

CONFERENCE FOR SECURITY AND CO-OPERATION IN EUROPE

1992 Summit, Helsinki, 9 - 10 July 1992

HELSINKI DOCUMENT 1992

THE CHALLENGES OF CHANGE

(Extraction)

HELSINKI SUMMIT DECLARATION

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PROMISES AND PROBLEMS OF CHANGE

1. We, the Heads of State or Government of the States participating in the Conference on Security and Co-operation in Europe, have returned to the birthplace of the Helsinki process, to give new impetus to our common endeavour.

6. We welcome the commitment of all participating States to our shared values. Respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice and environmental responsibility are our common aims. They are immutable. Adherence to our commitments provides the basis for participation and co-operation in the CSCE and a cornerstone for further development of our societies.

7. We reaffirm the validity of the guiding principles and common values of the Helsinki Final Act and the Charter of Paris, embodying responsibilities of States towards each other and of governments towards their people. These are the collective conscience of our community. We recognize our accountability to each other for complying with them. We underline the democratic rights of citizens to demand from their governments respect for these values and standards.

8. 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.

12. This is a time of promise but also a time of instability and insecurity. Economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threaten stability in the CSCE area. Gross violations of CSCE commitments in the field of human rights and fundamental freedoms, including those related to national minorities, pose a special threat to the peaceful development of society, in particular in new democracies.

There is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice. Consequently, we reject racial, ethnic and religious discrimination in any form. Freedom and tolerance must be taught and practised.

Helsinki, 10 July 1992

HELSINKI DECISIONS

I. STRENGTHENING CSCE INSTITUTIONS AND STRUCTURES

(1) In order to enhance the coherence of their consultations and the efficiency of their concerted action based on their joint political will, as well as to further develop the practical aspects of co-operation among them, the participating States have decided to reaffirm and develop the decisions on CSCE structures and institutions set forth in the Charter of Paris and the Prague Document on Further Development of CSCE Institutions and Structures.

To this end, they have agreed as follows:

Meetings of Heads of State or Government

(2) Meetings of Heads of State or Government, as laid down in the Charter of Paris, will take place, as a rule, every two years on the occasion of review conferences.

(3) They will set priorities and provide orientation at the highest political level.

Review conferences

(4) Review conferences will precede the meetings of Heads of State or Government. They will be operational and of short duration. They will:

- review the entire range of activities within the CSCE, including a thorough implementation debate, and consider further steps to strengthen the CSCE process;

- prepare a decision-oriented document to be adopted at the meeting.

(5) Preparation of review conferences, including the agenda and modalities, will be carried out by the Committee of Senior Officials (CSO), which may decide to organize a special preparatory meeting.

CSCE Council

(6) The Council constitutes the central decision-making and governing body of the CSCE.

(7) The Council will ensure that the various CSCE activities relate closely to the central political goals of the CSCE.

(8) The participating States have agreed to enhance the working methods of the Council and promote effective consultations at its meetings.

Committee of Senior Officials

(9) Further to the decisions contained in the Charter of Paris and as set forth in the Prague Document, the CSO, between the meetings of the CSCE Council, will be responsible for overview, management and co-ordination and will act as the Council's agent in taking appropriate decisions. Additional responsibilities are described in Chapter III of this document.

(10) Greater use will be made of the points of contact and communications network in order to manage the flow of information more efficiently.

(11) The functions of the CSO convening as the Economic Forum are set out in Chapter VII of this document.

Chairman-in-Office

(12) The Chairman-in-Office will be responsible on behalf of the Council/CSO for the co-ordination of and consultation on current CSCE business.

(13) The Chairman-in-Office will be requested to communicate Council and CSO decisions to the CSCE institutions and to give them such advice regarding those decisions as may be required.

(14) In carrying out entrusted tasks, the Chairman-in-Office may be assisted, *inter alia*, by:

- the preceding and succeeding Chairmen, operating together as a Troika;
- *ad hoc* steering groups;
- personal representatives, if necessary.

