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REPORT ON THE IMPLEMENTATION OF THE
FINAL ACT OF THE CSCE

Note by the Secretary General

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

2. This report is a follow-up to that prepared in December 1975(1), and covers the period 1st December, 1975 to 10th May, 1976.

3. Paragraph 2 of the report draws attention to the most important developments which have occurred during the period under review. These developments are considered more closely in the rest of the report. Further details are contained in an Annex.

(Signed) Joseph M.A.H. LUNS

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This document includes: 1 Annex

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

IMPLEMENTATION OF THE FINAL ACT OF THE CSCE

Second Report by the Council in Permanent Session,
1st December, 1975 to 10th May, 1976

INTRODUCTION AND SUMMARY

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

2. The most important points to draw to the attention of the Council regarding developments during the period of this report are the following:

- (i) The Warsaw Pact countries are now adopting a more coherent and self-confident stance on implementation of the Final Act in general, and the main lines of their policy leading to the follow-up meeting for Belgrade in 1977 seem clearer (see paragraphs 3-6).
- (ii) They have launched initiatives in areas of least difficulty to them, in particular proposals for three conferences on energy, transport and the environment (paragraph 10).
- (iii) They have also taken a few small steps in areas of special interest to the West e.g. CBMs, Basket III (paragraphs 8-9, 12-15).
- (iv) However, the few minor procedural changes on human contacts and information have so far had only a very modest effect, and the general practice in these fields remains restrictive (paragraphs 12-15).
- (v) The generally unsatisfactory performance by the East described above is not surprising. While the West looks for Eastern implementation of the CSCE results, it was not expected that the Final Act provisions would lead to rapid and dramatic changes in the domestic and foreign policy of the Soviet Union and of Eastern Europe.

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- (vi) Initial exchanges of view have begun among various CSCE participants on the follow-up meeting in Belgrade in 1977 for which Western countries will have to prepare their position with care (paragraphs 16-19).

Main Trends

3. The current phase in Warsaw Pact policy emerged from the meetings of Warsaw Pact Foreign Ministers in Moscow on 15th-16th December and of Warsaw Pact Party Secretaries in Moscow on 26th January. Since then, the Soviet Union and other Eastern CSCE signatories have taken a number of additional small and selective measures of implementation in areas of special interest to the West, though in the important fields of human contacts and information these measures have been largely procedural in nature and their real significance is still unclear (paragraphs 12-15). In addition, the Soviet Union has launched a major initiative in the economic field (the Brezhnev proposals for three conferences). Their general aim as regards implementation seems to be to build up a plausible case for compliance in respect of all the Baskets, while diverting attention from the minimal nature of their concessions in the human rights field by large-scale initiatives in areas of less difficulty for them. They have also launched a considerable propaganda campaign which combines an over-statement of their own implementation with strong counter-attacks on the West for alleged non-compliance both with the Declaration of Principles and with specific provisions on such matters as visas, language training and books. It seems that these are the main lines along which the Warsaw Pact countries intend, over the coming months, to prepare their position for the follow-up meeting in Belgrade in 1977.

4. Not all the details of the new approach appear to have been defined as yet. The rapid manifestation in late-1975 of Western intention to implement the Final Act may have forced the East to develop their own implementation policy much more quickly than was originally intended. The other Warsaw Pact countries (except Rumania) have followed the Soviet line with varying degrees of emphasis: Hungary, in particular, has been active in the propaganda campaign and in other aspects of the new policy and may perhaps have been designated as front-runner for the East.

It should be noted that this evolution of the East's approach does not seem to have had any effect on Soviet policy towards Berlin.

5. While the East's tactical approach to implementation has been evolving, their basic strategy appears to continue along lines long since discernible. In accordance with the Soviet Union's established foreign policy aims, the Final Act is actively used as an instrument to pursue, for example, legitimization of the status quo in Europe, consolidation of the "irreversible process of détente", progress towards "military détente", and development towards pan-European inter-state co-operation. Nevertheless, despite the continuity of their basic aims and the confident stance of their new tactical approach, there is little doubt that the Soviets are still fully aware of their weak position on implementation. Indeed, there is some evidence of caution as regards the degree to which they are able to exploit the Final Act. This uncertainty might explain, for example, Mr. Brezhnev's low-key treatment of the subject at the 25th Congress of the CPSU.

6. Furthermore, the East continues to give the Final Act its own interpretation and so deny inconsistencies between its own acts and the letter and spirit of Helsinki. Whereas in the Final Act the participating states declared their determination to respect the principles and to put them into practice, "each of them in its relations with all other participating states, irrespective of their political, economic and social systems...". The Soviet Union implies that the "Brezhnev Doctrine" overrides the application of the Final Act to relations between socialist countries. It sees no inconsistency between, on the one hand, the letter and spirit of the Final Act and the declarations by the East at and since Helsinki that détente should be given a permanent and universal character, and, on the other hand, the Soviet intervention in Angola, the continuing expansion of its military power beyond its defensive needs and its aggressive stand in the ideological struggle. Any Western criticisms of the East are claimed to be contrary to the letter and spirit of Helsinki, and the dissemination of these criticisms in the East is restricted in a manner incompatible with the Basket III provisions on the free flow of information.

