The Organization for Security and Co-operation in Europe (OSCE) – 40 years after Helsinki

SUMMARY

2015 marks the 40th anniversary of the Helsinki final act, signed in 1975. A turning point in the Cold War, the Helsinki process created a forum involving all the actors of European security: European states, the United States, Canada and the Union of Soviet Socialist Republics (USSR).

The formation of the Conference on the Security and Cooperation in Europe (CSCE) came about during the Détente of 1962-1979. The CSCE transformed the zero-sum game of the Cold War into a positive-sum game between European states and became a forum for discussion between the two superpowers and European countries. The main outcome of the Helsinki process is less the Final Act itself than the original process of negotiations between all the participating states.

After the fall of the USSR, the Conference on Security and Co-operation in Europe (CSCE) became an organisation focusing mainly on soft security (elections, peace processes, and protection of minorities).

However the instability of the security situation in Europe and its neighbourhood may invigorate the pertinence of what has been known as the Organization for Security and Co-operation in Europe (OSCE) since 1995. The OSCE set up Confidence and Security-building measures (CSBM) that are key to conflict resolution today in Europe (Ukraine, Transnistria and South Caucasus).

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The context of the Détente

During the 1962 Cuba crisis, two superpowers stood on the brink of war. In the aftermath of the crisis, the United States (US) and the Union of Soviet Socialist Republics (USSR) developed new ways of communication, of which the 'red telephone' between the White House and the Kremlin was the most visible. After 1963, the main open conflicts between the superpowers were proxy-wars in Africa, Latin America, or Asia (especially Vietnam and Afghanistan).

In Europe, the Soviet Union tried to confirm the post-war situation as early as 1950. In 1954, Moscow proposed a treaty on collective security, which would recognise the post-1945 territorial situation in Europe. However, the United States and the main Western powers declined the proposal, as it entailed the recognition of the division of Germany and the occupation of the Baltic States by the USSR.

Four years after the Cuban missile crisis, and two years after the dismissal of Nikita Khrushchev in 1964, the new Soviet leadership was confident of its capacity to put an end to the unstable post-Stalin area. Therefore, the Kremlin felt less threatened by American containment policies. As a result, in a 1966 declaration in Bucharest, the Warsaw Pact countries proposed a pan-European conference on security, without the USA and Canada.

Two years later, the 1968 Prague revolution did not prevent this nascent dialogue between the two blocks, however France insisted that human rights should be an integral part of any possible conference. In Brussels in 1969, the West answered the Bucharest Declaration with a Declaration on European security, including environmental issues and the 'human dimension'. The Bucharest and Brussels declarations paved the way for the Helsinki process.

Taking advantage of the Détente, Nixon visited Moscow in 1972 to discuss the possible conference and weapon reduction talks. In the wake of the ongoing war in Vietnam, arms control remained the most important item on the US agenda. As for the USSR, the discussion on the reduction of nuclear stockpiles was part of a strategy to denuclearise Europe in order to take advantage of its superiority in conventional weapons. Nevertheless, the context was also favourable to new developments toward Germany: the German Democratic Republic and the Federal Republic of Germany were invited to take up United Nations membership in 1973; the following year, Washington recognised the East German state.

The Helsinki process and the organisation of negotiations

From 1973, the European states, the USSR and the USA worked out an agreement to promote security and cooperation in Europe. The talks lasted for two years and are referred to as the 'Helsinki process'. The Finnish capital city hosted the negotiations because of Finland's specific neutral situation between the two blocks.

After Germany engaged its Ostpolitik and the Détente between the two superpowers was on track, the West recognised that it had an interest in promoting stability in Europe. In Europe, the USA and West Germany finally acknowledged the need to work with East Germany, at least on a practical basis. Relations between the two became more communicative. The Final Act appeared as the confirmation of the contemporary power arrangement in Europe, even if the Détente did not last for long. In 1979, the
USSR invaded Afghanistan, but overall communication between East and West nevertheless improved.

The product of two years of intense negotiations, the Final Act of 1975 was a turning point in the Cold War: it proved that some cooperation was possible, provided a holistic approach to security, and it created the Conference on the Security and Cooperation in Europe (CSCE).

