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I. INTRODUCTION

Commission Background

Created in 1976 by Public Law 94-304 as an independent agency, the Commission on Security and Cooperation in Europe is charged with monitoring and encouraging compliance with all provisions of the Final Act of the Conference on Security and Cooperation in Europe (CSCE). Signed on August 1, 1975 in Helsinki, Finland by the leaders of 35 nations, the Final Act encompasses nearly every aspect of East-West relations including military security, trade and economic cooperation, scientific and cultural exchanges, and human rights.

The Commission is mandated to "monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Human Rights and Cooperation in Humanitarian Fields." The Commission is further authorized and directed to "monitor and encourage the development of programs and activities of the U.S. Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West. In fulfilling its mandate, the Commission actively documents violations of the Final Act, promotes public awareness of the Helsinki process and is involved in the formulation of U.S. Government policy on CSCE-related issues.

The Commission is engaged in monitoring compliance with the Final Act. Public hearings with expert witnesses are regularly held on such issues as the Soviet crackdown in the Baltic States; independence movements in the Baltic States; crisis in the USSR; developments in Albania; the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA); the Geneva CSCE Meeting on National Minorities; the Moscow Meeting of the Conference on the Human Dimension; the crisis in Nagorno-Karabakh; and the conflict in Yugoslavia.

In addition, the Commission sponsored a variety of other activities designed to advance CSCE goals. The Commission cosponsored a seminar in Budapest on "The Parliaments Responsibility for Economic Development" which brought together parliamentarians from the emerging European democracies with western experts. The Commission organized informational briefings for Members of Congress with leading political figures such as Eduard Shevardnadze and Hans-Dietrich Genscher. Finally, the Commission sponsored a Business Roundtable with representatives of the business community to explore ways of enhancing opportunities for American businesses interested in trading with Europe.

The Commission staff continues to compile and disseminate information on human rights cases and advise family members, Congressional offices and interested non-governmental organizations (NGOs) on steps to resolve them.

During 1991 the Commission devoted considerable staff time to observing and reporting on referenda and political developments throughout Albania, Latvia, Estonia, Russia, Ukraine, Kazakhstan, Georgia, Armenia, Turkmenistan, Moldova, and Uzbekistan. Much of this work was a direct result of the provisions on free and fair elections advanced by the Commission and adopted at the June 1990 Copenhagen Meeting on the Human Dimension.

During 1991 the Commission continued to emphasize the importance of the military security sphere of CSCE and participated in the work of the U.S. delegation at the Negotiations on Confidence- and Security-Building Measures (CSBMs) in Vienna. The Commission also monitored developments at the Negotiation on Conventional Armed Forces in Europe (CFE), talks taking place within the framework of the CSCE process.

In addition to official sources, the Commission relies heavily upon information provided by NGOs. The Commission is uniquely positioned to bring the specific CSCE-related concerns of private citizens and groups to the attention of U.S. Government officials, the U.S. Congress and representatives of the participating States. In turn, the Commission endeavors to facilitate access by NGOs to CSCE meetings and follow-up activities. During 1991 the Commission held a special meeting with NGO representatives to consider ways of enhancing their role in the CSCE process.

The Commission is integrally involved in the development of U.S. policy related to the Helsinki process, especially in conjunction with CSCE follow-up activities. During the reporting period Commissioners and Commission staff participated in the Valletta Experts Meeting on Peaceful Settlement of Disputes, the Madrid Meeting of CSCE Parliamentarians, the Krakow Symposium on Cultural Heritage, the Geneva Meeting of Experts on National Minorities, the Moscow Meeting of the Conference on the Human Dimension, the Oslo Seminar of Experts on Democratic Institutions and meetings of the CSCE Council of Ministers and the CSCE Committee of Senior Officials, as well as the on-going security talks in Vienna.

II. THE HELSINKI PROCESS

The Conference on Security and Cooperation in Europe—also known as the CSCE or Helsinki process—is an on-going, multilateral forum involving 50 Eurasian countries, the United States and Canada. Membership has expanded considerably in recent years from the original 35 participating States.

