sup>2</sup> The Vienna-mandated meeting in Krakow on cultural heritage and the Paris-mandated meeting on democratic institutions similarly focused on paper over practice, but were less significant in their contribution to the body of Human Dimension commitments.



## **The Human Dimension at Helsinki**

While the Human Dimension at Helsinki was to a great extent overshadowed by concerns with institutional development and security, from the outset a large number of CSCE States referred to the problem of ethnic tensions and violence and the need to protect national minorities and fight discrimination, for example, in discussions of the Dutch proposal for a High Commissioner for National Minorities.

Second to this concern was the request of the emerging democracies in East-Central Europe and the new states of the former Soviet Union for practical assistance in building democratic institutions. There was an increasing acknowledgement that good intentions on the part of government officials was not enough; expert knowledge of democratic institutions and how they worked was needed for the consolidation of democracy. These points were repeatedly raised throughout the course of the meeting.

Certain delegations also raised specific Human Dimension issues of particular domestic interest or concern. Turkey, for example, stressed the conditions of migrant workers, a topic originally treated as an economic issue in Basket II. Norway called for measures to address discrimination based on sexual orientation, while Canada and Denmark called for CSCE language regarding indigenous peoples. Russia expressed concern about questions of citizenship, as well as the growing problem of refugees and displaced persons. And many delegations supported abolition of the death penalty.

As the working groups became active in the second week of the meeting, Working Group III, dealing with Human Dimension issues, developed a schedule for the subsequent discussion of topics, which included:

- Human Rights and Fundamental Freedoms;
- Relations with Non-Governmental Organizations/International Organizations;
- Democratic Institution Building and the Rule of Law;
- Free Media and Information
- Role of the CSCE Office for Democratic Institutions and Human Rights;
- National Minorities;
- Migrant Workers;
- Migration;
- Tolerance/Non-Discrimination; and
- Culture and Education, Exchanges.

## **The Implementation Review**

During the course of the next ten weeks, the participating States engaged in an implementation review that included, especially toward the final month of the meeting, the

introduction of proposals. By and large, the discussion was marked by the reluctance of most delegations, save the United States, to raise specific issues and name specific countries in a candid, but non-confrontational, manner. An implementation review of this character was not entirely unexpected; since Copenhagen, Human Dimension sessions had avoided extensive discussion of implementation. But from the viewpoint of the U.S. delegation, the lackluster debate was a disappointment. At Copenhagen and, to an extent, other inter-sessional meetings, it could be argued that priority should be given to the development of new standard-setting, or normative, commitments, in light of the political changes taking place. By Helsinki, however, this had essentially been accomplished. A larger reason for the less vigorous discussion was the perception that the implementation review was an exercise of the past, when confrontation characterized CSCE-area diplomacy.

The U.S. delegation to the meeting took strong issue with this view. Among the issues raised by the United States were: "purification" laws (especially in Czechoslovakia) aimed at purging former communists from public service; restrictions on election observers in Romania; remaining refusenik cases in the new states of the former Soviet Union; human rights and democracy-building problems in Central Asian states; anti-semitism; attacks on Roma in Ukraine; return of previously confiscated property, including religious property; workers' rights and free trade unions in formerly communist countries; political prisoners, arbitrary arrest and detention; Turkish methods for fighting terrorism; improved prison conditions in Poland; free media, and problems for journalists; the role of governmental and other public leaders in fighting intolerance in society; persons still imprisoned for "economic crimes" in the new states of the former Soviet Union; and election restrictions in Serbia.

Some issues were raised not only by the United States but by other delegations as well. In general, other delegations followed the U.S. example in response to a severe violation that took place or was receiving considerable press attention at the time, such as the Serbian attack on a convoy of the International Committee of the Red Cross outside Sarajevo in May 1992, which killed ICRC official Frederick Maurice. Serbia and Serbian-backed forces were also widely criticized for repeated attacks on innocent civilians in Bosnia-Herzegovina, including one incident in which several elderly civilians standing in a bread line were killed, as well as attacks on clearly marked ambulances. Serbian repression of ethnic Albanians in Kosovo was also raised. In other cases, delegations raised concerns particularly important to them, as the Baltic delegations did regarding the continued presence of former Soviet troops, now under Russian control, on their territory. During the implementation review, several delegations raised concern over continued use of the death penalty -- the only human rights issue which clearly targeted, though never actually named, the United States during the Helsinki Meeting.

While delegations were generally reluctant to initiate discussion on specific matters of concern, many would take the floor to respond to points made by the United States

and occasionally others. Instead of the cynical and polemical responses, including points of order, given by the Soviet and other delegations of the now-defunct Warsaw Pact at previous implementation reviews, Russia, Ukraine and Czechoslovakia, among others, responded directly and positively to the concerns that were expressed in Helsinki. This non-confrontational exchange should have helped to dispel the notion that the implementation review was an outdated relic of the era of a divided Europe; the discussions were constructive and helped clarify points of concern, as well as steps to address them. Unfortunately, it remained unclear whether delegations other than that of the United States took notice. Noteworthy in its different but useful approach to the implementation review was Canada, which frequently took the floor near the close of working group sessions to comment on the discussion and, quite frequently, to rebut points made by other delegations. While others rarely took the floor to respond to the Canadian representative, this approach moved the overly-choreographed discussion closer to a real exchange of views.

