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The CSCE up to the End of the Cold War: What It Achieved and Where It Failed

The defining feature of post-War Europe was its division into two political-ideological camps. Each bloc contained exclusive subsystems: The European Community in the West, the Council for Mutual Economic Assistance (Comecon) in the East; NATO here, and the Warsaw Treaty Organization there. They provided their members with a framework for mutual support and collective development in competition with the rival system of powers. They not only derived from the political division of Europe but were its most evident manifestation. They also contributed to the hardening of this division. With the end of the confrontation between blocs, the Eastern organizations disappeared without a trace. Their Western counterparts continue to exist, and though their goals have changed, they remain as exclusive as ever.

Among forums for international co-operation, the Conference on Security and Co-operation in Europe (CSCE) had a special place. It also owed its existence to the Cold War, and in many of its aspects and for much of the time, it was a specific form of the conflict's manifestation. However, the fact that it sought not to separate the two sides in the conflict but to bring them together distinguishes it fundamentally from the supranational institutions born of the Cold War. The CSCE was always a pan-European arrangement that was open to every country that wished to participate in it. After 1989, the CSCE seemed the institution most likely to provide a framework for political continuity to the new Europe, which was striving for closer ties and greater cohesion. The following contribution seeks to examine the extent to which the history of the CSCE supports this assumption.

The Idea of a Conference: Conditions of Formation

What was the basic idea of the conference, how did it come about, and what aims was it designed to achieve? At a very general level, the concept of détente provides a key to these questions. According to the protagonists, the participating politicians and diplomats, the answer is as follows: The aim of CSCE participating States was to broaden and deepen the process of détente in Europe, to improve relations between the conflict parties, and to increase mutual confidence. These phrases are contained in the most important document of the conference process, the Final Act of Helsinki, which was signed

on 1 August 1975.[1] Though it does not claim to have established a new framework for peace, it repeatedly evokes the goal of strengthening of peace and security by overcoming confrontational attitudes and encouraging co-operation and confidence-building. The vagueness of such formulas, typical of diplomatic communiqués, was a constant during the entire process that led to the creation of the CSCE. However, this language can also be distinguished positively from that of the first two decades of the Cold War, and while it does not attest to a new quality of political relations between West and East, it does bear witness to a change in the mood and the zeitgeist.

The attempt to determine the starting point of this development leads back to the two global crises of the years 1961 and 1962 – concerning, respectively, Berlin and Cuba. These two disputes resembled each other in terms of the constellation of interests involved, the course of events, and in their outcome. They highlighted the ability of the superpowers to assert dominance in the areas they control, while simultaneously being powerless to expand these areas. While the Soviet Union was able to protect the German Democratic Republic (GDR) from economic emaciation by building a wall around the western half of Berlin, it was unable to wrest West Berlin from American custody and was forced to abandon its plans to establish a base in the Caribbean that would have allowed it to target the American mainland with medium and intermediate range missiles. In a short space of time, two attempts by one superpower to expand at the expense of the other failed. These events illustrate the state of the international system in the late 1950s and early 1960s. There are three stand-out features:

First, the geography of the Cold War was clearly defined around the rivalry between the superpowers. The conflict ranged across the strategically important regions of the globe and had its focus on Europe. Within this region, areas of control were defined and zones of influence were assigned. Each conflict party knew where its sphere of vital interests ended and that of its opponent began. Diplomatic initiatives to reverse the division came to nothing; the Western powers drafted no new plan for the unification of the two Germanies between the Peace Plan of 14 May 1959[2] and the end of the Cold War three decades later.

Second, the failure of attempts to change the overall balance of power between the blocs reinforced the defensive posture of East-West politics. Both sides followed the motto: consolidation before expansion. That was true of the process of bloc formation that was completed in the 1950s, and con-

1 Cf. Final Act of Helsinki. Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: pp. 141 and 142; also available at: http://www.osce.org/mc/39501, here: pp. 2 and 3.

2 The Peace Plan proposed to the Soviet leadership by the Western allies on 14 May 1959 focused on proposals to settle the Berlin question. Cf. *Western Peace Plan. Presented at the Fourth Session of the Foreign Ministers by the Foreign Ministers of France, the United Kingdom, and the United States, 14 May 1959*, RM/DOC/8, 14 May 1959.

tinued in the 1960s in efforts to enhance the political, economic, and military integration of the blocs and their subsystems. While "roll back" here and "world revolution" there could be seen – depending on one's point of view – as utopian ideals, dystopian nightmares, or exercises in propaganda, they were never guiding concepts for practical politics. The West's eschewal of intervention in the GDR in 1953 and Hungary in 1956 was repeated in 1968 in Czechoslovakia.

Third, the Berlin and Cuba crises made clear just how high the costs were of each deviation from the path of self-moderation in the field of conflict policy. Both disputes, in which there was no shortage of gestures of threat and deterrence, were played out more or less on the doorstep of one or other nuclear superpower. Neither of the adversaries was powerful enough to impose its political will by military means, though both possessed the power to condemn humanity to a nuclear inferno. If one party had crossed the threshold of violence, it would have left only a choice between capitulation and catastrophe. This *ultima ratio* was avoided. The leaders in Moscow and Washington had glanced into the nuclear abyss, and it deeply affected not only them.

