

CSCE - AN ANALYSIS OF ITS ORIGIN, EVOLUTION
AND CONTEMPORARY ROLE

Frances Ann McKee

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UNIVERSITY OF ST ANDREWS
DEPARTMENT OF INTERNATIONAL RELATIONS

CSCE: AN ANALYSIS OF ITS ORIGIN,
EVOLUTION AND CONTEMPORARY ROLE

FRANCES ANN MCKEE MA(Hons)

A THESIS SUBMITTED TO THE FACULTY
OF ARTS FOR THE DEGREE OF MASTER
OF PHILOSOPHY (M.Phil)

ST ANDREWS
MARCH 1993



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ABSTRACT

The collapse of East European communism and the subsequent collapse of the Berlin Wall in November 1989, challenged the status quo in Europe. Ideas of a "New World" order, and of a "New European Architecture" proliferated.

Immediate calls from the new States of Czechoslovakia and Hungary as well as the Soviet successor States were for the CSCE, (The Conference on Security and Cooperation in Europe) to be the foundation structure on which to build a new pan-European security community.

The purpose of this thesis is chart the origins and evolution of the CSCE, and its contemporary role in the undivided Europe.

Chapter One initially looks at the post war condition in Europe and then the steps leading to the agreement to hold multilateral preparatory talks, which would seek to reduce tensions and enhance security in Europe. Chapter Two addresses the subsequent talks which ran for almost two years, from August 1973 until the Helsinki Final Act was signed in August 1975. Chapter Three charts the Follow Up Mechanism of the Conference, this was the means by which the process was to survive to play its extended role in contemporary Europe. Chapters Four and Five address the Paris Meeting of Heads of State and Governments in November 1990, and the Helsinki Follow Up Meeting of 1992. Dealing with post Berlin Wall issues, including the formal ending of the Cold War, and setting in place the means to revitalize and institutionalize the CSCE. Chapter Six deals with the Third Council of Ministers Meeting of the CSCE at Stockholm, outlining how this newly created decision making body of the CSCE moves forward the decision making process. The final chapter, addresses the contemporary role of CSCE, its place vis-à-vis other European security organizations, and the position of CSCE in the immediate future.

DECLARATION AND CERTIFICATION

I, Frances Ann McKee, hereby certify that this thesis, which is approximately 60,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

Date. 02.04.93 Signature of Candidate.,.....

I was admitted as a research student in October 1991 as a candidate for the degree of Master of Philosophy; the higher study for which this is a record was carried out in the University of St Andrews between 1991 and 1993.

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I hereby certify that the candidate has fulfilled the conditions and regulations appropriate for the Degree of Master of Philosophy in the University of St Andrews and that the candidate is qualified to submit this thesis in application for that degree.

Date 24 April 1993 Signature.....

DEDICATION

To "Jane"

ACKNOWLEDGEMENTS

Without hesitation I can truly say that this M.Phil in the Department of International Relations has been a most enjoyable undertaking.

My gratitude and appreciation must be accorded to the Department's two professors. To Professor Wilkinson for both his initial encouragement and thereafter for his continual interest and help with material.

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CHAPTER ONE: THE EVOLUTION OF THE CSCE

In order to know what is going to happen,
one must know what has happened

NICCOLO MACHIAVELLI.¹

To understand the development of the Conference on Security and Cooperation in Europe the CSCE process,² it will be necessary at the outset to make a résumé of the post-war condition in Europe that led to the original Soviet proposals for a European Security Conference and the subsequent development of CSCE. Although this will be a historical résumé, it will not necessarily be rigorously chronological.

The unconditional surrender of Germany and the ending of the Second World War brought Europe once again to a crossroads. In May 1945 agreements which had previously been reached regarding the Allied occupation of Germany and the zoning of Berlin came

¹cited in Garthoff R. Détente and Confrontation Washington, Brookings 1985.

²Soviet strategy defined security primarily as a process. In the Soviet view "security should not be regarded as an abstract and static thing, but as a dynamic and evolutionary process and a function of the existing and developing internal and external ties." cited in Dobrosielski M, "Peaceful Coexistence and European Security" International Affairs June 1972:Vol.6.p35

Legvold points out that there is obvious good sense in recognizing that security, being a state of mind cannot be fixed. It is not the end product that the Soviets seek, rather they are more interested in the process of building security - for the same reason that it builds on contextual security i.e. "their interest is in enhancing the condition of their existing security system" in the status quo. cited in, Mastney V, Human Rights and European Security 1986 Duke University Press Durham p53.

into force with the movement of Allied forces into their respective zones. There are differences of opinion as to how the division of Europe actually came about. John Freeman uses a good analogy in his book Security and the CSCE Process

The map of Europe might have been likened to a chess board. Military power had secured the place each player's pieces occupied when hostilities ceased. The game had however not been concluded when the armies halted; rather the positions they occupied were instrumental in determining how the game would continue.³

Where, to alter Clausewitz's metaphor a little, peace became a continuation of war by other means. In other words Stalin held the trump card. He maintained,

[T]his war is not as in the past; whoever occupies a territory imposes on it his own social system. Everyone imposes his own system as far as his army can reach.*

So whether there were secret pacts between Stalin, Churchill, and Roosevelt makes very little difference. The underlying realities of Yalta were already in place owing to Russian military successes. Yalta was merely an exercise in damage limitation as the ideological divide between the superpowers hindered the signing of a peace treaty with Germany.⁴

Cessation of hostilities can usually be expected to enhance security for the victors, however, in a short space of time

³Freeman J. Security and the CSCE Process The Stockholm Conference and Beyond. Basingstoke, Macmillan 1991 p7.

*idem

⁴Four Powers' Responsibilities ended with the signing of the "Treaty on the Final Settlement with respect to Germany" on 12 September 1990 in Moscow, paving the way for a fully sovereign Germany to be united on 3 October 1990. Facts on File p679.

disagreements, over Berlin, began to emerge between the Allied Powers. At first the Four Power machinery worked adequately, despite the German Communists holding the majority in the new city government which was established by the Soviet Military Administration. Adverse election results for the Communists in the October election of 1946 caused the already difficult relations to worsen. Allied administration became a fiction as the Truman Plan and the extension of Marshall Aid served to deepen the East-West conflict. The London Meeting of the Four Power Council of Foreign Ministers in November 1947 marked the final attempt at administrative cooperation over Germany as a single entity.

Two events in 1948 influenced the Western Allies. The Communist *coup d'état* in Czechoslovakia in February, and the Berlin Blockade which commenced in June of the same year. The Berlin blockade continued for eight months before Stalin backed down in face of the success of the Allied Air Lift. Despite Stalin's climb down, these events marked a high point in the consolidation of Soviet hegemony in Eastern Europe. As a result Britain, France and the Benelux States formed the Bruxelles Treaty Organization in the summer of 1948.⁶ In addition, by September 1949, West Germany had become a federal republic. In the aftermath of the Czechoslovakian coup the United States were persuaded

⁶BTO formed by Belgium, France, Luxembourg, Netherlands and UK to act in the event of a renewal of aggression by Germany. That the SU was the actual threat had not at this stage been articulated. Archer C. Organizing Western Europe Arnold London 1990, p4.

that a military alliance was necessary and the North Atlantic Treaty was signed.⁷

The Organization for European Economic Cooperation (OEEC) was established (April 1948) as the first formal intergovernmental institution of European unity. Meanwhile the British and French economies had reached the point of breakdown prompting General Marshall's plan for a common programme of recovery.⁸ The success of the OEEC led to the first steps toward the strengthening of European defence. The British and Canadian leaders pressed for an American led Atlantic Alliance, whereas the French were more in favour of the European character of defence and emphasised the need for closer political collaboration within the framework of a European assembly. Notwithstanding the fact that such "entangling alliances"⁹ were anathema to American policy makers, the decision to establish NATO signalled a shift or revolution in American foreign policy. From the outset Europe's weakness and therefore its inability to defend itself without foreign assistance shaped the character of the Treaty.¹⁰

The Bonn Convention of 1952, between the three Western War

⁷Donelon & Grieve op.cit.p28:see also Freeman op.cit.p16.

⁸Laqueur W. Europe Since Hitler Penguin London 1982 p130.
See also, Ireland T.P. Creating the Entangling Alliance. European Studies No.6,London, Aldwych Press 1981.

⁹idem.

¹⁰for fuller detail see:Laqueur op.cit.

Allies, Britain, France, the United States, initiated a period of tit for tat, or action and reaction with the Soviets. The Bonn Convention established the sovereignty of the Federal Republic Germany (FRG) and ended its occupied status. In theory Berlin remained a special case subject to Allied control; however, in practice control was passed to West Germany who undertook to provide economic assistance for three quarters of Berlin. After an abortive attempt at forming a European Defence Community, upon which the establishment of the sovereignty Federal Republic Germany was contingent, West Germany was drawn into NATO through the Paris Agreements of October 1954, which expanded the Bruxelles Treaty Organization.¹¹

Simultaneously with these initiatives by the Western powers, similar developments took place in the East. The German Democratic Republic (GDR) was declared a separate State, by the Soviets, by means of a Treaty signed on 20 September 1955. The establishment of the two German States was in direct contravention to Article 14 of the Potsdam Agreement which explicitly required that Germany be governed as a single unit.¹²

The Warsaw Pact, which included the German Democratic Republic, was formed in May 1955 immediately after the Federal Republic of

¹¹See: Protocol Modifying and Completing the Brussels Treaty, and Protocol on Forces of the Western European Union, Paris, 23 October 1954: Europe Transformed: Documents on the end of the Cold War. Freedman L.(ed) Tri-Service Press London 1990.p34-6.

¹²Freeman op.cit.p14.

Germany's entry into NATO. As has been pointed out above there are many differing opinions as to how and why these things happened, however, it is not the purpose of this work to answer these questions, suffice to say, they served to complicate and indeed impede the search for the expected security that should have followed the cessation of conflict. Instead no sooner was this war over than another one had begun, albeit the "Cold War."

1.3

The "Cold War" was one step off war, and it was fought by all means, political, economic and military. It was a non violent war in as much that bloody conflict, both on a world-wide scale, and between the divided Europe, was avoided, although bloodshed did occur in many other peripheral States. With the formation of NATO and the Warsaw Pact came a polarization that was to last for forty years. This competition and dispute between states over territorial boundaries, frontiers and nuclear weapons served the wider clash of communist and non-communist ideologies. Moreover it can now be seen with retrospective analysis that the Cold War also served to hold the central balance in world affairs for almost fifty years as Lawrence Freedman has observed,

The old east-west system achieved a balance of extraordinary simplicity. The continent was divided into two distinctive alliances and neither able to over whelm the other.^{1.3}

^{1.3}Abundance of literature available which deals with the "Cold War" and the division of Europe see: Joll J. Europe Since 1870: Lacquer W. Europe Since Hitler:Lowe N. Mastering Modern World History: Watson J. Success in Twentieth Century World Affairs.

^{1.3}Independent 9 March 1990 p27.

Origins and Context.

There is no clear starting point for the concept of a European security system. Borawski in his book From the Atlantic to the Urals deems that the idea can be traced as far back as the Congress of Vienna of 1815.¹⁵ Arie Bloed points out in his book, The CSCE Process from Helsinki to Vienna, that some attribute the idea to Stalin in the 1930s.¹⁶ The initiative that culminated in the Conference on Security and Cooperation in Europe certainly can be traced back to the Soviets and was first offered in 1954.¹⁷

At this time the Soviets were massively armed with conventional weapons and were, in this sphere, militarily secure. Although given the growing atomic arsenal of the United States, the Soviets may well have been concerned with their general security position.

According to the Czechoslovakian historian Karel Kaplan, the Soviet leadership had by 1950 decided that military confrontation with the capitalist world was inevitable if the desired spread of the Marxist/Leninist ideology was to be realized. In a speech in

¹⁵Borawski J. From the Atlantic to the Urals London, Pergamon 1988 p1.

¹⁶Bloed A. The CSCE Process From Helsinki to Vienna: An Introduction Netherlands, Nijhoff 1990 p1.

¹⁷Miko F. "Conference on Security and Cooperation in Europe (CSCE): Role in a Changing Europe" 1990 Congressional Research Service Issue Brief: Library of Congress p2.

January 1951 to an audience of First Secretaries and Defence Ministers of the Soviet bloc, Stalin outlined this view.

No European army is capable of seriously opposing the Soviet Army, and one can even assume there will be no resistance. The current military strength of the United States is not very great. The Soviet camp thus enjoys a temporary superiority in this field. But it is only temporary, for three or four years. After that the United States will have at their disposal rapid means of transport to bring troops to Europe and could exploit fully their nuclear superiority. It will be necessary to make good use of this short period to complete the systematic preparation of our armies by devoting to them all the economic, political and human means at our disposal. During the three or four years to come the whole of our domestic and international policy will be subordinated to this goal. Only a total mobilization of our resources will allow us to seize this unique occasion to spread socialism to the whole of Europe.^{1a}

In almost every other dimension the Soviets were insecure. Technologically they were insecure as the race for atomic supremacy gained momentum. The United States appeared to be the initiator of most innovations until the Soviet's introduced the ICBM (Intercontinental Ballistic Missile) in 1958.^{1b}

Politically the Soviets were insecure; domestically they had no popular mandate to rule. Their totalitarian procedures had no foundations in the rule of law so they were also legally insecure. Without a peace treaty with Western Germany they were geographically insecure. Unlike the West, the Soviets chose not to accept Marshall Aid, Laqueur argues, that the linking of military assistance with economic assistance made it impossible

^{1a}Rupnik J. The Other Europe London, Weidenfeld 1989 p127.

^{1b}Rapoport A. "Conflict Escalation and Conflict Dynamics" Quest for Peace London, Sage, 1987 p177.

for the Soviets to opt into the Marshall Aid plan, consequently economic recovery of their command economy was impeded, rendering them economically insecure.²⁰

In the societal sphere the Soviet Union consisted of a multiplicity of ethnic groups, which complicated the progress of reconstruction and rehabilitation. Ideas, management and policy established and practiced in one ethnic situation do not operate necessarily when applied in an alternative ethnic milieu. These endogenous factors coloured and accentuated the exogenous factors of the international environment in which the search for Soviet security was being conducted. In contrast the progress of rehabilitation and reconstruction on a democratic basis in the Federal Republic Germany was clear for all to see. America, in the Soviet view, was in command in Europe. Although in truth, America had little interest in assuming the lead in Western Europe.²¹

The FRG's accession into the Western security system seemed to unnerve the Soviets and diminish even more Stalin's pipe-dream of a Soviet initiated demilitarization of Germany. Freeman says,

[T]he emerging strength of a uniting Europe firmly linked to the United States in NATO was precisely the kind of scenario Stalin had sought to avoid when, during the war, he had contemplated the post-war settlement on the European continent.²²

²⁰Laqueur op.cit.p124.

²¹Mastney op.cit.p51.

²²Freeman op.cit.p6.

Stalin, by his own actions had brought about what, as the "weaker party," he sought most to avoid.²³ By the early 1950s the Soviet's seemed to have lost the initiative on Europe, in other words Stalin had failed. The German question lay in abeyance following the Soviets' rejection of the initiative which emanated from the Council of Ministers' Meeting in Paris after the abandonment of the Berlin Blockade in May /June 1949.

In March 1952, by means of a "Soviet Note" the Soviets called for negotiations among the "Four Powers leading to a peace treaty, the withdrawal of occupying troops, and a unified but neutral Germany."²⁴ This first "Soviet Note" may have been a genuine diplomatic offensive to honour the Potsdam agreement from which the parties widely digressed. On the other hand, the aim may have been simply to destabilize the embryonic State of the FRG, and thereby impede Western integration in general. As the "Soviet Note" contained no provisions for free elections the latter explanation was adopted by the West.²⁵ Stalin could see that the juxtaposition of the two States, the German Democratic Republic and the Federal Republic Germany developing under widely differing ideologies would become the principal destabilizing factor to security. Stalin was simply using pragmatically the Potsdam ideal of a unified Germany.

²³ibid p22

²⁴Cmnd 1552 Document No.54(a): "Selected Documents Relating to Problems of Security and Cooperation in Europe, 1954-57"Cmnd 6932 :1977 HMSO London ppl-2. Hereafter Cmnd 6932.

²⁵idem.

When, after Stalin's death in 1953, the Soviet Foreign Minister Molotov called for a European security conference tensions were running high both in Europe and on the international scene.²⁶

In Eastern Europe, East Berlin was in turmoil. Food shortages coupled with the "higher output decree" caused the workers' revolt leading to the imposition of martial law and an exodus of 1.7% of East Germany's population to West Berlin. In Hungary the people were being promised far reaching changes that would transform their country by the incoming Prime Minister Imre Nagy, which were instead to lead to the 1956 Revolution. In addition Czechoslovakia, Rumania, and Albania all had the potential for internal strife.²⁷

In contrast to the situation in Eastern Europe there was increasing economic prosperity in democratic Western Europe, yet its military impotence reduced its freedom of action and therefore its political influence. It was almost reduced to the role of passive onlooker in the struggle between the Americans and the Soviets. That this dichotomy seemed to bother the Soviets more than it did the Westerners was manifest at The Geneva Conference.

The Geneva Conference was held from 18-21 July 1955. It was the first East-West meeting of the Heads of Government of the Allied Powers since 1945. It represented an attempt to find common ground to remove the sources of conflict on the German question.

²⁶Mastney op.cit.p3.

²⁷Freeman op.cit.p24

Marshal Bulganin, in his capacity as Chairman of the Soviet Council of Ministers, argued that a "European collective security pact should be established before Germany could be reunified."²⁸ The Soviet draft was based on the concept of two German States aiming at "regular European conferences and permanent political consultative machinery." Other possibilities were included in the draft viz

[Possible agreements on mutual renunciation of force, a freeze on the existing levels of armed forces and, by implication, the withdrawal of the United States from Europe.]²⁹

At the Foreign Ministers' Meeting later in the year, proposals and revised proposals were submitted. The Soviets, arguing on the basis of the continuation of a divided Germany, and the Western Powers adhering to their position "for the reunification of Germany through free elections."³⁰ At the Soviets' suggestion, the conference attached the subject of German reunification to the wider issue of European security. Once again an impasse was reached over the timing of free elections, whether they were to be the basis of a peace treaty as proposed by the British, or the finalization of a peace treaty as the Soviets wished. Free elections might well have resulted in a unified Germany which would choose to join the Western military alliance. Hence, to prevent this, the Soviet goal then became the *de jure* recognition of the *de facto* division of Germany.

²⁸ Cmnd 6932 Section 5, pp2-3.

²⁹ idem

³⁰ idem

Robert Legvold outlines the Soviet dilemma in this way. Instead of the "ever closer union" aspired to by those working toward European integration,

The Soviet leaders would prefer to face a Western Europe divided into a loose configuration of "sub-regions" composed of states dealing for themselves alone, and generously dotted with permanently neutral governments.³¹

yet, paradoxically,

[A] fragmented Western Europe with only the rudimentary structures of co-operation must inevitably remain under the shadow of the United States ..., their greatest concern is still over the ease with which the United States can [sic] turn European cooperation to its own advantage.³²

By this stage both East and West were locked into a system of two opposing alliances, and fearful of invasion the Soviets displayed a "contextual" approach to security rather than a "basic" approach, mainly due to political insecurity as outlined above.³³ A basic approach to security would allow the restructuring or revision of security including military security. The contextual view of security allowed the Soviets to disregard the military imbalance of the status quo. Rather the emphasis tended to be on factors such as inviolability of frontiers, refraining from the use of force, creation of permanent consultative organs and economic cooperation, all of which were eventually to appear in the Declaration of Principles in the Helsinki Final Act. However, they were contentious issues because they reflected the Soviet preoccupation with preserving the Eastern status quo, and their

³¹Mastney op.cit.pp51-3.

³²Legvold,cited in Mastney op.cit.p51.

³³Mastney op.cit.p50.

need of economic cooperation in the face of their declining economies. In addition, the creation of permanent consultative organs would, the Soviets hoped, allow revision of the Western status quo.³²⁴

Another "contextual" factor existed in the fact that it was the age of international organizations, by 1956 there were 1,105 in total.³²⁵ The United Nations had existed for a decade, with the Soviet Union and the United States both firmly committed to participate in its structure. The Six were rapidly growing to become the biggest regional organization in the world. Thus the creation of a pan European security organization would be in context with the wider developments in international relations.

A Pan European Conference, if it were ever to become a reality, would constitute a non-bloc organization of sovereign States, hopefully, capable of looking beyond the stalemate of the two Alliances. The fear, in the West, was that it could also serve to enhance Soviet dominance in Europe as a whole. As with all aspects of the "German question" the Western Allies were not interested in giving recognition to the East European States which the Soviets so desired. The West was preoccupied with achieving military security through NATO. Meantime, at the subsequent Foreign Ministers' Meeting in Geneva in October 1955,

³²⁴ Ibid p52.

³²⁵ International Year Book 1992.

Molotov, dismissing the British initiative for free elections as counter to Soviet interest, called for the dissolution of NATO and the Warsaw Pact in favour of a security system covering all European States. In reply, Harold Macmillan the British Foreign Secretary avowed that, "the West cannot accept that giving security to Russia must involve abandoning its own defenses."³⁶

Perhaps deflected by the need to reaffirm its hegemony in the aftermath of the Polish and Hungarian revolts in 1956, the status of Berlin was not readdressed by the Soviets until November 1958. By this stage the deployment, in 1958, of their Intercontinental Ballistic Missile (ICBM) had helped redress the military balance between East and West. However, there were other factors which may have caused Khrushchev to reiterate Soviet demands vis-à-vis the status of Berlin. Soviet relations with China left much to be desired, as did the declining economic and migratory situation in East Germany. If, Khrushchev asserted, after six months no action had been taken to comply with the Soviet demand for the demilitarization of Berlin, the Soviet Union would conclude its own peace treaty with East Germany. NATO members at their meeting in Paris in December rejected the Soviet plan and Western rights in Berlin were reaffirmed; thus ending what Bowraski claims to be the first phase in the search for European security. This stalemate continued throughout the failed summit of 1960,

³⁶Chronicle of C20 History p777.

the American attempt to overthrow Fidel Castro in the "Bay of Pigs" fiasco in 1961, and the building of the Berlin Wall.³⁷

1960s Phase

The reiteration of the 1950s initiative, which reflected the Soviet shift of emphasis, began the next phase in the quest for a Pan European Security Conference in the 1960s. The Cuban Crisis of October 1962 emphasized the direct relationship between the United States and the Soviet Union. In this crisis the Allies on both sides were kept on the margins and the peaceful settlement allowed for the hope of reduced conflict between the superpowers perhaps leading to an expansion in détente. The Soviets encouraged the move toward improved relations with the West with refurbished proposals for a European Security Conference. Many of the Eastern European States welcomed this move, notably Poland because of its border problems; and Rumania who reasoned that a reduction in tension between the East and West would result in a lessening of pressure within the Eastern Alliance.

The first major proposal for a European Security Conference was the development of a speech originally delivered by the Polish Foreign Minister Rapacki, to the United Nations General Assembly in October 1957. Rapacki envisioned "an atom-free zone in central Europe."³⁸ This was then taken up by the Warsaw Pact Consultative Committee in 1965, and then by the 23rd Party Congr-

³⁷Donelan op.cit.p170.

³⁸Cmnd 6932 Section 6 p3.

ess in March 1966. Rapacki's speech gave an outline for a European Security Conference that would include the United States and Canada covering "the problem of European security in its entirety... including nuclear issues."³⁹ When the Warsaw Pact Consultative Committee issued its communiqué, however, the reference to North American inclusion was absent. This failure to include North America was a clear indication that the desire to exclude the North Americans from Europe, and to isolate the FRG was still uppermost in Soviet aspirations.

In reply to this call for a European Security Conference General De Gaulle, who had a long standing distrust for the "bloc to bloc" (i.e. NATO-WTO) approach to security issues in Europe averred,

[T]his matter will not be settled by the direct confrontation of ideologies and the forces of the two camps...What must be done will not be done, one day, except by the understanding and combined action of the peoples who have always been, who are, and who will remain principally concerned by the fate of the German neighbour - in short the European peoples.⁴⁰

The debate which followed the building of the Berlin Wall resulted in the publication, by Willy Brandt, of a memorandum outlining a new policy of Ostpolitik.⁴¹ Its remit was to seek the "normalization" of the FRG's relations with the Soviet Union. From 1966 onwards the FRG paid particular attention to Soviet

³⁹Freeman op.cit.p34.

⁴⁰Stanley T.& Whitt D. Détente Diplomacy:United States and European Security in the 1970s: Cambridge Mass.1970 pp29-30 cited in Freeman op.cit.p36.

⁴¹Ostpolitik:the policy seeking rapprochement with the West which earned for Willy Brandt the Nobel Peace Prize.

overtures calling for a pan European security conference. The basic reason for this was that Germany was a divided nation with Soviet troops on its borders, by dint of which, it was the West European State most exposed to Soviet power. This added a certain poignancy to the old adage "better the devil you know than the devil you don't," a point not lost on Bonn. Ostpolitik was an acknowledgement that cooperation was as necessary for the West as the East.

The Bucharest Declaration adopted by a meeting of the Warsaw Pact's Political Consultative Committee in July 1966, denounced the American presence in Europe as follows,

The American imperialists and the West German revanchists... are trying even further to deepen the division of Europe, to fan the arms race, to increase international tension and to frustrate the establishment and development of normal ties between the West European and the East European states.⁴²

The Bucharest Declaration proposed a number of measures toward the implementation of peace and security in Europe, through peaceful cooperation among States despite their differing social systems. Initially the declaration called for the dissolution of the military blocs, NATO and the WTO, and then for the adoption of partial measures toward military détente. These included the liquidation of foreign military bases including the withdrawal of foreign troops to within their national frontiers, as well as an agreement to reduce the armed forces in the two German States. To limit the danger of nuclear conflict agreement was necessary

⁴²Cmd 6932 Document 2, pp38-42.

toward the cessation of transportation, either by air or sea of nuclear weapons over European States.⁴³³ Accordingly the implementation of measures such as these would pave the way for a system of security on the European Continent.

Perusal of the Bucharest Document highlights Soviet concern regarding the proposed plans for creating a multilateral nuclear force within NATO; which would have allowed West Germany access to nuclear weapons. Stating that Western persistence in pursuing this policy would leave the Warsaw Treaty member States no choice but to follow suit, the declaration warned that the FRG's access to nuclear arms "in any form whatever" must be precluded.⁴³⁴ In addition it was deemed that the normalization of the situation in Europe "demands that all frontiers established after the most devastating war in the history of mankind" must be recognized as inviolable, "including the Polish frontier along the Oder-Neisse and the two German States."⁴³⁵ Furthermore the German question must take into account the interests of the security of Europe as a whole. The unification of the two German States could only be achieved through a "relaxation of tension and gradual rapprochement of the two sovereign German States..." Accordingly, all interested States, both North Atlantic and Warsaw Treaty members

⁴³³Povolny M. "The Soviet Union and the European Security Conference." Orbis Spring 1974, p206.

⁴³⁴"Extracts from a Declaration on Strengthening Peace and Security in Europe" adopted by the Warsaw Pact's Political Consultative Committee: Bucharest July 1966. Cmnd6932 pp41-3.

⁴³⁵idem

and the neutrals, were invited to join in a conference addressing European security.⁴⁶

Repeated reference to all states, both those in Europe and those outside Europe, highlights the continual obsession that the Soviets had with the American presence in Europe. Freeman asserts that the Soviet proposal for a European Security Conference,

[H]ad as much to do with the Russian wish to damage the chances of the NATO Multilateral Nuclear Forces as it had with any wider security goals.⁴⁷

The policy of Ostpolitik was agreed by the West German Parliament in 1966, and although, since Ostpolitik, the FRG was "listening" to the East, this was construed by the Soviets as an attempt on the part of the FRG to use,

[I]ts (sic) new policy as a means by which to increase its influence in Eastern Europe and over the German Democratic Republic in particular.⁴⁸

However, the bilateral relations established through Ostpolitik made the skeptic more skeptical. Rumania's establishment of diplomatic relations with Bonn indicated that while the Soviets were working for endorsement of the *status quo*, Rumania looked for "Emancipation from it and beyond."⁴⁹

⁴⁶Idem

⁴⁷Freeman op.cit.p39.

⁴⁸ibid p41.

⁴⁹Povolny op.cit.p205.

The proposals contained in the Bucharest declaration of July 1966 were revamped at Karlovy Vary in April 1967 when an attempt was made by twenty four European Communist Parties to discuss the proposal of a European Security Conference. The statement on peace and security issued at the close of the meeting at Karlovy Vary placed its emphasis on "respect for the realities of post war Europe."⁵⁰ In other words, although bilateral relations were increasing with the West, consolidation of the Eastern Bloc and the WTO were of paramount importance. Notwithstanding this, the meeting reiterated muted Communist support for an all European conference, as well as consolidating the alignment of the Communist satellites into the Eastern Bloc with the Soviet Union. Rumania did not attend this conference nor did Albania and Yugoslavia. Three of the smaller West European communist parties also absented themselves. Rumania's attitude highlighted the disunity among the communist parties over a common policy on the "German question," and Ceausescu's decision to re-establish bilateral relations, in January 1967, with West Germany did much to inflate the "German question."

Concurrently with these pronouncements from the East, problems were manifesting themselves within NATO. France was becoming increasingly disenchanted with what it perceived as US-Anglo domination within the NATO institutions. The "Special Relationship" between the United States and the Britain, which had

⁵⁰Freeman op.cit.p41-2:see also Povolny op.cit.pp201-31.

flourished between Kennedy and Macmillan was in French perception Anglo-Saxon hegemony. This, coupled with De Gaulle's fierce nationalism, led to the withdrawal of the French from the integrated military command of NATO; and subsequently to the transfer, out of France in April 1967, of all Allied facilities including the NATO headquarters in Fontainebleau.

By December of the same year the Harmel Report had committed NATO to linking military security to détente and in so doing destroyed the myth that the two concepts were incompatible. Harmel explained the twin track function of NATO as follows,

[M]ilitary security and the policy of detente are not contradictory but complementary. Collective defence is a stabilizing factor in the world of politics. It is the necessary condition for effective policies directed towards a greater relaxation of tensions...¹ the ultimate purpose of the Alliance is to achieve a just and lasting peaceful order in Europe accompanied by appropriate security guarantees... acknowledging also that whilst bilateral talks were continuing, certain subjects... require by their very nature a multilateral solution.²

Not surprisingly any hint of discord within the Western alliance raised Soviet hopes that, as the first twenty year term of the NATO Treaty approached, disarray within NATO could be exploited to their advantage and thereby deter some of its members from renewing membership. Thus, in what Borawskia refers to as the second phase, from roughly the mid 1960s, both the Harmel Report and the Karlovy Vary meeting consolidated the military blocs,

¹Osgood R. & Wegener H. "Deterrence: The Western Approach" Nato Information Service p4.

²Freeman op.cit.p43: Cmd 6932 Document 7, pp49-51.

contrary to the Karlovy Vary ideal which envisaged a Europe
outwith military blocs.³³

At the NATO Ministerial Meeting in Reykjavik in June 1968, NATO
Ministers confirmed that, in line with the Harmel recommendations
which gave NATO a political dimension with the twin track policy,
the first NATO studies of mutual force reductions in Europe were
getting under way.³⁴ This first step survived the wobble caused
by the Soviet suppression of the Prague experiment, when, on the
night of the 20 August 1968 Czechoslovakia was overrun with units
from Russia, East Germany, Hungary and Poland.³⁵ The invasion
of Czechoslovakia brought to the fore the "Brezhnev Doctrine" of
limited sovereignty of socialist States. The "Brezhnev Doctrine"
maintained that if the continuation of socialism was threatened
then other socialist States have an obligation to intervene in
the internal affairs of that particular State. Povolny argues
that in the aftermath of the Czechoslovakian invasion the Politi-
cal Consultative Committee turned their attention to the need to
strengthen the "...structure and administrative bodies of the
Warsaw Pact defense organization."³⁶

The meeting in Budapest of March 1969 adopted a more conciliatory
stance. The call for the abolition of NATO and the Warsaw Pact
was dropped, as were the routine attacks on German and American

³³Cmnd 6932 Document 5, p47.

³⁴Garthoff op.cit.p110.

³⁵For full discussion see Donelon op.cit.pp276-7:
Flanaghan S.European Security: Prospects for the 1980s.
Leebaert(ed) Mass., Lexington Books 1979 p191.

³⁶Povony op.cit.pp210-1: Cmnd 6932 Section 20, p8.

policies. The demand that existing boundaries in Central Europe be acknowledged, and that West Germany, East Germany and West Berlin be recognised as separate political entities was also muted. All previous calls for a European security conference, by placing emphasis on all European States, effectively excluded the North American States, this prerequisite was also dropped. The meeting simply issued what has become known as the "Budapest Appeal" calling for a security conference to be held at the earliest date and proposing a preparatory meeting of officials; thus leaving the way open for dialogue with the West.⁵⁷

In less than a month the NATO Ministers meeting in Washington on 10-11 April 1969 to celebrate the Twentieth Anniversary of NATO, indicated on that the Western Allies were prepared to explore "which concrete issues best lend themselves to fruitful negotiation and an early resolution," and thus instructed the NATO Council to "draw up a list of such issues and to study how a useful process of negotiation could be best initiated, in due course."⁵⁸

This communiqué made clear that any discussions toward a security conference in Europe were conditional on the inclusion of the United States and Canada, they must entail clear advance preparation, and must progress toward eliminating existing sources of tension in central Europe, as well as including measures aimed at

⁵⁷Povolny op.cit.pp210-11.

⁵⁸Cmd 6932 Document 12, p59.

improving the situation in Berlin, and communication between the two Germanies.⁵⁹

In May 1969 Finland's President Kekkonen offered to host, in Helsinki, any possible European security conference, and thereby sparking off a series of cat and mouse type of events. The Prague meeting of the Warsaw Pact Foreign Ministers in October of 1969, ignored the issues put forward earlier in the year by the NATO Foreign Ministers, and after acknowledging the Finnish offer put forward two general items for a possible agenda, namely,

1. European security and the renunciation of the use of force or threats of force in relations between European states.
2. The expansion of trade, economic, scientific and technical ties, on the basis of equality, with the aim of fostering political cooperation between the European States.⁶⁰

This move by the Warsaw Pact Foreign Ministers was interpreted, by the United States, as nothing more than a crude Soviet attempt to ratify the existence of a divided Europe thus legitimizing its application of the "Brezhnev Doctrine" in Czechoslovakia. Serving in addition to strengthen Soviet control over the trade policies of the other members of the Warsaw Pact thereby retaining right for the Soviets to intervene "legitimately" in Eastern Europe. These were, according to the US Secretary of State Wm.P Rodgers, the factors in Soviet behaviour which raised questions which ought to be addressed before meaningful negotiations could be

⁵⁹idem.

⁶⁰"Extracts from a Statement issued by a conference of Warsaw Pact Foreign Ministers in Prague on the 30-31 October 1969." Cmnd 6932 Document14,p61.

entered into. Arguing that the non-use of force proposal had been, for twenty years, a basic principle under Article 2 of the Charter of the United Nations, and that diplomatic channels are always available for increased trade and technical exchanges, Rodgers asserted that the Soviet proposal did not address the fundamental questions of a security conference.⁶¹

Yet another communiqué from the North Atlantic Council (NAC) Meeting in Brussels on 5-6 Dec 1969, reiterated its commitment to pursue a durable peace settlement in Europe attached to the principles of,

[S]overeign equality, political independence, and the territorial integrity of each European State; the right of peoples to shape their own destinies; the peaceful settlement of disputes; non intervention in the internal affairs of any State by any other State, whatever their political or social system; and the renunciation of the use or the threat of force against any State.⁶²

The Declaration expressed regret that as yet no common interpretation of the principles had been reached. Hope was expressed that the bilateral and multilateral discussions, "already begun or could begin shortly"(sic), which relate to fundamental problems of European security would make a major contribution to improving the political atmosphere in Europe and thus help to ensure the success of any eventual conference.⁶³

⁶¹Borawski op.cit p9.

⁶²Declaration of the North Atlantic Council Adopted at the Brussels Council Meeting December 4-5, 1969 Cmnd 6932 Document 17, pp64-67:Document 29, Section 12, p88.

⁶³idem.

1970s Phase

The early 1970s saw the beginning of détente on the premise that closer, more open relations between East and West could over time lead to a more normal situation. Bilateral discussions had begun between the United States and the Soviet Union, and as United States' relations with Moscow improved, so too did the West see the imperative of not being left behind in the field of European security. Four-Power discussions on the Berlin situation, and movement on territorial issues created by, and outstanding since the war were under way.

However, the increasing military power of the Warsaw Pact, which was perceived by the Soviets to be necessary to present a credible deterrent to the NATO military bloc, carried the possibility that these strengthened East European armies might just mount an insurgence against the Soviets, and so destroy Moscow's buffer zone security system.⁶⁴⁴ It is perhaps worth reiterating here that, as one writer has pointed out, state security and ideology were so inextricably bound that any hint of insurrection in the satellite States of Eastern Europe constituted a fundamental challenge to the Soviet system.⁶⁴⁵ For the Soviets the Eastern States acted as a barrier to the spread of Western ideals eastward, a successful challenge in just one State and the whole

⁶⁴⁴See Dawishra K. Eastern Europe Gorbachev and Reform Cambridge, CUP 1989 p80; Maresca J.J. To Helsinki The Conference on Security and Cooperation in Europe, 1973-75; Durham and London, Duke University Press 1985 p131.

⁶⁴⁵Izvestia commentator Aleksander Bovin cited in Dawisha op.cit.p23.

bloc would collapse jeopardizing the very security that the Soviets were striving so hard to maintain. As in fact did happen in 1989 when the Berlin Wall ruptured, heralding the end of the Cold War and bringing about geopolitical and geostrategic changes the importance of which cannot be overestimated. Thus the Soviet Czechoslovak Friendship Treaty of 6 May 1970 gave retrospective endorsement to the "Brezhnev Doctrine" of limited sovereignty, at the same time recognizing the dominance of Soviet hegemony.⁶⁶

In the light of the movement gained through bilateral discussions the North Atlantic Council announced its willingness to begin exploratory negotiations on the possibility of a European security conference. The set agenda was to address,

1. principles governing relations between states, including the non-use of force
2. economic, cultural, technical scientific, and environmental cooperation, with cultural encompassing the freer movement of peoples, ideas and information.⁶⁷

Consequently, the agenda of the June 1970 meeting of the Warsaw Pact Foreign Ministers in Budapest, paralleled the criteria demanded by the NATO communiqué, with one exception, and one addition. They did not consider that the "freer movement of peoples, ideas and information" was a cultural issue. The conference was to do with interstate relations not with the problems of individual citizens.⁶⁸ This was to become a bone of contention throughout the forthcoming process. The addition was

⁶⁶ Cmnd 6932 pp10-11.

⁶⁷ Cmnd 6932 Document 23, pp77-78 .

⁶⁸ Povolny op.cit.p223-4.

to be the creation of a permanent organ a "body for questions of security and cooperation in Europe." This was interpreted by the West as a device with which the Warsaw Pact could monitor the activities of the NATO military bloc.⁶⁹

Ratification of the Quadripartite Agreement on Berlin by the Governments' of France, Britain, the United States and the Soviet Union on September 3rd 1971 marked the next significant breakthrough. Whilst, in the eyes of the Soviets, the wall was still necessary as a barrier to the spread of imperialism, the Quadripartite Agreement had improved the condition of the Berliners considerably. The only issue left was that of the proposed Mutual and Balanced Force Reductions (MBFR) talks which were consistently played down by the Soviets. The Reykjavik call of June 1968 for talks on MBFR had largely been ignored by the Soviets. In December 1971 the NAC communiqué reaffirmed the decisions taken, on 5-6 October 1971, by the Deputy Foreign Minister and High Officials to appoint, former Secretary General of NATO Signore Manilo Brosio, to conduct exploratory talks with the Soviets and other interested East European States on MBFR in Europe. This political initiative of the fourteen member States of the allied alliance came to nought. Indeed the Soviets ignored the visa request of the NATO envoy. The proposed talks did not take place and resolution on the question of MBFR only came to pass after the linkage of the issue with the European

⁶⁹ Cmnd 6932 Document 34, p98.

security conference.⁷⁰ The NATO allies wanted a positive response to the Reykjavik proposals owing to United States Congressional pressure, for unilateral troop withdrawals from Europe. A direct link was made between these issues and any acceptance of an opening date for preparatory talks on a European security conference.

The Warsaw Pact refused to negotiate with NATO as a bloc, suggesting that this issue could be handled by a sub committee of the proposed security conference. However the Soviets reluctance to meet bloc to bloc, was seen as an attempt to multilateralize talks on MBFR, and to the NATO allies,

[Multilateralism meant fragmentation of the West, while with the possible exception of Rumania, the Soviet Union could trust the discipline of the members of her (sic) bloc.⁷¹

In May 1972 the first visit to Moscow by a United States President accelerated the process toward a European security conference. At the Nixon-Brezhnev summit the Soviets agreed to begin MBFR talks in exchange for preparatory talks on a European security conference, the CSCE as it was to become known.⁷² Accordingly the result was a set of carefully orchestrated invitations and responses. The allies planning to participate in

⁷⁰Fourteen member States only took the decision to appoint Sig.Brosio as France does not partake in the integrated defence system of the Alliance. France was critical of the concept of MBFR in Europe and of bloc to bloc alliances. See Hans-Georg Wiecek "Perspectives of MBFR in Europe" Aussen Politik 1973 Vol.23 No.1 p36.

⁷¹Povolny op.cit.p222: Flanagan S. op.cit.p193.

⁷²Maresca op.cit.p11.

MBFR sent invitations to the Warsaw Pact participants on 15 November 1972. By return, on 16 November 1972, the US accepted the Finnish invitation to the CSCE talks to open on 22 November 1972. The preparatory MBFR discussions began in Vienna in January 1973.

The Cold War crystallised three main goals for the Soviets, Firstly it confirmed Soviet supremacy in Eastern Europe. Secondly, never having accepted their exclusion, and with it the limitation of their influence from Western Europe, the Soviets had a deep-seated antipathy toward Western integration. Thirdly the American presence in Europe was anathema to them, consequently their resistance to NATO, and the persistent call for a European collective security system was simply a way of saying "Americans out."

