

## ROMANIA AND THE OSCE : A COMPLEX RELATIONSHIP (I)

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**T**he recent Summit meeting of the Organization on Security and Cooperation in Europe (OSCE, previously CSCE)<sup>1</sup>, held in Istanbul on 18-19 November 1999, represented the occasion in which the Participating States in the pan-European forum accepted the offer of Romania to exercise the function of Chairman-in-Office in 2001.

It is, in fact, an event for the foreign policy of Romania, a great opportunity that is important to be used in the appropriate way for consolidating the international status of the restored Romanian democracy. But the relationship between Romania and the OSCE has not always been a smooth one. Therefore, it is worthwhile to have a brief overview on this cooperation, as well as on the substantive work of the organization, until the overthrow of the Communist regime in Romania in December 1989.

1. The CSCE has come to life in early 1970's following a long process of negotiations between the countries that had made up the two conflicting blocks of the Cold War. This process was aimed at laying the foundations of a pan-European system for security and cooperation, and intended to open the dialogue between the European states, the United States and Canada and conversely to lower the tensions between

the Western/democratic and the Eastern/Communist countries.

The idea of organizing such a conference should be seen primarily within the constant search of the USSR to legitimate the territorial and political **status quo** that prevailed in Europe after the end of World War II, a **status quo** reflecting the Soviet political supremacy over the Central and Eastern European countries, that were also subordinated militarily to Moscow within the framework of the Warsaw Treaty Organization. It was with no surprise that the "green light" for a protracted "communiqué dialogue" between NATO and the Warsaw Treaty came out in July 1966 from the latter organization's Political Consultative Committee session in Bucharest, in a document ("the Declaration of Bucharest") that proposed a great number of measures for strengthening the peace and security in Europe, **inter alia** the idea of convening an European Conference on the matter<sup>2</sup>.

On the other hand, the West had an interest, as well, in the launching of an European Conference on Security and Cooperation, but it was mainly concerned with the field of military and security issues and the humanitarian questions (moreover the free flow of individuals, information and ideas between the East and the West),

its proposals in the latter field raising protests from the Communist regimes, as the Warsaw Treaty states formally considered these humanitarian issues to belong to their States internal affairs<sup>3</sup>.

After its successful start in August 1<sup>st</sup>, 1975, by the signature of the Helsinki Final Act (HFA)<sup>4</sup>, the CSCE went well beyond the Soviet interest to obtain recognition for the European post-war **status quo**. The HFA was not in fact a compromise text between two ideologies, but a document that embodied liberal values, which were however expressed in a relatively ambiguous manner. This state of play has been suggested, more than in any other part of the HFA, in the "Declaration on Principles Guiding Relations between Participating States", most well-known as the "Helsinki decalogue". If the Principle VII on the "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" is a Western type concept, with clear provisions both on the human aspects of the inter-state relations and the behaviour of states towards their citizens, the Soviet insistence on the inviolability of borders and territorial integrity of the Participating States found its acceptance in the Principles III and IV, without obtaining yet "neither the recognition of existing borders, nor the guarantee of their perenity"<sup>5</sup>. In fact, the "Decalogue" made unacceptable any border change through the violation of the principle on "refraining from the threat or use of force" and admitted, under Principle I on "sovereign equality, respect for rights inherent in sovereignty", that "frontiers can be changed in accordance with international law, by peaceful means and by agreement"<sup>6</sup>.

Therefore, the CSCE did not limit itself to a **static** approach, that was supported by the USSR and its satellites, but it succeeded in keeping alive a **dynamic** agenda, with a predominant Western drive that advocated the need for peaceful

changes in Europe<sup>7</sup>. The changes resulted in the breakdown of the Communist regimes in Central and Eastern Europe in 1989 and they have been stimulated and speeded up by the CSCE, which was able to contribute, through the quest for full observance of human rights, to undermine the apparent stability in Eastern Europe. The CSCE "aggravated the legitimate crisis of Eastern regimes, which had accepted Principle VII but were unwilling and unable to abide by it. At the same time it legitimized and stimulated the political opposition, which could now base its demands on international commitments signed by the governments. Last but not least Western criticism of human rights violations in CSCE increased the political costs of Eastern repression and afforded the opposition in these countries a certain amount of protection"<sup>8</sup>.

