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MDHIAN 0905

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FM UKDEL CSCE VIENNA
TO IMMEDIATE FCO
TELNO 387

OF 091312Z NOVEMBER 88
INFO IMMEDIATE WASHINGTON, MOSCOW, PARIS, BONN, UKDEL NATO
INFO SAVING OTHER CSCE POSTS

MIPT: THE FOLLOWING IS THE TEXT OF SHULTZ'S REPLY, DATED 8 NOVEMBER:

BEGINS

DEAR EDUARD:

THANK YOU VERY MUCH FOR YOUR MESSAGE WHICH AMBASSADOR DUBININ DELIVERED TO ME ON NOVEMBER 7. I AGREE THAT THE RANGE OF OUTSTANDING ISSUES AT THE VIENNA CSCE FOLLOW-UP MEETING HAS NARROWED. MY GOVERNMENT WELCOMES THE PROGRESS WHICH AMBASSADOR DUBININ REPORTED INCLUDING RELEASES OF POLITICAL PRISONERS AND IMMIGRATION PERMISSION FOR PEOPLE WHO HAVE BEEN PREVIOUSLY REFUSED.

ONE OF THE FINAL ISSUES AT THE VIENNA CONFERENCE, WHICH YOU MENTION IN YOUR LETTER, IS THAT OF FOLLOW-UP ACTIVITY. WE CONTINUE TO FIND THE TWELVE PROPOSALS IN THE NNA DOCUMENT EXCESSIVE. THE UNITED STATES WOULD PREFER TO SEE A LIMITED NUMBER OF FOCUSED AND USEFUL MEETINGS UNIQUE TO THE CSCE PROCESS. WE CERTAINLY SUPPORT THE RESUMED NEGOTIATION ON CONFIDENCE AND SECURITY BUILDING MEASURES AS WELL AS THE INFORMATION FORUM AND THREE MEETINGS IN THE AREA OF HUMAN RIGHTS. SUCH A GROUPING WOULD CONSTITUTE THE ESSENTIAL CORE OF A BALANCED PACKAGE OF FOLLOW-UP ACTIVITY SUCH AS WE HAVE ALWAYS REQUIRED. IN THIS CONTEXT WE NOTE THE SOVIET UNION'S SUPPORT FOR THE PROPOSAL TO HOLD THREE MEETINGS ON THE HUMAN DIMENSION. AGREEMENT TO THIS PROPOSAL IS AN IMPORTANT STEP FORWARD IN THE CSCE PROCESS.

IN CONSIDERING THE SOVIET PROPOSAL TO HOST ONE OF THESE MEETINGS IN MOSCOW, A NUMBER OF COUNTRIES -- NOT JUST THE UNITED STATES -- HAVE SAID THAT CSCE MEETINGS MUST TAKE PLACE IN AN ATMOSPHERE OF OPENNESS AND ON THE BASIS OF A CREDIBLE RECORD BY THE HOST COUNTRY IN THE AREA BEING DISCUSSED. THE UNITED STATES THROUGH DISCUSSIONS WITH ITS ALLIES HAS GIVEN MUCH THOUGHT TO DEFINING HOW THESE GENERAL STANDARDS WOULD APPLY TO YOUR SPECIFIC PROPOSAL FOR A MOSCOW HUMAN RIGHTS MEETING.

FIRST IS THE EXPECTATION THAT ANY HOSTING NATION PROVIDE SPECIFIC

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GUARANTEES OF OPENNESS AND ACCESS FOR ALL WHO MIGHT WISH TO ATTEND, REPORT ON, OR BE PRESENT AT SUCH A CONFERENCE IN THE SAME MANNER AS THE AUSTRIAN GOVERNMENT HAS DONE FOR THE VIENNA CSCE FOLLOW-UP MEETING. IN YOUR LETTER TO ME, YOU SAY THAT FOR A MOSCOW MEETING THE CSCE RULES AND STANDARDS USED IN PARIS AND COPENHAGEN WOULD APPLY. I WELCOME THIS ASSURANCE WHICH IS IN LINE WITH OUR EXPECTATION. I HOPE THAT OUR DELEGATIONS IN VIENNA CAN DISCUSS THESE STANDARDS FURTHER IN ORDER TO CONFIRM THAT MY UNDERSTANDING IS CORRECT.

AS REGARDS THE OTHER CONSIDERATION, AMBASSADOR DUBININ PROVIDED MUCH SPECIFIC INFORMATION ABOUT THE SOVIET UNION'S RECENT RECORD IN THE FIELD ON HUMAN RIGHTS. I BELIEVE WE SHOULD ADDRESS THESE FURTHER AND ATTEMPT TO PEACE AN UNDERSTANDING ON WHAT STEPS THE SOVIET UNION INTENDS TO TAKE AND WHETHER, IN LIGHT OF SUCH STEPS, THE U.S. COULD SUPPORT YOUR PROPOSAL.

