

Ronald Reagan Presidential Library

Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Dobriansky, Paula: Files
Folder Title: Conference on Security and Cooperation
in Europe 1984 [07/15/1983]
Box: RAC Box 1

To see more digitized collections visit:

<https://www.reaganlibrary.gov/archives/digitized-textual-material>

To see all Ronald Reagan Presidential Library inventories visit:

<https://www.reaganlibrary.gov/archives/white-house-inventories>

Contact a reference archivist at: **reagan.library@nara.gov**

Citation Guidelines: <https://reaganlibrary.gov/archives/research-support/citation-guide>

National Archives Catalogue: <https://catalog.archives.gov/>

political
1. Signed, concluding —
document.
↓

a.) Signed a political
34 agreed to
a document

✓ Maltese objections —
include Conf. on
Sec. in Medit.
agreement w/

> FM —

Aug. 1/2]

Has read his
statement.

The Madrid CSCE Follow-up Meeting: An Assessment

The following is a statement issued July 15, 1983 by Ambassador Max M. Kampelman, Chairman, U.S. delegation to the Madrid Follow-up Meeting of the Conference on Security and Cooperation in Europe.

INTRODUCTION AND SUMMARY

The 35 states participating in the Madrid CSCE review conference, after almost three years of negotiation, are approaching agreement on a final document. This conclusion meets the Western criteria for an acceptable, balanced and substantive result. It confirms and expands upon the original Helsinki Final Act of 1975. The United States is pleased at the result and believes that the two years and ten months spent negotiating in Madrid have been fruitful and well worth the extraordinary effort.

There follows a summary followed by an outline of the issues that have dominated the Madrid meeting, as well as a report on how the final document deals with those issues:

-- The Madrid concluding document will add important new provisions to the Helsinki Final Act of 1975. These provisions deal with the rights of workers to organize, with human rights, with Helsinki monitors, religious rights, human contacts and family reunification, access to diplomatic and consular missions, information, rights of journalists and measures against terrorism.

-- It also provides for convening a Conference on Security and Confidence Building Measures and Disarmament in Stockholm next year to work out detailed measures to reduce the fear of surprise military attack. An important new element in this decision is that the measures to be adopted at Stockholm will apply to all of the European portion of the Soviet Union, right up to the Ural Mountains, rather than only to the 250 kilometer (150 mile) band provided for in the Helsinki Final Act.

-- In addition, the Madrid agreement schedules a series of additional meetings which are to take place over the next three years. There will be meetings on human rights, human contacts, and on the peaceful settlement of disputes, a cultural forum and a seminar on economic, scientific and cultural cooperation in the Mediterranean. A meeting is also scheduled in Helsinki during 1985 to mark the 10th anniversary of the Helsinki Final Act.

-- Finally, the Madrid Conference will agree to convene the next follow-up meeting in Vienna in November 1986 in order

to carry forward the review process begun in Belgrade in 1977-78 and continued in Madrid over the past two years and ten months.

One of the most important aspects of the CSCE process is the opportunity it provides for a thorough review of the implementation of the Helsinki Final Act. During this review in Madrid, there was general condemnation of the failure of the East European states to live up to their Helsinki commitments, with special criticism of the Soviet and Polish governments for their policies of internal repression and, in the case of the USSR, its interference in the internal affairs of Poland and Afghanistan.

The establishment by the Madrid concluding document of a whole series of supplementary meetings will ensure that this critical attention to the behavior of the Soviet Union and other Eastern European governments will continue during the next three and one-half years. Those experts' meetings, and the Vienna follow-up conference, will ensure that any state's failure to live up to the undertakings made in Madrid and in Helsinki will again attract the full spotlight of public attention.

IMPLEMENTATION REVIEW

The Madrid Preparatory Meeting, which began on September 9, 1980 and did not end until after the main meeting opened on November 11, 1980, a period of more than nine weeks, focused on Western demands that discussions of new proposals on how best to strengthen the Helsinki process should be preceded by a review of how the provisions of the Helsinki Final Act of 1975 were being implemented. The agenda finally produced by the Preparatory Meeting provided that opportunity. The period of November 11 to December 19, 1980 was set aside for that review, and it was a thorough one. The Soviet invasion of Afghanistan and the record of human rights violations in the Soviet Union and Eastern Europe were explored and recorded in meticulous detail.

Continuing Soviet and other Eastern violations of the Helsinki Final Act made it necessary to extend this review of implementation throughout most of the Madrid deliberations.

The final document acknowledges that this review took place ("They...reaffirmed...the importance of the implementation of all the provisions...of the Final Act...as being...essential....It was confirmed that the thorough

exchange of views constitutes in itself a valuable contribution towards the achievement of the aims set by CSCE. In this context, it was agreed that those aims can only be attained by continuous implementation, unilaterally, bilaterally and multilaterally, of all the provisions and by respect for all the principles of the Final Act."), that the review is essential to the health of the process, and that there must be an improvement in compliance. ("Serious violations of a number of these principles were deplored during the assessments. Therefore, the participating states...considered it necessary to state...that strict application of and respect for these principles, in all their aspects, are essential for the improvement of mutual relations between the participating states...").

The United States is fully aware of the fact that the Helsinki Final Act cannot attain its objectives when certain states, particularly the USSR, continue to violate its provisions. There are no enforcement mechanisms under the Act. The Madrid meeting has been, therefore, the appropriate forum at which to insert political and moral pressure into the process. The implementation review became the mechanism. The fact that it was efficiently undertaken by a united Western group of states, joined by most of the neutral and nonaligned states, made that possible.

Equally important, Madrid's implementation review afforded the opportunity for a large number of the participating states to communicate to the Soviet Union their deep concerns about violations of the accords. The message was clear: "Conform to the promises made in 1975 if you wish to be recognized as a responsible member of the international community."

Even as the pattern of Helsinki Final Act violations by the East continued, the United States took note of certain specific acts responding to Western concerns. The decision by Romania on its education immigration tax is an illustration. The suspension of some aspects martial law in Poland and the release of Lech Walesa is another, although continued arrests and imprisonment of thousands and the continued outlawing of Solidarity put the bona fides of those steps into question. We have also noted and welcomed a few gestures from the Soviet Union and will continue to encourage further such steps. We hope there will be other developments in response to our concerns.

POLAND

The imposition of martial law in Poland in December 1981 was a gross violation of the Helsinki Final Act even as the Madrid meeting was in session. This act of blatant defiance was met by a determined and unified presence of 20 Foreign Ministers, including United States Secretary of State Haig, during the week of February 9-12, 1982.

From February 9 until March 12, 1982 negotiations at Madrid came to a complete halt as the West refused to engage in "business as usual" and instead detailed the Helsinki violations represented by Poland's martial law and continued repression in the Soviet Union. On March 12, 1982, in recognition of Western determination, the Madrid meeting recessed for eight months.

When the meeting reconvened on November 9, a group of Western states introduced a series of 14 amendments to a proposed compromise put forward by a group of neutral and non-aligned states (RM-39). The amendments were designed to reflect the view that "business as usual" remained impossible. The essence of many of these proposals was incorporated in a revised neutral and non-aligned document, submitted on March 15, 1983, after martial law was ostensibly and technically suspended (RM-39 revised). That revised document, with improvements to it produced by the Prime Minister of Spain on June 17, 1983, has become the official concluding document of Madrid.

A number of provisions of that document reflect our Polish concerns. They deal with trade unions, religious freedom, and the renewed obligation to refrain from the threat or use of force. Summary language in the Preamble further reflects Western attention to developments in Poland. The United States and its Western allies never forgot during the course of the Madrid meeting that among the first of Solidarity's demands in August, 1980 was that the Helsinki Final Act be reprinted and widely disseminated in Poland. We have kept in close touch with representatives of the Solidarity movement in Europe and the U.S., and we have helped communicate their messages to the delegations in Madrid.

TRADE UNIONS

The Helsinki Final Act of 1975 did not include any language on trade unions. The Madrid document reflects a Western initiative stemming directly from the suppression of Solidarity

in Poland. It clearly states that participating states "will ensure the right of workers freely to establish and join trade unions, the right of trade unions freely to exercise their activities and their rights as laid down in relative international instruments." This, of course, clearly refers to the conventions of the International Labor Organization. A reference to "the law of the State" follows, thereby referring to the fact that all states have laws which in some measure define union rights and activities. But that reference is associated with another provision asserting the requirement that such measures be "in conformity with the state's obligation under international law," again a reference to the ILO.

This provision also calls upon states to encourage direct contacts among trade unions and their representatives. The West, which has always made the point that unions freely organized in the West are not to be confused with the totalitarian state-controlled organizations known as unions in the East, was able successfully to insist that this provision be applicable only to "such" unions which are indeed freely organized by workers and free to function under ILO standards.

