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Foreword

Thirty years ago in Helsinki, on 1 August 1975, the heads of state or government of 35 countries, among them the USA and Canada, signed the Final Act of the Conference on Security and Co-operation in Europe (CSCE). This was not only the culmination of a series of high-level diplomatic conferences that had begun two years earlier almost to the day, but also the start of a unique success story.

During the 1970s and 1980s, the CSCE, more than any other institution, enabled and embodied the dialogue between two highly armed and hostile blocs – a dialogue on security in the midst of the Cold War, a dialogue on co-operation between antagonistic economic and social systems. At a time when the two major military alliances appeared to be the only relevant international actors in the field of security, the Helsinki process represented an intelligent alternative and a well-nigh revolutionary instrument for the creation of security.[1]

In its special focus section, the current OSCE Yearbook looks back at the Helsinki process. Eye-witnesses such as Egon Bahr and John Maresca evoke the atmosphere of the 1970s, describing the sense of potential that accompanied the start of the negotiations over the Final Act, but also the tension associated with the Cold War and which, at times, placed the success of the CSCE in doubt.

The allure of the CSCE was its new and comprehensive concept of security. At a time when security was almost exclusively defined with reference to the external security of states, inter-state relations, and military threats, the Helsinki Final Act linked politico-military security with two additional dimensions: the economic-environmental and the human. This was an unlikely departure given that, in an era of military confrontation between blocs, human rights and fundamental freedoms were not necessarily considered to be genuine security issues. However, the human dimension in particular played an extraordinary role from the start. Such, at least, is Peter Schlotter's assessment of 30 years of the Helsinki Final Act: "The basis of the CSCE accords was a trade-off: The Western states complied with the desire of the Soviet Union and its allies for recognition – political and under international law – of the post-War territorial status quo. In return, the West sought to bind

1 There is possibly no more concise or original treatment of the OSCE's 30-year history than the document produced by my colleagues Frank Evers, Martin Kahl, and Wolfgang Zellner and published in the summer of 2005, *The Culture of Dialogue. The OSCE* Acquis *30 Years after Helsinki*, CORE/Centre for OSCE Research/Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), which I not only wish to mention here, but will refer to throughout this foreword.

Soviet foreign policy to norms and rules", something that was to be achieved by means of the respect for human rights in particular: "It was assumed that internal liberalization of the Communist regimes would also affect their conduct in the area of foreign policy, thereby contributing to *détente* and the peaceful working-out of differences." The thesis that democracy within states and respect for human rights are key prerequisites for peaceful relations between states finally found direct expression in the Helsinki Final Act: "The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States."

The linking – not only as a negotiating tactic – of traditional questions of security policy such as the inviolability of borders or military confidence building with respect for human rights and fundamental freedoms was irrevocable. In retrospect, it proved to be not only a dynamic element of the negotiations, but, finally, a successful one, at least when considered not just in terms of *détente*, security, and co-operation, but also with respect to the overcoming of the Cold War. The dynamism of the human dimension can be accounted for, among other things, by the fact that the existence of the CSCE as a governmental institution always also had consequences for individuals and groups. It was of particular significance for the human rights groups and civil rights movements – such as Prague-based Charter 77 – that emerged in Eastern Europe in the 1970s. With the Helsinki Final Act, dissidents could now appeal to a document that committed their governments – who had signed it – to respecting human rights and fundamental freedoms, including freedom of thought, conscience, and religion or belief. How dangerous and strewn with obstacles this path was, however, is described by the former dissident Jiřina Šiklová, and is documented in Andrei Zagorski's detailed account of the relationship of the Soviet Union to the human dimension of the OSCE from 1989 to 1990.

