

Part three

mt

Confidential Filing

Human Rights and the Position of
Dissidents in the Soviet Union.

SOVIET UNION

Policy towards the Madrid Review Conference.

Part 1: March 1980

CSCE

S
3007

Part 3: June 1990

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
1.6.90							
1.3.91							
4/3/91							
<p>PREM 19/3550</p>							



a: \braine. dsq

ce: fco

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

4 March 1991

The Prime Minister was most grateful to you for coming in to see him on Friday and for leaving with him the draft letter which you and some others on the Eminent Persons' Group propose to send to President Gorbachev.

As regards the specific questions you raised with the Prime Minister, now that we have had a chance to look at the text you kindly left in more detail, our advice would be as follows:

- There is no difficulty about sending such a letter and its despatch on 6 March, to coincide with the publication of the Group's report, would be the most appropriate date;
- We would be very happy for it to go through the Diplomatic Bag and for our Moscow Embassy then to deliver it. You might want instead, to achieve greatest impact here, to deliver the letter personally to the Soviet Ambassador of London (if you chose to do that, we would still arrange to deliver courtesy copies through the Bag to Moscow);
- As far as the text of the letter itself goes, this is a matter for you and the other signatories. The following are, therefore, no more than suggestions:

The last paragraph of page 5 could well be counter-productive, given its intended audience, and weaken the impact of the rest of the letter.

The last sentence of the last paragraph on page 4 limits the effects of Soviet non-compliance solely to our bilateral relations. Soviet non-compliance with international obligations would create friction extending far beyond these bilateral relations. You might instead prefer to add at the end of the previous sentence:- "...unlawful and arbitrary, and could undermine the Soviet Union's standing in the international community."

However, I emphasise that those are only drafting suggestions: the text of the letter is very much a matter for you.

You also kindly left a copy of the draft statement by the EPG. There are two very minor factual points which I should mention to you. First, Yuri Reshetov is not the "Minister for Humanitarian Affairs". He is the Head of the Humanitarian Affairs Directorate of the USSR Ministry of Foreign Affairs. Second, "Glavlit" has been succeeded by "GUOT".

I hope this is helpful.

Dominic Morris

The Rt. Hon. Sir Bernard Braine, D.L., M.P.



Foreign &
Commonwealth
Office

4 March 1991

London SW1A 2AH

Sean Dominic,

Eminent Persons Group

Thank you for your letter of 1 March reporting the call on the Prime Minister by Sir Bernard Braine about the visit of the Eminent Persons Group.

We see no grounds to advise the Group against writing to President Gorbachev (or, if they preferred, to Foreign Minister Bessmertnykh). They could send a copy of their letter to Mr Lukyanov (Chairman of the Supreme Soviet). We could send the letter through the bag and ask our Embassy to transmit it: we frequently use this channel for correspondence from MPs. However, to demonstrate the Group's independence of Government and achieve the greatest impact, they may wish to deliver the letter personally to the Soviet Ambassador, a member of whose staff briefed the Group before their departure. Our Embassy could then deliver courtesy copies in Moscow. Despatch of the letter on 6 March, in parallel with publication of the Group's report, would seem to be the right timing (the FCO are separately considering an invitation to attend the meeting at which the report is launched).

We have two factual comments on the proposed statement which you might want to pass on (if not, we could do so). Yuri Reshetov is not the "Minister for Humanitarian Affairs" but the Head of the Humanitarian Affairs Directorate of the USSR Ministry of Foreign Affairs. "Glavlit" has been succeeded by "GUOT".

On the draft letter to President Gorbachev, we have no problem with the suggestion that the FCO might offer further help to the Soviet Government over the text of the emigration law. We would strongly recommend that the authors drop the last paragraph on page 5 of the draft, which begins "And the Cold War is over". The paragraph has a threatening tone which is likely to be counterproductive.

The authors might also consider dropping the last two paragraphs on page 2 of the draft, which are not central to the argument and would strike a Soviet reader as patronising. The last sentence of the last paragraph on page 4 could also be re-worded. Soviet non-compliance with international obligations would create friction extending far beyond British/Soviet bilateral relations. Instead of this sentence,



the following words could be added to the previous sentence:
".....unlawful and arbitrary, and could undermine the Soviet Union's standing in the international community."

Action by the Prime Minister in Moscow

The Prime Minister's briefing covers human rights. We do not regard this as one of the highest priorities for this visit, although human rights points will be reflected in the Prime Minister's general support for continued reform in the Soviet Union. However, in the light of the Eminent Persons report, the Prime Minister will wish to be in a position to say that he has made relevant points to President Gorbachev. He could do this by:

- saying that there is continuing concern in the UK about human rights, including the embodiment in law of reforms introduced by President Gorbachev. There is concern also about the provisions of the emigration law, respect for the Paris Charter, and the conditions under which the CSCE Humanitarian Dimension Conference will be held in Moscow in September;

- offering further advice by British international lawyers, such as Professor Rosalyn Higgins, on the draft emigration law.

In the time available it has not been possible to clear this advice with FCO Ministers.

