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CONFERENCE ON SECURITY AND CO-OPERATION
IN EUROPE

Report by the Chairman of the Political Committee at Senior Level

In accordance with paragraph 13 of the Ministerial Communiqué of 10th December, 1971, the Council requested the Senior Political Committee to pursue Alliance studies in preparation for a CSCE. The attached report, which incorporates contributions from the Political and Economic Committees, reflects the results of the intensive studies pursued by the three committees concerned, and is submitted to the Council on the responsibility of the Chairman of the Senior Political Committee.

2. Although differences remain on important points, the report represents the general consensus reached in the Senior Political Committee based on instructions from capitals. Progress has been achieved in both the substantive and procedural areas, and in this sense the report represents an important step forward in harmonisation of Alliance positions in anticipation of multilateral preparations.

3. On substantive questions, the report contains a series of dossiers on possible Agenda items at a CSCE comprising a Confidential Guidelines Paper, an Agenda Paper for possible eventual use with non-Allied governments, and relevant documentation. General agreement has been achieved on the purpose of Guidelines and Agenda Papers as described in paragraphs 5-7. However, one delegation has reserved its position on the contents of Agenda Papers pending further study by its National Authorities. On the question of Certain Military Aspects of Security which might be proposed by Allied governments, no Agenda or Guidelines Paper has been prepared, but a chapter has been devoted to this subject, providing the results of new studies undertaken in this area. This includes a section reflecting substantial agreement on the objectives and criteria of confidence-building measures, which may lend themselves to discussion and agreement in a CSCE context.

4. On procedures, the report refines further Allied views on multilateral CSCE preparations. Moreover, a new part has been added on the subject of Allied consultations during the multilateral preparatory phase.

This document includes: 3 Annexes

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5. Differences nonetheless remain in a variety of areas, as summarised below:

- (a) Principles Governing Relations Between States: Questions concerning the principles of self-determination (paragraphs 19, 23 and 32(vi)) and respect for obligations arising from treaties (paragraphs 20 and 32), the manner of safeguarding Quadripartite rights with respect to Germany and Berlin (paragraph 33), the scope and contents of a Western draft declaration (paragraphs 25, 26, 27 and 32(viii)) and tactical considerations (paragraphs 28-30). Some delegations felt that early consideration should be given to preparing an Allied draft of a joint declaration.
- (b) Certain Military Aspects of Security: The relationship between CSCE and MBFR (footnote to Section III, page 27), and in this connection the contents and scope of a joint declaration on mutual and balanced measures relating to the levels of armed forces in Europe (paragraphs 86-91).
- (c) Freer Movement of People, Information and Ideas: Some delegations would prefer, on tactical grounds, to use the titles "Development of Contacts Between Persons", and "Dissemination of Information" (see footnotes to titles of Chapters 3 and 4).
- (d) Cultural Relations: Differences remain on the scope and content of Allied proposals in the fields of youth exchanges (paragraphs 190-195 and 230(a)) and cultural agreements (paragraphs 196-207 and 230(b)).
- (e) Economic Co-operation: In view of the fact that there was insufficient time to complete work on the Guidelines Paper, it was not possible to obtain general agreement on an Agenda Paper (paragraphs 234-235).
- (f) Multilateral CSCE Preparations: The extent to which Allied governments should press during the multilateral preparations for prior agreement with Warsaw Pact States before agreeing to move to a CSCE (paragraph 382).
- (g) Allied Consultations: The extent of consultations desirable at Helsinki and at NATO during the preparatory phase on matters of substance, questions of procedure, and negotiating tactics (footnote to title of Part Three).

6. Major substantive and procedural questions remain to be studied and resolved. Many delegations feel that one of the principal future tasks should be the elaboration of guidance on tactical considerations in the form of a steering brief, which would attempt to define the relative priority and inter-dependence between various Agenda items.

7. The Council is invited to consider this report for submission to Ministers at their forthcoming meeting to be held at Bonn.

(Signed) Jörg KASTL

NATO,
1110 Brussels.

CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE

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CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE

Report by the Chairman of the Political Committee at
Senior Level

INTRODUCTION

1. In compliance with the instructions which it received from the Council (PO/71/706 and C-R(71)71, paragraph 38) in accordance with paragraph 13 of the Brussels Communiqué of 10th December, 1971, the Senior Political Committee has continued its studies on questions of substance and procedure which arise in connection with a possible Conference on Security and Co-operation in Europe, and has dwelt in particular on the problems relating to the preparatory phase of multilateral contacts. It has invited its Chairman to submit the attached report to the Council which he does on his own responsibility.

2. This report, which forms part of the series of studies on the preparation of East-West negotiations, is concerned more particularly with the development of the approach initially spelt out in C-M(71)69(Revised) and to this end further develops a dossier on the following issues which might be included on the Agenda of a conference, namely:

- principles governing relations between States;
- certain military aspects of security;
- freer movement of people;
- freer movement of information and ideas;
- cultural relations;
- economic co-operation;
- co-operation in applied science and technology;
- co-operation in pure science;
- co-operation to improve the human environment.

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3. The study of these issues does not in any way prejudice the final composition of the Agenda. The aim, as regards the questions of substance, has been to assemble the arguments in support of the Allied case and to formulate them in the manner which will carry most conviction with any partners to a negotiation so that they can be put forward as from the start of the multilateral preparatory phase. Care has also been taken in the report to establish a close relationship between questions of substance and of procedure since the more effective the organizational formulas the greater will be the chance of a successful outcome to the talks.

4. The Report is divided into three parts:

- Part One: dossiers on each Agenda item;
- Part Two: questions of procedure in connection with the multilateral preparatory phase;
- Part Three: Allied consultations during the multilateral phase.

5. Part One provides material on most of the issues for negotiation in the shape of:

- (a) a guidelines paper consisting of a general review of the question and a detailed analysis of the complementary measures sought;
- (b) an Agenda paper giving the reasons for the inclusion of the issue on the Agenda and setting out the main complementary measures sought;
- (c) relevant documentation.

6. Guidelines papers provide background and guidance on the main Agenda Items for the use of Allied Governments and negotiators during the multilateral preparatory phase of a CSCE and, as appropriate, at a CSCE itself. They are confidential documents which are not suitable for transmittal to non-Allied Governments.

7. Agenda papers are drafted to reflect some of the principal concepts upon which general Allied consensus has been reached during NATO consultations. During the multilateral phase, Allied Delegations could draw from these papers, in whole or in part, in their statements, elaborating as appropriate on their national views towards each one. Agenda papers are not drafted in order to be tabled in their literal form during the multilateral phase, but any delegation would be quite free to table, under its own responsibility, documents derived from the Agenda papers.

8. Several delegations have suggested that the presentation of Allied ideas in Agenda papers should not prevent the drafting at an appropriate time of joint declarations on certain Agenda items. The German Delegation has entered a general reservation concerning all Agenda papers.

9. Part Two, which deals with procedure, reviews matters connected with the organization of the preparatory multilateral phase and the arrangements to be made with a view to discussions during the conference proper.

10. Part Three of the report contains suggestions regarding the consultations which would be expected to take place between the Allied countries once the multilateral talks had started.

PART ONE: DOSSIERS ON POSSIBLE AGENDA ITEMS

Chapter 1. PRINCIPLES GOVERNING RELATIONS BETWEEN STATES

11. The following texts have not yet been examined in depth by legal experts of all Allied countries. When this has been done further adjustments may be necessary to take account, among other things, of experience gained in dealing with UN items on friendly relations between states and on strengthening of international security.

I. GUIDELINES PAPER

A. The Problem

12. A CSCE will be expected to adopt a document by which participating countries commit themselves to abide by principles of international law in order to improve relations between participating states and especially those of East and West. This document should be drafted in such a way as to:

- strive to reduce the effects on participating countries of the existing division of Europe;
- manifest the desire progressively to eliminate the underlying causes of tension;
- be a clear and convincing statement of generally accepted rules of international law;
- increase security in Europe by means other than military ones;
- promote concrete measures of détente leading to improvement in East-West relations;
- by any reasonable interpretation clearly contradict any doctrine which purports to limit the exercise of sovereignty on the basis of ideology or membership in an Alliance.

13. In formulating this document, care should be taken to ensure that:

- the rights and interests of member countries of the Alliance under international law, including those essential for the safeguarding of Berlin and those related to Germany as a whole, are protected;
- the impression is avoided that it constitutes a substitute peace settlement for Germany; and
- no unjustified hopes are raised in public opinions.

14. The principles should clearly be applicable to all states participating in a CSCE. Each principle should accurately and succinctly state the point of international law involved; at the same time, the importance of the document's political impact should be borne in mind. The document should be readily understandable and acceptable to the public and, as such, should be free of ambiguities.

15. Any Western draft of a document on the principles governing relations between states should be designed to enable us:

- to adopt an active attitude at the Conference by way of proposals which may prove attractive to neutral and non-committed countries and certain Warsaw Pact countries;
- to deal with potentially damaging proposals from the Warsaw Pact.

If the Allies are to achieve these aims, any Western draft declaration tabled at a CSCE should contain a fair amount of "fat" to allow the negotiators some room for manoeuvre and exchange of concessions.

16. The Committee did not settle the question of the juridical nature and binding character of the document to be adopted by a conference - whether treaty, agreement, declaration, resolution or communiqué. At any rate, the objective should be universal acceptance of the statement by the states participating in a CSCE, with its effect to derive from that fact.

17. With regard to the selection and articulation of the principles to be included in a document, there are, of course, many ways to organize a document and a variety of possible wordings. The United Nations Charter could be drawn upon for commonly accepted principles and phraseology, as well as the Declaration on Friendly Relations and proposals put forward by individual states.

B. The Proposal

18. In order to achieve a genuine and lasting improvement in the East-West relationship in Europe, no new legal principles and no changes in the legal situation are necessary. What is necessary is rather a common understanding of the generally recognised principles of international law and their application to international relations irrespective of:

- political, economic or social systems;
- membership in an Alliance;
- political, economic, social and strategic interests or ideological concepts.

19. In the attempt to improve East-West relations it will be necessary to ensure the respect of:

- The right of the people of every state freely to choose and develop or change their political, social and economic systems with due respect to human rights and fundamental freedoms and without external interference.

- Sovereign equality of states including, inter alia, juridical equality, territorial integrity, and political independence.

OR

- Equal rights and self-determination of peoples.

- Sovereign equality of states including, inter alia, juridical equality, territorial integrity, and political independence.

- The right of individuals to human rights and fundamental freedoms.

Expression of the above rights is to be found, for example, in the ability freely to determine political status; in the ability to organize internal affairs and external relations without outside interference; and to choose the way in which co-operation with others will be carried out.

20. In order to ensure the free exercise of these basic rights, the Western countries attach particular importance to the following principles:

- Fulfilment in good faith of obligations under international agreements;

- peaceful settlement of disputes;

- non-interference in the internal affairs and external relations of other states; and

- ~~non~~-use and non-threat of force against the territorial integrity or political independence of any state.

The application of these principles would permit peaceful change and it should be clear that choice of means to effect peaceful evolution is up to the parties involved, that coercion is ruled out. The principles should, in particular, be consistent with the rights and obligations of the Allies and should not have the consequence of diminishing them.

21. Freedom of choice of alliances makes it clear that every state is obligated to respect another state's right to belong or not to belong to an alliance, as well as to join or to withdraw from an alliance. Membership in an alliance should not serve as an excuse for one or more members to restrict the exercise of sovereignty of the others. The membership of states in a specific political, social and economic system cannot be used to derive a concept of international law which is in conflict with the interpretation of existing international law as it has developed over the past.

22. In the context of East-West relations it is important to emphasise that the pursuit of governmental interests or of ideological concepts should not be contrary to international law.

23. Any document must not offer validity to any claim that it limits self-determination of peoples, the exercise of sovereignty of states and fundamental rights of individuals.

24. If the Warsaw Pact countries should press for a concrete declaration on frontiers in Europe, Western countries should see to it that:

- the formulation is limited to "respect" or "inviolability", as opposed to "recognition", of frontiers;
- quadripartite rights and responsibilities with regard to Berlin and Germany as a whole are safeguarded; and,
- Allied countries obtain equivalent concessions from the Warsaw Pact countries on matters of interest to them.

OR

- Allied countries obtain major counter-concessions on matters of interest to the Allies in other aspects of the negotiations.

25. While most delegations agreed that the main aim of the Western draft should be to make the "theory of limited sovereignty" more difficult to apply, the differences of views which were already reflected in paragraph 12 of C-M(71)69(Revised) again came to light on the issue of whether to include other ideas in this draft document.

26. In the opinion of several delegations there should be a reference to other principles of international law, in addition to those mentioned with a view to banning certain practices in the behaviour of states. The rules of positive behaviour by which all states were henceforth determined to abide in their mutual relations should be clearly stated, if necessary in the form of mutual commitments. Some of these delegations even think

that the relevant principles should be given more precise formulation than now exists in the United Nations Charter in order to ensure that Allied objectives are better taken into account. It was also pointed out by some delegations that the need to include in a list of principles, respect for obligations arising from international treaties, should duly be borne in mind, since it is one of the fundamental principles of the United Nations Charter and is not in contradiction with the objectives of a declaration on principles. Other delegations felt that the Western countries could usefully reflect on the negotiability of a formula aimed at ensuring the observance of the principles contained in the document. Some representatives also thought that reference should be made in the Western paper to the extension of co-operation in areas of common interest, as well as to the intensification of efforts to achieve further headway in the field of arms control and disarmament since, in their view, these questions could help to improve the political climate in Europe.

27. Some delegations thought that the suggested additions to paragraph 20 might detract from the main aim of the draft Western paper which must be to offer no possible validity to "the doctrine of limited sovereignty". The same delegations believe that the nature of the possible links between the improvement of political relations, co-operation between states and progress in arms control, arms limitation and disarmament are not sufficiently well established to be mentioned at this stage. As regards possible formulas for securing compliance with the contents of a document, these delegations feel that this question is closely related with the question - still to be discussed - of the creation of a procedure for the continuation of the East-West dialogue following a CSCE as well as the question of the development of a system for the peaceful settlement of disputes.

C. Tactical Considerations(1)

28. The principles to which we attach importance are interrelated and we should ensure as a basic consideration in our tactical position that they and any principles which the Warsaw Pact insist on discussing are negotiated in parallel and that each principle is construed in the context of the others. Since it is possible, and indeed probable, that the Warsaw Pact countries will table a text of their own, possibly as early as the multilateral preparatory stage, Western countries will have to prepare themselves - for instance by drawing up a draft text in good time - to react as effectively as possible to such a move. However it may appear preferable for the Western countries not to table this draft at the outset,

(1) The French and German Delegations have reserved their positions on this section of the report.

but to begin by presenting, both in speeches and in descriptive documents, a general account of their view on the Principles Governing Relations Between States. The tabling of a draft could be reserved until a clearer picture emerges of the proposals emanating from the Warsaw Pact countries and possibly from other participating countries. Whether or not a Western draft declaration is tabled at the outset it is desirable that it should not be finally agreed until a late stage of the negotiation. One of the Soviet objectives is a declaration of principles broadly acceptable to them. If they achieve this too soon they will be more inclined not to proceed with other items of concern to the West. Moreover it would be a mockery to conclude a declaration of high-sounding principles if subsequent detailed discussion on other Agenda items showed that there was no intention on the part of the Warsaw Pact countries to give effect to them. All these considerations argue strongly that the draft will have to be negotiated carefully by experts and that appropriate procedures for this purpose will have to be devised.

29. The implication of any declaration accepted at a conference will be that East and West are agreed on the fundamental principles which should govern relations between states. The Russians would like to get the West's acknowledgement of this proposition and despite any nuances in carefully drafted language they are likely to represent in public with some degree of plausibility that an agreed declaration represents such an acknowledgement. We should grant the Soviet wish only if the text is satisfactory to us. It would be preferable to have no declaration at all rather than one which enunciated undesirable doctrine.

30. It will be important for the Western countries to seek to harmonise their positions on the interpretation of the proposals made in various Warsaw Pact statements including the most recent one in Prague. It seems likely that if the Warsaw Pact agree to discuss some of the principles at all they will wish to group them under a single heading. For example, they might try to subsume independence, national sovereignty, equality and non-interference in internal affairs under the general heading of "Foundations of good neighbourly relations". In doing so it would probably be the Warsaw Pact intention to play down the importance of the individual principles and to minimise the time devoted to their discussion. The Western countries should not accept such a proposal. The individual principles are crucial from our point of view and require separate and full consideration. Their link with the "Brezhnev doctrine" is clear. Similarly, we should not, by allowing peaceful settlement to be grouped with the non-use of force, retreat from the already rather unsubstantial text on peaceful settlement of disputes in the United Nations Declaration on the Principles of Friendly Relations etc. Any document should be

conceived in such a way that the generally accepted rules of international law apply between all States. It is especially important that member countries should avoid endorsing the term "peaceful coexistence", since this concept, which is a fundamental principle of Communist doctrine, is interpreted by the Eastern countries as applying only to relations between States of the "Socialist Commonwealth" and those outside, but not to relations between States within that "Commonwealth".

II. AGENDA PAPER

A. Rationale for inclusion on Agenda

31. The states participating in a CSCE can enjoy peace and security only if each of them has an assurance that their mutual relations will invariably be governed by agreed principles, such as those set out in the United Nations Charter and in the United Nations Declaration on Friendly Relations between States. These principles are well-known. In a document adopted at a CSCE, they should be reaffirmed clearly and without ambiguity, be expressed as specifically as possible and be presented as the basis for relations between participating states, regardless of any differences or similarities in their social, political and economic systems, in complete accordance with the spirit and principles of the United Nations Charter. It should be made plain that they cannot be affected by competing principles or by special systems of international law. The purpose of adopting such a document and implementing its provisions would be to ensure that the existence in Europe of different social and political systems and certain states' membership of Alliances do not deprive these states of the prerogatives stemming from the principles of international law. This would thus help to eliminate the effects of the post-war division of Europe and to promote confidence, security and a peaceful order for the benefit of the participating states.

B. Description of Specific Principles

32. (i) Sovereign Equality. This principle should describe the basic equality of sovereign states for juridical and political purposes and as concerns their relationships with other states. The principle should exclude the implication that the exercise of a state's sovereignty is intrinsically qualified or qualifiable by others because of the system to which it belongs.
- (ii) Freedom of Choice. Independently, or as a facet of sovereign equality or the principle of non-intervention, it should be made clear that states, and the peoples of those states,

have a right freely to choose or change their political, economic or social systems or status. This principle might be related to freedom for a state to conduct its relations with another state as it sees fit. Such a principle also partakes of elements of the concept of self-determination. The principle is intended as a description of the right of a state and its people to chart their own course in relation to other states free of outside coercion.

- (iii) Non-intervention. This principle should proscribe intervention by one state in the affairs of another. It should reflect, as appropriate, the relevant provisions in the United Nations Declaration on Friendly Relations among States, and should admit no exceptions to the rule resulting from a state's association with a particular social, economic or political system.
- (iv) Non-use of Force and Territorial Integrity. This concept might be stated independently, drawing on Article 2(4) of the United Nations Charter, or related to the principle of non-intervention. The principle should not be qualified, although it should not be interpretable as modifying the right of self-defence in any way.
- (v) Peaceful Settlement of Disputes. States should be enjoined to settle disputes peacefully. The language of Articles 2(3) and 33 of the United Nations Charter is pertinent. The invitation to settle disputes should be strongly stated, although specific disputes need not be named, nor any favoured means of settlement singled out. The concept involved is that of peaceful change. Coercion is ruled out, and the choice of means to effect peaceful change is up to the free choice of the parties involved.
- [(vi) Self-determination. By virtue of the principle of equal rights and self-determination of peoples all peoples have the right freely to determine without external interference their political status and to pursue their economic, social and cultural development. The free association or integration with an independent state or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination.]

(vii) Human Rights. This principle affirms the universal respect of human rights and fundamental freedoms by states. It is an integral part of the United Nations Charter (Preamble, Articles 1, 55, 69).

[(viii) Development of Co-operation. This principle should describe the intention of the parties to base their policy on the aspirations of their peoples for peace, security and prosperity and, as a consequence thereof, their intention to live with one another as good neighbours within the framework of a just and lasting peaceful order in Europe and to further measures of arms control and disarmament.]

