Understanding the Human Dimension in the OSCE and its impact on post communist

transitions in CEE states.

By Robert Jackson

Presented to Professor Vykoukal

30 March 2007

Since the mid-1970's, human rights have become a salient feature in East-West co-operation. The cost in human capital of World War II forced European elites to serve their national interests through co-operation rather than conflict, and this new spirit of co-operation has institutionalized human rights norms in the form of politically and legally binding agreements. These agreements, in turn, have given certain interest groups the impetus and language to confront oppression within the Soviet Union and its satellite states.

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 impacted post-communist development in certain CEE states through non-institutional means. Below I will argue that the Helsinki Final Document, the institutional core and foundation of the OSCE, was used by non-institutional resistance groups within certain communist states, and, further, that this non-institutional influence contributed critically to the demise of communism. Specifically, I will compare and examine the differences in institutional versus non-institutional frameworks in two cases: Russia with the Moscow Helsinki Group, Czechoslovakia with Charter 77; and a third non-institutional influence found in Poland with the Polish Workers' Defense Committee.

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 theories of institutional versus non-institutional behavior among states as well as members of a state. The final section will present the three case studies of Russia, Czechoslovakia, and Poland

Part One: The historical background behind the foundation of the OSCE and the Human Dimension and highlight 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 2: Theoretical perspectives on the institutional framework for East-West co-operation.

Institutional

A discussion on the ultimate causes of the collapse of the Soviet Union clearly falls well beyond the scope of this paper. In fact it seems futile to suggest that the West influenced it in any direct way, for it is well known that the collapse was a result of countless internal pressures such as its frail economic structure, compounded by the fact that its Stalinist model of growth ran counter to technological and economic co-operation with the liberal West. Therefore we may dismiss claims that the West directly caused the collapse of the Soviet Union. My argument, rather, holds that the institutional framework found within the negotiations surrounding the Cold War negotiations, specifically in the CSCE process, inspired and legitimized networks of certain non-institutional initiatives; these networks themselves played a critical role in the collapse of the Soviet Union.

Certain theoretical perspectives attempt to shed light on the on the institutional framework of the East-West co-operation in view of our discussion above. In a book on the effect of the Helsinki process, Daniel Thomas (2001) compares Liberal theories with Constructivist theories in an effort to analyze diplomatic influence on the substantial changes of the Soviet Union from 1960 to 1989. He notes, "actors choose behaviors that appear most likely to satisfy their preexisting interests within an interdependent international environment. The preeminent interest of state actors is to secure their rule and satisfy domestic constituencies" (2001: 10). Thomas further argues, with respect to human rights, politicians in developed democracies "will resist the infringements on their domestic autonomy implied

by enforceable human rights regimes, but may seek political advantage by supporting unenforceable norms favored by international allies or influential domestic constituencies" (2001: 11). Therefore it follows from Liberal theory that totalitarian regimes cannot be expected to create human rights networks or institutions. Thomas then posits the question, why did the developed democracies not push the expansion of human rights norms within the framework of the CSCE process?

The answer, by Thomas' estimation, can be found in Constructivist theory, for the Liberal theory fails to explain these critical aspects of diplomacy surrounding the Helsinki process. Constructivist theory explains why the Soviet states agreed to the Helsinki process as such because "actors seek to behave in accordance with norms relevant to their identities" (2001: 13). Thomas (2005) picks up the subject again in a recent article on the role of human rights in the demise of Communism where he asserts that "the Soviet Union of the 1980's constitutes a 'hard test' for the argument that human rights ideas or norms might help bring about political change" (2005: 113). Specific determinants of the end of the cold war tend to rely on Rationalist theories that assume states act in ways "most likely to help them achieve preexisting interests" (2002: 111), interests motivated by material gain. Further, (2005: 112):

"Given the autocratic and repressive nature of the Soviet party-state, one would expect (some) members of the Soviet leadership who were persuaded by the logic of human rights ideas or compelled by the legitimacy of human rights norms to support policies that would democratize the political system. Over time, reforms they initiated could strengthen societal challenges to the status quo and thus undermine the viability of one-party Communist rule."

The Helsinki process in fact provided the specific forum in which Soviet elites and the West could meet in their objectives, which, as discussed above, for the Soviets was

recognition of the status quo of European borders and for the West the establishment of basic principles on human rights, as well as shared economic and cultural exchanges. Détente was this very meeting point.

Unfortunately the East and West did not agree on what détente meant; for the West, détente "was supposed to induce the Soviet Union to cease its expansionist policies and its drive for superiority. For the Soviet leadership, détente signaled the West's recognition that it could no longer thwart the natural progression of history (in favor of the Soviet system and influence) through military preponderance and threats" (Wallander 2003: 143). Through the CSCE process, the West had leverage to refuse technological and financial transfers without evidence on behalf of the Soviet elite of structural reform.

