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Follow-up at Madrid: Another Chance for the United States

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FOLLOW-UP AT MADRID: ANOTHER CHANCE FOR THE UNITED STATES

*Harold S. Russell**

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I. INTRODUCTION

One of the unusual characteristics of the Final Act of the Conference on Security and Cooperation in Europe (CSCE)¹ was its provision for "follow-up" meetings to assess implementation of the negotiated commitments and consider adoption of new measures.² The first review meeting convened in Belgrade in October

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1. *Conference on Security and Cooperation in Europe: Final Act, Helsinki*, 73 DEP'T STATE BULL. 323 (1975), reprinted in 14 INT'L LEGAL MAT. 1292 (1975) [hereinafter cited as *Final Act*].

2. The CSCE text on "Follow-up to the Conference" states the resolve of participating states to continue the multilateral process initiated by the Conference:

(a) by proceeding to a thorough exchange of views both on the implemen-

1977. The second such follow-up session is to convene this November in Madrid. In the hope of strengthening this unique mechanism, an analysis of the CSCE process, an evaluation of the previous follow-up session at Belgrade, and a suggested approach to the Madrid talks are presented in this paper.

II. THE CSCE PROCESS

Numerous writers have now amply described the origins of the CSCE.³ The desire of the Soviets to solidify their position in Eastern Europe by obtaining recognition of the Oder-Neisse line, the incorporation of the Baltic states into the U.S.S.R. and numerous other boundary changes effected after World War II, led them to call for a conference which would in effect bless the *status quo* in Europe. Part of the price for such a Conference was Soviet agreement to United States and Canadian participation and to a broad agenda including discussion of economic cooperation and humanitarian measures. In order to conclude CSCE with a document containing an innocuous principle on the "inviolability of frontiers," which the Soviets viewed as meeting their objectives, the Soviet bloc had to accept pages of text dealing with cooperation in humanitarian fields. The comprehensive and complex Final Act, which the thirty-five participating States signed on August 1, 1975, was viewed as a catalogue of the steps that participants would have to take in order for "detente" to become a reality.⁴ The security of Europe and the implementation of the various confidence-building, economic, and humanitarian

tation of the provisions of the Final Act and of the tasks defined by the Conference, as well as, in the context of the questions dealt with by the latter, on the deepening of their mutual relations, the improvement of security and the development of co-operation in Europe, and the development of the process of detente in the future

Id. at FOLLOW-UP TO THE CONFERENCE, para. 2.

3. See, e.g., KISSINGER, WHITE HOUSE YEARS 412-16 (1979); Russell, *The Helsinki Declaration: Brobdingnag or Lilliput?*, 70 AM. J. INT'L L. 242 (1976).

4. The Soviets were among those most eager to make the point, in the Geneva negotiations on the Final Act, that its fulfillment would make detente "permanent and irreversible." A member of the British delegation resisted adding this language in the fifth preambular paragraph to the Final Act which reads: "Determined, in consequence, to give full effect to the results of the Conference and to assure, among their States and throughout Europe, the benefits deriving from those results and thus to broaden, deepen and make continuing and lasting the process of detente." Since each country had veto power over the Act's provisions, the language was not included.

measures contained in the document were seen as an interrelated whole. Fulfillment of all provisions would be necessary for truly friendly relations to come into being:

The Helsinki achievement thus was to fold human rights concerns into the developing fabric of East-West detente. It established the point that detente would have to deal not only with arms and armies, with balance of payments and benefits for governments, but also with the practical, day-to-day concerns of people—businessmen, family members, journalists, clergymen, and others.⁵

All participants agreed that the document would be legally non-binding. A disclaimer to this effect was adopted and appropriately filed with U.N. Secretary General Waldheim.⁶ It was also agreed, however, that the fact that it was not a legal document did not denigrate its importance. It was, after all, signed at the highest level in Helsinki at what has to be one of the century's most impressive diplomatic extravanganzas. It is a statement of high political intention on which all participants were committed to act.