The implementation review also included general or theoretical discussion of the topic at hand, often in conjunction with the introduction of related proposals. For example, a number of delegations spoke on national minority issues ranging from the rights of individuals belonging to national minorities to the collective rights of a minority as a group.

Still other statements amounted to a delegation examining the performance record of its own state, with a wide degree of open self-criticism. For example, in several statements the United States referred to the riots in Los Angeles and elsewhere sparked by the "Rodney King" verdict (a clear Human Dimension issue which no other delegation raised). Several delegations expressed amazement at the degree of frank self-criticism contained in a U.S. delegation statement on migrant worker conditions in the United States, with one delegation commenting in the formal session that he hoped some day other delegations, including his own, could speak in such an honest, forthright manner.

Adding to the implementation review was the participation of government experts or public members on several delegations. These experts were able to address Human Dimension issues with greater detail, a broader perspective and more personal experience than the diplomats themselves. During one Working Group III session, for example, the Romanian and Finnish delegations each permitted leaders of the Romani communities in their respective countries to raise their domestic concerns as well as concerns regarding the treatment of Roma in other countries, such as Spain. The United States delegation included four government experts and six public members who spoke on Human Dimension topics in which they had a particular expertise.

Similarly, during one working group session devoted to a discussion of CSCE missions examining Human Dimension concerns in specific countries, several individuals who had participated on these missions joined their respective delegations in Helsinki and

evaluated the performance and effectiveness of the missions. In addition, representatives of the Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe and the West European Union who also participated in some of these missions were permitted to do the same. This evaluation of selected missions, while limited in breadth and scope, constituted a useful step toward shaping and improving future missions. In addition, the exercise should serve as a model, as other missions have not thus far been subject to such scrutiny.

Whereas good use was generally made of the time for reviewing implementation, taken as a whole the exercise was not as thorough as might have been hoped. Not a single delegation discussed whether or not it had used the Human Dimension Mechanism, although there were indications that some had. And even the U.S. delegation, which was obviously leading the discussions with its many and, relatively speaking, bold statements on compliance with existing commitments, was reluctant to raise some issues directly.

One glaring example, from the Helsinki Commission's point of view, was the absence of any formal discussion of the equal rights and self-determination of peoples, a CSCE principle which, when violated by governments or misused by groups in a society, is most certainly among the root causes of conflict in contemporary Europe that the Helsinki Meeting was supposed to address. Indeed, problems relating to self-determination were at the core of many of the on-going crises that absorbed the Helsinki Meeting, from the former Yugoslavia to Ossetia. The participating States remained reluctant to become actively engaged in the debate on self-determination, often suggesting that the debate itself might encourage extremism or separatism and, ultimately, contribute to political instability, false expectations, and possibly increased ethnic violence. Yet shaping a sufficiently comprehensive yet specific definition of self-determination may ultimately play an important role in guiding self-determination movements along a peaceful and democratic path, as well as provide a framework for foreign governments to react to self-determination movements, which, in many cases, they inevitably must.

Still, the review was useful in that it did demonstrate the continued utility of such an exercise in the post-Cold War CSCE. In some respects, it resembled the situation in the early days of the CSCE process, when most delegations were reluctant to confront other delegations with specific and blatant human rights abuses in violation of CSCE commitments. Over time, more and more grew comfortable in being direct, and it could be anticipated that the same trend may occur at future CSCE meetings. An indication that this may be so was the agreement, first at the Prague CSCE Council Meeting but detailed in the Helsinki Document, that in years between follow-up meetings (in the future to be called "review conferences") three-week implementation meetings with a primary task of reviewing compliance with existing provisions will be held under ODIHR auspices in Warsaw.

## **Proposals and the Negotiation of a Concluding Document**

Laying the basis for negotiating a concluding document, delegations introduced proposals on Human Dimension topics of interest to them. More formal proposals, some three dozen in all, were introduced on Human Dimension issues than any other field -- some in the plenary, but most in the working group itself. Some Human Dimension-related proposals, such as that on a High Commissioner for National Minorities and those on non-governmental organizations, dealt with CSCE institutions and structures and were therefore negotiated by Working Group I. This meant that expertise was not always ideally distributed.

Proposals generally fit one of two categories, which shaped the overall structure of the Human Dimension section of the Helsinki Document. One category consisted of those proposals regarding CSCE activities in the Human Dimension generally. Some, for example, dealt with the general enhancement of the Office for Democratic Institutions and Human Rights (ODIHR), including the development of ODIHR relations with the Council of Europe. Other proposals, many introduced by Austria, dealt with important issues such as the modalities for the Human Dimension Implementation Meetings, which were first suggested by the Prague Council Meeting, or the functioning of the Human Dimension Mechanism as enhanced by the Moscow CHD Meeting.

The other category of proposals dealt with specific Human Dimension topics. Proposals fitting this category were divided into two types -- those which called for future CSCE activities on a particular subject, and those which sought to develop new, normative commitments. In a few cases, one proposal fit both types. Of those calling for future CSCE activities, a large number proposed relatively short, ODIHR seminars to be held in Warsaw on specific subjects, such as three proposals introduced by the United States on tolerance, migration and free media; one by Austria on successfully resolved minority problems; and another by Turkey on migrant workers. Proposals for seminars were based on the view, already evident in the outcome of the Prague Council meeting, that the days of the traditional, several-week inter-sessional meetings on Human Dimension issues were over and that future Human Dimension activities had to have a greater infusion of genuine expertise on the subjects of concern if they were to be useful to the emerging democratic countries. One other U.S. proposal along these lines was for ODIHR-organized multi-subject "travelling" seminars on democratic processes that would be tailored to the emerging democracies that request them.

