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CANADIAN ELITE PERCEPTIONS OF THE
CANADIAN ROLE IN NEGOTIATING THE
HELSINKI FINAL ACT

by

Geoffrey Nimmo, B.A.

A thesis submitted to the Faculty of
Graduate Studies in partial fulfilment
of the requirements for the degree of

Master of Arts

Department of Political Science

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CANADIAN ELITE PERCEPTIONS OF THE CANADIAN
ROLE IN NEGOTIATING THE HELSINKI FINAL ACT

submitted by Geoffrey A. Nimmo, Hons. B.A.,
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This thesis examines, through Canadian eyes, the participation of Canada in the 22 months of negotiations at Stage II of the Conference on Security and Cooperation in Europe. The primary interest is in determining the objectives of the Canadian negotiators, and the role they assumed. Canada's roles traditionally have concentrated on healing differences between warring states (mediator) or tempering demands from the Western bloc (moderator). At the CSCE, however, Canada played a militant role, pushing for the maximum amount of concessions from the WTO countries.

This thesis maintains that the primary Canadian objective was to draw closer to members of the European Community, with the intention of advancing Canadian interests in the spirit of the Third Option. The militant role was used to demonstrate the Canadian concern for the security problems of Western Europe. The Canadian delegation made intelligent use of role in the pursuit of specific objectives, as advocated by the Trudeau doctrine.

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INTRODUCTION

This paper will undertake an examination of Canadian actions at Geneva during Stage II of the Conference on Security and Co-operation in Europe. Considering that the conference was primarily concerned with problems of a European nature, the Canadian involvement might be expected to have been minimal. This, however, proved not to be the case; Canadian interest in, and contributions to, the proceedings exceeded any reasonable expectations.

Canadian involvement in the conference has not been adequately documented. Journalists and scholars writing on the CSCE have concentrated largely on those participating states most directly affected by the negotiations. While this is only to be expected, it does overlook Canada's energetic participation in the twenty-two months of tough negotiations that culminated in the Helsinki Final Act. Even the author of the most serious Canadian study to date of the CSCE, François Carle, rarely mentioned Canada; maintaining that Canada adopted "a low profile during the negotiations, like the U.S."¹, Carle concluded critically that "narrow considerations" appear to have inhibited the "bridge-building function" Canada should have adopted.² By contrast, the Canadian negotiators believe that their part in drafting the Final Act ranks as a very impressive chapter in the history of recent Canadian diplomacy. They regard the Act itself

¹ François Carle, "Consensus Formation at the Conference on Security and Co-Operation in Europe" (Masters Thesis, Carleton University, 1976), p. 93.

² Ibid., p. 92.

as an historic and positive achievement, and claim an important share of the credit for its good features. Far from agreeing that "narrow considerations" adversely affected their intended role, the delegation members argue that the role adopted allowed Canada successfully to pursue several very important objectives.

It is not unprecedented to find national delegations convinced of both the significance of a conference and the great impact of their own participation. Moreover, having been engaged for such a lengthy period on negotiations leading to the Final Act, any delegation would surely attempt to convince their political superiors that the time and expense involved had not been in vain. However, after reviewing the Canadian records from Stage II, and conducting interviews with most members of the Canadian delegation to that conference, what stands out is the conviction that Canada had indeed played a very important role. There was virtually unanimous acceptance that Canada had not only achieved the objectives it sought at the conference, but was also instrumental in assisting its allies to gain their objectives. What is more interesting, however, is the confirmation of Carle's point that the nature of Canada's participation belied the conventional image of an alliance "mediator" seeking to build bridges between East and West.

The two issues of major interest to this paper concern the ends and means of Canadian foreign policy with regard to the CSCE: what did Canada seek to achieve at the conference, and how were these aims to be realized? To determine what Canada sought is to enter into

the uncertain world of objectives. The purposes a state pursues will be termed objectives, or an image of a future state of affairs to be brought about through the external actions of the state.³ Objectives, however, can be difficult to pin down precisely. While they can be estimated in at least two ways -- through written statements or public declarations made by the policy-makers involved, or through an examination of the actions of a state and then determining the objectives achieved -- neither way is guaranteed to yield the real objectives. Written statements and public declarations may be intended solely to deceive, while the actions of a state can lead to different objectives than those desired.

There are both public declarations and written statements on Canada's objectives at the CSCE. If the statements and declarations are similar, and the actions of the state coincide with these statements and declarations, Canadian participation at the conference would be an example of the rational actor paradigm of decision-making where "a government acts in foreign policy as a unified rational agent with a coherent set of goals and objectives".⁴ While this undoubtedly describes how any country would like to characterize its foreign policy, the description does not entirely fit the Canadian performance at the CSCE. The assumptions of cohesion and shared purpose are invalidated when public and private statements concerning Canadian objectives are

³K. J. Holsti, International Politics (Englewood Cliffs: Prentice-Hall, 1967), p. 131.

⁴Charles F. Hermann, "Foreign Policy Behaviour: That Which Is To Be Explained" in Maurice A. East and others, eds., Why Nations Act (London: Sage Publications, 1978), p. 29.

examined. A 1973 memorandum, approved by Cabinet, laid down the following objectives to guide Canada's participation at the CSCE:

- a) to promote trade and financial relations with Western Europe and to the extent possible with Eastern Europe in the interests not only of Canada's own economic growth but also of maintaining a stable and prosperous international community;
- b) to foster co-operation with like-minded countries in Europe and to encourage freer exchanges with countries with different political and social systems in the interests of a more stable international order, greater social justice, and an improved environment;
- c) to expand scientific, technological and cultural relations on the basis of mutual benefit with the countries of both Western and Eastern Europe in the interest of quality of life in Canada;
- d) to contribute to the security of Europe and to the lessening of tensions there in the interest of maintaining global peace and hence Canada's security; and
- e) in general, to seek concrete forms of mutually beneficial cooperation with these relatively developed countries for the purpose of diversifying Canada's external relations, reducing our vulnerability to and dependence on the U.S.A. and thus strengthening our independence, unity and identity. (emphasis added)

This listing of Canadian objectives, faithfully repeating the six themes of the foreign policy hexagon outlined in Foreign Policy for Canadians, would seem to settle the question of priorities for the

⁵ Department of External Affairs (DEA) Records.

Canadian delegation to the CSCE. A little investigation reveals that this is not the case. Even in private papers there appears a marked discrepancy over what Canada wished to accomplish. A further memorandum to Cabinet contradicted the earlier memorandum by stating that:

The single most important item for Canada has been that relating to humanitarian questions and the development of human contacts. 6

While this is an admirable concern for any country, economic growth was listed as the first Canadian objective in the former memorandum and in Foreign Policy for Canadians.

The Honourable Mitchell Sharp, Secretary of State for External Affairs at the beginning of Stage II, seemed especially unsure about the priority of the Canadian objectives. Sharp made reference in his speech at Stage I to the fact that:

Canada attaches the highest importance to this question of freer movement, not only because of the composition of the Canadian population but also because we believe that progress depends more on putting these principles into effect than on repeating accepted norms. 7

In a subsequent speech referring both to the CSCE and the Mutual Balanced Force Reductions (MBFR) talks, however, Sharp declared that:

...in addition to the central objective of progress in East-West détente, the parallel negotiations

⁶ DEA Records

⁷ The Honourable Mitchell Sharp, "Toward the Security and Well-Being of the International Community", Statements and Speeches 73/17, July 4, 1973, p. 4.

7
present opportunities for Canadian co-operation with the countries of Europe, and in particular with our partners in NATO. 8

Confusion was not yet complete; in a speech detailing how NATO served Canadian interests, Sharp changed once again:

Canadian interests are closely engaged in the CSCE agenda items, and it is worth singling out the economic and freedom-of-movement issues to illustrate the range and importance of the CSCE issues for Canada's foreign and domestic policy aims. 9

The singling out of these public statements by Mitchell Sharp is not meant as a personal criticism, but to demonstrate the confusion apparent among Canadian decision-makers in regard to the CSCE. Mitchell Sharp's statements are the only ones repeated mainly because few of his fellow Cabinet Ministers ever bothered to comment on the CSCE, most likely because they knew little of what was actually going on.

The public and private statements on the Canadian objectives for the CSCE makes it clear that the government was not performing as a "unitary actor with a single set of goals and preferences". Is it then possible to ascertain a coherent ranking of Canadian objectives at the CSCE? This paper answers in the affirmative. It is possible because of the predominant involvement of the Department of External Affairs in the Canadian planning for, and participation at, the CSCE.

⁸ Cited in: Jeanne Kirk Laux, "CSCE: Symbol of the Search for East-West Co-Operation", International Perspectives September/October 1974, p. 26.

⁹ The Honourable Mitchell Sharp, "NATO: How It Serves Canadian Interests", Statements and Speeches 73/12, April 17, 1973, p. 4.

The long duration of the conference, and the obscurity and apparent triviality of many of the disputes, discouraged interest in the Canadian press, Parliament and Cabinet. Neither the Secretary of State nor his Deputy appears to have followed events closely. Other departments were kept informed but, save to express some worry about the economic provisions, rarely displayed much interest. Still less was heard from the provincial governments who were also kept in the picture, especially concerning the Basket 3 provisions on education and culture. Except for family reunification, and the possibility of recognition of post-war European frontiers, there was little involved in the conference to excite any domestic reaction in Canada.

Paradoxically, the very lack of domestic interest led to a greater Canadian input into the conference. Anticipating few domestic returns, the government transferred effective responsibility for the conference to DEA. As the one branch of government with a major interest in the CSCE, DEA was permitted to develop Canadian policy for the conference relatively free from Cabinet, Parliament, or public scrutiny. Authoritative leadership for Canada clearly resided in the Canadian delegation to Geneva, and the small body of DEA officials in Ottawa who gave instructions to the delegation. Control and execution of Canadian policy at the CSCE was centered within a relatively small group of individuals. The attitudes of this group therefore assumes large proportions in the search for Canadian objectives.

The Canadian team apparently had remarkably similar views on CSCE issues. This closeness is reflected in the telegrams to and

from Ottawa and Geneva; seeming to accept that all members were agreed on Canadian objectives, the communications never dwelled on the ends of Canadian policy but rather on how best to achieve them. It is this cohesion of the actual decision-makers that makes possible the attribution of purposiveness to Canadian actions at the CSCE. While there are various ways to undertake an examination of foreign policy, the assumption of purposiveness promises the best possibility for understanding the foreign policy actions of a state. Working from this assumption, it is possible to examine the actions of the state, and determine what objectives these actions were designed to achieve. The interviews undertaken with the authoritative decision-makers, as well as reference to the records on the Geneva conference, should help to ascertain the Canadian objectives and the success of the Canadian delegation in achieving them. It is the contention of this paper that DEA officials formulated precisely Canada's objectives for the CSCE, and that subsequent Canadian actions at the conference were taken with a view to achieving these objectives.

Drawing upon a knowledge of events in recent Canadian foreign policy, added to what has been written of the Canadian participation at Geneva, the likeliest possibility for the primary objective appears to be: that DEA recognized the possibility of using the CSCE to aid in the diversification of Canadian foreign policy and instructed the Canadian team to act accordingly. To put this in a more testable form: a belief in the need for greater diversity in Canadian foreign policy led to an emphasis on improving relations with countries important to

that diversification. A study of Canadian behaviour at Stage II should determine the accuracy of this statement.

It has been suggested by Carle, and corroborated by the Canadian delegation, that Canada did not adopt its usual "bridge-building function at the CSCE". Although proud of their part in the creation of NATO, Canadians had long seen themselves, and been seen by others, as a moderating element in global politics, eager to probe every possibility of genuine détente with the Soviet bloc. A 1975-76 study of perceptions of Canada held by foreign elites in 26 countries revealed that, in the context of East-West relations, Canada was most frequently seen as a "mediator", "communicator", or "peacekeeper".¹⁰ Asked to suggest the country "that behaves most like Canada in international affairs", the most popular response from the combined Canadian and foreign elites was "Sweden" or another Scandinavian country, and the usual explanation stressed their pragmatic, moderate and peace-promoting policies.¹¹ A fifth of the combined elites preferred "follower" as the term best characterizing Canada's role in East-West relations while, especially among the Canadians, "partner" had considerable support.

The adoption by Canada of a role other than that of mediator would mark a sharp divergence from official policy. What role Canada filled at the CSCE, however, is open to considerable question.

¹⁰ Peyton V. Lyon and Brian Tomlin, Canada As An International Actor (Toronto: MacMillan of Canada, 1979), p. 29.

¹¹ Ibid., p. 82.

Karl Birnbaum, one of the most astute and prolific writers on the CSCE, viewed the Canadian delegation as "pragmatic" and "good communicators". In his opinion, the delegation acted as a "mediator" in attempting to bridge the gulf between the Soviet Union and members of the European Community.¹² This view contrasts quite dramatically with that of the Canadian delegates who saw themselves as among the toughest advocates, and probably the most effective, of squeezing every possible concession out of the Soviet Union and its allies. This perception is corroborated by the Canadian records which contain numerous references to the Canadian delegation urging its allies to make and maintain maximum demands, to press détente to its outer limits and to avoid any hint of disunity or disposition to be hurried; furthermore, there were frequent complaints about softness on the part of other Western delegations. This perception is not confined to Canadians; at a recent conference on the CSCE at Bellagio, Italy, a Polish participant was invited to name the "toughest" Western delegations at Geneva. In his rating, which he claimed resulted from discussions with other Warsaw Pact delegations, Canada was second only to the Dutch.¹³

Birnbaum's perception of Canada as a "mediator" at the CSCE could arise from three possible sources. The first possibility is that Canada did indeed act as a "mediator"; Carle and the Canadian delegation either misperceived or misinterpreted the role the Canadians played. The second possibility is that Canada acted as a "mediator" on

¹²Personal interview with Peyton Lyon. Karl Birnbaum made these comments at a conference on the CSCE that Professor Lyon attended.

¹³Ibid. The Polish delegate was invited to the conference to give a flavour of Warsaw Pact thinking.

certain issues; to act as a "tough" negotiator in all areas could have endangered negotiations on issues in which Canada had a more direct interest. The third possibility is that Birnbaum based his perceptions of Canada on traditional images; since Canada had previously acted as a "mediator" between East and West, he assumed that it must still be doing so. Images, especially of secondary powers, do not die easily. While role-playing has been defined as "behaviour structured by societal expectations",¹⁴ Birnbaum's perception of the Canadian role could be explained as societal expectations structured by previous behaviour.

The fact that roles played by countries are not, and should not become, immutable was clearly recognized by the Trudeau foreign policy review of 1968-70. Worried that an excessive reliance on traditional roles had spawned a tendency to react to international events rather than to initiate action in pursuit of clearly defined national interests, Foreign Policy for Canadians stated that: "Roles and influence may result from pursuing certain policy objectives...but they should not be made the aims of policy".¹⁵ Henceforth, there would need to be good and sufficient reasons for Canada to play any role. Accepting that Canada has often acted as a "mediator" in international politics, the particular problem addressed in this paper is whether Canada played a "deviant" role at the CSCE. If a "deviant" role was adopted, was this done in order to gain specific objectives Canada was pursuing?¹⁶

¹⁴ Lyon and Tomlin, Canada As An International Actor, p. 10.

¹⁵ Foreign Policy for Canadians (Ottawa: Information Canada, 1970), p. 8.

¹⁶ The term "deviant" is not used in a derogatory manner. It is used solely to distinguish the possible new role from the previous "mediator" role.

The answer to the question of the actual Canadian role will be looked for in the Geneva negotiations. What is important to discover is whether the role was intended to assist in the pursuit of specific objectives, or whether the role adopted was chosen because this was expected of Canada. It is the assertion of this paper that the Canadian negotiators adopted a militant stance in order to pursue specific objectives. The role was to be used as a means to the end, not the end itself. To claim that a militant role was adopted in pursuit of policy objectives, however, does not provide the reasons why this was thought necessary. In different circumstances, another role might have been more useful for Canada in gaining its objectives. The conclusion to this paper will not only test the assertion that the role was adopted in pursuit of policy objectives, but will also examine possible reasons why this was so.

CHAPTER I

THE BACKGROUND

When the first phase of the Conference on Security and Co-Operation in Europe opened in Helsinki on July 3, 1973, Canada was present as a full participant. This marked the culmination of a protracted struggle on two related fronts; the long march towards a conference on European security, and the successful Western efforts to ensure the two North American countries an appropriate role in such a conference.

Initial efforts to convene a conference on European security stemmed from the Soviet Union's fear of West Germany. In February 1954, at the Berlin conference of foreign ministers, Molotov advanced a "Draft General European Treaty of Collective Security in Europe", calling for a fifty-year collective security pact, with a neutralized and divided Germany.¹ Because the proposal came in the midst of negotiations to bring West Germany into NATO, the West dismissed Molotov's proposal as an obvious ploy to prevent West German rearmament. The idea was revived in 1964 when Adam Rapacki, Poland's foreign minister, suggested at the United Nations General Assembly that a conference on European security be convened; the proposed conference would include all European countries, along with the United States and Canada. Once again the timing of the initiative was unfortunate -- negotiations were then proceeding within NATO for the establishment of a Multilateral Nuclear Force and the West rejected the WTO offer as attempted interference in Western internal concerns.

¹Bennett Kovrig, "European Security in East-West Relations: The History of a Diplomatic Counter", p. 6.

Serious discussions on a European security conference can be traced back to 1966. In March of that year, Leonid Brezhnev reported to the Twenty-Third Congress of the Soviet Communist Party that the Central Committee proposed:

To enter into negotiations on matters of European security. To discuss the existing proposals of the socialists and other states of Europe concerning a military détente and the development of peaceful, mutually advantageous ties among all European states. To convene an appropriate international conference for this purpose. To continue to seek ways for solving one of the cardinal tasks of European security -- the peaceful settlement of the German question with a view to eliminating completely the vestiges of the Second World War in Europe on the basis of recognition of the now existing European frontiers, including those of the two German states.

This Soviet proposal was carried a step further at a meeting of the political consultative committee of the WTO powers held in Bucharest in July 1966. Entitled a "Declaration on Strengthening Peace and Security in Europe", the communique from the meeting stated that the immutability of present European boundaries was the main prerequisite for ensuring European security.³ There was also pressure applied for the dissolution of NATO and the WTO, and a deliberate ambiguity over the presence of the United States and Canada at such a conference. While the invitation to the proposed security conference was addressed to NATO members as well as European neutrals, the declaration held that "there is no doubt that

²Robert W. Reford, "The Road to Greater Security Within a Divided Continent"; International Perspectives January/February 1973, p. 30.

³Michael Palmer, The Prospects for a European Security Conference (London: Chatham House, 1971), p. 77, para. 3.

the aims of U.S. policy in Europe has nothing in common with the vital interests of the European peoples", and that the latter were "in a position to solve the problems of their mutual relationship without interference from the outside".⁴

NATO made no immediate reply to the Bucharest proposal; unsure of its future role, NATO was beginning an exercise in self-examination. The study was begun in 1967 under the leadership of Belgian foreign minister Pierre Harmel: the idea of a European security conference received a boost when the "Harmel Report" concluded that the alliance's functions would henceforth be predominantly within the political, rather than the military, realm:

The ultimate political purpose of the alliance is to achieve a just and lasting peaceful order in Europe, accompanied by appropriate security guarantees.⁵

In June 1968, the NATO Ministerial Council, meeting at Reykjavik, accepted the challenge of the WTO to contribute to European security. The "Declaration on Mutual Balanced Force Reductions" asserted that:

...balanced and mutual force reductions can contribute significantly to the lessening of tension and to further reducing the danger of war.⁶

The WTO goal of holding a European security conference had now been balanced by the NATO demand to hold negotiations on MBFR.

⁴Karl E. Birnbaum, Peace in Europe (London: Oxford University Press, 1970), p. 54.

⁵Reford, "The Road to Greater Security Within a Divided Continent", p. 30.

⁶Wolfgang Klaiber and others, Era of Negotiations (Toronto: D.C. Heath and Co., 1973), p. 111, para. 2.

Negotiations for the two conferences were halted for seven months following the invasion of Czechoslovakia in August 1968. The crushing of the Dubcek regime pointed out to the West how much less the Soviet Union cared about détente than about their firm control over Eastern Europe; détente in Europe would clearly have to be on the basis of the status quo. A superfluous confirmation of this fact was provided by the Brezhnev Doctrine, with the explicit statement of limited sovereignty for socialist states. Henceforth the Soviet Union claimed the right to protect the socialist systems in Eastern Europe, by armed force if necessary. The march towards the CSCE resumed on March 17, 1969, when the WTO issued a communique from Budapest detailing five basic prerequisites for European security:

...the inviolability of the frontiers in Europe, including the frontiers on the Oder and Neisse and also the frontiers between the German Democratic Republic and the Federal Republic of Germany, renunciation by the Federal Republic of Germany of its claims to represent the entire German people, and renunciation of the possession of nuclear weapons in any form. West Berlin has a special status and does not belong to West Germany. 7

The communique was followed by the first formal proposals concerning an agenda for the proposed conference. It was decided during a meeting of the WTO at Prague in October 1969, that two categories of questions would be put forward for discussion at such a conference:

⁷Palmer, The Prospects for a European Security Conference, p. 86, para. 7.

1. The ensuring of European security and the renunciation of the use of force or threat of its use in the mutual relations among States in Europe;
2. Expansion of trade, economic, scientific, and technical relations on the principle of equal rights aimed at the development of political co-operation among European states.⁸

The differences between the two sides were gradually narrowing. The NATO Ministerial Session of May 26-27, 1970, held in Rome, accepted the two agenda items put forward by the WTO, while adding freer movement and the environment to the agenda:

Among the subjects to be explored, affecting security and co-operation in Europe, are included in particular:

- a) the principles which should govern relations between states, including the renunciation of force;
- b) the development of international relations with a view to contributing to the freer movement of people, ideas and information and to developing co-operation in the cultural, economic, technical, and scientific fields as well as in the field of human environment.⁹

Despite WTO statements that the conference should be held "without preconditions", the communique implied that any security

⁸ Ibid., p. 90, para. 3.

⁹ Klaiber, Era of Negotiations, p. 131, para. 6.

conference could only convene after a successful conclusion of the Berlin talks and West German Ostpolitik; furthermore, any conference must be one in which "...the North American Members of the Alliance would participate, to discuss and negotiate substantial problems of co-operation and security in Europe."¹⁰ Even at this early stage of the negotiations, the Western intentions were clear; if the Soviet Union was that eager for a conference on European security, it would have to pay for its convening.

A June 1970 memorandum from the WTO meeting at Budapest agreed to the inclusion of the North American alliance members:

The question of participation at the conference has been clarified: participation is open to all European States, including the German Democratic Republic and the Federal Republic of Germany on an equal footing with each other and with rights equal to those of other European States, and also to the United States and Canada. ¹¹

Another concession, the Western demand for MBFR, was also granted by the memorandum, accepting that military détente was an essential ingredient of political security:

The Governments which have adopted this Memorandum believe that the interests of détente and security in Europe would be served by the consideration of the question of the reduction of foreign armed forces on the territories of European States. ¹²

¹⁰ Ibid., p. 130, para. 1.

¹¹ Palmer, The Prospects for a European Security Conference, p. 97, para. 4.

¹² Ibid., p. 98, para. 4.

Despite the signing of the German-Soviet treaty in August 1970, and the initialling of the German-Polish Treaty in November, the West would not move without progress on the Berlin question and the "inner German dialogue":

...concrete progress in both these fields could constitute an important contribution to peace and would have great weight in their evaluation of the prospects for improving East-West relations in Europe. 13

The West became even more specific when, in June 1971, a communique from a North Atlantic Council Ministerial Session in Lisbon concluded that conversations on a European security conference could be started once the 4-Power discussions on Berlin were completed.¹⁴ On September 3 the 4-Power Berlin Agreement was signed, and in October the NATO countries, minus France, signified their assent to discussion of an ESC by proposing that exploratory talks be undertaken on MBFR in central Europe. Although never explicitly stated in these terms, the Western agreement to enter into talks on the CSCE was dependent on the WTO undertaking to accept MBFR.

While events moved more rapidly in the wake of NATO's agreement in principle to Multilateral Preparatory Talks for the proposed conference, these talks did not open until November 20, 1972, a year after the signature of the 4-Power Agreement and twelve days after the initialling of the Basic Treaty to regulate intra-German relations. Final problems

¹³ Ibid., p. 103, para. 2.

¹⁴ Klaiber, Era of Negotiations, p. 162.

had been cleared up during President Nixon's summit meeting in Moscow in May 1972. Not only did he sign the first SALT agreements but he also extracted an agreement from the Soviet leadership that the CSCE and MBFR, though separate negotiations, would run parallel. This led the NATO Ministerial meeting in Bonn, May 31, 1972, to produce a communique stating that:

In the light of these favourable developments, Ministers agreed to enter into multilateral conversations concerned with preparations for a Conference on Security and Co-operation in Europe. They accepted with gratitude the proposal of the Finnish Government to act as host for such talks in Helsinki at the level of Heads of Mission under the conditions set out in its aide-memoire of 24 November, 1970. 15

Canada had long supported the proposal that talks be held to prepare the ground for a conference on security and co-operation in Europe. While eager to be a participant at the proposed conference, what qualifications gave Canada an entrée to a conference originally characterized as "all-European"? An unsigned article in International Perspectives summed up in fine fashion the essential links between Canada and Europe:

Canada has been deeply involved in two world wars that inflamed the European continent. Canadian and European security are seen as inter-dependent. Canada has a direct stake in European security through maintenance of Canadian forces there as part of

¹⁵ Ibid., p. 188, para. 4.

the North Atlantic Treaty Organization's military complement. Canada's traditions and cultures are in large part of European origin. It has firm historic and economic ties with Europe. 16

Ottawa, however, was not willing to enter straight into the conference; only the preparatory talks would permit a realistic judgement as to the chances for a successful conference. To be of service the conference would need to address substantive issues; if it became a mere propaganda show, the process of détente would suffer a harmful setback. In his opening statement at Helsinki, Canadian Ambassador Coté warned:

A conference which did no more than agree on high-sounding but empty forms of words would create a dangerous illusion of progress. This is why the Canadian Government is of the view that the conference should make concrete and real contributions to security and co-operation; it should deal with and resolve the underlying causes of division and tension in Europe; it should try to agree on specific steps, however modest they may be in the first instance, to improve the situation. 17

The opening to the multilateral preparatory talks was to set the tone for all three stages of the CSCE. While the WTO speakers invariably stressed the first agenda item, dealing with questions of security, the Western speakers emphasized the importance of those items

¹⁶"Canada and European Security", International Perspectives January/February 1973, p. 35.