Assistance to the Chairman-in-Office

Troika

(15) The Chairman-in-Office may be assisted by the preceding and succeeding Chairmen, operating together as a Troika, in carrying out entrusted tasks. The Chairman-in-Office will retain the responsibility for such tasks and for reporting on Troika activities to the Council/CSO.

Ad hoc steering groups

(16) *Ad hoc* steering groups may be established on a case-by-case basis in order to further assist the Chairman-in-Office, in particular in the field of conflict prevention, crisis management and dispute resolution.

(17) The decision of the Council/CSO to establish an *ad hoc* steering group will, in principle, be taken upon recommendation of the Chairman-in-Office and will include a description of its composition and mandate which will set out the specific tasks and objectives and specify the duration.

(18) If the matter is urgent, the Chairman-in-Office may consult the participating States to propose the establishment of an *ad hoc* steering group under a silence procedure. If objections to the proposal are voiced within five days and if further consultations by the Chairman-in-Office have not led to consensus, the CSO must address the question.

(19) In order to ensure efficiency, an *ad hoc* steering group will be composed of a restricted number of participating States which will include the Troika. Its composition and size will be decided taking into account the need for impartiality and efficiency.

(20) The Council/CSO may decide to terminate or extend for a specific period of time the term of the activities of an *ad hoc* steering group as well as to amend the mandate, composition and instructions given to a steering group.

(21) The Chairman-in-Office will report comprehensively and on a regular basis to the CSO on the activities of the *ad hoc* steering group and on related developments.

Personal representatives

(22) When dealing with a crisis or a conflict, the Chairman-in-Office may, on his/her own responsibility, designate a personal representative with a clear and precise mandate in order to provide support. The Chairman-in-Office will inform the CSO of the intention to appoint a personal representative and of the mandate. In reports to the Council/CSO, the Chairman-in-Office will include information on the activities of the personal representative as well as any observations or advice submitted by the latter.

High Commissioner on National Minorities

(23) The Council will appoint a High Commissioner on National Minorities. The High Commissioner provides "early warning" and, as appropriate, "early action" at the earliest possible stage in regard to tensions involving national minority issues that have the potential to develop into a conflict within the CSCE area, affecting peace, stability, or relations between participating States. The High Commissioner will draw upon the facilities of the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw.

Other institutions and structures

(24) Further to the Charter of Paris and the Prague Document, additional functions of the other CSCE institutions and structures are described in Chapters II, III, IV, V and VI of this document.

(25) The participating States mandate the CSO to study ways and means which would enable the three CSCE institutional arrangements to better accomplish their functions. In this regard they will consider the relevance of an agreement granting an internationally recognized status to the CSCE Secretariat, the Conflict Prevention Centre (CPC) and the ODIHR.

Implementation reviews

(26) Thorough review of the implementation of CSCE commitments will continue to play a prominent role in CSCE activities, thus enhancing co-operation among participating States.

(27) Reviews of implementation will be held regularly at review conferences as well as at special meetings convened for this purpose at the ODIHR and the CPC, and when the CSO convenes as the Economic Forum as provided for in the relevant CSCE documents.

(28) These reviews of implementation will be of a co-operative nature, comprehensive in scope and at the same time able to address specific issues.

(29) The participating States will be invited to offer contributions on their implementation experience, with particular reference to difficulties encountered, and to provide their views of implementation throughout the CSCE area. Participating States are encouraged to circulate descriptions of contributions in advance of the meeting.

(30) Reviews should offer the opportunity to identify action which may be required to address problems. Meetings at which reviews of implementation take place may draw to the attention of the CSO any suggestions for measures to improve implementation which they deem advisable.

Communications

(31) The CSCE communications network is an important instrument for the implementation of the Vienna Document 1992 and other documents and agreements. As the CSCE's capacity to deal with emergency situations is being developed, the network is assuming a new and vital role in providing the participating States with up-to-date means for urgent communications. In this respect, it is essential that all participating States be connected to the system. The Consultative Committee of the CPC will monitor progress and, if necessary, recommend solutions for technical problems.

