

The Clash between Moscow and the Human Dimension of the CSCE: From Vienna to Copenhagen (1989-1990)

Introduction

In the late 1980s, the debate over the human dimension of the CSCE played an important role not only in Soviet CSCE policy, but also in Moscow's internal power struggles. By engaging in this debate, Moscow aimed to turn the agenda of relations with the West away from confrontation and towards cooperation. Against the backdrop of Mikhail Gorbachev's policy of *Glasnost*, and the beginnings of political reform in the Soviet Union in 1988, the debate on the human dimension at the Vienna Follow-up Meeting from 1986 to 1989 and at the three meetings of the Conference on the Human Dimension of the CSCE (Paris 1989, Copenhagen 1990, Moscow 1991) had two functions. The discussion of human rights, the rule of law, and free and fair elections played an important role in giving substance to Gorbachev's democratization policy. At the same time, the relevant CSCE commitments became an important argument to be deployed in the internal Soviet dispute on democratization.

In its efforts to bring one of the three meetings of the Conference on the Human Dimension of the CSCE to Moscow despite the resistance of the USA, the UK, and Canada, the Soviet leadership was ready to make concessions, some of which found their way into the Concluding Document of the Vienna Meeting.¹ However, Washington, London, and Ottawa attached a number of additional conditions to their agreement, which was secured a few days before the conclusion of the 1989 meeting: The three states agreed to participate only on the condition that tangible progress be achieved in the following areas between 1989 and 1991:

- A clear change of direction in Moscow's policy that would lead to the release of *all* political prisoners and the favourable treatment of *all* applications to leave the country rejected in previous years.
- The anchoring of Moscow's new policy in appropriate new legislation.
- Guaranteed access for non-governmental organizations, including Soviet human rights groups, to all CSCE meetings and, in particular, to the Moscow Meeting of the Conference on the Human Dimension of the CSCE.

1 Concluding Document of Vienna, Vienna, 15 January 1989, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 327-411.

In Vienna, Moscow entered into a number of commitments, whose implementation was to be examined at the annual meetings of the Conference. They included the favourable review within six months following the conclusion of the Vienna Follow-up Meeting of all applications to leave the country that had been rejected for longer than five years. In addition, within the first year following the conclusion of the Meeting, all laws and regulations on freedom of movement were to be published and made accessible to the general public.

This set of issues largely determined Moscow's policy towards the three meetings of the Conference on the Human Dimension of the CSCE. At the same time, Moscow had failed to conclusively fulfil its "Vienna commitments" in most areas by the end of 1991. Although some progress was made in all areas, the issues mentioned above remained the objects of great controversy within the Soviet leadership and the ministerial bureaucracy. However, references to the provisions of CSCE documents and the need for their implementation did take on considerable force in several inter-ministerial and public debates at this time.

The current contribution summarizes the sections of the author's recently published book² that deal with the evolution of the discourse in Moscow on the human dimension and internal Soviet debates on implementing the resolutions from the Vienna Follow-up Meeting in the period up to the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the CSCE.

Implementing the Commitments from the Vienna Concluding Document

The Vienna Follow-up Meeting opened an important phase in the development of the CSCE. The earlier positional war between East and West over the human dimension, in which each side stubbornly stuck to its own agendas and categorically rejected the other's perspective, appeared to have been largely overcome. In Vienna, the bulk of the humanitarian agenda that the West had introduced to the Helsinki process at the start of the 1970s had been accepted and was contained in the Concluding Document. However, until at least 1990, it remained unclear whether this would enable a convergence between East and West at the level of values and help to put an end to the hard bargaining that had characterized earlier CSCE negotiations.

The Vienna Follow-up Meeting did not produce a radical and decisive breakthrough, but merely a further compromise, which now needed to be implemented. In 1989, the political situations of a number of Eastern European states – Ceaușescu's Romania, Jakeš' Czechoslovakia, Honnecker's GDR, and Zhivkov's Bulgaria – were characterized by increasing internal tension

2 Andrei Zagorski, *The Helsinki Process: Negotiations within the Scope of the Conference on Security and Co-operation in Europe 1972-1991* (in Russian), Moscow 2005.

on the one hand, and strong resistance to new commitments in the human dimension on the other. The dramatic developments reached their first crescendo in 1989, and not even the Soviet Union could escape the effects.