Torpor beset the European continent. The political room for manoeuvre for major tasks that could only be undertaken in concert had been exhausted. Both sides were concentrating on their own problems, turning away from each other in enmity, yet entangled by aggressive polemics. In both Western and Eastern Europe, the development of powerful military apparatuses continued apace, including the terrifying spectre of nuclear weapons. This was the climate in which a new approach to foreign policy was born – the willingness to pursue détente. Key to this was the twin insight into the limits to which the political process between East and West could be managed, on the one hand, and the fatal imponderability of the conflict dynamic if left unattended, on the other. The shift to a politics of détente was a change in methods because what had changed was the means by which the conflict was prosecuted and not the objects of conflict themselves. Détente, as exemplified by the phase of European post-War history so designated, can be understood as the form in which interests are represented in a given conflict situation by co-operative rather than confrontational strategies and instruments. Each party pursues its own goals no longer exclusively against or at the expense of its opponent, but increasingly in consultation with them. Détente means discussion, negotiation, agreement, compromise, and consensus instead of threats, pressure, and force.

It would be mistaken to suppose that the old patterns of behaviour in East-West relations from the early phase of the Cold War were immediately replaced by détente as a direct reaction to the tests of strength between the USA and the USSR in Central Europe and off the Florida coast. The process of change was rather hesitant, gradual, and subject to frequent reversals. It was only in the field of arms control that the new impulses had an immediate

effect. Agreements on the establishment of a direct communications link between Washington and Moscow (the "hotline") and a ban on atmospheric nuclear tests were already concluded by the summer of 1963. By contrast, it took years for the long-debated Non-Proliferation Treaty to be prepared for signing (July 1968), and US-Soviet strategic arms limitations talks (SALT) did not even commence until November 1969.

The year 1969 could thus also be considered the best candidate to mark the start of a phase of post-War politics that could accurately be characterized by the concept of détente. Two key changes of government – the arrival of the Nixon administration in Washington and of Willy Brandt's Social-Democratic/Free-Democratic coalition in Bonn – intensified inter-bloc communication to the extent that a policy of negotiating became the dominant element of East-West relations for a time. This phase also reached its diplomatic apogee in 1975 with the establishment of the CSCE. The second key aspect of détente, alongside strategic arms control, was West Germany's new *Ostpolitik* (Eastern Policy) and the treaties it concluded with several Eastern Bloc states in that period. These included the treaties of Moscow, Warsaw, and Prague, and the Basic Treaty with the GDR, as well as, indirectly, the Four Power Agreement on Berlin.

The third aspect of détente was the project of a European security conference. Of all three, it was the longest and most extensively discussed, combining the greatest variety of expectations with the least clarity in terms of goals. While it was possible to imagine what the general effects of a European conference of states might be, the specific results were uncertain. There were no obvious questions that could only be answered by the whole collective of European states – unless the intention was to place the bloc-based European security system on an entirely new foundation. But none of the key players from either camp had such radical goals. Had the fear of nuclear apocalypse not proven powerful enough to guarantee a minimal level of security? Then not much more was necessary than securing the machinery of deterrence from technical malfunctions, operating errors, and destabilizing influences. Maintaining political solidarity among the allies, keeping an imposing level of military strength in a state of readiness, and demonstrating the will for common defence – these were the imperatives of security according to the understanding that prevailed in the divided Europe. Nor were they seriously called into question even at the time of the most intensive contacts between East and West. For the one-party regimes of the Eastern Europe, who were habituated to bloc-discipline, this was self-explanatory, while the Western allies felt compelled to counteract the danger of national ambitions pulling in different directions by adopting a foundational document laying

down the order of priorities between defence and détente – the Harmel Report of December 1967.[3]

Motives and Interests

At this time, the Warsaw Treaty Organization was already carrying out its broad campaign aimed at convoking a pan-European conference of states. This was based upon and referred back to the July 1966 Declaration of the Political Consultative Committee of the Warsaw Pact on the strengthening of peace and security in Europe.[4] This document focuses on political demands for recognition of existing frontiers and the dissolution of the blocs and also contained an invitation to increase trade and economic co-operation. A more marginal place was given to measures for military détente, including the withdrawal of all forces from foreign territories, the reduction in strength of the armed forces of both German states, the establishment of nuclear-free zones, and the cessation of flights over European states and the entry into European ports by planes and ships carrying nuclear weapons. This catalogue of measures, which would have benefitted the side that proposed it disproportionately, was too blatantly propagandistic for any Western government to take seriously as a basis for negotiation. The reduction in size of the German armed forces would have impacted the *Bundeswehr* above all, simply because of its size. The complete withdrawal of foreign troops would have ended the US presence in Europe. Given that it also contained serious criticism of the USA and West Germany, the document hardly offered promising approaches for a dialogue based on détente.

The Bucharest Declaration was superseded in March 1969 by an appeal by the Warsaw Pact member states to all European countries (Budapest Appeal),[5] a concise text, also adopted at a summit of the Warsaw Treaty states, that increased the urgency of calls for the Eastern Bloc project of a state conference, yet refrained from repeating the anti-Western accusations. In the meantime, thanks to its armed intervention in Czechoslovakia and the violent suppression of the "Prague Spring", the Soviet Union was now on the defensive in Europe, while NATO had overcome the turbulence caused by the departure of France from the alliance and was once more marching in political

3 Cf, North Atlantic Treaty Organization, *The Future Tasks of the Alliance. Report of the Council – "The Harmel Report"*, 13-14 December 1967, at: http://www.nato.int/cps/en/natohq/official_texts_26700.htm.