Yours ever,
Richard Gozney

(R H T Gozney)
Private Secretary

Dominic Morris Esq
10 Downing Street

SUBJECT CC MASTER

PERSONAL



Ch

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

1 March 1991

Dear Richard

Sir Bernard Braine came in to see the Prime Minister this afternoon following Sir Bernard's participation in the second Eminent Persons Group visit to the Soviet Union. The group has concluded that on the anniversary after their first visit there has not been sufficient progress on human rights to justify HMG's participation in the Moscow Conference on Human Rights planned for September. The group planned to launch their report publicly in Westminster on 6 March. Some members of the group (Sir Bernard Braine, Sir Richard Luce and Mr Veeder) also plan to write directly to President Gorbachev.

At this afternoon's meeting Sir Bernard handed over the text of the letter they proposed to send and sought the Prime Minister's advice on (a) whether the letter should be sent; (b) when the letter should be sent; (c) whether there were essential points we wished to see included or excluded, or changes to the language; (d) whether the Prime Minister should mention to President Gorbachev the offer of legal help with the drafting of the human rights laws.

The Prime Minister's initial reaction was that it would probably be unhelpful for the letter to arrive while he was actually in Moscow, since this might be seen by President Gorbachev as a 'cooked up job' and appear to put pressure on him. That being so, Sir Bernard is currently minded to send it on 6 March (ie the day they make their report public). He asked if it could be sent by bag and delivered via the Embassy. The Prime Minister was inclined to agree to this, though the Embassy would need to make clear that it was simply acting as a post box for the Eminent Persons Group and that it was not a communication from the Government.

Since the Prime Minister promised to respond to Sir Bernard before the Prime Minister's departure for Moscow, I should be most grateful for your quick advice on points (a) to (d) above on Monday (and if you could let me know whether there are any problems with a final version going by bag).

PERSONAL

PERSONAL

- 2 -

Also attached is a summary of the Group's statement to be released on 6 March.

Yours ever

Dominic

DOMINIC MORRIS

R H T Gozney Esq
Foreign and Commonwealth Office

PERSONAL

To go with
DM's letter of
cover today &
concerning PM's m to
with Bernard Braine MP.
DM wrote to Richard
Hosney I believe.
Please send these
on done

1/3

SACCSJ

STUDENT & ACADEMIC CAMPAIGN
FOR SOVIET JEWS

TUDOR HOUSE LLANVANOR ROAD
LONDON NW2 2AR

From the Chairperson
Tel 071 430 2669
Fax 071 430 1186

Rt Hon Sir Bernard Braine
House of Commons

1 March 1991

Dear Sir Bernard

During the course of our visit to Moscow, we were able to gain a valuable - if fleeting - insight into a society in the midst of a potentially great change. I would like to take the liberty of putting across a strongly held view, reinforced by what we saw, offered as my and SACCSJ's opinion, rather than in an attempt to capture a consensus.

We found it difficult always to pin down facts - numbers, instances of abuse. Indeed, in such inherently abstract areas such as free expression and confession, it was not always easy to decide what constituted an abuse. Nonetheless, there was little doubt that abuses, either by the authorities as such, or by those in authority and not curbed, continue to take place. The question, then, may arise of the "benefit of the doubt". Some are inclined to grant it, arguing that the moves forward indicate a trend, albeit one which will take time to complete. To argue the opposite seems to belittle the undoubtedly major advances which have taken place since, for example, 1985, when fewer than 1,000 Soviet Jews were permitted to emigrate, and more Jews were imprisoned for "Jewish" reasons (cultural, religious or emigration linked) than in any year in recent memory.

Yet this was precisely Mr Gorbachev's first year in office. Our concern is not so much whether a leopard can change his spots, but having done so, can he change back again?

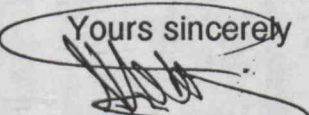
We are delighted with the growth in human rights in the Soviet Union, but we are aware that those very individuals who now choose to grant them chose not to do so in the recent past. Soviet officials with whom we now debate are the same people who were ignoring or insulting us in Reykjavik in 1986. Most fundamentally, as our meeting with Mr Reshetov and Mr Gorbachev's attempt to suspend free press at a time of difficulty seem to confirm, rights are still seen as a privilege within an assumption of control - you may only do what is expressly permitted. This is a long way from a truly democratic assumption that you may do anything except what is forbidden. Under the latter system, the state must justify restriction. Under the Soviet system, the individual must justify his freedom.

This is the crux of the matter. The individual in the Soviet Union may be left powerless without Western pressure.

I am not saying that we should ignore or take for granted Soviet efforts in this field. On the contrary, we should welcome and encourage; but we must also maintain the pressure. As we were told repeatedly, it is only through our pressure that the advances have been made and only if it continues that it will be safeguarded.

It is my personal view that this is the most constructive stance to assist the Soviet Union along the difficult path to a full acceptance of the democratic notion of freedom of the individual.

Yours sincerely


JUSTYN TRENNER

DRAFT LETTER TO PRESIDENT GORBACHEV
[JV Second Draft: 01.03.1991]

OK? Training?
When?
Alternative?
Can offer legal expertise?

Dear President Gorbachev,

The draft Law on Exit and Entry

We have recently returned from a visit to Moscow related to the proposed 1991 Human Rights CSCE Moscow Conference.

