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The OSCE at 50: Reviving the spirit of Helsinki

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Abstract

This article gives a personal view of the preparatory phase of the negotiations leading to the signing of the Helsinki Final Act on 1st August 1975, and the early stages of the Conference on Security and Cooperation in Europe (CSCE), seen from the perspective of the nine member states of the European Community (EC)as it was then known. It underlines the impact of the CSCE (and subsequently the Organisation for Security and Cooperation in Europe) as a catalyst for change, and highlights examples of its confidence building role in conflict and post conflict situations, such as the Transdniestrian settlement process and the Western Balkans.[1]

Introduction

In January 2025, Finland took over the rotating Chairpersonship of the Organisation for Security and Cooperation in Europe. This is the second time Finland has assumed this role, having chosen the theme of 'Resilience' as its focus for this jubilee year. Throughout its fifty year history, the OSCE has weathered one crisis after another. Each time it emerged, battered but ready and better prepared to play a role in peace building.

It happened in 2014 with the Russian annexation of Crimea and the setting up of the Special Monitoring Mission in Ukraine, just as the OSCE was preparing to mark the 40th anniversary of the Helsinki Final Act the following year. It is happening again today following the Russian full-scale invasion of Ukraine in February 2022. Hopefully, sooner rather than later, the guns will be silenced and the OSCE will once again be called upon to play its role in early warning, conflict prevention and resolution, and post conflict rehabilitation.

Considering the historic transformations on the European continent since the signing of the Helsinki Final Act in August 1975, what has been achieved by the OSCE since then, despite the frequent lack of political will on the part of the participating States, is truly remarkable. The development of its comprehensive approach to security, the establishment of its three autonomous institutions (the Office for Democratic Institutions and Human Rights - ODIHR , the High Commissioner on National Minorities – HCNM, and the Representative on Freedom of the Media - RFOM), and the work over the years of its many diverse field operations, are reminders of the range and extent of these achievements.

Probably the most existential crisis in the Organization's history is playing out today, with the ongoing war on the European continent perpetrated by one participating State (Russia) against another (Ukraine), with the former once again violating core principles of the Helsinki Final Act. Yet despite this latest crisis, these principles are more relevant than ever. They are a potent reminder of what can be achieved through cooperation, patient diplomacy and the building of trust. They are also a warning of the consequences if we fail to defend them.

The best way to honour the pioneering spirit which prevailed during the negotiations which led to the signing of the Helsinki Final Act and the road travelled since then, will be for the 57 participating States to demonstrate renewed political will in reaffirming the 10 Helsinki Principles as well as the commitments developed over the

1 On 1st August 1975, the heads of state or government of 35 nations, from Vancouver to Vladivostok, signed the Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE). By adopting 10 principles guiding relations among the participating States contained in the document, the 35 leaders launched the 'Helsinki Process' which became the main focus for political consultation and negotiation on a comprehensive set of issues, including human rights and fundamental freedoms. The CSCE became the Organisation for Security and Cooperation in Europe (OSCE) from 1st January 1995 to reflect the institutional development from a process into a body with permanent structures and autonomous institutions.

years.

Preparatory phase and first years of the CSCE - some personal reflections.

It was as a junior member of the European Commission's team that I participated in the final stages of the negotiations leading to the signing of the Helsinki Final Act, as well as in the first Review Meeting in Belgrade from November 1977 to March 1978. The first phase had taken place in Helsinki from November 1972 to July 1973 bringing together representatives from the 35 participating States. It had set out the three broad categories of issues to be tackled in the negotiations (the three 'Baskets', covering European security in Basket one, cooperation in economics, science and technology and the environment in Basket two, humanitarian and cultural cooperation in Basket three, plus a fourth category on follow up meetings). The second and final phase took place in Geneva from September 1973 to July 1975.

This was a challenging time for East-West relations. The Cold War, a period marked by mistrust and deep-rooted ideological conflict, cast a dark shadow over the entire European continent and beyond. The European Community (EC) as it was then known was still finding its feet on the international stage. The Soviet Union refused to recognise its existence and any discussions with the European Commission for example on economic matters had to take place on neutral ground. These usually took place within the UN Economic Commission for Europe, or at side meetings hosted by the neutral and non-aligned countries.

The EC, composed of nine member states at that time, played a critical role in the negotiations leading to the signing of the Helsinki Final Act. This role was greatly facilitated by the informal intergovernmental mechanism established in 1970, following the so-called Davignon Report (named after the Belgian political director and future member of the European Commission, Etienne Davignon). Aimed at providing a framework for coordinating and harmonising the foreign policies of the nine outside the European Community structures , the European Political Cooperation (EPC) mechanism ensured that the EC group of nine had a voice on the international stage.

