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REAFFIRMATION OF PRINCIPLES OF FINAL ACT

A Statement by the Honourable Mark MacGuigan, Secretary of State for External Affairs, at the Opening Session of the Madrid Follow-Up Meeting of the Conference on Security and Co-operation in Europe, Madrid, Spain, November 12, 1980

...In July and August 1975, when the leaders of our countries met in Helsinki to sign the Final Act, hopes were high that we had made a creative and lasting contribution to *détente* in Europe and to world peace. Since then, and indeed in most recent times, those hopes have somewhat dimmed. Nevertheless, Mr. Chairman, Canada remains firmly convinced that the CSCE [Conference on Security and Co-operation in Europe] can be a forum of real value and that the Final Act sets out rules of conduct and standards of behaviour which, if truly observed, could bring great benefit to the people of all our countries.

I think it reasonable to say that, despite serious setbacks, the world is a better place for the conclusion of the Final Act of Helsinki in 1975. We have all no doubt fallen short of the standards which it established and have not fulfilled its objectives to the degree we might have done. Nevertheless, we have, over the past five years, seen important developments in co-operation between participating states through economic, scientific, cultural and other exchanges. These have unquestionably enriched life for our people and have widened the horizons of our governments. There has been, too, some improvement in the freedom of individuals to move about, across the borders of our states, in their lawful pursuits. There has been a recognition that, with all due respect for national sovereignty, no state is an island unto itself, able to conduct its affairs, either internal or external, in complete disregard of its neighbours. As in everything else in human endeavour, however, practice is not perfect. If I speak now more of the shortcomings which need to be remedied, it is because we should set for ourselves a high standard of behaviour and compliance with the international obligations freely entered into, in adopting the Helsinki Final Act. We are here collectively to examine our shortcomings; to find remedies for them; and to build in a constructive way upon our experience.

Mr. Chairman, the position of the Canadian delegation in this general debate begins with the Final Act. We must conduct a careful and objective review of the current implementation of the Act and emphasize respect for its principles. We can meet the intent of the Act only by judging and improving the quality of our performance and, then, by devising new proposals aimed at broadening our commitments.

Moreover, the Final Act is an institutional expression of a policy designed to reduce tensions and to increase co-operation in Europe. It therefore provides us with guidance for assessing the state of East-West relations, another of our tasks here in Madrid.

East-West relations

On this point I must note that the Madrid meeting has taken on a much greater importance than could have been foreseen when it was scheduled several years ago. The

deterioration in East-West relations, culminating last December in the Soviet intervention in Afghanistan, cannot be ignored in this forum. No matter how the intervention is perceived, the international environment has been severely damaged as has the confidence which so crucially underpins the policy of *détente*. We cannot view the Afghan crisis as a purely local or regional issue, or one that falls outside the East-West purview.

At a minimum, Soviet actions have challenged directly the principles in the Final Act of sovereign equality, refraining from the threat or use of force, inviolability of frontiers, the territorial integrity of states, non-intervention in internal affairs and equal rights and self-determination of peoples. Yet under the Act, the participating states expressed their conviction of the need to make *détente* a comprehensive process, universal in scope. They determined to refrain from the use of force against the territorial integrity or political independence of any state. They declared their intention to conduct their relations with all other states in the spirit of the principles of the Final Act. They expressed their common will to act, in the application of those principles, in conformity with the purposes and principles of the Charter of the United Nations.

History has taught us painfully that confidence and stability in one region of the world cannot remain unaffected by distrust and instability in another quarter of the globe. To ensure that confidence prevails in Europe, the participating states must accept that the same rules of conduct must apply elsewhere. In the absence of such an understanding, and of any clearly-defined boundary between the pursuit of national interests and the practice of restraint, the policy that we have called *détente* will inevitably be undermined.

Meaning of détente

The alternative to *détente*, the most basic concept of which is the avoidance of resort to armed conflict, is something none of us can contemplate with equanimity. But this irreversibility does not necessarily apply to the apparatus of East-West co-operation, which has grown up around, and as a valued part, of *détente*. Measures which my government, and other governments represented here, were obliged to take in response to the Soviet intervention in Afghanistan, demonstrate this fact clearly enough.

