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 POLITICAL, SOCIOLOGICAL, AND MILITARY AFFAIRS

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ALBANIA

DEMOCRATIZATION OF LIFE IN ARMED FORCES URGED

Tirana RRUGA E PARTISE in Albanian July 1976 pp 46-54

[Article by Manxhar Binaj: "Strengthened Democratization of Life in the Army Is To Be Achieved in the Fight Against Alien Concepts and Attitudes"]

[Text] Our Labor Party and Comrade Enver Hoxha, regarding the army as an important part of our proletarian state, have taken and are taking care to see to it that it keeps ever pure its popular revolutionary character. In many party documents and Comrade Enver Hoxha's works we find a thorough theoretical treatment, an analysis of, and very rich experience in the all-around effort and struggle to perfect the democratization of life in the army within the framework of the revolutionization of the whole life of the country. Of especially great value are the ideas in the Open Letter of the Central Committee in 1966, the materials of the 5th and 6th congresses, the 6th and 7th plenums of the Central Committee in 1974, and Comrade Enver Hoxha's speeches during these last few years.

Armed with the highly prized Marxist-Leninist teachings contained in those documents, the party organs and organizations are working to apply the line of the masses ever better in all the links and structures of defense, in order to strengthen and further perfect the relations between cadres and masses, the rendering of accounts by the organs, commands, staffs and cadres to the masses; and they are organizing and exercising worker control everywhere and on all problems with the participation of the soldiers. The discussions and analyses made in the spirit of the materials of the Fifth, Sixth and Seventh plenums of the Central Committee have enlivened and encouraged wide participation by the soldiers and cadres in solving problems, and have reinforced a correct understanding of the task and responsibility in training and in strengthening discipline and combat preparedness.

But Comrade Enver Hoxha teaches us that we must not be content with what we have achieved and merely make comparisons with the past. On the contrary, the communists, the cadres and the masses must look ever forward and go on discovering and combating everything that may obstruct the revolutionization of life in the army.

The Popular Character of our Army Itself Creates the Possibilities for Enforcing the Line of the Masses and Democratizing its Life

As is known, the character of the relationships in production in any country also determines the character of the superstructure, and hence also the character of the army as a part of it. The army in the capitalist and revisionist countries, although composed for the most part of sons of the people, is directed by representatives of the ruling classes and converted into a blind tool in the hands of the bourgeoisie, old or new, and is anti-people, oppressive and reactionary. It is used by the capitalists and revisionists to oppress, enslave and exploit other countries, to destroy and suppress revolutionary movements within the country and everywhere in the world. Because of their social origin, most of the soldiers in those countries remain dangerous elements for the bourgeois political and economic-social order. Therefore, the army remains isolated from the people, is shut up in barracks and directed by the military caste of generals, colonels and generally officers who belong to the ruling classes, who are compensated with fat salaries and enjoy innumerable privileges for the service which they render to the class of the old or new bourgeois, by subordinating the army and using demagoguery and especially the whip, physical injury, arrogance and imperiousness to make it into a tool for defending the interests and realizing the aims of the exploitative and oppressive ruling class.

With us, the army, both in its social composition and with regard to the objectives, mission and tasks which it performs, is a profoundly popular revolutionary army, an army of the dictatorship of the proletariat. With us, the soldiers and cadres are one and indivisible, they are sons of the people, the workers and the peasants. Between the soldiers and the cadres there are no conflicting interests; on the contrary, as class sons, they are fellow-fighters in the same camp; they help and teach each other to perform their tasks as well as possible, and to serve the fatherland of socialist society as well as possible. Our revolutionary people's army is characterized by certain essential features which make it radically different from the armies of the capitalist and revisionist countries.

First, our army is led by the party of the proletariat and is constantly nourished with its Marxist-Leninist teachings. In speaking of this, Comrade Enver Hoxha has emphasized that a revolutionary people's army cannot exist without being directed by the Marxist-Leninist party.

The Labor Party of Albania gives our People's Army correct political, ideological and military orientation and, by providing concrete leadership through its directing organizations and organs in all defense structures and in all links of the army, it effects the enforcement of that orientation, its directives and decisions. The party's leadership makes sure, in the field of defense as in all other sectors, that politics will always be put in first place, the policy of people above arms and technology, and that, thanks to all-around intensive educational work, our soldier will be first and foremost a political man, loyal unto death to the party's ideals, the interests

of the people and the socialist fatherland, and always clear about the purpose of his service, conscientious and ever ready to fulfill defense duties; and that, being equipped with modern weapons and technology, he will work with all his might to learn and master the people's military art, to harden himself physically in every way so as to be able to perform with honor the mission entrusted to him.

Second, its organic bond with the people, its blending into a single whole with them, constitutes another distinguishing feature of our revolutionary People's Army. Our army is not a group of isolated persons, but the whole people are soldiers. With us, the inspired idea of V. I. Lenin that "every soldier should be a citizen and every citizen a soldier" is daily finding more perfect forms of organization to the end that the worker in the factory, the cooperativist in the field, the student and pupil in the school, the soldier at his combat post, all as a single body led by the party, may work for the construction of socialism, learn for the prosperity of the country, and train and be on guard for the defense of the fatherland. This makes our army thoroughly popular and revolutionary, powerful and invincible. Experience shows that removal from the barracks, the arming and training of the whole soldier people not only does not disrupt and weaken the organization of our army, as a regular modern army, but makes it more compact, alert and powerful.

Third, the fact that our soldiers are fully aware of the mission entrusted to them is another distinctive feature of our revolutionary People's Army. Every member of our armed forces, whatever the structure to which he belongs, knows that the gun entrusted to him and the military training which he receives are needed to preserve the liberty, independence, and victories won with so much blood and sacrifice, to defend socialism, the happy days which we enjoy, the bright prospects which have been opened up to our people by the correct line of our glorious party. The members of the soldier-people, educated by the party in the importance of the task of defense as a duty above all others, fight with all their might to revolutionize their training, strengthen combat readiness and be prepared at any moment to crush anyone who might dare to violate in the least the boundaries of our socialist fatherland.

The Education of the Cadres with Proletarian Qualities Is the Basis for the Further Strengthening of Correct Relationships Between Cadres and Masses

As army problems are viewed and treated in this whole context of its popular character, the strengthening of correct relationships between cadres and masses is the main point in deepening the democratization of life in the army.

Since the study of the materials of the Central Committee plenums of the last few years and Comrade Enver Hoxha's speeches, the cadre-mass relations in the army have been further perfected. Now, the larger part of the officer cadres work, exercise and live together with the soldiers, they teach them

with patience and care, educate and drill them. Many of them have won the love and respect of the masses by taking part in various drives together with the soldiers, setting a personal example and adhering to a correct attitude.

But it would be a mistake to think that in this field everything is in order, that all the alien manifestations and practices have disappeared and that things are going smoothly. Life shows that there are still a good many problems requiring a further deepening in the understanding and practical execution of the party's orientations and Comrade Enver Hoxha's teachings. Any manifestation of self-complacency in this field has negative consequences and becomes an obstacle to the enforcement of the party line in the army.

As also demonstrated by practice, one of the main problems deserving greater attention is that of educating cadres with proletarian qualities. This is a key problem for the perfecting of cadre-mass relations. "The cadre," Comrade Enver Hoxha admonishes us, "must make revolution during his whole life, must be in revolution with himself and others. This must be a law: otherwise the cadre grows rusty and gets the petty-bourgeois sclerosis which has many names: haughtiness, arrogance, careerism..., and is filled with sloth and indolence, conceives illegitimate desires and ambitions, demands reprehensible positions outside of the law, gets formalistic about the party line and ideology, and thus his degeneration commences and grows."

To put into practice this admonition of the party it is necessary for every cadre to confront these teachings continually, to measure and weigh well his work and activity to see to what extent he has been in revolution with himself and others, how he has served the party, the people and the fatherland, and how he has served the masses and what he has learned from them.

The job of revolutionary education and hardening of the cadres is constantly growing. Everywhere efforts are being made to apply effective forms and methods. Many committees, bureaus and party organizations have seen and treated cases of alien manifestations, heedless concepts and attitudes on the part of some cadres toward the masses as a lack of ideological molding, and persistent work in studying the party documents and Comrade Enver Hoxha's works by the cadres and ideopolitical work in general as the most effective way of combating those manifestations and rooting in the cadres the qualities of the working class, the high moral virtues which characterized our partisans. Such traits as simplicity, the spirit of sacrifice, love for one's comrade, for work and common property, as well as the deep rooting of the lofty virtues of heroism, justice, patriotism, love of the fatherland, sincerity, and so forth, constitute the main axis of the ideopolitical work of the party organizations.

Practice confirms that in those military units in which the party organs and organizations have taken well in hand the job of studying and analyzing the party's materials and Comrade Enver Hoxha's teachings, where a comparison is made of the attitude of each one toward this or that question in their discussions, especially where a thematic study starting from the problems facing the organization or unit has been organized, the fight against cases of alien manifestations and attitudes has been very effective and the cadre-mass relations have been sounder. But in some military units where the study of the party materials is not yet a thorough one, and is not tied to life, it happens that alien manifestations recur, perhaps in new forms, but with the same content, such as manifestations of arrogance, imperiousness and haughtiness in the relationships between cadres and soldiers, between the cadres themselves in the superior-subordinate relationship, between active cadres and reservists.

