

IMPLEMENTATION OF THE HELSINKI ACCORDS

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDREDTH FIRST CONGRESS FIRST SESSION

PARIS HUMAN DIMENSION MEETING
HUMAN RIGHTS IN THE HELSINKI PROCESS

JULY 18, 1989

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PUBLIC HEARING ON THE PARIS HUMAN DIMENSION
MEETING

HUMAN RIGHTS IN THE HELSINKI PROCESS

Tuesday, July 18, 1989

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Washington, DC

The Commission met, pursuant to notice, in room 311, Cannon House Office Building, Washington, DC, at 2:30 p.m., Senator Dennis DeConcini, Chairman, and Representative Steny H. Hoyer, Cochairman presiding.

In attendance from the Commission: Representatives Bill Richardson, Christopher H. Smith, John Edward Porter, Frank R. Wolf and from the State Department Richard Schifter; also participating: Representatives Benjamin L. Cardin and Jan Meyers.

OPENING STATEMENT OF COCHAIRMAN HOYER

Cochairman HOYER. I'd like to call this hearing to order.

I'd like to make a brief opening statement for myself and then recognize Ms. Meyers and Secretary Schifter for such statements as they may want to make.

On June 23, the 35 States participating in the Conference on Security and Cooperation in Europe completed the first of three 4-week meetings of the Conference on the Human Dimension. The meeting, which was mandated by the Vienna Concluding Document, examined a wide range of human rights and humanitarian issues within the context of the Helsinki process.

The head of the U.S. delegation to that conference, a very distinguished American, Ambassador Morris Abram, was instrumental in pursuing the U.S. objective of seeking greater implementation of the human rights and human contacts provisions of the Helsinki Accords. He was a skilled negotiator and orator who won the respect of the representatives of the 35 nations. I would like to commend publicly the outstanding work of Ambassador Abram and the public delegates, some of whom are with us today.

The Public members provided a great deal of substantive information on compliance with CSCE human rights commitments. Their presence in Paris was extremely helpful in not only setting the tone for future meetings, but also in demonstrating the benefits of having private individuals, all experts in the field of human rights, as members of the delegation.

I, along with my House colleagues, Dennis Eckart and Ben Cardin, was able to travel to Paris during the meeting and had the opportunity during the plenary session to introduce a U.S. proposal

calling for free elections and the establishment of multiple political parties within all the signatory countries. This proposal represents a long-term Western goal for democracy in the Soviet Union and Eastern Europe, government based on the will of the people. As we have seen during the past year and indeed during the past week, the citizens of the Soviet Union and Eastern Europe long to exercise their right to determine their own future, a right which has so long been denied them.

The Paris meeting achieved, in my opinion, a number of very positive results. It provided a thorough review of the implementation of commitments undertaken by the participating States when they adopted the Vienna Concluding Document in January of this year. During the Paris review, progress and implementation was acknowledged, as it should have been. However, continued Soviet and East European violations of the rights of national minorities and religious believers and restrictions on the rights of free assembly, association, expression, as well as noncompliance with human contacts provisions were also given considerable attention.

I believe that the Paris meeting did advance the Helsinki Commission's goals of fostering greater respect for human rights and fundamental freedoms. While the meeting was useful, its success ultimately depends on the extent to which it will lead to improved compliance with CSCE provisions.

In this regard, I, and I know others, look forward to the testimony of Ambassador Abram and our public member witnesses to hear of their Paris CDH experiences and their estimates of what the future holds for the upcoming meetings in Copenhagen and Moscow.

Finally, I would like to add that July 19 marks the 6-month anniversary of the signing of the Vienna Concluding Document. One of the key commitments made by the Signatory States at the end of that meeting was the resolution of all outstanding human contacts cases within 6 months. To the Soviet Union and others with outstanding cases, I must say the clock is ticking, time is running out, and our expectations of compliance with Vienna remain very much intact and we are hopeful that these cases will be resolved.

Before turning to the other members, I'd like to introduce the head of our delegation, Rudy Perina, who was absolutely outstanding. We want to thank him for his efforts and for his cooperative work with the Commission staffers who were there with him and Ambassador Abram.

Congresswoman Meyers?

Representative MEYERS. No opening statement, Mr. Chairman. I look forward to the testimony of Ambassador Abram.

Cochairman HOYER. Congressman Cardin?

I might say that although Congresswoman Meyers and Congressman Cardin are not members themselves of the Commission, they are very strong supporters and participants in the Helsinki process. Both have traveled with the Commission to Eastern Europe in their roles as advocates of the agenda of the Helsinki Final Act. I very much appreciate their attendance at this hearing as well.

I'd like to also recognize Secretary Schifter, a member of the Commission, the Assistant Secretary of State for Human Rights and Humanitarian Concerns.

Mr. Secretary?

Secretary SCHIFTER. I would offer the same comment as Congresswoman Meyers.

Cochairman HOYER. Thank you.

At this time I'd like to recognize Ambassador Abram for his opening statement.

**TESTIMONY OF AMBASSADOR MORRIS B. ABRAM, HEAD OF THE
U.S. DELEGATION TO THE CONFERENCE ON THE HUMAN DI-
MENSION**

Ambassador ABRAM. Mr. Chairman and members of the Commission and other Members of the Congress, it's a distinct pleasure and honor to be here to report to you. I have prepared an opening statement which I would like to have filed and considered part of the record, but I would like to make an additional statement orally, if I may? sir.

Cochairman HOYER. Without objection, your statement will be included in full at this point in the record and, Mr. Ambassador, we look forward to any comments you would like to now make.

[The prepared statement of Ambassador Abram follows.]

Report on the Paris Meeting of the
Conference on the Human Dimension
of the CSCE May 30 - June 23, 1989

Ambassador Morris B. Abram

I am honored to be asked to testify to the CSCE Commission and report on the Paris meeting of the Conference on the Human Dimension of the CSCE May 30 - June 23, 1989.

It was a privilege to serve as the head of the U.S. delegation, and I must express my profound admiration for the work of the CSCE Commission personnel -- from Ambassador Wise to the entire Commission component of the delegation. They were superb and cooperative in every way. I want especially to thank Senator DeConcini and Congressman Hoyer who joined the meeting for several days each demonstrating the great interest of the American Congress and other segments of the American people in the CSCE process.

This meeting on the "Human Dimension" was one of three in a Conference mandated in the Vienna Concluding Document of January, 1989. Subsequent meetings of the Conference are to be held in Copenhagen (1990) and Moscow (1991).

The meeting was opened by the French President. Several Foreign Ministers, including those of the Soviet Union and the Federal Republic of Germany, addressed the meeting.

The following American objectives were achieved at the meeting:

1. We avoided adoption of an additional set of written commitments, leaving the meeting to concentrate on the central task of reviewing compliance with commitments already made. President Mitterand reflected this approach in his opening statement to the plenary when he said, "Now is the time to call rhetoric to account."

2. We called attention to serious human rights violations and unmet CSCE commitments in working groups, plenaries and in bilaterals.

The U. S. and other Western conference delegations focussed on massive human rights violations in Bulgaria and Romania. There was almost universal revulsion at Bulgaria's moves against its ethnic Turkish culture in Bulgaria. The

United States labelled this "contempt" of the Helsinki process.

The Romanians came up against a wall of disapproval when they denied having approved the human rights "mechanism" in Vienna. In the opening plenary there was vigorous applause for all other opening statements but only stony silence when the Romanian delegation concluded its opening statement asserting it was not bound by the "mechanism." The Romanian posture made it impossible to achieve any significant consensual statement, even had one been desired by the United States.

In bilaterals, the United States dealt in a frank yet nonconfrontational manner with the Bulgarians, the Romanians (an informal bilateral), the Czechs and the Soviets.

3. We avoided adoption of new proposals which might have weakened the Helsinki, Madrid and Vienna documents.

I am very glad to note that, in an appearance at the last session of the meeting, Ambassador Max Kampelman, the U. S. negotiator of the Madrid Concluding Document, affirmed that the Paris meeting had reinforced the human rights commitments contained in the Madrid and Vienna Concluding Documents.

4. We tabled strong, ambitious proposals for forwarding to the Copenhagen and Moscow meetings.

Among these is the American proposal in support of Representative Government. This fulfills the President's mandate to make free elections a part of the CSCE human rights agenda. At several sessions of the conference, I stated -- and challenged anyone to contest -- two fundamental propositions:

First, that the moral authority to make laws in a state has to reside in the people governed; and

Second, that there is no way to test the consent of the people or their grant of authority to the government except by free, contested elections after free and full debate. I contended that the Soviet proposals for a "common European legal space" and "common European house" had to take into account that a home is a place of shared values. Since a majority of the European states at the Conference are

democracies in which ultimate authority rests with the people, there can be no real common "legal space" or "common house" until all states adopt a form of representative government and free institutions.

An important Austrian proposal, co-sponsored by the United States and Hungary, called for the abolition of all exit visas. In this context, we spoke at great length about the right to leave one's country, pointing out during one intervention that there was a great difference between a house and a home, for one is always free to leave -- and return to -- one's home, while a house can be a place of detention.

We also supported a British proposal on respect for the rule of law.

The Swiss tabled an interesting proposal on permitting foreign observers at criminal proceedings. This proposal is probably the opening move of the Swiss initiative outlined to me in Washington by the Swiss Ambassador to the United States before I departed for Paris. The Swiss were then seeking reaction to the idea of importing into Basket III the type of confidence-building measures applicable to Basket I. This raises a number of issues which will require careful study in the United States, but the proposal remains extremely interesting.

In my final statement I agreed with the Ambassador of the Federal Republic of Germany who had said on the previous day that "there cannot be peace without human rights." One can make the argument that if one cannot have confidence in a state's fulfillment of its human rights obligations not affecting its national security directly, how can one have confidence that it will fulfill its security obligations, which of course directly affect the nation's vital interests? These and other suggestions for strengthening the protection of human rights were forwarded for further discussion to Copenhagen.

5. We reviewed the experience of CSCE states in employing the new human rights "mechanism" adopted at Vienna. Meeting participants exchanged experiences on the use of the "mechanism" to date, which has been invoked by both East and West. Results were judged to be mixed. In the course of these discussions, Romania came in for special criticism because of its refusal to abide by its commitment to respond to human rights inquiries.

In summary, we believe the United States met its main objectives at Paris. All the same, it is tragic that while this meeting was going on, the Bulgarian and Romanian authorities were taking actions in direct violation of their CSCE commitments. The representatives of both states, however, stayed at the table, faced the music and, it is hoped, reported accurately back to capitals on the drubbing they were receiving.

Three personal impressions of the conference may be of some interest.

First, I noticed a profound change in the atmosphere of this meeting as compared with that prevailing at other international meetings on human rights in which I have participated in years past.

I can recall the time when I attended a human rights conference in Hungary in the 1960's. The Hungarian policy on emigration was as hard, as cold and as intractable as anywhere else in the East. Now Hungary proposes to abolish exit visa requirements and to issue passports to citizens upon request.

We all recall the events of the early 80's in Poland when Solidarity was outlawed. Now Solidarity has been legalized by the Polish authorities not only as a trade union but also as an organization with a role in governing that country.

There have been important changes in the USSR. There was a workman-like, nonconfrontational spirit between our delegations. At the same time, we challenged the Soviets throughout the meeting to make good on their promises of change. To help bring the Soviets' high-blown declarations back down to earth, we took the occasion of the visit of Dr. Yuri Orlov (a U. S. resident) to put him in the chair to speak for the United States. The Soviets had placed a number of "non-governmental" persons in their chair -- a cosmonaut and the Metropolitan of Moscow. We made the point that Dr. Orlov appeared under entirely different circumstances. Unlike the Soviet cosmonaut and Metropolitan, he was truly a non-governmental representative since we have no one-party state which presumes to control, authorize or register a group in order to bring it into existence. Orlov made a deep impression. He pointed out that his son still cannot leave the Soviet Union, presumably as an act of vengeance against the father. Orlov, with the prevision of a physicist, made a

telling point: Gorbachev "is trying to reform the country to keep his system in power."

In our final summation, we tried to paint an encouraging picture of change in the Soviet Union without denying that the Soviets have a long way to go before they are in full compliance with their CSCE commitments.

There were the unhappy expressions from some of the Soviet hard-liners who accused the United States of violating women's rights, holding "political prisoners" such as Kathy Boudin, failing to give parity to native Indian languages and Spanish and tolerating "rampant anti-semitism." We countered this criticism immediately and tellingly. We maintained that we do not have women sweeping streets and then spending hours in line to get fresh fruit only to find the supply exhausted; that women who are gainfully employed in most places have access to hospitals that actually have medicines and modern equipment; that there is a difference between Kathy Boudin's political beliefs and her murderous acts; and that while (and I should know) there is anti-semitism in the United States, none is conducted by an organization which is "officially registered," such as some of the Soviet anti-semitic groups.

I said I regretted that Deputy Foreign Minister Adamishin had said "we have charged a Soviet course for the future." I argued that it was the right of the people of the Soviet Union themselves to decide what kind of a future they wished, but that no state was privileged "...to chart a course where human rights are trampled on." We agreed that there is no logical inconsistency between socialism and the observance of human rights. We put it as follows:

Not all socialist states have to be like China. I do not believe there is a voice at this table which will say there has to be a parallel between the kind of human rights violations of a gross nature that occur in China (a socialist state and a non-party state) and similar states that are socialist in the CSCE process and are part of Europe.

I refuse to believe, Mr. Chairman, that socialism must stifle free speech. I refuse to believe that socialism must limit the press and therefore repress religion and national minorities. I refuse to believe that socialism is compatible only with the principle of a one-party state, or closed frontiers. Therefore, I was grieved to hear from

one delegate of the USSR who spoke on the second of June these words which I noted down: the Soviet Union is "not ready for the creation of alternative political parties."

The country of glasnost and perestroika is certainly not justified, 14 years after it agreed to the Helsinki Accords, in taking such a position in this chamber. Why do I say this? Because the signature of the Soviet Union appears on the Helsinki Final Act, which recognizes the "right of all peoples in full freedom to determine when and as they wish -- their internal and external political status." Surely the more than 100 ethnic groups and nationalities comprising the 270 million or more citizens of the USSR are not born into one political party. And there is no electoral evidence whatsoever that these citizens of the Soviet Union have chosen this party as their sole or ruling instrument for government.

There was a considerable debate at the conclusion of the meeting largely in the caucuses and in the corridors as to the necessity and form of a possible concluding statement. Since such documents must be adopted by consensus, everyone recognized at the outset that Romanian opposition would make it difficult to win approval to any substantive statement of principle. Moreover, any open criticism of Bulgaria and Romania could not possibly win unanimous approval -- and yet such criticism was necessary if the report were to be credible. In the end, we successfully resisted the notion of adopting a statement which, because it said little, could have been misconstrued as a document avoiding tough issues.

We look forward to continuing work in Copenhagen next year on the excellent proposals put forward in Paris. We also await developments -- I would hope a change for the better -- in Bulgaria and Romania, since at this juncture both countries seem to be so out of step with the rest of the CSCE states. We shall pick up in Copenhagen where we left off in Paris.

Ambassador ABRAM. Thank you, Mr. Chairman. I would be remiss if I didn't begin by thanking you for taking your time out during a very eventful period in your own personal and political life to be with us. It meant a great deal to us and I think to the process for you to be there to present what I'm going to refer to in my later remarks as an extremely important American intervention. And also Senator DeConcini. Both of you made a distinct contribution to the process and we are extremely grateful, all of us on the delegation, for your presence and leadership.

I also want to thank Congressman Cardin, who came during the proceedings and graced us by his presence and his wisdom.

Since we are testifying today before this Commission, I think it would be valuable for me to tell you how important I think the Commission staff was to the delegation. Ambassador Sam Wise, of course has long experience and great wisdom. Spencer Oliver, consultant, of course, predates him as the staff director of the Commission. He was with us for much of the time. Ambassador Wise was there for 2 of the 4 weeks.

Then, of course, the staff. I can't say too much about the staff that would be commensurate with their value. Whether we speak of Ann Banchoff or Cathy Cosman, Orest Deychakiwsky or Bob Hand or Erika Schlager, they were all really magnificent and worked as a team with the State Department elements of the delegation. I personally would like to thank the Commission for the kind of talent that you bestowed upon this meeting.

There were, of course, a number of public delegates, Alice Hankin, Ludmilla Alexeyeva, John Elliott and Frank Koszorus who were there and who made substantial contributions to the work. I think it's very important to have independent personalities of this type attend these meetings. It illustrates the very distinct difference between the Soviet nongovernmental operation and the operation of the United States.

Of course, I would be terribly remiss if I didn't say that during large parts of the meeting, we were privileged to have many of the NGO's, some of who are in this room, present at our deliberations and giving us advice, consultation and support.

Now, Mr. Chairman, this, as you've said, is one of three meetings of a single Conference of the Human Dimension which was authorized by the Vienna Final or Concluding Document. I think in terms of planning and in terms of reporting and in terms of future strategy, one has to consider this as a continuum. What was done in Paris was the groundwork for the subsequent meetings which will be held in 1990 in Copenhagen and in 1991 in Moscow.

Having served as the U.S. representative to the U.N. Commission on Human Rights for a number of years, I came away with the distinct impression that this is one of the really favorable forums for the point of view of the West and particularly the point of view of our democracy. Here we were amongst 35 nations, at least 25 of which, or more, are distinct democracies who share our view of the world, who share our values. Consequently, when the Eastern bloc meets the delegations from the Western parts of the CSCE process, they are confronted by the fact that they are, for the first time, at least in my experience, a distinct minority as a state that does not practice democratic processes.

It is a good forum for us and I think we must use it more and more. I would suggest that we should apply more resources and more attention to it.

I also had the impression that though many people feel that the Helsinki Accords gave the Soviet Union and the Eastern bloc a distinct leg up, that actually the Helsinki Accords have served the interest of the United States and the West in an extraordinarily useful way. I say that because I thought whatever the Soviet Union obtained in a limited way in those Accords, is to be compared with what the West gained, and that is the opportunity to engage the Eastern bloc in a continuous and ongoing process.

Having come from Georgia and having read the Uncle Remus stories, it's almost like being stuck with Tar Baby. The Soviet Union must come to these meetings and is held accountable before the States of the West and the States of Europe. Consequently, I had the distinct feeling that we have an extraordinarily useful implement to move the Eastern bloc further and further towards the principals of democracy which we all believe in.

Now, I believe that we achieved our objectives. We went with the distinct view that what we were about was to not state further general principles but to call into account the principles that had been adopted, at least as far as the conduct of the member States were concerned. The French President who addressed the meeting at the opening session put it very well. He said, "This meeting is a meeting to call rhetoric into account," and I think we did that and I think it was useful in that sense particularly.

The second thing I think we tried to do and I think we were successful in doing is to avoid any general pious, consensual statement, watered down so as to be meaningless. That would have been the kind of statement that would have emerged had we tried to seek a general statement of principle because of the conduct of the Romanian delegation who ostensibly simply denied the validity of the Concluding Document of Vienna.

The third thing I think we did was to lay down, particularly in the proposition which was advanced by Congressman Hoyer, the principal of representative government, we laid down a proposal which will go on and resound both in Copenhagen and later in Moscow. I think while it, of course, is in a very preliminary stage, I believe in the final analysis it will be an extraordinarily useful instrument.

The British also laid down a very strong position calling for the rule of law.

Another surprising proposition that was laid down and will go, of course, as all propositions, to Copenhagen and then to Moscow is the intervention of Austria, joined in by the United States, calling for the abolition of all exit visas. Interesting and I thought very, very unusual was the fact that this particular resolution was joined in by the Hungarians. So far as I know, it is the first real breach of any distinct nature in the Soviet bloc in the field of human rights in a forum such as this.

Another thing that I think is important to realize that we were about was the giving of the NGO's a kind of prominence and the kind of status and the kinds of attention to which they deserve and are entitled. We did everything possible to advance the cause of the

NGO's and to prevent there being circumstances in Paris which could later be used as precedents for restriction of NGO activity in Moscow.

There was also a very important Swiss proposal which was laid before the Conference and it was one which, as a preliminary matter, would bring into Basket III the confidence-building mechanisms of Basket I. The Swiss had spoken to me before the Conference began of the possibility of incorporating more of Basket I into Basket III in terms of the Basket I's confidence-building measures. But as it was presented by the Swiss in Paris, it was a proposal to have an exchange of trial observers.

Now I'd like to make a few observations. First of all, that there is a thaw in the Soviet bloc. Hungary made some extremely serious and important charges against Romania. Romania, which was acting contumaciously throughout the proceedings, I think was really shunned and, as a matter of fact, was almost isolated. I say that because when the Romanian delegates spoke at the plenary session, though everybody who spoke received applause, there was no applause, not a pattering of applause for the Romanian. Not from the Eastern bloc, not from anyone else.

Another observation is that though the Soviet Union has obviously made many changes and there are extraordinary opportunities for intellectuals in the country, the hard line is still present in some respects. During one session, a very hard line was taken against the United States, citing our so-called mistreatment of women in this country, the imprisonment of political prisoners, namely Cathy Boudin being one and flagrant and rampant anti-Semitism. We answered this flatly on the spot, I think.

But nevertheless, Mr. Kashlev, the Soviet delegate who was a charming gentleman and with whom we had extremely good relations, was not in the chair when those charges were made. So there are two sides to Soviet policy, at least as one views the remarks of this delegate as compared with those of Mr. Kashlev.

Another point that I would make is that there is a real effort on the part of the Soviets to create the impression that there is a common European home, a common ideological home, a common legal space of Europeans geographically located. Now, I think that's a very dangerous tendency. It's very seductive because geographically we are not part of Europe, but ideologically and politically we are a part of Europe and Europe is a part of us. It's very important, it seems to me, to make very clear constantly that to have a common European home or a common legal space, one must have common values. That's why the resolution on representative government is important.

Three times during the course of those sessions we stated categorically that we did not know of any moral basis for a legal system except the consent of the governed and that that consent had to be tested by periodic elections of contending political parties. We were asked if anyone dared to challenge that proposition. No one did. Until people can say that their Governments sponsor this kind of a legal system it's hard, it seems to me, to talk of a common legal space, as seductive as that is to some.

Now, the Soviets made clear in one intervention that they're not prepared for contending political parties. Contending, of course,

that that is not necessary under the Helsinki Final Act. I'd like to constantly keep in mind, if I might, the terms of the Final Act, which says, "The right of all peoples in full freedom to determine when and as they wish their internal and external political status." I think we should hold the Soviets to that solemn pledge.

It is also the position of the President, because the Hoyer proposal was essentially based upon what President Bush had said as to the necessity for representative government.

I would like to conclude by saying that we believe that there has been some extremely important progress made at Paris in the sense that the West was totally united on the propositions that bind us together. There was no consensual statement that was weak that subscribed to. I think there was the beginning of a feeling that Basket I and Basket III are intimately linked. As a matter of fact, time and time again it was pointed out that more people have died in this century as a result of the violation of human rights than as a result of any wars.

Another telling point, I think, made without contradiction is that in this century there has never been a war between two democracies. Where the people have to be consulted, there simply has not been war. I think, therefore, the tying of Basket I and Basket III together is something that we should continue to insist upon because they are inextricably linked together.

Thank you, Mr. Chairman.

Chairman DECONCINI. Ambassador, thank you very much for your testimony. I regret being tardy at the beginning of this hearing, this very important hearing to have a briefing and update on the Paris Conference, but we were having a vote that started at 2:35. I will submit my opening statement, which is really a welcome to you, a compliment to you and the staff for a fine job there.

[Prepared opening statement of Chairman DeConcini follows.]

STATEMENT
DENNIS DeCONCINI
CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HEARING: PARIS MEETING
CONFERENCE ON THE HUMAN DIMENSION
JULY 18, 1989, 2:30 - 4:30, 311 CANNON

IT IS A PLEASURE TO WELCOME OUR WITNESSES TODAY TO THIS HEARING THAT WILL EXAMINE THE RECENTLY CONCLUDED PARIS HUMAN RIGHTS MEETING. THE PARIS MEETING WAS THE FIRST IN A SERIES OF THREE HUMAN RIGHTS MEETINGS MANDATED BY THE VIENNA CONCLUDING DOCUMENT TO BE HELD IN THE INTERVENING YEARS BEFORE THE NEXT FULL CSCE REVIEW MEETING IN HELSINKI IN 1992.

THE PARIS MEETING WAS IMPORTANT ON SEVERAL LEVELS. IT PROVIDED MEMBERS OF THE 35 CSCE STATES THE OPPORTUNITY TO ENGAGE IN A THOROUGH AND FRANK REVIEW OF HUMAN RIGHTS IMPLEMENTATION SINCE THE VIENNA MEETING AND TO EVALUATE THE NEW HUMAN RIGHTS MECHANISM WITH AN EYE TOWARDS BETTER UTILIZING IT IN THE FUTURE. IT ALSO SET THE STAGE FOR FUTURE EFFORTS IN THE HUMAN DIMENSION OF THE CSCE THROUGH FORWARD-LOOKING PROPOSALS, SUCH AS THE U.S. PROPOSAL ON FREE ELECTIONS AND POLITICAL PLURALISM.

THE MEETING EXHIBITED INCREASED PUBLIC INTEREST IN THE HUMAN DIMENSION OF THE CSCE PROCESS. THE POSITIVE CONTRIBUTIONS OF NON-GOVERNMENTAL ORGANIZATIONS AND THE VALUABLE ASSISTANCE OF PUBLIC MEMBERS, TWO OF WHOM WILL SHARE THEIR EXPERIENCES AND VIEWS WITH US TODAY, SHOWED THAT ACTIVE PUBLIC INVOLVEMENT LIES AT THE HEART OF THE HELSINKI PROCESS. AND IN AN IMPORTANT ADVANCE, A NUMBER OF HUMAN RIGHTS ACTIVISTS FROM EASTERN COUNTRIES WERE ABLE TO COME TO PARIS TO RAISE THEIR CONCERNS WITH DELEGATES, ALTHOUGH SOME ACTIVISTS FROM THE EAST, UNFORTUNATELY, WERE NOT PERMITTED TO ATTEND. WE EXPECT THAT EVERYONE WHO WISHES TO WILL BE ABLE TO ATTEND THE CDH MEETINGS IN COPENHAGEN AND IN MOSCOW -- WE WILL BE MONITORING ANY RESTRICTIONS ON MOVEMENT OR LIMITATIONS ON OPENNESS AND ACCESS CLOSELY.

I WOULD LIKE TO COMMEND AMBASSADOR ABRAM FOR EFFECTIVELY CONVEYING OUR HUMAN RIGHTS CONCERNS AND IN ATTAINING U.S. OBJECTIVES FOR THIS MEETING. UNDER HIS LEADERSHIP, THE U.S. DELEGATION, WITH THE PARTICIPATION OF HELSINKI COMMISSION STAFF AND STATE DEPARTMENT AND USIA PERSONNEL, WAS A MODEL OF TEAM-WORK AND DEDICATION.

Chairman DECONCINI. Mr. Perina, do you have any statement you care to make?

Mr. PERINA. Mr. Chairman, I did not come prepared to make a statement.

Chairman DECONCINI. I understand that. I just didn't want to leave you out. You did a great job.

Mr. PERINA. But if you are kind enough, I will just say a few words—

Chairman DECONCINI. Please.

Mr. PERINA [continuing]. to supplement what Ambassador Abram has said.

Chairman DECONCINI. Please go right ahead.

TESTIMONY OF MR. RUDOLF PERINA

Mr. PERINA. Thank you very much.

I would like to say that I last actively participated in the CSCE process during the Belgrade meeting. I worked on CSCE intermittently since then until I became the Deputy of the delegations to Paris and to London. Based on this experience, I really came away from Paris and London convinced that CSCE is entering a new phase, in its history.

As you know, Mr. Chairman, CSCE, to some degree, started out as a Soviet initiative, but we managed to put the East on the defensive in this process. What is happening now is that the East is starting to engage us again in this process, to become more actively involved. It is leading to a period where we will face new challenges in CSCE and where the process will move faster and force us to become more engaged also.

It will be important in this period for the United States to speak often with a united voice. The experience in Paris and London of working with the Commission staff convinced me that it will be possible to speak with such a united voice.

The important work of this Commission is helping the United States to engage in this process in a strong way. We will face new challenges, but we should be able to meet them in continuing to speak in such a united fashion.

Thank you.

Chairman DECONCINI. Thank you very much, Mr. Perina.

Ambassador ABRAM, let me just ask one question and then I yield to the members who have questions, I'm sure.

Some of the private citizens that were there from the Soviet Union and Hungary and other East European countries, could you tell us what role, if any, were they able to play? Were they able to meet with their delegations or do you have any knowledge of what went on first hand from your experience?

Ambassador ABRAM. Mr. Chairman, if you are referring, as you may be, to the presence of, say, the Soviet astronaut who was presented to the meeting and to the Metropolitan of Moscow, I would simply say that I thought they were interesting people, but I do not think they made much of a substantive contribution.

On the other hand, that gives me the opportunity of pointing out something I think is very important and that's the difference be-

tween the role of the private citizen or the private person in the Soviet Union and in the United States.

We presented spontaneously Dr. Orlov, who of course, is an alien resident in the United States, who has come here to make his home. He's teaching at Cornell University. He's one of the distinguished physicists, formerly of the Soviet Union. I thought that after we had heard the Metropolitan and the astronaut speak, it was remarkable to see the testimony of Dr. Orlov.

He said, for example, that though he had been permitted to leave the Soviet Union, his son was still there. He felt that his son was there because of a retribution against his father. I thought it was a very telling statement. And then he said something which I felt had the precision of a mathematical scholar or physicist. It was a capsule that seemed to me to capture the Soviet experience in recent years precisely. He said, and I think I'll quote him almost precisely, that Mr. Gorbachev is reforming the country to keep his system in power. I was very glad that he was there and was able to make that contribution.

Now, as far as other Soviet persons who were there, I did meet with four or five citizens of the Soviet Union who were permitted to come to the Conference. I had a long session with them one afternoon and they told me of the fact that a great number of other citizens who had wanted to come were, for a variety of reasons, denied the right to come. I think it's pretty clear that the participation of any private citizen in this process in the Soviet Union is through an eyedropper. I hope that when there is a Moscow Conference, that access will be absolutely free as it would be in the United States or as it would be in Paris to citizens of the Soviet Union to come.

Chairman DECONCINI. Did you get any indication that that may be the case?

Ambassador ABRAM. I did not, sir.

Chairman DECONCINI. You did not?

Ambassador ABRAM. But I didn't get the indication of the contrary either, Senator.

Chairman DECONCINI. And how many did they indicate would have come or might have come? Did they give you a number?

Ambassador ABRAM. They gave me, I think, about six specific names. I believe I read them, Rudy, into the record. I believe I read them into the record because I took their names down and I was very taken by the fact—

Chairman DECONCINI. Did you have an opportunity to raise this directly with the Soviet delegation?

Ambassador ABRAM. I did not raise it directly, I do not think, in the bilateral which had occurred prior to that time.

Chairman DECONCINI. Thank you, Mr. Ambassador.

Cochairman Hoyer?

Cochairman HOYER. Thank you very much, Mr. Chairman.

Mr. Ambassador, first of all on a procedural question. It's my understanding that over half of the foreign ministers of the participating States came to Paris and made a presentation in Paris at this, the first of the CDH meetings. We had discussed with Secretary Baker the possibility of his being in Paris. He did, as you know, attend the opening of the security talks in Vienna in March.

I'm wondering what your thoughts would be with respect to the United States being represented at the opening session at the ministerial level in Copenhagen? Do you think that would be advisable? Our position was that he attend the opening of the meeting to set the tone to show the importance that was accorded to this meeting by the U.S. Government. Now, we sent one of our most able citizens to represent us as ambassador and I think that did send a good signal. But I'd like your comments on that.

Ambassador ABRAM. Mr. Chairman, I think that unquestionably it would have been helpful if the Secretary had been able to come. As we all know, he was with the President in Bonn and then later with the President in Mainz. Undoubtedly, if he had been able to come, I think it would have added a dimension to our participation without any question.

Cochairman HOYER. So you think it would have been useful?

Ambassador ABRAM. Yes, sir.

Cochairman HOYER. Let me ask you—I appreciate your comments on the NGO's, particularly in terms of their usefulness. Every delegation head that we have talked to and had hearings with has found the nongovernmental organization participation—I'm not talking about the Public members now to be very useful. Do you think we established a good precedent for Copenhagen and Moscow, in particular Moscow, by the providing of access to NGO's in Paris?

Ambassador ABRAM. I think, Mr. Chairman, I will be very candid with you because you are a part of this process that is integral to its success. I feel that in setting up these conferences, one has to look not only at the political arrangements, one even has to look at the physical arrangements. Paris was an extremely hospitable city. The French Government could not have been more hospitable. Our values are the same as the French values. It just happens that the Conference was in a conference center, the space of which was restricted. Therefore, I think the free flow of delegates, except at the plenary session, was somewhat impeded by the restriction of space.

Now, we have taken up with the head of the Danish delegation our concerns about the fact that Copenhagen will be the meeting immediately preceding the Moscow meeting and may be of great precedential value. I must say that I believe the Danish Government is perfectly aware of the need for not only access which will obviously be the case in Copenhagen, but also a free flow of the delegates and a mingling of the delegates with the NGO's. That's something that's very much to be desired.

Now, just to give you an illustration, this morning or this afternoon, sir, VISA, which is one of our fine NGO's, just handed me something that I didn't know. It is that though the Soviets have relaxed some of the provisions that prevented people from coming from the Soviet Union say to the United States for visits. That's to be applauded and it's a good thing, a good thing for the Soviets, a good thing for us, a good thing for the families.

But I'm told by VISA, and I have no reason not to accept their word, they are an extremely important organization, that the air fare on Aeroflot between Moscow and the United States has been doubled recently, impeding the flow of visits. So, I would not have known that had it not been for the NGO's.

Now, that's a typical example of their usefulness. Also the NGO's, prior to the meeting, some of them presented VISA, in fact, a fairly interesting chart showing you how difficult it is to get anything done through the bureaucracy in the Soviet Union to advance travel or advance immigration. So, all of the NGO's that were there were extremely valuable and I think that we must insist that Moscow accord the NGO's the kind and level of participation that we've come to expect from other places.

Cochairman HOYER. Thank you. I'm sure that Chairman DeConcini and I, the members of the Commission and Secretary Schifter will be pursuing that because we feel that it is a very, very important aspect of these meetings.

Mr. Ambassador, in my opening statement I talked about the 6-month time frame that Vienna set forth for the resolving of the human contacts cases. Can you give me your perception of how many cases we have outstanding, as well as the discussions we had with the Soviets with reference to the resolution of those cases and/or the discussions we had with any others with reference to resolution of cases within that 6-month time frame.

Ambassador ABRAM. Well, as you point out, Mr. Chairman, the signatory powers are under an obligation to clear up these outstanding cases within 6 months, and 6 months is either up today or tomorrow or the next day.

Now, the record of the Soviet Union, to which you refer, is as follows, as I am told. In the 6 months since the end of the Vienna Conference, many of these cases have been resolved. Secretary Schifter would, I'm sure, have the precise figures. But from my perspective, as I was told recently, the Soviet Government has granted exit visas to 106 families previous on our list of Soviet citizens who have been repeatedly denied exit visas.

Now, again, using the Soviet Union as an example, according to our statistics, some 600 families have been waiting for permission to emigrate since January of this year or earlier. Of these, some 75 percent have been trying to emigrate for 5 years or more. Now, we all know that in Vienna the Soviet Union agreed not to deny exit visas on the basis of prior access to secret information when that access had ended many years before. But the majority of the families that have been waiting 5 years or more have been denied visas on the basis of access to secrets.

So, I would say the Soviet Union has made some progress, but is certainly not in full compliance.

Cochairman HOYER. Let me thank you for that answer. As Secretary Schifter knows, Senator DeConcini and I were both very concerned as we came to the end of the Vienna meeting that one of the conditions the Soviets were putting forward to end that meeting was the Moscow Conference. Our's was to leverage that Soviet advocacy of the Moscow human rights meeting with the necessity to solve these cases.

As someone who was in Bern, as the Bern Human Contacts Conference concluded, and was there when Ambassador Novack received the case list from the Soviets, found that it took, as you know, over a year to even get to half of the cases presented as resolved cases.

I appreciate your raising that. I think we need to raise it very strongly. I would urge you, in your comments to the American public and to others about the Conference to raise this still as yet unresolved blot on the human rights performance of the Soviet Union and other States that have outstanding cases, notwithstanding their commitment to resolve those cases within a time frame that's now just about to pass.

Thank you, Mr. Chairman.

Chairman DECONCINI. Thank you, Congressman Hoyer.

Mr. Smith?

Representative SMITH. Thank you, Mr. Chairman.

Mr. Ambassador, I too appreciate your testimony and the great leadership you are providing for the U.S. delegation in Paris and in this ongoing process.

I read your speech delivered on June 12 with regards to religious liberty. It was a very comprehensive speech and I thought it made a number of good, valid points. You pointed out with respect to the Soviet Union that we would be watching as the Soviets moved to implement new laws affecting religious tolerance, to allow religious education, and to eliminate the need for registering churches prior to allowing them to operate.

You also noted ominously that the United States will look at the Conference in Copenhagen to see whether or not there has been compliance with these promises that have been made. What was the Soviet response when you made those comments? Was it discussed in your bilateral talks?

Ambassador ABRAM. I don't think they made any comments about the registering of churches, which is something, as you are pointing out, Congressman, that is terribly offensive to us, the idea that a church has to be registered. I did have some meetings with Ambassador Kashlev, some of them social, in which I took up these matters as general propositions, how a society can exist which says, for example, that it registers any organizations within it in order to give it life and validity. But I don't know whether or not one can say there's been much progress there. The Soviets, I think, feel that if they register churches that have previously not been registered, they've done the right thing, whereas you and I know they shouldn't be in the business of registering churches.

I have the impression that it's rather difficult for them to make the kind of imaginative leap into the thoughts which have been characteristic of Western civilization since the days of John Locke and Hume and the Founding Fathers. It's very difficult for them but we must press.

Representative SMITH. Short of making that leap which would include eliminating such restrictions as registering, did they give any indication whether or not the Ukrainian Catholic Church might be accepted? It has, as you know, been under great duress.

Ambassador ABRAM. We raised that in our interventions. We spoke decidedly about the intolerable situation with respect to the Orthodox Catholic Church of the Ukraine. But I can't tell you that there's been any promise made or any improvement made in their attitude about that. But I think all we can do is continue to press.

Now, there are something like 50 laws which we are promised that will be submitted to the parliamentary body of the Soviet

Union. I don't know, maybe Ambassador Schifter knows, whether or not any of those laws have yet been made public or rather the drafts have been made public. But I think that prior to Copenhagen and certainly prior to Moscow, we must push, push, push to see that legislation, that draft legislation, so that we can evaluate it and comment upon it. They say they're busy doing it and I suppose it takes time.

But I believe that one of the things we must do is to hold the Soviets to their promise that these reforming laws are being drafted, will be published and will be commented upon. Copenhagen in 1990 and then Moscow in 1991 are benchmarks against which we can judge their performance.

Representative SMITH. Mr. Ambassador, a couple of weeks ago the House passed, as part of the foreign aid authorization bill, a sense of the Congress resolution calling for sanctions against Romania, particularly as it relates to the exportation of their food commodities. The idea behind it was to send a clear message of continued opposition to the ongoing, egregious human rights abuses in that country. You point out that the Romanians came up against a wall of disapproval—

Ambassador ABRAM. Yes.

Representative SMITH [continuing]. when they denied having approved the human rights mechanism in Vienna. Since the CSCE process is contingent upon consensus, how does the continued Romanian situation hinder the progress that could be made in Copenhagen and perhaps in Moscow, and what prognosis do you see for change within the Romanian structure?

Ambassador ABRAM. You know, Congressman Smith, that's an extraordinarily pertinent question. I don't really know what to say in reply to it because it's very serious. If the Romanians take this position and you want a consensus, then you have got to reach for the lowest possible common denominator. Therefore, I think you will have reduced rather than raised the levels of the process from the days of Helsinki and certainly Madrid where Max Kampelman was so heavily involved and he came and spent some time with us in Paris, much to our advantage. So we don't want to go backwards. Therefore, as long as the Romanians stick to the propositions that they maintained in Paris, I think it's a bad portent and I'm deeply concerned.

I would like, Mr. Chairman, with your permission, to ask Mr. Perina to comment on that because I must tell you quite frankly, I relied very heavily upon his wisdom and his knowledge and his long background in this process. I wish, with your permission, if he might say a word about that.

Chairman DECONCINI. Mr. Perina?

Mr. PERINA. Thank you, Mr. Chairman.

We are, of course, all very concerned about the situation in Romania. Romania was the single most criticized country at the Paris meeting, with virtually no support from any side. While we are extremely concerned about it, it is a very difficult problem as to how to deal with this. It is a problem over which honest men can differ and honest men often have differed.

We certainly want, in the strongest terms possible, to express our opposition and concern about what is happening in Romania and

the policies of the Romanian Government. On the other hand, we do want to maintain policies which will not hurt the Romanian people as such, with whom we, of course, are concerned and with whom in the long term we wish to have a normal relationship.

So, one has to look at both aspects of this in considering our policy and particularly our policies in the economic sphere because these do work both ways. While they hurt the Government, they can, in many instances, hurt the Romanian people also.

Thank you.

Representative SMITH. I have some additional questions, but I'll wait for the second round.

Chairman DECONCINI. Very good.

The Congressman from Virginia, Mr. Wolf?

Representative WOLF. Thank you, Mr. Chairman.

I want to welcome you, Mr. Ambassador, and thank you for the job that you have done.

To followup on Representative Smith's questions on Romania, at the end of your excellent statement you said,

We look forward to continuing work in Copenhagen next year on the excellent proposals put forward in Paris. We also await developments, I would hope a change for the better, in Bulgaria and Romania. At this juncture, both countries seem to be greatly out of step with the direction of other Eastern bloc States.

Is there anything that you think, from your experience, we could do to move the Romanian and Bulgarian Governments, in the other direction before the Copenhagen meeting takes place? Is there anything that the U.S. Government could do that would make a difference, that would exert any influence?

Ambassador ABRAM. Congressman, I think it's a very good question. Now, you know, of course, for you were very heavily involved in the decisions with respect to the most favored nations posture or privilege of Romania. Now, that's gone. It doesn't seem to have had the impact that we would have liked it to have.

I must tell you quite frankly, sir, that about 18 months ago I had, in a private capacity with the American Ambassador present, a very long conversation with Mr. Ceausescu. I have the feeling that he is just not really in touch with the agony in that country and also with the damage that his policies have done. Now, I don't know whether or not he is getting, as he must or surely should, an accurate report of the kind of isolation which Romania now enjoys amongst the Eastern bloc, to say nothing of the fact that it has no support whatsoever for its conduct in the West.

Now, if that doesn't do it, if the bloc nations who I do not think any of them really support what he's done with respect to the Vienna Concluding Document, if they have no influence, I just don't understand how one can get through to him. I wish I knew the answer to it, but I just don't have one.