The Concluding Document of the Vienna Follow-up Meeting was officially recognized as a “significant result” in the meeting of the Politburo of the Central Committee of the Communist Party of the Soviet Union, the centre of Soviet power, on 24 January 1989.³ The Politburo’s resolution also stated that the Vienna Meeting signified “an incontestable success of perestroika in international and domestic affairs and the accelerated roll-out of the new thinking”.⁴ This was the first time that Moscow had placed the negotiations in the human dimension of the Helsinki process in the foreground. The Politburo resolution went on to say that “the decision to hold a conference on humanitarian questions in 1991 is a further sign of the trust in perestroika in our country”.

Gorbachev’s public statements were conciliatory and encouraged optimism. In an interview with *Pravda* on the topic of the results of the Vienna Follow-up Meeting, he stressed that “by inviting others to make reasonable compromises, we ourselves have, in the past year, covered not inconsiderable ground towards reaching understanding and assessing several problems that have often been the objects of the greatest controversy in Vienna”.⁵ For the very first time, the Soviet leadership demonstrated a will to take concrete steps to bring Soviet laws in agreement with the USSR’s international commitments. The Politburo’s resolution also stated that “assuming that the Vienna agreements will be valid from the moment they are adopted, the relevant ministries and agencies of the USSR will be recommended to implement them immediately”. Put plainly, this meant that the provisions were to be implemented straight away without waiting for the law of the land to be harmonized with the CSCE provisions.

The course that future developments would take became clear at a press conference given by the head of the Department for European Co-operation in the Soviet Foreign Ministry, Ambassador Yuri Deryabin, on 30 January 1989. He confirmed that Soviet laws would be overhauled to bring them in line with the political commitments entered into by the Soviet Union in Vienna. Within six months, all the applications to leave the country rejected in recent years would be re-evaluated within the framework of “human contacts” and, within one year, all the laws and regulations required to guarantee freedom of movement would be published.⁶

3 After Mikhail Gorbachev’s election as President of the Soviet Union in 1990, the results of negotiations no longer needed to be presented to the Politburo for approval. The final decision was made by the President, who answered to the Supreme Soviet. The draft of the Charter of Paris was approved in this way in 1990.

4 *Pravda*, 26 January 1989 (this and all other citations from Russian sources translated by the author).

5 *Pravda*, 17 January 1989.

6 Cf. *Pravda*, 31 January 1989.

At that time, no one was aware of how difficult it would be to turn the serious intention to implement the Vienna Commitments into effective action. Just a few days after the end of the meeting, however, it became clear where the problems lay. For example, on 24 January, the Politburo finalized the text of its public declaration on its resolution. Only a few hours later, the Soviet diplomats responsible for CSCE issues were told that the recommendation to implement the Vienna agreements immediately after they were adopted had been struck from the text of the declaration, which was to be read out during the evening television news. Only after the intervention of Foreign Minister Eduard Shevardnadze was this key element restored to the statement before the broadcast. For those in the know, this incident provided a foretaste of the coming clashes with the “opponents of Vienna” within the Soviet *nomenklatura*.

The success of the Vienna Follow-up Meeting encouraged optimism at the prospects of a transformation of East-West relations. Clearly, this also impacted the Soviet Union, which had publicly praised the breakthrough in the human dimension. The public discussion of human rights issues was no longer taboo, and critical views began to appear in media outlets with close links to the ruling party and the government.⁷ The Soviet constitution had already been changed at the end of 1988; the structure of the organs of power was comprehensively overhauled and a new electoral law adopted. Admittedly, the new electoral system was still very far from democratic. The one-party system was retained, and there were no direct elections to the Supreme Soviet. Rather, according to the law, the Congress of People’s Deputies would be elected first and would then elect the members of the Supreme Soviet out of its own ranks. Only some of the people’s deputies were to be elected in general elections. A large number were to be directly delegated by the Communist Party, trade unions, Communist youth movement, and other “social organizations”, thus guaranteeing the Communist Party a majority.

