

The CSCE: Lessons from the Past

Andrei Zagorski*

Abstract

Amid the several crises with which the Helsinki process was confronted during the last decade of the Cold War, various strategies were developed to keep it moving forward. These included, *inter alia*, keeping the agenda flexible, expanding it, and harnessing the asymmetry of the participating States' preferences by introducing the concept of balanced progress in all relevant dimensions of the CSCE. This enabled major stakeholders to maintain a strong feeling of co-ownership of the process, despite voices in both the East and the West that questioned the rationale of the Helsinki process. After discussing how these strategies were applied in the CSCE years, this paper concludes by exploring their contemporary relevance. In doing so, it elaborates on both the differences and the similarities between the CSCE and the OSCE, such as the clearly asymmetric preferences of their participating States.

Keywords

European security, CSCE, Helsinki process, OSCE, human rights

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Introduction

The crisis the OSCE is facing is not the first in its history. It is not even its first existential crisis, although it may be its gravest thus far. As early as February 1974, only a few months into the second stage of the Conference on Security and Co-operation in Europe (CSCE)

and following the arrest of Alexander Solzhenitsyn, "the Conference held its breath," its fate dependent on how Solzhenitsyn was treated in Moscow.¹ Just a few years later, the debate over human rights nearly brought the first follow-up meeting in Belgrade (1977–1978) to the point of collapse. The opening of the second follow-up meeting in Madrid (1980–1983) was overshadowed by the Soviet intervention in Afghanistan, and in early 1982 the meeting was suspended for several months following the introduction of martial law in Poland in December 1981. Against this backdrop, the

* Andrei Zagorski
Primakov National Research Institute of
World Economy and International Relations
(IMEMO), Russian Academy of Sciences,
Moscow
zagorskiandrei@gmail.com

very continuity of the Helsinki process could not be taken for granted. Frustrated with the degeneration of subsequent meetings into an arena of mutual blaming and shaming rather than substantive discussions amid resumed confrontation, the Soviet Union and the United States repeatedly considered withdrawing from the CSCE.

Public discussion of the Soviet human rights record at the Belgrade Meeting strengthened the voices of those in Moscow who opposed the Helsinki process. Preparing for the Madrid Meeting, the Soviet Union called into question the value of continuing the CSCE process should the West resume Belgrade-type polemics.² The delegations in Madrid “wondered whether the Soviets had come to Madrid to put an end to a diplomatic enterprise that had ceased to benefit them and brought only disappointment.”³

During the 1980 presidential campaign, Ronald Reagan questioned why US diplomats should go to Madrid when American athletes were boycotting the Moscow Olympics. Several Western states, in particular the United States, France, and Denmark, suggested postponing the meeting.⁴ Following the introduction of martial law in Poland in December 1981, the United States insisted that the meeting should not resume after the winter break.⁵ This would have resulted in the termination of the CSCE process.

As East-West tensions grew in the 1980s, Western criticism of the CSCE grew as well. The 1985 Helsinki Ministerial Meeting, which was meant to commemorate the tenth anniversary of

the Final Act, was marked by a gloomy atmosphere. Frustration with the lack of progress in the human dimension strengthened the voices of those in the West who held that the rationale of détente and the original Helsinki trade-offs were based on false assumptions about the thinking of the Soviet leaders. In 1986, the US government considered renouncing the Helsinki Accords and explored practical ways to do so.⁶

Nevertheless, the CSCE survived. The reasons for this were manifold. Apart from the advocacy of a number of participating States (who opposed criticism of the Helsinki Accords by pointing to their long-term effects) and the mediation provided by the group of neutral and non-aligned states, the participating States developed a number of strategies that enabled the CSCE to move forward. These included harnessing the diversity of the participating States’ interests by pursuing *asymmetric bargaining*; understanding the CSCE as a *process* based on a *modus vivendi* agreement that anticipated forthcoming change; making the most of its broad, flexible agenda to ensure *balanced progress* across the various baskets (dimensions), thus reflecting the asymmetric preferences of the participating States; and *elaborating on those Helsinki provisions* that generated the most controversy in order to reduce their ambiguity.

This paper traces the application of these strategies up to the end of the Cold War. It concludes by discussing whether and to what extent these strategies may help the OSCE to overcome its current crisis.

Asymmetric bargaining

The comprehensive agenda of the CSCE was not established by design. Rather, it was a product of tough bargaining over the possible outcomes of the Conference, with the East and the West pursuing contentious visions and preferences.⁷

The Soviet Union aimed to ratify the territorial and political status quo in Europe that had taken shape after World War II. It sought a pan-European conference to replace the Final Settlement with Respect to Germany and to consolidate its sphere of influence within the Yalta order. For this purpose, Moscow prioritized reaching agreement on a set of principles governing inter-state relations and emphasized the inviolability of frontiers. The Soviet bloc also added economic and environmental co-operation to its initial agenda proposal.

