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Foreign and Commonwealth Office

London SW1A 2AH

8 March 1990

Dear Charles,

CSCE

In your letter of 23 February you recorded the Foreign Secretary's conversation with the Prime Minister about strengthening and expanding the CSCE. I enclose a short paper outlining the Foreign Secretary's ideas. These could be worked up in the Prime Minister's Königswinter speech if she so wishes.

The basic idea is that the CSCE process should now be mobilised to help:

- to make human rights, democracy and the rule of law secure and permanent throughout Europe; and
- to underpin this with a framework of stability; encouraging prosperity via the free market system and reinforcing security by containing old rivalries and feuds safely below flashpoint.

One idea which is not taken up in the paper is that of a 'Security Council' for Europe. It is unlikely that we would ever get agreement on the membership, much less who should be permanent members with a veto. For the establishment of the UN Security Council the special circumstances of 1945 made agreement possible, but any attempt to designate particular European countries as having a special status would not succeed today. The best we could hope for would be that an informal Security Council might grow out of Four plus Two.

(J S Wall)

Private Secretary

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1. NATO will remain the cornerstone of our military security but the political stability of Europe as a whole needs a different framework. The CSCE is to hand, and can be built up for this purpose. It has the right membership (the Soviet Union, US, Canada and the European countries); and it has the right subjects on its agenda (frontiers, national minorities, military security, human rights). Whether or not the CSCE process is able to help with these problems it is worth building up as a way of reassuring the Soviet Union that their military withdrawal does not mean their exclusion from European affairs. It can play a role in preventing the Balkanisation of Eastern Europe and in providing a framework of political standards and commitments. Finally, it could provide the reassurance to the many minorities within the Eastern European countries that their rights have an external guarantee which is needed to prevent the reversion to pre-war 'droit de regard' concepts such as that being floated by some in the FRG in relation to German minorities.

2. So far the CSCE has been a rather loose organisation and commitments made under it have been imperfectly observed. We need to strengthen the CSCE machinery, expand its scope and adapt its role from confrontation to cooperation. Our aim in this is to make human rights, democracy, the rule of law and the market system secure and permanent throughout Europe.

3. We could propose the following new roles for the CSCE:

a) Democracy: A new Helsinki principle should be added on free elections. This would include the essential elements of periodicity, competition between a number of parties and elections as the basis of authority of government. There would be provision for observers at elections in any of the 35 countries. The UK and US tabled a proposal on this at the Paris CDH meeting, but it should be reflected in the CSCE Summit.

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b) Rule of Law: We tabled a proposal on the rule of law at the Paris meeting setting out the essential elements of a free legal system including:

- Governments should exercise their authority in accordance with the law;
- everything which is not prohibited expressly by law should be permitted;
- everyone should be equal before the law and should have access to independent lawyers;
- lawfulness of arrest and detention should be open to challenge in courts of law;
- anyone charged shall be presumed innocent;
- the judiciary shall be independent and impartial and shall be protected from pressure or interference from the state.

We should ensure these elements are reflected in the CSCE Summit declaration.

c) Human Rights: Our aim should be to accelerate the admission of the Eastern European countries to the Council of Europe, the European Convention on Human Rights and the jurisdiction of the European Court of Human Rights. We should not, however, lower our standards, and it will take some time for Poland and the Soviet Union to meet the Council of Europe's stringent criteria. We could therefore propose the creation of series of stepping stones between the CSCE commitments and the tighter Council of Europe obligations. A first step might be a declaration of intent at the CSCE Summit by the Eastern European states, indicating their willingness to accede to the Convention. This may create some technical difficulties (would the Americans be

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willing to join? Would we want the Russians in the Council of Europe without the Americans?), but these should be soluble.

d) Political Consultation: We need to encourage the countries of Eastern Europe to talk and think collectively; and we need a forum in which the Soviet Union can get a hearing for its concerns. We could propose that CSCE Foreign Ministers meet twice per year (in practice, given the press of business, this would often be at junior ministerial level) and that senior officials meet more often. These meetings would be able to discuss all CSCE issues from military security to national minorities.

e) Crisis Management We should make provision for an emergency meeting of the 35 in a crisis; but we would need to guard against abuse by any one country.