To fully appreciate the CSCE process, it is necessary to understand that a number of the texts are laced with what participants regarded as loopholes or escape clauses.⁷ While the Basket I⁸ document on "Confidence-Building Measures" commits signatories to implement certain concrete actions fully and immediately, the "Declaration on Principles Guiding Relations Between Participating States" is cast in terms of general international law concepts which are not always easily applied to specific situations. For example, the Soviets claim that United States discussion of human rights in the U.S.S.R. constitutes interference in its internal affairs. Many of the Basket II and III texts appear to state goals toward which participants are committed to work, but the extent and rate of implementation and the precise means to be used are largely left to the goodwill and individual circumstances of each participating State. Without the goodwill of participants, however

5. Nimetz, *The Potential of the Helsinki Dialogue*, DEP'T STATE CURRENT POL'Y 29, August 1978, at 3.

6. See Russell, *supra* note 3, at 246-49.

7. HUMAN RIGHTS, INTERNATIONAL LAW & THE HELSINKI ACCORD 43-70 (T. Buergenthal ed. 1977).

8. Delegates informally designated the three major sections of the Final Act "Baskets."

illusory that may be, the provisions of the Final Act probably will never be fully realized.

Another fact of life critical to understanding the CSCE process is that the Final Act and the Belgrade "Concluding Document" were negotiated under rules of procedure which require that every text be adopted unanimously:

This principle of consensus by which the CSCE has always operated is of particular importance in understanding the limitations as well as advantages of the process. Because the CSCE is an undertaking of 35 countries with differing histories, social systems, and points of view, participating states required assurances that the conference would not oblige them to take actions to which they had not previously given their full consent. The principle of consensus was thus a prerequisite to discussion of the important issues which the CSCE sought to address. To be sure, in practice the rule often opens the door to frustration and delay. One country can veto a measure supported by thirty-four others, and progress at a meeting can sometimes be held hostage to the particular interests of a single state.⁹

Because of the consensus rule, participants at follow-up meetings are going to commit themselves only to those new measures, or interpretations of existing texts, which they view as contributing to their own interests. Analysis of those interests becomes complex since they range from: (1) direct interest of a participant in a specific proposal; (2) the need to support a proposal which a participant dislikes or in which it has no interest in order to obtain support for a proposal of interest; (3) support for a proposal to curry favor with one's allies, the neutral and nonaligned participants or even one's adversaries; or (4) support for a proposal to obtain concessions from one or more participants in matters totally unrelated to CSCE. Clearly, multilateral diplomacy functioning on the consensus principle is one of the most complex, frustrating, and delicate forms of negotiation. It should be equally clear that concrete progress on controversial subjects under these conditions will most likely be extremely modest and that every concession received will have to be purchased with an equal concession.

A concluding point concerning the CSCE process must be em-

9. *Belgrade Follow-up Meeting to the Conference on Security and Cooperation in Europe* (Oct. 4, 1977-Mar. 9, 1978), DEP'T STATE SPECIAL REP. NO. 43, at 10 (June 1978).

phasized. The Final Act is a political document negotiated by diplomats to fulfill political, not legal objectives. Follow-up sessions, including the upcoming conference in Madrid, are therefore bound to be highly political events dependent in large part for their success on the current political environment. With the political skies full of billowing storm clouds caused by the Soviet intervention in Afghanistan, a retaliatory embargo of agricultural and high technology products, and a boycott of the 1980 Summer Olympics, concrete progress in implementing the document which defines detente will surely be difficult to achieve.

III. THE NATURE OF FOLLOW-UP

Broadly speaking, observers of CSCE appear to fall into two groups which espouse contrasting approaches to CSCE follow-up. For purposes of discussion, I will overstate these somewhat as follows:

A. *Confrontation*

Proponents of this approach would argue that the Soviets and their allies have become parties to texts which call for action in human rights and humanitarian fields. Implementation has been unsatisfactory to the point that Eastern European citizens who have attempted to exercise their acknowledged right "to know and act upon their rights and duties in the field" of human rights have actually been punished for their conduct. Those participants who have fallen drastically short of their commitments should have their "feet held to the fire" and should be called upon to explain their shortcomings in specific cases. A confrontation of this sort will dramatize the contrast, for all the world to see, between Western respect for human rights and Eastern abuse of such rights. Since concrete progress of the kind to be sought through "compromise" is unrealistic in the current political atmosphere, "confrontation" will produce the greatest benefit to the West.

