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REPORT ON THE IMPLEMENTATION OF THE FINAL ACT  
OF THE CSCE

Note by the Secretary General

Attached is a report by the Council in Permanent Session on the implementation of the Final Act of the CSCE.

2. This report covers the period up to 30th November, 1975.

(Signed) Joseph M.A.H. LUNS

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This document includes: 1 Annex

N A T O C O N F I D E N T I A L

IMPLEMENTATION OF THE FINAL ACT OF THE CSCE

Report by the Council in Permanent Session

PART I

1. At its meeting on 1st October, 1975, the Council agreed that a report on those aspects of the implementation of the Final Act of the CSCE which have a particular importance for the members of the Alliance could be prepared by the Political Committee, in collaboration with other relevant committees, for the Council on the eve of each Ministerial Meeting, within the larger framework of the examination of East-West relations and the general problem of détente. This is the first such report.

2. The exchange and compilation of information on this subject, in accordance with the decision by the Council, have already proved useful to the Allies and should be continued. Depending on the information made available by Allied authorities, future reports for the Council could present a more detailed tabulation of quantitative and qualitative information in respect of implementation of the Final Act, as well as some judgements about performance on the basis of this evidence.

Summary and Conclusion

3. Since the Helsinki Summit, there have been only a few examples of action by Warsaw Pact countries which can be described with any certainty as constituting implementation of the Final Act. This lack of early progress is not altogether surprising given the nature of those régimes, the short time which has elapsed and the complexity and political sensitivity of the subject. Moreover, the question of Mr. Brezhnev's future, the possible disagreement over policy among Soviet leaders, delays inherent in their policy making machinery, and the high priority now being given to preparations for the Conference of European Communist Parties and Congress of the Soviet Communist Party, are all likely to be contributing to the difficulty of reaching decisions on implementation.

4. Nevertheless, there is already some evidence of the broad policy lines which the Warsaw Pact countries are adopting. These are emerging very much as was anticipated by the West when the Final Act was signed. The confidence building measures have presented the East with a particular dilemma.

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5. The Warsaw Pact governments have celebrated the Final Act as a historic stage in the policy of détente, which they describe as "irreversible". They have repeatedly claimed that they will fully implement the provisions of the Final Act. But, at the same time, they have made clear that they intend to be firmly selective as regards degree, method and timing of implementation. There have been no visible changes in Soviet policy towards Berlin since the signing of the Final Act.

6. The Warsaw Pact governments draw a distinction between inter-state relations which are to be governed by the Final Act and "social development" which has a momentum of its own. To the degree that the Soviets continue to insist on their one-sided concept of the "ideological struggle", it will put a severe limitation on the potential for improvement of relations as a result of Helsinki. In addition, they have indicated that the Final Act only applies to relations between countries with different social systems.

7. The Declaration of Principles within Basket I is represented as the most important aspect of the Final Act, as having the status of virtual international law, and as indirectly fulfilling the functions of a peace treaty legitimizing the present territorial and political status quo in Eastern Europe. The importance placed on this section of the Final Act is consistent with the Eastern view that "security" was the most important subject addressed by the CSCE.

8. To date the Eastern countries have not notified any major manoeuvres, nor have they issued invitations, under the confidence building measures of the Final Act. It is difficult to arrive at reliable estimates with regard to the size of Eastern manoeuvres, but there has been no evidence to date to indicate that the Eastern countries have avoided honouring their undertakings under the Final Act of Helsinki. The Warsaw Pact countries have ignored Allied invitations to attend manoeuvres, although Romania has accepted an invitation to attend a Swiss manoeuvre.

9. The response on the part of Warsaw Pact governments to the provisions of Basket II of the Final Act has so far been inconclusive. The overall interest of Eastern countries should be high in securing the benefits of Western science and technology and in realizing economic exchanges on advantageous terms. However, there are no indications yet as to what detailed approaches may be made.