2. The diplomacy of Communist Romania was very active in drafting the rules of procedure ("the Blue Book") for the preparations of the 1975 Helsinki Summit, with the proclaimed aim to ensure a democratic perspective for the CSCE process. The then leadership of Romania - having been placed in early 1970's at the peak of its postwar foreign policy prestige and still out of the international public eye for its negative background in the area of human rights observance - perceived the European security as a system of both precise commitments, freely accepted by all European states, and concrete measures for offering those states the full guarantee that they will be free from aggression, will develop in accordance with their own interests and will be in a position to cooperate on the basis of widely accepted principles of international law<sup>9</sup>.

Against this background, the Romanian officials were successful in translating into the "Blue Book" some of the provisions they considered as essential

for a conference on European security be feasible. On the procedural aspects, one could note the rotation principle in chairing meetings, the participation in all debates of all European states on an equal-footing basis, irrespective of their position towards the politico-military alliances, and the need to leave on the conference's secretariat only the technical aspects of the pan-European forum. Last but not least, the Romanian representatives advocated for and obtained the agreement of all parties in order to have the consensus rule as the basic instrument in the decision making process of the CSCE.

As far as the substantive part of the conference was concerned, the Romanian Communist regime "fought" to have inside the "Helsinki decalogue" the principle on refraining from the threat or use of force (Principle II) immediately after the principle on sovereign equality of states (Principle I), with a precise definition and clear implementation measures, and supported the acceptance of the complementary principle on peaceful settlement of disputes. Some other initiatives, shared with other participating states – for instance, the launching of negotiations for the adoption of confidence and security building measures, or the setting up of a programme in the field of economic cooperation – found their place into the provisions of the HFA<sup>10</sup>.

After 1975 Romania's attitude in CSCE affairs followed the path defined by the country's leadership behaviour in international relations. Until the time of the third CSCE follow-up meeting in Vienna (1986-1989), the prestige of the Communist regime has constantly diminished, with the tendency to accelerate this negative trend in the second part of the 1980's, as the Cold War was coming to an end. Therefore, all along this time period the Romanian diplomacy found itself unprepared to keep the pace of change in European policy,

whilst its capacity to act in accordance with the national interest was even more reduced by the unrealistic profile of the political mandates, which were inspired by an outdated domestic decision making structure<sup>11</sup>.

Moreover, any simple assessment of the type of proposals forwarded by the Romanian diplomacy in the CSCE framework, and especially in the occasion of the Vienna follow-up meeting, shows a clear emphasis on Basket One and Basket Two, and an obvious reluctance to meet at least some of the Western initiatives in the area of Basket Three on Human Dimension. In fact the then Romania undertook to approach the humanitarian issues from a "fundamental" point of view - which focused mainly on the rights to life, housing, employment, education etc., i.e. the economic, social and cultural rights - and to reject *ab initio* the "collateral aspects" promoted by the Western countries, which were intended mainly to support the civil and political rights of the individuals within the Participating States.

The Vienna follow-up meeting equated Romania with the country that obstructed the debates on issues like the right of citizens to contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms, the freedom of the individual believers to establish and maintain direct personal contacts and communication with each other, in their own and other countries, the right of persons belonging to national minorities to maintain and develop their culture in all its aspects and to preserve their historical and cultural monuments and objects, as well as the idea of a Human Dimension Mechanism for monitoring the implementation of CSCE commitments relevant for Basket Three. On the basis of this type of approach Romania has "succeeded" in mid-1988 to be identified as the country that virtually blocked the negotiations aimed at

finalizing the third CSCE follow-up meeting<sup>12</sup>. Being unable to understand that the HFA established a direct link between the respect for human rights and the strengthening of security and cooperation in Europe, the Romanian Communist regime positioned itself behind the principle of non-interference in internal affairs of Participating States and expressed reservations (and made an Interpretative Statement) with reference to the provisions of the Vienna Concluding Document related to civil and political rights. The outcome was in fact an increasing international isolation of Romania. The obstructive attitude remained unchanged until the very end of the Communist regime in December 1989 and significantly the last CSCE event prior to the fall of the Wall - the Sofia meeting on the protection of the environment, held on 16<sup>th</sup> October - 3<sup>rd</sup> November 1989 - could not reach consensus on a concluding document because Romania rejected the recommendations supported by all the other Participating States, the objection being a provision concerning the rights of environmental activists<sup>13</sup>.