Although rooted in Soviet proposals for an all-European security conference in the early 1950s, CSCE began in earnest in the early 1970s, during the period of "detente" in East-West relations. The Quadripartite Agreement on Berlin; bilateral treaties between West Germany and the Soviet Union, Poland, and East Germany; and agreement to begin Mutual and Balanced Force Reduction

opened in 1973. It culminated two years later with the signing of the Helsinki Final Act, also known as the Helsinki Accords, on August 1, 1975. The document is not a legally binding treaty but is politically binding on each of the signatory States, which, on the basis of the rule of consensus, agreed to its provisions. Divided into "Baskets", these provisions cover the following areas:

Basket I: A declaration of 10 Principles Guiding Relations Between Participating States, including respect for human rights and fundamental freedoms, equal rights and self-determination of peoples, territorial integrity of states, peaceful settlement of disputes, and inviolability of frontiers. A section on military security includes a series of confidence-building measures, such as notification of troop maneuvers, designed to lessen the risk of surprise military attack in Europe;

Basket II: provisions concerning economic, scientific and environmental cooperation, as well as cooperation in the related fields of transport, tourism, migrant workers in Europe, and personnel training; and

Basket III: provisions concerning human contacts, including family reunification, visits, and other humanitarian matters, as well as the free flow of information, and cooperation in the fields of culture and education.

The signing of the Final Act initiated a process consisting of a series of follow-up meetings to review implementation of Helsinki provisions and elaborate upon these provisions as necessary. It also served as the impetus for human rights activity by private citizens and groups. Helsinki monitoring groups formed in the Soviet Union, the Baltic States, and elsewhere in Central and Eastern Europe. Private Helsinki human rights organizations were organized in the West as well.

The first follow-up meeting was held in Belgrade in 1977-78. Eastern violations of human rights provisions made this a highly confrontational meeting in which the participants could only agree to meet again. They did so in Madrid, from 1980-83, where the participating States were able to adopt a substantive concluding document containing new commitments, although a deterioration in East-West relations—beginning with the Soviet invasion of Afghanistan and exacerbated by the declaration of martial law in Poland, the imprisonment of human rights activists, and declining emigration rates—drew out the negotiations considerably.

In addition to setting the date and place for the third follow-up meeting, the Madrid document mandated the convening of several intersessional or subsidiary meetings to focus on selected topics. This built upon the practice which began between the Belgrade and Madrid meetings, when three such experts meetings were held: a meeting on peaceful settlement of disputes in Montreux in 1978, a meeting on Mediterranean cooperation in Valletta in 1979, and a scientific forum in Hamburg in 1980. Following the Madrid meeting, a second meeting on the peaceful settlement of disputes was held in Athens in 1984, and a seminar on Mediterranean cooperation was held in Venice that year. In addition, the Madrid meeting mandated the convening of a conference to build upon of the confidence-building measures contained in the Final Act. The Conference on Confidence- and Security-Building Measures and Disarma-

ment in Europe (CDE) opened in Stockholm in 1984 and concluded in 1986 with the adoption of a document which significantly advanced the confidence-building process. The Madrid meeting also provided for the commemoration, in Helsinki, of the 10th anniversary of the signing of the Final Act.

In an effort to balance the enhanced military security aspects of the process, three 6-week meetings focusing on human rights and humanitarian concerns were held: the Ottawa Human Rights Meeting in 1985, the Budapest Cultural Forum in 1985, and the Bern Human Contacts Meeting in 1986. Eastern intransigence at these meetings, all of which ended without concluding documents but with continuing violations of CSCE provisions on human rights and human contacts, led to calls in the West, particularly in the United States, for abandoning the CSCE as it ended its first decade.

Beginning at the Bern Human Contacts Meeting, where the Soviet Union announced that a number of outstanding human contacts cases were going to be resolved, there were signs that the worsening human rights situation, which led some to question the credibility of the CSCE process into question, might be reversed. The third main follow-up meeting, which convened in Vienna in 1986, witnessed much of this reversal. In the Soviet Union, where Mikhail Gorbachev was gaining strength vis-a-vis the remaining hard-liners of the Brezhnev era, a series of reforms were initiated leading to greatly improved implementation of CSCE commitments. Hundreds of political prisoners were released, and many long divided families were finally reunited during the course of the Vienna meeting. Improvements also took place in a number of East-Central European countries, although Bulgaria, Czechoslovakia, and the German Democratic Republic strongly resisted reformist trends while Romania actually took steps backwards.