¹⁷E.A. Coté, "Conference on European Security and Co-Operation: Canadian Expectations", Statements and Speeches 73/3, December 1, 1972, p. 2.

embraced under the heading of co-operation. On security, the major task was the creation of a set of guiding principles to govern relations between states. The WTO proposed using these principles to bless the status quo, both territorial and political, to exclude all forms of change, whether peaceful or not, and to confirm the right of each government to restrict the movement of its people in the name of non-interference. Of particular interest to them was the gaining of a principle guaranteeing the immutability of frontiers, for with such a principle the ideological and territorial split within Europe would be legitimized forever. Canada, while agreeing with the principle that frontiers should not be changed by force, stressed that it would not permit any suggestion that the conference "is taking on the responsibility of a peace conference by establishing permanent frontiers in Europe or recognizing them in international law".¹⁸

Canada, in line with other Western participants, emphasized that co-operation was to be as important a part of the proposed conference as security. Co-operation was an umbrella-like term covering such areas as economic and trade relationships, efforts to preserve and improve the environment, exchanges in the fields of science and technology, cultural relations and the freer movement of people, ideas and information. Canada took special interest in the question of freer movement of people, ideas and information. Speaking after a NAC meeting on December 7, 1972, External Affairs Minister Mitchell Sharp declared:

If we don't achieve something in this direction -- including the basic freedom of families to reunite -- then the conference will have failed to achieve one of the most desirable goals.¹⁹

¹⁸"Canada and European Security", International Perspectives, p. 36.

¹⁹ Ibid., p. 37.

The preparatory talks, which continued for a seven-month period, eventually reached an agreement on June 8, 1973. In line with the Western aim of parallel progression of the two conferences, the completion of the preparatory talks on MBFR occurred shortly thereafter. With the official opening of the conference "on mutual reduction of forces and armaments and associated measures in Central Europe" scheduled for October 30, the CSCE was finally ready to begin.

The inaugural session of the CSCE convened in Helsinki on July 3, 1973. The purpose of the meeting, which included the foreign ministers of all but one of the states of Europe (Albania declined because "a conference which is organized and manipulated by the United States and the Soviet Union is no guarantee for security"²⁰) along with Canada and the United States, was to approve the results of the preparatory talks. The Final Recommendations of the preparatory talks had listed four agenda items for approval-- Questions Relating to Security in Europe; Co-operation in the Field of Economics, of Science and Technology and of the Environment; Co-operation in Humanitarian and other Fields; and Follow-Up to the Conference. The document included detailed mandates ("elaboration of the agenda items"), and prescribed the rules of procedure as well as the organizational and financial arrangements of the conference.

The first stage of the CSCE proceeded relatively smoothly, and preparations were made for Stage II where experts from the participating states would:

²⁰ Keessing's Contemporary Archives, 1973, p.25699.

...pursue the study of the questions on the agenda and...propose drafts of declarations, recommendations, resolutions or any other final documents on the basis of the proposals submitted during the first stage.... 21

The conference's second stage began in Geneva on August 29 with a meeting of the Co-ordinating Committee, a body composed of heads of delegations responsible for organizing the work of this phase and submitting its results to the third stage. The committee apportioned the tasks laid down in the Final Recommendations amongst three committees which were to supervise eleven sub-committees and one special working group. The four major agenda items, termed "baskets", were accorded a committee each with the Co-ordinating Committee to handle Follow-Up to the Conference. The scene had now been set for the period of major interest to this paper, Stage II of the CSCE.

While Stage I proceeded relatively smoothly and undramatically, a peripheral issue that directly involved Canada very nearly spoiled both the atmosphere and the success of this initial stage. The Maltese requested that Algeria and Tunisia be allowed to present their views to the conference, but they then refused to consider an Israeli request for a similar hearing. Countries quickly adopted hard positions as the divisive themes of the Arab-Israeli conflict were heard in the corridors and conference rooms. Canada, represented by Mitchell Sharp, now achieved momentary prominence by holding up the conclusion of Stage I until assured that, if Arab states were given a hearing, Israel would

²¹David Karsgaard, "European Security: A Review of Conference's First Stage", International Perspectives September/October 1973, p. 8.

be heard also. Canada was successful in its defence of Israeli interests -- six Mediterranean states, including Israel, made presentations at Geneva in Stage II.

CHAPTER II

THE OBJECTIVES OF THE MAIN ACTORS

The Final Act of the CSCE evolved from a mixture of differing objectives. Because of this wide diversity, each country knew that it would be obliged to compromise and accept some measures not to its liking. Thus, the Geneva negotiations featured hard bargaining over texts that each party realized might be used in the future to promote policies at least partially in contradiction with its own objectives. Despite the contradictions involved in the differing approaches to negotiating détente, each of the governments involved had to believe its participation was advantageous in terms of the trade-offs involved. The expectation was that whatever concessions were given would be sufficiently offset in the long run by gains made in pursuing European security on its own terms.

The WTO, apart from Romania, was a tight and exceptionally cohesive grouping. With the Soviet Union as unquestioned group leader, they formed an effective united front in pursuit of their objectives. The Soviet Union attached primary significance to the multilateral confirmation of the status quo in Europe; the legitimization of the territorial changes resulting from the victories of the Red Army in 1945, and the introduction of the German Democratic Republic as a full-fledged member of the international community. By isolating certain select principles (the inviolability of frontiers, territorial integrity, and non-intervention in internal affairs), the Soviet Union intended to use the CSCE as a vehicle for freezing and legitimizing both the territorial status quo, the post-W.W. II boundaries, and the political status quo, the East-West division of Europe. The outstanding

territorial issues in Europe had been settled before the conference began. The intent, however, was to institute additional safeguards against possible future attempts to revoke or otherwise invalidate the bilateral treaties negotiated with Bonn in the years 1970-72.

The principles emphasized were also to serve a defensive purpose, to ensure strict central controls on the processes of inter-societal contacts and communications resulting from the CSCE. The Soviet Union had no intention of allowing the Western-inspired provisions of Basket 3 to erode their control over Eastern Europe. Two weeks prior to the start of Stage II, Moscow Radio referred to the idea of freer movement of people and ideas as a "farcical thesis" which meant, in reality, freedom for such Western "propaganda centers" as Radio Liberty to conduct "subversive propaganda".¹ On the very eve of Stage II, Soviet news agencies were distributing articles underlining Soviet insistence that "contacts, exchanges, visits and the circulation of news must duly regard the laws and customs of the countries concerned".² The Soviet Union clearly intended to emphasize those principles that could be used to insulate the bloc countries from the penetration of Western ideas.

The second Soviet objective was less obtrusive. This was to counter the trend towards Western European political, economic and military integration by advancing the broader idea of an all-European system of

¹Report on World Affairs, Volume 54, Nos. 3 and 4, 1973, p. 74.

²Ibid., p. 74.

peace, security and co-operation. The Russian proposal for a collective security mechanism indicated their desire for a permanent institution allowing a direct say in European matters. As one Soviet diplomat at Geneva put it: "We now have a voice in Europe and we intend to keep having a voice in Europe".³ The direct voice in European affairs would be useful not only to drive a wedge between the United States and Europe, but also to mobilize Europe against exclusive groupings -- namely, the European Economic Community -- and "to nudge the EEC into more open relations with the East".⁴

The third Soviet objective was to persuade the West to engage in greater economic interchange with the East, thereby enabling Eastern Europe to gain in technology and capital to finance its stagnated economic development. Mutual interests in this area are relatively easy to detect. While the East desired Western investment capital and technical know-how, Western Europe was interested in raw materials and co-operative measures in the fields of energy, transport, and environment. Although the Canadian delegation initially saw this as the major Soviet objective -- "a greater willingness of the West to co-operate in the economic sphere (especially access to technology), based on the détente spirit"⁵ -- there was a question over the usefulness of these measures. While the West planned to give concessions in Basket 2 in return for Soviet concessions in Basket 3, there was no need for the East to indulge in this trading. The issues under negotiation were actually regressive, in that they were already being negotiated at other

³K. J. Holsti, "Who Got What and How: The CSCE Negotiations in Retrospect", p. 6.

⁴Ibid., p. 6.

⁵DEA Records.

multilateral fora (ECE, GATT, IMF). If the Soviet Union and its allies could get what they wished at these fora, why should it give concessions at the CSCE?

The second most prominent delegation among the WTO members were the East Germans. Fielding a very able delegation noted for their legalistic thoroughness and defence of "socialist" interests, they were considered by the Canadian delegation to be even more orthodox and conservative than the Soviet delegation. The major GDR interest was to gain international recognition; this would solidify East Germany's position as a legitimate state, both internally and internationally. Particularly important to this endeavour was the elimination of any perception by the East German population of an alternative to its present existence. This meant that co-operative measures, primarily in Basket 3, must be as limited as possible.

With the exception of Romania, the remaining WTO countries made little contribution to the CSCE. Romania attempted a bold exploitation of the CSCE as a vehicle by which to flaunt and enhance its relative independence within the Soviet bloc, and an opportunity to create links with other countries.⁶ Romania was particularly interested in neutralizing the Brezhnev Doctrine. In pursuit of this objective, the delegation sponsored a strong resolution on the "non use of force" in European affairs, and called for an institutionalized follow-up body as insurance against any violation of the provisions of the CSCE.

⁶It is questionable exactly how much freedom to manoeuvre Romania actually had. There is the strong feeling that Romania was allowed to assert its independence only on matters not of vital importance to the Soviet Union.

The identifiable common concern among the nine member states of the European Community was the prospects for closer economic and political co-operation. Always conscious that nothing from the CSCE be allowed to hinder the chances for further West European integration, the Nine used the proposed conference as an opportunity to launch its first major co-ordinated foreign policy undertaking. The foreign ministers meetings and summit conferences of the European Community, starting in 1970, were devoted in part to considering how the Nine would operate at the upcoming CSCE conference. The Davignon Committee, the loose foreign policy co-ordinating group of the Community, was used to oversee the negotiations and to co-ordinate proposals and negotiating tactics.⁷ Despite these preparations for a co-ordinated foreign policy, few observers saw much possibility of submerging the oft differing national aims.

Another common goal of the Nine and the West in general was to ensure that the CSCE elaborated a maximum of concrete provisions facilitating and promoting contact and communication between East and West. To gain domestic support for their participation in the CSCE, the governments of the West believed it was essential that the conference results demonstrate tangible improvements in the daily lives of all European citizens. Reversing Soviet priorities which consistently emphasized the importance of state-to-state relations as the foundation for détente, the West argued for a

⁷Information on the Davignon Committee is contained in: Report of the Foreign Ministers of the Member States of the European Communities to the Heads of State of Government on Possible Progress Towards Political Unification, 20 July 1970.

"people first" theory of détente. Controversial Basket 3 issues were not concerned with ideological questions, but with the need to build more secure, fruitful and co-operative relations between individuals. It was hoped that with the increase in contacts between individuals would come an improvement in state-to-state relations. While it quickly became clear in the preparatory talks that co-operative measures in such sensitive areas would have to be non-binding, the vital point would be made that détente in Europe depends not only upon observing the status quo but also on opening up a whole range of contacts among peoples and recognizing their claim to basic rights.

Among the Western states, the Federal Republic of Germany undoubtedly had the most at stake in these negotiations. Although its primary objective was of a defensive nature, to allow nothing to jeopardize the theoretical possibility of German unification, the delegation planned to be on the offensive concerning co-operative measures.⁸ The family reunification issue in Basket 3 was especially important to resolve; there were many German families still divided by the political divisions engendered by W.W. II, and the West German government was under pressure to alleviate the situation. Co-operative measures in Basket 2 were also important; West Germany was interested not only in expanding its markets into Eastern Europe, but co-operative measures of this kind would be a useful complement to the political measures of Ostpolitik.

⁸Co-operative links, especially in economic matters, have become increasingly strong between West Germany and Eastern Europe. This has given West Germany an added incentive to keep détente alive.

The French delegation laboured under a distinct handicap at the CSCE. Still preferring bilateral diplomacy vis-à-vis the Soviet Union and other East Europeans, the French government had little confidence in the multilateral negotiations of the CSCE and wanted them finished as soon as possible. Despite their relative disinterest in the CSCE, however, the French perceived the CSCE as a vehicle which could provide greater leadership opportunities in other Community activities. The delegation was thus placed in an unenviable position: while the French government officially recognized the CSCE only in a very grudging fashion, the French delegation were still expected to use the conference as a means of assuming leadership of the Nine.

Within the NATO caucus, the major surprise was the relatively low-key contribution of the American delegation. In February 1971, President Nixon summarized the attitude of his administration towards a possible future European security conference:

...We see little value in a conference whose agenda would be unlikely to yield progress on concrete issues, but would only deflect our energies to drafting statements and declarations, the interpretation of which would inevitably be a continuing source of disagreement.⁹

Of great importance to the United States' performance was the attitude of the American Secretary of State, Henry Kissinger.

⁹John Carson, "Different Motives Combine to Produce CSCE Final Act", International Perspectives September/October 1975, p. 18.

Kissinger had little use for multilateral conferences such as the CSCE, considering them unwieldy and time-consuming. Détente, as practised by Kissinger, featured bilateral diplomacy and concentrated on efforts to influence the foreign policy of the Soviet Union while not interfering in its domestic affairs. Kissinger possessed a strong skepticism about the suitability of human rights as a subject for international negotiations.¹⁰ Rather than adding to détente, he viewed attempts at implementing measures for improving human rights as interference in the internal policies of states and a potential setback to the improvement of relations between states. What particularly concerned Kissinger was that Western concentration on topics sensitive to the Soviet Union could adversely affect negotiations on what he considered more important subjects, those dealing with military strategic stability such as MBFR and SALT.

In contrast, Canada had a very real interest in the CSCE and played an extremely active role during negotiations. Because there were still Europeans who needed to be reminded that North America is composed of two separate states, the contrast between the Canadian and American roles at the CSCE could only help to enhance the image of Canada as an independent actor. For the Canadian delegation the major priority was to strengthen Canada's credentials as a reliable and active participant in European affairs. The CSCE provided "...in broadest

¹⁰ In The Ottawa Citizen, Tuesday, July 29, 1975, James Eayrs wrote an article entitled: "Western Sellout? Inviolability of Europe's Frontiers Proclaimed". In the article was included this quote by Kissinger: "We must know what can and cannot be achieved in changing human conditions in the East...some argue that...demands for internal changes must be the precondition for the pursuit of a relaxation of tensions with the Soviet Union...Our view is different."

terms, an invaluable forum for Canada to express its European-ness and an opportunity to diversify our foreign policy outlook...."¹¹ Because of the low-key American approach, the CSCE provided a useful medium through which the image of a Canada distinct from, and independent of, the United States could be fostered. For closer future relations with Western Europe, the perception of Canada as an independent actor was a necessity. The United States was helpful to Canada in yet another way. Although relatively inactive at the CSCE, the presence of the U.S. in the NATO caucus meant that that caucus could not be ignored by the Nine. Before any Western positions were advanced, there were generally close consultations between the Nine and Fifteen. With the close consultations and with America playing such an unassuming role, there was greater scope for lesser NATO members such as Canada to influence Western negotiating positions.

With regard to the fourth group of actors at the CSCE, comprising neutral and non-aligned states (NNA's), there was a great diversity of objectives. There were, however, at least two common to all. The first manifested itself most clearly in jointly sponsored proposals on military matters. Not being represented at the bloc-to-bloc negotiations of MBFR, these states were "maximalists" on military issues, putting forward the strongest proposals for Confidence-Building Measures (CBM's) and attempting to create strong links between the CSCE and MBFR. Another major preoccupation of this group was the

¹¹ DEA Records.

need to safeguard the very momentum of East-West negotiations in a multilateral forum. Having gained the unprecedented opportunity to play a role in European détente, these states had no intention of allowing the CSCE to disappear after only one conference.

Although the two issues did manage to impart a certain amount of cohesion to NNA actions, the national objectives of these states proved as diverse as the states themselves. While Malta concentrated on bringing Arab states ever more into the CSCE negotiations, Yugoslavia concentrated on national minority issues. The Swiss introduced a strong proposal on compulsory settlement of disputes, while the Finns attempted to walk the tightrope between improvements on humanitarian issues while avoiding antagonizing the Soviet Union. The NNA states, however, had difficulty in having their special interests taken seriously unless they acted in unison. While the consensus rule ensured in theory that all special interests had to be regarded, only in extraordinary circumstances could an NNA state command sufficient pressure to gain acceptance of its proposals.

CHAPTER III

THE NEGOTIATIONS

The single most important rule of procedure at the CSCE was undoubtedly the one stipulating that all decisions be taken by consensus. Consensus, understood to mean "the absence of any objection expressed by a Representative and submitted by him as constituting an obstacle to the taking of the decision in question"¹, was of special importance to the smaller countries as it ensured the formal equality of all participating states. While praising the rule as a guarantee against bloc-to-bloc arrangements, or secret deals between states, Romania primarily liked consensus because it permitted the illusion of pursuing an independent line from the WTO. The consensus rule was also necessary for the Soviet Union; controlling only about one-fifth of the votes at the CSCE, it is highly unlikely the Soviet Union would have agreed to participate without a veto, at least for itself.

Each side began the Geneva negotiations with certain tactical advantages. The main Western advantage came from the Soviet Union's expressed desire for the formulation of principles to perpetuate the geographical and political status quo in Europe. The détente envisaged was limited to relations between states. Because this definition of détente did not mean any lessening of the ideological struggle, contacts between individuals and groups from the different ideological systems was to be kept at a minimum. While the Western countries had no intention of permitting principles that would legitimize Soviet control in Eastern Europe, certain concessions in this section could be used

¹Final Recommendations of the Helsinki Consultations (Helsinki: 1973), p. 22, para. 69.

to gain concessions in Basket 3. Ironically, the Soviet interest in keeping contacts between the East and West on an official state-to-state basis was used by the West as a lever to increase co-operative measures involving individuals.

Two more bargaining assets for the West were the date and level of the concluding stage of the CSCE. The Soviet Union had shown a distinct preference for an early Stage III at the summit level. The West quite properly concluded that all serious negotiations would come to an end once a date was set for Stage III and therefore planned to delay setting any date until all meaningful negotiations were at an end. If the Soviet Union was so interested in a speedy conclusion, it must make the necessary concessions. The level of the signing of the conference document at Stage III was important because the higher the level of signing, the more prestige given the CSCE. This prestige would naturally reflect back upon the Soviet Union as it had proposed the conference. The West held the position that the level of signing would be determined by the significance of the CSCE results. If the texts were satisfactory, they would justify a signing at the summit level; if the conference achieved little, the West had no reason to dignify the lack of results by a signing at that level. Therefore, the Soviet Union would have to make concessions for a summit signing.

An unexpected negotiating advantage for the West resulted from the close co-ordination among the Nine, and between the Nine and the Fifteen. With differing national objectives spurring each of the Western delegations, there was fear that it would be a near impossibility to develop a co-ordinated position. In the face of a

united WTO, this might well have spelled diplomatic disaster. Luckily these fears were not realized. Jeanne Laux, an academic who conducted extensive interviews with delegates to Stage II, described the situation

very well: Even at a time when the international press was speculating as to whether Britain would pull out of the EEC, when Denmark and Italy had contravened basic EEC tariff policy, the West European ambassadors in Geneva were positively self-congratulatory on their successful co-operation at the CSCE. ²

The conference provided an excellent proving ground for the Nine in political co-operation. While there were several clashes between the member states, the co-ordination achieved surprised all conference participants. As a symbol of the partial subordination of national interests, a representative of the Common Market participated in negotiations on issues falling within community competence, notably in Basket 2. The representative sat as a member of the national delegation doing the chairing of the Nine, and assumed effective control of the Nine in economic matters. ³

Co-ordination between the Nine and Fifteen worked on a two-tier basis. The NATO caucus in effect operated as a second chamber to the caucus of the Nine, the latter usually meeting before the Fifteen. While the interplay between the two caucuses could on

² Jeanne Kirk Laux, "CSCE: Symbol of the Search for East-West Co-Operation", International Perspectives September/October 1974, p. 25.

³ Mr. Kawan was the Commission's representative and co-ordinator in Basket II. He proved instrumental in holding the Nine together, especially with certain of the countries attempting to make their own bilateral deals with the U.S.S.R.

occasion become complicated, in most cases the Nine were able to agree on substance and tactics, with the outcome subsequently endorsed by the Fifteen. On other occasions, the Nine were unable to agree and it was only in the Fifteen's caucus that consensus could be reached. This close co-ordination between the Western participants both surprised and disconcerted the Soviet bloc. Expecting differing national objectives to destroy Western unity, the WTO was instead confronted by a determined stance on most issues. The Western resolve became most apparent in Basket 3; Western solidarity, combined with the support the West received from most members of the NNA group, was essential in finally convincing the Soviet Union that concessions would have to be made.

The final, and perhaps most important, Western negotiating advantage was the requirement that Stage II elaborate proposals on all points of the Helsinki Recommendations. The West, despite Soviet resistance, effectively employed the tactic of "first reading" of all proposals, giving not even a minimum bargaining position until after the text was fully examined. If problem areas were discovered during this "first reading", the issue in dispute would be encircled by brackets. By using the brackets to preserve their demands, the West retained the chance of gaining a significant number if time constraints subsequently forced the Soviet Union into granting concessions. Because the West initially had little idea of how far the Soviet Union would move to gain a speedy conclusion to the CSCE, there was little point in lessening Western demands until the texts had been debated in full.

Negotiating advantages possessed by the WTO, while more difficult to discern, did exist. The first was the exceptional cohesion of the alliance. On occasion, the East European allies of the Soviet Union would adopt attitudes suggesting diverging views and preoccupations. This was true primarily of Romania, always anxious to assert its independence. Yet all member states of the alliance avoided giving the impression that they wished to constitute a distinct caucus at the CSCE excluding the Soviet Union. The Romanians, bold and active in other areas, were uncharacteristically reticent concerning Basket 3; they had just as much cause as the Soviet Union to be apprehensive about the threat to their regime posed by the provisions for the freer flow of people and ideas, and there was also the impression that they did not want to embarrass the Soviet Union on a really vital issue.

The second Soviet advantage came from the nature of the issues discussed. The Soviet Union, intent on freezing the status quo in Europe, emphasized the section on principles. The principles, however, were not novel ideas for guiding international relations. The principles were all mentioned in the United Nations Charter ("inviolability of frontiers" comes from the long recognized principle of international law that nations should refrain from the threat or use of force), and participants to the CSCE were therefore engaged in confirming what had previously been agreed in a larger forum. This was in contrast to Western demands, particularly in Basket 3. The West, seeking specific measures for implementing the seventh principle concerning human rights, was engaged in breaking completely new ground. The Soviet Union could

thus claim with some justification that while what they sought was in conformity with international law, the Western demands were beyond the scope of a conference such as the CSCE.

The third Soviet advantage was the low-key performance of the American delegation. The Canadian delegation early on received several quite explicit indications from the Soviet representatives that the U.S.S.R. was counting on the United States to bring about a more flexible attitude by the West. While the United States, by taking a low profile, in a sense abdicated its right to lead its allies, it did attempt to make the allied position more flexible. Kissinger, concerned that the "theological" debates at Geneva not be allowed to complicate U.S.-U.S.S.R. bilateral relations⁴, shared a good deal of the Soviet Union's impatience to conclude Stage II. American efforts to accelerate the negotiations caused conflict within the Western ranks, and raised suspicions among the NNA countries of a secret superpower agreement. When, late in Stage II, Kissinger did become interested in the CSCE, his personal contribution was both skillful and helpful, especially in advancing West German interests. The change, however, came too late to compensate fully for the earlier assistance to the Soviet Union.

The negotiations at Geneva can most simply be broken up into six separate negotiating sessions. This division is not to imply that there existed any lack of continuity in the negotiations; it is only that many of the major breakthroughs at the conference occurred

⁴Laux, "CSCE: Symbol of the Search for East-West Co-operation", International Perspectives, p. 24.

immediately prior to the breaks. This likely signifies that the delegations did not wish to report to their superiors that no progress had been made in the negotiating session. An interesting result of the breaks was the different negotiating styles adopted by the delegations when the conference resumed. When a delegation received concessions before a break, they tended to adopt a very conservative attitude when negotiations resumed after the break. By contrast, the side that gave concessions before the break was generally very aggressive in seeking concessions in return for what it had given.

The first session, from September 18 to December 14, 1973, can best be described as a feeling-out period. Both sides were hesitant to take the initiative, preferring to react to proposals from the other side. While the U.S.S.R. appeared reluctant to deal with key issues in concrete and detailed terms, particularly in Basket 3, the West seemed uncertain about what it wished to achieve. The drafting of texts was to begin in the various CSCE working bodies in the New Year, but few had any clear ideas on how the drafting was to be handled.

The West, in particular, appeared in a state of confusion. While the Soviet Union's main concern, the principles, were progressing in a satisfactory manner, the West was still tabling a series of explanatory notes on various points in the Basket 3 mandate. Because the West was following a negotiating strategy that advocated parallelism (no Basket should progress faster than the other Baskets), it was faced with a decision: when should they seize the initiative and put down on the table their full range of opening positions on subjects of interest

to them, thus obliging the WTO to react specifically? Before the West could do this, however, it needed to formulate its objectives with a certain amount of precision. The Geneva conference was different from the Helsinki consultations where objectives were largely defined in advance and put forward in a co-ordinated Western effort. At Geneva, the Western countries had specific national objectives, but there had been little time for advance co-ordination.