The shadow of Afghanistan will inevitably chill *détente* as long as Soviet troops remain there. My government believes, nevertheless, that East and West must share an interest in maintaining a balance of military potential and, accordingly, will continue to follow policies aimed at reducing tensions and expanding co-operation in a process which must be reciprocal, global and indivisible. But if this is what *détente* means, we intend to ensure that it rests on a firm foundation of deterrence.

Mr. Chairman, it is clear that we shall not be able to increase confidence in the political sphere as long as the build-up of arms continues unabated. Political *détente* and the deceleration of the arms race are inseparable. Confidence created by each has a mutually reinforcing impact on the other.

Confidence-building measures

Looking at the Final Act, we find that its provisions regarding questions of improving military security are modest. Nonetheless, the confidence-building measures instituted

in Helsinki can contribute to a more stable environment in Central Europe, the most acute area of potential armed confrontation.

The experience we have gained over the past five years with confidence-building measures has been positive. It encourages us to explore the suggestion in the Final Act that they could be developed and enlarged in order to strengthen confidence. The adoption of more developed and extended confidence-building measures could create an atmosphere of greater openness and stability in military affairs, which could be followed by the adoption of real disarmament measures and an agreement on the peaceful settlement of disputes and, ultimately, on a non-aggression pact. However, we maintain that, for confidence-building measures to play this role, they must be militarily significant, verifiable, reciprocally mandatory, and applicable throughout Europe from the Atlantic Ocean to the Ural Mountains. We believe that as long as these criteria prevail, a mandate could emerge from our meeting in Madrid for convening a subsequent meeting, perhaps at a high level, which would explore ways of developing and extending confidence-building measures and report back to the next CSCE follow-up meeting on the results of its work.

On questions of disarmament, I cannot over-emphasize the concrete aspect. We shall not make real progress through declarations of good faith or by trying to legislate intentions. We must come to grips with the real issue, that of military capabilities. In other words, we must limit the capacity to wage war.

Diverse opportunities for co-operation

Mr. Chairman, the Final Act offers many opportunities for greater co-operation in the field of economics, science and technology, and the environment. We acknowledged in the Final Act that co-operation in these fields can be developed on the basis of equality, mutual satisfaction and reciprocity. Over the coming weeks, reciprocity, a key element of *détente,* will be much in the minds of my delegation as we review implementation, particularly in commercial and scientific exchanges. We seek a solid basis on which to build and expand co-operation in the future.

The participating states, constituting as they do the largest part of the international industrial community, share grave responsibilities within the larger world system. We are faced with immense challenges. We must co-operate to meet them. We should seek a more rational allocation of resources, which would benefit not only the peoples of Europe and North America, but the developing world as well. We should work together in order to relieve the pressure that the rising aspirations of our peoples place on the limited capacity of our economies. We need to respond, within the limits of our abilities, to the legitimate demands of the countries of the Third World. We must solve the energy crisis and prevent the further depletion of other natural resources. We must protect and improve the environment. These problems require mutual collaboration in a spirit of confidence and reciprocal benefit because, in essence, they all deal with the well-being of people.

In fact, Mr. Chairman, I would submit that what the Final Act is all about, is people. Concern for disarmament, for peace, is really concern for our people. So are concerns which impinge more directly on individuals and communities. This assertion is not to arrogate any special priority. The emphasis that Canada places on the principle of

human rights and its application in humanitarian co-operation between participating states is not a distortion of the balance of the Final Act. The mutual confidence that that document was intended to impart to our relations is basically to build confidence between people. I must note, with great sadness, however, that since the Final Act was signed, people have been harassed, arrested, tried, exiled and imprisoned, simply for trying to monitor and to exercise their rights, endorsed in the Act. This persecution is inevitably a major cause of friction in East-West relations today.

Human rights

Although human rights are open to varying interpretations, the Final Act requires agreement on certain concepts and on the "inherent dignity of the human person". We have subscribed to common standards of human rights behaviour in the Universal Declaration of Human Rights and the relevant international covenants. I believe, then, that it is correct and important to urge all participating states to bring their human rights practices into line with the norms to which they have freely subscribed in these agreements. Mr. Chairman, this follow-up meeting of the CSCE provides a legitimate and, indeed, a necessary forum in which to do so.

