Understanding the Human Dimension in the OSCE and its impact on political development in Czechoslovakia both in the 1970's and at the transition from communism.

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From the 1960's, Czechoslovakia has had a curious development in the use of human rights norms. Dissident groups, in opposition to Soviet totalitarianism, remained strong despite repression from the process of normalization. In the 1970's, after Prague Spring and inspired by the Helsinki Act, a small group of dissidents formed what has proved to be one of the most intellectually formidable and influential statements against soviet totalitarianism: Charter 77. This charter was the product of both Czechoslovakia's contemporaneous political philosophy as well as the determined efforts of a handful of self-reflecting dissidents.

In this paper I will explain how a development in human security, the "Human Dimension", functions within the institutional framework of the Organization for Security and Co-operation in Europe (OSCE) and how its development influenced dissident intellectuals in Czechoslovakia. Below I will argue that the Helsinki Final Document, the institutional core and foundation of the OSCE, in combination with the contemporaneous Czech political philosophy held by key dissidents, produced an environment unique among Soviet states and satellites for Charter 77 to profoundly effect post-communist development from 1989 to today.

The structure of this paper will proceed as follows. The first part of this paper will explore the historical background behind the foundation of the OSCE in light of the need for co-operation during the Cold War. The second part of this paper will examine the political philosophy current in Czechoslovakia from the 1960's and 1970's, highlighting the vacuum that Helsinki managed to fill. The final section will discuss the transition of 1989 and the influence of Charter 77 abroad.

Part One: Historical background behind the foundation of the OSCE and the Human Dimension, highlighting the need for co-operation during the Cold War.

The Helsinki Final Act initiated a new era of co-operation beyond the limitations of existing relations between the United States, European Community, and Soviet Union. It began as a Conference on Security and Co-operation in Europe (CSCE), and was intended to foster co-operative negotiations between the East and West at the peak of the Cold War and allow both sides to negotiate concessions from the other, specifically in the areas of technology trade and human rights.

It is important to note that the idea for a pan-European security conference was first introduced by the Soviet Union in the 1950's to legitimize the status quo; and de-couple America's role in European security interests. The 1960's and 1970's saw a period of heightening tensions, followed by a period of détente in East-West relations. In the 1970's, again Moscow suggested a conference to address European Security issues. More specifically, the USSR wanted to confirm the existing state borders, to establish a framework for large-scale economic co-operation, and to initiate disarmament in Europe. The West took this opportunity to demand that the conference address human rights as well as economic co-operation and disarmament (Baudet 2001: 186-187).

On 22 November 1972 the preparatory talks began in Helsinki. The outcome of these initial conferences was the "Final Recommendations of the Helsinki Consultants", also called the Blue Book. The Blue Book called for a three-stage conference, scheduled to begin on 3 July 1973 in which 35 Heads of State met to adopt the framework for the CSCE process. The second stage was the first multilateral East-West negotiations, and

final stage called for the Heads of State to sign a Helsinki Final Act (1975) that established norms for interstate co-operation as well as follow up meetings to assess the implementation of the Final Act (Bloed 2000: 8).

The Helsinki Final Act (1975: 7-12) establishes ten declarations on the principles guiding relations between participating states, the "Helsinki Decalogue" for the CSCE process, as well as three "baskets of co-operation" (1975: 17-60) between the East and West. Basket I covered Politico-military aspects of Security; Basket II covered co-operation in the fields of economics, technology, science, and the environment; Basket III covered the Humanitarian dimension, human rights, and fundamental freedoms.

Basket II was vital for the USSR. For legitimacy, the USSR depended on its ability to provide a satisfactory livelihood for its citizens, though problems with its internal market and technological lag compelled the USSR's elites to seek solutions to its problems by importing Western technology. Basket II in the CSCE process provided exactly this opportunity (Bloed 2000: 133).

Sources show (see Myant 1989, Kramer 2004, among other sources), however, that the USSR was primarily interested in the military obligations of the CSCE process and neglected the obligations of Basket III with respect to human rights. Through the CSCE process, the USSR asked for and received a European conference on disarmament. However, Floribert Baudet (2001: 186), in a case study on the Dutch Cold War, shows that by 1984 Moscow had substantially contravened its obligations on human rights with the Poland Martial Law declared in December 1981 when, for years, thousands were arrested and brutalized.

The dissolution of the Soviet Union and collapse of communism throughout its satellite states required that the CSCE process be re-established. On 21 November 1990, the Charter of Paris for a New Europe initiated this change and, through subsequent Summits of the Permanent Council, was renamed the Organization, rather than the Conference, for Security and Co-operation in Europe (OSCE). Today the OSCE is primarily involved with conflict prevention and crisis management, and since 1992 has been involved in nearly every conflict within the OSCE member region (Bloed 2000: 5).

Part Two: The impact in Czechoslovakia of newly institutionalized human rights norms, established through the OSCE Process.