Declaration of Principles

7. The part of the Final Act most frequently used by the Soviet Union to promote its foreign policy aims and to vindicate its action is the Declaration of Principles. This is presented as the most important part of the Final Act and given a quasi-judicial status. Certain principles are stressed, especially inviolability of frontiers and non-intervention in internal affairs, while others, such as respect for human rights, are quickly passed over. Those principles of particular interest to them are invoked to claim that any action they favour is an act of implementation, while any action they dislike, such as criticisms of détente or improvement in NATO's defence capabilities, is in contradiction of the Final Act.

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Confidence Building Measures (CBMs)

8. One of the areas in which the Soviet Union has shown some implementation of the Final Act, in response to Western examples, has been that of CBMs. Early in January, the Soviet Union notified other CSCE signatories of a military manoeuvre held in the Caucasus involving about 25,000 men, and invited observers from five states in the region: Bulgaria, Greece, Romania, Turkey and Yugoslavia. The Soviet Union now seems to have reasonable ground to claim that it has started to carry out the Basket I provisions on CBMs. However, CBM implementation so far has been restricted to the category of major manoeuvres only. The Soviet Union has notified none of the small-scale manoeuvres held since Helsinki involving less than 25,000 men. Furthermore, the practical opportunities for the observers to the Caucasus exercise to watch the manoeuvre activities were notably limited. In contrast, since 1st August, 1975, the West has notified seven military manoeuvres, including four small-scale manoeuvres involving less than 25,000 men and invited observers from all CSCE countries represented in Bonn to one major manoeuvre.

9. As regards Warsaw Pact countries other than the Soviet Union, the only development has been the recent action of Hungary in April in orally informing all Western military attachés one day beforehand of an exercise involving some 10,000 men. This may be a sign that at least some Eastern countries are prepared to notify also small-scale manoeuvres and thus take some further steps in order to strengthen their claims of full implementation.

Economic questions

10. Next to the Declaration of Principles, the Soviet Union has always stressed Basket II as offering the most significant opportunities for East-West co-operation. It is in this field that the Brezhnev proposals for three conferences on energy, transport and environment have been presented; these proposals have been a leading issue at the 31st Plenary Session of the Economic Commission for Europe (ECE). Apart from the hope of reaping technical and economic benefits from its initiative, the USSR may have been prompted by such considerations as (a) the pursuit of a pan-European approach at the expense of "regional" co-operation; (b) the reduction of the emphasis upon the follow-up meeting in Belgrade, and (c) the minimizing of the impact of her absence from the Conference on International Economic Co-operation (North/South Dialogue) in Paris. Western governments have questioned the need for such special conferences, while being careful not to appear obstructive. At the ECE session referred to above, the West succeeded generally in containing the Brezhnev proposals within the ECE context and in obtaining the adoption of a counter-balancing proposal listing a series of

specific projects drawn from the Final Act for special attention by the ECE subsidiary bodies. The ECE, after the decisions of the 31st annual session, would appear to have a larger rôle to play as regards multilateral implementation of the CSCE.

11. In spite of insistence by the East that it is keen to implement the provisions of Basket II, progress has until now been particularly slow and not significant from the Western viewpoint. There is, therefore, need to continue to urge the Eastern countries to implement their unilateral commitments under the provisions of the Final Act. The Chairman of the Executive Committee of the COMECON recently handed over to the Chairman of the Council of the European Communities the draft of an agreement covering relations between these two bodies. Although this step has been placed by the Eastern countries explicitly into the framework of the Final Act, it is not exclusively a consequence of the CSCE. Rather, it represents the most recent stage of a process of re-assessment of Eastern attitudes towards the European Communities which started in 1972, and is a response to initiatives taken by the ECE in 1974.

Humanitarian Questions and Information

12. Commentary on these provisions must be seen against the background that, as was to be expected, the Warsaw Pact governments remain firmly in control of the degree, method and timing of Basket III implementation in their countries. As noted in paragraph 3 above, the Soviet Union has recently adopted a more self-confident attitude as regards these provisions. They have stressed their intention to implement all parts of the Final Act, have claimed that the humanitarian and other provisions in Basket III are already implemented by them to a large degree, and have attacked the West for alleged examples of non-compliance. But in fact, the Soviet Government has taken only a series of minor steps of least difficulty to them in some areas of interest to the West, and is giving them a propaganda value out of all proportion to their significance.

13. The real effect of these few measures has been very limited. In the field of human contacts, the Soviet Union has instituted a few minor changes in exit procedures, but so far there is no evidence that these have led to any actual improvement in movement and contacts. Indeed, some other recent administrative fiscal changes may have made emigration even more **difficult**. It remains to be seen what effect these various measures will have in practice, and whether the procedural improvements will prove to be more than cosmetic. Experience up to now with the Soviet Union on specific divided family cases has been, for the most part, disappointing.

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Only a limited number of family reunification and binational marriage cases have been permitted to leave. Despite continued efforts by the West, a large number of such cases on lists presented by Western governments to the Soviet Union after Helsinki still remain unresolved. However, it should be noted that some special bilateral arrangements with Eastern countries (e.g. the Federal Republic of Germany with the Soviet Union and Poland) provide partial exceptions to this largely restrictive pattern as regards human contacts.