4 Cf. *Declaration of the Political Consultative Committee of the Warsaw Pact on the strengthening of peace and security in Europe*, Bucharest, 5 July 1966 (extract), at: http://www.cvce.eu/en/obj/declaration_of_the_political_consultative_committee_of_the_warsaw_pact_on_the_strengthening_of_peace_and_security_in_europe_bucharest_5_july_1966-en-c48a3aab-0873-43f1-a928-981e23063f23.html.

5 Cf. *Appeal by the Warsaw Pact member states to all European countries,* Budapest, 17 March 1969, at: http://www.php.isn.ethz.ch/collections/colltopic.cfm?lng=en&id=18022&navinfo=14465.

lockstep. Nevertheless, suspicion at the proposal did not end even in its updated form, as the Budapest Appeal also did not disguise the fact that the Soviet leadership conceived of the European security conference as a purely European affair at which the presence of non-European powers would be superfluous. This would have had the effect of excluding the United States while including the Soviet Union.

On the whole, the Western political classes did not share most governments' scepticism towards the idea of a European security conference. The project was well received by the social democratic parties, the liberal media, churches and trade unions, and the peace and disarmament movements. Their optimistic expectations contained elements of both idealism and pragmatism. The widespread notion of a "European peace order" exercised a certain suggestiveness, serving to encapsulate the long-term goals of détente,[6] even though there was little reason to suppose that diplomatic conferences alone could overcome the hatred between Europe's two ideological camps. However, the positive functions of an institutionalized dialogue – their ability to promote understanding and accommodation – were assumed by all supporters of the conference idea. Must not the very decision to enter into negotiations have produced a minimum of willingness to compromise? And is "jaw-jaw" not always preferable to "war-war"? Since the aim could only initially be to get the conflict parties to communicate with each other, the horizon of expectations at this time was restricted to declarative results.

Who in Europe had an interest in declarative politics? Certainly the Eastern side more than the Western. As a general rule, a declaration, regardless of its content, tends to confirm the existing reality. In contrast, a substantial agreement transforms reality or at least adds something new to it. A formal confirmation of the status quo in Europe was in the interests of the Eastern Bloc, while the West favoured a transformation of the situation. Convoking a pan-European conference would have acknowledged the states represented as sovereign participants with equal rights and territorial sovereignty behind frontiers that were recognized de facto. This demonstrative act would have been seen by Eastern eyes as a successful conference outcome in itself, even if the negotiations had produced nothing more than declarations of principles and expressions of intent. The Soviet Union had long sought international recognition of the political order in Eastern Europe, including the statehood of the GDR. Such recognition would also have granted Moscow confirmation of its own hegemonic position. Were the conference to precipitate additional benefits, such as smoothing the path for Western support for the modernization of the Soviet economy, this would merely provide an additional motive to support the project.

6 NATO also appropriated this concept and adopted it in the Harmel Report, Point 9: "The ultimate political purpose of the Alliance is to achieve a just and lasting peaceful order in Europe accompanied by appropriate security guarantees." Cited above (Note 2).

Everything that made the security conference attractive to the socialist camp spoke against it from the Western point of view. For the West, there was not a single politically significant topic that belonged on the agenda of a détente dialogue on which it was also necessary to consult with delegations from Liechtenstein or San Marino. In the Western capitals, there was a specific desire to avoid allowing Eastern leaders to enjoy the triumph of appearing on the world stage as equal participants in a diplomatic setting. The map of this part of the continent was the result of the victory of the Red Army in the Second World War, and the regimes there were the consequence of enforced adaptation to the Soviet system. Since the start of the Cold War, Western policy had focused entirely on making the situation in Central and Eastern Europe appear as provisional, incomplete, and reversible. They did not want to now encourage the impression that they themselves had made permanent a provisional situation tolerated out of necessity. They thus faced a choice between "preventing a conference for the time being, getting through one unscathed, or organizing one themselves in accordance with their own interests".[7] Yet what were the West's own interests?

If détente is, as the conservative definition would have it, the elimination of the causes of tension, then such matters as the reunification of Germany would have been a natural object for negotiations. Yet the major allies of the Federal Republic had long accepted tacitly that they would not make the resolution of the German question a precondition for improved East-West relations, as they had done in the 1950s. The West German government itself had been just as determined, at least since the arrival of Brandt's SPD/FDP coalition in 1969, to avoid causing the collapse of its own *Ostpolitik* as a consequence of making futile demands for the resolution of the German problem. Given that there were overriding domestic considerations that made participation in the security conference an imperative for the West German government, there remained no alternative than to take the status quo as the starting point, the symbolic confirmation of which it was necessary to accept, but which – at least according to the wishes of the West German government – was not to be seen as having been sanctified with the kind of finality accorded to peace-treaties. The key intentions of the Western participants on the eve of the conference were to avoid becoming divided, to put on a united front with co-ordinated positions, and to gain the initiative at the negotiating table. For those countries that had no specific national concerns to raise or special responsibilities (such as the United Kingdom and France did with re-

7 Uwe Nerlich, Die Interessenlage der Bundesrepublik: Bezugsrahmen und Beurteilungselemente [The Interests of the Federal Republic: Terms of Reference and Elements of Evaluation], in: Hans-Peter Schwarz/Helga Haftendorn (eds), *Europäische Sicherheitskonferenz* [European Security Conference], Opladen 1970, p. 99. Wilhelm Grewe used almost exactly the same words, when he wrote of a Western interest "in averting or delaying a European security conference, or bringing one about in that accords with Western goals." Wilhelm Grewe, *Rückblenden*, [Flashbacks], Berlin 1979, p. 674 (author's translation).

gard to Berlin) and had thus so far not had a say in the dialogue between East and West, there was now an opportunity to participate actively in the work of furthering détente. The guiding notion was the "multilateralization of détente", which offered something to everyone, and dissipated Western concerns at the value of the event.