Of those proposals dealing with normative commitments, several touched on traditional subjects like national minority questions, either generally or as they affected specific groups like Roma or indigenous populations. Other normative proposals reflected new concerns in the CSCE community, such as a Swiss proposal on international humanitarian law, Russian proposals on citizenship and on refugees and displaced persons,

and a Canadian proposal on discrimination and intolerance based on race, ethnicity, religious belief or other grounds.

As at several previous CSCE meetings, a formal proposal calling for the abolition of the death penalty was tabled and, reflecting growing support, garnered 22 co-sponsors. The United States argued against the proposal, maintaining that the death penalty's existence in the United States reflected the popular will of the people, as determined by a democratic system. The Russian delegate noted that his country had not yet abolished the death penalty, although the matter was under consideration by his legislature. Nevertheless, he argued for adoption of the Swedish proposal, asserting that "the abolition of the death penalty is an inevitable consequence of democracy." Although the Russian delegate's point is debatable, it -- along with high-profile executions in California and Virginia during the Helsinki Meeting -- served to foster support for the Swedish proposal and to highlight the likelihood that, in the foreseeable future, the United States will stand alone in the CSCE community in its continued use of the death penalty.

In an attempt to expedite the work, coordination of the negotiations which sought to have these proposals reflected in a concluding document were divided according to these two categories, with an Austrian delegate focusing on CSCE activities and a Swedish delegate focusing on normative proposals. Nevertheless, these negotiations quickly sank in a quagmire of divergent views on the future of the Human Dimension. Some delegations, particularly France, sought to make the CSCE more exclusively a security forum, and opposed any significant enhancement of the ODIHR or the concept of many CSCE activities in the Human Dimension, preferring instead to have the ODIHR provide a supportive and clearly secondary role to Council of Europe activities and undertake a minimum number of activities of its own. Some joined ranks with France for reasons of costs, although similar concerns were rarely raised for CSCE activities outside the Human Dimension. They also were not applied by countries like Italy and Spain when attempts were made to lower the number of languages at ODIHR seminars from the six currently used at official CSCE meetings -- a practice which adds tremendously to the overall cost of these meetings. France, Greece and Turkey also resisted efforts to make Human Dimension activities more flexible generally as well as more open to the public. The United States, Canada, Austria and the Netherlands were among those delegations most opposed to these attempts to minimize the CSCE Human Dimension activities in the post-Helsinki period, with East-Central European countries and those of the former Soviet Union occasionally lending their support for the activities primarily intended to assist them in their transition to democracy.

It was the negotiation of normative proposals, however, that caused the most difficulty at the Helsinki Meeting. The United States argued that, with all of the new commitments on Human Dimension issues developed between Vienna and Helsinki, normative commitments were essentially complete. As a result, any attempt to build further upon them was, at best, a marginal exercise, and could potentially and dangerously

step back from existing commitments. Instead, this line of thinking continued, the CSCE should look to make the Human Dimension operational, i.e., undertake activities such as expert seminars that would facilitate implementation of CSCE commitments, particularly in the building of democratic institutions.

Others, however, continued to believe that developing normative commitments was essential, particularly to fill gaps in existing language. In cases where proposals touched on entirely new and important Human Dimension topics, good arguments in this regard were made, and the negotiation of language on these topics then turned to the substantive problems of the language proposed instead of the question of whether even to consider the language. These substantive problems were often considerable, however, even for countries with strong democratic traditions, reflecting the increased complexity of Human Dimension commitments now that proposals on more fundamental human rights issues have already been adopted and are increasingly implemented.

Especially difficult in this regard were negotiations on proposals dealing with national minorities, where extensive commitments already existed. The negotiations reflected the failure of the delegations to agree on a common approach to national minority questions within the framework of the Human Dimension, and to recognize the inherent relationship between such an approach and conflict prevention. And while the United States and some other delegations sought to address minority concerns through the prism of individual human rights, others insisted on addressing these concerns from a "collective rights" point of view.

As a result, delegates were divided by strong their attachment to one of several national minority proposals reflecting these divergent approaches. The Hungarian delegation, for example, preoccupied with Hungarian minorities outside its own borders, sought to have the Helsinki Meeting adopt language on national minorities from a collective rights perspective that had been clearly and widely opposed less than one year before in Geneva and Moscow. Meanwhile, the Italian delegation aggressively promoted its own national minority proposal as a ready-made compromise. When the Italian proposal met with objections for either repeating or retreating from language already in the Copenhagen and Geneva documents, Italy, in retaliation, threatened to oppose proposals that would make the Human Dimension operational. While these delegations' governments placed high priority on the national minority issue, they were unable to view - or pursue -- the issue broadly, whether through the process of implementation review, proposed language suggesting any approach other than their own, the Dutch proposal for a High Commissioner, or the many proposals for seminars touching on issues of particular relevance to national minorities. Combined with the serious substantive problems one delegation or another had with any serious attempt to build upon existing national minority language in a positive way, the negotiations on this issue frequently were driven into a stalemate highly reminiscent of negotiations on the same subject in Geneva and Moscow.

