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IMPLEMENTATION OF THE FINAL ACT OF THE CSCE

Report by the Chairman of the Political Committee

At its meeting on the 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.

Main trends

In the short time which has elapsed since the Helsinki Summit, there have been only a few examples of action by Warsaw Pact Governments 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 complexity and political sensitivity of the subject. Moreover, the expected retirement of Mr. Brezhnev, 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. Nevertheless, there is already some evidence of the broad policy lines which the Warsaw Pact countries are adopting.

The Warsaw Pact Governments have celebrated the Final Act as a historic stage in the policy of détente, which they describe as "irreversible". They are attempting to enhance its status by incorporating references to it in bilateral declarations etc. with the West. They have claimed that they will fully

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implement the provisions of the Final Act, but, at the same time, they have indicated the limits within which they intend to apply it. The Declaration of Principles is represented as having the status of virtual international law, and fulfilling the functions of a peace treaty legitimizing the present territorial and political status quo in Eastern Europe. On the other hand, the humanitarian provisions in Basket III are presented as requiring implementation through further bilateral and multilateral agreements, and as being governed by the general Principle of non-interference in internal affairs.

A distinction is drawn between inter-state relations which are to be governed by the Final Act and "social development" which has a momentum of its own; the ideological struggle against the West is to continue unabated. It has furthermore been implied that the Declaration of Principles only applies to relations between countries with different social systems.

Basket I - Declaration of Principles

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-judicial status in international law, and have called for it to be implemented immediately.

Three Principles have been singled out for special emphasis by the Warsaw Pact (except Romania): the inviolability of frontiers, the territorial integrity of states, and non-intervention in the internal affairs of states. They are viewed together as legalising the post-War borders and régimes of Eastern Europe. This is claimed by the East to be the most important result of the CSCE. There has been little or no mention by them of the Principle concerning the possibility for peaceful change of frontiers. This Principle is carefully excluded from the selection of Principles which the Soviet Union has tried to insert into bilateral agreements with Western countries.

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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".

Warsaw Pact commentators maintain that the Principle of non-intervention in the internal affairs of states governs 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. Thus, 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 Zaradov in Pravda on 6th August, 1975) and praise for the use of the general strike to overthrow capitalist régimes (Pravda 19th October, 1975).

Although the Final Act on the surface 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 over-riding need "to protect and defend the historic achievements of socialism". The USSR/GDR Treaty contains this phrase, and may indicate 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 (CBMs)

to be provided.

Basket II

to be provided.

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Basket III

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-interference 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.

On the other hand, there is some evidence to suggest that Moscow is reconciled to some gradual movement in areas of persistent interest to the West (e.g. Brezhnev's apparent hints to a US Congressional delegation). The only discernable CSCE related improvements so far have been the Soviet Union's agreements with the United States and France on multiple entry visas for journalists. In addition the favourable handling by the Soviet Union of some of the humanitarian cases pressed by Western Governments might to some degree be attributable to the Final Act. The marriage approvals in the Spassky case and an

Austrian case were treated in the Western press as resulting from the CSCE. However, the existence of this link is by no means certain, and the number of such successful cases has not markedly increased. It is also not clear what degree of influence the CSCE had on the protocol on the issuance of exit permits signed by the German Foreign Minister during his visit to Warsaw on 9 and 10 October, 1975.

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 Sakarov to receive his Nobel prize is the example of non-implementation by the Soviet Union which has so far received most publicity in the Western press. There are no signs yet of a more relaxed Soviet attitude to emigration by Soviet Jews and other groups.

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.

Educational and cultural exchanges between the United States and the USSR have tended to increase during the recent years, and a careful but steady expansion would in any case be likely to continue irrespective of the CSCE. Recent cultural agreements by the United Kingdom with Poland and Romania have drawn attention to the spirit of the CSCE, and the United Kingdom authorities hope that the agreements due to be signed with Hungary in December and with Yugoslavia early in 1976 will be rooted in the terms of the Final Act. During the visit of the German Foreign Minister to Warsaw in October it was agreed

to accelerate negotiations for a cultural agreement.