Nonetheless, in 1989, the first elections took place in the Soviet Union for 70 years in which citizens had the opportunity to choose between candidates. A kind of political pluralism began to develop, even if this did not yet take the form of a multi-party system. The elections introduced political competition and the first signs of public political life. In June 1989, the whole country sat in front of their television screens, captivated by the debates in the Congress of People’s Deputies, despite the fact that the independent people’s deputies, who had organized themselves into an “interregional group”, were in a clear minority. The new politicians and journalists continually referred to the provisions of the Concluding Document of the Vienna Follow-up Meeting – mostly when resolutions were to be taken on democra-

7 Cf. e.g. T. Sinyukova/V. Sinyukov, *Prava Cheloveka: vremya novykh reshenii* [Human Rights: Time for a New Approach], in *Kommunist* 7/1989, pp. 30ff.; Yuri Kolovov, *K novomu etapu mezhdunarodnogo sotrudnichestva v gumanitarnoi oblasti* [On a New Phase in International Co-operation on Humanitarian Matters], in: *Sovetskoe gosudarstvo i pravo* 2/1988, pp. 95ff.

tization. But while the CSCE was extremely popular in Moscow at that time, the Helsinki process also had many opponents.

The elections to the Polish senate in June 1989, which were agreed to at a round table meeting attended by representatives of the opposition, heralded an even further-reaching transformation in Eastern Europe. They led to the removal from power of the Polish United Workers' Party; *Solidarność* received 99 of the Polish senate's 100 seats. The government of Tadeusz Mazowiecki was the first non-Communist regime in Eastern Europe.

However, the radical political transformation of Eastern Europe only began in earnest in autumn 1989 and was thus barely reflected in the CSCE's most important meetings of that year. In fact, in the first half of the year, one couldn't avoid the impression that the CSCE had once again entered a period of stagnation, similar to the one after the Belgrade Follow-up Meeting from 1977-78. Right up to the end of the year, it remained uncertain whether the Conference would be able to take further steps following the progress made in Vienna.

A number of Warsaw Treaty countries (Romania, the GDR, Czechoslovakia, and Bulgaria) had already exhausted their room for manoeuvre in the areas of human rights and humanitarian co-operation in Vienna. Some even claimed that they had considerably exceeded their limit in this respect. They categorically opposed the adoption of any new commitments and formed a large coalition within the Warsaw Treaty against further progress within the scope of the CSCE. The strongest resistance came from Bucharest, which continued its policy of obstructing the human dimension. In contrast to the other Warsaw Treaty states, Romania ignored all requests on questions relating to the human dimension that were directed at it within the scope of the first procedure of the Vienna Human Dimension Mechanism.

The issue of implementing the Vienna agreements and earlier commitments entered into within the scope of the CSCE remained acute. The conservative governments of Eastern Europe were content to make mere cosmetic changes while insisting that measures to protect human rights had long been implemented.⁸

In the Soviet Union, there were also problems with the implementation of the Vienna agreements. To make the Soviet Union's commitments effective, an agenda was drawn up that would have required the passing of more than 50 new laws. The Foreign Ministry was tasked with ensuring that new legislation complied with Moscow's international commitments, including those entered into within the scope of the CSCE. However, the bulk of the draft laws directly relevant to the Vienna agreements became caught up in a logjam of bureaucratic consultation procedures before ever reaching the new parliament. This concerned, above all, new laws concerning entry to and exit from the USSR (freedom of movement), the press and mass media (freedom of opinion), and religious organizations (freedom of religion), as well as so-

8 Cf. *Neues Deutschland*, 1 June 1989.

cial associations and political parties (freedom of association). The conservative Constitutional Law Department of the Central Committee of the CPSU examined the draft laws minutely and amended them at will. In most cases, the department received the support of the no less conservative Committee on Legal Affairs of the Central Committee and the head of the KGB, Viktor Chebrikov.