The History of the Conference: Phases and Working Methods

On the invitation of the Finnish government, multilateral discussions preparatory to the Conference on Security and Co-operation in Europe began in Helsinki on 22 November 1972. The name alone took account of one Western precondition: The object of the negotiations was security in Europe, not European security, which meant that no further justification was needed for the participation of the USA and Canada. The Soviet Union had also accepted the second Western demand – to simultaneously prepare negotiations on the reduction of conventional forces in Central Europe (Mutual and Balanced Force Reductions, MBFR).[8] Separate discussions on this began in Vienna in late January 1973. Third, the NATO states had also made their willingness to enter into the CSCE consultations dependent on progress being made in the other forums of East-West negotiations. In the meantime, the German-Soviet and German-Polish treaties had been ratified by Moscow and Warsaw, the Four Power Agreement on Berlin had been signed, as had the Basic Treaty between the Federal Republic and the GDR, while the first round of the Soviet-American SALT negotiations had ended with the conclusion of an initial treaty. The exploratory talks held in Helsinki fulfilled the fourth Western condition, namely not to commence the conference immediately, but to prepare the talks substantively and procedurally in advance. The aim of this was to avoid setting out on such a high-profile and prestigious undertaking with no indication of whether it would succeed.

If these preliminary negotiations are included, which is justifiable in terms of their content, if not their form, the CSCE can be considered a four-stage conference process with two intensive working phases of several months, each concluding with a solemn signing ceremony. The preparatory discussions lasted six-and-a-half months, resulting in agreement on the topics to be discussed, the structure of the conference, working methods, and the rules of procedure. It was decided to do without a formal agenda, however, specific programmes for discussion were defined in considerable detail, which predetermined the division of the objects of the negotiations into the three "baskets": security-related matters (basket I), co-operation in economic

8 Cf. Reinhard Mutz (ed.), *Die Wiener Verhandlungen über Truppenreduzierungen in Mitteleuropa (MBFR) – Chronik, Glossar, Dokumentation, Bibliographie 1973-1982* [The Vienna Negotiations on Force Reductions in Central Europe (MBFR) – Chronology, Glossary, Documents, Bibliography 1973-1982], Baden-Baden 1983.

fields (basket II), and co-operation on humanitarian matters (basket III). The most important procedural rule concerned the consensus principle: A decision was understood to have been taken when opposed by no participating State. The 96 points of the "Final Recommendations" of the Helsinki Consultations were adopted by the foreign ministers of the participating States at their meeting held from 3 to 7 July 1973.[9] This also marked the opening of the main conference.

The second working phase required more effort to organize and was tougher to execute. It began on 18 September 1973 in Geneva. Every European state with the exception of Albania took part, as did the USA and Canada. All the 15 states of NATO and all seven members of the Warsaw Treaty Organization were represented, while the Group of Neutral and Non-Aligned States (N+N) comprised 13 countries, including the Holy See.

Although the Final Recommendations of the preliminary conference had already delineated the various areas for discussion, this amounted initially to no more than a compendium of chapter headings, which it was still necessary to fill with detail piece by piece. All of the language had to be acceptable to each groups of states represented, but also to each national delegation. To achieve this it took five rounds of negotiations over 22 months of talks and a total of 2,341 official sessions.[10] A separate committee was created with responsibility for each of the three baskets along with various sub-committees. Since compromises needed to be negotiated not only within the three baskets but also between them, the Co-ordinating Committee, which had the task of managing the entire process, also had to engage in practical negotiations. It consisted of the heads of delegations, all of whom were ambassadors. The result of these efforts was the Final Act of the Conference on Security and Co-operation in Europe. It was signed by the Heads of State or Government of the 35 participating States at a ceremony in Helsinki on 1 August 1975, garnering an incredible amount of international attention.

The Helsinki Final Act

What is the Final Act and what does it encompass? It is a comprehensive, complex, and convoluted document that alternates between preambulary and operational clauses. The overall division into sections relating to security, the economy, and humanitarian concerns is retained. They comprise the three

9 Cf. Final Recommendations of the Helsinki Consultations, Helsinki, 8 June 1973, in: Bloed, cited above (Note 1), pp. 121-140; also available at: http://www.osce.org/mc/40213.

10 Cf. Hans-Adolf Jacobsen, Zum Entscheidungsprozess der KSZE 1969-1975/78 [On the CSCE Decision-Making Process 1969-1975/78], in: Hans-Adolf Jacobsen/Wolfgang Mallmann/Christian Meier (eds), *Sicherheit und Zusammenarbeit in Europa (KSZE) – Analyse und Dokumentation* [Security and Co-operation in Europe (CSCE) – Analysis and Documentation], Volume 2, Cologne 1978, p. 519.

main substantive parts of the document, yet differ strongly in terms of structure and language. The first basket, which concerns questions relating to security in Europe, largely consists of a declaration of principles "guiding relations between participating States" – ten in number, and hence frequently referred to as the "decalogue". This declaration can be considered the "static part" of the Final Act. It includes rules of conduct that were considered fundamental and permanent, and which every participating State pledged to adhere to. In what could be considered the "dynamic part" of the document, i.e. baskets II and III, the areas are set out in which co-operation between the states and societies of Europe are to be developed. The economic sphere is subdivided into segments on commercial exchanges, industrial co-operation, science and technology, the environment, transport, and tourism. The humanitarian section includes human (i.e. individual) contacts, information, culture, and education. The prolix language encompasses both the goals of the intended co-operation as well as possible forms and methods to be used.