Representative WOLF. You raise a good point. One suggestion taking shape in Congress is prohibiting the importation of any food, manufactured canned hams and other items, from Romania to the United States. The theory is that this would send a message to the Romanian Government that things are so bad in Romania that the food ought to stay. The United States ought not be involved in taking food from the Romanian people.

The other question I wanted to ask you is along the same lines. Do you think there's anything that our Government should do, or is almost obligated to do, from a moral point of view, even if your statement is true that punitive economic measures may not have the desired effect? Is there anything that we should do just because we ought to be on that side of the issue and ought to make a statement? Should we withdraw the U.S. Ambassador for a period of time, cutoff some exports, do something in the United Nations? Is there anything that you think that we could, or should, be doing that even though it may not practically help?

Ambassador ABRAM. Well, sir, I must say that we were as vigorous as one could be in our condemnation of the Romanian contempt of the CSCE process, for it's nothing less than that. I'm sure that in the United Nations, Ambassador Pickering will, on the appropriation occasion and our representative to the U.N. Commission on Human Rights will make these points. But I don't know, sir, I just don't know that it will have any impression upon a country that is really in—well, it's really in thrall to a man and his family and the political processes just simply don't seem to be working.

Now, the Romanian delegate, I had conversations with him and he seemed to be an urbane and reasonably disposed gentleman. But he had to take, as an instructed delegate, the line that he took. He never wavered from it at all. I don't know that there's anything more that can be done and I don't feel that I'm competent, having a rather restricted view of foreign policy in all of its aspects, to comment what further could be done.

Representative WOLF. Thank you very much, Mr. Ambassador.

Chairman DECONCINI. Secretary Schifter?

Secretary SCHIFTER. The only question I have, Mr. Ambassador, is, would you want to offer some comments on the Bulgarian situation?

Ambassador ABRAM. Yes. Well, the Bulgarians with their issue with Turkey, occupied a good deal of time and attention. It was also the subject of bilaterals. I think it's a tragedy that Bulgaria is doing what it is doing to its ethnic Turkish population. It's, in effect, exporting them and cruelly. We made the point, many other States made the point. The Bulgarian representative did not, in my judgment, offer any explanation that was in any way plausible.

We asked time and again why is it that in a certain time period thousands of people with Turkish names, citizens for years of Bulgaria, were all of a sudden found in the registry offices changing their names to Bulgarian names spontaneously. It made no sense at all, and yet the Bulgarians put up a front in which they explained that it was the result of natural processes and something long delayed.

Now, I don't think the Bulgarians got any support whatsoever from any other delegation. I think they too on this issue were simply isolated.

But if my colleague, Mr. Perina, wants to make any additional comment, I would be happy if he would do so.

Chairman DECONCINI. Mr. Perina?

Mr. PERINA. I really don't think I have anything to add on this point, Mr. Chairman. It is very true, particularly in the last days of

the meeting, that Bulgaria, along with Romania, were very strongly criticized by almost all countries. The silence of the Soviet Ambassador on this point was very striking. Even the Eastern countries really made no attempt to come to the assistance of these two members of the Warsaw Pact.

The isolation of these countries was truly evident in Paris. But other than that, I would have no comment.

Chairman DECONCINI. Thank you.

The Congressman from Maryland, Mr. Cardin?

Representative CARDIN. Thank you, Mr. Chairman.

Mr. Ambassador, I also want to welcome you here and congratulate you on your leadership in Paris. It's wonderful to see you.

As you indicated in your statement very adequately, the objective of the Paris meetings was not to get additional written commitments in the agreements and the accords, but to put forward some proposals that hopefully will be seriously considered as we move toward Copenhagen and Moscow.

I'd like to focus on one of those proposals that the U.S. co-sponsored and that's the Austrian proposal calling for the abolition of all exit visas. It's interesting to see that that's co-sponsored by the United States and Hungary. It's an interesting combination of States.

I wonder if you could comment as to what type of progress would be reasonable for us to expect in the Accords as it relates to exit visas as we look toward Copenhagen and Moscow, understanding of course that the Soviet Union still has major obstacles to free exit?

Ambassador ABRAM. Congressman Cardin, I thought I would—I never thought I'd live to see the day that Hungary would abolish exit visas and certainly never to see the day when, in an international forum, the Hungarian Government would co-sponsor a resolution with the United States and Austria calling upon all States to live up to the universal declaration of human rights with respect to exit visas.

I can remember distinctly being in Hungary in 1964 and then on another occasion in which the right to leave Hungary was as narrowly construed and as dangerously pursued as to leave East Germany or the German Democratic Republic, as it is called. You could get shot for doing it. As late as 1968, when I was there, that was true. To see the Hungarians make this kind of proposal was not only gratifying. It was a consummation devoutly to be wished but not to be expected.

Well, anyway, that is a real advance. Now, as to whether or not it will become a proposition that gains adherence of the East Germans, I would say it will be a long time. I know that in conversations that I have had with the GDR representatives, both prior to the meetings and in the meetings, they took the position that if barriers were down or if the wall were removed, there could be a flow of persons in whom they've made big investments in terms of education and other state benefits, to which the natural reply, of course, is, "Well, if you create the kind of society that people want to live in, that won't happen."

Poland, obviously, has changed. Hungary has changed and Czechoslovakia is still a country with rather rigid walls and so is Bulgaria and so is, of course, Romania, with some exceptions, and

so is the German Democratic Republic. I think it may be some time.

But let me say this, sir. I think it cannot but have an enormous eroding effect upon the practices of these States which are out of step, to see not only the West united on these propositions but also the crumbling of the resistance, in the case of Hungary, Poland and to some extent the Soviet Union. I think we are seeing a real distinct thaw. I believe it is contagious. At least I hope so.

Representative CARDIN. That's very encouraging. Are there any specific plans such as trying to get some attention to change some of the statutes within the Soviet Union that affect emigration, such as the state secrets or the poor relative rules?

Ambassador ABRAM. We are told that those statutes are in preparation, but I would say that the source of reliable information on that subject is with the Commission. Ambassador Schifter, I'm sure, watches that very carefully and with great experience.

Representative CARDIN. Thank you.

Chairman DECONCINI. Thank you, Congressman.

Mr. Ambassador, before we leave, when I was there visiting with the delegation from the Soviet Union, you were with us there. They raised some issues that they asked us about, if you recall, some labor leaders who couldn't get visas and—

Ambassador ABRAM. Yes.

Chairman DECONCINI [continuing]. we knew some of the reasons, but we were going to get back to them. Was that ever raised again?

Ambassador ABRAM. It was not raised again. It is an issue that I think we have to deal with. You know, the proposition, as I understand it, is that we have not regarded the labor union movement in the Soviet Union as a free labor union movement. I'm positive that it is freer than it was, but I'm sure that it is not a labor union in the sense of an American labor union.

But on the other hand, just speaking not officially but as a citizen reading the newspapers, it's quite clear that there are changes going on in terms of labor practice and permission for labor to take positions contrary to those of the Government. We have that demonstrated right now in the Donitz Basin. I hope that—

Chairman DECONCINI. It just seems to me, I don't know if you agree or not, that we have a little inconsistency if we don't ourselves at least answer them and explain why we consider their representatives not truly members of organized labor that have a right to bargain in behalf of their members. I just wondered if you had any thoughts or recommendation on what we ought to do, if anything.

Ambassador ABRAM. Mr. Chairman, with your permission, I'd like to ask Mr. Perina to respond specifically to our intervention on that subject.

Chairman DECONCINI. Mr. Perina?

Mr. PERINA. Mr. Chairman we did, in fact, in one of our interventions at the meeting respond particularly to this Soviet statement and indeed respond publicly in trying to explain our visa laws and our own practices.

Chairman DECONCINI. But it was answered?

Mr. PERINA. It was answered publicly in a plenary meeting, I believe, or a working group meeting.

Cochairman HOYER. Mr. Chairman, if I might comment on that just briefly.

As you know, Mr. Ambassador, I have been relatively outspoken on the application of the McCarran-Walter Act, particularly as it applies here in the labor union field. Obviously, we do have a significant number of people in the United States who believe that the so-called "representatives" of labor organizations in the Soviet Union, as you point out, are not, in fact, democratically elected trade unionists who have the opportunity to speak on behalf of their members, organize on behalf of their members and take job action on behalf of their members outside the gambit of the State.

Even if one assumes that, I assume it with respect to a lot of other Soviet representatives, whether they be representatives of medical associations, lawyers associations, consumer organizations, whatever.

One of the issues that I raised with Secretary Schifter here is that other labor representatives, other than those officially selected by the Soviet Union, ought to have a concomitant right to visit the United States or other nations. Perhaps if we can accomplish that objective, we may soften somewhat the objection to the so-called official labor representatives traveling.

There may be, Mr. Chairman, an opportunity to reach an accommodation there so we can, while allowing into the country so-called "official labor representatives," also insure that unofficial labor representatives, that may be, like Lech Walesa in Poland, much more representative than the so-called "official representatives," have equal access.

Chairman DECONCINI. Secretary Schifter, did you want to comment just on that subject matter?

Secretary SCHIFTER. Mr. Chairman, we are dealing here with a very specific congressional mandate. It might be that the Commission will want to take a good look at it and give us some ideas as to what possible changes would be sensible.

Chairman DECONCINI. Do you have anything more?

Cochairman HOYER. No. I agree, it is a specific congressional mandate. I think it's personally in violation of the Helsinki Final Act. It's one of the few places that I think the United States is in violation of the Act. I think we ought to correct it and I think we're going to be working on it. Hopefully, we can correct it.

Chairman DECONCINI. Well, I agree with the Cochairman that I think it's probably a violation and certainly we ought to correct it. But I think it's very important that we answer it, even if we answer it based on the reasons that we have had for some period of time.

I'm glad to know, Mr. Perina, that you think that's been done. If you can help us retrieve that statement from the record, I'd like to see it. It would give us a good starting point.

Congressman Smith?

Representative SMITH. Chairman, just briefly, I would like to underscore the importance I think all of us feel, Mr. Ambassador, that the NGO's have unfettered access in Copenhagen as a prelude to the meeting in Moscow. Then, the Soviets have no plausible cover to deny access to the NGO's and private citizens from abroad as well as domestically. That needs to be a very high priority and

I'm sure you agree with it. I just encourage you to do the best you can on that.

Ambassador ABRAM. I think it has a very high priority and I would urge that when preparations are being made for Copenhagen, that the Commission staff, as well as State Department, look very carefully at the physical arrangements. I had never any opinion or belief that physical arrangements could so profoundly affect the actual work of a body, but it's true.

In the plenary session in Paris, we were in the Sorbonne where circulation, because of the size of the auditorium and the premises, was much freer than when we moved over to the conference center, which was a very lovely place, and the facilities were gracious and hospitable, but nevertheless they were restrictive. I think you're absolutely right. We must pay attention to this and we must also pay attention to it in Moscow, not only the kind of premises but the location of the premises and the access to the premises.

Representative SMITH. Is that exclusively a host country responsibility?

Ambassador ABRAM. I suppose it is. I really don't know.

Rudy, is it truly their responsibility or must there be help and consultation?

Representative SMITH. It would be helpful if we could collaborate on that with the Soviets.

Mr. PERINA. Well, the host Government provides the facilities. If there is strong objection by one country or another, saying that the facilities are inadequate for the stated purposes of the Conference, I'm sure this would have to be taken into account. But to my knowledge, that has not happened before. So, basically, the facilities are the responsibility of the host Government and are provided by them.

Representative SMITH. Thank you, Mr. Chairman.

Chairman DECONCINI. Congressman Wolf, do you have any further questions?

[Representative Wolf indicates none.]

Congressman from New Mexico, do you have any statement you want to make?

[Representative Richardson indicates none.]

Chairman DECONCINI. Ambassador, I want to thank you too and just reiterate the outstanding job that we feel you did with this particular Conference, a very precedent setting one, I think. We thank you for that extra effort and wish you well in your future efforts. I am sure our paths will cross many times in the future.

Ambassador ABRAM. Mr. Chairman, I merely want to say that my words about the Commission staff and the Commission's importance are not mere formalities. I think the Commission staff is really superb. Your presence and that of the Cochairman was an indication of the importance that the direct representatives of the American people feel about this process.

I would hope that in Copenhagen and in Moscow, that you will be present and the Commission will be represented in force. I thank you very much for the opportunity to be here.

Chairman DECONCINI. Thank you, Ambassador. We certainly intend to continue to be active in this area.

We will now hear from two of the public witnesses, Ms. Alexeyeva, who is a consultant to Helsinki Watch and free lance journalist for Radio Liberty and Voice of America; and Mr. John Elliott, who has served on the National Lawyers Committee for Civil Rights under Law and has recently joined the Board of International League for Human Rights.

We will ask Mr. Elliott, if you would please proceed first. If you could summarize your statement, please.

TESTIMONY OF JOHN M. ELLIOTT

Mr. ELLIOTT. Thank you, Senator DeConcini and Congressman Hoyer and members of the Commission.

I am John Elliott, an attorney from Philadelphia. I'm active in a variety of civic and charitable endeavors in Pennsylvania and throughout the country, including membership on the Board of Directors of the Slepak Foundation and the International League for Human Rights.

My daughter Heather, who is a student at the Lawrenceville School and who was in Paris at the Conference and had the opportunity to attend several of the sessions is here with me today.

I would like to begin by congratulating you for your dedication and skill in molding the Commission on Security and Cooperation in Europe into what is a most effective and creative vehicle for the vindication of human rights. Your timely follow-up evidenced today in your capturing and memorializing the fast moving events of only a month ago—is very encouraging. It gives full access to the energies of public participation which means so much and which distinguishes the American delegation's approach to this Conference and beyond.

Your vision and action has girded the hope of Helsinki with a great weapon, the CSCE's constant, clear insistence upon specificity which has defused rhetoric while heightening accountability. You have consistently and knowledgeably encouraged and greeted the Eastern bloc's desire for political legitimacy and economic security with a demand for specificity and performance that is was very telling.

Looking at what you have created, and I stress the word "created," in your great accomplishment of this effective human rights dialogue, your greatest challenges and accomplishments lie ahead in the inherent flexibility and ability of your process to meet the change inheres in the interstices of the Commission on Security and Cooperation in Europe.

The Commission is a very hopeful laboratory for the development of new ideas and relationships. It is new; it is hopeful; it is unencumbered; it is responsive; it is resilient and there is a great crop to be harvested as a result of your patience and wisdom.

Congress is to be truly commended for directing its enthusiasm and energies away from so many of the burdens which engulf you on a day-to-day basis when you're dealing with budgets and so many other things that demand so much of your time and your constituent services.

The various members of the congressional delegation who were in Paris, Senator DeConcini, Congressmen Hoyer, Ekhardt, Cardin

and Buechner, approached their responsibilities was truly exemplary and inspirational. Whether they were dealing in bilateral conferences, whether they were issuing very reasoned and thoughtful calls for democratization and for effective pluralism in the political processes of the Eastern bloc, they were leaders in the foremost deliberative parliamentary body in the world. The Congress of the United States stood head and shoulders above the other participants in being there, in caring, and in being a really thoughtful leadership dimension in what is transpiring in our changing and challenged world.

Whether it was across the table or in a plenary session, the human dimension and Ambassador Abram previously mentioned the men who came from the U.S.S.R., Roman Specter, Seamon Axelrod, Michael Chenlav and Alexander Schmuckler and their compatriots. They were very brave people. They were very articulate people. They were people who were able to share their hopes and their dreams, and weave them into the tapestry of a free and vital Europe. They told us in no uncertain terms that underground presses were not going to be the vehicles for human progress in the 1990's, that they needed more support. They had to be able to sell their product because they had to be able to acquire money to publish, in order to respond to various defamations, including anti-Semitism, and to help them participate in various international movements such as World Jewry and other very commendable and laudable causes.

Several of these people spoke very hopefully of their ability to stay and participate in a free and expanding Russian context. Others were very outspoken in their desire to emigrate to the United States or to Israel.

But to see a delegation of American Congressmen sharing themselves in a very private and very hopeful way, no bombast, no cameras, just people to people, as anchors of hope and decency and stability in a very fast, rapidly changing world and a world where hope can very often slip into destabilization, was a very proud day for me as a private citizen. It was also a very hopeful day for the CSCE.

I cannot say enough about the Ambassadors, Ambassador Abram and Ambassador Wise. They were real, they were savvy, they were tough. They didn't mince words in the bilaterals. They were constantly on the beat. They were there early and they went home late.

The knowledgeable and effective chief counsel of the House Foreign Affairs Committee, Spencer Oliver, was also a Helsinki veteran who had an organic body of knowledge about what was done and what wasn't done in past conferences, and was very respected and well received by the professional diplomats who peopled this Conference.

I stress the people aspect because this doesn't happen in a vacuum. There must be a continuum of knowledge and concern if the United States is going to lead this dialogue. Frankly, it was a great surprise to me to see how much more serious this process is embraced in the European press and in the European political and diplomatic circles.

The Commission on Security and Cooperation in Europe, as a result of your efforts, is not a casual or an esoteric or an incidental vehicle of American diplomacy. I mentioned the word before, "unencumbered." The CSCE is young. It is vital. Its staff was very creative, from the most seasoned to the youngest. There were people who were working word processors late into the night in accommodations that did not have air conditioning.

There's an old saying that the speed of the boss is the speed of the gang. Well, you're the bosses and your gang worked very hard. But they didn't just work hard. There was no distinction between work horses and show horses. It was a very hardworking and compatible group of achieving professionals who very effectively led this conference's constructive dialogue.

The people from the State Department also brought great expertise and thoughtfulness and a different focus to the venture.

In four words, your CSCE process works. Your consistent and compelling demand for specificity and accountability has distilled a unique blend of hope and reality which holds great promise for peace, human dignity and human progress. The freedoms—freedom of religion, freedom of travel, freedom of human contact, are all on the march and they won't be denied as a new Europe is rapidly emerging.

These are all the inevitable harbingers of the self-determination which President Bush spoke about in Bonn and which Congressman Hoyer spoke about in the plenary session as he urged the CSCE to nudge Europe into multi-party free elections, into a free and accessible judiciary, and into a new integrity permeating political and economic purposes in a portion of the world that has too long dwelt in the shadows of the Iron Curtain.

It is your great credit that today you continue to lead this hopeful dialogue through new and evolving challenges of self-determination, of parliamentary exchanges, of legal reforms. I met with Congressman Buechner privately for about 1½ hours with Vladimir Kuzmin, the Soviet legal expert who is responsible for removing such obscene and offensive "crimes" as "hooliganism" and "parasitism," and other anachronisms of fear and capriciousness, from the Soviet judicial system as it attempts to legitimize itself.

The overview and the perspective of Ludmilla and the other people who have a much more personal and protracted perspective than me can fortify you better with their observations than I can. But the U.S.S.R. certainly went through the motions, whether it was in the plenary sessions or in the bilateral sessions or just in the private dialogues, apart from the astronaut and apart from the Metropolitan and those types of stage props. They realize that events are on the hoof and are going to overtake them if they don't quickly work their way into a harmonious and a progressive Europe.

You will be greatly assisted in your prospective CSCE ventures by a knowledgeable and committed body of informed participation from a diverse and expanding universe of NGO's. While this public participation is not a staple in some societies and in some diplomatic perspectives, from the American perspective it makes a unique affirmative contribution. You are to be congratulated and the members of the CSCE staff are to be congratulated for their

many quiet but consistent heroisms and civilities in embracing the NGO's as a cherished asset in America's diplomatic arsenal.

There were many, many groups that did not seek the headlines or the heralds. They came with their lists, they came with their hopes, they came with their dreams, and they came constantly and were embraced by Ambassador Wise and Ambassador Abram and by the congressional delegation and by Senator DeConcini's meeting with them and responding to their concerns. The hopefulness of this process can be distilled into three simple words that I'd like to conclude on; commitment, creativity and continuity.

You deserve great credit for your commitment and you also deserve great credit for creatively perceiving the value and the potential inherent in the ongoing Helsinki process which is, in fact, a tar baby which has captured the Eastern bloc and from which they cannot extricate themselves.

The CSCE's initiatives and potential are increasingly reported in the European press and from the statements of Secretary Gorbachev. It is obvious that very important world initiatives are now focusing on the CSCE as a vehicle for expanded economic and political dialogue, integration and action.

However, the increasing centrality of the CSCE, which I have seen is more obvious in the European press and in their political response than it is here, will require even a greater degree of continuity from your and from the CSCE staff which is superb. With the State Department's personnel necessarily busy and also subject to 2-year rotations, the continuity of perspective and of nuance and of this expanding organic body of knowledge is going to have to be supplied increasingly by Congress and the CSCE staff.

As a private citizen, I thoroughly enjoyed the opportunity of participating in this great confluence of hope and opportunity. The fast moving events in the Soviet Union and throughout the world came into unique and hopeful focus in Paris. There was considerable progress made for all the reasons that were so ably articulately by Ambassador Abram. I believe that the American diplomatic process, both in the terms of the public members and the NGO's, was a very hopeful exemplar to the other countries, including the Western countries because this was a very diverse group of American NGO's. They weren't bashful. They were buttonholing people in the corridors and they had many points of view that were taken not only into consideration, but were then integrated into official positions and interventions articulated at the Conference.

I thank you very much.

Chairman DECONCINI. Mr. Elliott, thank you for your testimony and we are extremely grateful for your tremendous participation.

I want to yield to the Cochairman for a statement before we continue with our other witness. He has other commitments that he has to go to.

Cochairman HOYER. Thank you very much, Mr. Chairman.

John Elliott and I have been friends for many years and I want to thank him for both his statement and for his participation as a Public member.

I believe that it is very, very useful to have public members, some of whom are experts in our own right, as our next witness is, and some of whom are relatively new to the process. I think both

are extremely useful to the delegation and extremely useful when they come back to the United States to convey to our own citizens the importance of the CSCE process and the process itself.

So, I thank you very much for your participation.

Heather, I appreciate your being there and the role that you played.

Mr. Chairman, I notice that a good friend of mine and of yours and of many members of this Commission and the Congress of the United States has come in. She's on a visitors visa. We talked about those human contacts cases being resolved. Many of us have raised the Lurie family case for years and others as well. Judith Lurie is a leader in the effort for human rights in the Soviet Union, not only on behalf of her own family but on behalf of other families similarly situated and human rights in general in the Soviet Union.

We're very pleased to see her here and look forward to the day soon when she and her family will receive permanent exit visas and they can do what they wish in freedom, as we believe the Vienna Review Document mandates. So, we are glad to see her there.

Thank you, Mr. Chairman.

Chairman DECONCINI. Cochairman Hoyer, thank you. I join you in welcoming Judith Lurie. We are very pleased that she's here.

We will now go to Ms. Alexeyeva, who will present her testimony and then Ms. Cosman will read part of it also.

TESTIMONY OF MS. LUDMILLA ALEXEYeva

Ms. ALEXEYeva. From the first, I have been attentive observer of the Helsinki process. In fact, many important events in my life have been connected with this process.

The Helsinki process continues to be the main instrument in the humanization of the Soviet system, since only recently a real civil element has appeared in Soviet society. Different stages of the Helsinki process have been marked by its human rights meetings, Belgrade, Madrid, Bern, Ottawa, Vienna and Paris.

Ms. COSMAN. [Reads:] Belgrade marked the first time that the Soviets were criticized for violations of their Helsinki human rights commitments. In Madrid, the West presented unified demands to the Soviet Union to improve its implementation of the human rights provisions of the Helsinki Final Act. As a result, at Bern and Ottawa, the Soviets showed readiness to resolve particular Soviet human rights cases. During the Vienna Conference, the U.S.S.R. released, in early 1987, many Soviet political prisoners. Soviet Ambassador Kashlev, in announcing this decision at Vienna, made it clear that the Soviet Union was basically responding to outside pressure.

Even before the Paris CDH meeting, it was clear that the Soviets were ready to make concessions on specific human rights cases. Of course, it is essential to continue to raise individual cases with the Soviets.

By the way, Ms. Alexeyeva has a personal interest in this issue. Ambassador Abram criticized the Soviets for denying her, five times, permission to visit the Soviet Union.

By the start of the Paris CDH meeting, the time was right to begin to focus on a new area which would mark a further step in the Helsinki process, namely calling for the renunciation of Soviet laws which violate Helsinki commitments.

It is particularly timely to focus on the issue of Soviet laws right now, since new laws are being drafted. Soviet officials claim that the new Soviet laws are turning the Soviet Union into a rule-of-law State.

Actually, however, all the laws passed in the U.S.S.R. in the last 2 years have been anti-democratic and restrict civil liberties. I have in mind here the new electoral law, the decrees on demonstrations and meetings, and the most recent decree of April 8 which restricts freedom of speech. On the basis of such new laws, 20 peaceful Georgian demonstrators were killed on April 9.

These restrictive new laws have aroused protest from supporters of democratization. The Soviet press criticizes these laws, the democratic minority in the Congress of People's Deputies has repeatedly protested these laws. Informal groups have criticized these laws in their documents, as well as those who take part in meetings and demonstrations throughout the U.S.S.R.

In fact, a new public movement has sprung up in the Soviet Union. It is called the Vienna Movement. This movement is based on the final document of the Vienna Conference. Vienna groups have appeared in Moscow, Leningrad, Latvia and in over a dozen cities in Siberia. Their main demand is to repeal Gorbachev's new laws because they violate the international human rights obligations of the Soviet Union.

Unfortunately, at the Paris CDH meeting the important topic of new Soviet laws played only a very minor role. The Paris meeting seemed to have gotten stuck in a previous stage of the Helsinki process, namely to focus on specific cases. In this way, the Paris meeting ignored an important human rights need in the Soviet Union and probably in other East European countries as well.

Many people, both in the Soviet Union and here, say we should not attend the 1991 Moscow human rights meeting, unless all Soviet political prisoners are released and unless all Soviet laws are brought into conformity with Soviet Helsinki human rights obligations. I think the United States should attend the Moscow Conference, but only if these two demands are met. We should present their requirements at next year's Copenhagen meeting, after getting support from other Western countries. Otherwise, we will fall behind the needs of Soviet society and the West will run the risk of losing respect for the Helsinki process which it now enjoys in Soviet society.

Thank you.

Chairman DECONCINI. Thank you very much, Ms. Alexeyeva.

[Prepared statement of Ms. Alexeyeva follows.]

ORAL PRESENTATION BY LYUDMILA ALEXEEVA
PUBLIC MEMBER, U.S. DELEGATION
PARIS CDH MEETING

FROM THE FIRST, I HAVE BEEN AN ATTENTIVE OBSERVER OF THE HELSINKI PROCESS. IN FACT, MANY IMPORTANT EVENTS IN MY LIFE HAVE BEEN CONNECTED WITH THIS PROCESS.

THE HELSINKI PROCESS CONTINUES TO BE THE MAIN INSTRUMENT IN THE HUMANIZATION OF THE SOVIET SYSTEM, SINCE ONLY RECENTLY A REAL CIVIL ELEMENT HAS APPEARED IN SOVIET SOCIETY. DIFFERENT STAGES OF THE HELSINKI PROCESS HAVE BEEN MARKED BY ITS VARIOUS HUMAN RIGHTS MEETINGS: BELGRAD, MADRID, BERN, OTTAWA, VIENNA AND PARIS.

BELGRAD MARKED THE FIRST TIME THAT THE SOVIETS WERE CRITICIZED FOR VIOLATIONS OF THEIR HELSINKI HUMAN RIGHTS COMMITMENTS. IN MADRID, THE WEST PRESENTED UNIFIED DEMANDS TO THE SOVIET UNION TO IMPROVE ITS IMPLEMENTATION OF THE HUMAN RIGHTS PROVISIONS OF THE HELSINKI FINAL ACT. AS A RESULT, AT BERN AND OTTAWA THE SOVIETS SHOWED READINESS TO RESOLVE PARTICULAR SOVIET HUMAN RIGHTS CASES. DURING THE VIENNA CONFERENCE IN EARLY 1987, THE USSR RELEASED MANY SOVIET POLITICAL PRISONERS. SOVIET AMBASSADOR KASHLEV, IN ANNOUNCING THIS DECISION AT VIENNA, MADE IT CLEAR THAT THE SOVIET UNION WAS BASICALLY RESPONDING TO OUTSIDE PRESSURE.

EVEN BEFORE THE PARIS CDH MEETING, IT WAS CLEAR THAT THE SOVIETS WERE READY TO MAKE CONCESSIONS ON SPECIFIC HUMAN RIGHTS CASES. OF COURSE, IT IS ESSENTIAL TO CONTINUE TO RAISE INDIVIDUAL CASES WITH THE SOVIETS. BY THE WAY, I HAVE A PERSONAL INTEREST IN THIS ISSUE. AMBASSADOR ABRAM CRITICIZED THE SOVIETS FOR FIVE TIMES DENYING ME PERMISSION TO VISIT THE SOVIET UNION.

BY THE START OF THE PARIS CDH MEETING, THE TIME WAS RIGHT TO BEGIN TO FOCUS ON A NEW AREA WHICH WOULD MARK A FURTHER STEP IN THE HELSINKI PROCESS -- CALLING FOR THE RENUNCIATION OF SOVIET LAWS WHICH VIOLATE HELSINKI COMMITMENTS. IT IS PARTICULARLY TIMELY TO FOCUS ON THE ISSUE OF SOVIET LAWS RIGHT NOW, SINCE NEW LAWS ARE NOW BEING DRAFTED. SOVIET OFFICIALS CLAIM THAT THE NEW SOVIET LAWS ARE TURNING THE SOVIET UNION INTO A RULE-OF-LAW STATE.

ACTUALLY, HOWEVER, ALL THE LAWS PASSED IN THE USSR IN THE LAST TWO YEARS HAVE BEEN ANTI-DEMOCRATIC AND RESTRICT CIVIL LIBERTIES. I HAVE IN MIND HERE THE NEW ELECTORAL LAW, THE DECREES ON DEMONSTRATIONS AND MEETINGS, AND THE MOST RECENT DECREE OF APRIL 8 WHICH RESTRICTS FREEDOM OF SPEECH. ON THE BASIS OF SUCH NEW LAWS, 20 PEACEFUL GEORGIAN DEMONSTRATORS WERE KILLED ON APRIL 9.

THESE RESTRICTIVE NEW LAWS HAVE AROUSED PROTEST FROM SUPPORTERS OF DEMOCRATIZATION. THE SOVIET PRESS CRITICIZES THESE LAWS, THE DEMOCRATIC MINORITY IN THE CONGRESS OF PEOPLE'S DEPUTIES HAS REPEATEDLY PROTESTED THESE LAWS. INFORMAL GROUPS HAVE CRITICIZED THESE LAWS IN THEIR DOCUMENTS, AS WELL AS THOSE WHO TAKE PART IN MEETINGS AND DEMONSTRATIONS THROUGHOUT THE U.S.S.R.

A NEW PUBLIC MOVEMENT HAS SPRUNG UP IN THE SOVIET UNION: THE VIENNA MOVEMENT. THIS MOVEMENT IS BASED ON THE FINAL DOCUMENT OF THE VIENNA CONFERENCE. VIENNA GROUPS HAVE APPEARED IN MOSCOW, LENINGRAD, LATVIA AND IN OVER A DOZEN CITIES IN SIBERIA. THEIR MAIN DEMAND IS TO REPEAL GORBACHEV'S NEW LAWS BECAUSE THEY VIOLATE THE INTERNATIONAL HUMAN RIGHTS OBLIGATIONS OF THE SOVIET UNION.

UNFORTUNATELY, AT THE PARIS CDH MEETING THE IMPORTANT TOPIC OF NEW SOVIET LAWS PLAYED ONLY A VERY MINOR ROLE. THE PARIS MEETING SEEMED TO HAVE GOTTEN STUCK IN A PREVIOUS STAGE OF THE HELSINKI PROCESS -- NAMELY, THE FOCUS ON SPECIFIC CASES. IN THIS WAY, THE PARIS MEETING IGNORED AN IMPORTANT HUMAN RIGHTS NEED IN THE SOVIET UNION AND PROBABLY IN OTHER EAST EUROPEAN COUNTRIES AS WELL.

MANY PEOPLE SAY WE SHOULD NOT ATTEND THE 1991 MOSCOW HUMAN RIGHTS CONFERENCE UNLESS ALL SOVIET POLITICAL PRISONERS ARE RELEASED AND ALL SOVIET LAWS ARE BROUGHT INTO CONFORMITY WITH SOVIET HELSINKI HUMAN RIGHTS OBLIGATIONS. I THINK THE UNITED STATES SHOULD ATTEND THE MOSCOW CONFERENCE -- BUT ONLY IF THESE TWO DEMANDS ARE MET. WE SHOULD PRESENT THESE REQUIREMENTS AT NEXT YEAR'S COPENHAGEN MEETING -- AFTER WE GET SUPPORT FROM OTHER WESTERN COUNTRIES. OTHERWISE, THE WEST WILL RUN THE RISK OF LOSING RESPECT FOR THE HELSINKI PROCESS WHICH IT NOW ENJOYS IN SOVIET SOCIETY.

Chairman DECONCINI. Let me ask you a question just out of curiosity, really. In your informal meetings there, did you have a chance to informally meet and talk to the Soviet officials that were there? If so, what was the reaction of a former Helsinki monitor from Moscow being there and talking to them? Can you share any of that with us?

Ms. ALEXEYeva. Yes, I had the opportunity of speaking with Mr. Reshetov and I was extremely impressed by how his tone had changed in comparison with those of Soviet officials I met when I was in Moscow. That convinced me of the productivity of the Helsinki process. I think gained the impression that not only Soviet society but, in fact, individual Soviet officials are ready to respond favorably to pressure from the outside, not only on individual cases, but on broader issues as well.

Chairman DECONCINI. Did the Soviet officials and the head of the delegation comment at all on the concept of public members? Was that something new to them? Did you discuss that at all?

Ms. ALEXEYeva. We didn't discuss the question of public members. Mr. Reshetov approached me about my own individual travel problems. Since Ambassador Abram raised my case, he came up to me and Mr. Reshetov just kept repeating, "Well, you understand, it's just a bureaucratic problem. We both understand such problems."

Chairman DECONCINI. Lastly, Ms. Alexeyeva, let me ask you, do you have any suggestions on how the United States can enhance the role of the public members on its delegation in the future, for the future meetings, conferences?

Ms. ALEXEYeva. I have a generally very positive impression. I think it will be good just to continue doing it, having public members. In that way, one can see also how there's been progress from Vienna to Paris because at Vienna, Dr. Orlov and I were only invited to sit in the chamber in the hall where the session was going on and now we have been invited to join the American delegation.

And I should say that this creates a very strong impression, not only on us but also on the Soviet delegation. After all, in the Soviet Union, these people were outsiders and when they come to the West they become honored members of the American delegation and American society.

Chairman DECONCINI. Thank you very much.

Mr. Elliott, let me ask you a couple of the same questions. Do you have any suggestions of how our Nation can enhance the public members' participation in such conferences?

Mr. ELLIOTT. I think, Senator, the fact that you're there, not to steal the President's thunder, but he put a Woody Allen saying that life is 90 percent showing up. So, I think the fact that you're there and you have access and you are recognized by your Government as an important person, even though you are a private citizen who may not be endowed with years and years and years of background in this area, I think is very perceptibly commendable because I think people can see what a democracy is really all about. If orders are too important to be left to the generals exclusively, then maybe foreign policy is too important just to be left to some professionals.

Chairman DECONCINI. There is no question in anybody's mind that you are a public member from the American delegation. That was very clear.

Mr. ELLIOTT. That was very clear. I would think that what I referred to before as the organic body of knowledge available to everybody, NGO's and teachers and the academic community and the media will be enhanced by the type of action that you're taking here today, namely in a very timely fashion memorializing the impressions and various aspects of the dialogue and annexing to the transcript or the publication of today's hearings copies of all the resolutions that were tabled at the Paris Conference so that they can be reviewed and commented upon and studied prior to their being again taken up in Copenhagen.

Chairman DECONCINI. In your contacts with other members of other delegations, particularly the Soviet Union and the Eastern bloc, did you discuss at all the public members and the importance of that? Was that at all a topic and what reaction was there, if any?

Mr. ELLIOTT. Well, Senator, I did and it was a very guarded subject of response by them. Frankly, I think most of them were pinching themselves to see if they were still enjoying the nice warm and bright Paris sunshine as opposed to being somewhere else. I think that they were very circumspect about what they were doing there themselves as official members of the delegation. They weren't quite ready to take the plunge into adding things that we take for granted because it's part of our democratic process. I mean that private citizens and various public interest groups, whether they be law professors or whether it's the media or anybody else that engages in a dialogue with a public servant in this country is part of the process.

I think that they were, in and of themselves, and I speak of the Yugoslav representative, the Yugoslav Foreign Minister, when there was a lunch with the Americans, the Canadians, the Norwegians, the congressional delegation and a couple of other countries also and the Hungarians. The Hungarians were very forthcoming as to what they would like to see and what have you. The Yugoslav got up at the end of it and he said, "Just because you didn't hear me say anything doesn't mean that I disagree with anything you said," which I thought was a very interesting comment.

Chairman DECONCINI. Thank you, Mr. Elliott.

The Congressman from Illinois, Mr. Porter?

Representative PORTER. Thank you, Mr. Chairman.

I'm sorry I wasn't here earlier to hear Ambassador Abram's statement. This may be a question for Ambassador Abram and it is specific, even though I realize the broader purposes here.

But during the time of the Paris Conference there was not only obvious human rights repression in China, but China isn't a signatory, but there was a country at the table where very egregious human rights violations were going on at home, Bulgaria, where they were shipping ethnic Turks, some of whose families had lived in Bulgaria for five centuries, to Turkey. I wonder how that issue was addressed during the course of the Conference, if it was addressed?

I notice also that Bulgaria took exception to our drafting a communique on the deficiencies of implementation and wondered if that was part of this process.

Chairman DECONCINI. Mr. Ambassador, do you want to join us here?

Representative PORTER. I'm sorry to make you do that, but I'm very interested in what might have occurred on that subject.

Ambassador ABRAM. Congressman, I think there were three parts to your question. It is, of course, a fact that the terrible events in China took place at about the time of the Conference. I raised it in this context. Mr. Gorbachev had said and was reported in the press as having said something about the fact that this was an internal matter for the Chinese. Now, this is a diametric collision with the whole tone of this Conference.

For example, it's been clear, I think since Sept. 9, 1985, when President Reagan and Mr. Gorbachev signed onto a statement at the summit to be held—I'm sorry, in Washington, October 1987—that human rights would be one of the matters to be discussed at an international conference, just changing the whole Soviet attitude on this question up to that date, that these were matter of internal concern.

Well, when Mr. Gorbachev said that, I took the occasion the next day to ask whether or not that was official Soviet doctrine and whether or not I had misunderstood him or others who had heard him misunderstood him. We waited for a reply and I must say there was no reply given despite the fact that a few days later Mr. Gerasimov, at Bonn, took note of the fact that it was a matter of concern and sorrow.

So, the matter did come up and it was raised in the context of the contradiction between what Mr. Gorbachev was saying on the one hand and what he was doing in participating in an international conference on human dimension on the other.

What were your two—

Representative PORTER. Well, I really wanted to enquire about Bulgaria and what was happening—

Ambassador ABRAM. Oh, the Bulgaria question. It was a central question throughout the Conference. I don't know how many interventions we made and there was a bilateral with the Bulgarians. We pressed it very hard. I would say, sir, that it was a matter of great embarrassment. I didn't find any support whatsoever from any of the Soviet bloc, Eastern bloc, for the conduct of the Bulgarians. They were isolated and, if I may say so, I think the Turks took every conceivable opportunity to raise the issue, not only in the Conference but in the meetings with the NATO partners and amongst other informal groups. It was constantly on our agenda and on our hearts and on our minds.

Representative PORTER. Since their conduct has not changed and it continues up to this very moment, do you have any suggestions, Mr. Ambassador, as to what we might do, what the United States might do in regard to this?

Ambassador ABRAM. Well, I would point out to you, sir, that we have a conference in the Helsinki process soon to take place in Sofia. I know it doesn't deal with these matters specifically, but I just point that out.

Representative PORTER. I thank you very much, Mr. Ambassador.
Chairman DECONCINI. Thank you, Congressman.

Mr. Secretary?

I want to thank our public members very much for their testimony and their outstanding performance. Ambassador Abram had mentioned it, that you were really a contributing force to the American delegation there. I think it's outstanding that you gave the time and were really part of this whole process. It has proven to be, I think, exceptional from our standpoint to demonstrate what public members are all about. We thank you for being here with us today.

The Commission will stand in recess, subject to the call of the Chair. Thank you.

[Whereupon, at 4:26 p.m., the Commission was adjourned, subject to the call of the Chair.]



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

As promised in my interim response, I would like to provide answers to the four supplemental questions you posed to Ambassador Morris Abram on July 31 in connection with the Paris human rights meeting. These responses have been coordinated with the Ambassador, who has taken up his duties in Geneva.

First, on the question of Soviet political prisoners, the Department considers the establishment of a political prisoner case review mechanism to be an important indicator of the Soviet Government's willingness to address a sensitive issue which continues to have a significant impact on our bilateral relations. During Secretary Baker's meeting in Moscow last May, we were informed that the Soviet Government was close to final agreement on an interagency memorandum spelling out how the case review would be conducted. At the same time we presented the first list of cases on which we wished to receive more information.

As you know, the review mechanism also was raised on the margins of the Paris CSCE meeting of the Conference on the Human Dimension. Last July, Deputy Foreign Minister Adamishin told us the Soviet side had completed its interagency coordination and was ready to move forward. In his September meeting in Wyoming with Secretary Baker, Foreign Minister Shevardnadze submitted a list of 40 cases in the U.S. of interest to the Soviet side. We have responded by providing court documents on a number of those cases and are working to complete our response on the remaining ones. The Office of the U.S.S.R. Procurator has responded orally on a number of the cases raised by us, but we have pressed to receive appropriate court documentation such as we have provided. In December, Assistant Secretary Schifter met with Mr. Adamishin in Paris to discuss this and other human rights matters. Mr. Adamishin has agreed to help facilitate a meeting between Department and U.S.S.R. Procuracy officials in Moscow in January. We are hopeful that agreement on provision of court documentation will be reached.

Second, with regard to the Moscow human rights meeting in 1991, Department policy on U.S. attendance has not changed. In

The Honorable

Steny H. Hoyer,
Co-Chairman,

Commission on Security and Cooperation in Europe,
House of Representatives.

accepting the inclusion of Moscow in the package of intersessional CSCE events, we laid down two conditions: the expectation that the Soviets' human rights performance would continue to improve and that acceptable conditions of access and openness for the media and outside organizations and individuals would be assured. We will continue to monitor the situation with regard to these important factors. I would note, however, that actions already undertaken by the Soviet Union to improve its human rights performance have surpassed the expectations we held at the outset of the Vienna follow-up meeting.

Third, I understand that direct criticism of the U.S. by non-Eastern countries at the Paris meeting was muted. However, it was evident from both formal and informal remarks that some NNA countries, and even some of our Allies, considered the U.S. position on human rights to be weakened by the McCarran-Walter Act, as incorporated in our visa-issuing policies under the U.S. Immigration and Nationality Act (INA), and most specifically by our failure to ratify the International Human Rights Conventions. At least one neutral country made specific reference to the last of these points in a formal statement. In the case of the INA, the Congress has been reviewing the grounds of exclusion. The Department of State has played an active role in this process. Portugal tabled a proposal in Paris calling for the abolition of the death penalty, but the Department is unaware of any direct criticism of the United States on this issue from a Western country.