Highly divergent views, EC inability to play a positive, unified, role, and resentment by several European countries of the active role of the United States in the Human Dimension and elsewhere, all brought the fractions Human Dimension negotiations to a point where the head of the delegation of Switzerland had to intervene to ensure that they concluded successfully and on time. Compromises were struck to produce the Human Dimension text eventually incorporated into the Helsinki Document and adopted by consensus. In general, those advocating a more active CSCE in regard to Human Dimension activities succeeded in having their views reflected in the document, including agreement for the ODIHR to organize the most useful of the proposed topic seminars during the course of the next two years. At the same time, the degree of increased openness to the public and added procedural flexibility achieved by the Helsinki negotiations is modest, at best. The United States acquiesced to some additional normative language, much of it cosmetic, but succeeded in focusing the bulk of the discussion on the structure and topics for future CSCE activities in the Human Dimension. As the end of the meeting approached, language in areas where delegations had expressed strong substantive opposition was either dropped or substantially weakened in order to achieve consensus.



## WORKING GROUP IV: Economics, Environment, Science and Technology

### **Background**

Having succeeded in creating a separate working group devoted to the traditional Basket II issues of economic cooperation, protection of the environment, science and technology, and cooperation in the Mediterranean, the U.S. delegation sought to stimulate a lively discussion of these issues. The delegation played a leading role in helping to organize the work program for the group. The modest results of the working group's efforts, however, mean that the "forgotten basket" of the CSCE, after being enhanced in Vienna, will likely slip far down the CSCE agenda.

This development is somewhat ironic given the attention paid to the economic transition underway in East-Central Europe and the newly independent states of the former Soviet Union and its implications for the future of these countries and Europe as a whole, as well as a new global focus on environmental issues. On the other hand, it should not come as too much of a surprise given the CSCE's limited resources and the work of existing institutions such as the United Nations Economic Commission for Europe (ECE), the European Community, the Organization for Economic Cooperation and Development (OECD), the European Bank for Reconstruction and Development (EBRD) and others. It was generally recognized that such specialized institutions will have to provide the technical know-how and resources necessary for the successful transition to market economy, with a positive though modest role for the CSCE.

The participating States reviewed implementation since the previous meeting on economic issues, the 1990 Conference on Economic Cooperation in Europe held in Bonn. A cooperative approach was stressed as countries described the steps they have taken or are planning to take to advance the transformation of their economies to free markets. The discussion was somewhat somber in recognition that it will take many years and considerable resources to overcome decades of centralization and forced collectivization. Social problems associated with the move toward market economies such as unemployment and vocational training were also discussed. Igor Ornatski, Deputy Executive Secretary of the UN Economic Commission for Europe, described his organization's role during the transition and expressed a keen interest in working closely with the CSCE on areas of mutual interest.

### **The Environment**

Environmental concerns received considerable attention during the course of the Helsinki Follow-Up Meeting. The issue of nuclear reactor safety, in the aftermath of the incident at the Sosnoviy Bor facility outside of St. Petersburg on the opening day of the meeting, dominated much of the discussion that followed. Austria called for concrete steps

to address concerns in the field of reactor safety and kept the issue active throughout much of the meeting. In an attempt to respond to the immediate concern, the plenary decided to contact the Vienna-based International Atomic Energy Agency (IAEA) to obtain further information on reactor safety and the specifics surrounding the incident at Sosnoviy Bor. The IAEA Director General, Hans Blix, addressed an informal session of Working Group IV on his agency's activities in the promotion of reactor safety.

A number of delegations from East-Central Europe, while voicing concern over reactor safety, described their dependence on nuclear-generated power and the difficulty in securing alternative sources, particularly during the current period of economic transition. Estonia seized upon the heightened concern to urge international inspection of nuclear facilities under Russian control on Estonian territory. The Helsinki Meeting concluded with a broad expression of support for the work of the IAEA and a call for participating States to ensure effectively the safety of all nuclear installations. Sweden was joined by several Nordic countries in voicing particular concern over the environmental impact of military installations (reflected in Norwegian-sponsored language for the political declaration and efforts to make this an issue for security talks). Hungary highlighted the role of the Regional Environmental Center in Budapest.

There was also extensive discussion of means of reacting to non-nuclear environmental accidents. Germany was at the fore of the debate on so-called "green helmets," a response mechanism designed to assist in clean-up operations following environmental accidents and catastrophes. Among the elements discussed were: information sharing and coordination of disaster assistance as well as establishment of a registry of experts who might be called upon to assist in clean-up operations following non-nuclear environmental accidents. The Helsinki Document reflects these points, but calls for greater cooperation between the CSCE and the United Nations Center for Urgent Environmental Assistance based in Geneva rather than for CSCE action or development of green helmet-type forces, as had been initially and forcefully proposed by Germany, Switzerland, and Norway. The lack of concrete commitments in this area stemmed from unwillingness to expand into an area where numerous organizations are already active, as well as traditional diffidence regarding this basket. Delegations with specific interests found themselves hamstrung by the difficulty of coordinating around the slow but tight EC group.

Participating States reviewed implementation since the 1989 Meeting on the Protection of the Environment held in Sofia, a meeting that had successfully pressed human rights issues as well as set the basis for international work on coping with industrial accidents and pollution of trans-boundary water corridors. The discussion in Helsinki largely focused on three broad categories: environmental security; the Human Dimension; and integration of environmental and economic factors.