During this visit, our attention was drawn to grave deficiencies in the current (fourth) draft Law of the USSR on exit from the USSR and entry into the USSR by citizens of the USSR. We were told this draft Law may be soon promulgated by the Supreme Soviet of the USSR, either in its current form or in a form subject to still greater deficiencies.

We are writing to draw your attention to the present deficiencies in the hope that your intervention might remove them from the text of this important Law before its promulgation. Given the significance of this matter generally, we would be happy to expand on any of the points raised in this letter. We are also sending a copy of this letter to our Government in the hope that the Foreign and Commonwealth Office could respond promptly to any request for their assistance.

If the Law is promulgated by the USSR Supreme Soviet in its present form, we believe that these deficiencies are likely to cause difficulties between our two countries in the immediate future. We believe that the draft Law could be remedied by amendment without any or any insuperable difficulty. Moreover, from what we saw and heard in Moscow, we would be surprised and much disappointed if these deficiencies are seriously intended by the higher organs of the Soviet State - for two

particular reasons:

First, we noted during our visit significant improvements in the field of human rights - measured over the last five years. In particular, as to the right to leave the USSR we were told that last year certain categories of Soviet citizens were free to travel abroad or emigrate in unprecedented numbers. We acknowledged the importance of these achievements. We looked forward to their prompt consolidation as entrenched human rights under Soviet law in accordance with the declared policy of the Soviet State, particularly as a party to the 1966 International Covenant on Civil and Political Rights.

Second, we understood that the United Kingdom made available to those preparing the draft Law expert advice and assistance in the field of international law and human rights. We were told that Professor Rosalyn Higgins of the London School of Economics, a distinguished member of the United Nations Human Rights Committee, worked with certain of your country's experts in the preparation of early drafts of the Law, at the latter's request. We applauded this practical co-operation between our two countries on an important matter of common interest.

Historically, as you will know, the English people have always attached significance to the right freely to leave and to return to their country. England was the first country to promulgate a legal right to free movement, expressed in Magna Carta in 1215. If today the UK Government interferes with that legal right, both Parliament and the English Courts can - and do - intervene to protect the exercise of that right.

In England, we regard that human right as essential to the protection of all human rights in all fields of human activity. The state does not easily choose to offend its citizens if those citizens can vote with their feet. The existence of that right has compelled successive Kings, Queens

and Governments to respect the human rights of all United Kingdom citizens. Moreover, today the harmonious relations which the United Kingdom maintains with its immediate neighbours and distant countries is much influenced by personal relations made possible by mass travel, tourism and freedom of movement between these countries, established by law.

In these circumstances, we were dismayed to see in the draft Law the continued obsession with "state secrets" and the insertion of capricious restrictions on the right to travel, particularly for young men of conscript age.

Given the advice and assistance available from Professor Higgins and indeed from the USSR's distinguished member on the UN Human Rights Committee, Professor Rein Myullerson, there can be no doubt whatever that the draftsmen of the Law knew and understood the requirements of the Covenant. We can only conclude that such advice was consciously disregarded and that this departure from international law is deliberately intended by those responsible for the present draft Law. This is profoundly disturbing to us and to others in our country.

The current draft Law provides that the Soviet State can refuse a passport for foreign travel in circumstances where its citizen (as translated into English):

"... is acquainted with information that constitutes a state secret, or other agreements or contractual situations are in effect that impede the citizen's exist from the USSR, until the termination of the circumstances that impede exit..." (Article 7(1)i; cf Article 12).

We understand that no legal definition of a "state secret" exists. This wording also re-states the controversial words first made public by Decree No 1064 of the USSR Council of Ministers dated 28 August 1986. Moreover, by this particular wording the draft Law departs most clearly from the different

language of Article 12 of the Covenant, based on the narrow concept of necessary national security.

Under the current draft, the Soviet State can also refuse a citizen wishing to leave the USSR for permanent residence abroad if he is:

"... registered for military duty and is liable to be called for regular active military duty, until the such time as the regular active military duty is over or until the citizen is freed from such duty, according to the law of the USSR on general military duty..." (Article 7(1)vi; cf Article 11).

We were told in Moscow that substantially all the male population of the USSR between the ages of 16 and 27 are liable to military duty under the present law of the USSR, thereby falling within the latter restriction. We were also told that having served a period of military duty, the citizen could then fall under the former restriction for "state secrecy".

In effect, to our understanding, these two provisions mean that the Soviet State could frustrate foreign travel or emigration by families for indefinite periods of time. Although the restriction for state secrets operates for five years under Article 12 of the draft Law, we were told that this period could be extended indefinitely by an unnamed commission attached to the USSR Council of Ministers, as also provided by Article 12. And although Article 7 of the draft Law provides for a form of administrative and judicial review, the scope of such review appears to be potentially very limited and dangerously imprecise.

These are therefore grave deficiencies in the draft Law. If promulgated, we believe these restrictions will put the USSR in violation of its international obligations. The restrictions appear to us to be unlawful and arbitrary. Inevitably, there will be re-created a serious point of

friction between our two countries on humanitarian grounds.