(ix) Respect for Obligations Arising from Treaties. This principle should restate the precept which already appears in the United Nations Charter to the effect that conditions should be established under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained(1).

33. Nothing in any statement of principles should seek to limit:

- (a) Any rights under the Charter of the United Nations, in particular the inherent right of individual and collective self-defence as reflected in Article 51.
- (b) The rights and responsibilities of the Four Powers with respect to Germany as a whole and Berlin.
- (c) The functions and responsibilities of the United Nations in relation to the peaceful settlement of disputes in accordance with the purposes and principles of the Charter.]

(1) The United States Delegation has reserved its position on this sub-paragraph.

Chapter 2. CERTAIN MILITARY ASPECTS OF SECURITY

I. INTRODUCTION

34. This chapter of the report is designed to meet a request made to the Council by Ministers, in paragraph 13 of their Brussels 1971 Communiqué, for the continuation of studies on "certain military aspects of security". For this purpose "confidence-building measures" and a "joint declaration on mutual and balanced measures relating to the levels of armed forces in Europe" were examined.

II. CONFIDENCE-BUILDING MEASURES

A. FOREWORD

35. In the present section, the advantages and disadvantages of introducing confidence-building measures in a CSCE context are assessed, primarily from a political standpoint. Principal attention is given to the relationship of confidence-building measures to the Allies' overall approach to a CSCE, their political effectiveness, and their negotiability within a CSCE framework. Existing military and technical assessments are taken into account where appropriate.

36. The "General Discussion" (in B below) does not contain a policy decision as to whether confidence-building measures should be introduced in a CSCE context; nor does it preclude the possibility that certain confidence-building measures might also be discussed prior to, following, or apart from a CSCE. It does, however, set out general views shared by all delegations.

37. On the other hand, the "Discussion of Various Measures" (in C below) is purely illustrative. Further study of these and similar measures is required before any such measure could be agreed upon as a possible point for Allied presentation at a CSCE(1).

B. GENERAL DISCUSSION

Objectives of the Allies

38. The inclusion of effective confidence-building measures among the Allies' proposals during multilateral discussions could help serve the following general CSCE objectives shared by Allies:

(1) The United States Delegation believes that confidence-building measures might be related to a declaration of principles governing relations between states.

- (a) Strengthen Western Posture at a CSCE: Such Western proposals would enable the Allies to focus discussions - and public opinion - on one of the major causes of insecurity in Europe, namely the willingness of the Soviet Union to exert all forms of pressure on other states of Europe, including military intervention.
- (b) Enhance Stability: These proposals would help the Allies to seek a conference outcome which might enhance stability in Europe by reducing ambiguities about military activities.
- (c) Achieve a Balanced Agenda: Confronted with insufficient Warsaw Pact proposals for a CSCE Agenda, the Allies have been developing proposals which would help eliminate, in a more concrete way, underlying sources of tension in Europe. The inclusion of confidence-building measures, by adding further security content to the CSCE Agenda, could serve the Allies' interest in achieving a balanced Agenda.
- (d) Challenge Soviet professions of interest in European Security: Western proposals for confidence-building measures would enable the Allies to ask the Soviets to start matching their professed interest in European security with greater openness about their military activities in Europe. Such proposals could also serve to direct the attention of the other conferees and the public to the military realities in Europe.
- (e) Strengthen the Independence of East European and Certain Neutral Countries: Confidence-building measures might make it politically more difficult for the Soviets to take aggressive actions and could improve the opportunities for East European and neutral states to take appropriate political, diplomatic and defensive counteractions.

39. The degree to which these objectives are served will depend upon the character of individual confidence-building measures and their negotiability. In formulating proposals in this field the Allies will need to bear in mind the following possible disadvantages:

- (a) An agreement on confidence-building measures could create a false sense of security, leading to the unfounded impression that Allies could afford to reduce their defence effort.
- (b) The Soviets could argue that agreement on confidence-building measures was a sufficient substitute for negotiations on broader security issues.

- (c) Certain confidence-building measures could entail disadvantages if, in being applied to a particular zone in Europe, they resulted in conferring a special status on that zone.

Attitude among Warsaw Pact countries

40. It is not known whether the Soviet Union and other Warsaw Pact States would agree to negotiate confidence-building measures in the framework of a CSCE. The communiqué issued in Prague on 26th January, 1972, seemed to indicate, as have private contacts with Soviet and other Eastern officials, that the East would prefer to have such complicated matters as military security issues negotiated either outside of a CSCE or following it in a "permanent organ" established for that purpose.

41. Other Warsaw Pact countries would have a strong interest in discussing certain confidence-building measures in a CSCE context. However, the Soviet Union can be expected to pressure these countries to follow its lead in this field.

Attitudes among Neutral/Non-aligned States

42. Yugoslavia and Austria, because of their exposed position with regard to Soviet military pressures, have expressed strong interest in having security measures discussed in a CSCE. Logically, Sweden and Finland would also have a clear interest in such measures.

Tactical Considerations

43. The major tactical problem for the Allies, should they decide to propose confidence-building measures during multi-lateral talks, will be to get the Soviets to accept any such measures at a CSCE. The Soviets may pursue the tactic of avoiding outright rejection of such measures by insisting that they be discussed afterwards in a "permanent body". This approach could be appealing particularly to those participants who wish to avoid contentious issues. Accepting this approach, however, would provide no assurance that the Soviets will ever discuss confidence-building measures, since, once a CSCE has been held, Soviet incentive for making concessions will be greatly reduced.

44. Another tactical question for the Allies is how to take advantage of the fact that almost every participant at a CSCE, except the USSR itself, would likely welcome some confidence-building measures to increase their security against Soviet intimidation. If the Allies were to decide to include confidence-building measures in their CSCE proposals, they would gain by preparing the ground carefully to enlist the support of selected Warsaw Pact and neutral countries.

45. Tactical considerations could argue, therefore, for the Allies to be prepared with some confidence-building measures which might lend themselves to discussion at a CSCE.

Criteria

46. In considering various confidence-building measures for inclusion among their proposals during multilateral talks, the Allies will wish to ensure that these measures:

- (a) are consistent with the principle of undiminished security for all Allies, taking into account where appropriate the disparities arising from geographic and other considerations;
- (b) would be effective in strengthening mutual confidence and stability, in promoting détente and in improving relations among the CSCE participants;
- (c) could facilitate possible consideration of more far-reaching measures concerning military aspects of security;
- (d) would be of general applicability to the whole of Europe and would not by their nature imply any reference to specific regions or forces within that area;
- (e) would not imply such protracted negotiations as to render impracticable their meaningful discussion at a CSCE;
- (f) would not be prejudicial to any agreement on reductions;
- (g) would not necessarily require creation of a new permanent body for implementation.

C. DISCUSSION OF VARIOUS MEASURES

47. The measures listed below are drawn from NATO Communiqués, other NATO documents (agreed or non-agreed) and from national working papers, where they appear in various contexts (List of Issues for East-West Negotiations; Exercise "First Look"; MBFR; CSCE).

48. Only advantages and disadvantages specific to each measure are set out in this chapter. Advantages and disadvantages general to all of the measures are described in Section B above.

ADVANCE NOTIFICATION OF MILITARY MOVEMENTS AND MANOEUVRES

The Problem

49. From the Allies' standpoint, the principal objective of any agreement at a CSCE to give advance notification of military movements and manoeuvres would be to strengthen stability and mutual communication in Europe by enhancing the predictability of Warsaw Pact movements. At the same time, any anomalies, such as misunderstandings or escalation of military activities, would hopefully be either inhibited or, if they did occur, subject to increased political and intelligence-gathering attention. In addition it would be more difficult for the Soviet Union to exert political pressure on smaller countries by means of manoeuvres.

Existing Preliminary Military Assessments

50. The Military Committee's preliminary views on advance notification indicates that an agreement concerning this measure, worked out in precise and unambiguous terms, could be beneficial by providing at an early date information on the other side's activities which is not at present available (MCM-70-11).

Possible Proposals

51. While all advance notification plans would seem to have at least these goals in common, a variety of plans could be envisaged. For illustrative purposes, possible proposals are described below, ranging from a modest, simple step to a more detailed and specific proposal. These proposals need not be mutually exclusive and could be adapted to different negotiating situations.

(a) Annual Calendar of Planned Movements and Manoeuvres

52. This is an example of a minimal advance notification proposal which the Allies might wish to put forward at a CSCE. The parties would agree to provide an annual calendar of all the major military movements and manoeuvres in Europe in which their forces participate.

53. In negotiations, in an effort to induce other countries to agree to such an arrangement, NATO members might provide illustrative lists of their own manoeuvres and movements and invite others to do likewise. If Warsaw Pact members fail to produce satisfactory lists, NATO members could withdraw their proposal.

54. Advantages of Considering the Proposal at a CSCE:

- The Soviets would find it difficult to argue that so modest and readily comprehensible a step could be discussed only after a CSCE.
- The proposal would not require any technical negotiations, and agreement could be reached quickly.
- The proposal would not require any new body for implementation.

55. Disadvantages of Considering the Proposal at a CSCE:

- The agreement would not constitute a real inhibition, since changes in the calendar could not be considered a breach.
- Lack of precision on such questions as size of forces, area etc. could create misunderstandings among the parties over the implementation of the agreement.
- Unnotified major movements and manoeuvres could be politically destabilizing, since they might appear as unforeseen and crisis-related events.

(b) Advance Notification of Changes in Annual Calendar

56. This would be identical with proposal (a) above, except that it would add the requirement that the parties provide notification, reasonably in advance, of any changes or additions to their annual calendar of movements and manoeuvres.

57. Advantages of Considering Proposal at a CSCE:

- The Soviets would find it difficult to argue that so modest and readily comprehensible a step could be discussed only after a CSCE.
- The proposal would not require any technical negotiations, and agreement could be reached quickly.
- The proposal would not require any new body for implementation.
- It would make stronger demands of the Soviets, especially since aggressive Soviet military activities in Eastern Europe have usually taken place with little or no advance warning.

58. Disadvantages of Considering Proposal at a CSCE:

- Lack of precision on such questions as size of forces, area etc. could create misunderstandings among the parties over the implementation of the agreement.

(c) Notification of Movements of Forces of a Certain Size within and/or into a Certain Area

59. The signatories would undertake to give prior notification, as the occasion arose, of all movements of forces over a certain level taking place on their territory, or on a given part of their territory, or which affect certain of their national forces on the territory or part of the territory of other countries in Europe. These territorial entities taken as a whole would then form a clearly defined geographical area.

60. The time lag between the notification and the movements, which would be comparatively long, could vary according to the scale of the force movements. Similarly, the ratio "notification/scale of force movement" could vary according to whether the movement in question was to take place entirely within the area or whether the forces in question were moved into the area from outside, so as to reflect the important political nuance between the two. Lastly, the very notion of movement would have to be defined so as to prevent the agreement being circumvented by means of a series of force transfers in quick succession, which, while remaining below the level at which they must be notified, would add up to a major movement of forces within the spirit of the agreement.

61. Certain countries taking part in the CSCE could refuse to undertake to give prior notification of any movements of their national forces. Moreover, some European countries have territories outside continental Europe, where movements of forces would have no effect on European security. Therefore it would be necessary to specify carefully beforehand the force levels, categories, the area and the time lags for prior notification.

62. An illustration of the sort of force levels, areas and time lags that might be appropriate to a proposal of this type, and an account of the technical considerations involved, are given in document AC/276-N(72)3.

63. If this proposal is to be discussed at a CSCE, it must be so conceived that it is in no way prejudicial to any possible agreement on force reductions in Europe.

64. Advantages of Considering the Proposal at a CSCE:

- This more precise agreement would entail lesser risks of misunderstanding over its implementation.
- It would not require new machinery for implementation.
- It would permit the safeguarding of the normal needs of force movements, while complicating (except in the case of violations) military interventions of the Budapest or Prague type.

65. Disadvantages of Considering the Proposal at a CSCE:

- The significance of a military movement on a given scale varies according to the size of the armed forces of the countries involved.
- It could require a longer process of negotiation than that for the foregoing proposals.

EXCHANGE OF OBSERVERS AT MILITARY MANOEUVRES

The Problem

66. Some mutual observation at manoeuvres by attachés and by other means already takes place. It might be useful, however, to establish the principle of mutual observation and information which might provide an opening for more stringent observation measures later on. Exchanges of observers, with the somewhat liberalised access that an agreement would imply, could provide opportunities to gain better insight into and understanding of relative force capabilities. They could also help to develop experience and skills which could be useful in further arms control efforts.

Existing Preliminary Military Assessment

67. The preliminary views expressed by the Military Committee in MCM-70-11 indicate that they consider that this issue could be the subject for early Allied initiatives without adverse effect to the security of the Alliance.

Possible Proposal

68. The parties would agree to permit, on an equitable basis, observers from participating states to attend any military manoeuvres of which they had given prior notification, according to one of the previous or any similar proposals.

69. This measure, though modest in scope, would nevertheless require careful negotiation to ensure equitable treatment to all parties, whether among large states and smaller ones, between members of different alliances or within the alliances. It would be necessary, among other things, to ensure that excessive numbers of observers from Warsaw Pact countries were not permitted to attend NATO countries' exercises and also to guard against the danger that the East might use the accord to indulge in intentional deception.

70. Advantages of Considering the Proposal at a CSCE:

- The proposal would not require highly technical negotiations, and agreement could therefore be reached relatively quickly.
- Certain East European countries might welcome the opportunity of direct contact with Western military authorities.

71. Disadvantages of Considering the Proposal at a CSCE:

- The difficulty of finding equitable solutions to such essentially political problems as the numbers of observers to be allowed at other countries' manoeuvres could be considerable.

LIMITATION ON MOVEMENTS OF FORCES OF A CERTAIN SIZE
WITHIN AND/OR INTO A CERTAIN AREA

The Problem

72. Notification of movements of forces of a certain size within and/or into a certain area would not prevent countries from carrying out many separate movements, which could result in a general increase in force levels. The present measure is designed to alleviate this difficulty.

The Proposal

73. Participating countries would agree to refrain from movements of forces of more than a certain specified size accounted for separately or cumulatively. An illustration of the sort of force levels, categories and areas that might be appropriate to a proposal of this type, and on account of the technical considerations involved, are given in document AC/276-N(72)3.

74. If this proposal were put forward in a CSCE it would have to be so conceived as not to be prejudicial to any possible agreement on force reductions in Europe.

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75. Advantages of Considering the Proposal at a CSCE:

- This more precise agreement would entail lesser risks of misunderstanding over its implementation.
- It would not require new machinery for implementation.
- It would permit the safeguarding of the normal needs of force movements, while complicating (except in the case of violations) military interventions of the Budapest or Prague type.

76. Disadvantages of Considering the Proposal at a CSCE:

- The significance of a military movement on a given scale varies according to the size of the armed forces of the countries involved.
- It could require a longer process of negotiation than that for the foregoing proposals.

VARIOUS SURVEILLANCE MEASURES

The Problem

77. From the Allied standpoint it could be useful to discuss at a CSCE possible arrangements which might enable signatory countries to carry out appropriate surveillance by various means within the territory of other signatory countries. Such surveillance could provide useful indications of significantly large movements of equipment and supplies, helping to guard against the danger of surprise attacks.

78. Possible surveillance proposals are briefly outlined below. They are not mutually exclusive and could be adapted to different negotiating situations.

Possible Proposals

(a) Establishment of a System of Observation Posts

79. The parties could agree to the establishment of Observation Posts in order to provide reliable information on force movements by the various other parties to the agreement.

Existing Preliminary Military Assessment on this Measure

80. The Military Committee's preliminary assessment of this measure indicates that it is a complex one and presents many problems for which there are no satisfactory solutions at this time. The Military Committee held that this measure requires further study before it can be considered suitable for negotiations (MCM-70-11).

(b) Installation of Sensors

81. Fully automated sensors capable of identifying individual targets could be installed at some agreed points (e.g. choke points) on the basis of a certain number of criteria suitable to provide the best information on force movements.

(c) Aerial Surveillance

82. The parties could agree that their territories or part of their territories, be submitted, on the basis of reciprocity, to periodic aerial surveillance. Such surveillance could be carried out by aircraft equipped (or not) with photographic devices, radars and appropriate communication means.

83. As to problems related to the acceptability of aerial inspection to NATO countries reference is made to the relevant part of the Report by the Sub-Group on Verification as approved by the MBFR Working Group (AC/276-D(72)1 of 22nd March, 1972).

(d) Radar Installations

84. The parties could agree on the basis of reciprocity, on an arrangement concerning installation of one country's radars in another signatory country's territory.

Advantages and Disadvantages of Considering these Proposals at a CSCE:

85. The confidence-building effects of the above-mentioned measures are self-evident. However, all of them are very complex (though in varying degrees), which makes them difficult to negotiate in a CSCE context. They may lend themselves to useful discussion only by members of NATO and the Warsaw Pact. Moreover, in dealing with these measures the Soviet Union's previously negative attitude towards them, except when connected with concrete disarmament or non-armament measures, should be borne in mind.

III. JOINT DECLARATION ON MUTUAL AND BALANCED MEASURES RELATING TO THE LEVELS OF ARMED FORCES IN EUROPE(1)

86. At a CSCE the elaboration of a joint declaration on mutual and balanced measures relating to the levels of armed forces in Europe might, in the view of most Allied Governments, be suggested as one point for consideration. The language of such a declaration would need to take into account the fact that of the 35 or so participants for a CSCE only a certain number would be concerned with negotiations on actual force reductions but that most or all would have an interest in the subject.

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- (1) Given the position of the French Government on the question of MBFR, the French Delegation did not take part in the clarifying of this section and its Annexes.

87. One delegation believes that the principles governing the proposals of Fourteen Allied Governments for mutual and balanced force reductions should be used as a basis for Allied explorations in a special group outside the CSCE context. This delegation believes that, while those principles could also guide Allied discussions in a CSCE, it is not desirable to seek a declaration on MBFR Principles in a CSCE (see also the United States' paper of 3rd March, 1972, entitled "An Agreement on MBFR Principles").

88. The nature of a joint declaration that might be appropriate in a CSCE could depend upon the nature of the link between a CSCE and the proposals of Fourteen Allied Governments for mutual and balanced force reductions. There is as yet no agreed view in the Alliance on what this link should be and therefore two illustrative texts of a joint declaration were elaborated based on different approaches. These texts are attached as Annex I and Annex II to the present volume.

89. The text at Annex I seeks to attain two different objectives: first, to be acceptable to all countries participating in a CSCE, including the ones which do not wish to participate in talks on limitations or reductions of armed forces; and second, to ensure that MBFR negotiations will be pursued even after the CSCE, in accordance with specific principles and criteria agreed upon, at the latest, at a CSCE. This text is thus based on the assumption that exploration on the subject of mutual and balanced force reductions will have taken place prior to CSCE multilateral preparations in Helsinki, or during these preparations, between a certain number of governments, that sufficient satisfactory progress will have been made during these explorations to enable these governments to decide to enter into negotiations about actual force reductions and to have agreed among themselves what the principles for these negotiations should be. The text also assumes that all the states signatory to the declaration will be willing to undertake specific military stabilising measures. Furthermore, the aim of a text of this type is to establish as close a link as possible between the CSCE and negotiations on force reductions, and to get the support of all participants in a CSCE for the concept of mutual and balanced force reductions in Europe to be negotiated by some of them.

90. The text at Annex II starts also from the assumption that a CSCE should tackle in general terms the problems of military security in Europe but considers that proposals of Fourteen Allied Governments for mutual and balanced force reductions are too complex a question to be addressed at all by a conference. The Conference might, however, negotiate - perhaps in one of the commissions that might be established - a declaration in general terms about the principles applicable to the reduction of the level of armed forces in Europe.

Since it is likely that most or all of the potential participants in a Conference would want to participate in the work of negotiating such a declaration, the declaration should be in general terms and should be applicable to any force reductions that might eventually take place in Europe. The text at Annex II is intended for the use of Allied negotiators during the negotiation at a CSCE of such a general declaration. It does not presuppose, nor does it rule out, that explorations or negotiations of actual force reductions have already taken place or are about to take place, nor that any agreement has been reached, or that any negotiations are under way about confidence-building measures. It takes greater care not to prejudge the issue of in what framework and when such negotiations might be held, nor to give any handle for all 35 or so countries participating in a CSCE to intervene in negotiations between a smaller group of countries.