Since the Final Act was signed, the movement of people between East and West has become more open and, in our relations with some of the participating states, there have been gratifying advances in family reunification and visits. But, there remain outstanding cases and problems which basically are of two orders: on the one hand, there are administrative barriers, such as the multiplicity of authorities with which individuals and our embassies must deal regarding travel for family reasons. Such problems can be overcome by making practical changes. On the other hand, there is the far more vexing problem of complications over the status of sponsors for family reunification and family visits. In rejecting pleas to co-operate in overcoming this problem, some of the participating states adduce Principle VI on non-intervention in internal affairs. But this principle pertains to illegal interventions, exercised by coercion. It is not intended to apply to obligations established by international agreements such as the human rights covenants.

While the participating states agreed in the Final Act not to intervene in matters falling within each other's jurisdiction, it is clear that human rights such as the right to leave one's country and return freely, take precedence over domestic jurisdiction. Moreover, while we agreed in the Final Act to respect each other's right to determine laws and regulations, we also agreed that, in exercising this right, we would conform with our legal obligations under international law. Therefore, Mr. Chairman, I am clearly on firm ground in maintaining that the laws and regulations of the participating states on the application of human rights, such as the right to leave one's country, must conform with international obligations.

Mr. Chairman, I hope I have been able to demonstrate that there is room for a useful exchange of views concerning the principle of human rights and its application in Basket III matters. I hope that the results of this debate will be to narrow the gaps between us on these issues. While we may not reach total agreement, we may well achieve a better understanding which could, I suggest, be reflected in expressions of determination to respect the relevant principles and to improve our implementation of those provisions of the Final Act pertaining to humanitarian issues. Moreover, we

could take new steps forward in this regard. I should hope that our exchange of views and our decisions in these fields will be included as part of a balanced result of this meeting in our concluding document.

Experts meeting proposed

One kind of result which I would propose would be a CSCE experts meeting or even a high-level meeting to discuss the protection of the principles of human rights and fundamental freedoms, which are reaffirmed in Principle VII of the Final Act, and the application of these rights in Basket III dealing particularly with the question of freer movement of people among the participating states. During the course of our discussions here, my delegation will further elaborate on this idea and will propose a mandate and the modalities for holding such a meeting.

It should be recognized, Mr. Chairman, that there is an ideological dimension involved. The systems and institutions or, in other words, the ideology of many of the participating states is based, in great part, on the conviction of the rights of the individual and the rule of law, which is deeply rooted in the history of our societies. In the past we have argued in favour of ideological *détente*. The principles of the Final Act embody relevant and essential concepts: ideological pluralism; ideological non-intervention; freedom of ideological choice; and access to ideological information (that is, the freer flow of ideas). We believe that acceptance of these concepts, both in theory and in practice, is essential to the pursuit of *détente*.

In our view, all participating states could contribute to ideological *détente* by refraining from acts which arouse distrust and concentrate instead on increasing confidence. The participating states could further contribute to ideological *détente* by removing the barriers to the freer flow of information. This would permit people to have unimpeded access to the experience and ideas of others. Surely each government represented here has sufficient confidence in its own system to permit its citizens to give their support to that system on the basis of free choice rather than coercion.

The task ahead

In conclusion, Mr. Chairman, I again refer to the Final Act. We have now had five years to assess its impact and to identify the impediments to its full implementation. The task ahead of us at this meeting is clear. We should first conduct a careful and objective review of current respect for the principles and the implementation of the provisions of the Final Act. Our objectives should be to determine how close we have come to meeting the goals we set out in that document. At the conclusion of this review, we shall be able to determine what further needs to be done. Only with this information in hand, can we turn our attention to new proposals aimed at deepening our collective commitment to the purposes of the Final Act and to improving its implementation in a balanced way.

In anticipation of a fruitful outcome of the Madrid meeting, we must also bear in mind the need to continue the CSCE process on which so many hopes rest. This could be done by an unequivocal pledge to meet again in a third follow-up meeting to continue to assure ourselves that the principles and provisions of the Final Act are properly observed and, where they are not, that we take steps to rectify our shortcomings.

Mr. Chairman, my delegation looks forward to joining with others in new initiatives and to making the Madrid meeting an important milestone in strengthening security and deepening co-operation in Europe. However, it is essential that, before considering new proposals for further developing the CSCE process, we must ensure that there is a credible demonstration of political will among all the particpating states to respect the principles and objectives of the Final Act to which we have already pledged our faith. We must work to restore confidence between the states participating in this meeting at Madrid and in this way to make a solid, realistic contribution to *détente.*