The United States and a number of western delegations stressed the link between protection of the environment and the transition to market economies as well as the role of public participation in shaping environmental policy. Several delegations from East-Central Europe delivered interventions on the state of the environment following decades of communist rule. The review of implementation was devoid, for the most part, of charges and counter charges evident at earlier meetings. Rather, it provided delegations with an opportunity to detail their own record.

Having not only a specific idea for further CSCE work, but also the desire to display firm commitment to the CSCE, Canada stuck tenaciously to its proposed seminar of experts on "Sustainable Development of Boreal and Temperate Forests." Nearly falling victim to several delegations' reluctance to spend money on seminars, the proposal was re-drafted without specifying that it is a CSCE seminar and, with modalities and agenda to be approved by the CSO, will be held in Montreal from September 26-October 3, 1993.

### **Economic Cooperation: The Economic Forum**

The Prague Council Meeting had mandated Helsinki to elaborate the structure and substance of an Economic Forum. In proposing the forum, the United States had attempted to give political stimulus to the dialogue on the transition to free market economies and to suggest practical efforts for their development. The United States also wanted to ensure that the CSCE's economic basket was not overlooked or left uninstitutionalized. Convinced that further consultations could provide some advice, if not assistance, to economies otherwise dependent on EC association agreements and international largesse, the United States worked intensively to gain their support, eventually overcoming the skepticism and territorial jealousies of the EC.

In Helsinki, the United States pursued an ambitious agenda for the Economic Forum. EC concern with duplication of work underway elsewhere and reluctance to develop additional CSCE structures outside their priority areas of conflict/crisis management was shared by the other developed Western countries. Again, as with other U.S. initiatives intended to provide more openness and a broader scope of activity for the CSCE, delegations were unready or unwilling to contemplate moving outside a purely inter-governmental focus and to see the long-term implications of failure to deal with economic transition. Still reluctant, the EC used the sentence in the Prague Document stating that the CSO would convene as the Economic Forum to block U.S. proposals for participation of non-governmental representatives from the business community; the possibility of the forum convening its own seminars; more frequent meetings; and specialized discussion.

Despite these differences most delegations recognized that the Economic Forum

could play a useful role in reviewing implementation of CSCE commitments, and East-Central European support for the idea ensured that a U.S.-EC compromise draft could go forward, eventually garnering 35 co-sponsors. Some East-Central Europeans expressed resentment, late in the negotiations, at being lumped together with the much poorer ex-Soviet republics, and at Western unwillingness to undertake substantive cooperation, as opposed to talk.

For some time during the negotiations, the agreement on the agenda for the Economic Forum was blocked by the representative of Liechtenstein, who opposed the convening of a special meeting in Prague because property claims between Liechtenstein and Czechoslovakia remain unresolved. In fact, Liechtenstein had raised these concerns during the negotiations on the Paris Charter, when Prague was first proposed as a site for the CSCE Secretariat. Having failed to resolve the issue after the Paris meeting, Liechtenstein raised the issue again at Helsinki, noting the Bonn Document commitment regarding the right "to prompt, just and effective compensation in the event private property is taken for public use." Although in the end Liechtenstein permitted consensus on the Economic Forum to be reached, its experiences in Helsinki undoubtedly fostered the view in some quarters that small countries need special protection or processes to level the playing field if they are to be able to resolve their differences with "big" countries.

Agreement was reached in Helsinki on a mandate and organizational framework for the Economic Forum as well as an indicative agenda for its first meeting, scheduled to take place in Prague from March 16-18, 1993. The Economic Forum will as a rule meet once a year to stimulate dialogue on transition, suggest practical efforts, and encourage activities already underway elsewhere. The sessions will not produce documents with commitments binding on participating States. The Economic Forum will serve as a mechanism for reviewing the implementation of CSCE commitments in the area of economics, the environment and science and technology. It will also provide political impulses in these areas while complementing and supporting the on-going work of existing organizations. Although its meetings do not incorporate non-governmental participants, and it cannot mandate follow-up activities, it can encourage and consider experts meetings organized and financed by states or international organizations, to bring together public and private sector leaders.

According to the agreed agenda, the first meeting of the Economic Forum will focus on the following: elements of a favorable business climate; the human factors of the economic transition; and integrating economic and environmental factors. The participants may also consider proposals for seminars.

### **Science and Technology**

Left to the end of the meeting, discussions of science and technology issues were desultory even by the standards of this basket. They spawned three paragraphs in the

document calling for greater co-operation and sharing, where appropriate, of technology, as well as welcoming U.S. and EC initiatives in the field.

### **Mediterranean**

Questions of security and cooperation in the Mediterranean were discussed in the closing weeks of the Helsinki Meeting. The views of a number of non-participating States were presented for consideration. As had been agreed, representatives of Algeria, Egypt, Morocco, and Tunisia made presentations to Working Group IV emphasizing the link between stability in the Mediterranean region and security and cooperation in Europe.