The Canadian delegation entered into the troubled waters of the Geneva negotiations with a splash. Approached immediately by the West German delegation, Canada agreed to undertake responsibility for leading on Family Reunification. The Canadian acceptance of this task indicated a willingness to become directly involved in controversial issues. Canada realized that family reunification was a very sensitive issue for WTO countries; the lack of agreement between Canada and East Germany on family reunification cases was the primary reason bilateral relations had not been established between the two countries.⁵ The initial Canadian statement was given on October 4, and was accepted as the definitive NATO position. The statement was positive in tone, and very progressive in nature. Perhaps its most impressive feature was the manner of its presentation. The principle that reunification of separated families was an essential feature of improved co-operation was first established; then, ways and means of putting the principle into practical application were laid down.

On November 20, Canada tabled its formal text. It received

⁵G.G. Crean, "European Security. The CSCE Final Act: Text and Commentary", Behind the Headlines, Volume XXXV, Nos. 2 and 3, 1976, p. 17.

strong support from almost all allies and NNA countries. However, the WTO, except for Romania, and the U.S.S.R., raised predictably negative criticisms.⁶ The WTO states initially took the view that family reunification was not a problem of sufficient magnitude to be dealt with at the CSCE. To deal with such a minor, but sensitive, issue at a multilateral conference could only be counter-productive. There was also the objection that, since family reunification involved domestic regulations in the consular, economic and social spheres, it should be negotiated bilaterally. To make a blanket proposal covering all cases would be interference in the internal affairs of the country of emigration. The text was criticized also for concentrating on the rights of individuals while ignoring the rights of society. Society pays for the upbringing and training of the individual, and should be compensated for the loss of a productive member. The WTO also emphasized that the text originated from a country concerned with the rights of immigrants, and neglected the concerns of the country of emigration. This was a justified criticism; the Canadian interest was solely in gaining acceptance of the right of individuals to emigrate if they so wished. The final criticism was put forward primarily to stir up trouble among the Western states: why should the Canadian proposal not be broadened to include the rights of migrant workers? With certain countries, notably Switzerland and West Germany, barring the families of migrant workers, should this not qualify as a problem of "family reunification"?

⁶DEA Records.

The militant approach adopted by the Canadian delegation now became quite apparent. Unperturbed by this negative reaction to their text, the delegation took the position that such attacks were only to be expected. As one delegation member put it:

The Russians do not expect to be handed their objectives without a struggle, and Canadians have not been hesitant in telling the Soviet representatives that we wish positive and practical results from the CSCE; items on family reunification, access to publications and access to embassies, are examples of these.

The Canadian delegation had little patience with acting in a mediatory role. The Soviet Union was the demandeur at the conference, and clearly should be made to pay with concessions on co-operative measures. While the measures were co-operative in that they would have to involve at least one country in each of the two opposing systems, they were not co-operative in the sense that they were willingly agreed to. All participants knew that the pushing of issues such as family reunification was meant to demonstrate the superiority of the Western liberal democracies over the more repressive Marxist-Leninist regimes. These issues, understandably, were accepted by the WTO countries only with the greatest reluctance.

The aggressive Canadian stance aligned the country closely with the West Europeans. The Canadian delegation not only drew strength from the strong Western position on humanitarian concerns, but also took pride in becoming so involved in such issues. It acted like a good team player on matters important to the Western alliance, and

⁷DEA Records.

became respected for its actions. While the militance might appear unusual to an onlooker familiar with Canada's mediatory role, the Canadian delegation accepted that its adversarial approach was merely one of the givens of the conference. After only two months into the conference, the Canadian Ambassador cabled Ottawa that:

The flavour of the discussions has usually been cordial and contacts between delegates are generally relaxed and friendly. But in almost every substantive field an East-West adversary relationship tends to prevail. There is no increase in mutual confidence. Every proposal is viewed as to how it can be used to bring pressure on the opposing bloc. 8

To adopt such a militant attitude required an appreciation of the possible consequences. On issues concerning individual rights, any agreement represented an advance from the pre-CSCE situation. Even if no agreement were to be reached, the situation would be no worse than before. The West might therefore appear to be sure winners on such issues. In fact, there were very real losses to be considered. The possibility of any gain for the West had to be weighed against the potential losses that negotiating such a text involved. If such texts were pushed too forcefully, could this not be a step back for co-operation among states? The militant attitude of Canada and of the West generally, made them appear more interested in a short-term rhetorical capitulation by the Soviet Union on these matters rather than the possibility of positive long-term benefits a more gradual process of liberalization could yield.

⁸ K. J. Holsti, "Who Got What and How: The CSCE Negotiations in Retrospect", p. 21.

The first session ended on a very inconclusive note. While Baskets 1 and 2 were proceeding slowly but surely, there was little, if any, movement in Basket 3. The main problem was how the negotiations were to proceed. Ambassador Doubinine, the tough but very capable negotiator for the Soviet Union in Basket 3, demanded prior progress on the preambles before any discussions on specifics could take place. Tenacious on the sovereignty-non-interference theme, the Soviet Union wanted sufficient protection in the preambles to prevent any interference in a country's internal affairs. Ambassador Michael Shenstone, head of the Canadian delegation and in charge of the Canadian participation in the Human Contacts and Information sections of Basket 3, responded with a demand for a "bottoms-up" approach; only after the specifics had been discussed and agreed upon, would it be possible to ascertain what protection, if any, would be necessary in the preambles. While the argument appears unimportant, the underlying point was vital. If the preamble was the first item to be worked upon, and if its provisions were very restrictive, there would be little enthusiasm for working upon the specifics. With the initial work being done upon the specifics, momentum could be gained by a good text. The non-communist states would therefore strive for a less restrictive preamble. There was also the idea that the longer the work on the preambles was delayed, the more chance time restraints would force Soviet concessions.

The second session, lasting from January 15 to April 5, began with a searching analysis by the West of the Soviet Union's intentions. In the first session, the Soviet Union had seemed content to block any progress in Basket 3, while pressing for a favourable

formulation of Basket 1 principles. The Soviet negotiating style seemed very similar to that employed during the preparatory talks. The strategy there was to take a hard line until the very last moment and then drop it, leaving other delegations to offer an acceptable compromise. The puzzle for the West in Stage II, however, was in determining whether the Soviet Union intended to make any concessions. The fundamental issue in Basket 3 arose out of the WTO insistence that the degree of Western penetration into socialist countries be limited through the use of the preambles, countered by the Western demand for concrete measures ensuring penetration. Western success on this issue could pose a real threat to the stability of WTO countries. If the Soviet Union concluded that this would be the case, it was likely to decide that the failure of the CSCE was preferable to paying the Western price for its successful completion.⁹

The Canadian delegation did not view this as a likely scenario. The crucial point was the stake each side had in the CSCE; the Soviet Union's stake was, it thought, much greater than that of the West. While the West had entered the conference to gain possible concessions on co-operative measures, the Soviet Union had entered with the clear aim of consolidating the post-war situation, and was unlikely to drop out without its achievement. Perhaps just as importantly, the convening of the CSCE was the point of departure for the Soviet policy of détente; a satisfactory conclusion to this process became an important element of their peace policy. In April

⁹Franklyn Griffiths, "Dealing with the U.S.S.R. During a Split-Level Détente", International Perspectives September/October 1973, p. 12.

of 1973, the Communist Party of the Soviet Union's (CPSU) Central Committee approved Brezhnev's policy of détente and economic co-operation with the West combined, as Pravda put it, with "vigilance against reactionary ideology and with aid to peoples struggling against imperialism".¹⁰ After lending his support to this policy, it is difficult to overestimate the loss of credibility to Brezhnev, and his supporters in the CPSU, if this conference were to fail. On the basis of these considerations, the Canadian delegation was convinced a favourable compromise would emerge in Geneva if Western co-ordination and firmness were combined with an alertness to signs of fundamental changes in the WTO's negotiating attitudes.¹¹

The Canadian analysis of the Soviet approach proved to be fundamentally sound. The hard line taken by the Soviet Union was abandoned in favour of a compromise proposal put forward by the NNA states. On January 25, 1974, Sweden and Switzerland, after close collaboration with Austria and Finland, presented a proposal calling for parallel progress on the preamble and operative clauses of Basket 3.¹² The proposal was accepted and paved the way for major progress in Basket 3.

The discussion of Soviet tactics brought to light certain divisions within the Western alliance. A basic issue, in Canadian eyes, concerned the title of the document to emerge from the conference. Canada took the position that it was necessary to avoid any implication that legal

¹⁰ Report on World Affairs, Volume 54, No.2, 1973, p. 71.

¹¹ DEA Records.

¹² François Carle, "Consensus Formation at the Conference on Security and Co-Operation in Europe", (Masters Thesis: Carleton University, 1976), p. 61.

obligations had been created at the conference. To use the title "Act", as some delegations wanted, would permit a strong case that legal obligations had been created. This was because "Act" had been the title for the results of the International Conference on Vietnam, signed in Paris on March 2, 1973, where legal obligations were intended.¹³ As "Final Act" had never previously been employed to designate legal obligations, there could be no precedent cited. The Canadian support of "Final Act" was to stifle any domestic criticism from those Canadians of East European origin:

The Conference document will be a political not legal instrument and will not take the place of a peace treaty which is the only way Canada would agree to sanctioning of post-war frontiers. 14

The next issue concerned the structure of the final documents. The Dutch, presenting the initial Western position on how the final documents should be pieced together, called for the preambles to the four baskets to be placed together, with the texts attached separately. The result would be a single document, with a single set of signatures at the end. It became quickly apparent that this was not only contrary to the wishes of the WTO, but also clashed with the ideas of certain Western participants. Canada agreed with the necessity for a single final conference document, with a single set of signatures at its end, but resisted the separation of the preambles and the texts. The Canadian position was that there should be a separate preamble pertaining to each individual text; if the preambles were placed together at the beginning

¹³ DEA Records.

¹⁴ DEA Records.

of the conference document, all preambles could then be legitimately applied to each text. This would almost certainly make restrictions on the texts far more severe than originally intended. The argument of the WTO states was quite different. While strenuously resisting the separation of preambles from the texts they covered, the Soviet Union wanted the text on principles to be given pre-eminent status. Their preferred solution was to have only the declaration on principles signed.¹⁵

A major conflict, one that Canada was vitally interested in, concerned the possibility of a follow-up to the conference. The Danish delegation presented the initial position of the Nine on this subject. Their proposal called for an interim period of one and a half to two and a half years before a review conference of senior officials could be held. While ruling out a permanent secretariat, or other institutionalized forms of sequel during the interim period, the proposal did allow for discussion of a secretariat at the proposed review conference. The problem with the Danish proposal was the vague manner in which it was phrased; while setting out a flexible schedule to allow time for assessing how the implementation of the CSCE texts was proceeding, the proposal never adequately tackled the question of the future of the CSCE.

For Canada, the concern was not over the length of the interim period, but rather the lack of assured future meetings of a follow-up body. In the desire to gain closer ties with Western Europe,

¹⁵ DEA Records.

Canada had no intention of allowing the CSCE to be a one shot conference with no assured follow-up. While regarding follow-up as valuable in giving Eastern European countries an outside forum, allowing the NNA countries a say in matters that concerned them, and providing an opportunity for a review of the implementation of the CSCE texts, Canada viewed follow-up mainly in terms of self-interest; the "potential value to Canada of an additional European body" through which Canada could increase its influence in, and knowledge of, European political affairs.¹⁶

The Canadian aim of gaining a greater presence in West European affairs was shared by the Soviet Union. It was this Soviet ambition that made some of the Nine, in particular Italy, France and the FRG, so adamant against any kind of commitment to the future. Feeling that the establishment of any consultative machinery would allow the Soviet Union too much say in West European affairs, and hence weaken the drive to West European political integration, these countries regarded even the weak Danish proposal as a dangerous maximum. The Canadian delegation, noting that there was no monolithic West European position on this issue, planned to exploit the division to secure its own interests.¹⁷ Canadian actions, however, would be taken in an unobtrusive manner as there was no wish to come into conflict with those countries that opposed follow-up.

The major accomplishment in the second session was the

¹⁶ DEA Records.

¹⁷ DEA Records.

formulation of principle 3 on the inviolability of frontiers. Its drafting reflected considerable compromise by both sides. While the Soviet Union achieved an unqualified formulation of the principle, the West managed to dilute significantly its impact. The Soviet Union pressed for an assertion of the immutability of frontiers; they wanted the principle's first sentence to read: "...existing frontiers as inviolable now and in the future".¹⁸ If this wording had been accepted, the principle could read as freezing forever European frontiers after the signing at Stage III. The West managed to avoid acceptance of immutability through the Canadian formula that participating states refrain "now and in the future" from assaulting these frontiers.¹⁹

The word "assaulting" has an interesting Canadian background. The West wanted principle 3 formulated in such a manner that it remained simply a particular example of the second principle, "Refraining from the Threat or Use of Force". The reason for this was that the West wanted to retain the possibility of peaceful change of frontiers. There was thus the necessity of making it clear that even if the possibility of peaceful change was not mentioned specifically in this principle, that possibility would not be excluded. The wording, therefore, had to assert that while frontiers were to be inviolable from the illegal use of force, this would not rule out "legal force" or "peaceful change". The U.S.S.R. would permit no derivatives of "force". The week of March 25-29 was spent in search of another

¹⁸DEA Records.

¹⁹DEA Records.

English word implying the elements of illegality and force. Gabriel Warren, Canada's representative on subcommittee I, came up with the word "assaulting".²⁰ This was accepted almost immediately, and the main work on drafting principle 3 was thus completed.

The interesting circumstance is that Warren, frustrated by the general failure to find the proper English word, had advanced the word "assaulting" as a "joke". With his legal experience telling him that the word was far too vague to stand in a principle of international relations, Warren was extremely surprised when Ambassador Mendelevitch, the Soviet representative for subcommittee I, accepted the word. That he was able to overcome one of the stickiest of the CSCE's semantic tangles was in part a tribute to the reputation that Warren had earned as an authority on language. There is, however, another possible factor -- that the Soviet Union actually cared very little about the wording, but simply wanted the principle of inviolability of frontiers. The principle would be interpreted by them as they wished, regardless of the wording. While this argues for a very cynical Soviet attitude to the CSCE, subsequent Soviet actions after the signing of the Final Act makes this explanation more plausible.

While the West was willing to grant an unqualified formulation of the inviolability principle, it demanded a clause providing for

²⁰When interviewing Gabriel Warren, it was very interesting to discover how casually one of the stickiest problems of the conference was solved. Warren spent the week trying to find another word for "inviolability". This meant thumbing through the dictionary in the evenings. Warren's first choice for the needed word was "subversion", but it seemed to lack the necessary connotation of force.

"peaceful change of frontiers" in exchange. While all participants realized that the possibility of any "peaceful change of frontiers" was theoretical,²¹ this clause was absolutely vital for the Western governments, especially Bonn, to counter domestic criticism that they had merely frozen the territorial situation in Europe. The most obvious place for this "peaceful change" clause was in principle 3, but the Soviet Union rejected this placing vehemently. Ambassador Mendelevitch, however, took the initiative and arranged for an "appropriate" neutral to propose that the subcommittee take a procedural decision to draft a text on peaceful change. Spain, the appropriate neutral, made the proposal in return for Soviet assurances that peaceful change would not be placed in the principle on self-determination of peoples. Spain, worried about Gibraltar, felt that having peaceful change in that principle would weaken its case.

The text on peaceful change, termed the "floating text", was formulated with a decision on where it would be placed to be taken later. Principle 3, however, was now in a position to be registered before the Easter break, allowing the delegations to report progress to their superiors. This was endangered at the last moment when the West German delegation received intransigent instructions to block the consensus. The West Germans were completely isolated; the Canadian representative

²¹ Pierre Hassner gives his version of the Western position:

Practising self-denying little steps while hoping for long range processes to achieve vague harmonious models may be one way of accepting the status quo without having to admit that we are doing so; it allows us just enough Micawberish hope to make it tolerable. Hoping for a settlement twenty years from now may be the best way to adjust to the actual absence of one.

Cited in: Gregory A. Flynn, "The Content of European Détente", *Orbis*, Volume 20, No. 2, Summer 1976, p. 409.

pointed out that the hardwon formula might be lost if not now registered, along with the risk to the conference if the Easter break began with the Soviet Union frustrated on this key principle. The Canadian representative finished by predicting that "responsibility will be very narrowly focussed"²² by other conference participants if West Germany continued to block the consensus. The problem for the West German government was the probable domestic reaction on this sensitive issue. The government was not interested solely in being able to rebut any charges of softness on German reunification, but also wanted to demonstrate publicly that they could take an unpopular position regardless of the consequences for the CSCE and alliance solidarity.

Two days before the Easter break was to begin, West Germany, while placing its reservations on record in oral and written statements, withdrew its opposition to principle 3. Provisional registration of the text on inviolability of frontiers was now allowed to take place, with the clause on "peaceful change of frontiers" registered on a separate piece of paper. Both sides seemed satisfied with this state of affairs. The Soviet delegation was able to return home from the break taking with them their main objective from the CSCE. The West was also not unhappy; while the Soviet Union had now received a "large carrot" for which they would be expected to grant concessions when the conference resumed, the West was able to secure a definition which precluded the principle's interpretation as "immutability" of frontiers. The West, in return for the formulation

²² DEA Records.

of a principle that had virtually been agreed to during the preparatory talks, now anticipated Soviet concessions in Basket 3.

The third session, lasting from April 23 until July 26, started very poorly for the West. The Soviet Union, ignoring the fact that they had implied concessions would be forthcoming in return for Western concessions at the end of the second session, adopted new tactics. The strategy was to rest on their winnings and confront the West with WTO intransigence on key issues. Progress in Basket 3 came to a virtual stop. In the preambles, the Soviet Union would permit no serious issue to remain in brackets for later negotiations; refusing to accept anything but article-by-article consideration of the provisions, little was accomplished. The same situation prevailed with Basket 3 specifics; on family reunification, the Soviet Union absolutely refused to accept any text containing even bracketed references to such key points as the transfer of funds, the legal rights of applicants for emigration not being affected, or no additional fees being charged for refusals. The question that needed to be answered was whether this was merely another Soviet negotiating ploy, or did the Soviet representatives believe that with their main objective achieved, there was no need for further concessions?

The Soviet tactics managed to alienate all non-WTO delegates. Feelings ran so high that there was even talk of postponing the conference. The important thing for the West was not to lose their nerve at this crucial stage; above all, it had to avoid being

manoeuvred into the position where the West appeared responsible for the failure of the CSCE. The idea of postponement was soon dropped by the West; the possibilities for Soviet propaganda in such a move were impossible to ignore. The Canadian delegation suggested five possible reasons for the Soviet intransigence: 1) the Soviet Union had reached the limit of its concessions; 2) the continued Western insistence that each proposal based on the Helsinki Recommendations be seriously considered and reflected in some manner in the final document; 3) no further concessions until after a thorough re-examination of Soviet policies; 4) the Soviet Union was waiting to see what would occur with the current political instability in the Western states (France, West Germany, Britain and the United States either had, or were likely to gain, new leaders); or 5) the tactic of holding on indefinitely in the hope of avoiding any concessions.²³ In talks with the Hungarian Ambassador, the Canadian delegation learned that talks on the current Soviet strategy were going on in the WTO camp; the consensus there was to settle for what had already been accomplished at the conference and move on to Stage III.²⁴ Considering that the West had been doing the giving, but had as yet received very little in return, the Canadian reply was that this was completely unacceptable.

A further worry for the Western alliance was the conduct of the United States. While at the NATO meeting in Ottawa for "alliance consultations on CSCE objectives", Kissinger issued his proposal that

²³ DEA Records.

²⁴ DEA Records.

these objectives be clearly defined and presented to the Soviet Union as a minimum bargaining position.²⁵ To gain support for his proposal, Kissinger was now making the rounds of the West European capitals. In addition, a recent Moscow summit between Nixon and Brezhnev had produced a communique ~~dismaying~~ to all non-WTO conference participants.²⁶ The communique praised the results already achieved at Geneva, and implied these warranted the holding of the conference's conclusion at the highest level. Both these American actions threatened key Western negotiating advantages, and signified a lack of commitment to Western aims at the CSCE.

The Canadian delegation was particularly worried that the adoption of Kissinger's proposal would lead to an "overly precise definition of Western CSCE objectives".²⁷ The Canadian attitude reflected the adversarial approach pursued by both East and West, where the criterion for success was solely which side would gain the most. The reason the Canadian delegation did not like Kissinger's proposal was that it weakened the Western negotiating position by letting the Soviet Union know the precise extent of Western objectives. While the Kissinger initiative would remedy the lack of clear Western objectives, it would be a mistake to convey these to the Soviet Union until it was seen what concessions they would be willing to give. There was seemingly no thought given to the possibility of compromise if the Soviet Union knew the extent of Western objectives.

²⁵ DEA Records.

²⁶ Kissinger's Contemporary Archives, 1966, p. 21466

²⁷ DEA Records.

Worried over the possibility of a complete breakdown in Western co-ordination, the Nine approved the writing of their own paper defining the essential Western requirements on the CSCE negotiations. This was a stroke of luck for Canada. With perfect justification, the Canadian delegation could now throw its full support behind the Nine, whose assessments of the CSCE were almost identical to its own. This not only made it clear that Canada identified with West European interests, but also demonstrated the wide gulf between the positions of Canada and the U.S. The Canadian Ambassador explained to the American representative that this was not simply a case of anti-American opportunism on the part of Canada, but rather a convergence of judgement and interests between the Nine and Canada.²⁸ The actions of the U.S. were seemingly coloured by its superpower interests, and took little heed of the needs of its allies.

The confrontation came on July 23 when the American delegation tabled its paper on CSCE objectives at the NATO heads of delegates caucus. The paper, as feared, reduced the objectives of the Western alliance to their barest minimum. Ambassador Shenstone, serving as chairman of the NATO caucus, questioned the wisdom of calling for a definition of objectives in advance of a complete first reading of the texts: why let the Western position be known before the Soviet position becomes apparent? In discussion, Shenstone and other "non-Nine" delegates adhered very closely to the paper of the Nine. To alienate

²⁸ The Canadian delegation often differed from the U.S. delegation over roles and objectives at the CSCE. The Canadians ensured there were valid reasons for the disagreements; they were not used to emphasize Canada's independence from the U.S.

the U.S. too seriously, however, would have been disastrous from the Western viewpoint; therefore, to reduce American embarrassment, they purposely emphasized points to praise in the U.S. paper and to criticize in that of the Nine.²⁹ The session was not as awkward as it might have been; the American delegation itself basically disagreed with Kissinger's approach, and were frank in urging the caucus to put something on paper designed to change Kissinger's mind.

The Moscow communique clearly revealed American unconcern for, or lack of understanding of, their allies' views. The most infuriating point for all non-WTO conference participants was that a similar incident had occurred previously. In 1973 Brezhnev visited America, and returned with an agreement that the final stage of the CSCE should be held at the highest level. It had then been made clear to American leaders that the level of the third stage was a key negotiating advantage for the West, one to be given up only in return for adequate concessions.

The U.S. had now twice agreed that the CSCE should conclude at the highest level. The real loss was the resulting lack of confidence in American actions. In the view of the Nine, the communique was almost a complete endorsement of the Soviet position on the level and timing of Stage III. Such an endorsement made a mockery of Western aims, and was likely to make the Soviet Union even more intransigent

²⁹ DEA Records.

towards Basket 3. The .communique also reinforced the NNA countries' fear of a secret U.S.-U.S.S.R. deal; never wholly convinced of the superpowers' desire for a consensual agreement on European affairs, the NNA's lost a certain amount of their confidence in the possibilities of the CSCE.

The United States was also incurring the wrath of the Western alliance by its blatant lack of alliance consultation. The most obvious example came during the placing of the clause on "peaceful change of frontiers". As a result of Kissinger's talks with Chancellor Schmidt of West Germany, a newly formulated sentence on "peaceful change", cast in positive terms, and to be included in the principle on sqvereign equality, was agreed upon. At the request of West Germany, the text was presented by Kissinger to Gromyko in Moscow in June 1974.³⁰ Although cleared with the French and British because of their Berlin responsibilities, the text was put to the Soviet Union with no prior consultation with other members of the Western alliance. Only when the U.S.S.R. agreed to the proposal in July did the United States allow the rest of its allies to know of the negotiations.

Immediately upon realizing that they would have to accept the clause on "peaceful change of frontiers", the Soviet Union had pushed for its insertion into the principle on sovereign equality. West Germany, desperately needing the clause for domestic reasons, initially appeared to be convinced by the Nine (supported by Canada)

³⁰ DEA Records.

to strive for its placement in the principle on territorial integrity; it should be placed in sovereign equality, they contended, only in return for major Soviet concessions. By panicking, and making a behind-the-scenes deal with the U.S. and U.S.S.R., the West Germans weakened the clause on "peaceful change of frontiers", while gaining nothing in return. According to the Canadian delegation, sovereign equality is the weakest principle in which the clause could have been placed; as they explained, it is equivalent to saying that "all the participating states have sovereign rights including the right to give away part of their territory in the unlikely event they want to do so".³¹ The Italians, noted for consistently advocating the toughest views on "peaceful change", were particularly disgusted by this "fait accompli". Concerned about the possible political unification of the Nine, the Italians did not like the provision that frontiers can be changed "...by peaceful means and by agreement". This provision could be interpreted, they held, as saying that any frontier change, including possible West European unification, must be agreeable to all CSCE participants.

The results after ten months of the CSCE were highly uneven. The only area where substantial progress had occurred was in Basket 2, where many of the texts were near completion. Canada experienced both successes and problems with this basket. The main theme of Basket 2 was economic co-operation. While not adverse to increasing trade, Canada's interests in this area were mainly defensive. A 1973

³¹ DEA Records.

memorandum to Cabinet declared that:

Canada should ensure that Canadian economic and trade interests are protected in particular as they relate to the application of Most Favoured Nations, the question of discriminatory restrictions and the possible working out of exclusive arrangements. When appropriate, Canada would also want to encourage members of trading blocs to adopt more outward-looking policies. ³²

For Canada, and for many of the other conference participants, the economic provisions of Basket 2 were not of major importance. Because many of the issues being discussed were already being negotiated in other multilateral fora or in bilateral discussions, the negotiations could be termed redundant. The goal in this basket became to avoid compromising interests elsewhere or to take on unwanted obligations.

