

CONFERENCE ON SECURITY AND CO-OPERATION
IN EUROPE

HELSINKI FOLLOW-UP MEETING 1992

JOURNAL No. 50

22nd PLENARY MEETING (open)

1. Date: Wednesday, 8 July 1992

Opened: 11.35 a.m.

Closed: 1.05 p.m.

2. Chairman: Mr. L. Norberg (Sweden)

3. Subjects discussed:

Agenda item 5: Preparation of a document to be adopted at the Meeting of the Heads of State or Government of the participating States to be held on the occasion of the Helsinki Follow-up Meeting

Agenda item 6: Formal closure of the Meeting

4. Statements:

Agenda item 5: Finland (as Chairman of the Committee of the Whole)
Latvia, Holy See, Estonia, United States of America,
Czech and Slovak Federal Republic, Hungary, Norway,
United Kingdom, Malta, Azerbaijan, Finland

Agenda item 6: Executive Secretary, Chairman

5. Decisions:

- (a) The proposals submitted by the delegation of Finland concerning the Agenda (document CSCE/HM/7, dated 3 July 1992) and concerning the Organizational framework, work programme and other modalities for the Helsinki Summit 1992 of Heads of State or Government of the participating States of the CSCE (document CSCE/HM/8, dated 3 July 1992) were adopted and will appear in document CSCE/HM/Dec.1 and CSCE/HM/Dec.2 respectively.
- (b) There was consensus on the Draft CSCE Helsinki Document 1992 as amended by the delegation of Liechtenstein during the meeting.
- (c) In connection with paragraph (8) of Chapter I, page 2, of the Helsinki Decisions concerning the working methods of the Council:

"It is understood that the following arrangements will be applied in conducting the meetings of the Council: the draft agenda for the meetings of the Council will be divided into items on which preliminary agreement, subject to final decision by the Council, has already been obtained by the CSO, and items which are subject to discussion and possible decision by the Council. When considering the latter items the Council will meet in restricted session, and the debate on these items may be based on keynote speakers."

6. Chairman's statement:

"Taking into account the aide-mémoire of the Holy See dated 2 June 1992, circulated by the Chairman-in-Office to all the members of the Council of Ministers (CSCE Communication No. 193 of 5 June 1992), it is understood that, without prejudice either to the full participation of the Holy See in the CSCE or to its resulting rights and obligations, the form of its contribution to the activities of the Conference will be in keeping with its specific nature as a sovereign subject of international law. For this reason, this form of contribution should not be regarded as constituting a precedent."

This statement met with no objection.

7. Interpretative statements under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations:

By the delegation of Kyrgyzstan:

"The Republic of Kyrgyzstan, recalling the definition of the zone of application set out in the Vienna Document 1992, proceeds on the understanding that references to the area of application in the mandate of the CSCE Forum for Security Co-operation do not prejudice the right of the Republic of Kyrgyzstan to determine its zone of application in respect of the Vienna Document 1992 and of the new measures under paragraphs 1 to 3 of the Programme for Immediate Action in the areas adjacent to the territories of non-participating States in accordance with the provisions of the Helsinki Final Act of 1975, and to discuss these issues at the relevant negotiations within the framework of the Forum."

By the delegation of Kazakhstan:

"We have been following closely and with interest the discussion on the mandate for a Forum for security negotiations. The new security environment in Europe as well as in Eurasia will to a large extent be influenced by the new negotiations and any results that may be reached in the Forum.

My country, as was stated in our letter to the Chairman of the Prague Meeting, is ready to comply with all its commitments deriving from various CSCE documents including the Vienna Document 1990 on confidence- and security-building measures.

In this context I would like to make a reference to Annexes I and V of the Vienna Document 1992 on the zone of application and how the temporary difficulties could be dealt with.

Having followed this last phase of deliberations in Working Group 2, we have realized that the matter of the area of application of the new or improved measures which will be developed in the Forum still remains to be settled. I would like to state that this issue is of importance for my country. To what extent our territory will be included in the area of application will depend on the principles in the Helsinki Final Act of 1975, the Madrid mandate, the Vienna Document 1992 and the language we will formulate in the mandate for a Forum. This language should be in line with the principle of the indivisibility of security and respect for the rights of all States under the relevant CSCE documents."