91. It was recognised that it would be premature at this stage to attempt to reach a decision on what relationship between a CSCE and MBFR would be most desirable and therefore the two illustrative texts have been elaborated as two presently conceivable options, the choice to be made in due time.

Chapter 3. FREER MOVEMENT OF PEOPLE(1)

I. GUIDELINES PAPER

A. General Discussion of Agenda Item

92. Freer movement of people is a wholly appropriate question to discuss in multilateral negotiations on East-West co-operation, since an increase in human contacts will in fact be an essential element of progress towards normalisation of East-West relations in Europe. The Allies have stated that a CSCE should not serve to perpetuate the post-war division of Europe but should initiate a process of reducing existing barriers; progress in this area would be a highly significant step toward that goal. In view of anticipated Soviet sensitivities, this question will also be one of the most difficult to negotiate in the framework of a CSCE.

93. Beyond the inherent importance of freer movement of people, proposals in this area will be of special value to the Allies in negotiations. Freer movement of people is an area in which the Allies can justifiably ask for concessions, particularly from the USSR. It should be a natural accompaniment of relaxation of tensions in Europe. As a general principle, the Soviets may have some difficulty opposing it; indeed, they accepted "contacts among people" as an appropriate goal of a CSCE in the 1971 Pompidou-Brezhnev Declaration. Similarly, the Danish-Soviet Communiqué of 5th December, 1971 states that the CSCE shall promote, inter alia, "the contacts between human beings, which are one of the preconditions for the mutual trust upon which a lasting peace in Europe must be based". The Allies should seek to engage the Soviets in serious discussion by introducing specific proposals with reasonable argumentation, devoid (to the extent possible) of unnecessary polemics. Initially, the Soviets will probably attempt to refuse even to discuss some of the proposals which the Allies will table, but reasonable Western proposals (and back-up data) will provide a basis for discussion in the world media which will put pressure on the Soviets to seek compromise. This could make possible some useful initial steps.

94. The Warsaw Pact States will assume the Western proposals are aimed at subverting their system of controls at home and at causing further mischief in Eastern Europe. In order to avoid giving ammunition to ideological watchdogs, the proposals themselves should, to the extent possible, establish reasonable stages and phases of liberalisation of Soviet practice, while

(1) The Belgian, Danish, French, German and Portuguese Delegations would prefer the title to read "Development of Contacts between Persons". The Canadian and Norwegian Delegations could accept either title.

holding out optimum ultimate goals. The tone of the Western approach should reflect regret that a powerful country like the USSR has not yet been able to shed the vestiges of an earlier period.

95. There has been some liberalisation recently on travel between certain Warsaw Pact countries and, in general, there have been trends in some Eastern European states toward allowing greater travel abroad. These trends could usefully be pointed to, and encouraged, by Allied negotiators. (See background papers on this subject dated 11th November, 1971 entitled "Practices of Various Warsaw Pact States as they Relate to the Freer Movement of People, Ideas, and Information" and 7th April, 1972 entitled "Practices of Warsaw Pact States relating to the Freer Movement of People" - Volume Three, Annexes I and II.)

96. Our approach should be realistic and recognise that a liberalisation of travel restrictions on their citizens by the Soviet Union and, in some cases to a lesser extent, by Eastern European countries (involving foreign exchange problems and bureaucratic obstacles as well as politically motivated controls), is likely to be gradual. The Allies should also be aware of possible Eastern counter-demands which might prove difficult for one or more Western countries to accept, e.g. in terms of entry visa requirements, or trade concessions to permit Eastern countries to earn more foreign exchange.

97. The measures described below and in succeeding guidelines papers on freer movement represent a mixture of politically more difficult issues for the Soviets and some East Europeans, and relatively easier issues. Combining them should therefore make it more difficult for the Soviets to agree only to those of relatively less significance. Balance should also be sought in emphasising working toward gradual improvements of a genuine nature (i.e. actual increases in travel) and the negotiating and potential propaganda advantages inherent in proposals for radical changes in Soviet laws and procedures. Further, the measures described below should be read in conjunction with those closely related measures contained in the materials on scientific and technological co-operation.

98. Not included in the list of measures below is the dismantling of the Berlin Wall, largely because the Allies believe it would be counter-productive to make such a far-reaching proposal during initial multilateral talks. Partly for public opinion purposes, however, the Allies will not wish to overlook the existence of the Berlin Wall, the East's most graphic and best-known barrier to freer movement of people. Throughout the CSCE process, and in close concert with the Federal Republic, France, the United Kingdom and the United States, the Allies should be alert to opportunities to remind Eastern countries of the necessity of removing in the near future this notorious symbol of Europe's division.

B. Analysis of Each Measure

THE REMOVAL OF ARBITRARY OBSTACLES TO THE EXIT OF INDIVIDUALS AND THEIR FAMILIES FROM PARTICIPATING COUNTRIES

(a) The Problem

99. Soviet policy on tourist travel to Western countries continues to be very restrictive and, where it is permitted, well-chaperoned group tours remain the rule. Restrictions in other Eastern countries vary, but generally tend to be substantially more limiting than in the West.

100. Soviet policy on granting emigrant visas also remains highly restrictive, much more so than that of other Eastern countries. There has been an increase in the number of exit documents granted to Soviet Jews, but this is not necessarily indicative of a more liberal policy.

101. The Allies do not have such broad prohibitions against foreign travel, but some Allies do have specific requirements for exit permission in special cases. To avoid possible misunderstandings, it will be important to maintain a clear distinction between emigrant and non-emigrant travel.

(b) The Proposal

102. The principal suggestion in this area is the abolition of the "general requirement" for exit visas for persons living in the territory of participating states. Failing this, the parties would agree that in all countries requiring exit visas the requirements for obtaining them will be clearly specified and there will be judicial appeal procedures against decisions to deny, or to delay unduly, the issuance of such visas.

103. The parties would also agree that the procedures for obtaining documentation to depart one's country of residence, including both exit visas and passports, and the procedures for appealing denials, should be clearly defined by published regulations and available in compiled form in public places, and that these regulations would be exchanged among the countries participating in the conference.

104. The parties could agree to undertake to exchange statistics on travel abroad as a means of registering the degree of progress actually attained, especially if some practical improvements proposed above were accepted.

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(c) Recommendation

105. That the Allies press this proposal firmly and patiently, making it known that progress in this area will be an essential element to finding a "balanced" Agenda. They should also insure that the effect of this proposal on public opinion is not lost. The Allies need not, however, over-dramatise this proposal and should recognise that in drafting an agreement on freer movement of people only gradual improvements will be likely.

(d) Argumentation

Possible Soviet Response

106. While we favour promotion of tourism, some of the matters outlined in the Agenda paper are the internal concern of sovereign states and are not the legitimate subject for negotiations in an international conference. The decision of whether to allow a national to travel abroad is not the right of the citizen but of the state. The interests of the state will receive primary consideration. Further, Western countries themselves impose restrictions on the entry of Soviet citizens.

Counter Argument

107. We agree that the traditional authority in matters pertaining to freer movement of people does rest with sovereign states. However, international opinion now recognises that these matters are of concern to all states and are therefore legitimate subjects of international discussion and negotiation. This concern is expressed in a number of international documents and statements of principles, among them the Universal Declaration of Human Rights of 1948, and the International Covenant on Civil and Political Rights. Though the Soviet Union abstained when the UNGA adopted the Universal Declaration in 1948, in 1968 it signed the Covenant and thus indicated that the matters contained therein are of international concern.

108. On this point, a parallel suggests itself between freer movement of persons and trade matters: though regulations dealing with trade are initially subject to the authority of sovereign states, they are also considered legitimate subjects for international negotiation. Proposals to facilitate freer movement of people are fully in harmony with the spirit of détente. They are essential in fostering a spirit of co-operation and in furthering understanding among people.

109. The Soviet Union complains that its purposes are distorted by Western propaganda and that the West is afraid to learn the truth about the Soviet Union; one antidote would be to send more Soviet citizens abroad. Also, the Soviet Union consistently argues for balance in dealings with the West, but is happy to collect millions from tourists while tightly restricting the number of Soviet tourists who can spend money abroad.

110. The right to leave one's country, and to return to it, is a universal human right recognised by the international community. Article 13(2) of the Universal Declaration of Human Rights, adopted in 1948, provides: "Everyone has the right to leave any country, including his own, and to return to his country". On the other hand, no right for an alien to enter the territory of another country has ever been internationally recognised. States may control or limit the entry of aliens.

111. Should the GDR raise Western refusal to accept GDR passports, the Allied negotiators might respond that this relates to the question of diplomatic recognition. It does not in practice prevent the issuance of visas to East Germans able to apply for them and the Allied negotiators might recall in this connection that the requirement for East Germans to obtain Temporary Travel Documents (TTDs) was suspended some time ago. Moreover, the GDR restricts travel even to those countries (such as Sweden) where the GDR passport is not an issue.

THE LIFTING OF RESTRICTIONS ON MARRIAGE AND THE REUNITING OF FAMILIES

(a) The Problem

112. As a result of harsh practices by Eastern régimes, particularly in the Soviet Union and the GDR, there are numerous cases of emigrants from the USSR and other countries of Eastern Europe who have been separated from their immediate family (parents, spouses and children).

113. Some countries in the East have refused exit permits even when the inviting nationals in the West agree to pay all foreign exchange costs.

114. The Federal Republic has a very high incidence of such cases, but the other Allies have all been affected in varying degrees by this problem. An agreement at a CSCE to permit the rejoining of divided families would be a solid accomplishment in the humanitarian field.

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115. Although the Soviets at least appear recently to have lessened their opposition to marriages between Soviet citizens and foreigners, these continue to be difficulties for certain citizens in connection with their type of employment, political activity or national background.

(b) The Proposal

116. CSCE participants would agree that their emigration regulations will not enforce any separation between immediate family members(1).

- Married persons and their children should be allowed to emigrate with their spouses and, where this has not been done, should be permitted to emigrate to join their spouses. In this connection, those emigrating should be allowed to take their belongings with them or to sell them and take the proceeds with them.
- Family and individual visits should likewise be permitted, especially when inviting nationals agree to pay all pertinent costs.

(c) Recommendation

117. The Allies should press these proposals firmly and ask for early results. They should argue that simple humanitarian improvements of this kind would be an essential element of a successful CSCE. The East might be prepared to make concessions here for the sake of projecting a peace-loving and humanitarian image at a CSCE.

(d) Argumentation

Possible Eastern Response

118. This is an internal matter. Moreover, most of those people affected prefer to remain in their country of birth and in many cases have been abandoned voluntarily by the departing family member(s). Also, what about the numerous discriminatory restrictions on entry into the Western countries involved?

Counter Argument

119. A substantial number of individuals have come to the West in past years to take up residence - and often citizenship - in our countries. Their well-being and the hardships which they suffer as a result of being separated from their families are matters of legitimate concern to us and thus cannot be dismissed

(1) Some delegations interpret this to mean children and spouses only.

as a purely unilateral matter. Most particularly in those cases where the national in our countries offers to pay full travel expenses in convertible currency, we fail to understand the basis on which the right of your nationals to travel or emigrate, if they choose to do so, can be abrogated. Improvements here would also eliminate a factor which is a consistent and unnecessary irritant in relations among states, and feeds the image of cold war confrontation. (See B.l.d(5) re Western entry restrictions.)

PASSPORTS AND FOREIGN EXCHANGE RESTRICTIONS

(a) The Problem

120. There are two major aspects of this problem: passport fees and foreign exchange allowances.

121. The USSR is the principal user of exorbitant passport fees to discourage travel. The current charge for a Soviet passport for emigrant or non-emigrant travel to non-Warsaw Pact countries is approximately 400 roubles, well over the monthly income of the average Russian worker. By contrast, passport fees charged at present by the Allied countries are all substantially below that level and many are minimal.

122. The Soviet Union also restricts foreign travel by issuing passports valid for travel only to certain countries and by withdrawing passports from travellers immediately on their return to the Soviet Union.

123. The Soviet Union and some other East European states place severe limitations on foreign exchange allowances, and some doubtless allege that these limitations preclude increased tourist travel to the West. The mixture within each country of political and economic motives for imposing these controls varies, but their total effect is to provide a facile pretext for depriving their citizens of the right to travel.

(b) The Proposal

124. In order to ensure that any reduction of passport fees would apply to travel to the West as well as within the East, the Allies would propose that CSCE participants agree that passport fees should not vary according to the destination of the traveller. While not identifying the Soviet Union specifically, they would also urge that passport fees should "not exceed the means of the ordinary citizen". The Allies would also propose agreement that foreign exchange allowances be "liberalised". They might suggest further an arrangement whereby the Warsaw Pact countries would make available convertible currencies, bearing some approximation to the amount derived directly from travel by Westerners in the East, for use by their nationals in travel to the West. They might also suggest the examination of the possibility of a convention on standardization of passport and visa fees for tourists, commercial travellers and in the field of scientific and cultural exchanges.

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125. The Allies would propose additionally that participating countries would do their utmost to fulfil the recommendation of the UN Economic and Social Council (Conference on International Travel and Tourism, Rome 1963) which states:

"The period of validity of a passport should not normally be less than five years at the time of its initial issue.

"During its period of validity a passport should be valid for an unlimited number of journeys.

"A passport should be valid for all countries. However, if justified exceptions are made, the passport's territorial validity should be clearly indicated."

(c) Recommendation

126. Same as for the removal of arbitrary obstacles to movement (paragraph 105 above).

(d) Argumentation

Possible Response

127. Passport fees and use of foreign exchange reserves is strictly an internal matter.

Counter Argument

128. The Allies could say that this response could apply in the final analysis to nearly all of the proposals made in the framework of a CSCE, including those advanced by the Soviet Union. Moreover, the Allies were not proposing that passport fees and foreign exchange allowances be abolished; only that they be adjusted so as not to represent an artificial barrier to the restoration of normal levels of human contact in Europe.

THE ELIMINATION OF CLOSED ZONES

(a) The Problem

129. About 22 per cent of the USSR's land area is officially closed to all foreigners. Apart from the principal cities and connecting routes, most of the open areas are in fact off limits as well, with Soviet authorities turning down travel requests for lack of tourist facilities in a given location or simply "for reasons of a temporary nature". Thus 95 per cent of the total area of the Soviet Union is effectively closed, and even generally accessible cities like

Leningrad are occasionally closed. More easily controllable group tours are favoured over individual travel. A number of Western countries have responded to Soviet restrictions on travel by their officials by imposing reciprocal restrictions on Soviet officials. Eastern European practices and Western treatment of East European officials have varied.

130. Multilateral discussions would highlight these massive Soviet restrictions, since all the other Warsaw Pact States permit almost completely free travel by Western tourists. The GDR requires special passes to visit areas within five kilometers of the Baltic or the FRG frontier, but tourist visas can normally be obtained at border crossing points, which is not possible in the case of the USSR.

(b) The Proposal

131. All CSCE participants should agree to eliminate zones closed to travel by foreign nationals within their territories, with the sole exception of those areas which are restricted for valid reasons of national security, e.g. proximity to certain military installations, defence research centres and firing ranges. To avoid incidents, such areas should be clearly defined or marked as closed to travel.

(c) Recommendation

132. That the main elements of this proposal be included in the Agenda Paper on Freer Movement of People.

(d) Argumentation

Possible Soviet Response

133. (Assuming an Allied proposal involving significant liberalisation of restrictions.) We choose to interpret the requirements of "national security" in a broader sense. Others do the same.

Counter Argument

134. Since there have been no hostilities on the European portion of Soviet territory for more than 25 years, and certainly no CSCE participant is contemplating any form of aggression against the Soviet Union, it seems highly exaggerated to claim that practically the entire Soviet Union needs to be sealed off to foreign tourists for reasons of "national security". Bringing Soviet practice in this area in line with those of the other participants in a conference would represent not only a substantial contribution to détente, it also could have favourable effects on Soviet foreign reserve assets. Those Western countries which have closed certain areas of their territory to Soviet travellers have done so in retaliation against Soviet actions. They have

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offered to abolish these requirements if the USSR would do likewise. Western arguments might also focus on the question, why are the Soviets so reluctant to allow foreigners to see their country?

ACCESS TO FOREIGN ESTABLISHMENTS(1)

(a) The Problem

135. Soviet citizens have historically been denied access to Western and many other embassies, consular or officially-sponsored foreign establishments in the USSR by Soviet militiamen stationed outside unless they were in possession of Soviet authorization to enter the premises. Soviet militia have demonstrated on numerous occasions that they are prepared to take almost any steps necessary to prevent access by persons who have not been previously cleared or are not recognized as foreigners. Soviet citizens who attempt or have managed to enter foreign premises without Soviet authorization are known after departure to have been subjected to harassment, interrogation or imprisonment. Soviet militia give lie to their claim that they are merely protecting foreign premises when they refuse access to Soviet citizens in possession of a letter of invitation from foreign establishments or who are identified by foreign representatives. Since entry to foreign premises to apply for a visa or for information is a necessary element in foreign travel or to learn about a country, some relaxation is necessary if freer movement is to be furthered. Conditions in Eastern Europe differ substantially and in most cases access to foreign premises is not a major problem.

(b) The Proposal

136. Participating States shall allow free access for individuals, including their own nationals, to diplomatic and consular premises or other officially-sponsored foreign establishments on their territories. The Receiving State shall ensure that the final decision concerning access rests with embassy or other official representatives of the other State concerned; this does not derogate from the obligation of the Receiving State to provide adequate protection, or of the foreign representative to refuse access to persons having no legitimate purpose for seeking it.

(1) Whilst having no objection to the retention of the idea underlying this proposal, certain member countries have not yet determined their position as to the way in which it might be presented and would wish to reserve the possibility of considering this question at a later date.

(c) Recommendation

137. Western states should press for a general undertaking of this type which is reasonable and in accord with general international practice. While the Soviets would probably continue to take a final decision on access regardless of any formal undertaking, their acceptance of such an obligation would be useful to Western embassies in protests or in arranging access for Soviet citizens of whose visit there is advance notice.

(d) Argumentation

Possible Soviet Response

138. We do not restrict access to foreign premises by persons who have legitimate business therein. Guards are stationed in front of foreign premises for protection of those premises. The object of such guards is simply to prevent embassy staff being subjected to unwelcome callers, who may have hostile aims or be mentally unbalanced.

Counter Argument

139. Current Soviet practice does not permit foreign representatives to decide whether a visitor has legitimate business and effectively bars interested Soviet nationals and other residents of the USSR from inquiring about visas and other matters involving foreign countries and travel unless they have been previously cleared by Soviet authorities. There is no comparable practice outside the Soviet Union and we are simply asking that the USSR follow international norms in this area.

II. AGENDA PAPER

A. Rationale for Inclusion on Agenda

140. Genuine peace and co-operation in Europe will depend ultimately upon normalization of human contacts. More open relations and closer ties than now exist among peoples are the indispensable elements of progress towards mutual knowledge and understanding throughout the continent and towards the resolution of common problems.

141. The time has come when nations in Europe can reduce onerous, unreasonable and outdated restrictions on these human contacts. Participants in a CSCE should agree to promote and protect the right of each of their own citizens to travel outside of his own country and to return.

B. Description of Primary Specific Measures

142. In order to foster the freer movement of people, a CSCE should approve the following measures:

(a) The removal of arbitrary obstacles to the exit of individuals and their families from participating countries

A significant step in this direction would be the abolition of any general requirement for persons living in the territory of participating states to obtain exit visas. Moreover, procedures for obtaining, and extending the validity of passports should be simple and defined by published regulations.

(b) Marriage and the Reuniting of Families

All parties should agree that no obstacles be placed in the way of families seeking to reunite across national boundaries. In particular, the right to emigrate should not be denied or delayed in the case of a spouse or children or a person residing in another country. Family and individual visits should likewise be permitted, especially when inviting nationals agree to pay all pertinent costs.

Restrictions, where they exist, should be lifted on marriage between nationals of different countries.

(c) Passports and Foreign Exchange Restrictions

Passport fees charged by any country should not vary according to the destination of the traveller and should not exceed the means of the ordinary citizen. Foreign exchange allowances should be liberalized.