B. *Compromise*

Proponents of the compromise approach would argue that CSCE is a long-term evolutionary process which can make only slow and modest progress in building a framework within which participating States can learn to live with each other. We should not expect too much of it. The next United States delegation

should attempt to restore the working relationship with the Soviets that existed in Geneva and produced the Final Act. To accomplish this, the delegation should avoid controversial altercations with the Soviets and seek to make progress on a limited number of concrete issues of mutual interest. "Confrontation" of the kind described above is antithetical to the CSCE process and can only lead to its eventual demise.

Before weighing these two extremes and attempting to formulate a realistic approach to the Madrid talks, a brief review of the Belgrade Follow-up Conference is appropriate.

IV. THE LESSONS OF BELGRADE

In the main, the United States delegation at Belgrade adopted the "confrontation" approach briefly described above. The Carter administration, searching for a theme for its foreign policy, seized on human rights and the human rights formulations in the Final Act as an area it wished to give high priority. The Carter White House decided, according to one commentator,

at the last minute that the conference would lend itself perfectly to domestic political goals and at the same time would be an ideal arena for public airing of the administration's human rights campaign. Possible fallout on other participants' expectations or on the future usefulness of the Helsinki document were secondary.¹⁰

After the preparatory talks in Belgrade had fixed the agenda, but just weeks before the Conference itself convened, Carter selected an aggressive negotiator of international reputation. A small delegation of professional diplomats found itself swamped by literally dozens of congressional and public members who had little knowledge of or interest in the overall context of the negotiations.

The United States delegation offered several human rights proposals that were predictably unacceptable to the Soviets. More importantly, however, it was now using the CSCE process as a forum in which to place the Soviets and their allies on trial for their failure to implement Basket III of the Final Act. While the "Yellow Book," which set forth the agenda, called for equal treatment in reviewing all aspects of the Final Act, the United States delegation hammered on human rights issues. It chose confrontation as a means to browbeat and embarrass the Soviets into making concessions on human rights. Above all, the delegation wanted

10. Sherer, *Breakdown at Belgrade*, WASH. Q. No. 4, at 80 (1978).

a strong human rights formulation in the "Concluding Document."¹¹ Reporter Don Cook chronicled the result:

Because nobody could get around the human rights roadblock, not one of those 100 and more proposals [tabled at Belgrade] was acted on. When the nonaligned countries produced a mildly worded draft on human rights, it was not good enough for the United States. Next, the French offered a similarly mild draft; it too was not good enough. The American delegation wound up virtually doing the work of the Russians—brushing aside compromise proposals without waiting for the Russians to say no. When the Russians refused in the end to agree to any statement that included even the words "human rights," the Americans treated the conference like an overloaded bus with four flat tires. Under the Belgrade procedures, everybody had a veto. [The United States delegates] used [their] veto to hand the Russians a double victory. [They] wound up with nothing on human rights and nothing, either, on the issues within the framework of detente. So the final Belgrade document became meaningless.¹²

The result has been charitably criticized as a failure; it may in fact have been much worse. Since Belgrade, United States-U.S.S.R. relations and Soviet performance on human rights matters have steadily deteriorated. The Carter administration has made repeated efforts to find "success" in the Belgrade result, while acknowledging that the "concluding document"¹³ makes no mention whatsoever of human rights and fails to adopt any of the new ideas proposed at Belgrade.

The State Department argues that the most important accomplishment of Belgrade was demonstration that:

1. Full CSCE implementation is essential to the success and development of detente;
2. Human rights and humanitarian issues are an integral aspect of CSCE as well as of detente;
3. Individual states will be held accountable for their implementation performance in all aspects of the Final Act;

11. Text of the Concluding Document of the Belgrade Meeting of 1977, Representatives of the Participating States of the Conference on Security and Cooperation in Europe, Held on the Basis of the Follow-up to the Conference, March 8, 1978, reprinted in 17 INT'L LEGAL MAT. 1216 (1978) and Appendix B *infra*.

12. Cook, *Making America Look Foolish*, SATURDAY REV. No. 5 at 8 (1978). The proposals to which Cook refers are listed in Granier, *Annotated Bibliography*, *infra*.