Despite repeated attempts to accelerate the drafting of new laws – especially with reference to CSCE commitments⁹ – the process dragged on well into 1990. The new law on entry to and exit from the Soviet Union was not passed until 20 May 1991. In particular, the proposed time limit for limitations to the freedom of movement of individuals deemed to have “information constituting a state secret” to five years was vehemently opposed by the Ministry of Defence and the other ministries of the military industrial complex. Even after the controversy was resolved, the law’s coming into effect was delayed a further two years until 1993. The Chairman of the Supreme Soviet, Anatoly Lukyanov, publicly considered new restrictions, such as the introduction of quotas of people allowed to exit the country each year.¹⁰

In other cases, the promised amendments to the law were compensated for by the tightening of other provisions, such as in the case of the Criminal Code of the Russian Federation, which was amended on 8 April 1989. As late as the start of the Vienna Follow-up Meeting in 1986, the Soviet side would still refer to the proposed changes whenever the subject of political prisoners in the Soviet Union was raised. Three years later, the most contentious articles of the Criminal Code – those that enabled the criminalization of dissidents and activists with a range of different beliefs – were eliminated. At the same time, Article 11-1 was introduced, which provided for prosecution for “defaming the state”.¹¹ In the West, it was rightly feared that the application of the new article would hardly differ from that of the old one on “anti-Soviet agitation and propaganda” and the article on the “dissemination of anti-Soviet materials”. The controversy over Article 11-1 thus remained on the agenda of the CSCE.

After the Vienna Follow-up Meeting, the Soviet leadership announced its readiness to continue on a reformist course. However, the reforms were mostly limited to political decisions made or guaranteed by Gorbachev, most of which were not made effective in law in 1989 nor 1991. As a result, a re-

9 Cf., for example, the debate in the Supreme Soviet in Autumn 1989, in: *Izvestiya*, 28 September 1989.

10 Cf. *Izvestiya*, 17 May 1991.

11 According to Ambassador Yuri Reshetov, then the head of the Department for International Humanitarian Co-operation and Human Rights in the Soviet Foreign Ministry, the draft of the amended Criminal Code and the related regulations were discussed by the Politburo of the CPSU in early April 1989. The draft presented was accepted as a baseline text to be amended in accordance with the results of the discussions. Article 11-1 was not included at that time. It was only added when the law was amended while Gorbachev and Shevardnadze were in London. The draft law was signed in their absence by most of the Politburo, which, at the time, was enough to pass it. Following his return, Gorbachev had no choice but to accept the new text (source: the author’s journal).

turn to unlimited arbitrariness in bureaucratic decision making could not be ruled out.

The Soviet Union took the following steps after the Vienna Follow-up Meeting: The six-month time limit (up to 18 July 1989) for reviewing rejected applications for travel abroad as agreed in the Concluding Document was respected. A total of 1,855 applications were reviewed. Permission to leave the country was granted in 1,556 cases, but withheld in a further 299 cases.¹² Applications rejected in the name of protecting state secrets were referred to a special committee of the Supreme Soviet for further review. In the first half of 1989, virtually all new applications to travel abroad for private purposes – 1.7 million in total – were approved. While 108,000 Soviet citizens were allowed to emigrate in 1988, the number had already grown to 230,000 by 1989.¹³

Although the new law on freedom of conscience and religious organizations was initially not passed, the statistical record registers a more liberal application of the older laws. In the first eight months of 1989, 2,235 new religious communities were founded, including 800 Russian Orthodox churches, and 174 Muslim, 98 Catholic, and 89 Protestant communities – twice as many as in the whole of 1988. In 1989, 1,700 places of worship were handed over to religious communities; in 1988-89, the erection of 211 new buildings was approved.¹⁴

By the end of 1989, the unrestricted circulation and purchase of foreign periodicals was permitted. Restrictions on the reception of satellite television from abroad, and the import, purchase, and use of photocopiers were lifted. Other commitments from the Concluding Document of Vienna, however, were not observed. For instance, the laws and regulations relating to freedom of movement were not published.

Soviet Preparations for the Paris Meeting of the Conference on the Human Dimension of the CSCE

The Paris Meeting (30 May to 23 June 1989) was the first of the three meetings of the Conference on the Human Dimension of the CSCE that took place between 1989 and 1991. Only four and a half months separated the Vienna CSCE Follow-up Meeting and the Paris Meeting of the Conference on the Human Dimension of the CSCE. For this reason alone, none of the participating States expected that substantive new resolutions would be passed in

12 Cf. Andrei Zagorski/Yuri Kashlev, Chelovecheskoe izmerenie politiki [The Human Dimension of Politics], in: *Mezhdunarodnaya Zhizn* 2/1990, p. 69; cf. also *Isvestiya*, 28 July 1989.

