

The act for Security and Cooperation in Europe was an agreement about the truce in the Cold War, which had started soon after the end of the Second World War. For over 30 years the war continued, tiring out the superpowers, their leaders and their nations. The 'arms race', having reached its limit, was destroying the possibilities for mankind to solve many key global problems. In the USSR, like other countries in the 'socialist camp', the basic needs of the people such as food and good housing went to the state only, whereas in the capitalist countries people lived much better. Although even in the west they wanted an end to the Cold War, due to the constant fear of a nuclear attack from the other side. The leaders of all the countries were prepared to make serious concessions in order to improve the world atmosphere. With this object in mind the 'Helsinki Agreement' was in favor of a 'detente'.

There was no victor in the Cold War and a decision about the end of the war was needed, only possible in mutual conditions. As a result of the talks, the final act from the conference for Security and Cooperation in Europe was created. Uniquely, this document also came to an agreement about its upkeep in the countries with different political, economic systems. From such good negotiations the participants became partners of the Helsinki agreement and the signatures of 36 states were collected under the document.

Since it was the governments who created hostile camps, mutual trust was out of the question. Both sides were therefore interested in the creation of a mechanism to ensure the fulfillment of the Helsinki Agreement, a mechanism that was put into the text of the document. Almost every year, delegations from the member states of were to gather for conferences. Such events were to begin with accounts from the main delegations about the fulfillment of the Helsinki Agreement. Every speaker had the right to express their views of the other members' fulfillment of the agreement.

Soviet diplomats had the right to be proud of the Helsinki Agreement, having won big concessions from the imperialist countries. Perhaps the key point of the Helsinki Agreement was that all those who signed up their countries agreed with the present borders of all the countries in Europe. Furthermore they agreed not to take any measures to change these borders. This included the agreement of the west that the Baltic states of Lithuania, Latvia and Estonia were part of the USSR. This was not the only achievement of the Soviet diplomats in the Helsinki Agreement. For example the camps agreed reciprocal granting of credit, and the exchange of scientific and technological innovations. Most importantly was the ending of the arms race, which had caused the Soviet economy to come close to collapse. However, there was one problem in this agreement for the Soviet Union, seen in the humanitarian articles included in the Helsinki agreement, in which basic human rights were to be recognised. However, in the long text of the final act, the human rights articles were barely noticeable, and were placed at the very end of the document. But these articles of the Helsinki agreement with time came to the foreground, and indeed became the very heart of the Helsinki process. This probably occurred because the partners of the Helsinki agreement were two worlds with very different values and agreements between them over such articles were constantly stressed. In the Soviet Union and in the other countries of the Socialist league, the relation between the powers and citizens was based on the principle of 'people for the state'. In democratic countries the principle was the opposite with state 'being for the people'. During the Helsinki process it became clear that these approaches effect questions such as borders, arms, finance and economics.

The Human rights movement of the USSR was born 10 year before the final act of Security and Cooperation in Europe, in the middle of the 1960's. Appeals were made to the state for freedom; such as freedom of religion, equal rights for all and so on. Appeals were constantly made to different official institutions and the reaction to these petitions were often, thankfully, silence. However, quite often the appeals were met with responses of repression, such as being discharged from work, excluded from institutes. From being arrested to being placed in psychiatric

hospitals. Despite such repression, appeals continued to be sent to the government, as this was the only dialogue between the state and society that could help widen the rights of the people. These appeals also aimed to get the citizens in dialogue with the government to solve national problems. After years of unsuccessful appeals, human rights activists realized that the state did not want a dialogue with society. The only option left was to find an intermediary outside of the country, which the state could not ignore. Naturally, they were to find such an intermediary in the west. In 1968 an attempt was made to appeal to the Committee of Human Rights at the UN. An action group of 15 human rights activists was created to defend the rights of the people of the USSR. In their appeal they wrote about the most intolerable breaches of the rights of citizens, such as the numerous cases of the deprivation of rights and the placing of people into mental hospitals because of their beliefs. No response was made by the UN to this petition or others and the members of the action committee were subjected to repression.

The human rights activist Yuri Fedorovich Orlov was especially concerned with the question of how to get the state into a dialogue with society. Orlov, having read the final act of the conference for safety and cooperation in Europe, realized that the Humanitarian articles of the document provided a mechanism to establish a dialogue between society and the state. The mediator for establishing such a dialogue would become head of the member states of the Helsinki agreement together with the Soviet Union. They now had a chance to demand the full observance of the Helsinki agreement, including the humanitarian articles, by all the member states of the Helsinki process. The problem was how to get the democratic countries to carry out this observance. Orlov argued how best to assist the Soviet human rights activists, arguing for the creation of a group to assist the Helsinki agreement in the USSR. This group would study the observance of the Helsinki agreement in the USSR, and to bring to the attention of all member states cases where human rights were breached, a simple idea, which proved to work.

