The First Human Dimension Implementation Meeting
Analysis of the Informal Recommendations

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In the following analysis, we will deal with three areas which seem to us of particular importance within the Human Dimension of the CSCE without addressing all issues of a substantive and/or procedural nature discussed during the meeting, and to look at the impact the implementation meeting can have on these areas. The analysis combines the results of the two SWBS. Beforehand, it has to be said that the informal recommendations of SWB 2 are further-reaching than the ones of SWB 1. It is, however, the combination of the different recommendations which reveals some promising aspects for the implementation of certain HD commitments, on the one hand, and some less encouraging aspects on the other.

I Promotion of Democracy and the Rule of Law
The subjects which constitute the comprehensive core of the commitments under the Human Dimension of the CSCE, namely human rights, the rule of law and democratic institutions, were dealt with in clusters I and III of SWB 1. The modest recommendations that were elaborated under these items do not accurately reflect the ample discussions that were held on practical aspects of the implementation of the commitments in these fields. It was particularly under this perspective of comprehensive CSCE principles on democracy and the rule of law that the specific difficulties and fragile conditions of the new and emerging democracies in the CSCE became apparent. Although the discussions therefore tended to concentrate on the ‘Eastern’ region of the CSCE, particularly on the newly admitted states, an open and cooperative atmosphere prevailed. Thus, shortcomings in implementation were not only identified by traditionally ‘Western’ criticism, but also by constructive responses and even by frequent self-appraisals. A true picture, almost lacking any ideological distortions, could therefore be given about regarding the present situation.

Under various items such as freedom of thought and of expression, free media, freedom of association and assembly, and democratic institutions, a crucial problem repeatedly arose: The establishment of a pluralistic democracy would require all parts of the population, including political opposition groups, to be granted full participation in the political process. Several governments

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1. This article is a follow-up of a report by the same authors on the Human Dimension Implementation Meeting: ‘The First Human Dimension Implementation Meeting: A Report’, in Helsinki Monitor, 1994, no. 1, pp. 64-74. This report included a list of Informal Recommendations, contained in the Reports of the two Rapporteurs.
claiming a new democratic legitimacy, however, think of themselves as being compelled to curtail the political freedoms of the opposition in order to secure political stability and to prevent disruptions among the population. One of the lessons to be learnt from democratic tradition, but obviously most difficult to follow in practice, is the fact that in the long run, national security is enhanced rather than threatened under pluralistic conditions. It was also recognized, however, that transition periods would be needed for adaption to the new requirements of democratic legitimacy.2

Another difficulty which was repeatedly identified under various aspects is the lack of a legal awareness both among state officials and the general population which would be a precondition of the functioning of democratic institutions and the rule of law. This holds particularly true for the requirement of an independent judiciary.3 As opposed to the spirit of ‘socialist legality’, the rule of law relies on principles which at the same time represent the conditions of democratic legitimacy.4 Therefore, no realization of political interests can take place beyond the limits of justice and the respect for individual rights. It was in that context that the continuation of assistance programmes in democratic institution building and the rule of law, as well as a seminar on an independent judiciary, were recommended by SWB 1 (paragraph 10 of the report).

These two recommendations to the CSO, being the only ones under clusters I and III calling for concrete action, seem quite a modest result as compared to the rich and detailed discussions that were held under the respective items. It is an outcome, however, which once again seems to confirm the new era into which the Human Dimension of the CSCE has passed and which is already reflected in the weak mandate of the implementation meeting itself.5 Within the CSCE process, the Human Dimension has lost its role as a specific political instrument that it had played in the times of ideological confrontation. On the one hand, this is what now enables discussions on the respective matters to be more ingenuous and less distorted by political strategy. On the other hand, that change seems to have taken away the political motor on which progress within the CSCE process had always relied,