Malta, Spain and Italy played a leading role in the discussions as they have at previous CSCE meetings. The Maltese pressed for increased dialogue between the CSCE and the non-participating States on specific problems facing the region. Pressure from the Maltese, in particular, for improved status for the non-participating Mediterranean States within the CSCE was met, as in the past, with firm refusals and simple lack of interest from many delegations. Responding to Spanish and Italian pressures, the EC revised its position on improved status for Japan and linked any resolution of Japan's status to improvements for the Mediterranean States. In addition to eventual acceptance of the EC proposed CSCE seminar on the Mediterranean, the participating States also provided for information exchange and continued contributions to the CSCE by those states, in line with privileges being extended to Japan as well as international organizations.

## VI. THE HELSINKI SUMMIT: THE GRAND FINALE

### The Helsinki Summit Declaration

The meeting wrestled throughout with real-life problems in participating States as well as the wider theoretical debates underlying them. The political declaration which opens the Helsinki Document was conceived as not only a statement of aims and direction for the Helsinki process, and for its participants, but as a chance to air issues which could not or would not be reflected in actual commitments.

As had become typical throughout the meeting, three complete drafts were submitted -- in this case, by the EC, the United States, and Hungary. The task of reconciling three visions with different emphases, although not fundamentally opposite, fell to ambassadors themselves in a Committee of the Whole, overseen by Finnish Ambassador Karhilo. Consideration of how major issues were discussed and reflected in the text gives a snapshot of moods in the spring of 1992 and illuminates the CSCE's close relationship to the major questions occupying Europeans.

*Europe in Crisis:* The political declaration, reflecting the mood of the meeting, can be viewed as an antidote to the feeling of euphoria that overtook Europe in 1989-90 and is reflected in the Charter of Paris. By the time of the Helsinki Meeting, the participating States had come to understand that the forces of change unleashed by the crumbling communist dictatorships in East-Central Europe and the Soviet Union would not conveniently disappear with the holding of free elections. Consequently, managing the ensuing changes, rather than trying to prop up the status quo, would be central to the CSCE's role as an agent of peace and stability in an age of transformation.

Participating States came to Helsinki with the idea of making the CSCE more visible in European affairs by redirecting its focus from debate to action. For many, this new activism involved creation of mechanisms, procedures and structures for actions that *might* be undertaken in future. The United States, supported strongly by Canada and intermittently by others, instead took the view that activism meant taking actions. The political declaration is energetic in tone, emphasizing "the central role of the CSCE in fostering and managing change in our region." But the technical and sometimes tepid results of the document that follows reflect not only deeply-ingrained tendencies to overcome differences of view through restatement of old language and watered-down compromise, but also the difficulty of devising concrete actions to address the complex problems of nationality conflicts and economic transition.

*Troop Presence in the Baltic States:* The continued presence, and indeed reinforcement, of ex-Soviet forces stationed in Estonia, Latvia and Lithuania led their governments to attempt to internationalize the issue. Making strong statements on the

issue throughout the Helsinki Meeting, the three threatened to deny consensus on any concluding document that did not address the ex-Soviet troop presence and, when Western states were slow to support them publicly, sponsored a "Friends of the Baltics" informal group to pursue the issue. (The Friends of the Baltics, in fact, had existed previously as a U.S.-sponsored effort to involve the Balts within CSCE as much as possible before their admission.) By marshalling pressure in this way as well as with strong public statements, the Balts achieved a text which mentions them by name, notes that the forces stationed on their territories are there without the "required consent of those countries," and calls for the conclusion, without delay and without conditions, of agreements for the "early, orderly, and complete withdrawal" of the forces. While this falls short of CSCE involvement in the negotiations themselves, it did generate sufficient additional pressure that, in the run-up to the summit, Russian President Boris Yeltsin pledged that no replacements for draftees who have served their terms (accounting for approximately 67,000 personnel) would be introduced into the Baltics.

*Human Rights:* The future place of Human Dimension concerns in CSCE activities was not fully resolved in Helsinki, and this uncertainty is reflected in the political declaration. Human rights are considered "a vital basis" for security -- but this is arguably a step back from the Paris Charter's reference to human rights as "the foundation" of freedom, justice, and peace. Moreover, human rights were not considered important enough for a separate mention in the political declaration. At the same time, concern over specific kinds of human rights problems -- e.g., minority issues, violations of international humanitarian law, continued Soviet occupation of the Baltic States -- did rank special attention. In this sense, the political declaration moved away from the recitation of generic commitments to consideration of their application in real life situations.

*Economic and Environmental Transition:* Although the meeting ran parallel to the high-profile Rio Conference, concern with environmental and economic issues was limited. As well as shying away from issues where the EC holds jealously to its special role, and where other organizations such as the UN Economic Commission for Europe already play an active part, this inattention stemmed from the already-noted focus of CSCE diplomats on security issues, traditionally defined, to the exclusion of issues which may, in future, affect security more deeply. Reflecting the low priority these issues have always had within the CSCE, the political declaration treats economic, and particularly environmental issues, in only the most general way.

## **The Helsinki Summit**

The meeting closed, as had been anticipated, with a meeting of heads of state and government on July 9 and 10. With the exception of Yugoslavia, which had announced its intention not to attend days before its suspension from the CSCE, all 52 participating States were represented, the vast majority at the highest level.

As might have been expected at such a large, high-level meeting, the summit eschewed substance for ceremony and bilateral meetings among participants. Like the Group of Seven Munich Economic Summit which immediately preceded and overshadowed it, the Helsinki Summit was perhaps most notable for its seeming inability to make concrete progress on the economic and security issues facing participants.