14. In the field of information, the few changes by the Soviet Union as regards working conditions for newsmen (e.g. multiple entry visas, somewhat freer travel) have slightly improved the situation. Those relating to newspaper circulation (e.g. an increase from 4 to 22 Western newspapers) have had only a marginal effect. Here also there have been some retrograde trends and the general position remains highly restrictive. A campaign is being waged against certain Western media, especially against radio broadcasts to Eastern Europe. It has the general aim of inducing those Western media which address themselves to the public in the Eastern participating states to moderate their reporting in matters of East-West relations and Eastern European affairs. It revives the Eastern position - rejected in Geneva - according to which governments were responsible for the reports published by their media and draws the conclusion that governments had to control these reports. This contradicts the language of the Final Act on the "freer and wider dissemination of information".

15. Among the other Warsaw Pact countries the established policies in these fields vary considerably, but the same pattern is seen of only very modest real improvement attributable to implementation of the Final Act during the period covered by this report. Some retrograde trends are evident here too: in Romania, in particular, the position on human contacts has significantly deteriorated.

Culture and Education

16. The East are showing some activity in the cultural and educational fields, not only from the legitimate concern to diffuse their culture in Western countries but also to divert attention from their inadequate performance as regards human contacts and information provisions of Basket III. This activity is concentrated on those aspects which the East have long favoured, and in general, exchanges continue to be based largely on pre-CSCE foundations. An important part of their approach is to attack the West where they consider it might be vulnerable. For instance, the East is asking for greater reciprocity (a concept not mentioned in the Final Act) from the West in the publication and translation of written material, in

the circulation of films and in language instruction. In contacts with certain Western countries, they are arguing for increases in exchange quotas which pose financial difficulties for some Western governments.

17. The Western countries, for their part, are keeping up efforts to obtain overall Eastern implementation and they are concentrating on items of interest to the West, such as individual contacts, though only with mixed results. Their governments are continuing to undertake those measures necessary to implement the Final Act's provisions on culture and education. But they are emphasising that in accordance with the concept of freedom of access, the main point of the Basket III provisions is that states should remove barriers to the flow of information so that the individual, not the government, determines what he sees and reads, stressing the obvious fact that in Western countries, publishing, film distribution and language instruction activities are chiefly non-governmental in character.

Neutrals and Non-Aligned

18. Western countries have continued to exchange views with the neutral and non-aligned participants. The neutral governments appear to be following policies similar to those of Western countries in pressing the East discreetly to implement the Final Act, especially as regards the human rights provisions, and to have had some minor successes. The contacts of Western countries with the neutrals and non-aligned will become increasingly important as preparations accelerate for the Belgrade meeting in 1977.

Belgrade Meeting 1977

19. The East's more active efforts - both in deeds and propaganda - as regards implementation of the Final Act seem to show sensitivity not only to Western implementation efforts but also to the need to prepare their own overall position at the follow-up meeting in Belgrade in 1977. The first steps in the process of informal consultation among various participating countries about this meeting are now beginning, with Romania taking the lead. Some of the neutral countries have started consultations among themselves. The Yugoslavs, as hosts, have also begun tentative soundings. In short, the Belgrade meeting is becoming a live issue and Western governments have to prepare their positions with care.

BASKET I - DECLARATION OF PRINCIPLES

1. In most respects the approach by the Warsaw Pact to the Declaration of Principles in the Final Act remains unchanged from that described in the Committee's first report.

2. The Declaration of Principles is still emphasised by Eastern Governments over other portions of the Final Act, and accorded a quasi-juridical status. The meeting of Warsaw Pact Foreign Ministers in December confirmed that this was the most important section of the document. An article in Pravda on 3rd February, 1976, explained that it was the "multilateral political-legal foundation of the whole process of relaxation of tension in Europe".

3. The Warsaw Pact countries have also continued to stress the importance of certain principles, especially "inviolability of frontiers" and "non-intervention in internal affairs", and to overlook those, such as "respect for human rights", which they dislike. An exception is Romania which appears to have been more active in recent months in stressing that all principles must apply in inter-state relationships, while giving special attention to the principle of "sovereign equality".

4. There has been strong and growing Eastern criticism of the West for alleged failure to implement the Declaration of Principles, in contrast to the faithful adherence by the East. The article in Pravda on 3rd February, 1976, takes the line that any international developments of which they approve are in accordance with the Principles and any developments they dislike are against them. The same approach was taken by Hungarian Foreign Minister Puja in a recent article in Kulpolitika.

5. In addition, many of the continuing Western efforts to promote Eastern implementation of other provisions of the Final Act, Basket III in particular, as well as to implement the Final Act unilaterally (particularly the free exchange of information through radio broadcasts), have been construed by the East as being inconsistent with the principles of "non-intervention" and "sovereign equality". Although the West views their own actions as completely in accordance with the principles cited, Soviet commentators have attacked many of these efforts as "subversive anti-Communist propaganda ... and ideological sabotage". These commentators have asserted that Basket III provisions can only be implemented in accordance with their broad interpretation of the relevant principles; if implemented in this way, they are prepared to concede that these provisions would serve the West as an example of

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"modernised refined methods of conducting an ideological struggle" (Tass, 27th November, 1975, quoting Kommunist). The East have also charged the West with non-implementation of the principle of "sovereign equality" for attempting to promote "evolution" of the Socialist system through policies designed to moderate Soviet conduct.