The diplomatic jousting that had continued for nearly twenty years ended with agreement vis-à-vis preparatory talks for a European security conference. But what really paved the way for progress was the complex web of treaties which had been woven since the commencement of the 1970s. The first treaty, commonly known as the Moscow Treaty, was concluded on 12 August 1970, between the FRG and the Soviet Union. Article 3 states clearly that all States' frontiers are inviolable, including the Oder-Neisse line which "forms the western frontier of the Peoples

⁷⁰idem.

Republic of Poland and the frontier between the Federal Republic of Germany and the German Democratic Republic."⁷⁴ On 7 December of the same year the Treaty between the FRG and The Peoples Republic of Poland was signed in Warsaw, and accepted, in effect, the current frontiers of the FRG/GDR/Poland/ and the USSR. The Quadripartite Treaty of 1971, settled the Berlin issues outstanding since 1945. In December 1972 the Treaty signed by the German Democratic Republic GDR and the Federal Republic of Germany FRG, established diplomatic relations between the two States. Both of which were admitted into the United Nations in 1973.⁷⁵

All these treaties were interdependent, with the Germans coupling their treaties to an agreement on Berlin, whilst the Soviets counter coupled the Berlin agreement with simultaneous ratification of the Moscow and Warsaw Treaties. Furthermore the Americans would countenance no preparations for a multilateral security conference without both.⁷⁶ In other words, bilateral diplomacy had secured the real progress. Notwithstanding this achievement the Soviets still needed international endorsement of the status quo, which a high level gathering could afford.

Chapter II will trace the Diplomatic joust from the Multilateral Preparatory Talks of November 1972 through to the Helsinki Final Act (HFA) in August 1975.

⁷⁴Freedman L. op.cit. pp65-82: also Degenhardt H. Treaties and Alliances of the World Keesings Reference Publication. UK, (3rd ed.) 1981, pp233-5:240-1.

⁷⁵idem

⁷⁶Bechtoldt H. "Berlin Agreement and the Security Conference" Aussen Politik 1972 Vol 23, No.1, p33.

CHAPTER TWO: HELSINKI 1972-HELSINKI 1975

Peace depends on the ability of great powers to live together on the same planet despite their differences. We would not be true to our obligation to generations yet unborn if we failed to seize this moment to do everything in our power to ensure that we will be able to talk about these differences rather than fight about them in the future.¹

From the communiqué issued at the end of President Nixon's visit to Moscow from 22-30 May 1972 came the statement,

The US and the USSR governments agree that the conference should be carefully prepared in order that it may concretely consider specific problems of security and cooperation and thus contribute to the progressive reduction of the underlying causes of tension in Europe.²

Despite the measure of agreement that this statement implied there was a fundamental dichotomy in the goals of both sides. NATO's aim was to use the Conference as means of change in Eastern Europe, chiefly in the fields of military security and humanitarian issues. The latter the Soviets considered to be the sole prerogative of internal management, not subject to external interference. The main goal of the Soviets was the legitimization of their supremacy in Eastern Europe. In other words, they wanted recognition of the post war territorial status quo in Europe. The need to further develop economic relations between Eastern Europe and Western States was also deemed necessary to halt the economic decline in the command system of the Communist Bloc States.

¹President Nixon's State of the Nation Speech 20 January 1972: Maresca op.cit.p9

²Cmnd 6932 Document No 47 p132.

The Multilateral Preparatory Talks (MPT)

The MPT opened in Helsinki on the 22 November 1972. The emphasis on careful preparation by the West reflected a determination not to enter the Conference proper at a disadvantage. The Rumanian call in 1966, for the dissolution of NATO and the Warsaw Pact, was still in the background. The implication of equivalence in this call ignored the asymmetry between the two alliance systems, because in the East a network of bilateral treaties had been signed, "to coordinate the struggle against 'undesirable' influences," that were not up for dissolution.³⁹ For example, the Czechoslovakian Treaty⁴⁰ provided for close cooperation between Czechoslovakia and her partner the Soviet Union for the purpose of maintaining "the economic and social gains of the two peoples." This in Povolny's opinion would eclipse any European Security pact and allow for interference in the internal affairs of another State.⁴¹ Any potential European security conference depended on the recognition that the security interdependence of NATO and the Warsaw Pact required a reciprocal cooperative framework.

³⁹Bechtoldt H. "Berlin Agreement and the Security Conference" Aussen Politik 1972 Vol.23 No.1 p26-35; see also Povolny M. "The European Security Conference" Orbis Spring 1979 p205: "Under Leonid's eyes" Economist August 9 1975 p13.

⁴⁰Treaty of Friendship, Cooperation and Mutual Aid Between the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic Prague 6 May 1970.

⁴¹Povolny M. op.cit.p229.

The Soviets wanted a high level ceremonial international endorsement of the status quo. The Western participants wanted low level talks pending obvious movement towards their aims.⁶

The eventual compromise, devised by the French, was for a three stage Conference: Stage I, Helsinki: July 3-7 1973; Stage II, Geneva: September 18 1973-July 21 1975; Stage III Helsinki: July 30- August 1, 1975. Helsinki Stage I was to be at foreign minister level to assuage the Soviets with a high level symbolic start. Geneva Stage II was to be the forum for the substantive negotiations of interest to the West. The Final Stage III to return to Helsinki at a date to be fixed during the procedures at Geneva. Each Stage was to be conditional on the progress made at the preceding stage.⁷

The Multilateral Preparatory Talks were a diplomatic feat from the outset. They far exceeded the remit of date, place, agenda, and participation. Major and minor issues were addressed, ranging from the ten principles which were to be negotiated at the Conference proper, to the touchy issue of the seating arrangements. The two German States were seated, side by side,

⁶In this case the Neutral Non-aligned States had similar views as NATO which, according to Maresca, at this early stage served as the primary locus of Western policy coordination: Maresca

J.J. To Helsinki The Conference on Security and Co-operation in Europe 1973-1979 Durham and London Duke, University Press, 1985 p20.

⁷Freeman J. Security and the CSCE Process. The Stockholm Conference and Beyond London: Macmillan 1991.p61.

on the right of the Finnish Chairman, a clear indication that the "querelles Allemandes" had no place at the Conference.⁶⁴

Participation.

In line with the bargain struck during the "diplomatic joust" leading to the MPT, the Finnish invitation was extended to the United States and Canada and to all European States. Thirty two European States initially accepted the Finnish invitation. Monaco joined later at Stage I. Albania declared itself uninterested in the efforts being made for a European security conference stating that,

Security in Europe cannot be arranged by a conference that is organized by the two superpowers...which are trying to resolve major international problems "between themselves" and at the expense of other world states and world public opinion.⁶⁵

This decision proved not to be easily reversible, and caused

⁶⁴As the recent Middle East peace talks in Madrid have indicated, seating is a contentious issue. At Helsinki French was the language used by the hosts, accordingly the two German States were seated side by side using the French - Allemagne for Germany. This arrangement whilst it satisfied the German States, aligned Austria (Autriche) next to the German States. This implied for the Austrians a Germanic bloc not much to their liking. This impasse was resolved by the United States assuming the title Amérique, États-Unis de, thus separating the Austrians and the Germans: von Groll Götz "The Helsinki Consultations" Aussen Politik 1973 Vol.24 No.2 pp123-129.

⁶⁵Cited in Bloed A. The CSCE Process from Helsinki to Vienna: An Introduction p3 from Hronika 1972, p3154A quoted in: L Acimovic, Problems of Security and Cooperation in Europe (Alphen aan den Rijn/ Rockville 1981 Netherlands: Nijhoff, 1990 p116.

procedural problems in 1990 when the Albanians wished to participate.¹⁰

Delegations.

National delegations varied widely in size. The Soviet delegation ranged from 60-100 people, whereas Monaco's delegation consisted of a single official who met the coordinating committee approximately once per month.

The level of representation also varied. Most delegations were headed by an ambassador: in some cases permanent representatives to the United Nations organizations in Geneva doubled as heads of delegations at CSCE, or ambassadors resident in Helsinki travelled to Geneva to head their State's delegation. Most delegations of reasonable size had three diplomats in charge of the negotia-

¹⁰Whilst in theory all invited states were entitled to attend in line with HR 54. The Helsinki Recommendations Nos.54 and 55 were to cause problems for Albania. In June 1990 at the Copenhagen Conference on the Human Dimension (CHD), Albania formally submitted, in writing, a request to obtain observer status within CSCE. The Chairperson of the day Danish Foreign Minister Elleman-Jensen proceeded on the understanding that by virtue of HR 54 Albania was entitled to observer status. At the time no objection was raised. However, following differences of opinion voiced retrospectively, it was then established that in future Albania would be required to submit a new request to observe at each meeting of the CSCE. Consensus was needed before observer status could be granted. Schlager E."Procedural Framework of the CSCE: From the Helsinki Consultations To The Paris Charter 1972-90." in Human Rights Law Journal 1991, Vol.12.No 6-7 p227.

tions, few of whom were specialists. Mostly they were career diplomats with broad general experience.

As will become clear later, the areas of interest were grouped into three baskets. The larger delegations had between one and three specialists working with each basket. The Soviets had an ambassadorial level official in charge of each basket, at least one specialist for each subcommittee and legal advisors for the principal. Size, however did not always reflect capability. As Maresca points out: diplomats from the smaller participating States such as The Holy See, Malta, Liechtenstein were, by the very nature of the size of their delegations, obliged to keep up with the negotiations on all subjects, and contributed in key areas.¹¹

The Multilateral Preparatory Talks were held in the conference building of the Technical Academy in Dipoli near Helsinki, and thereafter became known as the Dipoli Talks. These talks ran for four rounds. The agenda and procedures that were hammered out in the first round were to become the procedural rules of the Conference, and in turn crucial to the whole CSCE process, remaining unchanged until the Paris Summit of 1990. However, the disagreements between East and West were so fundamental that it was remarkable that seven months later, on 8th June 1973, the

¹¹ Maresca J.J. op.cit.p17

Final Recommendation of the Helsinki Consultations were laid out in what has become known as the Blue Book.

Dipoli 1 consisted of daily plenary sessions in which all participating States announced their aspirations, and reservations on the aims of the Conference. The smaller and non-aligned States made their mark at the outset with the insistence that Item I of the standing orders should be the acceptance of sovereign equality independent of the alliances.¹² The point at issue was that there should be neither a "meeting of blocs" nor a "meeting of groupings" both of which were alien to France and Yugoslavia respectively. The Rumanian Ambassador also expressed the wish to be free from the obligations of bloc discipline. The concept "Sovereign equality" for them needed the rider that all States participate,

[I]n conditions of full equality, which [sic] might be their social system, their order of greatness, the level of development, their membership or non membership of military alliances.¹³

A long winded rider designed to elicit assurances that members of an alliance would be protected in the event of differences with its hegemonical power. Although the Soviets argued that they felt themselves no less sovereign because of their membership of the

¹² von Groll "The Helsinki Consultations" Aussen Politik 1973 Vol.24 No2.p121.

¹³Bechtoldt H."Von der ersten zur zweiten Runde in Helsinki:From the First to the Second Round in Helsinki. Aussen Politik 1973 Vol.1 p26.

Warsaw Pact, the phrase "outside the blocks," which was suggested by the Polish delegation was adopted. Account was taken of the obligations of the members of the European Community vis-à-vis the legal transfer of powers to that body in the relevant areas. The German draft of the final text reads:

[All States that take part in the consultations, take part therein on the basis of equality as independent States and with full entitlement. The consultations take place outside the military alliance.^{1*}

The mechanism with which the work was to be tackled was a committee structure with a rotating chairmanship.^{1**} The first task, the election of the Finnish Chairman, was achieved relatively simply. All interested parties became participating States, equally sovereign and independent. Decision making was to be by consensus. This was crucial to the process and subject to extensive wrangling as the talks progressed. It is therefore necessary to explore the concept in some detail.

Consensus Decision Making

At the outset in Round I it became clear that if the Conference were to take place at all, never mind reach a conclusion, it would be necessary for each participating State to relinquish

^{1*} idem

^{1**} Rotating chairmanship means the simple system of rotation among all participating states which enhanced the equality within the Conference and also avoided the contentious issue of military blocs.

elements of its own position. The debate centred round the possibility of majority voting on procedural matters with consensus being required on matters of substance. Although this arrangement would have streamlined the Conference, the Eastern Bloc States feared that in the event of "grouping," the NATO members aligned with a few sympathetic neutrals, could easily out vote them on procedural matters. To the Neutral and Non-aligned (NNA) States, the simple consensus ruling gave them participation on a truly equal basis with the larger powers, so this was the preferred method.

With the adoption of consensus there was a tacit understanding that there should be no veto. The Blue Book defines consensus (HR69) as,

The absence of any objection expressed by a representative [of a participating State] and submitted by him (sic) as constituting an obstacle to the taking of the decision in question.¹⁶

That is to say "those who are not against us are with us,"¹⁷ this tacit agreement which is implied by the absence of objection must be achieved before any procedural or substantive issue can be passed within the CSCE process. Decision making by consensus means more than unanimity, it requires that each delegation withholds any potential rejection of the matter under consideration. Schlager states that,

¹⁶Bloed op.cit p37.

¹⁷Schlager op.cit.p221: see also Maresca op.cit.pp14-15.

[While a decision taken by consensus may indicate unanimous support from all quarters, it may also mean a combination of voiced support and quiet abstention. Purposeful silence on the part of a delegation may relieve it of the political pressures it would face for publicly supporting abroad policies which would undoubtedly be unpopular at home, but it does not relieve a country of its obligation to comply with a commitment which has gained consensus. The end result is that no document emerges from this process which has not achieved consensus among the participating States.¹⁰⁸

That was the theory, in practice any participating State, large, medium or small can block consensus, as did Malta both at Geneva, and in the closing days of the Belgrade Follow Up Meeting in 1978; highlighting that there are both negative and positive elements in consensus decision making.

At Belgrade, Malta threatened to withhold consensus to the concluding document unless agreement was reached on holding an intersessional meeting on Mediterranean security.¹⁰⁹ However, although each State can specifically refuse consensus, there can still be consensus if unanimity cannot be achieved, because,

[It may be easier to get negotiators to refrain from saying "no" than to actually say "yes" on some issues. Secondly, it protects the smaller, less powerful States, as each country - no matter how small - has the right to block or permit the achievement of consensus. Thirdly it increases the incentives for most countries to participate in this process. That is it protects the numerical minority from the tyranny of the numerical majority. Finally, it maintains the creditability of the process, as no country can undermine the validity of a

¹⁰⁸Schlager op.cit.p223.

¹⁰⁹Mastney Helsinki, Human Rights, and European Security Durham, Duke University Press, 1986 p179.

document by suggesting the commitments contained therein were imposed upon it.²⁰

Conversely, the obvious problem with consensus decision making is the slowness of progress, when the collective will of the whole cannot be subsumed to the simple majority rule. As the Maltese incident indicates, the use of the veto means that the consensus rule may be open to abuse. Schlager cautions that it is necessary to distinguish between a threat to block consensus and actually blocking it.

The mere threat to block consensus without actually doing so can be a useful negotiating tool and not necessarily abuse.... Whether or not the consensus rule has been "abused" must be evaluated in the light of the national priority attached to the issue in question, the good faith of the country in negotiating its stated goals, and the timing of the blocking of consensus... This form of decision making creates a procedural bias toward the status quo. Arguably this inhibits the process. At a time when historical events seem to be rushing forward this may be a greater liability than during a period of prolonged tension.²¹

In other words, the participating States in adopting the consensus decision making rule used it as a defensive mechanism to protect essential national interests. This was a Conference on cooperation, cooperation is activated in the interest of reciprocity, but the concept of reciprocity has little meaning if there is not some measure of equality and this is what consensus decision making gives. There are no first and second class

²⁰idem

²¹ibid p224.

States, some with rights of veto and some without rights of veto, as in the Security Council of the United Nations. There is also no use of, as in the General Assembly of the UN, the one majority principle.²²

Groupings

Groupings of like minded States played important roles throughout the whole process. The Warsaw Pact's important position was marred only by its single dissenter, Rumania. Hence the Soviet position was the number one question, because whatever the Conference issue, it could be expected that five or six other States would toe the same line. Rumania was at all times primarily interested in levers with which to enhance its own independence from the Soviet Bloc, until it came to Basket III, involving the issues on human rights and the freer movement of peoples. On these issues the Rumanians were more determined than the Soviets themselves.²³

The European Community Nine

The Nine member States of the European Community had two distinct roles at the Conference. The first resulted from the legal commitment under the Treaty of Rome for the Commission of the

²²Bechtoldt op.cit.p26: see Article 18 and 27 of UN Charter cited in Goodrich L.M.& Hambro E. Charter of the United Nations London, Stevens & Sons Ltd., 1949 pp189-90:213-4.

²³Maresca op.cit.p18.

European Communities to conduct trade negotiations on behalf of all members.²⁴ In this they were supported by ad hoc committees. On political questions the Nine established an internal special subcommittee of the CSCE delegation heads, responsible to the political directors of the Nine foreign ministries. Although on the same level as the ad hoc committees working on the trade negotiations, this internal subcommittee was not subject to the same legal commitment as the ad hoc groups on Basket II. Nevertheless both received joint policy guidance on most major questions from the political directors of the Nine. This, at that time when the European Community had just enlarged from six to nine to incorporate Britain, Ireland and Denmark, was considered a remarkable feat. Maresca avers,

The Nine regarded this coordination as a particularly successful example of foreign policy coordination, an area in which they are still attempting to build habits and traditions.²⁵

Crispen Tickell, who was the British Foreign and Commonwealth Office representative at the MPT and the Conference proper, was of the opinion that, in this way, by thrashing out ideas among themselves the Nine had over the months thought of just about every idea, possibility or manoeuvre which might occur, thus giving them the edge in the Helsinki Consultations. ²⁶

²⁴Ehrhardt C. "Europe after the Paris Conference: The Community and CSCE." Aussen Politik: 1973 Vol.25.No.1 p79.

²⁵Maresca op.cit.p19.

²⁶Tickell C. "Enlarged Community and the Security Conference" Aussen Politik 1974 Vol.25 No.1 pp13-22.

The NATO Group

This group overlapped with the Nine, since all, except Ireland, were members of NATO thus strengthening their position at the Conference. The six monthly communiqués of NATO, as noted in Chapter 1, served as the vehicle for Western dialogue vis-à-vis the feasibility of a European security conference as,

Most Western ideas on substance or procedure had been aired in NATO before the Conference and the United States' leadership in these preparations had been strong.²⁷

Although the largest group at the talks, a clear role for NATO was blocked in the second round of the preparatory talks on account of French antipathy toward "negotiation between the military blocs," echoing again what appears to be French paranoia of American dominance. Hence there was no institutional link between NATO as such, and the NATO group at the negotiations. There were no NATO representatives fitting into the delegations, as was the case with the group of Nine. Although the Americans played a modest role at the talks their membership of the NATO group served as a counterbalance to the strong Soviet position. And this in turn allowed the Nine to maintain a high profile at the Conference.

The Berlin Group

The Four war-time allies acted together to preserve the quadripartite rights and responsibilities vis-à-vis Berlin and

²⁷Maresca op.cit.p20.

Germany in the light of the Treaties signed between the FRG and the Soviet Union, between the FRG and The Peoples Republic of Poland, the Quadripartite Treaty on Berlin which had been outstanding since 1945, and the Treaty between West and East Germany, as outlined in the previous chapter (p32).

Neutral and Non-aligned Group (NNA).

The NNA States comprising Finland, Sweden, Switzerland, Yugoslavia, Austria, Cyprus, Malta, Liechtenstein and The Holy See formed a grouping around the most important neutrals. Spain considered itself neither neutral nor non-aligned and therefore participated in no group. This NNA group was supremely cohesive despite the strongly held principle that each participating State was an independent entity. The exclusion of this group from the Vienna talks on MBFR made it all the keener to broaden the military content of the Conference. Yet at the same time it served to prevent the two military alliances from performing as such.

The Mediterranean Group

This group met to co-ordinate views of special interest to the littoral States of the Mediterranean. It served to highlight the North-South aspect of the talks, i.e. the dichotomy between the largely industrialized, richer states of the North and the less developed States of the South.

The Nordic Group

Membership consisted of the three NATO members - Iceland, Norway and Denmark - one a member of the Nine, Denmark, and two neutrals Sweden and Finland. Maresca points out that on certain questions the Nordic five's solidarity was stronger than that of either the Nine or of NATO, especially with regard to the fixing of the date for Stage III of the Conference.²²⁰

Structure

As laid out in the Blue Book the basic structure outlined in the Dipoli talks indicated a three level structure. Conference was to function through a number of working bodies. The central organ was to be the Coordinating Committee, with provision being made for committees to handle each group of related subjects, and sub-committees which could set up their own working groups, open to all participating States (HR 67-68).

Secretariat

The HR 74-79 limit the secretariat to strictly technical matters and Maresca records that any attempt to breach this remit was "firmly squashed by one or more of the delegations."²²¹

Early in the Dipoli talks it became clear that the Soviet conception of a security Conference and the actual Conference as it evolved was really very different from what Moscow had

²²⁰Maresca op.cit.p21.

²²¹ibid p22.

envisaged. Security for the Soviets, at that time, was visualized as some form of collective non-aggression pact involving the whole of Europe. This could be achieved to their satisfaction with a simply phrased solemn declaration on the same lines as Article 52 of the United Nations Charter.³⁰

In addition to a non-aggression pact there was the additional theme of universal cooperation between Western and Eastern European States in fields of economics, technology and science. Most of these aims were addressed by the four main treaties outlined in the previous chapter. In a system perceived to be Realist dominated, what Brezhnev wanted was a high profile short sharp meeting, announcing the emergence of the German Democratic Republic (GDR) as a State in its own right. Unfortunately for Brezhnev too many other participants had vested interests. The European Community Nine and The Atlantic Alliance on the front line wanted, for the two Germanies and all other European States, not only a declaration of goodwill, but also clarification and confirmation of Peoples Rights, with guarantees of their application and implementation. Therefore the argument went from the general to the specific. The East's wish for a generalized

³⁰ Article 52: "Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security and as are appropriate for regional action, provided that such an arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations." Source United Nations Charter op.cit.p309.

approach to produce a short sharp text consisting of mainly intergovernmental principles was juxtaposed alongside the West's preference for specialized groups to handle each subject to be addressed by the Conference. Round I of the Dipoli talks concluded with disagreement over the necessity for a Christmas recess, however, the majority wish for a Christmas interval prevailed.

At the beginning of the second round of talks it became clear that the Christmas recess had not been wasted. The detailed tasks which were offered for the commissions were divided into three groups, Security; Economic Cooperation and Environment Protection; and Contacts, Cultural and Information Exchange. The NNA States' submissions complemented those of the West. The Eastern States also submitted short texts for the "instructions" adding the "creation of a permanent consultative body" as a fourth necessary topic.³¹ The ensuing discussion on the substance of the Conference brought the rough classification of subjects. The concept of Baskets was introduced to the process by the Swiss in order to avoid prejudicing the importance of any single subject. In other words, given the gamut of material submitted, and also that to each delegation its interest was as important, to it at any rate, as the next delegation's; the concept of baskets enabled anything to be put in and anything to be taken out.

³¹ von Groll op.cit.p124.

There were four Baskets in all, into the first went all questions on security. The second Basket took care of economic, technological and environmental issues, and Basket three got human contacts, cultural and information exchange. The fourth Basket was simply labelled conference consequences.

On conclusion of Dipoli 2 the Swiss were charged with the task of arranging all the text proposals and the "instructions" in the relevant baskets. Once this task was completed actual material discussion commenced at the beginning of Dipoli 3.

Eleven subcommittees were set up responsible to the three main committees. A "special working body" at the same level as subcommittees was established to address both the Swiss proposal for a system for the peaceful settlement of disputes in Europe, and also the Rumanian proposal vis-a-vis the principle of refraining from the threat or use of force. As the negotiations progressed several other bodies were created including working groups on the follow up conference, and on the contentious Mediterranean question.

At the outset misunderstandings arose as to the meanings of the terms used. For example, much discussion ensued over the question of the inviolability of borders. The East wanted all other principles of peaceful coexistence to be subordinate to this

principle. In contrast, many other participating States³²² represented at the MPT wished to avoid the statement on borders being so restricted "that peaceful border adjustments or abolition of borders would be excluded."³²³

Dipoli 3

At Dipoli 3 the Baskets were addressed in chronological order, to facilitate the smaller delegations. Basket I held two components: the principles of relations between states, and security, including, at the West's insistence, the right to self determination, a concept that the Soviets argued belonged only to colonial situations.³²⁴ Agreement was finally reached that confidence building measures such as: prior notification of major military manoeuvres and troop movements were to be included in Basket I for consideration at the Foreign Ministers' Meeting. This was mainly carried by the NNA States who were not represented at the MBFR talks at Vienna, as was the section, introduced by the Swiss, on peaceful settlement of disputes. ³²⁵

Basket II contained all the questions relating to economics, science and technology, and environmental cooperation. The

³²²Especially Ireland, given that Articles 2 and 3 of the 1937 constitution lay claim to Northern Ireland, which has been incorporated in the UK since the signing of the Treaty in 1921.

³²³von Groll op.cit.p125.

³²⁴Povolny op.cit p225

³²⁵von Groll op.cit.p124.

contents of this basket were of particular interest to the East European participants and consequently they, following tactics first used at the MPT by the Western and NNA delegations, submitted texts with assigned roles. In this area Spain, Yugoslavia, and Finland also proposed that questions appertaining to the underdeveloped regions, such as itinerant workers, and further questions on issues which arise from economic interlinking should also be addressed by the economic committee.²⁶

Grouped into Basket III were the issues relating to "Contacts Culture and Information Exchange,"²⁷ which were to become the most difficult and contentious of all the issues handled by the foreign ministers at Helsinki.

The Western draft, as prepared by the Danish, adhered to the position, which was laid out in Section 13 of the NATO communiqué of December 1970, that the real impediments to the "free movement of people, ideas and information,"²⁸ should be on the agenda for the foreign ministers' meeting. This was viewed by the Soviets as an instrument of ideological subversion and hence was the subject of protracted negotiations. The Soviets presented their

²⁶ibid p127.

²⁷idem

²⁸Cmnd 6932 Document 29,p88.

own texts for the "sadanija," meaning "instructions,"³³ to the commission dealing with Basket III, stressing the concept of sovereignty, non-interference and existing laws. This was aimed at constraining any agreed formula or provision they did not want to implement. It became clear that this was a principle of selectivity, which would allow the East to "select and reject as they pleased."⁴⁰ Rumania was more communist or status quo oriented than the Soviets themselves, when it came to the area of "freer movement of people" From the Western perspective, if the issues of the people such as, family reunions, easing of travel, media and transmissions were not to be addressed then a Conference would be pointless. The East were aware that to secure Western endorsement of the inviolability of borders meant giving way on demands for the contents of Basket III. Basket III contents were not so much a matter of principles, rather they were the discussion of practical measures designed to improve contacts and cooperation. So as early as these preliminary procedural negotiations in the Spring of 1973 the Soviets agreed somewhat reluctantly to the Basket III agenda of topics that would eventually dominate the Helsinki process. However, no reference was made to the freer flow of ideas.

³³von Groll op.cit.p124.

⁴⁰Times London 3 July 1973.

Chapter II
Helsinki 1972-Helsinki 1975
Part 1
The Multilateral Preparatory Talks

Basket IV, labelled Conference consequences, resulted from the Soviet desire to create some sort of permanent organ to continue the work of the Conference. Many States were reluctant to consent to the creation of new international bodies at this stage in the MPT. This would have bound the West to establishing an institution before agreement on its specific function had been reached. It also increased the risk that pertinent issues could be evaded by deferring them to the follow up meetings.⁴¹ The NNA States were also keen on the concept of some sort of follow up mechanism, because it afforded them a continuing forum for multi-consultations on European issues, which they did not ordinarily have. The compromise that was reached allowed for a coordinating committee charged to consider,

[Such measures as may be required to give further effect to the decisions of the conference and to further the process of improving security and developing cooperation in Europe.⁴²

Dipoli 4

Began on 25 April 1973, and addressed a comprehensive workload. This Round was by all accounts the most hectic period, and in the space of four or five weeks organized what Final Recommendations were to be submitted to the governments of participating States at Helsinki. The inevitable increase in the work of the main

⁴¹von Groll "The Geneva CSCE Negotiations" Aussen Politik 1979, Vol 25 No.2 p159: Times London 3 July 1973.

⁴²Times London 3 July 1973.

conference necessitated adjustments to the Standing Orders, and a special working group at Dipoli addressed this question.

Finances

The host country of each stage was to advance all monies necessary to host that stage subject to reimbursement by the participating States (HR 92).

Observer Status

The contentious question of observation for non eligible States was left an open question and it was to cause problems at Stage I in Helsinki.

Follow up Venues

The Finnish efforts and achievement in establishing the MPT and *ipso facto* the CSCE, were recognized by the agreement to site both ceremonial meetings at Helsinki i.e. Stage I and Stage III. Geneva was chosen for the working Stage II because its central location was thought to be more convenient for protracted negotiations. In addition, the fact that telephone calls from Helsinki were often routed via Moscow and East Berlin, engendered unease about privacy among the Western diplomats.⁴³

⁴³Maresca op.cit.p14.

Languages

Six languages: English, French, German, Italian, Russian and Spanish were used (HR 81). The task of translating text from English or French working papers, which contained agreements and recommendations that were already compromises, into acceptable German text had to be tackled at Diploi 4. As well as significantly increasing the workload at Dipoli 4, this was the beginning of a problem which was to recur throughout the talks. The aim throughout was to end in June 1973, but this hinged on the progress made at the MPT. On 8 June 1973 the participating States, by consensus agreed the Helsinki Final Recommendations. Fundamental to any understanding of the CSCE process is the concept that all component elements in the agenda for Helsinki were of equal weight and significance.⁴⁴⁴

Crispen Tickell records,

The substance of the Final Recommendations which emerged from the consultations at Helsinki between November 1972 and June 1973 wholly reflects the Western idea of what the Conference should be about...rather than a high profile declaratory affair of peace, brotherhood and high principle.⁴⁴⁵

This emphasis on substance was reflected in the British Foreign Secretary's address delivered at Stage I of the Conference proper at Helsinki with the reminder that the issues were not military issues, rather they were about people first and then about mutual

⁴⁴⁴Freeman op.cit.p63.

⁴⁴⁵Tickell op.cit.pp22-3.

trust which had been so conspicuously lacking during recent European history.

The people of our countries will not thank or congratulate us for adding more solemn declarations to the world's archives different from other such documents only in the signatures underneath them.⁴⁶

The balance that was struck at the Multilateral Preparatory Talks gave the politico/military, economic, and the human dimension equal ranking, and linked them together thus making it clear that cooperation between governments in the interests of the people was the goal of the Helsinki Recommendations. Despite all the obstacles encountered on the way, not least the disagreements between East and West, the MPT produced a carefully drafted Conference agenda in the form of the Blue Book. The Blue Book set out a total of ninety six recommendations on the organizational and procedural aspects of the CSCE, which became the blueprint for the Conference proper.⁴⁷

In the words of the French Foreign Minister Jobert,

[I]t describes what has to be done for the peaceful development of Europe in the coming years. The how-that is to say the filling out of the programme, is the most important task of the commissions phase in Geneva.

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⁴⁶Sir Alec Douglas-Home 5 July 1973: Cmd 6932 p158.

⁴⁷Bloed A.op.cit.p3.

⁴⁸von Groll "The Foreign Ministers at Helsinki" Aussen Politik 1973 Vol.24 No.3.p256.

However, a NATO REVIEW of that period carried a timely caution.

It is important to underline this distinction between the process of deciding whether to hold a Conference, which is now completed, and the process of detailed substantive negotiation which lies ahead. For if this is not understood, there may be a tendency to imagine that we are a good deal further on in our journey than is the case, and there may be undue disappointment at the pace of future progress.*

With this caution the Foreign Ministers met at Helsinki to continue the process.

Part II
Stage II Helsinki

The Foreign Minister's Meeting at Helsinki opened at high level on 3 July 1973 to commence the introductory work of the Conference on Security and Cooperation in Europe. The purpose of this meeting was for the Foreign Ministers to adopt the rules of procedure and the agenda, as laid out by the Multilateral Preparatory Talks in the Final Recommendations of the Helsinki Consultations. The Final Recommendations set out the draft resolutions or directives in a language not renowned for its aestheticism. The translation of working papers from English and French into German text of the official documents had to bridge the divide between capitalist, socialist, neutral and non-aligned States. In other words, the final text was a compromise, and described by the French Foreign Minister Jobert as "a giant torrent of words."³⁰

* NATO REVIEW 1973 No 5 p4.

³⁰ vonGroll "The Foreign Ministers in Helsinki" Aussen Politik 1973 Vol.24 No.3 p256.

The United Nations Secretary-General Kurt Waldheim addressed the Conference as the guest of honour, giving the international dimension that the Soviets desired so much. Thereafter the foreign minister of each participating State spoke setting out the views of their respective Governments on questions relating to security and cooperation in Europe.

Finnish President Kekkonen in his opening speech observed at the outset that, "This is no meeting of the victors of war..., nor is it a meeting of the great powers."¹

Secretary-General Waldheim told the assembly at Helsinki,

[W]e now stand at a decisive turning point in world history. After a long period of acute international tensions throughout the world we are now conscious of a new situation and a new mood.²

This emphasises that détente goes much deeper than simply better political relations between the great powers, rather, true détente involves the true understanding of the values and interests of others.

It does require that all nations should try to understand and certainly to tolerate, the systems and attitudes of others.³

Immediately at Helsinki the issue of the littoral States of the Mediterranean, Algeria and Tunisia, was raised by Malta's Prime Minister Dom Mintoff; echoed by Spain's Foreign Minister Lopez

¹ Times London 6 July 1973 p4.

² idem

³ idem

Rodo. This procedural issue, which was strongly opposed by the Soviets, was resolved after two private talks between Herr Winzer East German Foreign Minister, who was chairman for the day, and Dom Mintoff. In an attempt to keep Middle Eastern issues off the agenda a working committee was set up to deal with this matter. Much merriment was caused when Mintoff was chosen, by lot, to be the second chairman of the special committee set up to consider his request.¹⁰⁴

The preamble on questions relating to security states,

...the wider objective of promoting better relations among participating states and ensuring conditions in which their people can live in true and lasting peace free from any threat or attempt against their security.
☐☐

Just how variable the "values and interests" of other States were came to light with the questions appertaining to security at Helsinki. By and large the Western and NNA States emphasized the renunciation of force, while the inviolability of borders and territorial integrity was stressed as a priority by the Eastern Bloc States. Military deterrence and credible defence were underlined as essential prerequisites for security. Absolute priority was given to sovereign equality, non interference and the right to self determination by the smaller and non-aligned

¹⁰⁴Davy R Times London 6 July 1973 p4: Cmnd 6932 p170: see also Maresca op.cit.p89.

¹⁰⁵HR 13: The Final Recommendations of the Helsinki Consultations: Cmnd 6932 Document 52, p143.

States. Switzerland stressed the effectiveness of imposing binding obligations upon states to settle disputes peacefully. Human rights and basic liberties, consistent fulfillment of treaties, were all given voice as guarantors of security, and all featured in the Decalogue of principles that issued from Helsinki as follows:-

- sovereign Equality respect for the rights inherent in sovereignty
- refraining from threat or use of force
- inviolability of frontiers.
- territorial integrity of States
- peaceful settlement of disputes
- non intervention in internal affairs
- respect for Human rights and fundamental freedoms including freedom of thought conscience religion and belief.
- equal rights and self determination of peoples
- cooperation among states
- fulfillment in good faith of obligations under International law.

As the MPT were concerned more with procedural issues and with identifying differences that would have to be fully discussed at the Conference proper should one transpire, the Soviets were required to give a good deal of ground toward accepting that real issues would have to be addressed if they were to gain the Conference they so badly wanted. From here on they aimed at recovering lost ground. Povolny points out that,

[W]hat the Soviets had given away to bring the preparatory consultations to a close, she [sic] tried immediately to reclaim during the first phase of the conference itself.¹⁰⁶

¹⁰⁶Povolny op.cit.p226.

Following the speeches of the Finnish President, and the guest of honour at the Foreign Ministers' Meeting, the Soviet Foreign Minister Gromyko had pride of place among the assembled. Places were allocated on a first come first served basis. He spoke first by dint of an all night vigil, outside the Marski Hotel, by a junior Soviet diplomat to ensure primacy on "the speaker's list."⁵⁷ "Europe of the future" he said, "must be a continent where aggression is excluded for ever from the life of its peoples."⁵⁸ Mr Gromyko's Soviet draft declaration stated that in order to achieve this it was necessary that,

[The participating States regard the existing frontiers in Europe now and in the future as inviolable, shall not raise any territorial claims against each other and recognize that peace in this region can only be maintained if nobody disputes the present frontiers.]⁵⁹

For the Soviets the renunciation of force was defined as an obligation to exclude war as a means of solving international disputes. This was seen by the West as an attempt to dissolve the United Nations Friendly Relations Declaration simply to read:

[Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another state.]⁶⁰

This ignored the fact that the United Nations document actually embodies the forgoing in the principle of refraining from the

⁵⁷Maresca op.cit.p39:see also Times London 6 July 1973 p4.

⁵⁸Cmnd 6932 Document 59,p161

⁵⁹von Groll "The Foreign Ministers at Helsinki" Aussen Politik 1973 Vol.24 No.3 p261.

⁶⁰idem:see also Mastney op.cit.p75.

threat or use of force. The inviolability of frontiers contrary to what the Soviets wished to convey is not a separate principle. The Foreign Ministers' of the Western States spoke out clearly on this issue pointing out that one can only "violate" frontiers with force. The inviolability of frontiers, therefore was a "field of application" of renunciation of force thus making it clear that "peaceful change" of frontiers was indeed their goal.⁶¹

Wearing two hats, as Danish Foreign Minister, and as the representative of the Presidency of the European Communities, Foreign Minister Andersen pointed out that the basic principles were an "indivisible whole." And that force was the classical means by which a frontier is violated,

[At the same time the principle of inviolability of frontiers did not mean that frontiers could not, under any circumstance, be changed. Such changes had to be based on agreement freely entered upon by the states concerned.⁶²

Foreign Minister Scheel of West Germany reminded the meeting that there were many instances in which West Germany had given contractual undertakings not to use force to change borders, at the same time emphasising that,

[The political aim of the Federal Republic was to help to create a state of peace in Europe in which the

⁶¹ idem

⁶² von Groll op.cit.pp261-2.

German nation can regain its unity in free self-determination. ⁶³

This Soviet interpretation of "inviolability as meaning immutability," deeming that borders should be inviolable and permanently unchangeable was anathema to Ireland and the West Germans, as well as to those participants aspiring to European Union. ⁶⁴

Military and Political Measures.

The question of the MBFR talks at which the NNA States had no representation generated much discord. Failure to have MBFR included as an agenda item, gave way to demands that the Vienna talks should be obliged to report to the Conference. The Super Powers at that time were pursuing bilateral interests and wished to keep military matters at the CSCE at a minimum. What evolved was Confidence Building Measures (CBM); principally CBM were evolved to identify the spheres of military activities that were deemed to be more political in character. Therefore, the final document of the Helsinki Consultations, under HR 23, allowed only that,

Major military manoeuvres of the participating States are to be notified in advance to the conference and manoeuvre observers are to be exchanged. ⁶⁵

⁶³ idem

⁶⁴ "Into the labyrinth rode the six hundred" Economist September 29 1973.p41.

⁶⁵ The Final Recommendations of the Helsinki Consultations: Cmnd 6932 Document 52,p143.

A military manoeuvre is simply an exercise designed to test the readiness to mount or thwart an offensive. It can be used as a signal which is either clear or misunderstood; ambiguity creates tension which can lead to a crisis situation with the inbuilt propensity to escalation. In the UK delegation's view the inclusion of HR 23 viz the prior notification and the exchange of observers would greatly reduce this risk.

The question of prior notification of major military movements was to be included in the remit of the First Committee at the Foreign Ministers' Meeting at Geneva. Much of the above argument used for the notification of manoeuvres, can be applied to the prior notification of major military movements. The UK delegation argued that, if anything, major military movements could be potentially more threatening than manoeuvres.⁶⁶

On this issue the Rumanian Foreign Minister reiterated his demand for the closure of all military bases, the withdrawal of all foreign troops and dissolution of military blocs, but this along with the Finnish Foreign Minister's request for discussion at the Conference of a non nuclear zone in Scandinavia, found no space for discussion. This being a clear indication of how rigorously the Conference adhered to the prepared text of the Blue Book.⁶⁷

⁶⁶ Cmnd 6932 Document 56, pp166-7.

⁶⁷ von Groll op.cit.p263.

Economic, Science and Technology and Environment issues had caused problems at Dipoli 4, over the two principles, viz most favoured nation treatment, and non discrimination, which appeared in section 3 of the preamble," ... reciprocity of advantages and obligations... with regard for the diversity of economic and social systems"(HR 27). These problems arose because the concept of reciprocity was not applicable between planned and market economies. Geneva's remit was to work out recommendations for concrete measures to develop cooperation in the following sectors,

- Trade
- Industrial cooperation and projects of common interest.
- Science and Technology
- Environment
- Cooperation in other areas.

Chapter III of the Blue Book entitled,"Cooperation in Humanitarian and Other Fields"(HR 42) aspired to,

[T]he spiritual enrichment of the human personality, without distinction as to race, sex, language or religion and irrespective of their political economic and social systems....

The aims of the Blue Book were thus to seek improvement in human contacts, information, cooperation in the field of culture, as well as cooperation and exchanges in the field of education.

The concept of a Follow Up Mechanism to the Conference was embodied in HR 53 as follows.

The Coordinating committee shall consider, on the basis of the progress made at the Conference, such measures as may be required to give effect to the decisions of the Conference and to further the process of improving security and developing cooperation in Europe. Having considered proposals to this effect, including proposals of an organizational nature, it shall make any recommendations which it deems necessary. In examining the follow up of the Conference, the Committee shall also consider the contribution which it believes could be asked from existing international organizations. ⁶⁹

In this way the West avoided pre commitment to the creation of a permanent fixed structure. Whatever form the further Conferences would take, would thereby be determined exclusively by the results of the Conference. This despite Gromyko's hint that too much should not be expected from this first Conference, affirming that possible subsequent Conferences would have to be prepared in some organizational form or other. ⁷⁰

Two important tasks were achieved at Helsinki Stage I: the recommendations of the MPT were unanimously approved, endorsing the work of Stage II in which questions of substance were to be addressed. It was also agreed that Stage II should open in Geneva on 18 September preceded by a preparatory meeting of the Coordinating Committee beginning on 29 August. ⁷¹ The question of

⁶⁹Final Recommendations of the Helsinki Consultations: Cmnd 6932 Document 52, p143-58.

