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The present state of the "Third Basket" in the
Conference on Security and Co-operation in Europe

As you know, the second phase of the CSCE, now in progress, is centered around four problem areas or "baskets", according to the agenda approved at the first phase of the Conference in June 1973 ("blue book"). The first, and politically most important, basket deals with "questions relating to security in Europe" including "principles of primary significance guiding the mutual relations of the participating States" and "confidence-building measures such as the prior notification of major military manoeuvres". The second basket deals with "co-operation in the fields of economics, of science and technology, and of environment". The third basket is plainly entitled "co-operation in humanitarian and other fields" and it covers four subdivisions: (1) "human contacts", (2) "information", (3) "co-operation and exchanges in the field of culture" and (4) "co-operation and exchange in the field of education". The fourth major problem area being covered by the Conference deals with "follow-up to the conference".

Like the others, the third basket has been under continuous and intensive discussion from last September on - with minor breaks for holidays - in various formations composed of the delegations sent to Geneva by the 35 participating countries. At present most of the delegates have left Geneva for their "bases" to return in early September with the latest political instructions from their governments. The time table for the continuation of the present second working phase has not been fixed beyond September, but it is evident that fulfilling the mandate of the Helsinki Recommendations will require additional work lasting some weeks: the Conference has not so far been particularly efficient in producing a final text, of which a good part remains to be drafted. With regard to the third basket, over a hundred proposals have been dropped into each of its four subdivisions by the delegations, and even if these mostly mean just a few passages and are largely variations of the limited number of themes listed in the "blue book", political drafting work always takes its time - up to now it has taken over ten months to produce just a thin pile of pages registered as "final text".

Naturally, speed is not determined by technical editing procedures but rather by political will. Up to now the political will has not been determined and unanimous enough to let the Conference proceed as quickly as the practical machinery would have allowed; only the second basket (with its relatively 'technocratic' substance) has been able to advance fairly close to its final point. On the other hand, the Conference has been far from unproductive during these ten months: even if the final baby has not yet been born, a good deal of substantial and political material has been generated and accumulated for what might turn out to be a rapid and comprehensive production, in the area of the third basket as well as others. And at present there are indeed many signs of a fairly smooth completion of the second phase and the convening of the final third phase as a summit meeting before the end of this year.

One of the promising signs in this respect is the "package deal" made in Geneva at the end of July, about a week ago. It was agreed that within the principles listed in the first basket it will be laid down on the one hand that each sovereign state has the right to determine its own laws and regulations, and on the other hand that the rights guaranteed by sovereignty will be exercised in harmony with international law and obligations such as those approved by the Conference. The problem of national sovereignty is thus solved by a liberal two-tailed formula which to a great extent leaves it to each situation to determine - and each State to interpret - which approach is more relevant than the other: a sovereign State's right for independence, or the obligation of an international norm.

Incidentally, this solution has kind of parallel in the Declaration of the Principles of International Cultural Co-operation which the General Conference of Unesco unanimously adopted in 1966. The last Article XI of this Declaration reads as follows:

- "1. In their cultural relations, States shall bear in mind the principles of the United Nations. In seeking to achieve international co-operation, they shall respect the sovereign equality of States and shall refrain from intervention in matters which are essentially within the domestic jurisdiction of any State.
2. The principles of this Declaration shall be applied with due regard for human rights and fundamental freedoms."

Hence we may note that the elements of this "package" are not entirely new but have successfully been used before within the framework of Unesco.

But the present "package" includes a further component which is to be found in the third basket. It was agreed that the preamble to the proposals for "co-operation in humanitarian and other fields" will make a reference to the above principles of the first basket by noting that the operations listed under the third basket should be carried out with full respect for the principles guiding relations among the participating States.

This was the diplomatic way of overcoming a fundamental dilemma which has accompanied the Conference from its first days. The Socialist countries have been willing to approve an increase in contacts between people and in dissemination of information, etc. only on condition that this takes place in accordance with the laws and customs of each country and on the basis of non-interference in internal affairs. The Western countries for their part have regarded these conditions as a means of watering down the whole substance of the third basket and therefore have not approved the Eastern proposals for making such provisions explicit in the preamble to the third basket.