f) Conciliation: Now the Cold War pack ice is melting there is a danger that old rivalries and nationalisms in Eastern Europe will reassert themselves. The CSCE could help defuse tension and avert the threat of conflict, particularly in Eastern Europe. The Foreign Secretary has told the House of Commons that we are working on a proposal for CSCE conciliation machinery to provide confidential advice and assistance in resolving disputes. This machinery could consist of a panel of conciliators from the various CSCE countries from whom individuals would be chosen when a particular dispute was referred to the CSCE. Use of the machinery would be voluntary and the conciliators could not impose a settlement. But any party rejecting this solution would run the risk of facing the disapproval of the remaining 33 CSCE members. Both frontier disputes and problems relating to national minorities could be handled by this machinery. In parallel we would want to encourage the use of conciliation in purely national disputes. We would therefore offer to host a conference in London to spread expertise on conciliation and to encourage East Europeans to think about the substance of sensitive and contentious

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issues. The objective would be to provide a multilateral forum for the settlement of disputes and to head off attempts by industrialised countries (eg Germany, Hungary) to seek guarantees on a bilateral basis on behalf of 'their' minorities in other countries. The dangers which will derive from the latter approach of nationalist-based conflict are all too obvious.

g) Arms Control: We need to decide in what format conventional arms control negotiations should continue after a CFE Treaty. This will require a new mandate for talks after the CSCE Summit; Foreign Ministers could meet immediately after the Summit to set the course for the new negotiations. These discussions could cover proposals such as those for a risk reduction centre and joint verification machinery.

h) Market Economy: We should seek to set out the principles of a market economy (as we are hoping to do in the context of the Houston Summit), including the right to private property, and free competition in the Summit declaration.

i) Frontiers: There is a danger that unresolved border disputes in Eastern Europe could lead to instability. But a treaty signed by the 35 confirming existing frontiers would mean recognising the incorporation of the Baltic Republics into the Soviet Union just as they are on the verge of regaining their independence. Instead we should establish the German/Polish frontier in a treaty and the next Summit should reaffirm the ten Helsinki principles (which state that "the participating states regard as inviolable all one another's frontiers as well as the frontiers of all states in Europe" and that "they consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement").

j) Permanent Machinery: The CSCE should settle down in one city (eg Prague) for its regular meetings, although summits might take place elsewhere. We could agree to the creation of a

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small secretariat (no bigger than currently existing for follow up meetings) to service the CSCE meetings described above.

4. The Prime Minister could launch these ideas in her Königswinter speech. We would then put forward fully worked out proposals in the 12 and 16. A number of other less satisfactory ideas have been put forward by other other Western leaders (see Annex).

5. Our aim at the CSCE Summit should be agreement by the 35 to a "Charter for Europe" setting out the various headlines included in paragraph 3. There will not be time to reach full agreement on all the detail. That should be left to a series of follow up meetings of officials and occasional meetings of Foreign Ministers. They would produce a fully fleshed out document for adoption at Helsinki in 1992. The meetings would serve the additional purpose of setting in motion the consultative framework described in para 3(d). It is certain to be necessary in the turbulent two years ahead.

Policy Planning Staff
March 1990

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ANNEX: OTHER PROPOSALS FOR NEW ROLES FOR THE CSCE

PROPOSAL	COMMENT
[Genscher 1-10]	
1. Institution for East/West economic cooperation	Duplication of G24 etc
2. Pan European institution for protection of human rights linked to European Convention on human rights.	Acceptable and probably similar to our own idea of stepping stones, but no details.
3. European legal space	Unclear. Legal harmonisation undesirable, but provisions on the rule of law a good idea.
4. European Environment agency	Duplication
5. Extension of Eureka to whole of Europe	Probably fine, but not CSCE
6. Collaboration between ESA and Eastern institutions	Probably fine, but not CSCE
7. European Telecommunications Centre	Expensive and unnecessary
8. Centre to develop European transport infrastructure and policy	Expensive and unnecessary
9. European verification centre	We prefer national verification, or collaboration in NATO. But willing to consider.
10. European conflict management centre	Unclear. If similar to our proposal for conciliation worth considering. Otherwise may be unnecessary.

PROPOSAL	COMMENT
[Baker: 11-12]	
11. Economic cooperation	Helpful if this involves setting out market principles. But CSCE not well adapted to becoming a body for economic cooperation. Better left to G24, EC etc.
12. Multiparty elections and observers.	A UK/US initiative.
[Shevardnadze: 13-16]	
13. Permanent structures and working bodies of CSCE experts. The latter could be consultative and supranational. More frequent CSCE meetings; Committee of Foreign Ministers. Annual summits.	Permanent structures and meeting of Foreign Ministers acceptable. But Annual Summits too much. Committees of CSCE experts with supranational powers against our interests.
14. Centre for reducing the risk of war and preventing surprise attack.	Unnecessary and probably ineffective
15. Centre for ecological assistance.	Duplication
16. European Human Rights Institute	Council of Europe the best forum if it can be extended.