Appended to the catalogue of principles is a document that introduces a new concept to the discussion: confidence-building measures. These include the prior notification of major military manoeuvres and the exchange of observers to monitor such manoeuvres, both on a voluntary basis. These few clauses are the totality of what the Final Act has to say in relation to military security. A further section of the Final Act, placed between the second and the third baskets, contains a few general phrases on security and co-operation in the Mediterranean. It was intended to satisfy the southern European participating States, who had lobbied for the involvement of the African Mediterranean countries in the CSCE process. Finally, the concluding section of the document contains the inconspicuous yet highly significant sentence: "The text of this Final Act will be published in each participating State, which will disseminate it and make it known as widely as possible."[11]

Comparing the results of the conference with the intentions that both sides originally brought to the table, it appears that it came nearer to fulfilling Western expectations than those of the Eastern participants. The socialist states would have preferred a brief concluding document containing provisions clearly confirming the status quo and paving the way for the establishment of a pan-European supervisory institution. The Western powers, by contrast, were interested in keeping institutionalization to a minimum, while maximizing levels of exchange and communication between East and West. The sheer length of the Final Act, the variety of topics it deals with, and particularly the inclusion of the third basket, which the Eastern participants had tried in vain to keep out, support this. Nonetheless, among the Soviet Union and its partners, an interpretation of the results of the Final Act prevailed that foregrounded the catalogue of principles in the first basket and evaluated its endorsement by a pan-European forum at the highest level of diplomacy as

11 Final Act of Helsinki, cited above (Note 1), p. 210.

an act that definitively gave the seal of approval to the realities in Europe created as a result of the Second World War. A GDR publication evaluated the Final Act as follows: "With the agreement of these principles, the key political question of the territorial status quo in Europe has been permanently resolved, the inviolability of post-War frontiers has been set down in a multilateral context – both politically and in terms of international law – and principles of peaceful co-existence have been established for the whole of Europe."[12] At least three elements of this interpretation are not supported by an examination of the text of the Helsinki Decalogue: The permanence of the principles, their binding nature under international law, and the characterization of future relations among the states of Europe in terms of "coexistence".

There can be no talk of the permanence of the territorial status quo. Though the frontiers of all states in Europe are declared to be inviolable (Principle III) with regard to attempts to change them by violent means, they are also declared to be changeable by peaceful means and by agreement (Principle I).

The Final Act as a whole, and hence also the declaration of principles with which it begins, did not establish any new international laws. They were neither ratified by national parliaments nor registered with the Secretariat of the United Nations as required by Article 102 of the UN Charter for international agreements or treaties. They are merely a catalogue of declarations and statements of intent, not an international treaty, but rather a joint declaration. They are politically but not legally binding on their signatories.

The claim that the Helsinki Principles concern peaceful coexistence is demonstrated to be inaccurate by a consideration of their preamble. In it, the CSCE States declare that they agree to respect these guiding principles in their relations "with all other participating States, irrespective of their political, economic or social systems". By contrast, the principles of peaceful coexistence, according to the Communist theory of foreign policy, apply only to relations between states subscribing to different models of social order. Among states on the socialist side, different principles could be applied, e.g. the Brezhnev Doctrine, which assumed that socialist states had limited sovereignty in their mutual relations. This distinction between one kind of international law within the bloc and one for relations with non-socialist states was something that the principle of universal applicability of the Helsinki Final Act explicitly set out to counteract.[13]

12 Werner Hänisch/Dieter Vogl, *Helsinki – Ergebnisse und Perspektiven* [Helsinki – Results and Prospects], Berlin 1977, p. 25 (author's translation).

13 On the Western understanding of the Helsinki Principles, and particularly the West German view, cf. Klaus Blech, Die Prinzipienerklärung der KSZE-Schlussakte [The Declaration on Principles of the Helsinki Final Act], in: *Europa-Archiv* 8/1976, pp. 257-270.

The CSCE Process

The ceremonial Helsinki Summit at which the CSCE Final Act was signed represented a kind of "rarefication" of everyday political relations between East and West. This was the first time that the US President, and the leader of the Soviet Union had sat down at the same table together with the Heads of Government from both East and West, together with their counterparts from the often overlooked non-aligned Europe. The procedure itself invoked an image of unity and goodwill. Yet this impression was far ahead of the reality. A glance at the summit document might shed light on why: With their signatures, the assembled state representatives were not merely confirming how much rapprochement and understanding had already been achieved, but were signing up to a compendium of ambitious intentions and promises, a pledge to be honoured in the future. How this pledge would be redeemed was only indicated vaguely. The Act distinguished between three levels of implementation: unilateral measures to be undertaken by a single state, bilateral negotiations and agreements between two states, and multilateral meetings that require the co-operation of all participating States.[14] At the third level, the framework for further action was vaguely chalked out, in the form of plans for experts and government representatives to meet to review the implementation of the provisions of the Final Act and to discuss possible additional agreements. Only the time and place of the first follow-up meeting were agreed. As a consequence, nearly every possible option remained open between the CSCE being a one-time event and the start of a permanent process of communication. In the aftermath, all three groups of states – even if their motives were varied – let it be known that they did not want to snap shut the lines of communication now that they had been opened. This led to the model of the CSCE process as a series of follow-up events. Up to the end of the Cold War, these included three main follow-up meetings (Belgrade 1977-78, Madrid 1980-83, and Vienna 1986-89) as well as numerous negotiations, expert meetings, seminars, symposia, and forums dedicated to specific topics.