Using a 'chef de file' system in the negotiations, the EC was able to cover the countless side meetings and parallel negotiations under all three Baskets with individual member states taking the lead on specific issues.[2] The United States, under the Nixon Administration and its Security Advisor Henry Kissinger, were keen to emphasise during the negotiations on Basket one the military aspects of detente and preserving the centrality of NATO in the defence of Western Europe . They were supported by individual members of the European Community who were also members of NATO. However it is worth mentioning that NATO at that time also counted the then repressive regimes of Greece, Portugal and Turkey among its members.

The EC on the other hand, working as a cohesive group and as a non-military actor with no "hard power" baggage , was better placed to push on all the issues under the other Baskets, especially Basket three, where human rights, freedom of religion and movement, etc, were a key priority for the West. As such, the group was able to project in the negotiations the same values contained in the founding principles of the European integration project - the rule of law, representative democracy and social justice. That it was able to do so and at the same time obtain major concessions from Moscow greatly enhanced its standing as a key player in European detente in subsequent years.

2 D.Mockli (2008), "The EC-Nine, the CSCE and the changing patterns of European Security", in A.Wenger, V.Mastny and C.Neunlist (eds.),Origins of the European Security System : The Helsinki Process Revisited 1965-1975, London, Routledge.

The EC was no less successful in Basket two issues, where the European Commission team, embedded within the delegation of the member state holding the six month rotating Presidency of the Council of the EC, provided significant input on issues relating to removing trade barriers, promoting business contacts and commercial exchanges, amongst others.

This official recognition of the role of the EC in the Helsinki process is also reflected in the signing of the Final Act itself, when Aldo Moro signed not only as Prime Minister of Italy but also "in his capacity as President in Office of the Council of the `European Communities". This was a major success for its evolving foreign policy role on the world stage. To quote Daniel Mockli in the book "Origins of the European Security System"[3]: "Yet it is hard to exaggerate the significance of finally attaining this double signature, which reflected the Nine's rise as an acknowledged actor in European security as much as their collective contribution to the CSCE"[4].

A catalyst for change

Even if some would argue that the Helsinki Final Act represented acceptance of the dividing lines in Europe at the time and of Moscow's control over the Warsaw Pact countries, nevertheless, as history unfolded, it became a catalyst for change in ways that Moscow would never have expected. The collapse of the Soviet Union and the fall of the Berlin Wall, bringing a peaceful end to the division of Germany and a re-drawing of the map of Europe overnight represented dramatic geopolitical changes in Europe's security architecture. That the CSCE and subsequently the OSCE was able to rise to the occasion at each turn of the page of Europe's history is testimony to its enduring strength and the added value it has brought to the peaceful settlement of disputes and conflict management in Europe.

The biggest impact in my view was in the human dimension with the lifeline it provided to the dissident movements in eastern Europe which were faced with persecution during the dark years of the Cold War. For many, it was replacing despair with hope. It had a galvanising effect in expanding the notion of security to include fundamental freedoms. Helsinki monitoring groups were established in many countries which kept public attention focussed on those leaders who failed to respect the commitments , particularly in relation to human rights and fundamental freedoms .

Probably the most well known dissident at the time was Andrei Sakharov, who was awarded the Nobel Peace Prize in the same year of the signing of the Helsinki Final Act. That Moscow had signed up to those commitments in the Helsinki Final Act increased the pressure for Sakharov's eventual release in 1986 from exile to Gorki (now known as Nizhny Novgorod) following the coming to power in early 1985 of a new leader, Mikhail Gorbachev, and in particular his summit meeting in Reykjavik in October 1986 with US President Reagan. The example of Sakharov and of many other courageous personalities such as Vaclav Havel in then Czechoslovakia, highlighted the critical anchor provided by the Final Act which they used to maximum advantage.

3 D.Mockli (2008), "The EC-Nine, the CSCE and the changing patterns of European Security", in A.Wenger, V.Mastny and C.Neunlist (eds.), Origins of the European Security System : The Helsinki Process Revisited 1965-1975, London, Routledge.

4 Today, after acquiring formal status in 2006 under the OSCE Rules and Procedures, the EU has its own seat at the table next to the EU member state holding the six month rotating Presidency of the European Council.

Confidence building measures

One of the more successful areas of cooperation within the OSCE lies in early warning, conflict prevention and resolution, and peace building, which remain an integral part of the organisation's "raison d'être". Using the Conflict Prevention Centre established at the Paris Summit in 1990, the Platform for Cooperative Security adopted at the Istanbul Summit in 1999, as well as its Confidence and Security Building Measures (CSBMs) and its Field Operations, the OSCE has been able to play a major role in dealing with successive conflict and potential conflict situations in the OSCE region.