13. Concluding Document, *supra* note 11.

4. The United States will not hesitate to point out specific examples of implementation failures; and
5. The invocation of the principle of nonintervention in internal affairs will not deflect legitimate criticism of a country's implementation record.¹⁴

Measured against the expectations held on all sides for Belgrade, this demonstration is surely a minimal achievement. Some observers feel that the Soviet's conduct during the preparatory meeting indicated that they expected to make concessions at Belgrade. When the United States chose confrontation, however, it exceeded the reasonable bounds of the Helsinki process to such an extent that the Soviets were handed an excuse for continued intransigence.¹⁵ If, in fact, Belgrade was a failure, this would suggest some approach to Madrid short of "confrontation." What would such an approach look like?

V. AN APPROACH TO MADRID

The United States approach to Madrid should contain the following elements:

A. *A Chief Negotiator*

The President should name a prominent individual as head of the United States delegation to the Madrid conference as early as possible so that this person can participate in formulating United States positions and in consultations with our allies and other participants. The late appointment of a United States negotiator, after the preparatory meetings, who was unfamiliar with the peculiar CSCE process contributed to the failure of the Belgrade negotiations. The person selected should be experienced in multilateral negotiations, preferably East-West negotiations, and capable of developing a positive relationship with other participants, including the Soviets.

B. *The United States Delegation*

The United States delegation should represent interested exec-

14. *Belgrade Follow-up Meeting*, *supra* note 9, at 84. Points 1 and 2 are clearly made in the Final Act and cannot in fact be claimed as accomplishments of Belgrade. Point 3 restates point 1. Points 4 and 5 state the United States negotiating posture and are not accomplishments in any real sense.

15. Sherer, *supra* note 10, at 84.

utive branch departments and agencies and, of course, should have high level substantive input from the United States Commission on Security and Cooperation in Europe. At Belgrade the delegation was criticized for allowing too much private input from individuals who presented statements to the Conference without any real appreciation for the broader framework of the discussions. While there may be room for selected representatives of private groups, these representatives should be kept to a minimum and required to spend enough time with the delegation so that they understand their role, the positions of other participants, and the degree of restraint that may be advisable in dealing with the press. Persons and organizations unable to make a material contribution to the work of the delegation should be allowed to participate only as observers.

C. Procedure and Negotiating Mode

Since the consensus rule may be changed only by consensus, there is no doubt that this important element of the CSCE process will challenge the United States delegation in Madrid. The result will be that "confrontation" as a negotiating strategy is bound to fail and that a negotiating posture much closer to the "compromise" position described above will have to be adopted. This strategy will, no doubt, frustrate a number of United States human rights activists.

If the Final Act tells us what must be done to achieve detente and if follow-up is to review progress and reinvigorate the process, it should be apparent that confrontation is not suitable in any case. Detente is an effort to find common ground between peoples of differing social, political, and economic systems. The participating States will "broaden, deepen and make continuing and lasting the process of detente"¹⁶ only if they determine such a policy to be in their respective interests. The development of detente must be freely assumed by each participant; it cannot be coerced from without. CSCE is the forum where participants grope to define those limited areas wherein they can cooperate to their mutual advantage. The theory is that, as the process unfolds, these areas will expand in an atmosphere of growing mutual trust.¹⁷ There is room at CSCE for criticism of others; but criti-

16. *Final Act*, *supra* note 1, at Preamble, para. 5.

17. This concept, in the author's view, may well be a bit naive, but this does

cism must be carefully circumscribed so as to minimize damage to the fragile process itself. While we cannot ignore participants' failure to implement the document satisfactorily, CSCE should not become another U.N.-style forum in which nations merely debate each other's shortcomings. It was designed for a different purpose, and the negotiating mode selected must be suitable to that purpose.

The United States delegation should go to Madrid in a spirit of conciliation, searching for common ground wherever it can be found and criticizing others, more in sorrow than in anger.

VI. THE SUBSTANTIVE DISCUSSIONS

Can concrete progress be made during multilateral review of a legally non-binding document, which contains many loopholes, where every step taken must be by consensus and relations between the principal participants are severely strained? The answer may well be "no." It is conceivable that by next fall the Afghan invasion, Olympic boycott, and attendant bad feelings will all have been resolved and that the desire to make amends will run strong on all sides. Such a turn of events could produce an atmosphere in which real progress would greatly exceed any reasonable current expectation. Somewhat more likely, the Soviets will still be mired in Afghanistan, the Olympic boycott will have taken place, and relations will remain extremely poor. Under these conditions, the Madrid meetings might not even take place. The greatest probability is that we will be somewhere between these two extremes in a negotiating environment that cannot now be predicted. Given these variables, I would conclude that United States substantive strategy, while remaining flexible, should be organized along the following lines.