As a result of improved implementation, as well as increased Western resolve to obtain significant results in human rights, the Vienna meeting ended in January 1989 with a document which elevated Helsinki commitments to a much higher level of ambition. It also mandated a number of subsidiary activities leading up to the fourth main follow-up meeting, to be held in Helsinki in 1992. In the military security field, the Vienna document called for additional work on confidence-building measures, to build upon the results of the Stockholm conference. It also contained a mandate for negotiations to be held within the framework of the CSCE between the NATO and Warsaw Pact countries on conventional armed forces in Europe. The Negotiations on Confidence and Security-Building Measures (CSBM) and the Negotiation on Conventional Armed Forces in Europe (CFE) opened in Vienna in March 1989.

Balancing the security talks, the Vienna document also established the Conference on the Human Dimension of the CSCE (CDH), combining discussion of human rights, human contacts and other humanitarian issues into three four-week meetings in Paris in 1989, Copenhagen in 1990, and Moscow in 1991. The proposal to convene such a meeting in Moscow was the subject of considerable controversy, potentially being both a great propaganda boon for the Soviets and a lever to press for further reforms in the USSR. Other experts meetings were mandated to focus on the free flow of information in London in 1989 protection of the environment, in Sofia

in 1989, economic cooperation in Bonn in 1990, on Mediterranean ecosystems in Palma in 1990, the peaceful settlement of disputes in Valletta in 1991, and cultural heritage in Krakow in 1991.

Following the Vienna meeting, and in light of rapid changes occurring in Europe, Soviet President Mikhail Gorbachev suggested the convening of a summit of the leaders from the CSCE participating States. In June 1990 representatives of the participating States reached provisional agreement to convene a meeting of heads of state or government from the participating States to assess developments in Europe and chart a course for the future of Europe. Preparations for a CSCE summit began in July with the establishment of a preparatory committee in Vienna. CSCE foreign ministers gathered in New York in early October to review the work of the committee and set the dates for the CSCE summit.

The heads of state or government assembled in Paris from November 19-21, 1990, the first such meeting to take place since the signing of the Helsinki Final Act in 1975. The leaders adopted the Charter of Paris for a New Europe which outlined areas for enhanced cooperation among the participating States, including human rights, the rule of law, trade, the environment, and military security. In addition, the leaders of the 22 NATO and Warsaw Pact countries signed the Treaty on Conventional Armed Forces in Europe (CFE) providing for significant reductions in certain conventional forces.

The Charter established a mechanism for regular consultations and the first permanent institutions in CSCE history. Consultations will take place periodically among CSCE foreign ministers as well as senior officials. A small administrative secretariat located in Prague was established. A Conflict Prevention Center is now based in Vienna. An Office of Free Elections is located in Warsaw. The summit participants also agreed to hold the following additional experts meetings: a Meeting on National Minorities, in Geneva, and a Seminar on Democratic Institutions, in Oslo, both to be held in 1991.

III. CSCE FOLLOW-UP ACTIVITIES

Valletta Experts Meeting on Peaceful Settlement of Disputes

Representatives from the participating States gathered in Valletta, Malta from January 15 to February 8 for the third CSCE meeting on peaceful settlement of disputes, a subject covered under Principle V of the Helsinki Final Act. High expectations for progress in this field were dashed with the Soviet crackdown in the Baltic States on the eve of the opening of the meeting. More than a dozen unarmed civilians were killed in the violence, which was condemned by many of the participating States in their opening statements in Valletta. The tragic events in the Baltics underscored the importance of seeking peaceful solutions to various forms of disputes.

Considerable differences among the participating States were evident. Nevertheless, agreement was reached on the establishment of a CSCE Dispute Settlement Mechanism. This mechanism requires the participating States, should they be unable to resolve peacefully a dispute between them, to seek the assistance of a third party

or parties. These parties are not expected to resolve the dispute but to provide advice and comments to the disputing parties regarding an appropriate and acceptable method for resolving their dispute.

It was envisioned that the Mechanism would be housed in some form of institution which would also be responsible for overseeing the process of selecting the third party or parties. In addition, certain exceptions were included regarding the scope of the Mechanism. It may not, for example, be utilized if either party considers the dispute to raise issues concerning its territorial integrity, or national defense, or title to sovereignty over land territory.

