



U.S. Mission to the OSCE

## OSCE Human Dimension Implementation Meeting (HDIM)

# The Role of the Human Dimension in European Security Architecture

## Remarks by Ambassador John Kornblum

Warsaw, Poland | September 29, 2009

I'm very happy to be here. I spent many years with the CSCE/OSCE and I continue to believe that it is one of the most important institutions set up during the transition from the cold war to a unified Europe.

I think the facts that there is a Corfu Process and that we are here at the HDIM to also talk about security, demonstrate one of the important issues of our time. That is the fact that as the cold war ended, and we believed that we were going to build a new world order, we in many ways found ourselves in a kind of world disorder. There have unfortunately been many conflicts, and many military conflicts, since the fall of the Berlin Wall in 1989.

I do not have an official position. I work in a private business in Berlin. So what I say will be my own opinions and not those of the U.S. government

I'll start, actually, by quoting an OSCE document – it is on the website of the ODIHR located here in Warsaw – because I think these couple of paragraphs encapsulate quite well what I'm going to talk about.

On the ODIHR website, they say:

*The OSCE considers security more than merely the absence of war. Instead, it was the intention of the OSCE participating States to create a comprehensive framework for peace and stability in Europe.*

*In OSCE terminology, the term "human dimension" is used to describe the set of norms and activities related to human rights and democracy that are regarded within the OSCE as one of three dimensions of security,*

*together with the politico-military and the economic and environmental dimensions. The term also indicates that the OSCE norms in this field cover a wider area than traditional human-rights law.*

That to me is the most important sentence.

The OSCE was established in 1975 as the Conference on Security and Cooperation. As we know, the OSCE was the result of many years of discussions between East and West over how to have a dialogue and an understanding on security. And the foundation of it was, in many ways, the Soviet proposal of February 1954 for a comprehensive treaty on security in Europe – which was, by the way, not a whole lot different than the proposal made in June of 2008 by Mr. Medvedev.

Western countries did not accept the 1954 proposal. But as the 1960s progressed, it became clear – and maybe there is a comparison with events today – it became clear that whatever the legal and organizational structures were, there was a need for a broader dialogue on what the meaning of security was in the European area, which at that time was, as we of course know, split by military confrontation.

As the 1970s dawned, you had two major – shall we say political – changes in the West. One was the election of Willy Brandt in the Federal Republic of Germany who conceived a new "Ostpolitik" as he called it, which was one of dialogue. Brandt was also ready to deal with some points of contention concerning contacts and borders that hadn't been accepted before. But just as important was the election of Richard Nixon as President of the United States and the appointment of Henry Kissinger

as National Security Adviser. Henry Kissinger – German born – was very steeped in the dynamics of Europe. And it was also Henry Kissinger who wanted to improve dialogue with the Soviet Union, partially as a way of helping the United States ease its way out of the Vietnam War. As you can see, security policy is always a very complex thing.

After Brandt became Chancellor, and after Kissinger became National Security Adviser, there were a number of discussions – some of which I took part in. Following the building of the Berlin Wall and also following the departure of France from the military structure, NATO had already begun a very deep soul-searching process. The result was the Harmel Report which was in fact the foundation of détente. In the Harmel Report, the NATO alliance agreed to consider whether there could be ways to improve dialogue between East and West. All this was public. And the West then decided – the NATO alliance decided – that it would be worth pursuing such a dialogue, but, of course, not necessarily on the basis of the Soviet proposal. And there is again a possible tie-in with the Corfu Process.

In those years, however, there was one major issue which was blocking dialogue, and that was the status of the divided city of Berlin. Berlin was an open wound in Europe and so it was agreed, after a great deal of dialogue and soundings, in March of 1970 to open quadripartite negotiations among the four victorious powers (Britain, France, USSR and USA) on the status and future of Berlin. These were, needless to say, security negotiations, in the deepest sense. I was in the delegation to those negotiations and went through the whole process, from start to finish. They were divided into three parts. One was political status – to make sure that Berlin remained governed on the basis of quadripartite rights and responsibilities. The second was technical issues: borders, roads, trains and things like that. And then the final part – and that's why I'm spending time mentioning this – was in fact the human dimension. Because the western part of Berlin had – since 1961 when the Berlin Wall was built – been living in total isolation. A major Western goal was to improve the human situation and also increase security. We negotiated a long list of things: better access for visits, more family communication, things which are very similar to the human dimension of the OSCE.

On the basis of this agreement, the West then agreed to enter with the Soviets into two negotiations. Remember, one was on a European security conference, and the other was the so-called MBFR negotiations, Mutual and Balanced Force Reduction negotiations, which was something the West wanted. And these negotiations went on for a long time. The CSCE negotiations were actually conducted mostly in Geneva, Switzerland. But again, the key point to them was to make a tie between security and the human dimension.

I was in Geneva for most of the time also. The conceptual work and the negotiating pressure to establish the human dimension

in the OSCE came from the European participants, the Western European participants, not from the United States. In fact, the United States – which was guided by, at this point, Secretary of State Kissinger – was not that interested in the human dimension because Kissinger was mostly interested in the SALT negotiations with the Soviet Union.