Transdniestrian settlement process

One such example is the Transdniestrian settlement process. A breakaway region of the Republic of Moldova, Transdniestria represents one of those conflicts that are referred to as "frozen", or "protracted conflicts'' which emerged following the break-up of the Soviet Union. The outbreak of hostilities in 1991/92 in the Transdniestrian region was brought to an end by an agreement reached in July 1992 between the Presidents of Moldova and Russia which provided for an immediate ceasefire and the creation of a demilitarised Security Zone. This included a Joint Peacekeeping Force (JPKF) consisting of Russian, Moldovan and Transdniestrian troops, and a Joint Control Commission overseeing it. Shortly afterwards, in 1993, the OSCE Mission to Moldova was established with a mandate aimed at facilitating "the achievement of a lasting, comprehensive political settlement of the conflict in all its aspects"[5].

Apart from conducting regular checks on the Security Zone, the Mission developed a whole series of activities aimed at promoting cooperation and confidence building between both sides, covering such areas as human rights and democracy building, media freedom, as well as anti-trafficking and gender equality.

A negotiating process was established, now commonly referred to as the "5+2 Process", since the addition in 2005 to the sides (Republic of Moldova and Transdniestria), and the mediators (Russia, Ukraine, OSCE) of the EU and US as observers. The talks were suspended in 2006.

It was only in September of 2011, during the OSCE Chairpersonship of Lithuania, that agreement was reached at a meeting of all participants in Moscow to resume the talks. The first round following the almost six year hiatus took place in Vilnius at the end of that year.

When Ireland took over the OSCE Chairpersonship in January 2012, it coincided with a change of leadership in Transdniestria , with Yevgeny Shevchuk replacing Igor Smirnov who had been in power for 20 years. The new leader adopted a less ideological and more pragmatic approach than his predecessor, which greatly facilitated intensified dialogue and gave significant momentum to the negotiating process.

The approach adopted by the Irish Chairpersonship was guided by some of the principles that drove other post conflict peace processes.

5 Mandate of the OSCE Mission to Moldova. http://www.osce.org/moldova

It included :

- creating a positive environment for the negotiations, conducive for an open dialogue and for developing a relationship of trust between the Chief Negotiators from both sides;

- gradually building on the established trust through a policy of small steps (‘‘small incremental steps, rather than a giant leap forward’’)[6];

- highlighting the critical role that can be played by civil society organisations and the media during the ongoing process.

Thus it was that during the course of that year, Ireland chaired five rounds of negotiations, during which significant progress was made with the adoption of the principles and procedures for the conduct of the negotiations (the basic ground rules for the process such as recognition of equality of the sides in the negotiation process as well as the principle that “nothing is agreed until everything is agreed” - rules that are similar to those agreed in the Northern Ireland Peace Process which led to the 1998 Good Friday Agreement). An agenda was also agreed which divided the topics in three broad Helsinki Final Act inspired baskets:

- Socio economic issues;

- General legal and humanitarian issues and human rights;

- Comprehensive settlement, including institutional, political and security issues.

Combined with the increased rhythm of meetings between the Moldovan Prime Minister Mr. Filat and Mr. Shevchuk, this renewed momentum led to several confidence building measures being agreed between both sides, such as the resumption of rail freight and passenger services between Chisinau and Tiraspol and other measures aimed at removing obstacles to free movement and telecommunications.

The approach of the Irish Chairpersonship was to show that the greater the level of interaction between both sides of the Dniestr river, the better to demonstrate the advantages of working together, creating a sense of ownership in the process and highlighting the economic benefits which could accrue to each side.

A visit to the Northern Ireland peace process

The Irish Chairpersonship also invited the Chief Negotiators from both the Republic of Moldova and Transdniestria to visit Ireland and explore together the Northern Ireland peace process. It gave them an opportunity, during meetings in both Dublin and Belfast. to hear at first hand from those involved in the Northern Ireland peace process and the patience and perseverance that the process required. They also had time to get to know each other better and have bilateral discussions away from their own ‘comfort zones’.

Furthermore, in response to a joint request made to us by both the Prime Minister and Mr. Shevchuk, we hosted a gender balanced group of twenty civil society and media representatives to visit Dublin and Belfast. These were individuals who came from both sides of the river, with little opportunity to interact in their own

6 Statement by the OSCE Chairman-in-Office, Foreign Minister Eamon Gilmore, at the opening of the “5+2” meeting in Dublin, February 2012.

environment.

The group listened to both political party representatives and civil servants who had been directly involved in the negotiations and who continued to serve in various capacities in the implementation of the Good Friday Agreement.

The role of women in post-conflict peace negotiations, often sadly underestimated, was also underlined during the visit. The Northern Ireland Women's Coalition was the only political party of its kind to gain representation in the peace negotiations and being elected to the First Legislative Assembly following the Good Friday Agreement.