13 Yuri Kashlev, *Helsinki protsess 1975-2005: Svet i teni glazami uchastnika* [The Helsinki Process 1975-2005: Light and Shade in the View of a Participant], Moscow 2005, p. 148.

14 Cf. *ibid.*

Paris or that a fundamental analysis of the application of the Vienna Human Dimension Mechanism would be possible.

Nonetheless, all delegations prepared conscientiously for the meeting. The Soviet representatives were charged with eliminating as much as possible the outstanding humanitarian problems that were hampering its good relations with the West, and especially with the USA. This proved to be no easy task. As well as the legal reforms that had been put on ice, the Soviet Union found itself faced with a number of further serious problems in connection with the implementation of the decisions made in Vienna: the release of all political prisoners, the favourable review by 18 July 1989 of all applications by Soviet citizens to leave the country refused in recent years, the guarantee of access to the Paris Meeting for Soviet human rights activists (i.e. the right to travel abroad), and the response to requests made of Moscow within the scope of the Vienna Human Dimension Mechanism.

The issue of *political prisoners* concerned, in most cases, individuals who had not only been arrested as a result of now obsolete political elements of Soviet criminal law, but also in connection with “non-political” charges. This meant that the political nature of the conviction was not always explicitly discernible. Before the start of the Paris Meeting, Moscow did not know exactly how many cases this affected. At an inter-ministerial meeting held in the Soviet Foreign Ministry on 25 April 1989 and chaired by the ambassador appointed to lead the USSR delegation to Paris, Yuri Kashlev, and the head of the Department for European Co-operation in the Soviet Foreign Ministry, Ambassador Yuri Deryabin, contradictory figures were mentioned. Representatives of the Department for International Humanitarian Co-operation and Human Rights listed 22 cases, while a KGB representative spoke of only four – a number that, however, all those present immediately agreed was unrealistic. The situation was clarified when Robert Shifter, then an Assistant Secretary of State, travelled to Moscow in late April 1989¹⁵ to hold bilateral talks on pending humanitarian cases. He brought with him a list of political prisoners 50 names long.¹⁶

The discussion over the precise number of cases, however, turned out not to be the main sticking point. In the above-mentioned inter-ministerial meeting on 25 April, the KGB representative advised the head of the Soviet delegation to assume that it would be impossible to resolve the issue in its entirety. In his opinion, there was no way that all cases could be revised, irrespective of the length of the list of alleged political prisoners. He also added that new cases could be expected in the foreseeable future. The KGB therefore did not see the goal as being to resolve all controversial cases, but rather

15 Among his other responsibilities, Shifter had headed the US delegation to the 1985 CSCE Meeting of Experts on Human Rights and Fundamental Freedoms in Ottawa.

16 In a separate meeting with Ambassador Kashlev, the representatives of the Department for International Humanitarian Co-operation and Human Rights acknowledged the accuracy of this list.

looked for convincing arguments to explain that, in certain cases, no favourable solution was possible.¹⁷

As already mentioned, the list of those who had been *forbidden to leave the USSR over a period of several years* contained 1,855 names. Shifter brought a list of 680 names to Moscow. The prompt handover of this list helped the Soviet delegation in preparing for the Paris discussions. Nonetheless, Moscow did not necessarily feel under pressure on this issue. The deadline for a “favourable review” was 18 July 1989 – three weeks after the conclusion of the Paris Meeting. The topic would thus have no immediate effect at Paris.

A completely new topic that arose during the preparations for the Paris Meeting was the question of the *participation of Soviet human rights groups* in the fringe events that have been organized by non-governmental organizations in parallel to CSCE meetings since the Madrid Follow-up Meeting (1980-1983). According to the law effective at the time, the foreign travel plans of Soviet human rights advocates and activists would only receive approval upon production of a private invitation.

Representatives of several Soviet human rights groups from Moscow, Leningrad (St Petersburg), Sverdlovsk (Yekaterinburg), and Kyiv informed the Foreign Ministry of their intention to attend the Paris fringe meetings. They made it clear that, although they could easily arrange for private invitations, they deliberately did not want to do this, but intended rather to apply for permission to travel to Paris specifically in order to participate in the events organized to coincide with the CSCE meeting. In making their case, they appealed to the statement of the Chairman of the Vienna Follow-up Meeting on mass media and public access to the CSCE. Under the provisions of this statement, Soviet human rights advocates should have been granted unhampered access to the fringe events.