The impressive list of activities would have been considerably broader in scope if the preparatory meetings of several weeks duration that had preceded most events had also been included, but this says little about the political returns of the CSCE follow-up process. A certain climate was necessary for the conference idea to germinate, and it would have had to continue for it to also bear fruit. Yet the détente era reached its climax in 1975 and immediately showed signs of declining. In Vietnam, the last Americans had to evacuate the country hastily; Cuban troops armed with Soviet weapons intervened in Angola and, from 1977, in Ethiopia. The debate on the divisibility or indivisibility of détente began. The decade of negotiations and treaties ended with NATO's Double-Track Decision, the collapse of the SALT II

14 Cf. Final Act of Helsinki, cited above (Note 1), section on "Follow-up to the Conference", pp. 209-211.

Treaty, and the Soviet invasion of Afghanistan. In the shifting pattern of East-West relations, if the second half of the 1970s was a period of global cooling, the early 1980s saw the onset of a new Ice Age. It would have been remarkable if the change of climate had not had an impact on the CSCE. The first follow-up meeting in Belgrade failed to produce results; the second in Madrid was only salvaged by a nine-month break. The biggest success of the CSCE process, the Stockholm agreement on military confidence-building in Europe of September 1986,[15] already belonged to a different era. Gorbachev's "New Thinking" had transformed Soviet foreign policy.

An Evaluation: Successes and Shortfalls

The major difficulty with political impact analysis consists in applying methodologies that allow the reliable attribution of cause and effect. In the case of the CSCE, the situation is particularly difficult. In itself, the CSCE's multilateral conference diplomacy could achieve nothing at all. Each recommendation required additional decisions by national governments before it could take practical effect. Where such decisions were not taken, this could be for reasons other than those that caused the participating States to consider it advisable to nonetheless vote for the resolutions in question in the CSCE context. On the other hand, when CSCE initiatives were realized, this should not necessarily be attributed to the effectiveness of the pan-European forum. The CSCE's successes could just as easily have been projects that were so firmly in the interests of the participating States that they would have been brought to fruition even without the efforts of the CSCE. Successful political co-operation in Europe should thus not automatically be ascribed to the merit of the CSCE, just as the failure to co-operate should not be considered the CSCE's failing. Consequently, an evaluation of the Conference's successes and shortfalls should be restricted to determining the extent to which the CSCE's goals became reality. This does not touch upon the question of causality. It is also possible to evaluate whether and to what extent the CSCE's general approach to problem solving can be considered appropriate and effective for achieving the Conference's goals.

The declaration of principles in the Helsinki Final Act attracted considerably more attention while it was being developed than it did in the subsequent follow-up process. The central postulate was the prohibition on violence. It remained inviolate during the remainder of the Cold War, though admittedly the two sides offered stronger guarantees of that than mutual statements of intention. Yet also within the blocs, no society was subject to military intervention between 1975 and the end of the Cold War, despite con-

15 Cf. *Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe*, 19 September 1986, in: Bloed, cited above (Note 1), pp. 298-326; also available at: http://www.osce.org/fsc/41238.

cern that Warsaw could become another Prague 1968, something that gravely concerned East-West relations for several months in 1980-81.

In retrospect, the combative wrangling over specific formulations in the drafting of the declaration of principles that would have facilitated or hindered any and all changes to the balance of power in Europe appears to have been unnecessary. It did nothing to deter the historical forces of inertia and the desire for change. An illustrative example is provided by the passage on the right to internal self-determination. The Western proposal was that each state should be allowed to freely choose, develop, and change its political system.[16] The Soviet negotiators were not willing to accept the word "change". It was not included in the Final Act, though this did nothing to stop the societies of Eastern Europe from acting as though it was, when the time came.

The area where the CSCE most clearly failed to live up to the expectations of its participants was that of economic co-operation. This field appeared to offer almost the perfect scope for partnership, as the intensification of economic relations between East and West seemed most likely to promise the mutual benefits that were the goal of détente. Furthermore, economic relations were at such a low level, that there was enormous scope for improvement.[17] However, the outcome was the opposite. While trade between the Eastern and Western Blocs experienced double-digit growth during the late 1960s and early 1970s, the curve flattened off after 1975, and there was even negative growth in the early 1980s. In the CSCE's annus mirabilis of 1975, the OECD countries (the major Western industrial states) accounted for almost a third of foreign trade of the Comecon area, but this sank to under a fifth by 1988. Similarly, trade with the Comecon nations made up around four per cent of foreign trade of the OECD members at the start of this period, falling to around 2.5 per cent by the end. For the Western CSCE States, this trend meant that the issue of economic relations with the East declined to almost complete political insignificance.

Despite the parallels between deteriorating political relations and shrinking economic contacts between East and West, the causes of the decline in the latter field were largely economic in nature. The divergence between the two economic systems, the discrepancy between the trade goods available on each side (manufactured industrial products and capital goods on the one side, raw materials on the other), and, consequently, the shrinking reserves of foreign currency and growing debt of Eastern Europe created

16 Cf. Karl E. Birnbaum, *Die Konferenz über Sicherheit und Zusammenarbeit in Europa – Eine Zwischenbilanz der Genfer Kommissionsphase* [The Conference on Security and Co-operation in Europe – Interim Results of the Geneva Commission Phase], Bonn 1974, p. 24.