MONITORS

The Helsinki Final Act of 1975 provided a very clear basis of legitimacy to the courageous men and women who formed Helsinki monitoring groups within their own countries. Their purpose was to keep watch on how their states were complying with the provisions of the accords, a right they had under the 1975 agreement. In deliberate decisions to violate the provisions of the Act, authorities in the USSR, Czechoslovakia, and elsewhere in Eastern Europe persecuted and imprisoned those who exercised that right "to know and act upon their rights."

In Madrid, 14 states mentioned the names of 123 victims of repression, many of them monitors. This was in contrast to the Belgrade meeting where the United States was one of only two countries to mention the names of victims, and we mentioned six. The Netherlands was the other.

The language on monitors in the Helsinki Final Act is quite clear and should not require elaboration. Indeed within the rules of Madrid requiring consensus, it was very difficult to formulate appropriate additional language more clearly. We were, however, able to incorporate language which, in some slight measure, further supports the legitimacy of monitor groups and other activities. In the introduction to the

section on Principles, for example, a sentence reads: "The participating states express their determination ... to encourage genuine efforts to implement the Final Act." The Soviets may attempt to misinterpret this sentence in order to distort its meaning, but we take the justifiable position that the very act of urging compliance with the Act is "genuine." This Concluding Document also states that "governments, institutions organizations and persons have a role to play" in that endeavor.

An examination of the 9th paragraph of the Principles section reveals significant strengthening of Principle VII of the Helsinki Final Act dealing with human rights. Recognizing that human rights "derive from the inherent dignity of the human person," it calls upon states to:

1. "assure constant and tangible progress...aiming at further and steady development...irrespective of their political, economic and social systems."

2. "ensure the effective exercise of these rights and freedoms."

3. recall "the right of the individual to know and act upon his rights and duties in the field of human rights and fundamental freedoms, as embodied in the Final Act." The provision goes on to assert that states "will take the necessary action in their respective countries to effectively ensure this right."

We have no illusions as to Soviet intentions in this important human rights area. Our own determination must, however, always remain clear. Our insistence -- in this case with some success -- on continuing to improve the original wording on the Act is a clear indication of that intent. It is also important that we keep raising the standards for responsible international behavior.

RELIGION

The Madrid final document makes small but important gains over the Helsinki Final Act in four areas dealing with religious freedom:

1. By extending and strengthening Principle VII to provide that states will "take the action necessary to ensure the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance

with the dictates of his own conscience."

2. By specifying that states "will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries."

3. By a provision, urged by the Vatican, requiring states to "favorably consider" registering religious communities of believers practicing or prepared to practice within their constitutional frameworks.

4. By language in Basket III stating that participating states will:

"further implement the relevant provisions of the Final Act so that religious faiths, institutions, organizations and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

HUMAN CONTACTS

The whole issue of human contacts has been highlighted in Madrid by the sadly unsatisfactory record of Soviet performance. Their record on reunification of families is abysmal. We responded to these violations of the Act by continuing to highlight the issue throughout the meetings. In addition, some forward movement beyond the Helsinki Final Act was achieved through six specific new provisions in the Madrid concluding document. The participating states have pledged:

-- to "favorably deal with" and "decide upon" applications for family meetings, reunification, and marriage. The Final Act provided only that they would "consider" or "deal with" applications in a positive and humanitarian spirit."

-- that marriage and family reunification applications will be decided "within six months," the first reference to a definite time period. We believe this to be a useful improvement over the Final Act commitment to decide "as expeditiously as possible."

-- that making or renewing applications for family reunification will not modify rights to "employment, housing, residence status, family support, access to social, economic or educational benefits."

-- to provide the necessary forms and information on procedures and regulations followed in emigration cases. This has been a serious problem for many trying to emigrate from the East.

-- to reduce fees charged in connection with emigration "to bring them to a moderate level in relation to the average monthly income." The reference to monthly income provides a new standard by which to judge fee levels which in some cases have been exorbitant.

-- To inform applicants as "expeditiously as possible of the decision" on their cases and inform them of "their right to renew applications after reasonably short intervals" in cases of refusal. Both the fact that applicants must be informed of decisions and the recognition of the right to reapply are important in that many refuseniks in the USSR have been given "final refusals" and told they could not reapply.

The Madrid Concluding Document also adds an important new element to the provisions of the Helsinki Final Act by specifying that visitors to diplomatic and other official missions and consular posts will be assured of access to them and reaffirming the importance of facilitating the normal functioning of those missions.

There was one additional step taken after months of debate and stalemate. The West believes that it is important to provide a forum after Madrid and before the next follow-up meeting for the issue of human contacts to be thoroughly explored at a meeting of experts attended by representatives of all 35 countries. We look upon an experts' meeting as a means of providing an opportunity for further clarity and, perhaps, understanding among us all, so that by the time of the next follow-up meeting this issue might be less of an irritant.

The Government of Switzerland shared our belief and invited the participating states to an experts' meeting to deal with human contacts during April 1986. This was finally accepted by the Soviet Union. A late date was selected so that we will have time to examine how the six new provisions in the Madrid agreement will have been complied with. We look upon this meeting as an important development.

HUMAN RIGHTS EXPERTS' MEETING

The desirability of convening a Human Rights Experts' Meeting was first expressed by the West in Madrid in February,

1981. We looked upon this highly controversial proposal as vital if we are ever to achieve understanding between East and West. We define human rights by what we consider to be the reasonable standard of individual freedom. Communists think of freedom in terms of "class" and the "state". We are pleased that the proposed experts' meeting received approval after more than two years of consideration. It is to take place in Ottawa, Canada in May 1985. Its agenda focuses on the status of human rights "in their states," i.e., the participating states, so as not to broaden its scope to include other areas of the world.

INFORMATION

The Madrid document contains a number of new and helpful provisions designed to strengthen the Helsinki Final Act provisions in this important area. They are:

1. A provision that participating states will encourage the public sale and distribution of printed matter from other states, including making them "accessible in reading rooms."

2. A provision that prices of foreign publications should not be excessive in relation to prices in their country of origin. This language is somewhat qualified because Western governments find it difficult to make commitments in this area.

3. Language confirming that states will "further extend the possibilities" for the public to take out foreign subscriptions. In acknowledging that anyone can subscribe to foreign publications, this provision extends the Final Act which states only to "develop possibilities for taking out subscriptions according to modalities...."

4. A reference endorsing "direct contacts among journalists" which is not in the Final Act.

5. A pledge to decide visa applications from journalists without "undue delay" and to reexamine within a reasonable time applications which have been refused.

6. A sentence stating that journalists traveling for personal reasons will receive the same treatment as other visitors. This is a new element, not found in the Final Act, and is in response to complaints by Western journalists.

7. A commitment to grant permanent correspondents and their families multiple entry and exit visas valid for a year.

8. A pledge to "examine the possibility" of co-accrediting journalists permanently accredited to other countries. This is a useful provision for most Western news organizations who have only one or two journalists covering all of Eastern Europe.

9. A commitment to take "concrete measures" to provide more extensive travel opportunities for journalists and to "inform journalists in advance" of new areas closed for security reasons.

10. A sentence pledging states to "increase the possibilities" and "improve the conditions" for foreign journalists to "establish and maintain personal contacts and communications with their sources." We look upon the word "personal" as implying individual contacts, thereby strengthening the Final Act.

11. A provision that radio and television journalists may be accompanied by their own sound and film technicians and use their own equipment. This is another useful addition to the Final Act.

12. A provision that journalists may carry with them reference material, including personal notes and files to be used for their professional purposes, an important addition to the Final Act. A qualifier acknowledging that import of printed matter may be subject to local regulation -- and Western states also have such regulations -- is itself qualified by a statement that these regulations "will be applied with due regard to the journalists' need for adequate working material."

13. A provision on press centers open to national and foreign journalists may be helpful considering the paucity of such facilities in the USSR and other Eastern countries.

14. A sentence in the culture section committing states to "gradually lower custom duties" on books, films and other forms of cultural expression, as well as "encourage wider dissemination of and access" to these items. This is a minor advance over the Final Act.

15. A "Cultural Forum" to be held in Budapest in 1985. This will provide an opportunity for the West to raise, if necessary a review of how artists and writers in Eastern European states are treated.

16. A provision in the education section calling upon states to encourage publication of "lists and catalogues of open archival material," an addition to the Final Act which may aid in negotiating future exchange programs and may be helpful to foreign scholars doing research in the Soviet Union.

TERRORISM

The Helsinki Final Act does not deal with the subject of terrorism. The United States joined the Spanish delegation and others in urging that the Madrid final document include a provision on this vital threat to the security of all states. The final document does include such a provision. It includes:

1. A statement that signatories will "take effective measures for the prevention and suppression of acts of terrorism, both at the national level and through international cooperation...."

2. A provision that states will take measures to prevent their territories from being used for the preparation or organization of terrorist activities directed against other participating states and their citizens.