II. CSCE HIGH COMMISSIONER ON NATIONAL MINORITIES

(1) The participating States decide to establish a High Commissioner on National Minorities.

Mandate

(2) The High Commissioner will act under the aegis of the CSO and will thus be an instrument of conflict prevention at the earliest possible stage.

(3) The High Commissioner will provide "early warning" and, as appropriate, "early action" at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO.

(4) Within the mandate, based on CSCE principles and commitments, the High Commissioner will work in confidence and will act independently of all parties directly involved in the tensions.

(5a) The High Commissioner will consider national minority issues occurring in the State of which the High Commissioner is a national or a resident, or involving a national minority to which the High Commissioner belongs, only if all parties directly involved agree, including the State concerned.

(5b) The High Commissioner will not consider national minority issues in situations involving organized acts of terrorism.

(5c) Nor will the High Commissioner consider violations of CSCE commitments with regard to an individual person belonging to a national minority.

(6) In considering a situation, the High Commissioner will take fully into account the availability of democratic means and international instruments to respond to it, and their utilization by the parties involved.

(7) When a particular national minority issue has been brought to the attention of the CSO, the involvement of the High Commissioner will require a request and a specific mandate from the CSO.

Early warning

(11) The High Commissioner will:

(11a) collect and receive information regarding national minority issues from sources described below (see Supplement paragraphs (23) -(25));

(11b) assess at the earliest possible stage the role of the parties directly concerned, the nature of the tensions and recent developments therein and, where possible, the potential consequences for peace and stability within the CSCE area;

(11c) to this end, be able to pay a visit, in accordance with paragraph (17) and Supplement paragraphs (27) -(30) , to any participating State and communicate in person, subject to the provisions of paragraph (25) , with parties directly concerned to obtain first-hand information about the situation of national minorities.

(12) The High Commissioner may during a visit to a participating State, while obtaining first-hand information from all parties directly involved, discuss the questions with the parties, and where appropriate promote dialogue, confidence and co-operation between them.

Provision of early warning

(13) If, on the basis of exchanges of communications and contacts with relevant parties, the High Commissioner concludes that there is a *prima facie* risk of potential conflict (as set out in paragraph (3)) he/she may issue an early warning, which will be communicated promptly by the Chairman-in-Office to the CSO.

(14) The Chairman-in-Office will include this early warning in the agenda for the next meeting of the CSO. If a State believes that such an early warning merits prompt consultation, it may initiate the procedure set out in Annex 2 of the Summary of Conclusions of the Berlin Meeting of the Council ("Emergency Mechanism") .

(15) The High Commissioner will explain to the CSO the reasons for issuing the early warning.

Early action

(16) The High Commissioner may recommend that he/she be authorized to enter into further contact and closer consultations with the parties concerned with a view to possible solutions, according to a mandate to be decided by the CSO. The CSO may decide accordingly.

Accountability

(17) The High Commissioner will consult the Chairman-in-Office prior to a departure for a participating State to address a tension involving national minorities. The Chairman-in-Office will consult, in confidence, the participating State(s) concerned and may consult more widely.

(18) After a visit to a participating State, the High Commissioner will provide strictly confidential reports to the Chairman-in-Office on the findings and progress of the High Commissioner's involvement in a particular question.

(19) After termination of the involvement of the High Commissioner in a particular issue, the High Commissioner will report to the Chairman-in-Office on the findings, results and conclusions. Within a period of one month, the Chairman-in-Office will consult, in confidence, on the findings, results and conclusions the participating State(s) concerned and may consult more widely. Thereafter the report, together with possible comments, will be transmitted to the CSO.

(20) Should the High Commissioner conclude that the situation is escalating into a conflict, or if the High Commissioner deems that the scope for action by the High Commissioner is exhausted, the High Commissioner shall, through the Chairman-in-Office, so inform the CSO.

(21) Should the CSO become involved in a particular issue, the High Commissioner will provide information and, on request, advice to the CSO, or to any other institution or organization which the CSO may invite, in accordance with the provisions of Chapter III of this document, to take action with regard to the tensions or conflict.