(d) The Elimination of Closed Zones

All CSCE participants should agree to eliminate zones closed to travel by foreign nationals within their territories, with the sole exception of those areas which are restricted for valid reasons of national security; e.g. proximity to certain military installations, defence research centres and firing ranges. To avoid incidents, such areas should be clearly defined or marked as closed to travel.

(e) Access to Foreign Establishments(1)

Participating States shall allow free access for individuals, including their own nationals, to diplomatic and consular premises or other officially-sponsored foreign establishments on their territories. The Receiving State shall ensure that the final decision concerning access rests with embassy or other official representatives of the other state concerned; this does not derogate from the obligation of the Receiving State to provide adequate protection in accordance with the Vienna Convention, or of the foreign representatives to refuse access to persons having no legitimate purpose for seeking it.

III. RELEVANT DOCUMENTATION

143. - Article 13(2) of the Universal Declaration of Human Rights of 1948;
- Article 12 of the International Covenant on Civil and Political Rights;
 - Excerpts on Exit Documents from US Delegation Background Paper of 11th November, 1971, "Practices of Various Warsaw Pact States as they relate to the Freer Movement of People, Ideas and Information"; (Volume Three, Annex I)
 - US Delegation Background Paper of 7th April, 1972 on Practices of Warsaw Pact States relating to the Freer Movement of People. (Volume Three, Annex II)

(1) See footnote, page 39

Chapter 4. FREER MOVEMENT OF INFORMATION AND IDEAS(1)

I. GUIDELINES PAPER

A. General Discussion of Agenda Item

144. Freer movement of information and ideas is one of the main issues that should be discussed at a CSCE. It is essential that the peoples of the states participating in a conference are fully and actively involved in the process of rapprochement and co-operation. An important obstacle, however, to improved communication and understanding between East and West is the ideological discipline which several Eastern régimes impose upon their peoples. Restrictions against the influx of foreign ideas and information are still commonplace, and repression has, if anything, increased in recent years in some cases in some Communist countries. Various forms of pressure, including even imprisonment, are utilised to keep intellectual activity within bounds of government-determined orthodoxy.

145. The USSR and other Eastern countries which place a premium on ideological vigilance can be expected to resist strongly Allied proposals in this area. In the Soviet Union, for example, the trend since 1964 has been almost exclusively in the direction of tighter controls and less party tolerance of intellectual and artistic experimentation. Concerned over the possible unravelling effect upon their control apparatus of expanded interplay with the West in this field, Eastern countries may express fear that conceding to these Western proposals would be equal to drawing in a Trojan Horse and would form a cover for subversive activities. They may argue strongly that these contacts are more appropriately handled in the framework of government-to-government exchange programmes.

146. Practices vary among Warsaw Pact countries, but most, not just Moscow, impose certain controls over the circulation of information and ideas. Thus, the Allies' ability to isolate the Soviets in this area may be more limited than in other areas, e.g. in the field of freer movement of people, where the USSR is clearly the major offender. Even those Eastern countries who might be willing quietly to allow further liberalisation may be reluctant to take any major independent steps at a CSCE in a field with such strong ideological overtones.

147. Therefore, the Allies will need to pursue this proposal with particular sensitivity and a good sense of timing, bearing in mind Western public opinion which will expect us to emphasize the importance of freedom of information. A frontal

(1) The Danish, French, German and Portugese Delegations would prefer the title to read "Dissemination of Information". The Canadian and Norwegian Delegations could accept either title.

attack on these repressive practices internally within the East would be unlikely to produce any favourable results. On the other hand, a long-term campaign of quiet persuasion, suggesting a few modest steps (see below) to bring the Eastern external practices more in line with generally accepted international behaviour, could lead to significant improvements over the present situation.

148. In arguing for these steps, the Allies could point out that the fear of subversion would seem to be excessive if it leads to the curtailment of the dissemination of information and ideas. Attention may be drawn to a passage in a recent article in the Times on Radio Free Europe, which contains some very cogent argumentation in this respect: "As the Communists themselves never tire of pointing out, détente does not mean ending the peaceful competition between two systems. What it should mean is codifying the rules on a fair and equal basis. There is no reason why these rules should exclude peaceful and equal competition between ideas. Indeed, this is one of the basic values of the Western world which should be most vigorously defended. Nor can anyone say that the Communists do not have an equal chance. They have free access for their ideas in Western markets. They can work through legal publications and legal Communist parties. They can broadcast as much as they wish..."

B. Analysis of Each Measure

THE DISCONTINUATION OF RADIO JAMMING

(a) The Problem

149. From the evidence available, it seems that Western broadcasts that are directed towards the countries of Eastern Europe in the several national languages are being jammed, but that this is not the case in all Warsaw Pact countries. Jamming in the Soviet Union was resumed at the time of the Czech crisis in 1968, after a gap of about four years. Although jamming seems to be less comprehensive than it used to be, it is concentrated on the more densely populated areas. Broadcasts in Western languages do not seem to be subjected to jamming.

150. Radio jamming is a major obstacle to freer movement. Many more people in Eastern Europe can be reached by broadcasts, especially in their own languages, than by other media. It would be of particular importance with respect to those countries (including the Soviet Union), where the great majority of the people do not sufficiently know any of the Western languages. Though the effects of the cessation of jamming should not be overestimated, this step would be a most effective one, in providing the ordinary citizen in Eastern Europe with some more information from Western sources.

151. We may expect that, in reacting to a Western proposal to ban radio jamming, the Russians will argue that some Western broadcasts are subversive. In view, however, of their very broad definition of "subversive", it would be very difficult to reach any water-tight agreement and a loosely-formulated agreement would empty our proposal of its meaning. It might be desirable, therefore, not to propose an exception for subversive broadcasts on our side.

152. It should be borne in mind that there are clandestine radio stations in the East broadcasting to certain Allied countries aiming at undermining their internal stability, and this fact could be brought to the attention of East European governments since it is not compatible with the objectives of the Conference which is expected to promote an atmosphere of co-operation between East and West.

(b) The Proposal

153. The parties would agree not to interfere with one another's radio services and communications and will therefore abstain from jamming radio broadcasts of other parties.

(c) Recommendation(1)

154. That the Allies present this proposal as a modest step towards improving the circulation of ideas and information in Europe.

(d) Argumentation

155. Possible response: Some of these Western broadcasts have a subversive character.

156. Counter arguments: See paragraph 148 above.

MEASURES AIMED AT FACILITATING THE GATHERING OF INFORMATION BY FOREIGN JOURNALISTS

(a) The Problem

157. Since foreign journalists, when travelling abroad should have at least the same facilities as the ordinary foreign visitor, we are concerned here with only those aspects which are peculiar to their profession. Working conditions for Western journalists seem to vary from one Warsaw Pact country to another, as does the number of resident Western journalists. The few Western journalists actually working in Eastern Europe are dependent on the hand-outs from official

(1) The German Delegation reserves its position on this recommendation.

press offices, and in most Warsaw Pact countries they can only contact institutions and members of the general public through the official channels. In many cases private individuals are reluctant to be interviewed by a Western journalist because of the possible unpleasant consequences. Any proposals concerning this particular point should not fail to mention the right of every individual to impart and receive information.

158. Should any concessions from Communist countries be obtained in this field the immediate advantages will probably be marginal. Concessions in the field of personal contacts are unlikely and most journalists will find it prudent to exercise a form of self-censorship. It may be difficult to determine whether a journalist has been arbitrarily expelled and Warsaw Pact countries will oppose any Western inquiry to that effect by citing the principle of non-interference.

(b) The Proposal

159. Parties recognise that it is in the interest of a freer movement of information that foreign journalists are accorded treatment enabling them to exercise their profession without hindrance. To this end, the Allies negotiations might suggest agreement to the following ground rules:

- (i) Journalists' visas should be processed with a minimum of delay.
- (ii) Foreign journalists should be permitted to travel freely throughout their countries of assignment without special permission other than their original entry visas, except in areas restricted for reasons of national security, which areas should be defined by published regulations.
- (iii) Foreign journalists should have unimpeded contacts with citizens and institutions of their country of assignment without being obliged to obtain permission from the host government or to arrange such contacts through government agencies.
- (iv) Officials or private citizens should not be discouraged from having normal contacts with foreign press representatives.
- (v) The parties would agree to abstain from arbitrarily expelling or refusing accreditation to foreign correspondents (this clause would of course have to be further specified).

(c) Recommendation

160. That the Allies present this proposal as a modest step which the Soviets and others could take to improve the free circulation of information in Europe.

(d) Argumentation

161. Likely response: Experience has proved that some Western journalists do not always keep within the limits of their profession.

162. Counter argument: We have had similar experience. Nonetheless, we do not impose any special restrictions against Eastern journalists working in our countries.

MEASURES PROMOTING THE FREE CIRCULATION OF BOOKS,
NEWSPAPERS, PERIODICALS AND WRITTEN DOCUMENTARY
INFORMATION

(a) The Problem

163. As a rule Western publications and periodicals, except for scientific and technical material, are not available to the general public in Eastern Europe. The entry of publications by international mail is subject to censorship and possible confiscation. Although Western publications are on sale at kiosks in some Eastern European countries, in others, such as the Soviet Union, it is impossible to find a Western non-Communist newspaper or magazine at any bookstore or newsstand, save at the desks of a handful of hotels largely patronised by foreigners.

164. Major libraries and academic institutions in the East have acquisition lists of certain types of Western publications. However, in several Eastern countries, these publications are kept in special areas to which access is strictly controlled. Even the exposure of the Eastern populations to Western films is relatively much greater.

165. Under these circumstances, the advantages to be won in any agreement in this field will not be spectacular. It could be difficult, for example, to check whether Western publications are really available to the general public. Newspaper stands might be instructed to display a few Western periodicals, but to limit sales. It may also be expected that people, for fear of possible consequences, will show mistrust and will hesitate to be seen seeking access to Western publications.

166. In other words, the problem is not merely of a mechanical nature; it touches on a politically delicate area, in which Eastern authorities can act in manifold and subtle ways, beyond the scope of international agreements. Moreover,

it is difficult to distinguish in every case between commercially and politically motivated controls. Even minor concessions, however, if satisfactorily implemented, might have a catalytic effect in the longer run.

(b) The Proposal

167. In view of the character of this problem, the Allies' proposal should go further than increasing information exchanges and include steps which would inhibit the practices of censorship and restricted access. A broader measure might be the following:

The free circulation of books, magazines and periodicals through the international mails, and the general availability of these publications in local bookstores and kiosks and in public libraries and academic institutions.

168. Any agreement in this area would, of course, have to take into account laws within Allied countries.

(c) Recommendation

169. That the Allies present this proposal as a modest step which the Soviets and others could take to improve the free circulation of information and ideas in Europe.

(d) Argumentation

170. Possible response: Shortage of convertible currency makes this an impracticable suggestion.

171. Counter arguments: The foreign exchange costs in an area such as this would seem to be negligible, and are more than offset by the sales of Soviet magazines, books and periodicals in the West. Furthermore, foreign exchange costs could be reduced through use of the UNESCO Book Coupon System. (This system is, in effect, an international foreign exchange clearing house for distribution of books, periodicals and educational materials.)

172. Western countries permit the Soviets and their Allies to use the international mails to transmit materials to Western countries. Censorship laws in certain Eastern countries violate the spirit of reciprocity.

173. Such an increased exchange could stimulate greater interest and understanding in the West of your countries, which could enable you substantially to increase your sales of publications in the West. Moreover, the state of the art

of library sciences is advancing rapidly in the West, including computerised systems for storage and retrieval of scientific and technological data, and expanded contacts between these institutions could increase your own capabilities in this area.

FOREIGN-SPONSORED OUTLETS

(a) The Problem

174. Most Eastern governments do not allow Western bookstores, and information centres in their territories. Such Western facilities as do exist are sometimes monitored by the police. Moreover, experience shows that in some cases local circulation of Eastern-language magazines produced by Western governments and disseminated through their official representatives is restricted.

(b) The Proposal

175. The participants at a CSCE would agree to permit governments who wished to do so to establish bookstores and information centres freely accessible to the general public for purchase or loan of publications. Such outlets or facilities could be entirely separate from other information offices or, where a country's means are limited, could be placed within or adjacent to that country's embassy. Local tax and currency regulations would be strictly observed by the sponsoring country. "Freely accessible" would mean, inter alia, that police protection would be excluded, except at the request of the sponsoring government. They would also agree that each participating state will allow other participating states to distribute, through their respective official representatives, bulletins and other factual information, in the form of printed matter or through other media (films etc.) within their territories.

(c) Recommendation

176. That the Allies present this proposal as a step which the Soviets and others could take to improve the freer circulation of ideas in Europe.

(d) Argumentation

177. Possible response: Reading rooms currently operated in our countries by Western governments are quite adequate. Some Western countries already circulate officially-published magazines.

178. Counter arguments: The number of these facilities is extremely limited and available to only a small proportion of your population.

179. On the other hand, the USSR and other Eastern countries have regular access to Western commercial distribution channels for their printed material, which is readily available to the average citizen in the West. It is because of this failure of most Warsaw Pact members to reciprocate that Western bookstores are needed.

CIRCULATION OF CSCE RECORDS

(a) The Problem

180. As discussed above, the Soviets and some other East European countries may resist discussion of "freer movement" in multilateral conversations and may continue to place a premium on ideological vigilance.

181. The Allies, on the other hand, will wish to take advantage of the publicity which a CSCE would generate, to put forth reasonable views which would appeal to those individuals in the East who favour bringing Eastern policies more into line with Western practices in the freer movement field.

(b) The Proposal

182. To help take advantage of this public interest in a CSCE, the Allies might propose that at least part of the records of a CSCE, the extent to be determined by mutual agreement, be circulated throughout participating countries. It should be agreed that adequate copies, in one of the Conference languages, would be placed in public bookstores in each participating country for sale at a price set low to induce purchase. In view of their vigorous advocacy of a CSCE, the USSR and other Eastern countries would have some difficulty opposing this proposal.

(c) Recommendation

183. That the Allies present this proposal as a step which the Soviets and others could take to increase the free circulation of ideas in Europe.

(d) Argumentation

184. Possible response: This would be an inappropriate procedure for an inter-governmental negotiation.

185. Counter argument: Public awareness of the major issues discussed at a CSCE could make a major contribution to the development of mutual understanding and the spirit of co-operation which are among the major goals of a conference.

II. AGENDA PAPER

A. Rationale for Inclusion on Agenda

186. A freer flow of information and ideas can enhance mutual understanding and facilitate co-operation in finding solutions to common problems. Thus, states participating in a CSCE should agree to improve communication between their people and to promote and protect the right of the individual to seek, impart and receive information and ideas.

B. Description of Primary Specific Measures

187. In order to promote the freer movement of information and ideas, the parties at a CSCE should approve the following measures:

- (a) The removal of all obstacles intended to prevent their nationals from receiving foreign radio broadcasts. This implies that those broadcasts should not be jammed.
- (b) Measures aimed at facilitating the gathering of information by foreign journalists and improving their working conditions. Their visa applications should be processed without delay; they should be allowed to travel freely; and they should have unimpeded contacts with citizens and institutions of the host country.
- (c) The free circulation of books, magazines and periodicals through the international mails, and the general availability of these publications in local bookstores and kiosks and in public libraries and academic institutions.(1)
- (d) Agreement that governments who wish to do so may, within the territories of participants, freely disseminate official publications and establish bookstores and information centres accessible to the general public.
- (e) The circulation of at least part of the records of the CSCE, the extent to be determined by mutual agreement. Adequate copies of the records should be available at low cost in the conference languages throughout each participating country.

(1) See paragraph 168 of Guidelines Paper.

III. RELEVANT DOCUMENTATION

- 188. - International Covenant on Economic, Social and Cultural Rights.
- Universal Declaration of Human Rights, notably Articles 19 and 27.
- United States Delegation Background Paper, 11th November, 1971, "Practices of Various Warsaw Pact States as they Relate to the Freer Movement of People, Ideas and Information and Cultural Relations". (Volume Three, Annex I)

Chapter 5: CULTURAL RELATIONS(1)

I. GUIDELINES PAPER

A. General Description of Agenda Item

189. Cultural Relations is the natural complement to the other Agenda Items on Freer Movement of People, Information and Ideas. The Soviet Union and other Communist countries may seek to put the emphasis on Cultural Relations rather than on Freer Movement. However, Western public opinion will expect that all these questions be dealt with at a CSCE on an equal basis. Proposals which Allied participants will wish to raise include: 1. Improving the Exchange of Film and Television Materials; 2. Youth Exchanges(2); and, 3. Cultural Agreements as one of the Instruments for Improving Communication between East and West. In these proposals, as well as in other proposals on Cultural Relations which may eventually be put forward by other participants at a CSCE, there are potential disadvantages as well as advantages for Western interests, and these are brought out below.

B. Analysis of Each Measure

YOUTH EXCHANGES

(a) The Problem

190. Youth exchanges would pose certain problems for the West (see background paper in Volume Three, Annex III entitled "Youth Exchanges"). Any Allied move for increased youth exchanges must be carefully formulated in order to limit the rôle of the Soviet-controlled World Federation of Democratic Youth (WFDY) (see background paper in Volume Three, Annex III, paragraph 2). Such a proposal should also provide clearly for US and Canadian participation, and should seek to keep funding problems to a minimum.

191. Moreover, in developing a programme for youth exchanges, Allied Governments should be aware of the potential problems common to unstructured youth meetings (such as the World Youth Assembly held at the UN in 1970). Meetings held under any new youth exchange programme agreed by CSCE participants should focus clearly on specific mutual problems, rather than on vague, global issues.

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- (1) The United Kingdom Delegation has reserved its position on this chapter of the report, holding that the subject matter and its use requires further study.
 - (2) The Portuguese Delegation has reserved its position on this measure, as it cannot accept any initiative in this field.

192. Although the proposal for a European Youth Foundation (EYF) contained in C-M(71)69(Revised) might advance broad Allied goals by opening up greater youth contacts, it would pose many of the problems described above.

193. Because an EYF would constitute a highly institutionalised format for exchanges, it would make possible an expanded rôle for the WFDY. The EYF proposal also leaves US and Canadian participation in doubt and would require an elaborate funding mechanism.

(b) The Proposal(1)

194. The participating countries recognise that, under certain conditions, youth exchanges can contribute to mutual intellectual enrichment and to the development of ways and means whereby nations can progressively become better acquainted with each other's culture and activities. Among steps to be taken to accomplish this end:

- (i) they declare that they are ready to work actively towards a greater number of exchanges to this end and accordingly to undertake the negotiation of appropriate bilateral and multilateral agreements or periodic programmes wherever and whenever this seems feasible(2);
- (ii) interested countries agree to stimulate, on a bilateral or multilateral basis, or both, contacts of qualified young professionals in the fields of communications media, industrial management, labour, education, politics, the arts and professions. Interested countries will also explore the possibility of promoting frequent symposia of young leaders in these fields.

(c) The Recommendation

195. A less institutionalised exchange programme could offer the same advantages to the Allied countries, but would avoid the problems posed by the EYF. The establishment of periodic multilateral gatherings of young leaders in various fields would minimise the likelihood that the new youth meetings would deteriorate into World Youth Assembly-type gatherings. On the contrary, the successful programmes of groups such as

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- (1) The Portuguese Delegation has reserved its position on this measure, as it cannot accept any initiative in this field.
 - (2) The United States Delegation has reserved its position on the indented sub-paragraph (i).

the Atlantic Association of Young Political Leaders indicate the potential value of this type of youth exchange. Moreover, under this proposal most governments would have the possibility of directly selecting the participants in youth meetings; they could, therefore, ensure that their representatives would not be taking positions or actions contrary to their national interests.

CULTURAL AGREEMENTS AS ONE OF THE INSTRUMENTS FOR
IMPROVING COMMUNICATIONS BETWEEN EAST AND WEST

(a) The Problem

196. Cultural relations play an important rôle in improving communication and furthering understanding between peoples and nations. It would seem advisable to approach the problem of developing cultural relations in an evolutionary perspective and this will require a great deal of patience and perseverance. Bilateral co-operation in the fields of education, science and culture in a broad sense holds far from exhausted possibilities and could provide a basis for extended contacts.