3. A commitment to refrain from direct or indirect assistance, financing, encouraging or tolerating terrorist or subversive activities directed at the violent overthrow of the government of other participating states.

4. A pledge that states will "do their utmost" to assure necessary security to all diplomatic, consular and official representatives of other states.

Given the record of some of the states which approved this provision regarding international terrorism, there may be some understandable skepticism about such a provision. We strongly believe, however, that it is vital for an international modality to be established, and this provision helps to do so.

SECURITY

The negotiations that led to the signing of the Helsinki Final Act in 1975 had their conceptual origins in an original plan calling for establishment of a European Security Conference. The agreement that finally came out of Geneva and Helsinki was one that included a very significant humanitarian dimension, which the United States and its Western friends consider to be one of their major accomplishments.

Nevertheless, the security questions that are a part of the Helsinki process remain of great importance to all of the participating states.

The NATO group of states in February 1981 presented a French proposal calling for the establishment of a conference to take place after the Madrid meeting to deal with military confidence building measures. The problem of surprise military attack is one uppermost in the minds of Europeans. The United States joined the Western resolve that a conference on surprise military attack had to be carefully structured in Madrid so that it did not become a vaguely worded mandate for a "disarmament" meeting in which propaganda speeches rather than constructive decisions would be the major element.

Fortunately, the neutral and non-aligned states agreed with this Western objective. The East abandoned its proposal, originally submitted by Warsaw, and after long and intensive debate a mandate for the conference fully acceptable to us was adopted. It meets our four essential criteria:

1. The Conference will be an integral part of the CSCE process.

2. The Conference will not interfere with ongoing arms negotiations, such as MBFR.

3. The first stage of the Conference will deal exclusively with confidence building measures. This is stated in paragraphs two and six of the mandate for the Conference on Confidence- and Security-Building Measures and Disarmament in Europe which provide that "...the first stage will be devoted to...confidence- and security-building measures designed to reduce the risk of military confrontation in Europe" and that "...a future follow-up meeting will consider ways and appropriate means for...supplementing the present mandate for the next stage of the Conference..."

4. Confidence and Security Building Measures (CSBMs) agreed at the Conference are to be militarily significant, politically binding, verifiable and applicable to the whole of Europe.

The extension of the area to the Urals is quite significant, because the limited confidence building measures adopted in 1975 exempted the Soviet Union from their coverage, except for the first 250 kilometers within its borders. The Soviet Union, after first rejecting an extension to cover all of its European area, then urged that the geographic area be

extended into the Atlantic Ocean as compensation for its extension to the Ural Mountains. The Soviet objective, of course, was to negate the international principle recognizing free use of the high seas, and thus possibly to interfere with movement of U.S. forces in contingencies involving areas of the world outside Europe. We presented a provision, which was in the original 1975 agreement, making certain that only "adjoining sea area and air space" would be included, and only when activities in that area are a part of military activities taking place within Europe itself. This was eventually accepted by the East. We were pleased that this formulation was finally approved, because it clearly excluded independent air and naval activities from coverage. The mandate will now permit concentration at the meeting, which will be held in Stockholm, on the crucial confidence building measures required to deal with the problem of surprise military attack on the European continent.

FOLLOW-UP MEETINGS

During the Preparatory Meeting in 1980, the United States proposed to all of the delegations, most particularly to the Soviet Union, that all participants immediately commit themselves to hold a follow-up meeting within three years after Madrid. The Soviet Union refused to join us in that step and consistently refused to provide the West with such an unconditional commitment. This was apparently designed to intimidate other states into believing that the Helsinki process would end if the Madrid meeting did not conclude to Soviet satisfaction.

We are very pleased that the final Madrid document provides for another follow-up meeting which is to take place in Vienna in November 1986. This is a longer intervening period than we would have preferred, but the final document also provides that there will be a 10th anniversary commemoration meeting in Helsinki in 1985, the year we might ordinarily have held a follow-up meeting.

We also have decided to hold a series of supplementary meetings between those in Madrid and Vienna. We hope that these will help keep the Helsinki issues alive and at the same time strengthen the Helsinki process.

Here is a list of the eight future meetings provided for in the Madrid document:

1. The first stage of a CDE commencing January 17, 1984 in

Stockholm, to be preceded by a three week preparatory meeting to take place beginning on October 25, 1983 in Helsinki.

2. A six week Experts' Meeting on the Peaceful Settlement of Disputes, in Athens, beginning March 21, 1984.

3. A seminar on Mediterranean cooperation, in Venice, from October 16-26, 1984.

4. An Experts' Meeting on Human Rights in Ottawa, lasting six weeks and commencing on May 7, 1985.

5. A commemorative meeting in Helsinki, in 1985, marking the 10th anniversary of the signing of the Final Act.

6. A Cultural Forum, in Budapest, sometime in 1985.

7. An Experts' Meeting on Human Contacts, in Bern, Switzerland, lasting six weeks and commencing April 16 1986.

8. The third follow-up meeting of the CSCE, in Vienna, starting November 4, 1986.

Note: Emphasis added.

The Madrid CSCE Follow-up Meeting: An Assessment

The following is a statement issued July 15, 1983 by Ambassador Max M. Kampelman, Chairman, U.S. delegation to the Madrid Follow-up Meeting of the Conference on Security and Cooperation in Europe.

INTRODUCTION AND SUMMARY

The 35 states participating in the Madrid CSCE review conference, after almost three years of negotiation, are approaching agreement on a final document. This conclusion meets the Western criteria for an acceptable, balanced and substantive result. It confirms and expands upon the original Helsinki Final Act of 1975. The United States is pleased at the result and believes that the two years and ten months spent negotiating in Madrid have been fruitful and well worth the extraordinary effort.

There follows a summary followed by an outline of the issues that have dominated the Madrid meeting, as well as a report on how the final document deals with those issues:

-- The Madrid concluding document will add important new provisions to the Helsinki Final Act of 1975. These provisions deal with the rights of workers to organize, with human rights, with Helsinki monitors, religious rights, human contacts and family reunification, access to diplomatic and consular missions, information, rights of journalists and measures against terrorism.

-- It also provides for convening a Conference on Security and Confidence Building Measures and Disarmament in Stockholm next year to work out detailed measures to reduce the fear of surprise military attack. An important new element in this decision is that the measures to be adopted at Stockholm will apply to all of the European portion of the Soviet Union, right up to the Ural Mountains, rather than only to the 250 kilometer (150 mile) band provided for in the Helsinki Final Act.

-- In addition, the Madrid agreement schedules a series of additional meetings which are to take place over the next three years. There will be meetings on human rights, human contacts, and on the peaceful settlement of disputes, a cultural forum and a seminar on economic, scientific and cultural cooperation in the Mediterranean. A meeting is also scheduled in Helsinki during 1985 to mark the 10th anniversary of the Helsinki Final Act.

-- Finally, the Madrid Conference will agree to convene the next follow-up meeting in Vienna in November 1986 in order

to carry forward the review process begun in Belgrade in 1977-78 and continued in Madrid over the past two years and ten months.

One of the most important aspects of the CSCE process is the opportunity it provides for a thorough review of the implementation of the Helsinki Final Act. During this review in Madrid, there was general condemnation of the failure of the East European states to live up to their Helsinki commitments, with special criticism of the Soviet and Polish governments for their policies of internal repression and, in the case of the USSR, its interference in the internal affairs of Poland and Afghanistan.

The establishment by the Madrid concluding document of a whole series of supplementary meetings will ensure that this critical attention to the behavior of the Soviet Union and other Eastern European governments will continue during the next three and one-half years. Those experts' meetings, and the Vienna follow-up conference, will ensure that any state's failure to live up to the undertakings made in Madrid and in Helsinki will again attract the full spotlight of public attention.

IMPLEMENTATION REVIEW

The Madrid Preparatory Meeting, which began on September 9, 1980 and did not end until after the main meeting opened on November 11, 1980, a period of more than nine weeks, focused on Western demands that discussions of new proposals on how best to strengthen the Helsinki process should be preceded by a review of how the provisions of the Helsinki Final Act of 1975 were being implemented. The agenda finally produced by the Preparatory Meeting provided that opportunity. The period of November 11 to December 19, 1980 was set aside for that review, and it was a thorough one. The Soviet invasion of Afghanistan and the record of human rights violations in the Soviet Union and Eastern Europe were explored and recorded in meticulous detail.

Continuing Soviet and other Eastern violations of the Helsinki Final Act made it necessary to extend this review of implementation throughout most of the Madrid deliberations.

The final document acknowledges that this review took place ("They...reaffirmed...the importance of the implementation of all the provisions...of the Final Act...as being...essential....It was confirmed that the thorough

exchange of views constitutes in itself a valuable contribution towards the achievement of the aims set by CSCE. In this context, it was agreed that those aims can only be attained by continuous implementation, unilaterally, bilaterally and multilaterally, of all the provisions and by respect for all the principles of the Final Act."), that the review is essential to the health of the process, and that there must be an improvement in compliance. ("Serious violations of a number of these principles were deplored during the assessments. Therefore, the participating states...considered it necessary to state...that strict application of and respect for these principles, in all their aspects, are essential for the improvement of mutual relations between the participating states...").