Basically, Communist Romania cooperated in the CSCE format by promoting the dialogue between the European states for the sake of making more democratic the international relations, and at the end found itself identified as the one country that neglected the progress of the CSCE states in the field of societal security.

The CSCE process entered a new phase of existence after the fall of the

Communist regimes in Central and Eastern Europe. But the negative impact of the behaviour of Communist Romania on CSCE activities could not but leave deep traces in the collective mind of the European political and academic circles. Against this background, it is not surprising that one of the analysts of the 1980's CSCE has come to the conclusion that "the CSCE process as we have known ended with the fall of Romanian dictator Nicolae Ceausescu in December 1989"<sup>14</sup>.

3. It is already very well-known that the December 1989 Revolution dramatically changed the entire Romanian society. The political attitude of Romania's new leadership has constantly been firmly guided by the democratic principles defining the rule of law, and has thus allowed the country to rejoin the family of European democracies. In this context, the January 1990 decision to withdraw the reservations expressed in connection with the Vienna Concluding Document has been only the first step undertaken by the democratic Romania in order to have the accurate image of its real international position and potential. Other steps have come in the decade that followed, and they have all contributed to the strengthening of the democratic record of Romania as a normal country, with a predictable and responsible behaviour in international affairs.

## NOTES

<sup>1</sup> The initial name was "Conference on Security and Cooperation in Europe" (CSCE) and it was used in the period 1975-1994. The present name, OSCE, is in force since January 1<sup>st</sup>, 1995, as a result of a decision adopted by the Budapest Summit, 5-6 December 1994.

<sup>2</sup> Arie Bloed - "Two decades of the CSCE process: from confrontation to cooperation", in Arie Bloed (editor), *The Conference on Security and Cooperation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht, Martinus Nijhoff Publishers, 1993, pp. 4-5.

<sup>3</sup> *Ibidem*, p. 5; see also Andrzej Korbonski, "The Warsaw Treaty After Twenty-five Years: An Entangling Alliance or an Empty Shell?", in Robert Clawson and Lawrence Kaplan (eds.), *The Warsaw Pact: Political Purpose & Military Means*, (Washington), 1982, pp. 15-17.

<sup>4</sup> The Helsinki process had from the very beginning a comprehensive programme, that gave birth to the three main areas or "Baskets" of the CSCE: 1) questions relating to security in Europe (encompassing both the basic principles guiding relations between Participating States and a number of confidence-building measures); 2) cooperation in the fields of economics, science and technology, and the environment; 3) cooperation in humanitarian and other fields. The organizational "follow-up" of the CSCE was often referred to as the "Basket Four".

<sup>5</sup> Victor Yves Ghebali, "Les valeurs de la Grande Europe, produit du laboratoire politique de la CSCE", in *Relations Internationales*, 73, printemps 1993, pp. 63-64.

<sup>6</sup> See *Conference on Security and Cooperation in Europe. Final Act*, Helsinki, 1975.

<sup>7</sup> V. Y. Ghebali, *op. cit.*, p. 64.

<sup>8</sup> Stefan Lehne, *The Vienna Meeting of the Conference on Security and Cooperation in Europe, 1986-1989. A Turning Point in East-West Relations*, Westview Press, Boulder, 1990, p. 185.

<sup>9</sup> Valentin Lipatti, *Conferința pentru Securitate și Cooperare în Europa*, Editura politică, București, 1985, *passim*.

<sup>10</sup> *Idem*, *In tranșeele Europei. Amintirile unui negociator*, Editura militară, București, 1993, pp. 23-74.

<sup>11</sup> *Ibidem*, pp. 171-196.

<sup>12</sup> Stefan Lehne, *op. cit.*, pp. 150-173. With reference to the mentioned provision on national minorities, the author assessed that its relevance "is underlined by its inclusion on Romania's list of unacceptable commitments" (p. 168).

<sup>13</sup> Arie Bloed, *op. cit.*, p. 84; Stefan Lehne, *op. cit.*, pp. 187-188.

<sup>14</sup> Stefan Lehne, *op. cit.*, p. 185.