The Heart of the Matter
The Human Dimension of the OSCE

Max van der Stoel

Introduction
On 1 August 1995, we will be celebrating 20 years of the Helsinki Final Act. The Final Act was the first standard-setting document of the Conference on Security and Cooperation in Europe, or the CSCE, rechristened by the Budapest Summit Meeting of December 1994 as the Organisation for Security and Cooperation in Europe (OSCE). Few people will realise that the signature of this document by 35 heads of state and government was a milestone in international relations in Europe. I am even sure that quite a few of those who signed it themselves at the time did not realise its significance. As the Dutch Foreign Minister at the time and present when the Dutch Prime Minister put his signature to it, I recall that I could only hope for a positive effect of this product of long and painful negotiations.

My political and personal interest was mainly drawn to Principle VII of the Decalogue, the list of ten principles guiding relations between participating states. This principle put human rights at the same level as other, more traditional principles like non-recourse to force, respect for the territorial integrity of the state and the inviolability of borders. It provided the main basis for the development of what we now call the human dimension of the OSCE, consisting of all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character, and also including democracy, democratic institutions and the rule of law.

The Helsinki Final Act can be seen as the birth-certificate of the OSCE. It was not, however, an easy delivery. To be sure, for various reasons in the early 1970s relations between East and West had improved in comparison with the period immediately after the Second World War. In the West, an evolution in the thinking about the Cold War had taken place. Gaining ground was the recognition that policy vis-a-vis the Soviet Union had to consist of more components than just maintaining the nuclear balance and the system of collective defence.

Although undoubtedly too simplistic a formulation, it is nevertheless at its heart not incorrect to say that at the beginning of the 1970s there was an increasing interest in the West in building bridges to the communist East. This feeling was especially strong in Germany and led to new directions in its

1. The author was Foreign Minister of the Netherlands when the Helsinki Final Act was signed (he served as such from 1973-1977 and 1980-1981). He headed the delegation of the Netherlands to the three-meeting Conference on the Human Dimension of the CSCE (Paris 1989, Copenhagen 1990 and Moscow 1991). Mr. Van der Stoel is presently the (first) OSCE High Commissioner on National Minorities.

2. For the sake of simplicity, hereafter only the term OSCE is used.
foreign policy towards Eastern Europe.

Fundamental to German Chancellor Willy Brandt’s ‘Ostpolitik’ was the notion that, since the division of Germany into two states would continue in the foreseeable future, what should have priority was keeping alive the concept of the continued existence of one German people and one German nation. Special attention was given to making the Iron Curtain more transparent and looking for ways to soften the humanitarian impact of the German division on both sides of the new borders. However, it was also clear that the realisation of these objectives could not begin if the road to dialogue and rapprochement were not taken first.

Fundamental changes also took place in the basic conceptions of the Western Alliance as a whole. Parallel to the maintenance of a collective defence, the pursuit of détente was elevated to the rank of one of the essential objectives of the Alliance. In that framework, increasing attention was given to the possibilities for arms control, nuclear as well as conventional.

For its part, the Soviet Union was so preoccupied with a formal recognition of the existing borders in (Eastern) Europe — and thus of the division of Europe and Germany — that it was prepared to pay a certain political price therefor. In addition, economic impulses were needed for the flagging reforms in the communist economies, for which Western cooperation was indispensable.

Thanks to the impulses emanating from Willy Brandt’s ‘Ostpolitik’, an exchange of opinions and ideas between East and West was first established during the negotiations concerning the German question. The Soviet Union and the German Democratic Republic (GDR) gave priority to the legal recognition of the GDR by the West because they saw this as the final confirmation of the German division. The first concern on the Western side was that the communist bloc should definitively accept the status of West Berlin as an enclave of the free West in the heart of a communist state.

Finally, both sides achieved their priorities. The West recognised the GDR de jure and thus accepted that German reunification by negotiation would not take place in the foreseeable future. But that was compensated by the willingness of the Soviet Union and the GDR to finally give up all efforts to drive the West from West Berlin and sever the links between this part of the city and the Federal Republic of Germany (FRG). This also opened the way to attempts at establishing a modus vivendi between East and West which would encompass all of Europe. Negotiations could start on the establishment of an institutionalised discussion on peace and security on our continent in which not only all European states but also the United States of America and Canada would participate.

**Painful Birth-Pangs**

This process was to result in the adoption of the Helsinki Final Act. The contents of the Final Act were the subject of long and difficult negotiations...