17 Cf. Hanns-D. Jacobsen/Heinrich Machowski/Klaus Schröder, Perspektiven der Ost-West-Wirtschaftsbeziehungen [Perspectives on East-West Economic Relations], in: Hanns-D. Jacobsen/Heinrich Machowski/Dirk Sager (eds), *Perspektiven für Sicherheit und Zusammenarbeit in Europa* [Perspectives on Security and Co-operation in Europe], Bonn 1988, pp. 321-333.

structural barriers to the expansion of economic co-operation across bloc lines. This was compounded by the impact of a restrictive Western economic policy towards the East. Comprehensive restrictions on technology exports to communist countries (the CoCom list) were only cautiously relaxed from 1987. In the early 1980s, boycotts and embargoes were popular means of opposing the Soviet arms build-up. All in all, the second basket of the CSCE agenda failed to generate the hoped-for impulse towards progress in European détente.

On the positive side of the conference's balance sheet are the results of the negotiations on increasing military transparency in Europe. The confidence-building measures, originally included in the Final Act rather awkwardly to counter the impression that the conference project with the ambitious concept of "security" in its title was completely ignoring the military dimension of the security problem, spent a long time in the background of the CSCE process. On the initiative of France, increasingly supported by West Germany, the West approached the Madrid Follow-up Meeting with the intention of gaining the Eastern Bloc's support for the proposal to hold an extraordinary conference on additional agreements aimed at enhancing transparency. These were intended, in contrast to the modest arrangements of 1975, to be militarily significant, politically binding, properly verifiable, and valid throughout Europe. The resulting Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe was a remarkable chapter in East-West arms-control diplomacy. Opening in January 1984, in the chilly climate created by the crisis over the stationing of medium-range missiles in Europe, the discussions made little progress for two-and-a-half years before the substance was ultimately dealt with in the final two months of negotiations. The final document agreed in September 1986 consisted almost entirely of proposals put forward by the Western side – Gorbachev's homage to the principle of military glasnost.

Despite the name of the conference, the agreement had nothing to do with disarmament, but it established the foundation for a comprehensive network of information on security-relevant military activities that was accessible to the whole of Europe. This included compulsory notification of manoeuvres and major troop movements, the obligation to invite observers, and the requirement that each participating State allow up to three inspections on its own territory per year. In line with normal OSCE practice, the agreement did not have the form of a treaty under international law, but was rather based on mutual commitment. Nevertheless, it was implemented without serious objections. In the first year of application alone, the number of invitations issued to Western states to send observers to manoeuvres in Warsaw Treaty countries exceeded the entire volume of the previous decade under the non-binding stipulations of the Final Act. The Vienna Document of November

1990 further enhanced provisions relating to notification.[18] The long-term goals of this system of notification and inspection is to create a situation where it is not longer possible for a country to make secret preparations for war, or for any such plans on the part of another state to remain invisible. The growth of military transparency and predictability in Europe benefits all CSCE States. Furthermore, since it was achieved via co-operation rather than confrontation, it may also have a beneficial psychological effect on security.

In all likelihood, merely enumerating the concrete transactions between the participating States does not do justice to the CSCE process. Beyond the political and diplomatic activity, a sphere of informal contacts between societies was created that had not existed during the mutual isolation and lack of communication of the 1950s and 60s. Communication was not only between government representatives, but was also undertaken by journalists, scientists, artists, members of all kinds of professional groups on matters of mutual interest and shared experiences. At the same time, they also discussed the topic of Europe – whether always with the intention of increasing understanding is a moot point, but certainly always with the result of increasing knowledge and sharpening awareness. The encouragement of dialogue, including dialogue on contentious issues, can be considered one of the key indirect successes of the conference.

Asymmetrical Détente

The dilemma of the Conference on Security and Co-operation in Europe consisted in the fact that it undertook all its work under a guiding concept that had never been adequately clarified, let alone conclusively defined. There was constant conflict over which of the various competing models of détente was best suited to deal with the issues at hand. One view sought to achieve a balance of interests and mutual understanding on the basis of the status quo. It proposed solutions based on trade-offs and concessions of like kind (symmetrical détente). The other view sought to reduce tension by encouraging the other side to make unilateral changes or to abandon certain stances (asymmetrical détente). The former position focused on mutual benefits, the latter allowed each side to measure success purely in terms of its own goals. One position was willing to make political compromises, the other to offer material incentives at best. From the start, the CSCE suffered as a result of the ambivalence of the concept of détente on which it was based. The consequence was that the consolidation of European security was initiated according to an ineffectual plan and using contradictory means. The first flaw was the fault of the East, the second is the responsibility of the West.

18 *Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures*, Vienna, 17 November 1990, in: Bloed, cited above (Note 1), pp. 489-532; also available at: http://www.osce.org/fsc/41245.