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10. The initial reactions of Warsaw Pact governments suggest that their interpretation of a number of matters in Basket III, particularly humanitarian issues, has been, for the most part, legalistic and restrictive. The provisions of Basket III are being presented as requiring implementation mainly through further bilateral and multilateral agreements, and as being governed by the general principle of non-intervention in internal affairs.

11. Despite the generally defensive and restrictive nature of their initial reactions to and interpretation of the Basket III issues, there are indications that the Warsaw Pact countries are prepared to concede some small steps in those areas of strong and persistent interest in the West. At this stage, therefore, it would seem premature to be too highly critical of the Eastern performance so far.

12. In these circumstances, discreet and persistent efforts by individual Western governments to bring about implementation by Warsaw Pact countries are essential. Vigilance by Western governments is also required to counter misinterpretations by Warsaw Pact countries of the Final Act, and in particular of the Declaration of Principles. Care must be taken to meet Eastern attempts to use multilateral institutions in this way. Contact with the neutral CSCE participants should be maintained.

13. Western countries are themselves only in the initial stages of implementation in some **areas and of planning how to follow** up the Final Act. They must not only consider how to obtain compliance by Warsaw Pact countries in response to Western initiatives designed to increase exchanges and contact, but must also be prepared to counter effectively accusations of poor Western implementation.

14. The following paragraphs consider these questions in greater detail.

PART II

BASKET I - Declaration of Principles

15. The key problem in monitoring implementation of the Declaration of Principles is the differing political interpretation given them by the various states, particularly differences in viewpoint between East and West. This problem is a result of fundamental ideological differences between Communist and Western countries, and their conflicting national interests. These differences underlie differing perceptions and interpretations of the Principles, and do not appear reconcilable in the near term.

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16. The Warsaw Pact countries have emphasized the "Declaration of Principles Guiding Relations between States" over the other sections of the Final Act. They maintain that it is this Declaration which has met the primary concern of the Conference, security. The East has claimed for this "codex" of Principles a quasi-juridical status in international law.

17. Three Principles have been generally singled out for special emphasis by the Warsaw Pact: the inviolability of frontiers, territorial integrity, and non-intervention in internal affairs. A fourth Principle, the sovereign equality of states, has been singled out by the GDR. This selective approach ignores the assertion within the Declaration of Principles that all the Principles are of primary significance and to be equally applied. Of the Warsaw Pact countries, only Romania appears to be giving emphasis to other Principles in Basket I, particularly those which strengthen its position of independence vis-à-vis the USSR.

18. The four Principles listed above are viewed together by the Warsaw Pact as legalizing post-war borders as well as the régimes of Eastern Europe including their unimpeded legislative power. The peaceful change formula is being described by the GDR as being relevant for them only in the context of smaller corrections of borders, since "socialism and capitalism could never be united". The "peaceful change" formula as well as the 10th Principle, "Fulfilment in good faith of Obligations under International Law", are carefully avoided by all Warsaw Pact countries when trying to insert selected Principles into bilateral agreements or declarations with Western countries.

19. The USSR/GDR Treaty of Friendship of October 1975 reflects this approach. Indeed, the Treaty represents a retreat from the terms of the Final Act in that it refers not only to the "inviolability" of frontiers, but also to their "immutability".

20. Warsaw Pact commentators maintain that the Principles of sovereign equality and of non-intervention in the internal affairs of states govern the application of other provisions of the Final Act, Basket III in particular. On the other hand, this Principle is not held to inhibit the pursuit of the "ideological struggle" against the West. The call by the French President on 14th October, during his visit to Moscow, for the application of détente in the ideological domain, received the firm rejoinder from Mr. Brezhnev that international détente in no way rules out the battle of ideas. In the Soviet view, this battle can be waged on non-Communist soil only. Furthermore, the Principle of non-intervention is not held to apply to the

Soviet Union's relationship with Western Communist parties, nor with respect to its subversive activities in certain Western states. Two recent illustrations have been exhortation in the Soviet Press for revolutionary zeal on the part of the Western Communist parties (Brezhnev gave public endorsement to the article by Zarodov in Pravda on 6th August, 1975) and praise for the use of the general strike to overthrow capitalist régimes (Pravda, 19th October, 1975).

