

Summary: The Helsinki Final Act, signed in August 1975, changed Cold War Europe. Its so-called third basket on human rights and freedoms proved important to dissidents in Eastern Europe and in the Soviet Union. Human rights activists set up Helsinki monitor groups to follow the progress of the Soviets and the regimes in East Europe in implementing the human rights stipulations in the Final Act. After the fall of the Iron Curtain, mechanisms set up by the Act, specifically the Conference on Security and Cooperation in Europe, took on a new role and became the international standard for elections monitoring.

The Helsinki Final Act: From Dissidents to Election Observation

by *Klas Bergman*

Only a couple months after the signing of the Helsinki Final Act on August 1, 1975 by 35 nations — the United States and Canada plus all the countries in Europe except Albania — I arrived in Belgrade, the capital of former Yugoslavia, as the new East European correspondent for the Swedish daily *Dagens Nyheter*.

In those days, the countries in that part of Europe were all part of the Soviet Empire, with the exception of Marshal Josip Broz Tito's Yugoslavia, which had managed to carve out its independence and its own brand of self-management Socialism, or Communism, and become a leading member of the worldwide Non-Aligned Movement. The other countries in Eastern Europe — Poland, East Germany or the German Democratic Republic (GDR), Czechoslovakia, Hungary, Romania, and Bulgaria — were all firmly under the control of Moscow. Their Communism mirrored the Soviet brand and opposition to that brand was dealt with just as harshly in Warsaw, Prague, or Bucharest as in Moscow.

The Helsinki Final Act changed all that, not immediately, and not even always particularly fast, but with time. Its so-called third basket on human rights and freedoms proved important to dissidents in Eastern Europe and

in the Soviet Union. Human rights activists set up Helsinki monitor groups to follow the progress of the Soviets and the regimes in Eastern Europe in implementing the human rights stipulations in the Final Act. The groups' reports on human rights violations in these countries, in spite of the Helsinki Act, drew widespread international attention.

Post-Helsinki, the dissident movement in Eastern Europe got its start in Poland in the summer of 1976, after workers' protests were brutally crushed. The Workers' Defense Committee (KOR) was formed with people such as Jacek Kuron, Jan Jozep Lipski, and Adam Michnik, men who became legendary opposition leaders, whose efforts paved the way for the birth of Solidarity at the shipyards in Gdansk in 1980.

KOR also became the forerunner to Charter 77 in Czechoslovakia, a new group whose 257 signatories published its manifesto in January 1977 criticizing the Czechoslovak government for failing to implement the human rights provisions it had, itself, signed in the Helsinki Final Act.

As in Poland, dissidents in Czechoslovakia were arrested and imprisoned after show trials. But the protests spread, even to Nicolae Ceausescu's

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Romania, where eight dissidents, led by the writer Paul Goma, signed an appeal to all the 35 countries that were to participate in the Belgrade Follow-up Conference later the same year, saying that the government should adhere to Romanian laws and the country's constitution. Goma was arrested and served a brief prison term. Eventually, he and many of the several hundred signatories of the appeal were forced into exile.

These were difficult years for the opposition in Communist Eastern Europe. In Prague in the spring of 1977, the atmosphere was one of deep pessimism. "Spring is now over and it will never again return. When winter comes, we will know everything," prominent writer Ludvik Vaculik once wrote after the "Prague Spring" of 1968 was crushed by Soviet tanks and one of the most repressive regimes in Eastern Europe was installed. When I met Vaculik in Prague in the spring of 1977, winter seemed, in fact, to have arrived and he was full of hopelessness. But, he also talked about the upcoming Belgrade Conference with some optimism.

The First Follow-up Meeting, or Review Conference, was held in Belgrade between October 1977 and March 1978. The participating states failed to reach consensus on a number of proposals. In the disappointingly short and bland final document, all that was said was that the exchange of views, in itself, had been a "valuable contribution towards the achievement of the aims set by the CSCE," and that the states "reaffirmed the resolve of their Governments, to implement fully, unilaterally, bilaterally and multilaterally, all the provisions of the Final Act."

The Belgrade Conference was clearly not a break-through in East-West relations, and the rhetoric of the Cold War continued to dominate the proceedings. In the middle of the conference, a court in Prague sentenced four leading dissidents, among them Vaclav Havel, to prison terms of various length. The verdicts led to Western criticism of both Czechoslovakia and the Soviet Union. At times, the conference seemed close to breaking up as the Soviets expressed serious frustration with the U.S. emphasis on human rights through the U.S. chief delegate, former U.S. Supreme Court Associate Justice Arthur Goldberg.

Goldberg countered that the Soviets and their allies refused to discuss human rights, but the fact that they were forced to listen to U.S. and Western concerns was positive. Still, real detente and real change were far away. The only thing

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the Belgrade Conference could agree on was a new follow-up meeting, which took place first in Madrid and then in Vienna, during the 1980s.

It took another 12 years of continued Communist rule and political repression, including martial law in Poland, before fundamental change came. A gigantic wave of democracy swept over Eastern Europe and eventually even reached the Soviet Union, causing its collapse.

In the historic year of 1989-90, the Berlin Wall came crashing down. Czechoslovakia's battle-tested dissidents, led by Vaclav Havel, suddenly found themselves heading a movement that took over the leadership of a nation; the old Communist leadership of Gustav Husak, which had been so feared, vanished from the scene.