The group also heard personal testimonials of former prisoners from both the Loyalist and Republican traditions now working together at local level in joint projects aimed at bridging the continuing divide between neighbouring communities, again building much needed trust along the way.

As it was difficult to deny the considerable progress made during the course of that year in the "5+2" process, the OSCE Ministerial Council, at its meeting in Dublin in December 2012 was able to reach consensus on a Ministerial Statement on the settlement process, the first of its kind in over 10 years . This represented a major achievement in itself and gave encouragement to the parties involved to continue their efforts. It laid the foundation for subsequent such Ministerial Council statements which continued until 2021.

Today, thirteen years later, the settlement process is still in place for better or worse. There have been some notable advancements building on the agreements reached in 2012, even if the process has been extremely slow with the Russian invasion of Ukraine obviously having a negative impact. Any advancement towards a final settlement will ultimately depend on when and on what conditions Russia will terminate its war against Ukraine.

By the mere fact of having an OSCE presence in the Republic of Moldova, the Organization is well placed to pursue its role of peace-building once this happens.

The Western Balkans

Any overview of the impact the OSCE has had on the European continent would not be complete without a mention of the significant role it played in the Western Balkan region following the break-up of Yugoslavia and the bloody wars that ensued. Whether it was in the implementation of the Dayton Accords of 1995 which brought the fighting to an end in Bosnia and Herzegovina or the Ohrid Framework Agreement in 2001 which provided a framework for peace and inter-ethnic reconciliation in the then Former Yugoslav Republic of Macedonia (now formally known as North Macedonia following the Prespa Agreement of 2018 with Greece), it was the OSCE field operations that were instrumental in supporting the post conflict peace processes.

By deploying their expertise and rapid reaction capability, the OSCE field operations contributed to building strong institutions at national and local level and promoting democratic standards . With the entire region at various stages of their respective EU accession processes, the synergy developed between both the EU and the OSCE has been and remains particularly important. One has only to look at the added value which the OSCE field operations can bring to the EU in those areas, such as media freedom and the rights of national

minorities, where the latter lacks expertise.

During my mandate as EU Special Representative and Head of the EU Delegation in North Macedonia, I recall several examples which reflect the value of this cooperation. One of the areas of particular sensitivity related to the teaching of languages, a difficult subject at the best of times, not least in a multi-ethnic society such as North Macedonia. The High Commissioner on National Minorities at the time, Ambassador Knut Vollebaek developed an integrated education programme aimed at addressing this issue. Together with the Ambassador, we joined forces to convince the reluctant government led at the time by Prime Minister Nikola Gruevski to adopt this programme as official government policy. To ensure effective implementation at the national and local level, we brought in several civil society organisations working within local communities in promoting joint education projects involving teachers, families and the local authorities.

The role of civil society organisations

This example also highlights the critical importance of providing a space for civil society in a post conflict peace process. Civil society organisations are best placed to build bridges across the political divide and to create a climate of trust at the local level - where it matters most. Past experience of conflict resolution shows that women's rights groups are often in the forefront of these efforts. The examples offered by the implementation of the Northern Ireland peace process, and the post-apartheid reconciliation efforts in South Africa under the government of Nelson Mandela come to mind. Even if no two peace processes are alike, these examples provide a wealth of valuable expertise and show the benefits that can be gained from shared experiences.

It is in this respect all the more regrettable that many of the civil society organisations active in the Western Balkans are now facing existential challenges following the dismantlement by the Trump Administration of the US Agency for International Development (USAID), which provided vital financial support in areas of direct relevance to democracy building and human rights. Failure to fill the gap could lead to democratic backsliding and exacerbating an already fragile political and security environment in the Balkan region.

Conclusion

Not since the Second World War has Europe faced such existential threats to its security. Repeated violations of the norms and standards that we took for granted have weakened the multilateral institutions set up to defend them. It is no wonder therefore that in launching Finland's programme for 2025, the Finnish Foreign Minister Elina Valtonen, emphasised its main priority will be "to ensure that our shared principles are not merely memories of the past but continue to guide us through these difficult times."[7]

So long as the Russian aggression against Ukraine continues it will be difficult to foresee the OSCE, as a consensus-based Organisation, being able to function normally. Yet, its ongoing work remains as vital as ever if only to ensure Russia's accountability for its continued violations of the Helsinki Final Act's core principles. Preparing the OSCE for the long term future will be equally important, so that it will be ready to fully resume its role once the political will of the participating States is restored.

7 Statement by Finnish Chairperson-in-Office, Minister for Foreign Affairs Elina Valtonen, to the OSCE Permanent Council, 23 January 2025

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