The question was raised in a meeting with Ambassador Kashlev on 15 May 1989, which was also attended by the head of the department of the Soviet Interior Ministry responsible for issuing foreign-travel permits, Rudolf Kuznetsov, who was due to join the Soviet delegation in Paris. Kuznetsov declared that, under Soviet law, no one could be granted approval for foreign travel on such grounds. Nor, he added, could he get hold of information on the number of such applications, as the responsible local offices of the Soviet Interior Ministry rejected all applications not accompanied by a private invitation out of hand, keeping no records. Kuznetsov saw only one possibility, namely to wait until the Soviet legislation was revised to accord with CSCE regulations.

In this case, the Politburo’s resolution of 24 January 1989 that the decisions of the Vienna Follow-up Meeting should apply in the Soviet Union from the moment they were passed came into play. After a long discussion, Kuznetsov backed down and proposed a solution: He needed a resolution of

17 Source: the author’s journal.

the “*instantsiya*” (authorities) – as the Central Committee was referred to in Soviet bureaucratese – to allow the human rights advocates to travel to Paris. This would allow the Interior Ministry to approve of the travel requests while turning a blind eye to the absence of private invitations. It would in any case have been impossible to prove in retrospect that private invitations had not been received, as they would have been returned to the applicants.¹⁸

The necessary resolution of the “*instantsiya*”, which was applied for by the Foreign Ministry, was passed. But nonetheless, few human rights activists from the USSR travelled to Paris. Even in the days immediately prior to the meeting, it remained uncertain if any would be able to travel at all. US Senator Dennis DeConcini and the head of the US delegation, Morris Abram, placed considerable emphasis on the issue at a press conference on the eve of the Paris Meeting. The small number of Soviet human rights advocates who were able to travel to Paris included Ludmilla Alexeeva (the current leader of the Russian Helsinki Group), Oleg Rumiantsev (then chairman of the “Democratic Perestroika” club and co-ordinator of the preparatory committee for a social democratic association), and the author and civil rights activist, Lev Timofeev.

Initially, it appeared that Moscow’s first *experience of the CSCE’s human dimension mechanism* would also lead to headaches during the preparations for the Paris Meeting. Moscow observed carefully as it was applied to other Warsaw Pact states – particularly the Czech Republic. It affected the Soviet Union itself in March 1989. The Foreign Ministry received a diplomatic note from the British embassy, which made direct reference to the Vienna Mechanism and asked why a certain Mr. George Samoilovich had once again been refused permission to travel abroad. The multiple applications to emigrate he had made since 1972 had been consistently turned down. On this occasion, he was seeking to travel to the UK to receive cancer treatment. The Foreign Ministry initially discussed whether to give a written or an oral reply to the British embassy. When the information arrived from the KGB that Mr Samoilovich’s application had been turned down again, the decision was made to give an oral reply.

The case took a new turn when the British took it directly to Gorbachev – shortly before his visit to the UK in April 1989. The case was immediately resolved, and this also helped ensure a generally positive assessment of the Vienna Mechanism in Paris. Nonetheless, the dispute continued in Paris, as now Samoilovich’s wife and son were denied permission to join him in London.

The Soviet delegation was also pessimistic with regard to the preparation of the new legislation. Passages discussing in detail the laws needing amended and the importance of harmonizing them with the Vienna commitments and other international obligations of the USSR were added to a draft of the speech to be given by Shevardnadze at the opening of the Paris Meet-

18 Source: the author’s journal.

ing. By having the importance of this task stressed by a member of the Politburo who, though hated by many conservatives, was close to Gorbachev, it was hoped that the necessary process could be accelerated. Nonetheless, in the view of the Foreign Ministry, there was still a great danger in summer 1989 that the new laws were inadequate and did not conform with the Soviet Union's international commitments.