In the military units there are many cadres who develop the teachings just as Comrade Enver Hoxha advises, "easy to understand, profound in thought and quick in execution." The soldiers speak with respect of those cadres, not merely about their ability, but primarily about the simplicity in their behavior, their partisanship in treating problems, their persistence in drill, in the enforcement of discipline and in the execution of the requirements of the regulations, orders and directives. It is precisely such cadres that one finds always in the midst of the soldiers, day and night, in drill, in educational work, in various operations and drives, and hence their units are also exemplary.

Continual Involvement of the Thinking of the Masses Is a Necessary Condition for Revolutionizing Life in the Army

The party has set the task of involving the creative thinking of the masses, of making consultation with the masses of soldiers and cadres in all the structures a permanent method and work habit for all the party organs and organizations, to the end that communists, cadres and the whole effective force may take part in working out the decisions and solving promptly the tasks having to do with the revolutionization of life in the army, with training and the strengthening of combat preparedness.

As a result of the persistent job done by the party organizations, the involvement of the thinking of the masses on many important problems of education, training, discipline and preparedness is becoming better. Many soldiers and cadres give valuable opinions and make concrete proposals as to how to conduct mass ideopolitical and cultural work better and tie it to practical tasks; as to how to perfect combat preparedness, by conducting it under conditions as close as possible to those of combat and full commitment; as to how to keep, preserve and repair equipment and weapons in a state of constant readiness; and as to how to strengthen and further perfect order, discipline and combat readiness.

But this thinking is not being constantly and fully elicited from everyone and about all the problems examined in the meetings of the party organ or organization, about all the analyses and programs of combat training made by the commands and staffs. The reasons for this are numerous, but the primary obstacle is the alien concepts underrating the role of the masses which are displayed by some cadres, who think that "there is nothing that the masses can give us: they do not know the problems," and so on. During the discussion of the drafting of the Sixth Five-Year Draft Plan too, the involvement of the thinking of the masses was done in a formal manner "from the office" in some units.

The party has continually admonished us that it is well, whenever we have tasks and problems to solve the matters to discuss and analyze, to first submit them to the masses and discuss them with the masses, then bring them to the forums to be examined and again return to the masses, since only through them will the appointed tasks find execution. But practice shows that to carry out this admonition and accomplish it properly and not just formally, it is necessary that the party bureaus, committees and organizations, as well as the commands, staffs and cadres go before the masses with plans, theses and orientations, leaving them time to think about and formulate comments, proposals and ideas. We stress this because in practice it sometimes happens that certain party organs, commands, staffs and cadres ask the soldiers for their opinions, comments and proposals without having said anything in advance to them and without having done any preparatory work to broaden their horizon. In these conditions, solicitation of the opinion of the masses is done in a formal manner, and the comments and proposals that they make are casual and not about the main problems.

Positive experience has been gained in this respect during the campaign for elections in the party. Before the meetings on the rendering of accounts and elections, a good many local party organizations spoke to the soldiers about the main problems concerning the unit and gave them time to think. Having acquainted themselves with these problems, the soldiers and cadres carefully and earnestly gave very valuable opinions as to what should be discussed and analyzed at the accountability and election meetings.

Of course, the most active participation of the masses of soldiers in expressing opinions, making comments and valuable proposals and then in the fight to put them into practice is directly connected with the degree of their awareness of their task and the mission which they perform, which is one of the most important and principal objects of all the political-ideological and educational work carried on with them. But, as we have pointed out, this active participation by the soldiers in giving opinions depends directly upon the degree of willingness of the cadres to solicit this opinion; indeed, we would stress that it should be solicited systematically and evaluated with all due seriousness. The abundant experience

of the military units shows that instruction and drill become more attractive in the process of combat training; they are easily understood and better mastered when the effectives have taken an active part in discussing instructional matters, have given their opinions and have made proposals as to how they can be conducted better. And this is the case precisely at points where the cadres, before each drill or instruction, ask for the opinions of the soldiers as to how to conduct them in the liveliest manner, under conditions close to those of combat, and evaluate those opinions. This stimulates the creative initiative and self-action of every soldier, elevates his responsibility with regard to duty, develops dynamism, strengthens faith in the accomplishment of the objective and in victory over the enemy.

But there are also cases where the soldiers do not take a lively part in giving opinions, in making comments, criticism and proposals. In such cases, the communists and cadres must concern themselves seriously and seek out the causes. And, as practice shows, this is the case as a rule where the voice of the soldiers is not heeded though it is sought, where there are problems that they have raised several times but have not gotten a solution, have received no answer: these attitudes sink the masses in passivity, cultivate indifference and have bad consequences. Therefore, the party admonishes us, the comments, criticisms and suggestions of the masses must be supported and encouraged by everyone and above all by the party organizations, which hold the commands, staffs and cadres accountable, so that they may solve the problems in time, give replies to them and also patiently enlighten the masses about those problems which have not found a settlement. Within this framework, it is necessary to combat severely any manifestation of the stifling of the voice of the masses, any attempt at revenge, any effort to solve problems "from the office," without consulting with the masses of soldiers and others, as is noted in some cases.

The Rendering of Accounts to the Masses of Soldiers by the Commands, Staffs and Cadres Must Be Made a Permanent Method of Work

Guided by the teachings and admonitions of the party and Comrade Enver Hoxha, the army is doing a great job of combating the old concepts and practices implying that "the masses are only there to be given orders and to execute tasks, not to demand an accounting." The rendering of accounts by commands, staffs and cadres in weekly and monthly analyses and at the end of each phase of training is now being practiced more satisfactorily. A positive point is the fact that when any cadre violates discipline or commits other mistakes, he is subjected to the open judgment of the collective. These confrontations have served to expose the causes that have led some cadres to fall into error and have helped to cure them, as well as to strengthen correct concepts with regard to cadre-mass and superior-subordinate relationships.

However, in this respect too there are still instances of reluctance, unclarity and underestimation. Some commands and staffs still do not give an accounting to the masses systematically and in an effective manner about important problems, since some cadres still harbor alien concepts, such as the "superiority of the cadres to the masses," "military hierarchy," "the authority of the superior, who renders an accounting to the organs and not to the masses of soldiers," and so on. There are also some cadres who are worried that, by rendering an accounting to the soldiers, "discipline may be destroyed or weakened, the soldiers may get on the necks of the cadres," and so on. This is the reason why some cadres of staffs shut themselves up in offices even when they go to assist and control, come to the soldiers with an air of importance, as "inspectors," do not communicate with them as comrade to comrade, who have the same aims and work every day to strengthen the defense capability of our socialist fatherland.

There is still another misunderstanding. Some commands, staffs and cadres imagine that accountings should be rendered to the masses only when mistakes are made, when serious events have occurred, such as the violation of the norms, orders and regulations. Of course, in such cases an accounting to the last detail needs to be given as the causes, the sources and the responsible persons have to be found. But this is not the whole thing in rendering accounts. The party admonishes us that the cadres and organs must submit to the systematic control and judgment of the masses not only when they err, but also when they do their work well. Precisely this has not been properly understood and assimilated by all, and therefore there have been some cases where the rendering of an accounting has been merely formal, just so far as to pass muster, with very general subjects and about secondary problems.

It is necessary to understand rightly that without destroying alien concepts the rendering of an accounting to the masses cannot become a habit in the method and style of work of the commands, staffs and cadres. Practice likewise shows that to put a stop to casualness in this work it is necessary: first, that the rendering of an accounting by the commands, staffs and cadres be guided and directed by the party organs and organizations; that it be properly prepared, organized and planned in time in order really to serve the purpose, the enforcement of the decisions and assigned tasks; second, it is necessary to create a correct understanding in everyone's mind that the rendering of an accounting to the masses is a party norm, without whose enforcement there can be no question of revolutionizing the commands, staffs and cadres, or of further democratizing all life in the army.

It is understandable that the commands, staffs and cadres must give an accounting to the masses of soldiers not only when they see it to be necessary and concerning those problems which seem reasonable to them, but also in every case and for every problem on which an accounting is demanded by the soldiers. Of special importance in this respect is the organization and development of worker and peasant control with the participation of the soldiers under the leadership of the party organizations and committees, on the basis of the decision of the Politburo of the Central Committee issued in December of last year concerning this matter.

The party committees, bureaus and local organizations in the army, striving to put into effect the party directives and Comrade Enver Hoxha's teachings, have organized and guided such controls on many important problems of training, education, technology and combat preparedness. But it must be stated that worker and peasant control in the army is still in its infancy and a good many cases are noted in practice which indicate misunderstandings and reluctance, especially with regard to the object of control, to the agencies and forums upon which it is exercised, and to the vigor with which it is exercised. In a good many cases it remains within the sphere of action of the soldiers and hardly goes beyond those bounds to enter into the sphere of activity of the party organs and local organizations, the commands, staffs and cadres.