(22) The High Commissioner, if so requested by the CSO and with due regard to the requirement of confidentiality in his/her mandate, will provide information about his/her activities at CSCE implementation meetings on Human Dimension issues.

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SUPPLEMENT

Sources of information about national minority issues

(23) The High Commissioner may:

(23a) collect and receive information regarding the situation of national minorities and the role of parties involved therein from any source, including the media and non-governmental organizations with the exception referred to in paragraph (25) ;

(23b) receive specific reports from parties directly involved regarding developments concerning national minority issues. These may include reports on violations of CSCE commitments with respect to national minorities as well as other violations in the context of national minority issues.

Parties directly concerned

(26) Parties directly concerned in tensions who can provide specific reports to the High Commissioner and with whom the High Commissioner will seek to communicate in person during a visit to a participating State are the following:

(26a) governments of participating States, including, if appropriate, regional and local authorities in areas in which national minorities reside;

(26b) representatives of associations, non-governmental organizations, religious and other groups of national minorities directly concerned and in the area of tension, which are authorized by the persons belonging to those national minorities to represent them.

VI. THE HUMAN DIMENSION

(2) The participating States express their strong determination to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society. To these ends, they will broaden the operational framework of the CSCE, including by further enhancing the ODIHR, so that information, ideas, and concerns can be exchanged in a more concrete and meaningful way, including as an early warning of tension and potential conflict. In doing so, they will focus their attention on topics in the Human Dimension of particular importance. They will therefore keep the strengthening of the Human Dimension under constant consideration, especially in a time of change.

Enhanced role of the ODIHR

(5) Under the general guidance of the CSO and in addition to its existing tasks as set out in the Charter of Paris for a New Europe and in the Prague Document on Further Development of CSCE Institutions and Structures, the ODIHR will, as the main institution of the Human Dimension:

(5a) assist the monitoring of implementation of commitments in the Human Dimension by:

- serving as a venue for bilateral meetings under paragraph 2 and as a channel for information under paragraph 3 of the Human Dimension Mechanism as set out in the Vienna Concluding Document;

- receiving any comments from States visited by CSCE missions of relevance to the Human Dimension other than those under the Human Dimension Mechanism; it will transmit the report of those missions as well as eventual comments to all participating States with a view to discussion at the next implementation meeting or review conference;
 - participating in or undertaking missions when instructed by the Council or the CSO;
- (5b) act as a clearing-house for information on:
- a state of public emergency according to paragraph 28. 10 of the Document of the Moscow Meeting of the Conference on the Human Dimension;
 - resource lists, and assistance, e. g. in the field of censuses or on democracy at a local and regional level, and the holding of national seminars on such issues;
- (5c) assist other activities in the field of the Human Dimension, including the building of democratic institutions by:
- fulfilling the tasks as defined in the "Programme of co-ordinated support to recently admitted participating States";
 - arranging "Seminars on the democratic process" at the request of participating States. The same procedural provisions as set out in the "Programme of co-ordinated support for recently admitted participating States" will also apply to these seminars;
 - contributing, within the resources at its disposal, to the preparation of seminars at the request of one or more participating States;
 - providing, as appropriate, facilities to the High Commissioner on National Minorities;
 - communicating, as appropriate, with relevant international and non-governmental organizations;
 - consulting and co-operating with relevant bodies of the Council of Europe and those associated with it, and examining how they can contribute, as appropriate, to the ODIHR's activities. The ODIHR will also, at the request of participating States, supply them with information about programmes within the framework of the Council of Europe which are open to all participating States.
- (6) The activities on Human Dimension issues undertaken by the ODIHR may, inter alia, contribute to early warning in the prevention of conflicts.