Soviet Preparations for the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

The second meeting of the Conference on the Human Dimension of the CSCE was scheduled to take place in Copenhagen from 5-29 June 1990. The participating States used the twelve months since the conclusion of the Paris Meeting for intensive preparations. The USSR worked its way through all the suggestions made in Paris. Particular attention was paid again to settling Moscow's "outstanding debts" from Vienna – e.g. by passing the promised laws and solving the problems of political prisoners and foreign travel. The agenda also included several current problems.

During the run-up to the Copenhagen Meeting, the representatives of the Soviet Union held several rounds of bilateral talks. In consultations with their French colleagues, in particular, they attempted to produce a joint document based on a French and British proposal in the area of *rule of law*, which the Soviet Union could co-author.¹⁹ Bilateral consultations with the USA focused, in the first place, on the attempt to modify the American proposal on *free and fair elections*, which had been made shortly before the end of the Paris Meeting, and to reword the passages that were problematic from the Soviet point of view. In Paris, the Soviet delegation had declared the US proposal to be unacceptable. Within a year, however, the Soviet position changed considerably on this issue, too, and the demand for a multi-party system was now acceptable to Moscow.

Although disunity ruled among political circles in Moscow on numerous questions of detail that were being dealt with by the Conference on the Human Dimension of the CSCE, on the eve of the Copenhagen Meeting, the Soviet delegates did not foresee major difficulties in continuing to develop the proposals that had been made in Paris. Copenhagen was not expected to bring any major surprises. Building on, among other things, the Vienna decisions of 1989, the results of 1989's elections, and the annulment of Article 6 of the Soviet constitution on the "leading role" of the Communist Party, democratization had gained noticeably in momentum by 1990. As a result, the

19 Considerable progress had already been made here when the EC states had formulated a joint proposal, brought by Ireland in the name of the EC Twelve (CSCE/CHDC.16). The USSR backed this proposal, as did many other states.

Soviet delegation had received flexible instructions, giving them a certain room to manoeuvre.

The progress made in implementing existing commitments was less satisfactory. Passing new laws on entering and leaving the country, freedom of conscience and religious organizations, the press and mass media, and social associations was proving particularly problematic. Although the relevant draft laws had been proposed in the Supreme Soviet in autumn 1989, they were not discussed in the autumn session of that body. Most of the key laws – in terms of CSCE commitments – had not been passed by the start of the Copenhagen Meeting. On 12 May 1990, Gorbachev had only signed the law on press and mass media. The draft laws on freedom of conscience and freedom of association only received their first reading in May and were published in draft form during the meeting. The draft law on freedom of movement was still with the Supreme Soviet.²⁰ Together with the lists of political prisoners and those denied permission to travel abroad – which still existed, even if they had grown shorter in the meantime – this shortfall provided an adequate basis for Western criticism of the Soviet Union's failure to fulfil its commitments.

The political upheavals in the states of Eastern Europe since the end of 1989 had also changed the position of the Soviet Union relative to other countries. While Romania, Czechoslovakia, Bulgaria, and the GDR had been at the centre of Western criticism in Paris, it was now seen as necessary for the Soviet Union to catch up. It was therefore expected that Moscow would be the focus of greater attention in Copenhagen. While the West still had many questions for Bucharest, it wanted to wait until after the Romanian elections.

The Soviet delegation prepared itself for the debate on implementation by compiling documents on the developments within Soviet legislation, restrictions on freedom of movement, political prisoners, and the abuse of psychiatry. In contrast to the Paris Meeting, they presented virtually no dossiers on human rights violations in the West.

Shortly before the start of the Copenhagen Meeting, Moscow's economic blockade of Lithuania became more relevant. While seeking not to endanger their relationship with Moscow as a whole, the Western states made it clear that Moscow's pressure on Vilnius was unacceptable and that the dispute should be resolved by diplomatic means. Following the developments of 1990 in Lithuania and the rapidly growing centrifugal tendencies within the Soviet Union in general, the status of the Baltic countries grew once more in relevance and was discussed directly by the CSCE for the first time.

During the preparations for the Copenhagen Meeting, Moscow had to decide once again whether or not it should support the production of a joint document. The Soviet Union delayed answering this question for a long time. The problem was not one of whether to enter into new commitments in Cop-

20 Cf. *Izvestiya*, 4,5, and 20 June 1990.

enhagen, but rather whether, in Moscow's view, it was appropriate to sign a new document at all.