LET ME MAKE CLEAR THAT THE U.S. WOULD ACCEPT THE MOSCOW HUMAN RIGHTS CONFERENCE IF THE APPROPRIATE BASIS IN THE FIELD OF HUMAN RIGHTS CAN BE CREATED BEFORE THE END OF THE VIENNA MEETING. I IDENTIFY A NUMBER OF SPECIFIC STEPS FOR YOU BELOW. YOU WILL RECOGNIZE MANY OF THE SPECIFICS FROM THE INDICATORS OF PERFORMANCE AMBASSADOR ZIMMERMANN PROVIDED TO AMBASSADOR KASHLEV IN VIENNA IN OCTOBER 1987. IN REVISING OUR INDICATORS, WE HAVE TRIED TO TAKE ACCOUNT OF CHANGES ALREADY UNDERWAY IN THE SOVIET UNION, AS WELL AS THE PUBLICLY EXPRESSED INTENTIONS OF THE SOVIET GOVERNMENT.

WITH REGARD TO PRISONERS OF CONSCIENCE, I WELCOME THE NEWS AMBASSADOR DUBININ DELIVERED WITH REGARD TO THE 29 PRISONERS PARDONED OR PAROLED. AS I HAVE NOTED IN THE PAST, THERE REMAIN MANY OTHER NAMES ON OUR LIST OF PERSONS WHOSE LIBERTY HAS BEEN DENIED FOR POLITICAL OR RELIGIOUS REASONS, INCLUDING MANY WHO HAVE BEEN FORMALLY CONVICTED ON OTHER CHARGES. BEFORE WE COULD AGREE TO A MOSCOW CONFERENCE, WE WOULD EXPECT TO SEE ALL OF THOSE CASES RESOLVED AS WELL. I TAKE THAT TO BE YOUR INTENT WHERE YOU SAY, ACCORDING TO AMBASSADOR DUBININ, THAT THERE WILL BE NO "POLITICAL PRISONERS" AT SOME POINT SOON.

I ALSO APPRECIATE NEWS OF THE 45 PERSONS GRANTED PERMISSION TO LEAVE DURING THE MONTHS OF SEPTEMBER AND OCTOBER. CERTAINLY, THIS IS A WELCOME DEVELOPMENT TO MANY HERE WHO HAVE CARED DEEPLY ABOUT THESE CASES. MANY OF THEM ARE WELL KNOWN TO US. IN THIS AREA, AS WITH THE PRISONERS, THERE ARE OTHERS EQUALLY DESERVING, WHO HAVE BEEN REFUSED PERMISSION TO EMIGRATE FOR MANY YEARS. RESOLUTION OF THESE OTHER CASES, WHICH WE HAVE RAISED WITH YOU IN PAST MEETINGS, SHOULD ALSO

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TAKE PLACE BEFORE WE COULD AGREE TO YOUR PROPOSAL FOR A HUMAN RIGHTS CONFERENCE. OTHERWISE, HOW COULD WE EXPLAIN TO CONCERNED RELATIVES AND ORGANIZATIONS THAT SOME CASES CAN BE RESOLVED, WHILE OTHER LONG STANDING CASES CANNOT?

WE ALSO HAVE RAISED A NUMBER OF CASES BILATERALLY INVOLVING DIVIDED FAMILIES, BLOCKED MARRIAGES AND SEPARATED SPOUSES. CERTAINLY THESE PEOPLE ARE AT THE HEART OF THE CSCE PROCESS, AND THEIR WELFARE MUST BE A PRIMARY CONCERN AS WE REVIEW IMPLEMENTATION OF CSCE COMMITMENTS. IT WILL COME AS NO SURPRISE THEREFORE IF I SAY THAT WE WOULD EXPECT TO SEE THESE CASES RESOLVED AS WELL.

YOU COMMENTED ON THE PROGRESS OF THE VIENNA MEETING AND THE IMPORTANT RESULTS ALREADY RECORDED BY THE NEUTRAL AND NON-ALIGNED COORDINATORS. THIS WORK, AND THE WILLINGNESS OF BOTH SIDES TO SUPPORT IT, TRULY MERIT GREAT RESPECT AND IT IS NOT OUR INTENTION TO DEMAND CHANGES FOR FRIVOLOUS REASONS. AT THE SAME TIME, THE WEST HAS IMPORTANT GOALS WHICH WE HAVE MADE CLEAR FROM THE BEGINNING OF THE VIENNA MEETING. I CITE SPECIFICALLY, THE NEED FOR A CLEAR COMMITMENT TO END JAMMING, NOT THE LUKEWARM TEXT WHICH HAS BEEN RECENTLY PROPOSED, AND THE LANGUAGE WHICH SPECIFIES A CLEAR LIMIT TO THE USE OF SECRECY RULES AS A BAR TO EMIGRATION. AMBASSADOR DUBININ INDICATED THAT YOU ARE MOVING TO ESTABLISH CLEAR RULES ON THE LATTER, AND WE WELCOME THIS. ANOTHER KEY ISSUE IS THE RIGHTS OF INDIVIDUALS TO FORM ORGANIZATIONS TO MONITOR THE IMPLEMENTATION OF THE CSCE PROCESS. WITH A SMALL AMOUNT OF EFFORT FROM THE EASTERN SIDE, I BELIEVE IT POSSIBLE TO ACHIEVE A WORTHWHILE RESULT ON THESE REMAINING POINTS. I WOULD INVITE YOUR DELEGATION TO WORK WITH US TO ACHIEVE THIS GOAL.