Two things distinguish Czechoslovakian political current from other Soviet states and satellites: political philosophy and desire for legitimacy. The CSCE process proved vital to Czechoslovakian opposition development in these two areas. Principle VII in the Final Act holds that participating states shall hold "Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" (Bloed 2000: 7). By signing the Final Act of the Helsinki Process, the Soviet Union accepted the rights of individual to know their own rights and duties, and act according to their conscience. This document provided the linguistic ammunition needed by Czechoslovakia's opposition.

Czechoslovakian political and philosophical current in the 1960's and 1970's

The intellectual community of Czechoslovakia has witnessed troubled times throughout its communist history of opposition. Despite various forms of persecution, key actors in Czechoslovakia helped shape its modern history. Unfortunately an exhaustive survey of all of the actors in this field falls well beyond the scope of this paper. Rather, here I will investigate the political and philosophical development of two vital actors: Jan Patočka and Václav Havel. In addition to their contribution to Charter 77, I will discuss Patočka for his profound influence on Czech political philosophy and Havel for his long lasting dedication and current contribution to Czech political thought.

In the 1960's, it was the intelligentsia of Czechoslovakia that called for reform of the communist party; they demanded "socialism with a human face". Unfortunately the invasion of 1968 and subsequent era or normalization deprived Czech intellectuals of vital resources as well as, perhaps more importantly, of their influence (Bryant 2000: 35). The dissident groups were subsequently arrested, abused, denied proper work, their families were persecuted, and, critically, their intellectual developments were marginalized. Those who could continue working were forced to share their ideas among a small network of like minded dissidents.

Havel criticized the period of normalization by calling the communist rhetoric "bankrupt… something said and printed without thought, an empty set of words transmitted only as a demonstration of one's adherence to the system" (Bryant 2000: 36). Further, many dissidents at the time argued that this normalization meant leading a "hollow existence devoid of meaning in which people accepted their roles as unthinking nuts and bolts within the larger machine" (Bryant 2000: 36).

The influence of contemporary philosophical thought cannot be underestimated, for the dissidents relied heavily on the historical procession of European ideas as well as developments by their contemporaries. Patočka, for example, a founding signatory of Charter 77, highly influenced Havel's subsequent achievements. For Patočka, an important facet of political theory was the influence of other thinkers indebted to Heidegger's approach toward Central European political thought.

Borrowing from Patočka, Havel advocates a certain "existential revolution" to confront the "unthinking existence required by the Communist regime"; the state had become "captive to its own lies and forced people to live that lie as well -- to participate in marches, put up propaganda signs and say the right things at the right times" (Bryant 2000: 36-37). The situation, according to Ludvík Vaculík, was "one in which an imaginary social neutron bomb had been dropped upon the inhabitants of Czechoslovakia, leaving them empty mechanical beings" (Judt 1988: 196). For Havel, the answer was to the ethical dilemma was to be discovered in a way that "remembers that every action must be done with a sense of responsibility toward the rest of humanity (Bryant 2000: 37). That responsibility eventually found a birth place and a name: Helsinki.

Adaptation of the Helsinki Final Act by Czechoslovakian dissident groups

Above I have discussed the impetus behind uses of the Helsinki Final Act to satisfy certain philosophical challenges, but the Helsinki process was valuable for another important reason, which is that among Czechoslovakian dissidents existed a certain desire

for legitimacy: to confront the totalitarian Soviet Union within a legal framework. The Helsinki Final Act provided the language they sought with which to address and challenge communist totalitarian thinking.

The language of human rights provided an essential tool to Czechoslovakian dissidents exactly because rights "detotalize… they are things possessed by the individual, not the state, they can be abused and they can be ignored, but they cannot be removed" (Judt 1988: 192). They challenged the communist totalitarian thinking because a language of rights means to institutionalize Western human rights norms and, perhaps more difficult, to "abandon the intellectual baggage of Marxism" that gave shape to the last century of Soviet expansion. Yet the advantage for the opposition to the language of "rights" as such is that this new language gives them a means to engage the regime in a "curious echo of the common language of the Marxist revolutionary era" (Judt 1988: 192).

Part Three: The effects of Charter 77 and the transition from a Communist to an opposition government.

Besides the ruling regime, another challenge to the objectives of Charter 77 was the aftermath of Prague Spring, for normalization weakened civil society. Czechoslovakia witnessed a process of troubled opposition, regrouping of civil society in the 1980's around Charter 77, and a recreation after the fall of communism.

Milada Vachudova (2005: 28) describes the Prague spring as having "renounced all reform; it ended the dialogue between the party, dissidents and society; and it forced

or coerced many elites to migrate." In the 1980's, the Helsinki Final Act allowed the closely knit dissidents the opportunity to regroups themselves and gain support abroad. The Charter 77 initiative demanded compliance with Helsinki of the Czechoslovakian government by announcing "we must keep fighting, we must continually point to the Helsinki Accords and say 'You signed this, you must honour this'" (Thomas 2001: 128).

The Charter changed the political landscape of Czechoslovakia and by many accounts the CEE area as well. Its ideological determination to promote and demand the compliance of Western human rights norms revitalized the idea for responsibility of the state and for the citizen. The charter, and those who stood by it and were persecuted for it, led Czechoslovakia through a moral revolution that led, finally, to a new constitutional commitment after the fall of Communism. As the dissidents regrouped and reconstituted themselves, establishing their fight for democracy against the communist party, the found that the "revolutions of 1989 would thrust them suddenly, dramatically and quite romantically into high politics" (Vachudova 2005: 28).