6. At the same time, the Basket I principles apparently do not restrain the East in its own conduct of the ideological struggle on non-Communist soil. Over the past months, the CPSU has repeated its claim to be the guiding centre of international Communism, and to have the right to control the strategies and tactics of Communist Parties in Western countries. The USSR has also continued its subversive activities abroad. As an outcome of Western reaction to its policies in Angola, the USSR has made it clearer than ever before that the process of détente with the West does not rule out Soviet support for any group it may wish to label a national liberation movement.

7. The Soviet Union has also criticised the West for non-implementation of the principle of "co-operation between states" on the grounds that Western defence efforts are counter-productive to co-operation between states of different social systems.

8. There continues to be the strong implication that the Declaration of Principles does not apply between the states of Eastern Europe. The Soviet/GDR Treaty of Friendship was mentioned in the First Report as an example. The proposed revision to the Polish Constitution, which would have tied the foreign policies of Poland and the USSR closer together, further illustrates this point. References to the Declaration of Principles as the "European Charter for peaceful coexistence" (Pravda, 3rd February, 1976) points in the same direction. However, Romania and Yugoslavia have made it clear that they strongly oppose Soviet interpretation.

9. Western countries for their part have maintained their own interpretation of the Declaration of Principles and tried to counter Eastern misinterpretations. In particular, they have stressed both that all parts of the Final Act are of equal status, and that within the Declaration all principles are of equal importance. They have also emphasised that the Declaration of Principles applies to relations between all participating states.

10. The position of the neutral and non-aligned participating countries of the CSCE on the Declaration of Principles closely resembles that of the Western Allies. Moreover, the former see

the Declaration as strengthening not only their security but also their independence as neutrals. Yugoslavia continues to take special care within this group to stress all of the principles, including those of "sovereign equality" and "non-intervention", and Yugoslav officials have even expressed a wish to see the Declaration strengthened at Belgrade in 1977.

BASKET I - CONFIDENCE BUILDING MEASURES

(a) Notification of Military Manoeuvres

11. Since 1st August, 1975, the NATO Allies have notified a total of seven military exercises in which their ground forces were engaged, including all three major manoeuvres involving more than 25,000 men. One of these has taken place since the First Report. Among the neutral and non-aligned countries, Yugoslavia, for obvious political reasons, has from the beginning placed high priority on CBMs. It has consequently taken the initiative of notifying to all CSCE participants one manoeuvre with about 18,000 troops. It also notified Austria of a small-scale exercise comprising approximately 3,000 men near the Yugoslavian/Austrian border. Switzerland also gave notification of a major-scale manoeuvre.

12. As regards the Warsaw Pact countries, for the first time since the signing of the Final Act, the Soviet Union notified other CSCE signatories early in January 1976 of a military manoeuvre held in the Caucasus region involving about 25,000 men. In addition, the Hungarian Authorities briefed orally all Western attachés on 5th April that an exercise would take place on the following day involving about 10,000 men. Little additional information was given. It was stated that this information was offered "in the spirit of Helsinki".

(b) Exchange of Observers to Military Manoeuvres

13. As described in the First Report, all CSCE states were invited to send observers to the major NATO manoeuvre CERTAIN TREK. Observers attended from 8 NATO and 7 neutral countries, but Warsaw Pact countries did not respond to the invitation. Switzerland invited observers to their manoeuvre but, with the exception of Romania, Warsaw Pact countries refused to attend (although they had sent observers to Swiss manoeuvres before Helsinki). In the period covered by this report, the Soviet Union has invited Romania, Bulgaria, Yugoslavia, Greece and Turkey to the CAUCASUS manoeuvre: however, the observers were restricted to seeing only two set piece battles for a few hours.

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BASKET II - ECONOMIC QUESTIONS

14. Even though the Final Act calls, inter alia, for unilateral action by the participating countries, there has been only slow progress in Eastern implementation of Basket II, in particular regarding the increased flow of economic and commercial information, the expansion of business contacts and the right of establishment of foreign firms.

15. However, it is generally accepted that in the USSR and East European countries, the development of a satisfactory system for collecting information and statistics for publication will take some time. Further efforts should be, nevertheless, made to obtain such publication since Western countries are generally dissatisfied with the progress registered in the flow of business information from the Eastern countries.

16. It has also been difficult to distinguish between Basket II developments attributable to the CSCE and those which would have occurred anyway or were already occurring. For example, the legislation adopted by Bulgaria and Czechoslovakia to facilitate the establishment of foreign firms, despite the insufficient practical value of such measures, is presented by these two countries as a direct consequence of the CSCE. Poland, at the insistence of the Federal Republic of Germany, conceded easier business contacts in order to comply with the CSCE provisions. Germany noted some improvement, in one case, in the sale of spare parts and in marketing conditions. On the other hand, the improved participation of medium size firms in trade with Hungary had reached a relatively high level even before the conclusion of the CSCE.