All the countries in Eastern Europe were touched, and it all happened peacefully, almost elegantly, except for in Romania. That repressive system had been particularly harsh, coupled with a constant economic crisis, even outright poverty. Its overthrow turned violent; Ceausescu and his wife were executed by a firing squad after being caught trying to flee the country.

Democratic reforms did not reach Yugoslavia. Instead, it was thrown into a tragic civil war that tore the country apart. New, independent nations were formed in the Balkans, each struggling with their own transition to democracy.

I witnessed much of this democratic revolution as the East European correspondent for the *Christian Science Monitor*. From the fall of 1989 to the summer of 1990, I hurried from country to country, trying to keep up with events not seen since World War II among citizens who had lived without the democratic freedoms that the Helsinki Final Act had established for all the 35 signatories.

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It was a momentous time, a period unprecedented in its magnitude in Europe's post-war history. If one looked back to 1975, one could see the connection between these profound changes and the Helsinki Final Act. And if one looked forward, the democratic revolution in Eastern Europe led to profound changes for the Conference on Security and Cooperation in Europe (CSCE) in 1990.

Up until that time, the CSCE had mainly functioned as a series of meetings and conferences that built on and extended the participating states' commitments, while periodically reviewing their implementation. The Belgrade Follow-up Meeting introduced a review process to track violators of the Helsinki Final Act and hold them accountable. This enabled dissidents to act and speak more openly than would otherwise have been possible.

But the follow-up meetings in Madrid in 1980-83, and Vienna in 1986-89 were not able to profoundly change the East-West balance, or hasten end of the Cold War. It was the Paris Summit in November 1990, after Communism had collapsed in Eastern Europe, that created a completely new momentum to set the CSCE on a fundamentally new course.

In the "Charter of Paris for a New Europe," the CSCE was called upon to play a part in managing the historic changes taking place in Europe and responding to the new challenges. It stated positively and idealistically that "we undertake to build, consolidate, and strengthen democracy as the only system of government of our nations. In this endeavor, we will abide by the following: human rights and fundamental freedoms are the birthright of all human beings, are inalienable, and are guaranteed by law."

It continued: "Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person."

New, permanent institutions were created with new operational capability, among these the creation of a CSCE Parliamentary Assembly based in Copenhagen. In 1994, CSCE became the OSCE, the Organization for Security and Cooperation in Europe, headquartered in Vienna. As the former Soviet Republics became independent nations, the 35 participating states grew to 57.

The end of the Cold War facilitated an international consensus about the importance of genuine elections and international involvement to help bring about such elections. In the 1990 Copenhagen Document, each participating state committed itself to invite foreign observers to monitor its elections in the "spirit of reciprocity and goodwill". In a sense, the invitation of foreign observers is a political commitment of each OSCE participating state.

Starting in 1993, the Parliamentary Assembly was given responsibility for election observation, as was the Office for Democratic Institutions and Human Rights (ODIHR). A cooperation agreement from 1997 outlines both organizations' tasks. The OSCE PA leads the OSCE short-term observers, while ODIHR provides long-term observers. The head of the Parliamentary Assembly's delegation delivers the preliminary joint post-election statement, usually on the day after the election.

The OSCE has now conducted several hundred election observation missions, as elections have played a major role in the democratic transitions of the past two decades. Although the cooperation between the OSCE PA and ODIHR has often been fraught with tension, the OSCE has become the premier election observation institution in the world, with globally recognized election standards.

How elections are conducted has become increasingly important for governments to achieve international legitimacy. Observers can enhance the credibility of an election and positively enhance the legitimacy of a government, and a critical report can have negative effects.

Kofi Annan, the former secretary general of the United Nations, said at a meeting about election observation in 2005: "The presence of international election observers, fielded always at the invitation of sovereign states, can make a big difference in ensuring that elections genuinely

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move the democratic process forward. Their mere presence can dissuade misconduct, ensure transparency, and inspire confidence in the process.”

As press spokesman for the OSCE Parliamentary Assembly during many of these election observation missions — including to Russia, Kazakhstan, Georgia, Armenia, Serbia, Montenegro, Ukraine, and Belarus — I have become convinced of the importance of these missions for the host countries. The presence of OSCE observers was an important part of many of the elections in transition democracies. Local functionaries were for the most part accommodating, and we were given access to local election headquarters and polling stations and were allowed to observe the voting as well as the vote count. Our presence was also important for the voters, who mostly reacted positively to us and valued the interest we showed in their elections.

I believe it is important to be there, to be present, and to engage. In 2007, ODIHR decided not to conduct an observation mission of the Russian parliamentary elections because of problems of obtaining Russian visas for their observers. The task was left to the OSCE PA and to the Parliamentary Assembly of the Council of Europe (PACE). They criticized the election, stating that Russia had “failed to meet many OSCE and PACE commitments and standards for democratic elections.”

Does such a statement make a difference? It is hard to draw any definite conclusions, but I would like to think it does. No country likes to be criticized, and many countries involved in a democratic transition are often particularly sensitive to what the international community thinks about them and their elections. It is important that the international pressure extended by the election observers continues to be applied on these countries. In the end, the reward for these countries comes when the OSCE concludes that observation of their elections is no longer necessary because the democratic transition is complete. That is a clear measure of success.

I would like to think that the OSCE election observation missions have played an important role in this process. These missions should continue. I can think of no more important task for the OSCE as it goes forward.

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About the Author

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