Fourth, a Soviet proposal on establishing a "Common European Legal Space" was advanced by Foreign Minister Shevardnadze at the Paris meeting and subsequently endorsed by France. The United States continues to study this proposal and has not taken a position on it. We have noted that, although Minister Shevardnadze did not mention Canada and the United States explicitly in his presentation of the concept, subsequent Soviet speakers in Paris made it clear that, true to CSCE principles, any such proposal would include the U.S. and Canada.

The Soviet proposal appears aimed at standardizing basic laws among CSCE participating states. But a prior question must be asked: what is the source of authority of the legislative bodies that have promulgated laws in the various CSCE states? Legislative powers in the Western political tradition derive from the people, who express their will through competitive elections among contending parties and candidates. Just as the concept of a "common European home" glosses over very real and meaningful differences between East and West, so too is the concept of a "common European legal space" silent about some fundamental legal and political differences among CSCE partners. While both concepts hold out the promise that such differences may decrease, much will depend on the extent to which genuine political pluralism and competitive election practices take root throughout the CSCE community.

I hope this additional information following up on Ambassador Abram's earlier testimony before the Commission proves helpful.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

STATEMENT OF FRANK KOSZORUS, JR.
PUBLIC MEMBER OF THE UNITED STATES DELEGATION
PARIS CONFERENCE ON THE HUMAN DIMENSION

July 18, 1989

It was an honor and a privilege to have been selected as a public member of the U.S. delegation to the Paris Meeting of the Conference on the Human Dimension of the CSCE.

The delegation, from Ambassador Abram to its every member, deserves our respect, admiration and gratitude for its dedication and exemplary work in furthering the American objectives at the meeting which, in turn, strengthened the Helsinki process. On a personal note, I greatly appreciated the delegation's collegiality.

From my perspective as a public member, I believe the conference was successful insofar as it reiterated and reinforced the recognition of the critical role played by human rights in ensuring security and cooperation in Europe. In this regard, the participating States' compliance with the commitments made in Vienna was fully reviewed, including serious and continuing human rights violations. Similarly, the human rights "mechanism" mandated by the Vienna Concluding Document was reviewed and, with the disappointing exception of Romania, generally approved. The strong criticism of Romania's refusal to participate in the mechanism, therefore, was justified.

Romania's aggressive policies aimed at forcibly assimilating its Hungarian and other minorities (as well as its overall dismal human rights record) and similar practices by Bulgaria directed against its Turkish minority, including mass expulsions, stood in stark contrast to some of the more positive developments reviewed in Paris. They also highlight the glaring need to foster greater respect for the rights of national, linguistic and religious minorities and to formulate and implement standards to protect such minorities.

The dearth of such standards is a result of the neglect, and in some instances hostility, toward the concept of minority rights following the Second World War. The rich experience of the League of Nations minority protection system unfortunately was discarded because it was widely believed that by securing individual human rights, the protection of minority rights would become superfluous.

Events over the last forty-four years, such as the Romanian experience, have painfully disproven that conventional wisdom. Today it is clear that individual rights often are secure only if rights of minorities are guaranteed. Thus, human rights norms are insufficient to shield mankind from all manifestations of repression if they are not complemented by standards to safeguard the unique characteristics of minorities. Simply stated, minorities require more than protection from non-discrimination. As found by the Permanent

Court of International Justice, equality cannot exist between a majority and minority "if the latter [is] deprived of its own institutions, and [is] consequently compelled to renounce that which constitutes the very essence of being a minority."

We can discern a growing awareness for the need to protect minority rights. The Helsinki process has played a leading role in this development. Thus, for example, Principle VII of the Helsinki Final Act cautiously addressed the issue by asserting "that the participating States on whose territories national minorities exist will respect the rights of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms, and will, in this manner, protect their legitimate interests in this sphere." This Principle was expanded and strengthened by the Vienna Concluding Document which not only commits the participating States to refrain from discriminating against national minorities, but also obligates them to "create conditions for the promotion of ethnic, cultural, linguistic, and religious identity of national minorities on their territories." Thus, the participating States must "create conditions" to foster equality among diverse groups and to ensure that discrimination cannot occur.

The Paris meeting neither sidestepped nor diluted this question largely because the U.S. delegation placed it squarely

on the agenda. Hungary's proposal co-sponsored by Austria and Norway regarding national minorities further defined this aspect of human rights. The Helsinki process must continue to develop and refine this most important principle which hopefully will lead to the alleviation of the inequality, discrimination and human misery we are witnessing in countries such as Romania.

Another encouraging development at Paris was the U.S. delegation's coupling human rights with political pluralism and the rule of law. Particularly given the rapidly unfolding events in Poland and Hungary, the right of individuals to organize and campaign as independent parties must be guaranteed as a matter of law. In addition, such independent parties must have an opportunity to express their opinions and campaign freely. For instance, they must have access to the press and other forms of communication and be provided with necessities such as office space and newspaper print to be able to campaign effectively. As underscored by the U.S. delegation, fundamental human rights encompass the right of people to determine their political, socio-economic and cultural development. This is another issue which must be embraced by and become part of the Helsinki process.

The corollary to political pluralism, as advanced by the U.S. delegation, is the rule of law, including an independent and impartial judiciary available to everyone on an equal

basis. Absent a full range of fairly enacted procedural and substantive laws and regulations, no rights are secure. Without the rule of law, abusive or arbitrary governmental authority cannot be curbed, for as John Locke wrote, "[w]herever Law ends, Tyranny begins." Since the rule of law ensures and protects the rights of every person, even those who are in a political minority, it must become an integral part of the Helsinki process.

Finally, the U.S. continually demonstrates its commitment to the Helsinki process by appointing public members to its delegation and by being accessible to the fullest extent possible to NGO's. This laudable policy, I believe, brings fresh insights and new perspectives to the conferences. Most significantly, it integrates and links people to the process itself, thereby advancing the very purposes of the CSCE. Other States should follow the U.S. precedent in this regard and thereby substantially expand the human dimension of future conferences.



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"The Voice of Refuseniks and Jewish Activists in the USSR Since 1970"
REPORT TO

THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

CONCERNING THE PARIS CONFERENCE ON THE HUMAN DIMENSION

Submitted by
Pamela B. Cohen, National President
Micah H. Naftalin, National Director
Union of Councils for Soviet Jews

July 18, 1989

The role of Non-Governmental Organizations (NGOs) in the Helsinki process is vital in assuring the full representation of human rights and monitoring human rights performance. The Union of Councils for Soviet Jews (UCSJ) has been an active participant in this process since its inception, providing resources and information in Belgrade, Madrid, and Vienna. We attended sessions and met with CSCE delegations on three separate occasions in Vienna, and leaders from many of our 50 local councils visited on many other occasions. We attended the opening sessions of the Paris Conference on the Human Dimension, and our colleagues were present for the duration of the Conference.

In general, we believe that the Conference met the United States' major objectives, which were admittedly modest since the meeting came so soon after the conclusion of Vienna. We were gratified by the quality and intensity of our representation by the official U.S. delegation, led by Ambassador Morris Abram and the Helsinki Commission, led by the Chairman Dennis DeConcini, Co-Chair Steny Hoyer, and by Ambassador Sam Wise.

The UCSJ remains focused on the importance of the Helsinki process and the goal of strictly balanced progress on the Three Baskets. What follows, then, are some brief observations and recommendations regarding our chief concerns and those of Soviet Jewish activists.

We are concerned about lack of substantial performance by the Soviet Union as evidenced by continuing violations of Basket III and of the Principles and Human Contacts sections of the Vienna Concluding Document. We also have concerns raised by the Vienna Document: the violations of the access provisions under the Principles Section; the need for further development and utilization of the Vienna complaint mechanism; the need for an

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institutionalized process of on-site verification of the Human Dimension; and the strategic importance of continuing to press for institution- alization of promised reforms.

PARIS ARRANGEMENTS FOR NGO ACCESS

The arrangements for the Paris Conference and the procedures for NGO access to the meetings were unsatisfactory and unnecessarily restrictive.

The arrangements for providing access to the building itself were wholly incompetent. Admission tickets were changed twice a day. Guards posted outside the building sometimes prevented access to visitors lacking credentials that could be obtained only inside the building. Once inside the entry vestibule, other guards prevented access through the metal detector to reach the reception desk where the day's list of approved visitors, and thus the current required credentials and badges, were checked and distributed. Most of the resulting chaos could have been avoided simply by putting the credentials/reception desk in the outer foyer, a resolution we suggested, without success, for several days. In practice, however, most of us simply pushed past the guards when their attention was diverted to other, equally frustrated, visitors.

Unlike Vienna, there were insufficient provisions for observer seating for many of the sessions. The adjacent room used for simultaneous telecast of sessions, meant to accommodate delegation staff and NGO's, created a decentralized, disjointed, and disorganized environment. In addition, there were inadequate central accommodations for meeting delegates and the press, and for providing adequate and timely information about the schedule of sessions and opportunities for NGOs to mount independent, collateral sessions.

Since the meetings were in Paris, rather than Moscow, we tended to treat these problems as comic opera. Had they been Soviet guards, at a Moscow human rights conference, we would have assumed we were being deliberately harassed and would have reacted accordingly. Thus, the arrangements for access were a flawed precedent that must be corrected in Copenhagen and, of course, in Moscow in 1991.

SOVIET VIOLATIONS OF ACCESS TO THE PARIS CONFERENCE

The Soviet government undermined and violated the CSCE principle of assured access in several important respects. First, they delayed permission for several Jewish cultural leaders to attend the Conference until more than a week after it began, thus preventing them from attending the important opening sessions. Worse, they denied access altogether to all of the Soviet Jewish emigration activist leaders. Their demand for invitations from Paris-based organizations for Soviet NGOs as a prerequisite for



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visa considerations set an unfortunate and restricting precedent for future meetings -- especially in 1991 -- which should be strongly protested. Will the Soviets demand invitations from Moscow-based NGOs as a precondition for Western NGO's to attend the Moscow Conference? These are clear violations both of the Vienna agreement and the understood preconditions for U.S. participation in the Moscow conference.

A June 18 declaration to the Paris Conference on the Human Dimension, signed by Boris Chernobilsky, David Mikhalev, Yuri Semenovskiy and Leonid Stonov, protests the denial of long-term Refusenik leaders to attend the Conference where they planned to inform the public of Soviet emigration violations. (See attached.)

Moreover, in mid-May, UCSJ Vice President David Waksberg was prevented by the Soviets from attending a Moscow legal seminar, in which activists met to develop their NGO positions for the Paris conference two weeks later. This was a preliminary Soviet violation of the requirements of open access (Principle #26, Vienna Concluding Document.)

ADDITIONAL SOVIET VIOLATIONS OF THE VIENNA DOCUMENT SINCE JANUARY 1989

The Soviet violations of the Vienna Concluding Document, as they relate to the Soviet Jewish Emigration and Cultural Movements, were submitted as evidence by the UCSJ to the Helsinki Commission, many NATO delegation chairpersons, and the Soviet delegation. Violations continue. For example:

1. The failure to resolve the long-term Refusenik cases by July 19, the six-month period deadline agreed to by the Soviets, is the most glaring violation. (See list attached.) (Principles #10, #13, #21, Human Contacts #3, #15, #17.) While many of the well-known Refusenik leaders have emigrated in the past two years, an insufficient number of long-term cases have been resolved since the January signing at Vienna. Many Refuseniks remain whose circumstances and human tragedies are equally severe. The attached thumbnail descriptions of a dozen of them are but examples.
2. New restrictions thwart Soviet travel abroad, and are a gross violation of the freedom of travel and human contact provisions. Under the joint orders of the Soviet Ministries of Aviation and Finance, effective July 1, Soviet citizens can no longer purchase with rubles that part of their air passage beyond the limits of Aeroflot's service area, unless they have access to hard currency, denied to Soviet citizens. For example, according to Soviet Jewish and Refusenik sources, "95% of Soviet Jewish tourists to Israel will be stopped" under the new orders because they cannot purchase the Cyprus-Israel portion of the ticket.



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3. The denial by the Soviet Foreign Ministry to issue a visitor's passport for Vladimir Dashevsky to travel to London at the invitation of the House of Commons to receive an award for his service to the cause of Soviet Jewry (Principle #20.)
4. The denial, by the Soviet Academy of Sciences, of the right of three scholars to attend the World Congress of Judaica in Jerusalem, beginning August 13.: Dr. Mikhail Chlenov, a noted ethnographer and head of the Moscow-based Jewish Cultural Association; Dr. Amnon Davidov, anthropologist from Dushanbe; and Natalia Ukhneva, a brilliant, non-Jewish ethnographer and specialist in Judaic studies from Leningrad.
5. The April 8th "Supreme Soviet Decree on Criminal Liability for State Crimes" (Article 7) criminalizes speech by increasing the maximum penalty up to 10 years imprisonment for speech which "involves the use of technical means designed for large print runs" or is "committed on instructions from abroad or their representatives or involving the use of their material assets or technical means received from the aforementioned organizations." This decree constitutes a violation of Principle #34 of the Vienna Concluding Document which insures that the signators "will make further efforts to facilitate the freer and wider dissemination of information of all kinds." In addition, Article 11(1) criminalizes "the public insulting or defamation of state bodies of the USSR", thereby violating Principle #14 (The signators "will promote constant progress in the realization of all rights and freedoms within their countries..so that everyone will actually enjoy to the full his...civil and political rights.")
6. Principle #4 insures "all peoples, always...to the right in full freedom to determine when and as they wish, their internal and external political status without external influence and to pursue as they wish their...cultural development." Yet the Jewish Cultural Association continues to be refused official registration, while official efforts are underway to create substitute bodies under the leadership of Anti-Zionist Committee members.
7. Finally, our colleagues in the USSR have prepared the attached declaration summarizing the extant Soviet violations of the Vienna Concluding Document.

THE VIENNA MECHANISM

The Vienna Concluding Document formalized a procedure by which any country can raise any case of a violation at any time and merit a response. The United Kingdom invoked this mechanism by raising the tragic case of cancer patient Georgi Samoilovich with the Soviets. On the eve of Gorbachev's visit to London, Samoilovich was granted a medical visa, while his family remained, in refusal, in the USSR. The U.S. has invoked this mechanism in several Eastern European cases and the case of



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Lithuanian Americans being denied the right to visit their homeland. The UCSJ recommends a thorough evaluation of the mechanism and its uses, and urges the U.S. to invoke it when necessary, and to press for responses.

VERIFICATION OF PERFORMANCE IN THE HUMAN DIMENSION

The disparity between assurances and real performance requires the implementation of formal monitoring and verification systems. The conclusions of the State Department report on Soviet psychiatric practices, resulting from a visit by an official U.S. delegation, is evidence of the necessity to develop monitoring procedures to verify compliance with the commitments of Vienna and Helsinki.

To that end, the Public Committee for Monitoring the Work of the Moscow Visa Office was created in October 1988 by Leonid Stonov and David Mikhalev to examine existing practices and procedures of the OVIR office and to gather data on emigration. The Public Committee's initiative provides an important precedent for the Helsinki monitoring process by laying the groundwork for an inspection by an official delegation. The UCSJ recommends that the CSCE dispatch a delegation to review the work of the Public Committee.

The UCSJ will be holding its official annual meeting in Moscow in October 1989. In conjunction with our meeting, the Moscow Refusenik Legal Seminar will hold a full-scale review of the status of emigration rights in light of the Vienna Concluding Document. We invite the Commission to send an official observer or participant to this historic meeting.

Finally, in preparation for the 1991 Moscow Human Rights Conference, the UCSJ recommends that the CSCE, possibly in conjunction with our meeting, hold a special hearing in Moscow on Soviet compliance with the Vienna Concluding Document to examine if the Soviets indeed are prepared to abide by the Document.

THE NEED TO DEMAND INSTITUTIONALIZATION AND IMPLEMENTATION OF PROMISED REFORMS

We must encourage further Soviet progress toward free emigration, especially their promises to reform the emigration procedures and human rights situation in the USSR consistent with international standards. Indeed, Soviet human rights rhetoric would be most reassuring if it could be realized. So far, however, the reality continues to fall far short of the rhetoric, as we see by the continuing violations of international human rights agreements. Given the history of broken Soviet promises in this regard, we cannot rely on promises alone. We must continue to press for institutionalization and implementation of reform.



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TO THE PARIS CONFERENCE
ON THE HUMAN DIMENSION
OF THE CSCE

DECLARATION

We are the long-term refuseniks, the members of the different Emigration Commissions and Committees have applied four times to the Minister of Foreign Affairs Mr. E.Schewarnadze and the Chief of All Unions OVIR Mr. R.Kuznetsov about the passport and visas in order to take part in the Paris Conference 30 May - 23 June 1989.

The Minister of Foreign Affairs after three months answered that we had to apply the documents to the OVIR, but OVIR said that we had to receive the passports in the Ministry of Foreign Affairs.

One of us applied the documents to OVIR, but was refused to go.

As a result - nobody came to Paris Conference where we planned to inform the broad Public about the violation in the USSR the right to emigrate.

Such a position of Soviet Authorities is the direct infringement of the Vienna Concluding Document and other Soviet obligations, is the direct threat to the future Conferences on Human Rights, including Moscow Conference in 1989.

Boris Chernobytsky
David Mikhalev
Yuri Semenovskiy
Leonid Stonov

Moscow, June 18, 1989

The Legal Seminar on Emigration Problems
The Public Committee for Monitoring OVIR Performance

July 14, 1989

DECLARATION

A half year has passed since the day the Vienna Concluding Document was signed. The Vienna Agreement must radically change the situation with human rights in the Soviet Union, including the right to leave the country. Just a week after finishing the Vienna Meeting of the CSCE, the Political Bureau of the Communist Party of the Soviet Union specially pointed out the absolute necessity of following the word and spirit of the Concluding Document. However, there are no principle changes in the emigration policy of the authorities in spite of the increasing number of people who leave the country forever or who leave the as visitors.

The Law of Entrance and Exit is not confirmed. Even a draft of this law is not published for broad public discussion. The organs of the Ministry of Internal Affairs, OVIR, who are responsible for drawing up exit documents, continue to violate the Regulation of the Counsel of Ministers of the USSR, No. 1064, August 28, 1986, and their own instructions. Permission to leave this country is still not a legal right but remains in the authorities' favor and absolutely depends upon the situation inside and outside the country; on the proclivity and antipathy of the functionaries of the Ministry of Internal Affairs and the other ministries and departments. Accordingly, in several aspects, after the Vienna Concluding Document was signed, the emigration situation in the Soviet Union became worse.

The following are the most flagrant violations of human rights to leave this country:

1. The shameful phenomenon of the refusal state still exists. The bank of Refuseniks has not decreased. According to our incomplete data, on February 8, 1989, this bank consisted of 209 families (645 persons) including 100 families (312 persons) so-called state secrecy Refuseniks; today the bank consists of 211 families (635 persons) including 92 families (279 persons) so-called state secrecy Refuseniks. The promised revisions of Refusenik cases has not been done.
2. During the last one and a half or two years before signing the Vienna Document, there were practically no refusals for indirect secrecy - that is people refused permission whose close relatives worked or are working at classified organizations.

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These refusals occurred again after the Vienna Agreement. Some people were refused permission to leave this country (even for visits) because their relatives stopped secrecy work more than five years ago.

3. The practice of the withdrawal of the exit visa was restored again after the Vienna Document was signed. For instance, Vladimir Tsivkin from Leningrad, Roman Sorokin from Penza, Eugene Khodasevich from Minsk, had their exit visas withdrawn on the pretext of state secrecy.
4. The organs of the Ministry of the Internal Affairs (OVIR) continue the illegal practice of making inquiries of the ministries and departments in their procedure of making decisions about exit visas. OVIR makes inquiries even of organizations where the person had dissolved his contract with more than 10 years ago.
5. The group of Poor Relatives not only exists but increases. The courts refuse, as before, to hear and solve cases about possible financial pretensions from remaining relatives to relatives who intend to leave this country. The unconcealed extortion is blossoming. The persons who want to leave this country very often become the hostages of their parents, ex-husbands, and ex-wives. The organs of the Ministry of Internal Affairs do not try to help people in such situations but very often aggravate the difficulties of these problems.
6. The discriminative practice of depriving of Soviet citizenship to people leaving the Soviet Union on Israeli visas still exists. The cynicism of such illegal action is aggravated by raising for extra taxes in the amount of 500 rubles per person. OVIR illegally continues to limit the period of validity of the invitations from foreign countries to six months.
7. The Soviet authorities introduce some economic measures with the objective of decreasing the number of people who travel as visitors. The sum of money permitted to change has been doubly cut. Now only 210 rubles are permitted for one person for one trip per year. Since July 1, 1989, tickets may be bought in rubles only to the cities where Aeroflot flies. For the additional way, the tickets may only be

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bought in foreign currency (it must be bought by the person who invited the Soviet citizen because the change of money will only be enough for not more than 1,500 kilometers). Such economic measures that limit the relations with foreign countries began many years ago and continue today (tariffs for letters have increased three times during the past several years, for telephone calls - two times).

8. According to the Soviet Ministries, in the Moscow OVIR, the normative duration for the consideration of applications for exit visas is one month and for special cases six months, however, 93% of the cases are special cases. And after the signing of the Vienna Concluding Document, these violations even increased (the average term of examining documents for exit visas in Moscow, is four - five months; for guest visas, three months). In spite of civil foreign passport is issued now for five years (from July 1, 1989) and will be at home together with internal Soviet passports there is no simplification of procedure of registering the documents. The same questionnaire and the taxes of 200 rubles are necessary for everyone going for guest visit.

The Legal Seminar and Public Committee appeal to broad Soviet and world public and politicians not to weaken their efforts in the struggle for fulfillment of the Soviet Union's obligations according to the Vienna Document. Because of such situation, we consider it necessary to revise a question about the Conference of Human Dimension of CSCE, in Moscow, 1991.

Signed:

Leonid Stonov

Chief of Legal Seminar and Chairman of Public Committee

David Mikhalev

Vice Chairman of Public Committee



National Conference on Soviet Jewry

National Conference on Soviet Jewry Statement
to the CSCE Hearing on the Paris Human Dimension Meeting
July 18, 1989

The National Conference on Soviet Jewry (NCSJ) is pleased to respond to the invitation from the U.S. Commission on Security and Cooperation in Europe to submit a statement for the record on the Paris Human Dimension Meeting.

Mr. Chairman, today, as we review and evaluate the Paris Human Dimension Meeting, one cannot help but note the dramatic and welcome changes which have occurred within the Helsinki process since the first gathering of the 35 member states. The NCSJ representatives to the Paris meeting, including Chairman Shoshana S. Cardin, Executive Director Martin Wenick, Director of the Washington Office Mark Levin and members of our Executive Committee witnessed the free exchange of ideas, beliefs, and objectives in an open dialogue centered on respect for human rights and fundamental freedoms. For too many years, such negotiations and dialogue between certain delegations of differing political and ideological persuasions led only to frustrations and stalemates. Yet, through the constant strivings of a number of western states, we now find ourselves in the midst of dialogue more sophisticated and straight forward than many people would have ever imagined.

Over the years, the U.S. delegations to the various CSCE meetings have enabled this process to become what it is today. These delegations have always been the moral leaders within the Helsinki process and their commitment to the goals and spirit of Helsinki have never wavered.

At this time, the NCSJ wishes formally to extend its most sincere appreciation to U.S. Ambassador Morris Abram and to the entire delegation staff who worked tirelessly and steadfastly in promoting and furthering the causes of human rights in general, and specifically those of the Jewish minority in the USSR. The professional expertise and commitment of those from the Department of State and the Helsinki Commission were exemplary and contributed substantially to the accomplishments achieved in Paris.

The NCSJ fully supported the concept of utilizing the Paris meeting to review implementation of existing commitments, including those set forth in the recently signed Vienna Concluding Document, instead of seeking a new Paris document. This decision proved to be successful. Throughout the four-week meeting, the U.S. delegation addressed performance by the Soviet Government on many significant issues, and the NCSJ applauds the U.S. Delegation for specifically bringing to the

A coalition of forty-five national organizations and over three hundred local community councils and federations

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plenaries, working group sessions and bi-lateral meetings the salient concerns of Soviet Jews, namely freedom of movement, cultural and religious rights, and anti-Semitism.

The NCSJ welcomed the efforts of the U.S. Delegation in bringing the human factor into the three areas of NCSJ concern by highlighting specific individuals and families who have endured substantial suffering. We also wish to commend them for continuing to review the Soviet's commitment made in Vienna regarding the positive resolution by July 19, 1989 of the 600 plus refusenik families awaiting permission to emigrate. Unfortunately, little progress by the Soviets has been made on these cases; we urge the U.S. to continue the struggle for the earliest resolution of these cases.

Regarding the overall concept of a three part Conference on the Human Dimension (CDH) with the concluding meeting in Moscow, the NCSJ expressed its concern with respect to the outstanding refusenik cases and the issue of access.

Ironically, when the NCSJ communicated our specific concerns regarding access to a Moscow meeting, we did not think at the time that we would have to be concerned with access to Paris or Copenhagen. Yet, it now appears we were wrong. The first CDH meeting has just concluded, and in the area of access much work remains to be done if individuals and NGOs will be able to attend and to participate in a free and open meeting in Moscow. A better system of accrediting those who wish to attend future CSCE meetings must be devised. While the NCSJ understands the need to ensure the safety and security of conference participants, those concerns should not be an unnecessary hindrance to the openness of these conferences.

Below is an excerpt of an October, 1988 letter sent to Secretary of State George Shultz by the NCSJ and fifteen of its member national agencies detailing our explicit concerns regarding access to a Moscow human rights meeting. These four items should be part of the U.S. Government's discussion with the Soviet Government to ensure the widest possible participation by concerned individuals and NGOs.

1. Visas for all representatives of NGO's, press, private citizens and expatriates desiring to attend.
2. Unhindered travel to, and participation in, the conference by Soviet citizens.
3. NGO representatives', private citizens', expatriates' and Soviet citizens' right to:
 - a) enter and hold meetings and press conferences within the conference center,
 - b) use facilities outside the conference center and hold meetings and press conferences,
 - c) have unhindered access to private homes of Soviet citizens, and
 - d) have unhindered entry and distribution of information.
4. Unhindered press access to meetings in the conference hall, outside facilities and private homes.

The problem for NGOs and private citizens in Paris was the difficulty in gaining entrance to the Conference center and the lack of ability to move freely around the Conference site, once inside. Just to get beyond the outside guards into the reception area was almost a futile effort. Once inside, there was no mechanism which would allow NGO representatives and private citizens to gain entry without having to telephone one's own delegation or another delegation to get beyond the reception area. The NCSJ appreciated the repeated efforts of the U.S. Delegation staff to assist us in getting into the Conference. Unfortunately, this placed a tremendous burden on the staff in terms of use of its time. If a system had been devised, similar to that which was arranged for the press, a more open atmosphere would have existed.

Every effort should be made in future meetings to hold plenary sessions in larger rooms to accommodate all desiring direct observation rather than having to watch passively on closed-circuit television. The NCSJ recognizes that time constraints limited the range of available accommodations in Paris. However, these constraints should not pertain regarding the forthcoming meetings in Copenhagen and Moscow.

Finally, on the issue of access, we would like to express our gratitude to the U.S. Delegation and the Helsinki Commission for their successful intervention with the Soviet Government in securing visas for three Moscow Jewish activists. Mikhail Chlenov, Aleksandr Schmukler and Roman Spektor were, in the final hour, able to attend the Paris Meeting. Their successful trip, jointly sponsored by the NCSJ and the French Jewish Community, was a true reflection of the goals of Helsinki. Unfortunately, the Soviets did refuse travel visas to other refuseniks and activists from the USSR who wished to attend the Conference. This is a problem that should be addressed before the next meeting in Copenhagen.

The Paris Conference laid the groundwork for substantive future meetings in Copenhagen and Moscow which it is hoped will lead to further implementation of the goals set forth under the Helsinki process. The NCSJ looks forward to working together with the U.S. Government to ensure that all future meetings will have true and uncomplicated public access and that the commitments of the Helsinki process will be implemented to the fullest extent possible by all participating states.

Statement of Dr. C.K. Bobelis, President of the
Supreme Committee for the Liberation of Lithuania

on the

Paris Human Dimension Meeting:

Human Rights in the Helsinki Process

Commission on Security and Cooperation in Europe

July 18, 1989

Mr. Chairman, the Supreme Committee for the Liberation of Lithuania would like to thank the Commission for the opportunity to present our testimony regarding the Paris Human Dimensions Conference, in June 1989.

Paris was a beautiful setting for the conference and overall the goals and aims of the conference were most worthy. However, being a non-governmental organization, we found that the host country was in some ways abrupt and callous in the way it handled all NGO representatives. While we understand the need for tight security, we feel that some steps should be taken to allow NGO's greater accessibility to the conference without the daily militaristic, confrontational drill that many of us encountered for each session of the conference. The conference, after all, is about the human rights and dignity of man. At this point, Mr. Chairman, I would like to praise the CSCE Commission staff members of the U.S. delegation, in particular, Orest Deycheck, for all their help and support.

However, we believe that future conferences would benefit if arrangements were made to allow for the unpredictable cases which may surface. For example, we had a witness who, after receiving a visa from the Soviet Union to travel to Lithuania from Chicago, Illinois, was arbitrarily denied entry at Moscow and was sent home after being detained. Dr. Petras Kisielius forfeited the entire cost of his trip, not to mention the months of preparation for his visit to Lithuania. We had hoped that Dr. Kisielius could have flown in directly from Moscow to join the conference but that was not the case. This individual was not able to join the conference

and present vital testimony merely because of French security and visa restrictions.

Our final point on this subject Mr. Chairman, is that if the host countries are allowed too much leeway they can dictate the flow of the conference and set its limits. Our greatest fear concerns the future, especially the year 1991, when the conference is to be hosted by Moscow. We want to make sure that all NGO's will have access to the delegates and be able to present their issues in a dignified and professional manner.

The big surprise of the Paris conference was the new face put on by the Soviet Union. The Soviet delegation held several press conferences, filled the press tables with countless experts and were able to cut and weave through tough questioning by hiding behind the facade of future progressive legislation. We consider it important that in the future the U.S. try to pin down the Soviets on the specifics of their so-called future legislative proposals, without allowing them to evade questions regarding the current state of affairs.

Finally, as an organization fighting the illegal Soviet occupation of Lithuania, Latvia and Estonia, we would like to see the U.S. Delegation address the issue of the Baltic States, and raise the question of the illegal Soviet occupation of Lithuania in the general conference. The need is especially critical today, when hundreds of thousands of Lithuanians are publicly challenging the local Communist party and the central Soviet authorities by moving towards national sovereignty and independence. These qualitative changes in Lithuania require an appropriate response

by the United States. We Lithuanians, with our close neighbors the Latvians and Estonians must not be forgotten and dismissed as part of the accepted status quo. Our cause is alive, it is gaining ground and we must enlist the support of the Western Democracies to stand once again as free nations. We will continue our fight and we look forward to the 1990 Conference in Copenhagen. Thank you.



← VISA — Visits International for Soviets and Americans — RHSA →

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Contacts and Regular Meetings on the Basis of Family Ties

Statement from VISA on the Issue of Family Visits Between Millions of Relatives in the USA, the Baltic States, and the USSR for the CSCE Hearing and Report, Paris Conference on the Human Dimension.

At the Paris Conference on the Human Dimension Soviet officials made many promises, including promises regarding freedom of travel. Soviet officials have made many promises in the past, including the Helsinki Final Act 1975. The U.S. should not be content with promises, but should demand specific improvements in performance regarding freedom of travel.

Since the Vienna Concluding Document was signed in January 1989, the following changes have occurred:

- A. Soviet citizens, some traveling thousands of kilometers, must appear in person at the U.S. Consulates in Moscow or Leningrad to obtain a U.S. visa. Soviet citizens wait as long as 8 hours for their interview. Some are denied U.S. visas. The U.S. should consider issuing visas by mail, and/or extending hours.
- B. The Air Ministry raised the price of an airline ticket to the U.S. by one and one half times; it now costs about one year's pay for an average Soviet citizen.
- C. Western airlines will not accept rubles in payment for tickets, and Aeroflot tickets are sold out as much as one year in advance.
- D. Soviet citizens returning to the Soviet Union on economy excursion fare tickets are permitted only one suitcase as free baggage. If accepted, additional baggage is charged \$108 per piece. Soviet citizens who do not have the cash must choose what to leave behind: shoes for grandchildren or a warm coat for grandmother.
- E. In March 1989, Soviet officials cut in half the number of rubles which can be exchanged for hard currency. Currently, Soviet citizens can exchange only 210 rubles (about \$330), no matter the length of their stay in the West.
- F. Many refuseniks have voiced their desire to visit the West prior to deciding on a place to settle.
- G. Human rights activists in the Soviet Union consider freedom to travel an important right. Hanna Mikhaylenko, of Odessa, a former political prisoner, recently wrote to VISA:

"I can tell you with great certainty, that all citizens of the Soviet Union support your Appeal for Freedom of Movement

and contacts between relatives. You are doing very important work. If my health permits, perhaps I will visit your hospitable country this year."

- H. Soviet authorities ignore rampant theft and vandalism to tourist luggage committed by baggage handlers.
- I. It takes about 4-6 months for an American to receive a private visa to stay with relatives in their home in the Soviet Union. A tourist visa can be obtained in as little as two or three weeks. A business person, scientist, or attendee to an official conference can receive a visa in as little as two hours.
- J. Soviet Customs officials extort exorbitant customs duties from American citizens carrying gifts for relatives.
- K. Local authorities continue to intimidate Americans tourists who try to visit relatives outside their tour city.
- L. Increased travel and trade contacts make opening an additional U.S. consulate in Kiev, is vital to serve American citizens, business persons and Soviet citizens.

Recommendations for liberalized US-USSR travel procedures:

1. Establish a U.S.-Soviet bilateral working group on family visits in order to set standard application procedures, continue progress in improving opportunities for exchanged visits, and to create a means for appeal of visa denials or visit problems.
2. Establish a procedure for quick action in case of serious illness or death. Set up procedure which will allow an American relative to apply and receive visa from Soviet consulate via telephone, overnight mail, or facsimile machine for emergency travel to the Soviet Union. Establish fast procedure for residents of the Soviet Union to apply for travel to the USA in emergency situations.
3. Ease procedures and requirements for private visits.
 - a. Eliminate (or streamline) the 4-6 month-long invitation (vzov) process for private visas for relatives (and friends). Like Western businessmen and scientists, relatives should receive two year multiple-entry visas within 2 to 5 days.
 - b. Remove relationship requirements for private visits, and allow Americans the right to stay in homes of relatives or friends, rather than confining most Americans to tours.
 - c. Eliminate need for multiple applications to visit relatives in different regions.
 - d. For those Americans who prefer to combine a tour with visits to relatives, increase the length of time permitted in each city (now limited to 3 or 4 days except in certain cities).
 - e. Provide identical standard forms and procedures at the Soviet consulates in U.S.; and U.S. consulates in Soviet Union.

4. Ease travel requirements for Soviet citizens.
 - a. Eliminate the current 200 ruble visa fee (over one month's average salary) as Soviet Union did for visits to Eastern Europe.
 - b. Allow entire families and more young people to travel to the West.
 - c. Increase period of validity of travel permission/international passports. Under present Soviet policy visas are valid for six months — for one trip. One application procedure should allow multiple trips for an extended period.
 - d. Eliminate the need for Soviet citizens to appear in person at the U.S. Consulates in Moscow and Leningrad to apply for a U.S. visa.
 - e. U.S. consulates in the Soviet Union should re-examine their criteria of visa denial to Soviet citizens who fit an arbitrary profile of a potential defector.
5. Open up more entry/exit points into the Soviet Union. Moscow is now the primary transit point for the Soviet Union. The Baltic States, Armenia, Byelorussia, Central Asia, Ukraine, Russia, and the Pacific coast should have additional entry/exit points. Ease travel procedures for related Alaskan and Siberian natives living three miles apart across the Bering Strait.
6. Open up additional cities and regions now closed to Americans, beyond the present limit of about 90 cities for overnight stays, and an additional 90 cities for day trips. The United States should open additional cities and regions to Soviet visitors.
7. Repeal decrees which intimidate or restrict visitors.
 - a. Soviet citizenship decree of July 1, 1979 which states that naturalized U.S. citizens born in the present territory of the USSR, and their children, although born outside the USSR, are regarded citizens of the USSR.
 - b. Soviet decree of May 25, 1984 which makes Soviet citizens liable to fines for providing housing, transportation, and other [unspecified] services to foreigners without prior permission.
 - c. Soviet decree of July 23, 1966 which provides penalties for foreigners who "maliciously violate travel regulations, visiting places not mentioned in their USSR entry visas or deviating from the itinerary. . . without special permission."
8. Encourage airlines to increase availability of flights, including low-fare and charter flights. (Currently, flights payable in rubles are sold out many months in advance, making it difficult for people, especially from the provinces, to arrange a trip.)
9. Improve other means of communication between relatives.
 - reinstate direct dial telephone communications
 - remove prohibitive duties from gift parcels
 - stop mail censorship
 - ensure delivery of all mail

The following article, translated from *Svoboda*, the Ukrainian-language daily, outlines just some of the current problems faced by residents of the USA and Canada (and other CSCE member countries) who have relatives in the Soviet Union and the Baltic States.

A Ticket to Canada? Wait a year

Well, foreign travel from the Soviet Union has finally gotten simpler, and we can breathe easier. The procedure for getting documents has become simpler; travel is possible not just for relatives, but for friends; entire families can travel, taking the children. It turns out that foreign travel is no longer a fantastically complicated matter as it was until recently. Fill out the papers, buy a ticket – and bon voyage!

Oh, don't pack your bags so soon! Preparing the documents for foreign travel has improved, but. . . The first "but" – is that, because of the large number of prospective travelers, the bureaucrats of OVIR process documents not within one month as promised in the new decrees, but they stretch it out, sometimes as long as half a year. The second "but" – at the banks there is insufficient hard currency to exchange for rubles. The biggest "but" – is airplane tickets.

Aeroflot travels from Moscow to Montreal three times a week. This is the only direct link with Canada. Obviously, there are not enough tickets to go around. People reserve them a half year in advance – at the moment they get their Soviet foreign travel passport, because it clearly states within that travel must take place within six months, and no later. But Aeroflot clerks state: "Tickets are sold out a year in advance."

So people who receive their visas hurry to Moscow, no matter what corner of the country they may live in – and oftentimes this is thousands of kilometers. They sit in the airport for weeks, sleep on the benches, on the floors, no opportunity to wash, to eat normally. And they wait, wait for the random ticket, begging at the ticket window.

Obviously, where there's a shortage – there is speculation. In the Soviet Union this deficit of airline seats creates speculation in a double form, both government and private. The Ministry raised prices for airline tickets by one and a half, and now they approach a fantastic sum: a full years pay for a average worker. The second rip-off black marketeers. They buy up large quantities of tickets and resell them to passengers with a markup of thousands of rubles.

It's probably unnecessary to mention the magnitude of family ties between people in Ukraine and Canada. But thus far, no planes from capitalist countries land in Kiev, the capital of the republic (the Kiev-Vienna route is only once a week). A few years ago the Foreign Ministry of Canada proposed opening an air

route between Kiev and Toronto. Minister "Nyet," as Soviet officials are often known, turned the proposal down.

[*Svoboda*, July 12, 1989 by Raisa Haleshko]

On September 23, 1977, the Commission on Security and Cooperation in Europe held a hearing which included testimony about the problems of family visits (Contacts and regular meetings on the basis of family ties). According to the testimony:

"The record of compliance with the family visit provisions of the Final Act is difficult to ascertain. Public knowledge of and attention to this portion of Basket III has been much less than that given to the family reunification provisions. As a result, the amount of information available for a statistical measurement of compliance is limited. Many individuals are reluctant to "go public" even by informing their own governments of efforts to arrange visits with their families....

On the basis of... illustrative examples, it is clear that problems still persist in the area of Soviet compliance with the family visit provisions of the Final Act. Although the dimensions are not clear, the fact that some individuals... are unable — 2 years after the Helsinki summit — to visit with their families is undeniable and disturbing."

In 1989, the scope of the problem is still unclear, because many individuals are still reluctant to "go public," but it is clear that even 14 years after Helsinki, problems still persist. In 1989, some relatives are still denied permission to travel, and for others travel remains difficult and expensive. **The fact that 14 years after Helsinki freedom to travel is not yet a reality, but a privilege, subject to the whims of local authorities, remains undeniable and disturbing.**

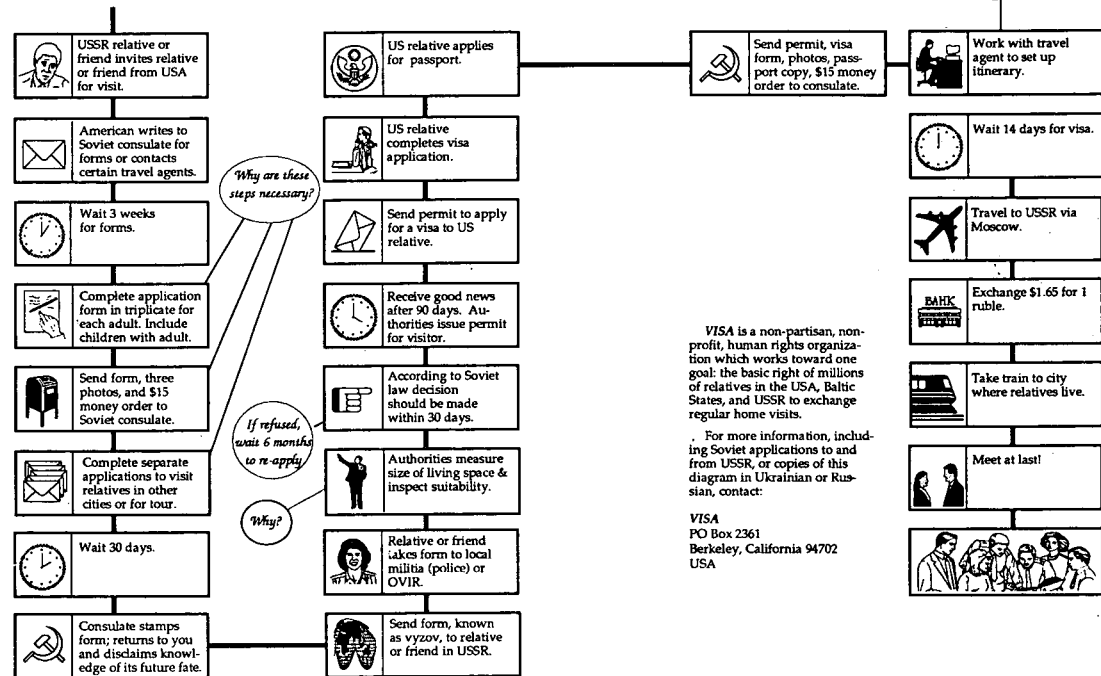
The following two diagrams graphically depict the difficulties relatives face in order to visit one another. Copies of the diagrams, and full text of *An Appeal for the Freedom of Travel*, which includes *Recommendations for Liberalization of Procedures* (in English and Russian), are available from *VISA*, PO Box 2361, Berkeley, California 94702 USA.