Particularly in the United States, this policy was viewed as “compatible with a key premise of Nixon-Kissinger foreign policy,” which proceeded on the basis that the status quo “was the only realistic policy compatible with American interests.”⁸ However, the 1969–1971 debates within NATO revealed that West European governments, while open to discussing principles, favored expanding the agenda by including issues such as the freer movement of people and ideas and militarily relevant confidence-building measures. They also sought to resolve practical humanitarian cases and to include respect for human rights and fundamental freedoms in the catalogue of principles. Having accepted the principle of the inviolability of frontiers in the

1970 treaties with Moscow and Warsaw, the Federal Republic of Germany sought to leave the door open for German reunification by emphasizing the possibility of a peaceful change of borders.⁹ After several months of resistance at the 1972–1973 preparatory consultations for the CSCE, the Soviet Union accepted this extension of the agenda.¹⁰ This shaped the three baskets of the CSCE: security-related issues (principles and confidence-building measures); economic and environmental co-operation; and humanitarian co-operation, including human contacts and information exchanges.

As a result of protracted negotiations, the 1975 Helsinki Final Act was based on a myriad of trade-offs within and between the individual baskets. The most notable of these included balancing the principle of the inviolability of frontiers with the clause on the peaceful change of borders that was added to the text of the principle of sovereign equality, the inclusion of the human rights principle in the Helsinki Decalogue, and specific provisions pertaining to human contacts and information exchange. These trade-offs framed the balance of the Helsinki Accords, which each party considered sufficient to justify accepting the overall outcome of the negotiations.

The Conference benefitted from the asymmetric preferences of the participating States, as this meant that each of them had a stake in the agreement. The agreement did not do away with the asymmetry itself, however, which was manifested in the participating States’ different assessments of the CSCE outcomes. The Soviet Union and its allies

emphasized the inviolability of frontiers (while silencing the peaceful change clause) and, later, non-intervention in domestic affairs. Both principles were believed to have ratified the territorial and political status quo in Europe. In the West, by contrast, emphasis was put on the dynamic provisions of the Final Act, primarily on those included in the humanitarian third basket (as well as on the peaceful change clause) and, later, on the human rights principle. These provisions were meant to support the idea that the Helsinki trade-offs were an agreement on a *modus vivendi* that allowed for change in the future. Both the East and the West believed that time was working in their favor.

The open nature of the Helsinki process and uncertainty regarding where it would ultimately lead fed criticism both in the West and in the East. Different preferences remained at the core of East-West disputes at the subsequent follow-up meetings pertaining to both the implementation of the Helsinki provisions and next steps to be agreed upon.

The process

Critics of the Final Act in the West argued that the commitments on which the East and the West had agreed were imbalanced. They maintained that the Final Act mainly benefited the Soviet bloc, pointing to the differences between the reversible and the irreversible commitments into which the East and the West had entered. In particular, they stressed that the Soviet bloc had achieved

its main goal by endorsing the inviolability of borders in Europe (an irreversible commitment). At the same time, provisions concerning the freer flow of people and ideas across the East-West divide had yet to be implemented, making the West dependent on the goodwill of the East (and thus making this a reversible commitment). It was hoped that this could be remedied by conceiving of the CSCE as a process rather than a single event and by reaching agreement on a series of follow-up meetings that would discuss, *inter alia*, the implementation of the Helsinki Accords.

Unsurprisingly, the East and the West diverged on this issue. It was the Soviet Union that had proposed the institutionalization of the CSCE at the beginning of the Conference. However, it lost interest in this proposal as the provisions of the third basket of the Final Act began to take shape. At the end of the negotiations, Moscow was prepared to limit the Conference to the signing of the Final Act. The West, by contrast, having initially been hesitant to consider the institutionalization of the CSCE, was increasingly interested in a follow-up process that would make it possible to reconfirm, implement, and improve its dynamic commitments. The respective provisions of the Final Act, although limited to the determination that the first follow-up meeting would open in Belgrade in 1977, were instrumental to shaping the Helsinki process. The follow-up meetings were to serve three major purposes in particular: to ensure the continuity of the CSCE process, to hold participating States accountable for implementing

the relevant CSCE commitments, and to discuss further proposals for developing CSCE commitments.