The Moscow Helsinki Group's key feature became the process of 'monitoring'. Members of the group highlighted breaches of the humanitarian

articles of the agreement in the USSR, and wrote articles on such breaches. These were then made public in order to provoke the Soviet leadership to observe the rights of people in the USSR. At first, the task was nearly impossible for the 11 founders of the group. The group had no more resources than their fellow citizens; at first the group just had two old typewriters at their disposal, and nothing more. However, documents were produced one by one, the group having just enough resources for their production. Many human rights activist joined MHG, bringing with them many years of experience. These activists also had information and facts about breaches of human rights in the USSR which broke the articles in the Helsinki agreement. Information was given about the inhuman housing conditions of political prisoners, the use of psychiatry for punishment, and the difficulty for citizens to leave the USSR. Moreover, foreign radio stations in the USSR announced the creation of the group and helped the Helsinki agreement to work. Thanks to these broadcasts, citizens from different areas and republics came forth with representatives, bringing reports about the breaches of their rights. These representatives informed MHG about regional persecutions; information was given about citizens of different nationalities denied equal rights. Workers gave reports about their socio-economic rights being denied.

Surprisingly, the first 9 months of the group's work went by almost without disruption. Of course, the group was followed and the telephones and flats of members were tapped. But despite interrogations and searches, no arrests were made. Possibly the powers in control hoped that the group's efforts would not receive any response, just as the action committee were ignored by the UN for 8 years before the founding of the Moscow Helsinki Group. For a long time there were no responses to the documents, even from the democratic countries. Unexpectedly, however, the group received the support of the public, first of all in its own country and then others. Half a year later, Ukrainian and Lithuanian 'Helsinki Groups' were created Next Georgian and Armenian groups were formed. In Moscow, a committee for the protection of the rights of believers was created. In January 1977 the charter of 77 was born in Czechoslovakia and in the Helsinki

committee of Poland. The Moscow Helsinki Group found itself with more resources at its disposal, and started to work more intensively. As a result the committee of state security decided to respond with arrests. The Soviet government had a choice whether to decrease control over the country or to lose the respect of the western partner states. It was the latter path the Soviet powers took, and thus decided to have difficulties in their relationships with the west.

In February 1977, Yuri Orlov and MHG member A. Ginzburg were arrested. There were also a range of arrests in the Ukrainian Helsinki group. Soon all groups were suffering arrests – in USSR, in Czechoslovakia and in Poland. All verdicts for the “Helsinki activists” were very severe. For example Yuri Orlov was sentenced to seven years of imprisonment in a camp with a strict regime and to five years in jail. As it was expected, these arrests brought indignation of society in the democratic countries of the Helsinki process. Helsinki groups appeared in those countries and they were designed to follow the lead of the MHG – thus the Helsinki movement became international. Meanwhile, in democratic countries participants of Helsinki movements aimed to force their government to press USSR and its satellites with the following demands: to release arrested members of Helsinki groups and to observe the Helsinki accords in full, including the humanitarian articles.

In October 1980, during the Madrid conference, the USA, Canada and all democratic countries of Europe united and demanded the USSR and its satellites to release members of Helsinki groups and all political prisoners, to allow exit for all soviet people who wanted to leave the country, to stop persecution of believers and to observe national equality etc. The criticism of soviet practice in the sphere of rights was based not on governmental documents but on documents provided by the human rights NGO's, first of all by the Moscow Helsinki Group. This was an unprecedented practice for partners on interstate agreements. Critics also were not swayed by the arguments of the soviet delegation at the Madrid conference that cooperation between government and citizens is internal business of a particular

country and could not be discussed on a diplomatic level. USSR opponents refused to agree with this ancient diplomatic rule, such an approach was discredited and Helsinki agreements were thus allowed to reach their goals – assurance of security in Europe – if this approach to the humanitarian articles was not observed, agreements could not be fulfilled. It would have been impossible to create the atmosphere of openness and confidence between all states-members of Helsinki process without the creation of cooperation between power and citizens in countries with authoritarian regimes, i.e. USSR and countries of the soviet bloc. By 1980, the humanitarian and human right aspects of the Final Act became determinant in the development of the Helsinki process. Despite the unanimous action and firmness of the western partners of the USSR, however, the countries of the soviet bloc did not show inclination to make any concessions in this sphere. Mass repressions against progressive people took place in the USSR. This confrontation seemed to be hopeless, but both sides did not find it possible to refuse Helsinki agreements as those benefits given to both parties were real and valued in all member states of the Helsinki process.