The United States is fully aware of the fact that the Helsinki Final Act cannot attain its objectives when certain states, particularly the USSR, continue to violate its provisions. There are no enforcement mechanisms under the Act. The Madrid meeting has been, therefore, the appropriate forum at which to insert political and moral pressure into the process. The implementation review became the mechanism. The fact that it was efficiently undertaken by a united Western group of states, joined by most of the neutral and nonaligned states, made that possible.

Equally important, Madrid's implementation review afforded the opportunity for a large number of the participating states to communicate to the Soviet Union their deep concerns about violations of the accords. The message was clear: "Conform to the promises made in 1975 if you wish to be recognized as a responsible member of the international community."

Even as the pattern of Helsinki Final Act violations by the East continued, the United States took note of certain specific acts responding to Western concerns. The decision by Romania on its education immigration tax is an illustration. The suspension of some aspects martial law in Poland and the release of Lech Walesa is another, although continued arrests and imprisonment of thousands and the continued outlawing of Solidarity put the bona fides of those steps into question. We have also noted and welcomed a few gestures from the Soviet Union and will continue to encourage further such steps. We hope there will be other developments in response to our concerns.

POLAND

The imposition of martial law in Poland in December 1981 was a gross violation of the Helsinki Final Act even as the Madrid meeting was in session. This act of blatant defiance was met by a determined and unified presence of 20 Foreign Ministers, including United States Secretary of State Haig, during the week of February 9-12, 1982.

From February 9 until March 12, 1982 negotiations at Madrid came to a complete halt as the West refused to engage in "business as usual" and instead detailed the Helsinki violations represented by Poland's martial law and continued repression in the Soviet Union. On March 12, 1982, in recognition of Western determination, the Madrid meeting recessed for eight months.

When the meeting reconvened on November 9, a group of Western states introduced a series of 14 amendments to a proposed compromise put forward by a group of neutral and non-aligned states (RM-39). The amendments were designed to reflect the view that "business as usual" remained impossible. The essence of many of these proposals was incorporated in a revised neutral and non-aligned document, submitted on March 15, 1983, after martial law was ostensibly and technically suspended (RM-39 revised). That revised document, with improvements to it produced by the Prime Minister of Spain on June 17, 1983, has become the official concluding document of Madrid.

A number of provisions of that document reflect our Polish concerns. They deal with trade unions, religious freedom, and the renewed obligation to refrain from the threat or use of force. Summary language in the Preamble further reflects Western attention to developments in Poland. The United States and its Western allies never forgot during the course of the Madrid meeting that among the first of Solidarity's demands in August, 1980 was that the Helsinki Final Act be reprinted and widely disseminated in Poland. We have kept in close touch with representatives of the Solidarity movement in Europe and the U.S., and we have helped communicate their messages to the delegations in Madrid.

TRADE UNIONS

The Helsinki Final Act of 1975 did not include any language on trade unions. The Madrid document reflects a Western initiative stemming directly from the suppression of Solidarity

in Poland. It clearly states that participating states "will ensure the right of workers freely to establish and join trade unions, the right of trade unions freely to exercise their activities and their rights as laid down in relative international instruments." This, of course, clearly refers to the conventions of the International Labor Organization. A reference to "the law of the State" follows, thereby referring to the fact that all states have laws which in some measure define union rights and activities. But that reference is associated with another provision asserting the requirement that such measures be "in conformity with the state's obligation under international law," again a reference to the ILO.

This provision also calls upon states to encourage direct contacts among trade unions and their representatives. The West, which has always made the point that unions freely organized in the West are not to be confused with the totalitarian state-controlled organizations known as unions in the East, was able successfully to insist that this provision be applicable only to "such" unions which are indeed freely organized by workers and free to function under ILO standards.

MONITORS

The Helsinki Final Act of 1975 provided a very clear basis of legitimacy to the courageous men and women who formed Helsinki monitoring groups within their own countries. Their purpose was to keep watch on how their states were complying with the provisions of the accords, a right they had under the 1975 agreement. In deliberate decisions to violate the provisions of the Act, authorities in the USSR, Czechoslovakia, and elsewhere in Eastern Europe persecuted and imprisoned those who exercised that right "to know and act upon their rights."

In Madrid, 14 states mentioned the names of 123 victims of repression, many of them monitors. This was in contrast to the Belgrade meeting where the United States was one of only two countries to mention the names of victims, and we mentioned six. The Netherlands was the other.

The language on monitors in the Helsinki Final Act is quite clear and should not require elaboration. Indeed within the rules of Madrid requiring consensus, it was very difficult to formulate appropriate additional language more clearly. We were, however, able to incorporate language which, in some slight measure, further supports the legitimacy of monitor groups and other activities. In the introduction to the

section on Principles, for example, a sentence reads: "The participating states express their determination ... to encourage genuine efforts to implement the Final Act." The Soviets may attempt to misinterpret this sentence in order to distort its meaning, but we take the justifiable position that the very act of urging compliance with the Act is "genuine." This Concluding Document also states that "governments, institutions organizations and persons have a role to play" in that endeavor.

An examination of the 9th paragraph of the Principles section reveals significant strengthening of Principle VII of the Helsinki Final Act dealing with human rights. Recognizing that human rights "derive from the inherent dignity of the human person," it calls upon states to:

1. "assure constant and tangible progress...aiming at further and steady development...irrespective of their political, economic and social systems."

2. "ensure the effective exercise of these rights and freedoms."

3. recall "the right of the individual to know and act upon his rights and duties in the field of human rights and fundamental freedoms, as embodied in the Final Act." The provision goes on to assert that states "will take the necessary action in their respective countries to effectively ensure this right."

We have no illusions as to Soviet intentions in this important human rights area. Our own determination must, however, always remain clear. Our insistence -- in this case with some success -- on continuing to improve the original wording on the Act is a clear indication of that intent. It is also important that we keep raising the standards for responsible international behavior.

RELIGION

The Madrid final document makes small but important gains over the Helsinki Final Act in four areas dealing with religious freedom:

1. By extending and strengthening Principle VII to provide that states will "take the action necessary to ensure the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance

with the dictates of his own conscience."

2. By specifying that states "will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries."

3. By a provision, urged by the Vatican, requiring states to "favorably consider" registering religious communities of believers practicing or prepared to practice within their constitutional frameworks.

4. By language in Basket III stating that participating states will:

"further implement the relevant provisions of the Final Act so that religious faiths, institutions, organizations and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

HUMAN CONTACTS

The whole issue of human contacts has been highlighted in Madrid by the sadly unsatisfactory record of Soviet performance. Their record on reunification of families is abysmal. We responded to these violations of the Act by continuing to highlight the issue throughout the meetings. In addition, some forward movement beyond the Helsinki Final Act was achieved through six specific new provisions in the Madrid concluding document. The participating states have pledged:

-- to "favorably deal with" and "decide upon" applications for family meetings, reunification, and marriage. The Final Act provided only that they would "consider" or "deal with" applications in a positive and humanitarian spirit."

-- that marriage and family reunification applications will be decided "within six months," the first reference to a definite time period. We believe this to be a useful improvement over the Final Act commitment to decide "as expeditiously as possible."

-- that making or renewing applications for family reunification will not modify rights to "employment, housing, residence status, family support, access to social, economic or educational benefits."

-- to provide the necessary forms and information on procedures and regulations followed in emigration cases. This has been a serious problem for many trying to emigrate from the East.

-- to reduce fees charged in connection with emigration "to bring them to a moderate level in relation to the average monthly income." The reference to monthly income provides a new standard by which to judge fee levels which in some cases have been exorbitant.

-- To inform applicants as "expeditiously as possible of the decision" on their cases and inform them of "their right to renew applications after reasonably short intervals" in cases of refusal. Both the fact that applicants must be informed of decisions and the recognition of the right to reapply are important in that many refuseniks in the USSR have been given "final refusals" and told they could not reapply.

The Madrid Concluding Document also adds an important new element to the provisions of the Helsinki Final Act by specifying that visitors to diplomatic and other official missions and consular posts will be assured of access to them and reaffirming the importance of facilitating the normal functioning of those missions.

There was one additional step taken after months of debate and stalemate. The West believes that it is important to provide a forum after Madrid and before the next follow-up meeting for the issue of human contacts to be thoroughly explored at a meeting of experts attended by representatives of all 35 countries. We look upon an experts' meeting as a means of providing an opportunity for further clarity and, perhaps, understanding among us all, so that by the time of the next follow-up meeting this issue might be less of an irritant.