By the delegation of Turkey:

"On the occasion of the adoption of the Helsinki Decisions of the CSCE, the delegation of the Republic of Turkey wishes to refer to its statement at the Copenhagen and Moscow Meetings on the Human Dimension to the effect that, according to the Turkish constitutional system, the word "minorities" encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party.

This is without prejudice to the constitutional principle that all citizens are equal before the law, enjoy the same rights and have the same obligations without discrimination, regardless of their sex, religion, race or ethnic origin."

By the delegation of Cyprus:

"In reply to the interpretative statement made by the delegation of Turkey, the delegation of Cyprus wishes to reiterate the following:

The decisions of the CSCE Helsinki Meeting adopted by consensus today according to Rule 69 of the Rules of Procedure are equally binding on all participating States without exception or selectivity.

The interpretative statement of the delegation of Turkey is therefore of no effect."

By the delegation of Austria, on behalf of the delegations of Austria, Germany, Denmark, Finland, Slovenia, Sweden and Switzerland:

"With regard to paragraph (5b) of the provisions concerning the High Commissioner on National Minorities, Austria as well as Germany, Denmark; Finland, Slovenia, Sweden and Switzerland make the following interpretative statement:

This provision does not prejudice in any way the possibility for the participating States to raise, comprehensively consider and deal with national minorities issues in the CSCE on the basis of CSCE principles and commitments.

We understand that this provision will be applied in such a way that the effective exercise of the functions of the High Commissioner is ensured."

By the delegation of Switzerland:

"The delegation of Switzerland makes the following interpretative statement in regard to paragraph 25 of the Helsinki Summit Declaration and Chapter IV, paragraph (2) of the Decisions in the Helsinki Document 1992 just adopted.

Switzerland, although not a Member of the United Nations, pursues a foreign policy which is consistent with the Purposes and Principles of the United Nations. Switzerland consequently fully supports the statement that the CSCE is a regional arrangement within the meaning of Chapter VIII of the Charter of the United Nations. However, should the Security Council, on the basis of article 53 of the Charter of the United Nations, call on the CSCE to take enforcement action under its authority, Switzerland, as a non-Member State of the United Nations, would have to decide on a case-by-case basis whether and in what manner it will take part in such action.

The Swiss delegation requests the Secretariat to publish this statement in the Journal of the day."

By the delegation of the Russian Federation:

"The adoption of the new CSCE scale of distribution will not serve as a precedent, including in relation to international organizations, for settling the issue of apportioning the USSR's external debt and assets among the States concerned."

By the delegation of Ukraine:

"As a result of the discussions held in the working organs of the Helsinki Meeting on the distribution of the expenses of the CSCE among the participating States, it was decided, as is known, to assess Ukraine at 1.75 per cent. In view of the current extremely difficult economic position of Ukraine, of which we have spoken more than once, our delegation considered this rate to be too high. Nevertheless, we agreed with the rate set, not wishing to stand in the way of the consensus.

There is no doubt that Ukraine has considerable economic potential and we are convinced that its capacities will be fulfilled in time in the interests of the Ukrainian people and the development of multilateral co-operation with foreign countries. However, we cannot fail to take

into account the current acute crisis in the economic situation of Ukraine. We cannot fail to take into account that, in the past, the economic indicators of Ukraine were deliberately set too high while heavy capital investments in military production were passed over in silence.

Today Ukraine is experiencing a sharp decrease in its national income, and in the volume of production. Considerable resources are being channelled towards the conversion of production and to changing its structure and also to dealing with heightened social problems.

Both the current task of mitigating the consequences of the Chernobyl disaster and the efforts to restore justice in relation to the peoples who were unlawfully deported during the Stalin era call for the expenditure of huge resources.

A very important factor to be taken into account is Ukraine's solvency, which is very limited and is even further constrained by the need to contribute considerable sums as Ukraine's share of servicing the former USSR's foreign debt (16.4 per cent).

The present Government of Ukraine is conducting a realistic assessment of the country's economic indicators, in accordance with international standards, and this will provide a true picture of our capacities.