⁷⁰von Groll op.cit.p267.

⁷¹Cmnd 6932 Document 58, p171.

the duration of the Geneva meeting was left open thereby frustrating the Soviets wish for an early time limit.

Part iii
Stage II Geneva

In line with HR 77, no official verbatim records were to be kept except at the first and third ceremonial stages. Delegations were free to keep records if they so wished, accordingly the work of J.J.Maresca, the US delegation deputy head: Crispen Tickell the UK delegate representing the Nine: and Götz von Groll the deputy head of the FRG delegation have been drawn on extensively in what follows.

The Geneva talks took place in an atmosphere in which, according to a Times Editorial, "the split with China made the Soviets even more anxious to secure her [sic] western frontiers."⁷¹ In other words hostility to China was pushing the Soviets toward a more stable relationship with the West. Also the 1971 Five Year Plan had shifted the emphasis from "producer goods to consumer goods" and called for expenditure on such a scale that fulfillment was impossible without Western cooperation, which in turn was impossible while the rigid Cold War posture was maintained.⁷² With this in mind the April 1973 Plenum of the CPSU produced

⁷¹Times London 3 July 1973 p17.

⁷²In theory Five Year Plans are subject to the force of law, failure to implement and fulfill the requirements can lead to the prosecution of those responsible. Shaw W.& Price D. Encyclopedia of the USSR London Cassell Publishers Ltd. 1990 p86:p240.

complete support for their First Secretary Brezhnev, and the policy of détente. Mr Brezhnev believed that with détente they could have both "guns and butter."⁷³

In pursuit of the title as arbiter of European security the Soviets were keen that CSCE should succeed. Yet despite the chief Swiss delegate, Mr Rudolf Bindschedler's caution in his welcoming speech at Geneva that,

Solemn declarations were inadequate, precision in agreements was necessary if national and individual freedom crucial for real security were to be obtained,⁷⁴

the Soviets preferred broad agreements to allow flexibility of interpretation rather than specific commitments that lesser States could invoke for their own protection. Consequently the Conference moved from the specific to the general rather than vice versa and the outcome depended on the balance of its three baskets. Considering also that diverse views take time to resolve, especially when consensus is necessary, these were lengthy discussions. Hence this Geneva Stage which Brezhnev had hoped would be the swift jewel in his crown turned into a two year diplomatic marathon. The Economist, as early as September 1973, averred that what Brezhnev really wanted was an enhanced profile that would earn him a place in Soviet history books as

⁷³idem.

⁷⁴"Into the labyrinth rode the six hundred" Economist September 29 1973 p41-2.

the man who managed, in the teeth of Western imperialist opposition, to legitimize the system that Russia had imposed on Eastern Europe.

There was, however, a long struggle at Geneva and the talks were wound up at the eleventh hour, just in time to enable the high level summit to take place in Helsinki in early August. If that date had been missed there would have been little chance of staging the 35 State summit before both the 25th CPSU Congress in February 1976 and the unveiling of a new Five Year Plan. Given that the promises made in the last Five Year Plan had not been fulfilled and that the 1975 grain harvest was the worst harvest for 10 years, Brezhnev needed something positive to report, to enable him to crown his years as leader.⁷⁵

The division of Europe was in no way unnatural to the Soviets. It established Soviet hegemony and, hopefully, enhanced the potential for Soviet expansionism. This encouraged the Soviets to support a Conference conducted in an apparently cordial atmosphere, which created an impression of broad agreement and general amity without the need for any real change. However, as outlined above, the Soviets were anxious for increased opportunities for Soviet trade in the West and the benefits that would accrue from greater access to Western technical know how.⁷⁶ On

⁷⁵Shaw & Pryce.op.cit.p88.

⁷⁶NATO REVIEW 1973 No5 p4.

the other hand, in the West where the postwar division of Europe was regarded as artificial and therefore distasteful, there was a commitment from the outset to real change. Given the conflicting aims and aspirations of the major participants, the West sought and required a precision and clarity of language not hitherto present in the documents; whereas the East wished to keep the language vague and imprecise. This is one reason why prolonged bargaining ensued at Geneva.

In the House of Commons on 9 July 1973 the Foreign Secretary Sir Alec Douglas Home said,

The onus will be largely on them and the Eastern Europeans to say what they will be able to do about increased talks and the increased exchange of ideas and people.⁷⁷

Despite any implication of simplicity in this statement, immediately prior to the Geneva Stage II, indeed, concurrent with the preparatory meeting, which began on 29 August 1973, the internal trial of political dissenters Pyotr Yakir and Victor Krasin was in full-swing in Moscow. The accused were found "guilty" of having connections with the anti communist emigre organization the NTS (Popular Labour Front),⁷⁸ and of working as paid informers of foreign correspondents in Moscow. The fact that no

⁷⁷Cmd 6932 Document 58, p172.

⁷⁸Acronym - NTS derived from Russian words Popular Labour Front, usually described as right wing, worldwide strength of the organization thought to be 500.

foreign correspondents were allowed in the courtroom was read in the West as failure on the part of the Soviets still to understand that "internal and external affairs cannot be kept in separate compartments."⁷⁹ The Times pointed out that the Soviet regime's attack on Sakharov, subsequent to his criticism of the suppression of elementary human rights,

[S]uggest the system is too insecure to face even modest level of dissent and modest lessening of its isolation. Blind to the fact that its critics are trying to save it from its own stagnation and are demanding no more than is promised by the Soviet constitution.⁸⁰

Internally Pravda and Izvestia ran articles of denunciation against Professor Sakharov and Mr Alexander Solzhenitsyn, supposedly by "ordinary workers" regarding statements that were in fact unpublished.⁸¹ Sakharov argued that,

[T]rue international understanding and relaxation could not be achieved unless a democratized Russia gave its citizens free access to information and freedom to travel. Nor could there be a clearer illustration of what the pan European conference, that was formally opened in Helsinki in July, and is to be properly started in Geneva on September 18th, is really about.⁸²

Speaking to a French correspondent on 21 August 1973 immediately prior to the impending Conference Sakharov cautioned,

In this dialogue the Soviet Union is the interested party, it is bluffing hard. It is very important that

⁷⁹Times London 1 September 1973 p4:see also "Behind the façades" Economist 8 September 1973 p14:also Maresca op.cit.p136.

⁸⁰Times London 1 September 1973 p4.

⁸¹"Behind the façades" 8 September:"Hugging the bear" Economist 22 September 1973 p15:p14.

⁸²"Behind the façades" Economist 8 September 1973 p14.

the Western countries should make full use of their trump cards. But they must understand they are dealing with a very crafty partner who has the advantages of a totalitarian regime. ¹⁰³

However, it was not a straightforward issue for the Western participating States, consequently there was intense debate on the ethics of pushing the Soviets too far on internal affairs. Considered opinion held that there was a limit to the influence that could be exerted on other States' conduct, especially on the conduct of regimes in the entrenched and authoritarian structures of the Communist world. Kissinger averred,

We cannot be indifferent to the denial of human liberty but we cannot at the same time so insist on transformation in the domestic structure of the Soviet system as to give up the general evolution that we are hopefully starting. ¹⁰⁴

An opposing view was argued by Prof. Hans Morgenthau,

[A] government that cuts itself and its people off from objective contact with the outside world, that becomes a prisoner of its own propaganda, cannot pursue a foreign policy one can rely on to recognize let alone respect, those self imposed moral limitations that are the basis of a viable balance of power policy. ¹⁰⁵

The debate was not simply a moralistic or a realistic one, since the two concepts overlap. Political detente without human detente carries no substance. The Soviet Union was sending confusing signals. On the one hand Mr Gromyko was saying that the Cold War was over,

¹⁰³ibid p15.

¹⁰⁴Times London 26 September 1973 p17.

¹⁰⁵idem

[We want trust and mutual understanding to allow the gradual overcoming of the division of the continent into military/political groupings. Relations between states should be based on peaceful and mutually beneficial cooperation. ⁶⁶

On the other hand, as intimated by Povolny, internally the ideological struggle continued. ⁶⁷

Some participating States were afraid that exerting too much pressure on the Soviets would be counter productive. Other States were determined that no cosmetic version of détente would suffice. The West would not be tempted into relaxation of its vigilance in case the Soviets were bent on expansionism. As many of the speeches at the Foreign Ministers' Meeting at Stage I indicated, détente for the West was to be based on the pivotal questions of democracy and individual freedom. The trial of the political dissidents contributed little to the enhancement of democratization.

The Soviets had two advantages in Geneva. Given their political system they could with apparent impunity disregard public opinion. They were pastmasters at misinformation; foreign broadcasts were jammed, and the controlled press could and did stage "spontaneous" outbursts at whim. Consequently they had no need to inform their public what was going on at the Conference, they could even misinform them. By contrast, in the West, especially in the FRG, Conference proceedings were subjected to

⁶⁶idem

⁶⁷Povolny op.cit.p229.

critical scrutiny. This worked to the advantage of the Soviets in two ways, because as well as being able to disregard their own public opinion they could also exploit Western public opinion to the maximum extent, owing to the desire of ordinary people to see continuing improvement in East-West relations.

That there was nothing to be gained by the uneasy confrontational situation of the 1950's was the only certainty for both sides. Yet unless the Soviet Union was prepared to open up, as Sir Alec Douglas Home clearly intimated they must, the vital element of predictability would be missing from any possible security arrangements.⁶⁶ Consequently, in the declaration guiding relations between States included in the remit of Basket I, proposals must have a practical effect upon the conduct of States. They must include measures to reduce tensions, progress toward the freer movement of people, and freer exchange of information and ideas. It had become clear during the MPT, that too much precision would most probably cause the Soviets to seek escape clauses in order to circumvent any agreements which were likely to endanger the precedence of the national laws or customs of any participating State. This was viewed, by the West, as akin to an opt out clause designed to minimize the impact of agreements such as freer movement of peoples, and freer exchange of information and ideas. For the West this was not a question of interfer-

⁶⁶NATO REVIEW 1974 No5.

ference in internal affairs, rather it was matter of making the obvious point that domestic and foreign policies cannot be wholly separated. The sort of cooperation that the Soviets claimed to want entailed abandoning their isolated autocracy and this, in the Finnish President's words, meant "opening gates" between the two systems. Furthermore, if elementary human rights are, "more honoured in the breach than the observance,"¹⁰⁰ then Western public opinion would be less likely to support political contracts.

The Working Stage II at Geneva ran from September 1973 until 21 July 1975. In compliance with HR 80 all sessions were closed to the public. At the outset of the work in Geneva, although the very size of the delegations created a measure of incoherence and uncertainty, the habits and groupings that had been established at the MPT prevailed. However, the Russians and the Rumanians were very anti the Commission speaking for the Nine, consequently every time the European Community Commission's spokesman Louis Kawan attempted to speak about trade matters there was a barrage of objections. But, as has been pointed out above, the EEC at CSCE was legally bound to respect its own competences and where the Treaties already signed required it, represent itself in line with this.¹⁰¹ At the Bundestag debate on CSCE on 17

¹⁰⁰Hamlet I.iv.

¹⁰¹Treaty of Rome, 25 March 1957.

October 1974, held at the request of the CDU/CSU group, this point was also raised and defined.

Where the European Community is concerned, the East must realize that an increase in cooperation is only possible on the basis of 'realities.' That means on any sector such as trading policy which is part of the European Community's jurisdiction can only be signed with the Community itself...¹

The Rumanians feared that the Soviets would use the acceptance of the Commission representative as a precedent to introduce Comecon as a spokesman for the Eastern States.² This fear was alleviated through private assurances "in the wings" that the Soviets would not attempt to bring Comecon into Geneva and hereafter the Rumanians refrained from attacking Mr Kawan's contributions to Basket II issues. By standing firm against Soviet grumbling the Nine won the day, and so became the "fully fledged" partner the Soviets needed to negotiate with given the United States reserve. The Commission itself was represented by the inclusion of Commission Officials as members of the delegation holding the Presidency of the Nine. During the course of the lengthy Geneva talks Commission officials acted within the Danish, FRG, French, Irish and Italian delegations in line with the rotation of the Presidency of the Nine.³

¹von Groll "The Bundestag Debate" Aussen Politik 1974 Vol.25 No.4 p378.

²Comecon: Council for Mutual Economic Assistance Established Moscow 1949, viewed as Soviet response to growing European integration.

³Tickell op.cit.: "The mood relaxes as Russia and Europe join the dance" Economist 20 October 1973 p83.

One factor that may have helped to win the day for Mr Kavan was that from the beginning of 1973 the EC had taken over all national bilateral trade agreements made by the Nine with East European States. At the end of 1974 they were to be renegotiated by the EC acting in unison in an attempt to harmonize all export credit policies with the East. Western diplomacy came to the fore when the Danes invited the General Secretary of Comecon to call on the Commission in Brussels at any time of his choosing. In Brussels this was seen as a useful face saver for the Soviets at a time when the East European States would have to start negotiating quotas and trade matters on an individual bilateral basis with the Community.⁹⁴

The first task to be sorted out at Geneva was the question of "observers." This had been left open at the Dipoli 4 talks, and also caused confusion at Stage I in Helsinki, when the Maltese Prime Minister demanded a hearing for the littoral States of the Mediterranean, Tunisia and Algeria. Despite the Yugoslavian delegation's vehement opposition to a hearing for Israel which was sponsored by the Dutch, Danes and Norwegians, it was agreed that,

[T]hose Mediterranean states that had sought a hearing should be heard at weekly intervals over a long month of Tuesdays, starting on October 9th, in order of their

⁹⁴"The mood relaxes as Russia and Europe join the dance"
Economist October 20, 1973 p83.

application which was Algeria, Tunisia, Israel, Syria, Egypt, Morocco.☞☞

The working bodies of the Conference were quickly set up, as stipulated by HR67. They consisted of a first commission with two subcommittees, a second with five subcommittees, and a third with four subcommittees. All sessions were to be held in private and Conference documents were to be distributed only to the participants. Amongst the Western caucus the workload was shared by means of assigning areas of interest. It was agreed that Britain should take the lead on freedom of information; France on cultural exchanges and Italy on educational issues; while the Danes and the Germans were to present proposals on freedom of movement incorporating the reuniting of divided families. Agreements were initially informally agreed, then provisionally registered and then in the final draft all brackets were removed.

First Commission.

The first commission consisted of two subcommittees. The task of the first subcommittee was to draft a code of good international conduct, which would eventually emerge as the Ten Principles of the Final Act. The Soviet version of what constituted good international conduct pleased only the Soviet block, therefore much discussion ensued.

☞☞"Into the labyrinth rode the six hundred" Economist
29 September 1973 pp41-2.

The second subcommittee was concerned with Confidence Building Measures. CBM were proposals designed to reduce the sense of menace caused by the maintenance of large military forces by the two superpowers until such times as the force levels themselves could be lowered by the MBFR talks which were taking place concurrently in Vienna. This may have been the reason the United States seemed determined to keep a low profile at CSCE. Some have argued that the Nixon Administration saw the CSCE,

[P]rimarily as a bargaining chip to be used to extract Soviet concessions in areas of more direct interest to the United States such as arms control.⁶⁶

The second subcommittee managed to start work immediately. The UK delegation, acting as NATO's floor leader, tabled its draft on CBM dealing with prior notification of all large scale military manoeuvres and movements. The measures being proposed were modest: advance exchange of information about troop manoeuvres and perhaps movements; freedom of movement and the freer exchange of ideas and information between East and West.

That this draft text was compiled by the UK delegation text reflected longstanding British interest in these aspects of security. In 1954 Sir Anthony Eden had first mooted similar proposals for European security after the collapse of the plans for the European Defence Community.⁶⁷

⁶⁶CRS Issue Brief op.cit.p3.

⁶⁷Cmd 6932 Document 5 p2:see also Thomas H.Ever Closer Union: Britain's Destiny in Europe. London,Hutchinson 1991 p67: Laqueur W.Europe Since Hitler. London Penguin Rev.ed.1982 pp149-150: Joll J. Europe Since 1870 London Penguin 4th ed.1990 p465.

The Soviets stalled immediately on the issue of movements, agreeing at least to discuss advance notification of manoeuvres and the invitation of observers to watch them.²³

According to Maresca the United States also "opposed the idea of giving advanced notification of major military movements" despite this being backed by most other NATO States. Other differences surfaced over the inclusion of naval and amphibious manoeuvres of particular interest to the NATO flank States.

Second Commission

The five subcommittees of the second commission dealt with trade, industrial cooperation, science and technology and environmental issues as well as other problems which Spain, Yugoslavia and Finland perceived to be linked with economic issues. The acceptance by the Soviets that the EC were not going to be deterred from acting in unison in all matters that fell under the scope of the Treaty of Rome, prevented major hitches in this area.

Third Commission

The third commission with its four subcommittees was the one least welcomed by the Soviets. Its remit was to find new ways to facilitate "freer movement and contacts individually or collectively": "freer and wider dissemination of information of all

For more on EDC see Understanding the European Communities Nicholl W. & Salmon TC. London Allan 1990 p11: Archer C. Organizing Western Europe London Arnold 1990 p169.

²³"Into the labyrinth rode the six hundred" Economist 29 September 1973 p41-2: see also Maresca op.cit. p89.

kinds, including wider cultural exchanges, and greater educational cooperation."⁹⁹ This agenda was accepted by Mr Gromyko on behalf of the Soviet government, despite the fact that inside the USSR the position remained categorically that,

[The ideological struggle will grow relentlessly and steadily sharper, and cooperation with the West will be allowed to erode neither its inspiration nor its goals.¹⁰⁰

The endorsement of this agenda negated any claim that discussion of such issues were an intrusion into a State's internal affairs, and amounted to tacit recognition that the power of the State must be constrained.

No matter how much ill this concept boded for the Soviets, in agreeing to the agenda thrashed out at the MPT, and subsequently approved, earlier in the summer, at Helsinki the Soviets had accepted these terms. Furthermore they clearly understood that for the other participating States, without the inclusion of these issues on the agenda there would be no Conference. So in their eagerness to produce a Conference the Soviets were prepared to have these matters discussed and to see acceptable agreements as part of the overall outcome of the Conference. In short, if the European Communist States were not ready for human contacts then they had "no business talking about cooperation and coexist

⁹⁹"Into the labyrinth rode the six hundred" Economist
29 September 1973.p42

¹⁰⁰Povolny op.cit.p229.

ence."¹⁰¹ If the Conference had evaded this issue it would simply have buried,

Eastern Europe under a twentieth-century version of the Peace of Westphalia's *cuius regio eius religio*... and leave the world charged with incessant ideological confrontation generating its own explosive consequences.¹⁰²

Many Basket III rights were embodied in the Soviet constitution, so they could not object in principle, nor so sharply as to contradict their support for détente. Because fragile though the policy of détente was, the aim was, to replace confrontation by diplomacy.

According to Deutsch, diplomacy is the process of communication and negotiation by which states in a system conduct their relations and pursue their purposes by means short of war. Usually in diplomatic bargaining the perceptions and interests of both sides are treated as given and the rules of the game are applied across the board until an acceptable outcome is reached or the talks are abandoned or adjourned. Through means of communication each party to the negotiating process stands to learn something about the other which will eventually lead to a convergence of negotiating positions.¹⁰³ Throughout the CSCE process the Soviets displayed a very Hobbesian view of their

¹⁰¹Times London 3 July 1973 p17.

¹⁰²Povolny op.cit.p229: - *Cuius regio eius religio* = The ruler of a territory chooses its religion.

¹⁰³Deutsch K.The Analysis of International Relations. New Jersey Englewoodcliffs 2nd.ed.1978 pp165-174.

State's relations with other powers. For them the "Divine Right of Kings" had simply given way to the "Divine Right of Communism." By dint of sovereignty by acquisition (which is by nature force), they used the Hobbesian type of instrumental rationality, whereby the only premises are ends given by desires, as though they were marooned on a desert island.¹⁰⁴ The problem at Geneva was that the negotiating positions never did converge, there were no agreements just compromises, except, perhaps, in the very final stages over the Maltese issue! Soviet diplomatic tactics were: first to seek the minimum commitment in line with the HR, secondly to remain absolutely rigid until the eleventh hour of a discussion, and then, when forced by the "negotiating dynamic of the Conference," offer a sudden shift in position, which usually consisted of a minimum concession designed to make the other party settle for something rather than nothing.¹⁰⁵

¹⁰⁴Instrumental rationality involves one agent considering which tool to use in order to achieve a given goal. Where more than one agent is involved in the game, as in multilateral diplomacy, instrumental rationality gives way to strategic rationality. With strategic rationality we recognize that there are other players in the game but use our own rationality to think of what others are trying to do in order to achieve the maximum of what we want. Both instrumental and strategic rationality are inferior means of communication given that communicative rationality is defined by a willingness to listen to the other party and perhaps change preconceived goals or maybe abandon them altogether. For more on this see Habermas J. Communication and the Evolution of Society. London Heinemann 1979.

¹⁰⁵"No summit, thank you" Economist 1 June 1974 p16: see also Freeman op.cit.p67.

Early in December 1973, the Head of the Soviet Delegation, Mr Kovalev,¹⁰⁶ outlined two prerequisites that would allow success in the Basket III agenda issues that were crucial for improvement of the lives of all Europeans. Viz "The Third Committee would have only one final document", 'drawn up so as to be understood by public opinion'" this apparently meant that "general directives" rather than "specific proposals" should be the aim. The second prerequisite was that "the USSR did not intend to relent on the question of the preamble to the final document of the Third Committee" Notwithstanding these conditions the USSR was "willing to search for acceptable solutions to the various questions that came under the Third Committee's jurisdiction."¹⁰⁷

Mastney points out that the Western dilemma over the question of the preamble was painstaking. Should the safety clause be of a general nature, or, should they insist on single clauses for the different subjects. The Western and NNA States were prepared to accept a general reference to all principles. However, they were not prepared to allow that specific principles would have special application to Basket III issues, to be used, in effect, by the Soviet Union as an opt out clause.¹⁰⁸ That it took six months before the West agreed to the Soviet demand that whatever the

¹⁰⁶Kovalev, held very powerful position as Soviet Delegation Head, he had direct access to the highest level, i.e. Brezhnev's ear. No other delegation head, even the Head of the American Delegation, enjoyed this privilege: Maresca op.cit.p95.

¹⁰⁷Mastney op.cit.p63.

¹⁰⁸ibid p63-4:see also Maresca op.cit.p125.

agreements in Basket III would be, they were to be preceded by a preamble, is an example of the sheer complexity of the issues facing the Conference.¹⁰⁹

Solzhenitsyn's arrest in February 1974, and his subsequent expulsion to the West caught the attention of the world's press, highlighting the continuing internal problems of the Soviet State, and compounding its dilemma of how far détente with the West could be expanded without risking destabilizing repercussions. At the same time Solzhenitsyn's expulsion served to rekindle the West's latent fears regarding Soviet expansionism and their dilemma of how far the fragile relationship of détente could be extended. Solzhenitsyn's treatment symbolized the entire problem of the Soviet position at CSCE vis-à-vis human rights standards. It raised the query as to whether expulsion rather than jail, was a prudent bid to preserve the Conference, or, a genuine reflection of a more moderate approach to human rights problems.

In late February, after the arrest of Solzhenitsyn, a period of intense movement signalled an attempt to finalize the CSCE. Although the argument centering around Basket III was still unresolved, by the end of February 1974 texts of Principle I, sovereign equality had been registered, along with several

¹⁰⁹"No summit, thank you" Economist 1 June 1974 p15.

provisions in the relatively uncontroversial Basket II area. In early March the Principle II, refraining from the threat or use of force was provisionally agreed after the original paper was revised and represented by Rumania.¹¹⁰

The discussion on the next principle to go forward for registration, Principle III on the inviolability of frontiers was opened by the FRG. From the outset the FRG's position and purpose was unambiguous. The CSCE principle of inviolability would specifically accept peaceful changes of frontiers.¹¹¹ The Soviets argued that the Soviet/FRG Treaty of 1970 did not include any reference to the peaceful change concept, hence they could see no reason why this was a necessary inclusion in the text of the CSCE. The use of the German verb *nicht antasten* allows the interpretation in translation that the frontiers are untouchable¹¹² but the Soviets preferred "immutability" to be the language of the inviolability principle. They wanted a crystal clear agreement on the immutability of borders, and conducted a major effort to have this principle registered in accordance with the wording in the Soviet/FRG Treaty. The impending Easter recess probably helped toward premature agreement on this issue, after an all-night sitting on 5 April the principle of inviolability was provisionally agreed. To achieve this end the Soviets allowed

¹¹⁰Maresca op.cit.p89.

¹¹¹Maresca op.cit.p92.

¹¹²"Keep on at him" Economist 12 July 1975 p13.

movement on the Basket III issues of "family ties," and the "dissemination of printed information." as a gesture of goodwill.¹¹³ After this achievement so optimistic was the mood that the Finnish delegation circulated all the participants to the effect that Finland was prepared to organize, for July 1974, Stage III of the Conference in just over twelve weeks.¹¹⁴

However the FRG had made it equally crystal clear from the earliest possible moment that the issue of inviolability was crucial to their agreement on any conclusion of CSCE. Hence the necessity to find a compromise. The Spanish compromise, which entailed drafting the "peaceful change" language on a separate sheet of paper, which could be attached later in the negotiations wherever appropriate. Soviet agreement to this measure signalled tacit recognition that the "peaceful change" concept was valid, and therefore, merited inclusion in the principles that were to emerge. However the Spanish compromise did not please Bonn.¹¹⁵

In the process of reaching agreement on this Bonn invoked HR 79, accepting it subject to,

{Formal reservations which would permit them to hold open the question of the phraseology and placement of

¹¹³Maresca op.cit p91.

¹¹⁴"The mouse's tail" Economist 23 February 1974 p42.

¹¹⁵Maresca op.cit.p93.

the peaceful change language until much later in the negotiations.¹¹⁶

The final say, by telephonic communication with the higher authority in Bonn, stated that,

Before the FRG delegation can give its consent to the final formulation of the principle of the inviolability of frontiers, in particular to the words 'demand for' in the second sentence, agreement must have been reached on the following questions: 1 on the principle to which the formulation concerning 'peaceful change' will be attached; 2 on a precise formulation of 'peaceful change' in this new context; 3 on a precise formulation of the principle of 'self-determination'; 4 on a formula concerning the connection between principles; 5 Further more the German text of these principles must be satisfactory to the delegation of the FRG.¹¹⁷

This final condition reflected the problem, first encountered at the MPT, of ensuring that the terminology and language drafted by the Swiss translators suited both German sides.¹¹⁸ Owing to the Bonn directives the Soviets abandoned the wording that would have implied "immutability" of frontiers and eventually accepted the following wording which precluded only violent change.

The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of seizure and

¹¹⁶idem.

In line with HR 79 "reservations or interpretative statements" participating States may request, in writing for their reservations to be registered by the Executive Secretary and circulated to all participating States. These are entered into the Journal of the day. See Schlager op.cit.p224.

¹¹⁷Maresca op.cit.p94.

¹¹⁸ibid p143.

usurpation of part or all of the territory of any participating State.¹¹⁹

Maresca attributes this shift in the Soviet position to high-level pressure from General Secretary Brezhnev, on the Soviet Delegation Head, Kovalev. Brezhnev sought swift movement on the issue of inviolability. This is an indication of the importance of the inviolability principle to the Kremlin, and a sign that Brezhnev indeed had a personal stake in the successful outcome of the CSCE.

This movement lulled the Conference into a false sense of achievement and optimism. The talk of a midsummer finale prompted the Dutch, in collusion with the Nine and the NATO allies, to present a draft of the Western concept of how the Final Act would be organized. This consisted of a Preamble, four sections (one for each Basket), a closing formulation and signatures. The contentious issue of substance was omitted. However, the Soviets had their own perception of how the Final Documents ought to be framed, and they regarded the Dutch initiative as a preemptive strike against their position. The Soviet Ambassador Mendelevich observed "the most interesting word in this entire document is the last one," namely, "signatures."¹²⁰ Despite this initial reaction the draft survived for several reasons. Firstly because it indicated that the West was actively thinking towards a concl-

¹¹⁹ Cmnd 6198 The Helsinki Final Act as Presented to Parliament August 1975 p3.

¹²⁰ Maresca op.cit.p90.

usion. Secondly, because the ten principles were placed in a prime position. Thirdly, each section was to be preceded by a preamble which allowed for any caveats that may have been imperative to protect Soviet internal sovereignty. Finally, of course, signatures were the one thing most needed by the Soviets, if this were to be a surrogate peace treaty.¹²¹

Following the Easter recess the Finnish Government had prepared all the paraphernalia for a grand finale in July 1974.¹²² However, the inflexibility of the Soviet stance negated any movement that may have been expected after the progress made on the inviolability/peaceful change issue. According to Maresca, the Soviet Delegation Head Kovalev, conveniently forgot promised concessions made before the Easter recess, in return for swift agreement on the inviolability principle, an agreement which he badly needed, to please his political masters in Moscow.¹²³ Consequently, because of this Soviet stonewalling, negotiations ground to a halt.

As midsummer approached "disenchantment [was] as widespread among the non allied delegation as among those of the smaller NATO members." ¹²⁴ Conflicting assessments of the progress of the

¹²¹ idem

¹²² "The mouse's tail" Economist 23 February 1974 pp41-2.

¹²³ Maresca op.cit.p95.

¹²⁴ "No summit, thank you" Economist 1 June 1974 p15-6.

Geneva talks were issued the same day. Mr Kosygin, perhaps mindful of the Finnish preparations for a Helsinki high level climax, made a Soviet call "in the face of definite results", for a thirty five Government meeting at "the highest level." The Western viewpoint, given by the Dutch Foreign Minister, Mr Max van der Stoel, was simply that "what was started in Helsinki so hopefully will end in disappointment in Geneva," because of the continuing intransigence of the Eastern negotiators.¹²⁵

Meanwhile the Soviets well aware of the political changes in the West, France, the FRG and Britain all having new leaders, and of President Nixon's impending domestic problems, overplayed their hand in the diplomatic game. In line with their negotiating style they offered eleventh hour concessions which, although they came too late to set the wheels in motion for a July summit, did breathe new life into the Conference.

The Western Delegation Heads of the NATO and the Nine, had already met on 7 June to brief their respective foreign ministers on the progress of the Conference in preparation for the forthcoming NAC meeting in Ottawa scheduled for 18-19 June 1974.¹²⁶ Given the level of disenchantment at the Conference the briefings were negative, and the Communiqué of the North Atlantic Council

¹²⁵Idem

¹²⁶Maresca op.cit.p99.

meeting in Ottawa reflected this mood of disenchantment. Noting that the work of the Conference had advanced unevenly leaving, still unresolved key questions, such as,

[The improvement of human contacts and the freer flow of information, as well as confidence building measures and essential aspects of the principles guiding relations between states.¹²⁷

After this communiqué even the hoteliers in Helsinki realized that there would be no midsummer grand finale as the talks were in "total deadlock."¹²⁸

Americans at Geneva

It is fair to say that up to this point the United States had not been the strongest link in the Western chain, assuming the role of *éminence grise*. President Nixon's projected journey to Moscow harboured both the hopes and fears of the delegates at Geneva depending on which camp they were in. Eastern hopes rested on the power of bilateral diplomacy, on Mr. Brezhnev being able to persuade Mr. Nixon to agree that an early conclusion of the CSCE was still possible. In spite of the fact that there were no tangible gains on the measures that would genuinely reduce tensions in Europe, and that, "the fine words that are all they offer are the kind that butter no parsnips."¹²⁹ Western fears stemmed from the fact that officially the American position

¹²⁷ Cmnd 6932 Document 65, p183.

¹²⁸ "Room at the inn" Economist 15 June 1974 p37.

¹²⁹ idem

was akin to that of Brezhnev's, namely, that a July grand finale was still a possibility.

At the NATO meeting at Ottawa in June 1974, Kissinger compounded Western worries when he, "urged the allies to say what their terms were for agreeing to Mr. Brezhnev's grand finale."¹³⁰ This could have been a simple misunderstanding on the part of Kissinger or on the other hand simply an attempt to approach the Conference stalemate from a different perspective. However, were Mr Nixon to join with Brezhnev in calling for a premature pan European summit before anything of real value was achieved, it would have rendered this whole attempt to improve security in Europe and, as a consequence the lives of all Europeans, to be "merely a delusion for the masses, a manoeuvre by the cleverest and a mistake for the others."¹³¹

Both leaders were in tenuous positions, both had to survive until 1976. For Mr Nixon there were political storm clouds forming on his domestic horizon, which a foreign policy scoop might deflect and thereby prevent the American people from the toppling their President, especially a President who worked so hard and successfully for peace. Equally, Brezhnev needed a summit, for al-

¹³⁰"Dig in at Geneva" Economist 13 July 1974 p17.

¹³¹"No summit thank you" Economist 1 June 1974 p16:"Dig in at Geneva" Economist 13 July 1974 p17.

though he had until 1976 before the impending 25th CPSU Congress, to achieve what he needed from the Conference, his dilemma was just as acute. If the European talks were to breakdown then open hostility between East and West could be added to Soviet hostility with China.¹³² Hostility with the West would necessitate the expansion of Soviet armed forces, which in turn would exacerbate the ailing Soviet command economy. The blunt fact that American grain was averting a grave food shortage was carefully concealed from the Soviet people. In short the command economy could not be made to work as efficiently as was needed to enable them to disregard the substance of their State's relations with other powers and agencies if they were to achieve their goals.¹³³

New ideas take a long time to percolate in a closed society and the Soviets were beginning to realize that they did not exist in a vacuum nor were they marooned on a desert island.

However, the joint communiqué issued after the Moscow talks between Mr Brezhnev and President Nixon made only mild references to concluding the Conference at high level at an "unspecified early date."¹³⁴ As the Economist records, "Mr Brezhnev has hardly begun to earn his grand finale. One swallow does not make a summit."¹³⁵ The CSCE process was in some way more than the

¹³²Bowker M. & Williams P. "Helsinki and West European Security" International Affairs 1985 Vol.61 No.4 p611.

¹³³"The company he chooses" Economist 8 June 1974 p13.

¹³⁴"Dig in at Geneva" Economist 13 July 1974 p17.

¹³⁵"Out of sight" Economist 28 December 1974 pp26-7.

sum of its parts and not moveable merely by a political decision no matter how badly it may be needed by the political leaders of the principal states involved.

Kovalev's move to break the deadlock was significant despite the fact that it was ill-timed to save the midsummer summit. The Soviets intimated on 12 June, after two months of stagnation, that they were prepared to sanction movement on two Basket III issues viz the acceptance of the inclusion of a "reference to the possibility of subscriptions to foreign publications" in the text dealing with dissemination of printed information. On the issue of "family ties," a clause stipulating that "official fees... should be moderate," was a recognition that emigration fees for eastern citizens tended to be prohibitive. The last movement on these two issues was in April before the Easter recess. The third area of movement concerned CBM. The "acceptance of the 100 km border zone for prior notification..." in effect doubled the width of the border zone previously demanded. They also shifted their position on the time scale on advanced notification from five days, to seven, and then within a week, to ten days. ¹³⁶ These three concessions gave the Western delegations the incentive to continue. By the end of June the NNA delegations were working on the preamble to Basket III, when progress was stalled

¹³⁶Maresca op.cit.p99.

yet again, by Soviet insistence that the préamble be drafted before beginning work on substantive provisions.¹²⁷

The Soviets, having lost their bid for a grand finale, were reluctant to go into recess for the summer, stating that the work of Stage II should continue without a break until it was finalized. The vacation habits of the West were deeply ingrained and they prevailed, but this consistently annoyed the Soviets. The Conference went into recess from 26 July-3 September.¹²⁸

At the United Nations General Assembly in late September the Soviet Foreign Minister, Gromyko, affirmed the Soviets' continued commitment to a successful completion of the CSCE project. The inference that this commitment afforded was that pursuance of a conclusion required concessions.¹²⁹ Yet no concessions were forthcoming, after the recess the problems were still the same, which is a clear indication that no progress was being made. The impending visit to Moscow of Kissinger, who had remained at the State Department after the departure of President Nixon, and the forthcoming Bundestag debate on the CSCE brought an expected flurry of activity on behalf of the Soviets. The aim, as usual, was to create as positive an impression as possible at the Conference while the spotlight was on, and then to renege as soon

¹²⁷ibid p89:p125.

¹²⁸ibid p103.

¹²⁹ibid p106.

as possible afterwards. In keeping with this strategy, the text on "printed information" was provisionally registered, informal assurance given on the geographical limit question under CBM viz should notification of manoeuvres apply to some States only, or to "all of Europe." In addition "a text on the publication of the Final Act was informally agreed" only to be withdrawn after the two events that caused the movement in the first place.¹⁴⁰

The Ford/Brezhnev meeting at Vladivostok on 23-24 November to conclude the agreement on the limitation of strategic offensive arms, heralded a series of high-level bilateral meetings between East and West. The Nine Foreign Ministers met early in December to prepare for the biannual meeting of the North Atlantic Council (NAC) scheduled for 12-13 December. Within days the new French President Valery Giscard d'Estaing and First Secretary Brezhnev met in Paris and Rambouillet, while West German Chancellor Schmidt met with President Ford in Washington. Then just after the NATO Foreign Ministers' Meeting of 9-10 December Giscard/Ford met on December 12-13. Not surprisingly, in anticipation of these meetings another flurry of activity began to enhance CSCE's profile.

By 20 November the Principle VII, (HFA 48-56) "Respect for Human Rights and Fundamental Freedoms" was provisionally agreed, and

¹⁴⁰ibid pp106-7.

just over a week later the "Family Reunification" (HFA 434-443) issue was informally agreed. This first gesture in the humanitarian field, that of letting divided families be reunited, took nine months. It was first tabled by Austria in March.^{1.4.1}

Initially movement came after the Vladivostok meeting but at Rambouillet the French President M. Giscard d'Estaing's cautious acceptance that some progress had been made, allowed for a more positive approach by the French delegation at Geneva.^{1.4.2} When developments were reviewed again at the NAC meeting in Brussels on 12-13 December 1974, ministers reiterated their readiness to follow through the policy of detente with the Soviet Union and the Warsaw Pact members. Even though progress at the CSCE was slow, enough movement was achieved to "show that substantial results were possible." Patient and constructive work was to continue "towards balanced and substantial results under all the agenda headings."^{1.4.3}

As the process progressed, it became clear that bilateral diplomacy and avoidance of war was uppermost in the superpowers' goals. The change in US leadership did not have a significant impact on

^{1.4.1} ibid pp108-9.

^{1.4.2} It was widely held at CSCE that the French were luke warm because the late President Pompidou disliked the idea of playing second fiddle to the United States and the Soviet Union at any grand finale that might ensue. "Out of sight" Economist 28 December 1974 p26-7: see also Maresca op.cit.p109.

^{1.4.3} Cmnd 6932 Document 70, p193.

United States foreign policy, and the position of *eminence grise* held throughout the Conference process remained unchanged. In an interview the new President Gerald Ford outlined his vision of foreign policy as one of "a problem-solving Administration in the pages of history."¹⁴⁴ In the nuclear age the problem was how to avoid another war. In Secretary of State Kissinger's view, "we must never lose sight of the fact that in the thermonuclear age war would be disastrous to mankind."¹⁴⁵ The only viable option was to expand detente, but the whole question of detente was muddled, mainly because the concept of *détente*, given the vast ideological differences, meant different things to the opposing sides. On the one hand, for Western States, human rights did not depend on the state of relations between national governments, a concept that was blatantly foremost in the Soviet attitude. On the other hand for the Soviets progress in the field of human rights was inextricably bound up with progress in the field of *détente*.

Perhaps because of the American stance of *éminence grise* in the negotiations the impetus was always likely to come from bilateral diplomacy. However, the recent intensive bilateral diplomacy gave the Soviets the spur they needed. Just before Christmas, Principle VII, that of "Equal Rights and Self-determination of Peoples" HFA 57-60, as well as Basket III issues of "Marriage

¹⁴⁴"*Détente comes down to earth*" Economist 26 July 1975 p55.
¹⁴⁵*idem*

between citizens of different states" (HFA 444-447) and the study of "Foreign Languages and Civilizations" were informally agreed. The text on "Cooperation in the Field of Information" was provisionally registered. A revised draft of Principle X, which was designed to protect the Four Power rights and responsibilities in Berlin and Germany was tabled by France.

The Rumanian and Yugoslavian attempt to have the stationing of troops on another State's soil prohibited, under the "Non-use of Force" principle, caused much rancour since it was read by the Soviets as a covert attack against them. But their threat to withhold the consensus needed for the provisional registration of Principle VIII, "Equal Rights and Self-determination of Peoples" meant that a compromise had to be found.

The issue of human contacts, which was being handled by the Danish and French delegations for the West, and the Bulgarians and Polish delegations for the East, ran into trouble. A private deal was concocted to pass two different versions of the text under the guise that it was only the language that constituted the difference. Not surprisingly, considering how the Soviets had niggled throughout the process about the meaning of words, this caused much chagrin on the Western side, both with their own floor leaders, and the Eastern negotiators. Neither the NNA States or the Western groupings relished the idea of offering different versions of the same text to the Heads of

their Governments for signature. In this uneasy situation the Conference went into recess for Christmas leaving the big issues to be resolved in the New Year.¹⁴⁶

1975

"You can always tell when you are making progress: the problems change."¹⁴⁷ However, in the New Year the negotiating pattern did not change, nor did the problems, therefore progress was slow. Few expected that this would be the year in which the Conference would culminate, few, that is, apart from the Soviets, who throughout the process expected a grand finale just to happen.

Although the following two statements were made at the signing of the Helsinki Final Act later in the year of 1975, they epitomize the problems faced by the negotiators at this stage in their bid to bring the Conference to the successful conclusion that had been tacitly agreed to by all. Making his position clear General Secretary Brezhnev declared,

Nobody should try to dictate to other peoples, on the basis of foreign policy considerations of one kind or another, the manner in which they ought to manage their internal affairs.