The Government of Switzerland shared our belief and invited the participating states to an experts' meeting to deal with human contacts during April 1986. This was finally accepted by the Soviet Union. A late date was selected so that we will have time to examine how the six new provisions in the Madrid agreement will have been complied with. We look upon this meeting as an important development.

HUMAN RIGHTS EXPERTS' MEETING

The desirability of convening a Human Rights Experts' Meeting was first expressed by the West in Madrid in February,

1981. We looked upon this highly controversial proposal as vital if we are ever to achieve understanding between East and West. We define human rights by what we consider to be the reasonable standard of individual freedom. Communists think of freedom in terms of "class" and the "state". We are pleased that the proposed experts' meeting received approval after more than two years of consideration. It is to take place in Ottawa, Canada in May 1985. Its agenda focuses on the status of human rights "in their states," i.e., the participating states, so as not to broaden its scope to include other areas of the world.

INFORMATION

The Madrid document contains a number of new and helpful provisions designed to strengthen the Helsinki Final Act provisions in this important area. They are:

1. A provision that participating states will encourage the public sale and distribution of printed matter from other states, including making them "accessible in reading rooms."

2. A provision that prices of foreign publications should not be excessive in relation to prices in their country of origin. This language is somewhat qualified because Western governments find it difficult to make commitments in this area.

3. Language confirming that states will "further extend the possibilities" for the public to take out foreign subscriptions. In acknowledging that anyone can subscribe to foreign publications, this provision extends the Final Act which states only to "develop possibilities for taking out subscriptions according to modalities...."

4. A reference endorsing "direct contacts among journalists" which is not in the Final Act.

5. A pledge to decide visa applications from journalists without "undue delay" and to reexamine within a reasonable time applications which have been refused.

6. A sentence stating that journalists traveling for personal reasons will receive the same treatment as other visitors. This is a new element, not found in the Final Act, and is in response to complaints by Western journalists.

7. A commitment to grant permanent correspondents and their families multiple entry and exit visas valid for a year.

8. A pledge to "examine the possibility" of co-accrediting journalists permanently accredited to other countries. This is a useful provision for most Western news organizations who have only one or two journalists covering all of Eastern Europe.

9. A commitment to take "concrete measures" to provide more extensive travel opportunities for journalists and to "inform journalists in advance" of new areas closed for security reasons.

10. A sentence pledging states to "increase the possibilities" and "improve the conditions" for foreign journalists to "establish and maintain personal contacts and communications with their sources." We look upon the word "personal" as implying individual contacts, thereby strengthening the Final Act.

11. A provision that radio and television journalists may be accompanied by their own sound and film technicians and use their own equipment. This is another useful addition to the Final Act.

12. A provision that journalists may carry with them reference material, including personal notes and files to be used for their professional purposes, an important addition to the Final Act. A qualifier acknowledging that import of printed matter may be subject to local regulation -- and Western states also have such regulations -- is itself qualified by a statement that these regulations "will be applied with due regard to the journalists' need for adequate working material."

13. A provision on press centers open to national and foreign journalists may be helpful considering the paucity of such facilities in the USSR and other Eastern countries.

14. A sentence in the culture section committing states to "gradually lower custom duties" on books, films and other forms of cultural expression, as well as "encourage wider dissemination of and access" to these items. This is a minor advance over the Final Act.

15. A "Cultural Forum" to be held in Budapest in 1985. This will provide an opportunity for the West to raise, if necessary a review of how artists and writers in Eastern European states are treated.

16. A provision in the education section calling upon states to encourage publication of "lists and catalogues of open archival material," an addition to the Final Act which may aid in negotiating future exchange programs and may be helpful to foreign scholars doing research in the Soviet Union.

TERRORISM

The Helsinki Final Act does not deal with the subject of terrorism. The United States joined the Spanish delegation and others in urging that the Madrid final document include a provision on this vital threat to the security of all states. The final document does include such a provision. It includes:

1. A statement that signatories will "take effective measures for the prevention and suppression of acts of terrorism, both at the national level and through international cooperation...."

2. A provision that states will take measures to prevent their territories from being used for the preparation or organization of terrorist activities directed against other participating states and their citizens.

3. A commitment to refrain from direct or indirect assistance, financing, encouraging or tolerating terrorist or subversive activities directed at the violent overthrow of the government of other participating states.

4. A pledge that states will "do their utmost" to assure necessary security to all diplomatic, consular and official representatives of other states.

Given the record of some of the states which approved this provision regarding international terrorism, there may be some understandable skepticism about such a provision. We strongly believe, however, that it is vital for an international modality to be established, and this provision helps to do so.

SECURITY

The negotiations that led to the signing of the Helsinki Final Act in 1975 had their conceptual origins in an original plan calling for establishment of a European Security Conference. The agreement that finally came out of Geneva and Helsinki was one that included a very significant humanitarian dimension, which the United States and its Western friends consider to be one of their major accomplishments.

Nevertheless, the security questions that are a part of the Helsinki process remain of great importance to all of the participating states.

The NATO group of states in February 1981 presented a French proposal calling for the establishment of a conference to take place after the Madrid meeting to deal with military confidence building measures. The problem of surprise military attack is one uppermost in the minds of Europeans. The United States joined the Western resolve that a conference on surprise military attack had to be carefully structured in Madrid so that it did not become a vaguely worded mandate for a "disarmament" meeting in which propaganda speeches rather than constructive decisions would be the major element.

Fortunately, the neutral and non-aligned states agreed with this Western objective. The East abandoned its proposal, originally submitted by Warsaw, and after long and intensive debate a mandate for the conference fully acceptable to us was adopted. It meets our four essential criteria:

1. The Conference will be an integral part of the CSCE process.

2. The Conference will not interfere with ongoing arms negotiations, such as MBFR.

3. The first stage of the Conference will deal exclusively with confidence building measures. This is stated in paragraphs two and six of the mandate for the Conference on Confidence- and Security-Building Measures and Disarmament in Europe which provide that "...the first stage will be devoted to...confidence- and security-building measures designed to reduce the risk of military confrontation in Europe" and that "...a future follow-up meeting will consider ways and appropriate means for...supplementing the present mandate for the next stage of the Conference..."

4. Confidence and Security Building Measures (CSBMs) agreed at the Conference are to be militarily significant, politically binding, verifiable and applicable to the whole of Europe.

The extension of the area to the Urals is quite significant, because the limited confidence building measures adopted in 1975 exempted the Soviet Union from their coverage, except for the first 250 kilometers within its borders. The Soviet Union, after first rejecting an extension to cover all of its European area, then urged that the geographic area be

extended into the Atlantic Ocean as compensation for its extension to the Ural Mountains. The Soviet objective, of course, was to negate the international principle recognizing free use of the high seas, and thus possibly to interfere with movement of U.S. forces in contingencies involving areas of the world outside Europe. We presented a provision, which was in the original 1975 agreement, making certain that only "adjoining sea area and air space" would be included, and only when activities in that area are a part of military activities taking place within Europe itself. This was eventually accepted by the East. We were pleased that this formulation was finally approved, because it clearly excluded independent air and naval activities from coverage. The mandate will now permit concentration at the meeting, which will be held in Stockholm, on the crucial confidence building measures required to deal with the problem of surprise military attack on the European continent.

FOLLOW-UP MEETINGS

During the Preparatory Meeting in 1980, the United States proposed to all of the delegations, most particularly to the Soviet Union, that all participants immediately commit themselves to hold a follow-up meeting within three years after Madrid. The Soviet Union refused to join us in that step and consistently refused to provide the West with such an unconditional commitment. This was apparently designed to intimidate other states into believing that the Helsinki process would end if the Madrid meeting did not conclude to Soviet satisfaction.

We are very pleased that the final Madrid document provides for another follow-up meeting which is to take place in Vienna in November 1986. This is a longer intervening period than we would have preferred, but the final document also provides that there will be a 10th anniversary commemoration meeting in Helsinki in 1985, the year we might ordinarily have held a follow-up meeting.

We also have decided to hold a series of supplementary meetings between those in Madrid and Vienna. We hope that these will help keep the Helsinki issues alive and at the same time strengthen the Helsinki process.

Here is a list of the eight future meetings provided for in the Madrid document:

1. The first stage of a CDE commencing January 17, 1984 in

Stockholm, to be preceded by a three week preparatory meeting to take place beginning on October 25, 1983 in Helsinki.

2. A six week Experts' Meeting on the Peaceful Settlement of Disputes, in Athens, beginning March 21, 1984.

3. A seminar on Mediterranean cooperation, in Venice, from October 16-26, 1984.

4. An Experts' Meeting on Human Rights in Ottawa, lasting six weeks and commencing on May 7, 1985.

5. A commemorative meeting in Helsinki, in 1985, marking the 10th anniversary of the signing of the Final Act.

6. A Cultural Forum, in Budapest, sometime in 1985.

7. An Experts' Meeting on Human Contacts, in Bern, Switzerland, lasting six weeks and commencing April 16 1986.

8. The third follow-up meeting of the CSCE, in Vienna, starting November 4, 1986.

Note: Emphasis added.