Daniel Horodysky
Chair, *VISA*
Member, Human Rights Commission,
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Tamara Horodysky
Co-chair, *VISA*

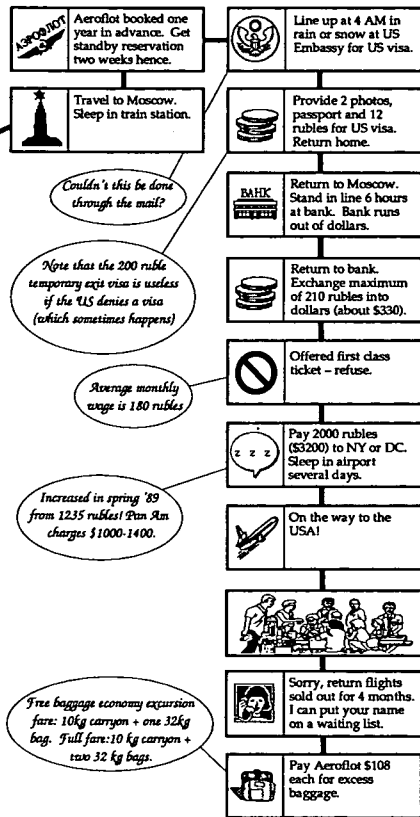
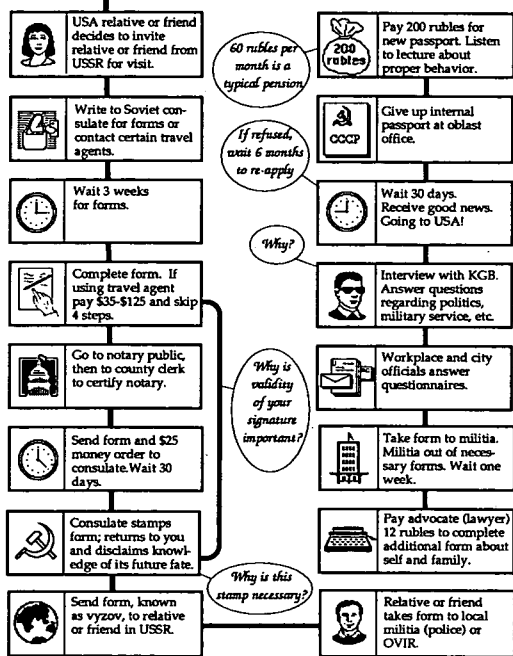
Typical* Procedure for Inviting a Person from the USA to the USSR

*Procedure may vary from one location to another depending on local authorities



Typical* Procedure for Inviting a Person from the USSR to the USA

*Procedure may vary from one location to another depending on local authorities



COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

101st Congress
First Session

THE PARIS MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION
OF
THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

MAY 30 -- JUNE 23, 1989

A REPORT PREPARED BY THE STAFF OF
THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

July 1989

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1. Executive Summary

From May 30 to June 23, 1989, the thirty-five States participating in the Conference on Security and Cooperation in Europe (CSCE) met in Paris for a meeting of the Conference on the Human Dimension of the CSCE. Known by its French initials as "the CDH," the Conference on the Human Dimension includes, first, a "mechanism" intended to help resolve human dimension cases and situations and, second, three four-week CDH meetings to take place between the Vienna CSCE Follow-Up Meeting, which concluded in January 1989, and the next main follow-up meeting, set for Helsinki in March 1992. Paris was the first of these three CDH meetings. The next will occur in Copenhagen in June 1990, and the third will take place in Moscow in September 1991. The meetings of the CDH cover the entire range of human rights and humanitarian issues, including human contacts.

The U.S. objectives for the Paris CDH Meeting were largely accomplished. In brief, the outcome of the meeting can be viewed in terms of these objectives:

Level of Representation: Despite strong urging from the Helsinki Commission, Secretary of State Baker did not attend the opening of the Paris meeting, although a majority of participating States were represented by foreign ministers, including important NATO allies and the Soviet Union.

Implementation Review: There was a very thorough implementation review. The United States and other delegations raised the full range of human rights and human contacts commitments in the Soviet Union and Eastern Europe. Illustrative cases and specific situations were cited. The U.S. delegation provided prompt and specific responses to criticisms of the U.S. human rights record. NATO allies likewise joined fully in this review.

Use of the Human Dimension Mechanism: Prior to the meeting, the United States and other Western countries began to use the human dimension mechanism contained in the Vienna Concluding Document. In brief, this mechanism commits each CSCE State to respond to requests for information and to representations made by other CSCE States on individual cases or broader human dimension issues. The mechanism is designed to establish a broad and continuing dialogue on human rights between East and West and to resolve specific cases and situations. Discussion of the mechanism in Paris was useful and included suggestions for its improvement.

Proposals: The United States put forth a proposal, introduced by Helsinki Commission Co-Chairman Steny Hoyer, calling for free elections and political pluralism in all CSCE States, including the Soviet Union and the countries of Eastern Europe. The United States also worked with other delegations on a proposal calling for the abolition of exit visas. These and a few other proposals, while not adopted in Paris, have set the stage for advancing CSCE commitments in the future.

Document: Prior to the meeting, there was a general perception that to add to the detailed and ambitious commitments of the recently adopted Vienna Concluding Document would produce only marginal, if any, benefits. There was, therefore, no attempt to seek the consensus necessary to adopt a substantive document in Paris, although there was a small, unsuccessful attempt at a non-substantive communique. The United States and others maintained that a strong reference was needed in this communique to deficiencies in implementation, but some Eastern countries, Romania and Bulgaria in particular, could not accept such a reference.

Public Members: Four private individuals, respected for their involvement in the promotion of human rights, were appointed as Public Members on the U.S. Delegation. All four were active and added considerable expertise and insight to the delegation's efforts, and demonstrated U.S. public interest in CSCE.

NGO Activities: Many non-governmental organizations (NGOs) attended the Paris meeting, including several from the United States. Unfortunately, the French hosts did not always provide adequate access for NGOs and other members of the public. The police, there for security purposes, were at times overly restrictive in dealing with NGO representatives and other non-delegates, probably more the result of confusing public access arrangements than deliberate French policy. The U.S. Delegation raised these problems with the meeting's Secretariat, and directed considerable effort to assisting NGOs in gaining access to the conference center to observe the meeting and to meet with other delegates. Such access is important to the CSCE process, and the United States will need to monitor and encourage improved access in the future.

NGOs also engaged in numerous other activities, such as press conferences and seminars. The U.S. delegation, in addition to briefing NGOs and listening to their concerns, sponsored or participated in many of their events. These activities added considerably to the meeting, in particular by providing delegations with useful information on human rights abuses in CSCE States.

Public Diplomacy: The United States made a strong effort to publicize the Paris meeting. While there was relatively little coverage by the general U.S. media, the meeting was covered extensively in some of the NGO press. The Paris meeting received extensive coverage by Radio Free Europe/Radio Liberty, the Voice of America and the European press.

Congressional Involvement: From the beginning, the Helsinki Commission played an important role in the Paris CDH Meeting. Chairman DeConcini and Co-Chairman Hoyer each led successful congressional delegations to Paris, and, on the working level, Commission staff serving as members of the U.S. delegation participated fully in the delegation's work.

Ultimately, however, the success of the Paris CDH Meeting will be determined by the degree to which it will actually lead to improvements in compliance with CSCE provisions in the human dimension. Some positive events have taken place just prior to, during and since the Paris meeting, but other events, such as worsening human rights picture in Romania and the brutal treatment and the eventual mass expulsion of members of the ethnic Turkish minority in Bulgaria, demonstrated how much more needs to be done to realize full implementation of CSCE commitments. Hopefully, the fact that specific violations of fundamental human rights were raised, criticized and condemned at the Paris CDH Meeting will, along with other efforts, lead to better implementation in the future.

2. Organization of the Meeting

The CDH concept originated in the negotiations of the Vienna CSCE Follow-Up Meeting, which lasted from November 1986 to January 1989. During these negotiations, Western countries, especially Denmark, France, the Netherlands, Canada, the United Kingdom and the United States, sought to elevate the status of human rights and other humanitarian issues within the CSCE for two interrelated reasons. First, Soviet and East European human rights performance, despite some improvements, continued to be well below CSCE standards. Second, the prospects for new negotiations on both conventional armed forces in Europe and on Confidence- and Security-Building Measures promised to enhance the military-security aspect of the CSCE greatly, thus threatening to upset the long-standing balance between the humanitarian and the military-security aspects of the CSCE.

The NATO countries therefore adopted a proposal based on a draft of the European Community to combine the relevant parts of the Principles section of Basket I and Basket III into one conference on "the human dimension," which would meet once each year after the Vienna meeting and before the next main follow-up meeting in 1992.

As a group, the Eastern countries did not express much interest in such a conference. Early in the Vienna Meeting, however, the Soviet Union tabled its own proposal for a Conference on Humanitarian Cooperation, to be held in Moscow and to focus on Basket III issues alone. During the ensuing two years of intense negotiations, the Eastern countries accepted the broader CDH concept, while the Western countries agreed to hold the third meeting of the CDH in Moscow in 1991. The first meeting was set for Paris in 1989, and the second for Copenhagen in 1990.

All three CDH meetings are to have the same agenda, which, in brief, consists of the following:

- 1) Opening statements;
- 2) A review of implementation of CSCE commitments;
- 3) A discussion of the the "human dimension mechanism," in both plenary sessions and in Subsidiary Working Body "A" (SWB-A);
- 4) The introduction and consideration of proposals, in plenary sessions and in Subsidiary Working Body "B" (SWB-B); and
- 5) Concluding statements.

The mandate for the CDH provided that concluding documents could be adopted for each of the three meetings if it was so decided by the meetings themselves. As with all other non-military CSCE meetings mandated by Vienna, the plenary sessions of the Paris CDH Meeting were made open to the public. The French government, as host to the meeting, was responsible for the openness of and access to the meeting on the part of private individuals, either alone, as representatives of non-governmental organizations, or as members of the press, in line with the commitment contained in Annex XI of the Vienna Concluding Document.

3. U.S. Delegation to the Meeting

The U.S. delegation to the Paris CDH Meeting was led by Ambassador Morris Abram, now the head of the U.S. Mission to the United Nations in Geneva, Switzerland. Rudolf Perina, of the Department of State, was deputy head of the delegation; John Evans, also of the State Department, briefly served as acting deputy.

Other State Department officials served on the delegation, including Paula Dobriansky, Deputy Assistant Secretary for Human Rights and Humanitarian Affairs. Pat McMahon of the United States Information Agency served as press officer. In addition, the Helsinki Commission staff had a strong representation on the delegation, under the direction of Deputy Staff Director Jane Fisher.

As in the past, the United States also appointed four private U.S. citizens prominent in the field of human rights to serve as Public Members on the U.S. delegation. They were: Ludmilla Alexeeva, a former member of the Moscow Helsinki Monitoring Group and consultant for Helsinki Watch; John Elliott, a senior partner in the Philadelphia law firm of Baskin, Flaherty, Elliott and Mannino; Alice Henkin, Vice-Chairperson of Helsinki Watch and director of the Justice and Society Program at the Aspen Institute; and Frank Koszorus, an attorney at the Washington-based law firm of Laxalt, Washington, Perito and Dubuc, and a member of the International Human Rights Law Group. The presence of these individuals on the U.S. Delegation testified to the importance of the CSCE and of human rights both to the U.S. Government and the American people. They provided the delegation with valuable expertise and enhanced contacts with various American organizations and interest groups concerned with the Paris CDH Meeting.

Yuri Orlov, founder of the Moscow Helsinki Group who served endured nine years imprisonment and exile for his human rights activism in the Soviet Union and is now a U.S. permanent resident, was also made a member of the U.S. delegation. Orlov delivered a statement in the meeting, commenting on his recent trip to Moscow -- his first visit since he left in 1986.

4. U.S. Objectives for the Meeting

The United States had two main objectives for the Paris CDH Meeting: first, a thorough, objective and frank review of Soviet and East European implementation of their human rights and humanitarian CSCE commitments, especially those in the recently adopted Vienna Concluding Document; and, second, a meaningful discussion of the functioning of the human dimension mechanism which, as described in the Vienna Concluding Document, provides for continuous dialogue on cases and situations relating to the human dimension of the CSCE. In carrying out these goals, the United States sought also to enhance public awareness -- in both Eastern and Western countries -- of the CSCE and of human rights issues through public observance and media coverage of the meeting.

The United States held the view, shared by many others, that the Paris CDH Meeting did not need to end with a concluding document. Since Paris was taking place only five months after the adoption of the Vienna Concluding Document, which represented a major advance in the specificity, scope and ambition of CSCE commitments on human rights and other humanitarian issues, it was felt that any additional commitments at this stage would have marginal impact and would create the impression that CSCE was

more about words than deeds. Continued non-compliance with these new commitments on the part of some Eastern countries -- including some egregious violations during the Paris meeting -- strengthened the argument that new words were not the first priority at this time. Furthermore, it was felt that there had been insufficient use of the human dimension mechanism within the short time between Vienna and Paris to justify more than discussion of the experience gained to date.

5. Opening Statements and Implementation Review

The opening days of the Paris CDH Meeting took place in the historic Grand Amphitheater of the Sorbonne. While there was no provision in the agenda for opening the meeting at a ministerial level, the foreign ministers of more than 20 of the 35 participating States attended the proceedings and spoke for their countries. The Helsinki Commission had urged that Secretary of States James Baker also attend in order to demonstrate the American commitment to human rights, but, for scheduling reasons, he was unable to do so.

During the opening, the delegates were addressed by French President Francois Mitterand. Noting that "things are moving in the right direction," he said that this is one more reason to deplore the fact "that some are straggling behind." He said that the time had come "to call rhetoric to account" regarding CSCE commitments in the human dimension.

In their opening statements, the participating States noted the importance of the human dimension of the CSCE, stated their objectives for the meeting and began the review of implementation. For example, in a forceful statement on Soviet and East European compliance with CSCE provisions, U.S. Ambassador Abram said: "We have witnessed remarkable progress since the Vienna Meeting opened... But there are no grounds for complacency. We cannot afford the luxury of self-congratulation... While we see positive changes in some areas, we cannot honestly ignore disturbing signs." He then detailed on-going human rights abuses in the Soviet Union and several East European countries.

The statement of Soviet Foreign Minister Eduard Shevardnadze focused primarily on the positive developments in the USSR, especially the development of new laws. He called for the development of a "common European legal space," an idea that would resurface later in the meeting.

All of the opening statements received audience applause, with the sole exception of the speech of the Head of the Romanian Delegation, Constantin Ene. The resounding silence which followed his statement, as well as the criticism directed at Romania by delegation after delegation from the very beginning of the meeting, demonstrated the collective outrage of the CSCE participating States at Romania's deplorable human rights record plus its refusal to accept the commitments which it undertook in the Vienna Concluding Document.

Following the opening statements, the Paris meeting moved from the Sorbonne to the Kleber International Conference Center. The subsequent review of implementation which took place there was thorough and frank, continuing through the conclusion of the meeting. This review noted many positive developments occurring in some East European countries as well as in the Soviet Union, but continuing violations of human rights and human contacts commitments received most of the attention. While many instances of non-compliance with the newly adopted Vienna provisions were raised, some particularly egregious ones were raised repeatedly. Several statements noted with regret the tragic crackdown on those demonstrating for democracy in China, which took place during the course of the meeting. Among the more active participants in the implementation review were the United States, Canada, the Netherlands and the United Kingdom.

The most often raised violation was undoubtedly the barbaric treatment of the ethnic-Turkish minority in Bulgaria, including the mass expulsions of members of that ethnic minority from the country during the course of the meeting. Several Western delegations condemned the actions of the Bulgarian government. Romania was similarly criticized for mistreatment of its Hungarian and German minorities, as well as the confinement and harassment of human rights activist Doina Cornea. Delegates protested the reported Romanian construction of a barbed wire fence along its border with Hungary, along with trenches and a restricted border zone. Czechoslovakia was criticized primarily for the imprisonment of Vaclav Havel, who was released just prior to the Paris Meeting, and of other activists, who remained in prison for their participation in a demonstration in January. The German Democratic Republic was criticized for maintaining the Berlin Wall as well as its practice of shooting at persons attempting to cross the border. There was also criticism of the GDR government's intentional alteration of a provision of the Vienna Concluding Document on minimum exchange requirements when it published and disseminated the document in the GDR. Recent positive developments in Poland and Hungary were welcomed, although the need for further efforts was noted. The June 16 reburial of Imre Nagy and other participants in the 1956 Revolution in Hungary was hailed as an event long overdue.

The Soviet record in complying with Vienna human dimension commitments also received considerable attention. One such assessment was made by Dr. Yuri Orlov, a founding member of the Moscow Helsinki Monitoring Group and U.S. delegation member. In June 1989, Orlov returned to the Soviet Union for the first time since his release from internal exile and expulsion from the country. On human contacts issues, a number of outstanding emigration cases were raised by the United States and other delegations. There were also calls to eliminate the requirement of an exit visa to leave the Soviet Union. Increased attention was paid to obstacles which hinder family visits. Numerous Soviet human rights problems were raised, including the denial of self-determination to the three Baltic States, official refusal to recognize the Ukrainian Catholic and Ukrainian Orthodox Churches, limits on the right to freedom of assembly, association and expression, and recent amendments to the Soviet criminal code.

Eastern participation in the implementation debate reflected their growing differences over human rights issues. The Hungarian delegation, for example, was more vocal in its criticism of Romania for its treatment of the Hungarian minority. Romania, in turn, rejected Hungarian and other criticisms of its human rights performance with lengthy denials that major problems existed, and with requests that the countries criticizing Romania focus on their own performance, especially regarding economic and social rights.

The Czechoslovak and GDR delegations also sought to defend their human rights record from Western criticism. Although a member of the Czechoslovak Supreme Court spoke, these delegations both remained relatively quiet, mainly responding to the most direct criticisms of their human rights records. The Soviet delegation, in contrast, sought to take the initiative in commenting on its record. Soviet speakers focused on legal reform in the USSR as it relates to human rights issues. The Soviet delegation included many high-level government officials and other prominent individuals concerned with human rights and related issues. These officials and individuals delivered statements in the meeting or participated in press conferences on the specific human dimension issues. They included:

Anatoly Adamishin, Deputy Foreign Minister;
 Vladimir Andreev, Special Assistant to the Soviet Procurator General;
 Fyodor Burlatsky, representative of the Supreme Soviet Humanitarian and Cultural Subcommittee;
 Alexei Glukhov, Head of the Cultural Relations Section,
 Ministry of Foreign Affairs;
 Karen Karagezian, Chief of Division, Ideological Department of the CPSU Central Committee;
 Vladimir Kuzmin, a legal expert on the Central Committee;
 Rudolf Kuznetsov, Director of OVIR;

Metropolitan Pitirim, a National Deputy of the Congress of People's Deputies and Russian Orthodox Church representative;
 Yuri Reshetov, Director of the Department on Human Rights, Ministry of Foreign Affairs;
 Felix Stanyevsky, Soviet Representative to the U.N. Human Rights Commission;
 Valentina Tereshkova, former cosmonaut and President of the
 Presidium of the Union of Soviet Friendship Societies; and
 Venyamin Yakovlev, Minister of Justice-designate.

Early in the meeting, the Bulgarian government had similarly added numerous high-level officials and prominent individuals to its delegation, but they did not play an active role in the meeting. This was perhaps the result of the heavy criticism Bulgaria received for its treatment of the Turkish minority, which led the Bulgarian delegation to take a more defensive approach.

While the Eastern delegations spoke primarily in an attempt to defend their implementation records, they occasionally did criticize Western countries, usually as a way to respond to criticisms of their own records. This was particularly true in a Soviet delegation statement late in the meeting which charged Canada, Great Britain and the United States with a litany of violations. Among the charges against the United States were: the non-ratification of the International Human Rights Covenants; McCarran-Walter Act restrictions on entry into the United States; legal discrimination against women; the denial of an equal right to education for Blacks and Hispanics; mass outbreaks of anti-Semitism; and discrimination against Native Americans. U.S. Ambassador Abram rebutted these charges, as did the Canadian and British representatives, by describing the real-life situation in the United States in each area and contrasting this with the significantly worse situation in the Soviet Union.

Beyond the plenary debates, the U.S. delegation took advantage of the opportunity presented by the Paris meeting to hold bilateral discussions with delegations representing countries where the United States has specific human rights concerns. Such meetings took place with the Bulgarian, Czechoslovak, Soviet, Turkish and Yugoslav delegations.

6. The Human Dimension Mechanism

As a result of Western desire to improve the implementation of the CSCE provisions in the human dimension, covering both the Principles section of Basket I and all of Basket III, a device was created -- known as the "human dimension mechanism" -- at the Vienna meeting. The human dimension mechanism allows any participating State to raise instances of non-compliance with any other State at any time and commits the other State to respond.

Specifically, the Vienna Concluding Document commits each of the participating States:

- (1) to respond to requests for information and to representations from any other participating State on specific cases or broad situations relating to commitments in the human dimension of the CSCE;
- (2) to meet bilaterally with participating States requesting such a meeting to examine these cases or situations;
- (3) to bring, if it deems it necessary, these cases and situations to the attention of the other participating States; and
- (4) to provide, if it deems it necessary, information on what has transpired in paragraphs (1) and (2) at the three meetings of the CDH.

Since the Vienna Meeting, many countries have invoked the human dimension mechanism with other countries, at times using all of the first three paragraphs. The Paris CDH Meeting provided the forum for the fourth paragraph. In fact, a considerable amount of time was spent in Paris evaluating the functioning of the mechanism and discussing how it should be used in the future. Although the 35 delegations did not agree on any particular suggestion, the discussion was useful in reaching a greater understanding of how others view this new human rights tool.

In SWB-A, mandated to evaluate the human dimension mechanism, almost all delegations praised it. In reviewing its use, Romania was heavily criticized for rejecting the very notion of the mechanism. Despite lengthy debate over the validity of the Romanian reservation regarding the mechanism in Vienna, the Romanian delegation maintained that its government considered the mechanism an infringement on its sovereignty and would continue to reject any attempt use it with Romania. All delegations speaking on this particular issue rejected Romanian claims.

Czechoslovakia and the GDR, in an apparent attempt to distance themselves from the Romanian position, noted that they had acted in compliance with the Vienna commitments on the mechanism. The Western countries acknowledged this but expressed disappointment that in neither case did it lead to a favorable solution of a particular human rights problem. Turkey and Bulgaria engaged in heated debate over the reciprocal use of the mechanism. Turkey argued that Bulgaria sought to evade the use of the mechanism by linking its responses to predictably unacceptable conditions. Bulgaria denied this charge and made counter-claims against Turkey. Bulgaria's practice was criticized by several delegations.

In light of the problems raised on past use of the mechanism, several delegations suggested ways to improve its future application. Canada, for instance, suggested that all uses of the mechanism -- representations, requests and responses -- should be made in writing in order to make it clear that the mechanism was in fact being used, and to have a reliable record of what transpired. A number of Eastern, neutral and Western delegations, including the United States, supported this suggestion.

Many delegations discussed the order in which the Vienna paragraphs describing the mechanism are applied. Some, including the United States, argued that they should be used flexibly, in accordance mainly with the circumstances surrounding the case or situation, while others indicated a preference for using them in strict order. There were similar differences of views on setting time frames for responding to requests and representations made through the mechanism.

Views differed more sharply when several Eastern delegations suggested that future uses of the mechanism should take a broader approach, rather than the "narrow approach" of raising specific cases of individuals. It was never made clear whether a broader approach referred to the procedural aspects of the mechanism or its subject matter. The Czechoslovaks suggested that the mechanism should not be wasted on individual cases but on topics such as the comparative study of legal systems. They further suggested that the mechanism be used in the framework of parliamentary exchanges, maintaining that earlier meetings with Members of the U.S. Congress were, indeed, uses of the mechanism. They received no support on this particular item, as the language in the Vienna Concluding Document clearly states that the mechanism must be used through formal diplomatic channels. The United States and others argued that the mechanism should be used on both specific cases and broader implementation problems as the State concerned sees fit.

7. Proposals

After the third week of the Paris meeting, the participants began to introduce and consider proposals which, according to the agenda, "aimed at improving implementation of commitments and cooperation in the human dimension of the CSCE aimed at enhancing the effectiveness" of the human dimension mechanism. This was done in plenary and in SWB-B.

A total of 36 proposals were introduced, covering a wide range of topics. While many proposals could be considered strictly Eastern in that they had little if any support beyond some Eastern delegations, many Western and neutral proposals enjoyed wide support, including from some Eastern delegations. This trend reflected a broadening base of support for Western human rights objectives within the CSCE.

One proposal, introduced by the United States, called for free elections and political pluralism, including the possibility of multiple political parties, in all CSCE participating States. Building upon a commitment in the Universal Declaration of Human Rights, this proposal would commit the participating States to allow "the will of the people to serve as the basis of authority of government" by establishing periodic, genuine and free elections; allowing individuals to establish and maintain their own political parties with their own political programs; respecting the right of individuals to seek office and to be elected; and permitting the observation of election proceedings. In announcing the proposal in a plenary statement, Helsinki Commission Co-Chairman Hoyer noted how events in Eastern Europe and the Soviet Union -- where no political pluralism has existed in forty years or longer -- are now moving in this direction. He challenged the governments of these countries to seek the consent of the governed through free elections.

The United States also considered introducing a proposal calling for the elimination of the requirement for exit visas. Other delegations, Austria and Hungary in particular, were similarly interested in such a proposal, and the United States decided to work with these delegations to produce a common proposal. The United States co-sponsored this Austro-Hungarian proposal, as well as a Canadian proposal to facilitate public access to future CDH meetings and a Swiss proposal committing the participating States to permit the foreign observation of trials.

Other important proposals introduced by Western and neutral countries, some of which were supported by the U.S. Delegation, included a strongly worded British proposal detailing legal measures to be taken in order to establish an independent and impartial judicial system based on the rule of law. Among other things, this proposal aims to commit all CSCE States to accept such key judicial principles as the presumption of innocence until proven guilty, and allowing all activities not expressly prohibited by law. The judicial systems of Eastern countries have generally not operated on the basis of these principles.

The Canadian delegation introduced proposals on the important topics of human rights monitoring and freedom of movement. In addition, Portugal tabled a proposal on the abolition of the death penalty, and the Netherlands introduced one on conscientious objection to military service. Spain, on behalf of the 12 members of the European Community, tabled proposals on freedom of expression and of association and assembly. An Italian proposal was introduced to improve the functioning of the human dimension mechanism. Austria submitted a proposal on free trade unions. All of these proposals enjoyed widespread support.

Eastern delegations introduced proposals as well. Most of them, such as GDR proposals on "The Human Dimension and Scientific and Technological Progress," and "Political Culture and Cooperation in the Field of the Human Dimension of the CSCE" did not receive much attention. The Soviet and Bulgarian delegations introduced and discussed their proposals on inter-parliamentary contacts in the human dimension, but these proposals did not draw much comment either, except by a British delegate who noted that Western democracies would have difficulties in committing their independent parliaments to such cooperation.

One much-touted proposal, introduced jointly by France and the Soviet Union along with other delegations, was on "the creation of a common legal area based on a Europe of States in which the rule of law prevails." This proposal called for comparative analysis of all aspects of the legal systems of the participating States. This idea, originally suggested by Soviet Foreign Minister Shevardnadze in his opening statement to the Paris Meeting, was repeatedly raised by the Soviet and other Eastern delegations, and by some Western and neutral delegations as well. The United States, expressing views shared by many other Western countries, questioned the advisability of creating a common legal space in Europe when, in some countries, there is no democratically elected legislature to create laws reflecting the will of the people nor an independent and impartial judicial system to ensure the just application of the law.

8. Concluding Document and Closure of the Meeting

As stated earlier, the United States and numerous other delegations saw little need to close the Paris CDH Meeting by adopting a concluding document. Nevertheless, some countries -- particularly the host country, France -- felt that it was appropriate to seek a communique to the meeting. Such a non-substantive document would note that the meeting exchanged views on the implementation of the CSCE commitments in the human dimension and tabled proposals that would be forwarded to the next CDH meeting in Copenhagen for further consideration.

The United States, while skeptical of the utility of such a document, nevertheless agreed to participate in drafting a Western version to submit to the rest of the participants. An agreed version was drafted and submitted to other delegations in the closing days of the meeting. Even though it had been watered down to achieve general acceptance, Romania informally rejected the document, and Bulgaria and some other Eastern countries said that it would have to be amended, particularly the reference to the "serious deficiencies" in CSCE implementation. The United States, along with Turkey and Canada,

argued that no document was a better result than one which papered over existing human rights violations, especially as more detailed reports on the expulsion of members of the Turkish minority from Bulgaria became known in Paris. As a result, there were no further efforts to seek consensus to any document.

In their concluding remarks, the participating States highlighted the achievements of the Paris meeting, and many stated that they looked forward to continuing the discussion, including the consideration of the 36 proposals tabled, at the Copenhagen CDH Meeting. The French representative, serving as the last Chairperson, first took note of this desire and then closed the Paris CDH Meeting.

9. Congressional Participation

Two congressional delegations, both from the Helsinki Commission, attended the Paris CDH Meeting. Senator Dennis DeConcini (D-AZ), Chairman of the Helsinki Commission, attended the opening of the meeting. Chairman DeConcini also held bilateral talks with the Soviet and Yugoslav delegations and had conversations with other delegations, including the foreign ministers of Czechoslovakia and Yugoslavia. In addition, the Chairman held a press conference to outline Commission views of the Paris Meeting and of the human rights situation in the Soviet Union and Eastern Europe. Senator DeConcini also hosted a reception for the heads and deputy heads of all delegations, as well as representatives of non-governmental organizations and the media.

In the final week of the meeting, Representative Steny H. Hoyer (D-MD), Co-Chairman of the Helsinki Commission, chaired a congressional delegation to Paris which included Representatives Ben Cardin (D-MD) and Dennis Eckart (D-OH). They held bilateral talks with the Czechoslovak delegation as well as with the Turkish delegation. They also held a press conference outlining congressional interest in human rights and the CSCE process. In addition, Co-Chairman Hoyer delivered a plenary statement in the meeting, in which he introduced a U.S. proposal calling for free elections and political pluralism in all 35 CSCE participating States.

During the third week of the Paris Meeting, Representative Jack Buechner (D-MO) visited the U.S. delegation and held bilateral talks with the Soviet delegation. In these talks, he focused on the restructuring of the Supreme Soviet and stressed the importance, from the view of U.S. Congress, of placing emigration reform high on the priority list of legislative proposals to be considered.

10. NGO Attendance and Activities

Numerous non-governmental organizations (NGOs) were present at the Paris Meeting, demonstrating the continuing interest as well as the important role of private individuals in the CSCE process. In addition to those based in Canada and Europe, more than 25 representatives of U.S.-based NGOs were present, focusing on a variety of issues. Soviet Jewry, Ukrainian, Estonian, Lithuanian, Russian, Hungarian, and Bulgarian-Turkish NGOs were active on issues relevant to these ethnic or religious groups, while other NGOs focused on specific topics such as family visits. Others, such as the International Helsinki Federation, covered the gamut of human rights concerns. The U.S. Delegation worked closely with these individuals and groups, assisting them in gaining access to the conference center, briefing them on U.S. views of the meeting, listening to their views and concerns, attending the events which they organized, and, in some cases, sponsoring these events. On the eve of the meeting, Commission Chairman DeConcini hosted a well-attended reception for visiting NGOs as well as for members of other delegations and the press.

Individuals from the Soviet Union and several East European countries sought to come to Paris to attend the meeting. The Soviet, Bulgarian, Czechoslovak and Romanian governments were criticized, both publicly and privately, by the United States and other Western delegations for refusing to permit the travel of over one dozen individuals, such as Konstantin Trenchev and Kristofor Subev from Bulgaria. Among those who did come to Paris, albeit after delay in some cases, were: Arvydas Jozaites, a leading member of the Lithuanian Popular Front, "Sajudis"; Lev Lukianenko, Chairman of the Ukrainian Helsinki Union; Sergei Grigoryants, editor of the journal *Glasnost*; Lev Timofeyev, editor of *Referendum*; Semyon Akselrod, Mikhail Chlenov, Alexander Lerner, Alexander Shmukler and Roman Spector, all Soviet Jewish activists; Oleg Rumyantsev, a Moscow human rights activist (who had all his papers confiscated by Soviet border officials en route to Paris); Petur Manolov, Bulgarian poet and human rights activist; Koprinka Chervenovka, Bulgarian theater critic; Blaga Dimitrova, Bulgarian poet and novelist; and Petko Simeonov, Bulgarian political scientist. Several individuals from Hungary concerned with the plight of the Hungarian minority in Romania, among them Attila Ara-Kovacs, Gyula Keszthelyi and Gustav Molnar, were able to come to Paris without any known difficulties.

All plenary sessions of the Paris Meeting, like other non-military CSCE meetings mandated by the Vienna Concluding Document, were open to the public, and NGO representatives as well as other private individuals were able to observe the proceedings. Space considerations limited seating in the plenary hall, but the French Secretariat provided simultaneous television broadcast on large screens in a spacious adjoining room,

as well as on television in the press center. This was a marked improvement over the situation in meetings held prior to the Vienna Meeting, where, with the exception of opening and concluding sessions, the East insisted that plenaries be closed to the public. The Secretariat did introduce new measures to ease public access to the conference center, but these arrangements were at times cumbersome and inconsistently applied. At times, unfortunately, this hindered NGO entry to the conference center.

Beyond observing the debate, NGO representatives were able to engage in several other activities. They met with the United States and other delegations to make their concerns known. Eastern delegations, especially that of the Soviet Union, showed a greater willingness to meet with Western NGOs to discuss human rights issues than they had shown in previous CSCE meetings. NGOs also held their own activities. For example, the International Helsinki Federation held a seminar on June 1 to discuss a wide range of human rights issues, and on June 2-3 the French-based organization, Foundation for the Future, sponsored a colloquium on human rights in which Ambassador Abram and several Eastern human rights activists participated. Ukrainian organizations held a demonstration for religious freedom in Ukraine, and the Hungarian Human Rights Foundation held a press conference on the Hungarian minority in Romania, sponsored by the U.S. delegation.

11. Conclusion

In their concluding statements, most of the participating States in the CSCE labeled the Paris CDH Meeting a success. As Ambassador Abram said in his closing remarks, "I should like to note for the record my country's belief that this Paris meeting has met our objectives, and we are very pleased indeed." This is undoubtedly true. Some of the results of the meeting include:

- The presence of over 20 foreign ministers at the Paris meeting attested to the importance of human rights in the CSCE process.
- There was a thorough and frank review of implementation since the Vienna meeting. A large number of Western and neutral delegations, including that of the United States, spoke candidly about violations of CSCE provisions included in the human dimension of CSCE, sometimes citing illustrative cases of particular individuals whose human rights had been violated. Even certain Eastern delegations raised important implementation issues, such as the Hungarian and Soviet

criticism of Romanian performance. Unlike some CSCE meetings of the past, no delegation attempted to block this implementation review. This was an encouraging development in light of signs at the London Information Forum that some countries, including from the West, seemed to believe that a thorough implementation review was no longer necessary in the aftermath of the Vienna meeting and the growth of glasnost' in the East.

- The evaluation of the human dimension mechanism in Paris should lead to better utilization of this human rights tool in the future. Despite differing views on its application, there is now a better understanding of these differing approaches, and some areas of general agreement were found.
- There was no concluding document. The United States and others did not think one was necessary and, in fact, saw potential dangers in adopting one. The fact that little effort was wasted on trying to achieve one gave the delegates more time to engage in a thorough review of implementation of existing commitments. One ominous sign which emerged, however, was the realization that Romania intends to hold the CSCE process hostage in the area of human rights. Clearly, Bucharest will not give its consensus to progress in this area at any future meeting unless forced to do so.
- The U.S.-introduced proposal on free elections and political pluralism and other proposals, such as those on the abolition of exit visas and on the establishment of the true rule of law, have set the stage for future efforts in the human dimension of the CSCE. Leaving the Romanian problem aside, some of these new proposals represent possibilities for major advances in the future.
- The continual presence of American NGOs through the meetings, the active congressional participation, and the valuable assistance of the Public Members on the U.S. Delegation, including Yuri Orlov, all made clear the commitment of the United States to human rights and other humanitarian issues.
- The meeting also generated increased public interest in other countries. While some were not permitted to attend, the fact that a number of private citizens from Eastern countries were able to come to Paris to observe the proceedings and to raise their concerns with delegates represented an important advance.

Ultimately, however, the success of the Paris CDH Meeting will be determined by the degree to which it will actually lead to improvements in compliance with CSCE provisions in the human dimension. While it is difficult to assess this broader objective at this early stage, some positive events have already occurred, such as the release of Vaclav Havel from prison in Czechoslovakia just prior to the meeting, and the resolution of a number of outstanding family reunification cases by the Soviet Union. During the meeting, Soviet authorities released, pending trial, 11 imprisoned members of the Karabakh Committee. In addition, Soviet President Gorbachev directed the new Congress of Peoples' Deputies to reject a restrictive new law -- Article 11(1) on "Insulting or Discrediting State Organs and Public Organizations" -- and the new Congress did so.

Unfortunately, other events taking place during the course of the meeting, such as the negative developments in Romania and the brutal treatment of members of the ethnic Turkish minority in Bulgaria, showed how much remains to be done. Some ongoing violations in other East European countries and in the Soviet Union continued as well. Hopefully, the fact that these violations of fundamental human rights were raised and condemned at the Paris CDH Meeting will, along with other efforts, result in better implementation in the future.

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PROPOSAL SUBMITTED BY THE DELEGATION OF
THE UNITED STATES OF AMERICA

The participating States will respect the right of all peoples, in full freedom, to determine, when and as they wish, their internal and external political status, to pursue as they wish their political, economic, social and cultural development, and to take part in the government of their country, directly or through freely chosen representatives. To this end, they will allow the will of the people to serve as the basis of authority of government by:

- establishing periodic, genuine and contested elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;
- allowing individuals to establish and maintain, without interference, their own political parties or other political organizations, as well as their own political programme within these parties or organizations;
- respecting the right of individuals to seek and to be elected to positions of public service, alone or as representatives of political parties or organizations, including equal access to the media for this purpose; and
- permitting governments, institutions and organizations, whether foreign or domestic, to observe election proceedings.

CSCE
CONFERENCE ON THE HUMAN DIMENSION
PARIS MEETING, 1989

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Paris, 21 June 1989
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PROPOSAL SUBMITTED BY THE DELEGATIONS OF AUSTRIA AND HUNGARY AND THOSE OF BELGIUM, CANADA, DENMARK, FINLAND, FRANCE, THE FEDERAL REPUBLIC OF GERMANY, LIECHTENSTEIN, THE NETHERLANDS, NORWAY, PORTUGAL, SAN MARINO, SPAIN, SWEDEN, SWITZERLAND, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA

Abolition of exit permits and issuing of travel documents

The participating States,

Reaffirming their commitments contained in the Concluding Document of the Vienna Meeting to respect fully the right of everyone to leave any country, including his own, and to return to his country;

Resolved to further facilitate and promote contacts between their citizens;

1. Will abolish the requirement of an exit permit, if they have not yet done so;
2. Will ensure that upon application the necessary documents for travel abroad are issued to their citizens without delay. These documents will be valid for a reasonable period of time and remain in the possession of the persons to whom they were issued. In this context, the participating States will ensure that no restrictions will be applied other than those specifically laid down by law and consistent with their obligations under international law and with their international commitments on the right of everyone to leave any country, including his own, and to return to his country.

Paris Meeting of the Conference on the Human Dimension
of
The Conference on Security and Cooperation in Europe
May 30 - June 23, 1989

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THE DELEGATION OF THE UNITED STATES OF AMERICA

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Statement by

Ambassador Morris Abram

Head of the United States Delegation

CSCE

Conference on the Human Dimension

Paris

May 31, 1989

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Mr. Chairman, on behalf of the American delegation, I wish to thank the Government of France and the City of Paris for their excellent organizational work and warm hospitality.

The United States comes to this Conference with a commitment to human rights that is central to the identity of the American people. The protection and promotion of fundamental human rights at home and abroad remains a primary American objective.

It is fitting that our meeting should be held in France during observances of the two hundredth anniversary of the Declaration of the Rights of Man and the Citizen. From this document and America's own Bill of Rights, we can trace an unbroken thread through history to the Universal Declaration of Human Rights and to the Helsinki Final Act.

These documents are the precious legacy of enlightened thought that has been passed down through the centuries from Montesquieu and Jefferson to our own time. They convey the very essence of Western civilization -- the common heritage of Americans and Europeans alike.

The Helsinki Final Act was not designed to enshrine a status quo. It is an action program, designed both to meet the test of challenging times and to further the aspirations of our peoples. Therefore, the principal goal of the U.S. Delegation to the Paris Meeting will be to engage in a thorough and open review of how human rights commitments are being implemented by the signatory states.

The Helsinki, Madrid and Vienna documents are based on eternal democratic values. These were first set forth in the Age of Peason and remain revolutionary concepts today, not only in Europe, but throughout the world. The American Statue of Liberty, a gift of the people of France, inspires the entire world. This week Miss Liberty appeared in Beijing's central square. As Thomas Jefferson said, "The desire for freedom is universal."

But democracies are not built in a day. And compliance with Helsinki's human dimension commitments cannot be achieved overnight. That is why we view CSCE as a process. But we've been at it a long time -- long enough to expect to see considerable improvements. Only recently have we begun to see them in some states. The dawn of respect for human rights in all the signatory countries is not yet day, although CSCE has drawn day nearer.

We have witnessed remarkable progress since the Vienna Meeting opened.

The Soviet Union has released hundreds of prisoners of conscience and given greater scope to the practice of religion and the cultural rights of minorities. Emigration has increased dramatically. Soviet leaders now speak of enforcing the rule of law and have begun to experiment with popular ballots and limited competitive elections. Significantly, the Soviet Union has been willing to engage in a broadening dialogue on human rights and humanitarian concerns with official and private citizens and groups both within the Soviet Union and from other countries -- in our case, parliamentarians, lawyers, psychiatrists, and other interested private citizens.

Elsewhere in the East, we see internal reforms initiated in Poland and Hungary -- reforms begun even prior to Mr. Gorbachev's efforts in the Soviet Union and driven by popular and economic imperatives. Solidarity and the Catholic Church have been given legal recognition. Throughout Eastern Europe, citizens are pressing harder for personal freedoms and democracy.

But there are no grounds for complacency. We cannot afford the luxury of self-congratulation. In many parts of Europe, governments still fall short of compliance with pledges they made fourteen years ago, let alone the new promises of Vienna. We have had pledges and documents enough. As President Mitterrand said yesterday, now is the time to "call rhetoric to account."

In Eastern Europe, independent voices are challenging their governments to live up to all their CSCE obligations. The time has come for these rights to be respected in law and in fact, in all CSCE signatory states.