Comrade Enver Hoxha teaches us that "...worker control with soldiers knows no limits, no hierarchy, no rank. It must be unleashed when it is known that it is necessary." And in order for it to swoop down in this way, it is necessary above all to root out every remnant of the erroneous notion that "the soldiers are not competent to control commands and staffs," and to deepen the ideopolitical work so as to raise to the utmost the consciousness of all the effectives, soldiers and cadres, communists and non-partisans, concerning the role and content of worker-peasant control, concerning its purpose, the forms or organization and the tasks which arise, in order that the control may include the essential problems in every field in the army and affect the most important questions of enforcing the party decisions and directives. It is likewise imperative to make control well organized by training the control groups carefully for each concrete case. Before proceeding to control, it is requisite to have a good knowledge of the respective party directives, decisions and provisions in force concerning those sectors and questions upon which control is to be exercised, bearing in mind the specifics, the situation and the problems of the unit in which the control is to be exercised. Regarding the exercise of worker and peasant control, as for every other problem, the party organs and organizations in the army must plan with care the objects and questions which are to be controlled, the ways and methods to be followed. At every step of this activity they should be guided by Comrade Enver Hoxha's admonition that "worker control must find a solution and concrete and correct enforcement in the army as well, and must therefore be organized in keeping with the conditions, peculiarities and problems of the army so that it will set the masses in motion and resolve the many problems that arise."

The party committees, bureaus and local organizations in the army, putting into effect the party directives and Comrade Enver Hoxha's teachings, are working better to democratize and further revolutionize all life in the army. The measures which have been and are being taken are strengthening still more the popular revolutionary character of our army, and are perfecting and continually increasing the training of the whole soldier-people so that in any eventuality they may be in full combat readiness to crush any enemy who might dare to touch our socialist fatherland.

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NEED FOR RIDDING STATE APPARATUS OF BUREAUCRACY

Tirana RRUGA E PARTISE in Albanian July 1976 pp 39-45

[Article by Myzejen Qinami and Nexhat Myftiu: "An Effective Measure for Revolutionizing and Preserving the State Apparatuses from the Danger of Bureaucracy"]

[Text] The Labor Party of Albania, consistently applying the teachings of Marxism-Leninism, has always striven to have the working class of our country perform not only its role as the principal producing force, but also its historic mission as the principal political force, as the leading hegemonic class in revolution and socialist construction. For this reason it has again and again taken and applied quite important measures to have the class take an active part in the direction of the country's life, both within the general state framework and directly in all links of the economy and the state administration, playing a most effective role in successfully solving the most fundamental problems.

But at present in our country, thanks to the great job which the party has done and is doing, and on the basis of the great and radical transformations that have taken place, a number of objective conditions have been created for wider and deeper participation by the working class in the direction and direct control of affairs. The incessant expansion of this participation, which is being done in a conscious manner, organized and directed by the party, has the purpose of having our working class insure the enforcement of the party line in all fields and sectors of life, raise to a higher degree its leading role as the directing force in the socialist society, and preserve and strengthen the proletarian character of our state.

1.

The working class insures the application of the Marxist-Leninist principle about its hegemony in revolution and socialist construction by exercising its directing role primarily through the party and its state, but also through its direct participation in matters concerning the government of the country and in direct control of the work of the organs and cadres directing the government, the economy and culture.

Our party has had constant care for the improvement of the social makeup of the organs of the government, the economy and the state administration, bringing into them as many elements as possible from the ranks of the working class. It has viewed this as a necessity and an objective historical requirement of great importance as to principle, theory and practice, having to do with the present and future of socialism in our country, as a concrete measure directly affecting the preservation of the revolutionary character of the dictatorship of the proletariat and the state apparatus. This requirement is dictated by the great historic mission of the working class itself, by the existence and development of the class struggle and the all-around bourgeois-revisionist pressure. It is now becoming more timely and necessary in order to carry to the end the fight against bureaucratism, which represents a real danger of degeneration of the dictatorship of the proletariat.

To avoid this danger, the party has always led, prepared and educated the working class with the revolutionary ideology and the proper political habits, so that it may act energetically and have its decisive say about the solution of the basic problems of revolution and socialist construction. This purpose is also served by bringing in elements with worker status and origin and by constantly improving the class makeup of the cadres in the central apparatuses. The party has deepened this process uninterruptedly in keeping with the development and deepening of our socialist revolution in all fields and by creating new favorable conditions for mass involvement of the working class in governing the country.

Particularly in the past year, a good job has been done in the central departments in the line of deepening the struggle against bureaucratism with regard to heightening the responsibility and conduct of the worker cadres. The worker composition of their apparatus in many departments has now reached more than 40 percent, and responsible managing positions such as deputy ministers, directors, branch secretaries, and so forth, have been filled with workers. This shows that the party directives on the heightening of responsibility and the bringing of workers into the state apparatuses have been well understood and are being correctly applied.

But the requirements and possibilities for deepening the work in this direction still more are great. What has been done so far is not the ultimate limit and therefore there is no room for any feeling of self-complacency or euphoria. There are departments where the percentages of the worker makeup in their apparatuses are still low. The fight to enforce the party's orientation and the admonition of Comrade Enver Hoxha about bringing workers into the central apparatuses and having them form the majority of their workers demands revolutionary action demolishing the obstructive notions, resistance and various obstacles encountered during the performance of this task. These obstacles and notions are nothing but manifestations of the class struggle going on in this direction between the revolutionary ideas and practices of our party and the working class on the one hand and the

concepts and manifestations of bureaucratism, technocratism and intellectualism on the other. The fact that until a year ago there was not a single cadre from the working class ranks in the leadership of the Ministry of Industry and Mines, in the Ministry of Agriculture, and so forth, which direct work sectors in which great masses of workers, peasants, tractor operators and other laborers serve, indicates that this problem, in spite of the correct orientations of the party, has not always been viewed by everyone with a political eye, as one of the ways of strengthening the dictatorship of the proletariat, but is seen and observed in a bureaucratic and "administrative" manner. And it is a fact that when it was proposed that elements from the working class be brought into those apparatuses, typical technocratic and intellectualistic ideas and actions emerged in certain cadres, such as the tendency to seek and find "confirmed" persons, cadres and specialists, a tendency nurtured by the mistaken notion that "only they are capable of doing directing and organizing work," whereas the workers "are still young, are not mature and do not have the requisite authority for work in the central department."

These alien bureaucratic, intellectualistic and careerist ideas prompted some cadres in the central departments to make a "fiery" defense of their jobs, putting up the argument that "there is a large volume of work in the ministries," that "there are enough difficulties," that "numerous qualifications are required," that "this or that sector is very delicate," that "the workers, with what capacity they have, will not cope at all with their task and will disgrace themselves," and so on. These "concerns" on the part of some cadres concealed the sick tendency to represent themselves as irreplaceable, the inclination to underestimate the working class and its managing and organizing ability. Such notions and tendencies caused those cadres to call it a calamity to be moved out since they thought of themselves as immovable "rocks" and imagined that the great problems could only be solved and put on the right track thanks to their own work, administration and direction. Those cadres forgot that it is not they who administer and direct, but the class which directs and makes the laws about them.

These alien concepts, which have not fully disappeared and still obstruct the bringing of workers into the apparatuses, deserve to be an object of the fight by the local party organizations of the departments, which must do continual, intensive and all-around political, ideological and organizational work to evaluate and understand this problem correctly and with as much ideological depth as possible. The aim is to combat and overcome the alien and obstructive obstacles and attitudes toward this problem, so that the workers may be welcomed as warmly as possible and helped to do a good job.

Among other things, it is necessary to understand thoroughly that this problem is not a matter of a temporary campaign, but a problem that has to be followed up continually and without interruption. In accordance with the

criteria established by the party, the movement and circulation of cadres from the center to the localities, the freshening of the apparatuses with cadres from the localities and from the production front are and constantly remain a permanent concern for the local party organizations and the heads of the departments.

2.

The coming of the workers to work and manage in the state apparatuses and central departments is not for the purpose of a mere adjustment of statistical reports on the social composition in the number of their workers. It is a measure having a profound ideological and political content, which, as such, must be understood and evaluated with due seriousness both by the workers, cadres, heads and directors of departments and by the workers themselves who come from the working class to work in them. Any formal and superficial conception and attitude toward this great problem would be harmful and dangerous.

The bringing of as many workers as possible into the central apparatuses and departments has been and is evaluated by our party as one of the ways to bring in, preserve and strengthen more and more the revolutionary spirit of the working class in those apparatuses. And life has shown that the workers who have come to work in the central departments have introduced and are introducing into them more and more of the determination, iron will, proletarian discipline and revolutionary elan of the working class, its wisdom, simplicity and maturity. By their work, their opinions, their proletarian attitude and conduct they are watching positively over the preservation and strengthening of the proletarian spirit in the ranks of the administrative and managing intelligentsia of the departments as well, over its equipment with revolutionary fervor and class alertness in solving the various problems, and over the revolutionization of the method and style of work.

