Moscow Meeting of the Conference on the Human Dimension of the CSCE: A Critical Analysis

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1. Introduction
The last meeting of the Conference on the Human Dimension of the CSCE which took place in Moscow from 10 September till 4 October 1991 has resulted in a further step forward in the process of the creation of new norms and supervisory procedures in the field of the human dimension of the CSCE. Major improvements have been achieved in particular in the field of the supervisory mechanism of the human dimension. Significant was especially the establishment of a ‘Moscow mechanism’ in cases of particularly serious violations of human rights in CSCE States, as for the application of this mechanism no consensus among the CSCE States is required. The results in the field of the creation of new norms and the further development of agreements previously agreed upon, however, were rather disappointing. This may partly be explained by the fact that the limits in the field of norm creation have been reached. The major improvement in this area consists of a number of detailed provisions concerning derogations from human rights obligations during a state of public emergency.

2. Historical Background
The CSCE meeting in Moscow was the third and last meeting of the Conference on the Human Dimension (CHD) of the CSCE. The CHD was established at the CSCE Follow-up Meeting in Vienna in January 1989. Its general purpose was 'to achieve further progress concerning respect for all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character'. This task was of a twofold nature: standard setting in the field of human rights and humanitarian questions and supervision of the implementation of agreements entered into.

The first CHD meeting in Paris in June 1989 did not achieve any substantial results, mainly due to the Romanian opposition against any further progress. In contrast, the second CHD meeting in Copenhagen resulted in the adoption of a document which constituted the most remarkable human rights document thus far adopted in the framework of the CSCE process since the signing of the Final Act of Helsinki in August 1975. The Copenhagen

2. See, e.g., A. Bloed, 'A New CSCE Human Rights 'Catalogue': The Copenhagen Meeting of the Conference on the Human Dimension of the CSCE', in: A. Bloed & P. van Dijk (Eds.), The Human Dimension of the Helsinki Process; The Vienna Follow-up Meeting and its Aftermath (Dordrecht etc. 1991), pp. 54-73. See also Helsinki Monitor, 1990, No. 3, pp. 36-43.
meeting clearly profited from the revolutionary changes in the States of Central and Eastern Europe. In the highly improved political climate solutions could be found for a great number of issues which had kept the Eastern and Western CSCE States divided for a long time. Very important provisions, laid down in the Copenhagen Document, concerned inter alia the rule of law, free elections, and the protection of national minorities.

In view of the major results, achieved at the CHD meeting in Copenhagen (and to some extent also at the CSCE Summit Conference in Paris in November 19903), doubts were often expressed whether the Moscow meeting of the CHD could bring any further substantial progress. There was a general feeling that the Moscow meeting would be useful if it succeeded in achieving substantive progress in the field of the supervisory mechanism of the human dimension. In this latter field the Copenhagen meeting had failed to achieve any significant result. However, expectations were rather low as far as the creation of new norms were concerned. In general terms, the outcome of the Moscow CHD meeting lived up to these expectations.

It may be recalled that Moscow as one of the meeting places for the CHD has been disputed from its very beginning. The proposal to convene a conference on humanitarian co-operation in the framework of the CSCE in the Soviet capital, submitted by the then Soviet Foreign Minister Eduard Shevardnadze in November 1986, met with a considerable sepsis from the side of the Western States. This hesitation was caused by the fear that a human rights conference in Moscow might be exploited for propaganda reasons by the Soviet authorities. Only at the very end of the Vienna Meeting, the Western States consented to the holding of one of the CHD meetings in Moscow, although the USA, Canada and the United Kingdom made their consent conditional: they would decide upon their participation in the Moscow meeting in the light of the current human rights record of the Soviet Union.

In view of the political developments in the Soviet Union and the considerable improvements in the field of human rights, there seemed to be no serious obstacles which could hamper the holding of the Moscow meeting. The military coup by a group of conservative communists in August changed this situation radically. The EC Member States immediately decided to refrain from participation in the Moscow meeting of the CHD. After a few days, the situation again changed as a result of the failure of the coup d'etat. In the ensuing chaotic period it remained uncertain whether the CHD meeting would take place, as now the Soviet authorities seemed to have lost their interest in this meeting. At the very last moment, Moscow decided to continue with the meeting, probably due to its hope that it might bring the Soviet Union political benefits. The new climate in the post-coup Soviet Union was reflected in the fact that the Soviet and Russian governments agreed to organize the CHD meeting jointly. Thus, on 10 September the then Soviet president Mikhail