The historical review of 30 years of the CSCE/OSCE is not only the topic of our special focus section, but runs like a thread through the entire Yearbook, whose structure also mirrors the Organization's history. In November 1990, just 15 years after the Final Act was signed, the Charter of Paris declared that the "era of confrontation" was over. With the outbreak of bloody conflicts in the Soviet Union and the disintegrating state of Yugoslavia, the euphoria that found echo in the wording of the Charter quickly evaporated. At the Helsinki Summit Meeting in 1992, the participating States expressed their shock that war was being waged on European soil for the first time in decades. They reacted immediately (and faster than other organizations), creating a comprehensive array of mechanisms and instruments for conflict prevention, crisis management, and post-conflict rehabilitation, including, above all, the OSCE's many and varied field operations. From its first fact-finding and *rapporteur* missions and the first long-term missions in

the early 1990s, the OSCE has built up a network of highly effective missions, centres, and offices of all sizes in most areas where conflict has raged. In accordance with the Organization's co-operative credo, which essentially consists in helping states to fulfil their commitments rather than punishing them for non-fulfilment, the missions' tasks include acting as a mediator in peace negotiations, as well as promoting the establishment of democratic institutions and respect for human rights in general. The specific focuses of individual field operations include refugee return, democratization projects, and assisting in the drafting of legislation. As always, the second section of the Yearbook contains up-to-date reports on selected OSCE field activities.

One of the highlights of the Helsinki process was the groundbreaking declaration, contained in the 1991 Moscow Document, that the commitments undertaken within the scope of the human dimension are "matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned". In Prague, in 1992, this was expanded to include the option that "appropriate action may be taken […] if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments". Both decisions undoubtedly marked decisive progress towards securing universal respect for human rights. However, as we celebrate the 30th anniversary of the Final Act and enjoy a sense of satisfaction at all that has been achieved so far, we should not lose sight of the serious deficiencies that have accompanied the pursuit of noble goals. Flawed implementation – or even the deliberate infringement – of written agreements is especially tragic where the human dimension is concerned. Not only do a large number of OSCE States – and this by no means excludes those "West of Vienna" – continue to commit grievous human rights violations, governments in Europe and North America are increasingly resorting to dispatching "terror suspects" to countries where torture and abuse are commonplace. In so doing, they appeal to specious "diplomatic assurances", which deny allegations of torture in the countries in question. According to the contribution of Benjamin Ward of Human Rights Watch to the current volume, a change in thinking is essential here. The OSCE has a particular calling to ensure that human rights are not disregarded within the scope of activities to combat terrorism.

However, this – justified – foregrounding of the human dimension was itself a cause of the vehement criticism of the OSCE in recent years by, in the first instance, Russia and the other CIS countries, which has precipitated a deep sense of crisis. The criticisms have been discussed often and at length in previous OSCE Yearbooks and need not be repeated in detail here. The key complaints concern perceived geographic and thematic imbalances in the Organization's activities: its tendency to focus on the states of the former Soviet Union and Yugoslavia, and the stress it lays on the human dimension – at the expense of the politico-military and economic-environmental dimensions. These allegations are once again taken up in the current volume.

A further recent development is the emergence of "new", largely transnational threats alongside "traditional" international and inter-state conflicts. These are coming ever more to dominate the agendas of international organizations. Mentioned briefly in the Final Act and its key follow-up documents, "international terrorism" was first identified as one of the most significant future threats to global security in the 1999 OSCE Istanbul Charter. Since 11 September 2001, it has also become one of the OSCE's key operational concerns. In response, the Organization has adopted a number of documents, including the Bucharest Plan of Action for Combating Terrorism of December 2001 and the Bishkek Action Programme from the same year, the OSCE Charter on Preventing and Combating Terrorism, which was adopted at the Porto Ministerial Meeting in 2002, and the Sofia Ministerial Statement on Preventing and Combating Terrorism of December 2004. In these documents, the OSCE assumes primarily the task of encouraging and supporting the participating States in ratifying and implementing the twelve UN conventions and protocols relating to terrorism. The Organization is also stepping up its activities in the areas of border security, combating the financing of terrorism, and controlling the proliferation of small arms and light weapons. The extent to which these documents may provide an effective framework for fighting terrorism is explored in the current volume by Christophe Billen with regard to Central Asia.