In this connection, our delegation would like to state that Ukraine reserves the right to raise the question, in the relevant CSCE fora, of the review of the rate of its contribution, taking into account its current economic situation and solvency.

Mr. Chairman, I request you to include this interpretative statement in the Journal of the day."

By the delegation of Poland:

"In connection with the section in the Helsinki Decisions document "Framework for monitoring compliance with CSCE commitments and for promoting co-operation in the Human Dimension", the delegation of Poland would like to recall the statement it made on 10 January 1992 at the CSO on the obligations of the host country with regard to the premises of the ODIHR, which do not entail bearing the costs of the premises for the implementation meetings on Human Dimension issues. It is the understanding of the Polish delegation that the same interpretation applies, mutatis mutandis, to the costs of premises for the Human Dimension seminars to be held at the seat of the ODIHR.

I would like to ask you, Mr. Chairman, to record this statement in the Journal of the day."

By the delegation of the United Kingdom:

"The United Kingdom welcomes the adoption by consensus of the Helsinki Document 1992 including those provisions in the Helsinki Decisions relating to the establishment of the High Commissioner on National Minorities and to the dispatch of fact-finding and rapporteur missions.

In this context, and if the services of the High Commissioner on National Minorities, or fact-finding and/or rapporteur missions, are required in the territory of the United Kingdom, the United Kingdom

wishes to state that it would act in accordance with the following interpretation of paragraphs (11c), (12), (27), (29) and (33) of Chapter II and paragraph (14) of Chapter III of the Helsinki Decisions. In order to protect public safety or national security, the United Kingdom might be obliged to decline or to regulate access at a particular time or to a particular place proposed by the High Commissioner or the mission. The United Kingdom states that such action would be taken only when absolutely necessary and would have effect only for so long as is required.

The United Kingdom further states that, in such circumstances, it will immediately enter into consultations with the High Commissioner or the mission in order to clarify the situation and seek agreement on arrangements to enable the High Commissioner or the mission to obtain as much information as is practicable, and that, if such agreement cannot be reached, it will bring the matter at the earliest opportunity to the attention of the Committee of Senior Officials."

By the delegation of Moldova:

"I should like to make an interpretative statement in connection with the Summit Declaration just adopted by the Plenary:

Paragraph 15 of the Declaration refers to the "stationing of foreign armed forces on the territories of the Baltic States without the required consent of those countries".

Furthermore, the Declaration states that "in line with basic principles of international law and in order to prevent any possible conflict, ... the participating States concerned [must] conclude, without delay, appropriate bilateral agreements, including timetables, for the early, orderly and complete withdrawal of such foreign troops ...".

I should like to state that these provisions are equally applicable to the Republic of Moldova. My country is faced with a similar situation and the withdrawal of foreign troops from its territory is an essential prerequisite for the peaceful settlement of the conflict in the eastern part of my country."

By the delegation of Armenia:

- (a) "With regard to Chapter II, paragraph (5b) of the provisions concerning the High Commissioner on National Minorities, Armenia makes the following interpretative statement:

Our understanding is that the provision that the High Commissioner will not consider national minority issues in situations involving organized acts of terrorism reflects the unanimous condemnation of terrorism, but does not prejudice in any way the possibility for a comprehensive consideration of minorities issues in the CSCE. Paragraph (5b) is to be read in relation to the function of the High Commissioner as an instrument of "early warning" and "early action" and in recognition of the fact that situations involving organized acts of terrorism will as a rule have developed beyond an early warning stage."

- (b) "The fight against organized crime, including terrorism, is one of the priority activities of the domestic and foreign policy of the Republic of Armenia. In this connection, I would like to point out that we consider paragraph 26 of the Helsinki Summit Declaration regarding the fight against terrorism to be inadequate. Bearing in mind in particular that the aspiration of peoples to exercise their inalienable right to national self-determination is frequently described by those who oppose this movement as "terrorism", it must be noted that paragraph 26 of the Declaration fails to draw a sufficiently clear legal and political distinction between these two concepts.

In an effort to contribute to the successful conclusion of work on the Helsinki Summit Declaration, the delegation of Armenia refrained from hindering the inclusion in the document of paragraph 26 in its present form.