National minorities

The participating States

- (23) Reaffirm in the strongest terms their determination to implement in a prompt and faithful manner all their CSCE commitments, including those contained in the Vienna Concluding Document, the Copenhagen Document and the Geneva Report, regarding questions relating to national minorities and rights of persons belonging to them;
- (24) Will intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional and local level, inter alia, through political parties and associations;
- (25) Will continue through unilateral, bilateral and multilateral efforts to explore further avenues for more effective implementation of their relevant CSCE commitments, including those related to the protection and the creation of conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities;
- (26) Will address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned on the basis of CSCE principles and commitments;
- (27) Will refrain from resettling and condemn all attempts, by the threat or use of force, to resettle persons with the aim of changing the ethnic composition of areas within their territories.

Indigenous populations

The participating States

- (29) Noting that persons belonging to indigenous populations may have special problems in exercising their rights, agree that their CSCE commitments regarding human rights and fundamental freedoms apply fully and without discrimination to such persons.

Tolerance and non-discrimination

The participating States

- (30) Express their concern over recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia, anti-semitism and racism and stress the vital role of tolerance, understanding and co-operation in the achievement and preservation of stable democratic societies;
- (31) Direct the ODIHR to organize, in autumn 1992, a CSCE Human Dimension Seminar on Tolerance;
- (32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;
- (33) Will consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to assure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as well as to protect all individuals, including foreigners, against acts of violence, including on any of these grounds. Moreover, they will make full use of their domestic legal processes, including enforcement of existing laws in this regard;

- (34) Will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural training and research;
- (35) Reaffirm, in this context, the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.

Migrant workers

The participating States

- (36) Restate that human rights and fundamental freedoms are universal, that they are also enjoyed by migrant workers wherever they live and stress the importance of implementing all CSCE commitments on migrant workers and their families lawfully residing in the participating States;
- (37) Will encourage the creation of conditions to foster greater harmony in relations between migrant workers and the rest of the society of the participating State in which they lawfully reside. To this end, they will seek to offer, *inter alia*, measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State in which they lawfully reside so as to enable them to participate in the life of the society of the host country;
- (38) Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.

Refugees and displaced persons

The participating States

- (39) Express their concern over the problem of refugees and displaced persons;
- (40) Emphasize the importance of preventing situations that may result in mass flows of refugees and displaced persons and stress the need to identify and address the root causes of displacement and involuntary migration;
- (41) Recognize the need for international co-operation in dealing with mass flows of refugees and displaced persons;
- (42) Recognize that displacement is often a result of violations of CSCE commitments, including those relating to the Human Dimension;
- (43) Reaffirm the importance of existing international standards and instruments related to the protection of and assistance to refugees and will consider acceding to the Convention relating to the Status of Refugees and the Protocol, if they have not already done so;
- (44) Recognize the importance of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as of non-governmental organizations involved in relief work, for the protection of and assistance to refugees and displaced persons;
- (45) Welcome and support unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions.

International humanitarian law

The participating States

- (47) Recall that international humanitarian law is based upon the inherent dignity of the human person;
- (48) Will in all circumstances respect and ensure respect for international humanitarian law including the protection of the civilian population;
- (49) Recall that those who violate international humanitarian law are held personally accountable;
- (50) Acknowledge the essential role of the International Committee of the Red Cross in promoting the implementation and development of international humanitarian law, including the Geneva Conventions and their relevant Protocols.

Democracy at a local and regional level

The participating States

- (53) Will endeavour, in order to strengthen democratic participation and institution building and in developing co-operation among them, to share their respective experience on the functioning of democracy at a local and regional level, and welcome against this background the Council of Europe information and education network in this field;
- (54) Will facilitate contacts and encourage various forms of co-operation between bodies at a local and regional level.

Nationality

The participating States

- (55) Recognize that everyone has the right to a nationality and that no one should be deprived of his/her nationality arbitrarily;
- (56) Underline that all aspects of nationality will be governed by the process of law. They will, as appropriate, take measures, consistent with their constitutional framework not to increase statelessness;
- (57) Will continue within the CSCE the discussion on these issues.

Capital punishment

The participating States

- (58) Confirm their commitments in the Copenhagen and Moscow Documents concerning the question of capital punishment.