197. The present network of bilateral agreements could therefore form an adequate starting-point for extended and improved communication between East and West, provided that the form and the contents of cultural exchange can be widened. As a foundation for improved relations in this field reference should be made not only to the "Declaration of the Principles of International Cultural Co-operation" adopted by UNESCO in November 1966, but more specifically to the European Cultural Convention, signed in Paris on 19th December, 1954 by the members of the Council of Europe and subsequently adhered to by other European countries.

198. A broader interpretation of the concept of "culture" is already an established fact in the cultural policies of Allied countries. This wider concept should be applied also to cultural exchanges, which should go beyond the traditional fields of literature, music, fine arts, theatre etc. Considered in this dimension, cultural relations should increasingly comprise the study of national ways of life, social phenomena and socio-cultural aspects. The inclusion of subjects such as sociology, urbanism, health and social welfare would all tend to widen the scope of cultural exchanges and promote increased understanding of the factors influencing long-term developments in Europe and North America.

(b) Advantages/Disadvantages

Advantages

199. Cultural agreements form an important channel to the outside world for intellectual, cultural and scientific life in the East European countries where the intellectuals (writers, artists, scholars and specialists) are suffering most from the restrictions imposed generally on the peoples in regard to contacts with foreign countries.

200. Cultural agreements allow the Allied governments a certain insight into the developments of exchanges and provide better possibilities for assisting national institutions and individuals in their endeavours to carry through exchanges with Eastern Europe, even where bureaucratic measures in the latter countries may form an obstacle to exchanges.

Disadvantages

201. In the field of cultural exchanges the East European countries, particularly the Soviet Union, have taken advantage of the agreements to send spectacular artistic ensembles to the West for purposes of national propaganda as well as for foreign currency earnings, while the flow in the opposite direction has been far more modest. In many cases, Western governments have had to assume a substantial part of the costs of sending their cultural attractions to the East. Moreover, in some instances, Western governments or sponsoring organizations have absorbed some of the expenses of Eastern performing groups and exhibits.

202. The agreements may be an impediment to spontaneous and unforeseen possibilities of exchange, the other party claiming that such exchange was not taken into consideration at the planning stage of the periodical exchange programmes. On the whole, cultural agreements and programmes involve a good deal of bureaucracy on both sides.

203. Notwithstanding these negative factors, the possibilities of the Allied countries to influence developments in a positive direction through discussion and argumentation within the framework of cultural agreements should not be underestimated.

(c) The Proposal

204. On the basis of a broadened interpretation of the concept of cultural relations, the Parties agree to widen their cultural exchanges. As a consequence the Parties

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agree to extend the scope of cultural agreements or exchange programmes and, if this becomes necessary, to solve in appropriate multilateral fora any problems which cannot be dealt with bilaterally(1).

(d) Recommendation

205. Higher priority should be given to the exchange of scholars and specialists and liberal criteria should be applied in the selection of such persons.

206. In regard to exchanges of exhibitions the emphasis should be shifted to documentary exhibitions on themes such as way of life, housing, social welfare, urban problems, etc., the presentation of which is made possible by modern audiovisual techniques, and which generally attract wider circles and are of more direct concern to the public than ordinary exhibitions of fine art.

207. Priority should also be given to extended and more balanced exchanges of information material, books, periodicals, documentary films and newspapers through existing public libraries, cultural centres, reading clubs, youth clubs, etc. In this field the Eastern countries already have almost unlimited possibilities in the Western World, and the Western countries should insist much more on reciprocity(2).

IMPROVING THE EXCHANGE OF FILM AND TELEVISION MATERIALS

(a) The Problem

208. Films and television are important transmitters of ideas and information but are exchanged on a rather limited scale between the East and the West. On one hand, countries of the Warsaw Pact tend to show Western films and television materials only if they find them acceptable from an ideological point of view, bland, or if they depict Western countries in an unfavourable light; on the other, Western countries rely mostly on commercial value as a criterion for showing films and television materials coming from Eastern Europe and the Soviet Union (see background paper "Films and Television", Volume Three, Annex IV).

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- (1) The United States Delegation has reserved its position on this proposal.
 - (2) Progress on the measure described in paragraph 187(c) of the Agenda Paper on Freer Movement of Information and Ideas would clearly improve the prospects for achieving these objectives.

209. As a result of these very different screening processes, it is possible that more Western films are currently shown in Warsaw Pact countries than vice-versa. Relatively lower sales of Soviet and Eastern European films in the West are due to their low marketability because of their content and style.

210. Because these very different criteria for selection apparently result in an imbalance favourable to the West in the flow of film and television material, the USSR and the Eastern European countries may see an advantage in raising this subject at a CSCE. While Allied countries should be prepared to discuss this subject, experience has shown that improvements in this field are difficult and are best handled on a bilateral basis.

(b) The Proposal

211. The Parties agree to investigate on a bilateral basis, and through appropriate international and non-governmental organizations, ways and means of easing their respective selection processes, including censorship rules, so that a greater interchange of films and television materials can take place, utilising both commercial channels and exchange agreements.

(c) Recommendation

212. Films and television materials are among the most important transmitters of ideas and information and Western countries should raise this matter since otherwise Warsaw Pact countries might wonder why it has been left out and consequently decide to take the initiative. In raising the matter Western countries should seek to obtain a relaxation of the censorship imposed on Western films.

PROMOTION OF CO-OPERATION IN THE SOCIO-CULTURAL FIELD

(a) The Problem

213. Eastern governments have customarily emphasised traditional exchanges (performing arts groups and individual artists, graduate student and senior scholar exchanges, exhibitions, etc.) and exchanges in science, technology and health. Contacts in the humanities and social sciences have been given a lower priority, largely due to the concern of Eastern governments over exposure to Western ideas, and their preoccupation with those exchanges which contribute, directly or indirectly, to their economic growth.

(b) The Proposal

214. C-M(71)69(Revised) proposed the following:
"Interested parties agree to promote co-operation in the socio-cultural field (sociology, education, housing, urban problems,

criminology, etc.). In this connection, it might be useful to reinforce the activities of centres devoted to these activities."

215. Until the Allies have a clearer idea of what specific "reinforcement" is called for in terms of programmes, faculty, funding, etc., it would be preferable not to include this measure in the Agenda paper on Freer Movement of Ideas. Moreover, in connection with their proposals in other areas of freer movement and cultural relations, the Allies should attempt where possible to ensure that adequate attention is given to improved communication of ideas in the socio-cultural field.

(c) Recommendation

216. The Allies' proposal as presently formulated could be considered as being too abstract to have any meaningful effect, even if agreed upon at a CSCE. It provides no clear indication of what actual steps participants would be called upon to take, except for the general reinforcement of the activities of centres in the socio-cultural field. Governments could, however, continue studying this question with the aim, if need be, of drawing up a proposal in this field.

SIGNATURE OF COPYRIGHT CONVENTIONS

(a) The Problem

217. The copyright issue falls into the intermediate area of important but hardly critical topics for possible discussion at a CSCE (see background paper on "Copyrights", Volume Three, Annex V). The continued unwillingness of the Soviet Union to protect foreign authors and compensate them in convertible currency is a source of considerable irritation to Western writers, scientists and academicians. This fact alone is a minor irritant in East-West relations, and a resolution of the problem, through whatever channels, including CSCE, would be useful. In addition, this topic has obvious implications for the free flow of commerce and ideas. Finally, the failure of the Soviet Union to adhere to one of the major copyright conventions or work out other bilateral or multilateral agreements is one of a series of examples of the continuing failure of the Soviet Union to abide by generally accepted standards of international behaviour.

218. GDR Problem - Another aspect of this problem is the question of the GDR and the international copyright conventions. The GDR has signed the Berne Convention but Western countries refuse to recognise its adherence, and therefore East German

claims to adherence to the Berne Convention have no legal effect in the West. If the question of GDR participation in the Berne Convention will no longer be an issue by the time of the convening of the CSCE itself, there should be no problem in raising the copyright issue since the GDR has already taken such steps as it can to adhere to one of the copyright conventions.

219. However, if the GDR participation problem has not been resolved, pressing the copyright issue in a CSCE context could run contrary to the Allies' desire to defer enhancement of the international status of the GDR. Although it would take an affirmative act on the part of Western countries to give GDR adherence to the Berne Convention any legal character in the West, it might prove embarrassing for the West to press for a formulation which in effect calls on the Soviet Union to become a party to a copyright convention and yet refuse to recognise adherence to the Berne Convention by another party to CSCE. In that event, it would be preferable to have the copyright item dropped.

(b) Contingency Proposal

220. An unambiguously worded formulation, expressing the intent of all parties to become party to one of the two major international copyright conventions, should be included in an agreed CSCE text.

221. It is essential, no matter what formulation is agreed upon, that it express the intent of all parties to CSCE to become parties to either UCC or Berne without necessarily requiring adherence to both. (The US is not in a position to adhere to the Berne Convention at this time). An "and/or" formulation, in addition to resolving the problems noted above, has the additional political and tactical advantage of differentiating between the Soviets, who are the miscreants on this question, and the other Eastern European states who, by and large, have met their international obligations.

(c) Recommendation

222. No action should be taken by the Allies at this time. If and when the GDR problem mentioned above has been satisfactorily resolved, the Allies could put forward the following language at a CSCE:

All parties who have not already done so should adhere to the Universal Copyright Convention of 1952 (as revised) and/or the Berne Copyright Convention (as revised).

POSSIBILITIES FOR ACHIEVING EQUIVALENCE OF DIPLOMAS
AND UNIVERSITY DEGREES

(a) The Problem

223. For many years, the existence of widely varying educational systems among the countries of Europe and North America has led to a situation in which the university degrees, diplomas and school-leaving certificates of one country were not automatically recognised by universities and employers in other countries. Even where they were accepted in principle, the exact equivalence of one degree to another proved difficult to establish. This in turn has been a minor impediment to international study and the free flow of skilled and professional labour. However, the vast majority of students in the West are not barred by this problem from studying in other Western universities nor has it been an insurmountable barrier to working in other countries.

224. UNESCO has been dealing with this question for many years, and remains the most appropriate forum for dealing with this problem on a broad international basis. Little purpose would be served, therefore, for the parties to a CSCE to call for a resolution of this issue since such efforts are already underway in UNESCO. It should be noted that UNESCO has been partially successful in establishing guidelines, but not in obtaining universal acceptance for those guidelines. The reason for this rests in the contentious problems of national sovereignty and university autonomy. Unlike the universities in the Warsaw Pact states, Western universities may be national, provincial, local or private institutions, usually possessing and jealously guarding their high degree of autonomy. They are often willing to utilise internationally suggested guidelines for foreign degrees but will not necessarily consider them binding.

225. The problem is yet more contentious in an East-West context because of the greater disparity between educational systems and because of the apparent desire of the East Europeans and Soviets to obtain greater international recognition of their degrees through international agreements than they currently received from the existing informal arrangements which base equivalency of degrees largely on relative prestige and on qualitative factors. The Soviets are particularly interested in gaining international recognition for degrees awarded to students from less developed countries, by Lumumba University, and other Soviet institutions.

226. The basic issue in an East-West context is not in any case equivalency of degrees, but rather the very small number of young people from the West who study in Eastern universities and vice-versa. The primary reason is political: the Soviets and their allies are reluctant to expose their young people to Western ideas except under

rigidly controlled circumstances. If large numbers of their students were to study in the West, or large numbers of Western students were to study in Eastern universities, it would undermine their policy of restricting Western influences. A resolution of the problem of equivalency of degrees, while perhaps a useful encouragement to student exchanges between Western countries, would not resolve or have any significant impact on the basic impediment to East-West exchanges.

(b) The Proposal

227. No proposal has yet been advanced which would deal with the real issue, namely the reluctance of most Warsaw Pact regimes to increase the level of East-West student exchanges.

(c) Recommendation

228. In view of the fact that the proposal to deal with the problem of equivalency of degrees does not relate to the real East-West issue; because of the inherent sensitivity of some Western universities to the question; and because of the current rôle of UNESCO in resolving the problem, it is recommended that the proposal in its present form in paragraph 47 of C-M(71)69(Revised) be dropped from among those which the Allies should put forward for discussion at a CSCE. However, it should be noted that certain Western countries may have proposals to make in this area later.

II. AGENDA PAPER

A. Rationale for Inclusion on Agenda

229. Cultural relations have come to be widely accepted as a useful and practical means of international co-operation. All participants in the CSCE have had experience in conducting cultural exchanges on a bilateral basis. It would be desirable and appropriate for the CSCE to seek to broaden the form and content of such exchanges.

B. Description of Specific Measures

230. In order to promote cultural relations between participating states, a CSCE should approve the following measures:

- (a)(1) The participating countries recognise that, under certain conditions, youth exchanges can contribute to mutual intellectual enrichment and to the development of ways and means whereby nations can progressively become better acquainted with each other's culture and activities. Among steps to be taken to accomplish this end:

(1) The Portuguese Delegation has reserved its position on this measure, as it cannot accept any initiative in this field.

- (i) they declare that they are ready to work actively towards a greater number of exchanges to this end and accordingly to undertake the negotiation of appropriate bilateral and multilateral agreements or periodic programmes wherever and whenever this seems feasible(1);
- (ii) interested countries agree to stimulate, on a bilateral or multilateral basis, or both, contacts of qualified young professionals in the fields of communications media, industrial management, labour, education, politics, the arts and professions. Interested countries will also explore the possibility of promoting frequent symposia of young leaders in these fields.
- (b) On the basis of a broadened interpretation of the concept of cultural relations, the Parties agree to widen their cultural exchanges. As a consequence, the Parties agree to extend the scope of cultural agreements or exchange programmes and, if this becomes necessary, to solve in appropriate multilateral fora any problems which cannot be dealt with bilaterally(1).
- (c) The Parties agree to investigate on a bilateral basis, and through appropriate international and non-governmental organizations, ways and means of easing their respective selection processes, including censorship rules, so that a greater interchange of films and television materials can take place, utilising both commercial channels and exchange agreements.

III. RELEVANT DOCUMENTATION

231. - US Delegation Background Paper, 18th February, 1972 on Youth Exchanges. (Volume Three, Annex III).
- US Delegation Background Paper, 18th February, 1972 on Film and Television. (Volume Three, Annex IV).
- US Delegation Background Paper, 18th February, 1972 on Copyrights. V(Volume Three, Annex V).

(1) The United States Delegation has reserved its position on the indent (i) and sub-paragraph (b).

Chapter 6. ECONOMIC CO-OPERATION

232. Since the submission of its contribution to the report presented to Ministers last December (C-M(71)69(Revised)), the Economic Committee has examined in greater depth the various aspects of East-West economic co-operation, and in particular the concrete measures which might be discussed at a Conference on Security and Co-operation in Europe. The resulting documents - "Guidelines" and an "Outline of Possible Proposals" - are contained in Volume Two of this Report.

233. Most of the "Guidelines" have been drafted by the Economic Directorate and some of them have been modified in the light of comments received from various capitals. In view of the complexity of the problems involved and because of lack of time, it has not been possible to obtain approval from capitals on the "Guidelines", nor to draw up a final list of questions which the Allies may wish to consider at a CSCE.

234. In view of the fact that there was insufficient time to complete work on the Guidelines Paper, it has not been possible to obtain general agreement on an Agenda Paper. Instead, an "Outline of Possible Proposals" has been elaborated.

235. The documents contained in Volume Two should, therefore, be considered as an interim step in the continuing process of preparation of the economic aspects to be considered at a CSCE. The Economic Committee is continuing its work in this field, which will include a further refining of the "Guidelines" and study of the proposals which might be presented.

Chapter 7. CO-OPERATION IN TECHNOLOGY AND APPLIED SCIENCE

I. GUIDELINES PAPER

A. INTRODUCTION

Warsaw Pact Objectives

236. The USSR and its Warsaw Pact Allies are striving to eliminate the technological and managerial gap which currently exists between East and West. They therefore place emphasis on economic, scientific and technical co-operation, and, in particular, seek increased inputs of advanced Western technology as one of the keys to greater economic efficiency, improved foreign trade positions, greater industrial development and enhanced military capabilities.

237. In a number of public statements, the Eastern countries have made it clear that they hope to use a CSCE to obtain improved conditions of access to Western technology. Through a general declaration of intentions they might seek to use public opinion as a lever to obtain some concrete concessions from the West. However, judging from their draft declaration on the subject, they apparently share the Western view that a CSCE would not be the forum for negotiating specific scientific and technological agreements.

238. The Warsaw Pact States can be expected to argue that the major obstacles to greater East-West co-operation in the field of applied science and technology are the COCOM controls(1) and other Western practices which limit the acquisition by the Warsaw Pact States of advanced Western equipment or technological processes.

Western Objectives

239. At a CSCE, the Western countries should express support for the expansion of co-operation with the USSR and the Eastern European countries in applied science and technology on a mutually beneficial basis and without endangering security. However, the Western countries should make it clear that an important factor determining future development of this co-operation will be the extent to which Warsaw Pact States are prepared to allow freer contacts between scientists and technicians and to permit the free flow of scientific/technical information. In reply to Warsaw Pact charges, the Western countries could also point out that the centralised Soviet system and the similar systems in Eastern Europe appear to be major obstacles to enhanced co-operation in this field.

(1) See Volume Two of this report dealing with Economic Co-operation (Guideline I/6)

240. In addition to the above considerations(1) the West should stress the need for:

- easing of Eastern restrictions on the export and import of scientific and technicians' literature, and the honouring of copyrights;
- maximum use of existing bilateral and multilateral frameworks for the exchange of scientific and technical knowledge, in preference to the creation of new organs;
- identification at a CSCE of potential new areas of co-operation entailing both genuine contributions from and mutual benefit for all participants;
- greater openness on the part of the Soviets and Eastern Europeans to Western commercial activity, which would bring with it specific opportunities for co-operation in the field of industrial technology, which in the West is largely the property of private industry.

B. PROPOSED MEASURES TO DEVELOP CO-OPERATION IN THE FIELD OF APPLIED SCIENCE AND TECHNOLOGY(2)

MEASURE 1

REMOVE ADMINISTRATIVE AND OTHER OBSTACLES THAT HINDER DIRECT UNFETTERED INTERCHANGE BETWEEN SCIENTISTS AND TECHNOLOGISTS OF VARIOUS COUNTRIES AND A FREER FLOW OF SCIENTIFIC AND TECHNICAL LITERATURE

A. The Problem

241. The Soviets insist on dealing with foreigners through a large apparatus of carefully screened officials in Moscow. Although similar systems were imposed in the Eastern European States after the Communist takeovers, they have been modified under pressure of economic necessity and are no longer as strict in their operations as the Soviet model. Nonetheless, throughout Eastern Europe the Western company interest in technological co-operation generally finds that it must deal with a state of committee, trading company, or ministry several steps removed from the potential partner. Cutting through these layers is often impossible and is never easy. In addition, meaningful co-operation is often prevented by Eastern restrictions on foreign and internal travel and by restrictions on contacts which are imposed on visiting Western technologists.

(1) See also three background papers from the US Delegation at Volume Three entitled:

- (i) Institutional approaches to East-West co-operation in science and technology (Annex VII);
- (ii) Areas for scientific co-operation with the USSR and Eastern Europe (Annex VIII);
- (iii) Illustrative declaration on the principles of scientific and technological co-operation (Annex VI)

(2) Elaboration of these measures will require further study

B. The Proposal

242. The proposal seeks to direct attention to the fact that the existing potential for East-West technological co-operation is largely unrealized because of restrictions in the East. Accordingly, the participating countries undertake to encourage and promote direct contacts between interested parties. Such an undertaking might deal, inter alia, with the reduction of restrictions on travel, access to host nation scientists and technologists, co-operative projects, honouring of copyrights and easing of restrictions on import and export of scientific literature. It should both benefit the West in concrete ways if accepted by the Soviets and Eastern Europeans, and can be helpful to the West in the realm of public opinion if rejected by them.

243. Such an undertaking should seek in particular to encourage amelioration of specific Soviet "malpractices", such as:

- barriers placed in the way of Soviet scientists seeking permission to travel abroad, particularly in response to personal invitations;
- delays faced by Western scientists in obtaining Soviet decisions on visa applications;
- Soviet reluctance to provide visiting scientists in advance with itineraries and appointment schedules, or to honour them when provided;
- arbitrary closing of areas of the Soviet Union to visits by foreigners, often without forewarning;
- attempts to minimise meaningful contacts with Soviet scientists, institutions, and industrial processing facilities;
- failure to provide visitors with Soviet literature in their fields;
- impreciseness about limits of Soviet security that might lead to charges of improper conduct by visitors;
- in general, a lack of satisfactory reciprocity on return visits by Western scientists to the Soviet Union;
- obscurity regarding Soviet practices in the industrial property area, particularly as regards payment of royalty fees under licensing agreements and non-disclosure of licensed technology to third parties.