It is our understanding that the provisions contained in paragraph 26 will be implemented in conformity with the generally applicable norms of international law and with all the fundamental principles of the Helsinki Final Act, including those concerning respect for the right of peoples to self-determination."

By the delegation of France:

- (a) "France interprets the provisions of paragraphs (28) and (46)A.3 of Chapter V of the Document concerning the CSCE Forum for Security Co-operation as meaning that the assurances that the participating States choose to offer in respect of their conventional forces located outside the area of the Treaty on Conventional Armed Forces in Europe will be determining factors to be taken into account in the negotiation and possible adoption of new stabilizing and confidence-building measures. It is in the light of the assurances that it will have received in this field and to the extent that these offer sufficient guarantees of non-circumvention that it will, for its part, envisage joining the consensus for the adoption of new measures.

I should like this interpretative statement to be included in the Journal of the day."

- (b) "The delegation of France points out that France's thinking on human rights issues is based in particular on a universal principle: all human beings are born free and equal in dignity and rights. The French Constitution draws on this principle and provides in article 2 that France is an indivisible Republic and ensures the equality of all its citizens without distinction as to origin, race or religion. It is in this light that the French Government has interpreted article 27 of the United Nations International Covenant on Civil and Political Rights and that it will interpret the provisions of the final document concerning the High Commissioner on National Minorities."

By the delegation of Turkey:

"The Government of Turkey had formally placed a reservation regarding the representation of Cyprus at the CSCE on 31 July 1975 (CSCE/III/I). The same reservation has been placed at subsequent meetings within the context of the CSCE. We wish to make a similar statement on the

occasion of the adoption of the 'CSCE Helsinki Document 1992 - The Challenges of Change'.

'The Republic of Cyprus', which was established in accordance with international treaties on the basis of a partnership between the two peoples of the Island, ceased to exist as such after its Constitution was unilaterally and unlawfully abrogated in 1963 by the Greek Cypriot side by the use of force, despite the protestations and resistance of the Turkish Cypriot side. The Greek Cypriot Administration has ever since represented exclusively the Greek Cypriots and their interests. As a guarantor power under the 1960 Treaty of Guarantee, Turkey does not recognize this administration or its claims for legitimacy.

There is no single authority which, in fact or in law, jointly represents or is competent to represent the Turkish Cypriots and the Greek Cypriots, and consequently Cyprus as a whole. This is one of the main issues which has to be settled by the negotiating process which is being pursued between the Turkish Cypriot and the Greek Cypriot leaders on the basis of equality.

The Turkish Cypriot people are represented by the Government of the Turkish Republic of Northern Cyprus which was recognized by Turkey in 1983.

Due to the reasons stated above, the representation of Cyprus by the Greek Cypriot administration at the CSCE is neither legal nor legitimate. Therefore, the Government of the Republic of Turkey declares that the 'CSCE Helsinki Document 1992 - The Challenges of Change' will have no validity or applicability as regards and in relation to the Turkish Republic of Northern Cyprus and Turkish Cypriots.

Similarly, the commitments assumed by the Republic of Turkey under these documents will have no validity or applicability as regards and in relation to Cyprus and they do not create obligations for Turkey in that respect."

8. Closure of the meeting:

The Chairman declared closed the Helsinki Follow-up Meeting of the Conference on Security and Co-operation in Europe.

5th MEETING OF THE COMMITTEE OF THE WHOLE

1. Date: Wednesday, 8 July 1992

Opened: 2.45 a.m.

Closed: 3.15 a.m.

2. Chairman: Mr. A. Karhilo (Finland)

3. Subjects discussed:

Final outcome of the Helsinki Follow-up Meeting and the manner in which it is to be endorsed by the CSCE Summit, as well as other questions relating to all Working Groups

4. Statements:

Poland, Netherlands, Russian Federation, United States of America, United Kingdom, Denmark, Bulgaria

Organizational matters: Chairman, Sweden, Czech and Slovak Federal Republic

5. Decisions:

The Committee of the Whole noted its agreement ad referendum on the Draft CSCE Helsinki Document 1992 and on its submission for the appropriate decision to be taken by the Plenary.