The only significant argument against passing a substantive document was Moscow's will to "withhold" the most important matters of substance for a document to be passed by the Moscow Meeting, making the Moscow Meeting the climax of the three phases of the Conference on the Human Dimension as planned in Vienna. However, the fact that the Copenhagen Meeting was to take place on the eve of the inaugural congress of the ultra-conservative Communist Party of the Russian Soviet Federated Socialist Republic and shortly before the 28th congress of the Communist Party of the Soviet Union, the preparations for which took place against the background of an offensive by the conservative elements in the CPSU against the Soviet Union's democratization policy, gave cause to doubt the effectiveness of this approach. In addition, Moscow's awareness that, following the democratic revolutions in Eastern Europe, a policy of obstruction in Copenhagen could quickly lead to the Soviet Union becoming isolated also played a role. This in turn would have been greatly to Moscow's disadvantage, particularly with respect to the preparations for the planned autumn 1990 Paris CSCE Summit, which were due to commence immediately after the Copenhagen Meeting.

As a result of this discussion, the Soviet delegation left Moscow with clear instructions to take an active part in the production of a substantive document at the Copenhagen Meeting. Many Western delegations arrived in the Danish capital with similar goals, but without knowledge of Moscow's intentions.

A further important feature of the preparations for the Copenhagen Summit was the lack of co-ordination between the Warsaw Pact states. In a routine session of the Information Group of the Eastern Bloc states, representatives of the Soviet Union suggested holding a preparatory meeting in Moscow before the start of the Copenhagen Meeting. However, only the representative of the GDR supported this proposal. The representatives of other states claimed that they needed to seek instructions from their capitals on this question. The Hungarians simply kept silent. A favourable answer later came from Czechoslovakia – to Moscow's great surprise. Nevertheless, the proposed consultations did not take place, as there were no replies from other Warsaw Pact states. This proposal was never again taken up – neither at Copenhagen nor in connection with other CSCE meetings. As a result, the Warsaw Treaty group – the Eastern Bloc – effectively ceased to exist within the CSCE.

Immediately before the start of the Copenhagen Meeting, the winds of change could also be felt blowing through Moscow, if weakly at first. After Boris Yeltsin's election as Chairman of the Supreme Soviet and later as President of Russia, it became possible to detect the emergence of a second, competing power structure at the heart of Soviet power. Human rights proponents played an important role in the Russian pro-democracy movement.

Yeltsin asked to be briefed by the International Helsinki Federation on the Paris Meeting of 1989 and showed interest in the Copenhagen Meeting. Some of the people involved in Moscow's preparations for the meeting, and later in the delegation itself, were at that point already oriented towards the new power in Moscow.

Conclusions

The Soviet Union did not succeed in fulfilling all the commitments arising from the Vienna Concluding Document before the Moscow Meeting of the Conference on the Human Dimension. Several Western delegations, including those of the USA, the Netherlands, and Sweden, were given the opportunity in 1991 of visiting the political prisoners remaining at the prison camp in Perm and in various prisons. Three of the inmates were pardoned by President Yeltsin during the Moscow Meeting. On the other hand, the Soviet authorities hesitated to take further similar steps even after the failure of the coup attempt in August 1991. The implementation debate revealed continuing deficits in the Soviet policy on travel abroad. Much of the criticism, however, was directed at the human rights policies of various Soviet republics that had already declared independence.

Nonetheless, it was precisely during this period, between 1989 and 1991, that the CSCE had its strongest influence on Soviet policy in the area of the human dimension. The CSCE commitments not only helped to shape the agenda of democratization, but also established benchmark standards for all political actors seeking comprehensive reform in the Soviet Union. This was also a period in which Soviet diplomacy acted in an extremely cooperative manner, as a result of which Western doubts as to the effectiveness of participating in the Moscow Meeting ceased to play an important role. The participation of the West – apart from during the three days of the Moscow coup attempt – was no longer in doubt.

However, very soon after the third meeting of the Conference on the Human Dimension, the enthusiasm Moscow had brought to the CSCE began to wane. The Soviet Union collapsed. Other questions and other policy instruments were the order of the day. The CSCE had reached its zenith.