Very meaningful in this respect is the action of the young worker in the Ministry of Light and Food Industries, fisherman Perparim Zajmi, who upon coming for duty to Vlore and noting weaknesses and shortcomings in the work of the fishermen, who returned from the sea without catching a fish, did not content himself with noting this, but stayed to solve the matter, went to the fishermen, put out to sea and worked together with them until they performed their daily task. Thus he was able to instill confidence in the fishers that the task could be performed if they worked persistently and carefully. He went away and brought up this problem also before the local party organization of the fishing enterprise and the Executive Committee of the District Party Committee, insistently demanding that the proper measures be taken to improve the situation. In spite of the difficulties he encountered, he did not lose heart. He told his opinions and comments to the local organization and also brought them to the center. The local party organization of the department, upon analyzing this problem, evaluated highly Comrade Perparim Zajmi's method and style of work and sought to have his example followed; and this also had a positive effect on other cadres of the department, who in such cases have contented themselves with mere observations and with giving

a few orders to the local organization and furnishing some information to the center, to the effect that they should reflect and try to improve their method and style of work. A comrade worker in the Ministry of Communications acted in a similar manner, giving his opinion about the shortcomings which he noted where he was on duty and taking measures on the spot to improve the situation, while in the meeting of the department collective he engaged in open criticism addressed to the respective directorate regarding poor work organization.

These cases and many others like them show that the workers who have come to work in the apparatuses of the central departments, aware of what the party and the class demand of them, have applied themselves courageously without fear of the fact that this is a new job and without flinching from certain initial difficulties. Leavened with the class ideology, they are not afflicted by the prejudice that "this job can only be done by those who are trained officials."

Indeed, these cadres have brought and are bringing about a noticeable improvement in the method and style of work of the central apparatuses, a vitalization and revolutionization of their activity. In a good many cases they have made comments and given valuable opinions as to how to revolutionize and further perfect the method and style of work of the apparatus. For example, in the Ministry of Light and Food Industries the cadres who have come from the ranks of the workers have forcefully brought up the problem that there are a large number of papers in the daily business of the departments and that there still exists the tendency to take the easier bureaucratic road, that of exchanging letters, even about matters that could very well be resolved to the benefit of the work by going to the localities and getting into direct contact with people. They have likewise criticized the weaknesses noted in the departments with regard to demanding an accounting about the performance of tasks, which has not been systematic and has been done in a spirit of compromise. Similarly, the new worker cadres who have come to the Ministry of Commerce have made comments about the method of work of the sectors, which have not worked by a monthly plan, or even when plans have been made, no accounting whatsoever has been demanded on this subject. In the fight against every tendency and practice of discussing problems in a superficial and general manner, with criticisms addressed to no single individual and without bringing out the responsibility of the one or the other, the departments are now doing everywhere a better job of fixing responsibility on those who are not in order with their work, concrete measures to regulate affairs are now being proposed and adopted, and the ties of their apparatuses with the localities have been greatly strengthened. In the Ministry of Health the cadres that have come from the ranks of the workers, among other things, have contributed to a good organization of reception of the people and resolution of the workers' requests, so that, whereas there was formerly much delay and procrastination in this respect, people are now received regularly, their requests are resolved better or the proper explanations are given to them.

The communist cadres coming into the departments from the workers' ranks have also vitalized the local party organizations everywhere with their spirit of criticism and self-criticism, their refusal to compromise with shortcomings, they have combated manifestations of bureaucratism, indifference, the lack of revolutionary vigilance and other things, and have introduced a combative spirit to defend and strictly enforce the party line. They have instilled the spirit of rendering accounts and have demanded that this also be done by the principal directing cadres of the departments, as one sees in the Ministry of Industry and Mines and elsewhere. They have insisted upon the fight against bureaucratic and technocratic judgments and actions, against liberal and indifferent attitudes toward control of the execution of the decisions and directives and in this respect have contributed to improving the work. All these things have caused the departments to feel every day more and more of the spirit of the working class, which has revolutionized the workers of those apparatuses and placed them in a healthier position.

3.

It is a very positive fact that the workers coming to the departments have everywhere been treated warmly. The main heads of the ministries have had contacts and close conversations with them, have shown due concern about creating for them a most healthful and warm working environment, intending to acquaint them as well as possible with the problems and concerns of the department, with the work in this or that sector, and to encourage them not to flinch from any difficulty that they may have initially as a result of the change in the nature of their work in bringing a strong working-class revolutionary spirit into the departments.

The worker cadres coming into the departments are fully able to perform the new task entrusted to them. Among them are many who possess great capacity and rich experience in organizing and directing. However, they need to be closely and concretely assisted to acquaint themselves as quickly and thoroughly as possible with the sectors and types of work, with the main problems and the tasks in which they will be engaged, just as other cadres who are old employees of a department have a great deal to learn from their revolutionary spirit, method and style of work. Hence, the problem of strengthening collaboration and mutual assistance, and of exchanging experience, and the level of the cadres with a work record in the departments and of the newly arrived cadres in them represent important problems that demand special care and attention both from the local party organizations and from the principal directors of those institutions.

Above all, it is necessary to understand thoroughly that this collaboration, this exchange of experience and this mutual assistance are matters that cannot be settled either by one meeting alone or by a few contacts and an exchange of official views, or all at one time. They are posed and settled every day, every hour, in the course of the work. And it must be stated

that in general there is no lack of predisposition to such collaboration and mutual assistance. However, there are also cases where certain cadres with a record and experience in the departments display signs of reluctance and hesitation to aid those who have come from the production front and to acquaint them with the orientations and decisions of the party and government according to the sectors, with the necessary work documentation, with the requirements and ways of solving the various problems. This is also accompanied by a certain bureaucratic tendency to shut the new cadres up in an office and to have them use most of their time on letters and reports; and so on. Some others lapse into formalism, giving "aid" in little things, on secondary matters, and neglecting those which are essential. But the assistance to the new cadres from the cadres with a work record in the departments, especially when they are directors, must not consist in this. The worker cadres who are in the departments need to have their horizon opened and to be acquainted with the party directives and orientations according to the sectors, to have the main problems with which they must deal defined and explained to them, and the prospects clarified. It is precisely these things that are of most interest to them, so that they may be instructed as well as possible when they are charged with solving a problem, when they go away on duty, and so on.

The need for better collaboration between the old and the new cadres remains a permanent one. This collaboration helps them mutually. As Comrade Enver Hoxha teaches, "The joint effort of old and new cadres passes on and enriches good experience, elevates the young and freshens the old; it achieves that complete harmonization of the cadre and the various kinds of experience." (Enver Hoxha, "Report to the Sixth Congress of the Labor Party of Albania," p 197).

This important teaching clearly shows that the aid and profit from this collaboration are not and cannot be viewed in a one-sided manner. It is not only the new cadres coming into the departments who need assistance: the cadres and employees with a record in the department who have not come from production also are in need--indeed somewhat more--of being helped and taught by the workers, their spirit and conscience, their readiness to sacrifice and the other revolutionary traits of the class. They have much to learn from the practical spirit of the worker cadres too, who are men of few words but who, without idling and dragging out their work, use a revolutionary method to launch into concrete action to solve the problem at hand.

Within the framework of this collaboration, it is of great help to the worker cadres to encourage criticism, comments and proposals made by them about various matters, which is done well in general, but can and must be done still better. We point this out because there has been no lack of cases where some cadre with a long work record in a department has pursed his lips at the correct criticisms and suggestions of newly arrived cadres and has tried to justify himself in defense against their remarks. Some have not refrained from giving such "advice" as "go slow, my dear fellow, don't rush, because when you've gotten up speed, ...," and so forth.

Endeavoring to enter into the political-ideological essence of the party directive on bringing a majority of worker cadres into the composition of the state apparatuses, the local party organizations in the departments are striving to see to it that their coming brings into the whole work of the department a new revolutionary fighting spirit, the tone of the working class, its determination to combat the weaknesses, and the bureaucratic and technocratic manifestations in the work of the apparatus, and to help work out a revolutionary style and method in directing, enforcing and controlling the enforcement of decisions. They have guided the job of seeing to it that the cadres coming from the workers' ranks are placed entirely abreast of the tasks entrusted to them and insure class control over enforcement of the party line in the sectors in which they are employed.

Good work has been done in the departments, under the guidance of the local party organizations, in taking all-around political-ideological and organizational measures regarding the further qualification of the new worker cadres as directors and revolutionary organizers. For example, work programs have been education, their technical-vocational qualification, and so forth. Party materials and documents, various reports and speeches by Comrade Enver Hoxha, various party orientations and directives have been studied and analyzed with them according to areas and sectors, as have also government decisions, and orders, laws and various provisions with which the workers cadres will have to deal in their work. But more care deserves to be exercised to avoid lapsing into manifestations of formalism, globalism and scholasticism in all the work done to analyze the various decisions and directives with them. Here, it is necessary to combat cases where they are analyzed superficially, in a rapid and formal manner, where they are transmitted in a mechanical and "administrative" manner. This is an urgent problem since it has to do with the arming of the new cadres with the party line on the problems which they cover, but also with their training to avoid falling into excessive pragmatism and being diverted by minor matters. Hence, the local party organizations must entrust this work to the best trained comrades, the chief cadres, and differentiated work must be done with the new cadres, according to sectors and areas, down to individual work according to their general level.