While we see positive changes in some areas, we cannot honestly ignore disturbing signs. On the very last day of the London Information Forum, Soviet authorities raided an "independent public Library" at the home of Yuri Kushkov and confiscated 700 copies of books, journals and newspapers.

Visitation between East and West Germany has increased: last year seven million East Germans and East Berliners visited the West and over five million West Germans visited East Berlin and East Germany. Yet, the ugly Berlin Wall still stands disfiguring an important section of Europe. Hungary is unilaterally dismantling the barbed wire on its border with Austria. But elsewhere kilometers of barbed wire and watchtowers are still in place. The time has come to get rid of these relics of old thinking.

Although greater numbers of Soviet citizens are being permitted to emigrate, the new law codifying the fundamental right to emigration has not yet been promulgated. We welcome the news that there are some fifty new laws waiting to be enacted by the Supreme Soviet. We hope they will be good laws, not just new ones.

In Soviet Georgia, peaceful demonstrators are dead and others remain hospitalized from the inexplicable use of toxic gas and blows from shovel-wielding troops. However, we have noted the statements of some Soviet authorities that this brutal action was contrary to orders and we welcome the fact that a Commission has been established to look into the matter.

After months of promises that the political articles (RSFSR articles 70 and 190.1) would be stricken from the Soviet criminal code, the April 8 Supreme Soviet decree did not actually nullify those offensive articles, but merely reworded them -- making it now a crime to "discredit" Soviet officials or organizations.

Despite an increase in religious activity, the Ukrainian Catholic Church remains banned.

Bulgaria recently announced legislation relaxing passport requirements. We welcome that, but we must deplore the recent use of force against ethnic Turkish demonstrators as a sign that Bulgaria has not changed its policy of suppression of the rights of its Turkish minority. We see this as a serious violation of the Helsinki, Madrid and Vienna documents. We also remain concerned about the continued harassment of members of independent human rights groups.

Virtually on the eve of this meeting, Czechoslovakia released prisoners of conscience Vaclav Havel and Jiri Wolf, yet Havel, as we recall, was arrested for participating in a peaceful demonstration the very week the Vienna Meeting ended. Others arrested at the same time remain in prison.

And what do we make of Pomania, where conditions continue to deteriorate across the board. Over 20,000 have fled the country in the past 18 months to escape harsh repression and economic desperation. Intellectuals and journalists -- and for the first time former Party leaders -- have raised their voices to protest these conditions, and consequently suffer harassment, house arrest, imprisonment and, reportedly, even internal exile. In the meantime, the Romanian government -- one of the moving forces behind the CSCE process fourteen years ago -- turns its back on the very commitments it made as recently as Vienna.

In Helsinki, Madrid and most recently in Vienna, the signatories agreed that "all peoples have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development."

Soviet Foreign Minister Shevardnadze told us yesterday that no state has the right to impose its notions of democracy on others. We agree that democracy need not be based on the system of any one state. But there are two universal principles of real democracy:

First, the rights of the state are derived from the consent of the governed. Second, free competitive elections, within and among multiple contending parties, are the only reliable means of testing that consent. For by right, people give power to the state; the state is not the source of the basic rights of man.

As President Bush suggested at NATO this week, one useful task for CSCE might be to develop standards for truly free elections, to ensure that all governments enjoy the consent of the governed. Together with free elections, Principle VIII of the Helsinki Final Act provides a way to heal Europe's spiritual and historical scars, including, I might add, the illegal incorporation of the Baltic states fifty years ago.

At this conference, my delegation will be pursuing three main goals:

First and foremost, we seek improved human rights performance. We want a thorough review of the implementation of all CSCE human commitments. In this context, we recall the Vienna commitment to take steps "within six months" to solve all outstanding applications based on the human contacts provisions of Helsinki and Madrid documents. Our self-imposed deadline is mid-July.

Second, we seek to evaluate our experience to date with the Vienna human rights mechanism, a constructive new tool for the conduct of human rights diplomacy by governments. As we see it, the Helsinki process can only profit from measures, like this mechanism, that increase openness and transparency. Effective confidence building measures are just as important in the human dimension as they are in the military security sphere.

Third, we seek to ensure that this Paris Meeting and all other meetings of the CSCE are open and accessible to interested citizens, journalists and non-governmental organizations. As we convene the Conference on the Human Dimension, it is particularly important that we reaffirm the contributions that individuals and non-governmental citizens' groups make to the CSCE process. After all, we are here on the people's business.

In my country, the non-governmental organizations are engines of change that pull our democracy forward. Our Constitution protects freedom of association and guarantees access to the halls of government. In matters of the environment, education, human rights -- indeed, all aspects of our national life -- citizen groups have contributed mightily to America's progress.

We find it disturbing that interested citizens from some Eastern countries appear not to have received permission to attend the Paris Meeting. These meetings on the human dimension must take place in conditions of maximum openness and public access.

In closing, I would like to give you my thoughts as a longtime observer of the Helsinki process -- most recently as a Public Member at the Vienna Meeting.

I was born the year the first World War ended, of Jewish parents in the then-segregated southern state of Georgia. My first experience of Europe came as a young man after the Second World War. In its chaotic aftermath, I served as a member of the American prosecution staff at the Nuremberg trials and later worked on the Committee for the Marshall Plan. I have had the privilege of serving as the General Counsel to the Peace Corps at its founding and on several human rights organizations of the United Nations and on the U.S. Commission on Civil Rights.

In my lifetime, then, I have seen the worst and the best our century has had to offer: unspeakable human suffering and man's capacity for evil on the one hand -- human nobility and man's tremendous capacity for good on the other. I have seen the development of the civil rights movement in the United States and I have seen the worldwide human rights movement gain a place on the international agenda.

Today, no responsible state would dare claim the sovereign right to torture its own citizens. Yet no state, including my own, would claim to have completely fulfilled its human rights commitments. We are making progress.

We cherish all the goals of the Universal Declaration of Human Rights, but civil and political freedoms are absolutely essential for the fulfillment of the human personality. Otherwise man's intelligence is stifled, his voice throttled, his conscience stilled, and his essential humanity denied.

In the exercise of man's freedom of expression and initiative he can best obtain his other needs.

This, as history is again so clearly demonstrating, is the route to liberty, prosperity, happiness and peace.

PLENARY STATEMENT
BY AMBASSADOR MORRIS ABRAM
AT PARIS MEETING ON THE HUMAN DIMENSION
JUNE 5, 1989

INTRODUCTORY COMMENTS ON THE SHOOTING OF PROTESTORS IN
BEIJING, CHINA:

THE ATMOSPHERE IN THIS ROOM -- FOCUSED ON THE ADVANCEMENT
OF HUMAN NORMS -- IS MORE GENERALLY FAVORABLE THAN I HAVE
EXPERIENCED IN 25 YEARS.

TO AN AGREEABLE EXTENT THIS IS DUE TO THE OVERARCHING
COOPERATION IN THE CSCE PROCESS. IT HAS HELPED EACH OF US MOVE
FORWARD AS WE EXCHANGE VIEWS, CRITICISMS, AND ENCOURAGEMENT.
UNFORTUNATELY, THIS CSCE PROCESS IS LIMITED IN GEOGRAPHY.

PICKING UP ON THE WORDS OF OUR DUTCH AND OTHER COLLEAGUES, I
ALSO WOULD LIKE TO MENTION AT THE START OF MY INTERVENTION HOW
SHOCKED THE UNITED STATES IS BY THE TRAGIC EVENTS IN CHINA.

THESE ARE A TRAGEDY NOT ONLY FOR THE CHINESE PEOPLE, BUT FOR
THE ENTIRE WORLD AND FOR THE CAUSE OF HUMAN RIGHTS WHICH WE ARE
HERE DISCUSSING.

WE HAVE BEEN IMPRESSED BY THE ECONOMIC REFORMS IN THE
PEOPLE'S REPUBLIC OF CHINA. EVENTS IN THE PAST FEW WEEKS
DEMONSTRATE THE FRAGILITY OF ECONOMIC PROGRESS UNLESS IT IS
UNDERPINNED BY INSTITUTIONAL GUARANTEES IN THE FIELD OF HUMAN
RIGHTS.

PRESIDENT BUSH CALLED A PRESS CONFERENCE THIS MORNING AT
9:40 WASHINGTON TIME AT WHICH HE READ A STATEMENT AND TOOK A
COUPLE OF QUESTIONS. I DO NOT HAVE THE WHOLE TEXT OF THE
STATEMENT, BUT PRESIDENT BUSH SAID:

'WE DEPLORE THE DECISION TO USE VIOLENCE AND CALL UPON
THE CHINESE LEADERSHIP TO RETURN TO ITS FORMER POLICY OF
RESTRAINT.'

'THE GOALS OF THE STUDENTS ARE ONES WHICH WE SUPPORT
AROUND THE WORLD. THESE FREEDOMS ARE ENSHRINED IN BOTH THE U.S.
AND THE CHINESE CONSTITUTIONS'

THE STUDENTS WERE DEMONSTRATING FOR 'BASIC HUMAN RIGHTS -
INCLUDING THE FREEDOM OF EXPRESSION, OF PRESS, AND OF ASSOCIATION.'

FREEDOM OF MOVEMENT

THIS IS THE FIRST INTERVENTION IN A SERIES OF INTERVENTIONS IN WHICH WE WILL TRY TO OUTLINE OUR VIEWS ON CSCE HUMAN DIMENSION COMMITMENTS SUCH AS THE FREEDOM OF EXPRESSION AND ASSOCIATION, RELIGIOUS RIGHTS AND FREEDOM OF CONSCIENCE, AND THE RIGHTS OF MINORITIES AND NATIONALITIES. TODAY, I WANT TO FOCUS ON FREEDOM OF MOVEMENT.

FREEDOM OF MOVEMENT MEANS THE RIGHT TO LEAVE ONE'S COUNTRY, WHETHER TEMPORARILY, ON A VISIT, OR PERMANENTLY -- TO BE REUNITED WITH FAMILY ELSEWHERE, OR QUITE SIMPLY, TO EMIGRATE.

DURING THE PELOPENNISIAN WAR -- 2500 YEARS AGO, PERICLES DELIVERED A FUNERAL ORATION OVER THE ATHENIAN DEAD. PERICLES SPOKE OF THE SACRIFICE OF THE PATRIOTS AND OF THE DEEP LOVE OF ATHENIANS FOR THEIR OWN CITY. HE MENTIONED AS ONE OF THE BASES OF CIVIC DEVOTION THE ATHENIAN LAW AND CUSTOM THAT PERMITTED ALL WHO WISHED TO LEAVE THE STATE TO DO SO -- TAKING WITH THEM THEIR FAMILIES, THEIR GOODS AND THEIR PROPERTY. THIS WAS, BE IT NOTED, 25 CENTURIES BEFORE THESE MODERN TIMES WHEN MEN IN SOME PLACES ARE PHYSICALLY HEMMED IN BY WALLS, BOOBY TRAPS, AND LEGALLY ENSNARED BY LAWS, REGULATIONS, ADMINISTRATIVE DEVICES AND BUREAUCRATIC CONTRIVANCES ALL DEVISED TO BREAK THE HUMAN SPIRIT AND WILL TO LEAVE.

PERICLES AND HIS FELLOW GREEKS LOOKED UPON ATHENS AS A HOME. THOUSANDS WERE PREPARED TO DIE AND DID DIE TO PROTECT IT. ATHENS WAS A TRUE HOME, A PLACE WHICH ONE IS FREE TO LEAVE. FOR OTHERWISE, A HOME IS A PRISON.

ALL OF US ARE BORN IN SOME STATE AND MANY SUCH AS MYSELF HAVE LEFT THE PLACE WHERE WE SPENT OUR EARLY LIVES. MY MEMORIES ARE WARM FOR MY NATIVE STATE THOUGH I MAY NEVER RETURN THERE. YET, I AM TIED TO THE PLACE OF MY BIRTH AND MY YOUNG MANHOOD BY MANY MYSTICAL CORDS. MY NATIVE STATE FURNISHES THE SCENARIO OF MANY OF MY MOST PLEASANT DREAMS AND IT IS THE RESIDENCE OF SOME OF MY CLOSEST FRIENDS. HOWEVER, THIS STATE WOULD NOT OCCUPY MY FOND THOUGHTS IF IT HAD BEEN THE PLACE FROM WHICH I COULD NOT DEPART. NO PLACE, WHATEVER ITS VIRTUES, CAN BE A HOME IF IT IS A PLACE OF FORCED CONFINEMENT. ONE IS NOT CONFINED IN ONE'S HOME. IF A STATE CHAINS ITS CITIZENS TO ITS SOIL, THE MOST IMAGINATIVE AND CREATIVE NURTURE RESENTMENT, PARTICULARLY WHEN THEY KNOW THAT PEOPLE IN OTHER LANDS ARE ABLE TO GO WHERE THEY CAN BEST NURTURE THEIR INCLINATIONS AND DEVELOP THEIR TALENTS.

MAN IS BORN WITH, AND DEVELOPS, MANY DIVERSITIES. NOW, IN A WORLD OF SPEEDY TRAVEL, RAPID COMMUNICATION, HE IS OFFERED AN INFINITE VARIETY OF OPPORTUNITIES, THE INDIVIDUAL PURSUIT OF WHICH MAXIMIZES HAPPINESS AND, INCIDENTALLY, LOOSENS INITIATIVE AND CREATES WEALTH.

A HUMAN BAN ON THE RIGHT TO LEAVE AND UNREASONABLE RESTRAINTS ON ITS FREE EXERCISE BREEDS DEEP RESENTMENTS, IMPEDES HUMAN DEVELOPMENT, DAMPENS PRODUCTIVITY, IMPOVERISHES HUMAN PERSONALITY AND DEPRESSES THE INCOME OF NATIONS. MOREOVER, THE RIGHT TO EXIT A STATE IS AN ULTIMATE PROTECTION OF SELF AGAINST TYRANNY AND A CHECK ON THE ABUSE OF STATE POWER.

WHILE MY OWN COUNTRY IS NOT PERFECT BY ANY MEANS, BUT WITH THE EXCEPTION OF RARE CRIMINAL CASES, WE SIMPLY DO NOT CARE WHO LEAVES THE UNITED STATES AND HOW LONG THEY ARE ABROAD. ANYONE WHO HAS EVER DEPARTED FROM OUR COUNTRY KNOWS THAT THERE ARE NO GOVERNMENT PASSPORT CONTROLS OR EVEN A CARD TO FILL OUT UPON DEPARTURE. THEY JUST LEAVE.

BUT LET US DRAW A DISTINCTION BETWEEN ENTERING AND LEAVING. WE WOULD WANT TO POINT OUT THAT THE RIGHT TO LEAVE AND RIGHT TO ENTER ARE DIFFERENT. THERE IS A DIFFERENCE, FOR EXAMPLE, BETWEEN ENTERING THIS BUILDING, WHERE ONE HAS TO SHOW IDENTIFICATION AND IS SUBJECT TO SECURITY CHECKS, AND LEAVING THE BUILDING AT THE END OF THE DAY. NO ONE ASKS US FOR ANY IDENTIFICATION WHEN WE LEAVE THE BUILDING. THAT IS THE DIFFERENCE BETWEEN EXIT AND ENTRY.

RECENTLY, A NON-GOVERNMENTAL ORGANIZATION GAVE US A LITTLE ROADMAP OF STEPS REQUIRED TO FOR INVITING A PERSON FROM THE USSR TO THE USA FOR A PRIVATE VISIT. I AM DELIGHTED THAT THE SOVIET DELEGATE INDICATED THAT THERE HAS BEEN SUBSTANTIAL PROGRESS IN REDUCING THE PROCEDURES AND REQUIREMENTS AND I CONGRATULATE THE SOVIETS FOR THEIR REFORMS.

WE ARE ENCOURAGED TO HEAR THAT SOVIET AUTHORITIES ARE BEGINNING TO DEAL WITH THE RULES THAT HAVE PREVENTED SOVIET CITIZENS FROM TRAVELING ABROAD AS THEY REQUIRE AND WISH. WE WELCOME THIS PROGRESS AND LOOK FORWARD TO SEEING THE RESULTS OF THESE CHANGES.

COL. KUZNETSOV OF THE MINISTRY OF INTERIOR MENTIONED THE LINE OF 20,000 THAT HAS FORMED OUTSIDE THE U.S. EMBASSY IN MOSCOW. I WOULD LIKE TO BRING COL. KUZNETSOV UP TO DATE: THERE ARE CURRENTLY SOME 26,000 PEOPLE WAITING TO BE INTERVIEWED AT THE U.S. EMBASSY IN MOSCOW, EVEN MORE THAN HE THOUGHT.

WE ARE TAKING STEPS TO INCREASE OUR CONSULAR STAFFING IN MOSCOW SO THAT WE CAN DEAL WITH THE LINE. THE SUDDEN BUILD-UP OF THAT LINE, WHICH HAPPENED IN THE SHORT PERIOD OF SIX MONTHS, WAS A MEASURE OF THE PENT-UP DEMAND FOR EXIT FROM THE USSR.

QUITE FRANKLY, OUR ABILITY TO TRAIN CONSULS IN RUSSIAN AND SEND THEM TO MOSCOW WAS OUTSTRIPPED BY THIS DEMAND. WE SHOULD HAVE BEEN MORE OPTIMISTIC.

IN ONE SENSE THE EXISTENCE OF THAT LINE IS A MARK OF PROGRESS. WE HOPE THAT PROGRESS WILL CONTINUE.

WE ARE PLEASED THAT THERE HAVE BEEN SIGNIFICANT IMPROVEMENTS IN FREEDOM OF MOVEMENT IN THE EAST SINCE THE SIGNING OF THE FINAL ACT. SOME EASTERN COUNTRIES HAVE MADE PARTICULAR STRIDES WHICH WE WELCOME AND ACKNOWLEDGE.

IN THE SOVIET UNION, THE NUMBER OF PEOPLE WHO LEAVE, EITHER PERMANENTLY OR ON PRIVATE VISITS, IS GROWING RAPIDLY. OVER 50,000 SOVIET CITIZENS -- MOSTLY JEWS, ETHNIC GERMANS, ARMENIANS AND PENTECOSTALS -- HAVE EMIGRATED SO FAR THIS YEAR, A DRAMATIC IMPROVEMENT OVER EVEN FOUR YEARS AGO, WHEN LESS THAN TWO THOUSAND WERE PERMITTED TO LEAVE. MANY, BUT BY NO MEANS ALL, LONGSTANDING CASES HAVE BEEN RESOLVED.

THOUSANDS MORE HAVE BEEN PERMITTED TO TRAVEL TO VISIT THEIR FAMILIES. OVER TEN THOUSAND SOVIET CITIZENS HAVE RECEIVED PERMISSION FOR PRIVATE TRAVEL TO THE UNITED STATES SO FAR THIS YEAR; AGAIN, A DRAMATIC INCREASE OVER THE EARLY AND MID-1980'S, WHEN AN AVERAGE OF ONLY 1500 WERE PERMITTED ANNUALLY.

THERE HAS ALSO BEEN A MARKED LIBERALIZATION IN THE EMIGRATION AND TRAVEL LAWS AND PRACTICES OF SEVERAL EAST EUROPEAN SIGNATORY STATES. WE WELCOME THE LARGE INCREASE IN THE NUMBER OF GDR CITIZENS ALLOWED TO VISIT THE WEST, AND WE HOPE THAT THE REVISED BULGARIAN TRAVEL LAWS WILL HAVE A POSITIVE, PRACTICAL EFFECT WHEN IMPLEMENTED.

THE MOST POSITIVE STEPS HAVE BEEN TAKEN BY POLAND AND HUNGARY, WHOSE CITIZENS NOW ENJOY AN ALMOST UNFETTERED FREEDOM TO TRAVEL AS A RESULT OF RECENT PASSPORT REGULATIONS WHICH ELIMINATED MOST RESTRICTIONS ON VISITS ABROAD. AND, BE IT NOTED, THE SKIES HAVE NOT FALLEN ON POLAND AND HUNGARY AND THE STATE STILL STANDS.

DESPITE THESE PROMISING AND, IN SOME CASES, SIGNIFICANT MOVES TOWARDS GREATER COMPLIANCE WITH HELSINKI COMMITMENTS, FREEDOM OF MOVEMENT IN THE SOVIET UNION, BULGARIA, THE GERMAN DEMOCRATIC REPUBLIC, CZECHOSLOVAKIA AND ROMANIA, AT LEAST AS OF NOW, IS STILL REGARDED AS A PRIVILEGE, AND NOT A RIGHT, AND CONTINUES TO BE A MATTER WITH WHICH ALL OF US CONTINUE TO BE RIGHTLY CONCERNED. BECAUSE THE STATE IS STILL THE ULTIMATE AUTHORITY CONTROLLING EMIGRATION AND TRAVEL, DECISIONS ARE OFTEN MADE ON POLITICAL RATHER THAN LEGAL GROUNDS. THIS IS ILLUSTRATED BY THE CASES OF INDIVIDUALS FROM SEVERAL SIGNATORY COUNTRIES (Soviet Union, Bulgaria, Czechoslovakia, Romania) WHO HAVE SO FAR NOT BEEN PERMITTED TO ATTEND THE PARIS MEETING. ALTHOUGH I TAKE IT THE CURTAIN IS NOT YET DOWN ON THIS QUESTION.

UNDOUBTEDLY THE MOST GLARING AND OBVIOUS OBSTRUCTION TO FREEDOM OF MOVEMENT STANDS IN THE CITY OF BERLIN; A WALL WHICH WAS ALREADY 2500 YEARS BEHIND THE TIMES WHEN IT WAS BUILT. SINCE JANUARY OF THIS YEAR MORE THAN 27 PEOPLE HAVE TRIED TO ESCAPE FROM HOME. 12 OF THESE HAVE BEEN SUCCESSFUL. SADLY, MANY MORE HAVE NOT BEEN. IN FACT, AT LEAST TWO PEOPLE HAVE BEEN KILLED AND THREE HAVE BEEN BADLY WOUNDED IN 8 SHOOTING INCIDENTS WHICH HAVE OCCURRED FROM THEIR HOME.

TAKE THE CASE OF MARTIN NOTEV WHO IN FEBRUARY HAD ALMOST REACHED THE BANK OF THE WESTERN SECTORS OF BERLIN WHEN SOLDIERS GRABBED HIM BY HIS HAIR AND CRUELLY DEPRIVED HIM OF HIS HEROIC ATTEMPT TO ESCAPE. MR. NOTEV REMAINS IN PRISON.

AND ON MARCH 8, WINIFRED FRIEDENBERG AND HIS WIFE SABINE TRIED TO REACH FREEDOM IN A HOMEMADE BALLOON. BUT SABINE WAS CAPTURED BEFORE SHE COULD REACH THE BALLOON AND JOIN HER HUSBAND. SHE WATCHED IN HORROR AS THE BALLOON CARRYING HER HUSBAND CRASHED TO THE GROUND -- YOU SEE, WITHOUT SABINE ITS WEIGHT WAS TOO UNBALANCED TO REMAIN AFLOAT. WINIFRED FRIEDENBERG WAS CRUSHED TO DEATH IN THE FALL AND SABINE REMAINS IN PRISON.

THESE INCIDENTS ARE STARK CONTRADICTIONS TO THE VERY POSITIVE PROGRESS WHICH HAS BEEN MADE IN THE AREA OF FREEDOM OF MOVEMENT IN THE GERMAN DEMOCRATIC REPUBLIC.

BUT THE BUREAUCRATIC OBSTACLES TO FREEDOM OF MOVEMENT CAN BE NO LESS FRUSTRATING THAN CONCRETE AND BARBED WIRE.

IN THE SOVIET UNION, THERE ARE SIGNS THAT LEGAL IMPEDIMENTS TO TRAVEL SUCH AS CLAIMED ACCESS TO STATE SECRETS, THE REQUIREMENT FOR AFFIDAVITS FROM FAMILY MEMBERS AND THE REQUIREMENT FOR INVITATIONS WILL BE REDUCED TO CITE THE PROMISED CHANGES IN SOVIET REGULATIONS ON ENTRY AND EXIT. AS A RESULT OF EXISTING IMPEDIMENTS, AS OF NOW PEOPLE CONTINUE TO BE DEPRIVED OF THE OPPORTUNITY TO JOIN THEIR FAMILIES IN THE WEST OR TO LIVE IN THE LAND OF THEIR OWN CHOOSING. I DON'T KNOW HOW ANYONE EVER INTERPRETED ARTICLE 13 OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS OR THE HELSINKI FINAL ACT TO REQUIRE THAT A PERSON GIVE A REASON TO EXIT HIS HOME.

IN THE SOVIET UNION, THE VLADIMIR RAIZ FAMILY CONTINUES TO BE DENIED PERMISSION TO EMIGRATE ON THE BASIS OF STATE SECRECY -- EVEN THOUGH VLADIMIR HAS NOT BEEN EMPLOYED IN A JOB THAT AUTHORITIES CONSIDER CLASSIFIED SINCE 1972 -- THAT'S 17 YEARS AGO. EMMANUEL AND JUDITH LURIE CONTINUE TO BE REFUSED FOR CLASSIFIED CHEMICAL RESEARCH THAT EMMANUEL DID IN THE EARLY 1960'S. WHEN I WAS IN SCHOOL IN 1932, I LEARNED THAT THE ATOM WAS THE SMALLEST UNIT OF MATTER. A FEW YEARS LATER THIS NOTION BECAME ANTIQUATED WHEN ATOMIC FISSION WAS FIRST REALIZED. THIS IS AN EXAMPLE OF THE RAPID ADVANCEMENT OF SCIENCE.

THE REFUSAL TO LET THE LURIES LEAVE ALSO STANDS IN STARK CONTRAST TO PARAGRAPH 17 OF THE HUMAN CONTACTS SECTION OF THE VIENNA CONCLUDING DOCUMENT WHICH STATES: "IF...AN INDIVIDUAL'S APPLICATION FOR TRAVEL ABROAD HAS BEEN REFUSED FOR REASONS OF NATIONAL SECURITY, THEY WILL ENSURE THAT, WITHIN STRICTLY WARRANTED TIME LIMITS, ANY RESTRICTION ON THAT INDIVIDUAL'S TRAVEL IS AS SHORT AS POSSIBLE AND IS NOT APPLIED IN AN ARBITRARY MANNER." SURELY, 25 YEARS CAN NOT POSSIBLY BE CONSTRUED TO BE A SHORT AMOUNT OF TIME.

FOR OTHERS, ADDITIONAL BARRIERS REMAIN. VLADIMIR DASHEVSKY AND ANATOLY GENIS ENDURED LENGTHY SECRECY REFUSALS. WHILE THEY ARE NO LONGER DENIED ON THE BASIS OF SECRECY, THEY ARE REFUSED BECAUSE THEY LACK THE REQUIRED NOTARIZED AFFIDAVITS WHICH THEIR WIVES' PARENTS WILL NOT GIVE THEM. SURELY, THE REQUIREMENT THAT ADULTS REMAIN UNDER PARENTAL JURISDICTION CANNOT IN ANY WAY BE CONSTRUED AS CONSISTENT WITH THE SPIRIT OF THE VIENNA CONCLUDING DOCUMENT.

IN CZECHOSLOVAKIA, FREEDOM OF MOVEMENT IS NOT JUST A QUESTION OF LEAVING THE COUNTRY, BUT ALSO OF RETURNING. SOME CZECHS AND SLOVAKS, HAVING RECEIVED PERMISSION TO LEAVE THE COUNTRY, WERE SUBSEQUENTLY STRIPPED OF THEIR CITIZENSHIP WHILE ABROAD. THAT IS THE SITUATION OF PAVEL KOHOUT AND FRANTISEK JANOUCH, WHO ARE UNABLE TO RETURN TO THEIR HOMELAND EVEN FOR FAMILY VISITS. THIS CREATES A BARRIER OF FEAR FOR SOME WHO WOULD LIKE TO TRAVEL, BUT BELIEVE THAT TO DO SO RISKS NEVER RETURNING TO THEIR COUNTRY.

IN ROMANIA, THE NUMBER OF CASES OF ROMANIAN CITIZENS WHO ARE NOT PERMITTED TO JOIN THEIR FAMILIES IS TOO NUMEROUS TO DESCRIBE HERE, AS THESE NUMBER IN THE THOUSANDS. THE CASE OF DOINA CORNEA IS ILLUSTRATIVE: NOT ONLY IS SHE PREVENTED FROM VISITING HER DAUGHTER BUT IS BEATEN UP FOR HER ATTEMPTS TO DO SO.

IN BULGARIA, WE HOPE THE RECENT REVISION OF BULGARIAN TRAVEL LAWS WILL FACILITATE THE EMIGRATION OF INDIVIDUALS WHO WANT TO BE REUNITED WITH THEIR FAMILIES IN THE UNITED STATES OR THE THOUSANDS OF ETHNIC TURKS WHO WISH TO LEAVE BULGARIA.

THERE IS ONE WAY TO REDUCE THE TIME AND TROUBLE INVOLVED IN FACILITATING THESE CONTACTS, AND THAT IS TO ELIMINATE, ONCE AND FOR ALL, THE REQUIREMENT FOR EXIT VISAS. LET PEOPLE LEAVE THEIR "ATHENS" FREELY, WITHOUT ANY STATE STANDING IN THEIR WAY.

INTRODUCTORY REMARKS ON THE HUMAN DIMENSION MECHANISM

STATEMENT OF
ERIKA SCHLAGERDELEGATION OF THE UNITED STATES OF AMERICA
6 June 1989PARIS MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE
CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

MR. CHAIRMAN, I WOULD LIKE TO MAKE A FEW BRIEF REMARKS ON
HOW THE UNITED STATES BELIEVES THE MECHANISM MAY BE USED.

THE UNITED STATES HAS HAD THE OPPORTUNITY TO USE THE HUMAN
DIMENSION MECHANISM WITH FOUR COUNTRIES: ROMANIA, CZECHO-
SLOVAKIA, BULGARIA, AND THE SOVIET UNION. THE MECHANISM HAS ALSO
BEEN USED BY THE SOVIET UNION WITH US. WE WILL BE MAKING MORE
SPECIFIC REMARKS ABOUT ALL OF THESE REPRESENTATIONS DURING THE
COURSE OF THIS MEETING, AS WELL AS RESPONDING TO SOME OF THE
QUESTIONS RAISED HERE TODAY.

AS WE SEE IT, THERE ARE FOUR WAYS IN WHICH THE MECHANISM MAY
BE USED. UNDER PARAGRAPH 1 [OF THE SECTION ON THE HUMAN DIMENSION
OF THE VIENNA CONCLUDING DOCUMENT] ONE CSCE STATE MAY APPROACH
ANOTHER THROUGH DIPLOMATIC CHANNELS TO RAISE CASES OR SITUATIONS
OF CONCERN. THIS PARAGRAPH OBLIGATES A COUNTRY RECEIVING A
REPRESENTATION TO RESPOND.

UNDER PARAGRAPH 2, STATES MAY HOLD BILATERAL MEETINGS TO
DISCUSS SUCH CASES AND SITUATIONS.

PARAGRAPH 3 PROVIDES THAT STATES MAY BRING CASES OR
SITUATIONS TO THE ATTENTION OF OTHER PARTICIPATING STATES.

AND PARAGRAPH 4 PERMITS THE SUBSTANCE OF CASES AND
SITUATIONS TO BE RAISED AT MEETINGS OF THE CONFERENCE OF THE HUMAN
DIMENSION, SUCH AS THIS MEETING, AS WELL AS AT THE MAIN FOLLOW-UP
MEETINGS.

IN USING THE MECHANISM, TWO KEY WORDS SHOULD BE KEPT IN
MIND: ONE IS FLEXIBILITY -- WE BELIEVE THAT CASES MAY BE VERY
SPECIFIC; ALTERNATIVELY, SITUATIONS RAISED MAY BE OF A BROADER
NATURE.

LIKewise, WE DO NOT BELIEVE THAT A CASE MUST BE RAISED ONLY
IN THE ORDER OF THE NUMBERED PARAGRAPHS. IF THAT WERE THE CASE,
BY WRONGFULLY BLOCKING A BILATERAL MEETING, A RECEIVING COUNTRY
COULD PREVENT THE SUBSTANCE OF REPRESENTATIONS FROM BEING
DISCUSSED MULTILATERALLY. THIS WOULD THWART THE GOALS OF THE
HUMAN DIMENSION PROCESS.

THE SECOND KEY WORD IS DISTINCTNESS; THAT IS, IT MUST ALWAYS BE MADE CLEAR WHETHER THE REPRESENTATION IS BEING MADE WITHIN THE CONTEXT OF THE HUMAN DIMENSION COMMITMENTS, OR THROUGH TRADITIONAL BILATERAL AND MULTILATERAL CHANNELS. IN THIS MANNER, THE OBLIGATIONS OF THE RECEIVING COUNTRY WILL ALWAYS BE CLEAR.

A GREAT DEAL HAS BEEN SAID HERE REGARDING ROMANIA'S USE OF PARAGRAPH 79 OF THE PROCEDURAL BLUE BOOK, AND SUBSEQUENT ROMANIAN STATEMENTS PURPORTING TO REMOVE ITSELF FROM THE REACH OF THE MECHANISM.

WHILE PARAGRAPH 79 MAY BE NECESSARY, ITS PURPOSES DO NOT EXTEND TO PERMITTING A COUNTRY TO AGREE TO A SET OF STANDARDS IN ONE BREATH AND THEN CUT THE HEART OUT OF THOSE STANDARDS IN ANOTHER. RESERVATIONS WHICH ARE INCOMPATIBLE WITH THE OBJECT AND PURPOSE OF THE VERY DOCUMENT TO WHICH ROMANIA HAS GIVEN CONSENSUS CAN HAVE NO MEANING HERE.

THANK YOU.

STATEMENT BY

JANE FISHER

DELEGATION OF THE UNITED STATES OF AMERICA
6 JUNE 1989

PARIS MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF
THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

MY DELEGATION WILL COMMENT THIS AFTERNOON ON THE USE OF THE MECHANISM WITH THE UNITED STATES BY THE SOVIET UNION. WE ARE DOING SO BECAUSE WE TAKE THIS RESPONSIBILITY WHICH ALL 35 OF US AGREED TO IN VIENNA VERY SERIOUSLY. QUITE FRANKLY, WE WERE DISTURBED BY THE STATEMENTS MADE BY SOME DELEGATIONS YESTERDAY REGARDING THE WAY IN WHICH SOME CSCE STATES ARE REACTING TO INVOCATIONS OF THE MECHANISM TOWARDS THEM BY OTHER COUNTRIES.

IT BECAME APPARENT TO US THAT SOME BELIEVE THEY MAY DEFLECT ATTENTION FROM REQUESTS FOR INFORMATION OR MEETINGS BY OTHER COUNTRIES BY COUNTERING WITH AN INSISTENCE ON ANSWERS TO QUESTIONS OF THEIR OWN. RESPONSES TO THE USE OF THE MECHANISM SHOULD NOT BE CONTINGENT UPON SATISFACTION FOR OTHER DEMANDS.

THIS ATTITUDE WILL GET US NO WHERE, MR. CHAIRMAN.

REQUESTS FOR INFORMATION UNDER THE MECHANISM SHOULD BE RESPONDED TO PROMPTLY AND ADEQUATELY. A RELUCTANCE TO RESPOND TO CONSTRUCTIVE REPRESENTATIONS MADE UNDER THE MECHANISM CAN ONLY INDICATE AN UNFORTUNATE UNWILLINGNESS TO COOPERATE.

AS AGREED IN VIENNA, THE MECHANISM PROVIDES ALL 35 CSCE STATES WITH AN EQUAL OPPORTUNITY TO ASK FOR CLARIFICATION OF CONCERNS AND TO EXPECT CORRESPONDING RESPONSES. WE WILL COMMENT ON THE SOVIET USE OF THE MECHANISM WITH US. BUT AS YOU WILL SEE, WE WOULD NOT PRESUME TO TRY TO BLOCK THE SOVIET REQUEST FOR A CLARIFICATION OF OUR POLICY BY DEMANDING A RESPONSE TO CONCERNS OF OUR OWN. WE URGE OTHER DELEGATIONS TO ACCEPT USES OF THE MECHANISM IN THE SPIRIT IN WHICH IT WAS INTENDED -- A CONSTRUCTIVE TOOL BY WHICH WE CAN UNDERSTAND EACH OTHER BETTER AND BY WHICH WE CAN MORE CONCRETELY ADDRESS THE PROBLEMS WHICH DIVIDE US.

MY COLLEAGUE WILL NOW MAKE A FEW REMARKS ON THE MECHANISM.

VISAS FOR SOVIET TRADE UNION OFFICIALS

(As delivered 6/6/89 by John Evans, U.S. Delegation)

-- The Soviet Union has invoked the Vienna mechanism with regard to the denial by the United States of visas to two Soviet official trade union representatives.

-- Although my government will formally respond to Soviet officials in Moscow -- where the representation was made -- I would like to make a few comments of possible general interest.

-- May I first say that we respect the use of the mechanism by the Soviet Union and welcome the commitment to the mechanism which this particular representation appears to demonstrate.

-- In this instance, we believe the Soviet use of the mechanism is serious and well-intentioned.

-- On the substance of the matter, some background is necessary.

-- Until last November, when Dr. Andrei Sakharov visited my country, no Soviet citizen or worker invited to the United States by the American Federation of Labor - Congress of Industrial Organizations, or AFL-CIO, had ever been granted an exit permit by Soviet authorities for that purpose.

-- U.S. legislation flows from this fact, and from a perception -- widespread in our country -- that trade union officials from the Soviet Union do not truly represent the workers.

-- We note that Chairman Gorbachev himself has specifically acknowledged that the official labor organizations in the USSR have failed to represent the interests of Soviet workers and should be restructured.

-- A related problem is that representatives of independent labor organizations in the Soviet Union still find it very difficult to visit the U.S.

-- In the view of my government and the majority of spokespersons for American labor, the internationally-recognized right of freedom of association is not yet fully respected in the Soviet Union and several other states.

-- To the degree to which the USSR is prepared to permit unofficial trade-unionists to visit the United States and to take other steps aimed at opening up and liberalizing its system of worker representation, we are prepared to show flexibility in applying the relevant legislation.

-- Furthermore, we are continually reviewing our own adherence to the principles set forth in the Helsinki Final Act and in concluding documents from follow-on meetings like that in Vienna.

-- We are specifically reviewing our conformity to that part of the Final Act which calls on the participating states to "facilitate the convening of meetings as well as travel by delegations, groups and individuals."

-- We believe it would be in keeping with the spirit of the Final Act if there were a greater opportunity for Soviet unofficial trade union representatives to visit their colleagues in the U.S. and vice versa.

-- We are encouraged by the signs of some progress in the area of recognition of independent labor union activities in the USSR, and will review our policy in light of demonstrated change from past practices.

-- Mr. Chairman, we wish to say that we take this use of the mechanism seriously.

-- Moreover, we wish to assure our Soviet colleagues that we welcome a continuation of the dialogue which they have initiated.

-- We also intend to keep them fully informed about any changes in legislation in this area which may be proposed and which are subsequently passed into law.

-- I note that on June 1, just a few days ago, the New York Times contained an article on this very subject. A reading of the article illustrates that there is a debate taking place in the Congress and in the Administration on this subject. It is a matter of serious public debate.

-- We will be responding on the specifics of the two cases raised by the Soviet Union shortly, in Moscow.

STATEMENT BY

JANE FISHER

DELEGATION OF THE UNITED STATES OF AMERICA
7 JUNE 1989

PARIS MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF
THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

On Tuesday, the representative from Yugoslavia requested to hear more about the experience of various delegations with the mechanism, and the results of those representations. That is a good suggestion and today we would like to discuss our experience with the mechanism .

The United States, so far, has used the human dimension mechanism four times. As the Vienna Follow-up Meeting was coming to a close in January, the Czechoslovak government chose that inopportune moment to arrest Vaclav Havel, along with several other persons, for their participation in an independent demonstration commemorating the suicide of Jan Palach twenty years ago. Is it any wonder that the cynicism evidenced by that action -- simultaneously agreeing to new commitments in Vienna, while breaking the old ones in Prague -- caused the United States, along with well over a dozen other participating States, to use the newly-created mechanism to raise this case with Czechoslovakia?

We raised this case because we believe that, in accordance with paragraph 13d of the of the Vienna Concluding Document, individuals such as Vaclav Havel have the right to gather in a

public place to engage in the non-violent expression of their views. Is this not a reasonable understanding of the provision guaranteeing individuals the right to know and act upon their rights? As Aleksandra Vondra stated at the time of his trial, "laying flowers is not a crime."

It must be noted that the government of Czechoslovakia promptly met with our representative in Prague and, happily, Mr. Havel is now out of prison. However, as noted by the distinguished representative of the Netherlands this week, many others remain in jail or under suspended sentences for essentially the same activity. Moreover, while the Czechoslovak representative here has stated that a review of laws and regulations is underway, his government has recently doubled the possible fines and prison terms which may be imposed for the non-violent expression of one's beliefs. Perhaps this contradictory regulation can also be reviewed.

The United States has also used the mechanism with the government of Bulgaria. In that representation, the United States raised the situation of the Independent Association for the Protection of Human Rights in Bulgaria. Members of that Association, including Petur Manolov, were arrested in January of this year, and have been subjected to house arrest, confiscation of property, and so-called "administrative control" for their activities. In our representation, we called on the government of Bulgaria to cease its campaign of media vilification, detention, and other forms of harassment of the Independent Association, and to permit the Association to operate freely.

State-orchestrated harassment has the effect, if not the clear intention, of deterring private citizens from realizing their rights as set forth in paragraph 13e of the Vienna Concluding Document. That paragraph states that "governments, institutions, organizations and persons have a relevant and positive role to play in contributing to the achievement of the aims of their cooperation and to the full realization of the Final Act. To that end they will respect the right of persons to observe and promote the implementation of CSCE provisions and to associate with others for this purpose."

Unfortunately, our representation has not resulted in a resolution of this situation. Independent groups in Bulgaria, like the Independent Association for Human Rights, continue to be subjected to repressive government action, as recent events in Bulgaria all too sadly demonstrate.

With Romania, the United States used the mechanism to discuss the incarcerated journalists Anton Uncu, Mihai Bancanu, and Mihai Creanga; the continually delayed completion of the Bistrita Church expansion; the denial of a passport to Cezar Ostrovenu; and the release of Nestor-Corneliu Popescu from psychiatric internment because of his beliefs.

The Romania position on the mechanism is well-known here; so is the position of my government. Let me just add to what has already been said on this subject that Romania's refusal to accept even the paper on which the representation was printed can in no way relieve it of its obligations to resolve these cases. Romania has not rejected the human rights commitments of the Vienna Concluding Document. Therefore, we repeat our request to Romania

in this forum: release the journalists; permit the completion of the Bistrita Church expansion; give a passport to Cezar Ostrovenu; and release Popescu from psychiatric internment. We listened with interest to the dialogue yesterday between the delegate from the United Kingdom and the delegate from Romania. We would hope that this would reassure Romania that it is this type of tone which would characterize discussions which occur under the mechanism.. The mechanism is not meant to intrude or condemn, it is meant to be a constructive avenue for finding solutions to problems.