On one point Canada was especially sensitive. The CSCE was a perfect opportunity for the enlarged EEC and the members of COMECON to evolve special trading arrangements. Seeking to retain its independence in economic and political matters, Canada is increasingly an anomaly in the international trade field. Very aware of this, Canada was concerned that negotiations between blocs at the CSCE could result in discriminatory arrangements adversely affecting export opportunities for third parties such as Canada. To demonstrate Canada's need for non-discriminatory trade, and also to show its concern for less-developed countries, Canada's statement at Helsinki suggested that:

³²DEA Records.

...whatever new forms of economic co-operation are developed among countries at the conference should be outward-looking in their orientation and would be of a kind which would also benefit the developing states. In this context, we believe that the principles to be applied should include those underlying the GATT, Bretton Woods and related agreements -- namely non-discrimination, uniform standards, common regulations, stability of markets and modification by consultations. 33

In subcommittee 3 covering Commercial Exchange, Canada entered into one of their rare conflicts with the Nine; eager as it was to minimize any difficulties with the European Community, Canada still could not accept the Nine's proposed reference to the continuity of supply in energy and raw materials without a balancing reference to access to markets. Canada, as mentioned, was on the defensive concerning economic issues and had no intention of allowing such a one sided reference to raw materials. Canada was more successful and less controversial in subcommittee 6 on the Environment, where the Canadian initiative on international law, including the development of law on the liability for pollution damage and compensation for pollution victims, was generally well received.

Other areas, however, progressed far more slowly. There were fundamental disagreements over CBM's, and not one text of real importance to the West had yet been registered in Basket 3. The principles managed to continue at a steady rate; a slowdown over the principle of non-intervention had been resolved by the first of

³³"Canada and European Security", International Perspectives January/February 1973, p. 37.

the "package deals". The U.S.S.R. wanted to tailor non-intervention to serve as a shield against the demands the West was making in Basket 3. In both this principle and the Basket 3 preamble, the Soviet Union attempted to ensure that any Basket 3 measures would respect a country's sovereignty, and not interfere with its "laws and regulations". The package deal gave generalized wording in the Basket 3 preamble, while the Soviet Union received in return a reference to the rights of a state to determine its "laws and regulations" in principles 1 and 10. Although the package deal was supposedly a compromise, it was of little practical value to the West.³⁴ While it enabled subcommittee I to register the sixth principle without reference to "laws and regulations", the Soviet Union gained the reference in two other principles. As the preamble to Basket 3 states that "co-operation should take place in full respect for the principles guiding relations among participating States...", the Soviet Union had adequate protection against any tampering with their internal practices.

During the 1974 summer break, John Halstead (the Associate Under-Secretary of External Affairs in charge of the CSCE), Michael Shenstone, Thomas Delworth (Delworth took over from Shenstone as the Canadian Ambassador after this break), and another member of DEA went to Washington for an exchange of views on the CSCE with members of the State Department. The meeting was suggested by Canada and

³⁴ The "package deal" gave the Soviet Union one of their last essential requirements at the CSCE, the respect for the right of a state to determine its laws and regulations. The West gained little for this concession.

was regarded as an opportunity to persuade the United States to change their approach to the CSCE.³⁵ Concerning the Kissinger initiative on precisely defining Western objectives, Canada argued that this was premature and could be counter-productive. The American response was that Kissinger feared for East-West relations if the CSCE dragged on; he wanted more precision in defining detailed allied positions so as to determine the extent to which the Soviet Union would be willing to negotiate on specifics. Halstead commented that American and Canadian assessments of the usefulness of the CSCE had differed at the start and apparently still did. Canada, while concerned about East-West relations, believed that the Soviet Union attached such importance to obtaining some kind of blessing of the status quo in Europe, and to the symbolism of the conference in general, that they could be induced to pay a price in measures which would prevent détente from being merely a static phenomenon. Soviet intentions should thus be tested step-by-step and in detail. The strategy Canada followed was the presenting of Western aims in terms of direction rather than destination; to define the precise destination this early would be premature. While the essential difference concerned tactics, these were very important in the CSCE context. With the number of texts presently on the table at Geneva, the Canadians had difficulty in comprehending why Kissinger would wish to pre-negotiate them before they had been debated? While the time to adopt the American strategy would undoubtedly come, Canada remained firm in declaring

³⁵DEA Records.

that the time would not be until the completion of the first reading of the texts.

Whether the Canadian mission to Washington had any effect is debatable. While the official American position at the close of the meeting was that they would be guided by allied consensus, it is difficult to know if this was a result of the Canadian initiative. The United States delegation to Geneva had been left in no doubt as to its European allies feelings about the Kissinger initiative, and would have relayed these feelings to Washington. Added to this would have been the feelings of the American delegation; they too were convinced that Kissinger's call for the definition of objectives was unwise and premature. While the amount of influence they exerted upon the United States is unsure, the Canadian delegation definitely improved Canada's image in the eyes of other conference participants. By differing with the United States over alliance participation at the CSCE, Canadian officials had exploited what remained of their "special relationship" with the United States on behalf of its European allies. Knowing that collaboration with the United States was essential if the West was to make any substantial gains at the CSCE, the Nine looked to Canada as a country that understood the United States and enjoyed easy access in Washington. When the conference resumed the Canadian efforts at Washington came in for praise from other members of the Western alliance.³⁶

The fourth session, from September 9 to December 20, began slowly with a sense of direction apparently lacking. The Soviet Union

³⁶ DEA Records.

had initially wanted Stage III to occur during the summer of 1974, but now that that time had slipped by, appeared less susceptible to the pressures of time. The tactic adopted was to once again outwait the opposition. The Soviet strategy initially appeared to be paying dividends, especially among the NNA's. The expectations of various of these countries now seemed sharply diminished. The Swedish delegation apparently returned to the conference with instructions henceforth to adopt a low profile; expecting few concessions from the Soviet Union, their government felt that any concessions gained would not be worth the battle.³⁷ Similar sentiments were also noticeable among the Swiss, Austrian and Yugoslavian delegations.

Signs of restiveness were also becoming apparent within the Western alliance. With the increasing length of the conference, and the few positive results, the delegations were under increasing pressure from their governments to finish. The West, however, could not afford to have the conference finish without gaining good results on the humanitarian issues. While Western public opinion would likely support the ongoing conference if progress was being made on issues involving the lot of the individual, they definitely would not support a conference that finished with the WTO countries the only beneficiaries. In return for concessions on security issues, there needed to be an adequate quid pro quo on issues of "co-operation".

On the positive side, the conference was finally developing more informal working methods. The Romanians, ever the procedural purists,

³⁷ DEA Records.

had quietly lifted their objections to this procedure. The informal sessions were attended only by the most interested delegations and chaired by neutral "Co-ordinators". As the informal meetings were a far more flexible instrument for negotiating seriously, the formal subcommittee meetings became perfunctory, often adjourning immediately after assembling. Only subcommittee I continued to meet formally and often.³⁸

Basket 3 was in a position of complete deadlock. The West was standing firm in defence of "first reading": no definition or minimum position until after the particular text was examined in detail. While the Western aim was to preserve a significant number of their demands (by brackets or otherwise) until the end of the conference, the Soviet Union was insisting on settling each key issue on the spot before agreeing to proceed. If such a procedure was accepted, the scope of the final global negotiations would be minimal.

The family reunification text was at the heart of the problems in Basket 3. The Soviet Union and the GDR insisted that such a text would only be accepted if it was bound by "mutually acceptable conditions", to become notorious as "MAC". MAC meant that the practical details of each reunification case would be dealt with on the basis of arrangements acceptable to each country. The actual handling of individual cases would remain the prerogative of national authorities, and countries would not automatically be bound to expedite all cases. Although the Canadian delegation argued strenuously against MAC, acceptance was given when it became clear the Soviet Union would not move without it. MAC had also been included in paragraph 46 of the Helsinki mandate covering Human Contacts -- the Soviet Union could therefore justifiably argue that it

³⁸DEA Records. The formulation in the decalogue was proceeding more quickly than Basket 3. To keep Baskets 1 and 3 parallel, Basket 1 should not adopt informal methods.

only asked for what had previously been agreed upon.

The WTO countries were not alone in giving Canada problems on family reunification. The United Kingdom would not accept any obligations that went beyond those offered to their Commonwealth citizens.³⁹ They were concerned that their immigrant population could point to the Final Act in calling for a relaxation of the U.K.'s immigration policy. While they would support Canada's position on unlimited freedom for an individual to leave a country, the U.K. would impose restrictions on the freedom of entry. The situation was quite ironic; the U.K. presented a problem as it wished to keep people out while the WTO countries wanted restrictions in order to keep people in.

Primarily because of the Soviet Union's insistence upon MAC, the West began to think in terms of globalizing the negotiations on Human Contacts. With globalization, the West would tie progress on MAC to simultaneous progress on drafting other parts of Human Contacts. Canada, still unhappy over the necessity of MAC, was forced to agree as present negotiations were going nowhere. While agreeing to globalization, the Canadian delegation insisted that any deal worked out should not buy good texts in Human Contacts at the cost of an ambiguous formula on MAC. It was essential to put definite parameters on the MAC interpretation by specifying what it did not mean. If this was not accomplished, the provisions to which MAC applied could be rendered virtually useless.

At the NATO meeting of Basket 3 experts on October 2, all delegates agreed to parallel drafting on five separate subjects in Human Contacts -- family reunification, marriage, travel, the introductory texts and the MAC phrase.⁴⁰ The Soviet Union was apprised of this plan

³⁹ DEA Records.

⁴⁰ DEA Records.

and signified their assent; in return for gaining the reference to MAC, they would permit the consideration of the five subjects in rotation, while not insisting on the settling of each key issue before agreeing to proceed. The agreement marked a major step forward: to gain a satisfactory text on MAC, the Soviet Union would have to make concessions on subjects of interest to the West and the West was in the same position with regard to its interests. With the tradeoffs involved, Basket 3 was assured of more rapid progress.

Family reunification, so long a major stumbling block, was provisionally registered during this session. In late November, an Austrian intervention, supported by Sweden and Switzerland, created the necessary conditions for a consensus on family reunification.⁴¹ For the first time, a multilateral declaration stipulating acceptable ways of solving this international problem would be issued. In describing the text, the new Canadian Ambassador Thomas Delworth declared that it:

...is a satisfactory one and a credit to alliance solidarity. It is a text detailed and concrete, of the kind that it was a Western aim to achieve. Indeed, when one looks further back to the first Soviet reaction on the proposed Western mandate on Basket 3 tabled by the Danish delegation in Helsinki on January 15, 1973, one cannot but measure the progress in the extent to which the Soviets have come -- or been carried -- along the road to multilateral negotiation in the fields that make up Basket 3. 42

Delworth makes a valid point: the Soviet Union had conceded much from the time when Pravda termed Western proposals in Basket 3 an attempt at "disarming the socialist countries of their ideology in the face of an offensive by the ideology of the bourgeoisie. Such a demand

⁴¹Carle, "Consensus Formation at the Conference on Security and Co-Operation in Europe", p. 63. Despite the Canadian efforts on family reunification, the text was described by reporters as an Austrian initiative because the Austrians acted in effect as midwives in tabling the final version of the text in subcommittee.

⁴²DEA Records.

spells gross interference in the internal affairs of the socialist countries".⁴³ The Soviet Union had now formally agreed that humanitarian issues such as family reunification did indeed have a valid place in international relations. For a system that glorifies the state at the expense of the individual, the admission was significant.

Canada had every reason to be pleased with its efforts on family reunification. With the exception of a reference to there being no special impediments making emigration for purposes of family reunification more difficult than emigration for other reasons, and a reference to the ability to transfer personal funds, every idea contained in the original Canadian proposal was reflected in some form in the final text.⁴⁴ The text included positive references to urgent cases, prompt study of applications, the right to renew applications, the right to leave with personal effects, the right to prior meetings with relatives, and the allowance of possible contributions by international organizations, as well as satisfactory outcomes on the sensitive questions of fees and the impact of an application on the applicant's rights and obligations. The registration of this text on December 9 constituted a major breakthrough for the conference, and augured well for the possibility of achieving Western objectives in other areas of Basket 3.

Another positive feature from the Western point of view was the changed American attitude. With Nixon's resignation, and Ford becoming President, there was no longer the sense of impatience that had previously characterized American actions at the CSCE. The position of the United States drew closer to that of the Nine, and there was no longer talk of an early summit. The firming up of the

⁴³ Cited in: Richard Davy, "The CSCE Summit", The World Today, Volume 56, No. 3, 1975, p. 64.

⁴⁴ DEA Records.

American position was very likely a contributing factor in the relatively sudden pre-Christmas Soviet concessions in the Human Contacts area. Another likely reason was the French-Soviet meeting at Rambouillet from December 4 to 7.⁴⁵ While the meeting possibly produced some positive results, it also caused a major strain in the Western alliance. Because the communique issued after the meetings said that one of the topics discussed was the CSCE, the impression given was that of a "deal", or series of deals, taken over the heads of other participants. This suspicion was natural considering the well known French preference for bilateral negotiations. It was reinforced by the growing tendency of the French to negotiate Basket 3 issues directly with the Soviet Union, then exert pressure on the Nine and the Fifteen to fall into line. The French tactics backfired spectacularly; in the last hours before the break, several allies refused to bow to heavy French pressure, and rejected a French-Soviet initiative on MAC and the introductory text to Human Contacts.⁴⁶ The Canadian delegation was particularly incensed at the French initiatives: not only were the French proposals too favourable to the WTO countries, but the Canadians believed that the French government had also agreed with the Soviet Union that the meeting at the third stage should be at the highest level.⁴⁷

In addition to the unilateral French initiatives, there were two other issues threatening to crack the West's solidarity.

⁴⁵ Report on World Affairs, Volume 56, No. 3, 1975, p. 64.

⁴⁶ DEA Records.

⁴⁷ DEA Records.

The first was the unresolved question of follow-up. Technically, all members of the Fifteen remained committed to the minimalist position on follow-up earlier presented by the Danish delegation. In reality, however, there were deep divisions within the alliance. West Germany, initially quite receptive to the idea of follow-up, now took a much more conservative attitude closely aligned with that of France. The French attitude was entirely negative; they believed that any follow-up would become merely a political forum where the Soviet Union would vigorously attempt to disrupt West European unity. Britain, however, was one country within the Nine with a positive view towards an assured follow-up; facing a referendum over remaining within the Common Market, Britain saw follow-up as insurance against the possible severing of links with Western Europe. The "non-Nine" members of NATO, especially Canada, had no doubts over the desirability of follow-up; striving for additional links with the European Community, the Canadians viewed an assured follow-up as a necessity.

Primarily interested in follow-up because it would provide an additional forum in which to pursue its European interests, Canada also saw positive benefits for the entire Western alliance. While the continuation of the CSCE exercises, in whatever form, would undoubtedly provide an opportunity for the Soviet Union to press for greater involvement in West European affairs, this pressure had been successfully resisted at Geneva and could be at any future conference.⁴⁸

⁴⁸ This was an argument Ambassador Delworth used to great effect in discussions with the West Europeans. With the West emerging from Geneva as a winner, why should they fear any future conferences?

Follow-up would also provide opportunities for the Nine to continue their valuable exercise in political co-operation. The Canadian delegation regarded follow-up as an opportunity for the West to make advances against the communist system; this militant attitude of the Canadians was made clear when, in a telegram to Ottawa, follow-up was described as a means of maintaining pressure on the Soviet Union in the "interests of modifying many of their practices; and this in the longer term may help to bring about changes in the Communist societies themselves".⁴⁹ The Canadian delegation, representing a country that would probably suffer no adverse consequences from follow-up, was perhaps guilty of minimizing the danger of future conferences; even so, the delegation expressed amazement that so few of the Western delegations grasped the "immense importance of the prolonged life of the CSCE as a process rather than an effort to achieve specific texts".⁵⁰

The other divisive issue concerned the French proposal for protecting the 4-Power rights in Berlin. This threatened not only the solidarity of the alliance, but also the usefulness of the Final Act itself. On December 12, the French representative to subcommittee I tabled the following text:

The participating states note that the present (title of the document) cannot and will not affect their rights, obligations or responsibilities, nor the treaties, agreements or arrangements in conformity with international law which reflect them, previously entered into by those states or which concern them.⁵¹

⁴⁹ DEA Records.

⁵⁰ DEA Records.

⁵¹ DEA Records.

The initial French mistake was in the manner of presentation; the French representative presented the proposal as if it was already a "fait accompli", stating that it had been worked out and agreed upon by the interested powers.⁵² Not only had the French dispensed with any consultations, but the use of the term "powers" made a mockery of the theoretical equality of the participants at the conference. When the U.S., the U.S.S.R. and the U.K. representatives followed by stating that they supported the French text, the obvious collusion between the powers infuriated the NNA countries along with the remainder of the Fifteen.

The important point about the French text, however, concerned what it would refer to. The U.S.S.R. made it clear that they would not have gone along with the text if interpreted as applying solely to Quadripartite Rights in Berlin; the word "arrangements" was too ambiguous. Ambassador Mendelevitch, while admitting this to the Italian representative, also made it clear that the Soviet delegation clearly perceived the possibilities provided by the text in attaining wider Soviet objectives.⁵³ Because the text can be interpreted to mean that any state, which considers it has certain rights, obligations or responsibilities, is free to take any action it feels necessary to exercise them, the text gave an implicit blessing to Soviet control over Eastern Europe. Gabriel Warren suggested the specific mention of Berlin as a possible remedy; West Germany effectively vetoed this

⁵²DEA Records. The use of the term "powers" was either an oversight or a gesture of contempt. Respecting the feelings of small participants, the term was not employed at the CSCE.

⁵³DEA Records.

proposal by insisting that any mention of Berlin would need to be balanced by mentioning West Germany's political objective of attaining German unity through free self-determination.⁵⁴ Such a suggestion was obviously unacceptable to both the Soviet Union and the GDR.

With the fourth session of the Geneva negotiations at an end, the Canadian delegation undertook an examination of what had been achieved, and what still needed to be accomplished. With the environmental law text accepted, and family reunification enshrined by provisional registration, the particular interests that Canada had pursued were nearly all successfully accomplished. Taking note of their main objective, the Canadian delegation determined to strengthen Canada's standing as a member of the European concert by "taking seriously, and being seen to do so, some of the broader questions impinging more directly on friendly Europeans".⁵⁵ While the negotiating of family reunification had been a major success, the delegation was concerned that this success not be allowed to impair Canada's larger aims at the conference. For Ottawa officials, family reunification had clearly become the principal Canadian interest at the CSCE. Several members of the delegation expressed mild irritation that "family reunification had come to loom quite so large"; one complained that Ottawa seemed determined to convert the Final Act into little more than a "consular agreement".⁵⁶ The delegation resisted these efforts.

⁵⁴ DEA Records.

⁵⁵ DEA Records.

⁵⁶ Personal interview conducted at the Department of External Affairs, Ottawa, June 1980.

and endeavoured to shift emphasis to issues of more central concern to the alliance.

The question of the principles was a case in point. While Canada's representative on principles had performed energetically and effectively, Ottawa had failed to appreciate how much this area meant to other conference participants. Indeed, it was here that the Soviet Union had staked out their primary objectives and it was "precisely here that the Western negotiators have deprived the Russians of the satisfaction they have sought in promoting the CSCE".⁵⁷ The Soviet Union had not only failed to gain immutability of frontiers, but was also obliged to accept "peaceful change". Because these two successes were very important to West Germany, Canada should take particular note of them. Another principle of particular importance to the people of Europe was human rights; while this principle only set down the abstract principle and the measures of Basket 3 provided the means of implementation, the inclusion of human rights in a conference document signed jointly with WTO countries was an important step. The Canadian government could better demonstrate their understanding of West European interests and concerns if they were to emphasize the West's success with the principles.

One area where Canada could be of specific assistance to its European allies was in military security. As yet there was little precision in Western thinking about where NATO should be heading with the CBM's. Captain John Toogood, the Canadian representative on this subcommittee, also served as the chairman of the NATO caucus on

⁵⁷ DEA Records.

security matters. Not only would Canadian direction in this area be appreciated by its European allies; Canadian interest in CBM's would underline the continuing firmness of the Canadian commitment to NATO.

The fifth session, lasting from January 20 to March 27, was a puzzle for non-participants at the conference. The most salient impression was the intensity of the Soviet interest in concluding as soon as possible with a top level windup. This was translated into increasing political pressure. Brezhnev sent letters to the U.S.A., France, Italy, Britain and West Germany calling for the CSCE summit to take place on June 30.⁵⁸ Curiously, the increasing political pressure from outside the confines of the CSCE was not reflected in equal pressure within the conference itself. The conference had acquired a virtual existence and tempo of its own; the longer it continued, the less responsive it became to general guidelines and instructions. The delegations at the conference knew what could or could not be accomplished at the CSCE, and resented outside sources attempting to interfere with their work.

An interesting sidelight occurred during this session that illuminated the complexities of the negotiations. The original draft on "peaceful change of frontiers" declared that: "They (the participating States) consider that their frontiers can be changed only in accordance with international law, by peaceful means and by agreement". The final text provisionally registered on April 5, 1975, however, featured major concessions by the U.S.S.R. Removed from the text was the word "only",

⁵⁸DEA Records.

and a comma was inserted before "in accordance with international law". Instead of specifying three conditions for the peaceful change of frontiers, with nobody quite sure what "in accordance with international law" meant, the text now allowed peaceful change by "peaceful means and by agreement": "They (the participating States) consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement".

The adjustments in the text were made during the Kissinger-Gromyko consultations of February 16-17 at Geneva. Because Kissinger did the negotiating, however, does not mean that he agreed with its necessity. Kissinger was quoted in the International Herald Tribune as saying:

The issues of the Conference have become so obtuse and esoteric, reaching sometimes such issues as the placement of commas, that it is hard to explain all of the issues that are now before the Conference.⁵⁹

Warren had had a great deal to do with the precise wording and punctuation of the "peaceful change" clause.⁶⁰ While it is unlikely the clause will ever be utilized, its precise formulation could make a substantial difference if future negotiations ever developed over boundaries.

Despite the Soviet pressure for a speedy conclusion of the CSCE, the fifth session became one of the most inconclusive. While there was much talk of concluding the conference in the summer of 1975,

⁵⁹"Unhappy European Conference", International Herald Tribune, March 3, 1975.

⁶⁰When interviewed, Mr. Warren emphasized the possibilities afforded by the subtle use of commas. While they might seem insignificant at the time, they could become extremely significant later.

neither side appeared ready to make the necessary concessions. The Easter break also proved an exception in that the prospect of the break did not give any impetus to the usual eve-of-break concessions. The most clearcut and positive exception was that preparations for the third stage of the conference had now begun in the Co-ordinating Committee, and would be taken up after the break in working groups of that committee.

The sixth session, from April 1 to August 21, was decisive, with consensus achieved after numerous concessions made by all sides. Negotiations maintained a deliberate pace for the first few weeks after the Easter break, but really took off after June 10. The conference atmosphere changed dramatically with the Soviet Union no longer even bothering to pretend they were not in a hurry. Problems that previously had seemed intractable now began "falling like ten pins" in the negotiating sessions.⁶¹

The shift in Soviet negotiating attitudes was clearly illustrated by two meetings between the heads of the Canadian and Soviet delegations. The first meeting, held on May 14, revealed Soviet Vice-Minister Kovalev to be under considerable political pressure. Tense and twitchy, he admitted that he presently had difficulty in sleeping without sedation. He expressed intense irritation with "some delegations" for making difficulties and following a strategy of delay.⁶² Kovalev was in an unenviable position; while under pressure to finish the conference as quickly as possible, the Soviet government was not yet

⁶¹DEA Records. The Canadian Ambassador waxed poetic in describing the changed atmosphere: "All the difficult and seemingly frozen issues in Basket 3 have been melting like icicles in the spring sunshine."

⁶²DEA Records.

ready to make major concessions. On June 10 another meeting was held between Kovalev and Delworth. The directive had now reportedly gone out from Moscow to make the necessary concessions to finish the conference; Kovalev had lost his nervousness and projected a mood of grim determination and urgency. His main theme was that the Soviet Union had made major concessions but were willing to make even more as a demonstration of willingness to resolve all issues.⁶³

There are two possible reasons for this forthcoming attitude by the Soviet Union. With the major stumbling block still Basket 3, the British delegation felt that the Soviet Union was unprepared to make concessions until the rumoured Western package covering Human Contacts and Information was on the table. The British took the initiative in preparing and presenting the package-- a list of all possible and desirable compromises in the two areas -- since it was their assessment that discussion on the various subjects in these two areas had reached a complete impasse.⁶⁴ Because the issues were closely interrelated, it was clearly time to draw the various components together in a globalized format. The package was designed to compel the Soviet Union to address the issues in a comprehensive way and end the sterile piecemeal negotiations.

The British initiative fitted in well with an American initiative. Kissinger and Gromyko met at Vienna in May, with a good deal of the time being spent on the CSCE. Kissinger was extremely well briefed on all aspects of the negotiations and, according to the

⁶³ DEA Records.

⁶⁴ DEA Records.

Canadian delegation, was for the first time more familiar with Basket 3 details than Gromyko. When Gromyko asked what needed to be done to finish the conference early, Kissinger declared that there must be a satisfactory response to the British global package, plus movement on CBM's. On the British package, there would need to be a global response to the global initiative; on CBM's, the Soviet Union would have to give an adequate response to the question of parameters for the West to consider any "voluntary basis" aspects for military security issues. As for any follow-up to the conference, Kissinger backed the Danish proposal completely. The Western conditions now laid down, Kissinger finished by declaring that the "ball was in the Soviet court" for the timing of Stage III.⁶⁵

The Soviet response was not long in coming -- on May 23 the Soviet representative made detailed comments on the Western global package. There were details of this package not liked by the Soviet Union but, by June 10, all difficulties had been resolved and the Soviet Union was ready to move. The Soviet actions were backed up by further political pressure from the Soviet government. Brezhnev sent letters to the heads of government of all the Western participants demanding that the third stage of the CSCE begin in Helsinki on July 22.⁶⁶

The "lust for victory" that characterized the Canadian delegation now showed very clearly. While some Western participants saw this as the time to make a deal with the Soviet Union, and finish the conference, the Canadian delegation viewed the Soviet Union's undisguised eagerness to conclude as the ideal time to push for further

⁶⁵ DEA Records.