C. Advantages to the West

244. East-West technological co-operation would undoubtedly be furthered, with corresponding benefits to Western countries in the form of higher earnings from trade with the East and increased access to Eastern technology.

245. Greater contacts in this area would increase Western access to an influential element in the Soviet and Eastern European societies.

246. To the extent that the Western countries can develop ties with the Eastern European countries, the dependence of the Eastern Europeans on the USSR will be lessened.

247. Through closer contacts with the West, the Eastern Europeans, and perhaps the USSR as well, will be more likely to adopt certain Western management techniques which should promote the evolution of Soviet and East European commercial practices and, in time, social structures in ways beneficial to the West.

D. Disadvantages to the West

248. The Soviets may well object that this proposal seeks to dismantle one aspect of the Soviet system and represents an inadmissible interference in Soviet internal affairs.

249. Where applied research and technology are concerned, it is not always possible to draw an exact line of demarcation between civil and military applications. The Warsaw Pact countries might use this form of co-operation to get round the COCOM provisions. Western export controls will be more difficult to administer and their level might in some cases have to be lowered.

250. Greater East-West technological co-operation would increase the competitive capacity of the East both in the West and in the Third World.

251. The strengthening of the Soviet Union's scientific and technical potential could give it an even more preponderant influence in COMECON and make it a formidable competitor insofar as Western goods are concerned, particularly since under the Soviet economic system production costs need not be taken into account - if the authorities so wish - in the case of goods for export.

E. Recommendation

252. In proposing Measure 1, the West should stress that the Eastern administrative obstacles constitute the main impediment to the development of technological and scientific co-operation and that still existing Western restrictions on the transfer of advanced technology are only a marginal limiting factor.

MEASURE 2

THE PARTICIPATING COUNTRIES SHOULD AT A CSCE IDENTIFY VARIOUS AREAS IN WHICH PROSPECTS FOR CO-OPERATION ARE MOST PROMISING AND CONSIDER WHAT MEASURES ARE NEEDED TO ENCOURAGE THIS CO-OPERATION

A. The Problem

253. There are a number of areas in which East-West technological co-operation would be of genuine value to both sides and which do not touch on sensitive areas with military applications. A CSCE should provide a forum to define in general terms the broad areas of interest. Such fields for co-operation might include the appropriate aspects of oceanography, agricultural sciences, atomic energy, space and health sciences. Other fields could also be mentioned in this respect. It should be noted that most of the areas mentioned are similar to those referred to in the part of the report dealing with pure science. More could be done in these areas if the controls and institutional obstacles on the Eastern side were easier.

254. The USSR, like the other Warsaw Pact countries, is increasing its trade with non-Communist countries; consequently, in view of the wide range of economic competition with the West - on Western markets, within COMECON and even in the Third World - there is a need for speedier and more extensive development of applied research and technology. This being so, the Communist countries have to make more systematic use of the scientific and technical results obtained by the industrialised countries of the West. In exchange, and to prevent an excessive outflow of rare convertible currencies, they must try to sell and distribute abroad the new techniques they have themselves developed.

B. The Proposal

255. The proposal expresses the readiness of the Western side to discuss areas and modalities of co-operation, which would necessarily imply a reciprocal willingness on the Eastern side to begin the process of creating a favourable environment.

C. Advantages to the West

256. The advantages listed under the discussion of Measure 1 (paragraphs 244-247) would apply here as well.

D. Disadvantages to the West

257. The disadvantages listed under the discussion of Measure 1 (paragraphs 248-251) would apply here as well.

E. Recommendation

258. The West should stress its willingness to consider enhanced co-operation in appropriate areas, provided the East demonstrates its interest by taking relevant concrete steps which could include for instance, Measure 1.

F. Talking Points

259. All countries could benefit from increased East-West co-operation in applied science and technology. However, it is clear that the type of close, long-term relationships between scientists and technologists which are required for this co-operation are seriously hampered by the restrictions imposed by the Warsaw Pact countries.

260. Should the Warsaw Pact countries be prepared to modify their restrictions, the West would take appropriate steps to promote such co-operation.

MEASURE 3

INTENSIFY CO-OPERATION UNDER WAY WITHIN THE ECE TO DEVELOP AN INDEXING SYSTEM FOR TECHNOLOGICAL ADVANCES

A. The Problem

261. A lack of knowledge about technological developments in other countries contributes to the low level of East-West technological co-operation. The problem is probably more acute in the East, where the free circulation of information on technological developments is hindered. The ECE has undertaken a programme to develop a uniform indexing system for technological advances that might help to improve reciprocal information on progress made.

B. The Proposal

262. The proposal recognises the existence of an information gap on technological developments and calls for increased co-operation in work under way within the ECE to develop an indexing system.

C. Advantages to the West

263. This proposal is likely to be favourably received by the Warsaw Pact countries, and, provided that the East contributes fully to this scheme, might also be advantageous to the West.

264. The easing of restrictions on the diffusion of scientific and technical works should facilitate technological exchanges.

D. Disadvantages to the West

265. None.

E. Recommendation

266. The ECE's work in establishing an indexing system is useful and deserves support. There is no reason to anticipate opposition from the Warsaw Pact States.

F. Talking Points

267. At present, scientists and technicians in both East and West are inadequately informed on the latest technological developments in other regions. This has the effect of reducing technological co-operation and can result in wasteful repetition of work already accomplished elsewhere. By co-operating in the ECE programme to develop an indexing system for technological advances, the participants in a CSCE would thereby improve conditions for East-West co-operation in this area.

II. AGENDA PAPER

A. RATIONALE FOR INCLUSION ON AGENDA

268. Intensified co-operation in applied science and technology could contribute to better living conditions and improved relations among participating countries. Closer human contacts, which are essential if peace and co-operation are to become the order between East and West, could facilitate the wider and more rapid utilisation of scientific advances.

269. Co-operation in this field already exists across a broad spectrum of interests. Moreover, technological and scientific advances in both East and West in recent decades have created conditions in which co-operation may be extended to the benefit of all concerned. It is expected that such co-operation will continue and possibly grow, particularly as commercial exchanges expand and industrial co-operation develops.

270. Recognition by both Western and Eastern countries of the benefits of improved co-operation is reflected in the consistency with which they have expressed interest in including this subject in a CSCE Agenda. The Eastern countries could make a particularly valuable contribution to more intensive co-operation in this field by facilitating the freer movement of scientists and technologists, and information, and by opening their markets to Western products.

271. Participants in a CSCE should accordingly agree to take appropriate action to encourage closer co-operation in the field of applied science and technology.

B. DESCRIPTION OF SPECIFIC MEASURES

272. To this end the following steps should be taken at a CSCE:

- (a) Agree to remove administrative and other obstacles that hinder direct unfettered exchange between scientists, technologists and research centres of various countries and the flow of scientific and technical literature.
- (b) Participating countries should identify the areas in which prospects for co-operation are particularly promising, and consider what measures should be taken to encourage it. Areas for co-operation might include certain aspects of oceanography, agricultural science, atomic energy, space and health sciences. Other fields could also be mentioned in this respect.
- (c) Intensify co-operation under way within the ECE to develop an index of technological advances. All interested states should contribute to this project.

Chapter 8. CO-OPERATION IN PURE SCIENCE

I. GUIDELINES PAPER

A. General Discussion of Agenda Item

General

273. Both the Allies and the Warsaw Pact countries have identified scientific and technological co-operation for possible discussion at a CSCE. The Warsaw Pact states want access to Western science and technology for the purpose of refining and intensifying their industrial development for both military and civilian purposes. In the CSCE context they can be expected to seek to bring pressure on Western governments to be more forthcoming in this field, but thus far do not appear to intend to negotiate specific agreements.

274. Scientific and technological exchanges which do not directly affect national security are also a desirable area for Western initiatives, because of our interest both in gaining access to the scientific elites in the Soviet Union, and in lessening Eastern European dependence on the USSR. Additionally, new Soviet and Eastern European markets might be opened to Western products.

Pure Science

275. There is value in distinguishing in talks with the Soviets and Eastern Europeans between co-operation in (A) pure science and (B) applied science and technology. Pure science, aimed at the increase of human knowledge, is in general less sensitive and less encumbered by proprietary protections of industry and government and by political/national security considerations. The limitations on expanded co-operation in this field are thus found primarily in the restrictions placed by the Soviets and, to a lesser extent, by the Eastern Europeans on freedom of movement of scientists and free exchange of unclassified scientific literature.

276. The Soviets view scientific co-operation primarily as a way to gain better access to Western technology. Accordingly their position at a CSCE can be expected to stress that Western strategic trade controls are impeding scientific co-operation and should be eliminated. They can also be expected to view Western proposals for unrestricted contacts between scientists and a freer flow of scientific information with great suspicion.

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277. Enhanced East-West co-operation in pure science would provide greater access to a very important sector within Soviet and Eastern European societies. From the writings of Sakharov and Medvedev we are aware of resentments among the Soviet scientific elite at bureaucratic restrictions which cut them off from their Western counterparts. The rôle of the Czechoslovak Academy of Sciences in the "Prague Spring" liberalisations of 1968 demonstrated that scientists in Eastern Europe also are anxious for greater freedom in their relations with the outside world.

278. By dealing separately with co-operation in pure science, the Allies will be able both to blunt to some extent Soviet efforts to gain access to protected information and to highlight problems of freer movement in terms, such as the increase of human knowledge and the welfare of mankind, which are less easily rejected.

279. However, it is also important that expansion of co-operation be sought on the basis of mutual benefit at a rate the Soviets and Eastern Europeans can sustain. Areas in which the Soviets have much to offer could be highlighted, for example; the basic research aspects of: meteorology; arctic research; oceanography; high-energy physics; plasma physics, including magneto-hydrodynamics (MHD) and nuclear fusion; space; and medical research.

280. Further, it is recognised that the East is not likely to regard co-operation in pure science as a high priority item at a CSCE. It remains to be seen whether concessions in this area are likely to be of any value as trade-offs in other areas. Somewhat greater progress might be made with some of the Eastern European countries than with the Soviet Union.

281. Finally, the increasing costs of scientific research make co-operation attractive simply as a matter of efficiency.

B. Analysis of Each Measure

ENCOURAGEMENT AND FACILITATION OF DIRECT CONTACTS
BETWEEN SCIENTISTS OF ALL COUNTRIES AND A FREER FLOW OF SCIENTIFIC
LITERATURE

(a) The Problem

282. Soviet controls over travel by scientific personnel to Western countries are very tight. For security reasons, the Soviets have in the past been very selective in permitting lengthy stays abroad by individual Soviet scientists. Much scientific information is subjected to very close scrutiny.

before items can be sent out of the country, with the result that in some areas little current information is sent. At the same time, the Soviets maintain very strict controls over the movements and contacts of Western scientists who visit the USSR. Recent expulsions of Western scientists who have come in contact with dissident Soviet scientists illustrate the extent of the controls.

283. Practices of the Eastern European countries vary substantially, with the more liberal trend apparant in Poland, Hungary, and Rumania, while Czechoslovakia, Bulgaria and East Germany tend more towards the Soviet pattern.

(b) The Proposal

284. Depending on the atmosphere in preliminary multi-lateral talks, key allied desiderata might usefully be set out in a suggested statement of principles of scientific and technological co-operation. Such a statement might deal, inter alia with the reductions of restrictions on travel, access to host nation scientists, convening of scientific and technological meetings and the encouragement of increased attendance of scientists from other countries at such meetings, co-operative projects, and easing of restrictions on import and export of scientific literature. It should both benefit us in concrete ways if accepted by the Soviets and Eastern Europeans and be helpful in the realm of public opinion if rejected by them.

285. An illustrative text is contained in the background paper "Illustrative Declaration on Principles of Scientific and Technological Co-operation" (Volume III, Annex VI).

(c) Advantages/Disadvantages

Advantages to the West:

286. We would gain greater access to a most important group of Soviets and Eastern Europeans and increase their exposure to life in the West.

287. We would establish a basis on which the scientific capabilities of East and West might be joined in the future for projects of common interest.

288. Western access to scientific advances in the East would be increased.

Disadvantages to the West:

289. The Soviets in particular might regard this as a provocation.

290. Expansion of scientific contacts would require a review of the Western approach to export of the scientific data and equipment which are controlled for security reasons.

(d) Recommendation

291. Despite the prospect of continued Soviet resistance and the wide differences in practice among the Eastern European countries, the West should press in the context of a CSCE for freer contacts between all scientists and freer flow of scientific information.

(e) Talking Points

292. By its very nature, pure science is an area removed from the current political/military confrontation in Europe and it would be appropriate to free it from politically-inspired controls. East-West co-operation in pure science, which will promote the well-being of people everywhere, can serve as an example for co-operation in other fields.

293. To be effective, co-operation in pure science requires direct, unhindered, long-term contacts between the scientists involved. Achievement of this type of relationship is currently very difficult, and in some instances, impossible, as a result of restrictions imposed by most Warsaw Pact countries.

294. Absolute freedom of contact between scientists and a completely free flow of scientific information in the public domain are long-term goals and we do not pretend that they can be achieved overnight. However, some relaxation of the controls maintained by the Warsaw Pact countries, which would have no detrimental effects on the security of these countries, is essential if East-West scientific co-operation is to move beyond its existing low level.

DEFINE OPPORTUNITIES AND IDENTIFY INSTITUTIONS WHICH MIGHT BE MORE EFFECTIVELY UTILISED FOR SCIENTIFIC CO-OPERATION, ENCOURAGE MUTUALLY-BENEFICIAL BILATERAL CO-OPERATIVE EFFORTS AND, WHERE THE NEED EXISTS OR WHERE EXISTING RESOURCES ARE INADEQUATE, CONSIDER TOGETHER POSSIBLE SOLUTIONS

(a) The Problem

295. Existing possibilities for East-West co-operation in pure science are not being used to their full potential, quite apart from the obstacles imposed by restrictions of the Warsaw Pact states. At the same time, there are projects which, as a result of their complexity and cost, cannot be realised effectively within the existing framework of bilateral and multilateral co-operation.

(b) The Proposal

296. A CSCE should call attention to existing possibilities for scientific co-operation and examine ways in which they can be better utilised. In the longer term, such co-operation could lead to the creation of common research teams, common research projects or even common research establishments. A discussion of the institutional question is contained in the background paper entitled "Institutional Approaches to East-West Co-operation in Science and Technology" (see Volume III, Annex VII).

(c) Recommendation

297. Our willingness to discuss co-operative research and joint projects should be stressed as an example of our forthcoming position, which should be matched by Warsaw Pact action in lessening controls on contacts. It would be useful for the Allies to stress opportunities for substantial expansion of scientific relations through existing bilateral arrangements and multilateral organizations, including the ECE. The Allies should also underline opportunities for joint conferences, symposia and, eventually, joint research programmes (perhaps modelled on the advanced study institutes and joint research programmes of NATO) under the aegis of such multilateral organizations.

(d) Advantages/Disadvantages

Advantages to the West:

298. This relatively non-controversial proposal could result in a fruitful discussion of scientific co-operation and would also be useful in deflecting Eastern criticism of our policies.

Disadvantages to the West:

299. The Soviets may seize upon any Western willingness to discuss joint projects to avoid consideration of how existing institutions might be used more fully.

300. Involvement in joint projects would clearly be accompanied by Eastern requests to purchase advanced equipment.

(e) Talking Points:

301. Much more can be done in East-West scientific co-operation within the existing organizational framework. Participants in a CSCE should identify ways in which more can be accomplished.

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302. There are probably some projects whose effective implementation will require new undertakings. However, this fact should not distract attention from what can be done immediately through fuller use of existing institutions and through normal commercial arrangements.

IDENTIFY POTENTIAL NEW AREAS OF CO-OPERATION ENTAILING BOTH SUBSTANTIVE CONTRIBUTIONS FROM AND MUTUAL BENEFIT FOR ALL PARTICIPANTS

(a) The Problem

303. In the near term, an increase in East-West scientific co-operation will depend upon whether the Allies and the Warsaw Pact countries will be able to get more out of the existing machinery. This is recognised in the proposal described in paragraph 296 above. Looking further ahead, it is possible that truly joint scientific research efforts can provide an impetus to greater East-West co-operation. Both in terms of scientific payoffs and political fallout, such projects are attractive.

(b) The Proposal

304. As a practical matter, joint East-West scientific projects will progress at a rate reflecting increased freedom of contact between scientists and freer circulation of scientific information. The Allies should take the realistic position in the CSCE context simply to seek to identify "new areas of co-operation" which could presumably be the subject of future joint undertakings. Some of these areas are contained in the illustrative list in the background paper entitled "Areas for Scientific Co-operation with the USSR and Eastern Europe". (Annex VIII).

(c) Recommendation

305. The Allies should be prepared to propose a number of potential areas of co-operation to the Warsaw Pact states and to consider alternative proposals. However, we should make clear that such co-operative projects are realistic possibilities only if the Warsaw Pact states are prepared to create the necessary preconditions by relaxing their restrictions on personal contacts and flows of information.

(d) Advantages/Disadvantages

Advantages to the West:

306. The primary advantages of this proposal is that it permits us to hold out the prospect of significant co-operative projects in the future provided the Warsaw Pact states take the necessary steps to create the proper conditions.

Disadvantages to the West:

307. Unless the Allies carefully identify some areas of interest in Allied countries (inter alia, atomic energy, space, Arctic, Antarctic and perma-frost research, meteorology, including weather prediction and monitoring, MHD and fusion), the Warsaw Pact states may take advantage of our proposal and propose co-operative projects in fields where the West is clearly ahead and which might have applications in military-related areas.

(e) Talking Points

308. Given the common problems faced by all industrialised societies, participants in a CSCE have a common interest in pooling their resources on complex, long-maturing projects.

309. Conditions at present are not universally favourable for such undertakings. However, if the Warsaw Pact countries demonstrate readiness to create conditions conducive to such projects, Alliance members will be prepared to make an appropriate contribution.

POSSIBLE SIGNATURE BY ALL PARTIES TO A CSCE OF THE UNIVERSAL COPYRIGHT CONVENTION OR THE BERNE CONVENTION.

310. (See the section on copyright conventions in the Dossier on Cultural Relations (paragraphs 217-222)).

II. AGENDA PAPER

A. Rationale for Inclusion on Agenda

311. Taken together, the countries participating in a CSCE account for a very substantial part of the important work being done in pure science. However, the effectiveness of this work in many fields - including those requiring extensive and expensive installation or where necessary elements of work transcend national boundaries - is reduced as a result of artificial barriers to association among scientists and the sharing of scientific information, as well as inadequate national resources.

312. These conditions result in a wasteful duplication of effort and inhibit co-operative endeavours at the frontiers of scientific knowledge. Scientific inquiry, after all, flourishes best in an atmosphere of free interchange among scientists and research institutions throughout the world.

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B. Specific Measures Recommended

313. The parties to a Conference on Security and Co-operation in Europe should pursue further measures to:

- (a) Facilitate and encourage direct contacts among scientists of all countries, through measures such as the convening of scientific and technological meetings and the attendance of scientists from other countries at such meetings, visits to the universities and research institutions of their respective countries for purposes of consultation and conducting research, and a freer flow of scientific literature among countries.
- (b) Define opportunities and identify institutions which might be more effectively utilized for scientific co-operation, encourage mutually beneficial bilateral co-operative efforts and, where the need exists or where existing resources are inadequate, consider together possible solutions.
- (c) Identify potential new areas of co-operation entailing both substantive contributions from and mutual benefit for all participants.

III. RELEVANT DOCUMENTATION

- 314. - United States "Illustrative Declaration on Principles of Scientific and Technological Co-operation". (Volume III, Annex VI).
- United States background paper of 7th April "Institutional Approaches to East-West Co-operation in Science and Technology". (Volume III, Annex VII).
- United States background paper of 10th April "Areas for Scientific Co-operation with the USSR and Eastern Europe". (Volume III, Annex VIII).