Finally, most recently, the United States used the mechanism with the Soviet Union. In February, seven American citizens of Lithuanian ancestry were denied visas to travel to Vilnius to attend an officially permitted celebration of Lithuanian Independence Day. It is our understanding that the visa requests were approved by the Vilnius OVIR, but subsequently denied in Moscow.

In paragraph 31 of the human contacts section of the Vienna Concluding Document, the participating States agree to ensure that "persons belonging to national minorities or regional cultures on their territories ... can establish and maintain (human contacts) with citizens of other States with whom they share a common national origin or cultural heritage." The denial of visas to these people created a barrier to the expansion of contacts between persons of differing CSCE who share a common national origin or cultural heritage. At a time when we are calling for increased contact between the citizens of our states, and when progress in the field of human contacts is generally noteworthy, such denials are to be deeply regretted.

In each use of the mechanism, the United States government raised cases and situations which we believed constituted violations of CSCE commitments. We used the mechanism because we believed that the nature of the representation, as well as the nature of our on-going dialogue with the receiving country, made the mechanism a possible means for the expeditious resolution of these issues. Although my government can not call the mechanism truly successful in these cases, we remain hopeful that this avenue can evolve into an effective procedure for redressing these violations.

NOTE: Fisher commented later during the session on remarks made by the Canadian delegate regarding the importance of making requests as well as responses under the mechanism in writing. Fisher stated that although this seemed like a small point, it was a useful suggestion and should help to avoid confusion about whether or not a country was or was not invoking the mechanism and whether or not a country was, in fact, responding to a representation under the mechanism.

Statement of
Ambassador Morris B. Abram

Head of the Delegation of the United States to
the Conference on the Human Dimension of the
Conference on Security and Cooperation in Europe

8 June 1989

Mr. Chairman, in my opening statement to this Conference I quoted my distinguished Soviet colleague, Mr. Kashlev, from the Moscow News as follows: "Human rights, the protection of the individual and civic dignity will now be the subject for legitimate discussions in international relations."

I read yesterday in the International Herald Tribune a news story from Moscow which reported that "the Soviet Congress of People's Deputies condemned on Tuesday outside efforts to put pressure on China saying the upheavals in that country were a purely internal matter."

I am puzzled by this report of the reaction of a very important Soviet political body to what has been described as mass carnage of unarmed civilians. Is not the protection of the lives of innocent protestors the subject for legitimate discussion.

Perhaps the Soviet delegation would be able to enlighten us on this seeming contradiction.

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Soviet Congress Assails Outside Attempts to Sway China's Leaders

By Bill Keller

New York Times Service

MOSCOW — The Soviet Congress of People's Deputies condemned on Tuesday outside efforts to put pressure on China, saying the upheavals in that country were a purely internal matter.

The statement, drafted by the Soviet leadership and rushed through the new congress without debate, avoided any criticism of the army's suppression of restive citizens in Beijing, but appealed to the Chinese to continue their course of economic and political change.

It reflected the Kremlin's keen desire to avoid offending the Chinese government, with whom Moscow has just restored normal relations after a 30-year estrangement.

"Now is not the time for unconsidered, hasty conclusions and statements," the statement said. "However high the passions run at times, it is important to search patiently for such adequate political solutions as would be determined by the aim of consolidating society."

"Of course, the events happening in China are an internal affair of the country," it continued. "Any attempts at pressure from the outside would be inappropriate. Such attempts only blow up passions and do not promote stabilization of the situation in any way."

The statement was in contrast to the criticism from the Bush administration, which on Monday suspended military sales to China and urged the Chinese leadership to exercise restraint.

Asked about the White House response to the violence in China, the Soviet president, Mikhail S. Gorbachev, said: "Let Bush speak for himself. I do not think we shall tell America what to do."

The Soviet statement was approved by a show of hands in the 1,250-member congress. Some deputies said later that they were concerned that it contained no criticism of the Chinese Army or condolences to the families of those killed.

The Soviet sensitivity toward China has been evident in the scant

and generally pro-government reporting on the Chinese unrest in the Soviet press.

Although the Western press has described the protesters as being a movement for democracy, the Soviet press has confined itself to quoting official Chinese statements describing them as an unpopular minority of "counterrevolutionaries" who had mercilessly killed dozens of soldiers.

Soviet television has featured scenes of students attacking soldiers and setting fire to vehicles, omitting footage shown in the West of soldiers gunning down unarmed protesters.

"The armed forces tried to avoid bloodshed," the Tass press agency said in a dispatch, paraphrasing an official statement by authorities in Beijing.

Viktor G. Afanaseyev, editor-in-chief of the Communist Party newspaper Pravda, conceded that coverage had been minimized to avoid disrupting the normalization of relations announced when Mr. Gorbachev visited Beijing in May.

If the Soviet press carried critical coverage of the events in China, Mr. Afanaseyev said, "they could take it as an attempt to influence them, to interfere."

Although the Soviet press has been largely liberated in its coverage of domestic affairs, foreign reporting is still tightly constrained by the imperatives of Kremlin foreign policy.

The distinction has never been more clear than this week. While the Soviet press provided details of a catastrophic gas explosion in the Ural Mountains and ethnic unrest in the Central Asian republic of Uzbekistan, it has relegated China to short, back-page dispatches and has not yet disclosed the crushing defeat of the Communist Party in elections in Poland.

Mr. Afanaseyev excused Pravda's reporting on China by saying the newspaper had no permanent correspondent in Beijing. Asked about the newspaper's correspondent in Poland, he smiled and said, "He's on vacation."

STATEMENT BY

AMBASSADOR MORRIS ABRAM

HEAD OF THE UNITED STATES DELEGATION

CSCE

CONFERENCE ON THE HUMAN DIMENSION

PARIS

JUNE 9, 1989

TOWARDS A CIVIL SOCIETY

The Helsinki Final Act pledges signatories to honor the "right of the individual to know and act upon his rights and duties in the (human rights) field." What is the meaning of this provision? Why is it important? Why was it included in the Final Act?

The pledge arises from a recognition that in a just society the purpose of the government is to advance the welfare of the individual, which can only be assured if the citizen knows his rights and, in association with others, can act to assure them and to advance them.

This is not possible without the protection of free speech, free press, freedom of peaceable assembly, and, of course, of the right to petition government, as the U.S. Constitution puts it "for a redress of grievances." One is struck by this constitutional provision: The right is phrased not in terms of support for government policy, but so as to guarantee open channels to protest -- to express not satisfaction with the government, but grievances against the government.

Tolerance and encouragement of diversity is key to the building societies in which individual and group rights are protected. By history, some states such as the Soviet Union are composed of many national and ethnic groups. Other states are becoming more ethnically diverse. This is certainly true of my own country. In recent years, we have gained larger Hispanic and Asian populations -- to, I might add, the benefit of our society.

Our experience with diversity, indeed, has proved to be one of our strengths -- adding to the richness of every aspect of our national life. This is because we celebrate these multiple traditions which are free to develop and flourish.

Recent tragic events in China have shown the heavy price paid by societies which ignore the human need for peaceful free expression. Long years there of repression of peaceful civic activities lead either to sullen silence or to outbursts of brutal violence.

--Real civil societies, which encourage diverse groups and competing interests, are creative and dynamic. And such diversity is essential for improving the spiritual welfare of people. It is also key in developing the economic potential of societies.

--It is sad to say that though these fundamental commitments were made 14 years ago, the record of Romania is one of nigh total disregard of its promises.

Just as examples:

--Romanian intellectuals, journalists, and even former party officials have been subjected to various forms of official harassment for daring to challenge Romanian government policies. As a result, Romanian writers Dan Desliu, Mircea Dinescu, Aurel-Dragos Munteanu, and Andrei Plesu have all suffered harassment.

Not incidentally, we have listened attentively to the interventions of the Romanian delegation. But the deepest impression made by the words of Romania was the total silence from all delegations which greeted the opening statement of Romania.

--The Bulgarian government has actively impeded the ability of new independent, reformist groups to meet. Moreover, their leaders, such as Konstantin Trenchev have been arrested and harassed. Other activists have been expelled from Bulgaria. Demonstrations by Bulgarian Turks in defense of their political, religious and cultural rights have been met with police violence, resulting in deaths.

At this point, I would like respectfully to ask the distinguished Bulgarian delegate the reason so many citizens of Bulgaria changed from Turkish to Bulgarian names in such a remarkably short time? We shall continue to press for an answer to this question which is totally innocuous if the events were also innocuous.

--In Czechoslovakia and the GDR, growing popular pressure for greater civil liberties has been frustrated by governments apparently fearful of political diversity and dissent.

--Plans to amend the Czechoslovak constitution do not indicate that civil and political rights will be incorporated. Unfortunately, the list is long of Czechoslovaks imprisoned for expressing independent views and for organizing citizens' groups: Jana Petrova and Otakar Veverka, Ivan Jirous and Jiri Tichy, and Stanislav Devaty.

Czechoslovakia today does not resemble the state which used to be held up as a model of democracy in Central Europe. Teachers in my elementary schools spoke of Czechoslovakia with admiration and respect. The names of Masaryk and Benes were honored as symbols of democratic nation-building -- and the country prospered through the energy of its free citizens.

--The German Democratic Republic also presents a very sad example of a formerly free people - now under iron rule - while across the wall their fellow Germans enjoy freedom and bask in prosperity. Unfortunately, GDR citizens who are known as dissidents are periodically detained and harassed by police - and the wall stands as an ugly monument to repression. The GDR as it is ruled today is even more of a tragedy because of the great potential of its people.

-- Ambassador Kashlev has often spoken about legal reform in the Soviet Union. He has said that the new, more democratic, Supreme Soviet will consider some fifty pieces of new legislation, including laws which affect civil liberties.

My delegation is eager to see the official drafts of these new laws, which we certainly should have the opportunity to see and evaluate well before we meet again in Copenhagen. We hope these laws will reflect the true reforms which the Soviet delegation has led us to expect. All of us will be deeply disappointed if the new laws are not as advertised in both text and practice.

Now to comment on some Soviet developments and remaining obstacles on the road to our return to Helsinki, where we all hope we will celebrate real achievements.

-- Freedom of association is key to the growth of a genuine civic society. Today, Soviet society shows some signs of greater recognition of the right to freedom of association.

-- The diversity and vitality of the 60,000 "informal" groups in the Soviet Union today is a most encouraging sign of the development of a civic society.

The growth of Popular Fronts throughout the Soviet Union and the Baltic States is a particularly encouraging phenomenon. Some of these groups, with hundreds of thousands of members, have made major contributions to the nascent Soviet civic society.

I am told reliably that hundreds of thousands of Soviet citizens have been following the debate in the Congress of People's Deputies, which shows that they are indeed interested in what their rulers are planning for them.

I would like to note, however, that many of these "informal" ~~Soviet groups~~ exist in a legal twilight zone. My delegation urges the Soviet authorities to drop their present requirement of "registration" with the state as the pre-condition for legal status. Encouragement of the flourishing of these citizens' groups outside government approval or sponsorship is key for the growth of a truly civil society independent of the state.

-- The Soviet authorities seem to have moved to a limited recognition of the need to permit unofficial rallies. We have seen many demonstrations -- some with hundreds of thousands of people -- in many parts of the Soviet Union and in the Baltic states.

We believe that genuine freedom of expression and association is an essential element in the building of a civil society. The question at Paris is: what is to be done here to advance the promise of Helsinki?

First, we must keep our eyes on the dream, as well as the implementation, of human rights -- for those rights are the predicates of international confidence, which in turn creates quiet borders as well as peaceful societies.

Next, we must do nothing here which does not affirmatively advance the principles adopted at our previous meetings. We must not step back one millimeter by adding language of exceptions and escape from the clear obligations already undertaken.

We have long waited for the dawn of true freedom and we are prepared to wait longer rather than call shadows light. If we change the yardstick, we shall never know when we have reached our goals.

STATEMENT OF AMBASSADOR MORRIS ABRAM
DELEGATION OF THE UNITED STATES OF AMERICA
TO
THE PARIS CSCE MEETING OF THE CDH
JUNE 12, 1989

"RELIGIOUS LIBERTY"

MR. CHAIRMAN, THANK YOU.

THE DISTINGUISHED DELEGATE OF HUNGARY HAS RELATED A DOLOROUS CIRCUMSTANCE. AN ANCIENT PEOPLE ARE BEING STRIPPED OF THEIR IDENTITY, THEIR TRADITIONS AND THEIR RELIGION. THIS CUTS DEEPLY INTO OUR SYMPATHIES. WE INCIDENTLY HAVE A HUNGARIAN-AMERICAN IN OUR DELEGATION TODAY. THESE ACTS ARE NOT DEFENSIBLE EXERCISES OF NATIONAL SOVEREIGNTY.

ONE ASPECT OF THE TRAGEDY REFERRED TO BY HUNGARY TODAY IS THE SUBJECT OF MY DELEGATION'S INTERVENTION -- RELIGIOUS LIBERTY.

OVER THE WEEKEND, SOME DELEGATES TO THIS CONFERENCE EXPLORED SITES CONNECTED WITH REVOLUTIONARY PARIS. OTHERS OF US MADE A DAY TRIP -- I WILL NOT SAY A PILGRIMAGE -- TO CHARTRES, TO RECONNECT WITH AN EVEN OLDER TRADITION. TODAY I WANT TO DISCUSS THE RELATIONSHIP OF RELIGION TO THE STATE, AND THE QUESTION OF FREEDOM OF RELIGION.

FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND BELIEF ARE PERHAPS THE MOST PRECIOUS OF OUR RIGHTS AND FREEDOMS. YET THE RELATIONSHIP BETWEEN RELIGION AND STATE POWER HAS NEVER BEEN AN EASY ONE. RELIGIONS ARE SYSTEMS OF BELIEF. SO HAVE MANY POLITICAL MOVEMENTS BEEN SYSTEMS OF BELIEF, SYSTEMS WHICH ARE BASED ON PHILOSOPHIES THAT CLAIM TO EXPLAIN ALL PHENOMENA AND TO LEAD MANKIND TO SOME KIND OF UTOPIA, WHICH, I MIGHT ADD, NO STATE HAS YET BEEN ABLE TO ACHIEVE.

IT IS NOT SURPRISING THAT THE POWER OF THE STATE AND THE POWER OF RELIGION SHOULD HAVE COME INTO CONFLICT. FOR WHAT IS INVOLVED ARE NONE OTHER THAN THE MOST BASIC QUESTIONS: WHAT WE THINK OF THE WORLD AROUND US, HOW WE UNDERSTAND OUR PLACE IN THE UNIVERSE, AND HOW WE CHOOSE TO LIVE AND RELATE TO OTHERS.

JESUS CHRIST GAVE ONE ANSWER AS TO HOW MANKIND SHOULD DIVIDE HIS LOYALTIES AS BETWEEN THE STATE AND HIS BELIEFS WHEN HE ADVISED HIS FOLLOWERS TO "RENDER UNTO CAESAR THAT WHICH IS CAESAR'S, AND UNTO GOD THAT WHICH IS GOD'S." THIS WAS SOUND ADVICE, BUT IT HAS NOT ALWAYS BEEN POSSIBLE FOR BELIEVERS OR STATE AUTHORITIES TO FOLLOW IT, AND THIS IS EVEN TRUE IN SOME PLACES, FAR TOO MANY PLACES, TODAY.

THE RIGHT TO WORSHIP OR NOT TO WORSHIP, TO BELIEVE OR NOT TO BELIEVE, GOES TO THE HEART OF MATTERS ETERNAL, THE ULTIMATE QUESTIONS. THESE ARE RIGHTS WHICH, THEREFORE, BELONG TO EACH AND EVERY ONE OF US AND TO NO GOVERNMENT, NO GOVERNMENT. OUR COUNTRIES RECOGNIZED THIS FACT IN THE HELSINKI FINAL ACT AND THE MADRID CONCLUDING DOCUMENT. WE SPELLED OUT IN THE VIENNA CONCLUDING DOCUMENT THE SPECIFIC WAYS IN WHICH WE ARE TO RESPECT THESE RIGHTS AND THESE FREEDOMS.

AMONG OTHER THINGS, THE VIENNA CONCLUDING DOCUMENT COMMITS THE PARTICIPATING STATES TO ALLOW INDIVIDUAL BELIEVERS AND COMMUNITIES OF BELIEVERS:

- * TO ESTABLISH AND MAINTAIN FREELY ACCESSIBLE PLACES OF WORSHIP AND ASSEMBLY;
- * TO ORGANIZE THEMSELVES;
- * TO GIVE AND RECEIVE RELIGIOUS INSTRUCTION IN THE LANGUAGE OF THEIR CHOICE;
- * TO ALLOW RELIGIOUS TRAINING;
- * TO ALLOW THE PRODUCTION, THE IMPORTATION AND THE DISTRIBUTION OF RELIGIOUS PUBLICATIONS AND MATERIALS;
- * TO GIVE THE RELIGIOUS COMMUNITIES A GREATER ROLE IN PUBLIC DIALOGUE; AND
- * TO GRANT UPON THEIR REQUEST RECOGNITION OF THE STATUS PROVIDED FOR THEM IN THEIR RESPECTIVE COUNTRIES.

NOW THAT'S WHAT WE SIGNED ON TO.

DENIALS OF THESE RIGHTS HAVE THROUGH HISTORY CAUSED PAIN TO THE INDIVIDUAL, DISCORD IN SOCIETY, INSURRECTION AGAINST GOVERNMENT, AND WAR. FROM THESE CIRCUMSTANCES WE CAN INFER THE SIGNIFICANCE OF BELIEF AND, THEREFORE, THE VALUE OF TOLERATION. BY TOLERATION I MEAN LETTING PEOPLE GO IN THEIR OWN DIRECTION IN ACCORDANCE WITH THE DICTATES OF THEIR OWN CONSCIENCES.

THE HISTORY OF MY COUNTRY IS CLOSELY CONNECTED TO THE CONCEPT OF TOLERANCE. RELIGIOUS LIBERTY WAS THE AIM OF COUNTLESS INDIVIDUALS WHO LEFT EUROPE CENTURIES AGO AND ESTABLISHED NEW HOMES IN THE WILDERNESS AND ENDURED THE HARDSHIPS OF NORTH AMERICA. THEIR GOAL WAS TO FOUND COMMUNITIES WHERE THEY COULD WORSHIP AS THEY PLEASED.

SINCE THAT TIME, WE HAVE HAD OUR OWN SHARE OF INTOLERANCE, AND WE ARE NOT GOING TO DEFEND THE BLEMISHES ON OUR OWN RECORD. IN FACT, I AM GOING TO MENTION SOME OF THE MOST EGREGIOUS EXAMPLES. THE PURITANS IN MASSACHUSETTS SOUGHT FREEDOM FOR THEMSELVES, BUT THEY DID NOT GRANT IT TO OTHER BELIEVERS. THEY WERE FREEDOM SEEKERS, NOT FREEDOM LOVERS. RHODE ISLAND WAS ESTABLISHED BY A BAPTIST, ROGER WILLIAMS, BECAUSE OF THIS INTOLERANCE. HIS MOST SIGNIFICANT WORK WAS ENTITLED "THE BLOOD TENET: PERSECUTION FOR THE SAKE OF CONSCIENCE." THE SAME MOTIVE DROVE THE MORMONS ACROSS THE

PLAINS AND MOUNTAINS TO UTAH. CATHOLICS, NOT WELCOME IN PURITAN NEW ENGLAND, ESTABLISHED UNDER LORD CALVERT THE STATE OF MARYLAND. BUT, HAPPILY, THIS IS NOW HISTORY, AND NONE CAN DENY THAT AMERICA REMAINS OPEN TO THOSE WHO SEEK THE RIGHT TO ACT ON THE VOICE OF THEIR OWN CONSCIENCE.

UNFORTUNATELY, SOME GOVERNMENTS REMAIN LESS THAN TOLERANT OF RELIGIOUS BELIEF. IT WAS FOR THAT REASON THAT THE PARTICIPATING STATES ADOPTED THE PROVISIONS OF THE VIENNA CONCLUDING DOCUMENT ON RELIGIOUS RIGHTS AND FREEDOMS. AND NOW THAT WE HAVE THOSE PROVISIONS, WE NEED TO SEE THEM IMPLEMENTED. "NOW IS THE TIME," TO QUOTE PRESIDENT MITTERAND, "TO CALL RHETORIC INTO ACCOUNT."

TO SOME EXTENT WE HAVE SEEN IMPLEMENTATION, AS THE LEVEL OF TOLERANCE HAS INCREASED. WE SEE MANY EXAMPLES OF THIS IN THE SOVIET UNION AND SOME OTHER EAST EUROPEAN COUNTRIES. DEVELOPMENTS BETWEEN POLAND AND THE HOLY SEE HAVE BEEN ESPECIALLY ENCOURAGING. HOWEVER, THERE IS STILL A CONSIDERABLE DISTANCE TO GO BEFORE THERE IS FULL RELIGIOUS FREEDOM IN THESE COUNTRIES.

PERHAPS THE MOST OBVIOUS SIGN THAT SOME STATES PERSIST IN REGULATING WHAT ITS CITIZENS BELIEVE IS THE REQUIREMENT FOR CHURCH CONGREGATIONS TO BE REGISTERED OFFICIALLY. IMAGINE, A STATE SAYING A SYSTEM OR BELIEF MUST BE REGISTERED. EVEN IN THOSE STATES WHERE REGISTRATION IS NOT DIFFICULT, WHY SHOULD THE PRACTICE OF A RELIGION OR A BELIEF EXIST OUTSIDE THE LAW UNLESS IT FIRST BOWS TO THE POWER OF THE STATE THROUGH REQUIRED REGISTRATION? SURELY THE RIGHT TO WORSHIP IS NOT CAESAR'S BUSINESS.

AND EVEN WHEN A FAITH IS FORCED TO ACCEPT THE REQUIREMENT OF REGISTRATION, WHY MUST SOME DENOMINATIONS BE DENIED RECOGNITION, IN VIOLATION OF THE VIENNA CONCLUDING DOCUMENT?

FOR EXAMPLE, THE UKRAINIAN CATHOLIC CHURCH AND THE UKRAINIAN ORTHODOX CHURCH CONTINUE NOT TO BE RECOGNIZED BY SOVIET AUTHORITIES. THE UKRAINIAN CATHOLIC CHURCH WAS FORCIBLY MERGED INTO THE RUSSIAN ORTHODOX CHURCH -- FORCIBLY -- IN 1946, AND THE UKRAINIAN ORTHODOX CHURCH WAS BANNED IN THE 1930s -- STALINIST TIMES, STALINIST THINKING.

IN APRIL 1988, GENERAL SECRETARY GORBACHEV ACKNOWLEDGED TO RELIGIOUS LEADERS THAT "MISTAKES HAD BEEN MADE IN THE PAST." PRESENT-DAY SOVIET AUTHORITIES, HOWEVER, HAVE BEEN SLOW TO CORRECT THIS REMNANT OF STALIN'S LEGACY. LOCAL AUTHORITIES CONTINUE TO REFUSE TO REGISTER UKRAINIAN CATHOLICS, AND CLERGY AND LAY ACTIVISTS CONTINUE TO BE HARASSED, DETAINED AND FINED FOR THEIR ACTIVITY IN THE SOVIET UNION, DESPITE GLASNOST. ON SUNDAY, APRIL 9, FOR INSTANCE, REVEREND PETRO ZELENYUK WAS REPORTEDLY HELD AND BEATEN BY POLICE AS HE TRIED TO CELEBRATE A LITURGICAL SERVICE FOR UKRAINIAN CATHOLICS IN A VILLAGE IN WESTERN UKRAINE.

ALTHOUGH IT IS EASIER FOR FAITHS TO REGISTER IN THE SOVIET UNION TODAY THAN IT WAS IN THE PAST, STATE POLICIES WHICH ARE INCONSISTENT WITH THE COMMITMENTS OF VIENNA REMAIN. FOR EXAMPLE, TWO HISTORIC ROMAN CATHOLIC CHURCHES IN KIEV REMAIN CLOSED DESPITE THE APPEALS OF 1500 BELIEVERS. AND BECAUSE ITS MEMBERS REFUSED TO REGISTER, A BAPTIST CHURCH IN ROSTOV WAS DEMOLISHED IN APRIL OF THIS YEAR. IMAGINE, DEMOLISHING A CHURCH BECAUSE ITS MEMBERS REFUSE TO REGISTER, BECAUSE ITS MEMBERS REFUSE TO RENDER UNDER CAESAR WHAT IS NOT HIS.

AND HOW DO WE EXPLAIN THE FACT THAT THE JEWISH COMMUNITY IN KHARKOV, REPORTEDLY AROUND 75,000 STRONG, CONTINUES TO BE REFUSED PERMISSION TO OPEN THE CITY'S ONLY SYNAGOGUE?

THESE ARE SOME EXAMPLES OF NON-COMPLIANCE WITH THE VIENNA DOCUMENT. THE SIMPLE SOLUTION IS LET THOSE WHO WISH TO WORSHIP AND BUILD CHURCHES AND SYNAGOGUES DO SO WITHOUT HINDRANCE FROM THE STATE. AND THE STATE WILL NOT THEN FALL AS A RESULT, BUT WILL BE STRENGTHENED.

WE HOPE THAT THE NEW LAWS AND REGULATIONS REGARDING RELIGIOUS PRACTICES PROMISED BY THE SOVIET AUTHORITIES -- WHICH WE WILL CAREFULLY LOOK AT IN COPENHAGEN -- WILL ELIMINATE THE REQUIREMENT FOR REGISTRATION AND OTHER RESTRICTIVE PRACTICES. WE ALSO HOPE THAT THE SOVIET AUTHORITIES WILL INCORPORATE INTO THESE LAWS AND PRACTICES THEIR COMMITMENT IN THE VIENNA CONCLUDING DOCUMENT REGARDING THE RIGHT TO GIVE AND RECEIVE RELIGIOUS EDUCATION FOR ALL AGES, INCLUDING THE LIBERTY OF PARENTS TO ENSURE THE RELIGIOUS AND MORAL EDUCATION OF THEIR CHILDREN IN THE LANGUAGE THEY CHOOSE.

OTHER COUNTRIES SIMILARLY RESTRICT THE PRACTICE OF FAITHS, SUCH AS THE NON-RECOGNITION OF JEHOVAH'S WITNESSES IN CZECHOSLOVAKIA. MAY I INTERRUPT HERE TO SAY, AS A LAWYER, THAT SOME OF THE MOST FUNDAMENTAL, IMPORTANT, CONSTITUTIONAL QUESTIONS IN OUR COUNTRY WERE BROUGHT BY JEHOVAH'S WITNESSES BECAUSE OF THEIR RELIGION AND BELIEF. BECAUSE THEY HAVE WON, ALL OF US, RELIGIOUS AND NON-RELIGIOUS ALIKE, ARE FREER FOR IT.

CZECHOSLOVAK AUTHORITIES ALSO HAVE INTERFERED WITH APPOINTMENTS IN THE RELIGIOUS HIERARCHY, CONTROL MEMBERSHIP IN THE CLERGY AND MONITOR RELIGIOUS INSTRUCTION. WE HOPE THAT THE ANNOUNCEMENT BY THE CZECHOSLOVAK GOVERNMENT THAT IT WILL REMOVE FROM THE BOOKS TWO PENAL CODE ARTICLES THAT PROHIBIT THE MISUSE OF RELIGIOUS FUNCTIONS AND STATE SUPERVISION OF CHURCH ACTIVITIES WILL IMPROVE THE SITUATION FOR ALL BELIEVERS IN CZECHOSLOVAKIA. WE SHALL ALSO LOOK FOR THAT IN COPENHAGEN.

IN BULGARIA, THE PERVERSIVE SUPPRESSION OF MUSLIM RELIGIOUS PRACTICES HAS RESULTED IN THE CLOSING OF MANY MOSQUES AND RESTRICTED OR PROHIBITED CERTAIN MUSLIM RITES. OBSERVANCE OF MUSLIM HOLIDAYS IS DISCOURAGED. WHILE MANY OF THESE RESTRICTIONS ARE PART OF THE CAMPAIGN TO ERADICATE THE ETHNIC TURKISH IDENTITY, IT HAS ALSO AFFECTED NON-TURKISH MUSLIMS. RELIGIOUS MATERIALS, INCLUDING BIBLES, ARE DIFFICULT TO OBTAIN, AND RELIGIOUS EDUCATION IS NOT PERMITTED.

IN THE GDR, THE MAIN DIFFICULTY ENCOUNTERED BY THE EVANGELICAL CHURCH HAS BEEN STATE CENSORSHIP OF CHURCH PUBLICATIONS. NOW THE STATE REALLY KNOWS ALOT TO BE ABLE TO CENSOR CHURCH MATERIALS. ALTHOUGH THIS GRIP ON THE RELIGIOUS MEDIA MAY HAVE LOOSENED SOMEWHAT IN RECENT MONTHS, IT STILL GIVES US CAUSE FOR CONCERN, AS DOES CONTINUING DISCRIMINATION AGAINST BELIEVERS IN TERMS OF EDUCATION AND EMPLOYMENT OPPORTUNITIES.

RELIGIOUS OBSERVERS AND BELIEVERS IN ROMANIA FACE A PRECARIOUS EXISTENCE DUE TO A VARIETY OF STATE CONTROLS OVER RELIGIOUS PRACTICE. ONLY SOME OF THE DENOMINATIONS ENJOY LEGAL STATUS. THE EASTERN RITE CATHOLIC CHURCH -- THE UNIATE CHURCH -- HAS BEEN BANNED SINCE 1948. MEMBERS OF UNRECOGNIZED RELIGIOUS GROUPS FACE THE EVER PRESENT POSSIBILITY OF ARREST OR OTHER PENALTIES FOR PRACTICING THEIR FAITH. EVEN WHEN A RELIGION IS LEGALLY RECOGNIZED, ROMANIAN AUTHORITIES USE THEIR CONTROL OVER THE LICENSING OF CLERGY, THE DISTRIBUTION OF RELIGIOUS MATERIALS, SEMINARY ADMISSIONS AND CHURCH BUILDING PERMITS TO LIMIT BELIEVERS IN THE PRACTICE OF THEIR FAITHS.

THE BISTRITA PENTECOSTAL CHURCH, THREATENED WITH DEMOLITION, HAS WAITED SEVERAL YEARS FOR APPROVAL TO EXPAND, AND THE ORADEA SECOND BAPTIST CHURCH HAS BEEN WAITING FOR PERMISSION TO EXPAND ITS PLACE OF WORSHIP. MAYBE ROMANIA WILL TELL US WHY.

MR. CHAIRMAN, AS WE WERE DELIVERING OPENING STATEMENTS HERE IN PARIS ON MAY 31, THE ROMANIAN AUTHORITIES WERE BUSY, THEY WERE DEMOLISHING THE COMANESTI BAPTIST CHURCH. FOR TWO MONTHS THE CONGREGATION STRUGGLED WITH LOCAL AUTHORITIES TO REVERSE THE DEMOLITION ORDER. THEIR PASTOR AND TWO ELDERS WERE PLACED IN DETENTION THE DAY BEFORE THE BULLDOZERS MOVED IN. THIS IS NOT RELIGIOUS TOLERANCE. THESE ARE EXAMPLES OF THE INTERPOSITION OF GOVERNMENT BETWEEN ITS CITIZENS AND THEIR CHOSEN WAY OF RELATING TO THE UNIVERSAL AND ETERNAL.

DOZENS OF OTHER CHURCHES HAVE ALSO BEEN DESTROYED AS PART OF THE SO-CALLED "MODERNIZATION" PROCESS IN ROMANIAN CITIES AND TOWNS. CONGREGATIONS HAVE RISKED THEIR OWN SAFETY TRYING TO STOP THE DESTRUCTION OF THEIR CHURCHES. HAVING LOST THEIR FIGHT, THEY OFTEN ARE LEFT WITH NO PROPER PLACE TO WORSHIP. THE SEVENTH DAY ADVENTIST CHURCH IN BUCHAREST, FOR EXAMPLE, WAS LOST TO URBAN RENEWAL IN 1986, AND A REPLACEMENT LOCATION STILL HAS NOT BEEN FOUND. IN ADDITION, RELIGIOUS ACTIVIST NESTOR CORNELIU POPESCU REMAINS INTERNED IN A PSYCHIATRIC HOSPITAL, DESPITE A DOCTOR'S RECOMMENDATION THAT HE BE RELEASED.

THE ISSUES I HAVE JUST RAISED, MR. CHAIRMAN, ARE ALL EXAMPLES OF VIOLATIONS OF SOME RATHER SPECIFIC PROVISIONS OF THE VIENNA CONCLUDING DOCUMENT. THEY ARE ALSO SIGNS OF INTOLERANCE TOWARD INDIVIDUALS AND GROUPS WHO, GUIDED BY THEIR OWN CONSCIENCES, FOLLOW RULES AND PRACTICES IN THEIR LIVES THAT ARE NOT CREATED BY THE STATE, NOR POSE A THREAT TO THE STATE OR TO ANYBODY ELSE.

I AM ENCOURAGED BY SOME OF THE PROGRESS WE HAVE RECENTLY SEEN, AND I HOPE THAT THINGS WILL IMPROVE, THAT WE WILL SEE GREATER RESPECT FOR FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND BELIEF. EVEN IN MATTERS AS SENSITIVE AS RELIGION, PROGRESS CAN COME QUICKLY. I WAS REMINDED OF THIS FACT DURING MY WEEKEND TRIP TO CHARTRES. AS LATE AS THE 18TH CENTURY IN THIS VERY COUNTRY, THEY WERE BURNING HERETICS AND SENDING PEOPLE CONVICTED OF SACRILEGE TO THE GALLOWES, BUT ALL OF THIS WAS CHANGED IN A FEW YEARS BY THE WORDS AND IDEAS OF THE DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN.

MR. CHAIRMAN, UNTIL PROGRESS IS MADE, WE HAVE A RESPONSIBILITY HERE IN PARIS AND AT FUTURE CSCE MEETINGS TO CALL THOSE WHO VIOLATE THESE PRINCIPLES TO ACCOUNT.

OUR GOAL HERE IN PARIS IS, FIRST AND FOREMOST, COMPLIANCE. WE HAVE ACHIEVED GREATER COMPLIANCE WITH THE COMMITMENTS WE UNDERTOOK IN THE HELSINKI FINAL ACT AND MADRID CONCLUDING DOCUMENT, BUT THE VIENNA CONCLUDING DOCUMENT NOW GIVES US A NEW STANDARD -- A NEW YARDSTICK -- OF COMPLIANCE TO ATTAIN. THE PROGRESS WE HAVE HEARD ABOUT IN THE LAST TWO WEEKS RAISES OUR EXPECTATIONS, ALTHOUGH CONTINUOUS PROBLEMS TEND TO MAKE US VERY WARY. IT IS THE HOPE OF MY DELEGATION THAT WE WILL CONTINUE TO FOCUS ON IMPROVING COMPLIANCE WITH COMMITMENTS AS WE PREPARE TO MOVE ONTO COPENHAGEN AND BEYOND.

THANK YOU, MR. CHAIRMAN.

STATEMENT OF
JANE FISHER

Delegation of the United States
Conference on the Human Dimension of the CSCE
Paris

13 June 1989

During the meeting of this working body, my delegation has discussed our experiences with the CDH mechanism as both a representing and a receiving country. Based on those experiences, we have made some preliminary remarks on the structure of the mechanism, and we will present some additional thoughts on this subject later this week. Unfortunately, this period of assessment comes against a backdrop of failed implementation of two critical elements of the human dimension.

The importance of Principle VII's guarantee that individuals can and must have the right to know their fundamental freedoms was recognized in Vienna, where this right was further elaborated and more deeply rooted within the Helsinki process. For this reason, it was agreed this past January that the Vienna Concluding Document, including the section on the human dimension which we have gathered here to discuss, would be published and disseminated. Yet how can individuals truly know their rights, as guaranteed by Principle VII, if their governments seek to deny them knowledge of those rights? I know that there are differing views around this

table as to which rights should be given priority by our respective governments, but it seems to me that we have all agreed that, at the very least, people should know what their rights are.

It is true that paragraph 13c of the Vienna Concluding Document does not set forth a specific time frame for the publishing of these documents. But we would like to ask our Romanian colleagues, whose government has yet to publish and disseminate the Vienna Concluding Document, when they might do so. How long will Romanian citizens have to wait before they may hear from their government on the recognition of their inalienable rights?

It is also true that paragraph 13c does not explicitly state that the documents in question must be published in their entirety. Perhaps this is why the Bulgarian government published in the newspaper Otchestven Front only those excerpts which it apparently feels its citizens have a right to know. We would like to point out to our Bulgarian colleagues that by agreeing to the publication and dissemination of these documents that all sections, including all human rights provisions, were to be published.

One matter which was not left unclear in Vienna regards the text of the documents to be published and disseminated. As we all know, German is one of the six official languages of the Helsinki process, and thus there is an official, authentic

version of the Vienna Concluding Document in German. The purposeful mistranslation of some words of the Vienna Concluding Document as published by the German Democratic Republic is therefore simply incomprehensible and we can only wonder what was to be gained by such a misrepresentation. Of course, the United States does not participate in the German-language working group. But the promise given by the German Democratic Republic in Vienna to publish and disseminate the Vienna Concluding Document in its entirety and in its authentic version was a promise made to all the countries here, not just to other members of the German-language group.

Because we have raised this issue, understandably others may inquire of us regarding our own record of publication and dissemination. To date, the Department of States has published 10,000 copies of the Vienna Concluding Document. Of these, some 6,584 were distributed to the public, including libraries and the press. Approximately 100 copies are still in stock, for distribution to the public. The remainder were distributed to various persons, agencies, and departments within the United States government. In addition, the U.S. Helsinki Commission published 4,000 copies, of which 2,650 were distributed according to the Commission's mailing list and to persons who contacted the Commission and requested a copy. Approximately 1,350 copies remain in stock for future distribution by request.

While I can report to you the number of copies of the Vienna Concluding Document issued by my government, I can not

tell you exactly how many copies of the Vienna Concluding Document will be printed in the United States. It may be very large, but more likely it will be rather small. In either case, my government will not know for sure, for two reasons.

First of all, we do not have a monopoly on the press. Any persons or organizations may publish the Vienna Concluding Document if they so choose. It may be reproduced by professional typesetters, it may be photocopied, it may be hand typed. I suppose it could even be illustrated. It may be praised for its strengths or criticized for its shortcomings. But it will not remain under a state-controlled monopoly.

Second, my government does not monitor publishing. We are frequently made aware of various publications when they are sent to us -- people frequently send us publications which they believe will help us in our task of governing. But we do not monitor private publishing, and therefore will not have a count of how many copies of the Vienna Concluding Document are published privately.

The other issue which I would like to address today is the second element of Principle VII: the right of individuals to act upon their fundamental freedoms. As this meeting is taking place here in Paris, some people are being denied by their own governments the right to be here with us. While at other times during the meeting I have noted how far we have come since Helsinki, the absence of these people demonstrates how much

remains to be done.

The right to freedom of movement, which was so well enunciated in the Universal Declaration of Human Rights and incorporated in to the Helsinki Final Act, continues to be an essential means through which people exercise their Principle VII right to act. Yet Jiri Hajek has not received permission from the Czechoslovak authorities to come to Paris. The fact that he was given an exit visa to leave for a family visit while denied one to come to France during the course of this meeting only accentuates the political nature of his government's action. The list of others who were unable to come from Czechoslovakia includes Ladislav Lis and Sasha Vondra.

But Czechoslovaks are not the only missing guests here. Sadly, we have also learned that some people from the Soviet Union and from Bulgaria have been prevented from coming to Paris by their governments. That list includes Alexander Smuckler, Michail Chlenov, Roman Specter, and Leniod Stonov from the Soviet Union, and Konstantin Trenchev and Dimitar Tomov from Bulgaria.

It is no answer to say that there is no exit visa denial, merely a pending application. It is all too clear that a failure to process an application in a timely fashion has the same impact as an outright denial. But perhaps the most distressing official response of all has been that to Doina

Cornea. As we have already heard during this meeting, the invitation to come to Paris of Ms. Cornea was answered with a brutal beating.

Mr. Chairman, I hope that the next CSCE meetings, whether in Copenhagen or Moscow, Sophia or Bonn, are not diminished by the absence of those who are the final judges of the work we do here -- our citizens themselves.

Thank you.

STATEMENT OF
AMBASSADOR MORRIS B. ABRAM

DELEGATION OF THE UNITED STATES OF AMERICA

PARIS MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF
THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

14 June 1989

THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

I intend to say a few words about the record of my country's participation as regards internationally drafted covenants on human rights. In the opening statements of this meeting, the Foreign Ministers of Poland and the Soviet Union announced that their countries would shortly join the ranks of that relatively small number of countries which have ratified or acceded to the Optional Protocol of the International Covenant on Civil and Political Rights. In a later statement, the distinguished representative of the Soviet Union called on my government to explain its failure to ratify a number of global human rights instruments. I will restrict my response to those global human rights instruments which we have all agreed to bring into the Helsinki process in some way or another. Specifically, I will talk about the International Covenants on Human Rights, which are mentioned by name in the Vienna Concluding Document.

I must tell you at the outset that I am not here to announce that the United States is prepared to ratify these documents. Now, neither I, nor any other single person in my government -- not the President of the United States, not the Secretary of State

-- has the authority to unilaterally give effect to such an instrument. According to our particular form of democracy, treaty ratification can only, only be accomplished after the United States Senate has given its advice and consent to a treaty -- and that by a two-third's majority, even though it has been signed by the President. Thus, only the President and the Senate acting together can authoritatively announce imminent ratification of a treaty. But what I can do and owe it to you to do is say how these Covenants have been perceived in my country.

As the distinguished representative from the Soviet Union pointed out in the first meeting of this working body, the United States has not yet completed the ratification process which we began in 1978. Now why have these two human rights treaties languished before the Senate for all of this very long time? Perhaps I can shed some light on the situation. I will try to.

After years of often controversial drafting, the International Covenant on Human Rights were opened for ratification in 1966. In 1976, they entered into force. The President of the United States signed them in 1977 and transmitted them to the Senate in early 1978 for advice and consent. Later that year, the Senate held a series of exhaustive hearings on these treaties and, I might add, the overwhelming majority of the expert testimony presented favored ratification.

Now, as some of you know, the United States Senate is a body that takes its foreign affairs responsibilities very, very

seriously. This is in part due to the fact that the Constitution of the United States confers upon treaties the status of the supreme law of the land, exactly as the Constitution is.

Therefore, the Senate does not undertake international obligations lightly or frivolously, or with any intent to evade or avoid. It will not ratify treaties which it is not fully prepared to see translated into reality.

As I said, the International Covenants were transmitted to the Senate in 1978, prompting the Senate to hold hearings on the them. Here, I would ask you to recall the events of that period. Those Congressional hearings were held in early December 1978. Yet at the very time the United States Senate was considering these human rights treaties, human rights in the Soviet Union were marked by a clear deterioration despite the treaty. Helsinki monitoring groups were subjected to a crackdown, and by the end of the year the Soviet Union had invaded Afghanistan.