17. In addition, the upsurge in industrial co-operation arrangements may be less a consequence of the CSCE (many of which pre-dated the Final Act) than of the balance of payments difficulties facing Eastern countries. Similarly, the proposal for the conclusion of an agreement between the COMECON and the EEC, put forward by the Eastern countries in February 1976 and presented as a direct consequence of the CSCE, was made in a Brezhnev speech in 1972, and was a response to earlier approaches by the European Communities to them.

18. The CSCE, nevertheless, has served as a basis for reference for relations with East European countries: in this connection mention may be made of the conclusion of an agreement between the Federal Republic of Germany and Poland; Canada and the USSR have negotiated, but not yet signed, a ten year economic industrial, scientific and technical co-operation agreement; Canada is also negotiating a double taxation agreement with Romania; and the United Kingdom has signed an agreement with

Romania on investment protection. On the initiative of the Greek Prime Minister an experts' meeting aimed at promoting multilateral economic and technical co-operation on a regional basis and in conformity with the spirit of the CSCE, was held between Greece, Turkey, Bulgaria, Romania and Yugoslavia.

19. On 9th December, 1975, Brezhnev proposed "Pan-European" conferences on energy, transport and the environment. The Brezhnev proposals were linked to the CSCE by the Soviet Union which also offered to host the Energy conference in which it has a major interest. Some even feel that the proposals relating to transport and the environment have been put forward partly to lend weight to the Energy conference. Western countries, however, do not consider that holding CSCE-type conferences is the most preferable way to pursue Basket II objectives. They nevertheless agree that an unequivocally negative attitude in this context would be counter-productive.

20. At the 31st Plenary session of the ECE (April 1976), the Western countries succeeded in negotiating a Decision on the Brezhnev proposals which gave the Executive Secretary of the ECE the rôle of considering the existing work of the ECE in the fields of Energy, transport and the environment and reporting thereon to the 32nd Plenary session. At the same session and in order to counter-balance the Soviet proposals, initiatives of the Western Caucus led to a Decision listing a series of specific projects drawn from the Final Act and included in the ECE's Secretariat draft work programme for special attention by ECE subsidiary bodies. The Decision on the conferences, as well as that on specific projects, are both subordinated to the Resolution on further activities of the ECE.

21. The Western powers have thus succeeded in avoiding any erosion of the ECE's functions and have enhanced the rôle of that organization in the light of the CSCE while, at the same time, not prejudicing their position on the Brezhnev proposals either before the ECE 32nd session or the 1977 Belgrade review meeting.

BASKET III - CO-OPERATION IN HUMANITARIAN AND OTHER FIELDS

22. Of all the Final Act, the implementation of the Basket III provisions on human contacts and information remains the matter of strongest interest to governments and public opinion in the West. Since Western policies have long incorporated these provisions, the West considers that the main burden of implementation rests with the East. The preponderant part of Western efforts are therefore devoted to encouraging Eastern countries to implement fully the provisions of Basket III. On matters such as travel by Soviet journalists,

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some Western countries have long granted substantial freedom of movement; furthermore, other Western governments have eased retaliatory regulations in response to Soviet moves. In addition, Western authorities are considering whether any initiatives are required, for example, to improve still further Western performance as regards entry visas (see paragraph 31).

23. The Warsaw Pact countries, led by the USSR, continue to exhibit strong sensitivity to Western pressures and criticism with respect to their implementation of the Basket III provisions. While claiming that they will implement all provisions of the Final Act, they have continued to stress the limiting conditions for their implementation of Basket III which were outlined in paragraph 35 of the Committee's first report. It has been confirmed repeatedly that Basket III provisions will not be implemented in such a way as to permit Western "interference" in the internal affairs of Eastern states. The requirement for further East/West bilateral action and agreements to achieve implementation on the basis of reciprocity has also been stressed again (Hungarian Foreign Minister Puja, writing in Kulpolitika, January 1976). Eastern leaders have confirmed privately that they will permit the Basket III section to be implemented only gradually and selectively.

24. Nonetheless, since December, the East have also displayed a less defensive and a more aggressive approach to Basket III matters. This approach is clearly intended to prepare a strong Eastern position for the Belgrade meeting in 1977 and in an area where Eastern countries can expect the West to be tough. It consists of three separate aspects. First, there is some small movement to implement those provisions which cause the least difficulty to Soviet and Warsaw Pact régimes. These are described below.

25. Secondly, there is a more direct and confident tone in Soviet and East European interpretations of Basket III implementation and in their statements of "good" intent. Hungary has been particularly quick to pick up the new theme (Hungarian Foreign Minister Puja, writing in Kulpolitika, January 1976). They maintain that most Basket III provisions have already been implemented to a considerable degree in the East in accordance with progressive "socialist" law, and where implementation is undertaken, they attempt to get the maximum propaganda value out of it.

26. Thirdly, since December 1975, the Eastern countries have moved more to the attack in charging the West with non-implementation of several Basket III provisions, pointing to

delays in providing visas to Easterners, to the lack of circulation in the West of Eastern newspapers, books and films, and to the limited teaching in the West of Eastern European languages as evidence.