Chapter 9. CO-OPERATION TO IMPROVE THE HUMAN ENVIRONMENT

I. GUIDELINES PAPER

A. General Discussion

315. A CSCE might play an important rôle in adding high-level political support to East-West co-operation in environmental and other problems related to modern society. A CSCE itself would not, however, become actively involved in the actual carrying out of specific projects, but would look to competent regional and international organizations.

316. In seeking appropriate channels for such co-operation, a CSCE should be guided by the proven effectiveness of an organization or methodology in identifying timely solutions to concrete problems. In addition, the suitability of the organization, given its composition, past record and its acceptability to all interested countries participating in the CSCE, would have to be taken into account.

317. Depending upon the nature of the co-operative activity which CSCE participants decide to pursue, a number of forums could be used including: ECE; IMCO; WMO; FAO and WHO and other UN specialized agencies; and ad hoc multilateral arrangements.

318. Pilot studies may be developed following the format of CCMS, and may be associated as appropriate with CCMS if the interested countries so desire.

319. Activities stemming from or any machinery resulting from the UN Conference on the Human Environment at Stockholm in June 1972 must be taken into account in any arrangements among interested countries in specific areas. Indeed, after the Stockholm Conference, NATO should review any co-operative activities proposed under a CSCE.

B. Analysis of Each Measure(1)

SEA AND OCEAN POLLUTION

(a) Discussion

320. East-West co-operation in this subject area could include comprehensive joint programmes aimed at pollution of the Baltic and Black Seas, both of which are bounded by both Eastern and Western nations (and in the case of the Baltic, by European neutrals), thus lending themselves to a regional

(1) These measures are neither exclusive nor necessarily listed in order of priority.

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approach in this context. In addition to regional co-operation on the whole complex of problems affecting the particular waters in question (e.g. dumping, oil spills, river effluents, eutrophication etc.) riparian plus other interested states might for instance collaborate on establishment of a mathematical model of pollution of the particular body of water, along lines of the model for pollution of the North Sea, which is part of the Belgian-led CCMS pilot project on Coastal Water Pollution. The US and Canada could contribute needed technological support to such a modelling effort, as they do to that aspect of the CCMS project.

321. In addition to setting in motion the foregoing work programme, a CSCE might also serve to mobilize additional high-level political support, if needed, to advance the following ongoing international initiatives: (i) the effort to put an early end to deliberate oil spills at sea, as agreed by the NATO nations in the 1970 Oil Spills Resolution and presently being pursued in IMCO; and (ii) agreement on an effective international ocean dumping convention, which is currently slated to receive consideration at the forthcoming Stockholm Conference.

(b) Proposal

322. The interested countries agree to work together on pollution problems affecting bodies of water such as the Baltic Sea and the Black Sea. One activity which could be undertaken is joint research including such things as the formulation of mathematical models with respect to pollution of these waters.

INLAND WATER POLLUTION

(a) Discussion

323. Steps need to be taken to establish mechanisms and procedures to deal with pollution of shared or common rivers and lakes, which is a mounting international concern. Investigations into this problem area are underway in the CCMS Inland Water Pollution project, led by Canada, in which Canada and the US are co-operating on trans-boundary river basin management questions focusing on the St. John River between the US State of Maine with the Canadian Province of New Brunswick. In the same project, France is examining the application of indirect economic controls to pollution of the Meuse River, and Belgium is investigating use of modelling techniques as applied to pollution of the Sambre River. Additionally, work is proceeding both bilaterally and regionally to combat pollution of the Rhine River.

324. A joint East-West demonstration project might be initiated on a major river, such as the Danube or Elbe, along the East-West European boundary. (It was proposed at one time that action be undertaken on Danube pollution through the ECE, but this scheme has thus far remained dormant, although other ECE activities in this general field have been underway). Another possibility would be establishment of parallel demonstration projects on river systems wholly within the East and West, respectively (such as the Rhine). The parties would agree to exchange information and technology on their respective projects. The results might be correlated with those obtained by the countries working on the CCMS Inland Water Project, and other relevant studies underway in regional or international organizations. Similarly, joint East-West limnological studies might be considered.

325. An East-West initiative on Inland Water Pollution, like the present multilateral effort in CCMS, could aim at developing improved concepts, techniques, procedures and machinery to deal with the special problems of combatting pollution in an inland water resource shared by two or more nations.

326. The US and Canada could contribute their respective experience and expertise on the foregoing to that of East and West European states. In so doing, they might also draw on the recently undertaken US-Canadian programme to identify water pollution problems and establish water quality objectives, programmes and institutional machinery for the Great Lakes.

327. One specific activity might be a joint East-West demonstration project or other investigation on the subject of waste water treatment. The USSR's recently announced billion-ruble programme to clean up the Volga and Ural rivers by 1980, with particular emphasis on treatment and control of waste water (sewage) and chemical effluents, is of obvious interest in this respect.

(b) Proposal

328. Interested countries agree to work together on water quality management projects including such specific subjects as (i) interjurisdictional river basin problems, (ii) indirect economic controls on pollution, (iii) inland water modelling techniques, and (iv) advanced waste water treatment and effluent control.

AIR POLLUTION

(a) Discussion

329. Problems of air pollution in the Central European region and/or those air pollution problems of even broader common interest could be made the object of joint East-West investigation and endeavour.

330. The CCMS Air Pollution Pilot Project has already demonstrated the utility of multilateral work employing a common systems approach to air quality management. Joint East-West activity on air pollution could be combined with, as appropriate, or at least parallel to the work being carried out in the CCMS project and would significantly add to the experience base being built up there. It would be particularly useful to institute... assessment studies in Eastern Europe, correlating the results with those being obtained in the CCMS project assessment studies now underway in Ankara, Frankfurt and St. Louis. Such studies would serve to stimulate a keener appreciation on the part of Eastern European political leaders of the basic problems of air quality management thereby providing a catalyst to the necessary political decisions and resource commitment in those countries to enable them to progress toward more effective air quality management programmes of their own, including the setting of meaningful local air quality standards. At the same time, involvement of Eastern European countries in a joint work programme utilizing the same systems methodology as developed in the CCMS project would acquaint Eastern technicians with the comprehensive Western approach, thereby enabling that approach to be refined further and, in the process, to gain even wider international acceptance. This in turn would broaden the operational base available to deal with air quality problems on a regional and even global level.

331. Involvement of Eastern European countries in joint efforts to combat air pollution, particularly by engaging them in assessment studies, would also enhance the activity in ECE relating to control technology information exchange and development, as well as furnish a valuable added input to the work of WHO which looks towards the development and promulgation of internationally useful criteria and guides on the effects of pollutants.

(b) Proposal

332. Interested countries agree to work together on problems of air pollution in Central Europe. Specific co-operation could be undertaken in air quality assessment work in urban areas of participating countries utilizing a common systems methodology and correlating the results obtained in the interest of a more effective national and international approach to air pollution.

WASTE MANAGEMENT

(a) Discussion

333. As to solid waste, the Soviet and other Eastern European experience in this area could be of considerable potential interest. Joint East-West exchanges and co-operative efforts might be undertaken, including: study of solid waste

problems and treatment techniques; and delineation of technical, management and behavioural science research needs associated with solid waste storage, collection, processing, resource recovery and disposal from residential, industrial, commercial institutional and agricultural sources. The Soviet and other Eastern European experience and capability is of interest in this respect.

(b) Proposal

334. Interested countries will co-operate in joint efforts in the field of solid waste management, including resource recovery.

HEALTH CARE

(a) Discussion

335. Joint East-West undertakings in the health care field could be based on the approach of the CCMS Health Care Project, which emphasises the application of advanced technology to the design of more effective systems for the delivery of health services. Of the five major topics of the CCMS project, four, i.e. Automated Clinical Laboratories, Emergency Medical Services, Automated Multiphasic Health Services for Ambulatory Care, and Surveillance Methodology, are in areas of interest to the Soviets and the other Eastern European countries. The presently-planned CCMS activities in these broad categories merely scratch the surface of potential studies which could be organized through East-West co-operation. In certain aspects of these topics, the Soviets and other Eastern countries are as advanced, if not more so, than the NATO countries and would have much to contribute to an expanded collaborative effort in the four subject fields.

336. It is possible that the development of the new US-USSR bilateral co-operative relationship in health could reveal other possibilities for wider East-West co-operation.

337. In considering possible East-West undertakings in the field of health, it is important to take into account the responsibilities and programmes of the World Health Organization. Both WHO and many of its members may view a CSCE-originated health initiative, outside the WHO context, as duplicative of international health resources and objectives. While the CCMS project activity and topics are evidently now accepted by WHO, their extension on a significantly broader scale, outside WHO, might not be favourably regarded. The involvement in the CCMS project of nations with close cultural and political affinities supports the thesis of potential rapid progress in the studies undertaken - a rationale accepted by WHO; an East-West co-operative effort, however, may not be seen as necessarily offering the same prospect for quick decisions and results.

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338. It may be worth noting in this connection that the countries expected to attend a CSCE would correspond closely to the membership of the WHO European Regional Office Headquartered in Copenhagen, with the US, Canada and the GDR the major exceptions.

(b) Proposal

339. Interested countries will co-operate in joint efforts in the health care field, emphasising the application of advanced technology to the design of more effective systems for the delivery of health services. This could include such topics as: Automated Clinical Laboratories, health care aspects of Emergency Medical Services, Automated Multiphasic Health Services for Ambulatory Care, Surveillance Methodology, and others of mutual interest which may be identified.

ROAD SAFETY

(a) Discussion

340. As Eastern European countries expand automobile production and their volume of automobile traffic rises, their concern for highway safety and their interest in, and potential contribution to, joint undertakings in this subject area should correspondingly increase. Joint efforts could be pursued on such topics as those which are already the object of the CCMS Road Safety Pilot Project (in some of which Eastern European countries have already expressed interest). These include: Experimental Safety Vehicle Development, Emergency Medical Services, Pedestrian Safety, Alcohol and Road Safety, Highway Hazards, Accident Investigation, and Motor Vehicle Inspection, Additional Investigation and Motor Vehicle Inspection. Additional topics of possible special interest to Eastern European countries could also prove fruitful.

341. The advantages of such technical co-operation to the Western countries are manifold. In several areas the Soviet Union and some other Eastern European countries are far ahead in developing effective measures to deal with the road safety problem. This is notably true in Emergency Medical Services (EMS) where special organizations have been trained and deployed to areas of greatest need. Specific techniques and procedures as well as overall policy and organizational structure in EMS developed by the Eastern European countries could be adopted by the NATO countries, appropriately modified for national conditions, where cost effective solutions have been found.

(b) Proposal

342. Interested countries will co-operate in joint efforts on such topics as Emergency Medical Services, Pedestrian Safety, Highway Hazards, Alcohol and Road Safety, Accident Investigation, and related matters of common concern in this field which may be identified.

RADIATION

(a) Discussion

343. There is a great need to learn more about radiation protection and the effects of radiation on health. The IAEA has been particularly engaged in activities connected with radiation hazards and protection. It would be useful if, complementary to these IAEA activities, Eastern and Western nations were to exchange data and experience on work underway in this general area, with an eye to possible co-operation in the fields of health physics, radiation protection problems and radio-biology.

344. Soviet scientists have done considerable work and are well advanced in these fields. There is already a limited information exchange. The US Environmental Protection Agency and the Soviet Institute of Radio-Biology have proposed an exchange of experts later this year.

(b) Proposal

345. Interested countries will co-operate in joint investigation, including exchange of experts and information, to determine possibilities for co-operation on radiation protection and the effects of radiation on health.

NOISE CONTROL

(a) Discussion

346. Knowledge of noise control techniques exceeds knowledge of the effects of noise on public health and welfare. There is a need to collect comparative data on community noise climates in the USSR and other Eastern European countries where national medical programmes have gathered this information.

347. It would be useful to undertake joint East-West co-operative efforts to examine the psychological and physiological effects of noise on man; to study noise abatement and control methods for surface transportation, industrial equipment and industrial processes; and to investigate noise measurement and monitoring techniques. There is an existing proposal that work on noise control should be undertaken in the ECE and this might be a suitable forum.

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(b) Proposal

348. Interested countries will co-operate in joint investigation, including exchange of experts and information, to determine possibilities for co-operation on noise control and the effects of noise on man.

PESTICIDES

(a) Discussion

349. The potential hazards posed to the environment by pesticides and other toxic chemical residues is a world-wide problem requiring heightened attention and expanded research. An exchange of knowledge and experience in actions being taken in this field would benefit Western research and control efforts and might point the way to possible co-operation on combatting and controlling pesticides hazards to human health and the environment.

350. The OECD Committee on the Unintended Occurrence of Chemicals in the Environment is conducting studies on this subject. The FAO and WHO are also involved in activities in this field. Work on pesticides might usefully be expanded to include specific East-West joint investigations.

(b) Proposal

351. Interested countries will co-operate in joint investigation, including exchange of experts and information, to determine possibilities for co-operation on the hazards posed to human health and the environment by pesticides.

II. AGENDA PAPER

A. Rationale for Inclusion on Agenda

352. Governments, and mankind generally, are becoming increasingly concerned with the problems and the opportunities of an advanced technological era, especially those relating to the human environment. They have come to recognise that steps must be taken to assure a harmonious relationship between modern society and the environment.

353. Questions of the environment offer a particular challenge to the countries participating in a CSCE.

354. They are among the world's most advanced states industrially. Consequently, they share many of the same problems and possess many of the technical and financial resources to solve them.

355. Many such problems transcend national frontiers and/or can better be dealt with through a pooling of resources.

356. By giving direction to efforts to deal with the problem of the environment and other matters affecting the quality of life, a CSCE could make an important contribution to the health and welfare of the populations of participating countries and to constructive co-operation between governments.

B. Description of Specific Measures

357. In order to foster a healthier environment, and while taking due account of current regional and international efforts, the participants agree to undertake collaboration in a number of fields. While avoiding undesirable duplication with international activities already underway, the interested countries will implement this collaboration through joint work programmes and through the exchange of experts and information as appropriate. The following areas of activity might serve as a listing of the initial fields requiring early attention.

- (a) Sea and Ocean Pollution. Interested countries agree to work together on pollution problems affecting bodies of water such as the Baltic Sea and the Black sea. This activity could well focus on the setting of standards and enforcement thereof, as well as joint research including such things as the formulation of mathematical models with respect to pollution of these waters.
- (b) Inland Water Pollution. Interested countries agree to work together on water quality management projects including such specific subjects as interjurisdictional river basin problems, indirect economic controls on pollution, inland water modelling techniques, and advanced waste water treatment and effluent control. These projects could involve European rivers such as the Danube and the Elbe.
- (c) Air Pollution. Interested countries agree to work together on problems of air pollution in Central Europe. Specific co-operation could be undertaken in air quality assessment work in urban areas of participating countries, utilizing a common systems methodology and correlating the results obtained, in the interest of a more effective national and international approach to air pollution.
- (d) Waste Management. Interested countries will co-operate in joint efforts in the fields of solid waste management, including resource recovery.

- (e) Health Care. Interested countries will co-operate in joint efforts in the health care field, emphasising the application of advanced technology to the design of more effective systems for the delivery of health services. This could include such topics as: Automated Clinical Laboratories, health care aspects of Emergency Medical Services, Automated Multiphasic Health Services for Ambulatory Care, Surveillance Methodology, and others of mutual interest which may be identified.
- (f) Highway Safety. Interested countries will co-operate in joint efforts on such topics as Emergency Medical Services, Pedestrian Safety, Highway Hazards, Alcohol and Road Safety, Accident Investigation, and related matters of common concern in this field which may be identified.
- (g) Radiation. Interested countries will co-operate in joint investigation, including exchanges of experts and information, to determine possibilities for co-operation in radiation protection and the effects of radiation on health.
- (h) Noise Control. Interested countries will co-operate in joint investigation, including exchange of experts and information, to determine possibilities for co-operation on noise control and the effects of noise on man.
- (j) Pesticides. Interested countries will co-operate in joint investigation, including exchange of experts and information, to determine possibilities for co-operation on the hazards posed to human health and the environment by pesticides.

III. RELEVANT DOCUMENTATION

358. Paper entitled "Eastern European Interest in Environmental Questions" (Annex III to C-M(71)69(Revised)).

PART TWO PROCEDURES: MULTILATERAL CSCE PREPARATIONS

I. GENERAL OBSERVATIONS

359. From a Western point of view, the Conference on Security and Co-operation in Europe is not an end in itself, but an element in a continuing process intended to promote détente and stability in Europe. It should lead to practical results, going beyond high-sounding phrases to tackle the real problems. In this way, it would attempt to mitigate the underlying causes of tension, not merely its superficial manifestations. To accomplish these goals, the Conference must be carefully prepared.

360. Those taking part in the Warsaw Pact meeting in Prague in January 1972 stated that they regard with understanding the reasoning of many states who favour the carrying out of necessary preparations for an all-Europe conference in order to promote its speediest convocation and its success. The need for careful preparation is likewise accepted by the Government of Finland and other non-aligned or neutral states.

361. The bilateral negotiations about the treaties of Moscow and Warsaw as well as the Berlin negotiations which took place in several stages have highlighted some of the problems with which we will be confronted in any large-scale East-West talks. However, they have also shown that difficulties can only be overcome, without pressure of time, step by step and by flexible negotiations which are co-ordinated in all their stages.

362. Therefore, preparations for a CSCE should be seen as a step-by-step process which is controlled by governments at all times and which does not follow a fixed timetable. Certain modalities of CSCE preparations, such as the level of representation, will have to be clarified in bilateral talks. However, these issues should not be addressed until after signature of the Final Quadripartite Protocol on Berlin.

363. Agreement to take part in the multilateral conversations in Helsinki does not:

- (a) constitute a commitment to take part in a CSCE;
- (b) prejudice the eventual meeting place of the Conference;
- (c) constitute international recognition of the GDR (the disclaimer concerning the participation of the GDR worked out by the Bonn Group could be introduced or confirmed in this context).

II. OBJECTIVES OF MULTILATERAL CONVERSATIONS

364. The purpose of the multilateral phase is to enable the Western countries to ascertain that there are reasonable prospects:

- (a) of having the Western proposals carefully considered at the Conference itself;
- (b) of establishing enough common ground amongst the participants in the multilateral phase to warrant the hope that the Conference will produce satisfactory results.

365. It is the view of some Allied Governments that in order to attain these objectives, it will be necessary to establish committees, commissions or working groups to carry forward preparations in greater depth, inter alia by preparing texts, agreed to the extent possible, for further ministerial consideration. The object of these further preparations will be to identify contentious issues and to resolve them to the extent possible prior to the convening of any ministerial-level conference.

III. MODALITIES FOR ORGANIZING MULTILATERAL CONVERSATIONS

Participation

366. Thirty-four countries(1) have received the Finnish memoranda of 5th May, 1969 and 24th November, 1970. It is the view of the Allies that all of these countries should be entitled to participate, if they so wish.

367. Participation in multilateral conversations should not be extended to non-European states, other than Canada and the United States.

368. In general, the Allies are opposed to participation by international organizations in the multilateral talks, particularly during the initial phases. However, they may under certain circumstances need to consider the possibility of participation of some international organizations as observers. The number of organizations which may wish to participate in the multilateral conversations may be large. They fall into two categories:

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- (1) Albania, Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Eire, Federal Republic of Germany, France, German Democratic Republic, Greece, the Holy See, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Rumania, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States, USSR, Yugoslavia.

- (a) The United Nations and/or affiliated agencies (e.g. the Economic Commission for Europe), some of which might be called upon for technical assistance.
- (b) Other international organizations (e.g. COMECON, OECD, Council of Europe).

369. Representation of the European Communities is a special problem which is presently being examined by the states which are members of that organization.

Level of Representation

370. The Head of Mission accredited in the host country, where such missions already exist, should be the Head of Delegation during the whole phase of multilateral preparations. The Head of Delegation may be supported by experts to the extent that the problems to be dealt with require their presence. These experts could be invited to take the floor at the request of Head of Delegation. Delegations should be limited to the minimum number required for the conduct of essential business.7

OR

The Allies wish that the multilateral talks be opened at official level. During these discussions, the Head of Mission accredited in the host country, where such missions already exist, would be the titular Head of Delegation. Participation of experts from capitals could be envisaged, again at official level. In subsequent discussions, the Head of Delegation could continue to be the locally accredited chief of mission or could be another official, no higher in rank. Delegations should be limited to the minimum number required for the conduct of essential business.7

Decision-making Process and Rules of Procedure

371. The general view of the Allies is that decisions would ordinarily be taken by consensus, recorded by the Chairman. However, the decision-making process and other questions relating to rules of procedure should be studied further.