⁶⁶ DEA Records.

concessions. This attitude is quite arresting. With the zeal of the newly converted, the Canadian team was being tougher than almost all other Western countries. There was little inclination shown by the Canadian delegation to forge a compromise with the WTO countries that both sides could live with; the ambition was to gain maximum concessions, thereby defeating as completely as possible the other side. While this can in part be explained by the prevailing rules of the game, there was also a spirit of not-so-latent anti-Sovietism in the members of the delegation. The curious aspect is that such a hawkish Canadian performance took place with Pierre Trudeau as Prime Minister. Trudeau, who had consistently advocated the need to move away from the rigid posturings of the Cold War, adopted a similar attitude to his negotiators when answering Brezhnev's letter. While declaring that the end of July was feasible for Stage III, he insisted that all outstanding issues must first be resolved. His suggestion was that instructions to WTO negotiators be the same as his to the Canadian delegation: "to participate in every effort to close whatever gap still exists".⁶⁷

Despite the promise of a breakthrough in the negotiations, several controversial issues remained. One of the most difficult concerned CBM's. The question of military security had caused problems since the beginning of Stage II. Security being a primordial goal, the participating states decided to include a document specifically linking the political and military aspects of security in Europe.

⁶⁷ DEA Records.

The divisions were caused by the differing levels of commitment to this linkage. While the WTO sought minimal texts on the issues being negotiated, NATO and the NNA's were largely united in seeking fairly detailed texts. Because they were not participating in MBFR, the NNA's attached large importance to the CBM's. This led them to try to cement a relationship between the political and military aspects of security and the principles of arms limitations; this was rejected because the WTO and NATO were agreed on not allowing CBM's to hamper their freedom of action in other fora, especially the MBFR.

Negotiations on CBM's were stalemated until late March 1975, when the Soviet Union introduced the new idea that notification of major military manoeuvres be voluntary. The West would agree to this only if an acceptable compromise could be found that included adequate parameters. Canada now made a valuable contribution to European security through Captain Toogood's timely proposal, termed the "Canadian Matrix".⁶⁸ The Soviet idea of a voluntary basis would be accepted, over Dutch protest, in return for an agreed linkage of numbers, space and time; if one element was to be altered, changes in the others would follow. For example, the higher the minimum number of troops in the manoeuvres to be reported, the wider the area to be covered, and the longer the required notice. The Canadian initiative proved to be decisive in solving this controversial issue.

Two problems that had been with the conference since its inception were still outstanding: the structure of the final CSCE document and the nature of any follow-up. The structure of the final

⁶⁸ The "Canadian Matrix" was "leaked", and formally advanced by six neutral countries.

documents had grown in importance throughout the conference. The controversy concerned whether the Final Act was to be regarded as a single document with each basket of equal importance, or whether the various baskets would be separate. The Soviet Union, realizing that their preference for signing only the texts on principles would not be accepted, now called for the various portions of the Final Act to be signed separately. They would then have emphasized only the declaration of principles governing relations between states. The West, no longer wedded to the Dutch proposal of separating the preambles and texts, declared that the text should follow the preamble designed for it -- the conference document, with only one set of signatures, should remain the way it was negotiated.

To counter the Danish "minimalist" position on follow-up, the Czechoslovakian representative had early in the conference presented a Soviet approved text calling for a "maximalist" position.⁶⁹ The proposal called for an institutionalized structure to review progress on security and co-operation in Europe. This was the proposal that inspired fear in many West European representatives, that follow-up would allow the Soviet Union an excessive influence in future European affairs. The Soviet Union, however, lost interest in an institutionalized follow-up when the results of Basket 3 became more apparent. Realizing that follow-up would expose the WTO countries to Western pressure for implementation of Basket 3 measures, the Soviet Union began edging closer to the Danish proposal. When questioned about a review of implementation at such a conference, Kovalev retorted that the

⁶⁹The Czech performance at the CSCE was very unimpressive. Their major initiative at the conference, the text on follow-up, was sold down the river by the Soviet Union.

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"CSCE was not a boys school and there would be no report cards to check".⁷⁰

The Soviet push for completion began immediately to change the momentum of the conference. In subcommittee I, there was much left to be resolved; when the first reading was completed, all ten principles had portions still bracketed. Mendelevitch explained to the subcommittee in fairly emotional terms that they must now begin a "big push".⁷¹ The man the subcommittee then turned to was Warren, the Canadian representative. With his U.N. experience and legal background extremely helpful in these multilateral negotiations, Warren had early appreciated that if anything was to be accomplished in the subcommittee, "I was the one who would have to knock heads together".⁷² To expedite matters, the subcommittee moved to informal meetings and chose Warren to be the co-ordinator (Chairman). Considering that only neutral or non-aligned delegates had previously been allowed to serve as co-ordinators, the decision was a tribute both to Canada and to Warren's personal diplomacy. The confidence of the subcommittee was seemingly not misplaced; under Warren's whiphand, the subcommittee made truly remarkable progress in clearing up the principles.⁷³

Basket 2 was never really an area of controversy at the CSCE. Most measures agreed to were fairly bland, paralleling agreements reached

⁷⁰ DEA Records.

⁷¹ DEA Records.

⁷² When interviewed, Mr. Warren explained that very few of the delegates had any multilateral negotiating experience. Being one of the few who did, Warren realized that he would have to play a prominent role.

⁷³ The second reading of the principles was finished up in two days.

that once a deadline was set, all effective negotiations would be finished; there should thus be no deadline until all that could be achieved was achieved.

The Canadian delegation was particularly adamant about the timing of Stage III because of the loss of the level of Stage III as a bargaining counter. The loss of this bargaining counter was admitted by G. F. W. Hooper, Director of the East European Division of External Affairs and co-ordinator of Canada's participation at the conference, when he was quoted on March 18, 1975, that it "seems more and more obvious that the summit (Helsinki), a cherished objective of Soviet foreign policy for years, will occur".⁷⁴ What upset the Canadian delegation was that this Western negotiating advantage was not traded in return for specific concessions. Agreement to finish at the highest level was the outcome of the two sets of U.S.-U.S.S.R. discussions, and was also thought to have been agreed at the French-Soviet meeting at Rambouillet. There is little wonder Canadian Ambassador Delworth, as early as the summer of 1974, was cynical concerning the level of Stage III, declaring that it was likely to be based on political considerations and not on the quality of the concrete texts.⁷⁵ While Canada should still attempt to make use of the level of Stage III, it must also recognize the political realities.

⁷⁴"Summit Hopes Rising", The Ottawa Journal, Tuesday, March 18, 1975. Found in: The Summit Session of the Conference on Security and Co-Operation in Europe (Estonian Information Centre, Toronto, March 1976), p. 8.

⁷⁵DEA Records.

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⁷⁵DEA Records.

In Basket 1, the Canadian representatives still had difficulty with the text on 4-Power responsibilities in Berlin. In a message to Ottawa, the Canadian delegation emphasized that they were not criticizing the text from the Berlin perspective but from that of East-West relations and the Brezhnev Doctrine.⁷⁶ Since the text does not refer specifically to Berlin, but is cast in very general terms, the Canadian delegation feared that the Soviet Union, when it wished, could ignore any of the other principles on the grounds that it affected the Soviet Union's existing "rights and obligations". The Canadian position was that the Berlin safeguard clause was unnecessary since the CSCE was not creating legal obligations. France, the U.K., and the U.S.A., however, deemed it necessary to prevent the Quadripartite Rights being undermined by political commitments. The Canadian delegation was in an unenviable position; while it did not wish to oppose its allies, the French text did make a "laughing stock out of past Western efforts and successes in principles".⁷⁷ The dilemma was solved by instructions from Ottawa; while agreeing with the delegation's assessment, the verdict was that "Canada should not be seen to be holding up negotiations on the matter unduly".⁷⁸

With Finland requiring four weeks to prepare Helsinki for Stage III, the final push for an end to the conference began in late June. The Foreign Ministers of the Nine met in Luxembourg on June 24

⁷⁶While the Soviet Union has not used Principle 10 to invoke the Brezhnev Doctrine, the Canadian delegation was afraid this could be done.

⁷⁷DEA Records.

⁷⁸DEA Records.

and declared that:

Taking into account the substantial progress accomplished on numerous subjects, they think that it is now both desirable and feasible to complete negotiations in Geneva so that the third phase can take place in Helsinki by the end of July. ⁷⁹

The Canadian Ambassador was inclined to agree with this assessment; if the West did not now agree to a Stage III date, all steam would likely go out of the conference, and the granting of concessions come to an end. With its particular interests achieved, and interested now only in promoting broader objectives of its Western allies, Canada would hardly be likely to block the wishes of these same allies.

The meeting of the Nine was thought to open the doors to a consensus on the timing of Stage III, but this was not to be. On June 26, the Co-ordinating Committee met to discuss Stage III. The meeting turned out to be the "hour of indecision rather than the moment of truth".⁸⁰ Finland, as chairman, opened the meeting by making clear their desire for the fixing of a precise date. Sweden took the initiative and proposed Monday, July 28. Other participants were less sure; Romania, Yugoslavia and Austria were unwilling to fix a precise date. The meeting reached no decision, prompting the Finnish Ambassador to liken his country's position to that of a starving man in a sumptuous flower shop: "all the beautiful bouquets that had been thrown to the government of Finland for its efforts did little to solve

⁷⁹ DEA Records.

⁸⁰ DEA Records.

the 'real problem'.⁸¹ Despite the indecision, July 28 remained the probable date for Stage III.

On July 4, the Co-ordinating Committee met again to discuss the Swedish proposal of July 28 as the date for Stage III. The chief aspect of note in this meeting was the unedifying spectacle of the West in complete disarray. France, once again neglecting the sensibilities of others, was the cause. The French delegation circulated throughout the meeting declaring that the "Big Four" had decided on July 28 as the Stage III date. In a conference stressing consensual politics, the use of such heavy-handed tactics was completely out of place. The Yugoslavian delegation summed up the feelings of many conference participants when they angrily declared that they were "not going to be pushed around".⁸²

At a subsequent caucus of the Fifteen (minus the French), a picture of complete disunity began to appear. In a compromise move, the caucus decided to press for Stage III at the end of July. Norway was to give the Fifteen's position at the next meeting of the Co-ordinating Committee; Canada would support this position, and the Nine would follow along. When the meeting convened on July 5, however, the French reintroduced their proposal, pressing to set the date of Stage III immediately, conditional on a satisfactory conclusion of Stage II. This proposal, not having been cleared with either the Nine or the Fifteen, was promptly blocked by the Dutch and Turkish delegations. Canada was in a quandry; having received instructions to follow the European

⁸¹ DEA Records.

⁸² DEA Records.

lead, the Canadian Ambassador to the CSCE cabled back "that the identification of a European bandwagon has given me some difficulty; I shall be glad to climb onto it when I see it coming down the road in one piece".⁸³

The French initiative was now effectively finished; at a meeting of the Co-ordinating Committee on July 8, the Italian Ambassador disassociated the Nine, then under Italian presidency, from the proposal. The Finns, in apparent disgust, also abandoned July 28 as they no longer had time to prepare for the conference. As a result, Sweden withdrew its proposal. Canada now advanced the compromise formula that successfully fixed a date for the commencement of Stage III. Although the Canadian delegation had earlier been cautioned by Ottawa against setting the pace on this issue, the Canadian delegation agreed with Trudeau that the time had now come to finish the conference. Delworth, in private conversations with the Finnish and American Ambassadors, expressed his regret at the passing of late July as the finishing date; he also asked specifically if July 29-31 would be feasible. The Finnish Ambassador agreed tentatively; his government, frustrated by the indecision previously displayed, would only confirm in the face of a formal request by the Co-ordinating Committee. The American Ambassador informed Delworth that while he had received instructions that July 29 and July 31 were out, there was no problem with July 30. Delworth, receiving authorization from Ottawa to propose July 30, now took the initiative.

⁸³ DEA Records.

The Canadian proposal called for July 30 to be the target date for Stage III; this was conditional on all outstanding questions being settled by July 15. If this could not be accomplished, the political and financial consequences of the cancellation of July 30 should be shared by all states.⁸⁴ The Canadian initiative, termed the "right proposal at the right time" by the Danish Ambassador, was adopted on Saturday, July 12. The proposal acted as a psychological bulldozer in accelerating the work of the conference, and the few remaining issues were rapidly cleared up.

The country that posed the greatest threat to the Canadian proposal was Malta. Patiently waiting consensus on the timing of Stage III in order to gain maximum leverage, it now threatened to block this consensus unless there was included a reference to the Mediterranean dimension in any follow-up declaration, with a clear commitment to gradual withdrawal of foreign forces from the area.⁸⁵ This constituted one of the rare abuses of the consensus rule, and prompted fury in the major conference participants. The U.S.S.R. floated the idea of abandoning the consensus rule, while the U.S. termed the Maltese actions as simple blackmail. The reason for the extreme reactions by these two powers may possibly have been that the Maltese proposal applied principally to the American and Soviet naval forces in the area.

⁸⁴DEA Records.

⁸⁵While the actions of Malta represented an abuse of consensus in the opinion of many conference participants, it was also a demonstration that consensus worked.

On July 14, the NATO caucus and the WTO agreed to a compromise formulation stating that one of the aims of strengthening relations between the participating states and the non-participating Mediterranean countries would be the "reducing of forces in the region". This was also the date for the registration of the French text on follow-up. The rapid progress on this text must be attributed in large part to the excellent work of the Swedish co-ordinator for this drafting group. Emphasizing that this contentious issue must be cleared up by July 15, the co-ordinator managed to work out a compromise accepted by all. The Canadian delegation considered the text to be satisfactory from the Western point of view. While maintaining the Western and NNA emphasis on the implementation of conference decisions, it kept to a minimum the abstract "political language" and concepts pursued by the WTO. The text preserved from the original Danish proposal, albeit in modified language, the useful concept of an interim period and the evaluation of conference results at the end of that period. While it avoids the institutionalization that a permanent secretariat might have fostered, it does, through the meeting of senior officials in 1977, and the explicit possibility of future such meetings, give the element of continuity so much desired by Canada.

The Co-ordinating Committee wound up its work on Stage II in the early hours of July 21, but only after facing two sticky problems. The first concerned the location of the preparatory meeting and the meeting of senior officials to be held in 1977. The countries vying for these conferences were Finland and Yugoslavia. Helsinki was

supported by the WTO and Scandinavians, while Belgrade was championed by the Nine. The French, for purely bilateral considerations, were major advocates of Belgrade; not having made the expected headway in the commercial sphere with Yugoslavia, their endorsement was to be a "political carrot". Canada, chairman at this important session, offered a compromise proposal: Helsinki for the preparatory meeting and Belgrade for the review conference, with the following preparatory meeting to be held in Belgrade. Yugoslavia would not accept this, and the compromise collapsed. Canada then advised the Finns to withdraw Helsinki as a possible site, and Belgrade became the location for both conferences.⁸⁶ For the Nine, the choice of Belgrade as a conference site was very satisfactory; to have the conference at Helsinki would have provided the element of institutionalization they had been trying to avoid.

The final problem had been brewing for much of the conference. On March 21, 1975, the Turkish delegation circulated a letter to all other delegations urging that the problem of representation of Cyprus at Stage III be considered before the end of Stage II.⁸⁷ The letter denied the legitimacy of the present Cypriot government, and the right of an exclusively Greek-Cypriot delegation to represent all of Cyprus at the CSCE. The real issue was the possibility of Archbishop Makarios representing Cyprus at Stage III; while Turkey would find this hard to accept, any representative other than Makarios would be

⁸⁶ DEA Records.

⁸⁷ DEA Records.

unacceptable to the ~~Greek~~-Cypriots and the Greek government. The problem really allowed for no solution, and was avoided only by permitting two formal unilateral statements of the Turkish and Cypriot positions to be recorded in the journal of the Co-ordinating Committee.

CHAPTER IV

AN ANALYSIS OF THE HELSINKI

FINAL ACT

Although lacking the binding force of a treaty in international law, the Final Act stands as a "declaration of intent" of considerable moral and political significance. Addressing a wide range of topics reflecting the political, military, economic, humanitarian, cultural and educational concerns of the participating states, it is a document to which no state could set its seal without serious consideration of the consequences, and which cannot be violated without a loss of reputation.

Basket 1.

Questions Relating to Security in Europe

Declaration on Principles Guiding Relations Between Participating States:

The introduction to this section lays out the framework within which the principles will operate. The Soviet Union talked constantly of relations among states with different social systems. However, all non-WTO delegations, plus Romania, strove to make it clear that the principles applied to relations among all participating states, thereby closing loopholes through which the Soviet Union might assert its right to intervene in the affairs of states having the same social system.

The text clearly states that the participating states:

Declare their determination to respect and put into practice, each of them in its relations with all other participating States, irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development, the following principles, which are all of primary significance, guiding their mutual relations.

¹Conference on Security and Co-Operation in Europe: Final Act (Helsinki, 1975), p. 4, para. 3.

While the wording of the Final Act will not prevent the Soviet Union from again implementing the Brezhnev Doctrine if its security position is severely threatened, there is now a document to which the West can point in charging a Soviet violation of generally accepted principles in the conduct of international relations.

This clause is also important because of the stipulation that all principles are of primary significance. The Soviet Union had isolated three for emphasis: the inviolability of frontiers, territorial integrity, and non-intervention in internal affairs. Each is defensive and, if stressed as more important than other principles, could justify keeping co-operation between states and individuals at any level a regime might wish. The Western states were definite that no principle should be emphasized at the expense of others. In the first of the Final Clauses, it is expressly noted that:

All the principles set forth above are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others. ²

The ten equal principles are as follows:

1. Sovereign Equality, Respect for the Rights Inherent in Sovereignty.

This principle emphasizes the rights and duties of each participating state toward each other participating state. It affirms the sovereign right of participating states to juridicial equality, territorial integrity, political independence, and the right to freely choose and develop their own socio-political system. That this principle stressing equality leads the list represents a victory for

²Ibid., p. 8, para. 6.

the smaller participating states, plus the German Democratic Republic.

This principle also contains the controversial clause on "peaceful change":

They (the participating States) consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement.

The question of territoriality was central to the CSCE proceedings. While the Soviet Union and its allies wanted the maximum degree of immutability of frontiers, the Irish, Spanish and especially the West Germans insisted on keeping open the possibility of peaceful change. Because of this clause, the Western nations could claim that they had not simply endorsed the status quo in Europe; rather they had kept open the door to evolutionary change.

2. Refraining from the Threat or Use of Force.

Similar to the corresponding definition in the Charter of the United Nations, that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state..." (Article 2.4), this principle achieved prominence when the Ostpolitik of West Germany produced bilateral commitments to refrain from the threat or use of force with the U.S.S.R., Poland, and the GDR. This principle is probably the most important from the Western viewpoint as they see the unifying theme as the exclusion of illegal force from Europe while allowing nothing that would preclude "peaceful change" -- in the widest sense of the concept, not just as it relates to frontiers.

³Ibid., p. 4, para. 5.

A "measure" to give "effect" to this principle is referred to in the special chapter following the Declaration of Principles. This text was proposed by the Romanians, who wanted to downgrade the WTO emphasis on "inviolability of frontiers" in favour of non-use of force.

3. Inviolability of Frontiers.

Differing interpretations of this principle have produced wildly varying reports as to the "winners" and "losers" of the CSCE. It has been fashionable in the Western press to claim that the West recognized European frontiers in return for Soviet quasi-commitments in Basket 3. A careful reading of the principle, however, does not back up the claim of recognition:

The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers.

Accordingly, they will also refrain from any demand for, or act of seizure and usurpation of part or all of the territory of any participating State.

4

While the separate principle on inviolability of frontiers does tend to enhance the status of the Soviet Union and solidify the territorial status quo, there is nothing that can be construed as recognition of any type, whether legal, moral, or political. It merely reaffirms the second principle, and precludes the illegal use of force in changing frontiers.

⁴Ibid., p. 5, paras. 3 and 4.

4. Territorial Integrity of States.

The U.S.S.R. had hoped to draft this principle in such a way that it could be construed, along with the third principle, as an acceptance of existing frontiers in Europe. The wording of this principle, however, shows clearly that it too is derived from the one on the non-use of force: the participating states are committed to refrain from any action against the territorial integrity, political independence or unity of any participating state, constituting a threat or use of force. Military occupation or other direct or indirect measures of force are also not permitted: "No such occupation or acquisition will be recognized as legal".⁵

5. Peaceful Settlement of Disputes.

There was little possibility of breaking new ground on this principle. The principle merely follows Articles 2.3 and 33.1 of the U.N. Charter to insist that "The participating States...will use such measures as negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice..." to settle disputes.⁶

A "measure" to give "effect" to this principle is also referred to in the special chapter following the Declaration of Principles. This arises out of a Swiss draft that stresses obligatory procedures for settling juridicial disputes and also provides for the settlement of non-juridicial (political) disputes.⁷ The successful

⁵Ibid., p. 5, para. 7.

⁶Ibid., p. 5, paras. 8 and 10.

⁷Gotz von Groll, "The Final Act of the CSCE", Aussenpolitik, Volume 26/No. 3, p. 253.

opposition to this Swiss proposal was political: as long as each side feels mistrust of the other, there can be no resort to obligatory procedures. The formal reason given for refusing obligatory procedures, however, was that this represented an infringement upon the sovereignty of states.

6. Non-Intervention in Internal Affairs.

This is a generally recognized and basic principle of friendly relations among states. It does, however, underline a fundamental dilemma for the Soviet Union at the CSCE: how to strike the necessary balance between the societal penetration needed for mutually advantageous inter-systemic co-operation with the restrictions deemed necessary to safeguard the existing power structures in Eastern Europe.⁸ Measures stressing co-operation were all suspect to a degree as they called for adjustment in the internal affairs of participating states. The result was that the Soviet Union argued, and continues to argue, that all measures based on decisions of the CSCE should be subject to internal jurisdiction.

The Soviet Union got more than it bargained for in principle 6.

The basic statement reads:

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

9

(emphasis added)

⁸ Nils Andren and Karl E. Birnbaum, eds., Beyond Détente: Prospects for East-West Co-Operation and Security in Europe (Netherlands: A. W. Sijthoff-Leyden, 1976), p. 144.

⁹ Final Act, p. 6., para. 2.

The principle, prohibiting intervention in any state's internal affairs, is aimed directly at the Brezhnev Doctrine of limited sovereignty. To the extent the Final Act is followed, the principle will strengthen the independence of the Eastern European governments and may prove of particular significance in the cases of Romania and Yugoslavia.

7. Respect for Human Rights and Fundamental Freedoms, Including the Freedom of Thought, Conscience, Religion or Belief.

This principle, the lengthiest, was most carefully elaborated. The only place in the Final Act where human rights are expressly mentioned, it represents the abstract concept to which the specific measures enumerated in Basket 3 are to apply. The signatories express their intention to "promote and encourage the effective exercise" of human rights by individuals, to co-operate in this field, and to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights".¹⁰ Religious practice was given special significance -- the "freedom of the individual to profess...religion or belief" -- and a paragraph on national minorities (equality before the law) was carried through on a Yugoslavian initiative.

This principle is of fundamental normative importance because it incorporates by reference a vast body of existing conventional and customary international human rights law, and contains the undertaking

¹⁰ Ibid., p. 7, para 3.

of the signatory states to abide by it.¹¹ The emphasis rests squarely on the individual but, although the "right of an individual to know and act upon his rights and duties" was confirmed, the attempt to condemn actions against individuals exercising their rights failed.

8. Equal Rights and Self-Determination of Peoples.

...all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, 12 social and cultural development.

This principle guarantees both external and internal self-determination of peoples on a universal basis; it applies to all people and not, as the Soviet Union claimed, only to people in colonial situations. The reference to "external political status" makes it clear that the unification of one or more states through the right of self-determination is expressly admissible. Further, the innovative idea relating to internal self-determination allows the permanent possibility for a people to choose a new social or political regime, or to adapt their social or political structures to meet new demands. This contradicts the defensive view of the Soviet Union that once a people has chosen a form of government, or a certain social structure, its right to self-determination is to be regarded as implemented.

¹¹ Thomas Buergenthal and Judith R. Hall, eds., Human Rights, International Law, and the Helsinki Accords, (New York: Allanheld, Osmun & Co., 1977), p. 8.

¹² Final Act, p. 7, para. 5.

Canada, because of its unsettled domestic situation, evinced a great interest in this principle. Along with Spain, Greece, Cyprus, Romania and Yugoslavia, Canada pushed for a limit to its application in order to avoid any implication that it would be used as justification for the dismembering of a state by a militant minority. To accomplish this, the concerned states received a balancing element referring to the necessary conformity with the purposes and principles of the U.N. Charter, "including those relating to the territorial integrity of States".¹³

The necessity of the "balancing element" for Canada was made clear when Quebec separatists produced their own "passport". The inside front cover of the "passport" quoted from the U.N. Charter that "all peoples have the right to decide freely their political status, and freely to ensure their economic, social and cultural development".¹⁴ The "passport", however, fails to cite the countervailing duty pointed out by the "balancing element" -- that nothing should disrupt the territorial integrity of states.

9. Co-Operation Among States.

The formulation of this principle proved particularly laborious. While the Soviet Union concentrated upon political co-operation among states, and insisted upon sovereign equality and non-intervention as the basis of this co-operation, the West attempted to ensure that co-operation extended to humanitarian issues. Its conception of co-operation, emphasizing the individual, was well captured in the original French draft that declared co-operation should take place

¹³ Ibid., p. 7, para. 4.

¹⁴ Richard Cleroux, "Quebec Separatists Get Own Passports", The Globe and Mail, April 3, 1975.

"with the goal of respecting human rights and basic freedoms". The aim was to make clear that not only are the participating states agreeing to do certain things in humanitarian matters, but also that the undertakings constitute a legitimate field of bilateral and multilateral co-operation.

The West prevailed, and the decisive sentence reads as follows: "...governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their co-operation".¹⁵ (emphasis added) The importance of this principle for Baskets 2 and 3, where co-operation does involve both organizations and persons, should not be underestimated.