The negotiations involved five different types of actors: Warsaw Pact members maintaining a strict Soviet line (Bulgaria, for example), Warsaw Pact members with a greater margin of discretion (Hungary, Romania), neutral states (Switzerland, Yugoslavia, the Holy See), European Economic Community states and NATO member states, including Canada and the USA. Albania was the only non-participant European country, while the Vatican took part in the negotiation. Some countries, such as France, insisted that each of the 35 individual states should negotiate for itself. Neutral countries and some Warsaw Pact members welcomed this approach.

Nevertheless the Final Act is often depicted as a Soviet victory in the short term, because it recognised the existing borders in Europe. However, the Western states insisted that it was not legally binding. Therefore, the Act is closer to a declaration than to a formal international treaty. In any case, because of the level of the conference, the Act had all the features of customary international law.²

- For the Soviet Union, the main provision concerned the post-war status quo in Europe. The Soviet delegation tried to insert the concept of intangibility of borders, while the Western obtained 'inviolability', meaning that peaceful change might happen (especially in Germany and the Baltic States) and that the Act did not imply a formal recognition of current borders.
- For some Warsaw Pact countries, this was a weak guarantee; the USSR would be less prompt to violate their sovereignty as it did in Hungary (1956) or Czechoslovakia (1968).
- The neutral states considered that the arrangement reinforced their security.
- In the long run, the inclusion of provisions on human rights proved to be beneficial for the West, as this provided a legal basis for internal contestation in the Communist bloc (in what the French diplomat Jacques Andréani called 'the Helsinki trap').³

**1975: The Final Act**

The Final Act provides for three dimensions, known as 'baskets':

- **the politico-military dimension**: concerns national sovereignty and the promotion of confidence and security building measures (CSBM), including: notifications – participating states should warn other participating states about any move of more than 25 000 troops, 21 days in advance; observation – participating states should invite other participating states on a bilateral basis to observe their manoeuvres; disarmament – which led to START 1 in 1982 and the treaty on Conventional Forces in Europe (CFE) in 1992;
- **the economic-environmental dimension**: regional cooperation in areas related to economic development and combatting environmental degradation;
- **the human dimension**: concerns the universality of human rights through democratic process and institutions. It provides for reunification of families,
international marriages, exchanges between young people, and exchange of information. The Human dimension was key, and gained visibility in the media, largely due to Alexandr Solzhenitsyn being expelled from the USSR. The first basket is the most comprehensive; it includes the famous Helsinki Decalogue (see text box): 10 principles that underline the moral-political nature of the CSCE.

The Helsinki Decalogue (1975)

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<tr>
<th>No.</th>
<th>Principle</th>
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<tr>
<td>I.</td>
<td>Sovereign equality, respect for the rights inherent in sovereignty</td>
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<td>II.</td>
<td>Refraining from the threat or use of force</td>
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<td>III.</td>
<td>Inviolability of frontiers</td>
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<td>IV.</td>
<td>Territorial integrity of States</td>
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<td>V.</td>
<td>Peaceful settlement of disputes</td>
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<td>VI.</td>
<td>Non-intervention in internal affairs</td>
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<td>VII.</td>
<td>Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief</td>
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<tr>
<td>VIII.</td>
<td>Equal rights and self-determination of peoples</td>
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<td>IX.</td>
<td>Co-operation among States</td>
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<tr>
<td>X.</td>
<td>Fulfilment in good faith of obligations under international law</td>
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Points I, II, III, and IV embodied the Soviet Union's attempt to ensure the inviolability of borders while retaining their right to intervene if necessary. Principle IV was under negotiation for four months, because the Soviet wanted to make sure that the West recognised the occupation of the Baltic States. To ensure continuity of the US policy of non-recognition of the occupation of the Baltic States, then US President, Gerald R. Ford, received the main Central European organisations in the US to reassure them on this point. While some points seem contradictory, such as points IV and VIII (territorial integrity and right to self-determination), these contradictions embody the ambivalent nature of the Act.