21. Although the Final Act applies to relations among all signatory states, the Soviet Union has made clear that in the case of East European states, the provisions are to be subordinate to the overriding need "to protect and defend the historic achievement of socialism". The USSR/GDR Treaty contains this phrase, and is a further indication of a move by the USSR to tighten its control over Eastern Europe in the post-Helsinki period. The Brezhnev doctrine is to remain in force.

BASKET I - Confidence Building Measures

22. Since the signing of the Final Act, the Allies have notified all the "major manoeuvres" in which their ground forces have engaged - namely three large field exercises; and in addition have volunteered notification of three "smaller scale manoeuvres" as encouraged, but not required by the Final Act. Allies have also invited observers from all CSCE participant states to witness one large multinational exercise.

23. So far the Soviet Union and its allies have not taken any steps towards the implementation of confidence building measures, although immediately after Helsinki there were some occasional favourable Eastern press commentaries with regard to these measures. None of the Warsaw Pact countries have yet sent any notification of military manoeuvres or issued invitations, nor did they respond to invitations to send observers to an Allied manoeuvre. Romania did, however, send an observer to a Swiss manoeuvre. Major Soviet media have not only dismissed Allied notification and observer invitations as irrelevant, but have taken the general line that NATO military manoeuvres were incompatible with the spirit of Helsinki.

24. According to available evidence, the Warsaw Pact countries have not carried out manoeuvres with more than 25,000 troops in Eastern Europe or in an area within 250 kilometres of the USSR's European borders. It ought to be noted, however, that unlike certain Allied countries the Warsaw Pact countries have not chosen to notify smaller scale manoeuvres of which there have been several. The document on confidence building measures and certain aspects of security and disarmament encourages their notification.

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25. Romanian officials have given the impression that they are more favourably disposed towards CBM implementation than other Warsaw Pact members. Reactions to Allied notifications from neutral and non-aligned countries have generally been positive. In addition Yugoslavia and Switzerland have notified respectively a small and a large-scale manoeuvre. The latter also extended invitations to observers, apparently considering this continuation of a practice of previous years as being also in fulfilment of the Final Act.

BASKET II

26. Three months after the close of the CSCE there is still considerable scope for obtaining, from Warsaw Pact countries, better facilities and greater freedom of action for businessmen as well as an improvement in the flow of commercial and economic information. Any progress which has been noted in the recent past cannot be considered as a direct consequence of the provisions of the Final Act of the CSCE. No definite patterns have as yet emerged and it will take time for these to develop.

27. In this context, there would seem to be a particular case for examination and assessment by the Economic Committee of the unilateral and bilateral efforts expected from the parties of the CSCE in order to implement the provisions of the Final Act (Basket II).

Commercial Exchanges

(a) Business contacts

28. In the GDR, Romania, Czechoslovakia and Bulgaria policies continue to be very restrictive as regards access of Western businessmen to end-users of their products. Little contact, if any, is allowed and foreign interests have to deal almost exclusively through the Foreign Trade offices and the official agency firms. In Czechoslovakia no facilities are really offered to newcomers to the market, Romania clearly prefers to deal with large multinationals and has little time for medium or small sized firms and Bulgaria keeps businessmen at arms length, limits their contacts and generally keeps them ignorant of the decision making process which, ultimately, is likely to affect their marketing strategies.

29. The situation in the Soviet Union would seem to be somewhat easier. In their report the United States Authorities state that there has been a steady improvement of conditions for expansion of business contacts between US firms and Soviet clients. However, this seems to be the result of an evolution

which started a few years back and there does not seem to be any sharp identifiable change in prevailing conditions in the expansion of business contacts since August 1975. In Hungary the attitude is somewhat ambiguous. That country seems to allow businessmen to have contacts with end users and does not restrict access to foreign trading firms, but the authorities are less accommodating in the case of countries which have not granted Hungary the benefits of the MFN clause. Poland seems to have greatly improved facilities over the last few years and is allowing a substantial expansion of Western business presence in the country.