Non-institutional Initiatives

The discussion so far has involved national actors functioning within the mandates of their institutionally determined competencies. While in Western though, the role of human rights has shaped liberal political development for centuries, in the East, human rights have not been a part of Soviet expansion throughout the last Century. Human rights became salient in EU co-operation exactly concomitant the Helsinki Process in the 1970's. Thomas elaborates:

"Although the Soviet Union and some of its allies had approved of the 1948 Universal Declaration of Human Rights and signed the two international human rights covenants of 1966, these documents were neither well-known to people living under Communist rule nor taken seriously by the communist authorities. Western governments did not emphasize human rights ideas in the early détente period, and the small human rights groups that existed in Moscow and several other cities were not politically significant. This situation changed

dramatically in August 1975 when the Warsaw Pact countries signed the Helsinki Final Act. Although the Soviet government had tried hard to prevent the inclusion of human rights in the Final Act, it ultimately accepted a text containing unprecedented commitments that the protection of human rights was a legitimate part of diplomatic relations among the thirty-five states participating in the CSCE" (Thomas 2005: 117).

Helsinki gave the dissident and opposition groups both inspiration to challenge the discrepancies in their government's behavior as well as a vocabulary for confronting them within a given legal and political framework.

Part 3: Initiatives to enforce Human rights agreements: the case of the Moscow Helsinki Watch Group, Charter 77, and Polish Workers' Defense Committee.

In response to the new agreements made by Soviet states with the West, dissidents and opposition throughout the Communist bloc instigated a new network of non-institutional, independent initiatives to observe their governments behaviors and compliance to the commitments of the Helsinki Final Act (Thomas 2005: 118). The scope of non-institutional influence spans the third sector including dissidence, opposition, civil society, social networks, etc. However, below I will discuss the way Helsinki was used directly in two cases, with the Moscow Helsinki Watch Group (MHG) in Russia and Charter 77 in Czechoslovakia; also I will discuss the Polish Workers' Defense Committee, which arguably was influenced by Helsinki, if not directly founded upon its principles.

The challenge as described above is essentially found between the objectives of the state as an institution and the opposition groups as non-institutional opposition, both of which groups found their meeting point in Helsinki. The choice of the opposition to focus on

Helsinki became an obvious opportunity to engage the state, if the object, as Peter Pithart notes, becomes not to claim some rights as yet unpossessed but to assert the claim to those already acknowledged (Judt 1988: 192). The governments had signed international politically binding agreements, the oppositions simply had to request that their government had to respect their own agreements. To respect these rights, however, presented a paradox to the totalitarian Soviet system, for 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).

The real challenge to the language of rights means that to institutionalize these Western human rights norms in the East requires glossing over centuries of philosophical and intellectual development that produced them, 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).

The Moscow Helsinki Watch Group

One of the first opposition groups to take advantage of the commitments signed in the Helsinki Final Act is the Moscow Helsinki Watch Group (MHG). In 1976, just a year after the Final Act was signed, Yuri Orlov founded MHG to observe the Soviet Union's compliance with its new obligations on human rights. The group's activities included the publications of multiple documents, reviews, and proclamations on the Soviet Union's violations of human rights commitments. The members of the MHG were continuously persecuted by arrest, imprisonments, and exile (MHG.ru 2007).

Charter 77

Charter 77 has been credited as the most prominent opposition to the process of Soviet normalization. Unlike the MHG, Charter 77 was a civic initiative, developed in Czechoslovakia around 1977, by Vaclav Havel, Jan Patocka, Zdenek Mlynar, Jiri Hajek, and Pavel Kohout, with the intention of demanding compliance with Helsinki of the Czechoslovakian government. The charter announced "We must keep fighting, we must continually point to the Helsinki Accords and say 'You signed this, you must honour this'" (Thomas 2001: 128). According to Judt, Charter 77 resonated in Czech lands because it provided a particular language of rights as a "lever for generating space and pluralism in public conversation" (Judt 1988: 195).

For both groups, MHG and Charter 77, the net result was an end of the "monopoly of language-as-power"; they were both realistic as well as practical responses to the profound repression within the Soviet Union, for it was imperative to address the state as a "subject for moral and political analysis" instead of an abstract imposition of disinterested power (Judt 1988: 196). The legacy of the Helsinki Final act can be felt in many other areas, such as with the Polish opposition, the Polish Workers' Defense Committee, as well as many other Helsinki Watch groups.

Conclusion

The value of examining the inception and history of influence of these groups is that we can find most of them functioning today, and new ones spawned by the success of the

original. Their activities have continued to provide valuable services to their societies and influence abroad.

The CSCE/OSCE process to be sure has had a profound effect on human rights development and contributed critically to the demise of Communism in the Soviet Union. The Helsinki Final Act, moreover, intended to serve the institutional interests of both the East and West, was adopted by non-institutional opposition initiatives. By legitimizing themselves around the language of rights expressed in the Helsinki Final Act, these groups successful engaged their government. The CSCE/OSCE process, therefore, spans and serves the interest of both the institutional demands of governments as well as the non-institutional objectives of opposition groups who seek transparency and compliance with Western human rights norms.

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.