To which Harold Wilson the British Prime Minister replied,

In 1975 there is no reason why "Europeans should not be allowed to marry whom they want, hear and read what they want, travel abroad where and when they want."¹⁴⁸

¹⁴⁶ Maresca op.cit.p109:P129.

¹⁴⁷ Gates D. Non Offensive Defence London Macmillan 1991 p1.

¹⁴⁸ "Under Leonid's eyes" Economist 9 August 1975 p12.

Meanwhile at the negotiations bitter disputes continued over the preamble in the Human Contacts section. Although the Soviet Basket III chief, Dubinin, enjoyed the good life from habits learned from a long sojourn in France, he was singularly unwilling to move on Human Rights issues that might improve the lot of his fellow citizens.¹⁴⁹ Disputes over the language differences in the Eastern and Western texts in the human contacts section. In response to the cavalier attitude of the Soviet affirmations that regardless of the language in the Western version, the Soviet version would not be changed, United States linguistic experts were enlisted to ensure that all final texts read the same.¹⁵⁰

The concept of non-intervention in internal affairs, which was to constitute Principle VII, was also a complex issue dependent on perception, yet it was crucial to the concept of detente. For example, the British Government spends 1/10th of the Foreign Office's budget through the British Council to influence (or interfere in) the internal affairs of other States. Couple this with the fact that, based on historical dialecticism as the Eastern Bloc States were, the logic of Marxist-Leninist doctrine was expansionism. The identity of interest among the ruling groups is power, and the continuance of that power depends on the spread of either doctrine, Marxist or Capitalist.

¹⁴⁹Maresca op.cit.pp124-5.

¹⁵⁰ibid pp135-6.

Principle VIII, that of Equal rights and self-determination, was modelled on its counterpart in the Friendly Relations Declaration of the United Nations. This was also an ambiguous text as self-determination means different things depending on the social system under which it is applied.

The problems with the document on Follow Up Mechanism (FUM) was exacerbated by the Rumanians who, off the record, averred that the Soviets were against the idea of a Follow Up Mechanism because of the way the Conference was shaping. Any Follow Up Mechanism, it appeared to the Soviets, would allow the West too much scope to meddle in their affairs viz-à-vis human rights. The Rumanians, of course, along with the Finns had vested interests in the Follow Up Mechanism. The Finns wanted an established CSCE forum to help protect their neutrality, and the Head of the Finnish delegation worked endlessly on compromises that might be the means to that end. On the other hand, the Rumanians hoped that a sound Follow Up Mechanism would afford them a more independent foreign policy stance from the Soviets. Consensus did not exist among the Western States either, the French, harbouring their longstanding distrust of US meddling in pan-European affairs, were adamant that they would withhold consensus from anything more than the "Danish proposal for a single meeting after two or three years to review the implementation of the

Conference results."¹³³ It is prudent to remember here that this was, and still is, a double edged sword, since given the sovereign equality principle, a FUM that afforded an opportunity to one state or side under the CSCE, afforded exactly the same opportunity to the other participating States.

By the end of February and the beginning of March both sides were feeling edgy. For many of the smaller States the cost of the CSCE to date was overwhelming. The Soviets continued to demand an early climax. The need for national governments to plan ahead to attend any proposed grand finale contributed to the mounting pressure. However, talk of a climax was a politically sensitive issue. To fix a date would lull all delegations, especially the Soviets, into a false sense of security. Given the negotiating pattern, the fear was that, as time ticked by, issues crucial to fulfilling Western aspirations would be squeezed out. The West were well aware that time was needed for the printing of final documents and that the Helsinki Government also needed time to organize any proposed grand finale, but they also understood that time was their greatest asset. If they consented prematurely to a date the tables could be turned and the time leverage used against them.

¹³³ Maresca op.cit.p127:p137.

Despite the pressure to finish, Conference progress was slow as the wrangling continued. In February, the Soviets and the Rumanians settled their differences over the "Non-use of Force" principle, by inserting the wording "prohibit the use of armed force against another state." Thus allowing the consensus needed for the registration of Principle VIII, leaving only two principles to be drafted. The Mediterranean issue was agreed (HFA 406), the preamble to FUM was registered (HFA 659-660), and behind the scenes work was continuing on the FRG's *sine qua non* on peaceful change.

By March the Soviets stepped up the pressure once again, this time from a higher level. Mr Brezhnev intimated by letter to the principal Western Heads of Government his personal interest in the establishment of a working group on Stage III. This personal interest of Brezhnev's manifested itself in the Conference as a Soviet tangle over the ever contentious question of an Easter recess. The West recognized that if this were to be the final sprint then time was of the essence, so half time working was agreed to facilitate those who needed a break.¹

Those who took an Easter break did so in the middle of a debate over the form of the Final Document. Kovalev, on behalf on the Soviet bloc wanted four documents and a preamble, necessitating

¹ibid p141.

four signatures. The Western and NNA States feared that this was a Soviet ploy to select which documents to sign at the highest level and which to leave for lower order officials to sign. Thus reducing the significance of the human rights document. The Western caucus therefore insisted that the Conference Final Acts, while not legally binding, were however of equal value, so they proposed one document with one signature.¹⁵³ The final agreement for them had to be indivisible.

The Western leaders responded positively to Brezhnev's personal investment in an early conclusion. They reasoned that if Brezhnev were as seriously ill as his letter implied, then an early grand finale would strengthen the hand of the moderates, within the Kremlin, in the struggle for succession.¹⁵⁴ Yet these developments did not have significant impact on the Soviet pattern of negotiating at the Conference, it did not change. The Conference trundled on with only minimal movement. The US delegation produced a further draft on the "peaceful change" issue. The French, to the delight of the Rumanians who had their own axe to grind over border issues, promptly blocked this United States effort to gain agreement between the FRG and the USSR, by demanding linkage of the "peaceful change" issue to the clauses

¹⁵³ibid p144:see also " Conference on Security and Cooperation in Europe:the Second Phase." Report 7, European Cooperation Research Group (EUCORG) London June 1975.

¹⁵⁴Maresca op.cit.ppl42-3.

on quadripartite rights, and that of assuring the equal value of all principles.¹⁵⁵

Slight movement on the military aspects of the talks was taken as a token of good intent on behalf of the Soviets. Basket II issues were more general agreements couched in terms of principles or intentions, consequently these were achieved with little difficulty and by end of March several were drafted, with all brackets removed into final form.¹⁵⁶

After the Easter recess, considering the volume of work still outstanding, it is only with the benefit of hindsight that it could be believed that a grand finale was only three months away. Principle X was completed (HFA 66-69), and (HFA 341-353) on transport, and (HFA 455-458) on tourism were all agreed by the end of April.¹⁵⁷ In line with the Conference pattern, just as one blockage could stalemate a host of other issues, just so, one agreement or concession, had a knock on effect, opening up movement in many other fields. However, these were just the minnows, nothing seemed to have an impact on the big fish of the Conference. What did have an impact was the American withdrawal from the Vietnam War, and the tremendous damage that withdrawal caused to American morale.

¹⁵⁵idem

¹⁵⁶idem

¹⁵⁷ibid p146.

President Ford's State of the World address on 10 April 1975 heralded the inexorable disaster for United States policy in Vietnam.¹⁵⁸ As the North Vietnamese communist forces pushed south a hurried and desperate evacuation of United States personnel was carried out. On 30 April 1975 the fall of Saigon ended any vestige of hope for the Paris Accords of January 1973. These Paris peace efforts which were negotiated personally by Kissinger were dead, ending US power and their fifteen year involvement in Vietnam. In a briefing read to the press the new president called on the American people to close the Vietnam chapter,

... I ask all Americans to close ranks, to avoid recrimination about the past, to look ahead to the many goals we share, and to work together on the great tasks that remain to be accomplished.¹⁵⁹

From this point on the Vietnam experience caused a revision in US foreign policy particularly in relation to the Soviet Union. On 17 April 1975, Kissinger said,

We must continue our policy of seeking to ease tensions but we shall insist that easing of tensions cannot occur selectively...we must give up the illusion that foreign policy can choose between morality and pragmatism. America cannot be true to itself unless it upholds humane values and the dignity of the individual....¹⁶⁰

A revised attitude considering his view as cited in the Times Editorial of September 1973. The Vietnam experience ended the

¹⁵⁸ibid pp119-20.

¹⁵⁹idem

¹⁶⁰idem.

United States stance of *eminence grise*. Kissinger's revised view of detente reflected the long-held Congressional view that the human rights principle should be given more prominence when dealing with the Soviet Union, given that the United States constitution averred that man was born with God-given inalienable rights.

President Ford also reflected the revised attitude in a speech made in August 1975.

Détente means moderate and restrained behaviour between the two superpowers, not a license to fish in troubled waters. It means mutual respect and reciprocity - not unilateral concessions or one-sided agreements. Peace is crucial, but freedom must come first....¹⁶¹

The flaw in these fine words about freedom became obvious when, the new President and Secretary of State Kissinger declined to meet Alexander Solzhenitsyn, the arch protagonist of human rights, when he visited the US during June and July 1975, seeing it as "disadvantageous" for détente. In advance of the Apollo-Soyuz rendezvous on July 17, 1975 Solzhenitsyn reminded a Washington dinner audience that in 1937 as Stalin sent "three Russian aeronauts on a transartic flight to the American pacific..." he "was executing 40,000 persons per month." Solzhenitsyn denounced the detente policy in general, and the European security conference in particular as "the funeral of eastern Europe."¹⁶²

¹⁶¹ *ibid* p122.

¹⁶² "Détente comes down to earth" Economist 26 July 1975 p55.

Notwithstanding this, the seeming change in American stance, and the forthcoming NAC meeting forced the pace at CSCE, giving primacy once again to bilateral diplomacy over the contents of Basket III.

Many hopes hinged on the forthcoming NAC meeting in Brussels scheduled for 29-30 May. It was expected that conclusions would be reached regarding the feasibility of reaching a satisfactory conclusion in time for a summer summit. About mid May, just two weeks before the NAC meeting, the British delegation devised a plan aimed at unblocking the Basket III issues, in which there were few provisionally registered agreements. It was a huge gamble on the part of the Western delegations. However, if the Soviets were to be persuaded to accept it then the "key half of Basket III would be concluded before the NATO summit and the way to Helsinki open."¹⁶³

The gamble, tagged as the "global" initiative, involved collating all proposals to date, agreed as well as unagreed. Then filtering out numerous inessentials, in the hope that agreement could be achieved in those areas considered essential for early resolution. The danger was the filtering process opened up a vulnerability in the Western position. By voluntarily reducing the texts in this way the Soviets could just capitalize on the

¹⁶³Maresca op.cit.p148.

concessions and start to haggle over the reduced texts. To reduce the odds the "global initiative" was presented to the Soviet delegation not on a "take it or leave it basis," but rather on "an all or nothing basis." It was clearly stated that minor changes were permissible, but any attempt at wholesale renegotiation would render the whole deal void, involving a return to the piecemeal and time-consuming negotiating style of former times.

While the Soviet delegation at the CSCE pondered this, on 19-20 May Kissinger met with Gromyko in Vienna. Although he did not attempt to reach a bilateral accommodation with Gromyko, the "changed" Kissinger did take the offensive. He made it clear that the "global initiative" was a serious proposal, backed at the highest level in the US. Thus signalling that their role of *éminence grise* had been abandoned. With this clear shift in policy Kissinger courted no proposals on specifics from Gromyko, referring them back to Geneva.¹⁶⁴

The Soviets pondered the "global initiative" for one week. When the response did come it marked a distinct shift away from the set pattern of negotiating, hereafter responses and counter

¹⁶⁴ibid pp148-9:p158.

At this meeting with Gromyko, whom Kissinger regarded as the CSCE expert, Kissinger was much better briefed than hitherto for a meeting involving Europe. He was well warned, by the Assistant Secretary of State for European Affairs, Arthur Hartman, not to try to reach an accommodation over the heads of the CSCE delegations.

responses emerged on a daily basis. On 21 May Dubinin, the Soviet Basket III chief was abusive in tone when he proposed a total of fifty changes to the revised texts. Believing that Dubinin was overreaching his remit, the next day the Western caucus decided not to force his hand. Although they considered the proposed changes were too great they simply expressed surprise at the volume of the changes, drew attention to the time element, especially at this eleventh hour, and pressed for a more realistic response.

Brezhnev was, by now, conspicuous by his absence on the public stage, and the pressure from Moscow, to which the Soviet Delegation Head, Kovalev was subject manifested itself next day when in a meeting with the US Delegation Head he "lost his cool" over what he construed to be a united Western ultimatum over the most politically sensitive issues of the CSCE. However on 28 May, just one day before the NAC summit, Kovalev intimated Soviet readiness to give ground on the issues needed to open the way to Helsinki. However once again Kovalev's move came too late. The NAC summit on 29-30 May 1975, did not give Brezhnev the overt go ahead he sought. As the briefings for NATO and EEC Nine summit meetings take place weeks in advance, the communique released at the end of the meeting simply reaffirmed the Atlantic Alliance's view that,

[U]nderstanding and cooperation should prevail over confrontation. An advance along this road would be made if the Conference on Security and Cooperation in Europe

were concluded on satisfactory terms and its words translated into deeds.^{1.654}

Recording also the hope that the "negotiations will permit such a conclusion in the near future." President Ford argued that,

[H]owever much euphoric or inflated emphasis Russia might try to give to the CSCE, the allies aim must be to ensure that promises made at the conference are translated into action to advance freedom and human dignity for all Europeans.

In other words the President was telling Mr Brezhnev,

[T]here is no such thing as a free lunch, if [he] wants to exit with a European summit in a blaze of glory then he must, tell his delegates to stop stalling and agree on steps that would actually make Europeans feel more secure and more cooperative.^{1.656}

NATO's Secretary General Joseph Luns placed the onus squarely on the inflexibility of the Soviets, which he said, "prevented the NATO Governments from offering Mr. Brezhnev an early date for a CSCE final session at summit level."^{1.657} However, it was not all negative, covertly it was agreed that the Soviets could achieve the grand finale they so badly wanted provided clear statements were forthcoming on all outstanding issues. "Clear statements" meant the removal of all brackets and provisional agreements on the following issues:- that of less restrictive conditions of work for foreign journalists, including re-entry visas: the issue of travel provisions which must extend beyond organized groups of ballet dancers, to include reunification of families, East and

^{1.654} Cmnd 6932 Document 74, pp203-4.

^{1.656} "No free lunch" Economist 7 June 1975 p34.

^{1.657} idem

West marriages, and easier human contacts in general: the issue of wider dissemination of printed matter including, writers' access to foreign publishers: the issue of jamming of foreign broadcasts needed a clear assurance that such action will cease: the issue of the lay out, signatures and printing of the Final Documents: the issue of inviolability of frontiers ought to be accompanied by a clear unequivocal statement on peaceful change: and the Follow Up Mechanism issue.¹⁶⁸

Seemingly the oft repeated call on the Soviets to abandon the rigid positions held for so long at CSCE, had at last been heard. Kovalev's concessions, intimated on 28 May, involved most of these issues. Some were complex issues, even for the West, for example, is there a difference between X copies of Pravda being sold daily or is it sufficient to make them available? How can it be ensured that bookshops stock titles that do not sell. Will books translated from the French have to be balanced exactly with those translated say from Rumanian? Great powers of imagination are not needed to envisage the problems that issues such as these presented for the Soviet bloc.

The negotiation on the revised thirty odd changes on the "global initiative" texts opened on 30 May, and within a week all "major

¹⁶⁸There are discussions on these issues in all three publications: Maresca op.cit.p151:"Brevhnev watches the clock": "Keep on at him" Economist 21 June 1975:12 July 1975 respectively.

remaining issues in the human contacts and information section had been resolved."¹⁶⁹

Work on the CBM proposals, first tabled by UK at the outset of the Geneva talks, was way behind other subjects at the Conference. The February 1974 joint initiative of the six NNA States, (Austria, Cyprus, Finland, Sweden, Switzerland and Yugoslavia), to find a middle path between Eastern and Western positions, had not progressed much since the end of March 1975.¹⁷⁰ While perusing the "global initiative" the Soviets softened their terms on advance notification of army manoeuvres, initially by accepting that troop thresholds should be defined purely in numerical terms, similar to that of prior notification zones. The straight numerical approach simplified the issues but tended to be too specific for Soviet liking.¹⁷¹

At the May meeting in Vienna between Gromyko and Kissinger, Gromyko had tendered a new set of parameters on CBM. These "Vienna parameters," proposed a 30,000 troop level, 18 days prior notification, and 150km border zone in the USSR.¹⁷² Kissinger

¹⁶⁹Maresca op.cit.p163.

¹⁷⁰ibid p91.

¹⁷¹ibid p134:p172.

¹⁷²The geographical limit of the border zone was a bone of contention at the Conference. For example, with the zone limit set at 150km smaller states would have to notify all their military manoeuvres, whereas given the vast territory of the USSR, this zone limit would hardly inconvenience them at all. The North American States were exempt from these proposals it was after all a European security conference. To gain exemption the

accepted this attempt at a bilateral accommodation despite the fact that in Geneva the UK floor leaders were negotiating hard for a threshold of between 20,000-22,000 troop level, a border zone of no less than 300km, and prior notification of 21 days. On 20 June, the NNA made another attempt to break the deadlock and this proposal served to be the basis of an agreement opened in Washington rather than at the CSCE.

Through their Ambassador in Washington the Soviets reneged on the 150km zone agreement in the "Vienna parameters" which Kissinger had accepted. This information angered the UK floor leaders in Geneva. Kissinger's interference, as his intervention was seen, sparked off a unholy row among the allies. The UK Ambassador Sir David Hildyard did not relish his delegation's negotiating position being undermined by the US Secretary of State. After much telephonic "toing and froing" Kissinger bowed out, withdrew his agreement to the "Washington parameters," leaving resolution to the negotiators at the Conference.¹⁷⁹ The NNA proposal was brought forward and with the UK as negotiator for the Western caucus, and the USSR as negotiator for the Eastern States, the following compromise was reached: 25,000 troop level, 250 km zone, and 21 days prior notification.

Soviets would have to deny their claim to Europeanism, this, for obvious reasons, they were reluctant to do.

¹⁷⁹Maresca op.cit. p164.

It was agreed that notification would contain information on the "designation" and the general purpose of and the States involved in the manoeuvre, types and numerical strength of forces involved.¹⁷⁴

Such detailed specifications for the information to be supplied, reflect in Freeman's view, the determination of the Western delegation to establish that "troops" included amphibious and airborne troops.¹⁷⁵ On the question of movements, it was agreed that major military movements were to be subject to the discretion of each participating State.¹⁷⁶ Despite the Western caucus' preference for mandatory obligations, these were left as discretionary obligations. At the end of March, when the last significant movement was made on the CBM issue, the Soviets had demanded a caveat that all CBM should be voluntary. Initially this caused much concern within the Western caucus until it was realized that the Helsinki Final Act itself would contain a disclaimer clause (HFA 672) on its non-legal nature. It was to be neither a treaty nor an agreement. It was therefore pointless to negotiate methods of verifying compliance, simply requiring that for East and West alike "military activities should be pre-notified and observed but not restricted or limited." Hence the previously tabled draft of July 1974 was formally finalized. On 3 July, the deal on HFA 107-113 was duly registered. Thus the NNA

¹⁷⁴ Cmnd 6198 The Helsinki Final Act as Presented to Parliament August 1975 p10.

¹⁷⁵ *idem*

¹⁷⁶ *ibid* pp10-11.

States while maximizing their own interest, became bridge builders between Warsaw Pact States and the NATO Alliance.¹⁷⁷

Smaller manoeuvres, and movements were also addressed at Geneva. No specific requirements were laid down for smaller military manoeuvres. The question of movements addressed in (HFA 121-24) were left discretionary.¹⁷⁸ Basket I was now full.

Meeting in Luxembourg 24 June 1975, the Foreign Ministers of the Nine announced,

[The Foreign Ministers of the Nine are willing to complete the work of the conference as soon as possible. Taking into account the substantial progress accomplished on numerous subjects, they think that it is now both desirable and feasible to complete the negotiations in Geneva so that the third phase can take place in Helsinki by the end of July. The realization of this hope depends on all delegations as hitherto accelerating their work and their efforts so that general agreement may be reached on all outstanding questions. The Nine for their part are ready to make every effort to contribute to this end.]¹⁷⁹

Clearing the CBM hurdle did not simplify the mammoth task of reaching a Conference conclusion. In the days immediately following the completion of Basket I many minor text were cleared and duly registered. The Basket II preamble (HFA 139-149) was finalized, notwithstanding problems with Most Favoured Status which,

¹⁷⁷Maresca op.cit.pp91:163-4:172-3:183: see also Freeman op.cit.p71.

¹⁷⁸Cmnd 6198 The Helsinki Final Act as Presented to Parliament August 1975 p10.

¹⁷⁹Cmnd 6932 Document 75,p205.

despite Eastern pressure was not granted at CSCE. It was deemed more a problem for international cooperation groups than for a multilateral conference (see p67). Basket III was completed in its entirety.

So far there was no consensus on the timing of the Grand Finale. The Finns were still in limbo. The argument centred round a few remaining substantive issues vital to the Western caucus, without which there would be no date set for the finale. Two issues appertaining to Berlin still awaited resolution. First there was the matter of quadripartite rights, and secondly the "all of Europe" issue required the assurance that all the contents of the Helsinki Final Act would apply to Berlin. In addition the FRG's *sine qua non* on "peaceful change" was still unresolved.

July 5 was a day of feverish activity. An enclave of the sub-committee on principles worked all day to produce an agreeable clause on "peaceful change." A political compromise was reached on the FUM, leaving only problems with syntax. The disclaimer clause on the Final Documents, along with draft letters for the Finnish Government and the UN Secretary General were prepared. Despite this activity Rumania and Malta still held the centre stage.

July 8 could be dubbed Rumania day. The non use of force issue discussed earlier (see pp63-4) was agreed (HFA 76-85), and their

reservation on peaceful change removed, allowing registration in the First Principle HFA 25. However, they linked agreement on the quadripartite clause, to a satisfactory outcome on agreement to the Follow Up Mechanism document. Consensus on the FUM was being withheld by Malta over the Mediterranean Declaration, which, because of Rumania's linkage continued the blockage on the quadripartite issue and confirmation of the grand finale date patiently being awaited by the Finns.

The Finns deadline for a possible summit on 29 July had been missed.¹⁰⁰ Washington wanted Stage III set for the end of July to facilitate the President's scheduled meeting, in Washington on 5 August, with the Japanese Prime Minister. The French proposed a two tier agreement namely, to fix a date pending the resolution of all issues before a specified date. The European vacation habits were looming large spurring the Soviets to press for a summit date. Despite this there was disparity in the West. The UK and FRG delegations were adhering firmly to their political directors instructions that no agreement whatsoever be reached until all important East-West issues had been resolved. As the Finns crossed off the possible date of 29 July the Canadian Delegation Head, on instruction from his Prime Minister, Pierre Trudeau, took the lead in pressing for an end of July summit. By

¹⁰⁰The Finns had previously outlined that 21 days notice was the minimum needed to stage a high level summit. As all police leave would have to be cancelled, and hotel rooms would have to be commandeered at the height of the tourist season.

adding specific dates to allow a 30 July summit, on condition that all work was completed within six days. This amendment to the earlier French proposal did the trick, by 15 July, notwithstanding Malta's behaviour, the Finns went "ahead on faith"¹⁰¹

The proposal on timing depended on the Maltese P.M. Dom Mintoff, who, unhappy with the wording of Maltese Declaration scattered the pigeons by requesting that the Declaration should call for the "gradual withdrawal of the American and Soviet navies from the Mediterranean." Neither the Americans nor the Soviets were very pleased and at Geneva an abortive attempt was made by Kissinger and Gromyko to ditch the Maltese in favour of a "consensus minus one delegation." At Stage I, when Mr Mintoff first flexed his muscle, the consensus rule was deemed a fundamental principle of the process. It was an absolute, to disregard Mintoff at this stage would be folly, undermining the whole process, so he had to be brought on board. To create the maximum impact Mr Mintoff was somewhat incommunicado for a week, delaying a compromise agreement. In the end "reducing of forces" replaced the wording "gradual withdrawal" (HFA 412).¹⁰² Mr Mintoff's appeasement was not a specific agreement, only an aim, but it serves to show how throughout this process, words could

¹⁰¹Maresca op.cit.pp184-5.

¹⁰²"Dom's amendment" Economist 19 July 1975 p40.

mean - Humpty Dumpty style - just exactly what the speaker wanted them to mean.

The Mediterranean Declaration (HFA 398-413) was duly registered, thus releasing the FUM document HFA 655-699, which in turn released the clause on quadripartite rights HFA 70-74, for registration. On the evening of 14 July the Coordinating Committee approved the date for Stage III at Helsinki. Much to the relief of the Finns who could not afford another phantom Conference.¹⁰³

Although approval had been gained bits and pieces had yet to be finalized. The final declaration of principles (HFA 16-74), came on 19 July. Turkey, like Russia, had frontiers outwith Europe, to assuage Turkish fears the military committee inserted a clause requiring that only the European frontiers shared with the other European participating States were to be subject to the 250km notification zone (HFA109). At the eleventh hour on 18 July when trying to tie up the ends of the Geneva process, the wording problem came to the fore again. The Soviet's wanted a "reference to the "irreversibility" of détente included in the opening phrases of Final Act." When the Western caucus demurred because they did not view détente as a fixed concept (see above p101) the Soviets simply withheld agreement on the "all of

¹⁰³Maresca op.cit.pp186-7.

Europe" wording needed for the Berlin issue. Confirmation of the Conference date depended on a satisfactory compromise being found quickly, as the 19 July deadline was already four days overdue. Once again the telephone came to the rescue, this time probably saving the summit date. Mr Kovalev telephoned Moscow for permission to "fall back," and agreement was reached with the wording "continuing and lasting" and "throughout Europe" (HFA 5). The marathon was over subject to the blessing of the Vatican envoy, sent specially by Pope Paul VI to give thanks for the "peace and joy" about to befall Europe as a result of the CSCE. Thus the Geneva negotiations ended.¹⁰⁴

Achievements in Geneva.

The negotiation Stage at Geneva was completed on 21 July 1975 just days before the opening of Stage III at Helsinki, when the Heads of State or Governments of the participating States were due to meet to endorse the Final Act.

The document that emerged from Geneva is a detailed and specific politically binding document, ¹⁰⁵ giving the Soviets politico/military status quo and the West a tool with which to sculpt a reduction in tension, or maybe even a tension free Europe. Just as the Soviet concept of security was an "evolutionary process"

¹⁰⁴ibid pp193-5.

¹⁰⁵The binding nature of the document will be discussed fully in part IV.

not fixed, likewise for the West the concept of détente could not be fixed by a singular definition, and was therefore immeasurable.¹⁰⁶ That it was not much more "iffy" can be regarded as a plus for the Western negotiators.

Not all proposals won through. The Soviets had to drop the notion that human freedom was subject to the "laws and customs" of the State concerned, that the laws and customs of individual States could determine all other considerations: the idea of non-intervention in the internal affairs of other States, conceding that the domestic order was "an indispensable ingredient of any stable international order."¹⁰⁷ Nor did all Western proposals win through. In January 1974 a Swiss proposal for peaceful settlement of disputes was axed by a Soviet launched attack. This proposal drafted by Professor Bindschedler, the Swiss authority on international law, outlined a system of new methods of approach for the peaceful settlement of disputes. Although this proposal was considered a legal masterpiece it was an early casualty at Geneva. The obligatory nature of the procedures found disapproval across the political divide, compelling the Swiss to negotiate for a mandate for a future meeting of experts to strive for a peaceful settlement of disputes mechanism. The Swedes wanted disclosure on defence expenditure. Yugoslavia wanted restrictions on particular kinds of military activity

¹⁰⁶See f/n 1 Chapter 1.

¹⁰⁷Mastney op.cit.p33.

which posed special threats to security. This was subsequently incorporated in the NNA sponsored draft and was entitled "measures to restrict military activities liable to cause misunderstandings and apprehensions."¹⁰⁰ Also the attempt to devise some means of linking CSCE and MBFR by information exchange which has been noted earlier in the text also failed. The problem of stalemate on military movements in CBM was not all that significant since NATO was already in possession of its own advanced reconnaissance techniques.¹⁰¹

Throughout the Geneva process the haggling served as a continual reminder to the world that half of the continent's inhabitants were caught up in a social system that breeds misunderstanding and fear, and although the Soviet press failed to cover the CSCE the Economist reports that "many Russians and East Europeans have followed the struggle with keen interest and hope."¹⁰² From his position as depute US Delegation Head at the Conference Maresca observed at an early stage that the Western negotiators would have to be consistent in their negotiating position, no appealing to a higher level command and no resort to bilateral accommodations. Throughout the talks, the Soviets having agreed to vague general principles then used blocking tactics to avoid any requirement to translate them into practical terms. In the last

¹⁰⁰Maresca op.cit.p88:p138:p173.

¹⁰¹"A price from Russia" Economist 3 May 1975 p10.

¹⁰²"Brezhnev watches the clock" Economist 21 June 1975.

resort communicative rationality seems to have won the day, both sides had to come to an understanding.

Coming to an understanding is the process of bringing about an agreement on the presupposed basis of validity claims that can be mutually recognized... the task of mutual interpretation is to achieve a new definition of the situation which all participants can share.¹⁹¹

The central political compromise of Geneva was non intervention and human rights. The central territorial compromise, with respect to World War II was the inviolability principle and peaceful change. Respect for individual and human rights have through the CSCE dynamic become accepted as a legitimate aspect of relations between States and not, hereafter, classed as outside intervention in the domestic affairs of sovereign States. By this stage the CSCE seemed more than the sum of its parts, it was also a beginning in a process that was to be subject to review.

Part IV
Stage III
The Helsinki Final Act

The Heads of State or Government of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the Federal Republic of Germany, the German Democratic Republic, Greece, The Holy See, Hungary, Iceland, Ireland, Italy, Leich-

¹⁹¹Habermas op.cit.pp1-5.

tenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Rumania, San Marino, Spain, Sweden, Switzerland, Turkey, the United Kingdom, the Union of Soviet Socialist Republics, the United States of America and Yugoslavia assembled in Helsinki for the signing of the final document of the Conference on Security and Cooperation in Europe on 1 August 1975. The Final Act was the product of the two year Stage II negotiations in Geneva. This gathering in Helsinki spanned the East-West divide, included four out of the five current nuclear powers, and the NNA States.

The term Final Act denotes the non juridical character of the document. This format was adopted for two reasons, firstly to avoid a conflict of obligations in accordance with Article 103 of the United Nations Charter that the directives and proposals of the document should in no way infringe on existing principles and international treaties.¹⁹² Secondly, from the Western perspective in general and the FRG in particular the CSCE was not a Conference on Germany and Berlin, and most emphatically not to be regarded as a substitute peace treaty. Therefore the document which emerged from Stage II of the CSCE process at Geneva was neither a treaty nor an agreement and therefore ineligible for registration under Article 102 of the United Nations Charter.

¹⁹²Article 103 states "In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail" Goodrich and Hambro op.cit.p517.

However, the signing at the highest possible political level, by the High Representatives of the participating States, whether weak or strong, gave the Final Act the highest possible political significance thus balancing the non-binding nature of the document.

The Final Act comprised of five major documents, covering the four Basket areas with a separate document on the Mediterranean issue viz Document I "Questions Relating to Security in Europe." Document II headed "Cooperation in the Field of Economics, of Science and Technology and of the Environment." Document III dealt with "Questions Relating to Security and Cooperation in the Mediterranean." Document IV on "Cooperation in the Humanitarian and Other Fields." Document V on the "Follow up to the Conference."

The general preamble to the Final Act sets out the declaration of intent, stressing the importance of the "common purpose" of the participants in overcoming confrontation, without any specific reference to the cliches such as "peaceful coexistence" or "collective security." Viz

Motivated by the political will and in the interests of peoples to improve and intensify their relations and to contribute in Europe to peace, security, justice and cooperation as well as rapprochement among themselves and with the other States of the world...to broaden, deepen and make continuing and lasting the process of détente ... reaffirming their objective of promoting better relations among themselves and ensuring conditions in

which their people can live in true and lasting peace free of any threat to or attempt against their security....¹⁹³

Basket I/Document I.

Document I consists of two major components: "The Declaration of Principles: and a "Document on Confidence Building Measures And Certain aspects of Security And Disarmament." Although the Ten Principles are set out immediately following the preamble, it is important to note that just as all components of the Final Act are of equal value, (that is Documents II and IV on cooperation carry equal weight with Document I on security related issues), so too are all principles of equal value.¹⁹⁴

The preamble specific to Document I refers to the "well being of all peoples" in "all of Europe" recognizing that for most participants detente goes much deeper than simply better political relations between the great powers. Rather détente involved the proper understanding of the values and interests of others, and as such was as important as the Principles.

¹⁹³ Cmnd 6198 The Helsinki Final Act as presented to Parliament August 1975 p2. All references in this chapter are taken from this source unless otherwise stated. See also von Groll "The Final Act of CSCE" Aussen Politik 1975 Vol.26 Nos.1-4 pp247-269.

¹⁹⁴ See Principle X p6.

The Principles

I Sovereign Equality, respect for the rights inherent in sovereignty

This principle evolved from Item I of the standing orders at the outset of the MPT at Dipoli (see p39), and is prescriptive in that it sets out the right of a State to "juridical equality to territorial integrity and to freedom and political independence...", with respect for,

[Each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present declaration...

Less strongly worded than the Soviets wished: they would have preferred that the State's right to "internal sovereignty" be underscored.

The FRG's *sine qua non* on "peaceful change" - that frontiers can be changed by "peaceful means and by agreement," allows each State the legitimate right to change its frontiers under certain conditions. The inclusion of the "peaceful change" clause at this juncture constitutes a compromise by the Western Caucus; as the Soviets insisted that the inviolability principle III must be uncluttered and unambiguous, leaving no possible margin of error in interpretation. Included in principle one is the endorsement of the State's right to membership of international organizations and alliances, or even to pursue neutrality. Most of the remaining nine principles are proscriptive in that they set out how

States must refrain from behaving. The practical expression of this principle of sovereign equality is laid out in principle II.

II Refraining from threat or use of force

Drawn from the UN definition on non-use of force, Charter Article 2.4, and the right of self defence, this principle clearly prohibits the employment of force as a means of settling disputes. A special resolution to give effect to this principle is included at the end of the declaration of principles requiring, in the event of any dispute, recourse to the peaceful means set forth in Article 33 of the UN Charter. A commitment to further the "Peaceful Settlement of Disputes" issue, submitted and later abandoned by the Swiss, was recorded by the convocation of a meeting of experts to address this subject.

III Inviolability of frontiers

The participating States regard as inviolable all of one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of seizure and usurpation of part or all of the territory of any participating State.

The words "assaulting" and "demand" in this principle caused much rancour at Geneva. It was thought the wording precluded even verbal aspirations to German unity, but von Groll argues that in the context of the third principle the use of "assaulting" refers exclusively to "frontiers," allowing no other interpretation other than reference to infringements on frontiers by the use of force. Whilst there was no question of the unification of

Germany by illegal means, von Groll claims that the use of the word "assaulting" renders the statement on inviolability unequivocal allowing it to clarify the "peaceful change" clause in the first principle.¹⁹⁵ The phrase "any demand for" constituted refraining from actions tantamount to an "ultimatum" and was included much to German chagrin because of Soviet insistence.¹⁹⁶

IV Territorial integrity of States

Derived from principle two on the non-use of force, this principle complements the principle on inviolability of frontiers and precludes any action that jeopardises the unity or political independence of any participating State.

V Peaceful settlement of disputes

The participating States will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice.

On the basis of international law and, while adhering to any settlement procedures agreed to in advance of any disputes, States may pursue "peaceful means of their own choice" in order to reach an equitable solution. All participating States, whether involved in any dispute or not are charged to refrain from "any action that might aggravate the situation." This directive thus distanced the participating States from the Swiss

¹⁹⁵von Groll op.cit.p252.

¹⁹⁶For discussion on this see Maresca op.cit.pl12.

aspirations for obligatory procedures. Principles IV and V complement principle II.

VI Non-intervention in internal affairs

Directed against military intervention or the threat of such intervention this principle reads,

The participating States will refrain from any intervention, direct or indirect, individual or collective in the internal or external affairs ... of another participating State, regardless of their mutual relations.

In addition they must refrain from, "... activities directed toward the violent overthrow of another participating State."

The CSCE provisions, and especially those envisaged under Principle VII (see below), require behavioural change to a greater or lesser extent from all participating States. As von Groll points out, all measures of the CSCE are based on consensus or provide for alternative bilateral or multilateral regulation, therefore this principle ought not to be invoked by States to deflect attention from such unacceptable elements that exist in their internal affairs. ¹⁹⁷

A good example of the misuse of this principle took place in June 1991. Just before the Moscow coup there was an apparent swing to a more conservative stance in Soviet foreign policy. One task of the CSCE Council Meeting of Foreign Ministers held in Berlin in

¹⁹⁷ von Groll op.cit.p254.

June 1991, was to establish a new mechanism of procedure for holding emergency meetings of the Committee of Senior Officials (CSO), which would not require consensus as hitherto. At the CSO meetings, held prior to the meeting of Foreign Ministers, in Prague in May and June this issue had generated much discussion. It was agreed (or so it seemed) that in future in an emergency situation a meeting could be justifiably called provided it had the support of twelve other participating States. But just before the Berlin Meeting the Soviet delegation invoked the issue of non-intervention demanding a,

[S]pecial exclusion stating that the new mechanism should not lead to interference in the internal affairs of the participating states.¹³⁹

This may have been a justifiable attempt to achieve "internal sovereignty," given the turmoil in their domestic situation, but nonetheless it made the negotiations at Berlin more difficult than they need have been.

VII Respect for Human rights and fundamental freedoms including freedom of thought, conscience, religion and belief

Despite the fact (as outlined above) that Principle VI can be used to make negotiations more difficult, it also has the potential to effectively to block progress on Principle VII. Because of their importance in the humanitarian field these two principles are to be considered in relation to each other.

¹³⁹Deryabin Y. "The Helsinki process from Vienna to Moscow" Paradigms 1991 Vol.5 Nos.1/2 p71.

States are directed to act in conformity with the U.N. Universal Declaration of Human Rights.

VIII Equal rights and self determination of peoples

By virtue of this principle ... all peoples have the right in full freedom to determine when and as they wish, their internal and external status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

Some participating States such as Canada, Spain and Yugoslavia were concerned as to the possible consequences this principle might bode for separatist aspirations. Developments in Cyprus gave added poignance to these fears, consequently this principle takes recourse in the UN Charter vis-à-vis the "territorial integrity of States"¹⁰⁰

IX Cooperation among States

This Principle, although vaguely worded, allows for the development of a positive role for persons to contribute,

[T]hey (the participating states) confirm that governments and institutions, organizations and persons have a relative and positive role to play in contributing toward the achievement of these aims of their cooperation.

This principle with its reference to "persons" enhances the importance of the individual to domestic order, and thereby to international stability.

¹⁰⁰ von Groll op.cit.p255.

X Fulfillment in good faith of obligations under international law

The formulation of this principle was aimed at precluding any temptation to regard the laws and customs of a sovereign State as sacrosanct.

[T]hey will conform with their legal obligations under international law ... pay due regard to and implement the provisions in the Final Act of the CSCE.

It was hoped this clause would cover any potential ambiguities involving treaties already signed, or any chance that the Soviets might evoke "laws and customs" as opt out clauses.

"Matters related to giving effect to certain of the above principles." Under this heading the Romanian and the Swiss aspirations on the non-use of force and the peaceful settlement of disputes (discussed above) were rolled together to be addressed at a later date. This like everything else was a compromise decided by consensus. All ten principles are related, though I,II,IV,V, have special reference to security, signifying that security issues were an integral part of the CSCE. Principles II-V and IX are generally recognised obligations of the United Nations Charter.

Document on Confidence Building Measures.

The preamble sets out the desire of the participating States to eliminate the causes of tension. Paragraph III details the "Complementary nature of the political and military aspects of

security." At the same time acknowledging the interrelationship between security in Europe, the world, and between Europe and the Mediterranean area.

Under the auspices of CBM, military manoeuvres were regarded as examples of politically significant activity. Although they had no immediate relationship to military capacity or force levels, under discussion in the MBFR talks at Vienna, they could reflect political intentions and achieve political objectives and therefore, were a vital element of security.

Major military manoeuvres only were addressed at the Conference, however, under "general considerations" the Final Act deems that "further consideration will be given... to the prior notification of major military movements," presumably through the Follow Up Mechanism at Belgrade. The differentiation between military manoeuvres and military movement is a delicate matter of perception, but this can be viewed as a starting point toward attaining the physical security of Europe.

It was no secret that the resolutions agreed on military aspects of security fell well short of NNA States aspirations. In the face of stalemate between the big powers in Geneva, the perseverance of the NNA contingent carried the whole initiative on CBM through. Maresca points out how valuable the eventual compromise was, since it opened a pathway to future agreement in this field.²⁰⁰

²⁰⁰Maresca op.cit.p168.

The final instruction, that as security interests are inherent in sovereign equality, that all States shall "see to it that information about relevant developments, progress and results are provided on an appropriate basis to other States participating on the CSCE... " can be read as a reference to the lack of representation of the NNA interest at the MBFR talks in Vienna. The directive "see to it that" is the loosest of requirements. This reflects the problems encountered in trying to establish a confidence building system which would embrace all areas of international activity, of how to balance ends and means given the immense diversity of political and social interests.

Basket II / Document II.

This, the first of two documents on cooperation, was of major interest to the Eastern bloc. Whilst paying tribute to the "work already undertaken by relevant organizations... especially that of the U.N.Economic Commission for Europe." This section of the CSCE aimed at establishing a political framework for economic cooperation. The preamble records the participating States consciousness "of the growing role of international trade in economic growth and social progress." Under General provisions the question surrounding the Most Favoured Nation status was finalised, making it perfectly clear that this issue did not fall within the competences of multilateral fora (see p120-1). Various resolutions laid out directives regarded as essential for the

steady growth of trade, aimed at the avoidance of market disruption: viz the improvement of business contacts and facilities, economic and commercial information and marketing. All these measures involved the freeing of information, including legislative information essential for the establishment of permanent representation necessary for those wishing to expand commercial enterprises.

