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OTTAWA

APR 22 1976

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NOTES FOR ADDRESS BY THE
SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, THE
HONOURABLE ALLAN J.
MACÉACHEN, TO THE
INTERNATIONAL LAW ASSOCIATION,
THE CIIA, AND THE CLUB DES
RELATIONS INTERNATIONALES
OF THE UNIVERSITY OF
MONTREAL
APRIL 7, 1976

I should like to express my appreciation to Maître Emile Colas of the International Law Association and Mr. Richard Hopkinson of the Canadian Institute of International Affairs who have provided me with this opportunity to address the members of these two organizations as well as the members of the Club des Relations internationales of the Université de Montréal. I shall be speaking tonight on a subject which is of considerable importance to Canada, and which, in my view, merits the close attention of all Canadians, and especially of those with a particular interest in international affairs.

On December 2, 1975, I had the pleasure of tabling in the House of Commons a remarkable document. The official title of the document is the Final Act of the Conference on Security and Co-operation in Europe, called from the outset by its initials, CSCE. It has also been referred to at times as the Helsinki Agreement.

The Final Act of the CSCE represents the outcome of a meeting where, for the first time, the Heads of Government of Europe and North America met to establish the basis for future relations between their respective nations and their peoples. Although it is not a treaty, the Final Act carries a great deal of weight because, at the insistence of the Western countries, it created moral and political obligations which must be met by all the parties that signed their names in Helsinki. As such it sets the stage for further progress in East-West relations.

As I said in New York, the concept of détente is alive as far as Canada is concerned. It has been argued that détente has been used as a cover to lull us into a false sense of security. This is a danger to which we must remain alert. Obviously, we cannot afford to let down our guard or let our security depend solely upon the good intentions of others. At a press conference in New York on March 19, I pointed out that we understand the necessity of strength, and we have exhibited our credentials in that respect by reviewing and increasing our commitment to NATO. In my view, maintaining our strength is consistent with the policy of détente, for it was our fundamental strength that formed the basis of our negotiating position and that made it possible for us to extract the maximum benefit out of the CSCE negotiations.

The Final Act means that we have taken an important step forward in the process of détente because, for the first time, after long and difficult negotiations, a consensus on a formal document was reached by all countries of Europe (except Albania) as well as Canada and the United States. By putting their signatures to the Final Act, all these countries agreed to every word, phrase and paragraph in the document. And that, you will agree, was a considerable achievement and does give the Final Act a unique status. It also means that we are in a good position to insist that all provisions of the document are implemented by all the participating countries.

The Final Act covers four main areas, which have become known as "Baskets". Basket I deals with security questions, relations between states and confidence-building measures. Basket II is entitled "Co-operation in the Fields of Economics, Science and Technology and the Environment". Basket III is perhaps the most renowned basket of all, and basically is concerned with co-operation in humanitarian fields. The last basket, Basket IV, provides for the holding of a Review Conference in Belgrade in 1977 in order to assess progress in the implementation of all the aspects of the Final Act and to seek new ways of improving relations.

In commenting in somewhat more detail on the results of the Conference, I first wish to deal with a question of great concern to many Canadians - the possibility that by signing the Final Act of the CSCE, Canada is somehow sanctifying the status quo in Europe. This issue should be viewed in light of the aims of the Soviet Union as they have been revealed in the last 30 years and during the course of the CSCE itself. The Soviet Union basically wanted three things from the Conference - a document that bestowed a general blessing on the European status quo, a more or less formal confirmation of its dominant position in Eastern Europe and an acknowledgement of the essential role of the Soviet Union in all matters related to European security.

The means that Soviet leaders saw as most appropriate to the achievement of this aim was agreement at the CSCE to a Declaration of Principles guiding the relations between states. By use of this form of charter, a special variety of international law would have been created featuring separate principles on the inviolability of frontiers and territorial integrity which they intended to interpret as being tantamount to recognition of post-World War II frontiers in Europe. As work progressed at the Conference in other fields, two other desiderata were stressed by the Soviet delegation - principles concerning the sovereign equality of states (involving respect for the internal laws of states) and non-interference in the internal affairs of states.

But in fact, the majority of the ten principles in Basket I relating to questions of security in Europe, were cast in Western terms and reaffirmed principles previously articulated and established in documents such as the Charter of the United Nations. No new law, no lex specialis for Europe, has been set down.

The Final Act contains clear statements on the respect for human rights and fundamental freedoms, on the equal rights and self-determination of peoples, on co-operation among states and on the fulfilment in good faith of obligations under international law. It also contained a principle on the inviolability of frontiers but emphasized that frontiers can be changed, in accordance with international law, by peaceful means and by agreement. The emphasis throughout is on state-to-state or person-to-person as opposed to bloc-to-bloc relations, and on change as opposed to the status quo. These issues were of vital concern to us in our pursuit of the policy of détente. Canada with its allies made it clear throughout the negotiations that our interest was in the relaxation of tensions so that all people might live in a more peaceful and less dangerous world.

Basket II meets that aspect of the policy of détente which calls for co-operation in the fields of trade, science, the environment and tourism. One of the principal problems encountered in these dealings in the past has been the difficulty in making effective contacts - and the Final Act recognizes that these are just as important to trade as they are in the cultural and educational fields.