The conferences following 1975 brought few results, but the situation in Europe seemed open to dialogue between the 35 participating states. The implementation of the Decalogue remained difficult after 1975, but the CSCE became the only forum where all the European states could negotiate matters of European security. The Act also had an impact on the political life in Eastern Europe. Through the creation of Helsinki committees, dissident movements in the Soviet Union and the communist block often advocated human rights by pointing to the fact that the USSR signed the Helsinki Act.

After the Cold War: institutionalisation of the CSCE

The transformation of the CSCE into the Organization for Security and Co-operation in Europe (OSCE) was mainly a Russian initiative. After 1991, Russia favoured disbanding both the Warsaw Pact and NATO. The OSCE, therefore, would have been the main security organisation in Europe, in which Russia would be one of the most powerful players. In 1994, the CSCE was renamed the Organization for Security and Cooperation in Europe (OSCE), a key organisation in furthering democracy, promoting human rights and minorities protection.
The OSCE has its headquarters in Vienna. The Summit of Heads of States and governments last met in Astana (Kazakhstan) in 2010. Every year, the Ministerial Council is hosted by the state chairing the Organization: Ukraine in 2013, Switzerland in 2014, Serbia in 2015, Germany in 2016 and Austria in 2017. The Secretary General of the OSCE since 2011 (Lamberto Zannier, Italy) conducts the daily work of the organisation, coordinating specialised offices such as the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), the Representative on Freedom of the Media (RFOM) and the Court of Conciliation and Arbitration. The Parliamentary Assembly of the OSCE is composed of parliamentarians from the Member States.

Today, the OSCE mainly works in two areas:

- Originally focused on free elections, it developed instruments related to democracy, political participation, and minority rights. For example, OSCE was instrumental in assisting Estonia and Latvia formulate a policy toward the Russian minorities on their territories in the 1990’s.
- Confidence and Security-building measures (CSBM) in increasing conflicts in Europe. Since 1992, OSCE has carried out 27 field missions and other activities on the ground, of which 18 are still on-going (see map). As the only organisation, apart from the United Nations, gathering all European states (including Russia and the USA), it plays a key role in the resolution of conflicts in the Balkans and frozen conflict in the post-Soviet space (Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh, and more recently Ukraine).

Map – OSCE field operations

The OSCE as a mechanism and prospects for the future

Commentators rarely point out that the working relationship between Moscow and Washington created by the CSCE prevented several nuclear catastrophes. In 1979, a series of false warnings of Soviet nuclear attacks almost triggered retaliatory measures, due to failures in the US detection system. In 1983, the same detection error on the Soviet side nearly provoked a nuclear war. Improved working relations with the Soviet Union and the CSCE eased tensions between the superpowers and paved the way for a calmer approach.

Therefore, CSCE’s merit is that it focused more on the process than on institutions. The post-Helsinki summits (Belgrade, Madrid), registered no decisive progress in the
implementation and the furthering of the Helsinki Act. Nevertheless, the CSCE provided for a transparent confidence-building mechanism to enable discussions to take place about the security situation on the continent. The Act permitted diffusion of block confrontation by inviting all European states to participate in the decisions.

In the context of renewed tensions on the European continent, the OSCE may reclaim a stronger role as a forum including all actors in the area of European security, avoiding block confrontation logic to prevail between NATO, the EU and the Eurasian integration process. For example, the OSCE is instrumental in the negotiations on frozen conflicts and plays a crucial role in the peace settlement in Eastern Ukraine.

Nevertheless, on the occasion of its 40th anniversary on 1 August 2015, the OSCE deplored that it still lacks an international legal personality, which creates 'serious challenges' for the whole organisation at the operational level in the field and in crisis situations, for example in Ukraine. The absence of legal capacity, for instance, creates serious problems on the ground relating to contracts or immunities. The OSCE also expressed concern over 'dysfunctional decision-making procedures' as well as the lack of tools and mandate, which result in 'ineffectiveness'.

Main references

Centre de la Connaissance Virtuelle de l’Europe (CVCE) in Luxembourg holds many original sources (including resumes, evaluations about the CSCE, organisational charts of the organisation, historical chronologies and videos), translated into English.

Endnotes


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