Section two resolutions distinguish between conventional trade agreements and industrial cooperation which sets out the need "to promote measures designed to create favorable conditions for industrial cooperation."

Projects of common interest: focuses on long term cooperation on "major projects of common interests... in the fields of energy, communication and exploitation of raw materials."

Provisions concerning trade and industrial cooperation:

This section addressed problems arising from the preceding sections namely, harmonization of standards, disputes arising from movement of goods and services, and permits in the event of dispute "arbitration in a third country" if necessary.

Science and Technology is addressed in section four and acknowledges the contribution of science and technology in the "solution of problems of common interest and the improvement of the conditions of human life."

Environmental issues are covered in section five and involve a comprehensive resolution for cooperation in the environmental field.

Cooperation in other areas and promotion of tourism:

Section six deals with the development of transport, issues of border controls, and the standardization of technical and administrative regulations. Interestingly the penultimate paragraph warns against the adverse effects of mass tourism, "... not to injure the environment and the artistic, historic and cultural heritage." The question of migrant labour, and that of the North/South problem of asymmetrical economic growth, dealt with in this section draws on existing International Labour Organization texts, at the same time safeguarding each State's interest with a clause appertaining to its own "socio-economic situation" if and when problems arise from the migration of workers.

Training of personnel: also in this section recognises the "importance of training and advanced training ... for economic development of every country.

Document III Relating to the Mediterranean

As the title indicates this deals with "Questions Relating to Security and Cooperation in the Mediterranean," an issue that was contentious throughout the MPT and at Geneva. As about a third of the participating States border on the Mediterranean, and

[C]onvinced that the Security in Europe is to be considered in the broader context of world security and is closely linked with security in the Mediterranean area..., the process of improving security... should extend...to the Mediterranean area.

The participating States declared their intention to conduct relations with the six Levantine and Maghreb States in accordance with the spirit of the ten principles, and to develop cooperation in the fields of economic activity, on both, "a bilateral and multilateral basis cooperate towards the improvement of the environment of the Mediterranean." Last, but not least, they recorded the commitment to "reducing armed forces in the region ..., with the purpose of contributing to peace," which most probably will feature prominently on Malta's agenda at the Follow Up Meeting in Belgrade.

Basket III / Document IV

This second of the two documents on cooperation deals with all aspects outside politics, defence and economics, namely, the human dimension. The preamble set out the aspirations thus,

Desiring to contribute to the peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex language and religion, conscious that... contacts between people and the solution of humanitarian problems...determined therefore to cooperate among themselves, irrespective of their political, economic and social systems... to work out new ways and means...in full respect of the principles guiding relations among participating States....

Thus the participating States pledged easier human contacts by

the implementation of easier "contacts and regular meeting on the basis of family ties," on "reunification of families" and "marriage between citizens of different states" and to allow renewal of family ties severed by the division of Europe. A caution is set out that such applications will not "modify the rights and obligation of the applicant or members of his family." and such applications are to be dealt with in an expedient, positive and humanitarian spirit. Facilitation of "wider travel for personal or professional reasons," including the improvement of conditions for tourism on an individual or collective basis" to encompass religious groups, "meetings among young people" and the "expansion of sport and contacts generally" are all deemed areas open to improvement.

Information: in this field consciousness of the need for an ever wider knowledge and understanding of the various aspects of life in other participating States focused on three important issues. "The improvement of working conditions of journalists": the "improvement in the dissemination of printed publications": and "expansion in the dissemination of information broadcast by radio." The last provision was probably the most crucial of the three issues.

Cooperation and exchanges in the field of culture:

The aim here was to develop "mutual confidence and further the improvement of relations between States" by seeking "new fields and forms of cultural cooperation" for example by the study of

foreign languages and civilizations, and recognizing the value of "national minorities or regional cultures."

This was by far the most difficult document to negotiate, but it also raised the highest expectations as the CSCE process enhanced and scrutinized the asymmetries between the two systems. By requiring that sovereign states be held accountable for the treatment of their own citizens to other sovereign states, this linked, for the first time, those aspects of security that prompt governments to repress their citizens to the international order. It turned out to be a revolutionary innovation in the conduct of international affairs.

Basket IV / Document V Follow up to the Conference.

In the final text the participating States "declare their resolve, in the period following the Conference, to pay due regard and to implement the provisions of the Final Act...:

- (a) unilaterally, in all cases which lend themselves to such action
- (b) bilaterally, by negotiations with other participating States;
- (c) multilaterally, by meetings of experts of the participating States and also within the framework of existing international organizations, such as the United Nations Economic Commission for Europe and UNESCO, with regard to scientific and cultural cooperation... to continue the multilateral process initiated by Conference.

The first meeting to pursue this end was scheduled for Belgrade 1977, with a preparatory meeting beginning June 15, 1977, to

organize the "date duration, agenda and other modalities of the meeting of representatives appointed by the Ministers of Foreign Affairs." This provision proved to be the device that set the CSCE process in motion, setting it apart from simply an attempt to add another international organization to the plethora that already existed, because it provided the framework for the Conference to continue as an on going process. It is this section on the Follow Up Mechanism that has afforded to the CSCE its highly dynamic potential as a process. It states that there is merit in,

...proceeding to a thorough exchange of views both on the implementation of the provisions of the Final Act and of the tasks defined by the Conference, as well as, in the context of the questions dealt with by the latter, on the deepening of their mutual relations, the improvement of security and the development of cooperation in Europe, and the development of the process of détente in the future.²⁰¹

Each participating State was instructed to,

[P]ublish and disseminate the Final Act, the original of which will be drawn up in the six official languages will be retained by the Government in its archives.

"Done at Helsinki, on 1st August 1975, in the name of" the High Representatives of the participating States. With Aldo Moro Prime Minister of the Italian Republic "double hatting" as President in office of the Council of the European Communities.²⁰²

²⁰¹ Cmnd 6198 The Helsinki Final Act as presented to Parliament August 1975 p51.

²⁰² ibid pp225-282.

Important Features of the Helsinki Final Act.

The CSCE and the signing of the Final Act provided the Soviets with a substitute World War II peace treaty, which had never been signed because of the division of Germany. It can be argued that although it follows closely the "treaty law model," it falls short as a treaty in international law, because of its non-binding force. But, as indicated above it does carry the political force of every Head of State or Government in Europe and North America. Bloed quotes van Dijk,

A commitment does not have to be legally binding in order to have binding force; the distinction between legal and non-legal binding force resides in the legal consequences attached to the binding force.²⁰³

It is not the "binding force as such" but the legal consequences that count. Bloed further points out that,

Violations of politically but not legally binding agreements is as inadmissible as violations of norms of international law. In this respect there is no difference between politically and legally binding rules.²⁰⁴

This is akin to "soft law", a non-conventional instrument increasingly used in the Community legal-order for resolutions that declare rules or codes of conduct.²⁰⁵ Notwithstanding

²⁰³quoted in Bloed op.cit.p11.

²⁰⁴idem

²⁰⁵See "Soft Law in European Community Law" reprinted from European Law Review October 1989 Vol.14 No.5 pp274-7. Vaclav Havel in an address to Nato Council on 21 March, 1991 expressed the hope that the non-binding force of the CSCE accords will be strengthened at the Helsinki Follow Up Meeting in 1992. Oxford Research Report p7.

this, this mass of political force can be used as a tool of legitimization, or on the other hand the lack of legal commitment can be used to fend off criticism. As made clear made by Solzhenitsyn and Sakharov.²⁰⁶ The linkage of the progress between baskets removed any tendency to forge ahead in the less contentious areas at the expense of progress in those more contentious areas. This system of progress has made negotiations almost "condemned to succeed."²⁰⁷

The CSCE, as it emerged from the Geneva talks, was a weak institutional structure with no permanent political organ. The only semblance of continuity came from the provision of the Follow Up Mechanism, which was the nearest thing to an institutionalized structure. It was, and still is, the only European forum where all European States (except Albania initially) meet with the United States and Canada and although this was an East-West alignment it is prudent to acknowledge the contribution of the NNA States, who from outside the two alliances served the process with a real contribution as "bridge builders" between the opposing ideologies.

Reaction to the Helsinki Final Act.

As the title Conference on Security and Cooperation in Europe

²⁰⁶see above pp69:103.

²⁰⁷Mastney op.cit.p2.

suggests security and cooperation in Europe are inextricably bound. The mutual interdependence which ensues from cooperation opens up contact, which increases opportunities for both parties to influence each other. This factor removed the Western "bogeyman" as a tool of Soviet policy, both at home and abroad. The Soviet's major gain was the acceptance, and what they perceived as legitimization, by the international community, of the acquisition of territory taken by force in 1945. This in effect, was tacit recognition that the German question, which had dominated international relations of Europe for more than a century appeared to be solved by the formalization of two German States. However, one commentator saw the signing of the Helsinki Final Act as an indication that,

[I]f you are strong enough you are exempt from principles smaller powers are asked to honour. It is what the Chinese call an unequal treaty, as it says everything east of the Elbe is and is to stay communist.²⁰⁰

As well as recognizing the post war boundaries and by implication Soviet hegemony in Eastern Europe, the Final Act epitomised the era of limited hostility, mirroring the growing confidence of the ruling elites, that force would not be used by any party to impose a preferred solution.

²⁰⁰"Keep on at him" Economist 12 July 1975 p13.

The web that was woven at CSCE encapsulated the common purpose of easing international tension. This was reflected in the opening paragraph of the document which reads that "to broaden and make continuing and lasting the process of détente" was the main objective. At the thirtieth United Nations General Assembly on 30 September 1975, Foreign Minister Gromyko proclaimed the Helsinki Final Act to be,

[O]ne of the most outstanding documents of our time... the continent of Europe would at last break out of the vicious circle of its history when every post-war period turned into a pre war period followed by wars of aggression.²⁰⁹

The multifaceted aspect of the Conference reflected the common interests of each party with each attaching varying weight to the aspects it liked or disliked.

After the Final Act was signed the Politburo of the Communist Party, the Presidium of the Supreme Soviet and the Council of Ministers of the Communist Party of the Soviet Union (CPSU) jointly expressed the leadership's positive evaluation of the Helsinki Final Act.²¹⁰ In February 1976, at the 25th CPSU Congress, Brezhnev extolled the achievements of CSCE, commenting that "the results achieved..." by the "two years of work at Geneva and ten years of political preparation beforehand..., are

²⁰⁹Helsinki to Belgrade The Soviet Union and the Implementation of the Final Act of the European Conference. Translated from the Russian: Moscow, Progress Publishers 1977 p73.

²¹⁰Pravda 8 August 1975.

worth the efforts expended." The results Brezhnev stressed were first and foremost "confirmation of the inviolability of borders," the "code of principles of interstate mutual relations" which, "in letter and spirit answered the requirements of peaceful coexistence." Brezhnev also recognised the provisions for "peaceful cooperation in the fields of economic affairs..." and finally confidence building measures. Warning that the Helsinki Final Act would not be used as "a cover for interference in the internal affairs of the countries of socialism, for anti-communism and anti-Soviet democracy in the style of the Cold War." He nevertheless applauded the CSCE and the Helsinki Final Act. ²¹¹

In the United States when President Ford signed the Helsinki Final Act, the reaction was startlingly different from almost any other participating State. Until the President attended Helsinki the CSCE was virtually unknown to most Americans, subsequently it came under constant attack from the Republican Right. This alleged that the West had given a lot in return for "paper concessions," which the Soviets had no intention of implementing. Ronald Reagan, who at that time had not declared his challenge to Ford, announced "I think all Americans should be against it." ²¹² Some of Ford's own staff defended it as "another Kissinger deal

²¹¹ Pravda 7 August 1975.

²¹² Miko CRS Issue Brief August 1990 p4.

that was forced down the President's throat" in the pursuit of détente.²¹³

Based on an analogy with "Gulliver and the Lilliputians," Kissinger wanted to bind the Soviets by a "mesh of tiny threads" to the West, namely through agreements which may initially benefit the East in deference to the West. In this way he hoped the Soviets would come to realize that their relationship with the West was too valuable to break. A theory which presupposed that the Soviets were playing the diplomatic game by the same rules as the West, despite the experience during the Geneva stage, when it first became apparent that the Soviets had no understanding of what constituted a "gentleman's agreement." The danger lay in the possibility that, behind the facade of détente, the Soviet economic and military strength could surpass that of the West, causing a greater imbalance than hitherto. At a time when the imperative was to keep the competition between both camps away from war, which meant controlling the central balance, the essential components of which were arms control and crisis management.

Because of Kissinger's misperception of the potential political importance of human rights issues, the American press misinterpr-

²¹³Ford G. A Time to Heal New York, Harper Row. 1979 pp300-2

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etated the Helsinki Final Act exactly the way the Soviets intended. With headlines such as "Jerry don't go" in the Wall St Journal, they judged the signing of the Helsinki Final Act to be nothing more than a confirmation of the status quo in Europe overlooking the potential significance of the two documents on cooperation.²¹⁴ A clear indication that the American people, like the Soviet people had a limited grasp as to what the CSCE was all about, despite the freedom of information and of the freedom of the American press.

Instead of a "mesh of tiny threads" the two documents on cooperation allowed a cluster of tiny colander like holes to open up in the "visible boundary between the two social worlds," which can be enlarged by patient prodding.²¹⁵

On the whole the superpower stance was adversarial, but the outcome of the Conference was considered by the members of the NATO Alliance, and their analysis reflected other views and concerns. The following are extracts of views as presented in the NATO Review of October 1975.²¹⁶

Characteristically the French President dwelt on the absence of treaty force behind the documents "History has taught us that the

²¹⁴Maresca op.cit.p159.

²¹⁵"Every prospect pleases" Economist 2 August 1975.

²¹⁶"CSCE Alliance Views" NATO Review 1975 No.5 pp3-9.

balance of power is a prerequisite on detente and peace... the essential climate of security...." However, in a more positive vein, the German Chancellor reminded his audience that the Federal Government had been working toward the process of wider detente for some years, and that although,

This Conference has not created a new international law for Europe. But we have created common rules to govern the way we conduct our relations and live together in Europe.

The Belgian Prime Minister Leo Tindermans,

... In future we must see to it that an idea of cooperation based on frankness, open mindedness and that tolerance prevails in Europe and replaces the kind of coexistence that is really nothing more than a form of mutual suspicion.

The Norwegian Prime Minister emphasized the importance of Alliances: they remain "essential elements in the present security system in Europe"

The Turkish Prime Minister's remarks reflected the North/South asymmetries, "Mankind aspires to peace justice and prosperity," aims that are linked and interdependent as there, "would be no peace without justice, equally there will be no prosperity without peace."

The excellence of the cohesion of the Nine was recorded by the Italian Prime Minister in his dual role as president of the EEC.

However, it was the Danish Prime Minister who put his finger on the importance of new beginning, when, after he drew attention to the omissions in the document of such measures as military reductions and disarmament. He restated the concept of détente, as a dynamic aimed at... cooperation between States as well as individuals.... Whether it will be a turning point in modern history remains to be seen.

So contrary to Albanian assertions that the superpowers were "trying to resolve major international problems among themselves" (see p36), what emerged was a framework that was truly Eurocentric. Whereas previously the superpower leaders had called the shots in their adversarial roles, in the CSCE they appeared as marginal and reluctant participants, albeit for different reasons, in the ongoing process. For years constant backup was required from the US, and it still is, but the achievement of the CSCE process was that it tied up the loose ends left, between East and West, by the treaties of the early seventies. Bowker and Williams suggest that, in the early seventies, "constraining both the power and the foreign policy ambitions of the Federal Republic of Germany" was a key element in Soviet foreign policy.²¹⁷ Thus the CSCE allowed Germany to test its wings, by freeing its foreign policy, to the extent that the West German government did not have to be so absolutely beholden to the rest of Europe and the United States. As a result the European protégés had

²¹⁷Bowker & Williams op.cit.p613.

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taken the lead, with the delegates of the thirty five States scheduled to meet in two years to debate whether promises have been kept.

The next chapter will follow that lead through the Follow Up Mechanism provided for by Chapter V of the Helsinki Final Act beginning with the Belgrade Conference of 1977.

CHAPTER III: THE CSCE FOLLOW UP MECHANISM

The Final Act is no mutual declaration of love.

Vladimir Lomeiko.¹

By the end of August 1975 the spirit of Helsinki was fast becoming the ghost of Helsinki when Czechoslovakian border guards shot down a helicopter containing East Germans trying to escape to the West. The Communist governments of the Eastern States remonstrated with the Austrian and West German governments for not policing their frontiers more thoroughly. That the Helsinki Final Act obliged all the signatories "gradually to simplify and to administer flexibly the procedures for exit and entry" was simply ignored,² heralding the implementation problems to be faced at the first review meeting in Belgrade. Any notion that the Helsinki Final Act strengthened Moscow's hegemony in its East European Empire was negated by the dissent within the Eastern States, which followed the signing of the Act.

By 1976, as communication and trade links multiplied between East and West Europe and particularly between Eastern and Western Germany, violations of human rights perceived to be contravening the Helsinki Final Act were being monitored and made known to the governments and to the public of the other signatory States by various groups. The Poles resumed their historical role of

¹"Realities and Prospects of Detente as seen in Moscow after the Belgrade Experience" :The Belgrade Conference Progress or Regression, Eastern, Western and Nonaligned Appraisals of an Unfinished Conference. Van Den Heuvel C.& Praaning R.(eds) Leiden New Rhine Publishers, 1978 p29.

²"Blessed are the Meekers" Economist 23 August 1975 p37.

defying their Soviet occupiers, leading to the inception of the "Committee for the Defence of the Workers." 1977 was declared Human Rights Year and it began with the birth of Charter 77 in Czechoslovakia. Discordant voices were raised on both sides of the divide under the common objective of establishing that certain basic human rights are necessarily beyond arbitrary decision.

In the United States what was perceived as the "government's mismanagement of the Vietnam war" caused increased Congressional interest in the conduct of foreign affairs transforming the United States into a "vigorous champion of Helsinki."³ The subsequent establishment of the Commission on CSCE, which was unique in that it reflected a bipartisan cross section of United States Administration drawing membership from the legislative and the executive, exemplified the argument implied in the Helsinki Final Act, that the multiple facets of security were the concern of governments and people.

Too preoccupied with gaining territorial safeguards vis-à-vis the annexation of Finnish and Rumanian territories as well as the acquisition of Czechoslovakia, German and Polish lands, Moscow had misjudged the real thrust of Helsinki. By missing the destabilizing potential of the Basket III issues for both their domestic politics, and the politics of Eastern Europe, they

³Mastney op.cit.p11.

missed the most important factor, that essentially, a weak domestic order invites external interference.⁴ This was the back drop to the first Follow Up Meeting of the CSCE, the creation of which was, incidently, a Soviet proposal first mooted in Budapest in 1970.

The abbreviation FUM may be interpreted as either follow up mechanism or follow up meetings and will be used interchangeably. Follow Up Meetings consisted of a series of meetings of experts and specialized conferences mandated and categorized as: Review meetings and Intersessional meetings.

Review Meetings

There have been four review meetings mandated to date:

1. Belgrade 1977-78:
2. Madrid 1980-83:
3. Vienna 1986-89,
4. Helsinki 1992.

Review meetings are full scale meetings mandated with reviewing implementation of all baskets of CSCE and consideration of proposals on any subject.

Intersessional Meetings

Intersessional meetings address a specific subject and have fixed dates to begin and end their work. There is no rule that limits the authority of the intersessional meetings simply because the

⁴Buzan B. People States and Fear: The National Security Problem in International Relations London, Harvester Wheatsheaf 1983 pp53-69.

consensus rule with its checks and balances ensures that no delegation can be forced to accept any changes with which they do not agree.⁵

Hitherto all mandated meetings have been preceded by mandated preparatory meetings to set the agenda, procedure and modalities for the main meeting. This practice ended with the Vienna Concluding Document (VCD). When the agenda and modalities for all ten of the Intersessional Meetings and the Review Meetings scheduled to take place between 1989 and 1992 were preset.⁶

Mandates can require the adoption of a concluding document, however mandating a document may create pressure for delegates to produce something and with consensus this means agreement, but it cannot ensure that the necessary foundation for agreement will exist. No mandate can override the fundamental rule of consensus even when the finite time has, or is, in danger of running out.⁷ There is also the danger that to produce a document according to a mandate becomes an imperative that overrides the discussion itself, as happened at Krakow in 1991 (see p195).

The Belgrade Review Meeting
1977-8

In accordance with the provisions laid out in the Helsinki Final Act the preparatory meeting opened on June 15 1977. The remit of

⁵Schlager op.cit.p231.

⁶idem: Cm 649 Vienna Concluding Document

⁷See Schagler op.cit.p233.

this meeting was to prepare the agenda, modalities and procedure for the Review Meeting in Belgrade scheduled for October 4 1977. As happened at the MPT in 1972-73 the clash of objectives surfaced immediately. At Belgrade the West sought a full review of the implementation of the Final Act from Helsinki to Belgrade and a commitment to the continuation of the process. The East adhered to the stance that their political system need not change to conform with any domestic political feeling, despite the fact that the Helsinki Final Act does require implementations that are inimical to closed societies. This polarization of purpose was not helped by the fact that the interim period from Helsinki to Belgrade was full of unfinished business, for example, the unfinished SALT and MBFR talks.

After eight weeks of bargaining, in which the United States took a leading negotiating role, the package which emerged favoured the United States position, although the NNA states would have happily settled for a simple guarantee of the continuation of the CSCE process. The CSCE symbolized for them the protection of the different values and interests bargained for and established at earlier stages in the negotiations.

The agreement of the preparatory meeting set out three phases:-
in the first phase,

The main meeting would review the implementation of the Final Act in its first phase, consider new proposals for developing détente in its second, and draft a concluding document in its third but there could well

be overlap between the phases, with the record of the past always subject to discussion:

In the second,

The main meeting would do most of its work in three committees - under the direction of a plenary body - divided according to the main baskets, with separate committees on Mediterranean issues and on the question of arranging further CSCE meetings (follow-up).

And in the final phase,

The main meeting would begin October 4, try to conclude by December 22, likely to run from mid-January till mid-February, but in no event adjourn until adopting (by consensus) a concluding document and setting the time and place for another similar meeting.⁴⁹

The Belgrade Meeting ran for five months and five days, and took place in an atmosphere of confrontation and mutual accusations as principle VI on non-intervention in internal affairs, and principle VII on respect for human rights, came into such sharp conflict that useful dialogue was obstructed. Once again the differing concepts of détente caused problems. The Soviets believed that détente and the expansion of detente depended solely on the balance of forces between East and West and were convinced that the United States policy line on human rights was obstructive, rather than a necessary component in their foreign policy demanded by domestic political feeling. Given that the United States' commitment on human rights issues (as discussed in the previous chapter) was compounded by President Carter's election, the United States wanted to review, as a whole, the

⁴⁹CSCE Commission Congress of the United States of America - The Belgrade Conference op.cit. p12.

improvements in Europe in the light of the Helsinki Final Act. No conclusion about the future could be determined without an analysis of the commitments and the record of their implementation. This led to serious differences of opinion on implementation, and full dialogue was never achieved because the Soviets fell back on the line that "any discussion of the implementation deficiencies of another State was barred by the sixth principle..." on non-intervention.¹⁰

In Soviet opinion, outlined by their Delegation Head Iuli Vorontsov at Belgrade, the West dodged any,

... serious discussion of the burning issues related to European security and above all those of limiting the arms race and military détente in Europe, these delegations have sought to switch over to other subjects and to challenge the socialist countries on human rights and cooperation in humanitarian fields.¹⁰

Vorontsov further argued that Belgrade was simply being used as a smokescreen to obscure the evils inherent in capitalism, such as unemployment, racism and apartheid. It was spurious to talk of individual human rights, while "hawking the neutron bomb to Europe," a bomb which was designed to kill human beings leaving private property intact. The inference that can be drawn from this viewpoint is that for the Soviets ideological feuding was still uppermost in their perceptions.¹¹

¹⁰President Carter's Speech: Mastney op.cit pp183-4.

¹⁰Speech by Vorontsov Iulii, Soviet Delegation Head at Belgrade, Radio Free Europe, Mastney op.cit.p181-2.

¹¹idem

The "burning issues" brought forward under new proposals by the Soviets focused on the military budget of NATO, and the economic provisions in Basket II which the Soviets claimed were discriminatory. Ideally the Soviets would have liked to separate security issues from CSCE to avoid the problem of linkage, a hard won condition at Geneva which was fought for so persistently by the Western caucus. The Soviets wished for a new treaty on the non-first-use of nuclear weapons among the participating States of the CSCE. A somewhat specious proposal as principle VI of the Helsinki Final Act prohibits the first-use of any weapons between participating States. The proposal for a freeze on membership of European military alliances, again reflected the Soviet fears vis-à-vis NATO, as there were no potential members clamouring to join the Warsaw Pact, but Spain's accession into NATO was pending. Proposals were proffered for pan-European conferences on Energy, Transport and the Environment, all of which focused on the future not the past. This was read in the West as a ploy to deflect scrutiny on implementation, which of course was the *raison d'être* for the West.

As a result of this huge divergence of opinions, the West German wish for a specific statement averring that the individual "has a legitimate right to invoke the Final Act," along with all the

aspirations contained in principle VII on human rights, was not realized at Belgrade.¹²

The Belgrade Concluding Document (BCD) simply noted that new proposals were examined but not adopted, code words for no consensus. Three Intersessional Meetings of experts were mandated.

In conformity with the mandate contained in the Final Act... the meeting of experts will be convened at Montreux on 31 October..., on Peaceful Settlement of Disputes...(PSD)

Upon the invitation of the government of the Federal Republic of Germany the meeting of experts as envisaged in the Final Act to prepare a "Scientific Forum" will take place in Bonn on June 20 1978, with representatives of UNESCO and UNECE invited along to state their views.

Upon the invitation of the government of Malta a meeting of experts on the Mediterranean will be convened on 13 February 1979 in Valletta. Its mandate will be within the framework of the Mediterranean chapter of the Final Act..., the non-participating Mediterranean states will be invited to contribute to the work of this meeting. Questions relating to security will be discussed at the Madrid meeting.¹³

The next Review Meeting under the Follow Up Mechanism was set for Madrid on 11 November 1980, with the preparatory meeting beginning on September 9 1980, approximately eight weeks beforehand.

¹²From Speech by West German State Secretary, Mastney op.cit.p181:see also Flanagan in Leebaert op.cit p195.

¹³Belgrade Concluding Document: Bloed op.cit pp57-8.

The Mediterranean provision was the only achievement at Belgrade as the former commitments were mandated for in the Helsinki Final Act of 1975. The Mediterranean provision was achieved once again by the Maltese use of the threat to withhold consensus.

On the one hand, viewed in the short term, the Belgrade meeting was a non-event. On the other-hand, the review element, an important precedent, was preserved reiterating that détente could not be selective. Overall Belgrade held fast to the accomplishment of the Geneva talks where human rights issues were first anchored on the international agenda and there they were to remain. In addition, in the long term "the problems of people as well as power remain firmly on the East/West agenda."¹⁴ Although nothing of substance was achieved there were no subtractions, therefore the validity of the Helsinki Final Act was in no way compromised. The Belgrade Concluding Document reads,

The representatives of the participating states stressed the political importance of the Conference on Security and Cooperation in Europe and reaffirmed the resolve of their governments, to implement fully, unilaterally, bilaterally, and multilaterally, all the provisions of the Final Act.¹⁵

Blaming the adversarial and confrontational relationship between the superpowers for the minimal outcome of Belgrade, Professor

¹⁴President Carter's speech to Fourth Semiannual Report by the President to the CSCE Commission 1 December 1978, Special Report No.45, Department of State, June 1978, pp3-7: Mastney op.cit.pp183-184.

¹⁵Belgrade Concluding Document:Van Den Heuvel & Praaning op.cit.p57-8.

Bindschedler, the Head of the Swiss delegation, described the outcome as "one per cent success and ninety nine per cent failure." The mandating of the Madrid Follow Up Meeting constituted the "one per cent success."¹⁶

It is prudent to remember, when considering the Belgrade Follow Up Meeting, that State systems do not provide freedom, Matthew Hoffman avers that,

It is an illusion that government, democratic or otherwise, can guarantee people freedom. It can only limit freedom in order to achieve other goals such as egalitarianism...freedom is a separate value from democracy or socialism ... and one that is often in conflict with them. ¹⁷

Professor J.E.S. Fawcett points out that,

{T}here are few rights, and no freedoms, that are fundamental in the sense that they are not subject to some limitations in the common interest... ¹⁸

Two things were magnified at Belgrade, the first was the differing inherent values of the social systems. Secondly, in contrast to former negotiations the United States took the offensive. The United States emphasis on the Western perception of human rights freedoms directly challenged the essentials of security and stability as far as the Soviets were concerned. It represented a subtle challenge to Soviet hegemony in Eastern Europe, and helped

¹⁶MacDonald I."The Weary Consensus," Mastney op.cit.p180.

¹⁷"A Human Rights Lesson from East Europe" Independent London, 13 January 1990.

¹⁸Fawcett J."The Belgrade Conference: Recycled Paper?" Millennium: 1978 Vol.7 No.1 pp52-59.

to refute the argument that the Helsinki Final Act was simply a recognition of the status quo. If the promotion of cooperation in Europe was the objective of the Helsinki Final Act then as Professor Fawcett points out, there are other ways to respond to human rights violations, and that,

... [I]t is reasonable to conclude that the manner in which the human rights issues were raised at the Belgrade Conference was a wrong tactic, that diplomatic action in various tactics is an alternative and more effective course for governments, and that it at least should be pursued in anticipation of the Madrid conference, if the Final Act is to make progress.¹⁹

A repetition of Belgrade could not be afforded if greater cooperation in Europe were to be achieved and the "process" element of the CSCE preserved.

Intersessional Meetings emanating from Belgrade Follow Up Meeting of 1977-8

Montreaux Meeting on Peaceful Settlement of Disputes

In line with the provisions made in the Helsinki Final Act, the first intersessional meeting on the Peaceful Settlement of Disputes, was hosted by the Swiss at Montreaux. This subject was of special interest to the Swiss, and was pushed for by the Swiss Experts.²⁰ No agreement was reached, however, as both East and West felt the Swiss proposal was too far reaching. The West favoured a more gradual approach whilst the East, despite having signed the Helsinki Final Act, was still using the principle VI

¹⁹ idem.

²⁰ See Mastney op.cit.p18.

(non interference in their internal affairs) argument to block progress.

Bonn Meeting on Scientific Forum

Although agreement was reached at Bonn to hold the Scientific Forum "proper" in Hamburg in February 1980, the meeting was overshadowed by the trials of civil rights activists by the Soviets. The British Foreign Secretary David Owen felt that blatant disregard of the Helsinki Final Act provisions in one sphere (human rights) made possible agreement in another sphere remote.

In the Helsinki Final Act the contribution of science and technology to "the improvement of the condition of human life" was recognised (see pp144). However, in the charged atmosphere of the Bonn talks the reference to "human life" came too close to "human rights" serving to raise the temperature even higher.²¹

At all previous Intersessional Meetings the lead in negotiations was taken by State Officials. Hamburg was the first Intersessional Meeting consisting of private individuals, the leading scientists of the participating States. The science leaders of East and West met in an atmosphere of conflict over the treatment of dissident scientists in the Soviet Union. However notwithstanding this, the concluding report included a reference to the

²¹Wall M. "Trials Cast Shadow over Bonn Meeting" Radio Free Europe Report: Mastney op.cit.p191.

importance of human rights and freedoms as "one of the foundations for a significant improvement in their mutual relations..."²²

Valletta on Cooperation in the Mediterranean

Malta hosted this meeting from February 13 to March 26 1979. The remit of this gathering was to promote mutual and beneficial cooperation in the economic, scientific and cultural fields. At this meeting Malta's proposal for the institutionalization of the CSCE process were rejected. This meeting simply referred all problems to the UN institutions officially concluding that,

ECE, UNESCO and UNEP, in particular provided a satisfactory framework for developing the pertinent cooperation among the CSCE States and the non-participating Mediterranean States.²³

The Madrid Review Meeting 1980-83

If the Helsinki Final Act was the zenith of East-West détente, the nadir was reached by the time of the Madrid talks. By Madrid the United States presence in Europe was accepted as a norm by the Soviets, and to all intents and purposes they accepted the constraints this imposed, notwithstanding the proposed installa-

²²Bloed op.cit.pp14-5.

²³idem.

tion of intermediate range cruise and Pershing missiles in Europe. However, the Soviet invasion of Afghanistan in December 1979, like the helicopter "shoot-down" in August 1975, showed the extent of the complete disregard for any international standards of behaviour the Helsinki Final Act was meant to engender.³⁴

Madrid inherited little or nothing from the Belgrade Follow Up Mechanism. The Belgrade Concluding Document recorded only that the meeting had taken place and that the participants, despite their inability to reach consensus on any substantive issue, were in agreement to continue the process.

The preparatory talks for the Madrid Follow Up Mechanism took place from 9 September to 10 November 1980, immediately prior to the main meeting scheduled for 11 November 1980. In theory, as with other preparatory meetings, the remit was to fix the procedural framework for discussions at the main meeting. In practice however, what ensued during this nine week period was a procedural wrangle which constituted a battle for the continuation of the FUM of the process, and the right to review the implementation of the HFA to date. At the outset the Soviets, perhaps still smarting from Belgrade, pushed for a change in the procedural rules. Indeed they were "not prepared to operate" under the Yellow Book rules used at Belgrade, which they deemed

³⁴Although Afghanistan was a non-participating State in the CSCE, nevertheless it was deemed a violation because the decalogue of principles were closely tied to the UN Charter.

prejudicial to their interests, which lay in convening a European disarmament conference. In seeking to limit the attention paid to the implementation of the CSCE commitments so far, the Soviets argued for the use of the guillotine in debates to avoid protracted discussion. The West, on the other hand, did not want limitation in this respect since they were determined to retain the division between the review element and new proposals. They needed the review implementation measures in order to address the flagrant violations of human rights to date, and to resist Eastern aspirations to decouple the issues in the hope of turning the CSCE into a military security conference. To achieve their ends the Soviets tried to link agreement to the continuation of the FUM, which they had long ago decided was not an unalloyed good, to agreement on the disarmament conference. This extended the discussion causing the mandated closing date to be missed.²⁵

The Madrid preparatory meeting was mandated to close on 10 November, and failure to reach agreement before the scheduled main meeting next day, 11 November, resulted in the clock being stopped to gain time to complete the talks. So either goodwill was to some extent present, or both sides knew that another "Belgrade" would spell disaster for the process, and court the disapproval of world opinion. The Purple Book contains the agreement that emerged from the preparatory talks. The debating

²⁵Freeman op.cit.p79.

time was reduced from eleven weeks, as at Belgrade, to five weeks. The crucial distinction, for the Western caucus, between implementation and new proposals was preserved, reserving for them the prerogative to raise issues such as Afghanistan when they saw fit.²⁶ Indeed the Madrid Concluding Document (MCD) makes specific reference to the Afghanistan issue where it stresses that "relations... with all other States should be conducted in the spirit of these principles."²⁷

The Madrid meeting lasted three years compared with Belgrade's five months, and throughout had the added disadvantage of an environment shaped by the decline in détente, which followed the election of President Ronald Reagan in the United States. The subsequent boycott of the Moscow Olympics, by the United States exacerbated the situation. In the first instance talks were overshadowed by invasion of Afghanistan. Then, right in the middle of the talks, in December 1981, the implementation of martial law in Poland compounded the gloom. In September 1983 the Soviet shoot-down of the Korean Air Lines (KAL) civil aircraft with the loss of 269 lives, overshadowed the Concluding Document, almost unhinging the whole process.

²⁶ibid see also Bloed op.cit p17.

There is a discrepancy of one week in these authors' avowals, Freeman records the debate as limited to five weeks, whereas Bloed records six weeks.

²⁷Cm 9066 Madrid Concluding Document 1980-83: Mastney op.cit.p353.

The first attempt at drawing up an acceptable concluding document was undertaken by the Austrian delegation on behalf of the NNA States. Aimed at finding a balance between the contentious issues of security and human rights, this initiative lost any impetus it might have deserved as a result of the situation in Poland. In the charged atmosphere the subsequent wrangling precluded agreement for a further eighteen months. The West was disenchanted with the substance of the draft and proposed substantive amendments in the human rights sphere. A definitive agreement was reached only after the intervention of the Spanish Prime Minister. Although Maltese blocking tactics had been successfully used on previous occasions, it was made clear that in this instance, the concluding document was to be adopted with or without Malta. Eventually when Malta relented,²²⁹ the prolonged talks produced,

A thorough and frank review of implementation; a balanced and substantive concluding document containing new commitments in all three baskets; and provisions for new meetings to ensure continuity.²³⁰

In other words the essential elements, without which the continuation of the Helsinki process would have been futile, and its success impossible, were achieved. Therefore, a compromise had to be reached between the Western commitment to the improvement

²²⁹Although agreement was reached in July, the Maltese "sideshow" delayed the conclusion of the Madrid Meeting until September. Freeman op.cit.p88:see also Bloed op.cit.p16.

²³⁰Schlager op.cit.p233.

in human rights and the Eastern commitment to a disarmament conference.

It is ironic that the West "stole the Emperor's clothing" with its proposal on military security. This happened when, out of the five draft proposals tabled, the French proposal was taken up and used as the basis for eventual agreement in the field of disarmament.³⁰ This constituted a move to challenge the East on an issue where they wished to hold the prerogative. This French proposal pleased the NNA States as it was seen as a move away from the Alliance to Alliance concern of the MBFR talks on force reductions taking place in Vienna, which as discussed earlier (see p139-40) excluded the NNA interests.³¹ At the Geneva talks of 1973-75, the East had underpinned the voluntary nature of the CBM, at Madrid, the United States and the United Kingdom made much of the relatively poor record of the East on the discretionary application of the CBM and used this to "tighten and improve the CBM regime inaugurated at Helsinki." In short the Alliance had predecided that voluntary measures did not advance or enhance confidence and security and agreed among themselves that any new measures should be "binding in character, militarily significant and verifiable."³² Because of the linkage of disarmament in Europe with Confidence Building Measures, the CBM

³⁰For full discussion see Freeman op.cit.pp84-9.

³¹Freeman op.cit.pp82-84.

³²ibid p85.

of the Helsinki Final Act changed with the Madrid Concluding Document to become Confidence and Security Building Measures making the acronym (CSBM).

A substantial part of the Madrid Concluding Document consisted of a reiteration of the Helsinki Final Act. In addition it provided for six meetings of experts. These meetings took place at:

Stockholm on CSBM

The Stockholm meeting on CSBM, including Disarmament in Europe, was mandated to begin on 17 January 1984, with a preparatory meeting mandated to run from 25 October and lasting until 11 November 1983, at Helsinki.

Athens on Peaceful Settlement of Disputes

In conformity with the recommendation from the Montreaux Meeting of Experts another meeting on PSD was mandated to commence on March 21 1984. At this point, Malta's neutral nonaligned policy was acknowledged in the Madrid Concluding Document.³³

Venice on Mediterranean Cooperation

The Meeting of Experts was mandated to meet, within the framework laid out at Valletta, at Venice from October 16-26, 1984.

...to review the initiatives already taken...and stimulate where necessary broader developments in these sectors."³⁴

³³Cm 9066 Madrid Concluding Document: Mastney op.cit.p357.

³⁴ibid p363.

Ottawa on Human Rights and Fundamental Freedoms

Based on the provisions of the Helsinki Final Act and on the invitation of the Government of Canada this meeting was mandated to begin on 7 May 1985 with a preparatory meeting beginning on 23 April 1985.

Budapest on Cultural Forum

A "Cultural Forum" was mandated to "discuss interrelated problems concerning creation, dissemination and cooperation" to begin 15 October 1985.

Bern on Human Contacts

This meeting mandated to address the emotive issue of human contacts was so contentious that, in line with the requirements of consensus as practiced at the CSCE, it was agreed to omit it from the Concluding Document "proper" and include it as an addendum. It reads as follows,

The Chairman notes the absence of objection...there is agreement to convene such a meeting to discuss the development of contact among persons... with due account to the introductory part of the Chapter of the Final Act entitled Cooperation in Humanitarian and other Fields...³³⁵

It was scheduled to begin on April 15 1986.

³³⁵ibid p370.

Finally the document mandated for the next Follow Up Meeting to be held in Vienna on 4 November 1986, mandated that the agenda, working programme and modalities of the main Madrid Meeting were to apply *mutatis mutandis* to the main Vienna Meeting. Subject to other decisions that might be taken at the preparatory meeting commencing on 23 September 1986 at Vienna.

Plans to commemorate the 10th anniversary of the Helsinki Final Act in 1985 were set out in the Concluding Document of Madrid.

Intersessional Meetings emanating from Madrid

Stockholm January 1984

The aim at Stockholm was to promote discussion and negotiation of early warning measures designed to diminish the threat of surprise military attacks. They were to apply to all of Europe including the European part of Soviet territory up to the Urals, including sea and air space. This represented an extension of the zone of application into Soviet territory agreed at Geneva; therefore it constituted an amendment to the FA of 1975. The new CSBM that emanated from Stockholm were, like the CBM that preceded them, to be politically binding, however unlike the CBM they replaced, they were to carry adequate verification procedures. The major provisions of the Stockholm Document were :-

- 1 Notification of certain military activities six weeks or more in advance.
- 2 Observation of military exercises now an obligation rather than voluntary as laid down in the FA of 1975.

- 3 Calendar of major military exercises to be exchanged annually.
- 4 Inspection rights on the territory of participating States.

At the behest of the Eastern bloc, the Stockholm Document also contained a reiteration of Principle II of the Helsinki Final Act namely, "Refraining from the threat or use of force..." (see p133). These measures entered into force on 1 January 1987.²⁶

Athens March 1984

This was the second meeting of experts on PSD and a weaker version of proposals was presented by the Swiss. The Eastern States also submitted counter proposals but no agreement was reached. The adoption of a short report of little substance concluded the meeting with no proposal to meet again.

Venice October 1984

This was also a second meeting on Mediterranean Cooperation, of the non-participating invitees only Egypt and Israel accepted. The main concentration was on Mediterranean environmental issues which was reflected in the report adopted on 26 October 1984.

Ottawa May 1985

Difficulties reaching agreement in the preparatory talks caused another "stop the clock episode," the meeting "proper" being deferred from the mandated opening date by one day, from 7 May to

²⁶Cm 26 The Stockholm Accord.