AB 7/15/83 3:50pm
at

-- one that

After nearly three years of negotiation, the 35 states participating in the Madrid review meeting of the Conference on Security and Cooperation in Europe are approaching agreement on a concluding document. ~~This agreement~~ will strengthen and extend the undertakings contained in the Helsinki Final Act. It is a call on all 35 CSCE states -- particularly those who have so tragically failed to live up to promises made in Helsinki -- to give ^{ing} life to these commitments and to rededicate themselves to advance the freedom and justice on which security in Europe ultimately depends.

impose
We have agreed to this concluding document, as we did in 1975 to the Helsinki Final Act itself, with no illusions about the nature of the Soviet Union or about the system which it seeks to ~~enforce~~ over much of Europe. ~~If this were~~ an ideal world agreements such as this would not be necessary. But we believe it is the best agreement attainable, one which significantly improves on the Helsinki Final Act and advances the efforts of the West to hold out a beacon of hope for those in the East who seek a more free, just and secure life.

We
~~We will sign this agreement with the knowledge that,~~
together with the Helsinki Accord, ~~it~~ sets forth a clearer code of conduct for all 35 CSCE states -- a set of standards to which we and the other Atlantic democracies will continue to hold all those who will have pledged their word at Madrid. ~~and we will~~ ^{we} ~~will~~ ^{act} with the hope that ~~this agreement~~ ^{it} will serve as a step toward achievement ~~of~~ ⁱⁿ our objective of a more stable and constructive relationship with the Soviet Union.

1
2
3
The Madrid accord will add important new commitments to the Helsinki process, including provisions dealing with human rights, the trade union freedoms so tragically violated in Poland, terrorism, religious liberties, reunification of families, free flow of information, and more. It will provide for two important ~~experts~~ ^{of experts} meetings in the humanitarian field, and for a security conference which will attempt to negotiate measures ~~to~~ ^{to} reduce the danger of surprise attack in Europe. Another full follow-up meeting will take place in Vienna in 1986, where we will review the conduct of the participating states and seek to build on the accomplishments at Madrid.

The unity and resolve of the Western democracies at Madrid have made this achievement possible. Ambassador Kampelman and his NATO colleagues deserve the highest praise for bringing this long and often difficult conference to a successful conclusion. We also owe a special vote of thanks to Prime Minister Gonzalez of Spain, whose thoughtful proposal set the stage for final agreement.

These are speechwriters comments -
seems okay to me ~~if~~ - Please me if you
concur.

not flag in our continued determination

In concluding the Madrid meeting, we reaffirm our commitment to the Helsinki process. We will ~~continue~~ to work with all governments and peoples whose goal is the strengthening of peace in freedom, ~~or who are prepared to take actions to advance that end.~~ As Madrid has shown, dialogue, when based on realistic expectations and conducted with patience, can produce results. These results are often gradual and hard-won, but they are the necessary building blocks for a more secure and stable world. ~~It remains to us all to~~ consolidate and build on these gains, ~~to~~ ensure that good words are transformed into good deeds and that the ideals which they embody are given concrete expression. Giving substance to the promises of Madrid and Helsinki will remain ~~our highest priority.~~

one of our prime objectives.

we must

The challenge remains; we must all

Final Plenary Mtg. CSCE - Madrid - early this morning

Have
1) Reached political agreement w/ East

Sovs came in w/ 3 objections

WASHFAX RECEIPT
DEPARTMENT OF STATE

15 JUL 1983 15

88

B

S/S # 8321751

RECEIVED

83 JUL 15 P 3: 13

URGENT

MESSAGE NO - 250 CLASSIFICATION UNCLASSIFIED No. Pages 15

FROM: CH111 S/S 22540
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION Hill/Clark: Madrid CSCE Mtg: Concluding Document

TO (Agency)

NSC

DELIVER TO:

BOB KIMMITT

Extension

Room No.

~~SECRET~~
DeBoriansky
Sommer
Ragnum

FOR: CLEARANCE ☐ INFORMATION ☐ PER REQUEST ☐ COMMENT ☐

REMARKS ADVANCE COPY. ORIGINAL TO FOLLOW VIA COURIER. URGENT.

PLS CALL FOR PICK UP

S/S Officer:

[Handwritten signature]
[Handwritten signature]



UNCLASSIFIED

July 15, 1983

MEMORANDUM FOR MR. WILLIAM CLARK
THE WHITE HOUSE

SUBJECT: Madrid CSCE Meeting: Concluding Document

Attached for your information is the text of Ambassador Kampelman's statement to be released in Madrid and Washington at the conclusion of the East-West agreement on the text of the Madrid concluding document. We have sent you under cover of a separate memorandum a proposed text for a statement by the President on this subject.

For Mr. Clark
for Charles Hill
Executive Secretary

Attachment

UNCLASSIFIED

The Madrid CSCE Follow-up Meeting: An Assessment

The following is a statement issued July 15, 1983 by Ambassador Max M. Kampelman, Chairman, U.S. delegation to the Madrid Follow-up Meeting of the Conference on Security and Cooperation in Europe.

INTRODUCTION AND SUMMARY

The 35 states participating in the Madrid CSCE review conference, after almost three years of negotiation, are approaching agreement on a final document. This conclusion meets the Western criteria for an acceptable, balanced and substantive result. It confirms and expands upon the original Helsinki Final Act of 1975. The United States is pleased at the result and believes that the two years and ten months spent negotiating in Madrid have been fruitful and well worth the extraordinary effort.

There follows a summary followed by an outline of the issues that have dominated the Madrid meeting, as well as a report on how the final document deals with those issues:

-- The Madrid concluding document will add important new provisions to the Helsinki Final Act of 1975. These provisions deal with the rights of workers to organize, with human rights, with Helsinki monitors, religious rights, human contacts and family reunification, access to diplomatic and consular missions, information, rights of journalists and measures against terrorism.

-- It also provides for convening a Conference on Security and Confidence Building Measures and Disarmament in Stockholm next year to work out detailed measures to reduce the fear of surprise military attack. An important new element in this decision is that the measures to be adopted at Stockholm will apply to all of the European portion of the Soviet Union, right up to the Ural Mountains, rather than only to the 250 kilometer (150 mile) band provided for in the Helsinki Final Act.

-- In addition, the Madrid agreement schedules a series of additional meetings which are to take place over the next three years. There will be meetings on human rights, human contacts, and on the peaceful settlement of disputes, a cultural forum and a seminar on economic, scientific and cultural cooperation in the Mediterranean. A meeting is also scheduled in Helsinki during 1985 to mark the 10th anniversary of the Helsinki Final Act.

-- Finally, the Madrid Conference will agree to convene the next follow-up meeting in Vienna in November 1986 in order

to carry forward the review process begun in Belgrade in 1977-78 and continued in Madrid over the past two years and ten months.

One of the most important aspects of the CSCE process is the opportunity it provides for a thorough review of the implementation of the Helsinki Final Act. During this review in Madrid, there was general condemnation of the failure of the East European states to live up to their Helsinki commitments, with special criticism of the Soviet and Polish governments for their policies of internal repression and, in the case of the USSR, its interference in the internal affairs of Poland and Afghanistan.

The establishment by the Madrid concluding document of a whole series of supplementary meetings will ensure that this critical attention to the behavior of the Soviet Union and other Eastern European governments will continue during the next three and one-half years. Those experts' meetings, and the Vienna follow-up conference, will ensure that any state's failure to live up to the undertakings made in Madrid and in Helsinki will again attract the full spotlight of public attention.

IMPLEMENTATION REVIEW

The Madrid Preparatory Meeting, which began on September 9, 1980 and did not end until after the main meeting opened on November 11, 1980, a period of more than nine weeks, focused on Western demands that discussions of new proposals on how best to strengthen the Helsinki process should be preceded by a review of how the provisions of the Helsinki Final Act of 1975 were being implemented. The agenda finally produced by the Preparatory Meeting provided that opportunity. The period of November 11 to December 19, 1980 was set aside for that review, and it was a thorough one. The Soviet invasion of Afghanistan and the record of human rights violations in the Soviet Union and Eastern Europe were explored and recorded in meticulous detail.

Continuing Soviet and other Eastern violations of the Helsinki Final Act made it necessary to extend this review of implementation throughout most of the Madrid deliberations.

The final document acknowledges that this review took place ("They...reaffirmed...the importance of the implementation of all the provisions...of the Final Act...as being...essential....It was confirmed that the thorough

exchange of views constitutes in itself a valuable contribution towards the achievement of the aims set by CSCE. In this context, it was agreed that those aims can only be attained by continuous implementation, unilaterally, bilaterally and multilaterally, of all the provisions and by respect for all the principles of the Final Act."), that the review is essential to the health of the process, and that there must be an improvement in compliance. ("Serious violations of a number of these principles were deplored during the assessments. Therefore, the participating states...considered it necessary to state...that strict application of and respect for these principles, in all their aspects, are essential for the improvement of mutual relations between the participating states...").