(b) Working conditions for businessmen

(i) Possibilities for establishment of permanent representation and of offices

30. Czechoslovakia still applies strict prohibition as regards the opening by foreign firms and businessmen of permanent commercial offices, but a change to be implemented on 1st January, 1976, was announced in November. No official ban exists in other Warsaw Pact countries, but the degree of "liberalism" varies from one country to the other. In the GDR very few Western firms are allowed to have accredited offices and in Bulgaria, although the establishment of permanent representation is not prohibited, possibilities for doing so are practically non-existent and firms are actually discouraged from trying to do so. The Soviet Government grants permission to maintain representative offices, however approval is lengthy and applicants are never sure whether their request will be accepted. Hungary, and especially Poland, seem to be more willing to allow businessmen to set up offices locally.

(ii) Better provision of accommodation, means of communication and premises

31. In general, working conditions for businessmen still leave much to be desired in Warsaw Pact countries with, perhaps, the possible exception of Poland. In Romania conditions have actually deteriorated as a result of acute shortages of office space and housing; rental arrangements can no longer be made privately but must be concluded with the state authorities. Telephone, telex and cable communications with the West vary from adequate to good but are generally very expensive.

(c) Availability of commercial and economic information

32. No perceptible progress has been noted as far as the publication of scientific, economical and statistical reports are concerned. In all Warsaw Pact countries severe restrictions

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continue to exist on a whole range of statistical information which is generally freely available in the West. Here again there are substantial differences in the quality and the abundance of the data which are published by the individual countries.

Science, Technology and Environment

33. Information about the Warsaw Pact attitudes in the field of scientific, technological and environmental co-operation is patchy. The United States has reported that the USSR's attitude to scientific and technological co-operation has been consistently positive; this is also the case for co-operation on environmental matters.

34. In all of these fields Warsaw Pact countries have usually something to gain from co-operation with the West and, in addition, they are careful to eschew any items which, from their point of view, could be politically, economically or ideologically sensitive. It is not surprising, therefore, that co-operation is easier to achieve than in economic or commercial areas.

BASKET III

35. The Soviet leadership evidently feels vulnerable to Western criticisms of non-compliance in the humanitarian field, but is, nevertheless, determined to maintain tight control over the degree, method and timing of any implementation of Basket III. They have been concerned in the immediate aftermath of Helsinki to stress the limits on implementation, both for internal reasons and as a warning to the West. They argue that "security" was the major objective of the CSCE, that the security provisions are embodied above all in the Declaration of Principles, and that the implementation of other parts of the Final Act, such as Basket III, is not only of less importance but can only proceed on the basis of the Declaration of Principles, in particular the Principle of non-intervention in internal affairs. They will implement these provisions "on the basis of reciprocity and in precise accordance with the spirit and letter of the document"; unilaterally in some cases, and in others on the basis of further agreements; but this requires efforts also by the West as "the practice that has developed there is ... still creating many obstacles ...". The Final Act does not constitute a pledge "to open wide the doors of anti-Soviet subversive propaganda ..." (Arbatov Izvestiya 4th September, 1975). Nothing in Helsinki gives the West the right to demand that the Soviet Union should alter its "established customs and practices". There have also been hints that implementation depends upon the creation of favourable conditions by furthering détente.

36. On the other hand, there is some evidence to suggest that Moscow is reconciled to some small steps, in areas of persistent interest in the West. One concrete CSCE related improvement has been the Soviet Union's agreements with the United States, France, Italy, Sweden, FRG and Finland on multiple entry visas for resident journalists. The UK is negotiating with the Soviet Union about improved working conditions for journalists, including multiple entry visas. The CSCE has also apparently made it easier for the Polish Government to sign a protocol on the issuance of exit permits during the German Foreign Minister's visit to Warsaw on 9th and 10th October. In other instances, the link with CSCE is less clear; for example the favourable handling by the Soviet Union of some of the humanitarian cases pressed by Western governments. The marriage approvals in the Spassky case and an Austrian case were treated in the Western press as resulting from the CSCE. Nonetheless the overall number of successful humanitarian cases has not markedly increased.