8 May. According to the established pattern of negotiation on human rights issues the old polarization emerged with the East focusing on the problems of capitalism and the West on the abuse of human rights. The mandate for this meeting called for recommendations to be submitted to all governments of all participating States, however no concluding document or official communiqué emerged.

Budapest October 1985

The participants of this "Scientific Forum" consisted of both officials and leading citizens of the participating States. The aim of this gathering was to foster intercourse and interaction across the divide and in this respect it can be deemed a success as dialogue did take place. However no official communiqué emerged.

Bern April 1986

Although it could be argued that the exclusion of this meeting from the Vienna Concluding Document "proper" ranked it of lesser importance, this meeting followed the pattern of all other CSCE meetings. It returned to the Basket III issues of family ties and reunification of families. No concluding document was adopted because of the United States' refusal to agree thus undermining consensus. This action was defended by the United States delegation on the grounds that there were too many loop holes in the document, and not enough clear new commitment, which

affected the credibility of the original Helsinki Final Act. This was the first time in all the negotiations of the CSCE that a draft concluding document on humanitarian issues was precluded by a single Western State. However, that the Soviets considered themselves bound by the "holey" draft Bern document, vindicates to some extent the United States veto.³⁷

The Vienna Review Meeting
1986-89

In contrast to the declining atmosphere at Madrid, by the opening of the Vienna meeting the "new thinking" caused by the accession of Gorbachev to the Soviet leadership in 1985, Mrs Thatcher had already decided that the new Secretary General of the CPSU was a man she could do business with.

Although the "new thinking" did not permeate immediately at Vienna, by the close of the Vienna Conference Geoffrey Howe observed that,

Firm and clear sighted Western policies, combined with a new pragmatism in General Secretary Gorbachev's Soviet Union, together have transformed the atmosphere in which East and West do business.³⁸

The stamp of Brezhnev, which had hitherto dominated the CSCE process, was giving way to the stamp of Gorbachev. The new policies of Glasnost and Perestroika, which opened up the Soviet

³⁷Bloed op.cit.p21.

³⁸Howe Sir G. London January 1989, cited in "CSCE The Vienna Papers" North Atlantic Assembly Papers (NAAP) August 1989 p23.

Union, had a knock on effect in international relations.

As mandated by the Madrid Concluding Document the Vienna Follow Up Meeting was preceded by preparatory talks from 23 September until 6 October 1986. These preparatory talks finished well within the allotted time as major organizational issues that had caused problems at Belgrade and Madrid had been overcome by the fixing of the agenda at Madrid. This allowed for a more fixed structure for CSCE Follow Up Meetings.³³

As at Belgrade and Madrid membership of the Vienna gathering did not change. All thirty five participating States attended. In accordance with the Follow Up provisions of the Helsinki Final Act and as mandated by the Madrid Concluding Document, the Vienna Meeting opened at ministerial level. It lasted for three years. After the opening welcome from the Austrian Federal Chancellor, opening statements were made by the Heads of Delegations, among them ministers and deputy ministers. Contributions were made by the non-participating States of Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Syria and Tunisia. In line with the procedure at Madrid the meeting consisted of three phases: the review of implementation phase, new proposals, and the final stage for drawing up the concluding document.

³³see Bloed op.cit.p21.

After noting the favourable developments since the Madrid Follow Up Meeting, most notably Stockholm, the Conference reaffirmed its resolve to implement fully all the provisions of the Helsinki Final Act and all succeeding CSCE documents. As usual frank and open discussion regarding the implementation of the Final Act provisions to date, resulted in intensive and controversial discussion. The Conference considered that although much had been achieved since the signing of the Helsinki Final Act in 1975 much of the potential of that Act and of the Madrid Concluding Document remained unutilized.

The eventual compromise contained in the Vienna Concluding Document was the setting up of a separate sub-process, "specifically charged with reviewing and strengthening commitments in the human rights field."⁴⁰ This multilateral mechanism, ultimately known as the Conference on the Human Dimension (CHD or CDH as in the French), laid down the four elements of procedure for monitoring the implementation of human rights. Firstly, participating States are entitled to request information from other participating States on questions relating to the human dimension of CSCE, and they are entitled to an answer. Second, participating States are empowered to hold bilateral meetings with other participating States to examine questions relating to the

⁴⁰Dodd T. "The Conference on Security and Cooperation in Europe: Past, Present and Future." Background Paper No 293 International Affairs and Defence Section, House of Commons Library July 1992 p7.

human dimension. Third, when it is deemed necessary the situation discussed at any bilateral meeting can be brought to the attention of the remaining participating states. Finally, if all remains futile the concerned state can raise the issues at the Conference on Human Dimension meetings mandated to meet annually as well as at the main Review Follow Up Meetings. The agenda and other modalities for these meetings were also set out in the Vienna Concluding Document in Annex X.^{*1}

Principle IX, as agreed at Geneva and laid out in the Helsinki Final Act, on cooperation among states (see p138) allowing for the development of a positive role for persons to contribute, was supplemented in the document of Vienna with a new provision, viz

To that end they will respect the right of persons to observe and promote the implication of CSCE provisions and to associate with others for this purpose...^{*2}

Hereafter, this enabled private citizens, to a greater or lesser degree, to monitor their government's progress vis-à-vis the fulfillment of CSCE human rights requirements. Human rights also received a place in Basket 11 (economic cooperation and environment) with recognition of the,

Importance of the contributions of persons and organizations dedicated to the protection and improvement of the environment, and will allow them to express their concerns.^{*3}

^{*1} Cm 649 Vienna Concluding Document.

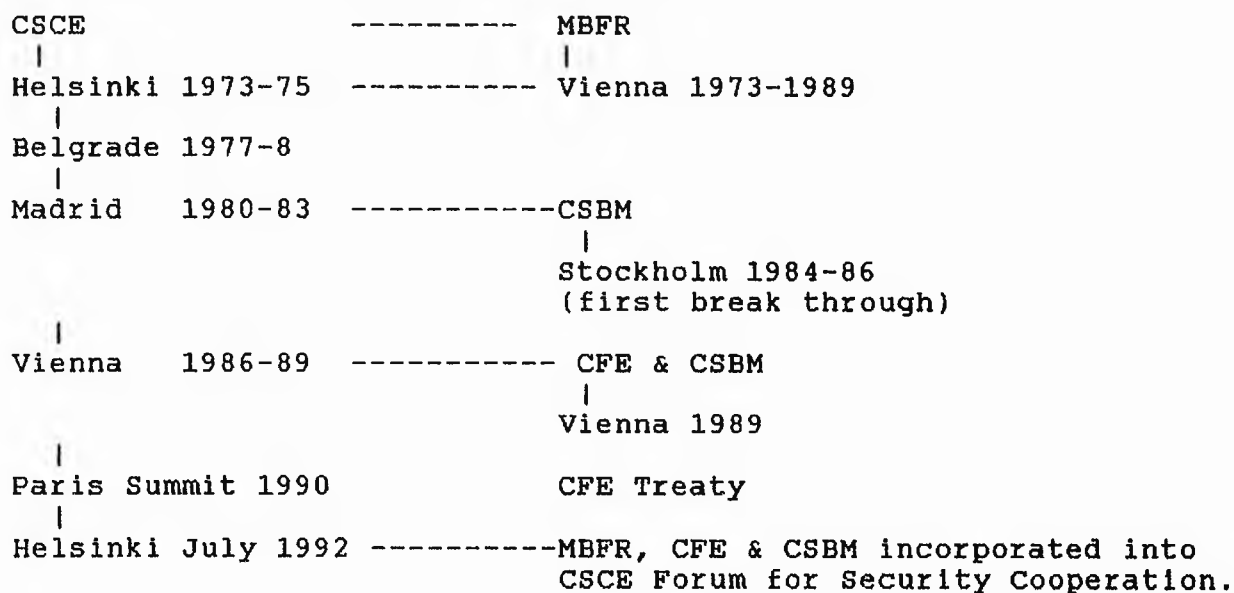
^{*2} idem

^{*3} Cm 649 Vienna Concluding Document

The other major achievement of the Vienna Conference was in the field of military security. The Vienna Concluding Document mandated for two distinct security measures. The "Negotiations on Confidence and Security Building Measures" (CSBM) were mandated to continue the work of the Stockholm Conference. In line with this development the term *disarmament* was dropped from the title. The "Mandate for Negotiation on Conventional Armed Forces in Europe" resulted in a separate conference on Conventional Forces in Europe (CFE).⁴⁴

The Security Aspects of CSCE

The security aspects of CSCE evolved in this way.



⁴⁴idem Annex II & III.

The Vienna security meetings must not be confused with Inter-sessional meetings. They were quite distinctive because although the CSBM and the CFE talks began simultaneously in Vienna they constituted a departure from the procedure as laid down in the Final Recommendations of the Helsinki Consultations(HR) of June 1973. The first rule of procedure in the HR requires that all talks were to be held outside alliances (see pp39-40).⁴⁵ For the first time at CSCE the mandate of the Vienna Concluding Document allowed for autonomous, bloc to bloc, negotiations within the CSCE framework for the CFE negotiations.

The Vienna Meetings on CSBM and CFE March 1989

CSBM Vienna 1989

Unlike the CFE talks, discussed below, all thirty four CSCE participated in a three week seminar which ran from 16 January to 5 February 1990, where, unofficially, NATO worked as a bloc. The remit of the CSBM meeting was to expand the Stockholm provisions in relation to,

[M]ilitary doctrine in relation to posture, structure and activities of conventional forces in the zone of application for confidence and security building measures.⁴⁶

Agreement was reached in five areas:

- (1) the annual exchange of information on military manpower, equipment, deployment and budgets;
- (2) on the establishment of a communications network among the participating states for CSBM and CFE purposes;
- (3) an annual meeting to review CSBM implementation;
- (4) improved inter-military contacts, including mandatory visits to air bases;

⁴⁵Cmnd 6932 Document 52, p153.

⁴⁶Cm 1466 CSBM Document Vienna 1990 p3.

- (5) mechanisms giving states a right to an explanation of unusual or hazardous military activities and, in the case of unusual activities, to call a bilateral or full CSCE if the explanation is not satisfactory.⁴⁷

The CSBM agreements are mandatory and reciprocal and applicable to all States from the Atlantic to the Urals (ATTU). They are politically, not legally binding, however, Group Captain Keith Chapman, a participant in the NATO negotiating team at CFE, avers that in practice there is very little difference.⁴⁸ In the light of this progress a second seminar, on military doctrine, was scheduled for the spring of 1991 in Vienna. The CSBM seminars addressed military intentions, and can be regarded as the software of arms control, whereas the CFE addressed military potential and can be seen as the hardware of the arms control process.⁴⁹

CFE Vienna 1989

These discussions which began simultaneously in Vienna culminated in Paris 1990. At United States insistence these were bloc to bloc negotiations involving only the twenty three participating States of the CSCE which were members of the WTO and NATO, thus excluding the NNA interest. However, the Vienna Concluding

⁴⁷"The CSCE: An Overview of the CSCE process: Recent Meetings and Institutional Development. CSCE Commission Congress of the United States of America Washington DC February 1992. p15.

⁴⁸Group Captain Keith Chapman March 5 1992.(visiting speaker)

⁴⁹ Borawski J. "The Vienna Negotiations on Confidence and Security Building Measures" RUSI Journal Autumn 1990 pp40-44.

Document mandated for "Meetings in order to Exchange Views and Information concerning the course of the Negotiation on Conventional Armed Forces in Europe."³⁰ This provision allowed that at least twice during each session of the CFE negotiations meetings would be held with the NNA States to exchange opinions on, not evaluate, the progress of the CFE.

The aim of this conference was to eliminate the capacity for launching a surprise attack and large scale offensive action. Although the talks started with the member States of NATO and the WTO the latter by the end of the negotiations was moribund. By the time of the signing of the CFE Treaty in Paris the eight successor States of the former Soviet Union participated in their own right, making twenty nine participating States.

The CFE Treaty was committed to the objective of limiting the total number of conventional armaments over the whole ATTU area to - 40,000 battle tanks: 60,000 armoured combat vehicles: 40,000 pieces of artillery: 13,600 combat aircraft: and 4,000 attack helicopters.

Although these talks were between blocs they were structured in a manner to include twenty three individual States (twenty two

³⁰Cm 649 Vienna Concluding Document

after German unification). The aim was to limit the powerful and more dominant States within the Soviet alliance, despite this, during the talks the Soviets dominated all the WTO members to a very high degree.

Article VI states that each State regardless of the group of "states parties" ¹ to which it belongs is to hold a ceiling of,

- A. 13,300 Battle Tanks:
- B. 20,000 Armoured Combat Vehicles:
- C. 13,700 Pieces of Artillery:
- D. 5,150 Combat Aircraft:
- E. 1,500 Attack Helicopters.

These agreements provided headroom in some quarters for Nato, but perhaps more importantly, these talks validated the extent of the threat the West faced as they demanded heavy reductions, on all items, for Warsaw Pact States.

The unprecedented collapse of the Warsaw Pact Treaty removed Soviet confidence in one fell swoop. It was one thing to negotiate arms reductions over which they had full control, however, those agreed reductions could numerically disadvantage them when they fell under the control of successor States, especially when there is no love lost between them. This, coupled with a united Germany within NATO, was a discomfoting prospect.² Consequently the Soviets embarked upon all sorts of ploys to evade the cuts. Three divisions were transferred to

¹"States parties" means the signatories to either BTO:- Washington Treaty: or WTO.

² Dean J. "The CFE negotiations present and future" Survival Vol XXXII July/August 1990 pp313-324.

"coastal defence" force in an attempt to set them outside the Treaty. This was not only challenged by the West but also by the former Warsaw Pact States. Finally Gorbachev overruled the military generals and the Treaty moved towards ratification.

The Treaty proved very complicated for the newly democratizing States to handle consequently it took some time for all instruments of ratification to be deposited with the Embassy of the Netherlands in Moscow. On 9 November 1992 the period of provisional application ended and the CFE Treaty entered fully into force, almost two years after it was signed in Paris. At present there are thirty signatory States.

CFE-1A

The follow on from Vienna began in February 1991 addressing only the manpower issue. The CFE-1A on personnel strength of conventional armed forces in Europe. See Table I for troop limits and current holdings.

Although vast changes have occurred since the CFE treaty was signed the importance of these Vienna meetings must not be underestimated.³³ The CFE Treaty signed at the Paris Summit contains a declaration on the nonuse of force. It is legally binding in

³³ Keesing's Record of World Events, March 1989, p36539.

For fuller analysis of these meetings see Vienna Document 1990 Cm 1466 and 1992 Cm 1972: Confidence Building Measures in Europe, Larrabee and Stobbe(eds): Confidence Measures and U.S.-Soviet Relations, Larrabee and Lynch Institute for East West Studies. 1983 and 1986.

**The CFE-1A Agreement on personnel strength of
conventional armed forces in Europe**

<i>Country</i>	<i>Troop Limits</i>	<i>Current holdings 1992</i>
Armenia	na	na
Azerbaijan	na	na
Belarus	100 000	125 000
Belgium	70 000	71 300
Bulgaria	104 000	97 000
Canada	10 660	5 100
Czechoslovakia	140 000	145 000
Denmark	39 000	24 300
France	325 000	330 400
Georgia	40 000	na
Germany	345 000	411 800
Greece	158 621	139 800
Hungary	100 000	80 800
Iceland	0	0
Italy	315 000	306 000
Kazakhstan	0	0
Luxembourg	900	800
Moldova	na	na
Netherlands	80 000	76 000
Norway	32 000	25 400
Poland	234 000	281 400
Portugal	75 000	45 500
Romania	230 248	187 000
Russia	1 450 000	1 536 000
Spain	300 000	173 200
Turkey	530 000	512 000
Ukraine	450 000	230 000
UK	260 000	222 500
USA	250 000	182 100

'na': 'not announced'. Country has yet to declare its personnel limit or it has not been deemed possible to assess its full-time manpower accurately.

Sources used by SIPRI for data in this table: IISS, Military Balance 1992-1993, pp. 51, 133, 244; Arms Control Today, July/Aug. 1992, p. 29; Focus on Vienna, no. 28, Nov. 1992.

international law, and can be seen as a "road that has completed its run" to a roundabout or junction on the journey to securing a safer Europe.³³⁴ The Vienna Concluding Document surpassed the Madrid Concluding Document as it mandated for a multiplicity of meetings of experts:-

- London
The London Information Forum was mandated for 1989.
- Paris
The first three meetings on the human dimension 1989.
Copenhagen 1990
Moscow 1991
- Vienna
Two Vienna meetings one on Conventional Armed Forces Europe (CFE), and one on Confidence and Security Building Measures 1989
- Sofia
The Sofia meeting on the protection of the environment 1989.
- Bonn
Meeting on Economic Cooperation 1990.
- Plama de Mallorca
Meeting on the Mediterranean 1990.
- Valletta
Meeting on Peaceful Settlement of Disputes 1991.
- Krakow
Symposium on Cultural Heritage 1991.

As a result of these mandates the CFE, CHD and CDE more or less acquired permanent status. Finally the Vienna Concluding Document mandated that the next Follow Up Meeting of the Helsinki process would take place in March 1992.

³³⁴Hopkinson G. "CFE: A Dead End?" RUSI Journal 1990 pp31-4.

Considering how the mandating at Madrid streamlined the preparatory meeting for this Vienna Conference, this was taken a step further and the agenda, timetable, and other organizational modalities were set out in advance for all meetings of experts mandated by the Vienna Concluding Document, thus negating the need for preparatory meetings. In addition similar conditions were mandated for the Helsinki Review Follow Up Meeting in 1992 as applied to the Vienna preparatory meeting, and all were included as annexes in the Vienna Concluding Document.☞☞

Intersessional Meetings Emanating from Vienna

The London Forum on Information held from April 18-May 12 1989

This was the first of the non-military meetings of experts and its goals were as mandated by the Vienna Concluding Document to examine cooperation in the fields of information of all kinds. Although a large degree of openness was achieved no concluding document emerged due to a Romanian veto.☞☞

The Paris Meeting on the Human Dimension held from May 30- June 3 1989

Interestingly, this first meeting on the Human Dimension coincided with the 200 anniversary celebrations of the French

☞☞ Vienna Concluding Document cited in Bloed op.cit. p215.

☞☞ "From Vienna to Helsinki: Reports on the Intersessional Meetings of the CSCE Process" CSCE Commission Congress of the United States of America Washington DC April 1992.

Revolution in Paris in 1989. The next were held in Copenhagen in June 1990, and then Moscow in September/October 1991. These meetings were mandated to cover the whole range of human rights and humanitarian issues. No concluding document emerged from this meeting, the discussions and proposals were to be continued at Copenhagen (see next page).³⁷⁷

The Sofia Meeting on the protection of the Environment 1 October-3 November 1989

The remit was to "elaborate recommendations and guidelines for further measures and cooperation in new and important areas of environmental protection." No concluding document emerged again due to a Rumanian veto, this time caused by disquiet over language in the report on the rights of environmentalists to freedom of expression.

The Bonn Meeting on Economic Cooperation in Europe held from 19 March-11 April 1990

Governmental officials were joined by representatives of the business communities of the participating States. The remit for the meeting was to create better working conditions for Western representatives. This conference was deemed a success. It produced the first non-military intersessional concluding document, thus a new phase was recorded. By confirming market

³⁷⁷ibid p27.

based economies as a starting point for economic relations in Europe this document signalled a separation between the economic sphere and the politico/military sphere, which had hitherto been inextricably bound because of their hitherto separate economic systems. In addition the concluding document contained a reference to "private property rights." ⁵⁰

The Palma Meeting on the Mediterranean held from 24 September-19 October 1990

The remit of this third meeting on Mediterranean security was to further cooperation between the participating littoral States of the CSCE and the non-participating littoral States of the Mediterranean. Albania attended as an observer and membership dropped by one as the unification of Germany was acknowledged. This meeting brought into focus the dominant role of the EC at CSCE. It was an EC proposal which provided a basis for the concluding document. ⁵¹

The Copenhagen Meeting on Conference on Human Dimension held from 5-29 June 1990.

This second meeting on the human dimension continued the momentum established by Bonn by providing new guidelines for the newly emerging democracies of Eastern Europe. It included Albania as an observer, but refused observer status to the three Baltic

⁵⁰ibid p63.

⁵¹ibid pp95-109.

States. Argumentation arose at this meeting between the advocates of politically binding commitments and those in favour of treaty based commitments. The following quip summed up the situation neatly, "the fight used to be between East and West; now its between all of us [delegates] and all of our lawyers."⁶⁰ The concluding document embodies the key elements of how to run a democratic State.

The Valletta Meeting on Peaceful Settlement of Disputes
held from 15 January - 8 February 1991

This constituted the third meeting on PSD although the first post 1989, and post Charter of Paris 1990. It was overshadowed by the situation in the Gulf and the killing of civilians in Lithuania. Contentious decisions in this field were deferred to the post Paris Charter's new CSCE Council of Ministers' Meeting scheduled for Berlin 19-20 June 1991. A concluding document was drawn up.

Symposium on Cultural Heritage at Krakow held from 28 May - 7
June 1991

This meeting was a follow up from the Budapest meeting of 1985. The remit set out at Vienna was "a dynamic exchange among experts in the field of cultural heritage. The Council of Europe and UNESCO contributed to this meeting, and Albania obtained consensus to attend as an observer. The Soviets continued to block

⁶⁰ibid p93.

consensus for any proposal for Baltic observer status. Dialogue was curtailed to facilitate the drawing up of a concluding document within the nine day time limit. There remained a feeling however that the structure mandated by the Vienna Concluding Document was inconducive to dynamic exchange; because the document had come to symbolize success, the need to produce it became the overriding concern.

Moscow Meeting of the Conference on Human Dimension 10 September-4 October 1991

This meeting followed hard on the heels of the Moscow coup of August 1991. The Western reservations placed on the ethics of siteing this meeting in Moscow were formally removed. The United Kingdom, unlike the United States, deemed it necessary to justify this reversal by citing improvement in both the human rights and law of entry and exit areas.

This was the first Conference on Human Dimension meeting in which Albania was entitled to participate fully since membership was approved in June 1991. Immediately prior to the opening of this meeting an extraordinary meeting of the CSCE Council of Ministers admitted the three Baltic States as full members of the CSCE process. This decision ended the striving of these States for independence which had been consistently vetoed by the Soviets. The decision was taken under the Chairmanship of the German Foreign Minister Hans-Dietrich Genscher with recourse to Helsinki Recommendation 54 on procedure. It allows for par-

ticipation of all European States. Significantly, and in line with declared aspirations for greater openness at Paris in 1990, Soviet NGOs and private citizens were well represented.

The inability of the CSCE process to adequately address the Yugoslavia crisis was a concern at this meeting. The proposal to convert the Warsaw Office for Free Elections into an Office for Democratic Institutions was discussed but did not gain consensus. However, coming as it did just six months before the fourth review meeting at Helsinki, this meeting served as an early sounding board on the institutional changes that may be necessary to meet the changes and developments in the post-Cold War world.

The concluding document addresses the importance of both the rule of law, and adherence to democratic institutions and practices. Reiterating that human dimension issues were of international concern and not the sole prerogative of the State concerned, consequently any State, or third party States, can request a mission of experts to address human dimension issues that are perceived as destabilizing. If a voluntary mission is refused or fails, further mandatory steps, (which are discussed more fully later), may be taken.

The remainder of this work, starting with Chapter IV which deals with The Charter of Paris of November 1990, considers the impact of the fall of communism in Eastern Europe upon the CSCE.

CHAPTER IV: THE CHARTER OF PARIS 1990

Europe is liberating itself from the legacy of the past. The Courage of men and woman, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe.¹

From Process to Institutionalization

Just as the signing of the 1971 Treaties paved the way for the Multilateral Preparatory Talks in 1972, the 1990 signing of the "Treaty on the Final Settlement with Respect to Germany" paved the way for the Paris Summit in November 1990.²

The call for a CSCE Heads of Government Summit to address the changes in Europe and how the CSCE role might be expanded, was first mooted by Mr Gorbachev, whilst on a visit to Italy.³

The Paris summit followed months of upheaval in Central and Eastern Europe in an accelerating historical process. The Berlin Wall was breached in November 1989, ending Soviet domination of the Eastern Bloc States. Germany was unified with the East acceding to membership of NATO in 1990, and the Warsaw Pact rendered moribund. The decision to institutionalize and strengthen the CSCE was taken at the second Conference on Human Dimension at Copenhagen 1990, and was then reiterated at the NATO London Summit of July 5-6 1990.⁴ It is important to note that

¹ Preamble to the Charter of Paris November 1990 Cm 1464. March 1991.

² Facts on File September 1990 p679.

³ Perhaps, with his eye on the CFE progress, Mr Gorbachev wished to conclude the CFE treaty at summit level. see Bloed op.cit.p25.

⁴London Declaration on a Transformed North Atlantic Alliance July 1990 NATO REVIEW 1990:4:32-3.

the Paris summit was not a Review meeting under the Follow Up Mechanism of the CSCE process. It was the first CSCE summit since the signing of the Helsinki Final Act in 1975. From 19-21 November 1990 the Heads of State and Government of the thirty four (1 Germany) participating States met in Paris to formally end the forty years of the Cold War.

The Secretary Generals of the United Nations and of the Council of Europe addressed the Summit. Albania was granted observer status while, due to a Soviet veto, requests for observer status from the Baltic States were not acted upon.⁵

In his opening address the host, President Mitterrand acknowledged the significant changes in Europe. "It was, he said,

the first time in history that we witness a change in the depth of the European landscape that is not the outcome of war or a bloody revolution.⁶

In his view, the Paris Summit was to be or to act as an anti Congress of Vienna of 1815, "when the victorious powers drew the map of Europe without any concern for peoples or their aspirations."⁷

⁵In 1990 the Baltic republics, which were three separate states when annexed by the USSR in 1940, were striving to regain independence lost as a result of the Molotov-Ribbentrop Pact of August 1939 between Germany and the USSR. Times Guide to Eastern Europe London 1990 pp194-213.

⁶Keesings Record of World Events News Digest November 1990 p37838.

⁷idem

European Security at the Paris Summit

The first day saw the signing of the Conventional Forces Europe (CFE) Treaty, which was a culmination of the Vienna negotiations mandated by Vienna Concluding Document of the Review Follow up Mechanism of the CSCE of 1986-9. This historic agreement between NATO and the Warsaw Pact constituted the first multilateral agreement on conventional weapons in Europe. It was signed by the twenty two participating States comprising of the NATO and Warsaw Treaty Organization, two days before the Charter, as outlined earlier.

This Treaty, did not address troop levels(see p190), but notwithstanding the lack of a formal commitment on troop numbers, it represents a significant advance in European security as it establishes technical parity between the two alliances. (NB in the East the idea of an alliance is devoid of any political content, it is merely a practical device for weapons accounting purposes).

The Charter of Paris for a New Europe

The twenty page Charter was divided into three sections:-

- A new era of Democracy, Peace and Unity
- Guidelines for the Future
- New Structures and Institutions of the CSCE Process and the Supplementary Document

The first two Chapters of the Charter reaffirm commitments that

have previously been undertaken by the CSCE process. The third section and the Supplementary Document cover the new ground.

Section I

A New Era of Democracy, Peace and Unity

This section addressed principles first addressed by the Bonn Concluding Document on Economic Cooperation in Europe (see p193-4), governing cooperation between the different CSCE member States, based and building on those of the HFA of 1975, namely:-

- 1. to build and strengthen democracy as the only form of government.
- 2 to recognize human rights [as] the birthright of all human beings.
- 3 to uphold free and fair elections.
- 4 to affirm the right of all individuals to freedom of thought.
- 5 ownership of property
- 6 to protect the ethnic, cultural, linguistic and religious identity of national minorities" and to develop "market economies.

By adopting these principles the European leaders, Eastern and Western alike, for the first time in history agreed to a common set of values and objectives. The Paris Summit addressed in President Mitterrand's words "economy, environment, standard of living, "or "the things that people expect them to address."²⁰ Thus freedom, democracy, human rights and security are to be the cornerstones of the new European architecture. As the era of

²⁰International Herald Tribune 22 November 1990 p2.

confrontation and division in Europe ended, relations to be based on "respect and cooperation."¹⁰

Section II

Guidelines for the Future

Section II consisted of declaratory reaffirmations in the sphere of the human dimension, security, economic cooperation, the environment, culture, migrant workers and the Mediterranean. The salient issues were the mandating a Meeting of Experts on National Minorities. This meeting was to be held from 1-19 July 1991 in Geneva, with a remit to conduct a,

[T]horough discussion on the issue of national minorities, and the rights of persons belonging to them, with due attention to the diversity of situations and to the legal, historical, political and economic backgrounds....¹⁰

With the aim of considering new measures that might improve the implementation of commitments in this area. A commitment to strengthen democratic institutions and further application of the rule of law was initiated with the convening of a seminar in Oslo from 4-15 November 1991.

Security

On the question of security the participating States pledged themselves to build on the important achievements attained in the

¹⁰ibid pl.

¹⁰Cm 1464 Charter of Paris Annex III p24.

Treaty on Conventional Armed Forces in Europe through CFE1, and in the Negotiations on Confidence and Security Building Measures. It was noted that, all talks would be concluded, if possible, by the Follow Up Meeting of the CSCE in Helsinki 1992 in preparation for, "a more structured cooperation among the thirty-four participating States" on disarmament and security building. This aspiration became an instruction with effect from the second Council meeting in Prague in January 1990.¹¹ This paved the way for the new European Security Forum established in the Helsinki Concluding Document of 1992.

Hope was expressed that a comprehensive ban on chemical weapons would emerge from the United Nations Conference on Disarmament under way in Geneva, and of the earliest possible conclusion of the Open Skies initiative. The basic elements of the Open Skies initiative were agreed in Ottawa in February 1990, namely that unarmed military or civilian aircraft, including aircraft of NNA States, be permitted, as a confidence building measure, to fly equitable reconnaissance missions over each other's territory.¹²

In this section the contribution of non-governmental organizations in the achievements of the CSCE objectives to date were

¹¹ Section VII Draft Summary of Prague Council Meeting Prague 1992 p6.

¹² Keesings Record of World Events News Digest November 1990 p37267.

recorded with a promise to involve such groups in the new structures of the CSCE.

Section III

New Structures and Institutions for CSCE

Starting with the forthcoming Follow Up Review Meeting mandated by the Vienna Concluding Document of 1989, for Helsinki 1992, the Charter of Paris provides that all future review follow up meetings of the CSCE process will be held at Head of State or Government level. In future Follow Up Meetings are to be held every two years and limited to three months unless otherwise agreed. The peripatetic nature of the conferences remains unchanged.

Council of Ministers of CSCE

The most salient feature of the new CSCE structure was the creation of a Council of Foreign Ministers aimed at providing a central forum for political consultations.

The initial meeting of the Council was mandated to be held on 19-20 June 1991, in Berlin, and thereafter at least once per annum in rotating locations. The remit of the Council is to oversee the CSCE process, and to prepare for and set the agenda for the Heads of State or Government meetings.

The need for an emergency mechanism to deal with crisis situations was recognized and the Council was charged to,

...discuss the possibility of establishing a mechanism for convening meetings of the Committee of Senior Officials in emergency situations.¹³

Committee of Senior Officials

A Committee of Senior Officials (CSO) was established by the Paris meeting to service the Council. As well as preparing the agenda for Council meetings the CSO is charged with identifying issues for discussion from those suggestions submitted by the participating States. In addition it must implement subsequent decisions that emanate from Council. The representative of the State whose Foreign Minister chaired the preceding Council meeting will chair the CSO meetings. The Chairman of the CSO will convene meetings after consultation with the participating States.

The CSO will meet at the site of the new secretariat in Prague unless timed immediately before a CSCE Council Meeting in which case they meet on the same site. The CSO mandate allows for two day sessional meetings as often as necessary, and given this broad remit this group could well become the most important working group of the new CSCE provisions implemented at Paris.

¹³Charter of Paris Supplementary Document Paris 1990, p15.

CSCE Secretariat

Based in Prague the secretariat is designated to provide administrative support to the Council and the CSO. The secretariat of the host State for the Follow Up Meeting of the CSCE process will also be afforded the support of the Prague Secretariat. Included in its remit is the general provision of information on CSCE to interested parties, including Non-Governmental Organizations (NGOs) and International Governmental Organizations (IGOs), as well non-participating States.

The Secretariat consists of a :-

- Director
- three officers
- administrative and technical personnel as recruited by the Director

Conflict Prevention Centre (CPC)

Based in Vienna, The Conflict Prevention Centre's main function is to "assist the Council of CSCE in reducing the risk of conflict." by promoting greater transparency.

Structure

- Consultative Committee
- Secretariat

The Heads of Delegation to the CSBM negotiations were mandated to form the Consultative Committee until the Helsinki Follow Up Meeting of 1992. This Consultative Committee will be required to work within the established framework of CSCE procedures, determine its own work programme and is ultimately responsible to the Council of Ministers. The Secretariat will service the

Consultative Committee of the CPC. It will consist of the following staff:-

- a Director
- two officers in charge of organization of meetings (including protocol and security), communication, documentation and information, financial and administrative matters.
- administrative and technical personnel as recruited by the
- Director

Initially the centre will hold and exchange information and assist as a support mechanism with implementation as required under the CSBM Vienna Document of 1990 viz

- consult and co-operate as regards unusual military activities;
- annual exchange of military information
- communications network
- annual implementation assessment meetings
- cooperation as regards hazardous incidents of a military nature ¹⁴

Provision was made in section F3 of the Charter for the potential expansion the CPC's mandate. At the discretion of the Council, this may include a procedure for "conciliation of disputes as well as broader tasks relating to dispute settlement."¹⁵ The seminal meeting, scheduled for 3 December 1990 was mandated to be chaired by Yugoslavia! In December 1990 enough of the former Yugoslavia was intact for this task to be performed. However at the 13th CSO meeting Yugoslavia (Serbia and Montenegro) was suspended from all CSCE meetings by virtue of the Consensus Minus

¹⁴ Cm 1466 CSBM Vienna Document 1990

¹⁵ Cm 1464 Charter of Paris p16.

One rule established by the Prague Document of the CSCE Council of January 1992.¹⁶⁵

The centre opened on 25 February 1991. The Danish Director is Mr. Bent Rosenthal. To date the Consultative Committee have had thirty meetings, addressing missions to Yugoslavia, Kosova, the Georgian-Ossetian conflict, and Skopje. Missions of long duration are planned for Kosova, Sandjak, Vojvodina, and Skopje.

Office for Free Elections

In line with the provisions laid out in the Copenhagen Concluding Document of the Conference on the Human Dimension (see annex I attached), the remit of this office is to "facilitate contacts and the exchange of information on elections within the participating States," The office personnel to consist of:-

- a Director responsible to the Council through the CSO
- one Officer in charge of organizational procedures
- administrative and technical personnel recruited by the Director of the Office

Like the CPC the Office of Free Elections is required to carry out such tasks as may be assigned to it by the Council of Foreign Ministers. This office began operations on 8 July 1991. The Director Luchino Cortese is an Italian.

¹⁶⁵Draft Text Prague Document of Second Council Meeting Prague 1992.

The Director of each of the institutions discussed above is appointed by the Council, from the senior personnel of the participating States, on rotation, for a three year non-renewable term. The long established rules of procedure of the CSCE apply *mutatis mutandis* to all the newly created institutions.

A Seminar on Democratic Institutions was mandated to meet in Oslo from November 4 to November 15 1991, with a remit to,

...hold discussions of ways and means of consolidating and strengthening viable democratic institutions in participating States...¹⁷

As has become procedure since first set out at the Vienna Review Meeting of 1989, the Charter of Paris set the agenda, timetable, and other organizational modalities for the mandated meetings in Annexes II and III of the Charter.¹⁸

This effort at institutionalizing the CSCE represents an attempt to establish a future framework for North Atlantic European relations stretching from Vladivostok to Vancouver, and as such carries the greatest implications for the future of the Helsinki process. Though the Charter of Paris defined how the "New Europe" should look, it did not define how it should be built. This task was left to the new CSCE Council of Foreign Ministers.

¹⁷ibid p19.

¹⁸Cm1464 Charter of Paris p19.

Two meetings of The CSCE Council of Foreign Ministers have been held to date at Berlin in June 1991 and Prague in January 1992.

CSCE Council Meetings emanating from the Charter of Paris
Berlin 1991
Prague 1992

At the First meeting of the CSCE Council mandated by the Charter of Paris and held in Berlin in June 1991, Albania was formally accepted as a participating State by the Council, remaking the total of thirty five (the number had dropped by one owing to the unification of Germany).

The combination of events in the Baltic States of Lithuania and Latvia, and the escalation of the Yugoslavian conflict brought home the realization that the existing operational structures available to the embryo institutions of the CSCE were inadequate in dealing with outbreaks of nationalism unleashed by the ending of the Cold War. In the face of the re-emergence of interethnic conflict, the Foreign Ministers of the participating States resolved to redress the imbalance in the operational structures by the Creation of an Emergency Mechanism similar to measures laid out in the Vienna Concluding Document in the sphere of Human Dimension (see above), whereby if major disruption that might endanger security occurs in any one State, other participating States are entitled to request information, with a right to a reply, from that State within forty-eight hours. In the event of an unsatisfactory reply to a request, and providing twelve other

States support it, an emergency meeting of the CSO can be instigated.

Dispute Settlement Mechanism

The Peaceful Settlement of Disputes (PSD) issue has been under consideration since the signing of the Helsinki Final Act in 1975. Originally an initiative of the Swiss, (see above) and now known as the Valletta Mechanism (1991). This was endorsed by the Council as the way forward.

The CPC in Vienna, with its new Communication Network set up to facilitate procedure in emergency situations, was designated as the centre for Peaceful Settlement Document. Under the auspices of the director of the CPC each participating State was invited to submit the names of four qualified candidates for inclusion in a register of experts to act as "third party" arbiters for resolving disputes within the PSD mechanism.

Committee of Senior Officials

Powers of Crisis Management

Under the mechanism for consultation and cooperation with regard to emergency situations, the CSO powers with regard to emergency situations extend to :-

- sending of fact finding missions to area of conflict
- acting as mediators
- calling of meetings for further discussions

These provisions constituted an extension or amendment of the Helsinki Final Act, disallowing or negating principle VI viz on interference in internal affairs.

A statement on the deteriorating situation in Yugoslavia was issued by the Council from this meeting.¹⁹

CSCE Council Meeting Prague 30-31 January 1992

Following the receipt of letters accepting the commitments and responsibilities of the CSCE six of the successor States of the former Soviet Union namely: Armenia, Azerbaijan, Belarus, Turkmenistan, Ukraine, Uzbekistan were formally accepted as participating States. Permanent observer status was granted to Croatia and Slovenia.

Henceforth, the Committee of Senior Officials(CSO) will assume responsibility for all CSCE functions acting as the Council's agent in between meetings of the Council.

The "Prague Document on Further Developments of CSCE Institutions and Structures" was adopted. This document in part set out the issues to be addressed and consolidated by the Helsinki review follow up meeting mandated to begin in March 1992. Among the developments in this document the Warsaw Office for Free Elections metamorphoses to become The Office for Democratic Institutions and Human Rights (ODIHR).

¹⁹Summary of Conclusions Berlin CSCE Council of Ministers' Meeting. 1991 CSCE Secretariat Prague.

Measures to enhance the role of the Conflict Prevention Centre (CPC) by providing Crisis Management and Conflict Prevention Instruments (discussed below) were addressed.

The Principle of Consensus Minus One rule was adopted to allow action in the absence of consent of the offending State in cases of clear infringements of CSCE principles.

The adopted text on the Declaration of the CSCE Council on the "Non Proliferation and Arms Transfers" set out the participating member States governments' commitment to cooperate in gaining universal adherence to the Treaty on Non-Proliferation of Nuclear Weapons.²⁰

Intersessional Meeting emanating from the Charter of Paris
Oslo Seminar Democratic Institutions

The agreement reached at Paris to hold this extra intersessional meeting reflected the common view that Eurasia, Europe, the Soviet Union and the Baltic States were at an historic crossroads. From 4-15 November 1991 according to the mandate contained in the Charter of Paris this meeting addressed the ways and means of "consolidating and strengthening viable democratic institutions."

²⁰Prague Document on Further Development of the CSCE Institutions and Structure 1992 CSCE Secretariat Prague.

The first two discussions were plenary sessions open to the public, followed by seven days of closed sessions by three working groups. Of the issues considered most relevant to the newly democratizing States, constitutional reforms, the rule of law, independent courts and the separation of powers were addressed by one group. The organization of elections, political parties and NGOs by the second group, while the third group addressed comparative aspects of legislation in the area of human rights and fundamental freedoms.

There was a degree of overlap here with the issues addressed at the Moscow Conference on the Human Dimension mandated by the Vienna Concluding Document and held from 10 September until 4 October 1991. However, it was from this seminar that the idea was first mooted for the transformation of the Office of Free Elections at Warsaw into the Office of Democratic Institutions. The Charter of Paris was a bringing together of various points of view on the authority and future responsibilities of the CSCE. Although, as observed above, the Charter of Paris did not define how the "New Europe" should be built, however once the provisions therein were implemented the way forward was clearer for the further decisions that were to be taken at the Helsinki Review Meeting in July 1992.

The following chapter will review the document which emanated from the Fourth Review Follow Up Meeting of the CSCE process

mandated by the Vienna Concluding Document, entitled The Challenges of Change. This lays out the way forward for an institutionalized CSCE to make an effective contribution to the interlocking jigsaw of organizations in the "New Europe."

By this stage in the post Paris climate, as the single Soviet security "threat" in Europe transcended into a multiplicity of security "risks," it became clear the CSCE did not have the operational resources necessary to address the multitude of potential inter and intra state problems inherent in the "new" Europe. This problem was addressed by the Helsinki Follow Up Meeting mandated by the Vienna Concluding Document of 1986-89.

In January 1992, the CSCE Council of Ministers' Meeting at Prague decided that,

[The Helsinki Follow Up Meeting should be an important milestone in the development of the CSCE process and should provide a clear vision for its future course.¹

This fourth Follow Up Meeting of the CSCE process ran from 24 March to 8 July 1992, followed by the Third Summit of the Heads of State and Government on 10 July 1992 at Helsinki. The concluding document that emerged from the Helsinki negotiations is entitled "The Challenges of Change." It divides into two sections. Section I addresses the problems of change, and Section II sets the out requirements deemed necessary to ensure the political management of crises, conflict prevention, and crisis management arising from such change. To this end the Helsinki Document reinforced the provisions made by The Paris Charter for an institutionalized CSCE.