10. Fulfillment in Good Faith of Obligations Under International Law.

This principle constitutes a standard part of many international agreements. Two points are worth mentioning. First, it is clearly stated that the U.N. Charter prevails over any other international agreement. This ensures that a new international law for Europe has not been created, and that the purposes and principles of the United Nations are not contradicted. Second, a section has been included that makes it very difficult for any government to isolate any one section of the Final Act in order to escape its commitments in other sections:

In exercising their sovereign rights, including the right to determine their laws and regulations, they (the participating States) will conform with their legal obligations under

¹⁵ Final Act, p. 8, para. 1.

international law; they will furthermore pay due regard to and implement the provisions in the Final Act of the Conference on Security and Co-operation in Europe. 16

As previously mentioned, the issue of Quadripartite Rights in Berlin precipitated a major battle in Principle 10. The first paragraph reads:

The participating States will fulfill in good faith their obligations under international law, both those obligations arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements, in conformity with international law, 17
to which they are parties.

(emphasis added)

This paragraph must be seen in conjunction with the third Final Clause:

The participating States, paying due regard to the principles above, and, in particular, to the first sentence of the tenth principle, "Fulfillment in good faith of obligations under international law", note that the present Declaration does not affect their rights and obligations, nor the corresponding treaties and other agreements and arrangements. 18

(emphasis added)

Understandably, Canada and other countries were concerned that an unrestricted reference to all existing treaties and agreements would appear as an implicit blessing for Soviet control over Eastern Europe; the Soviet Union could look to the treaties and agreements it has signed with these countries to justify taking any action it feels necessary in

¹⁶ Ibid., p. 8, para. 4.

¹⁷ Ibid., p. 8, para. 3.

¹⁸ Ibid., p. 8, para. 8.

relation to them. The only recourse for the concerned countries was the reference to international law; the third Final Clause safeguards only those rights, obligations, treaties, agreements and arrangements valid under international law. As the Brezhnev Doctrine does not fall within this category, the Soviet Union cannot look to the section on Quadripartite Rights to justify its use.

All non-WTO delegations, plus Romania, joined together in thwarting the efforts of the Soviet Union to have established a special European body of international law adapted to their purposes in Eastern Europe. Rather, the declaration of the ten principles governing relations between states makes it clear that participating states are merely reaffirming doctrines to which they have already subscribed at the United Nations, which are based on the U.N. Charter's "principles and purposes". This is not to denigrate the usefulness of the principles; by not going against the current international law, they may serve to enhance the value of the Charter. Their consistency with, and concrete application of, the Charter may also increase the likelihood that the CSCE principles will become a source of customary law in international affairs. To the extent that states abide by them, and they come to reflect the actual practice of states, they may become widely quoted as a means of interpreting international law.

The second part of Basket 1 concerns CBM's. The work on CBM's grew out of the realization that any improvement in the political climate in Europe must involve the military aspect. The conference title referred

to "security" as well as "co-operation"; military security could thus not be ignored. The CBM's negotiated, however, turned out to be rather minor. The participants undertook to notify all CSCE signatory states no less than 21 days in advance of their ground force manoeuvres, with or without air and naval components, which exceed a total of 25,000 personnel. The provisions also call for discretionary notification of sub-threshold manoeuvres and military movements, and for the discretionary invitation of observers to manoeuvres of any size.

The section on CBM's was very difficult to negotiate, and the results were pleasing to few. The Soviet Union, seeing its security concerns reflected in the section on principles, wanted no commitments in the military sphere; by contrast, the NNA countries wanted the section to be far more comprehensive, and closer ties established between the CSCE and MBFR. NATO countries generally wanted far more comprehensive CBM's but were nervous about pushing for them as the WTO might agree and then claim that there was now no need to continue the conference on MBFR's. In any event, a proposed third CBM, the prior notification of major military movements, met with firm opposition from both American and Soviet delegates who were able to reduce the provisions to notification by states "at their own discretion".

One NATO country that was particularly unhappy with CBM's was Turkey. The Turks demanded special exemptions from the "Canadian matrix" because, while their country is European for political purposes, their land mass is geographically located on the Asian continent.¹⁹ Like Malta, the Turkish delegation threatened to block

¹⁹ The Turks wanted a narrower military notification zone than other countries. Turkey had no chance of gaining this when the Soviet Union demanded the same exemption.

consensus on the conference's conclusion if the exemptions were not granted. With no other country gaining, or even claiming, exemptions, the Turkish demand was clearly not acceptable. The inflexible Turkish stance forced a NATO meeting in Brussels to put pressure on the Turks. A compromise was agreed upon: if Turkey would not withhold consensus, NATO countries would push for Turkey's exemptions after Geneva.

The CBM's are commonly recognized as symbolic measures of no particular military importance to those ~~armed~~ with the latest satellite and electronic intelligence devices. In a conference such as the CSCE, where the provisions are not legally binding, symbolic gestures assume more importance. The significance of these admittedly small measures lies in their political nature -- the acceptance that all participating states will in future be called upon to make some contribution in the military field towards increasing mutual confidence.

Basket 2. Co-Operation in the Field of Economics, of Science and
Technology and of the Environment.

The second committee was the least politically charged, primarily because there was a considerable congruence of interest on the issues discussed. The Warsaw Pact interests were well known -- the desire for access to technical data, assistance in construction of new industrial plants, and the meshing of Western industrial know-how and technical expertise into their domestic economic systems. In return, West European countries desired access to raw materials, and increased co-operation in the fields of energy, transport and environment.

Contrary to Western expectations, however, the Soviet Union and its allies were not heavy demandeurs in Basket 2, preferring to leave this to bilateral talks or other fora. Thus, the leverage the West hoped to gain from Soviet demands in Basket 2 could not be used to gain extra concessions for Basket 3.

The significance of the provisions in Basket 2 lies in the attempt to work out, in an all-European context, both guidelines and concrete recommendations for co-operation between states having different economic and social systems. Provision is made to encourage commercial exchanges, business contacts and facilities; the dissemination of economic and commercial information; industrial co-operation; scientific and technological interchanges in a large number of fields; co-operation in environmental protection, transport facilities, migrant labour and professional training. Despite Eastern pressure, the Most Favoured Nation clause was not granted at the CSCE. The preamble to Commercial Exchanges declares that:

(The participating States) recognize the beneficial effects which can result for the development of trade from the application of most favoured nation²⁰ treatment.

The Western nations did not regard tariff reductions by non-market economies as an adequate quid pro quo for MFN. Instead they demanded a true reciprocal advantage -- a guaranteed volume of sales for EEC exporters. The purpose of promoting the principle of reciprocity was to clear the way for post-conference negotiations of MFN with the COMECON states. Therefore, while MFN was not granted to WTO

²⁰ Final Act, p. 16, para.5.

countries, it was not rejected, only left to a more appropriate forum.

Certain points of Basket 2 deal with the movement of people and information. If the agreed measures for expanding contacts between businessmen and organizations are implemented, the goal of breaking down barriers would be well served. The commitment to exchange and compare statistics on trade and economic activity would also contribute to bringing Eastern Europe into closer contact with the West and foster co-operation in a wide variety of enterprises. By creating habits of information exchange, by establishing regular relationships on economic and scientific issues, there is the possibility of spillover into political and humanitarian fields.

Sandwiched between Baskets 2 and 3 is a short section on "Questions Relating to Security and Co-operation in the Mediterranean". Since about one-third of the participating states border on the Mediterranean and six southern Mediterranean states made statements to the conference (Algeria, Egypt, Israel, Morocco, Syria and Tunisia), the inclusion of this section was no surprise. It alludes to the geographical, historical, cultural, economic and political aspects of the participating states' relationship with the non-participating Mediterranean states, the close connection between security in Europe and security in the Mediterranean, and the mutual interest in developing economic co-operation. The text pledges the "...development of mutually beneficial co-operation in the various fields of economic activity", and states that:

...the participating States also declare their intention of maintaining and amplifying the contacts and dialogue

as initiated by the CSCE with the non-participating Mediterranean states to include all the States of the Mediterranean, with the purpose of contributing to peace, reducing armed forces in the region, strengthening security, lessening tensions in the region....²¹

Basket 3. Co-Operation in Humanitarian and Other Fields.

The inclusion of this chapter, stressing the individual, was a condition for Western participation at the CSCE. With the Soviet Union mainly concerned with Basket 1, the Basket 1 - Basket 3 tradeoffs provided the negotiating dynamic at Geneva, and allowed the conference to explore the "outer limits of détente".²² Basket 3 involved a discussion of issues never dealt with before in an international forum. The significant point is that it was possible to discuss such matters at all. The language of Basket 3 makes it clear that the freer movement of ideas and persons is now not only a matter concerning state organs, but also involves individual initiatives. Discussion concerning such matters can no longer be termed interference in internal affairs but rather are legitimate subjects for international negotiations.

For the Soviet Union, the problem was how to reconcile the demands for the freer flow of information and people without lessening the control over Eastern Europe that it intended the CSCE to confirm. Initially they proposed that the freer movement should be restricted to those instances which "promote peace and goodwill". Such an

²¹ ⁸Ibid., p. 38, para. 4.

²² Gabriel Warren feels that it was the lack of a negotiating dynamic that led to the minimal results at Belgrade. While the West pushed for the implementation of human rights, the Soviet Union had no comparable interest.

ambiguous qualification could have provided a convenient justification for censorship, and thus was successfully resisted by Western and neutral countries. The Soviet Union then tried to ensure that all Basket 3 measures would be subject to the Basket 1 principle of non-intervention in internal affairs. Arguing successfully that all principles have equal significance, the non-Communist countries would only allow a statement in the preamble that "this co-operation should take place in full respect for the principles guiding relations among participating states as set forth in the relevant document".²³ Since the principles include not only non-intervention and respect for a country's "laws and regulations", but also some remarkably strong passages on human rights and fundamental freedoms, the thrust of the Soviet initiative was diluted significantly.

The major obstacle for the West, however, was the Soviet Union's insistence upon MAC to govern all measures of co-operation. The Soviet case was considerably strengthened by the fact that MAC had been included in the Helsinki Recommendations. When it became clear that the Soviet Union would have to be granted MAC, the West concluded the package deal providing for parallel drafting. The result for the West was highly satisfactory, consisting of a single reference to MAC in the preamble to Human Contacts. Because of the positioning, the West can make a persuasive case that MAC applies to further bilateral efforts, and not to the CSCE texts. MAC, however, does provide the Eastern European countries a hedge against

²³ Final Act, p. 39, para. 4.

automaticity: the actual handling of individual cases remains the prerogative of national authorities.

Family reunification, the Canadian sponsored text, is undoubtedly the showpiece of the Human Contacts section. Having taken nine months to negotiate, its adoption constituted a major breakthrough. Despite the restrictions MAC placed upon this text, the Canadian delegation took pride, especially in communications with their political masters, in their successful management of the text; virtually every feature of their draft had found its way into the Final Act in spite of the strong Soviet and East German resistance. The text obliges the participating states to deal:

...in a positive and humanitarian spirit with the application of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character, such as requests submitted by persons who are ill or old. 24

Where the West really began to probe the outer limits of détente was in Section II, Information. The Soviets apparently calculated that in return for concessions in the more publicized area of Human Contacts, they would be required to give less in the potentially more explosive realm of information. In one specific area of Information, however, the West was quite successful. In the preamble, the states agreed to "facilitate the freer and wider dissemination of information of all kinds..."²⁵, and to improve the

²⁴Ibid., p. 40, para. 4.

²⁵Ibid., p. 43, para. 7.

working conditions of journalists. Under the Final Act, journalists are to be granted faster visa procedures, multiple entry and exit visas, greater opportunity to travel within the country, improved import privileges for technical equipment, the right to transmit information "completely, normally, and rapidly", and assurances against expulsion for professional reasons.

Cultural and education co-operation and exchanges were an already established component of East-West relations, and hence were not accorded the same amount of attention as Human Contacts and Information. In the introduction to Culture, the participating states' aim at developing the mutual exchange of information concerning cultural achievements, facilitating access to these achievements, and developing contacts and co-operation among persons active in the field. Canada, in the "Fields and Forms of Co-operation" section of Culture, introduced a short text on cultural diversity. This was intended to establish that cultural diversity, where it exists in the participating states, is a subject of interest and a valid argument for the exchange of information. Certain delegates, primarily within the Fifteen, were worried this would be interpreted as referring to national minorities. The text was therefore watered down to the following formulation:

...the exchange of knowledge in the realm of cultural diversity, with a view to contributing thus to a better understanding by interested parties of such diversity where it occurs... 26

In the introduction to Education, the participating states

²⁶ Ibid., p. 51, para. 9.

express their willingness to promote the exchange of knowledge and experience and to increase contacts and co-operation in the fields of education and science. From the Western point of view, the two key words were "exchanges" and "co-operation" -- if exchanges could be substantially increased, then enlarged co-operation could well be the result. The extensive French proposals reflected the interest with which they came to the negotiations in these two areas. To speak only of Culture, probably no less than fifty percent of the paragraphs are derived from their proposals.

Basket 4. Follow-Up to the Conference.

In this section, the signatory states declare their resolve to implement the provisions of the Final Act through unilateral, bilateral and multilateral actions, including meetings of experts from the participating states. The Soviet Union had originally supported the Romanian proposal for the creation of a permanent institution to oversee the implementation of any possible agreement. However, in view of the specific humanitarian considerations included in the third basket, the Soviet Union lost enthusiasm for any monitoring institution. It was merely agreed to hold a follow-up conference in Belgrade in June 1977 to assess the results of the conference.

The form of the Final Act was what the West had sought. The document, with each preamble preceding the text it referred to, was to be read as a single complete document, no part being more important than any other part. There was only to be one set of

signatures on the document; to emphasize that no legal obligations were created by the Final Act, Canada proposed that the signatures come after the fifth section of follow-up, which states that the document is specifically precluded by the signatories from registration under Article 102 of the U.N. Charter.²⁷ The document is to establish the intent of the participating states to abide by its measures, not to create legal obligations forcing them to do so.

The signing of the Final Act in Helsinki on August 1, 1975, was anti-climatic; nothing was left to be negotiated, nothing to be decided. With the work of the CSCE over, all that remained was the thirty-five set-piece speeches (one-half hour apiece, order determined by the drawing of lots) at the signing ceremonies. Mr. Erich Honecker of the GDR said that the decisive point of the conference was the recognition of the inviolability of existing European frontiers.²⁸ Considering the stake the GDR had in this principle, his reaction was not surprising. Much more surprising was the Soviet speech delivered by Leonid Brezhnev. This was encouraging not by what it said, but by what it did not say; with other conference participants expecting an eulogy of the Final Act as the foundation of the European status quo, Brezhnev merely called the conference "a necessary summing up of the political outcome of the Second World War", and concluded that:

²⁷ Ibid., p. 61, para. 3.

²⁸ Cited in: Ruggero Orlando, "CSCE: Co-Operation in Humanitarian and Other Fields", NATO Review, Volume 24/No. 2, 1976, p. 26.

...no one should try on the basis of foreign policy considerations of one kind or another, to dictate to other peoples how they should manage their internal affairs. It is only the people of each given state and no one else that have the sovereign right to decide their own internal affairs and establish their own internal laws. ²⁹

The signing of the Final Act was hailed as a vindication of Brezhnev's "peace policy" and of peaceful coexistence. The Soviet press had consistently built up the conference, reminding readers that it had been a socialist initiative that ushered in a "new era" which expressed the aspirations of "all European peoples".³⁰ There were indications, however, that the Soviet Union was not pleased with all results from the CSCE. Brezhnev likely spoke with feeling when he said at Helsinki that the negotiations had been a "useful school of international politics for the participating states".³¹ The aversion of the WTO countries to the entire range of humanitarian issues is documented by the results of a content analysis of speeches at signing where the seven Warsaw Pact states deviate from the norm by the complete lack of reference to Human Contacts (or to Principle 7 on Human Rights).³²

²⁹ Cited in: John Best, "A Reporter's Eye View of Helsinki", International Perspectives September/October, 1975, p. 21.

³⁰ Cited in: K. J. Holsti, "Who Got What and How: The CSCE Negotiations in Retrospect", p. 31.

³¹ Cited in: Richard Davy, "The CSCE Summit", The World Today, Volume 31/No. 9, September 1975, p. 349.

³² Daniel Frei and Dieter Ruloff, Measurement of Détente in Europe Kleine Studien Zur Politischen Wissenschaft, nr. 139 (Zurich). Cited in: Jeanne Kirk Laux, "Canada and European Security", p. 7.

President Ford summed up many Western misgivings about the Final Act, while refraining from damning it altogether: "History will judge this conference not by what we say today, but what we do tomorrow, not by the promises we make but by the promises we keep".³³ Prime Minister Wilson of the U.K. stressed humanitarian concerns by declaring that détente meant little "if it is not reflected in the daily lives of our people. There is no reason why, in 1975, Europeans should not be allowed to marry whom they want, hear and read what they want, meet whom they want..."³⁴

Speeches concentrating more on national concerns were heard from the leaders of West Germany and Canada. Schmidt, reflecting the intense domestic concerns of his country, declared that:

The Federal Republic of Germany has always regarded the renunciation of the use or threat of force as the basis of its policy. This also applies particularly to changes of frontiers. Frontiers are inviolable; but one must be able to change them by peaceful means and by agreement. It remains our aim to work for a state of peace in Europe in which the German nation will regain its unity through free self-determination.³⁵

Trudeau, emphasizing the traditional Canadian security concerns in Europe, stated that:

Canada has joined fully in this Conference exercise, as it is committed to participate fully in the activities to follow. Though separated from Europe by the breadth of an ocean, Canadians are deeply conscious that

³³ Cited in: Best, "A Reporter's Eye View of Helsinki", p. 21.

³⁴ Ibid., p. 21.

³⁵ Keesing's Contemporary Archives, 1976, p. 27308.

the fortunes of this continent have moulded our fate through history and that events here will continue to influence us in the future. Certainly any breakdown in European security would have the gravest consequences in Canada. For this reason, we have been dedicated participants in this Conference from which we see emerging a new European spirit of confidence and co-operation.

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Contrary to the plaudits given by the WTO media to the socialist participation at the CSCE, the Western press was generally quite critical of the results of the CSCE. Their description of the Final Act as a triumph of Soviet diplomacy was a major disappointment for the Western delegations. Flora Lewis, writing for the New York Times, particularly infuriated the Canadian delegation. Her thesis was that Western delegates had given official endorsement to Soviet domination of Eastern Europe in return for non-binding Soviet promises to improve human contacts.³⁷ Canadian James Eayrs, in castigating the Western governments for what he termed a "sellout" at the CSCE, invoked the stirring words of John F. Kennedy:

We must never -- in any statement, declaration, treaty or any other manner -- recognize Soviet domination of Eastern Europe as permanent.

38

³⁶ The Rt. Honourable Pierre Elliott Trudeau, "The Lessons of Helsinki", Statements and Speeches 75/24, July 30, 1975, p. 3.

³⁷ Flora Lewis, "The Document in Helsinki: Confirming 1945 Realities", The New York Times, Sunday, July 27, 1975; Flora Lewis, "35 States Meet in Helsinki to Insure Peace in Europe", The New York Times, Thursday, July 31, 1975.

³⁸ James Eayrs, "Western Sellout? Inviolability of Europe's Frontiers Proclaimed", The Ottawa Citizen, Tuesday, July 29, 1975.

The Toronto Star was even more harsh in its appraisal; maintaining that "...Canada will be participating with the United States, Soviet Russia and 32 European states in celebration of the biggest Soviet diplomatic triumph in a generation...", the paper declared that "Russia has got what it mainly wanted: International confirmation of its empire in Eastern Europe...."³⁹

The Canadian negotiators for Stage II regard these statements as inaccurate. The Final Act neither gave official recognition, nor official endorsement, to Soviet control over Eastern Europe. When recommending to Cabinet the passage of the Final Act, the Honourable Allan J. MacEachen emphasized the success of Canada and its NATO allies in denying this recognition:

...throughout the conference, the NATO allies worked to avoid a document that could be pointed to in years to come as a surrogate peace treaty for the Second World War. Not one word of the Final Act justifies the claim that it constitutes recognition of Soviet hegemony in Eastern Europe or of postwar de facto borders. 40

European frontiers were not to be immutable, but were subject to peaceful change; only the attempt to change frontiers by forceful means was unacceptable. While it is unlikely that a peaceful change of frontiers will ever be allowed to take place, the clause allowing this is important as it denies immutability. While the articles cited accept the WTO conception of a static détente, permanently based on the

³⁹"Sell-Out for Détente in Helsinki", The Toronto Star, Tuesday, July 29, 1975.

⁴⁰The Honourable Allan J. MacEachen, "Security and Co-Operation in a Divided Europe", Statements and Speeches No. 75/41, December 2, 1975, p. 1.

present status quo, this is far from the truth. The non-WTO delegations were remarkably successful in including the notion of peaceful change throughout the Act.⁹ The articles did, however, give a valuable propaganda coup for the Soviet Union; while not gaining immutability in the Final Act, they gained it in the Western media description of the CSCE.

CHAPTER V

A BALANCE SHEET OF
THE RESULTS OF THE CSCE NEGOTIATIONS

The criteria for evaluating the success of the CSCE are varied. For those who hoped that the conference would pave the way to a reduction in East-West conflicts, the Final Act must be regarded with ambivalence. The conference was either an essential first step towards overcoming the division of Europe into two irreconcilable blocs, or the final step towards sanctioning the permanence of such a division. The Final Act clearly reveals little East-West agreement on the shape of things to come in Europe. While the document does lay out a framework that could be used to lessen the cleavages between the two antagonistic systems, there remains fundamental disagreement over the proper course for détente.

Détente has become one of the most controversial words in the international relations vocabulary. While it lacks a precise definition accepted by both Western and Soviet semanticists, there has been no shortage of Western writers willing to print their interpretation. The late Canadian ambassador to West Germany, G. G. Crean, was right in suggesting that former U.S. President Ford may have done a service in rejecting "détente" to describe relations with the U.S.S.R.¹ The word has led to unreal expectations, and caused unwarranted disillusionment with what has been accomplished.

The lack of agreement on the meaning of détente contributed to the problems at the CSCE. While the Soviet Union was denied its desire to have the document refer to the "irreversibility" of détente,

¹G. G. Crean, "European Security - The CSCE Final Act: Text and Commentary", Behind the Headlines, Volume XXXV, Nos. 2 and 3, 1976, p. 21.

the signatories affirmed that the implementation of the Final Act provisions would be a major contribution to making détente "both a continuing and an increasingly viable and comprehensive process, universal in scope".² To bargain properly with the Soviet Union towards "détente", it is essential to understand what it means by the concept. There has been a dangerous tendency in Western circles to accept as adequate the standard dictionary definition, "the easing of strained relations between countries".³ This Western misunderstanding has not been the result of dissembling by the Soviet Union. Its leaders have made no secret of their view of what "détente" or "peaceful co-existence" means for relations between states, and their definition has not wavered since the two synonymous terms replaced the harsh jargon of the Cold War. The concept was first propagated by Nikita Khrushchev at the XX Congress of the CPSU: when introducing the policy of peaceful co-existence, he maintained that the principal goal was to minimize, if not avoid, actions on either side that might provoke armed conflict between the two superpowers.⁴ The point that many Western observers missed, or chose to ignore, is that peaceful co-existence explicitly anticipates the continuation of the ideological struggle between competing systems. Khrushchev was confident that socialism would triumph on a global scale without a major conflict, and rejected the Western thesis of two competing systems surviving in harmony.

² Conference on Security and Co-Operation Europe: Final Act (Helsinki, 1975), p. 3, para. 2.

³ The Oxford Paperback Dictionary (Oxford: Oxford University Press, 1979), p. 168.

⁴ Robin Edmonds, Soviet Foreign Policy, 1962-1973 (London: Oxford University Press, 1975), p. 12.

The policy changed only slightly under Brezhnev. A few embellishments were added, and the concept was now referred to as "détente". If anything, "détente" was seen to be more restrictive than "peaceful coexistence". While still accepting the necessity of avoiding direct confrontation, and therefore emphasizing the need to settle differences by peaceful means, the new doctrine preached the continuation, even intensification, of the ideological struggle by all means short of war. As Pravda maintained:

The ... class struggle of the two systems ... in the sphere of economics, politics and, it goes without saying, ideology, will be continued ... The world outlook and the aims of socialism are opposed and irreconcilable. 5

Western aims at the CSCE were at least partially in contradiction to this restricted definition of détente. The West had no difficulty accepting the thesis that conflicts should be settled by peaceful means; with the military capability each side possessed, the idea of a major conflict was virtually unthinkable. What the West did not accept was the assertion that détente was limited to relations between states, and had nothing to do with ideological differences. While Soviet ideologues maintained that détente permitted the intensification of the ideological struggle, the West intended to use the CSCE as a means to extend the application of détente in order to breach the ideological barriers dividing the competing systems in Europe. Reversing the Soviet argument that only when relations between states had been formalized could contacts between individuals increase, the West maintained that the first necessity was

⁵Edmonds, Soviet Foreign Policy 1962-1973, p. 3.

to establish more secure and co-operative relations between groups and individuals. From such modest beginnings would come a foundation of trust and only upon such a foundation could détente improve state-to-state relations.

While the crafting of the Final Act proved in itself to be a very difficult task, there was also the question of how its provisions would be applied. The potential effectiveness of the Act was never possible to ascertain solely from its words; the signed texts carried only as much weight as people and politics would give them in the future. The Soviet Union devalued the Final Act immediately after its signing. A bilateral treaty with the GDR, signed on October 7, 1975, confirmed the "mutuality of the socialist systems and objectives", and indicated that the provisions of the Final Act were to be subordinate to the over-riding need "to protect and defend the historic achievement of socialism".⁶ Reaffirming the Brezhnev Doctrine, the Soviet Union made it clear that it would eradicate any perceived threat to socialism in a country of the Warsaw Pact.

In evaluating the CSCE outcome in terms of national rather than superordinate criteria, quite different conclusions emerge. According to the Canadian delegation, the Soviet Union ended up as losers in the Geneva negotiations, winning no important points.⁷ By allowing non-Communist delegations to present the bulk of the texts,

⁶ Crean, "European Security - The CSCE Final Act", p. 19.