It is widely believed in our country that the restriction based on "state secrets" has been abused by OVIR for many years to the present day, as a capricious and cruel pretext for refusing to Soviet citizens the right to leave the USSR. We ourselves have seen individuals refused for no reason at all or for a reason self-evidently nonsense. During our recent visit we saw families divided in heart-rending circumstances: a mother divided from her young son; an elderly grandfather from his children and grandchildren; a young husband from his wife. These cases seem never to end; and we look to their ending urgently. It is beyond our comprehension to understand the reason why a great and powerful country should think it necessary to allow OVIR and its related organs to mis-treat these and other individuals for no apparent purpose.

We believe that the plight of OVIR's human victims has been one of the most significant factors contributing to difficult relations between our two countries in recent times. In the United Kingdom, ordinary people will not stand by with indifference at these distressing cases; they will continue to demand that injustices be pursued and remedied by their Government and their elected representatives. We saw in Moscow far too much to believe that OVIR and its related organs could ever be trusted to operate properly without a firm, clear law promulgating at least the minimum requirements of international law, subject to effective judicial review.

And the Cold War is over. The changes in central Europe have taken place peacefully. Disarmament in Europe is continuing. These are historical achievements to which the USSR has very substantially contributed. Yet the draft Law assumes the worst - as if the USSR were still planning to bury us. If the draft is promulgated without material amendment, we believe these restrictions based on past notions of odious xenophobic militarism will create widespread mistrust of the USSR's true

motives towards our country and others in Europe.

We request that urgent further consideration be given to the text of the draft Law to remove the deficiencies described above and to bring the draft clearly into accord with the USSR's existing obligations under international law, in particular Article 12 of the Covenant.

Our request for your intervention is straightforward:

(1) Please take steps to ensure that those responsible for the draft Law remove these grave deficiencies by amending the draft Law to comply with the USSR's existing treaty obligations, particularly Article 12 of the Covenant; and

(2) If you were to think it helpful - as we most certainly do - please re-invite the assistance and advice of international and administrative legal experts, particularly from the USSR, Professor Myullerson, and from the United Kingdom, Professor Higgins, to ensure that this essential objective is met.

We look forward to your response as soon as practicable.

Yours etc [...]

cc [etc]

DRAFT LETTER TO PRESIDENT GORBACHEV
[JV Second Draft: 01.03.1991]

Dear President Gorbachev,

The draft Law on Exit and Entry

We have recently returned from a visit to Moscow related to the proposed 1991 Human Rights CSCE Moscow Conference.

During this visit, our attention was drawn to grave deficiencies in the current (fourth) draft Law of the USSR on exit from the USSR and entry into the USSR by citizens of the USSR. We were told this draft Law may be soon promulgated by the Supreme Soviet of the USSR, either in its current form or in a form subject to still greater deficiencies.

We are writing to draw your attention to the present deficiencies in the hope that your intervention might remove them from the text of this important Law before its promulgation. Given the significance of this matter generally, we would be happy to expand on any of the points raised in this letter. We are also sending a copy of this letter to our Government in the hope that the Foreign and Commonwealth Office could respond promptly to any request for their assistance.

If the Law is promulgated by the USSR Supreme Soviet in its present form, we believe that these deficiencies are likely to cause difficulties between our two countries in the immediate future. We believe that the draft Law could be remedied by amendment without any or any insuperable difficulty. Moreover, from what we saw and heard in Moscow, we would be surprised and much disappointed if these deficiencies are seriously intended by the higher organs of the Soviet State - for two

particular reasons:

First, we noted during our visit significant improvements in the field of human rights - measured over the last five years. In particular, as to the right to leave the USSR we were told that last year certain categories of Soviet citizens were free to travel abroad or emigrate in unprecedented numbers. We acknowledged the importance of these achievements. We looked forward to their prompt consolidation as entrenched human rights under Soviet law in accordance with the declared policy of the Soviet State, particularly as a party to the 1966 International Covenant on Civil and Political Rights.

Second, we understood that the United Kingdom made available to those preparing the draft Law expert advice and assistance in the field of international law and human rights. We were told that Professor Rosalyn Higgins of the London School of Economics, a distinguished member of the United Nations Human Rights Committee, worked with certain of your country's experts in the preparation of early drafts of the Law, at the latter's request. We applauded this practical co-operation between our two countries on an important matter of common interest.

Historically, as you will know, the English people have always attached significance to the right freely to leave and to return to their country. England was the first country to promulgate a legal right to free movement, expressed in Magna Carta in 1215. If today the UK Government interferes with that legal right, both Parliament and the English Courts can - and do - intervene to protect the exercise of that right.

In England, we regard that human right as essential to the protection of all human rights in all fields of human activity. The state does not easily choose to offend its citizens if those citizens can vote with their feet. The existence of that right has compelled successive Kings, Queens

and Governments to respect the human rights of all United Kingdom citizens. Moreover, today the harmonious relations which the United Kingdom maintains with its immediate neighbours and distant countries is much influenced by personal relations made possible by mass travel, tourism and freedom of movement between these countries, established by law.

In these circumstances, we were dismayed to see in the draft Law the continued obsession with "state secrets" and the insertion of capricious restrictions on the right to travel, particularly for young men of conscript age.