The two days did provide plenty of opportunity for interaction with new CSCE members, crucial to their full integration into the CSCE and the wider Euro-Atlantic political context. Formal speeches reflected the set of economic and security-related concerns shared by the participating States. Most leaders of states in transition chose to reflect the challenges, economic and social, facing their countries. Alija Izetbegovic, president of Bosnia-Herzegovina, used the occasion to call the international community to task for failing to defend his country and, by extension, the principles of the Helsinki Final Act. In a meeting with President Bush, he called explicitly for Western troops to intervene in the conflict. Bulgarian President Zhelyu Zhelev called for an extraordinary meeting of the CSCE Council of Ministers to consider the crisis in the Trans-Dniestrian region of Moldova, apparently wishing to provide a CSCE alternative to the CIS peacekeeping force which had been mandated just days earlier.

A meeting of the CSO convened during the summit failed to produce consensus to treat the Moldovan question more extensively at the ministerial level. The same meeting confirmed the impossibility, even at the summit level, of further progress on the Nagorno-Karabakh crisis or the impasse surrounding the opening of a CSCE-mandated peace conference. However, the presence of the highest-level leaders was enough to overcome Russian resistance to a further statement on the Yugoslav crisis, and one was adopted, to the surprise of many participants, at the close of the meeting. The statement reaffirms the CSO decision to suspend Yugoslavia and the intention to send missions to the ethnically-diverse and troubled regions of Sanjak, Kosovo, and Vojvodina.

The leaders of the three Baltic States also took advantage of the opportunity to stress their concern over the continuing presence of ex-Soviet forces on their territory. Russian President Yeltsin had taken advantage of publicity surrounding the two summits to declare in Munich on July 8 that new recruits would not be introduced into the Baltic States, and that he was committed to achieving withdrawal. While some viewed this as significant CSCE-engendered progress, Baltic leaders remained cautious. Lithuanian President Vytautas Landsbergis delivered a speech interpreting the Helsinki Document provisions on troop withdrawal as opening doors for CSCE involvement and identifying the presence of troops as a violation of international law.

Although President Bush elected not to discuss details of the U.S. position on crises or its anticipated role in responding to them, his statement laid out five tasks for future development of the CSCE: making democratic change irreversible; holding members



accountable for violations of CSCE norms; attacking root causes of conflict; strengthening possibilities for peaceful settlement of disputes; and developing credible Euro-Atlantic peacekeeping.

Helsinki Commission Co-Chairman Dennis DeConcini and senior Commission staff attended the opening day of the Helsinki Summit, during which they attended official and non-official functions, met with representatives of numerous delegations, and discussed human rights issues of particular concern. Meetings with Latvian Foreign Minister Janis Jurkans and Estonian Foreign Minister Jaan Manitskiy, for example, highlighted the problem of ex-Soviet troop withdrawal.

Co-Chairman DeConcini followed up on Commission activities in Central Asia by discussing concerns regarding harassment of opposition leaders with Uzbek President Islam Karimov and meeting with Kirghiz President Askar Akayev. He also received updates on the situation on the territory of the former Yugoslavia from Bosnian Foreign Minister Haris Silajdzic and Albanian President Sali Berisha, among others.

## VII. PARTICIPATION

Delegations to the Helsinki Follow-Up Meeting ranged in size from single observers for the newest and smallest states to the expansive U.S. team, which numbered over 40 persons at any given time. The financial strain on many economies in a time of economic downturn and increasing demands on diplomatic resources was reflected in the limits on the size of most delegations, if not in limits on delegations' ambitions for the CSCE. Many delegations had been staffed in anticipation of three rather than four working groups, and the resulting strain was a limiting factor in the work that could be done, particularly in those groups (Human Dimension and Economics/Environment) accorded lower priority by many. Although some delegations were reinforced by additional policy-level officials, the additional burden of frequent meetings of the Committee of Senior Officials drained high-level attention, resources and media coverage from the follow-up meeting.

A change in the backgrounds of delegates was also evident. Very few even had specialized backgrounds in subjects under discussion, although some delegations made the effort to provide economic, Human Dimension, and PSD officials. Instead, perhaps the main training ground for delegates had been the arms control negotiations in Vienna. Some 15 heads of delegation had headed delegations to the CSBM and/or CFE negotiations. Fourteen deputy heads of delegation also had Vienna experience.

The accent on institution-building was evident in the allocation of staff and resources among the working groups, with Human Dimension and economic/environmental issues left in many instances to well-meaning but junior and often-unheeded delegates. Although this was largely due to the policy emphasis, the staffing of delegations with officials unaware of, if not uninterested in, the CSCE's non-security portfolio worsened the imbalance and indicated priorities more clearly than any intervention given.

### **The Delegation of the United States**

The U.S. delegation was headed by Ambassador John C. Kornblum, a career diplomat with extensive experience in European security issues. His deputy, Rudolph V. Perina, had been deputy head of delegation to previous CSCE meetings in London, Paris, and Vienna. In addition to various State Department offices, the Arms Control and Disarmament Agency, the Department of Defense, and the Joint Chiefs of Staff, as well as the Helsinki Commission, sent staff members to the delegation. The U.S. delegation, in composition as well as focus, was not immune from an over-emphasis on security and bureaucratic aspects, although an average of 40 people in place ensured coverage of all activities. The presence of numerous specialists did help the United States guarantee the significant impact it had on the meeting, even as it contributed to coordination problems

and some resentment from other delegations.