⁷ This assessment was not fully shared by some other Canadian officials, notably in the Moscow Embassy. From that vantage point, the CSCE appeared a qualified success for the Soviet Union, which does not mean the results are unsatisfactory for the West. Over time the results will appear much less satisfactory for the U.S.S.R. and more favourable to the West. This appears in DEA Records.

the WTO countries had been manoeuvred into the weak position of only being able to oppose or to propose safeguards. Adding to its difficulties were the time restraints placed upon the Soviet delegation; with the Kremlin exerting heavy pressure for a quick settlement, the delegation was forced at the end to accept Western demands they would normally have rejected. The consensus within the Canadian delegation was that the Soviet leaders realized they had been bested and were disenchanted with the entire proceedings. The final few months, in their view, were spent by the Soviet delegation trying to limit the damage as much as possible.

This account of a complete Western success was proudly related in most of the interviews with the Canadian team to Geneva, and is also found in DEA records. This verdict, however, does not altogether fit the facts. In terms of immediate results, the CSCE must be regarded as a success for the Soviet Union. They gained a notable diplomatic triumph merely through the convening, and completion, of the CSCE negotiations. The Soviet Union and its allies had always been the demandeurs for a conference on European security; although the eventual form and content of the Final Act was greatly influenced by the participation of the Western and NNA states, the Soviet bloc can still claim credit for the original idea. The signing of the Final Act at the summit level also ranks as a major personal achievement for Brezhnev; not only did it increase his prestige in the international community, but it also strengthened his position in the CPSU. Because Brezhnev had allowed his name to become intimately

linked with the concept of détente, conclusion at the summit level was necessary to ward off criticism both of himself and détente.

The Soviet Union also regarded itself as successful in gaining multilateral recognition of the territorial and political status quo in Europe. While failing to obtain their desired formulation guaranteeing "immutability" of European frontiers, the Soviet delegation did gain an unqualified formulation on "inviolability" of frontiers. While the Canadian negotiator in subcommittee I felt that the provisions of this principle were so vague as to render it nearly meaningless,⁸ the principle is valuable to the Soviet Union because it does not qualify in any manner the fact that frontiers are inviolable. For the Soviet Union, this is equivalent to the recognition of the territorial status quo in Europe.

The question of whether the Soviet Union gained recognition of the political status quo in Europe demonstrates the differing interpretations to which certain parts of the Final Act are open. The Western delegations were certain that, far from granting this recognition, they were markedly successful in denying it. The Soviet Union, when referring to the principles, talked constantly of relations between states with different social systems. They envisaged the provisions of the Final Act as regulating future relations between states of opposing ideologies; they did not see these provisions applying

⁸ The Western position emphasized the inter-relationship of the principles and the equal application of all principles. Gabriel Warren pointed out in an interview, however, that the principle of inviolability of frontiers was drafted in a way that emphasized its subordination to the principle of non-use of force in the sense that it is only a particular and specific prohibition of the use of force. Should it therefore be equal to the other principles? Warren also made the point that the imprecise wording of "inviolability" is enough to make international legal experts chuckle.

between members of the "socialist commonwealth". To prevent just such an interpretation, the non-Communist states, along with Romania and Yugoslavia, strove to make it clear that the principles applied to relations among all participating states. The principles stressing the sovereign equality of states, their territorial integrity, and their right to non-intervention in internal affairs, were all part of the effort to prevent the grouping of states under any particular system. All were to be free and equal, suffering no external restrictions upon their freedom of action.

Looked at from the Soviet Union's point of view, however, these same principles are designed to provide security against Western interference in the WTO countries. Therefore, they are an implicit recognition of the political status quo in Europe. Principle 1 also managed to clear up the most sensitive issue concerning territorial and political control in Europe. By declaring that : "The participating States will respect each other's sovereign equality and individuality" in respect to other conference participants,⁹ this principle gave the definitive multilateral recognition of East Germany as a sovereign state. While this grants East Germany its main objective, international legitimacy, it also reduces the Soviet Union's worry about possible Western plans for the unification of Germany. The resolution of territorial and political problems in Europe permits the Soviet Union to be less concerned with the defence of its interests in Europe, and to concentrate more on Sino-Soviet relations.

⁹ Final Act, p. 4, para. 4.

One objective ranking neither as a gain nor a loss for the Soviet Union was the intention to persuade the West to engage in greater economic interchange, thereby enabling Eastern Europe to gain in much needed technology and capital. The Soviet Union lost interest in these matters when it became clear that the provisions would merely correspond to the work of the United Nations Economic Commission for Europe (ECE). To show this extremely close connection, there are no less than fifteen references to the ECE in Basket 2. In return for provisions that were already being worked out in other fora, the Soviet Union was expected to make concessions in Basket 3. As this came to be seen as clearly unreasonable, Basket 2 assumed far less importance. Work in this basket, however, retained some value for the Soviet Union; it reaffirmed in yet another multilateral forum the economic links and technological exchanges it deemed necessary between East and West and, although MFN status was not gained, neither was it rejected.

The Soviet record at Geneva was certainly not an unblemished string of successes. The creation of a pan-European collective security organization, "an all-European system of peace, security and co-operation, which could end the Cold War division of Europe into rival blocs",¹⁰ was an important Soviet objective that could not be achieved. While the reasons for this were never made entirely clear, they likely had to do with the provisions of Basket 3. The creation of a collective security system would necessitate the establishment of elaborate new institutional machinery. While the Soviet Union could view this as

¹⁰ DEA Records.

the first step towards collective security, with Western and NNA participation it would become a two-edged sword: the non-Communist governments would in all likelihood use it as an instrument to push for the implementation of Basket 3 measures. This would entail the unacceptable risk of further opening Eastern Europe to Western influences, thus eroding Soviet control over its WTO-COMECON partners. While the aim of a collective security system will likely be pursued at a future date, Stage II did not prove to be the proper venue.

While the Soviet Union made several important short-term gains, the price paid could prove costly in the long run. Although not entertaining great expectations at the start of the conference, the West generally could be very well satisfied with the results. The Soviet Union wanted a pan-European guarantee of immutability for the post-war frontiers of Eastern Europe, thereby reflecting one main facet of their interpretation of détente. The object was to gain a static situation, with unquestioned Soviet control. While gaining recognition of the present political and territorial realities in Europe, the Soviet Union failed to freeze the situation. The principle from which the bulk of the principles flow is number 2 about refraining from the threat or use of force. While expressly forbidding the use, or threat, of force in dealings between states, there is not the slightest intimation that change is excluded. Principle 1 takes this one step further; change is implicitly accepted if it occurs by peaceful means and by agreement. Preserving the theoretical possibility of German reunification, and also the option of West European unification, this is but one illustration

of what "peaceful change" can mean. The idea of change, of dynamic and evolving relationships rather than fixed or carefully defined ones, is a recurring theme in the CSCE texts. The West was aiming for nothing less than the erosion of the political frontiers in Europe, promoting co-operation and acceptance where there was previously confrontation and rejection. The West, viewing peaceful change as the "essential underpinning of East-West relations and indeed of détente in its political dimensions",¹¹ was remarkably successful in keeping the possibility of change alive in the CSCE texts.

The West's primary gains at the CSCE were in areas least expected. Multilateral recognition of the importance of human rights, the right of peoples to self-determination, and the need for co-operative measures on humanitarian concerns were seen to be among the most important features of détente. Western countries, by promoting such ideas, were both reaffirming traditional liberal values and obtaining the means by which to penetrate the East European societies.

The gains by the West appear impressive but, given the repressive nature of the Soviet system, did the West really gain anything? The WTO countries never wavered in their determination to exclude interference in their internal affairs; despite the Final Act, they would enforce what they conceived to be their own interests and priorities. The, provisions of Basket 3 were so hedged with protective measures, the Soviet Union could doubtless manipulate this part of the Act as it wished. What, then, is the value of those measures stressing the

¹¹DEA Records.

individual that became a condition for Western participation at the CSCE? The West won acceptance of the principle that such matters formed an integral part of the détente process, and were as justifiably subject to East-West negotiations as security, arms control or economic co-operation. Détente was not just to refer to relations between states, but had acquired an extra dimension. The Final Act gives détente a human face, and leaves the Soviet Union and its allies in no doubt that the conduct of their internal policies affect, and will continue to affect, their relations with other participants, in particular the degree of co-operation they may expect from them. Although the texts are not a part of international law, they provide for the first time a signed document not only underlining the importance of these matters in international negotiations, but also admitting that they are fit subjects for negotiations. The CSCE has thus set new standards by which to judge international actors.

The CSCE must not simply be regarded as a bloc-to-bloc exercise. While the major divisions within the conference came from the ideological gulf between the East and West, the NNA states were invaluable in procuring compromises. Of special importance to the West was the supporting role the NNA's played in gaining Soviet concessions in Basket 3. The position taken by the NNA states helped convince the Soviet Union that Western demands for change were real and could not be ignored. In terms of their common objectives, the CSCE was a mixed success for the NNA countries. It had provided a unique opportunity for these states to play a part in European détente; while the preferred solution would have been a permanent body to

oversee the implementation of the CSCE texts, the NNA states settled for assured follow-up conferences. An area of great disillusionment was the section on military security. Not only were the measures quite limited in scope, but they were also voluntary in nature. Unable to convince the WTO or the Fifteen seriously to discuss military matters at the CSCE, and not being invited to the conference on MBFR, the NNA countries felt powerless on a matter of vital interest to them.

CHAPTER VI

THE CANADIAN OBJECTIVES AND
ROLE

Canada's participation at the CSCE came to involve many contradictions. Possibly the participant with ~~the~~ least at stake in the conference, Canada stood out at Stage II as one of the most active and influential. Canadian accomplishments there are regarded by DEA officials as a major success for the department and a feather in the cap for Canadian diplomacy. Despite this, there was virtually no media coverage of the conference, and few Canadians even knew what issues had been discussed. Considering that Canada was then passing through a period of intense nationalism, this oversight is difficult to understand. With militant nationalists so interested in Canada fostering a national identity distinct from that of the United States, the Canadian performance at Geneva could hardly have been bettered. The conference featured Canada playing a leading role in a major international conference, completely overshadowing the low-key performance of the United States.

Being neither European, nor a major power, how did Canada come to play such a prominent role at the conference? Part of the answer can be found in one of the peculiarities of the CSCE -- the rule of consensus. This permitted even the smallest participants to create a stir, as Malta ably demonstrated; it also assisted more constructive actors, of any size or affiliation, to make a significant input. Even after the broad lines of a compromise had become evident, a great deal of ingenuity was generally required to obtain wording that all would accept. The talents and drive of individual negotiators therefore frequently mattered more than national or bloc affiliation.

Any country able and willing to field a strong negotiating team, and to grant it reasonable room to manoeuvre, could expect to make a serious contribution.

Ottawa fielded just such a team, and permitted it a great deal of scope to determine its own tactics. To describe the Canadian team, and detail its activities, this paper will draw heavily on a joint study done by this writer with Professor Peyton Lyon, entitled "Approaching Helsinki: Canada in Stage II of the CSCE". The study found that the delegation, while of average size (generally eight), was exceptionally energetic, inventive, spirited and cohesive. Most members of the delegation volunteered that Stage II had been the happiest and most satisfying in their careers. As one of Canada's few informed observers of the Geneva negotiations commented, the Canadian delegation was on the whole:

...highly enthusiastic about the Final document. Its members appeared genuinely to believe that the laboriously negotiated passages over family unification, movement of people and ideas, cultural, business, scientific and artistic intercourse would be translated into a breaking down of East-West barriers. 1

Stability, combined with sheer determination, provide further clues as to why the Canadian delegation swung more weight than would normally have been expected. Very few of the Canadian delegation were shuffled during the Geneva negotiations, an occurrence quite unusual when compared with the comings and goings of the other conference delegations. This stability permitted the Canadians to become

¹John Best, "A Reporter's Eye View of Helsinki", International Perspectives November/December 1975, p. 20.

acknowledged as experts on the negotiations; they were able not only to instruct or remind delegates of the compromises that had already taken place, but also to suggest the tradeoffs, large and small, that would ultimately be necessary to wind up Stage II. The Canadian delegation was determined to make an impression at Geneva and have other countries, especially the West Europeans, pleased that Canada was present. To achieve this goal, they were willing to work extra hours to become cognizant of all aspects and nuances of the negotiations. Their carefully maintained register, detailing the state of the texts and amendments, gave a better understanding of the many conditional agreements than did the record kept by the Secretariat, and was frequently borrowed by other delegations. The Canadians were able to say not only what was in brackets, but how "thick or thin" the brackets happened to be.²

Specific Canadian concerns were well served by the Canadian delegation to the CSCE. Instructed to give "...particularly strong support to proposals designed to give practical effect to some of the mandates relating to freer movement of persons and information"³, the head of the Canadian delegation, assisted by one expert, worked full time on these issues. Western successes on matters concerning the plight of individual citizens gave the Final Act its major exposure in Canada. Despite the Western theme that no one part of the Act should be emphasized more than any other, the Honourable Donald Jamieson,

²If the brackets were "thin", the issue bracketed was close to being agreed upon. The thicker the brackets, the further from agreement.

³DEA Records.

Secretary of State for External Affairs, was obliged to confess to his NATO colleagues in 1977 that:

In Canada...public concern is overwhelmingly focused on human rights and the reunification of families.

Canadian officials assert that, owing at least partly to the Final Act's influence, there has been an increase in the number of East Europeans allowed to emigrate to Canada or visit relatives in Canada. In 1975, the year of the Helsinki summit, Canada was discussing 291 cases of divided families with five WTO countries. By 1980 this number was reduced to 59.⁵ The stake Canada had in family reunification is nothing, of course, compared to that of West Germany. By the time of the follow-up meeting in Belgrade, West German authorities estimated that, under the umbrella of the Final Act and other accords, the repatriation of more than 60,000 Germans from WTO countries had been effected.⁶ While there is certainly no precise cause and effect relationship, the Final Act must earn a modicum of praise for this accomplishment. The Canadian delegation can also take a bow for their efforts.

Canada's second specific concern was protection of the environment. France, never enthusiastic about a high conference profile for Canada, successfully blocked its co-sponsorship of the Fifteen's omnibus resolution on this topic. Acting on its own, Canada

⁴The Honourable Donald Jamieson, "NATO Ministerial Meeting", Statements and Speeches 77/16, May 11, 1977, p. 1.

⁵Personal interview, Department of External Affairs, Ottawa, June 1980.

⁶John Best, "Human Rights on Agenda Despite Soviet Opposition", International Perspectives July/August, 1978, p. 17.

won acceptance of a separate text calling for the development, implementation and codification of rights and obligations arising out of pollution damages.⁷ While the text was subsequently watered down to meet Italian and Belgian reluctance to undertake possibly expensive obligations, and "less-developed countries" objections raised by Romania, it still managed to retain all "essential" elements. There were approving references to the work of the U.N. Environment Programme, and also the substance of principles 21 and 22 of the Stockholm Declarations which most of the WTO, since they had been absent from the Stockholm conference, had not yet accepted.⁸

Canada's third specific concern was in the area of "cultural diversity". Desiring recognition of the positive benefits accruing to a country with two official languages and cultures, the Canadian text

⁷The actual text urges the participating states to concentrate on:

"Promoting the progressive development, codification and implementation of international law as one means of preserving and enhancing the human environment, including principles and practices, as accepted by them, relating to pollution and other environmental damage caused by activities within the jurisdiction or control of their states affecting other countries and regions..."

Conference on Security and Co-Operation in Europe: Final Act (Helsinki, 1975); p. 31, para. 3.

⁸21. States had, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control did not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

22. States were to co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond their jurisdiction.

"Declaration of the United Nations Conference on the Human Environment", cited in: The Yearbook of the United Nations (Office of Public Information, United Nations, New York, 1972), pp. 320-321. Romania was the single WTO participant at the conference.

was presented as a testimonial to the Canadian experience. As with the environment text, Canada's problems were more with its allies than the WTO countries. By praising the positive aspects of two official languages and cultures in a country, it alarmed those countries that did not want the minorities in their countries to start demanding equal rights. While the Canadian delegation still claims credit for the positive reference to "cultural diversity", little of the original draft survived.

To gain a good text on follow-up was a further specific concern for Canada. Head-of-delegation Delworth laid out two important arguments in favour of follow-up. To keep the CSCE an on-going process was valuable for Canada in the attempt to gain firmer ties with the European Community. It was not enough that Canada identify with the Nine at Geneva; the close connection engendered there must be continued in the future. To belong to some sort of organized follow-up was preferred; it would give a "tone and shape to Canada/E.C. relations that a whole series of bilateral relations could never impart".⁹ NATO had previously performed this function but, considering the extended contacts Canada wanted with the European Community, it was now essential for Canada to have as many multilateral clubs as possible in which to press its interests. Thus, it was vital that something substantial should emerge from the CSCE, that Canada should belong to it, and that Canada should play an active and involved role in it.

The second argument involved the effect follow-up could have

⁹ DEA Records.

on the process of détente. While the signing of the Final Act was generally considered a step towards détente, Delworth had little faith that the WTO countries would live up to the obligations assumed at the CSCE. Follow-up was thus envisaged as a means of seeking to enforce compliance with the provisions of the Final Act. Such a conference would bring into sharp focus the repressive nature of the Communist regimes, hopefully inducing changes in these societies. Why the leadership of the WTO countries would tolerate this interference in their countries' social systems was never explained; it does appear highly unlikely, however, that this would lead to a furtherance of détente.

The recommendation to the Canadian delegation concerning follow-up is very interesting. Prior to, and at the start of, the Geneva negotiations, the WTO approach to future institutional action was to press for the establishment of a European consultative body operating, like Helsinki and Geneva, under a consensus rule. This body would deal with political problems and inter-state disputes, and prepare for future conferences of the CSCE type. The Nine were opposed to any such institutional forum, fearing for the possible political and economic integration of Europe. Canada, not having these fears and wanting to draw closer to Europe, adopted a different approach:

Canadian interests in this question do not coincide with the approach of some of the Europeans. If its terms of reference are carefully drafted, a permanent consultative body could provide an opportunity for continued Canadian and U.S. influence in European councils, and a source of intelligence helpful for the formulation of Canadian political and economic policies.¹⁰

The follow-up agreed upon at Geneva was considered satisfactory by the Canadian delegation. While it did not provide the institutionalization that a permanent secretariat would have fostered, it does give the continuity so desired by Canada. It provided for a continuing Canadian involvement in the process and an assured membership, accepted by the conference as a whole, in the follow-up mechanism that emerged. It was a major source of satisfaction to the delegation that throughout the negotiations full North American participation in follow-up was never questioned by any participating state.

Specific Canadian concerns at the Geneva negotiations were therefore dealt with in a generally satisfactory manner. These features of the Final Act, however, were not the only parts for which the Canadians could take credit. Of at least equal importance were the concerns of the West Europeans; no surer indication of a Canadian interest in improving relations with the European Community could be given than associating with their particular interests. Canadian involvement in such concerns did not come about by accident; as a member of the Canadian delegation put it, they provided an:

...opportunity to diversify our foreign policy outlook by engaging in issues and areas of interest and activity which are of vital interest to European countries even if not to Canada. 11

The principles were a case in point. Laying down the rules for future political relationships in Europe, the gaining of good

¹¹DEA Records.

formulations of these principles was of immense importance to the Nine. Canada was well served in the relevant subcommittee by the deputy-head of the delegation, Gabriel Warren. He emerged, with the Italian and Soviet spokesmen, as one of the three dominant personalities. He was remarkably successful in rallying opposition to unacceptable WTO formulations, and just as successful in supplying words and ideas that enabled all participants, not least the Soviet Union, to accept the decalogue and related texts. When the crunch came, and the principles had to be given second reading in quick time, the participants designated Warren to chair the informal negotiating group charged with the task; this was the only time in the conference that the representative of an aligned country was entrusted with such a responsibility.

Captain John Toogood, the Canadian representative on the subcommittee dealing with CBM's, not only served as chairman of the NATO caucus on security matters but became, at least in Canadian eyes, its most effective spokesman. Canada took the position that political détente could not effectively be pursued in isolation but needed to be accompanied by measures of military détente. To this end, Captain Toogood was instrumental in the acceptance of the main CBM -- prior notification of major military manoeuvres. The three variables of this CBM were matters of intense disagreement. Until the "Canadian matrix" was introduced, there was no agreed formula to link them together. The matrix provided the compromise that all could live with: notification was set at 21 days in advance compared to NATO's suggestion of two

months; the level of troops was set at 25,000, a figure closer to NATO's demands than to Soviet preferences; and the West was also successful in keeping the measures valid for the whole European territory and 250 kilometers inside the Soviet frontiers, prior notification to be given to all participating states and complemented with relevant information. The CBM's still suffered from the limitation that they were voluntary; without this loophole, however, it is unlikely any would have been agreed upon.

While the Canadian interest in Basket 2 was not high, the Canadian representatives nevertheless played an active role. Recognizing that the facilitation of "access and contacts" among businessmen and other groups could have beneficial effects on East-West relations, they worked to improve co-operative measures. Basket 2 measures were considered by the Canadian delegation to have a value often overlooked. They marked the one section of the Final Act that was not characterized by ideological conflicts, but rather was noteworthy for its early consensus. Basket 2 thus provides a foundation for the continuance of the CSCE.

Basket 3 became the most controversial. Western efforts to hammer out co-operative measures between the antagonistic ideological systems came close to stopping the détente process. If cooler heads had not prevailed, the lack of movement by the Soviet Union on Basket 3 issues could have caused non-WTO delegations to quit the conference. Canada, like members of the European Community, had adopted a "people first" notion of détente. In addition to improved relations between

states, it was believed absolutely necessary to develop freer movement, and more open communications, among the people of these states. This, it was hoped, would create the mutual understanding and confidence necessary to make security and co-operation enduring. Canada also shared a primary consideration of the Nine in pursuing this concept of détente. The Honourable Allan MacEachen explained it very well:

For Canadians and others who live in "open societies", the role and influence of people, of individuals, are an integral part of the dynamism of international relations. Foreign policy, to be relevant and meaningful, must enjoy public understanding and support. For us, therefore, it is important to consider relations between people as well as between states or political systems. If we are to improve relations between East and West, and this is the fundamental purpose of the CSCE, then it is essential to ensure that there are improvements in those areas that affect the people of our countries directly. 12

(emphasis added)

The Canadian successes during Stage II make the role Canada played all the more interesting. When referring back to the images of Canada mentioned in the 1975-76 elite image study, only "partner" manages to describe a part of the role. The section on negotiations shows that the Canadian delegation strove to demonstrate that Canada was a loyal and useful member of the Western alliance. By far the largest part of the role, however, was that of a "tough" negotiator, intent on squeezing every possible concession out of the Soviet Union and its allies. The Canadians were not searching for acceptable compromises

¹² The Honourable Allan MacEachen, "Conference on Security and Co-Operation in Europe at a Decisive State", Statements and Speeches 74/10, September 6, 1974, p. 3.

that both sides could live with; the lust for victory led the delegation to push the détente process to its very limit. This unyielding attitude was sustained by moral righteousness; the Canadian negotiators were able to tell themselves that this conference was not "ordinary diplomacy", and that a good text, perhaps even the right positioning of a clause or comma, "just might make a difference to some little old widow".¹³

While this interpretation of the Canadian role may appear extreme, it is supported by the conference records, and was confirmed in interviews with the Canadians involved. The files show that the Canadians vigorously and consistently urged their allies and friends to make and maintain maximum demands, and to avoid any hint of disunity or disposition to be hurried. Among the Fifteen, only the Dutch and Italians were more doctrinaire but, at least in Canadian eyes, the Dutch were rarely effective in influencing the course of the negotiations, while the more impressive Italian delegation was somewhat mercurial in its performance.

Neither in Ottawa nor in Geneva did there appear to be regret that Canada was acting contrary to its traditional role of moderator and mediator. The logical reason is that the militant role was chosen deliberately to achieve Canadian objectives. Before accepting this as true, we must first determine what objectives Canada was pursuing, and then show why playing a militant role served their attainment.

Five objectives were listed in the 1973 memorandum, and repeated in one of 1975.¹⁴ The Canadian delegation was to: 1) promote

¹³Personal interview, Department of External Affairs, Ottawa, June 1980.

¹⁴DEA Records.

Canadian economic interests; 2) foster co-operation and freer exchanges with countries having different political and social systems; 3) expand scientific, technological, and cultural relations; 4) contribute to international peace and security; and 5) diversify Canadian foreign policy, reducing the present vulnerability to and dependence on the United States.

This listing, however, gives a misleading picture of the real aims of the Canadian delegation. While they are all present, the objectives are hopelessly obscured in jargon, and confused in order. The first objective, promoting Canadian economic interests, was not a primary concern for Canada at the CSCE. While not adverse to increasing its trade, Canadian interests in this basket were mainly defensive -- to ensure that its economic interests were not compromised. Canada was especially concerned over the possibility of exclusive trading arrangements between the EEC and COMECON. One way to prevent them was to deny MFN to the Warsaw Pact countries; taking the position that the CSCE was not the appropriate forum in which to negotiate delicate trade policy issues such as MFN, the Canadian spokesman declared that:

In our view the most the CSCE should do in this area is to make general declarations which leave central trade policy questions to be dealt with in GATT or bilaterally between the parties concerned.¹⁵

Canada, with valuable assistance from the American delegation, managed to have the reference reduced to the mere statement that extension of MFN would be valuable.

¹⁵ DEA Records.

The second objective, co-operation and freer exchange between countries having different political and social systems, covers family reunification. The Canadians were delighted when, at the beginning of Stage II, they were asked by a member of the West German delegation to present the initial Western position on this issue. The Danish representative explained that the request had been prompted by Canada's early expression of interest in the topic. Mitchell Sharp, in his speech at Stage I, had made this interest abundantly clear:

We in Canada believe...that members of families should not remain unwillingly separated because they reside in different states and that citizens should be able to freely marry and join their spouses. While we recognize that specific cases must of necessity be dealt with on a bilateral basis, the enunciation of principles and the adoption of concrete measures on divided families and like problems would, we believe, substantially improve inter-state relations. 16

While Canadian support of this humane conception of détente was undoubtedly sincere, their support of family reunification was also fortuitous in political terms. The issue was not only important to an important ally, West Germany, but of considerable interest to those of East European origin residing in Canada. By supporting such a "sexy" political objective, the Canadian government could demonstrate its concern to the many in Canada who had suffered under communist rule. For a Liberal government that had been reduced to a minority by the 1972 election, partly due to the unusual support of the East Europeans for the Conservative Party, this was an important consideration.