Havel himself, through his philosophical rectitude and political popularity, rose to the somber challenge of revitalizing the Czechoslovakian state. Under his guidance, Czech lands saw one of the swiftest, safest, and most stable transition from communism among other post-communist states.

The legacy of Havel and the Charter 77 persist today, and the human rights norms from Helsinki it seeks to promote has had a lasting legacy since its inception. For example, in March of 2007, there was an international conference held, "Charter 77 in the Struggle for Human Rights and Civil Liberties" (charta2007.cz 2007) in which Havel

himself presented his reflections on the recent development of issues endemic to Czech lands.

Conclusion

Charter 77 and the people who stood behind took the Helsinki Final Act for its word. The organization of this initiative, despite a generally weak civil society after Prague Spring in Czechoslovakia, played a critical role in the demise of Czechoslovakian communism and subsequent post-communist transitions and identities. The key players, such as Patočka and Havel called for a moral and intellectual revolution to fight the destruction of communist totalitarianism. Their efforts have none been in vein, for Czechoslovakia experienced one of the smoothest immediate post-communist transitions. The legacy of Charter 77 and the works of the key actors was felt abroad and continues today among discussions on human rights norms, especially within the OSCE process and the Human Dimension, as well as inspiration for other Helsinki groups and conferences on human rights today.

References

Baudet, Floribert (2001) The Origins of the CSCE Human Dimension Mechanism: A Case Study in Dutch Cold War Policy. *Helsinki Monitor* 12(3): 185-196.

Bernhard, Michael (1993) Civil Society and Democratic Transition in East Central Europe. *Political Science Quarterly* 108(2): 307-326.

Bloed, Arie (2000) *The OSCE Handbook.* OSCE, Vienna.

Bryant, Chad (2000) Whose Nation?: Czech Dissidents and History Writing from a Post-1989 Perspective. *History & Memory* 12(1): 30-64.

Charta2007.cz (2007) *http://www.charta2007.cz/index.php?lang=en* date acquired: 28 March 2007.

Çelik, Ayşe Betul (2005) Transnationalization of Human Rights Norms and its Impact on Internally Displaced Kurds. *Human Rights Quarterly* 27: 969-997.

COE.int (2007) *http://www.coe.int/T/e/Com/about_coe/* date acquired: 5 March 2007.

Havel, Václav (1985) *The Power of the Powerless: citizens against the state in centraleastern Europe*. Armonk: ME Sharpe.

Helsinki Final Act (1975) *http://www.osce.org/item/4046.html* date acquired: 1 March 2007.

Hillgenberg, Hartmut (1999) A Fresh Look at Soft Law. *European Journal of International Law* 3: 499-515.

Judt, Tony (1988) The Dilemmas of Dissidence: The Politics of Opposition in East-central Europe. *Eastern European Politics and Societies* 2(2): 185-240.

Kramer, Mark (2004) The Collapse of East European Communism and the Repercussions within the Soviet Union (Part 1) *Journal of Cold War Studies* 6(4): 3-64.

Legutke, Annette (2005) From Lessons Lost to Lessons Learned? *Helsinki Monitor* 16(3): 188-191.

MacFarlane, S. Neil (2001) NATO in Russia's Relations with the West. *SAGE Publications* 32(3): 281-296.

McCormick, John (2005) *Understanding the European Union, A Concise Introduction, Third Edition.* Plagrave Macmillan, New York, New York.

MHG.ru (2007) *http://www.mhg.ru/english/18E4796* date acquired 15 March 2007.

Myant, M (1989) *The Czechoslovak Economy.* Cambridge.

NATO Handbook (2001) NATO Office of Information and Press, Belgium.

OSCE.org (1995-2007) *http://www.osce.org/odihr/13371.html* date acquired 1 March 2007.

Paris, Roland (2001) Human Security: Paradigm Shift or Hot Air? *International Security* 26(2): 88-102.

Ratner, Steven R (2000) Does International Law Matter In Preventing Ethnic Conflict? *International Law and Politics* 3: 591-698

Shelton, Dinah (2000) Law, Non-Law and the Problem of "Soft Law". *Commitment and compliance -- The Role of Non-Binding Norms in the International Legal System.* Oxford University Press.

Thomas, Daniel C. (2001) *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*. Princeton University Press, Princeton.

Thomas, Daniel C. (2005) Human Rights Ideas, the Demise of Communism, and the End of the Cold War. *Journal of Cold War Studies* 7(2): 110-141.

Vachudova, Milada Anna (2005) *Europe Undivided: Democracy, Leverage, and Integration After Communism.* Oxford University Press.
Wallander, Celeste A. (2003) Western Policy and the Demise of the Soviet Union. *Journal of Cold War Studies* 5(4): 137-177.
Wohlfeld, Monika (2003) EU Enlargmenet and the Future of the OSCE: The Role of Field Missions. *The Helsinki Monitor* 2003(1): 54-64.