Meanwhile, MHG, which appeared to be the stimulus of the Helsinki movement as well as the Helsinki process, announced on September 08, 1982 the postponing of its activity due to the persecutions. On that same day, however, a conference of Helsinki unions took place in Beladgio (Italy), where the International Helsinki Federation on Human Rights was founded. The federation continued the activity of the Moscow Helsinki Group, producing materials about violations of the humanitarian articles from the Helsinki Accord, on the territory of the USSR and other member states of the Helsinki process. Due to the fact that the activity continued, during the Vienna conference of 1986 of all the member states of the Helsinki agreement, Yury Kashlev announced that the soviet government had decided to release all political prisoners. During 1987-1988 about three thousand people left places of detention. Unfortunately, we have to state that this decision was made under the pressure of the USSR's western partners of the Helsinki

agreement, and not because the actions of soviet society, which remained impotent, even though it was time when the “perestroika” period has started and pressure from the regime on society began to decrease. The new soviet government – that of M. Gorbachev and the acting minister of international affairs of that time E. Shevardnadze, were trying to improve the relations with the West, and proposed to hold regular conferences with the member states of the Helsinki agreements in Moscow. This proposal was approved. A Conference was scheduled for Autumn 1991. But there was a condition that by this time all political prisoners should be released and all the most severe violations of humanitarian articles should be eliminated (such as leaving the country and coming back, persecutions of believers, silencing of foreign radio stations broadcasting in the USSR etc). In 1988, in Paris, during a regular conference of member states of the Helsinki accords, the Soviet Union had to inform its partners about activity implemented in this sphere. As a result, in 1990 the soviet people could get foreign passports in mass order, that gave them the possibility to leave the country and come back with ease. The law on freedom of conscious was approved, which stopped persecutions for “improper” behavior (Baptists, people of the fifties, Adventists, Jehovah’s witnesses, Hare Krishnas etc.). Laws on mass media (which eliminated censorship) and laws on public organizations (which stated that independent organizations including Moscow Helsinki group which was restored in 1989, were granted the right to exist) were also adopted. Now the Moscow Helsinki group – is one of the oldest Russian NGOs, in 2006, and we will celebrate our 30th anniversary.

Now Russian diplomacy tries to decrease the meaning of the Final Act, decrease responsibilities of OSCE missions in the Russian Federation and other countries on the territory of the former USSR. It is claimed that there is a trend of Russian policy being directed at the constriction of civil and political rights guaranteed by the Russian Constitution. Meanwhile, the glorious history of the Helsinki process and its rather fruitful role in the democratization of the soviet regime continue to ask for a careful attitude toward this document and demand for all agreements

reached as a result of the Helsinki process in the humanitarian sphere to be preserved. One of the most important achievements is the protocol adopted at the Moscow conference. It stipulates that all problems on observance of human rights in all member states of the Helsinki process cannot be internal business only, but are subjects of common concern (I would remind you that all OSCE documents are adopted on the basis of consensus, i.e. Protocol itself was approved with the agreement of the USSR and other “countries of socialist camp”). Approval of this principle became the real revolution in diplomacy as it always dealt with inter-states relations. Diplomats even found it “bad form” and non-professional to intervene in relations between citizens and the state where diplomatic peace was established. But the world has changed after two world wars and diplomatic rules have needed to be modernized. For today’s acting diplomats it is even difficult to imagine that once they did not deal with human rights problems – today this issue is one of the key directions conversations between democratic countries and their partners on the international arena. The mechanism, built into the Helsinki agreement, helps to achieve the recognition of these rights.

I insist that it is very important to preserve and even expand the credentials of the OSCE missions in countries on the territory of the former USSR, as well as to restore the OSCE mission in the Chechen republic as experience of these missions’ activity showed that they are most effective in those regions where human rights are violated more severely. It is clear, that in countries with developed democracy and even in those where democratic constitutions were adopted quite recently, the main law of the country is the essential legal base for human rights protection, *Vise versa*, when the constitution is not democratic or it does not work at all, the stress is on the humanitarian articles of Helsinki accords. The Chechen republic has such a situation now – mechanisms of Russian legislation do not work there. That is why Chechnya needs to lean on humanitarian articles from the Helsinki accords and on the OSCE mechanism to insure observance of these articles.

It also relates to the participation of the OSCE in observation over elections in the Russian Federation. The result of elections in our countries is determined by administrative resource, which fully intervenes into the voting process, not by the will of citizens as it is stipulated in the constitution. That is why it is very important that OSCE observers assist any elections in the Russian Federation and that is why Russian federal authorities try to achieve the elimination of this mechanism of control.

Russian and international non-governmental organizations dealing with human rights should play certain roles in Helsinki process. It will help make consultations more essential, open and effective.

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