The plan was ineffectual because it was restricted to a narrow section of necessary and possible measures. Of course, the Helsinki catalogue of principles enumerated exhaustively everything that needed to happen to ensure that war in Europe was ruled out and the security of the signatory states was reliably guaranteed. The first five principles, in particular, are abundantly clear: sovereignty, the renunciation of violence, the inviolability of frontiers, territorial integrity, and the peaceful settlement of disputes – nothing more is necessary than the precise compliance with these principles to ensure peace between nations. Yet the solemnity of promises given does not offer protection against the temptation of breaking them at opportune moments, nor does it create certainty that words and deeds will always concur. It therefore should have been obvious that the declaration of principles of security needed to be supported by practical measures, and nothing would have done more to achieve that than jointly reducing the enormous levels of troops, weapons, and equipment that had been built up in Europe during the Cold War. This was NATO's initial proposal, which the Eastern states did not want to pursue, well aware that this would postpone the end of the conference into the indefinite future. Separate forums were thus held on the declaration of security principles and on force reductions, with the result that the CSCE Final Act was already an established fact in recent history when the disarmament talks, which had been outsourced to the Vienna-based MBFR project, had still not progressed beyond the situation they had been in at the start.

The measures proposed by the Helsinki Final Act as a means of guaranteeing security contain significant contradictions. The seventh principle calls for the participating States to respect individual human rights and fundamental freedoms. By doing so, it ruptured the orderly structure of the decalogue. While all the other principles consist in commitments from states to other states, this one creates a commitment for states towards their own citizens. By adducing a behavioural imperative drawn from domestic legal relations for the regulation of international relations, the Helsinki Final Act provides a lever that allows the internal political and social structure of the participating States to be influenced from abroad. Interestingly enough, this principle of human rights comes immediately after the clause that enjoins the signatory states to refrain from interfering in the internal affairs of the other states.

The principle of respect for human rights and fundamental freedoms, combined with the measures on co-operation in the human dimension (the third basket), is what grants the CSCE Final Act a specifically Western imprimatur. In the original Eastern drafts, this was lacking. The Soviet Union and its allies accepted it reluctantly to avoid endangering what was of key importance to them – namely the approval of the document as a whole by all 35 states. They would soon have to pay the price for this compromise. At the follow-up conferences, the human rights principle provided the means to place them in the dock. The dispute over the implementation of these provi-

sions entirely eclipsed the issue of the ongoing development of the Final Act for a while; the scene became a tribunal. This exhausted most of the first follow-up meeting in Belgrade, while the second Meeting in Madrid eventually lasted no less than three years, as the debates on implementation continued to flare up again and again. The CSCE expert meetings on human rights in Ottawa (1985) and on human contacts in Bern (1986) both failed to produce substantive results. To the annoyance of not just the Eastern Europeans but also the bulk of the Western Europeans and neutral states, they did not even result in a final communiqué.

The third follow-up meeting in Vienna, which ended in January 1989, still before the collapse of the socialist system, was the turning point that brought about the final triumph of the Western understanding of the role of the CSCE. Statements on human rights and third basket matters took up half of the concluding document.[19] No fewer than 15 individual clauses were dedicated to explicating the principle of freedom of religion or belief. These included the right of religious communities to organize themselves according to their own hierarchical structures, and the right of every individual to receive religious education in the language of his or her choice. The principle of the freedom of movement was extended to include several new aspects, including the right of tourists to accept accommodation in private residences and the right of pilgrims to carry with them religious publications and objects related to the practice of their faith. In view of this wealth of detail, even Western diplomats were beginning to take the view that the security conference had exhausted its need to create new rules.[20] Social and economic human rights – issues for which the Eastern delegations had traditionally advocated – were also mentioned, yet only briefly in a formula stating that the participating States will "pay special attention to problems in the areas of employment, housing, social security, health, education and culture".[21] As an illustration of normative power and what is meant by "asymmetrical détente", the Vienna Concluding Document is exemplary.

It is only in terms of one concept of détente, that of opening up the opposing system to one's own values, that the CSCE can be considered to have made optimal use of the opportunities it had to effect change in the divided Europe. This, however, would also require us to amend the ordinary understanding of security and co-operation. The security gains achieved by co-operative means during the era of détente include the accommodation reached by the two superpowers on their mutual relations in 1974, the initial SALT compromise, and the conflict-defusing settlement of long-smouldering conflict issues in Europe, including Poland's Western frontier, the statehood

19 Cf. *Concluding Document of Vienna*, Vienna, 15 January 1989, in: Bloed, cited above (Note 1), pp. 327-411; also available at: http://www.osce.org/mc/40881.

20 Cf. Hans-Heinrich Wrede, *KSZE in Wien – Kursbestimmung für Europas Zukunft* [The CSCE in Vienna – Setting Course for Europe's Future], Cologne 1990, p. 153.

21 *Concluding Document of Vienna*, cited above (Note 18), para. 14, p. 335.

of the GDR, and the problem of Berlin. It was only on the back of these substantive agreements that the CSCE was possible.

Two hostile camps that are willing to confirm each other's spheres of influence and to work to gradually deal with the accumulated conflicts that divide them are not about to attack each other. To continue to arm against each other without restraint would have been to simultaneously disavow their own work of détente. Rejecting arms limitations and disarmament when the political ground had been prepared would have been nothing other than an admission that the arms race had become self-sustaining and that security concerns were less and less a product of the conflict than of the weapons themselves. This was the reality of the Cold War at a time when the CSCE was increasingly being transformed into a human rights forum. From the late 1970s, keeping the conference process alive at all was seen as a success of pan-European diplomacy. This shows just how expectations had degenerated. Helsinki turned out not to be a departure to new shores, and the attempt to anchor European security in détente foundered because it abandoned suitable models for co-operative security – arms limitation and disarmament – and overburdened an unsuitable one – human rights.