The experience so far gained shows that in general more effort is being made and better work done in all the departments to the end that the new worker cadres which have come into them get the positions that they deserve to a greater extent and play their directing and controlling role better, as this will give a new impetus to the work in the departments and will preserve the apparatus from the danger of bureaucratism and revolutionize it further.

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INTERNATIONAL RAMIFICATIONS OF CSCE FINAL ACT CONSIDERED

Warsaw SPRAWY MIĘDZYNARODOWE in Polish No 7-8, Jul-Aug 76 pp 26-34

[Article by Dr Alfons Klafkowski, director of the Institute for the Study of Constitutional Law at A. Mickiewicz University in Poznan: "The CSCE Final Act--Basic Principles in Support of a Legal Interpretation"]

[Text] Statements and commentaries on the Final Act of the CSCE differ significantly in the interpretation of its form as a whole. The same excerpts from the Final Act are also the subject of varied interpretations, very often offsetting one another. Hence the question: What are the principles in support of these differences in interpretation?

It is obvious that such a lengthy document would have an unusually complex tenor, and its entire text of resolutions reflects a compromise. It should be noted that the Final Act was the result of protracted negotiations by 35 delegations--from Europe, the United States and Canada. A text negotiated by such a large number of delegations over such a long period of time is, in itself, doomed to have many possible interpretations. It is, therefore, evident that it constitutes a type of "common denominator" for all the negotiating parties. We could say that it represents the "lowest common denominator"--if the mathematicians have no objection to the use of this expression. At the final stages of the Helsinki Conference, only one delegation expressed forthright that, because of the long and strenuous negotiations, they are not surprised at the various differences and significant variances in the commentaries and interpretations.¹

The purpose of this article is to compile, organize and present the source material that explains the differences in the interpretation of the Final Act of the CSCE as a whole.

The difficulties regarding interpretation, which have already arisen, could be reduced--and perhaps even eliminated--if the basic criteria for evaluating this document could successfully be established.

First, is the Final Act of the CSCE a political, or a legal document? The answer to this question determines the type of interpretation to be chosen, assuming that interpretation is a process of establishing the tenor of a document (legal act) based on a description of objective conditions, and not a question of subjective procedure. Various types of interpretation are known in science, especially legal and diplomatic interpretations. A problem arises in this regard: Does each type of interpretation have the same meaning? More specifically, can the two above mentioned types of interpretation be equally treated from the viewpoint of international law? Legal interpretation, as a work of legal art, is based on objective and verifiable elements. The exercise of duties through legal bodies serves as auxiliary material for this interpretation. A diplomatic interpretation is a work of political artistry and may differ from a legal interpretation--and even contradict it. Nevertheless, the diplomatic interpretation can neither replace nor rule out the legal interpretation. Very often politicians use diplomatic interpretation in an effort to regain advantages lost in negotiations during the establishment of a legal act or prior to its formulation. Thus, a diplomatic interpretation often serves as a type of retaliation for losses suffered in international politics. It often becomes a means by which a politician tries to partially eliminate something that has been established as an international document (act) with his participation and his consent. This is even easier for him because, unlike legal interpretation, diplomatic interpretation is not governed by strictly defined rules. As regards the Final Act of the CSCE, attention should be drawn to the individual stages of a long and trying process of negotiations, as well as to the principles by which the Final Act was finally revised and signed.

Secondly, is the Final Act of the CSCE a homogenous document, or is it of a more complex nature? It seems that four categories of resolutions were duly singled out in discussing an evaluation of the CSCE Final Act, as follows: 1) a decalog of principles; 2) declaration of intent; 3) individual resolutions, especially in the field of economic, cultural and educational cooperation, and 4) a series of specific requirements.² Even this short list shows that the CSCE Final Act contains elements binding upon international law, e.g., the so-called decalog of principles³, and a plan of action in several specific areas of international cooperation, as well as various detailed recommendations or requirements. It is, therefore, difficult to evaluate the CSCE Final Act as a homogenous document.

Thirdly, what are the consequences of the regional, European nature of the CSCE Final Act? It should be noted that the very concept of convening this Conference and negotiating such a document is without precedent. In the history of international relations there are few conferences lasting that long, assembling such numerous teams of diplomats, and involving such a strenuous process of attaining successful negotiations. In Helsinki it was observed that, for the first time in European history, problems of security and cooperation were discussed at such great length and with the participation of all the interested countries.⁴

Assuming these to be the final conclusions in the evaluation of the CSCE Final Act, the following can be stated:

First, the CSCE Final Act represents the signatories' intent within the resultant scope of this document. This declaration, signed by delegations from 35 countries, was accepted on the basis of consensus.⁵

Secondly, this declaration of intent is synonymous with a pledge to comply with the text of the CSCE Final Act and to effect a reciprocal execution in realization of this pledge.

Thirdly, the fact of signing the CSCE Final Act by the chiefs of state or governments is the highest political and legal ramification to be connected with this signing.

The adoption of these resolutions permits the following statement of this problem:

1. What does the CSCE Final Act represent according to the declaration of intent by the signatory parties?
2. What does the CSCE Final Act not represent according to the declaration of intent by the signatory parties?
3. The CSCE Final Act in the light of Polish commentaries;
4. Conclusions.

What Does the CSCE Final Act Represent According to the Declaration of Intent by the Signatory Parties?

In international relations, the nature of each document can only be defined by the interested parties. This is one of the basic elements of authentic interpretation. A discussion of what the CSCE Final Act represents should be based, first and foremost, on the examination of the signatories' intents.

The CSCE Final Act was signed by the representatives of 35 countries. These were representatives of the highest rank--chiefs of states, governments or first secretaries of party central committees. An analysis of the texts of their declarations, submitted during the third phase of the Helsinki Conference from 30 July 1975 to 1 August 1975, indicates that not all representatives of the given countries took a stand on the formulation of the above question. The opinions expressed on this subject can be organized into several groups; within each group, the order of address is observed in accordance with conference protocol.

Thus, in the context of the question "What does the CSCE Final Act represent according to the declaration of intent by the signatory parties?", these declarations can be stated as follows:

1. The CSCE Final Act as an "International Document". This evaluation of the CSCE Final Act was rather strongly emphasized by the president of Finland,

speaking in his role as conference chairman. He did not speak of the Final Act of the CSCE but of "the final document". He also used the expression "the final document is the most important international document", i.e., that it is the result of a thorough investigation of all the issues, and that the final ratification of its contents adequately covers the interests of all participating countries.⁶ Furthermore, the Secretary General of the United Nations described the CSCE Final Act as "a realistic compromise..., a document even more important because it reflects a consensus."⁷ The term "document" was also used in stating that the CSCE Final Act is based on the Charter of the United Nations, profits from the accumulation of long years' experience, and takes into consideration the present-day balance of power in the world (the president of Cyprus).⁸ In this list of definitions, one should note the fact of calling the CSCE Final Act "proof of maturity of the international community" (Canadian prime minister).⁹ This document was also defined as "a significant result" (first secretary of the Bulgarian Communist Party)¹⁰, "a realization of the UN Charter" (the president of Yugoslavia)¹¹ and, finally, as a "political pledge" (Turkish prime minister)¹² and "a sound base for future negotiations" (Swedish prime minister)¹³. One should note that the CSCE Final Act was also defined as "verifiable proof of the capabilities in realizing constructive cooperation among nations" (the minister of foreign affairs of San Marino).¹⁴

2. The CSCE Final Act as "a Great Charter of Peace in Europe". Very frequent reference is made to the CSCE Final Act as "a great charter of peace in Europe", which was mentioned in a speech by the first secretary of the PZPR [Polish United Workers Party] Central Committee, Edward Gierek.¹⁵ A similar definition of the Act as "a peace treaty" was made by the president of France and, in the same declaration, he said that the signatory parties are pledging themselves morally and politically, through this document, to conform their activities to "the code of good conduct".¹⁶ This term was further expanded in another declaration, which confirms the following:

"Without a doubt, this Final Act is based on long-standing principles in treaties, conventions and charters, but is founded on the experience gained by nations during past decades, as well as on the needs--both human and political--of our era." (Austrian chancellor).¹⁷

Given the above list of declarations, it should be noted that "the rules (expressed in the Act) will serve as the directives for a national stand and for international cooperation" (the President of the United States).¹⁸

3. The CSCE Final Act as "a Proving Ground for Future Deliberations". The following statement, made in an address by L. I. Brezhnev, secretary general of the CPSU Central Committee, warrants particular attention:

"The USSR regards the outcome of the Conference not only as a natural political result of World War II. It is also a proving ground for future deliberations in the context of the current state of affairs and the age-old experience of

European nations... The document we are signing is a wide, but sufficiently precise platform for national activities along the unilateral, bilateral and multilateral course for many years to come, and perhaps even for future decades."¹⁹