The Belgrade Meeting largely failed to achieve these goals. After the election of Jimmy Carter as president, the United States emphasized human rights and pushed for the implementation of the relevant provisions of the Final Act. Instead of proceeding with quiet diplomacy, the new administration did this in a very public way. The Soviet Union arrived in Belgrade with a wide (largely declaratory) disarmament agenda and proposals for launching ambitious pan-European economic projects. While the United States showed little interest in discussing disarmament and was concerned that the extension of the CSCE agenda in this direction would distract attention from human rights, the Soviet Union dismissed this approach as shifting the balance of the Helsinki process. It clearly communicated its reluctance to enter any new commitments in the third basket, sought to shield itself from publicly discussing its human rights record in an international setting, and emphasized the principle of non-intervention in domestic affairs. A number of European participating States attempted to identify common ground by showing interest in discussing the economic projects proposed by Moscow in exchange for some improvement in the human dimension, but this ultimately failed. As a result, the Belgrade Meeting fell short of producing a substantive outcome, although it secured the continuation of the CSCE process by agreeing to schedule a second follow-up meeting, to open in Madrid in 1980.

A flexible agenda and balanced progress

One lesson from the Belgrade Meeting was that balancing the asymmetric interests of key stakeholders was a major challenge for the Helsinki process. This was not limited to the debate over the implementation of previously reached agreements, which was subject to divergent interpretations by various participating States. Rather, redefining the balance of interest at every stage of the process could facilitate the implementation of earlier accords as part of new trade-offs.

This gradually led to a recognition of the need to ensure balanced parallel progress in the different baskets of the Helsinki Final Act, most notably ensuring that progress in the human dimension matched that in the security field (and vice versa). Three circumstantial factors contributed to this approach in the 1980s. First, the Conference's agenda was never rigid. Although the participating States agreed on a specific list of issues to be addressed when negotiating the Final Act, nothing in the rules of procedure precluded them from expanding this agenda after 1975 (should they decide to do so by consensus). Of course, this did not imply that the CSCE would deal with everything the participating States wished to put on the agenda. In 1972–1973, during the preparatory consultations, the general understanding was that the CSCE would concentrate on issues that were relevant to East-West relations. The participants opposed putting the Middle East conflict on the agenda, despite strong advocacy by the then Austrian chancellor Bruno Kreisky. The only

exception was the addition of a modest Mediterranean dimension to the CSCE in response to pressure from the prime minister of Malta, Dom Mintoff. Second, after the Belgrade Meeting there was a process of rethinking the US strategy, which led to the recognition that the confrontation over human rights was becoming counterproductive and did not facilitate the implementation of the Helsinki Accords. Indeed, after some liberalization in the mid-1970s, the Soviet policy on human contacts and the dissemination of information hardened once again.¹¹ Third, France (from 1978) and the Soviet bloc (from 1979) pursued parallel proposals for convening a Conference on Disarmament in Europe (CDE). Their visions for the CDE gradually converged, but both pursued the CDE proposal outside the CSCE as an autonomous project.

Although the United States' attitude toward a disarmament conference was ambiguous to say the least, growing support for the French initiative among its European allies led Washington to appreciate the value of expanding the security agenda of the CSCE. This was even more so since the French (and later the Soviet) proposal anticipated holding the CDE in two stages. It reduced the mandate of the first stage of the CDE to discussing further confidence-building measures should progress be made in the human dimension of the CSCE. The consideration of disarmament measures would thus be postponed to the second stage, if and when it were agreed upon. In discussions within NATO, the United States encouraged France to submit the proposal within the CSCE at the Madrid Meet-

ing rather than pursuing it as a separate project. Although the Soviet Union rejected the direct linking of security and human rights issues, by the opening of the Madrid Meeting it gradually moved towards accepting the principle of balanced parallel progress in all areas of security and co-operation in Europe.¹²

Beginning with the Madrid Meeting, further development of the CSCE was based on balancing the progress reached in the field of security with that in the human dimension. Although East-West relations were extremely tense in the early 1980s, the Madrid Meeting adopted the mandate of the CSCE Conference on Confidence- and Security-Building Measures and Disarmament in Europe scheduled to open in Stockholm in 1984. This decision was balanced by a number of new commitments in the human dimension, as well as the decision to convene two meetings of experts: one on human rights (Ottawa, 1985) and one on human contacts (Bern, 1986). Progress in both dimensions—security and human rights—was to be assessed at the third follow-up meeting in Vienna, which was scheduled to open in 1986. Western states made moving to stage two of the Stockholm Conference conditional on substantial progress in the human dimension.¹³ Although the continuation of negotiations on security issues within and outside the CSCE after the Vienna follow-up involved many complex issues, the United States would keep an eye on retaining a “security lever” in the Helsinki process, as otherwise Soviet co-operation could not be expected.¹⁴