(a) Human Rights and Human Contacts

27. In the field of human contacts, there has been only a very modest start to implementation of the Final Act by the Warsaw Pact countries. In January, some small improvements took place in Soviet exit procedures (see list attached to this Annex), but these have not yet been matched by a noticeable increase in successful family reunification and emigration cases. Indeed, the tightening of Soviet regulations on financial remittances from abroad could add to the difficulties of emigration. It remains to be seen what effect these various changes will have in practice and whether the procedural improvements will be anything more than cosmetic.

28. The general experience of Western countries with the Soviet Union is that only a limited number of individuals involved in family reunification cases have been permitted to depart since August 1975, leaving a large number of cases outstanding (though the Swiss have had all their outstanding cases resolved); and that in several cases the Soviet Union is still refusing exit permission for bi-national marriages. The UK, for example, has 45 personal cases outstanding, about five having been settled since the Final Act.

29. There has been still less action attributable to implementation of the Final Act in the other Warsaw Pact countries. Nonetheless, their established policies are generally not as severe as those of the USSR and a few further, small, positive steps have been taken in some of these countries since Helsinki.

30. Only Hungary has displayed a widely positive attitude, which dates from before Helsinki. Still, at least one Western country has been disappointed with the limited movement by Hungary on divided families. At the other end of the spectrum, in the last few months Romania appears to have taken an even more restrictive attitude than previously with regard to family reunification and meetings, bi-national marriages, and travel abroad, though three Western countries have reported some progress and success in personal cases. With one important exception, available Western visa statistics show a consistent pattern of steady and considerable decrease of persons leaving Romania since 1973; and late in 1975, the Romanians somewhat further tightened their emigration procedures and launched an anti-emigration propaganda campaign. This generally restrictive

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attitude has to be seen in the context of their policy of independence from Moscow. Western countries have had mixed reactions from the GDR: some have found a more restrictive attitude to family reunification and some aspects of travel abroad; others have found a modest increase in the number of persons permitted to leave in order to join relatives, combined with a mixture of toughness and restraint in exfiltration cases. The position in Bulgaria, except where prior agreement exist, remains generally bad as regards bi-national marriages and family reunification, though one Western country has obtained permission for a few members of divided families to leave. A similarly poor situation applies in Czechoslovakia, with little or no improvement being noted by Western countries. However, a positive development has been the recent permission for a number of Greeks to marry Czechoslovaks. With the exception of two reports of progress the Poles have not proved very responsive on divided families: indeed, one Western country has found that their overall immigration visas for Poles, most of which concern divided families, have decreased in recent years, including the period since the Final Act. As regards family visits, some Eastern European countries, such as Czechoslovakia, refuse to grant entry visas to naturalized citizens of Western countries wishing to visit their country of origin, while Poland is preventing the departure of some such visitors. Nevertheless, it should be noted that there has been a considerable increase, since Helsinki, in the number of family reunification cases, as far as Germans from the Soviet Union and Poland are concerned (the latter, however, on the basis of a special agreement worked out bilaterally in Helsinki at the CSCE summit).

31. Since Helsinki there seems to have been little change in Eastern practice on travel abroad by their nationals for personal or professional reasons, including little or no apparent improvement in the difficult procedures in most Warsaw Pact countries for the acquisition of passports (two reported improvements in the USSR are listed in an attachment to this Annex). Yet the USSR and some other Warsaw Pact countries have recently referred to the Final Act in seeking improvements in Western visa procedures, especially in the application approval time and, in some instances, the termination of visa requirements altogether. Eastern internal security systems would enable the East to accept more lenient Western attitudes towards visas without any loss of control on the movements of their own nationals. Moreover, their effective control of foreign visitors would permit their own governments to adopt more lenient visa procedures in order to demand Western governments to do the same for reasons of reciprocity. The US has agreed in principle to the Hungarian proposal to reduce from fourteen

to seven days the processing of visas for official Hungarian visitors, and the UK expects to be able to go some way towards meeting Soviet proposals to reduce current time limits for the issue of visas.

32. The East are attempting to deny that the Final Act gives the West the right to concern themselves with any aspects of human rights other than those specifically listed in Basket III. It is in this field where the East, led by the USSR, have been most adamant in attacking the West for "interference in internal affairs" (Pravda, 20th February, 1976). For example, the Soviet Union denies that emigration other than to reunite families is covered by the Final Act (such as the emigration of Soviet Jews, which in 1975 fell to half the 1974 figure). They ignore the fact that Basket I of the Final Act contains a principle on human rights and also that Basket III contains widely-phrased preambular language, including general language on facilitating freer movement. There is no evidence that the Soviet Union has altered its basic highly repressive approach to human rights since the Final Act, though they continue to show themselves occasionally responsive to Western pressure in specific cases. Although the established policies of other Warsaw Pact countries vary considerably, there also the Final Act seems to have brought about no changes. In several Eastern countries dissidents have tried unsuccessfully to appeal to the Final Act for an amelioration in conditions.

33. The USSR succeeded in obtaining in the UN Human Rights Commission a resolution - a Yugoslav-Cuban "compromise text" - which distorts the human rights language of the Final Act by making such rights subordinate to the need for international peace and security. All Western governments voted against this text (except Austria, which abstained) and several have expressed their disappointment to the Yugoslavs at their pro-Soviet stance. Apparently the Yugoslavs are supporting one standard of human rights in the CSCE context and another in the United Nations where the Third World have the decisive vote.