The final address by the president of Finland, in his role as conference chairman, seems to relate to the above mentioned statement. The Final Act is described there as "a basis for our future relationships and a guideline to their evolution.... The Final Act contains a decisive plan of action, indicating ways and means of ensuring the continuation of this process."²⁰

4. The CSCE Final Act as "a Declaration of Intent". Among the opinions expressed on this subject, one should note that the Final Act "is more than just a declaration of intent, more than just a desire to establish a new direction in our relationships. It is a moral commitment that cannot be ignored, without paying the price of a mutual risk and threat" (British prime minister).²¹ In another address, the "declaration of intent made by the signatory nations" was described as "a call for reciprocity which no country can ignore without detriment to itself" (the chancellor of the Federal Republic of Germany).²² The Final Act was also described as "an expression of the nations' desires" (the president of Finland)²³, and declared to be "in fact, a proof of mutual desire to use practical measures in various areas of cooperation" (the president of Portugal).²⁴

5. The CSCE Final Act as "an Act of Unilateral Commitment". It should be noted that "each signatory nation should remain unilaterally true to the spirit and letter of the Final Act" (deputy prime minister of Malta).²⁵ Within these points of view, one should also mention the definition of the CSCE Final Act as "a mutually binding declaration" (the prime minister of Liechtenstein).²⁶ Finally, the significance of the CSCE Final Act was expressed in the words: "We will give, so to speak, our word as honest people responsible for our nations and for safety of Europe" (the prime minister of Luxemburg).²⁷

Taking into consideration all of the above, we can formulate a few basic conclusions:

First, it can be said that there are substantial differences regarding the description of the nature of this document in the declarations of intent by the signatories of the CSCE Final Act.

Secondly, these declarations avoid all reference to the legal nature of this document. All these undoubtedly concentrated on the political, social, economic and cultural elements. The element of international law was hardly mentioned.

Thirdly, the overall picture of the essence of the declarations of intent by the signatories of the CSCE Final Act can only be presented after the final

statements have been made on what the document does not represent according to the declarations of intent by the signatory parties.

What Does the CSCE Final Act Not Represent According to the Declarations of Intent by the Signatory Parties?

Among the few statements made by representatives of the nations taking part in the Helsinki Conference, there are also some dealing with the question of what the CSCE Final Act does not represent. Based on an analysis of source material, the following may be said:

1. The CSCE Final Act is Not an International Treaty. In his inaugural address, the secretary general of the United Nations said: "We are all aware of the fact that the Final Act is not a document legally binding on governments, and that it does not stipulate any sanctions."²⁸ In another statement, by the prime minister of Italy, who announced that he is also acting as the representative of the Commission of European Communities, he mentions the following: "The Final Act... is not a certified act, limited to the existing state of affairs". The same speaker stated that the specific commitments given in the Final Act "although not of a legal nature, are based on political and moral responsibility".²⁹ More precise and resolute declarations are also recorded. One of these states that "the Final Act... is neither a treaty nor a pact, but what I would call 'a program'. ...It is a program of action for the European continent" (Irish prime minister).³⁰ A similar idea is contained in another statement: "The Final Act... is not a treaty according to the viewpoint of international law but, at the same time, it is not just a mere declaration, nor is it a declaration or an empty exercise in stylistics which, once completed, lets us proceed with the business at hand" (the prime minister of Liechtenstein).³¹ Another opinion is that "the Final Act is not a legally binding treaty. We would most certainly prefer it to be such, but it is not a question of settling commitments, laws and responsibilities which would be accompanied by a guarantee of proper compliance through authorities that are committed to respect the negotiated treaties. We know very well how many treaties have been violated or invalidated" (the minister of foreign affairs of San Marino).³² We should also note the following categorical statement: "Nothing of what we are about to adopt and sign is legally binding" (the prime minister of Luxemburg).³³

2. The CSCE Final Act is Not a Peace Treaty. Two addresses state this categorically, one of which is as follows: "The Final Act is not a peace treaty, nor is it any kind of peace plan" (British prime minister).³⁴ The second almost repeats the first: "It is not what is usually known as a peace treaty" (the president of France).³⁵

The conclusion drawn from these last two statements is obvious. However, we should add that no reference is made to these statements in the remaining declarations.

The CSCE Final Act According to Polish Commentaries

It should be noted that in Poland, up to the present time, few comments were made describing the nature of the CSCE Final Act as a whole. Only three such commentaries were actually published. We can observe certain common evaluations and remarks in the latter, as follows:

First, these commentaries rightly emphasized the lack of a uniform, legal nature in the CSCE Final Act. Hence special attention was drawn to the so-called decalog of principles. Nevertheless, one commentary stated that:

"Although the CSCE Final Act is not--in the formal sense--a multilateral international agreement but, rather, a multilateral declaration embracing moral and political commitments, the rules formulated in the declaration are legally binding from the viewpoint of international law."³⁶

Another commentary states:

"It would not be right to state that the resolutions contained in the Final Act dated 1 August 1975 have only political implications and no legal commitments. Although the Final Act carries the provision--after verification that the signatory nations 'recognize its great political significance'--that it will be submitted to the secretary general of the United Nations 'not for registration in accordance with article 102 of the charter' (which would, in fact, mean that the signatory nations do not regard the document as an international agreement), still it would not be true to conclude that, on this basis, the resolutions of the Final Act have only moral and political, and not legal, significance."³⁷

We should finally consider the third commentary, which states the following:

"The CSCE Final Act is an international agreement of political importance. The conclusion of an international treaty cannot be subject to conjecture. The deciding factor in evaluating the nature of the given act is the signatories' intent. For a legal evaluation, the name of the document and the manner in which it was signed are of secondary importance. At the same time, there is a common awareness that the Final Act not only bears political significance, but is also important from the viewpoint of international law. The form and text of resolutions indicate this."³⁸

Secondly, it should be noted that, in the opinion of the Poles, there is a general trend in evaluating the nature of the CSCE Final Act. It reduces to the comparison of this document with the criteria for international agreement, formulated at the Vienna Convention on the Law of Treaties in 1969.

Thirdly, partially expressed forthright and partially read between the lines of these commentaries, there is a tendency towards accepting the thesis that although the CSCE Final Act does not meet the requirements of an international agreement, it is nevertheless binding as such.

Conclusions

Some general conclusions can be made on the basis of this factual material, and these should be treated as a subject for further discussion.

First, it seems that the CSCE Final Act is not an international agreement as is understood by the Convention on the Law of Treaties of 1969. It appears so from the signatory nations' intent. Since it is not an international agreement, it does not apply to non-signatory nations. At the same time, it should be stressed that the CSCE Final Act embraces very important political commitments. It also implies that, although the CSCE Final Act is not an international agreement, it is nonetheless binding as an international agreement. How can we resolve this problem?

Secondly, it is evident that a document so laboriously negotiated as the CSCE Final Act does not conform to the classical criteria of the so-called final act of the important international conference, nor of international agreement. It is, therefore, a departure from classical international law. At the same time, it is not a homogenous act or a diplomatic document. The question arises: How should it be classified? Only a partial answer is available for this question. Doubtless to say, the so-called declaration of rules of the CSCE has to do with a codification process of international law within the framework of the United Nations. Three new principles have emerged in the decalog of rules--inviolability of frontiers, territorial integrity and respect for human rights; although these are incorporated in the UN Charter and the UN Declaration, they had not been formulated in this manner up to now. We can thus state that the CSCE Final Act incorporates certain elements associated with the future codification of international law.

Thirdly, it is important to note the membership of the Conference. The participants included all the countries of Europe (with the exception of Albania), thus not only world powers but also "medium" and "small" countries took part in it. Furthermore, it can also be said that certain groups of nations were formed within the framework of the Conference that were unprecedented in international relations until this time. It probably won't be an exaggeration to say that a realistic principle of coexistence between countries with different political, social and economic systems in a given region was established during the Conference. This, of course, must have some effect on the development of international relations and international law within that region.

Fourthly, press commentaries refer to the CSCE Final Act as a kind of promissory note; it remains to be seen whether this "note" will be honored by all, and when it will be cashed. These uncertainties will become manifest in international practice, which depends not only on the text of the CSCE Final Act itself, but also on the execution of its resolutions. The range of possibilities for the practical realization of the CSCE Final Act was clearly

defined as the unilateral, bilateral and multilateral activities of the signatory nations of the CSCE Final Act.