A MAJOR CONCERN IN THE WEST, AND ONE NOT UNFOUNDED IF RELATED TO RECENTY HISTORY, IS THAT PROGRESS ACHIEVED AT THIS TIME WILL CARRY FORWARD INTO THE FUTURE AND NOT BE ABRUPTLY REVERSED. PUBLIC ASSURANCES BY THE SOVIET UNION THAT IT INTENDS TO TAKE CERTAIN STEPS IN 1989 -- SPECIFICALLY, TO ALLOW THE RATE OF EMIGRATION TO CONTINUE TO INCREASE AND TO MAKE SIGNIFICANT PROGRESS IN ELIMINTING THE JAMMING OF FOREIGN RADIO BROADCASTS -- WOULD PROVIDE IMPORTANT INDICATIONS FOR THE FUTURE.

THE ABOLITION OR AMENDMENT OF KEY PIECES OF LEGISLATION WOULD ALSO BE CRUCIAL. IN THIS REGARD, I NOTE THE BREADTH OF THE LEGAL AND JUDICIAL CHANGES WHICH AMBASSADOR DUBININ INDICATED TO ME. OF GREATEST CONCERN HERE ARE THE ARTICLES YOU REFER TO AS 'ANTI-SOVIET AGITATION AND PROPAGANDA.' IS IT YOUR INTENTION, AS WE WOULD

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EXPECT, THAT ARTICLES 70, 190-1, 142 AND 227 OF THE CRIMINAL CODE, WHICH ARE USED TO DEFINE POLITICAL AND RELIGIOUS CRIMES, WILL BE ABOLISHED OR SUBSTANTIALLY AMENDED? WE WOULD EXPECT TO SEE THESE STEPS IN THE COMING YEAR, ALONG WITH EFFECTIVE LEGISLATION ON PRESS FREEDOMS, EMIGRATION, FREEDOM OF RELIGION, AND JUDICIAL REFORM. THERE WAS NO TIMETABLE IN AMBASSADOR DUBININ'S PRESENTATION OF HOW SUCH CHANGES CAN BE CODIFIED. CAN YO CONFIRM THAT THESE STEPS WILL BE TAKEN WITHIN THE NEXT YEAR?

I HAVE GONE INTO GREAT DETAIL ON OUR SPECIFIC CONCERNS AND HOW I BELIEVE THE SOVIET UNION HAS BEGUN TO SATISFY THEM. I DO NOT BELIEVE THAT OUR REQUIREMENTS ARE UNREASONABLE SINCE IN SO MANY RESPECTS THEY CONFORM TO WHAT YOUR GOVERNMENT HAS ALREADY ANNOUNCED IT INTENDS TO DO. BUT, LET ME MAKE CLEAR: WE MUST SEE THE RESOLUTION OF THE SPECIFIC CASES I HAVE CITED, AS WELL AS CLEAR EVIDENCE THAT FURTHER REFORMS WILL BE UNDERTAKEN, BEFORE WE CAN AGREE TO YOUR PROPOSAL TO HOST A MOSCOW HUMAN RIGHTS MEETING.

IN MAKING THIS PROPOSAL, WE ASSUME THAT THE CURRENT POSITIVE TREND IN EAST WEST RELATIONS WILL CONTINUE.

OUR DIALOGUE ON THIS MATTER DEMONSTRATES THERE IS MUCH WE CAN ACCOMPLISH IN THIS FIELD TO THE BENEFIT OF BOTH OUR COUNTIRES AS WELL AS TO THE MANY INDIVIDUALS AND FAMILIES CONCERNED. TIME, HOWEVER, IS RUNNING OUT AND MUCH WORK REMAINS TO BE DONE IN VIENNA. YOU HAVE INDICATED AN INTEREST IN CONCLUDING THE VIENNA MEETING BY THE END OF THIS YEAR. IF THAT IS TO BE POSSIBLE AND WE ARE TO AGREE THAT ONE OF THE HUMAN RIGHTS MEETINGS BE IN MOSCOW, THEN WE WOULD NEED TO SEE THE ABOVE STEPS BY A DATE CERTAIN AND BEFORE THE END OF THE VIENNA CONFERENCE. IF YOU DO NOT BELIEVE THAT IT IS POSSIBLE TO IMPLEMENT THE NECESSARY STEPS FOR A MOSCOW CONFERENCE WITHIN THIS TIME-FRAME, YOU MIGHT WISH TO CONSIDER THE SUGGESTION MADE EARLIER THIS YEAR TO POSTPONE FURTHER CONSIDERATION OF THE MOSCOW PROPOSAL UNTIL THE NEXT CSCE FOLLOW-UP MEETING IN 1992.

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