Elaborating on commitments

As a result of multiple trade-offs, many commitments included in the Helsinki Final Act were formulated in a general way and/or in ambiguous terms. Apart from this, many caveats, particularly in the third basket, provided room for interpretation. This triggered controversies at the follow-up meetings regarding the interpretation and implementation of specific provisions. Many proposals put forward at these meetings were therefore aimed less at breaking new ground than at spelling out the more general Helsinki commitments in greater detail to reduce ambiguity and to limit the scope for interpretation, thus making their implementation verifiable.

Consider the following example. The Helsinki Final Act called on the participating States to “*favourably* consider applications for travel” for the purposes of facilitating human contacts.¹⁵ The modest easing of restrictions on private travel abroad reported by the Soviet Union and other Soviet bloc states at the subsequent follow-up meetings was criticized by some in the West as an inappropriate implementation of the respective commitment in the Final Act. Following the implementation debate and the submission of the relevant proposals, the Concluding Document of the Madrid Meeting specified that “favourable consideration” meant that decisions on such applications for the purposes of family reunification and marriage between citizens of different states would be made “in normal practice within six months.”¹⁶ In the 1989 Concluding Document of the Vien-

na Meeting, commitments related to facilitating human contacts were elaborated in great detail; in particular, it was specified that applications for the purposes of family meetings were to be decided within one month “in normal practice,” and applications for the purposes of family reunification or marriage within three.¹⁷

Of course, the pace of this process was far from impressive, much like the pace of the Helsinki process as a whole, which required great patience. However, the specification of the controversial provisions of the CSCE documents made the commitments clearer and verifiable. The Vienna Follow-up Meeting—concluded fourteen years after the signing of the Helsinki Final Act—put an end to controversies related to implementing the humanitarian clauses of the Final Act.

Conclusions and recommendations

How much of the CSCE experience remains a part of history, and how much remains relevant to the OSCE today? Following recent debates within the Organization, CSCE veterans must be experiencing a strong sense of *déjà vu*. Criticism from Russia and other participating States regarding thematic imbalances in the Organization’s operations—its excessive focus on the human dimension at the expense of security issues¹⁸—reveals a clear asymmetry of preferences similar to that found within the CSCE. This suggests that if and when the participating States resume dialogue on restoring the European security order, asymmetric bar-

gaining will likely be their mode of negotiation.

Prior to the war in Ukraine, the search for a new trade-off was supposed to be informed by seeking reconciliation between Russia's commitment to the indivisibility of security and freedom of alliance, rather than between the inviolability of frontiers and the West's emphasis on the possibility of their peaceful alteration.¹⁹ This will certainly change after the war. Although the agenda will largely reflect its yet unknown outcome, the issue of borders in Europe will likely remain on the agenda for the foreseeable future. Until we can expect a lasting settlement of the current conflict, the eventual trade-off is likely to involve agreeing on a set of rules for managing a *modus vivendi* rather than establishing a new status quo. While such rules cannot simply reconfirm the existing normative basis of the OSCE, they could build on it while introducing relevant adjustments—for instance by further specifying the principle of non-intervention in domestic affairs or provisions related to the freedom of the media and the free dissemination of information—in order to reduce the scope for interpretation. These adjustments would have to be negotiated by the participating States, although the relevant OSCE structures could facilitate the process.

Should the OSCE, as a result of the current crisis, return to its Cold War roots and be reduced to a venue for political dialogue,²⁰ the concept of balanced progress in different dimensions could again have relevance. If and when dialogue on the future of the European se-

curity order resumes, the OSCE could be a natural platform, given its inclusive membership. It would benefit from the existence of permanent structures and institutions that would prevent it from being terminated abruptly should the participating States fail to agree on the next follow-up meeting.

However, the role of the OSCE as a platform for dialogue should not be taken for granted. While the Soviet Union acted as a *demandeur* that was ready to make concessions during the Helsinki negotiations and process, Russia has resisted resuming such a role. Over the past fifteen years, when seeking a settlement with the West, Russia has explicitly avoided using the OSCE as a venue for such discussions. The 2008 Medvedev proposal for a European Security Treaty was pursued by Moscow outside the OSCE, and in early 2022, during the short discussion of Russian security guarantees, Moscow's clear preference was to pursue this discussion with the United States and NATO rather than the OSCE.²¹ Nevertheless, insofar as dialogue on European security cannot be limited solely to the OSCE and would be conducted in multiple settings, the future role, shape, and operations of the OSCE may well be subject to a broader trade-off.