Madrid Meeting of CSCE Parliamentarians

Parliamentarians from the participating States met in Madrid from April 2-3 to consider creation of a Parliamentary Assembly within the framework of the CSCE. The idea for a parliamentary wing to complement other CSCE structures was reflected in the 1990 Charter of Paris for a New Europe. American parliamentarians had insisted that the assembly should be an independent body not based upon existing institutions such as the Council of Europe.

Former Commission Chairman Dante Fascell served as head of the U.S. delegation to the Madrid meeting. Chairman Steny Hoyer played an active role in the discussions. Commissioners Wyche Fowler and Edward Feighan were among the participants.

The Assembly will utilize the resources of a number of other parliamentary institutions, including the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Western European Union, the North Atlantic Assembly and the European Parliament. It will include members from each CSCE State based on population. The United States will have 17 members. A Committee of Heads of Delegation responsible for administrative and procedural matters will operate on the basis of consensus. Decisions of the Assembly will be made on the basis of majority voting. The first meeting is scheduled to convene in Budapest in July, 1992.

Krakow Symposium on Cultural Heritage

Government officials and experts gathered in Krakow, Poland from May 28 to June 7 for the CSCE Symposium on the Cultural Heritage. The Symposium provided an opportunity to combine formal sessions with a host of cultural events to underscore the importance of preserving the diverse cultural legacies of the participating States.

A number of Central and East European delegations presented frank assessments of the disastrous impact of communism on culture in their countries. The formal closed sessions of the Symposium focused on intangible aspects of cultural heritage such as ways of life and language as well as tangible aspects such as structures, objects and sites. The U.S. delegation, headed by Nancy Clark Reynolds, included public members and representatives from a variety of government agencies, including the Helsinki Commission.

Considerable time was devoted to the elaboration of a concluding document of the Symposium which covered a wide-range of issues, including culture and freedom, culture and heritage as well as preservation and cooperation.

Geneva Meeting of Experts on National Minorities

From July 1-19, representatives of the participating States met in Geneva to discuss questions relating to national minorities. The meeting, mandated at the CSCE Paris Summit, was held in response to growing ethnic tensions throughout Europe, especially in the developing democracies of East-Central Europe and the USSR. Most delegations were reluctant to engage in a meaningful discussion of implementation. The U.S. delegation, headed by Ambassador Max Kampelman, focused on positive developments as well as continued problems. Among concerns raised by the U.S. were anti-Semitism, violence and discrimination directed against Roma, the right of an individual to choose his or her ethnic identity and of association.

Major differences surfaced among delegations as work began on a concluding document. Problem areas included the definition of national minority, individual rights of persons belonging to national minorities, and the extent to which governments should help protect the ethnic identity of groups within society.

Moscow Meeting of the Conference on the Human Dimension

The CSCE foreign ministers, meeting in Moscow on September 10, agreed to admit Estonia, Latvia and Lithuania as participating States. The action came in time for their participation in the Moscow meeting of the Conference on the Human Dimension. Ambassador Max Kampelman served as head of the U.S. delegation. Commission Chairman Steny H. Hoyer and Co-Chairman Dennis DeConcini led a delegation to Moscow for the opening of the meeting.

A number of participating States, including the United States, pointed out shortcomings as well as progress in fulfillment of CSCE human rights commitments. Notably, perhaps the single most critical statement was presented by the co-head of the Soviet delegation, a former political prisoner who heads the Human Rights Committee of the RSFSR Supreme Soviet. Ironically, his criticisms were not directed against another participating State, but against Soviet human rights policies and practices.

The Moscow document categorically and irrevocably declares that CSCE human dimension commitments are matters of direct and legitimate concern to all participating States, and not solely the internal affairs of the State concerned, as the East had maintained for many years. The participants also reached agreement on expanding the human dimension mechanism adopted at the Vienna Follow-up Meeting in 1989.

Building upon earlier provisions, the Moscow mechanism introduces the idea of CSCE playing a mediating or advisory role in helping a participating State to resolve disputes or deal with potential problems before they reach the point of serious confrontation. Under this mechanism, any participating State may, on a voluntary basis, invite a panel—drawn from a CSCE roster—of experienced, skilled experts to enter its territory in order to encourage a mediation or good offices process directly with the parties concerned. If these voluntary measures are not taken, or prove inconclusive, a mandatory fact-finding function may be invoked even