Alongside international terrorism and violent extremism, other new and serious threats to the security of the OSCE States and their populations that have been identified are organized criminality, human trafficking, and the illegal trades in drugs and weapons. These topics have grown in importance since the Istanbul Summit Meeting and dominated the Ministerial Council Meetings in Porto, Bucharest, Maastricht, and Sofia. The Organization has also responded in this case and has made the fight against human trafficking one of its major priorities. In 2003, the Maastricht Ministerial Council endorsed the Action Plan to Combat Trafficking in Human Beings and created the position of Special Representative on Combating Trafficking in Human Beings. Helga Konrad was appointed to this role by the Bulgarian Chairmanship in May 2004 and is supported by the Anti-Trafficking Assistance Unit.

With the adoption of the Charter of Paris in November 1990, respect for human rights was joined by a commitment to democracy, rule of law, and political pluralism. The Paris Charter also heralded a comprehensive institutionalization, as did, in particular, the Decisions of the Helsinki (1992) and Budapest (1994) Summit Meetings. This eventually led to the CSCE being recast as the Organization for Security and Co-operation in Europe, effective as of 1 January 2005, and created the OSCE's current organizational structure and such valuable institutions as the Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR). ODIHR's key responsibility is to monitor and support the fulfilment of commitments arising from the OSCE's human dimension. One of the key means it uses to achieve this is comprehen-

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sive and critical election monitoring, as illustrated in this volume with reference to the monitoring of the Albania presidential elections in Summer 2005 and a foundational analysis by Victor-Yves Ghebali of the OSCE's standards for elections and election monitoring.

The OSCE considers itself to be above all a community of values. However, thanks to the fact that its resolutions have merely political and not legal force, it cannot enforce these values. This frequently leads to complaints of ineffective implementation, especially with respect to the human dimension. The OSCE is and will remain a governmental organization. It cannot devote itself to a cause with the unconditional fervour of an NGO but has a correspondingly greater influence on the governments of its participating States. The pros and cons of this have been discussed at length in the OSCE Yearbook in the past. In the current volume, Eric Manton concludes by noting that "the OSCE human dimension has expanded the reach of an international body into the internal affairs of each participating State, in terms of extent and content, further than any other international organization. The evolving formula that the OSCE has employed to fulfil its human dimension mandate, while definitely not perfect, has been more appropriate, and thus more effective, than other European or global organizations in dealing with the actual challenges to human rights in those areas where they are most often and most severely violated [...] In its human dimension commitments, it has […] developed human rights standards that are among the most progressive of their kind in the world […] This is the success story and value of the OSCE that should be celebrated in this anniversary year." In the end, perhaps the inclusive approach towards states that violate the norms of a community of values offers more hope than does excluding them. The OSCE undoubtedly has its limits – but do they necessary represent missed opportunities? Simply the fact that 55 states continue to discuss these issues and reach collective agreements is a good sign and a worthwhile – if difficult – exercise.

The conviction that the security of states also depends upon the security of individuals was one of the great achievements of the dialogue held during the Cold War. Over three decades and under the most diverse historical conditions, the OSCE has succeeded – as my colleagues put it – in creating a "Culture of Dialogue" that has made an essential contribution to security and co-operation in Europe. As they argue, multilateral dialogue remains the key characteristic and driving force of the OSCE today – not only the dialogue among the 55 participating States, but also the dialogue with civil society, with national and international NGOs, with international partner organizations, and with the OSCE's Partners for Co-operation in Asia and Africa – a dialogue that is carried out in times of peace and in times of war, crisis, and conflict. It depends upon the willingness of the states to discuss, collectively and openly, all the issues that make up the complex agenda of the OSCE, to make decisions, and to find common solutions to problems. This dialogue ensures that the OSCE will remain indispensable in the future.

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The OSCE Yearbook 2005 considers a wealth of current and perennial themes, by no means all of which can be treated adequately in a short foreword. The editors would here merely like to thank all our authors for their dedicated, erudite, and lively contributions, which, as always, have ensured that the OSCE Yearbook remains far more than merely a report on activities.