Given the advice and assistance available from Professor Higgins and indeed from the USSR's distinguished member on the UN Human Rights Committee, Professor Rein Myullerson, there can be no doubt whatever that the draftsmen of the Law knew and understood the requirements of the Covenant. We can only conclude that such advice was consciously disregarded and that this departure from international law is deliberately intended by those responsible for the present draft Law. This is profoundly disturbing to us and to others in our country.

The current draft Law provides that the Soviet State can refuse a passport for foreign travel in circumstances where its citizen (as translated into English):

"... is acquainted with information that constitutes a state secret, or other agreements or contractual situations are in effect that impede the citizen's exist from the USSR, until the termination of the circumstances that impede exit..." (Article 7(1)i; cf Article 12).

We understand that no legal definition of a "state secret" exists. This wording also re-states the controversial words first made public by Decree No 1064 of the USSR Council of Ministers dated 28 August 1986. Moreover, by this particular wording the draft Law departs most clearly from the different

language of Article 12 of the Covenant, based on the narrow concept of necessary national security.

Under the current draft, the Soviet State can also refuse a citizen wishing to leave the USSR for permanent residence abroad if he is:

"... registered for military duty and is liable to be called for regular active military duty, until the such time as the regular active military duty is over or until the citizen is freed from such duty, according to the law of the USSR on general military duty..." (Article 7(1)vi; cf Article 11).

We were told in Moscow that substantially all the male population of the USSR between the ages of 16 and 27 are liable to military duty under the present law of the USSR, thereby falling within the latter restriction. We were also told that having served a period of military duty, the citizen could then fall under the former restriction for "state secrecy".

In effect, to our understanding, these two provisions mean that the Soviet State could frustrate foreign travel or emigration by families for indefinite periods of time. Although the restriction for state secrets operates for five years under Article 12 of the draft Law, we were told that this period could be extended indefinitely by an unnamed commission attached to the USSR Council of Ministers, as also provided by Article 12. And although Article 7 of the draft Law provides for a form of administrative and judicial review, the scope of such review appears to be potentially very limited and dangerously imprecise.

These are therefore grave deficiencies in the draft Law. If promulgated, we believe these restrictions will put the USSR in violation of its international obligations. The restrictions appear to us to be unlawful and arbitrary. Inevitably, there will be re-created a serious point of

friction between our two countries on humanitarian grounds.

It is widely believed in our country that the restriction based on "state secrets" has been abused by OVIR for many years to the present day, as a capricious and cruel pretext for refusing to Soviet citizens the right to leave the USSR. We ourselves have seen individuals refused for no reason at all or for a reason self-evidently nonsense. During our recent visit we saw families divided in heart-rending circumstances: a mother divided from her young son; an elderly grandfather from his children and grandchildren; a young husband from his wife. These cases seem never to end; and we look to their ending urgently. It is beyond our comprehension to understand the reason why a great and powerful country should think it necessary to allow OVIR and its related organs to mis-treat these and other individuals for no apparent purpose.

We believe that the plight of OVIR's human victims has been one of the most significant factors contributing to difficult relations between our two countries in recent times. In the United Kingdom, ordinary people will not stand by with indifference at these distressing cases; they will continue to demand that injustices be pursued and remedied by their Government and their elected representatives. We saw in Moscow far too much to believe that OVIR and its related organs could ever be trusted to operate properly without a firm, clear law promulgating at least the minimum requirements of international law, subject to effective judicial review.

And the Cold War is over. The changes in central Europe have taken place peacefully. Disarmament in Europe is continuing. These are historical achievements to which the USSR has very substantially contributed. Yet the draft Law assumes the worst - as if the USSR were still planning to bury us. If the draft is promulgated without material amendment, we believe these restrictions based on past notions of odious xenophobic militarism will create widespread mistrust of the USSR's true

motives towards our country and others in Europe.

We request that urgent further consideration be given to the text of the draft Law to remove the deficiencies described above and to bring the draft clearly into accord with the USSR's existing obligations under international law, in particular Article 12 of the Covenant.

Our request for your intervention is straightforward:

(1) Please take steps to ensure that those responsible for the draft Law remove these grave deficiencies by amending the draft Law to comply with the USSR's existing treaty obligations, particularly Article 12 of the Covenant; and

(2) If you were to think it helpful - as we most certainly do - please re-invite the assistance and advice of international and administrative legal experts, particularly from the USSR, Professor Myullerson, and from the United Kingdom, Professor Higgins, to ensure that this essential objective is met.

We look forward to your response as soon as practicable.

Yours etc [...]

cc [etc]

Statement of the Eminent Persons Group following their visit to Moscow 22-25 February 1991

The Group was told that there were substantial and significant improvements in the field of human rights. They were unable, in general, to identify irreversible advances since the visit of the first Eminent Persons Group one year previously. They also stressed that because of the fluidity of the political situation in the USSR, bringing about a certain consolidation of the power structures, their conclusions could only relate to the situation at the time of their visit in February 1991. They noted the fears widely expressed that President Gorbachev's reliance upon centralised authority meant that early advances could be reversed.

Specifically, they found that key conditions set by HM Government for attending a Human Rights Conference in Moscow had not been met in full.