A. *Review of Compliance*

The Final Act states that review of compliance is one of the purposes of follow-up, and Belgrade confirmed everyone's expectations in this regard. Some time must therefore be devoted to this task. The United States must be fair in allowing equal treat-

not mean it should not be attempted. The problem for a democracy, in recent years, has been carrying water on both shoulders—building detente while maintaining adequate resources to protect its interests in the event detente fails. An adequate national defense must accompany any attempt at detente.

ment of all parts of the text. When reviewing compliance with Principle VII and the Basket III texts, the United States will want to cite specific examples of human rights violations by other participants, including the Soviets. It should avoid polemics, however, and handle these discussions in a way that minimizes irritation. Having stated its views for the record, the United States should allow the meeting to pass on to other subjects. Absent some dramatic change in the negotiating environment, the bitter truth is that major improvements in the human rights field are not possible at Madrid. If the United States holds the meeting hostage, as it did at Belgrade, to further unrealistic human rights objectives, it will only embitter its adversaries, offend its allies, and poison the CSCE process.

It has to be noted that a review of implementation may not be of benefit only to the West. Because the United States and other Western signatories refuse to attend the 1980 Summer Olympic Games in Moscow, the Soviets and their allies will, no doubt, roundly castigate the West for failure to implement the Basket III text on cooperation in the field of sports. This provision states in part: "The participating States will encourage contacts and exchanges of [existing links and cooperation in the field of sport] including sports meetings and competitions of all sorts on the basis of the established international rules, regulations and practice."¹⁸ The Soviets will argue that this language commits Western nations to encourage participation in events like the Olympic games.

The Soviets will no doubt similarly complain that, by placing an embargo on high technology transfers and the sale of agricultural products and phosphates for fertilizers to the U.S.S.R., the United States has violated Basket II commitments to:

promote, on the basis of the modalities of their economic cooperation, the extension of their mutual trade in goods and services and to ensure conditions favorable to such development . . . encourage the expansion of trade on as broad a multilateral basis as possible, thereby endeavoring to utilize the various economic and commercial possibilities, . . . endeavor to reduce or progressively eliminate all kinds of obstacles to the development of trade; [and] . . . foster a steady growth of trade by avoiding as far as possible abrupt fluctuations in their trade. . . .¹⁹

18. *Final Act*, *supra* note 1, at BASKET III, § 1 (g).

19. *Id.* at BASKET II, § 1, "General Provisions," paras. 4, 10.

The Soviets will also argue that the participating States have an obligation to promote the growth of bilateral trade and that trade cannot be used as a political weapon under the Final Act.

The United States will be obliged to fall back on loopholes in the text in responding to these arguments. Western delegations can cite language throughout the Final Act which indicates that cooperation "should take place in full respect for the principles guiding relations among participating States as set forth in the relevant document."²⁰ Principle II of the Declaration of Principles provides, "The participating States will refrain in their mutual relations, as well as in their international relations in general, from the further use of force against the territorial integrity or political independence of any State."²¹ Principle VIII further declares that "by virtue of the principle of equal rights and self determination of peoples, all peoples always have the right, in full freedom, to determine . . . their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development."²² The West could argue that, since the Soviets have obviously violated these Principles by using force against the government, people, territorial integrity, and political independence of Afghanistan, in disregard for their rights of self-determination, it is not obliged and cannot be expected to implement the Basket II provisions on trade and the Basket III text on sport.

If the Soviets choose to respond, they will of course deny that they have violated Principles II and VIII. They may, in addition, argue that the Declaration on Principles states that it "does not affect [their] rights and obligations nor the corresponding treaties and other agreements and arrangements"²³ and that their actions in Afghanistan were prompted by a legitimate agreement negotiated between that government and the government of the Soviet Union.

Aside from the fact that any such exchange of views will be highly unproductive, the West could actually do itself a real disservice. To the extent the Basket II and III texts are considered qualified political commitments, the East European participants do not have to implement Basket III until the political climate is

20. *Id.* at BASKET II, Preamble, para. 9; BASKET III, Preamble, para. 4.

21. *Id.* at BASKET I, § 1, Principle II, para. 1.

22. *Id.* at Principle VIII, para. 2.