¹Draft Summary of Conclusions CSCE Council of Ministers' Meeting Prague 1992.p2.

Section I

Promises and Problems of Change

At the outset this document acknowledges that the ending of the Cold War demands,

[A] comprehensive programme of co-ordinated action which will provide additional tools for the CSCE to address tensions before violence erupts and to manage crises which may regrettably develop.²

It also acknowledges the crucial role of the CSCE in efforts to

.... forestall aggression and violence by addressing the root causes of problems and to prevent, manage and settle conflicts peacefully by appropriate means.³

The document states that despite the changes in Europe, the CSCE concept of security adheres to the broad based concept as contained in the Helsinki Final Act. This concept links human rights and fundamental freedoms, and economic and environmental "solidarity and cooperation" to the maintenance of peace at both interstate and intrastate levels. These issues were equally valid in the management of change as they were necessary in the mitigation of confrontation.

By formally acknowledging that a lasting peaceful order depends on "mutually reinforcing institutions, each with its own area of action and responsibility," and by declaring the CSCE "a regional arrangement" in line with Article 52 of the Charter of

²Cm 2092 Challenges of Change. July 1992 Section I p5

³ibid p8.

United Nations, the Helsinki Document provides the important link between European and global security."⁴

It was formally recorded that the first meeting establishing the CSCE Parliamentary Assembly, had taken place in Budapest on 3 July 1992, (discussed below). The Helsinki Document also provides for a programme of coordinated support for the recently admitted participating States, and to the "active participation of our publics in CSCE," thus allowing for open sessions hitherto barred at CSCE meetings.

Finally, this section set the next Review Follow up Meeting for Budapest in 1994 with, as now has become the custom, the Helsinki Follow Up Meeting modalities applying *mutatis mutandis* unless the Committee of Senior Officials decide to organize a special preparatory meeting."⁵

Section II

Helsinki Decisions

Since Prague in 1992, the Committee of Senior Officials has been the eyes and ears of the CSCE Council of Foreign Ministers and although the CSCE Council still remain the "philosopher kings" of the CSCE, the Helsinki Document greatly enhances the profile of the Committee of Senior Officials within the decision mechanism

⁴ibid pp25-6.

⁵idem

of CSCE. Post Helsinki II all CSCE mechanisms and instruments come under the authority of the Committee of Senior Officials. The only restraint on this *carte blanche* approach appears to be the Consensus rule. The Committee of Senior Officials set the agenda for the review conferences, which in future will adopt a decision oriented document, and be concluded with a Heads of State or Government Summit, tasks which hitherto fell within the remit of the Follow Up Meeting.

In carrying out his duties the Chairman in Office has recourse to three aids. The first is the Troika system used by the EPC system within the EC Twelve, that is, the preceding and succeeding Chairmen can operate in unison when deemed necessary. Secondly, on exercising the Chairman's prerogative the Council or the Committee of Senior Officials may found *ad hoc* steering groups, where necessary, whereas, previously the work of the CSCE was conducted by plenary working groups, usually state officials of varying degrees of capability. Assuming that potential members of such groups will not only be specialists but also have an interest in the issue involved, it will, hopefully, lead to a higher and speedier success rate.

The remit of such *ad hoc* groups will be mandated specifically as to tasks and objectives and duration by whichever body establishes it, either the Council or the Committee of Senior Officials. The composition and size is to be determined by the

question to be addressed, but all groups must include the Troika.

When expedient action is necessary the Chairman may establish an ad hoc group by using the "silence procedure" - that is, participating States are allowed five days to consider, if no objection is registered, then consensus is assumed. If consensus cannot be reached the Committee of Senior Officials must address the question. Thirdly, in a crisis or conflictual situation it is the Chairman's prerogative to designate a personal representative or trouble shooter, with a clear and precise mandate, and for whose action the Chairman is responsible to the Council or the Committee of Senior Officials.

Economic Forum

In line with the agreement at the Prague Council meeting (30 January 1992), the Committee of Senior Officials is also mandated to form a specialized Economic Forum to meet annually on Basket II issues. The Forum would not duplicate the work of other international organizations. It was envisaged as a "flexible frame work for discussion, not the establishment of a new institution..."⁶, its goal to encourage, by means of specialized seminars, the existing international institutions working on the transition toward democracy and market economies of the recently acceded States.

⁶Baker James U.S. Secretary of State. International Herald Tribune 31 January 1992.

Such institutions are exemplified by the Centre for Cooperation with European Economies in Transition (OCEET) operating under the aegis of the OECD, and the United Nations Economic Commission for Europe (UNECE).⁷ The first meeting of the Economic Forum was mandated to be held on 16-18 March 1993, in Prague.

In addition to this consolidation of the Council and the Committee of Senior Officials powers, the Helsinki Document set up three main additional functions or innovations: -

- 1 High Commissioner for National Minorities
- 2 Peace Keeping Operations
- 3 Forum for Security Cooperation

High Commissioner for Minorities

The High Commissioner is to be an eminent international personality whose impartiality must be beyond question by any participating State. Appointed initially for a three year term, with an optional second term, the High Commissioner is designated to operate under the aegis of the Committee of Senior Officials, working closely with the Committee of Senior Officials chair and the Office of Democratic Institutions and Human Rights (ODIHR) (discussed below).

The remit of the High Commissioner for National Minorities is an "early warning" or "early action" role using where appropriate the "Emergency Mechanism" with regard to,

[Tensions involving national minority issues that have

⁷Cm 2092 Challenges of Change. Chapter VII p57.

the potential to develop into a conflict within the CSCE area....⁶

The most significant change here is the acceptance that National Minorities raise not only human rights issues, but also security issues, allowing for a pre-emptive approach to potential causes of conflict rather than a retroactive one.

The Office of Democratic Institutions and Human Rights

This was the sometime Office of Free Elections enacted by the Paris Charter, and renamed by the Prague Council Meeting in January 1992.

The expansion of the ODIHR's remit involves:-

- the policing of commitments in the Human Dimension
- information bureau, and organizer of seminars for the recently admitted participating States
- assistance of whatever nature needed by the newly appointed High Commissioner on National Minorities

Clearly, enhancing the ODIHR's remit to this extent makes it the CSCE's secretariat for the Human Dimension, as it provides the operational base for the High Commissioner for National Minorities. Paragraph 6 links the Human Dimension to early warning in the prevention of conflicts. Equally clearly it signifies that the Council of Europe cannot assume the monopoly over the Human Dimension in the "new" Europe, as paragraph 14 recommends that "other relevant international organizations and institutions be encouraged... to make contributions."⁷

⁶Emergency Mechanism Annex II of the Berlin Meeting of the CSCE Council. CSCE Secretariat Prague

⁷Gheballi Victor-Yves "The July CSCE Helsinki Decisions - a step in the right direction." Nato Review 1992 No.4 pp3-19.

Future seminars were mandated to be held on :-

- a CSCE Human Dimension Seminar on Tolerance to be held in the Autumn of 1992
- a CSCE Human Dimension Seminar on Case Studies on National Minorities Issues: Positive Results Spring 1993 "
- a CSCE Human Dimension Seminar on Migration, including Refugees and Displaced persons early in 1993

CSCE Peace Keeping Operations

This innovation gives the CSCE process an early operational function in conformity with Chapter VIII of United Nations practice of, no use of force, impartiality, and the consent of the parties involved. (NB prior participation in the peace process i.e. ongoing attempts at peaceful settlement is a prerequisite before any attempt at field operation is embarked upon.)

The Committee of Senior Officials operates overall control and ultimate responsibility for the peacekeeping operation, with a consultation facility with the Consultative Committee of the Conflict Prevention Centre. The acknowledgement, in section one of the document, of the CSCE perception of itself as a "regional arrangement" allows that potential CSCE Peace Keeping Operations can seek recourse under the UN Security Council's umbrella, if and when necessary, as outlined above.

Recourse can also be made, on a case by case basis, to Nato, the EC, the WEU and the CIS for expertise and / or resources; as was the case, when the CSCE asked the EC to handle the Yugoslav conflict. In the case of the NATO Alliance the emphasis

is placed on consultation with individual member States of the Alliance not the organization itself. CSCE retains direction of operations and any member State of CSCE can participate, not just NATO member States.¹⁰ This decision represented a compromise, in the face of French antipathy toward the United States wish that NATO should become the main military arm of the CSCE. It also reflects the acceptance of NATO's credo that the problems of post-communist Europe requires an interlocking set of European institutions, as well as transatlantic institutions.¹¹

The Consultative Committee of the CPC can dispatch "fact finding and rapporteur missions" to assist the Committee of Senior Officials in peace keeping functions. The CPC has no remit in disarmament negotiations. That has been placed in the New Forum for Security Cooperation. However, the Consultative Committee will assist the latter in reflection on conflict prevention.

CSCE Forum for Security Cooperation

In essence this forum, which came into being on September 22 1992, is an evolution of the adoption of:-

- The Vienna 1992 Document on CSBM
- The conclusion and the adoption of the CSCE Declaration of the Treaty of Open Skies
- The Concluding Act of the negotiation on Personnel Strength of Conventional Armed Forces in Europe
- the CFE Treaty signed but still in the process of ratification

¹⁰Cm 2092 Challenges of Change. para.52 p24.

¹¹Gheballi op.cit.p6.

The forum incorporates both the MBFR and CFE processes as well as reviewing the implementation of the provisions in the Vienna Document on CSBM mentioned above. It has a duality of purpose as it may meet as a special committee or as a consultative committee. It is, therefore, to serve as a permanent framework for consultation, and negotiation. Open-ended subsidiary working groups are to assist the Forum, unlike previous mechanisms which have had carefully set out mandates.¹² However any participating member State may sit on the Forum unlike the CFE talks which involved only NATO and the moribund WTO.

Included in its remit is the aim for "greater transparency in the military field" through support of "regimes on non-proliferation and arms transfers, and enhance "contacts, liaison, exchanges and cooperation between their armed forces," including threats to security outside their territories.¹³ The findings or deliberations of the Forum will be reviewed at the next mandated follow up meeting of the CSCE process in 1994.

A Programme for Immediate Action, which is subject to amendment only by consensus, is set out in the Annexe of the Helsinki Document. "All measures negotiated in the Forum will be developed in a way which precludes circumvention," in other words they

¹²Cm 2092 Challenges of Change: Chapter V The CSCE Forum for Security Cooperation p36.

¹³ibid p33.

will be binding.¹⁴ This document finally interred the ongoing argument regarding the right to review of implementation of CSCE commitments.

All three mechanisms, the Committee of Senior Officials and CPC and ODIHR have now, post Helsinki, a specialized evaluation mechanism. The ODIHR and the Committee of Senior Officials were strengthened to a greater extent than the CPC which indicates that the way forward for the CPC is still controversial.

Environment

In an attempt to "intensify the existing and growing cooperation" on environmental issues the participating States "recognize their individual and common commitment towards achieving these goals" To this aim a meeting of CSCE Experts was mandated to address Sustainable Development of Boreal and Temperate Forests to be held in Montreal from September 27 to October 6 1993.

Finally, in accord with the United States initiative for greater openness in the CSCE, Japan is to be afforded the opportunity to attend and contribute to all CSCE consultation and meetings in which Japan has a direct interest.

The CSCE secretariat and the ODIHR have separate budgets and any participating State that hosts a CSCE meeting outside the

¹⁴ibid p34.

umbrella of these budgets is to be held responsible for "the cost effectiveness and financial discipline" of such meetings.¹⁵

ODHIR Human Dimension Seminar on Tolerance

This seminar mandated by the Helsinki Concluding Document was held on 16-20 November 1992 in Warsaw. It was the first of its kind organized by the CSCE. It was decided by the Helsinki Follow Up Meeting that seminars would not produce a concluding document, therefore no documentation is available.

The CSCE Parliamentary Assembly

Early in April 1991 representatives of the participating States convened in Madrid to establish a 245 seat assembly of the CSCE. This assembly will convene annually in July at the site of the annual rotating meeting of the CSCE Council of Ministers. Although there was no conscious decision to base the CSCE Assembly on any existing assembly the format comes closest to the North Atlantic Assembly, however, there is no formal linkage. Representation is by the determined in proportion to population of the individual State, and delegates are appointed by the governments of participating States.¹⁶ It is essentially a debating chamber, sitting for one week, which can issue non-binding declarations and recommendations. The State acting as

¹⁵ibid p76.

¹⁶In UK, after close cross party consultation, thirteen Parliamentarians were appointed. House of Commons Official Report 15 June 1992. Hansard Vol.209 Col.356-7.

host to the annual assembly will service it with a secretariat. The heads of the national delegations to CSCE will constitute a standing committee to manage the sessions. They will operate in accord with the CSCE principle of consensus. At the plenary sessions though, the principle of majority voting was adopted, thus removing the recourse to the veto by the participating States prone to its use.¹⁷

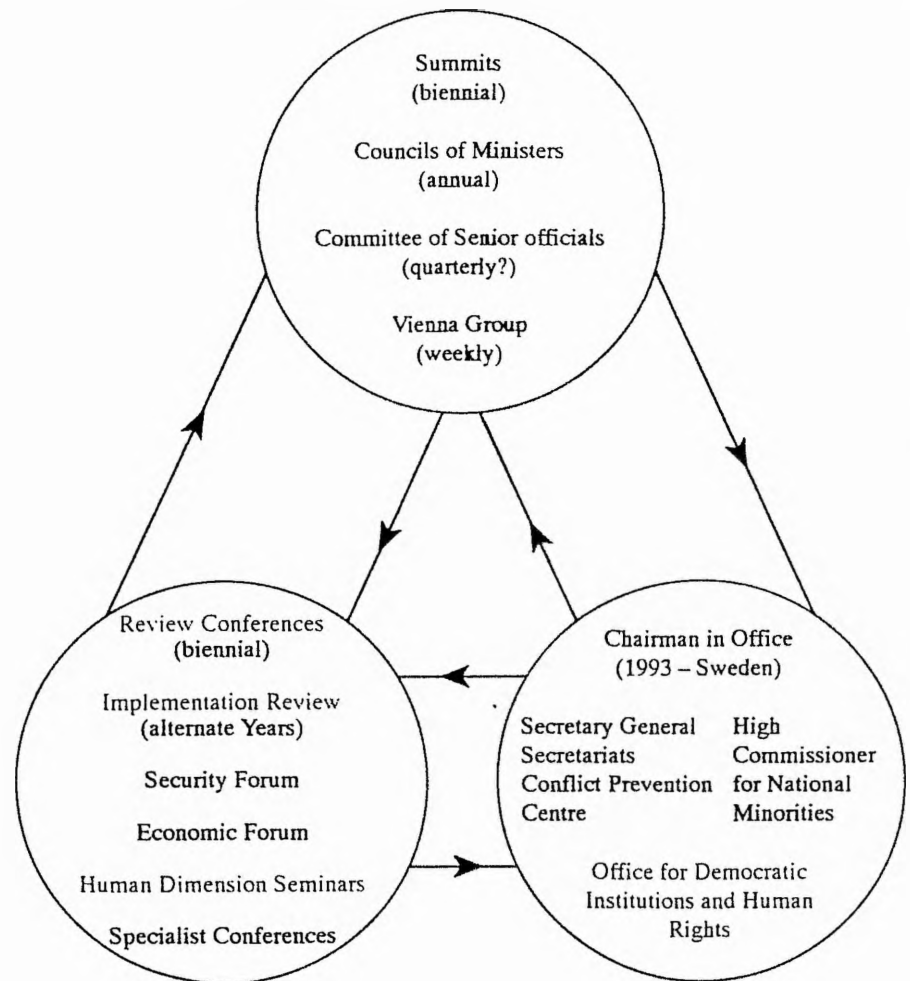
The Helsinki Review Follow Up Meeting confirmed the CSCE, as one pillar of the new European security architecture. The task now, which falls to the Committee of Senior Officials, is pursue to strengthen those procedures.

Table II outlines the new structure of the CSCE.¹⁸

¹⁷The Washington Post 4 April 1991:see also Estrella R. "The CSCE and the creation of a Parliamentary Assembly" NATO REVIEW 1991 No.5 pp23-26.

¹⁸Foreign and Commonwealth Office 1992.

CSCE INSTITUTIONS



CHAPTER SIX : THE CSCE STOCKHOLM 1992

Beyond Institutionalization

Stockholm December 1992

As pointed out in the preceding chapter The Concluding Document The Challenges of Change which emanated from the Helsinki Review Meeting set the policy for the new era. It conferred upon the CSCE a "variety of tools...., to make it more operationally effective and solution oriented in the face of mounting instabilities."¹ The Third Meeting of the Council of Ministers held at Stockholm in December 1992 set the new institutional provisions in operation.

The Stockholm Meeting was Chaired by the Swedish Foreign Minister who holds the position of Chairman in Office until the Rome Meeting of CSCE Ministers in November 1993. Agreement was reached to welcome the Republics of Czech and Slovak as participating States. They were to become individual members from 1 January 1993 when they formally separated. A letter of commitment to CSCE principles from each government was circulated to all participating States at Stockholm. Membership of the CSCE now stands at fifty three. The formal title of the document which was released after the Stockholm Meeting is; Summary of Conclusions of the Stockholm Council Meeting : Shaping a New Europe - The Role of the CSCE"²

¹Intervention by U.S. Secretary of State, Eagleburger L. to the CSCE Council of Ministers, Stockholm, 14 December 1992.

²CSCE Documentation Centre Prague

Only the issues appertaining to the future structure of the CSCE will be discussed below, Although Annexe I outlines all topics covered in the document.

High Commissioner National Minorities (HCNM)

The appointment of the HCNM Mr Max van der Stoel was confirmed. His remit is to "analyze carefully potential areas of tension...to enhance political solutions in line with the CSCE principles and commitments."³⁹ The HCNM is responsible for selecting his own tasks, his priority task is to address the problem of Russian minorities in the Baltics.

Evolution of the CSCE Structures and Institutions

Since its instigation by the Paris Charter the Committee of Senior Officials has developed into the central decision and administrative making body of the CSCE. Various factors have culminated, however, to make it a rather unwieldy body. Every few weeks the Committee of Senior Officials face an immense agenda; there is no permanent representation; and the institutions are sited in three capitals, resulting in the lack of a central core of responsibility. The Stockholm meeting addressed these issues.

The first step in strengthening the operational capabilities of the CSCE was the decision to appoint a Secretary General. Based

³⁹Summary of Conclusions of the Stockholm Council Meeting : Shaping a New Europe - The Role of the CSCE" p15

on a UK initiative the Secretary General will derive "his/her authority from the collective decisions of the participating States acting under the guidance of the Chairman in Office."

As the CSCE Chief Administration Officer the Secretary General will act as the representative of the Chairman in Office and support all activities aimed at fulfilling the goals of the CSCE. S/he will assume overall responsibility for the management of all CSCE structures and operations including the CSCE, the CPC Secretariats and the ODIHR. The preparation of meetings and the implementation of the decisions of those meetings also fall within the Secretary General's remit, in addition to any extra functions entrusted to her/him by the Council or the Committee of Senior Officials. The appointment is to be made by the Council, subject to agreement by consensus, for a period of three years with a possible extension of a further two years, allowing for a maximum of five years in office. Under the auspices of the Secretary General both the CSCE Secretariat and the CPC Secretariat in Vienna are to come under a single organizational structure.

The Committee of Senior Officials were charged by the Council with the task of reviewing the structures and operational practices of CSCE with a view to improving its operational capacity to meet new challenges. To increase the ability of the Committee of Senior Officials to act as agents of the Council Ministers, representatives of the participating States have been

instructed to meet weekly between sessions of the Committee of Senior Officials. Dubbed the "Vienna group" and drawn from ambassadorial level, they will organize the agendas for the Committee of Senior Officials meetings thus providing a measure of permanent representation.

A group of legal and other experts have been commissioned to report to the Committee of Senior Officials to enable them, the CSO, to "consider the relevance of an agreement granting an internationally recognized status to the CSCE Secretariat, the CPC and ODHIR," before the Rome meeting at the end of this year.⁴ Coupled with this, paragraph eight clearly sets out the intention to strengthen further contact with other relevant international organizations, especially the United Nations. To this end the Committee of Senior Officials are instructed to explore further the,

[P]ractical implications of the understanding, expressed in the Helsinki Document 1992, that the CSCE is regional arrangement in the sense of Chapter VIII of the Charter of the United Nations.⁵

The Secretary General of the United Nations, Dr Boutros Boutros Ghali, has already called for a stronger role for regional

⁴There is no general agreement on international immunities which grants immunity to institutions. So this is taken to mean internationally recognized status under Article 105 of the UN Charter adopted by the General Assembly in February 1946, which provided for "diplomatic immunity for persons and property. Mc Clanahanan G.V. Diplomatic Immunity Hurst & Co London 1989 pp76-83.

⁵Summary of Conclusions of the Stockholm Council Meeting : Shaping a New Europe - The Role of the CSCE p21.

associations in support of international peace and security. In addition he suggested that the CSCE should seek observer status at the United Nations. It has been agreed that the United Nations representative of the participating State holding Council Office shall attend to the interests of CSCE at the United Nations.⁶

These two directives, along with the appointment of the Secretary General, and the setting up of the "Vienna group," may be the precursor to the CSCE becoming a treaty based organization, by, for example, registering the Helsinki Final Act and all subsequent documentation with the United Nations. These documents set out the CSCE view of how States ought to behave, rather than how they are contracted to behave. This was one of the strengths of CSCE during the East-West division of Europe. In terms of the future of CSCE it is worth noting the view that,

The institutionalization of the CSCE can hardly succeed if the CSCE Charter remains a legally non binding political agreement.⁷

This returns to the argument set out by Bloed (see pp147-8), which deems that a commitment does not have to be legally binding, rather the binding force resides in the legal consequences attached to the legally binding force. Two things follow from this in the new security situation in Europe. The 1992 Helsinki

⁶United Nations Document NS/31/92 September 1992.

⁷Brauh H "From Collective Self Defence to a Collective Security System in Europe" Disarmament 1991, Vol.XIV No 1 p14.

Document expressly states that there are matters that are of,

[D]irect and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.⁶⁵

This is perhaps an indication that movement is taking place toward a consensus on what constitutes illegitimate behaviour in international relations. Secondly, all treaties signed have, either overtly or covertly, an optout clause. When a State or a State's actors wish to renege on treaty commitments they act as States will purely in their own interest. Perhaps this latter factor compounds the need to move toward the inclusion in international law of mandatory sanctions, set in statute, for what is deemed to be illegitimate behaviour.

The CSCE Forum for Security and Non-Proliferation

The Council Ministers welcomed the constructive work begun by the Forum for Security and Non-Proliferation. They urged that the CSCE contribute to the concept of non-proliferation by all participating States becoming original signatories to the "Convention on the prohibition of the development, Production, Stockpiling and the Use of Chemical Weapons and on their Destruction" when it opens for signature in Paris on 13 January 1993.⁶⁶ Ministers of participating States not yet parties to the "Convention on Bacteriological and Toxin Weapons or the Geneva Conven

⁶⁵Cm 2092 Challenges of Change p5

⁶⁶Signed to date by 143 States:International Herald Tribune 4 February 1992 p6.

tion of 1925 on prohibition of Chemical and Biological Weapons in War" recorded their willingness to do so. In addition Ministers of non-nuclear weapon States not yet parties to the Treaty on the "Non-proliferation of Nuclear Weapons" pledged to become parties to that treaty without delay.

Peaceful Settlement of Disputes

The work of Hans Correl, Ambassador of Sweden, came to fruition with the presentation for signature of the Convention on Conciliation and Arbitration, within the Peaceful Settlement of Disputes Mechanism (see Annexe II). This document both follows up and extends the participating States commitment under the Peaceful Settlement of Disputes (PSD) principle of the Helsinki Final Act of 1975, Principle V. It builds on previous work of the CSCE, in particular the Vienna Concluding Document, the Charter of Paris, the 1991 Valletta report on Peaceful Settlement of Disputes, and the Helsinki Document 1992.¹⁰

Because of widely differing views, two previous attempts to draft the convention had failed. The first break-through came with Valletta 1991 (which was subsequently endorsed by the first Meeting of the Council of Ministers in Berlin in June 1991). The main factor accommodating this break-through was a change in political will caused by the two contributory factors of the

¹⁰No Concluding Document was adopted at Valletta - see p211.

crumbling of the Berlin Wall and the Gulf War. Consequently for the first time in the history of the CSCE, at Stockholm, a legally binding document subject to ratification was presented for signature. Twenty nine participating states signed and the document is open to signatories until the end of March 1993.

The new body to be known as "the Court" will meet in Geneva. Articles 3 and 4, respectively, set out the procedure for appointing conciliators and arbitrators. Each participating State, within two months following the entry into force of the Convention, is required to appoint two conciliators, only one of whom need be a national of the particular State. One arbitrator and one alternative are required to be appointed, and they can be either nationals or non-nationals.^{1 1} The tribunals will be set up on a case by case basis, therefore they will be ad hoc rather than permanent.

There are four annexes to the document:-

- 1 Modification to Section V of the Valletta Provisions for a CSCE Procedure for Peaceful Settlement of Disputes
- 2 Convention on Conciliation and Arbitration within the CSCE
- 3 Provisions for a CSCE Conciliation Commission
- 4 Provisions for Directed Conciliation

^{1 1}Convention on Conciliation and Arbitration, Stockholm 1992, Annexe 2 pp2-3.

Valletta

The modification to Valletta is in essence a speeding up of that mechanism, by reducing, from three months to two, the time allocated to allow parties to a dispute to either agree or establish a Dispute Settlement Mechanism.

Conciliation

In the event of a dispute a participating State which is a signatory to this document, must enter into conciliation, if conciliation is deemed necessary by a third party. The third party can be one of the parties to the dispute or several parties acting jointly. The offending party does not have to accept the findings of the Court, unless prior commitment is made to do so, however, if they do not accept the findings of the Court then the matter goes for further deliberations to the Committee of Senior Officials.

Arbitration

The Arbitration procedure can only be activated with the consent of the parties to the dispute. The parties are bound by any ruling that follows. The important factor in the new mechanism, which existing mechanisms, for example the International Court of Justice, do not have, is the involvement of a third party, which under certain conditions the Valletta Mechanism makes mandatory.¹²

¹²The Concluding Document of the Valletta Meeting of January-February 1991 outlines the "CSCE Dispute Mechanism". This Mechanism is designed to be used for interstate disputes. Participating States are required, should they be unable to

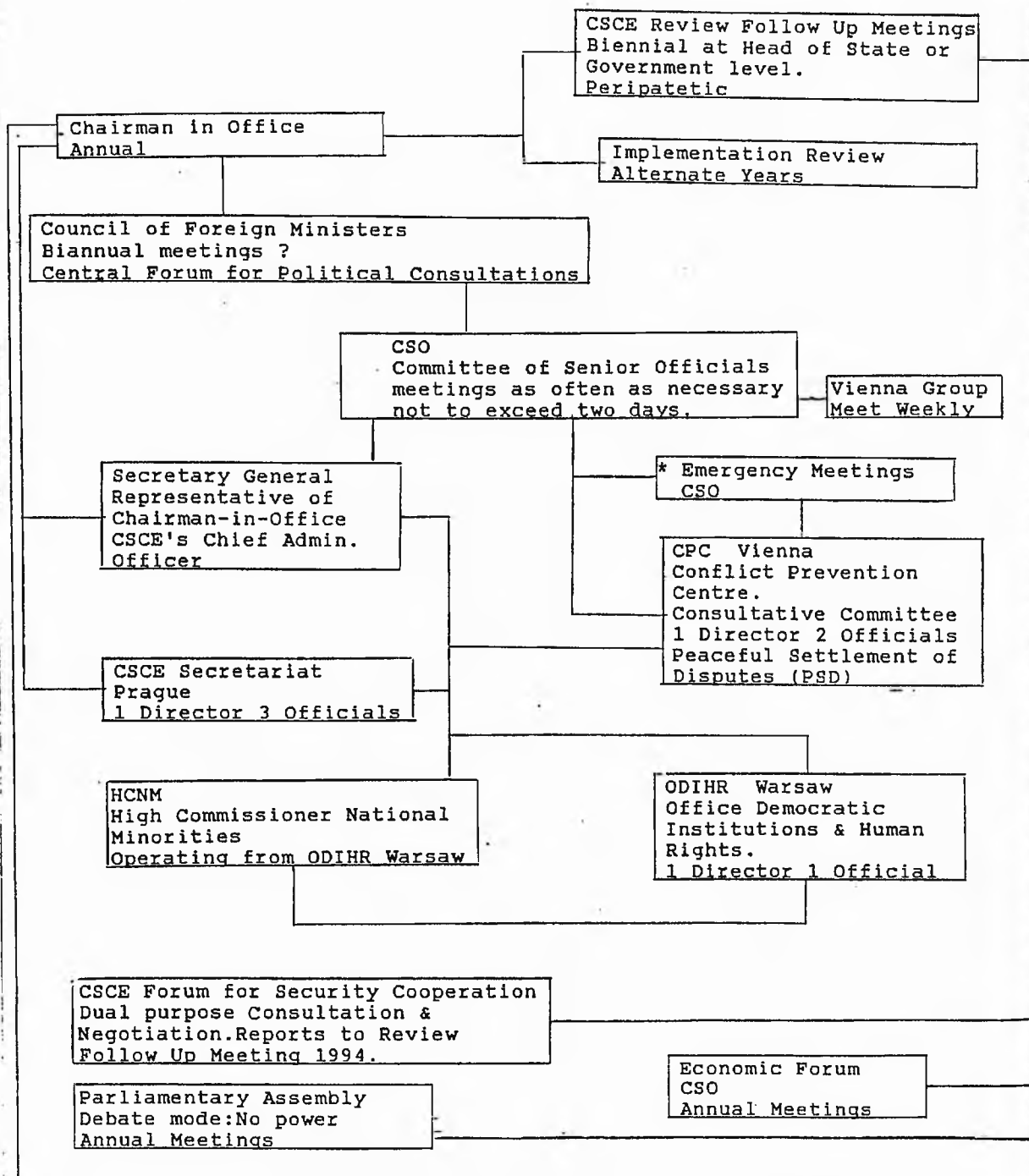
The original purpose of the 1975 Helsinki Conference was to provide a substitute for a WW II peace treaty which was never signed because of the division of Germany. The Soviets settled for a document guaranteeing the post war borders which in effect recognized two German States. The US was not particularly interested at that time, the CSCE agreements were seen by some as a sellout. It was considered that the pledges did not even pay lip service to the principles of democracy. However, the emphasis on human rights by CSCE has helped toward the self-destruction of communism, leaving the way open to address the collective. In the opinion of Hans Correl, one of the architects of the Conciliation and Arbitration Convention, a State can address collective security only after it can guarantee the individual security through human rights.¹²⁹

These are the tools that will enable the CSCE to take the lead in Europe as a regional collective security system. Table III maps out the organizational structure of the new institution. The task now is for the participating States to focus on the things the CSCE can do most effectively, to make use of and thereby strengthen those procedures.

resolve peaceably a dispute between them, to enlist the assistance of a third party or parties, from a register of mechanism candidates to be set up, to enable them to do so.

¹²⁹In Conversation at Third Council Meeting of CSCE at Stockholm, December 1992.

CSCE INSTITUTIONS POST HELSINKI 1992



* Convene according to emergency mechanism to address security issues.

CHAPTER SEVEN: THE CSCE, CONTEMPORARY ROLE

"The state of peace must be founded"
Kant 1795.¹

Post Wall

The collapse of the Berlin Wall and the subsequent demise of the Soviet Empire marked a sea change in the conduct of international affairs. The reverberations shook the very foundations of the set order in Europe, plunging Europe and the world into an arguably more unstable state than at any time during the last hundred years.

The initial euphoria gave rise to visionary speeches outlining a new world order. Concurrently with preparations for an overseas war in the Gulf, President George Bush said,

[We stand today at a unique and extraordinary moment... out of these troubled times,... a new world order can emerge: a new era in which the nations of the world, east and west, north and south can prosper and live in harmony... a world where nations recognize the shared responsibility for freedom and justice... where the strong respect the rights of the weak.]²

However, as the Warsaw Pact splintered removing the old order of division into blocs, the newly democratizing states of Central/Eastern Europe turned to the West for succour - to a West nonplussed and confounded by the scale and implications of the

¹"Thoughts on Perpetual Peace" cited in Hinsley F.H. Power and the Pursuit of Peace, Cambridge, CUP 1988.p62.

²President George Bush, from text of address given to joint Session of Congress 11 September 1990."The New World Order:an analysis and document collection" United States Information Service American Embassy London 1991

change. Amid the euphoria, the newly democratizing states acclaimed the CSCE as the ideal support structure and umbrella framework under which to build a new European security order.

The Warsaw Treaty members formalized their views in the Moscow Declaration of 7 June 1990 by calling for the overcoming of the division of Europe and the institutionalization of the CSCE process.³ Since the CSCE had from its inception been regarded as a propaganda tool of the Soviet Union the response of the West to this suggestion initially was guarded.

As chaos reigned in the Soviet Union interest waxed and waned to such an extent that the newly democratizing states, alarmed at the prospect of being caught in a growing security vacuum, turned to NATO which they perceived as the Alliance with a proven track record. Whatever the cause: be it inertia, institutional self-preservation, the powerful military industrial lobby, or simply natural caution, NATO dallied when faced with the removal of its *raison d'être*. Apparently intent on maintaining the role it had played prior to the collapse of the Berlin Wall NATO seemed to be caught in a state of paralysis seeking nothing but adherence to the status quo.⁴

³Disarmament Vol. XIII No.4 of the United Nations,

⁴Carpenter T.G. A Search for Enemies Americas Alliances after the Cold War. Washington DC, Cato Institute, 1992. pp11-46.

At the CSCE Paris Summit in November 1990, the Americans were wary of attempts to turn the CSCE conference process into an organization that would provide security guarantees for its members and eclipse NATO. They feared that Nato would begin to assume a predominantly or even a solely European identity if former communist States were admitted to membership. A leaked Pentagon Document outlining the United States strategic goals for the post Cold War era put it more succinctly. "We must seek to prevent the emergence of European only security arrangements which would undermine NATO."⁵

By the Rome NATO Summit of November 1991, which finalized the New Strategic Concept it was recognised that "the security of every state is inseparably linked to the security of its neighbours."⁶ However, President Bush revealed American hesitation over the idea of a new world order when he indicated, that the old NATO Alliance must remain the key to the security interest of the United States and Europe.

[S]ecurity interests of the United States and Europe were indivisible and therefore the Atlantic Alliance could not be replaced "even in the long run"⁷

⁵"The Ray of Hope the US Tried to Kill" European 26 March 1992.

⁶The Alliances's Strategic Concept. November 1991.
NATO Information Service Brussels.

⁷Transcript from Press Conference 8 November 1991:Carpenter op.cit.pl2

Yet to envisage a new world order, the foundation of which was not laid anew in Europe, would be futile leading to nothing but disorder.

As the situation developed, the expansion of the CSCE process, "to provide a strong pan-European forum, including security matters, that would accommodate Soviet interests," as well as the radical rethink of NATO doctrine, and early progress in the CFE negotiations at Vienna, were all part of the deal struck, (in the margins of the First CSCE Council of Ministers Meeting at Berlin in June 1991) between the Soviets and the West to enable a unified Germany to have full membership of NATO.⁹ Despite the expectation that a truly transformed NATO with pan European security aspirations would reach out to "the countries of the East which were our adversaries in the Cold War, and extend to them the hand of friendship,"¹⁰ there was no radical rethink of NATO's position in the Europe's security architecture at this stage. The implicit message was that there would be no new NATO members.¹¹ In the meantime the rapid rate of change in the

⁹Independent 5 June 1990.

¹⁰The London Declaration on a Transformed North Atlantic Alliance 5-6 July 1990: NATO REVIEW 1990 No.4pp32-3.

¹¹ Despite Article 10 of the NATO Treaty which expressly permits this.

See also: Croft S. "Nato and Nuclear Strategy" Security and Strategy in the New Europe Ed. Colin McInnes. Routledge London 1992 pp112-125.

Roth Senator William, Challenged, in Sen.Res.90 NATO's changes as "just cosmetic" due to a "general desire at NATO headquarters to shun new challenges, the alliance is

political environment, which was accelerated by the post coup implosion of the Soviet Union, caused the security anxieties of the newly democratizing States of Central/Eastern Europe to become acute. It became clear that these anxieties had to be addressed in some way. The next step toward meeting the desires of the States caught in the developing security vacuum was outlined in November 1991 in the NATO Rome Declaration on Peace and Cooperation.¹¹

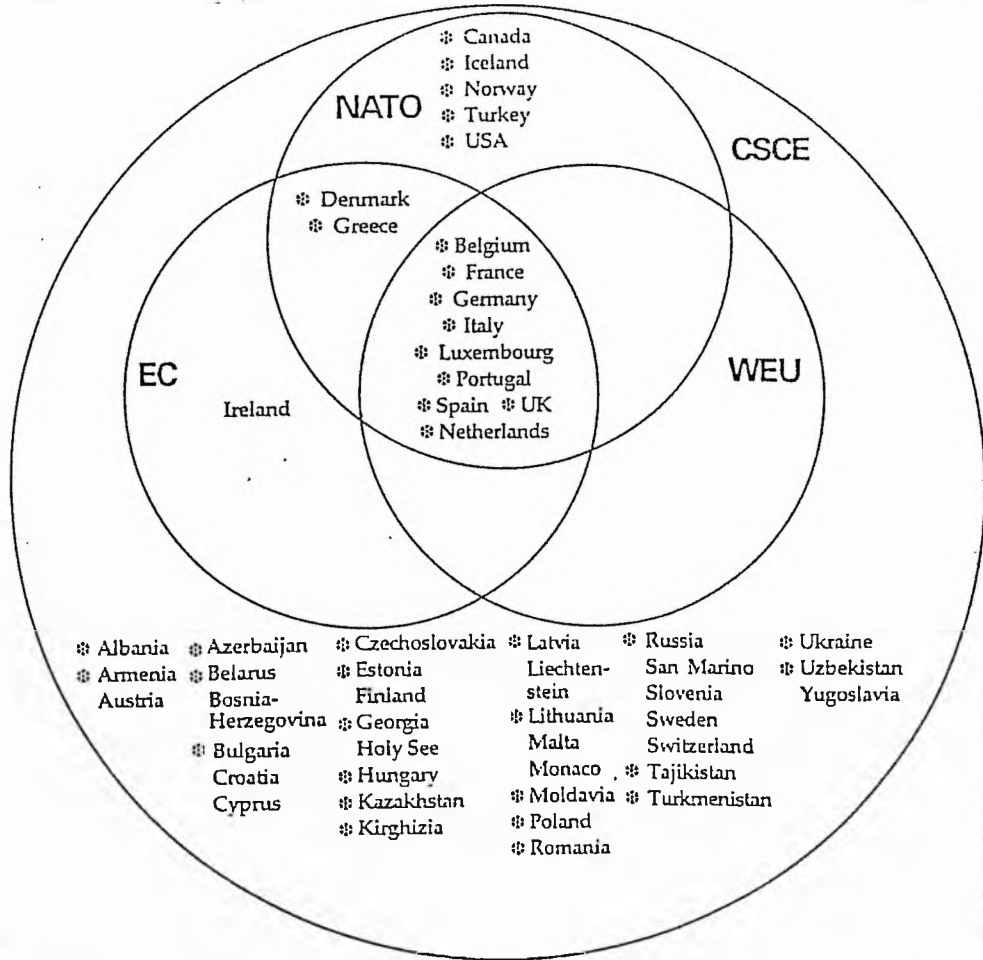
This document applauded the commitment of the Soviet Union and the other States of Central and Eastern Europe to political and economic reform and, based on the "conviction that our own security is inseparably linked to that of all other States in Europe" proffered all practical assistance with the transition involved in these reforms. The "practical assistance" constituted the development of a new institution to further this new era of partnership. As a consequence The North Atlantic Cooperation Council (NACC)¹² was spawned, adding to the gamut of existing institutions, vying to manage the "new" security architecture of Europe (TableIV). This development seemed to challenge the

increasingly unable to address the challenges posed by a radically new global security system. Thus Nato is increasingly marginalized in situations that should lie well within its competence..."

¹¹NATO Information Service.

¹²pronounced nack-see to avoid confusion with the North Atlantic Council. For founding text of NACC see NATO Review January 1992.

Security in Europe: Membership of International Organisations



* Membership of North Atlantic Co-operation Council as at 5 June 1992

FCO

widespread view that the new structure outlined for CSCE in the Charter of Paris would allow the CSCE to crystalize, and become an effective pan-European body able to act to cement together the former enemies of forty years of ideological conflict. It appeared as though, despite the bargain struck at Berlin, the CSCE's moment had come and gone (see p242).

The North Atlantic Cooperation Council was proposed by The North Atlantic Assembly in November 1990 and this proposal was supported by US Secretary of State Baker and Herr Genscher, then Foreign Minister of the Federal Republic of Germany. It was decided that interaction in this new forum should take place annually at ministerial level with the North Atlantic Council, and bimonthly at ambassadorial level. NACC ministerial meetings or those at ambassadorial level were to be convened as often "as circumstances warrant."¹³ The goal was to promote "a Europe whole and free" by embracing a broader aspect of security that encompasses the " political, economic, social and environmental aspects as well as defence, "through interlocking institutions such as the"CSCE, the Atlantic Alliance, the EC, the WEU and the Council of Europe."¹⁴ Membership at the inaugural meeting in December 1991 included the NATO members *en bloc* as well as the

¹³From text of the statement delivered at the inaugural meeting of NACC, by the Secretary Manfred Wörner North Atlantic Cooperation Council Statement on Dialogue, Partnership and Cooperation. 20 December 1991, by courtesy of Group Captain Keith Chapman NATO.