(b) Information

34. While pursuing some minor implementation of Basket III humanitarian provisions since December 1975, the Soviet Union has put its main emphasis on those concerning the freer flow of information. During the period of this report, the United Kingdom, Norway and the Netherlands were added to the six CSCE participants mentioned in paragraph 36 of the Committee's first report, whose resident journalists in the USSR are now issued multiple entry/exit visas. This relaxation is understood to cover technicians. On 31st December, 1975, the USSR announced

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that effective 1st March, 1976, it would give Western journalists the same travel privileges in the Soviet Union as were accorded to Western diplomats - a minor improvement - stressing that reciprocal action was expected. In addition, the journalists of some Western countries have experienced somewhat greater ease of access to contacts and a removal of restrictions on transmission of tapes and undeveloped film out of the Soviet Union.

35. On 21st January, TASS announced in its foreign edition only that eighteen additional Western newspapers would be put on sale in the Soviet Union during 1976, adding to the four already available. The Soviet Union has also allowed the circulation of a small number of copies of a USIA publication since last autumn. However, no more than a limited improvement in the availability of some Western papers at news-stands in places frequented by Western tourists and privileged Russians has been noticed to date. These few, but highly visible, steps have resulted in little real progress in information matters and overall Soviet performance remains contradictory. The refusal of a visa in February to a Norwegian journalist to cover the CPSU 25th Congress illustrates the ambivalent attitude of Soviet officials. One positive note has been the reluctant Soviet agreement to exchange lecturers with Canada and Norway.

36. There has been no noticeable improvement in the information field in other Warsaw Pact countries, some of which were already more open than the Soviet Union. Czechoslovakia continues to take a particularly harsh line with Western journalists. The GDR has recently shown a hardening of policy, illustrated by its refusal to accredit three FRG radio journalists to cover the Leipzig Trade Fair in March 1976 and the expulsion of a Spiegel correspondent in December 1975. The Bulgarian Foreign Minister claimed at the end of December last year that Bulgaria was importing more Western publications, but so far there is no evidence of greater availability to the general public. In Hungary, there is an analogous situation as regards Western newspapers, while the number of available Western news magazines seems even to have declined.

37. The Soviet Union and other Warsaw Pact countries continue to be hypersensitive to the content of Western news media, and have strongly criticised them for distortion of fact and for slander of the East in contravention of the Final Act. They draw the conclusion that these alleged malpractices fully justify the imposition of restrictions on the availability of Western media in Eastern countries. The East have even insisted that Western governments must bear responsibility for the content of the news media of their countries, including material

on East-West relations and on Eastern countries intended only for Western audiences, and have pressed this line of argument in international organizations such as UNESCO. This is, of course, contrary to the Western concept of freedom of the press and other media and to the provisions of the Final Act.

38. Nowhere is Eastern sensitivity greater than with respect to Western radio broadcasts. They are waging a campaign aimed particularly against Western radio broadcasts to Eastern Europe, but also against broadcasts directed to domestic Western audiences. At the same time, certain radio stations, especially in the GDR, have increased their attacks against some Western countries in terms which, by any standards, are of an objectionable nature.

Radio Free Europe, Radio Liberty and other Western radio stations have been recently attacked for "interfering" in the internal affairs of Eastern states and for acting contrary to the letter and spirit of the Final Act. The jamming of Radio Free Europe and Radio Liberty continues. The Eastern campaign was responsible for the exclusion of journalists from these two stations from the Winter Olympic Games in February 1976. The Poles tried unsuccessfully to include in their cultural agreement with the FRG a statement that these two stations did not serve the spirit of Helsinki. The refusal of visas to three FRG radio journalists by the GDR has been mentioned above. The Soviet authorities have protested about the content of Deutsche Welle broadcasts, an unusual step for them in recent times. The Soviet Union has also complained that the international broadcasts of Canadian Broadcasting Corporation have been contrary to the spirit of Helsinki, and Czechoslovakia continues to prohibit CBC written material. The US is still experiencing difficulties with the GDR over partial medium-wave jamming of Radio in the American Sector, but has managed to resolve a related problem with the GDR regarding allocation of station frequencies on this wavelength. There have also been several examples of Soviet representations to Western governments about the contents of their domestic broadcasts. A proposed visit by the Director-General of the BBC to Moscow has been cancelled by the Soviets as a protest against a Solzhenitsyn broadcast within the UK.

(c) Culture and Education

39. Cultural and educational exchanges between the countries of the East and West continue to be based largely on pre-CSCE foundations. Some Western countries have seen no real improvement in this field since Helsinki. Others consider that the Final Act may be positively influencing the atmosphere - if not directly influencing the pace and direction of - cultural

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and educational arrangements. Both East and West are tending to use the Final Act mainly to argue for measures which they have long favoured. The East are showing considerable activity in this direction, probably partly to divert attention from its inadequate performance on the human contacts and information provisions of Basket III.

40. Western experience with the Soviet Union has been mixed. Some governments have found a slow but definite progress dating from before Helsinki, including a growing acceptance of more direct contacts. Others discern no change in Soviet external cultural relations since the Final Act and even some tightening of control in the internal cultural field. The Soviet Union has made clear that the influence of "capitalist" and "amoral" Western culture will not be permitted to contaminate "socialist realism" (Suslov, speech to USSR Academy of Arts, 26th December, 1975).