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And so I think we should note here that without the very clear views and the pressure of the European participants, the human dimension would not have been as strong as it is. Interesting enough – and this is what happens when you are dealing with Americans – after the human dimension was agreed, it was the United States that said okay, then we'll implement it, and it was the Europeans who wanted to hold us back from being too rambunctious about it.

These contradictions came to a head in the Belgrade meeting of the OSCE where we had a great deal of debate with our European allies, and a great deal of debate with the Soviet Union, of course. But

where we also finally together established there and in the following meeting, which was the Madrid meeting, something which I think is the key accomplishment of the 20th century, as far as the definition of security is concerned.

That is, for the first time in history, the participants agreed – and the Soviet Union also agreed – that the treatment of citizens, the rights and privileges given to citizens, are a foundation for building security and peace. Even more dramatic was the acceptance of the principle that the treatment of the citizens of a nation by their government is a matter of mutual security interest, and thus a legitimate object of attention, inspection, dialogue, negotiation and, if necessary, intervention by nations whose security might be affected by such treatment.

This fundamental principle was the key to everything that followed. The treatment of a nation's citizens is no longer a matter of internal affairs. Of course, nations still argue about the practical consequences of this principle to this to this day. It's not always possible to implement the commitment, but it is now an accepted principle of international behaviour and – I would argue – international law.

This achievement was reaffirmed in the Helsinki Summit Declaration of July 1992 – and I'd like to quote – it says:

*We emphasize that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. The protection and promotion of the human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security.*

So this is the foundation upon which the OSCE pursues So this is the foundation upon which the OSCE pursues security. So the

review of the human dimension that you are conducting here this week is about all sorts of things; but it relates directly into the security of the member states, the participating States, and into the essential goal of the OSCE, which is to help build mutual security.

There is a second unique contribution of the Helsinki Final Act that has been debated from time to time, but, I would argue, is equally as essential to the achievement of these goals. And that is that this search for peace in terms of social and political cooperation – human dimension – is defined as a political process rather than a binding treaty or agreement. There's been an immense amount of debate within the OSE, as many of you know, over the years, over whether the whole thing should be turned into a treaty. I think I can say without any hesitation that that would be the end of the OSCE!

The only way the OSCE has been able to function is as a process. That term has now become a term of art: "The OSCE Process." The only way that the OSCE can succeed in delving into these issues, and also to, if you will, interfere in the internal situation of countries, is on the basis of political consultation and agreement and not on the basis of legally binding commitments.

There are two important aspects to this. First, if the Final Act were legal and binding, there would be a strong predilection to avoid the dialogue, to avoid the contact. You can see this very often in UN discussions which are in many cases legally binding. People simply avoid them because they don't want to take on a legal obligation to behave in a certain way.

But even more important than that is that if it were made legally binding, and if the process continued as it has for 35 years, most of the commitments would not be upheld, and so the credibility of the organization would be destroyed.

No one expects that commitments are going to be fully upheld immediately. The fact that there is a dialogue, the fact that there are examinations, the fact that there is the necessity of having the CSCE process, is based by definition on the fact that there are problems which can't be solved without this process. So we're talking here about a long-term discussion. And sometimes back in the 1970s when I was first part of this, we wondered how far we were ever going to get. It seemed to be so slow. And so for us it was unbelievable that only seven or eight years after the Madrid meeting, which some of you may remember was actually suspended for two years because of the disputes that arose over the Soviet [invasion] of Afghanistan, that only five or six years later the Berlin Wall collapsed and the division of Europe was over.

In 1992 Russian Foreign Minister Kozyrev gave a speech – this was at the Stockholm Ministerial Meeting – in which he credited the OSCE. He called it the major tool used to overcome Communism in the Soviet Union. Now, that might have been a slight exaggeration but it certainly was not untrue. I can remember

very well, in the fall of 1975, that one of the provisions of the Helsinki Final Act was that it had to be published in full in every participating State. This in fact happened.

Almost overnight the text of the Final Act became a bestseller in Warsaw Pact countries. And in several countries, in East Germany, in Czechoslovakia, I think in Poland, too, the number of applications for exit visas, increased tenfold.

So the message that the OSCE sent out simply by being there, and by having these commitments, was extremely strong. And the fact that there was an organization that pursued these issues as a matter not of ideology or not of criticizing someone else, but as a fundamental aspect of peace, was very powerful.

Now unfortunately, as is often the case, comments on issues in such countries are often taken as criticism. And given the continuing complexity of the situation in the OSCE area, which, as we know, goes far beyond Europe, it's not surprising that differences continue to arise. But again, this is the genius of the CSCE, the OSCE method, that the standards are there to be debated, to be applied. No one expects that it's going to happen immediately. But the Helsinki principles are a constant reminder of what should be done, and what needs to be done. As the OSCE has developed in the years since 1992, and again since 2000, with many new institutions, structures, and programs, a method has evolved. It is a method that is, if you will, a soft use of power. It seems to be almost counter-intuitive. But the fact is that it does work.