Notes

- 1 John J. Maresca, *Helsinki Revisited: A Key U.S. Negotiator's Memoirs on the Development of the CSCE into the OSCE* (Stuttgart: ibidem-Verlag, 2016), 38.

- 2 Yuri Vladimirovich Dubinin, "Ambassador Yuri Vladimirovich Dubinin of the Soviet Union," in *CSCE Testimonies: Causes and Consequences of the Helsinki Final Act 1972–1989*, CSCE Oral History Project (Prague: Prague Office of the OSCE Secretariat, 2013), 214–16. Until 1989, subsequent follow-up meetings were to determine the venue and the opening date for the next meeting. In case of failure to do so, the CSCE process would be discontinued.
- 3 Victor-Yves Ghebali, *The Diplomacy of Détente: The CSCE from Helsinki to Vienna* (Bern: The Library Am Guisanplatz BiG, 2019), 23.
- 4 Andrei Zagorski, *Хельсинкский процесс. Переговоры в рамках Совещания по безопасности и сотрудничеству в Европе 1972–1991* [The Helsinki process: Negotiations within the framework of the Conference on Security and Co-operation in Europe 1972–1991] (Moscow: Prava Cheloveka, 2005), 153.
- 5 Zagorski, cited above (Note 4), 172.
- 6 William Korey, *The Promises We Keep: Human Rights, the Helsinki Process, and American Foreign Policy* (New York: St. Martin's Press, in association with the Institute for EastWest Studies, 1993), 179–80, 214–15.
- 7 See, for instance, Markku Reimaa, *Helsinki Catch: European Security Accords 1975* (Helsinki: Edita, 2008); Andreas Wenger, Vojtech Mastny, and Christian Nünlist, eds., *Origins of the European Security System: The Helsinki Process Revisited, 1965–1975* (London: Routledge, 2008); Zagorski, cited above (Note 4), 31–114.
- 8 James E. Goodby, "The Politics of the Helsinki Process: How Did It Arise During the Cold War? An American Perspective," in *Peace and Prosperity in Northeast Asia: Exploring the European Experience* (Seogwipo City: JPI Press, 2008), 1:124.
- 9 Goodby, cited above (Note 8); Christian Nünlist, "Helsinki+40 in the Historical Context," *Security and Human Rights* 25, no. 2 (2014): 201; Zagorski, cited above (Note 4), 31–44.
- 10 Zagorski, cited above (Note 4), 53–54.
- 11 Korey, cited above (Note 6), 101, 115.
- 12 John Borawski, *From the Atlantic to the Urals: Negotiating Arms Control at the Stockholm Conference* (Washington: Pergamon-Brassey's International Defense Publishers, 1988), 19–25; Zagorski, cited above (Note 4), 157–61.
- 13 One outcome of this development was the 1989–1990 negotiation on conventional forces in Europe by the NATO and Warsaw Pact member states "within the framework" of the CSCE that led to the signing of the CFE Treaty.
- 14 Borawski, cited above (Note 12), 133.
- 15 CSCE, Conference on Security and Co-operation in Europe Final Act (Helsinki: 1975), 39, <https://www.osce.org/files/f/documents/5/c/39501.pdf>, emphasis added.
- 16 CSCE, Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Provisions of the Final Act Relating to the Follow-Up to the Conference (Madrid: 1983), 19, <https://www.osce.org/files/f/documents/9/d/40871.pdf>
- 17 CSCE, Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Provisions of the Final Act Relating to the Follow-Up to the Conference (Vienna: 1989), 25–29, <https://www.osce.org/files/f/documents/a/7/40881.pdf>
- 18 Andrei Zagorski, "Russia and the OSCE," in *OSCE Insights*, Special Issue, eds. Frank Evers and Argyro Kartsonaki (Baden-Baden: Nomos, 2022).
- 19 Zagorski, cited above (Note 18).

- 20 See, for instance, Matthias Dembinski and Hans-Joachim Spanger, “Pluralistic Peace: New Perspectives for the OSCE?,” in *OSCE Insights*, ed. IFSH (Baden-Baden: Nomos, 2022), 173–83.
- 21 The Ministry of Foreign Affairs of the Russian Federation, “Foreign Minister Sergey Lavrov’s Remarks and Answers to Media Questions at the Joint News Conference with Following Talks OSCE Chairman-in-Office, Minister of Foreign Affairs of Poland Zbigniew Rau, Moscow, February 15, 2022,” February 15, 2022, https://mid.ru/en/foreign_policy/news/1798511/