41. Experience with other Warsaw Pact countries has followed a similar pattern. Most Eastern European countries seem to want to limit exchange programmes to those areas included in bilateral exchange agreements. A particularly negative development since Helsinki has been the Romanian directive to its media requiring critical presentation of Western culture, though some small positive signs have also been noticed in that country. On the other hand, Poland is being especially active in looking for implementation activity in areas of interest to them.

42. The Soviet Union has made proposals to some Western countries for implementation of the Final Act as regards publishing, translation and language instruction. The Soviet Union has also pressed several Western countries for improvements in issuing visas for cultural exchanges. Another area of pressure by the East has been for more liberal exchange quotas. The Soviet Union and several other Eastern countries have also made a considerable effort to get more of their material onto Western radio and television. A common argument in pressing their demands is the need for reciprocity in such matters, a concept which is not mentioned in the Final Act. Western countries, on the other hand, are insisting that obstacles should be removed to the exercise of free choice by the peoples of all countries.

43. Several Western countries are actively considering schemes for new exchanges with the East. The main limiting factor is finance. In addition, the West has great difficulty in meeting some of the Eastern demands on e.g., circulation of books, because these activities lie in the private sector: whose interest is conditioned by the public at large. The West is

keeping up its pressure on the East for greater individual contacts, with mixed results, often negative. Some Western countries have also used the Final Act to argue for freer access by local nationals to cultural attachés, but there has been no noticeable improvement so far. The meeting this year of the East-West Contacts Working Group paid special attention to implementation of the cultural and educational provisions of the Final Act.

44. The Eastern countries have made a concerted attempt to insert references to the Final Act into the various bilateral cultural agreements which have been concluded since Helsinki. Some Western countries are opposed to this practice: others favour it, subject to certain conditions.

45. Most neutral and non-aligned countries are in the same position as the West vis-à-vis their implementation of Basket III provisions and their attempts to secure Eastern implementation. Sweden views Eastern implementation with "moderate optimism". Finnish officials have been rather charitable to the East in claiming that the Warsaw Pact countries have already done a lot in the way of implementation and were planning to do more. Yugoslavia's post-CSCE attitude to Basket III subjects is more hesitant than those of the other countries of this group, but still relatively positive, especially on human contacts and culture, in comparison with other Communist régimes. Western countries are experiencing no special problems with Yugoslavia. Repressive measures in the human rights field in Yugoslavia seem directed primarily against pro-Soviet elements.

BASKET IV - FOLLOW-UP TO THE CONFERENCE

46. The Romanians have taken the lead so far in consulting participants about the content and organization of the follow-up meeting in Belgrade in 1977. Ambassador Lipatti, former Romanian Delegate to the CSCE, has undertaken a tour of participating countries to put to them a detailed outline of Romanian views. These include provision for a series of frequent further follow-up meetings after Belgrade.

47. The Yugoslavs, as hosts, have also made tentative soundings, as have the Poles. Some of the neutrals held a meeting in late April in Helsinki on CSCE follow-up including a discussion on Belgrade 1977 (a meeting which the Soviet Union apparently viewed with disfavour).

48. There was an initial exchange of views on Belgrade 1977 among NATO representatives during the meeting of the Political Committee with Experts on 18th and 19th March.

49. The momentum of activity among participants in preparation for Belgrade 1977 is bound to accelerate considerably during the coming months.

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REPORTED IMPROVEMENTS IN SOVIET EMIGRATION
AND TRAVEL PROCEDURES

A. Emigration

1. The cost of a passport for emigration purposes has dropped from 400 (\$540) to 300 (\$406) roubles. (This improvement does not seem to be in force in all parts of the USSR. Emigrants to Israel must still pay an additional 500 roubles (\$676) charge for the required renunciation of Soviet citizenship.) (The average monthly wage of a Soviet citizen is 120/130 roubles per month.)

2. In family reunification cases, children under 16 may now be listed in parents' passports thus obviating the need for purchasing separate passports. (This measure seems to apply only in some parts of the USSR.)

3. Aspiring emigrants no longer lose a 40 rouble application fee each time their requests to emigrate are refused. Instead, Soviet officials are now only collecting the fee from successful applicants after permission to emigrate has been granted. There are also reports that this fee will be reduced from 40 to 30 roubles.

4. There is an apparent greater willingness to change the country of destination stamped in emigrant passports, thus permitting an emigrant denied entry to the country of his first choice a chance to emigrate to another country using the same passport. (This willingness has been noticed so far only in respect of emigrants from Soviet Armenia.)

5. The completion of emigration application formalities have apparently been simplified to omit or lessen the need for "character references" from one's employment supervisor, local trade union leader and local party chief.

6. Applications for emigration which have been refused by Soviet Authorities can now be renewed after six months instead of one year.

B. Travel

1. The cost of passports for private foreign travel (non-emigrant) have been reduced from 361 (\$456) to 261 (\$347) roubles.

2. There seems to be a slight relaxation in Soviet regulations with respect to travel abroad of persons who:

- (1) have knowledge of state secrets;
- (2) are classified as "criminals"; and
- (3) are leaving dependent children behind.