How, it was asked, could the United States Senate lend its support to these Covenants -- and some even asked, to the United Nations as a whole -- how could the United States adhere when one of the five permanent members of the Security Council so cynically treated its obligations, and responded to its commitments with - such an egregious violation of human rights?

In the eyes of many Americans, actions such as these seriously damaged the credibility of the United Nations system and raised considerable doubts about the UN's ability to protect and promote

effectively human rights. The question pending both then and now before the United States Senate is not just whether it agrees with and is willing to support the rights contained in the Covenant, but whether it is willing to put its stamp of approval on the UN approach to human rights.

This is not the only concern which the Senate has raised in connection with these treaties. In addition to the doubts raised by the international climate at the time the matters were before the Senate, I believe that other factors may have encouraged the Senate to put aside the Covenants. First, because these treaties had entered into force only in 1976, there was very little in the way of practical experience for the Senate to evaluate; in this context the actions taken by the Soviet Union that I've just described and some other countries stood out all the more sharply. What was the effect of words if actions were absolutely contradictory to obligations?

Second, very few countries at that time accepted either Article 41 or the Optional Protocol, and thus refused to recognize the work of the committees set up to receive and consider petitions under the Covenants. Some members of the Senate were concerned that the Covenants would be just words on paper, with no real bite and no real observance of a universal nature. I'm sure everyone here can appreciate that concern looking back.

Finally, there was really no pressure group within the United States lobbying the Senate for ratification. Because the United

States has developed extensive machinery for the promotion and protection of the very rights espoused by these Covenants, most citizens' groups have concerned themselves with improving the existing machinery, rather than creating new systems at the international level. At the international level, we have been much more concerned with what President Mitterrand said, that rhetoric must be brought into account. The small number of people in the US who do urge ratification do so because they believe it will increase and improve the ways in which the United States might promote human rights beyond our borders in much the same way as we have done domestically. I might add that it was a small group of people -- to which I am proud to belong -- which has urged that the United States adopt the the Genocide Convention, and it took forty years to get that adopted but we did do it.

What have been the consequences of our failure to ratify the Covenants? For some egregious human rights violators, our non-ratification has become grist for their political mills. Our failure to ratify the Covenants is equated with a failure to comply with the Covenants. Ironically, there are others who have signed these documents but are unwilling to live up to them; the United States, on the other hand, has failed to ratify them but observes their terms. Which is more important? To ratify a treaty as a piece of paper, or observe the rights it confers? While I cannot claim that the record of the United States is perfect -- and I daresay that no delegate of the United States would ever say that it is -- I believe the attempts to protect and promote human rights in my country by both our government and by

our citizens would be a tribute to the International Covenants, and not a blot on their record, because the principles they enshrine are the principles in which we believe and try to carry out.

Mr. Chairman, a great deal has changed since 1978 when these treaties were first transmitted to the Senate. I know that many -- although by no means all -- of the concerns of the Senate regarding the United Nations in general and the workings of these Covenants in particular have been resolved. Trends in the United Nations -- due to the actions of many countries -- have been positive, and we remain hopeful indeed that these trends will continue and grow.

These Covenants are not a dead letter; they remain before the United States Senate. While I cannot predict what action may be taken on them, I will point out that Congressional interest in them has continued. Even as paragraph 21 of the Vienna Concluding Document was being negotiated last April, the United States Helsinki Commission held hearings before Congress on prospects for the ratification of the Covenant. I am pleased to announce that the CoChairman of the Commission, Representative Steny Hoyer, will be here next week, and I hope some of you will have the opportunity to speak with him, although he is from the House of Representatives and it is the Senate which ratifies treaties. One of the expert witnesses was Rosalyn Higgins, a highly respected British jurist from the Human Rights Committee. Members of Congress showed special interest in hearing from her about the body of law which the Committee was developing.

I do not believe that either the administration or the United States Congress disagrees, in principle, with the goals established in the International Covenants. Compliance with internationally recognized and agreed upon standards will and must continue to be a touchstone against which we will measure our own behavior and the behavior of others. In this context, the human dimension mechanism -- the subject of our discussion during the last few weeks -- may be a useful tool for achieving the ultimate goals of Helsinki, Madrid, and Vienna. Good, positive effective experience with the mechanism would certainly improve the climate for ratification in the United States. This would be one answer to the critics who say that internationally approved words are one thing, but actions speak louder.

This mechanism, to which all 35 of us gave our consensus in Vienna, embodies a strong hope for improved human rights performance -- and, I believe, not just a false hope. Our discussions this month have been, overall, constructive. At least some delegations here have been able to report positively on their experiences with the mechanism. Finally, a number of possible modifications aimed at improving the effectiveness of the mechanism have been suggested here, reflecting, I think, a shared belief that this mechanism has further usefulness and potential.

In the opinion of my government, our experiences with the mechanism are too new and too limited to warrant changes with it at this time. Still, our successes or failures with it during the next years may guide us to the troublesome areas which will be the focus of our attention in Helsinki, in 1992.

Thank you.

REMARKS OF YURI ORLOV

Mr. Chairman. I would like to share with you some impressions of my visit to Moscow from which I returned a few days ago. After the U.S. State Department and CERN and the Soviet Academy of Sciences acted on my behalf, I was finally granted a visa to attend some scientific meetings. My son, however, is still denied permission to come to visit me in the West.

My strongest impression was that more and more people in the Soviet Union are getting used to free speech. Fortunately, I had a chance to see this first hand, since I was in Moscow during the Congress of People's Deputies. The whole country was glued to their TV sets to watch the Congress. In this way, the entire population got a political education because they could watch and listen to the more and more outspoken speeches of the liberal deputies. They also could observe the battles between the conservative majority and the liberals.

I also took part in some evening meetings after the Congress sessions at which liberal ("leftist" under the new Soviet terminology) delegates spoke. In the huge square where the meetings were held, I could see the pre-Revolutionary tri-color flag held by members of the Democratic Union, the black flag with red star of the Anarcho-Syndicalists, the white and blue-crossed flag of the Russian Popular Front. There also were many different posters, some called for "All power to the Soviets!" and some called for support of Sakharov and so on.

Despite the wide spectrum of political views in these meetings, everybody agreed on one thing: The party bureaucracy and the nomenklatura must be removed from the political power. This was also the basic theme of the speeches.

I spoke at one of these meetings, attended by some 40,000. Other speakers included the national hero Boris Yeltsin and other deputies, such as Mr. Obolensky. Responding to the will of his voters, Obolensky ran against Gorbachev so that he would have at least a formal opposition for the post of president.

The liberal deputies' speeches critical of the party bureaucracy were greeted with shouts of delight. When I spoke, I advocated the formation of a broadly-based peaceful second political party. Such a party would also stabilize the Soviet political situation, since it would provide a normal political channel for a workers' movement. In addition, I pointed to the importance of a union between liberal intellectuals and workers along the lines of Polish "Solidarity." Such a union is essential for the future victory of democracy in the Soviet Union.

In my discussions with Moscow intellectuals, most of us agreed that slow pace of "perestroika" is dangerous due to the worsening economic situation. In such a crisis, they fear sudden waves of popular anger.

My talks with various people in Moscow, convinced me that most understand the need to create a system for both economic and political competition. Only in this way, will real "perestroika" come into being. Not only the party bureaucracy, but also Gorbachev himself are strongly opposed to a multi-party system. Gorbachev has often repeated that he does not have an ideal of Western-style democracy.

Popular attitudes towards Gorbachev are contradictory, changing, and, unfortunately, growing more negative. At present, only a minority of Moscow intellectuals think that Gorbachev's slow approach to reform is adequate. They think that too rapid a pace of reform would be too dangerous for the Soviet bureaucracy which would then overthrow Gorbachev. But most Moscow intellectuals now think that Gorbachev himself probably prefers hierarchical structures -- with him at the head. "Glasnost" maybe is necessary for Gorbachev to prevent the corruption of this hierarchical structure and to air new ideas.

Intellectuals think that Gorbachev's goal -- to preserve party power and, at the same time, to improve the economic situation of the country -- is contradictory and impossible to fulfill. This is why so many Moscow intellectuals are rather pessimistic about the future of the Soviet Union. At many meetings, I heard appeals to Gorbachev that he retain the post of president, but step down as Party General Secretary. This would clarify the division of power and it would separate Gorbachev from the Communist Party apparatus which is so unpopular in the Soviet Union.

As far as workers are concerned, intellectuals think that no one in Soviet Union believes in anything. This makes it hard to reform. The real difficulty in the Soviet Union is that after seventy years of the wrong direction, the country is now at a real dead end. In my talks with Moscow intellectuals, no one could see a way out of the disastrous economic situation. Nevertheless, steps have been taken towards a new society and it is Gorbachev who initiated them.

In this unbalanced situation, the system is extremely sensitive to any external influence. I would like to bring as an example, the new Article 11.1 "The Insult or Discreditation of State Organs and Public Organizations" of the Criminal Code. There were delegations in our conference which strongly criticized these articles which restricted freedom of speech. Ultimately, Gorbachev convinced the conservative majority of the Congress of People's Deputies to reject this article -- just before his trip to the Federal Republic of Germany. This example shows the importance of international impact on human rights in the USSR in the Helsinki framework.

Thank you.

STATEMENT OF OREST DEYCHAK
DELEGATION OF THE UNITED STATES OF AMERICA
THE PARIS CSCE MEETING OF THE CDH
JUNE 15, 1989
"HUMAN CONTACTS"

EARLIER INTERVENTIONS HAVE HIGHLIGHTED THE IMPORTANCE OF FREEDOM OF MOVEMENT IN FACILITATING HUMAN CONTACTS. HUMAN CONTACTS ARE ESSENTIAL NOT ONLY FOR THE INDIVIDUALS DIRECTLY INVOLVED -- MEN AND WOMEN FROM DIFFERENT COUNTRIES WHO WISH TO MARRY, CHILDREN EMIGRATING TO JOIN THEIR PARENTS IN ANOTHER COUNTRY, BROTHERS AND SISTERS OR COUSINS VISITING EACH OTHER. HUMAN CONTACTS ARE ALSO, AS STATED IN THE VIENNA CONCLUDING DOCUMENT, "AN ESSENTIAL FACTOR FOR THE DEVELOPMENT OF RELATIONS" AMONG PARTICIPATING STATES. NORMAL HUMAN CONTACTS, INDEED, ARE VITAL FOR THE ENRICHMENT OF THE ENTIRE HUMAN FAMILY.

IN THE LAST FEW YEARS, THE ONCE-FORMIDABLE BARRIERS BETWEEN EAST AND WEST HAVE BEGUN TO CRUMBLE. AS A RESULT, WE ARE BEGINNING TO SEE A RICHER EUROPE, A MORE NORMAL EUROPE. THERE ARE SIGNS THAT, SLOWLY, WE ARE MOVING IN THE DIRECTION OF NORMAL HUMAN CONTACTS. EAST EUROPEAN STATES ARE INCREASINGLY TAKING STEPS TO REMOVE RESTRICTIVE POLICIES AND CUMBERSOME PROCEDURES THAT HAVE FRUSTRATED PERSONAL AND PROFESSIONAL TRAVEL, PRACTICES THAT HAVE IMPEDED BINATIONAL MARRIAGE, FAMILY REUNIFICATION, FAMILY VISITS, AND THE PRESERVATION OF TIES BETWEEN MEMBERS OF THE SAME RELIGIOUS DENOMINATION OR ETHNIC GROUP.

TO VARYING DEGREES, MEASURES ARE BEING TAKEN BY THE SOVIET UNION AND EVERY EAST EUROPEAN STATE, EXCEPT OF ROMANIA, TO CONFORM TO THEIR CSCE HUMAN CONTACTS COMMITMENTS.

POLAND AND HUNGARY'S GREATER COMPLIANCE IN THE HUMAN CONTACTS AREA IS REFLECTED BY THE FACT THAT THERE ARE VIRTUALLY NO UNRESOLVED BILATERAL DIVIDED FAMILY CASES WITH THE UNITED STATES.

IN THE SOVIET UNION, THE NUMBERS OF UNRESOLVED U.S. DIVIDED FAMILY AND BINATIONAL MARRIAGE CASES HAS DROPPED CONSIDERABLY. FAMILY VISITS ARE MUCH MORE FREQUENT THAN IN THE PAST, BUT DO REMAIN FRUSTRATING, GIVEN THE MAZE OF TRAVEL REQUIREMENTS AND BUREACRATIC PROCEDURES.

MEASURES AIMED AT NORMALIZING HUMAN CONTACTS HAVE BEEN TAKEN RECENTLY BY BULGARIA, CZECHOSLOVAKIA AND THE GERMAN DEMOCRATIC REPUBLIC. ALTHOUGH THE EFFECTS HAVE YET TO BE SEEN, BULGARIA'S NEW PASSPORT LAW, AND CZECHOSLOVAKIA'S ANNOUNCEMENT OF STEPS TO CONFORM TO ITS CSCE OBLIGATIONS, WHICH THE DISTINGUISHED DELEGATE FROM CZECHOSLOVAKIA OUTLINED YESTERDAY, POINT TO A GREATER WILLINGNESS TO COMPLY WITH HELSINKI AND VIENNA.

THE GERMAN DEMOCRATIC REPUBLIC'S NEW LAW ON SHORT-TERM WESTERN VISITS AND EMIGRATION MORE CLEARLY DEFINES AND SOMEWHAT BROADENS THE CATEGORIES OF INDIVIDUALS WHO MAY TRAVEL OR APPLY FOR FAMILY REUNIFICATION. AND WE WELCOME MR. HONECKER'S STATEMENT THE

OTHER DAY IN AN INTERVIEW WITH THE WASHINGTON POST IN WHICH HE SAID THAT HIS GOVERNMENT WANTED "TO HUMANIZE THE BORDER REGIME." IT APPEARS THAT ALL THESE COUNTRIES ARE ENTERING A TRANSITION PERIOD ON THE ROAD TO NORMALIZATION IN HUMAN CONTACTS.

BUT WHILE ALL THESE STEPS ARE PROMISING, THEY ARE JUST THAT -- STEPS. A RAPIDLY CHANGING EUROPE WITHIN A RAPIDLY CHANGING WORLD CALLS NOT MERELY FOR STEPS, BUT FOR MORE SIGNIFICANT STRIDES -- MAJOR STRIDES -- IN THE SPHERE OF HUMAN CONTACTS. ALTHOUGH PROGRESS IS BEING MADE, THERE ARE STILL FAMILIES TORN APART BY UNFEELING GOVERNMENTAL POLICIES AND BUREAUCRATIC BARRIERS THAT MAKE LITTLE SENSE.

WE HOPE AND EXPECT THAT ALL OUTSTANDING HUMAN CONTACTS CASES WILL BE RESOLVED BY MID-JULY, WHICH MARKS THE SIX-MONTH DEADLINE WE IMPOSED ON OURSELVES IN VIENNA FOR FINDING SOLUTIONS TO "ALL APPLICATIONS BASED ON THE HUMAN CONTACTS PROVISIONS OF THE FINAL ACT AND MADRID CONCLUDING DOCUMENT, OUTSTANDING AT THE CONCLUSION OF THE VIENNA MEETING."

VALERY SPITKOVSKY OF THE SOVIET UNION, FOR INSTANCE, CONTINUES TO BE REFUSED PERMISSION TO JOIN HIS WIFE AND CHILDREN, WHO RECENTLY ARRIVED IN THE UNITED STATES. VALERY WAS TOLD MONTHS AGO BY OVIR THAT HIS SECRECY STATUS HAD BEEN LIFTED, BUT THEN IT

WAS APPARENTLY REINSTATED. OLGA MIKHAILEVA LEFT THE SOVIET UNION LAST YEAR TO SEEK URGENT MEDICAL CARE FOR HER YOUNG DAUGHTER MARINA. HER HUSBAND, DAVID MIKHALEV, REMAINS IN REFUSAL 14 YEARS AFTER LEAVING THE JOB THAT MADE HIS REFUSAL A "MATTER OF SECURITY." NIKOLAY WILLIAMS STILL WANTS TO VISIT HIS 84-YEAR-OLD MOTHER IN MOSCOW. WHILE HE HAS BEEN PERMITTED TO DO SO HIS WIFE, LUDMILLA ALEXEYEVA, A PUBLIC MEMBER OF OUR DELEGATION, NEEDS TO TRAVEL WITH HIM AS HE HAS A SERIOUS MEDICAL PROBLEM. YET SHE IS DENIED A VISITORS VISA.

ARBITRARY APPLICATIONS OF UNCLEAR REGULATIONS; ADVERSE MEASURES AFFECTING APPLICANTS IN FAMILY CONTACT CASES DUE TO ACTS OR OMISSIONS BY OTHER FAMILY MEMBERS; REFUSALS WHICH ARE NOT EXPLAINED, AND BUREAUCRATIC DELAYS CONTINUE TO TAKE THEIR TOLL ON HUMAN BEINGS IN THE SOVIET UNION, CZECHOSLOVAKIA, BULGARIA, THE GERMAN DEMOCRATIC REPUBLIC. ALL OF THESE ARE IN ~~CLEAR~~ VIOLATION OF CSCE COMMITMENTS.

ALL OF THESE PROBLEMS PLAGUE ROMANIA, WHICH IS NOT EVEN GOING THROUGH THE MOTIONS OF GREATER COMPLIANCE. IN STARK CONTRAST TO EVERY OTHER EAST EUROPEAN STATE, THE LARGE NUMBER OF UNRESOLVED U.S.- ROMANIAN FAMILY REUNIFICATION CASES (OVER 1200 AT PRESENT, REPRESENTING ^{Some} 3000 PERSONS) IS NOT DIMINISHING. INDIVIDUAL TALES OF SEPARATION INCLUDE THAT OF 5-YEAR-OLD CEZAR OSTROVEANU, WHO HAS NOT YET RECEIVED EXIT PERMISSION TO JOIN HIS REFUGEE PARENTS IN THE UNITED STATES AND OF THE OVER 40 BINATIONAL

MARRIAGE CASES, INCLUDING FIVE WHO HAVE BEEN WAITING OVER TWO YEARS FOR APPROVAL. THE SCOTT FAMILY IS STILL WAITING TO COMPLETE THE ADOPTION PROCESS FOR BABY JESSICA CORINA WHICH THE ROMANIAN AUTHORITIES PERMITTED THEM TO BEGIN OVER 2 YEARS AGO. MEMBERS OF ROMANIA'S HUNGARIAN MINORITY ARE CONTINUALLY DENIED CONTACTS OF ALL KINDS WITH HUNGARY, AS OUR HUNGARIAN COLLEAGUE REPORTED EARLIER THIS WEEK. THE ROMANIAN GOVERNMENT'S ACTIONS, BY ANY STANDARD, DO NOT REPRESENT NORMAL HUMAN CONTACTS.

ALSO I MUST NOTE THAT FORCIBLE EXPULSIONS -- SUCH AS BULGARIA'S CONTINUING BRUTAL EXPULSION OF MEMBERS OF ITS TURKISH MINORITY, EVEN IF SOME OF THEM DO DESIRE TO EMIGRATE TO TURKEY -- HARDLY REPRESENT A FORMULA FOR FACILITATING NORMAL HUMAN CONTACTS.

MR. CHAIRMAN. WE HAVE SPOKEN HERE ABOUT REMAINING BARRIERS TO HUMAN CONTACTS AND THE PROGRESS THAT IS SLOWLY BEING MADE TOWARDS NORMALIZING THEM. OUR GOAL SHOULD BE TO BRING ABOUT THE DAY WHEN DIVIDED FAMILIES AND DIVIDED FAMILY LISTS ARE A DISTANT MEMORY. FOR THIS REASON MY DELEGATION IS CONSIDERING INTRODUCING A PROPOSAL REAFFIRMING OUR COMMITMENT IN THE VIENNA CONCLUDING DOCUMENT TO RESPECT FULLY THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING THEIR OWN, AND TO RETURN TO THEIR COUNTRY. WE UNDERSTAND OTHER DELEGATIONS ARE CONSIDERING SIMILAR PROPOSALS. ANY PROPOSALS SHOULD, IN OUR VIEW, RECOGNIZE THE RIGHT OF NATIONALS TO BE ISSUED AND TO HOLD A PASSPORT, AND SHOULD CALL UPON THE PARTICIPATING STATES TO ABOLISH, FOR THEIR NATIONALS, THE REQUIREMENT TO OBTAIN AN EXIT VISA IN ORDER TO LEAVE THEIR COUNTRY, WHERE THIS REQUIREMENT EXISTS.

STATEMENT OF PAULA DOBRIANSKY
DELEGATION OF THE UNITED STATES OF AMERICA
PARIS CSCE MEETING OF THE CDH
JUNE 16, 1989

"NATIONAL MINORITIES"

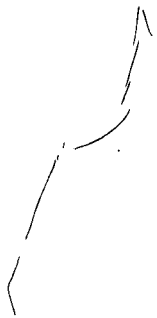
One of the most encouraging developments in the world today is the rising tide of democratic initiative and reform. We are meeting in an era of great transformations in the world's social and political landscape, symbolized most vividly by the tragic drama of the courageous Chinese students in Tiananmen Square. Democratic impulses have brought to light long-standing grievances harbored by national minorities. Within the last few months the world has witnessed bloodshed on the streets and violence in the villages of countries where legitimate aspirations have long been neglected and suppressed. Today my delegation would like to discuss the question of national minorities in a period of reform.

Principle VII of the Helsinki Final Act recognizes the legitimate aspirations of national minorities by asserting that "the participating States on whose territories national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms, and will in this manner, protect their legitimate interests in this sphere." In Vienna, these pledges were further defined and strengthened to discourage discrimination against national minorities and to "create conditions for the promotion of the ethnic, cultural, linguistic, and religious identity of national minorities on their territories."

By committing our governments to "create conditions" for the promotion of ethnic identity, the Vienna Concluding Document essentially commits us to move from policies which prevent discrimination, toward measures to foster equality among diverse groups. As the recent decisions by our Supreme Court on affirmative action demonstrate, the United States has and continues to grapple with the issue of racial and sex discrimination. Although these problems have not been eradicated, state and federal officials and nongovernmental organizations are seeking to overcome, even reverse, discriminatory practices. They also try to foster cultural diversity and pluralism, by, for example, supporting the efforts of native American Indians to preserve their tribal structure and heritage.

For the past three weeks, we have been discussing the positive value of political, religious, cultural and ethnic diversity in the development of our national states. Most governments represented at this table have accepted the ideas of pluralism and diversity. Romania and Bulgaria, unfortunately, have not. Instead, they have been trying to homogenize their societies and the rich cultural heritage of their diverse populations. Those who have protested have paid a heavy price.

Bulgaria's treatment of its Turkish minority is a clear violation of the Helsinki, Madrid and Vienna documents. No matter how one tries to explain it away, or deny its existence, this minority of over one million ethnic Turks exists. These people did not voluntarily change their names to Bulgarian ones in a three-month period. And the thousands of them who have arrived in Turkey did not simply decide to leave home.



The recent deplorable and tragic events in Bulgaria have resulted in loss of life and untold suffering for many people and have led to the forcible expulsion of as many as 20,000 ethnic Turks from Bulgaria. Just look at this morning's International Herald Tribune, page 4. These gross human rights violations deserve condemnation from every side of this table.

In Romania, over 12 percent of its population belongs to ethnic minorities -- Hungarians, Germans, Serbs, Ukrainians, and others. Each has contributed to the richness of Romania's historical legacy, as well as to the overall strength of the Romanian nation. Each has enriched the cultural legacy of mankind. Yet the government apparently believes that such diversity represents a threat to its existence, a threat so dire it must be obliterated.

The Romanian government increasingly denies members of the Hungarian minority -- one of the largest national minorities in Europe -- the right to educate children in their native languages, to maintain their own distinct cultural identity, and to develop cultural connections beyond their own borders. We even hear reports that the Romanian government seeks to dilute compact Hungarian communities by forcing their children to seek higher education and employment in areas far from home. These and similar practices are violations of Romania's obligations as a participating state -- violations which must be condemned.

In the Soviet Union, the "national question" has always been critical. As a result of recent reforms, new perspectives on nationalities have emerged. Greater freedom of expression has opened the way to public expression of long-simmering dissatisfaction with the ethnic status quo. In the past few years, a flurry of public activity -- including many large-scale demonstrations and a wide array of new citizens' groups -- have emerged.

Such public activity has been met, for the most part, by a more tolerant attitude by Soviet authorities. Rather than espousing the old goal of "the merging of nationalities," a new Soviet official attitude can be discerned. Ethnic and national diversity, at least of a limited variety, is now encouraged. We welcome this apparently new official Soviet attitude and hope it will grow.

Nevertheless, Mr. Chairman, certain problems remain. Non-Russians comprise half of the Soviet population. Many do not agree with the traditional exclusive emphasis on Russian as the national language. Members of some ethnic minorities struggle against the neglect, and even the suppression, of their cultures and languages.

We have heard from our Soviet colleagues on the many steps taken to move their country away from Stalinism. We welcome these steps.

Unfortunately, however, several ethnic minorities in the Soviet Union today still suffer from the aftermath of Stalinism. I have in mind three ethnic minorities -- Crimean Tatars, Germans, and Meskhetians -- whom Stalin ordered deported en masse from their native areas on false charges of Nazi collaboration. Although other deported nations were eventually permitted to return to their native areas, these groups are still required to live in Central Asia.

Although Soviet authorities now turn a more sympathetic ear to their demands, these groups, ^{as groups} still have not been able to return to their historic homelands. Just recently, rioters in Uzbekistan made local Meskhetians their scapegoats. Unfortunately, rather than allow the Meskhetians to return to the Turkish-Georgian border, the authorities are dispersing them to various parts of the Soviet Union.

Jewish groups -- ranging from cultural organizations to Hebrew teachers' associations -- have been formed in various parts of the Soviet Union in the past year. Most of these groups, particularly in larger cities, operate without hindrance. But these groups, along with most other informal associations, are forced to work on the edges of legality since they are not registered. Jewish culture in the Soviet Union faces many problems: the lack of a legal status for modern Hebrew; the lack of opportunities to import, publish and distribute Jewish and Hebrew literature; and the continued existence of anti-Semitic activities.

In addition to some of the particular handicaps experienced by ethnic minorities, larger nationalities in the Soviet Union have often felt constrained in freely expressing and developing their unique cultures. In these areas, over the last few years, an impressive variety of "informal" or citizens' groups have arisen. We welcome these developments. These groups are, after all, the voice of the nascent civil society.

In Belorussia, for example, a group called "Talaka" has moved from historic preservation to broader cultural, linguistic activities. In Moldavia, the Democratic Movement for Perestroika supports demands that Moldavian be returned to the Latin alphabet, and become the official language of the republic. In Central Asia as well, people have called for linguistic, cultural and environmental reforms that would better serve their needs.

In the Caucasus, cultural patterns have always been complex. Many ethnic minorities and nationalities inhabit this area, in close and sometimes uneasy proximity. These national relations are extremely delicate. The dangers and tensions inherent in this situation are a matter of serious concern. Our concern is not lessened when peaceful protest leads to violence as it did in the still unexplained events in Tbilisi.

Although we are starting to see greater respect for the rights of various non-Russian cultures in the Soviet Union, repression of unofficial groups and the process of Russification continues in Ukraine. Various unofficial groups have been formed which seek to

preserve revered Ukrainian traditions. These include the Taras Shevchenko Ukrainian Language Society, which strives to make Ukrainian the official language of Ukraine, and the "Memorial Society," dedicated to the full exposure of Stalinist crimes against the Ukrainian nation. These groups have been severely limited in their scope of activity.

As we all know, politics has its roots in culture. And in the freer political atmosphere in the Soviet Union, groups that have openly expressed nationalist goals have also sprung up in non-Russian areas. In Georgia, we have seen the rise of the National Democratic Party and in Armenia, the Karabakh Committee. In Ukraine, we have witnessed the activity of the Ukrainian Helsinki Union and the Rukh, the Popular Movement in Ukraine for Restructuring. Unfortunately, activists of the Ukrainian Helsinki Union and other similar groups continue to be harassed, fined and given 15-day sentences for their efforts to promote pluralism and democratization.

In the Baltic states, we are pleased to see the emergence of popular fronts and ~~other~~ manifestations of national self-determination. We firmly believe that the democratic course is the only way for these peoples to determine their destinies.

In the Baltic states glasnost has made real strides: citizens are largely free to express their concerns on a wide variety of subjects. One topic is much on people's minds this year during

the fiftieth anniversary of the secret arrangements between Hitler and Stalin which consigned the Baltic states to the Soviet Union. My delegation hopes that the Soviet authorities will renounce the terms of this treaty as part of their de-Stalinization campaign.

A real civil society has emerged in the Baltic states. Estonia led the way with the establishment of the first Popular Front, a new broadly-based citizens' group which brings together party and non-party members on an equal footing. Similar groups also exist in Lithuania and Latvia, with membership running as high as 250,000.

These Popular Fronts serve as the voice for national aspirations and goals, long suppressed in the Baltic states. This May, representatives of all three Baltic Popular Fronts issued a statement declaring that "nations have the right to self-determination and to free determination of their political status." This statement concludes that such rights "must become the basis for further political and economic development of the Baltic nations."

These are complex and intricate questions. There are no easy answers for any of us. Nevertheless, Mr. Chairman, it is clear that states cannot silence the voice of their own people. History, through the passions and energies of freedom-loving men and women, has a way of rejecting, sooner or later, non-viable ideas. It is also clear that using brute force against peaceful

demonstrators is not the answer. No repression, however awesome, can forever deny to the people the realization of their fundamental of their fundamental human and political aspirations. My delegation believes that genuine democracy -- whether by popular referendum or competitive, multi-candidate elections -- provides the only guarantee for the peaceful evolution of societies. And the truest test of democracy is not only how a state treats its majority, but how it treats its minorities.

STATEMENT OF THE HONORABLE STENY H. HOYER
U.S. HOUSE OF REPRESENTATIVES

DELEGATION OF THE UNITED STATES OF AMERICA
TO
THE PARIS CSCE MEETING OF THE CDH
JUNE 19, 1989

"HUMAN RIGHTS AND POLITICAL PLURALISM"

LADIES AND GENTLEMEN, ACCOMPANYING ME HERE TODAY ARE CONGRESSMEN DENNIS ECKART OF OHIO, ALSO SERVING HIS FIFTH TERM IN CONGRESS, AND BEN CARDIN OF MY OWN STATE OF MARYLAND, SERVING HIS SECOND TERM.

I AM PLEASED TO BE IN PARIS DURING THE BICENTENNIAL OF ITS REVOLUTION, THE PHILOSOPHY OF WHICH -- "LIBERTE, EGALITE AND FRATERNITE" -- IS SUCH A POWERFUL AND COGENT ONE IN THE CSCE CONTEXT.

THE U.S. COMMISSION ON SECURITY AND COOPERATION IN EUROPE -- FREQUENTLY CALLED THE CONGRESSIONAL HELSINKI COMMISSION -- VIEWS THE WORK OF THIS MEETING AS BEING OF UTMOST IMPORTANCE. THE COMMISSION AND THE DEPARTMENT OF STATE WERE BOTH CONCERNED, AND STILL ARE, THAT THE PROLIFERATION OF MEETINGS COMING OUT OF VIENNA WOULD DILUTE THE EFFECTIVENESS OF THE CSCE PROCESS.

THIS REGULAR REVIEW OF OUR HUMAN RIGHTS PERFORMANCE, HOWEVER, IS ESSENTIAL IN ORDER TO MAINTAIN OUR NEEDED FOCUS ON IMPROVING HUMAN RIGHTS PERFORMANCE WITHIN EACH OF OUR STATES. THIS REVIEW PROCESS HAS BEEN, AND MUST CONTINUE TO BE, THE HALLMARK OF HELSINKI'S SUCCESS AND CONTINUED IMPORTANCE.

DURING HIS VISIT AT THE OPENING OF THIS MEETING, THE CHAIRMAN OF THE COMMISSION, SENATOR DENNIS DeCONCINI, CIRCULATED A JOINT STATEMENT EXPRESSING OUR VIEWS OF THE PARIS MEETING AND WHAT WE WANTED TO SEE AS A RESULT OF IT. OUR THREE MAIN GOALS WERE AND ARE:

- A THOROUGH REVIEW OF THE IMPLEMENTATION SINCE VIENNA;
- AN EFFORT TO IMPROVE THE OPERATION OF THE HUMAN DIMENSION MECHANISM SET FORWARD IN THE VIENNA CONCLUDING DOCUMENT; AND
- AN EXAMPLE OF HOW OPENNESS AND ACCESS TO THE MEETING BY THE PUBLIC CAN HELP TO PROMOTE ITS GOALS AND OBJECTIVES.

DURING THE PAST THREE WEEKS THERE HAS BEEN A THOROUGH AND USEFUL DISCUSSION OF IMPLEMENTATION SINCE VIENNA AND THE FUNCTIONING OF THE HUMAN DIMENSION MECHANISM. IN ADDITION, A LARGE NUMBER OF NON-GOVERNMENTAL ORGANIZATIONS AND PRIVATE PERSONS -- FROM BOTH EAST AND WEST -- CAME HERE, INTERACTED WITH DELEGATES, MADE THEIR CONCERNS KNOWN, AND IN DOING SO GAVE MUCH SUBSTANCE AND SUPPORT TO OUR EFFORTS.

ULTIMATELY, HOWEVER, WE ALL MUST LOOK BEYOND THE CONFINES OF OUR DIPLOMATIC ENDEAVORS TO SEE IF THEY ARE HAVING AN EFFECT IN THOSE STATES WHERE THE GOALS OF HELSINKI ARE MORE A DREAM THAN A REALITY. IN MANY PLACES, THEY ARE HAVING AN EFFECT. A FEW WEEKS AGO, WE SAW A MORE GENUINE ELECTION PROCESS IN POLAND. AND, A FEW DAYS AGO, HUNGARY CORRECTED A TREMENDOUS WRONG DONE TO IMRE NAGY AND OTHER COURAGEOUS INDIVIDUALS WHO WERE EXECUTED FOR THEIR PARTICIPATION IN THE 1956 HUNGARIAN REVOLUTION. THEIR REINTERMENT, WITH THE HONOR THEY DESERVE, WAS A LONG TIME COMING. NEVERTHELESS, IT IS A STEP FULLY IN KEEPING WITH THE PRINCIPLES OF THE FINAL ACT, AND MOVEMENT TOWARD THE TRUTH IS ALWAYS WELCOME.

THESE ARE THE SUCCESS STORIES OF HELSINKI, BUT WHEN CAN WE REALLY CELEBRATE THE FULL SUCCESS OF THIS PROCESS? THAT DAY WILL COME WHEN WE ARE NO LONGER COMPELLED TO USE THE PHRASE "AT THE SAME TIME" IN GIVING A FULL PICTURE OF DEVELOPMENTS AND TRENDS IN CSCE IMPLEMENTATION. THIS, UNFORTUNATELY, IS NOT THE CASE TODAY.

AT THE SAME TIME AS THESE POSITIVE DEVELOPMENTS ARE TAKING PLACE, WE HEAR HARROWING REPORTS OF THE BRUTAL REPRESSION OF THE TURKISH MINORITY IN BULGARIA, ESPECIALLY THE RECENT EXPULSION OF TENS OF THOUSANDS.

AT THE SAME TIME, WE HEAR ABOUT THE BARBARIC TREATMENT OF DOINA CORNEA AND OTHERS IN ROMANIA WHO SEEK TO MAKE THE HUMAN DIMENSION A REALITY, NOT JUST A DREAM. WE HEAR REPORTS OF CHURCHES BEING DESTROYED, AS WELL AS THE CONTINUED DENIAL OF THE RIGHTS OF THE HUNGARIAN, GERMAN AND OTHER MINORITIES. WE ALSO HEAR ABOUT ROMANIA'S REFUSAL EVEN TO ACCEPT A BASIC AND SIMPLE AGREEMENT BETWEEN EACH OF US TO RESPOND TO CONCERNS RAISED VIA THE HUMAN DIMENSION MECHANISM.

AT THE SAME TIME, WE HEAR ABOUT THE CONTINUED IMPRISONMENT OR HARASSMENT OF HUMAN RIGHTS ACTIVISTS IN CZECHOSLOVAKIA, AND CZECHOSLOVAK AUTHORITIES HAVE, IN FACT, TAKEN A STEP BACKWARD BY DOUBLING THE FINES AND PRISON TIME FOR ENGAGING IN INDEPENDENT, PEACEFUL DEMONSTRATIONS.

AT THE SAME TIME, WE HEAR ABOUT CONTINUED CONTROLS ON THE ACTIVITIES OF INDIVIDUALS IN THE GERMAN DEMOCRATIC REPUBLIC WHICH IMPLEMENTATION OF THE VIENNA CONCLUDING DOCUMENT WOULD SURELY HAVE ELIMINATED. AND THE STARK, BERLIN WALL STILL STANDS -- AN UGLY STAIN ON THE EUROPE ENVISAGED BY THE HELSINKI FINAL ACT.

AT THE SAME TIME, WE HEAR ABOUT MANY OUTSTANDING HUMAN CONTACTS CASES IN THE SOVIET UNION, SUCH AS THE FAMILY REUNIFICATION CASES OF LEONID GERSHUN, IGOR USPENSKY AND INNA IOFFE, EMANUEL AND JUDITH LURIE. THE SIX-MONTH DEADLINE FOR THE RESOLUTION OF CASES SUCH AS THESE IS LESS THAN A MONTH AWAY.

AT THE SAME TIME, WE HEAR ABOUT THE SUPPRESSION OF THE ASPIRATIONS OF PEOPLES IN THE SOVIET UNION, AS WELL AS THE CONTINUED DENIAL OF FULL SELF-DETERMINATION TO THE THREE BALTIC STATES.

AS LONG AS WE CONTINUE TO HEAR ABOUT THESE VIOLATIONS, WE HAVE NO CHOICE BUT TO SAY "AT THE SAME TIME" IN OUR IMPLEMENTATION REVIEW. THE ONLY WAY TO MOVE AWAY FROM THIS IS TO FOLLOW WHAT I CALLED IN A SPEECH IN VIENNA LAST NOVEMBER THE "ZERO OPTION" FOR HUMAN RIGHTS. OUR EFFORTS IN SEEKING A REDUCTION IN ARMS SHOULD BE MIRRORED BY AN EQUAL EFFORT TO REDUCE AND ELIMINATE HUMAN RIGHTS ABUSES.

THESE, MR. CHAIRMAN, ARE THE GOALS OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE, AND IT IS ON THESE GOALS THAT WE MUST FOCUS OUR EFFORTS, NOT ON THE ACHIEVEMENT OF NEW COMMITMENTS. WE MUST WORK TOWARD THE OBSERVANCE OF COMPLETE COMPLIANCE.

WE CAN, HOWEVER, LOOK TO THE FUTURE AND SET THE STAGE FOR WHAT NEEDS TO BE DONE TO PERFECT THE FULFILLMENT OF OUR PROMISES. IN THIS REGARD, THE UNITED STATES IS INTRODUCING A PROPOSAL WHICH COMMITS THE PARTICIPATING STATES TO RESPECT THE RIGHT OF ALL PEOPLE, IN FULL FREEDOM, TO DETERMINE, WHEN AND AS THEY WISH, THEIR INTERNAL AND EXTERNAL POLITICAL, ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT. IN SHORT, THEY WILL BE ALLOWED TO TAKE AN ACTIVE PART IN THE GOVERNMENT OF THEIR COUNTRY.

- THIS WILL BE DONE BY ESTABLISHING PERIODIC, GENUINE AND CONTESTED ELECTIONS, WHICH SHALL BE BY UNIVERSAL AND EQUAL SUFFRAGE AND SHALL BE HELD BY SECRET VOTE OR BY EQUIVALENT FREE VOTING PROCEDURES;
- THIS WILL BE DONE BY ALLOWING INDIVIDUALS TO ESTABLISH AND MAINTAIN, WITHOUT OUTSIDE INTERFERENCE, THEIR OWN POLITICAL PARTIES AND OTHER POLITICAL ORGANIZATIONS, AS WELL AS THEIR OWN POLITICAL PROGRAM WITHIN THESE PARTIES AND ORGANIZATIONS;
- THIS WILL BE DONE BY RESPECTING THE RIGHT OF INDIVIDUALS TO SEEK AND TO BE ELECTED TO POSITIONS OF PUBLIC SERVICE, ALONE OR AS REPRESENTATIVES OF POLITICAL PARTIES OR ORGANIZATIONS, INCLUDING EQUALITY IN ACCESS TO THE MEDIA; AND
- THIS WILL BE DONE BY PERMITTING OBSERVANCE BY GOVERNMENTS, INSTITUTIONS OR ORGANIZATIONS, WHETHER FOREIGN OR DOMESTIC, OF ELECTION PROCEEDINGS.

AS AN ELECTED MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ONE OF TWO CHAMBERS OF THE CONGRESS OF MY COUNTRY, MY ACTIVITIES ARE PART OF THE IMPLEMENTATION OF THIS PROPOSAL IN MY OWN COUNTRY. I REPRESENT AND AM ANSWERABLE TO THE CONSTITUENTS OF MY DISTRICT IN THE STATE OF MARYLAND. THROUGH ELECTIONS EVERY TWO YEARS, MY NAME IS PLACED ON THE BALLOT ALONG WITH THOSE OF OTHER CANDIDATES. IF MY CONSTITUENTS ARE NOT SATISFIED THAT I AM PROMOTING POLICIES THEY SUPPORT, THEY CAN VOTE FOR ANOTHER PERSON TO REPRESENT THEM. IN THIS WAY WE SEEK A GOVERNMENT OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE.

THE PRINCIPLES WHICH SERVE AS THE BASIS FOR THE U.S. PROPOSAL ARE NOT NEW, NOR ARE THEY UNIQUELY AMERICAN. IT BEGAN WITH THE ANCIENT GREEKS AND WAS DEVELOPED BY THE MAGNA CARTA AND THE DECLARATION OF THE RIGHTS OF MAN. THE ESSENCE OF THESE PRINCIPLES, HOWEVER, WAS MOST PRECISELY EXPRESSED BY JOHN LOCKE, WHO SAW THAT POLITICAL POWER EMANATED FROM THE CONSENT OF THE GOVERNED, AND THEREFORE ARGUED THAT GOVERNMENT SHOULD BE AN EXPRESSION OF POPULAR WILL.

THE AMERICAN DEMOCRATIC TRADITION DREW FROM THIS THOUGHT. THE DECLARATION OF INDEPENDENCE, FOR EXAMPLE, STATES THAT GOVERNMENTS DERIVE THEIR JUST POWERS "FROM THE CONSENT OF THE GOVERNED, THAT WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE OF THESE ENDS, IT IS THE RIGHT OF THE PEOPLE TO ALTER OR ABOLISH IT, AND TO INSTITUTE A NEW GOVERNMENT, LAYING ITS FOUNDATION ON SUCH PRINCIPLES, AND ORGANIZING ITS POWER IN SUCH FORM, AS TO THEM SHALL SEEM MOST LIKELY TO EFFECT THEIR SAFETY AND HAPPINESS."

ON DECEMBER 10, 1948, THE UNITED NATIONS GENERAL ASSEMBLY ADOPTED THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. ARTICLE 21 OF THE UNIVERSAL DECLARATION STATES THAT "THE WILL OF THE PEOPLE SHALL BE THE BASIS FOR AUTHORITY OF GOVERNMENT."