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 cooperation in humanitarian fields (contacts between persons, information, cultural cooperation 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.

Military détente

The Warsaw Pact countries are laying considerable stress on the need to complement political détente by military détente. It is well-known that the Soviet Union would like a speedy conclusion to the MBFR and SALT II agreements, but only as long as the agreements are satisfactory to them in military terms. There has so far been little or not sign of a greater readiness to make concessions in either of these talks since Helsinki. Nor has there been any other evidence of realistic Warsaw Pact proposals in the disarmament field. They are, however, continuing to press propaganda proposals (World Disarmament Conference etc.) in the United Nations and elsewhere. There has also been some reactivation of the "Kekkonen Plan" for the creation of a demilitarized zone in Northern Europe, but this has not so far been given much emphasis.

An Asian CSCE

Soviet leaders have used the conclusion of the Helsinki agreement in their long-standing campaign for an Asian security agreement, which they now argue should be based on principles similar to those in the Final Act. There are no signs that Asian leaders have altered their previous attitudes to the Soviet proposal, which in the main have been hostile: the Chinese continue to be vehemently opposed.

Multilateral Implementation

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. The UNESCO Secretariat have prepared two lists of projects connected with the Final Act.

The members of the European Community are studying the advantages and disadvantages of using these multilateral fora for implementation.

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

Neutrals

Several allies have begun to exchange views on implementation bilaterally with neutral participants in the CSCE.

Public Propaganda Campaign

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 seem to be about to launch a major propaganda campaign based on the call to implement the Final Act. Guidelines for this purpose were issued by the meeting of the "International Committee for European Security and Cooperation" in Brussels on 18-20 September, 1975, which adopted an action programme for the "social forces".

Future Reports

Because of the very brief time that has elapsed since the signature of the Final Act, this report has had to confine itself largely to general observations about Eastern approaches to implementation of the results of the CSCE. It is hoped future reports, however, will be able to present more detailed tabulation of quantitative and qualitative information in respect of Eastern implementation of the Final Act, as well

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as some judgements about Eastern performance on the basis of this evidence. But this will be dependent on the amount of information provided by Allied authorities. Some Allies have already provided specific data on the recent performance of East European countries in a number of important areas. This could be used in future reports as reference points against which future performance can be judged.

Conclusion

Attitudes of Warsaw Pact countries with respect to the implementation of the Final Act of the CSCE are emerging very much as was anticipated by the West when the Final Act was signed. The only surprise is their evident dilemma on how to deal with the CBMs.

The Warsaw Pact countries have made clear that they intend to be firmly selective as regards degree, method and timing of implementation of the Final Act. Their initial reactions suggest that their interpretation at least of such controversial matters as Basket III humanitarian provisions and CBMs is likely to be, for the most part, legalistic and restrictive. Moreover, their insistence that the ideological struggle shall continue unabated puts a severe limitation on the potential for improvement of relations as a result of Helsinki. Nevertheless, the lack of progress during the short time since the Helsinki Summit is not altogether surprising. There is still ground for hope that they are prepared to concede some gradual improvement in those areas of main concern to the West, in response to continuing Western pressures.

In these circumstances, sustained pressure for implementation by Western Governments seems essential. On the other hand, at this stage it would seem premature to be too highly critical of the Eastern performance so far. 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.

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Western countries are themselves only in the preliminary stages of planning how to follow up the Final Act, whether unilaterally, bilaterally or multilaterally. They have to consider not only how to obtain concessions from the Warsaw Pact countries and take advantage of the Final Act to increase exchanges and contact, but also how to avoid laying themselves open to accusations of poor implementation.

The exchange and compilation of information on this subject, in accordance with the decision by the Council on 1st October, 1975, have already proved useful to the Allies and should be continued.

Annex A

Variations among Eastern European countries
Yugoslavia

Annex A discusses variations to positions taken by the Eastern European countries and Yugoslavia.

Annex B

Publication of Final Act

Annex B gives an account of the publication of the Final Act.