Emigration

While noting and welcoming the fact that some 300,000 Jews and ethnic Germans were permitted to leave the USSR in 1990, the group was nonetheless disturbed that there continue to be some unresolved refusenik cases and that some families continue to be divided in a totally inhumane manner. Additionally the Group was concerned that it should not be assumed that relaxation on emigration controls on Jews and ethnic German was extended to other citizens of the USSR and that this was necessary to meet HM Government's conditions.

Legislation

The Group heard evidence of practical difficulties in the working of the new legislation on freedom of religion in the USSR. They noted that the promised emigration legislation had still not been passed and that the latest (fourth) draft contained serious departures for minimum standards of international law, particularly with regard to the Soviet use of the term "State Secrets" and the imprecise scope of judicial review. In general, further progress was essential to a law-based state.

Prisoners of Conscience

Whilst noting that the number of prisoners of conscience appeared to have fallen, examples of prisoners of conscience still imprisoned were brought to the Group's attention. The details of these individual cases and their numbers could not be verified but they indicated that the problem was not yet finally resolved. The Group also noted with concern that a significant number of conscientious objectors had been imprisoned. However, they noted the commitment of Yuri Reshetov, Minister for Humanitarian Affairs, to a new law providing for an alternative to military service and the abolition of the death penalty.

Religious and Cultural Expression

The Group observed that there were now very great improvements in freedom of religious expression. However, they were concerned by administrative problems said to be caused by local organs the motives or reasons for which could not be fully evaluated. They were also concerned by the apparent continuing existence and operation of the Fifth Church Department of the KGB, which they considered to be an obstacle to full freedom of religious and cultural expression.

Freedom of Speech and Expression

The Group noted that there was essentially freedom of expression but viewed with concern the absence of a firm legal foundation and the continued existence and operation of "Glavlit", the censorship body, as well as repression of free expression in the Baltic States and the recent attempt by President Gorbachev to suspend the free press law.

The Group was pleased to note that within the practical constraints of the situation in the USSR, they were able to obtain freedom to monitor these areas.

The Group emphasised once again the need to move to a law-based state and that although not in itself sufficient that was necessary to guarantee the progress made to date and render it irreversible.

While acknowledging and welcoming the progress, the Group concluded that further progress was necessary in order to fulfill HM Government's conditions for attending a Human Rights Conference in Moscow.

The Group's members were:

Rt Hon Sir Bernard Braine MP, Rt Hon The Baroness Castle, Ford MEP, Dominic Lawson (Editor of The Spectator), Rt Hon Sir Richard Luce MP and Jonathan Miller QC.

Statement of the Eminent Persons Group following their visit to Moscow 22-25 February 1991

The Group was told that there were substantial and significant improvements in the field of human rights. They were unable, in general, to identify irreversible advances since the visit of the first Eminent Persons Group one year previous. They also stressed that because of the fluidity of the political situation in the USSR, bringing about a certain continuity in the power structures, their conclusions could only relate to the situation at the time of their visit in February 1991. They noted the fears widely expressed that President Gorbachev's reliance upon centralised authority meant that early advances could be reversed.

Specifically, they found that key conditions set by HM Government for attending a Human Rights Conference in Moscow had not been met in full.

Emigration

While noting and welcoming the fact that some 300,000 Jews and ethnic Germans were permitted to leave the USSR in 1990, the group was nonetheless disturbed that there continue to be some unresolved refusenik cases and that some families continue to be divided in a totally inhumane manner. Additionally the Group was concerned that it should not be assumed that relaxation on emigration controls on Jews and ethnic German was extended to other citizens of the USSR and that this was necessary to meet HM Government's conditions.

Legislation

The Group heard evidence of practical difficulties in the working of the new legislation on freedom of religion in the USSR. They noted that the promised emigration legislation had still not been passed and that the latest (fourth) draft contained serious departures for minimum standards of international law, particularly with regard to the Soviet use of the term "State Secrets" and the imprecise scope of judicial review. In general, further progress was essential to a law-based state.

Prisoners of Conscience

Whilst noting that the number of prisoners of conscience appeared to have fallen, examples of prisoners of conscience still imprisoned were brought to the Group's attention. The details of these individual cases and their numbers could not be verified but they indicated that the problem was not yet finally resolved. The Group also noted with concern that a significant number of conscientious objectors had been imprisoned. However, they noted the commitment of Yuri Reshetov, Minister for Humanitarian Affairs, to a new law providing for alternative to military service and the abolition of the death penalty.

Religious and Cultural Expression

The Group observed that there were now very great improvements in freedom of confession. However, they were concerned by administrative problems said to be caused by local organs, the motives or reasons for which could not be fully evaluated. They were also concerned by the apparent continuing existence and operation of the Fifth Church Department of the KGB, which they considered to be an obstacle to full freedom of religious and cultural expression.

Freedom of Speech and Expression

The Group noted that there was essentially freedom of expression but viewed with concern the absence of a firm legal foundation and the continued existence and operation of "Glavlit", the censorship body, as well as repression of free expression in the Baltic States and the recent attempt by President Gorbachev to suspend the free press law.

The Group was pleased to note that within the practical constraints of the situation in the USSR, they were able to observe freedom to monitor these areas.