Chairmanship

372. The Chairmanship of the multilateral conversations could appropriately be assumed by a senior official of the host government. Practices adopted during the multilateral conversations would be without prejudice to the question of the Chairmanship of the CSCE and any subsidiary bodies.

Committees

373. It may be decided to establish committees and sub-committees during the course of the multilateral conversations. The procedure for selecting Chairmen for these committees can more appropriately be addressed at a later stage, but need not necessarily be the same as for the multilateral conversations as a whole.

Working Languages

374. The number of working languages used in the multilateral conversations should be kept to a minimum and should not prejudice the choice of languages to be used at the Conference. /One criterion in choosing the working languages might be the extent to which they are used by the countries participating in the multilateral talks./ /These languages might be French, English, German and Russian, with simultaneous interpretation facilities also for other important languages, such as Italian./

Public Information

375. The multilateral conversations would be closed to the press and the public, but would not be considered to have a confidential character. No joint declarations would be issued during the discussions. Each national delegation would be free to conduct its public information activities in its own way.

IV. THE MULTILATERAL CONVERSATIONS

376. The conduct of the conversations will be an organic process and it will be difficult in practice to differentiate rigidly between different phases of it. There should be an orderly progression without pressure from time deadlines. It is on these premises that the following paragraphs are based.

377. It is important that at every stage time is left between meetings or groups of meetings for reporting to governments, consultation among Allies and the issuance of fresh instructions.

A. Opening Session

378. During the opening session the Heads of Delegations should first discuss the work programme and the procedure of the multilateral conversations.

379. At the first meeting the Heads of Delegation of the Allies should put forward general considerations about the multilateral phase as expressed in paragraphs 362-365 of this document. It should be underlined that:

- discussions of the substance of the conference items during the multilateral phase are essential, so that this phase cannot be restricted to discussions of purely procedural and organizational matters of the Conference;
- there is a close interrelation between the Conference items and the method of dealing with them and that these two aspects have to be looked at simultaneously;
- however, discussions on the date and the place of the Conference could only take place at the very end of the multilateral phase.

380. Once agreement has been reached on the procedure for the multilateral phase, a first effort at defining the framework of the conference subjects and the procedures to cope with them would be made. This would presumably be facilitated by such exchanges of views as will have taken place before the opening of the multilateral phase.

B. Ensuing Meetings

381. The ensuing meetings should:

- carry forward the discussion of the subject matters of the Conference and arrange it into Agenda items;
- set up a sequence according to which these Agenda items would be treated;
- discuss the modalities of the Conference itself (type of Conference);
- draft the mandate of any committees, (and if necessary, sub-committees) which may be established, either in the multilateral conversations or at the Conference itself.

382. These meetings would lead to some exchange of views on the substance of the issues raised by the various participants. Allied negotiators would explain the nature of their proposals and the reasons why they attached importance to them. They would note the reactions of the other participants to their ideas and the extent to which these other participants seemed ready to accommodate Allied views. There are however different

views within the Alliance on the extent to which an attempt should be made during the multilateral preparations to achieve agreement on the substance of the various issues. Some governments believe that during the multilateral preparatory phase all issues should be thoroughly and substantively negotiated and that the multilateral preparations should continue until the major contentions issues have been resolved to the extent possible before Ministers meet to negotiate remaining differences and approve final texts. Other governments think that at the least we will need an agreement in principle by the participants on certain basic issues (e.g. agreement on the principles governing relations between states, discussion of military aspects of security, and the relationship between "free exchanges" and "co-operation"); while others believe that it would be a tactical mistake to seek any agreement on the substance of the issues during the multilateral preparatory phase and that serious negotiations on the substance should take place after the Conference has begun, and in commissions set up by Ministers for that purpose.

383. Thus, all members of the Alliance are agreed that there should be enough discussion of substance to enable agreement to be reached at the multilateral preparatory phase on:

- (a) the items for the Agenda of a CSCE;
- (b) the establishment of commissions and other machinery to carry forward negotiations at a CSCE;
- (c) short descriptive texts explaining in general terms the items at (a) and act as terms of reference for the commissions etc. at (b).

Whereas some governments think that it is undesirable to go further than this before a CSCE meets at Ministerial level, other governments believe in varying degrees that agreement on the substance of at least some of the issues which cause divisions in Europe is an indispensable preliminary to a CSCE at Ministerial level.

384. Depending on the resolution given to this question some consequential amendments may be necessary in other parts of this paper.

385. Because of the close relationship mentioned above in paragraph 368, meetings on procedural and substantive questions should be scheduled so as to ensure a comparable degree of progress in both fields.

386. The mandates to be given to any committees which it may be recommended to be established should be clearly defined in substance. This should ensure balanced but not necessarily simultaneous proceedings in all subject categories and thus an equilibrium in the preparation of the various subjects.

387. The committees and sub-committees should be composed in accordance with the subjects to be discussed at a Conference. Accordingly, several types of composition would be conceivable. The procedure for selecting chairmen for these committees or sub-committees should be settled only at the end of the multilateral phase in the light of the experience gained from the possible activities of any expert groups during the multilateral phase.

388. The question of the creation of new permanent institutions, their relationship to the United Nations and other organizations as well as the possible utilisation of institutions already existing, such as the Economic Commission for Europe, should not be dealt with before the Conference. It will depend on the objectives, the type and the development of the Conference how such new permanent institutions will be assessed. The Allies will have to make sure that the composition and functions of any secretariat created for the multilateral discussions will be confined to a technical rôle, and will not prejudice, or lead to, a permanent body.

389. Towards the end of the multilateral conversations there should may be an interval in the multilateral conversations during which governments may evaluate the results and decide whether the progress achieved thus far justifies the convocation of a Conference. (See paragraphs 382-384).

C. Concluding Session

390. In the concluding session, delegations should:

- agree on the Agenda for the Conference. In the process, Allied delegations should ensure that all questions essential to the West can be thoroughly discussed;
- agree on the modalities of the Conference itself;
- make recommendations on the composition and the concrete content and wording of the mandates of the committees which Ministers may wish to appoint after the first Conference or Conference phase;
- define elements for draft resolutions and declarations or work out drafts, where appropriate;
- agree on the convening of the Conference and recommend to governments a time and place for it.

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391. The advantage of this procedure is that no government will be disinclined to participate in a CSCE if the multilateral conversations take a successful course, so that only the time at which the Conference should begin remains to be fixed. If the multilateral conversations should end in failure, the postponement or the dropping of the Conference plan would not be obstructed by any "commitment to participate" declared earlier.7

PART THREE: ALLIED CONSULTATIONS DURING
THE MULTILATERAL PHASE(1)

I. General

392. The discussions within the Alliance on East-West relations in general and on the preparations for CSCE in particular have clearly shown that the position of member countries during the multilateral phase and even more so at the Conference itself will be more difficult than that of the Soviet Union and the majority of its Allies.

393. In the first place, Allied governments will be under constant pressure of their own public opinions to make a success of these talks, while Communist ruled countries which enjoy the monopoly of informing or disinforming their populations have little to fear in this respect.

394. Secondly, the objectives of the Soviet Union and its Allies as publicised in Warsaw Pact communiqués and statements of their leaders - a declaration on the non-use of force, respect for existing borders, consolidation of the status quo in Europe and co-operation in the economic, technological, environmental and cultural fields - lend themselves much more easily to fulfilment in the form of fairly simple declarations than the more complex and more embracing Western objectives.

395. Thirdly, although it is true that in Helsinki the delegations of member countries will dispose of an extensive dossier with viewpoints which will have been carefully worked out within the Alliance during several years, many of these viewpoints will in fact be compromises of diverging ideas of the various governments.

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- (1) The French and Norwegian Delegations have not been able to associate themselves with the ideas set out in paragraphs 392-402. Whilst stressing that it was necessary to continue consultations between the Allied countries during the multilateral phase in order to co-ordinate their views and harmonise their positions, they consider, however, this does not mean that special machinery for regular consultations between Allied representatives in Helsinki needs to be devised beforehand. These representatives will, of course, continue to hold contacts with one another - the nature of which will be adjusted as the need arises - bearing in mind that it is also advisable to establish liaison with other Western and neutral delegations. During the multilateral phase, the Council and its Committees will also press ahead with discussions on questions connected with the preparation of the Conference.

396. The Delegations of the Allies will, moreover, be confronted by a group of Eastern nations among whom the Soviet Union, to say the least, will play a preponderant rôle.

397. Therefore, it will be indispensable that Allied consultations be conducted as intensively after the beginning of the multilateral phase as they were before. These consultations will have to take place at Helsinki as well as at NATO Headquarters in Brussels. They will deal with matters of substance, questions of procedure and negotiating tactics. As it is hardly possible to make a clear distinction between these three categories and as, moreover, the delegations in Helsinki must necessarily enjoy a certain degree of freedom of manoeuvre, no attempt is made in the following to lay down rigid rules. A pragmatic approach seems more appropriate. As a general rule, however, any matter - whether substantive, procedural or tactical - that might have important policy implications should be made subject of Allied consultation in the Council in Brussels. Of course, final decisions will be the responsibility of governments.

398. Consultations amongst Alliance members would not preclude consultations with other participants in a CSCE. This paper does not address the problem of how such consultations should be conducted.

II. Consultations in Helsinki

399. For the purpose of Allied consultation in Helsinki, a Caucus made up of representatives of Allied delegations there should be established. This Caucus should meet regularly and in secure surroundings. As far as applicable, rules of procedure may be copied from Western Caucuses at UN Headquarters in New York and at the ECE in Geneva.

400. The Caucus should discuss, in particular, questions of presentation of substantive views, the internal division of labour, conference tactics, and press handling.

III. Consultations in Brussels

401. The more substantive questions which emerge in Helsinki, as well as any differences of view between Allied delegations, should be discussed within NATO. Apart from these specific questions there are two areas of a more general nature which will be the special concern of NATO:

- (a) to provide the necessary guidelines to ensure that at Helsinki the Agenda Items proposed by the Allies are adequately explored; and

- (b) to consider whether the course of the talks justifies the continuation of this multilateral phase and eventually whether its results justify or not the common decision to go to the Conference.7

IV. Co-ordination between Helsinki and Brussels

402. It will be important to maintain close co-ordination between the consultations in Helsinki and Brussels. The following are examples of the way this could be done: some members of Allied delegations in Helsinki might come to NATO from time to time to report on the progress of the multilateral talks; officials from capitals, including those going to Helsinki, might also usefully come to NATO for consultations; members of NATO delegations might be assigned temporarily to the negotiating teams in Helsinki.

ILLUSTRATIVE DRAFT OF A JOINT DECLARATION ON MUTUAL AND
BALANCED MEASURES RELATING TO THE LEVELS OF ARMED FORCES
IN EUROPE

The Signatories of the present Declaration,

-A-

Conscious of their responsibilities for securing peace,
Emphasising the need to continue the policy of détente on which they have embarked,
Intending to look for possibilities of co-operation leading towards greater security for all states,
Hoping thereby to contribute to stability throughout Europe and in the world as a whole.

-B-

1. Have agreed on the following objectives:
 - (a) to maintain only such armed forces in Europe as are necessary for their individual or collective self-defence;
 - (b) to reduce the dangers of military confrontation in Europe through agreements on stabilising measures;
 - (c) to promote an agreed process towards appropriate measures for the limitation and/or reduction of armed forces and armaments in areas of Europe where such measures are feasible;

-C-

2. Undertake immediately and jointly to seek agreements or arrangements on specific measures concerning their armed forces in Europe and reflecting the objective of stabilising the situation in Europe in particular:
 - rules for major force movements;
 - exchanges of facilities designed to provide the conviction that no preparations for surprise aggression are undertaken; and
 - co-operative arrangements providing evidence of mutual peaceful intentions.

3. Note that it is the intention of the States concerned to enter into negotiations with a view to limiting and/or reducing the levels of forces and military equipment in certain appropriate areas of Europe towards a level in accordance with their purely defensive needs, in order to create a situation in which there will be no effective capability on any side to launch an armed attack with any prospect of success.

4. Undertake to refrain elsewhere in Europe, including the Mediterranean, from any action which could significantly affect the general alignment of forces in Europe, taking account of the disparities arising from geographic considerations among others.

5. Note that the States intending to participate in these negotiations are agreed:

- (I) to reduce their forces towards a level in accordance with their purely defence needs, in order to create a situation in which there will be no effective capability on any side to launch an armed attack with any prospect of success;
- (II) that these negotiations should be governed by the following principles(1):
 - (a) the defensive posture of these armed forces shall be assessed by taking into account not only the numbers of their personnel and equipment, but also their structure and disposition;
 - (b) the limitations and/or reductions of forces must form part of an integral programme also providing for verification measures and for stabilising measures making for a balanced whole. This integral programme may be phased in time and may consist of a series of steps, each one of which would be taken in conformity with the criteria set out below, and would be thoroughly verified before the next step was undertaken;
 - (c) force reductions must not operate at any time to the military disadvantage of any State or group of States;

(1) The principles enumerated below are illustrative and do not in all cases comply exactly with those in C-M(71)49(Final), which remain the only principles on which interested Allied countries have so far agreed.

- (d) force reductions must be consistent with undiminished security for all parties;
- (e) they should also be balanced in scope and timing and could be visualised as taking place in a sequence to be mutually agreed;
- (f) force reductions and other measures agreed should be designed in a way to ensure that stability is maintained at each stage transition to a subsequent stage should not take place unless the measures pertaining to the preceding stage have been implemented;
- (g) force reductions must be attuned to differences arising from geographic and other considerations;
- (h) force reductions should be reciprocal as to timing;
- (i) force reductions should be preceded or accompanied by appropriate collateral measures (e.g. those designed to prevent redeployments of forces resulting in an increased threat to regions outside the reduction area and ensure that the risk of miscalculation and surprise attacks is reduced);
- (j) the implementation of any force limitation and/or reductions agreement should be verifiable at each stage, the modalities and extent of verification and inspection depending on the size and nature of the limitation and/or reductions agreed;
- (k) force reductions should not be allowed to result in an increased threat to security in any part of Europe, including the Mediterranean;
- (l) they should include both stationed and indigenous forces, though an initial step concerning stationed forces reductions could be considered. Stationed forces mean any force in the agreed reduction area not located in their own sovereign territory;
- (m) force limitations and reductions must be agreed in quantitative terms.

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6. Welcome the fact that the States concerned with force limitations and/or reductions, on which negotiations are about to start in accordance with Section D above, intend to pursue their talks within the framework of the Conference on Security and Co-operation in Europe and to conduct them in such a way that appropriate account is taken of the security interests of the other European countries.

-F-

7. Express their firm conviction that agreements implementing these objectives and principles would strengthen confidence and peace in Europe and state their interest in an early start of negotiations on such agreements.

ILLUSTRATIVE DRAFT OF A JOINT DECLARATION ON MUTUAL AND
BALANCED MEASURES RELATING TO THE LEVELS OF ARMED FORCES
IN EUROPE

The Signatories:

Conscious of their responsibilities for securing peace,

Emphasising the need to continue the policy of détente on which they have embarked,

Intending to look for possibilities of co-operation in the interest of greater security,

Hoping thereby to contribute to stability in Europe and throughout the world.

State their belief that talks on the levels of armed forces in Europe would be useful and that any such talks should be based at a minimum on the considerations set out below:

- (a) force reductions should be such that they do not operate at any time to the military disadvantage of any State or group of States and must be consistent with undiminished security for all parties;
- (b) force reductions must be attuned to differences arising from geographic and other considerations;
- (c) force reductions should be reciprocal;
- (d) force reductions should form part of a phased integral programme, balanced in scope and timing and also providing for verification measures and collateral measures;
- (e) this integral programme should include stationed and indigenous forces. Stationed forces mean any forces not located in their own sovereign territory;
- (f) force reductions should be preceded or accompanied by appropriate collateral measures;
- (g) force reductions should not be allowed to result in an increased threat to security in any part of Europe;

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- (h) ~~the~~ implementation of force reductions and the compliance with the collateral measures preceding or accompanying them should be verified at each stage; the modalities and extent of such verification, which would include where appropriate inspection, would depend on the nature and scope of the reductions or measures;
- (i) stability should be maintained at each stage and therefore transition to a subsequent stage should not take place unless and until the measures pertaining to the preceding stage have been implemented and unless and until any collateral measures have proved effective.

CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE -
FREER MOVEMENT OF PEOPLE, IDEAS AND INFORMATION

Note by the German Delegation dated 7th April, 1972

A. The Interests Involved

(a) Attitude of the West with Special Reference to the
Federal Republic of Germany

1. On our side as well as that of our Allies, clarity has existed already at an early stage of CSCE preparations on the fundamental importance which attaches to the question of freer movement of people, ideas and information within the framework of the objective to improve relations between East and West. Inadequate freedom of movement is the problem no. 1 of our divided country. It is particularly in this field that it will have to be seen to what extent the détente to which we want to contribute by our policy can become a reality.

2. Therefore, none of the other countries participating in a CSCE is so directly affected as the Federal Republic of Germany by the discussion of the subject of "Freer Movement" at the Conference. It was due to a German proposal that this subject was included in a communiqué of the NATO Ministerial Meeting for the first time in December 1969, and it has since then formed a firm part of all Western conference preparations.

(b) Eastern European Countries

3. The comments of the Eastern side on this question have, up to now, not been very numerous and have been rather vague. Nevertheless, in the Franco-Soviet paper of 30th October, 1971, Mr. Brezhnev described the encouragement of contacts between people as one of the objectives of the Conference. Similar language is contained in the communiqué on Mr. Kosygin's visit to Denmark at the beginning of December 1971. Furthermore, the Warsaw Pact also accepts cultural exchanges and tourism as items of the Agenda and has repeated this position for the last time in the Prague Declaration of 26th January, 1971.

(c) Definition of "Freer Movement"

4. It is obvious that the freer movement of people, ideas and information comprises much more than the limited sectors referred to by the Eastern side. Improved co-operation cannot become effective in any one of the various fields without improving, at the same time, the freer movement of people, ideas and information in the manner appropriate to each case. In this sense, freer movement is an essential basic element for any real progress in the East-West relationship. The degree to which it is realized is the most important concretely visible yardstick for détente and co-operation.

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B. Negotiating Procedures

(a) General Considerations

5. At a CSCE, the West should therefore obtain acceptance of this idea in an as effective manner as possible. In view of the well-known reserve of the Warsaw Pact countries in respect of this subject, the assumption appears justified that the Eastern side would like to evade concrete measures in the field of freer movement and would prefer, at best, to dispose of the idea by some general language. This attitude could be made even easier if the West were to put forward our demands in a too rigid and uncompromising manner. If, on the other hand, the subject of freer movement is dealt with carefully and in a manner well thought out with a view to the practical results, there will be a chance to achieve progress step by step. In other words, what we have in mind are not spectacular moves but the development of a concept which, in spite of all the difficulties inherent in the system, leads to a maximum of practical results in the interest of the human beings and peoples themselves.

(b) Freer Movement as an Essential Element for any Form of Co-operation

6. In the opinion of the Federal Government, the elements - relevant in each case - of freer movement of people, ideas and information would have to be specially worked out in all fields, especially in those which are clearly in the Eastern interest.

7. The close and substantive integration - if it takes place as described above - of elements of freer movement with the various questions of substance will have the result that a successful treatment of the "basic substance" is made dependent on whether the necessary progress is made in the field of contacts and communication. Thus, for example, when the subject of economic co-operation is discussed, the question of the presence of the representatives of Western firms and their contact possibilities with their commercial partners would have to be an integral part of the Western concepts or offers in this field. The same would apply, for example, to the inclusion of visa arrangements in a paper on tourism or of principles for freer exchanges in the framework of the discussion of cultural relations.

(c) Freer Movement as a Basic Freedom of the Individual

8. Independently of this concrete inclusion in the various fields of substance, a basic statement reflecting the outstanding importance of the principle of freer movement should be included in an East-West Declaration of Principle in which freedom of movement is presented as a practical example of the realization of the generally-recognised human rights and basic freedoms of the individual.