The United States is fully aware of the fact that the Helsinki Final Act cannot attain its objectives when certain states, particularly the USSR, continue to violate its provisions. There are no enforcement mechanisms under the Act. The Madrid meeting has been, therefore, the appropriate forum at which to insert political and moral pressure into the process. The implementation review became the mechanism. The fact that it was efficiently undertaken by a united Western group of states, joined by most of the neutral and nonaligned states, made that possible.

Equally important, Madrid's implementation review afforded the opportunity for a large number of the participating states to communicate to the Soviet Union their deep concerns about violations of the accords. The message was clear: "Conform to the promises made in 1975 if you wish to be recognized as a responsible member of the international community."

Even as the pattern of Helsinki Final Act violations by the East continued, the United States took note of certain specific acts responding to Western concerns. The decision by Romania on its education immigration tax is an illustration. The suspension of some aspects martial law in Poland and the release of Lech Walesa is another, although continued arrests and imprisonment of thousands and the continued outlawing of Solidarity put the bona fides of those steps into question. We have also noted and welcomed a few gestures from the Soviet Union and will continue to encourage further such steps. We hope there will be other developments in response to our concerns.

POLAND

The imposition of martial law in Poland in December 1981 was a gross violation of the Helsinki Final Act even as the Madrid meeting was in session. This act of blatant defiance was met by a determined and unified presence of 20 Foreign Ministers, including United States Secretary of State Haig, during the week of February 9-12, 1982.

From February 9 until March 12, 1982 negotiations at Madrid came to a complete halt as the West refused to engage in "business as usual" and instead detailed the Helsinki violations represented by Poland's martial law and continued repression in the Soviet Union. On March 12, 1982, in recognition of Western determination, the Madrid meeting recessed for eight months.

When the meeting reconvened on November 9, a group of Western states introduced a series of 14 amendments to a proposed compromise put forward by a group of neutral and non-aligned states (RM-39). The amendments were designed to reflect the view that "business as usual" remained impossible. The essence of many of these proposals was incorporated in a revised neutral and non-aligned document, submitted on March 15, 1983, after martial law was ostensibly and technically suspended (RM-39 revised). That revised document, with improvements to it produced by the Prime Minister of Spain on June 17, 1983, has become the official concluding document of Madrid.

A number of provisions of that document reflect our Polish concerns. They deal with trade unions, religious freedom, and the renewed obligation to refrain from the threat or use of force. Summary language in the Preamble further reflects Western attention to developments in Poland. The United States and its Western allies never forgot during the course of the Madrid meeting that among the first of Solidarity's demands in August, 1980 was that the Helsinki Final Act be reprinted and widely disseminated in Poland. We have kept in close touch with representatives of the Solidarity movement in Europe and the U.S., and we have helped communicate their messages to the delegations in Madrid.

TRADE UNIONS

The Helsinki Final Act of 1975 did not include any language on trade unions. The Madrid document reflects a Western initiative stemming directly from the suppression of Solidarity

in Poland. It clearly states that participating states "will ensure the right of workers freely to establish and join trade unions, the right of trade unions freely to exercise their activities and their rights as laid down in relative international instruments." This, of course, clearly refers to the conventions of the International Labor Organization. A reference to "the law of the State" follows, thereby referring to the fact that all states have laws which in some measure define union rights and activities. But that reference is associated with another provision asserting the requirement that such measures be "in conformity with the state's obligation under international law," again a reference to the ILO.

This provision also calls upon states to encourage direct contacts among trade unions and their representatives. The West, which has always made the point that unions freely organized in the West are not to be confused with the totalitarian state-controlled organizations known as unions in the East, was able successfully to insist that this provision be applicable only to "such" unions which are indeed freely organized by workers and free to function under ILO standards.

MONITORS

The Helsinki Final Act of 1975 provided a very clear basis of legitimacy to the courageous men and women who formed Helsinki monitoring groups within their own countries. Their purpose was to keep watch on how their states were complying with the provisions of the accords, a right they had under the 1975 agreement. In deliberate decisions to violate the provisions of the Act, authorities in the USSR, Czechoslovakia, and elsewhere in Eastern Europe persecuted and imprisoned those who exercised that right "to know and act upon their rights."

In Madrid, 14 states mentioned the names of 123 victims of repression, many of them monitors. This was in contrast to the Belgrade meeting where the United States was one of only two countries to mention the names of victims, and we mentioned six. The Netherlands was the other.

The language on monitors in the Helsinki Final Act is quite clear and should not require elaboration. Indeed within the rules of Madrid requiring consensus, it was very difficult to formulate appropriate additional language more clearly. We were, however, able to incorporate language which, in some slight measure, further supports the legitimacy of monitor groups and other activities. In the introduction to the

section on Principles, for example, a sentence reads: "The participating states express their determination ... to encourage genuine efforts to implement the Final Act." The Soviets may attempt to misinterpret this sentence in order to distort its meaning, but we take the justifiable position that the very act of urging compliance with the Act is "genuine." This Concluding Document also states that "governments, institutions organizations and persons have a role to play" in that endeavor.

An examination of the 9th paragraph of the Principles section reveals significant strengthening of Principle VII of the Helsinki Final Act dealing with human rights. Recognizing that human rights "derive from the inherent dignity of the human person," it calls upon states to:

1. "assure constant and tangible progress...aiming at further and steady development...irrespective of their political, economic and social systems."

2. "ensure the effective exercise of these rights and freedoms."

3. recall "the right of the individual to know and act upon his rights and duties in the field of human rights and fundamental freedoms, as embodied in the Final Act." The provision goes on to assert that states "will take the necessary action in their respective countries to effectively ensure this right."

We have no illusions as to Soviet intentions in this important human rights area. Our own determination must, however, always remain clear. Our insistence -- in this case with some success -- on continuing to improve the original wording on the Act is a clear indication of that intent. It is also important that we keep raising the standards for responsible international behavior.

RELIGION

The Madrid final document makes small but important gains over the Helsinki Final Act in four areas dealing with religious freedom:

1. By extending and strengthening Principle VII to provide that states will "take the action necessary to ensure the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance

with the dictates of his own conscience."

2. By specifying that states "will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries."

3. By a provision, urged by the Vatican, requiring states to "favorably consider" registering religious communities of believers practicing or prepared to practice within their constitutional frameworks.

4. By language in Basket III stating that participating states will:

"further implement the relevant provisions of the Final Act so that religious faiths, institutions, organizations and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

HUMAN CONTACTS

The whole issue of human contacts has been highlighted in Madrid by the sadly unsatisfactory record of Soviet performance. Their record on reunification of families is abysmal. We responded to these violations of the Act by continuing to highlight the issue throughout the meetings. In addition, some forward movement beyond the Helsinki Final Act was achieved through six specific new provisions in the Madrid concluding document. The participating states have pledged:

-- to "favorably deal with" and "decide upon" applications for family meetings, reunification, and marriage. The Final Act provided only that they would "consider" or "deal with applications in a positive and humanitarian spirit."

-- that marriage and family reunification applications will be decided "within six months," the first reference to a definite time period. We believe this to be a useful improvement over the Final Act commitment to decide "as expeditiously as possible."

-- that making or renewing applications for family reunification will not modify rights to "employment, housing, residence status, family support, access to social, economic or educational benefits."

-- to provide the necessary forms and information on procedures and regulations followed in emigration cases. This has been a serious problem for many trying to emigrate from the East.

-- to reduce fees charged in connection with emigration "to bring them to a moderate level in relation to the average monthly income." The reference to monthly income provides a new standard by which to judge fee levels which in some cases have been exorbitant.

-- To inform applicants as "expeditiously as possible of the decision" on their cases and inform them of "their right to renew applications after reasonably short intervals" in cases of refusal. Both the fact that applicants must be informed of decisions and the recognition of the right to reapply are important in that many refuseniks in the USSR have been given "final refusals" and told they could not reapply.

The Madrid Concluding Document also adds an important new element to the provisions of the Helsinki Final Act by specifying that visitors to diplomatic and other official missions and consular posts will be assured of access to them and reaffirming the importance of facilitating the normal functioning of those missions.

There was one additional step taken after months of debate and stalemate. The West believes that it is important to provide a forum after Madrid and before the next follow-up meeting for the issue of human contacts to be thoroughly explored at a meeting of experts attended by representatives of all 35 countries. We look upon an experts' meeting as a means of providing an opportunity for further clarity and, perhaps, understanding among us all, so that by the time of the next follow-up meeting this issue might be less of an irritant.

The Government of Switzerland shared our belief and invited the participating states to an experts' meeting to deal with human contacts during April 1986. This was finally accepted by the Soviet Union. A late date was selected so that we will have time to examine how the six new provisions in the Madrid agreement will have been complied with. We look upon this meeting as an important development.