The Group emphasised once again the need to move to a law-based state and that although not in itself sufficient this was necessary to guarantee the progress made to date and render it irreversible.

While acknowledging and welcoming the progress, the Group concluded that further progress was necessary in order to fulfill HM Government's conditions for attending a Human Rights Conference in Moscow.

The Group's members were:

Rt Hon Sir Bernard Braine MP, Rt Hon The Baroness Castle, Glyn Ford MEP, Dominic Lawson (Editor of The Spectator), Rt Hon Sir Richard Luce MP and Jonny Veeder QC.

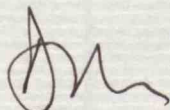
CHARLES POWELL

I am assuming you will sit in when Sir Bernard Braine comes in at 1430 this afternoon, though I am happy to if you would prefer.

He has recently returned from Moscow heading an all-Party Parliamentary Group, accompanied by a number of human rights lawyers. They have been looking at whether there have been improvements both in practice and in law in human rights in the Soviet Union over the last year; and if so whether these improvements are sufficient to justify the Government's participation in the proposed Moscow Human Rights Conference as part of the CSCE follow-up in September.

Their conclusion is that human rights have not improved sufficiently to justify such participation. They will be publishing a report next Wednesday 6 March.

The group propose to write to President Gorbachev before the Prime Minister's visit, setting out their concerns on human rights and offering (in Sir Bernard's words) "some suggestions which are meant to be helpful". Sir Bernard is looking for the Prime Minister's endorsement for this letter (or at least the certainty that it will not cause significant embarrassment at the time of the Prime Minister's visit). Sir Bernard promised twice yesterday to send it over in good time for this afternoon's meeting. So far it has not arrived. I have asked the Garden Rooms to keep an eye out for it but have not been able to get in touch with Sir Bernard this morning.



DOMINIC MORRIS

1 March 1991

c:\parly\braine.eam



Foreign and Commonwealth Office

London SW1A 2AH

1 June 1990

Dear Charles,

CON 1/6

Mr Shevardnadze's Letter about Future European
Security Structures

Thank you for your letter of 26 May. You asked for an analysis of Mr Shevardnadze's letter to the Foreign Secretary about European architecture and the future development of the CSCE.

I enclose a copy of FCO telegram No. 974 to Moscow with our analysis. The Soviet Ambassador, who called on John Weston on 30 May, was able to add little to the letter and the thinking behind it. He did, however, maintain that the "troika" suggested by Shevardnadze would not be a "directorate" and that any action would have to be decided by the 35 CSCE states collectively. (This is not how the letter reads.) He also explained that Shevardnadze was proposing only two centres, one to pursue implementation of CSBM/verification agreements, the other a crisis management centre.

Yours ever,

(R H T Gozney)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL

FM FCO

TO IMMEDIATE MOSCOW

TELNO 974

OF 291800Z MAY 90

INFO IMMEDIATE WASHINGTON, BONN, PARIS, UKDEL NATO, UKDEL VIENNA

INFO ROUTINE CSCE POSTS

MY TEL NOS 960 AND 961: MESSAGE FROM SHEVARDNADZE ON EUROPEAN ARCHITECTURE

1. SHEVARDNADZE'S LETTER, WHICH HAS BEEN AWAITED SINCE HE FLAGGED IT AT THE MINISTERIAL 2 PLUS 4 MEETING ON 5 MAY, IS ON THE WHOLE A POSITIVE CONTRIBUTION TO THE CURRENT DEBATE ON FUTURE EUROPEAN ARCHITECTURE AND WHERE THE CSCE SHOULD FIGURE IN IT. AS SHEVARDNADZE HIMSELF POINTS OUT, HOWEVER, THERE HAVE BEEN OTHER CONTRIBUTIONS. HMG'S APPROACH WAS SET OUT BY MRS THATCHER IN HER KONIGSWINTER SPEECH AT CAMBRIDGE ON 30 MARCH. THE SOVIET SUGGESTIONS SHOULD NOT THEREFORE BE TAKEN AS DEFINING THE AGENDA FOR DISCUSSION EITHER IN THE CSCE SUMMIT PREPARATORY COMMITTEE OR IN OTHER MEETINGS, BUT AS ONE AMONG A NUMBER OF USEFUL INPUTS TO THE DEBATE.

2. THE LETTER CONTAINS SEVERAL IDEAS WE EITHER AGREE WITH OR COULD CONTEMPLATE WITHOUT TOO MUCH DIFFICULTY RECOMMENDING TO MINISTERS:

I. THE BROAD UNDERLYING APPROACH OF THE FIRST FOUR PARAGRAPHS

II. CSCE SUMMIT MEETINGS EVERY TWO YEARS

III. REGULAR PREPARATORY MEETINGS OF FOREIGN MINISTERS

IV. A CSCE CAPITAL AND MINIMAL SECRETARIAT

V. A BODY FOR THE EXCHANGE OF INFORMATION ON TROOP MOVEMENTS AND EXERCISES (ON THE ASSUMPTION THAT THIS IS NO MORE THAN AN INSTITUTIONALISATION OF THE ANNUAL IMPLEMENTATION ASSESSMENT MEETINGS FORESEEN IN THE CSBM NEGOTIATIONS. A COMMUNICATIONS NETWORK WOULD ALSO GIVE US NO PROBLEM.)