23. *Id.* at Principle X, para. 6.

to their liking or as long as they can argue that the West is violating some Principle. Again, this is an area in which the United States and its allies should say as little as possible. Review of implementation at Madrid should be accomplished rapidly.

B. *Concrete Measures*

As with the review of implementation, every effort should be made to encourage concrete progress in a few selected areas of interest to a large number of participants. Where Soviet interests can be accommodated, the West should prepare and coordinate positions on those issues.

1. Human Rights

While sweeping progress in human rights will not be feasible, it is conceivable that limited progress could be made in one or two areas that least threaten the Eastern bloc. Though it is difficult to formulate practical specific proposals without access to information that the government receives, the United States public would be greatly interested in concrete progress in the following areas:

1. The means by which the signatory states will implement their commitment in Principle VII to "the right of the individual to know and act upon his rights and duties in this field" (Suppression of action groups organized specifically to exercise this right would seem a clear violation of the Principle.);
2. Treatment of journalists;
3. Visa procedures; and
4. Reunification of families.

Progress in any of these areas may well be impossible, and if this is the case, the United States and its allies should be prepared to turn to other subjects. The Final Act deals with a myriad of areas. Perhaps 1980 will be the year to rediscover some of the promising aspects of the text beyond the human rights provisions.

2. Confidence Building Measures

One area that is not only topical but holds real possibilities for progress is the Basket I text dealing with confidence-building measures. This section of the Final Act requires that participants engaging in major military maneuvers, involving 25,000 or more

troops in Europe, notify other participants to that effect.²⁴ Notification of smaller maneuvers is also encouraged.²⁵ To the extent these provisions remove the sinister character of military maneuvers and movements, they increase confidence. The Madrid review meeting could provide a timely discussion of this issue. A May 1979 Warsaw Pact communique, reported that signatories are:

ready to reach an agreement on preliminary notifications with regard to considerable troop movements in that area, with regard to big air force exercises in that area, and with regard to big naval exercises carried out near the territorial waters of other states which participated in the all-European conference. The countries represented at the session are also ready to reach an agreement on non-expansion of the military and political groupings in Europe, on restricting the level of military exercises, and on extending to the Mediterranean region measures to build up confidence. They are prepared to examine with the greatest attention to the other proposals aimed at the consolidating trust among states and military detente.²⁶

It is clear that the East European governments are ready to consider new confidence-building measures, including notification of troop movements, in Madrid.

3. Protection of Diplomats and Terrorism

The holding of United States diplomatic personnel as hostages in Iran again focuses world attention on the necessity for clear rules concerning diplomatic immunity, including the determination of states to protect foreign diplomatic personnel. At Belgrade the Soviets introduced a proposal that would extend greater protection to official and quasi-official foreign representatives.²⁷ While the proposed text was brief, general, and rather unpromising, this area might be examined. It would be useful to have on record a statement from the thirty-five participants deploring all

24. *Id.* at BASKET I, § 2, "Prior Notification of Major Military Manoeuvres," para. 2.

25. *Id.* Negotiators examined the possibility of requiring notification of major military movements, but agreement was not forthcoming.

26. Warsaw Pact Communique, May 16, 1979 as appeared in FBIS III, 18 May 1979, USSR Int'l Aff (Communist Relations) BBI.

27. Belgrade Meeting No. 9 (BM/9). Proposals introduced during the Belgrade meeting were not published.

forms of abuse of diplomatic personnel for political purposes. Perhaps such a statement could be integrated with a version of the Belgrade "Proposal to Condemn Terrorism" made by the Federal Republic of Germany.²⁸

4. Other Areas

Belgrade produced enough proposals to keep the State Department busy for five years. Though many of these proposals are not acceptable in their present form, the United States should sift through them and, in consultation with its allies, distill two or three which would advance detente and be acceptable to both the Eastern bloc and the neutrals. The extensive list of proposals, provided in the "Annotated Bibliography of United States Government Documents" contained within this issue, conveys some of the flavor of the scope and potential of the CSCE process. The United States will have another chance to keep that process alive at Madrid. It must approach this opportunity in a manner that is most likely to succeed in the peculiar Helsinki environment. With a constancy of purpose, a clear conception of the nature of the task, and a bit of luck, modest success should be attainable.

28. *Id.* No. 67 (BM/67).