NOW, MORE THAN 40 YEARS SINCE THE UNIVERSAL DECLARATION WAS ADOPTED, GENUINE, FREE AND CONTESTED ELECTIONS STILL HAVE NOT BEEN HELD IN THE SOVIET UNION AND THE COUNTRIES OF EASTERN EUROPE. POLITICAL PARTIES OTHER THAN THE RULING COMMUNIST PARTY ARE NOT PERMITTED OR, WITH THE FEW EXCEPTIONS, THEY ARE FORCED TO FORFEIT THEIR OWN, INDEPENDENT PROGRAMS, BECOMING POLITICAL PARTIES IN NAME ONLY. PARLIAMENTS AND ASSEMBLIES BECAME RUBBER-STAMPING BODIES, REPRESENTING THE WILL OF THE PEOPLE IN NAME BUT NOT IN REALITY. INDEPENDENT ORGANIZATIONS; LIKE THOSE OF THE ORIGINAL HELSINKI MONITORS IN THE SOVIET UNION AND THE BALTIC STATES, OR CHARTER 77 IN CZECHOSLOVAKIA, WERE NOT EVEN ALLOWED LEGALLY TO EXIST, NOR WERE THEIR MEMBERS PERMITTED TO EXERCISE THEIR RIGHT TO EXPRESS THEIR VIEWS, LET ALONE ENGAGE IN A POLITICAL DIALOGUE WITH AUTHORITIES. IN SHORT, THE WILL OF THE PEOPLE HAS NOT SERVED AS THE BASIS FOR AUTHORITY OF GOVERNMENT.

ALTHOUGH THIS SITUATION REMAINS, THE VOICE OF THE PEOPLE IS GROWING LOUDER IN THESE COUNTRIES. THE PLETHORA OF INDEPENDENT GROUPS AND ASSOCIATIONS THAT HAVE ARISEN IN THE SOVIET UNION, THE BALTIC STATES, HUNGARY, AND POLAND ARE SPEAKING ON A NUMBER OF POLITICAL, ECONOMIC, SOCIAL, CULTURAL, ENVIRONMENTAL AND OTHER ISSUES. TO A LESSER EXTENT, THIS HAS ALSO BEEN TAKING PLACE IN SOME OTHER EAST EUROPEAN COUNTRIES.

IN RECENT MONTHS, THE POLITICAL ACTIVISM OF THE PEOPLE IN SOME COUNTRIES HAS GROWN EVEN FURTHER. IN POLAND, FOR INSTANCE, THE ELECTIONS WHICH TOOK PLACE ON JUNE 4 WERE AN EVEN MORE GENUINE EXPRESSION OF THE PEOPLE'S WILL THAN THOSE WHO FORMULATED ITS TERMS ON EITHER SIDE ANTICIPATED. AND, IN THE SOVIET UNION, WE SAW THE CROWDS LISTEN TO AND CHEER BORIS YELTSIN AND ANDREI SAKHAROV AS THEY RAN FOR SEATS IN THE CONGRESS OF PEOPLE'S DEPUTIES.

STILL, THERE IS MUCH MORE TO DO, NOT ONLY IN THESE COUNTRIES BUT IN ALL THOSE COUNTRIES WHICH DENY THAT HAVING THE PEOPLE'S WILL SHOULD BE THE BASIS OF AUTHORITY. IF WE HAVE ACCEPTED ARTICLE 21 OF THE UNIVERSAL DECLARATION, THERE SHOULD BE NO ARGUMENT AGAINST THIS PROPOSAL. CERTAINLY THOSE WHO SUPPORT "DEMOCRATIZATION" SHOULD BE THE LEADING ADVOCATES OF THIS PROPOSAL FOR DEMOCRACY.

THE PROPOSAL THE UNITED STATES IS INTRODUCING, MR. CHAIRMAN, IS IN MANY WAYS COMPLEMENTARY TO OTHER PROPOSALS AND SUGGESTIONS MADE HERE, SUCH AS THOSE ON FREEDOM OF EXPRESSION AND ASSEMBLY. ALONG WITH THE SWISS PROPOSAL ON TRIAL OBSERVANCE, ELECTION OBSERVANCE WOULD BUILD CONFIDENCE AMONG US.

IN CONCLUSION, MR. CHAIRMAN, I BELIEVE THAT THE CSCE PROCESS HAS PROVEN ITSELF TO BE AN IMPORTANT FACTOR IN THE LESSENING OF TENSIONS AMONG OUR SIGNATORY STATES AND IN MANY OF THE IMPROVEMENTS IN HUMAN RIGHTS PERFORMANCE. ALTHOUGH THE LEADERSHIP OF MIKHAIL GORBACHEV HAS BEEN AN UNDISPUTED ELEMENT IN THE REFORM MOVEMENT TAKING PLACE IN THE SOVIET UNION, AND INDEED IN HUNGARY AND POLAND, IT IS THE HELSINKI FINAL ACT, AND THE PROCESS IT ESTABLISHED, WHICH HAVE BEEN THE CONSTANT DRIVING FORCE, IN OUR OPINION, BEHIND THIS PROCESS.

SADLY, THE TRAGIC EVENTS IN CHINA SHOW US HOW FRAGILE THE ROAD TO DEMOCRACY CAN BE IF IT IS SIMPLY CONTROLLED FROM ABOVE. PERHAPS THE CHINESE LEADERS, IN ACTING TO DENY THE PEOPLE THEIR YEARNING FOR DEMOCRACY AND FREEDOM, BELIEVED THEMSELVES IMMUNE FROM INTERNATIONAL ACCOUNTABILITY. HOPEFULLY, MR. CHAIRMAN, NO HELSINKI SIGNATORY STATE SHOULD MAKE SUCH A TRAGIC MISTAKE.

WHAT WE IN THE CSCE PROCESS MUST DO IS LEARN FROM THIS ERROR AND MAKE THE ROAD TO DEMOCRACY SAFER. THIS CAN BE DONE BY LETTING CONTROL EMANATE FROM THE PEOPLE. THIS CONTROL COUPLED WITH FULL RESPECT BY THE GOVERNMENT FOR THE RIGHTS AND FREEDOMS OF EACH INDIVIDUAL, WILL ULTIMATELY CREATE THE SECURITY AND COOPERATION WE ALL SEEK.

MR. CHAIRMAN, I HAD EARLIER MENTIONED THE "ZERO OPTION." IT IS TIME TO REALIZE THAT OPTION. THAT IS THE WORK THAT YOU PURSUE, AND WE, IN THE UNITED STATES CONGRESS, WISH YOU THE VERY BEST.

STATEMENT OF THE AMBASSADOR MORRIS ABRAM
DELEGATION OF THE UNITED STATES OF AMERICA
TO
THE PARIS CSCE MEETING OF THE CDH
SWB-B
JUNE 20, 1989

"LEGAL SPACE AND FREE ELECTIONS"

THANK YOU, MR. CHAIRMAN.

FIRST, I LISTENED WITH GREAT INTEREST AND UNDERSTANDING TO THE NETHERLANDS. THE PROPOSALS HE HAS INTRODUCED RECOGNIZE COMMON VALUES. THEY REFLECT A COMMON SET OF VALUES. I DON'T KNOW IF WE WILL HAVE A CHANCE TO ADOPT THEM. BUT HIS VIEWS WERE GOOD ONES, AND WILL BE IN TOUCH WITH HIM ON THEM.

I AM TABLING FORMALLY A PROPOSAL TODAY ON REPRESENTATIVE GOVERNMENT. TO BEGIN WITH, LET ME READ IT:

THE PARTICIPATING STATES WILL RESPECT THE RIGHT OF ALL PEOPLE, IN FULL FREEDOM, TO DETERMINE, WHEN AND AS THEY WISH, THEIR INTERNAL AND EXTERNAL POLITICAL STATUS, TO PURSUE AS THEY WISH THEIR POLITICAL, ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT, AND TO TAKE PART IN THE GOVERNMENT OF THEIR COUNTRY, DIRECTLY OR THROUGH FREELY CHOSEN REPRESENTATIVES. TO THIS END, THEY WILL ALLOW THE WILL OF THE PEOPLE TO SERVE AS THE BASIS OF AUTHORITY OF GOVERNMENT BY:

- ESTABLISHING PERIODIC, GENUINE AND CONTESTED ELECTIONS, WHICH SHALL BE BY UNIVERSAL AND EQUAL SUFFRAGE AND SHALL BE HELD BY SECRET VOTE OR BY EQUIVALENT FREE VOTING PROCEDURES;
- ALLOWING INDIVIDUALS TO ESTABLISH AND MAINTAIN, WITHOUT INTERFERENCE, THEIR OWN POLITICAL PARTIES OR OTHER POLITICAL ORGANIZATIONS, AS WELL AS THEIR OWN POLITICAL PROGRAM WITHIN THESE PARTIES OR ORGANIZATIONS;
- RESPECTING THE RIGHT OF INDIVIDUALS TO SEEK AND TO BE ELECTED TO POSITIONS OF PUBLIC SERVICE, ALONE OR AS REPRESENTATIVES OF POLITICAL PARTIES OR ORGANIZATIONS, INCLUDING EQUAL ACCESS TO THE MEDIA FOR THIS PURPOSE; AND
- PERMITTING OBSERVANCE BY GOVERNMENTS, INSTITUTIONS OR ORGANIZATIONS, WHETHER FOREIGN OR DOMESTIC, OF ELECTION PROCEEDINGS.

MR. CHAIRMAN, WE ARE IN THE YEAR OF THE BICENTENNIAL OF THE DECLARATION OF THE RIGHTS OF MAN AND THE CITIZEN. THE PROPOSAL I AM TABLING TODAY IS NOTHING MORE THAN WHAT IS IN ARTICLE II OF THE DECLARATION, STATED IN THIS CITY 200 YEARS AGO, WHICH READS:

THE END OF ALL POLITICAL ASSOCIATION IS THE PRESERVATION OF THE NATURAL AND INALIENABLE RIGHTS OF MAN; THESE RIGHTS ARE LIBERTY, PROPERTY, SECURITY AND RESISTANCE TO OPPRESSION.

THERE HAS BEEN SOME TALK HERE OF A "COMMON LEGAL SPACE" IN EUROPE. FOREIGN MINISTER SHEVARDNADZE PUT THIS CONCEPT ON OUR AGENDA IN HIS ADDRESS AT THE SORBONNE.

NOW, PLEASE LET US CONSIDER FOR A MOMENT WHAT IS IMPLIED BY A "COMMON LEGAL SPACE" IN EUROPE. PLEASE LET US LOOK AT THE LEGAL FOUNDATIONS OF WHAT WE OFTEN HEAR CALLED THE "COMMON EUROPEAN HOME."

TO ANSWER, WE MUST ASK ANOTHER QUESTION: WHAT IS THE FOUNDATION OF THE LAW? THE FOUNDATION OF THE LAW IS THE LOCATION OF THE AUTHORITY TO MAKE LAW AND THE MORAL BASIS OF THAT AUTHORITY.

THERE IS NOT A SINGLE DELEGATE HERE -- IN THIS AGE WHEN ALL STATES AT LEAST PAY LIP SERVICE TO THE IDEAL OF DEMOCRACY -- WHO WOULD DENY THAT THE MORAL AUTHORITY TO MAKE LAWS RESIDES WITH THE PEOPLE GOVERNED AND AFFECTED BY THOSE LAWS. CERTAINLY THE BRITISH HAVE ACKNOWLEDGED THIS SINCE THE GLORIOUS REVOLUTION OF 1688; THE FRENCH SINCE THE REVOLUTION OF 1793; AND THE UNITED STATES SINCE 1776.

IF THESE AND OTHER COUNTRIES -- THEIR NUMBER IS FORTUNATELY INCREASING -- ARE NOT TO BE EXCLUDED FROM THIS "LEGAL SPACE," THEN THE LEGAL AND GOVERNING AUTHORITY THROUGHOUT THAT SPACE MUST COME FROM THE PEOPLE. OTHERWISE, IT CANNOT BE SAID THAT THERE IS "A COMMON LEGAL SPACE." HOW ELSE COULD IT BE?

THERE IS NO WAY TO TEST THE CONSENT AND AUTHORITY OF THE PEOPLE THAT I KNOW OF EXCEPT IN FREE, CONTESTED ELECTIONS BY CONTENDING PARTIES, AFTER FREE AND OPEN DISCUSSION IN PUBLIC SO THAT THE PEOPLE WILL KNOW WHAT THEY ARE VOTING ABOUT AND FOR.

IF I AM WRONG ABOUT THIS, I WOULD LIKE TO KNOW HOW, ABSENT THESE CONDITIONS, THERE CAN BE ANY BASIS -- EXCEPT FOR RAW POWER -- FOR THE AUTHORITY OF LEGAL BODIES WHICH PURPORT TO MAKE THE LAWS. IF I AM WRONG, I WOULD LIKE TO KNOW WHY, IN SO MUCH -- FAR TOO MUCH -- OF THE "COMMON LEGAL SPACE" OF EUROPE, FREE SPEECH AND A TRULY FREE PRESS ARE STILL UNKNOWN; WHY FREE ASSEMBLY IS STILL A CRIME; WHY THE LEADING PARTY IS ANNOINTED BY ITS OWN DICTAT, NOT BY THE PEOPLE, AND HAS NEVER BEEN RECALLED THROUGH A FREE ELECTION; WHY TRUE OPPOSITION PARTIES ARE STILL BANNED; AND WHY THOSE ELECTIONS THAT DO TAKE PLACE ARE STILL NOT A SERIOUS TEST OF THE CONSENT OF THE GOVERNED. AND, EQUALLY IMPORTANT IS AN INDEPENDENT AND IMPARTIAL JUDICIARY TO CHECK THE OPERATION OF GOVERNMENT.

FROM WHERE DOES THE MORAL AUTHORITY AND LEGISLATIVE POWER COME IN SO MANY GEOGRAPHICAL AREAS OF EUROPE, SOME OF WHICH KNEW FREE ELECTIONS BEFORE THESE WERE EXTINGUISHED, FIRST BY HITLER, AND THEN BY OTHER ONE-PARTY REGIMES?

METROPOLITAN PITIRIM SPOKE YESTERDAY OF THE DEVELOPMENT OF THE HUMAN PERSONALITY AND ITS DEVELOPMENT TO A POINT OF HIGH DIGNITY. HE SPOKE OF THE PHENOMENON OF MAN. INDEED, WE AGREE WITH MUCH OF WHAT HE SAID, BUT HE STOPPED SHORT. WITH OUR PROPOSAL, WE WOULD CONFER UPON THIS UNIQUE PHENOMENON THE RIGHT TO DETERMINE ITS OWN DESTINY, TO DETERMINE HOW IT WISHES TO BE GOVERNED.

SURELY, NOT ALL MEN ARE BORN TO BE MEMBERS OF ONE PARTY, OR TO BE GOVERNED BY A ONE-PARTY STATE. HOW, I ASK, CAN MAN BE HONORED IN THE SPEECH OF A DISTINGUISHED THEOLOGIAN WHILE THE DIGNITY OF THE PERSON IS DENIED BY A STATE WHICH REFUSES TO PERMIT PEOPLE TO SPEAK AS THEY PLEASE; TO WRITE AND PUBLISH AS THEY WISH; EVEN TO WORSHIP OR NOT, AS THEY BELIEVE; AND TO VOTE FOR OR AGAINST A MULTIPLE LIST OF COMPETING POLITICAL PHILOSOPHIES?

IF GOVERNMENT BY CONSENT -- FREQUENTLY AND FREELY TESTED -- IS THE MORAL BASIS FOR A LEGAL SPACE WHICH INCLUDES THE MAJORITY OF THOSE STATES HERE, SOME MAY STILL ASK LEGITIMATELY, WHETHER SUCH A SYSTEM IS PRACTICAL, WHETHER IT WILL WORK.

THE PEACEFUL SUCCESSION OF DIFFERENT GOVERNMENTS, PUT INTO OFFICE BY BALLOT, DEMONSTRATES THAT, IN GOVERNMENT BY CONSENT, THERE IS NOT ONLY MORAL AUTHORITY BUT PRACTICAL MACHINERY FOR THE PEACEFUL ORGANIZATION AND DEVELOPMENT OF A CIVIL SOCIETY. WE HAVE HAD MANY INSTANCES OF A DEMOCRATIC GOVERNMENT DRIVEN FROM OFFICE, NOT BY VIOLENCE, BUT BY BALLOT.

AND THE MATERIAL PROSPERITY AND SOCIAL OPPORTUNITY OF MOST OF THE TRULY DEMOCRATIC STATES SHOWS THAT THE SYSTEM WORKS ON BEHALF OF ECONOMIC AND SOCIAL OPPORTUNITY. THIS FACT WAS STATED MOST CLEARLY BY FRANKLIN ROOSEVELT, WHO, IN HIS SECOND INAUGURAL ADDRESS IN 1937, SAID:

AS INTRICACIES OF HUMAN RELATIONSHIPS INCREASE; SO POWER TO GOVERN THEM ALSO MUST INCREASE -- POWER TO STOP EVIL; POWER TO DO GOOD. THE ESSENTIAL DEMOCRACY OF OUR NATION AND THE SAFETY OF OUR PEOPLE DEPEND NOT ON THE ABSENCE OF POWER, BUT UPON LODGING IT WITH THOSE WHOM THE PEOPLE CAN CHANGE OR CONTINUE AT STATED INTERVALS THROUGH AN HONEST AND FREE SYSTEM OF ELECTIONS.

MR. CHAIRMAN, IT IS WITH THIS THOUGHT IN MIND THAT THE U.S. DELEGATION HAS DEVELOPED A PROPOSAL ON REPRESENTATIVE GOVERNMENT. YESTERDAY, IN PLENARY, A REPRESENTATIVE OF MY COUNTRY, THE DISTINGUISHED CONGRESSMAN STENY HOYER, OUTLINED THIS PROPOSAL, AND THE U.S. DELEGATION SUBSEQUENTLY CIRCULATED A DRAFT. TODAY, THE PROPOSAL IS BEING FORMALLY TABLED. IT FURTHER DEVELOPS A BASIC COMMITMENT IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WHICH SAYS THAT "THE WILL OF THE PEOPLE SHALL BE THE BASIS FOR AUTHORITY OF GOVERNMENT." THAT WAS IN 1948, FORTY-ONE YEARS AGO.

EVERY PARTICIPATING STATE OF THE CSCE HAS EXPRESSED ITS SUPPORT FOR THE UNIVERSAL DECLARATION. THEREFORE, THIS IS NOT A NEW ISSUE IN THE INTERNATIONAL DIALOGUE ON HUMAN RIGHTS.

GIVEN THE MANY PROMISING STATEMENTS ON DEMOCRATIZATION WE HAVE HEARD IN THIS MEETING, THIS PROPOSAL SHOULD NOT FALL BEYOND OUR EXPECTATIONS.

GIVEN THE DESIRE SO FREQUENTLY EXPRESSED HERE FOR A "COMMON LEGAL SPACE" IN EUROPE, THIS PROPOSAL SHOULD NOT FIND OPPOSITION, FOR IT IS A NECESSARY FIRST STEP TO MAKING SUCH A SPACE POSSIBLE IN EFFECT.

FREE ELECTIONS, MR. CHAIRMAN, ARE THE CENTRAL INSTITUTION FOR POPULAR PARTICIPATION IN GOVERNMENT. WITHOUT THESE ELECTIONS, THE PEOPLE HAVE NO REAL MEANS TO INFLUENCE THE WAY THEY ARE GOVERNED OR THE DEVELOPMENT OF THE LAWS UNDER WHICH THEY MUST LIVE. WITHOUT ELECTIONS THAT ARE GENUINE AND CONTESTED, THE CONCEPT OF A "COMMON LEGAL SPACE" IS NOTHING MORE THAN WORDS, MORE THAN SOME AN ABSTRACT NOTION.

CLOSING STATEMENT
OF
AMBASSADOR MORRIS B. ABRAM

DELEGATION OF THE UNITED STATES OF AMERICA
TO
THE PARIS CSCE MEETING OF THE CDH
JUNE 23, 1989

AT THE OUTSET AND BEFORE GOING FURTHER I SHOULD LIKE TO NOTE FOR THE RECORD MY COUNTRY'S BELIEF THAT THIS PARIS MEETING HAS MET OUR OBJECTIVES, AND WE ARE VERY PLEASED INDEED.

WE CAME WISHING FOR NO MORE STATEMENTS OF PRINCIPLES -- BUT TO MEASURE PAST STATEMENTS AGAINST PRACTICE. WE ABSLOUTELY AGREED WITH THE FRENCH PRESIDENT, WHO SAID: "NOW IS THE TIME TO CALL RHETORIC TO ACCOUNT."

AND, OF COURSE, THERE HAVE BEEN NO FURTHER STATEMENTS OF BROAD PRINCIPLE, BUT THERE HAS BEEN A CONSIDERABLE NUMBER OF INSTANCES WHICH HAVE BEEN CALLED INTO ACCOUNT; SOME OF THESE INSTANCES HAVE BEEN GRIEVOUS.

WE WANTED NO PROPOSALS WHICH WOULD WEAKEN THE HELSINKI AND VIENNA DOCUMENTS TO GAIN WIDE ACCEPTANCE -- NONE HAS. I'M VERY GLAD TO NOTE, BY THE WAY, THAT ON MIGHT RIGHT SITS AMBASSADOR MAX KAMPelman, ONE OF THE PRINCIPAL AUTHORS OF THE MADRID DOCUMENT. THIS DOCUMENT HAS NOT BEEN WEAKENED.

WE WANTED STRONG, FUNDAMENTAL PROPOSALS -- VERY FUNDAMENTAL PROPOSALS -- TO BE SENT FORWARD FOR COPENHAGEN AND SUCCEEDING MEETINGS. THEY WILL BE.

WE WANTED SERIOUS VIOLATIONS TO BE CALLED INTO ACCOUNT IN THE MEETINGS AND IN THE BILATERALS THAT HAVE BEEN CONDUCTED, AND THEY WERE.

WE WANTED TO HEAR SUGGESTIONS FOR IMPROVEMENT OF THE HUMAN DIMENSION MECHANISM WHICH WAS ADOPTED IN VIENNA, AND WE HAVE HEARD SOME, PARTICULARLY FROM THE SWISS.

AND, THERE HAVE BEEN POSITIVE DEVELOPMENTS OUTSIDE THIS CHAMBER WHICH WE ARE PLEASED TO NOTE. THIS MORNING WE LEARNED FROM THE SOVIET DELEGATION THAT SOME 40 EMIGRATION CASES HAVE BEEN FAVORABLY RESOLVED.

AT THE SAME TIME, WE MUST RECALL THAT THE PARTICIPATING STATES AGREED IN VIENNA TO RESOLVE ALL OUTSTANDING HUMAN CONTACTS CASES BY MID-JULY. THAT TIME IS QUICKLY APPROACHING, AND WE SINCERELY HOPE THAT ALL COUNTRIES WILL COMPLY.

I HAVE NOTICED A PROFOUND CHANGE IN THE ATMOSPHERE AND IN THE SPIRIT OF THIS MEETING AS COMPARED WITH MEETINGS ON INTERNATIONAL HUMAN RIGHTS IN WHICH I HAVE PARTICIPATED IN YEARS PAST. PERHAPS THE DIFFERENT SPIRIT IS DUE TO THE BEAUTY OF THIS CITY, PERHAPS IT'S DUE TO THE HOSPITALITY OF THIS COUNTRY AND TO THE COOPERATION OF THE FRENCH GOVERNMENT AND OUR FRENCH COLLEAGUES. HOWEVER, I THINK THE DIFFERENCE LIES ALSO IN VERY FUNDAMENTAL MATTERS. MY COUNTRY HAS NOTICED AND HAS REPORTED HERE THE IMPRESSION OF PROFOUND CHANGES IN THE CONDUCT OF CERTAIN NATIONS WITH REGARD TO THE PROTECTION AND THE ADVANCEMENT OF HUMAN RIGHTS IN THE LAST FEW YEARS.

TO BE SPECIFIC, MR. CHAIRMAN, I RECALL THE TIME WHEN I ATTENDED A HUMAN RIGHTS CONFERENCE IN HUNGARY IN THE 1960'S. HUNGARY AT THAT TIME WAS A COUNTRY WHOSE POLICIES ON EMIGRATION WERE AS HARD AND AS COLD AND INFLEXIBLE AS THOSE ANYWHERE ELSE IN THE EAST. YET NOW, THIS WEEK, HUNGARY HAS JOINED WITH AUSTRIA AND THE U.S. IN PROPOSING THAT ALL COUNTRIES DO AS HUNGARY HAS DONE: ABOLISH THE EXIT VISA AND ISSUE PASSPORTS TO THEIR CITIZENS UPON REQUEST.

I RECALL AS NO DOUBT OTHER DELGATES DO THE EVENTS OF THE EARLY 80'S IN POLAND WHEN SOLIDARITY WAS NOT ONLY A TRADE UNION BUT ALSO AN OUTLAWED BODY. TODAY SOLIDARITY HAS BEEN LEGALIZED BY THE POLISH STATE AS A TRADE UNION BUT ALSO WITH A DE FACTO ROLE IN GOVERNING THAT COUNTRY.

THERE HAVE ALSO BEEN IMPORTANT CHANGES IN THE USSR. FIRST I MUST SAY THAT THE SPIRIT OF COLLEGIALITY AND FRENDSHIP BETWEEN OUR DELEGATIONS IS SOMETHING THAT I WILL ALWAYS TREASURE AND DEEPLY APPRECIATE. I ALSO FEEL THAT THERE HAVE BEEN -- AND MY COUNTRY HAS SAID SO -- SOME VERY SIGNIFICANT CHANGES IN THE SOVIET UNION'S CONDUCT IN THE FIELD OF HUMAN RIGHTS IN RECENT YEARS, ESPECIALLY UNDER PRESIDENT GORBACHEV'S LEADERSHIP. THE USSR HAS HELD A RUDIMENTARY ELECTION ALBEIT WITHIN A ONE PARTY STATE. IT HAS NOTABLY IMPROVED RELATIONS WITH THE INTELLECTUALS AND OTHERS WHO READ AND WRITE AND SPEAK IN THEIR COUNTRY. WE HOPE THIS IS THE BEGINNING OF GENUINE POLITICAL FREEDOM WHICH WILL PERMEATE SOVIET SOCIETY, NOURISH THE SOVIET PEOPLE AND ADD TO PRODUCTIVITY AND HUMAN HAPPINESS. THE SOVIET UNION CLEARLY HAS NOT GONE FAR ENOUGH, A FACT WHICH IS RECOGNIZED SO POIGNANTLY BY ONE OF ITS MOST DISTINGUISHED INTELLECTUALS, DR. SAKHAROV, AND INDEED BY PRESIDENT GORBACHEV HIMSELF.

IT IS ALSO TRUE THAT CONDITIONS IN THE SOVIET UNION HAVE NOT REACHED THOSE THAT EXIST IN A GENUINE DEMOCRACY. THE SOVIET UNION HAS BROUGHT TO THIS CONFERENCE TABLE SOME VERY DISTINGUISHED PEOPLE WITH WHOM WE WERE ALL GLAD TO MEET AND TALK -- AN ASTRONAUT AND A METROPOLITAN OF THE RUSSIAN ORTHODOX CHURCH. WE BROUGHT TO THIS TABLE A PERSON BORN IN RUSSIA WHO UNDOUBTEDLY LOVED HIS COUNTRY AND PROBABLY STILL HAS MANY THINGS IN HIS COUNTRY THAT HE LOVES AND CHERISHES, HIS OWN COUNTRY, HIS OLD COUNTRY. HE IS NOW A RESIDENT OF THE U.S. AND WHO SAT IN THIS CHAIR AND SPOKE AS A PART OF THE AMERICAN DELEGATION EARLIER IN THIS CONFERENCE.

YURI ORLOV, FOR THAT IS HIS NAME, TOLD US OF SOME OF THE PROBLEMS THAT REMAIN IN THE SOVIET UNION. ONE PROBLEM WAS PERSONAL: HE SAID THAT HIS SON CANNOT LEAVE THE SOVIET UNION FOR NO REASON THAT HE CAN UNDERSTAND OR THAT ANYONE HAS BEEN ABLE TO TELL HIM. IT IS PRESUMED THAT HE IS DETAINED IN THE SOVIET UNION SIMPLY AS A KIND OF HOSTAGE OR IN VENGEANCE AGAINST HIS FATHER.

BUT AT A HIGHER LEVEL, BUT NOT NECESSARILY A HIGHER LEVEL AT A DIFFERENT LEVEL, BECAUSE THERE CAN BE NO HIGHER LEVEL THAN HUMAN DEPRIVATION OF AN INDIVIDUAL RIGHT AND THE DESIRE TO UNIFY A FAMILY, MR. ORLOV SAID TO US SOMETHING WHICH HAS THE PRECISION OF A PHYSICIST AND MATHEMATICIAN, WHICH HE IS. HE SUMMED UP THE CIRCUMSTANCES THAT ARE PRESENT IN THE SOVIET UNION. HE ACKNOWLEDGED MR. GORBACHEV'S CONSIDERABLE CHANGES IN SOVIET POLICY, BUT HE SAID VERY PRECISELY, AND I PUT HIS WORDS DOWN AS HE SPOKE, THAT MR. GORBACHEV AND HIS COMRADES ARE TRYING TO REFORM THE COUNTRY IN ORDER TO KEEP ONE PARTY IN POWER. IT IS ALSO TRUE AND CLEAR, I SHOULD SAY, BECAUSE OF WHAT DEPUTY FOREIGN MINISTER ADAMISHIN YESTERDAY TOLD US, AND I THINK I PUT HIS WORDS DOWN RIGHT, AT LEAST AS THEY WERE TRANSLATED. HE SAID "WE HAVE CHARTED A SOVIET COURSE FOR THE FUTURE," AND HE EMPHASIZED THE WORD "SOVIET" AS OPPOSED TO ANY OTHER COURSE FOR THE FUTURE. AND THAT'S HIS PRIVILEGE, AND IT'S A PRIVILEGE OF THE PEOPLE OF THE SOVIET UNION OF COURSE. BUT WHAT WE SAY HERE IS THAT THERE IS ONE THING THAT IS NO LONGER PERMISSIBLE. AND THAT IS TO CHART A COURSE WHERE HUMAN RIGHTS ARE TRAMPLED ON.

THERE ARE MANY EXAMPLES THAT WE SEE AND HAVE OBSERVED HERE IN THE LAST FOUR WEEKS OF SOCIALIST COUNTRIES THAT HAVE BEGUN TO ADOPT AND ENFORCE DEMOCRATIC PRINCIPLES. THESE ARE PRINCIPLES THAT ENOBLE THE HUMAN PERSON AND CELEBRATE HUMAN DIGNITY BY OBSERVING HUMAN RIGHTS. FOR EXAMPLE, THERE HAS BEEN DISCUSSION OF ELECTIONS IN HUNGARY, AND IN POLAND WE HAVE WITNESSED MORE GENUINE ELECTIONS. WE WISH THAT WE COULD SEE SIMILAR PROGRESS IN THE GDR AND CZECHOSLOVAKIA, WHERE SIGNIFICANT HUMAN RIGHTS VIOLATIONS SADLY CONTINUE TO TAKE PLACE.

NOT ALL SOCIALIST STATES HAVE TO BE LIKE CHINA. I DO NOT BELIEVE THERE IS A VOICE AT THIS TABLE WHICH WILL SAY THERE HAS TO BE A PARALLEL BETWEEN THE KIND OF HUMAN RIGHTS VIOLATIONS OF A GROSS NATURE THAT OCCUR IN CHINA (A SOCIALIST STATE AND A ONE-PARTY STATE) AND SIMILAR STATES THAT ARE SOCIALIST IN THE CSCE PROCESS AND ARE PART OF EUROPE.

I REFUSE TO BELIEVE, MR. CHAIRMAN, THAT SOCIALISM MUST STIFLE FREE SPEECH. I REFUSE TO BELIEVE THAT SOCIALISM MUST LIMIT THE PRESS AND THEREFORE REPRESS RELIGION AND NATIONAL MINORITIES. I REFUSE TO BELIEVE THAT SOCIALISM IS COMPATIBLE ONLY WITH THE PRINCIPLE OF A ONE PARTY STATE, OR CLOSED FRONTIERS. THEREFORE, I WAS GRIEVED TO HEAR FROM ONE DELEGATE OF THE USSR WHO SPOKE ON THE 2ND OF JUNE THESE WORDS WHICH I AGAIN NOTED DOWN. (I HOPE I'M WRONG BUT I THINK I HAVE IT RIGHT.) HE SAID THE SOVIET UNION IS "NOT READY FOR THE CREATION OF ALTERNATIVE POLITICAL PARTIES."

THE COUNTRY OF GLASNOST AND PERESTROIKA IS CERTAINLY NOT JUSTIFIED, 14 YEARS AFTER THEY SIGNED THE HELSINKI ACCORDS, IN TAKING SUCH A POSITION IN THIS CHAMBER. WHY DO I SAY THIS? I SAY THIS BECAUSE THE SIGNATURE OF THE SOVIET UNION APPEARS ON THE HELSINKI FINAL ACT, WHICH RECOGNIZES THE "RIGHT OF ALL PEOPLES IN FULL FREEDOM TO DETERMINE WHEN AND AS THEY WISH THEIR INTERNAL AND EXTERNAL POLITICAL STATUS." SURELY THE MORE THAN 100 ETHNIC GROUPS AND NATIONALITIES COMPRISING THE 270 MILLION OR MORE CITIZENS OF THE USSR WERE NOT BORN INTO ONE POLITICAL PARTY. AND THERE IS NO ELECTORAL EVIDENCE WHATSOEVER THAT THESE CITIZENS OF THE SOVIET UNION HAVE CHOSEN THIS PARTY AS THEIR SOLE OR RULING INSTRUMENT FOR GOVERNMENT.

SOME OF YOU MAY RECALL THAT I ASKED ON THE JUNE 20 IF ANY DELEGATE WOULD CONTEST TWO PROPOSITIONS:

FIRST, THAT THE MORAL AUTHORITY TO MAKE LAW IN A STATE HAS TO RESIDE IN THE PEOPLE GOVERNED. NOT ONE PERSON, NOT ONE DELEGATE, HAS DISSENTED FROM THIS PROPOSITION AT THIS TABLE OR TO US IN PRIVATE.

AND SECOND, I ASKED WHETHER ANY DELEGATE WOULD CONTEST THAT THERE IS NO WAY TO TEST THE CONSENT AND THE AUTHORITY OF THE PEOPLE EXCEPT BY FREE, CONTESTED ELECTIONS AFTER FREE AND FULL DEBATE. AND SO FAR AS I KNOW, NOT ONE DELEGATE HAS RISEN TO CONTEST THIS PRINCIPLE. SO I WOULD ASSUME THAT THEY ARE INCONTESTABLE. IN THE WORDS OF THOMAS JEFFERSON, THESE ARE INALIENABLE RIGHTS OF MAN AND ARE SELF-EVIDENT.

THEREFORE, BEING OPTIMISTS, WE LOOK FORWARD TO THE PROMISE OF THESE MASSIVE REVISIONS IN THE SOVIET LAW CODES. THE SOVIETS HAVE PROMISED SOME FIFTY NEW STATUTES, WHICH WE ARE TOLD WILL BRING THE SOVIET UNION CLOSER TO COMPLIANCE WITH ITS INTERNATIONAL COMMITMENTS. WHEN ALL OF THE STATES AROUND THIS TABLE HAVE MOVED TOWARDS REPRESENTATIVE GOVERNMENT, DUE PROCESS OF LAW, INDEPENDENT JUDICIARIES, FREE SPEECH, FREE PRESS AND FREEDOM TO WORSHIP OR NOT TO WORSHIP, AND RESPECT FOR THE RIGHTS OF NATIONAL MINORITIES, THEN WE CAN TRULY SAY THAT WE HAVE CREATED WHAT SO MANY PEOPLE HAVE REFERRED TO HAVE AS A COMMON EUROPEAN LEGAL SPACE WITHIN A "COMMON EUROPEAN HOME."

WHEN DISCUSSING A THEME OF A LEGAL HOME, WE MUST REMEMBER THAT THERE IS A VAST DIFFERENCE BETWEEN A HOUSE AND A HOME. A HOUSE CAN BE BUILT OF TIMBER AND BRICKS AND CONCRETE, BUT A HOUSE CAN ALSO BE A PLACE OF DETENTION. IT CAN BE A VERY SORROWFUL PLACE. IT CAN BE A HATED PLACE. A HOME IS NOT MERELY A PHYSICAL STRUCTURE. A HOME IS A PLACE OF SHARED VALUES. A HOME IS A PLACE OF TOLERANCE, OF DIFFERENCES; A HOME IS A PLACE ONE IS FREE TO LEAVE AND RETURN, AND A TRUE HOME IS AN AREA OF PEACE.

WHICH BRINGS ME TO CONSIDER THE CONNECTION BETWEEN PEACE AND HUMAN RIGHTS. THE DISTINGUISHED AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY SAID YESTERDAY THERE CANNOT BE PEACE WITHOUT HUMAN RIGHTS. WE AGREE. THE HELSINKI PROCESS RECOGNIZED THIS BY PLACING NOT ONLY GREAT EMPHASIS ON BASKET I, BUT ALSO INCORPORATING BASKET III AS AN INTEGRAL PART OF THE SECURITY IN EUROPE.

NOW WHY IS IT TRUE THAT THERE CANNOT BE PEACE WITHOUT HUMAN RIGHTS? LET'S LOOK AT IT: THERE HAVE BEEN WARS IN THIS CENTURY IN WHICH SOME 30 MILLION SOLDIERS HAVE BEEN SLAIN. I MUST ADD, SADLY, THAT 120 MILLION MEN, WOMEN AND CHILDREN HAVE BEEN DESTROYED IN THIS CENTURY THROUGH THE VIOLATION OF HUMAN RIGHTS. BUT OUT OF ALL OF THESE WARS AND DESTRUCTION IN WHICH THE SOVIET UNION AND OTHER COUNTRIES SUFFERED SO MUCH, THERE HAVE NOT TO OUR KNOWLEDGE BEEN A SINGLE WAR IN THIS CENTURY BETWEEN TWO DEMOCRATIC COUNTRIES, GOVERNED BY THE PEOPLE.

LET ME GIVE YOU AN EXAMPLE: LAST WEEK I READ IN ONE OF THE AMERICAN NEWS MAGAZINES A LONG STORY ABOUT THE DISPUTE BETWEEN MY COUNTRY AND CANADA OVER THE NORTHWEST PASSAGE. NOW THIS DISPUTE IS ABOUT BIG MATTERS, IT'S ALSO ABOUT THEORY, IT'S ABOUT PRACTICE, IT'S ABOUT TERRITORY IN A VERY FUNDAMENTAL SENSE. IT'S ABOUT EVERY ASPECT OF SOVEREIGNTY AND, TO READ THE STORY IN THE NEWS MAGAZINE, THERE IS A GOOD DEAL OF ANGER ON BOTH SIDES. YET, I HADN'T HEARD ABOUT IT, AND I HADN'T HEARD ABOUT IT, AND, I CANNOT SPEAK FOR THE CANADIANS, BUT I DOUBT THAT VERY MANY OF THEM HEARD ABOUT IT BECAUSE THERE IS NO POSSIBILITY OF MILITARY CONFLICT, ANY

MORE THAN THERE IS A POSSIBILITY THAT FRANCE AND GERMANY OR ENGLAND AND FRANCE WOULD GO TO WAR. THERE HAVE BEEN NO WARS BETWEEN THESE COUNTRIES SINCE THEY BECAME DEMOCRACIES. THE REASON IS SIMPLE: WHEN THE ISSUE OF WAR RESTS WITH THE DECISION OF THOSE WHOSE SONS AND DAUGHTERS MAY DIE AND THEIR HOMES BE DESTROYED -- RULERS ARE RESTRAINED AND CHECKED. HITLER HAD TO CONSULT NOBODY WHEN HE UNLEASHED THOSE MIGHTY FORCES WHICH ENGULFED EUROPE.

WHICH BRINGS ME TO ANOTHER MATTER -- THE IMPORTANCE OF PUBLIC PARTICIPATION AT LEVELS OTHER THAN FORMAL GOVERNMENT. WE THINK, MR. CHAIRMAN, THAT THE PROTECTION OF HUMAN RIGHTS IS THE PEOPLE'S BUSINESS. THAT IS WHY WE ARE SO CLOSELY ASSOCIATED IN OUR DELEGATION AND IN OUR COUNTRY WITH NON-GOVERNMENTAL ORGANIZATIONS. THAT IS WHY WE FAVOR OPEN MEETINGS IN THE CSCE PROCESS AND THE FREE CIRCULATION OF DELEGATES, AND FREE ACCESS TO THE PRESS. WE LOOK FORWARD TO BUILDING ON THIS TRADITION AT COPENHAGEN.

IT WOULD BE WRONG FOR US TO CONCLUDE THIS MEETING WITHOUT SAYING AS CLEARLY AND EMPHATICALLY AS WE CAN, HOW OUTRAGED WE ARE AT THE CONDUCT OF BULGARIA AND ROMANIA, WHICH HAVE, DURING THIS VERY MEETING, FLAUNTED THE PRINCIPLES OF HELSINKI AND VIENNA. WE ARE AND EVERY DELEGATE HERE SHOULD BE OFFENDED AT THE CONTEMPT THAT THESE COUNTRIES HAVE SHOWN FOR THEIR NEIGHBORS, WITH WHOM THEY VOLUNTARILY ENTERED THE SOLEMN COMPACTS OF HELSINKI, MADRID AND VIENNA. BUT, MR. CHAIRMAN, WE ARE OPTIMISTS. WE HOPE THAT THE TIME WILL NOT BE DISTANT WHEN WE SHALL MEET AGAIN AND WHEN THE CONDITIONS THAT EXIST IN BULGARIA AND ROMANIA SHALL BE NO MORE.

THE REASON WE ARE OPTIMISTIC IS THAT WE HAVE LISTENED TO THE STATEMENTS OF OUR COLLEAGUES AND WE KNOW THAT, THOUGH THERE IS NO UNANIMITY, THERE IS TREMENDOUS SUPPORT FOR THE FOLLOWING PROPOSALS: REPRESENTATIVE GOVERNMENT, NO EXIT PERMITS, THE RULE OF LAW, EXCHANGE OF OBSERVERS IN COURT SYSTEMS, AN INDEPENDENT JUDICIARY. THEREFORE WE KNOW THE COURSE AND DIRECTION OF THE FUTURE. THE FUTURE CERTAINLY LIES WITH DEMOCRACY. BULGARIA AND ROMANIA REPRESENT OLD, STERILE THINKING WHICH OTHERS HAVE LONG SINCE REPUDIATED AND DISCARDED.

WE ARE A LONG, LONG WAY AND MAYBE WE WILL NEVER REACH THAT GOAL, BUT WE MUST KEEP THE VISION ALIVE AND FRESH. WE LOOK FORWARD TO CONTINUING THIS QUEST IN COPENHAGEN.