### **Public Members**

The United States appointed six U.S. citizens to serve as Public Members of the U.S. delegation. Their presence on the delegation underscored the importance of the CSCE and of human rights and democratic institution-building both to the U.S. Government and the American people. The Public Members provided the delegation with valuable expertise in areas under discussion in Helsinki as well as personalized contacts with non-governmental organizations.

#### ***Public Members of the U.S. Delegation:***

Shoshana Cardin	Chair, Conference of Presidents of Major Jewish-American Organizations; National Conference on Soviet Jewry
Lynne Cheney	Chair, National Endowment for the Humanities
A.E. Dick Howard	White Burkett Miller Professor of Law and Public Affairs, University of Virginia
Lee Huebner	Publisher, <i>International Herald Tribune</i>
Adrian Karatnycky	Advisor to the President, AFL-CIO
Patricia Wald	Judge, United States Circuit Court of Appeals for the District of Columbia

In addition, a number of high-ranking U.S. Government officials assisted the U.S. delegation in Helsinki for varying amounts of time, lending their particular expertise to the topics at hand.

#### ***U.S. Government Officials:***

Kenneth Blackwell	U.S. Representative to the UN Human Rights Commission
Paula Dobriansky	Deputy Director for Policy and Planning at the United States Information Agency
Nancy Ely-Rafael	Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs
Princeton Lyman	Assistant Secretary of State for Refugee Affairs
Edwin Williamson	Legal Advisor at the Department of State

### **Helsinki Commission Participation**

Helsinki Commission Co-Chairman Dennis DeConcini led a delegation to the Helsinki Summit, attending official and non-official functions, meeting with representatives of numerous delegations, and discussing human rights issues of particular concern.

Helsinki Commission Staff Director Samuel G. Wise served as deputy head of delegation throughout the meeting, and Commission staff participated fully in the work of the delegation. In addition, numerous Helsinki Commission publications were distributed to delegates and NGOs. A Russian translation of the Commission's *"The Conference on Security and Cooperation in Europe: An Overview of the CSCE Process, Recent Meetings and Institutional Development"* was provided for and praised by delegates and participants in the "Seminar on CSCE Partnership."

### **Non-Governmental Organizations**

In comparison with previous follow-up meetings, NGO activity at Helsinki decreased dramatically, following a trend that had been visible since the Vienna Follow-Up Meeting. The decline seems to be due to several factors: the resolution of problems, such as refusenik cases, which sparked so much Cold War-era NGO activity; the proliferation of fora in which to consider human rights issues, as well as opportunities to travel to the countries concerned; and the increased complexity and bureaucratization of the CSCE.

At the same time, interest in the CSCE is visibly increasing from scholarly quarters. U.S. conflict resolution and security theorists came to Helsinki in larger numbers than traditional U.S. human rights activists, for the first time ever. With participation from a wide range of NGOs from other CSCE states, a full program of parallel activities was organized by the Finnish host committee. Additionally, weekly NGO briefings to which delegates were invited to make presentations gave a limited opportunity for formal interaction.

Recognizing the need to revisit relations with NGOs, foreign ministers meeting in Prague in January 1992 had tasked the Helsinki Follow-Up Meeting with strengthening relations between the CSCE and non-governmental organizations. NGOs in Helsinki took a lively, although far from uniform, interest in the elaboration of provisions on NGO language. Methods of lobbying varied, as did NGO views on the language finally adopted. Access to delegates was limited most by the structural constraints noted above, although not all NGOs were fully satisfied with the receptivity of delegations.

### **International Organizations**

The idea of "interlocking institutions," with the various international organizations to which CSCE States belong working together toward common goals, each doing the tasks for which it is best suited, had been a catch phrase since the end of the Cold War made such cooperation feasible, and since it had become evident that no organization would immediately fade away or assume a predominant role.

In addition to the various provisions negotiated, the Helsinki Meeting took the unprecedented step of having numerous organizations address both plenary and working group sessions. Plenary was addressed by representatives of NATO, the WEU, CoE, EBRD, OECD, UNESCO, and UN/ECE, but only NATO and the CoE had representatives who attempted to follow the meeting's progress for any length of time. Not without some controversy, a CoE representative addressed the Human Dimension working group, the ECE addressed the economics/environment working group, and NATO, through the Spanish delegation as NATO president d'honneur, spoke to the working group on institutions and structures on resources available for CSCE peacekeeping operations. Additionally, WEU and CoE representatives addressed a special meeting of the Human Dimension working group dealing with the rapporteur missions, since both had participated in missions.

These initiatives were concrete results of a decision taken by ministers in Prague to invite representatives of select international organizations to make contributions "to specialized CSCE meetings where they have relevant expertise."

Helsinki was the first opportunity for these aspirations to be put to a practical test, and problems were apparent. From the overly-general and unnecessarily-long statements made in plenary meetings, to the reluctance of some delegations to allow relevant organizations equal access, to the perceived need for ritualistic mentions of certain organizations in the document, rather than a focus on practical cooperation, it appeared that full and meaningful cooperation has not yet arrived. As long as various states attempt to use the idea of interlocking institutions to block the influence of others, or to advance parochial interests, complementary activity among the institutions will best be pursued, as indeed it always was, by national delegations to various organizations comparing notes, and by coherent national policies.

