

The Copenhagen Document at 20: Keeping the Promises

By Janez Lenarčič

The end of the Cold War 20 years ago heralded the dawn of a brighter future for Europe. The continent's leaders, at a summit in Paris in November 1990, enthusiastically proclaimed the beginning of "a new era of democracy, peace and unity." A steadfast commitment to democracy, human rights and the rule of law was to be at the core of the emerging new order.

Taking stock of the progress that has been made towards turning these ideals into reality, we have to pay tribute to a little-known yet groundbreaking document that captured the spirit of the time and provided the rule book for much of the political transition processes that have changed Europe in the past two decades.

The Copenhagen Document was adopted in the Danish capital on 29 June 1990 by the then-35 states participating in the Conference for Security and Cooperation in Europe (CSCE), a forum for East-West dialogue that included most European countries, as well as the United States and Canada.

James Baker, Eduard Shevardnadze, Hans-Dietrich Genscher and the CSCE region's other foreign ministers met in Copenhagen to sign off on an agreement containing a set of far-reaching democracy and human rights norms that surpassed, in many ways, any existing human rights treaties and, in effect, revolutionized international relations.

This was possible not only because of the uniquely favorable political climate in Europe in the months following the fall of the Berlin Wall. The nature of the CSCE as a political forum also enabled states to react quickly to emerging opportunities by adopting politically binding commitments without having to go through lengthy legal ratification processes.

Perhaps the most remarkable feature of the Copenhagen Document (as relevant today as it was 20 years ago) is the way it ties democracy, human rights and the rule of law together, insisting that the three concepts are closely interrelated and that none can exist without the others. In plain words: No state can claim to be a democracy without respect for human rights; human rights can only be guaranteed in a democratic system; and the rule of law is more than the formality of following the law – it means justice based on the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.

The Document goes even further, in that it defines what a genuine democracy must look like. It gives abstract notions concrete content. For example, the Copenhagen Document prescribed for the first time a comprehensive catalogue of standards that must be respected when organizing an election. In this manner, states have committed themselves to regularly hold free and fair elections, in which the secrecy and equality of the vote is respected and the ballots are counted honestly and transparently.

In a major departure from previous practice in international relations, states agreed in Copenhagen to open their electoral processes to international scrutiny. This was a logical step from the CSCE's 1975 Helsinki Final Act, which included respect for human rights among the ten principles governing participating states' relations among each other (and thereby contributed to the collapse of Communist one-party rule in Europe). But this still was something of a revolution: The very process of gaining power and legitimizing government would henceforth be subject to regular international observation.

The reasoning underlying this novel approach has since become one of the key features of relations between the members of the Organization for Security and Cooperation in Europe (OSCE), the CSCE's successor. Because the human rights situation in one country can affect the security of all others, human rights issues are no longer off-limits. Instead, they are recognized as matters of direct and legitimate concern to all OSCE states and do not belong exclusively to the internal affairs of the state concerned.

Over the past two decades, the Copenhagen Document has been complemented by other standards addressing new challenges, but it still stands as a cornerstone of Europe's human rights architecture as we enter the second decade of the 21st century.

There has been undisputable progress towards fulfilling the hopes and expectations that found their expression in agreements such as the Copenhagen Document. But this is not the case everywhere in the broader region covered by the OSCE. Transition processes have slowed down or even been reversed, as has been the case in parts of the former Soviet Union. And countries with long democratic traditions have not been immune to setbacks. Old democracies also struggle with new challenges, such as increasing intolerance against immigrants and the upsurge in hate crimes.

There is no room for complacency. The commemoration of the 20th anniversary of the Copenhagen Document this week in the Danish capital is a good opportunity for governments of the 56 OSCE states, stretching from Vancouver to Vladivostok, to reaffirm their commitment to the human rights and democracy principles contained in the agreement. The Copenhagen Document remains a powerful source of inspiration and a guide in our efforts to make the promises at the end of the Cold War realities for all of the more than 1 billion people who call the region home.

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