HUMAN RIGHTS EXPERTS' MEETING

The desirability of convening a Human Rights Experts' Meeting was first expressed by the West in Madrid in February,

1981. We looked upon this highly controversial proposal as vital if we are ever to achieve understanding between East and West. We define human rights by what we consider to be the reasonable standard of individual freedom. Communists think of freedom in terms of "class" and the "state". We are pleased that the proposed experts' meeting received approval after more than two years of consideration. It is to take place in Ottawa, Canada in May 1985. Its agenda focuses on the status of human rights "in their states," i.e., the participating states, so as not to broaden its scope to include other areas of the world.

INFORMATION

The Madrid document contains a number of new and helpful provisions designed to strengthen the Helsinki Final Act provisions in this important area. They are:

1. A provision that participating states will encourage the public sale and distribution of printed matter from other states, including making them "accessible in reading rooms."
2. A provision that prices of foreign publications should not be excessive in relation to prices in their country of origin. This language is somewhat qualified because Western governments find it difficult to make commitments in this area.
3. Language confirming that states will "further extend the possibilities" for the public to take out foreign subscriptions. In acknowledging that anyone can subscribe to foreign publications, this provision extends the Final Act which states only to "develop possibilities for taking out subscriptions according to modalities...."
4. A reference endorsing "direct contacts among journalists" which is not in the Final Act.
5. A pledge to decide visa applications from journalists without "undue delay" and to reexamine within a reasonable time applications which have been refused.
6. A sentence stating that journalists traveling for personal reasons will receive the same treatment as other visitors. This is a new element, not found in the Final Act, and is in response to complaints by Western journalists.
7. A commitment to grant permanent correspondents and their families multiple entry and exit visas valid for a year.

8. A pledge to "examine the possibility" of co-accrediting journalists permanently accredited to other countries. This is a useful provision for most Western news organizations who have only one or two journalists covering all of Eastern Europe.

9. A commitment to take "concrete measures" to provide more extensive travel opportunities for journalists and to "inform journalists in advance" of new areas closed for security reasons.

10. A sentence pledging states to "increase the possibilities" and "improve the conditions" for foreign journalists to "establish and maintain personal contacts and communications with their sources." We look upon the word "personal" as implying individual contacts, thereby strengthening the Final Act.

11. A provision that radio and television journalists may be accompanied by their own sound and film technicians and use their own equipment. This is another useful addition to the Final Act.

12. A provision that journalists may carry with them reference material, including personal notes and files to be used for their professional purposes, an important addition to the Final Act. A qualifier acknowledging that import of printed matter may be subject to local regulation -- and Western states also have such regulations -- is itself qualified by a statement that these regulations "will be applied with due regard to the journalists' need for adequate working material."

13. A provision on press centers open to national and foreign journalists may be helpful considering the paucity of such facilities in the USSR and other Eastern countries.

14. A sentence in the culture section committing states to "gradually lower custom duties" on books, films and other forms of cultural expression, as well as "encourage wider dissemination of and access" to these items. This is a minor advance over the Final Act.

15. A "Cultural Forum" to be held in Budapest in 1985. This will provide an opportunity for the West to raise, if necessary a review of how artists and writers in Eastern European states are treated.

16. A provision in the education section calling upon states to encourage publication of "lists and catalogues of open archival material," an addition to the Final Act which may aid in negotiating future exchange programs and may be helpful to foreign scholars doing research in the Soviet Union.

TERRORISM

The Helsinki Final Act does not deal with the subject of terrorism. The United States joined the Spanish delegation and others in urging that the Madrid final document include a provision on this vital threat to the security of all states. The final document does include such a provision. It includes:

1. A statement that signatories will "take effective" measures for the prevention and suppression of acts of terrorism, both at the national level and through international cooperation...."

2. A provision that states will take measures to prevent their territories from being used for the preparation or organization of terrorist activities directed against other participating states and their citizens.

3. A commitment to refrain from direct or indirect assistance, financing, encouraging or tolerating terrorist or subversive activities directed at the violent overthrow of the government of other participating states.

4. A pledge that states will "do their utmost" to assure necessary security to all diplomatic, consular and official representatives of other states.

Given the record of some of the states which approved this provision regarding international terrorism, there may be some understandable skepticism about such a provision. We strongly believe, however, that it is vital for an international modality to be established, and this provision helps to do so.

SECURITY

The negotiations that led to the signing of the Helsinki Final Act in 1975 had their conceptual origins in an original plan calling for establishment of a European Security Conference. The agreement that finally came out of Geneva and Helsinki was one that included a very significant humanitarian dimension, which the United States and its Western friends consider to be one of their major accomplishments.

Nevertheless, the security questions that are a part of the Helsinki process remain of great importance to all of the participating states.

The NATO group of states in February 1981 presented a French proposal calling for the establishment of a conference to take place after the Madrid meeting to deal with military confidence building measures. The problem of surprise military attack is one uppermost in the minds of Europeans. The United States joined the Western resolve that a conference on surprise military attack had to be carefully structured in Madrid so that it did not become a vaguely worded mandate for a "disarmament" meeting in which propaganda speeches rather than constructive decisions would be the major element.

Fortunately, the neutral and non-aligned states agreed with this Western objective. The East abandoned its proposal, originally submitted by Warsaw, and after long and intensive debate a mandate for the conference fully acceptable to us was adopted. It meets our four essential criteria:

1. The Conference will be an integral part of the CSCE process.
2. The Conference will not interfere with ongoing arms negotiations, such as MBFR.
3. The first stage of the Conference will deal exclusively with confidence building measures. This is stated in paragraphs two and six of the mandate for the Conference on Confidence- and Security-Building Measures and Disarmament in Europe which provide that "...the first stage will be devoted to...confidence- and security-building measures designed to reduce the risk of military confrontation in Europe" and that "...a future follow-up meeting will consider ways and appropriate means for...supplementing the present mandate for the next stage of the Conference..."
4. Confidence and Security Building Measures (CSBMs) agreed at the Conference are to be militarily significant, politically binding, verifiable and applicable to the whole of Europe.

The extension of the area to the Urals is quite significant, because the limited confidence building measures adopted in 1975 exempted the Soviet Union from their coverage, except for the first 250 kilometers within its borders. The Soviet Union, after first rejecting an extension to cover all of its European area, then urged that the geographic area be

extended into the Atlantic Ocean as compensation for its extension to the Ural Mountains. The Soviet objective, of course, was to negate the international principle recognizing free use of the high seas, and thus possibly to interfere with movement of U.S. forces in contingencies involving areas of the world outside Europe. We presented a provision, which was in the original 1975 agreement, making certain that only "adjoining sea area and air space" would be included, and only when activities in that area are a part of military activities taking place within Europe itself. This was eventually accepted by the East. We were pleased that this formulation was finally approved, because it clearly excluded independent air and naval activities from coverage. The mandate will now permit concentration at the meeting, which will be held in Stockholm, on the crucial confidence building measures required to deal with the problem of surprise military attack on the European continent.

FOLLOW-UP MEETINGS

During the Preparatory Meeting in 1980, the United States proposed to all of the delegations, most particularly to the Soviet Union, that all participants immediately commit themselves to hold a follow-up meeting within three years after Madrid. The Soviet Union refused to join us in that step and consistently refused to provide the West with such an unconditional commitment. This was apparently designed to intimidate other states into believing that the Helsinki process would end if the Madrid meeting did not conclude to Soviet satisfaction.

We are very pleased that the final Madrid document provides for another follow-up meeting which is to take place in Vienna in November 1986. This is a longer intervening period than we would have preferred, but the final document also provides that there will be a 10th anniversary commemoration meeting in Helsinki in 1985, the year we might ordinarily have held a follow-up meeting.

We also have decided to hold a series of supplementary meetings between those in Madrid and Vienna. We hope that these will help keep the Helsinki issues alive and at the same time strengthen the Helsinki process.

Here is a list of the eight future meetings provided for in the Madrid document:

1. The first stage of a CDE commencing January 17, 1984 in

Stockholm, to be preceded by a three week preparatory meeting to take place beginning on October 25, 1983 in Helsinki.

2. A six week Experts' Meeting on the Peaceful Settlement of Disputes, in Athens, beginning March 21, 1984.

3. A seminar on Mediterranean cooperation, in Venice, from October 16-26, 1984.

4. An Experts' Meeting on Human Rights in Ottawa, lasting six weeks and commencing on May 7, 1985.

5. A commemorative meeting in Helsinki, in 1985, marking the 10th anniversary of the signing of the Final Act.

6. A Cultural Forum, in Budapest, sometime in 1985.

7. An Experts' Meeting on Human Contacts, in Bern, Switzerland, lasting six weeks and commencing April 16 1986.

8. The third follow-up meeting of the CSCE, in Vienna, starting November 4, 1986.

Note: Emphasis added.