Fifthly, the CSCE Final Act defines the criteria of its verifiability. The first and foremost example of the latter is the conference of the signatory nations of the CSCE Final Act to be held in 1977 in Belgrade.³⁹

FOOTNOTES

1. qv "Conference sur la Securite et la Cooperation en Europe. Phase III--Helsinki. 30 juillet - ler aout 1975. Comptes rendus in extenso et Documents" [Conference on Security and Cooperation in Europe. Phase III--Helsinki. Reports in extenso and Documents], p 134 (henceforth cited as: "Conference").
2. Differentiation of the four categories of resolutions in the CSCE Final Act, qv: A. D. Rotfeld, "Konferencja Bezpieczenstwa i Wspolpracy w Europie. Zagadnienia prawne. Panstwo i Prawo" [Conference on Security and Cooperation in Europe. Legal Issues], PANSTWO I PRAWO, No 1-2, 1976, pp 89-90.
3. The so-called decalog of principles is referred to in numerous addresses; Cf "Conference", pp 9, 15, 40, 50, 63, 75, 87, 97, 123, 125, 154, 162, 186, 188, 197, 202-203, 224.
4. For example, the prime minister of Norway, T. Bratelli; qv "Conference", p 195.
5. Adoption of the CSCE Final Act on the principle of consensus, cf pp 40, 49, 55, 87, 91, 97, 161, 216, 227.
6. Ibid., p 7.
7. Ibid., pp 9, 11.
8. Ibid., p 99.
9. Ibid., p 37.
10. Ibid., p 39.
11. Ibid., p 121.
12. Ibid., p 125.
13. Ibid., p 146.
14. Ibid., p 222.

15. Ibid., p 75. Also take note of the resolution passed by the Sejm of the Polish People's Republic dated 23 October 1975; for the results of the CSCE qv MONITOR POLSKI, No 33, 1975.
16. "Conference", pp 79-80.
17. Ibid., p 146.
18. Ibid., p 176.
19. Ibid., p 84, 88.
20. Ibid., p 242.
21. Ibid., p 17.
22. Ibid., pp 63, 65.
23. Ibid., p 152.
24. Ibid., p 169.
25. Ibid., p 185.
26. Ibid., p 215.
27. Ibid., p 231.
28. Ibid., p 9.
29. Ibid., pp 50-51.
30. Ibid., pp 90-91; also cf p 94.
31. Ibid., p 215.
32. Ibid., p 217.
33. Ibid., p 231.
34. Ibid., p 19.
35. Ibid., p 79.
36. J. Symonides, "Deklaracja zasad stosunkow miedzypanstwowych KBWE" [Declaration of Principles of International Relations of the CSCE], SPRAWY MIĘDZYNARODOWE, No 10, 1975, p 25.

37. R. Bierzanek, "Bezpieczeństwo europejskie a system bezpieczeństwa ONZ" [European Security and the UN Security System], PANSTWO I PRAWO, No 1-2, 1976, pp 97-98.
38. A. D. Rotfeld, op. cit., p 88.
39. This issue is discussed in the cited publication "Conference", pp 120, 128, 133, 145, 149, 185, 191, 207, 231; also discussed in A. D. Rotfeld, "Kontynuacja bez instytucjonalizacji. Formy współpracy europejskiej po KBWE" [Continuation without Institutionalization. Forms of European Cooperation According to the CSCE], SPRAWY MIĘDZYNARODOWE, No 10, 1975, pp 84-106.

8874

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HEALTH SITUATION IN ARMED FORCES ANALYZED

Bucharest REVISTA SANITARA MILITARA in Romanian No 2 (Mar-Apr) 76 pp 129-132

[Report by Col Dr Valentin Popescu on the Conference of Major Medical Staffs of the Ministry of National Defense]

[Text] The conference was held on 5 May of this year, in the Byzantine Hall of Central House of the Army, in the presence of the Minister of National Defense, the General of the Army Ion Ionita, the First Deputy of the Minister of National Defense and Chief of the Joint Chiefs of Staff Lieutenant General Ion Coman, the Deputy Minister of National Defense and Secretary of the High Political Council Brigadier General Gheorghe Gomoiu, the commanders of armies and branches of service, and the chiefs of central directorates of the Ministry of National Defense. Also participating were the chief medical officers of commands and large units, the chief medical officers of military education institutions, physicians from various units, commanders of hospitals and medical units, chiefs of medical sections, party secretaries, pharmacists, and veterinaries.

The conference was opened by the Minister of National Defense, whose remarks acknowledged the importance of the event by stating that the topic of the conference was scheduled to be discussed by the Management Council of the ministry. This demonstrates the particular care devoted by the party and army leadership to the health of the manpower, thereby recognizing the priority of the human element and its biologic potential over technology. The increased fighting strength of units and large units is intimately bound to the good physical and psychological condition of all categories of military personnel.

Following the minister, the chief of the Medical Directorate, Col Dr Alexandru Popescu thoroughly analyzed the health condition of the army for 1975. He presented the principal aspects of medical assistance within the specific framework of the military environment, as assigned by the Party Program,

the Decisions of the 11th Congress, and by the indications of the Secretary General of the Party Nicolae Ceausescu, at the meeting held to establish the High Health Council.

All the activities which were conducted were based in a careful combination of preventive and curative work, scientific research, and a higher level in our military medicine education. Testifying to the importance assigned to this question, it is significant that the Council of State recently adopted a Decree for the Establishment of the School of Military Medicine.

Stressing preventive medicine activities, it was shown that a sustained support is needed from all responsible factors in units. Timely awareness of the violation of hygiene standards in daily programs, the rational expenditure of efforts, and the recovery of working capabilities become essential elements in the activities of all physicians, with the Medical Directorate assuming the task of knowing and analyzing all events of this nature in order to intervene as rapidly as possible. Field trips for the control of specific items have been used to observe the living and working conditions of soldiers in units, and of those soldiers who work for the national economy in irrigation and agricultural work. At the same time, efforts must be intensified to uncover and prevent psychological illnesses, which at present raise problems which are more complex and subtle than the pathology of infectious diseases.

For the reasons outlined above, the fundamental concern in barracks must be focused on the hygiene of the collectivity, and on the continued awareness of soldiers' health through mass searches and periodic medical examinations. The unlimited possibilities of health education will also be used more fruitfully for this purpose. Moreover, it was also stressed that it is important for military personnel on missions to obtain urgent medical and surgical care, as well as stomatologic assistance.

Estimates were also made of morbidities by diseases and categories of military personnel, opening the opportunity for future measurements. In connection with medical classifications, some of which disqualify for military service, it was determined that there was a need to initiate studies and take steps to extend the duration of active work for personnel through a joint contribution from all specialists; some of the steps mentioned were the establishment of a program for psychologic and physiologic observation, and the active exemption of personnel.

In the matter of curative activities, and given the close collaboration which must exist among units, clinics, and hospitals, it was stressed that results cannot be judged solely according to the number of medical interventions, but rather according to the concrete contribution made to the most rapid and complete restoration of health in military personnel. It is imperative that all physicians who come into direct contact with

physically and psychologically double handicapped patients, respect the standards of socialist medical ethics and deontology. The word decency has a special meaning, whose source is the generosity of the social mission fulfilled by the personnel in the army's medical service.

The Medical Directorate will devote equal attention to the more rational use of specialists -- physicians and pharmacists -- who are presently performing administrative functions, and who could provide better results in professional activities. Similarly, it is necessary that specialized physicians in all curative units be trained for highly competent and effective prophylactic actions, these being imperative in our socialist medicine and which no one may eschew.

Scientific research must be focused on topics closely related to the needs and realities of the army, avoiding projects which are merely statistical, randomly casuistic, or of the type which have remained at a descriptive stage, of curious examination, without practical interpretations. The Medical Directorate will specify the research milestones for which hospital collectives will be trained. The real level of professional training of each specialist will be judged according to his practical contribution, as a function of the army's fundamental goals.

In closing, the chief of the Medical Directorate expressed his conviction that all the personnel in the medical service of the Ministry of National Defense will work without rest and in a spirit of responsibility in order to fully meet its noble mission.

The participants who rose to speak presented a number of concrete aspects of the medical activities conducted in various units, making numerous proposals. These will be subjected to careful analysis, and to the extent of their desirability, will be entered into the plan of action of the Medical Directorate.

In closing the conference, the Minister of National Defense specified the tasks of the medical personnel for the current problems facing the health of military personnel, in order to improve the physical and psychological condition of this personnel, qualities which are intimately connected with their ability to defend the country.

On this occasion he pointed out the fact that to the extent to which military physicians are presently enjoying the prestige and authority of commanders, they must also act in accordance with the increasingly complex missions of the army. In professional questions, the physician has the primary responsibility since he is the only one competent in specialized decisions, which he must not share with anyone.

The Minister of National Defense also insisted on the fact that infirmaries and dental offices must always be provided with adequate space at camps, so that they may fully satisfy the requirement that medical services in units be true health centers.

The prestige enjoyed by military medicine is a guarantee that the entire medical corps will meet its firm engagement of working skilfully and with devotion in order to fulfill the missions outlined in party and state decisions, and those specified by our supreme commander, Nicolae Ceausescu.

The following day, the Central Military Hospital hosted a symposium on the topic "Prophylaxy and the Treatment of Stomatologic Afflictions in the Army."

The two basic reports -- "Analysis of Morbidity Due to Buccal and Dental Afflictions in the Army and of the Effectiveness of Stomatologic Offices" and "Higher Efficiency Principles and Methods of Treatment in Stomatologic Units of the Ministry of National Defense" -- were presented by Col Dr Dumitru Guta of the Medical Directorate, and by Brigadier General Dr Gheorghe Stanicioiu of the Central Military Hospital. These reports were followed by a number of papers presented by stomatologic physicians working in units with different specializations and working conditions, and by practical demonstrations of technical assistance with stomatologic instruments, with the participation of competent technicians and engineers.