37. In some instances (e.g. the lists of outstanding personal cases presented by the United Kingdom to the governments of Romania and Czechoslovakia, and those presented by the United States to Bulgaria and Hungary) there has been either no or very little progress since Helsinki. In other cases (e.g. on the part of Czechoslovakia, the resolution of a number of United Kingdom marriage cases, the increase in the number of visits to Canada and the resolution of some Canadian family reunification cases), the recent more favourable attitude is unlikely to have been influenced by the CSCE. The refusal by the Soviet Union to grant a visa to enable Sakharov to receive his Nobel prize is difficult to reconcile with the 7th Principle (respect of human rights and fundamental freedoms including freedom of thought, conscience, religion or belief). There are no signs yet of a more relaxed Soviet attitude to emigration by Soviet Jews and other groups.

38. There has been no appreciable improvement in the travel field, nor has there been any change in pre-CSCE levels of dissemination of Western information in the Warsaw Pact countries.

39. In general, there has been an increase in cultural and educational exchanges between Western and Warsaw Pact countries over the past few years, which would probably have continued irrespective of the CSCE Final Act. Nonetheless, with regard to the US/USSR exchanges for example, the CSCE may lead to increased activity in areas of mutual interest in existing bilateral exchanges. Moreover, it is expected that

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the provisions of the Final Act of the CSCE will be reflected in a new programme of cultural exchanges to be agreed during Anglo-Hungarian talks to be held at the end of November. As regards developments since Helsinki, the agreed minute on the conclusions of the Anglo-Polish Joint Commission in October included CSCE language in the section on science and technology. Norway has also completed cultural agreements with Hungary and Czechoslovakia which included references to the CSCE. During the visit of the FRG Foreign Minister to Warsaw in October it was agreed to accelerate negotiations for a cultural agreement.

40. During the visit by the French President to Moscow in October, in addition to the agreement for visas for journalists, the two sides declared their intention to apply all the provisions of the Final Act with respect to co-operation in humanitarian fields (contacts between persons, information, cultural co-operation and education exchanges) and to this end envisaged the conclusion of a cultural agreement, the development of meetings between young people and better Russian and French language instruction, and the improvement of work and visit facilities for specialists in all fields.

MULTILATERAL IMPLEMENTATION

41. The Final Act gives such international fora as the ECE and UNESCO a rôle to play in the implementation of the results of the CSCE. The Executive Secretary of the ECE has circulated a detailed list of activities which the Commission could pursue. Certain Western delegations have formed a working group in Geneva to examine this list in the light of the Final Act. As regards multilateral aspects of Basket II, Allied countries will need to consult carefully on the rôle the ECE should play, in order, *inter alia*, to frustrate any attempts by the Warsaw Pact countries to use that organization as a means of neutralizing demands addressed to them or of reneging on unilateral commitments accepted under the Final Act. Close contacts between the Economic Committee and the national representatives of Allied countries in Geneva would, therefore, seem to be particularly desirable in the post-CSCE period(1).

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(1) In this connection it may be useful to recall that, traditionally, shortly before the Annual Session of the ECE (Geneva), the Economic Committee has had an exchange of views with members from Allied countries' delegations in Geneva who are invited to participate in a meeting specially arranged for that purpose.

42. In the frame of UNESCO the Romanians have prepared two lists of subjects which in addition to those explicitly mentioned in the Final Act should also be handled. The need for caution on the part of the Allies, which has been noted in the case of the ECE, applies with even greater force in the case of UNESCO. There has already been an example of Warsaw Pact countries attempting to use UNESCO to circumvent or retreat from provisions of the Final Act. This requires the closest collaboration among Allied delegations at UNESCO.

43. The members of the European Community are studying various ways of using these multilateral fora for implementation. On 15th October a non-official discussion also took place in the Council of Europe.

44. The Final Act also envisages the establishment of meetings of experts of participating states to discuss various questions, mainly of a technical nature. No proposals have yet been formulated by any CSCE participant.