¹⁴ *idem*

Foreign Ministers of Bulgaria, Czech and Slovak Federal Republic, Estonia, Hungary Latvia, Lithuania, Poland and Rumania and the Representative of the Soviet Union. Armenia, Azerbaijan, Belarus, Kyrgyzsatn, Moldova, Tajikistan.¹⁵ Turkmenistan, Ukraine and Ubekistan all members of the Commonwealth of Independent States (CIS) enrolled at an Extraordinary Meeting of NACC held three months later at the NATO Headquarters on 10 March 1992. The accession of Albania and Georgia gave a membership of thirty seven. Kazakhstan, although not represented at this meeting, indicated its intention to participate in future meetings.¹⁶

At first sight it is difficult to understand why NACC was born. From the begining NATO's position had been that the West should hold on to, and make use of existing institutions rather than "invent airy fairy new ones which would only spawn new bureaucracies."¹⁷ Yet two years after "the Wall" crumbled, and one year after the signing of the Charter of Paris, and just six months before the Helsinki Review FUM, NATO members themselves created, seemingly gratuitously, a new institution the membership of which almost completely overlapped with membership of the CSCE.

¹⁵ represented by the Russian Delegate.

¹⁶Press Communique from Statement issued at the Extraordinary Meeting of the North Atlantic Cooperation Council 10 March 1992.

¹⁷Mortimer E. Financial Times 4 March 1992.

On the one hand, however, NACC has served as a useful vehicle to push through the ratification process, without renegotiation, of the CFE Treaty signed at Paris in 1990(see p200). Following the implosion of the Soviet Union the ratification of the CFE treaty was caught in limbo, because understanding the Treaty, and grappling with the reapportioning of equipment were, for the successor States, mammoth tasks. In the nuclear field NACC handled the redeployment of former Soviet nuclear weapons; attempting to ensure the implementation of agreements vis-à-vis the transfer and destruction of weapons on the territory of the Ukraine, Belarus and Kazakhstan. In addition, discussions aimed at preserving the integrity on the Nuclear Non-Proliferation Treaty (NPT) and the Strategic Arms Reduction Treaty (START) have taken place. Seminars held within the NACC forum offer NATO expertise in defence/military related matters to NATO's former opponents.¹

On the other hand, the creation of NACC did not remove the aspirations of some States to join NATO for two reasons. First because although NACC was designed to provide some sense of collective security it did not concede the specific commitment of military support against aggression which members of NATO enjoy. Secondly, membership does not include the NNA States. NACC is not generally regarded as having a glowing future. Overtime it will either be absorbed into the CSCE's European

¹ NATO Review 1992 No.6 p6.

Security Forum, or the States that accede to the EC will accede to membership of the WEU. Others will rely, with Western help on expertise, on unilateral arrangements as Switzerland and Finland have done over the years.¹ However, in March 1993 Finland requested observer status at NACC meetings - an indication perhaps that the perception of the security climate has changed so dramatically that independent self-defence security arrangements no longer suffice. What the creation of NACC has done is retain the short-term European security debate securely within the ambit of the EC States and WEU and NATO.

The Current Debate

The current debate, centres on which institution can best meet the requirements of the new European security order. The key players the EC, the WEU, NATO and the CSCE in Europe, and in the wider context the United Nations, all appear as part of the old order vying to manage the "new" security architecture of Europe. A key feature of the current debate is the Atlanticist versus Europeanist argument which continues on both sides of the Atlantic. It reflects the bemusement surrounding the question of the extent of United States participation in the new European security architecture, among those who on the one hand deem the United States presence within NATO as vital to the maintenance of European security and those, on the other hand, who see the future security of Europe as a wholly European responsibility

¹ Conversation at FCO London January 1993.

vested within the WEU, and under the umbrella of the new European Union as prescribed the Treaty on European Union of February 1992. After the CSCE Paris Summit in November 1990, Gianni De Michelis, the Italian Foreign Minister, warned that in respect of the reorganization of European security "there is bound to be overlapping and confusion" and that "we'll be in a transitional stage for at least three or four more years."²⁰ Nearly four years into the post wall era the search for a new security system is still dogged by overlap and confusion.

The European Community

By 1949 Europe was divided into specific economic systems. As 1993 begins the political earthquake that erupted in 1989 is still volcanic, and this in turn has been one factor challenging the Twelve's aspirations to closer integration. The end of the Cold War has generated a number of questions about the United States' position in Europe, as well as questions about the future role and policy of Russia, resulting in the relative weakening of both States influence in Europe. The converse of this decline has given rise to questions as to whether the Twelve can increase their relative power. Given the new developments some have argued,

It is ludicrous to suggest that a community... with a GDP of nearly \$6 trillion... cannot manage problems that arise from disorder in Eastern Europe or defend itself from threats that might emanate from sources outside the European region.²¹

²⁰International Herald Tribune 22 November 1990.p4

²¹Carpenter op.cit.p45.

The Treaty on European Union is intended to take further the integrative process of the EC, and when ratification is complete, amends the Treaty of Rome, adding a security component to the European Union. Instead, to paraphrase Gaddis, the forces of integration have caused a measure of disintegration.²²² It would appear that the EU is facing problems with cohesion. New members or potential new members of the European Union are to be afforded membership of, or association with the WEU. Ireland, currently not a member of any military alliance has already ratified the Treaty on European Union and has taken on observer status in the WEU. The Danes successfully negotiated, at the December 1992 Edinburgh European Council Meeting, an opt-out from the developments in the defence field contained in the Treaty. If some States remain outside the European Union's security dimension, it is likely to reduce the European Union's cohesion, which in turn will impair its ability to deal effectively with salient issues involving European security. The handling of the situation in the former Yugoslavia can be cited as evidence of this assertion. In the meantime it would appear that the EU, whatever the nature of its security dimension, will lack the cohesion, will and instruments to provide stability in Europe. This is so, not simply because of the many internal and external cross pressures facing it, but also because of the complexities of the issues involved.

²²²Gaddis J The United States and the End of the Cold War, OUP 1992,p210.

Western European Union

The WEU is a wholly European grouping and for this reason it is favoured by the French who have long harboured antipathy toward the Atlantic influence of the Alliance (see pp21-2).

The UK accepts that the WEU has a role as a useful bridge between NATO and the EC, because it includes France, which still remains outside the NATO integrated command structure. The Treaty on European Union highlights the Atlanticist v Europeanist debate because it includes a substantive commitment to strengthen the WEU the implication being that a more powerful WEU can be consistent with NATO. The Treaty on European Union, however, also left unresolved, pending a further review of the issue in 1996-1998, the substantive question of the Atlanticist versus Europeanist debate, and the longer term relationship between WEU and NATO. Currently there are substantial rivalries between the WEU and NATO, and in practice the WEU defers to Nato's procedures, infrastructures and command systems to carry out any operation, as a consequence the WEU is impotent without NATO's good offices. The real question is - can WEU be separate from Nato? It is also a moot point if, in the long-term, the WEU would suffice as a security/defence structure acceptable to Eastern States because of its pro-German stance, and lack of US input.

Perhaps most importantly the continual existence of both NATO and the WEU causes overlap in membership and competences, and such overlap is untenable, when the key issue is on providing cost

effective defence. The current Secretary General of WEU, Willem Van Eekelen, himself is under no illusion that the WEU is on short tenure, and that the recent transfer of WEU's headquarters from London to Brussels will speed up its demise.²³

NATO

NATO's *raison d'être* since 1949, has been to use Lord Ismay's aphorism, "To keep the Americans in, the Germans down, and the Russians out." Forty three years later work is underway within NATO to reorient the alliance to enable it to meet the challenges and needs of the new security situation.

Nato is not an international actor in its own right, therefore, this restructuring is taking place because NATO's member States themselves see the need for change. Manfred Wörner has recently argued that,

[O]f all existing international organizations NATO remains the only one which can guarantee the security of its member countries(sic) against all military threats to their security.²⁴

This is a truism only if one accepts that principally NATO is a military alliance and that military threats are the central destabilizing factor in today's world. But there maybe little point in securing sixteen member states within a narrow geographical area if forces of instability which affect their security

²³ Conversation with Malcolm Mackintosh sometime adviser on Soviet affairs to Prime Minister Thatcher.

²⁴ NATO Review 1992 No.6 pp5-9.

rage on their periphery. If NATO wishes to be more than a military alliance, it will require to re-examine many features of its functions, and its membership.

On NATO's own admission its security guarantees could not be given without the good offices of the United States. However, the one certainty which must be faced is that there is no surety that, in the longer term, the United States will continue its current commitment to European security or be willing to involve itself in disputes which are perceived to have little relevance to vital United States' security interests.²⁵ It would seem prudent therefore to build up collective security processes within a European framework.

The NATO Foreign Ministers, took a step forward in this direction, when at their NAC meeting in Oslo in June 1992, they adopted a resolution making troops available to CSCE for future peacekeeping or peace-enforcement operations. A press release stated,

[We are prepared to support, on a case by case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the CSCE, including making available alliance resources and expertise.²⁶

²⁵Gaddis J. argues that the juxtaposition of economic and political forces that are shaping the modern world suggest the need for more serious thinking about where US security interests lie. op.cit.p212.

²⁶Times London 5 June 1992.p1.
See also Statement issued at the Meeting of the North Atlantic Council in Oslo, 4 June 1992: NATO Review 1992 No.3pp30-3.

This resolution was adopted in the light of the decision taken at the Prague Council Meeting of 1992 that the CSCE should not be burdened with raising, training and equipping forces for peacekeeping operations. The Oslo decision marks a move away from "the out of area" problem that has dogged NATO since its inception but which is, as one eminent writer avers, simply superstructure.²⁷ United States Secretary of State, Eagleburger evinced the extent of the change in the following statement, which has strong overtones of Senator Roth's proposals (see f/n10).

Nato must now become effective in helping to resolve peaceably the different but multiple conflicts which threaten European stability in the post cold war era... Let me make it clear in this respect that the United States is prepared to make essential contributions, such as lift and logistics, to peace keeping operations.²⁸

NATO's readiness and willingness to re-examine its role and function, even under the auspices of the CSCE, marks its metamorphosis from a military alliance devoted to the collective defence of its members to an international regional security organization concerned with the wider issues of security in Europe and beyond. Its *raison d'être* has already changed in all but name.

As the circle has turned the CSCE, which was considered from the outset to be a Soviet propaganda tool to undermine NATO now

²⁷Howard M. avers that the only obligations of the North Atlantic Treaty are contained in Article 3,4,5, everything else was negotiated separately. "The remaking of Europe" Survival 1990 Vol. XXXII No2 p104.

²⁸International Herald Tribune 5 June 1992 p6.

becomes a key player in Nato's *raison d'être*. Without NATO there would not have been a CSCE process. However, within that process, because negotiations were to be conducted "outside the military alliances" (see p40), NATO had to step aside from its pre-process role. Twenty years later it has re-entered the arena with a complete change in role, a role inextricably bound to the CSCE.

Looking to the Future

The political, social and economic changes which ended the Cold War, and redrew the political map in Europe, have, largely inadvertently, thrown up security risks from a multiplicity of different sources. Given the potential consequences of these risks non-involvement in the maintenance of international and European peace and security is not an option for Europeans.

The United Nations, although no longer immobilised by the East-West confrontation, is perceived by "Westerners to fail more often than it succeeds in the resolution of conflicts."²⁹ In some quarters the UN Secretary General Dr Boutros Boutros Ghali is perceived to be primarily concerned with championing 3rd World issues. His recent attempt to have CSCE monitor heavy weaponry in Bosnia-Herzegovina is an example of his keenness to divest the UN of responsibility. Dr Boutros Ghali's recent calls for regional associations to adopt a stronger role in support of international peace and security (see pp232-3) have been added to

²⁹Times London 27 January 1993 p11.

by the new United States' administration. The United States being no longer willing to foot the bill, or play the unilateral role of world policeman.³⁰ Perhaps these developments herald the reapportioning of competences among the international organizations.³¹ Although the UN is overstretched and grossly underfunded, it also operates through a series of weak mandates, and is deemed to be "too slow and unreliable for Europe"³²

What becomes clear is the need for a regional security organization in Europe now. The necessity for the American decision to back the Owen/Vance peace plan for the former Yugoslavia confirms the view, that in the short term, no single European institution can hold the line in security matters in the current climate. The problem no longer is to keep the Americans in, the Germans down, and the Russians out. Lord Ismay's aphorism is now an anachronism. The problem is identifying a credible overarching framework capable of keeping the Americans and the Russians in, accommodating the NNA States, and the emerging fragile democracies of the former WTO.

Given this wider context, there is a need for a framework equipped to deal with the multiplicity of risks emanating from underdevelopment, population growth resource conflicts, religious

³⁰President Clinton op.cit.p2.

³¹Times London 5 August 1992 p9 8 August 1992.p1

³²Lord Carver Independent 7 June 1990 and Foreign & Commonwealth Office source.

fundamentalism from within and outwith Europe. In the short term the struggle is to maintain the ethos of the collective security approach. The newly democratizing States, in the short and perhaps even the medium term, will be content to follow Western Europe's lead in providing security while they build up their political and economic structures. In the longer term the rising power and status of Germany, both on the world scene and in Europe, will tilt the balance toward the continentalization of Europe.

In the longer term

Perusal of the preceding chapters would indicate that the progress of the CSCE was directly related to the amount of interest vested in by the participating States. In effect the progress of the CSCE varied according to the climate in the international arena.

In times of confidence, such as the period of detente in the 1970s, the greatest advances were achieved. Likewise, in times of disillusionment and uncertainty progress ground almost to a halt, as happened in the late 1970s when the superpowers returned to the policy of confrontation. During this period, although western Europe was not the focal point in the "new cold war," progress in the CSCE was affected nonetheless, only to be revived when the policy of entente took precedence in the mid 1980s.

This reflects that the relationships existing between the major powers affect the international strategic environment, which in turn determines how events evolve. In other words it must be recognized that the future role of the CSCE depends entirely on how relations between states develop and where power is centered.

Implicitly, the Treaty on European Union undermines the concept of the territorial state as the base political unit in Western Europe, (wherein the concept of State first evolved). The Treaty constitutes a move away from the strict system of sovereign states to a European Union based on federative power. The European Union, by underpinning the latent federative power of Western Europe, could ensure that the new European security architecture will be stable, and thus restore the political stability which disappeared with the ending of the Cold War.

Despite the existing tensions within NATO it will form another pillar of the new edifice, supplying the expertise accumulated through joint exercises, and operating through the WEU and NACC (while they last), whilst making full use of the CSCE mechanisms which may avoid the necessity of deploying forces. Eventually NATO will find it necessary to extend its membership to complement its extended mission of building up collective security processes within a European framework. Furthermore, in the longer term when the unifying process in Germany is completed, and if, as Chancellor Kohl envisages, the proposed creation of a profes-

sional army comes to fruition,³³ Germany could provide the "lift and logistics" that the United States currently provides for NATO; thereby, allowing the real fusion of NATO and WEU. This could well be the logical outcome to Germany being required to play a greater role commensurate with its economic might, thus taking up the Bush administration's invitation to Germany to become a "partner in leadership."³⁴

The region to the East of the unified Germany is for Western Europe a security nightmare, but the Eastern States involved in that nightmare are looking for a dream. As their efforts to establish liberal democracies come to fruition, there is a real danger that, if only the States that are deemed clubbable, namely those States most likely to fulfil the market requirements, are catered for, a psychological "wall" will replace the Berlin Wall thus continuing the division of Europe.

Since the ending of the Cold war military threats are no longer the central destabilizing factor for most of Europe. Likewise the criteria for determining great powers has changed, relying more on economic rather than on military capability, removing military preparedness as the single most important power factor.³⁵ The war in the former Yugoslavia, whether categorised as civil or inter-

³³International Herald Tribune 8 February 1993 p1.

³⁴Muller S. & Schweigler G. From Occupation to Cooperation: The United States and United Germany in a Changing World Order. New York-London W.W. Norton & Company, 1992 p230

³⁵Gaddis op.cit.pp155-167.

state, is the precursor of many bitter ethnic conflicts in Eastern Europe, and the former Soviet Union. It also indicates that in the final analysis there is no substitute for hard military power. However, no single dominant power will foster or be able to foster future security, thus enhancing the need to develop criteria and mechanisms for dealing with such situations.

The post-wall perception of security set out in paragraph 33 of the Helsinki Document of 1992, has made clear that in the new security situation in Europe,

Security is indivisible. No State in our CSCE community will strengthen its security at the expense of the security of other states.

Consequently,

[B]ehaviour rather than architecture will be crucial, the architecture of the house is not so important, rather its the behaviour inside.³⁶

This is where the CSCE can take the lead in Europe as a collective security structure because it can generate consensus. It involves five major entities that are sovereign rather than hegemonic entities viz the EC Twelve, the United States, Russia, the NNA States and the CIS, and it offers observer status to non-participating interested parties. It is the most inclusive of all European institutions. It has been the instigator of security advances such as arms control and CSBM which will be continued in the European Security Forum. Institutionalization has equipped

³⁶Non-attributal contribution at FCO seminar 1992.

it with powers of evaluation, an important tool with which to attain compliance. It transcends the Cold War and was an instrument in bringing about its demise. It has in the past been a forum for cooperation and dialogue in which "hangups about giving and hearing criticism about each other's behaviour have been overcome."³⁷ Since Stockholm the PSD mechanism has added powers of Arbitration and Conciliation to preventative diplomacy and political consultation through rapporteur missions, coupled with the containment of crisis if conflict were to breakout. Through ODHIR the CSCE has powers to address wider issues such as minorities, drugs, and migration. Perhaps its crowning asset is that it maintains the confidence of the newly democratizing States, and Russia.

Joffe argues that in the last analysis institutions do not matter in the absence of an "existential threat" or "existential foe." He argues against the notion of collective security, averring that "nations in a collective security setting will not necessarily band together against an aggressor."³⁸ Rather they will follow national interest, and in his view struggle with this even when locked into an alliance. When a threat or foe does manifest itself States will behave as States will, they will act, and do act according to contra-causal laws. In others words, their

³⁷ Intervention by UK Secretary of State Hogg at 3rd Council of Ministers Meeting Stockholm December 1992.

³⁸ Joffe J. "Collective Security and the Future of Europe" Survival IISS Journal Spring 1992. pp36-50.

international behaviour is not determined, each State will decide autonomously to what extent they are obliged. The Gulf war is a good example of this. Despite intense and extensive persuasive diplomacy by the United States, of European States the UK was willing, France less so and the remainder lukewarm.

The central problem that the UN faces, namely the reaching of a wider consensus on what constitutes legitimate/illegitimate behaviour in the international arena, the grounds for outside intervention, and the setting in statute of penalties for such behaviour, (Principle VI: see p135-6), will also be a central problem for the CSCE, as it will for any regional organization.

The CSCE has proven both that States can be nurtured, and that in Churchill's words "to jaw jaw is better than to war war."²³ The alternative to this is at best reversion to national defence, mutual suspicion, and the arms races of recent history, and at worst, for the weaker States, vulnerability to internal reactionary forces. However, in the absence of a panacea for peace it can be argued that while there is no "existential threat" or "existential foe," securing an overarching pan-European security community through the CSCE would contribute significantly to defuse the factors that cause "threats" and "foes" to manifest themselves.

In the newly institutionalized CSCE the emphasis is placed on the rejection of the zero sum game of exploitation and on respect for the vulnerabilities of participating States through preventive diplomacy. This makes the CSCE the only truly all European and

²³Washington 1947.

transatlantic forum with the potential to address and handle the broad security issues thrown up by the instability and uncertainty in Europe, because the emphasis is placed on maintaining the collective approach while trying to widen the consensus as to what constitutes illegitimate behaviour in the international arena, aiming at a "Code of Conduct governing relations between states in the security field."⁴⁰ "The moral was to invest more ingenuity and will" into preventive diplomacy before states reach the stage where external interference becomes inevitable."⁴¹ Perpetual peace is, by the very nature of the international system, an illusion. The demise of the Cold War has enabled the tool of diplomacy to come centre stage only because its demise has legitimized the diplomatic system. The rational calculation and expectation of mutual benefit may dictate cooperation. Everything hinges on the central question, "under what conditions will cooperation emerge in a world of egoists without central authority?" Axelrod comes to the conclusion that,

[Mutual cooperation can emerge in a world of egoists without central control by starting with a cluster of individuals who rely on reciprocity."⁴²

The role of the CSCE in the "new Europe" is to manage the challenge of change which persists in no uncertain terms.

⁴⁰Hurd Rt Hon D. "Foreign Policy and International Security Rusi Journal December 1992 p2

⁴¹Rt. Hon Douglas Hurd. UN Document NS/33/92. September 1992.

⁴²Axelrod R. "The Emergence of Cooperation among Egoists." American Political Science Review 1981 Vol.75 pp306-318.

Paragraphs 6, 7 and 8 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE July 1990.¹

- 6 The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.
- 7 To ensure that the will of the people serves as the basis of the authority of government, the participating States will
- 7.1 hold free elections at reasonable intervals, as established by law;
 - 7.2 permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
 - 7.3 guarantee universal and equal suffrage to adult citizens;
 - 7.4 ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
 - 7.5 respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
 - 7.6 respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
 - 7.7 ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
 - 7.8 provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;
 - 7.9 ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.
- 8 The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings."

¹ Cm.1464 Charter of Paris: Supplementary Document p21.

14-15 December Stockholm: 3rd COUNCIL OF
FOREIGN MINISTERS

- * *Summary of Conclusions of the Stockholm Council Meeting: Shaping a New Europe - The Role of the CSCE* (T)
 - Regional Issues
 - . Former Yugoslavia
 - . The Baltic States
 - . Moldova
 - . Georgia
 - . Conflict dealt with by the Conference on Nagorno-Karabakh
 - . The Republic of Tajikistan
 - The CSCE as a Community of Values
 - High Commissioner on National Minorities (The Council appoints Mr. Max van der Stoel)
 - Peaceful Settlement of Disputes
 - . Adopts measures to enhance the procedure for selecting Dispute Settlement Mechanisms
 - . Adopts the text of a Convention on Conciliation and Arbitration, and declares it open for signatures by interested participating states (29 participating states sign during the Stockholm meeting)
 - . Adopts conciliation procedure as an option available to participating on the basis of agreements *ad hoc*, or, in advance, on the basis of reciprocal declarations
 - . Decides that the Council or CSO may direct any two participating states to seek conciliation to assist them in resolving a dispute
 - The CSCE Forum for Security Co-operation and Non-Proliferation
 - Preventative diplomacy and peacekeeping
 - Evolution of CSCE structures and institutions
 - Improved co-operation and contacts with international organizations in particular the United Nations
 - Integration of new participating States
 - Admission of new participating States
 - . The Czech Republic
 - . The Slovak Republic
 - Date and venue of the next Council Meeting: November/December 1993, Rome
- * The Secretary General of the CSCE {Council establishes the post, mandates duties (annex)}
- * Management of Resources (annex)
- * Letter of accession of new participating states (annex)

° All approved texts are available in the six working languages of the CSCE (English, French, German, Italian, Russian, Spanish), with the exception of mission reports which are only available in English.

THE PEACEFUL SETTLEMENT OF DISPUTES WITHIN THE CSCE
A BRIEF PRESENTATION OF THE STOCKHOLM CONVENTION

At the meeting of the CSCE Council of Ministers in Stockholm on 14-15 December 1992, the Council is expected to adopt a Convention which will be open for signature in Stockholm. The Convention is based on what was originally a French-German proposal, but it will be called the "Stockholm Convention" since it is to be signed here. The Convention has been prepared at a meeting of a group of experts in Geneva in October 1992, and negotiations were conducted in a working party under Swedish chairmanship (Mr Hans Corell, the Under-Secretary for Legal and Consular Affairs).

The proposed Convention constitutes one aspect of an extensive programme drawn up within the CSCE for the peaceful settlement of disputes. In principle, it contains two sections covering conciliation and arbitration. The new body will be called "the Court", although it will not be a permanent court but rather a system with conciliators and arbitrators appointed in advance, who can then be called in to perform their duties. Hence, conciliation commissions and arbitration tribunals will be set up for individual cases on an "ad hoc" basis.

A dispute between two or more states may always be subject to a conciliation procedure under the Convention on the application of one of the parties or as a result of joint action on the part of several parties. However, a conciliation proposal will not be binding on the parties, unless they have made a specific commitment to be bound by the proposal. If a party does not loyally participate in the procedure, the matter will be reported to the CSCE.

The arbitration tribunal can only commence its work if the parties have agreed to this - either generally or in the specific case. A ruling pronounced by an arbitration tribunal is always binding on the parties.

An important issue is how the costs of the Court are to met. This question will be regulated in a "finance protocol" which is currently being drawn up.

BIBLIOGRAPHY

1 UK GOVERNMENT DOCUMENTS

- Cmnd 7789 North Atlantic Treaty:
Washington DC April 4, 1949
- Cmnd 6932 Selected Documents Relating to
Problems of Security and
Cooperation in Europe, 1954-
57 London HMSO 1977
- Cmnd 5179 Treaty of Rome 25 March 1957
- Cmnd 6198 The Helsinki Final Act 1975
- Cm 9066 Madrid Concluding Document 1983
- Cm 26 Document of the Stockholm
Conference 1986
- Cm 649 Vienna Concluding Document 1989
- Cm 1466 CSBM Document Vienna 1990
- Cm 1972 CSBM Document Vienna 1992
- Cm 1464 Charter of Paris for a New
Europe 1990
- Cm 1771 Document of Moscow Meeting on CHD
1991
- Cm 1770 Report on the CSCE Meeting of
Experts on National
Minorities 1991
- Cm 1324 Document of the Copenhagen Meeting
of the Conference on the Human
Dimension of the CSCE 1990
- Cm 2092 The Challenges of Change
Helsinki 1992
- Cm 2075 CFE Treaty

2 CSCE DOCUMENTATION

The Final Recommendations of the Helsinki Consultations

Convention on Conciliation and Arbitration Stockholm 1992
Draft Report.

Summary of Conclusions of the Stockholm Council Meeting
Shaping a New Europe December 1992. Draft Report.

3 UNITED STATES DOCUMENTATION

Memorandum from Polish Foreign Minister (Rapacki) to the American Ambassador (Beam) February 1958. U.S. Department of State Documents on Disarmament, 1945-49, Vol. II: 1957-58. (Washington DC: US Government Printing Office: 944-948.

Miko F. "Conference on Security and Cooperation in Europe (CSCE): Role in a Changing Europe" Congressional Research Service CRS Issue Brief. Library of Congress Washington DC.

CSCE: A Framework For Europe's Future Vienna Follow Up Meeting. U.S. Information Agency.

"Reports of the Intersessional Meetings of the CSCE Process 1992" Library of Congress, Washington DC.

"The New World Order: an analysis and document collection." The Reference Center, United States Information Service, American Embassy, London

"Basic Reports from Vienna" 1990 British American Security Information Council, Washington DC.

"Beyond Process: The CSCE's Institutional Development, 1990-92" Commission on Security and Cooperation in Europe. Library of Congress Washington DC.

CSCE 1992: "The Challenges of Change" United States Information Service American Embassy London.

4 NATO DOCUMENTATION

London Declaration on a Transformed North Atlantic Alliance July 1990 NATO REVIEW 1990:4:32-3.

Rome Declaration on Peace and Cooperation: November 1991. NATO Information Service.

The Alliance's Strategic Concept: November 1991. NATO Information Service.

North Atlantic Cooperation Council Statement on Dialogue, Partnership and Cooperation: December 1991. NATO Information Service.

Statement issued at the Extraordinary Meeting of the North Atlantic Cooperation Council March 1992.

Communiqué of the Ministerial meeting of the North Atlantic Council in Oslo, 4 June 1992: NATO REVIEW 1992:3:30-2

Statement issued at the Meeting of the North Atlantic Cooperation Council in Oslo, 5th June 1992: NATO REVIEW 1992:3:32-3.

North Atlantic Assembly Papers (NAAP)

CSCE The Vienna Conference: August 1989

Policy Recommendations: December 1990

Policy Recommendations: November 1992

Rose-Roth Seminar: European Security And The CSCE: April 1992

Documents Published by the North Atlantic Assembly: February 1993

The North Atlantic Treaty International Year Book

5 DOCUMENTS

Freedman L.

Europe Transformed: Documents on the End of the Cold War. Tri-Service Press London 1990

Shaw W &
Pryce D.

Encyclopedia of the USSR
Cassell 1990 London.

Goodrich L.M. &
Hambro E.

Charter of the United Nations
London: Stevens & Sons Ltd 1949.

Keesings

Treaties and Alliances of the World
U.K. Keesings Reference Publication.
3rd Ed.

Madrid Concluding Document:
International Legal Materials
XXII(1983):1398. European
Documentation Centre Dundee.

Adamishin A. et al

From Helsinki to Belgrade: the Soviet Union and the Implementation of the Final Act of the European Conference Documents and Material. Moscow, Progress Publishers 1977.

6 BOOKS

Archer C.

Organizing Western Europe London
Arnold 1990.

Bloed A. (ed)

Helsinki to Vienna Netherlands
Nijhoff 1990.

Bluth C.

New Thinking in Soviet Military Policy G. Britain, Pinter 1990.

- Borawski J. From the Atlantic to the Urals
(Negotiating Arms Control at the
Stockholm Conference) London,
Pergamon-Brassey's 1988.
- Buzan et al. The European Security Order
Recast.The Centre for Peace and
Conflict Research, University of
Copenhagen.London,Pinter 1990.
- Buzan B. People States and Fear Brighton
Wheatsheaf Books 1983.
- Carpenter Ted G A Search for Enemies America's
Alliances after the Cold War.
Washington DC,CATO Institute.1992
- Dawishra K. Eastern Europe Gorbachev and Reform.
London Cambridge University Press,
1989.
- Deutsch K.W. The Analysis of International
Relations 2nd.ed.New Jersey
Englewoodcliffs,1978.
- Donelan M.D.&
Grieve M.J. International Disputes Case
Histories London,Europa Publications
1973
- Ford G. A Time to Heal New York, Harper Row,
1979.
- Freeman J. Security and the CSCE Process. London
Macmillan 1991.
- Gaddis J. The United States and the End of the
Cold War. New York-Oxford,OUP 1992.
- Garthoff R. Detente and Confrontation. Washington
Brookings 1985.
- Garton Ash T. We the People:The Revolution of 89.
Cambridge,Granta 1990.
- Gates D. Non Offensive Defence London,
Macmillan 1990.
- Habermas J. Communication and the Evolution of
Society. London,Heinemann 1979.
- Hassner P. Europe in the Age of Negotiation
The Washington Papers,Vol.1, No.8,
Beverly Hills and London: Sage 1973.

- Hinsley F. Power and the Pursuit of Peace
G.Britain Cambridge University Press
1988.
- Hyde-Price A. European Security Beyond the Cold
War London, RIIA Sage 1991.
- Ireland T. Creating the Entangling Alliance.
European Studies No.6.London, Aldwych
Press 1981.
- Joll J. Europe Since 1870 London, Penguin
4th.ed.1990.
- Laqueur W. Europe Since Hitler.London, Penguin,
1982.
- Mastny V. Helsinki Human Rights and European
Security Durham, Duke 1986.
- Mastny V. The Helsinki Process and the
Reintegration of Europe 1986-91. New
York-Prague, Institute for East West
Studies, 1991.
- Maresca J.J. To Helsinki The Conference on
Security and Cooperation in Europe,
1973-75.London, Duke University Press
1987.
- Muller S.and
Schweigler G.(eds) From Occupation to Cooperation.
The United States and a United
Germany in a Changing World Order
New York London, Norton & Co.1992.
- Mc Clanahanan G Diplomatic Immunity London Hurst & Co
1989.
- McInnes C.(ed) Security & Strategy in the New Europe
London, Routledge 1992.
- Nicholl W.&
Salmon T C. Understanding the European
Communities. London, Allan 1990.
- Pugh M. (ed) European Security-towards 2000
Manchester, Manchester University
Press, 1992.
- Rapoport A.
Vayrynen (ed) Conflict Escalation and Conflict
Dynamics Quest for Peace London
Sage 1987.
- Reuter P. International Institutions London,
Purnell & Sons 1958.

- Rupnik J. The Other Europe London, Weidenfield & Nicholson 1989.
- Rusi A. After the Cold War
Europe's New Political Architecture
New York-Prague, Macmillan 1991.
- Sword K. (ed) Guide to Eastern Europe London, Times Books 1989.
- Thomas H. Ever Closer Union: Britain's Destiny in Europe. London, Hutchinson 1991.
- Van Den Heuvel C.
Praaning R. The Belgrade Conference Progress or Regression, Eastern, Western and Nonaligned Appraisals of an Unfinished Conference. Leiden, New Rhine Publishers 1978.

7 JOURNAL ARTICLES AND EXTRACTS

- Alexander Sir M. "EUROPEAN SECURITY AT THE CSCE."
NATO REVIEW 1991:4:10-4
- Amery Rt.Hon.L. "THE BRITISH EMPIRE AND THE PAN-EUROPEAN IDEA" JOURNAL ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS 1930:IX :1:1-22
- Anstis C. "CSCE MARK II:BACK TO HELSINKI FROM PARIS VIA BERLIN AND PRAGUE" NATO REVIEW 1992:2:18-23.
- Axelrod R. "The Emergence of Cooperation among Egoists" American Political Science Review 1981 75:306-18
- Baev P. "Collective Security or Common Defence? Options and Choices" Paradiqms 1992:5:1/2:111-21
- Bathurst Adm.Sir B. "Western European Union:A Military Perspective" RUSI October 1992: 8-11.
- Bechtoldt H "Von der ersten zur zweiten Runde in Helsinki:From the first to the Second Round in Helsinki" Aussen Politik 1973 :1:24-34.

- Bechtoldt H "Berlin Agreement and Security Conference" Aussen Politik 1972: 23:1:26-35
- Berg R. & Rotfield A. "Building Security in Europe" East-West Monograph Series 1986 :2
- Birnbaum K & Peters I. "The CSCE: a reassessment of its role in the 1980s" Review of International Studies 1990 16:305-19.
- Bowker M & Williams P. "Helsinki and West European security" International Affairs 1985:61:4: 607-18.
- Booth K. "Steps towards stable peace in Europe: a theory and practice of coexistence." International Affairs 66:1 1990
- Borawski J. "Vienna Negotiations CSBM'S 1990" RUSI Autumn 1990 40-4
- Borawski et al "Stockholm Agreement of September 1986" Orbis Winter 1987 643-62
- Bowker M. & Williams P. "Helsinki and West European Security" International Affairs 1984:61:4
- Brauch H. "From Collective Self-Defence to a Collective Security System in Europe" Disarmament 1991:XIV:1:1-29.
- Dean J. "CFE Negotiations, present and future" Survival 1990 XXXII:4:313-24.
- Delors J. "European Integration & Security" Survival 1991. XXXI:11:2 99-109
- Deryabin Y "The Soviet Union and the Helsinki Process" Paradigms 1991 5:1/2:67-73
- Dobrosielski M. "Peaceful Coexistence and European Security" International Affairs 1972:6:35
- Ehrhardt C. "Europe after the Paris Conference: The Community and CSCE." Aussen Politik: 1973:24:1:63-85.

- Estrella R "THE CSCE AND THE CREATION OF A PARLIAMENTARY ASSEMBLY"
NATO REVIEW 1991:5:23-6.
- Fawcett J. "The Belgrade Conference: Recycled Paper?"Millennium:1978 :7:1:52-59.
- Flanagan S. "The CSCE and the Development of Detente" ed Leebaert Mass.Lexington, 1979.
- Flynn G. "The Content of European Detente"
Orbis 1976 20:2:401-16
- Frank P. "Bonn's Voice in the East-West Dialogue"Aussen Politik 1973:24:3:275-85
- Gheballi V-Y. THE JULY CSCE HELSINKI DECISIONS-A STEP IN THE RIGHT DIRECTION
NATO REVIEW 1992:4:3-19.
- Germroth D & Hudson R. "German-American Relations and the Post Cold War World"
Aussen Politik 1992:43:1:33-42.
- Gnesotto N. "European Union after Minsk and Maastricht"
International Affairs 1992:68:2:223-231.
- Healy D. "WHEN SHRIMPS LEARN TO WHISTLE" THOUGHTS AFTER GENEVA.International Affairs 1956:32:1:1-10.
- Hassner P. "Europe beyond Partition and Unity:disintegration or reconstruction?"International Affairs 1990:66:3:461-75.
- Howard Sir M. "The Remaking of Europe"
Survival 1990 XXXII:2:99-07.
- Hurd Rt Hon D. "Foreign Policy and International Security."RUSI December 1992:1-4.
- Kupelan C A.& Kupelan C A "Concerts Collective Security & the Future of Europe"
International Security 1991 16:1 114-61.
- Holoboff E. "The Soviet Union and a New European Security Order"Paradigms 5:1/2:91-109.

- Holsti K J. "Bargaining Theory and Diplomatic Reality the CSCE Negotiations Review of International Studies 1982:8:159-170.
- Hopkinson G. "CFE:A Dead End?" RUSI Autumn 1990 31-9.
- Joffe J. "Collective Security and the Future of Europe. Survival Spring 1992:36-50.
- Larrabee F & Stobbe D. "Confidence Building Measures in Europe" 1983.
- Larrabee F & Lynch A. "Confidence Measures and US-Soviet Relations"1986 Institute for East West Studies 1986.
- Osgood R.& "Deterrence:The Western Approach"1986 Wegener H. NATO Information Service
- Poettering H. "The EC on the Way towards a Common Security Policy"German Foreign Affairs Review 1991:42:2:147-51.
- Povolny M "The Soviet Union and the European Security Conference"Orbis 1974 :201-31
- Roberts F. "Stalin,Khrushchev and the Berlin Crises"International Affairs 1991 119-129.
- Salmon T. "Cracks in European unity?" International Affairs 1992:68:2:233-254
- Schlager E. "Procedural Framework of the CSCE: From the Helsinki Consultations To The Paris Charter 1972-90." Human Rights Law Journal 1991: 12:6-7:221-237.
- Sherwen N. "From Détente to Entente"
Jochmans F.(eds) Brassey's Atlantic Commentaries No.4. 1990 London.
- Strausz-Hupe R. "The Balance of Tomorrow"
Orbis Winter 1992:5-21
- Tickell Sir C. "Enlarged Community and Security Conference"Aussen Politik 1974 :25:1:13-22

- von Groll G. "The Foreign Ministers at Helsinki"
Aussen Politik 1973 24:3 255-74
- "The Helsinki Consultations" Aussen
Politik 1973 24:2:123-9
- "The Geneva CSCE Negotiations" Aussen
Politik 1974 :25:2:158-66.
- "The CSCE Bundestag Debate" Aussen
Politik 1974:25:4:375-84.
- "The CSCE Follow-up Meeting
Belgrade" Aussen Politik 1977:
28:3:363-75.
- "The Final Act of CSCE" Aussen
Politik 1975:26:1-4:247-269.
- Waever O. "Three Competing Europes:
German, French and Russian."
International Affairs 1990:66:3:
477-493.
- Weitz R. "The CSCE's New Look "
International Relations
February 1992:27-31.
- Wellens K &
Borchardt G. "Soft Law in European Community Law"
European Law Review 1989:14:5:274-7
- Wettig G. "German Unification and European
Security" Aussen Politik 1991
:42:1:13-21
- Wieck Hans-G. "Perspectives of MBFR in Europe"
Aussen Politik 1973:23:1:36-40.
- Winter W. "The CSCE Basket Three: Who Is Going
to Fill It" Aussen Politik 1976
:27:4:367-83.
- Wörner M. "Managing European Security"
Survival 1989 XXXI:7:3-12.
- "A Vigorous Alliance-a motor
for peaceful change in Europe"
NATO REVIEW 1992:6:3-9.
- Zagorski A. "The End of the CSCE:
The Soviet Union and the Helsinki
Process" Paradigms 5:1/2 1991

8 ECONOMIST

- "Behind the façades"
September 8, 1973 :14-5.
- "Hugging the bear"
September 22, 1973 :15-6.
- "Into the labyrinth rode the six
hundred" September 29, 1973.
- "The mood relaxes as Russia and
Europe join the dance" October 20,
1973:3.
- "The mouse's tail" February 23, 1974
:41-2.
- "No summit, thank you June 1, 1974:
15-6.
- "The company he chooses June 8, 1974:
12-3.
- "Room at the inn" June 15, 1974:37-8.
- "Dig in at Geneva July 13, 1974:17.
- "Out of sight" December 28, 1974:26-7.
- "Well, America" April 26, 1975 :64.
- "A price from Russia" May 3, 1975:
9-10.
- "No free lunch" June 7, 1975:33-4.
- "Keep on at him" July 12 1975:13-4.
"Dom's amendment" July 19, 1975:40.
- "Détente comes down to earth July
26, 1975 :55-6
- "Every prospect pleases" August 2, 1975
:10-11.
- "Smiling hard," August 2, 1975:49-50.
- "Under Leonid's eyes" August
9, 1975:13.
- "Blessed are the meekers" August
23, 1975:37.
- "Pumpkin pie" August 23, 1975:40.
- "The Haunted Places" November 1 1975:15.

9 OCCASIONAL PAPERS AND SPEECHES

- Bullard J. "Europe in the 1990s" W H Smith Contemporary Papers No.5.
- Group Captain K Chapman. "Changing Security System in Europe" 5 March 1992. University of St Andrews.
- Ghebalt V-Y. "The CSCE After 1992 Helsinki Decisions:from Confidence-Building to Conflict Management" Heidelberg September 1990.
- EUCORG "Conference on Security and Cooperation in Europe: The Second Phase" 1975.Report 7
- Dodd T. Background Paper 293:1992 International Affairs and Defence Section, House of Commons Library.
- Oxford Research Group. Institutional Consequences of a European Security Policy with particular reference to parliamentary accountability.1991.

SPEECHES

- Carter President Fourth Semiannual Report to Commission:1978 Special Report :45.
- Baker J. "The Euro-Atlantic Architecture" Berlin June 1991.
- Bush President "The UN:World Parliament of Peace" New York October 1990.
- Howe Sir G. London January 1989.
- MacDonald I. "The Weary Consensus" Radio Free Europe March 1978.
- Rifkind Rt Hon M. "A DECADE FOR CHANGE IN EUROPEAN SECURITY" May 1992, FCO.
- Vorontsov I. Radio Free Europe March 1978.
- Wall M. "Trials Cast Shadow over Bonn Meeting" Radio Free Europe July 1978.

Non-attributed

"A LOOK AT THE CSCE"
NATO REVIEW 1974:5:12

Non-attributed

"CSCE ENDS ALLIANCE VIEWS"
NATO REVIEW 1975:5:3-9.

10 MISCELLANEOUS

Independent
International Herald Tribune
Times
Pravda
Fact on File 1991.
SIPRI Yearbook