Since 1992 there have been many OSCE missions, many different kinds, new institutions such as the Conflict Prevention Centre, and others have been set up. And then in November 1999 in Istanbul, governments adopted an additional charter for European security, which reaffirmed again that security and peace must be enhanced through an approach which combines two basic elements.

We must build confidence among people within states and strengthen cooperation between states.

At that Summit the leaders also stated:

*We will continue to uphold consensus as the basis for OSCE decision-making. The OSCE's flexibility and ability to respond quickly to a changing political environment should remain the heart of the OSCE's cooperative and inclusive approach to common and indivisible security.*

We have now reached the point where the OSCE has expanded both in number of members and through its institutions and its activities, while at the same time, the second stage of the adjustment in Europe to the changes in 1989/90 has taken place. And we have seen this of course in the Balkans, which continues to be an area of tension, an area which is far from being based on a mutual sense of security. But also it's taking place in a region that you might call post-Soviet space. That is the countries and nations and peoples that emerged from

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the Soviet Union. And I use the word “peoples” because, as we know, within this post-Soviet space there are a number of cultural, ethnic and national groups who are not recognized internationally as nations, or not members of the OSCE, if you will. And in fact, who find it hard sometimes to have their national identity recognized. These groups sometimes find it useful to try and undermine the unity of whatever country they’re in, for various reasons.

This growing sense of disharmony makes it important to take a new look at the role of the OSCE and to define the reasons for the disharmony just as NATO did in the 1960s. Because as we know there are some participating States in the OSCE who believe that the OSCE has no role in these problems or who believe again that it’s interference in their national affairs.

I think that the very fact of the Medvedev proposal in 2008 was a sign that the Russian Federation would rather try and deal with these issues on its own by controlling the behaviour of the organizations in the region. But the fact is, of course, that as the OSCE has proven, it’s going to be the openness of institutions that helps deal with these issues. It is important for us to define this problem as unemotionally as we can, and to know that it is not surprising that there is this need to redefine, to adjust, to bring up-to-date, the situation in the post-Soviet space. There are other examples of fallen empires that caused a great deal of upheaval afterwards. We can think of the Austro-Hungarian Empire, for example. There are still debates going on in the OSCE, in fact, over issues that come from issues originating in the Austro-Hungarian Empire. So it should not surprise us that dealing with the post-Soviet space is going to be difficult as well.

Now we come to the Corfu Process. As I understand the Corfu Process, it is a method in fact not to come up with brand new structures: the OSCE certainly has enough structures, the world has enough structures. But, rather, I think it is useful right now, when we are facing difficulties – we all know the conflicts that have arisen in the Caucasus, in the Balkans, in other areas – it is probably now, 20 years after the fall of the Berlin Wall and the fall of Communism, and more than 30 years after the signing of the Helsinki Final Act, to again reconsider what these challenges are, and to help put them in a framework that is non-confrontational and that is based on the OSCE method.

The European Union made a statement on September 15 – just a few days ago – on this process. It noted again that differing levels of implementation of the human dimension must, by definition, lead also to different levels of security. To me, this is one of the very best ways of putting it.

If we are now to move beyond the difficulties, which have arisen in this new phase, it will be important again to see how the OSCE method can best be applied to help overcome this sense of disharmony. Because one of the great successes of the past 20 years has been that the sense – maybe even the definition – of an East-West divide and confrontation in Europe is steadily receding.

The world is rapidly becoming connected through modern types of networks – whether they be electronic networks, or transportation, or intellectual networks. And so the foundation of the human dimension is – if anything – more important today than it was 30 years ago. Because it is now the foundation not just of the coming together of peoples or the avoidance of military conflict – those were important goals in themselves – but the kinds of principles that are in the human dimension are also the principles that are going to define the values injected into these new kinds of networks in

the future. No country, especially those in the post-Soviet space, will prosper without learning how to operate within these new networks. And the networks will not function without the openness reflected in the OSCE principles. So there is a second message here. That is that prosperity will come through the kinds of principles that the OSCE considers to be so important.

In other words, the application of modern concepts of civil society, of tolerance, of openness, of intellectual freedom, of treatment of individual citizens, is not just something that is good because it’s a philosophical good which we all, I think, believe, because that is what is going to make this great OSCE space – which is a very major part of the world after all – modern and prosperous. So I hope that the dialogue on the Corfu Process continues in a very active way.

I hope that the Corfu Process will take account of all these aspects of security and does not focus too much on organization or legal solutions, because that’s really not what we are talking about here. We are talking about helping us all to move to the next stage of cooperation in a globally integrated world.

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*John C. Kornblum is an American diplomat and businessman. During his long and distinguished career with the American Foreign Service, he focused on European and East-West relations and played a defining role in many of the important events leading up to the end of the Cold War. In 1992, for example, he served as U.S. Ambassador to the Conference on Security and Cooperation in Europe (CSCE) in Vienna, Austria, and was head of the American delegation to the 1992 Helsinki Review Conference. In 1995, he was one of the architects of the Dayton Peace Agreement, and later served as United States Special Envoy to the Balkans. And from 1997 to 2001, he was the U.S. Ambassador to Germany. Since 2001, he has established himself as an investment banker and international business consultant. He lives in Berlin.*