NEUTRAL AND NON-ALIGNED

45. The Allies have begun to exchange views on implementation bilaterally with neutral participants in the CSCE. These exchanges should be continued.

46. A special case is the attitude of Yugoslavia which has tended to give equal emphasis to all the Principles in Basket I, since many protect its position of independence from Moscow. Yugoslavia has reacted positively to the confidence building measures, voluntarily notifying one smaller scale military manoeuvre and responding to Western and neutral notifications and invitations for observers. Yugoslav officials have confirmed that they regard the CBMs as a most important aspect of the Final Act and have said this provision is one which they hope to have made more binding at the 1977 Belgrade meeting. Yugoslavia is actively seeking to implement the Basket II provisions in accordance with its aim of improving its economic and technological relations with Western countries and avoiding too great economic integration with the Warsaw Pact. Regarding Basket III, there have been no significant developments to date to illustrate clearly Yugoslav intentions. Cultural and education provisions seem to present no problem. The UK hopes that the programme of cultural exchanges to be agreed with Yugoslavia next year will reflect the provisions of the Final Act.

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PUBLIC PROPAGANDA CAMPAIGN

47. It is evident that Warsaw Pact leaders are disappointed at the cautious and sceptical reaction among Western public opinion towards the Helsinki Summit. The Warsaw Pact seems to be about to launch a major propaganda campaign based on the call to implement the Final Act. For example, the "International Committee for European Security and Co-operation" in Brussels on 18th-20th September, 1975, which adopted an action programme for the "social forces", has been followed by other efforts in the European Council of Churches (meeting near Berlin, 27th-31st October) and through a Conference of European agrarian "peasant" parties in Varna, Bulgaria (30th-31st October) sponsored by the Bulgarian Agrarian Union, to focus international attention on Eastern interpretations of the Final Act.

48. Another propaganda theme has been to accuse the Western governments of not publishing and distributing the Final Act in their countries; an account of Western and Eastern performance in this respect is attached as an Annex to this report.

49. Finally, Warsaw Pact countries are laying considerable stress on the need to complement political détente by what they call "military détente". They are also continuing to press disarmament proposals, some of which are purely propagandistic in nature, in the United Nations and elsewhere. As the date of the Belgrade meeting in 1977 draws closer it will be worth watching to see if any changes in the Soviet stress on "military détente" occur.

PUBLICATION AND DISSEMINATION OF THE FINAL ACT  
BY WARSAW PACT AND NATO COUNTRIES

The CSCE Final Act contains a paragraph according to which "the text of the Final Act will be published in each participating state which will disseminate it and make it known as widely as possible" (2nd final clause). In Romania, the USSR, the GDR, and Czechoslovakia the party and governmental papers have published the full text and have given it wide distribution. The Poles have published the Final Act in the press, but only with appropriate deletions, as well as in a booklet form which does not seem to be readily available. Similarly unavailable are the three editions of the Final Act reportedly published by Hungarian Authorities. Bulgaria has disseminated only summaries and abridged versions; they have apparently published the full text, but this is not readily available.

There has been criticism by Warsaw Pact commentators of the alleged failure of the Western countries to publish the full text of the Final Act. In fact, the practice in Western countries in this respect has been mixed. The United Kingdom has published the Final Act as a White Paper and given it the same distribution as new legislation; Canada has a plentiful supply in English and French available at a nominal charge from "Information Canada". The United States has published it in the State Department Bulletin, as a State Department press release, and as a Government Printing Office publication. France has printed the Final Act in the publication "La Documentation Française"; the Netherlands has inserted it in the official journal and will publish it shortly in a separate booklet in Dutch. The FRG has printed a total number of 250,000 copies in different publications and in the newspaper Vorwärts. Copies of a brochure are available free of charge in the Government Press and Information Office. Denmark is issuing it in an official publication of the Danish Foreign Ministry; the Italian MFA has also published and distributed it. Norway will issue the Final Act shortly as an Annex to a government White Paper; Greece, Turkey and Belgium are in the process of having it translated and published in the appropriate languages.