This dilemma at the same time exemplifies the fundamental difference in approach which the Eastern and Western countries have with regards to the issues of cultural exchange and free flow of information. While Western states say that increased measures in the field of the third basket automatically advance détente, Eastern states rather see that improved security will lead to more measures and that one should be selective in choosing the means for cultural and informational co-operation.

It goes without saying that the "package deal" was a typical compromise whereby all participants retreated from their original positions.

The solution achieved has eliminated a major procedural obstacle from the Conference. Since the separate baskets have in fact been tied to each other by 'internal logical links', no major progress was possible in, say, the first basket without a corresponding progress in, say, the third one. And the third basket did not really advance because of the fundamental disagreement on the preamble. As the final text of the preamble to the third basket (constituting no more than four paragraphs) has now been registered, the rest of the text under this headline - the operative part of basket three -

will be relatively easy to formulate from the elements accumulated in the course of 'slow progress'. In addition, this basket has ceased to function as a procedural break to advance in the first basket.

So the "package deal" has been significant from both a technical and a substantial point of view. It is worth here to recall what President Kekkonen said in a speech on the progress of the Conference at the end of May 1974, before the compromise was achieved:

"The mass media ... have voiced doubts occasionally as to whether the conference will prove successful in achieving the aims set for it. It has been presumed that the work of the conference has slowed down recently or entered a backwater. Perhaps these observations are not completely without justification. This is probably due to the fact that the major issues at the conference which concern the definition of inter-state relations and the strengthening of confidence between states and cooperation for the safeguarding of economic prosperity and enrichment of the spiritual life of the human individual contain such standpoints affecting the most fundamental bases of the policies of each country that for obvious reasons it has been difficult to find proper answers to the problems. However, the positive solution of the main issues of the conference is so vital to the peoples of Europe that all efforts must now be concentrated on the successful fulfilment of the hopes that were fixed on the conference when its work began."

As the Conference seems to have reached the stage of a favourable final drafting, we might on this occasion ask what will be the relation of Unesco to the proposals to be sealed in the forthcoming summit and the actions to be taken thereafter. Unesco's Director-General René Maheu, in speaking to relevant sub-committees of the Conference last February, said that Unesco can help to achieve the aims of this Conference with respect to education, science, culture and communication in two ways, namely providing a framework and an instrument for intergovernmental co-operation. It is in fact quite natural that Unesco will be one of the institutions to which the following phrase in the "blue book's" version of the third basket preamble applies: "The Committee shall also consider to what extent existing institutions could be used to achieve these aims."

It seems natural that Unesco will have a role as a - although not the only - follow-up organ of the Conference in the particular fields of cultural, scientific and educational co-operation, i.e. the two last subdivisions of the third basket. One might also expect Unesco would be needed in carrying out co-operation in the field of science and technology within the mandate of the second basket. With regard to communication and human contacts, on the other hand, it does not seem equally evident that all the European member states would be ready, at least at the present stage, to leave these 'hot' fields to be looked after by an organisation in which they are after all not the only masters. There evidently will be some form of distinct continuation of the Conference, unrelated to the existing international institutions, and it is more probable than not that this will be the framework for some of the functions which Unesco certainly could do but will not be left to do in the present circumstances.

This situation introduces a problem for Unesco: to what extent should it abstain from activities belonging to this 'hot' field of intra-European politics, in which it has not specifically been invited to operate. It also introduces a problem for us European member states - not least the Nordic countries which in minister Marjatta Väänänen's words "desire to continuously be active in promoting this development (which in the last years has been taking place within Unesco's communication sector) on the basis of the cultural policy we pursue, and also because Unesco is the only international organ which - even at a European level - is truly representative, active in the fields of cultural exchange and communications".

It seems at least that in the forthcoming eighteenth General Conference of Unesco one should be quite careful not to back such items and recommendations in the programme and budget that would stand in contrast to what is expected to be the outcome of the CSCE.