VI. MAXIMUM USE OF EXISTING ORGANISATIONS

VII. NEED FOR A CFE AGREEMENT TO BE SIGNED AT A CSCE MEETING

VIII. CSCE SUMMIT (LINKED WITH CFE SIGNATURE) TO BE HELD IN PARIS)

3. OTHER SUGGESTIONS ARE MORE PROBLEMATIC AT FIRST GLANCE:

I. A 'TROIKA' MANDATED TO ADOPT COLLECTIVE ACTION:

II. A CONFLICT PREVENTION CENTRE (SOMETHING WE MIGHT EVENTUALLY ACCEPT PROVIDED IT WAS OPEN TO ALL 35 CSCE STATES, HAD A GENUINELY USEFUL FUNCTION AND ITS TERMS OF REFERENCE WERE CAREFULLY FRAMED). SHEVARDNADZE'S PROPOSAL OF TWO BODIES, ONE POLITICAL AND ONE MILITARY, IS EVEN MORE DIFFICULT.

III. THE CONCEPT, EVEN LONG TERM, OF A EUROPEAN SECURITY COUNCIL IF THIS WERE TO HAVE RESTRICTIVE MEMBERSHIP

IV. THE CREATION OF NEW ORGANISATIONS FOR ECONOMIC AND ENVIRONMENTAL COOPERATION (WHICH CONFLICTS WITH THE IDEA OF PARAGRAPH 2 (VI) ABOVE)

V. A MINISTERIAL MEETING IN VIENNA TO INITIAL DOCUMENTS EMERGING FROM THE PREPARATORY COMMITTEE (AND ALSO APPARENTLY TO INITIAL THE CFE AGREEMENT): THIS SEEMS UNNECESSARY.

4. ON ONE READING SHEVARDNADZE'S MESSAGE IS A SANDWICH WHICH STILL CONTAINS SOME UNPALATABLE FILLINGS EG ITS REFERENCE TO TRANSFORMING MILITARY AND POLITICAL ALLIANCES INTO MAINLY POLITICAL ORGANISATIONS AND THEIR SUBSEQUENT DISSOLUTION: AND THE LINKAGE OF THE CSCE SUMMIT PREPARATORY ^{MEETINGS} ~~SUMMIT~~ WITH THE 2 PLUS 4 PROCESS. BUT THE MAIN IMPRESSION THAT COMES THROUGH IS THE INSISTENT AND ALMOST DESPERATE SOVIET WISH TO SECURE THROUGH THE DEVELOPMENT OF CSCE, ARRANGEMENTS WHICH WOULD NOT LEAVE IT ISOLATED FROM DEVELOPMENTS ELSEWHERE IN EUROPE: AND WHICH PROVIDE A FRAMEWORK OF STABILITY AND REASSURANCE IN WHICH THERE IS SEEN TO BE A FIRM SOVIET STAKE. IT IS NOT IN THE WESTERN INTEREST TO DISCOURAGE OR REBUFF THIS. WE SHOULD THEREFORE DRAW THE RUSSIANS INTO A BROAD DISCUSSION OF HOW BEST THE CSCE

PROCESS CAN CONTRIBUTE TO MAKING FREEDOM, DEMOCRACY AND THE RULE OF LAW SECURE AND PERMANENT THROUGHOUT EUROPE. BUT WE NEED NOT FLINCH FROM EXPOSING THEIR WEAK POINTS. FOR EXAMPLE, SHEVARDNADZE STATES THAT THE SOVIET UNION WISHES TO HAVE A CFE AGREEMENT SIGNED AT THE CSCE SUMMIT: IS THIS CONSISTENT WITH THE SOVIET UNION'S POSITION AT THE CFE NEGOTIATIONS? AND IS HIS MESSAGE AS A WHOLE CONSISTENT WITH CURRENT SOVIET POLICY ON LITHUANIA? WESTON WILL SEEK TO DRAW OUT ZAMYATIN ON THESE AND OTHER POINTS WHEN HE CALLS ON 30 MAY TO OBTAIN FIRST UK REACTIONS TO THE LETTER.

HURD

YYYY

DISTRIBUTION 120MAIN 118

.CSCE
LIMITED
CSCE UNIT
SOVIET D
KIEV UNIT
EED
JAU/EED
WED
NEWS D
PLANNERS
PUSD
ECD (E)

UND
LEGAL ADVISERS
RAD
SECPOL D
RMD
PS
PS/MR WALDEGRAVE
PS/MR MAUDE
PS/PUS
MR P J WESTON
MR TAIT
MR GREENSTOCK

ADDITIONAL 2

MR APPLEYARD CABINET OFFICE
MR REEVES CABINET OFFICE

NNNN

SOVIET UNION: CSCE/ Human Rights Pt. 21

PART 2 ends:-

CDP to FLO 26.5.90

PART 3 begins:-

FLO to CDP 1.6.90

Grey Scale #13



A 1 2 3 4 5 6 **M** 8 9 10 11 12 13 14 15 **B** 17 18 19



Inches 1 2 3
Centimetres 1 2 3 4 5 6 7 8

Colour Chart #13

Blue Cyan Green Yellow