One of the tests of the success of the CSCE, therefore, will be the extent to which such contacts can be developed. As you will appreciate, much of the detailed work in this area has still to be done - part of it in the Multilateral Trade Negotiations in Geneva and part in the Economic Commission for Europe, in both of which organizations Canada is playing its part. As a major trading and industrial nation, Canada will have much to gain from the implementation of Basket II, and we will actively pursue the promising opportunities for the various forms of co-operation recommended.

The part of the Final Act that reflects Canada's and Western concerns most clearly is Basket III. Here state-to-state relations are secondary to the emphasis on person-to-person relations. This area represents a breakthrough in itself, since before CSCE, some countries did not consider that matters such as family reunification, the movement of people and ideas and the treatment of journalists were negotiable in a multilateral setting at all. After two years of hard work, however, the texts in Basket III have proved most satisfactory. Canada considers that these texts should now be acted upon by all participants; no further agreements are necessary before their letter and spirit can be implemented.

The Basket III texts will be for Canada one of the main indicators of the progress of détente. If in the months to come states are guided in their policies by these formulations, détente will have achieved a human dimension that will lend substance and durability to the process of reducing international tensions and promoting understanding between people. As I said in New York, Canada is quite concerned about the Soviet Union and other Eastern European countries living up to the provisions of the Helsinki accords on the reunification of families and the freer movement of peoples. That is a very deep preoccupation of Canadian policy and we will be following that up next year at Belgrade where we will be asking what performance has been forthcoming from the Soviet Union and others in that field.

What was the Canadian stake in the CSCE? How has Canada benefitted from the Conference and how can we expect to benefit in the future? Canada entered the negotiations with a short but definite shopping list of items that concerned us. We wanted to play a part in the Conference commensurate with our interests in Europe, and in this general aim we succeeded. We wanted formulations on the non-use of force and the peaceful settlement of disputes, but we did not want the CSCE to act as a peace conference and legally settle boundaries. We were also successful in this direction.

Canada had a particular concern as a country of immigration to support measures conducive to the freer movement of people and ideas. This hope has come to fruition as well, and worthy of special note in this regard is a strong text on the reunification of families that was sponsored by Canada.

Canada also favoured the development of a confidence-building measure involving advance notification of military manoeuvres, and after difficult negotiations such a confidence-building measure was worked out. Finally, Canada had important economic interests to safeguard and advance, and the Basket II texts have met our requirements in this respect.

The usefulness of the CSCE Final Act has already become evident. For example, the family reunification text provided a basis for the agreement to establish diplomatic relations with the German Democratic Republic. Texts in Baskets II and III are now being used in bilateral negotiations in such areas as consular agreements, economic agreements and discussions over double taxation. In the military sphere, Canada is participating in the prior notification of military manoeuvres being undertaken by NATO. The range of subjects opened up by the CSCE is so great in fact that comprehensive reviews are still underway in several government departments to determine how Canada should order its priorities.

The CSCE was an unprecedented undertaking with the potential for changing the basic East-West relationship. But the degree to which the CSCE will be judged as an historic event will be determined by how its provisions are put into effect and by the willingness of all participating states to live up to the spirit of the agreement entered into.

The Final Act envisages three kinds of follow-up - unilateral, bilateral and multilateral, and as I said earlier, provides for a meeting at the senior official level in Belgrade in 1977 to review the progress being made and possibly to organize a resumed Conference.

In Canada we are meeting our responsibilities under the Final Act. Copies of the document have been widely circulated to the concerned government agencies and to the provinces as a guide for future action. All will have to consider what changes should be made in our present practices to conform with the political commitments we have accepted. In our bilateral relations we are referring to the document to see where its provisions can provide guidance on how these relations can most profitably be developed. In communiqués, agreements and treaties, the wording of the Final Act has proven to be extremely helpful, reflecting as it does the distilled views of the 35 participating states. Multilaterally, work is progressing satisfactorily in two existing United Nations bodies, the Economic Commission for Europe and UNESCO, to decide where and how to begin. The programmes envisaged by the Final Act are indeed so extensive and detailed that it is obvious that many kinds of multilateral action cannot even be started, much less completed, before the Belgrade meetings.

One of our commitments has been to publish the Final Act in Canada and to make it widely known. The press, in covering the Helsinki meeting, has done a great deal in this direction already. In addition, the Government has put on sale, at a very moderate price, copies of the Final Act. My Department has also been meeting requests for copies from a wide range of non-governmental bodies whose part in implementing the provisions of the Final Act will be essential. It is the Government's policy to ensure that the Final Act of Helsinki is implemented as soon and as completely as possible, and this process is already well under way.

I believe what I have said about the CSCE has indicated that the Conference was indeed worth the efforts of the participating States. While we in the West were flexible when appropriate, no positions of principle have been abandoned for the sake of an early end. The CSCE Final Act represents the will to peace of the people of 35 countries. It is part of a process which looks to the future, a future inevitably of change and adaptation. The challenge for us is to make the promise contained in the document real. The framework for co-operation has been set up. States now have to work within that framework to achieve progress. The year still remaining before the review meeting in 1977 will be a critical time during which the practicability of détente will continue to be tested. Canada intends to play its part in giving substance to détente, in making it matter for people in their day-to-day lives. We trust that the other participating States will join us in this endeavour.