The discussions analyzed morbidity, attitudes, organizational problems, and material endowments, resulting in useful proposals. In closing, solutions were provided for various shortcomings, and future tasks were outlined.

The last part of the day's program included an analysis of the activity of the editorial collegium of the REVISTA SANITARA MILITARA for 1975. The report was presented by Brigadier General Dr Lecturer Gheorghe Niculescu, chairman of the management council of the journal and chief editor.

The report led to an exchange of opinions with representatives of different categories of readers of the journal, and to an expected substantial improvement in the activity of the editorial collegium, taking into consideration the future goals fixed by the Medical Directorate in accordance with the tasks outlined by the Minister of National Defense at its recent conference.

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YUGOSLAVIA

PATIENT DESCRIBES TRAVAILS WITH HEALTH CARE SYSTEM

Belgrade NEDELJNE INFORMATIVNE NOVINE in Serbo-Croatian 3 Oct 76 pp 27-28

[Article by Marko Smukov: "Adventures of a Knee"]

[Text] On an icy sidewalk in the center of Belgrade, one day during last year's Siberian winter, I slid, fell on my knee, and--what happened, happened.

After almost two decades of paying substantial assessments for social insurance, the time had finally come for me to nibble a little of that money. Called by telephone, the emergency squad came and delivered me to the surgical clinic, to the physician on duty. What a wonderful expression of human solidarity! The physician on duty, cheerful and self-assured, scarcely glanced at the X-ray film of my injured knee. He wrote out the diagnosis in a flash with a sure, skilled hand: N927 Haemarthros, gen. dx. A tracer, a plaster cast, and "We'll be seeing you on your next call."

First Encounter

"You are very sure of yourself, doctor!"

"My lawyer friend, I am often called upon to give expert testimony at trials. I noticed right away that judges do not like expert witnesses who qualify their statements: maybe, if, provided that, etc. I am categorical: so, so, and so! I am not going to let lawyers confuse me with objections, questions, and subordinate questions."

I was a little surprised when they gave me my hospital pajama: sleeves to the elbows, the shoulder panels in shreds, only one button remaining, my stomach and part of my back uncovered. My teeth were chattering from the cold as I reflected upon the matter: all right, there is not money for new pajamas, but is there no hand capable of mending the old ones and sewing on fallen buttons?

They assigned me to the only available bed, in the middle of a room. The bed was high, shaky, slanting down on one side, toward which I constantly slid. I did not dare fall asleep for fear of dropping onto the floor. There were scores of other patients in the room. Some of them moaned in pain all night.

The following morning, I asked the nurse on duty to make two telephone calls to report that I was in the hospital. I explained to her that no one among my relatives, colleagues, or clients knew what had happened or where I was. Trials were scheduled, I was expected to appear. My absence, my failure to appear at a trial would cause confusion and trouble with extremely far-reaching consequences.

I was wasting my breath: the nurse had more important things to do, including chatting with her colleagues about the previous evening's television programs. In the end, my omnipotent doctor tried to save the situation with his personal intervention, but it was already too late to cancel appointments. What had happened was over.

They gave me crutches and discharged me after 8 days to continue my recovery at home. I reported for a checkup on the appointed day, and my cast was immediately removed without any new X-ray of the injured knee or any examination. Only after everything had been removed did my self-assured doctor examine me, and this he did by bending the injured leg at the knee. "Excellent!" he shouted, "now is the time for exercising. You need to strengthen the muscles and ligaments."

Back to Hospital

Because of these exercises, my pains returned, so no further exercising was possible. I reported back to my physician and, by now partially informed about things, asked for a new X-ray. I assumed an injury to the bone, which could not heal so fast. The doctor was categorical: no, no, and no! I concluded that the doctor was preserving his reputation, since a new X-ray might show that his diagnosis was incomplete and that the cast had been removed prematurely. He was not going to allow that. Better to sacrifice the health of a patient whom he had never met before and might never again in his lifetime.

I complained to my friends, who were astonished to a man at my innocence in expecting effective care from unknown physicians to whom I was directed by regular means: "Are you really unaware of conditions in the health field? You don't get anywhere, pal, without a good recommendation." Thanks to a friendly recommendation, I visited another medical institution, where comprehensive X-rays were taken. The conclusion: Fissura condili tibiae l. dex. But 30 days had already passed since the injury, so the orthopedist was uncertain over whether to refit a cast after such a long time. In the end, he decided not to. Nonetheless, when the fissure had healed, he wrote "cast removed" in his medical log even though he had never put on a cast! I did not protest this falsehood, since I concluded that the fellow wanted to protect himself for all eventualities, so let it be.

Back to Cast and Bandages

Although I had been admitted on the recommendation of a friend of a well-known professor at the Faculty of Medicine, my sick leave was terminated prematurely. The consequence of that was the diagnosis of Diozorsia genus dex. Again the cast, the bandages, and the rest of it. Is contemporary medicine really so incapable of distinguishing insufficiently cured patients from shirkers?

In the meantime, while I had been moving around on crutches, my whole right hand had become paralyzed! My hand hung in the air, my fingers did not obey me, I could not hang onto spoon, comb, or razor. I complained to my general practitioner, who shrugged his shoulders. I complained to the orthopedist, who cheered me up with an optimistic grin: "That's from the crutches, it'll pass, so long, nurse, call in the next one."

Since my hand had become cramped, I concluded like the layman that I am that I was resting too heavily on it and ought to rest more heavily on the armpit. In my ignorance, I was doing exactly what I should not have done. Since the paralysis continued for days, I concluded that this could not be an inflammation of the muscles and must be some nerve ailment. But what kind? To find out, I entered a bookstore and purchased "Clinical Neurology" by Prof Dr Borivoje Radojicic. On page 268, my attention was drawn to a sketch of a "hanging hand." Exactly my case!

What's Wrong With My Nerve

I went immediately to my general practitioner and told him concisely and clearly, "Doctor, this is partial paralysis, caused by an injury to the radial nerve due to pressure in the armpit from leaning on the crutch. I need a recommendation to a neurologist." My doctor, a good-natured charmer, tapped his forehead with his hand: "Of course, how come I didn't realize it right away, it's my fault!"

How can it be your fault, my dear general practitioner, when the specialists who handed me the crutches did not warn me that excessive leaning on the armpit could be dangerous.

The specialist neurologist whom my friends recommended was not only expert but also conscientious. First an electromyogram and then all the rest. The findings confirmed my textbook diagnosis. The treatment: vitamin injections and physical rehabilitation.

For the physical therapy, I chose the establishment nearest to my apartment. However, since I had no acquaintance who knew somebody there, I went without anybody's recommendation. In any case, inasmuch as I was already paying the social insurance assessment, why should I obligate myself according to the you-scratch-my-back-I-scratch-your-back principle

by asking for recommendations? We know that obligations of that kind are sometimes heavier than money debts. At the very first step, however, I again became convinced that the "regular" way is also a path strewn with thorns.

To be specific, one must report for an examination by a physician at the establishment, a specialist in physical medicine, before beginning any kind of physical therapy. The clerk at the window asked me which physician I wished to see. I answered anyone, I didn't know any of them. She looked at me dumbfounded and said to come the next day.

... And What's Wrong With My Nerves

That next day, I arrived before 0700 hours to be among the first in line. Nonetheless, I succeeded in being received by the doctor, a rather short fellow with broad shoulders who was engrossed in some papers on his desk, only after 1100 hours.

"What's the matter with you?" he asked without glancing up, addressing me with the second-person-singular familiar pronoun. I wanted to answer with the same question--"What's the matter with you, why are you staring at those papers?"--but I restrained myself and explained what was the trouble with me.

He responded very arrogantly: what do you mean, partial paralysis of the arm, stretch out your hand, why are you holding back, come on, try hard, try hard, etc. In other words, he thought that I was one of those conceited, hysterical patients who....

"Do you easily get excited?" the doctor asked me.

Well, I don't know best to explain to you, doctor. In front of your door, I have been waiting to enter your office for a full 4 hours. During that time, you have admitted so many of your aunts and your godmothers and other acquaintances out of turn--not me. Do I look upset?

Only then, for the first time, did he look at me with any attentiveness.

"How do you know that they are my aunts and godmothers?"

"That's what you called them. Is it possible that you've forgotten?"

"Out of turn, so what? You don't pay me, presumably, so you can't order me how to behave on my job." He was shouting at the top of his voice.

"And who does pay you?"

There was no answer. He calmed down and switched to the second-person-plural verb forms. In his opinion, as it turned out, all the previous

physicians knew nothing, especially the neurologist who has prescribed vitamin injections: we'll stop that, don't let them jab you for nothing.

I soon grasped that physical therapy was something best done at home. And so I cured myself. I continue to pay the social insurance assessment of 1,633 dinars (new dinars, of course) every month. No one asks me whether I want to or not.

I have not cited names here because I am not sure that what happened to me is an exception.

CSO: 2800

- END -