¹⁶The Honourable Mitchell Sharp, "Toward the Security and Well-Being of the International Community", Statements and Speeches 73/17, July 4, 1973, p. 4.

Their success in such a high profile issue, however, became a minor embarrassment to the delegation. Instead of facing a government apathetic towards CSCE issues, they had now to satisfy one burning with zeal for family reunification. This threatened to become the dominating Canadian goal at the CSCE. While the principal Canadian effort was undoubtedly in the area of family reunification, the Canadian team thought it unwise to over-emphasize the issue; using "wider-angle lens", such issues they believed, should be set in the context of the totality of conference problems and achievements.¹⁷ Family reunification, while important as symbolic of Canada's humanitarian concern, and valuable for political purposes, should not be its primary objective at the CSCE, at least in the minds of the Canadian negotiators.

The third objective, co-operative measures in the expansion of scientific, technological, and cultural relations, was closely related to the Canadian government's expressed interest in deepening and strengthening détente. The goal was the peaceful co-existence of systems combined with an element of change; as Mitchell Sharp stated in his address at Helsinki:

There must be a broader and more dynamic concept of co-existence of people as well as states, of ideas and ways of life as well as of regimes and systems. How, otherwise, can they enrich one another and promote the ideals of mankind? Otherwise we shall have only uneasy existence in which real détente -- lasting and rewarding for all -- will be impossible.¹⁸

The official Canadian position was that the CSCE represented an important step on the road to a real détente; viewing relations

¹⁷ DEA Records.

¹⁸ Sharp, "Toward the Security and Well-Being of the International Community", p. 5.

between states as insufficient to this end, support was to be given co-operative measures, particularly on humanitarian matters, because they would "give substance to détente".

The Canadian government advocated a "functional" approach to lowering the ideological barriers. However, the theory of functionalism, stressing that "the development of international economic and social co-operation is a major prerequisite for the ultimate solution of political conflicts and elimination of war",¹⁹ has been subjected to considerable criticism. No sure proof has been advanced that increased interaction contributes to better relations between peoples or governments. An opposing theory, "elite accommodation", has gained widespread acceptance.²⁰ Calling for contacts primarily between "ruling elites", this approach does not run the risk of a harsh backlash by regimes worried about controlling their citizens. With the Soviet Union and its allies entering negotiations to strengthen their political control, and the West pressing for co-operative measures involving groups and individuals that would lessen this control, functionalism threatened to harm détente rather than promote it.

While there are many references in the Canadian files to the connection between the CSCE and détente, it is still not entirely clear what the Canadian negotiators meant by the concept; did they consider that it included, as a matter of definition, increased human

¹⁹ Inis L. Claude, Jr., Swords Into Plowshares (Toronto: Random House of Canada Ltd., 1971), p. 379.

²⁰ The principal exponent of "elite accommodation" is Arend Lijphart: The Politics of Accommodation (Berkeley: University of California Press, 1966).

Politics in Europe (Englewood Cliffs, N.J.: Prentice-Hall 1969).

contacts and respect for individual rights or did they perceive these as an essential precondition of détente, understood simply as a stable and co-operative relationship between states? In keeping with the adversarial approach of the CSCE, there is also the possibility that these issues were seen to have no inherent connection with détente, but were a dictated condition -- the price the Soviet Union must pay, perhaps even at the cost of détente. Some even believed that demands in these areas are likely to impede détente, but considered them worth pursuing nonetheless.

Human contacts and information had never before been taken up in multilateral negotiations and, as a consequence, there was a great deal of curiosity as to the outcome. While foreseeing trouble, at least one of the Canadian negotiators considered the risk worth taking:

Human Contacts and Information will not go away, whether it is a factor in improved relations between East and West, or a source, at least for a time, of acrimony (which we tend to believe it will be), it should represent a permanent and decisive addition to the landscape of détente. ²¹

Whatever their notions of détente, the Canadian delegation was unanimous in its enthusiastic support of the Western position that the WTO countries must accept, as part of the "détente process", specific commitments to the freer flow of people and ideas.

The fourth objective, security in Europe, stems naturally from Canada's traditional commitment to peace, and exceptional efforts

²¹DEA Records.

to promote it. Following W.W. II, Canada viewed NATO as a military necessity to protect security, beginning in Europe. By 1967, the Rt. Honourable Lester B. Pearson, dissatisfied that "NATO concentrated on the single, if vitally important task of collective military defence",²² had come to the conclusion that NATO's main role in the future should be political, the search for a viable détente.

The commitment of Pearson's successor to the active pursuit of international peace and security was originally quite suspect. Cutting back the Canadian military contingent to NATO, and downgrading the theme of international peace and security in the foreign policy review, Trudeau appeared to be abandoning Canada's international tradition. This, however, was never the case. Trudeau foresaw a distinctly lessened military role for Canada in Europe, but still considered NATO a valuable political forum for Canada. This was not only to be used to promote Canada's economic interests; the foreign policy review concluded that:

One of the compelling reasons for Canada to remain a member of NATO is the important role that Canada is playing within NATO in reducing and removing the underlying causes of potential conflict by negotiations, reconciliation and contact. 23

One of the best learned lessons of the CSCE was the value of NATO to Canada. Membership in the organization permitted an entry to both conferences dealing with European security, the CSCE and MBFR. Canadian delegates to the CSCE repeatedly urged the Canadian government not to underestimate the usefulness of NATO. For countries not of

²² The Rt. Honourable Lester B. Pearson, "An Era of Change for the Commonwealth and NATO", Statements and Speeches 67/40, November 27, 1967, p. 3.

²³ Foreign Policy for Canadians (Ottawa: Information Canada, 1970), p. 24.

the Nine, it provided the major, if not exclusive, base of operations, allowing an institutionalized opportunity to make their positions felt within the Western alliance.

While its traditional interest in peace and security was an important reason for Canada's participation at the CSCE, it was not the primary one. This was contained within the last item mentioned in the two memoranda; to establish closer ties with Western Europe in order to provide a counterweight to Canada's relations with the U.S.A. The CSCE occurred at a particularly opportune time. It gave Canada the opportunity to prove that it was not merely part of a North American monolith, and that Canada could, and did, identify with the security concerns of the West Europeans.

The doubt in European minds dated back to the announcement on April 3, 1969, that:

The Canadian government intends, in consultation with Canada's allies, to take early steps to bring about a planned and phased reduction of the size of the Canadian armed forces in Europe.

24

This Canadian reduction disregarded the decision of the NATO ministers who, in Reykjavik, June 1968, decided to press for mutual and balanced force reductions with the Warsaw Pact; there was a firm understanding that no NATO member would take unilateral action that could reduce the overall military capability of NATO and thereby weaken the credibility of their MBFR proposal. Considering that MBFR

²⁴ Peter C. Dobell, Canada's Search for New Roles (London: Oxford University Press, 1972), p. 5.

was to be NATO's price for the convening of a CSCE, the unilateral Canadian action displayed both a lack of consideration for NATO strategic planning and an apparent indifference to European security concerns.

While an insignificant factor in the military balance in Europe, the Canadian forces in NATO were an important sign to Europeans that Canada was fully committed to their defence. Because NATO stood as the only visible sign of a Canada/Western European political connection, the weakening of Canada's military commitment to NATO adversely affected its political influence with the countries of Western Europe. DEA, its role in foreign policy-making downgraded by the foreign policy review of 1968, was the most insistent Canadian voice advocating stronger links with Western Europe. In their absence, Canada would "be left the choice of moving totally into the embrace of the United States or out into the cold".²⁵ DEA's fears were intensified in 1971 when the Nixon administration suddenly imposed a surcharge on all imports, and bluntly refused to grant Canada any exemption. Since two-thirds of Canada's exports went to the United States, the Nixon initiative highlighted the Canadian vulnerability to American trade policies. The "Special Relationship" between Canada and the U.S. had been violated, and Canada was left to search for means to counter the American actions.

DEA was handed the sensitive task of developing a strategy to lessen Canada's vulnerability. Its conclusion was that Canada must engage in "the active pursuit of trade diversification and technical

²⁵ David Humphreys, "Canada's Link with Europe Still Not Widely Understood", International Perspectives March/April, 1976, p. 34.

co-operation with countries other than the United States."²⁶ Western Europe was deemed the logical region upon which to concentrate. Canada, however, found itself competing with the United States for Western Europe's attention. Entitling 1973 the "Year of Europe", Kissinger spoke of a linked tripolar system comprised of the United States, the European Community and Japan.²⁷ Canada did not enter into Kissinger's conceptual arrangement; more ominously, there was no mention of Canada in the response of the European Community. While this oversight was corrected by a communique, issued by a summit of the Community leaders, asserting that the Nine should "maintain a constructive dialogue with the U.S.A., Japan and Canada and the other industrialized Community partners in an outward-looking spirit and using the most appropriate forms",²⁸ Canada had already reacted in anger to the omission. The Honourable Mitchell Sharp deplored the fact that:

...outside this country, I have sometimes found an assumption that Canada should fall naturally and inevitably into the U.S. orbit. This is perhaps understandable, but it is unacceptable to Canadians.²⁹

The Trudeau government, finally understanding the extent of Canada's difficulties, undertook to strengthen relations with Western Europe. The resultant diplomatic offensive sought an agreement with Western Europe that plainly distinguished between the interests of

²⁶The Honourable Mitchell Sharp, "Canada-U.S. Relations: Options for the Future", International Perspectives Special Issue, Autumn, 1972, p. 22.

²⁷Michael Tucker, Canadian Foreign Policy: Contemporary Issues and Themes (Toronto: McGraw-Hill Ryerson Ltd., 1980), p. 128.

²⁸Jeremy Kinsman, "Pursuing the Realistic Goal of Closer Canada-EEC Links", International Perspectives January/February, 1973, p. 25.

²⁹The Honourable Mitchell Sharp, "Canada and the European Community", Statements and Speeches 73/29, November 2, 1973, p. 5.

Canada and the United States. Trudeau in 1974 visited the capitals of all members of the European Community, along with the President and other members of the EEC Commission. Western Europe was under no illusions as to the meaning of this sudden friendship. Trudeau made it quite clear that he wanted a contractual link embracing closer political, technical and economic co-operation.³⁰ The Canadian argument on the economic issue was that a contractual link would be as beneficial to the Community as to Canada. Without it, Canada would be forced to become part of the North American monolith, something not in the European interest. Canada had one economic chip to play, its national resources. The implicit suggestion was that greater West European access to Canadian resources could be had in return for agreement on a contractual link.

The most concrete actions occurred in the military sphere. The Trudeau government finally realized that any economic link with Europe would only grow out of a renewed Canadian commitment to NATO;

³⁰ Trudeau's description of what he wanted is as follows:

What can be done is to create a mechanism that will provide the means (i.e. the "link") and the obligation (i.e. "contractual") to consult and confer, and to do so with materials sufficiently pliable and elastic to permit the mechanism to adapt in future years to accommodate whatever jurisdiction the European Community from time time assumes.

✓Humphreys, "Canada's Link With Europe Still Not Widely Understood", pp. 34-35.

as Marcel Cadieux, Canada's second ambassador to the European Community, put it:

We should never have left Canadian forces in Europe for two decades, or have them there now, if we had not recognized the intimate connection between military security, political confidence and economic growth.³¹

As a symbol of solidarity with Western Europe, a sign of renewed commitment to NATO, and recognition of a resurgent West Germany as the leader of the European Community, Canada linked its foreign and defence policies by the mid-1970's purchase of West Germany's main battle tank, the Leopard.³²

The CSCE provided Canada with an additional forum in which to express its interest in drawing closer to its European allies. There is no more insistent note in the communications between Ottawa and Geneva than the necessity to avoid antagonizing members of the Nine, or greater satisfaction than in receiving indications that Canada was appreciated by them as a participant and would be invited to future European conferences. The fact that the Canadian delegation to the conference consisted almost entirely of DEA officials, and that DEA had virtually a free hand in co-ordinating its role at the conference, undoubtedly added to the importance assigned this objective. Having fathered the Third Option, DEA officials had a special reason to desire strengthened trans-Atlantic ties.

The pursuit of a contractual link was successful; on July 6, 1976, Canada and the European Community signed a Framework

³¹Marcel Cadieux, "A Powerful and Considerable Community", Statements and Speeches 71/22, May 25, 1971.

³²Tucker, Canadian Foreign Policy, p. 133.

Agreement for Commercial and Economic Co-operation, the culmination of a five year diplomatic effort unique in the Canadian records. While it is difficult to discern precisely what effect Canada's energetic CSCE participation had on the completion of the contractual link, it certainly permitted Canada to further involve itself in European affairs. According to John Halstead, the conference was "a unique example of the interdependence of North America and Europe, and its successful conclusion is hence very much in the Canadian interest".³³ While at Helsinki for the signing of the final act, Trudeau was asked if the CSCE was important to the third option. He replied:

Well, it's important as our other initiatives in Europe are important. I think the course of events have been showing the fact that Canada is deeply inter-linked with happenings in Europe, whether they be of economic or political nature. Certainly the NATO meetings, and now this meeting, the meetings we've had with the Common Market, are all various facets of a policy which we describe as the Third Option, which is involving Canada in many ways in European affairs. 34

Canadian actions during Stage II, and subsequent interviews with members of the delegation to the conference, confirm that the Canadian team kept this connection very much in mind. They utilized the CSCE to demonstrate Canada's "Europeanness", as an opportunity to engage in issues of primary interest to European countries, even if not always to Canada. The Canadian actions were a further confirmation to the European Community of Canada's essential connections with, and interest in, the "world of Europe". Of particular value to Canada

³³ Ibid., p. 135.

³⁴ Transcript of the Prime Minister's remarks to press at the Finlandia Hall, Helsinki, Finland, July 30, 1975, p. 1.

was the essentially passive posture adopted by the United States. The low-key, uninterested performance of its delegation permitted the more active and positively defined Canadian policies to show up in a much more "European" way. This could only strengthen Canada's image of independence, and reinforce its claim to participation in any future pan-European conference.

For the Canadians immediately involved in Stage II, the overriding interest was to strengthen Canada's credentials as a reliable and active participant in European affairs. While it is pointed out in the introduction that he spoke differently in other contexts, Mitchell Sharp gave a very lucid description of what this would achieve for Canada:

...we regard the CSCE and MBFR as parallel sets of negotiations which we hope will lead to further progress in East-West détente. Needless to say, they present an unprecedented opportunity for Canadian co-operation with the countries of Europe, and in particular with our fellow-members of NATO, where consultations on the Western position in these negotiations is proceeding apace.

Canada is determined to maintain and strengthen its traditional ties with the countries of Western Europe. This policy will serve Canadian interests not only because of the direct benefits arising from improved bilateral relations with the individual countries, but also because it will serve to underline our separate identity, and offset somewhat the preponderant influence of the United States.³⁵

This paper has claimed that Canada's "militant" role in Stage II was adopted because it would be valuable in the attainment of Canadian

³⁵The Honourable Mitchell Sharp, "NATO: How It Serves Canadian Interests", Statements and Speeches 73/12, April 17, 1973, p. 4.

objectives. It is now necessary to determine why it was thought that this role would assist in the pursuance of the Third Option, the primary objective. Several possibilities will be examined as possible explanations for its choice of role.

The first is that Canada simply followed the "rules of the game". At the start there was hope that the CSCE would create a new beginning; and produce agreements on rules, commitments and institutions that would advance détente. In such a conference, all participants would work towards a compromise non-threatening to any country. Demands, by states would be moderate, and couched in terms designed to persuade, not coerce, other participants. If the CSCE had proceeded in this manner, the role adopted by Canada would have been "deviant", not only in terms of its tradition, but also in respect to the prevailing "rules of the game".

Contrary to hopes that the conference would promote détente, however, its main evaluating criterion became not "what have we achieved for détente?", but "who got the best deal?"³⁶ Rather than working towards the future relaxation of tensions, conference participants were quickly drawn into adversarial positions, reflecting current political cleavages as well as long-held habits of Cold War thinking. Far from attempting to create a new European order based on consensus among 35 states, the CSCE became a forum in which each side attempted to impose its concepts of security and rights upon the other. With most of the conference participants emphasizing the adversarial approach, Canada's tough negotiating stance was not out of place; indeed, in order to

³⁶K. J. Holsti, "Who Got What and How: The CSCE Negotiations in Retrospect", pp. 44-45.

make a strong impact on the conference, the role adopted by the Canadians was probably necessary. Considering that Canada's West European allies were also adopting a militant role, it was thought best to show solidarity with the countries deemed most important to the diversification of Canada's foreign relations.

A second possible explanation lies in the significant involvement of DEA in Canadian planning for, and participation at, the CSCE. With control over Canada's participation at the CSCE concentrated in the hands of a relatively small group of DEA officials, their attitude towards East-West relations assumed critical importance. When asked about Canada's traditional "mediator" role, one of the leading members of the delegation replied: "What, with those bastards!", and explained that the CSCE represented a "battle by other means".³⁷ The issues, as he saw them, were at the heart of the struggle between democracy and totalitarianism, between those who cherish individual rights and those who give precedence to the claims of the state. Considering that, as one senior negotiator put it, the Canadians involved in both Geneva and Ottawa were "always right on the same wavelength",³⁸ it is plausible to conclude that the Canadian team was selected, at least in part, for their anti-Communist convictions. The only other conclusion, barring extreme coincidence, is that this attitude prevailed throughout the ranks of the DEA. This would mean that a perceptible shift in the thinking of DEA officials has occurred. But,

³⁷ Personal interview, Department of External Affairs, Ottawa, June 1980.

³⁸ Ibid.

if this is so, how has Canada continued to appear as a mediator or moderator in other fora?³⁹

Doubtless the "tough" negotiating style adopted by the Canadian negotiators accurately reflected their personal convictions; they viewed the ~~WTO~~ as "demandeurs" who should be made to pay in terms of Western democratic rights for their citizens. The role was also considered necessary by DEA in order to draw closer to Canada's European allies. The Soviet gains in the realm of security had to be limited, while Western gains on co-operative measures, and human rights, had to be substantial. Not only were these conditions important to the West European conception of détente, they were also necessary to retain domestic support for the pursuit of détente. A militant role by Canada in supporting these West European concerns was seen by DEA to be vital in achieving closer relations with the European Community.

A third possible reason is the nature of the issues in which Canada took the most direct interest. If these had been non-controversial, there would have been less reason for Canada to appear in such a hawkish posture. Canada, however, was asked by the Western caucus, to lead on family reunification. It realized, when accepting responsibility, that it was venturing into troubled waters; family reunification cases have been a matter of controversy since the end of the Second World War. By taking leadership responsibility for this issue, Canada was in effect signalling that it would not be assuming the role of "mediator".

³⁹Canada still projects the image of "moderator" or "mediator" in NATO councils and at the United Nations.

Canada was also demonstrating the close connection between the interests of members of the European Community and those of Canada. A major factor in this consideration was West Germany. Increasingly regarded as the most powerful and influential member of the European Community, West Germany had perhaps a thousand reunification cases for every Canadian one. To assist West Germany with this issue could only help Canada in gaining closer relations with Western Europe.

The condition of the Western alliance suggests another possible explanation for Canada's militant behaviour. While the United States would normally have assumed the leadership role, Henry Kissinger had little use for multilateral conferences such as the CSCE. Preferring bilateral diplomacy between countries with a large enough stake in world affairs that they would tread softly around sensitive "internal" issues, Kissinger acted much like a "mediator" by trying to hasten the conclusion of the CSCE with the least possible damage to U.S.-U.S.S.R. relations. Acting upon strict instructions, the American delegation to Geneva played a low-key, unassuming role.

With the virtual abdication of the United States, there was no clear successor to the Western leadership. West Germany, the country most likely to do so, never appeared capable of the task. The West German delegation, perhaps because of conflicting instructions received from the Chancellery and Foreign Office, frequently exhibited erratic behaviour. Even more surprising from a nation noted above all for their thoroughness, the West German delegation appeared at times to be ill-prepared for the complexities of the negotiations. France also had

difficulty filling the leadership role; while very willing to do so, the arrogant tactics of its delegation frequently created confusion and resentment within all the non-Communist delegations.

The Western Alliance had little need of Canada's traditional "mediatory" role; it was, indeed, more in need of leadership than moderating influence. The situation was unique for Canada. With the U.S., the country that Canada had traditionally attempted to moderate, usurping the Canadian role of "mediator", Canada was free to pursue any role it wished. With no acknowledged Western leader to push for the adoption of the Western interests, the most sensible role for Canada to fill was that of a "tough" negotiator. Not only did the Canadian actions differentiate Canadian and American positions, but Canada had adopted a role that would help its European allies attain their goals.

These several factors all give parts of the reason why it was thought a militant role would assist in the pursuit of the Third Option. Each factor points out how the role enabled Canada to identify with the West European interests, and why the role would be valuable in assisting members of the European Community to gain their interests. None of the factors comes as a total surprise; they have all been alluded to on many occasions throughout the paper. Despite the prominence of these factors, however, it is virtually impossible to give each a precise weighting in the decision to adopt the particular role. Suffice it to say that each made its contribution; the exact amount is less calculable, or important.

CONCLUSION

To understand the Canadian performance at Stage II of the CSCE, the importance of DEA involvement cannot be over-emphasized. With the CSCE exciting very little domestic interest in Canada, the task of co-ordinating the ends and means of Canada's policy towards the conference was handed to DEA. DEA officials encountered little interference in preparing the team for the conference, deciding the objectives that the team would pursue and the role the team would play. With minimal North American media coverage of Stage II, DEA represented the only source of information concerning the CSCE for most government officials. In Canada, therefore, DEA virtually controlled access to events in Geneva.

DEA put together a team for Stage II that proved both competent and extremely cohesive. The competence is attested to by the important role Canada came to play in the negotiations; belonging to a country being neither a major power, nor one possessing a great stake in many of the issues under discussion, the Canadian delegation needed to be competent in order to play this role. The extreme cohesion of the Canadian team, referred to frequently in this paper, is a tribute to the careful preparation that lay behind the Canadian performance. There was never any doubt in the minds of the Canadian negotiators over what they aimed to accomplish, or how to go about it. This extreme cohesion encourages acceptance of the first assertion of the introduction. While it was shown that the Canadian government did not act as a "unitary" rational actor towards the CSCE, the Canadian team to Geneva clearly performed in this manner. Because the actions of the Canadian negotiators

demonstrates that a coherent sequence of objectives had been determined, it is therefore possible to ascertain a ranking of the Canadian objectives for the CSCE.

It was contended in the introduction that not only did DEA formulate Canada's objectives, but that Canadian actions at the conference were designed to achieve these objectives. If proved to be true, this would be an example of what was called for in Foreign Policy for Canadians, that countries should initiate action in pursuit of determined objectives: "Roles and influence may result from pursuing certain policy objectives...but they should not be made the aims of that policy".¹ This paper hypothesized that DEA recognized the need for greater diversity in Canadian foreign policy, which led to an emphasis on improving relations with countries important to that diversification. The hypothesis has proven valid; the acknowledged "Europeanists" of the Canadian government, DEA officials saw in the CSCE negotiations an opportunity to improve Canadian chances for a successful implementation of the Third Option. DEA had proposed this as a means of lessening the Canadian vulnerability, chiefly economic, to the United States, and it was very conscious of any opportunities to further its progress. Canadian participation in the CSCE was designed to show members of the European Community that not only did Canada identify with the European interests, but that Canada was willing to work hard to secure their achievement.

¹Foreign Policy for Canadians (Ottawa: Information Canada, 1970), p. 8.

The particular problem addressed in this paper concerned the role Canada played at the CSCE: while Karl Birnbaum perceived Canada acting in its traditional role as "mediator", it was suggested by François Carle, and corroborated by the Canadian delegation, that Canada did not adopt its "bridge-building function at the CSCE".² The distinction is important because, if Canada did act as a "mediator", there is no way of determining whether Canada acted in this traditional role to attain specific objectives, or because this role had come to be expected of Canada. The attitudes and actions of the Canadian delegation, however, makes it quite clear that they played a "deviant", militant role. The role did have a specific purpose: when examining the four factors contributing to the Canadian adoption of this role, the common denominator in all is the value that a militant role would have for improving Canada's relations with Western Europe.

There is little doubt, therefore, that the assertion made in the introduction is indeed true -- the Canadian negotiators adopted a militant stance in the pursuit of specific objectives. Unlike roles traditionally adopted by Canada, this one was to be used as a means to an end, and was not the end itself. The role was extremely well adapted to the primary objective, in that most members of the European Community were also adopting a militant stance, although rarely as tough as Canada's. The role enabled Canada to impress upon the West Europeans

² François Carle, "Consensus Formation at the Conference on Security and Co-Operation in Europe", (Masters Thesis, Carleton University, 1976), p. 92.

a necessary point -- that Canada was not simply an appendage of the United States, but rather constituted a separate entity. For a European Community considering signing a contractual link with Canada, but not wishing to do so with an American "Trojan horse", this display of independence was an important consideration.

The Canadian performance at Stage II stands as one of the most successful chapters in Canadian diplomatic history. DEA, eager to turn the Third Option into a viable policy, designed a role to remind the European Community that Canada was a very valuable ally. A year after the signing of the Final Act, the contractual link between Canada and the European Community was signed. Despite the fact that the benefits to Canada from this contractual link have so far been marginal,³ DEA can take credit for a well orchestrated Canadian effort at Stage II. While it cannot be known precisely how much effect this had on the signing, it did show Canada in a very "European" light. That roles be adjusted to objectives should be axiomatic in foreign policy. This, however, has been the exception in Canadian foreign policy. DEA, allowed an unusual amount of control over Canadian actions in Stage II of the CSCE, demonstrated the constructive use of roles in the pursuit of specific objectives.

³The marginal benefits to Canada are discussed in:

Harald von Riekhoff, "The Third Option in Canadian Foreign Policy", in B. Tomlin, ed., Canada's Foreign Policy: Analysis and Trends (Toronto: Methuen, 1978).

Gerald Wright, "Europe: Policy Planning on a Seesaw", International Journal, Volume XXXIII, No. 2, Spring 1978, pp. 387-395.

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