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ACTION EUR-25

INFO  OCT-01  ADP-00  EURE-00  SSO-00  NSCE-00  INRE-00  USIE-00
   CIAE-00  DODE-00  PM-07  INR-10  L-03  NSAE-00  NSC-10
   PA-03  RSC-01  PRS-01  SS-15  IO-13  ACDA-19  OMB-01  RSR-01
   NIC-01  /111 W

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OF WEST BERLIN RESIDENTS THROUGH THE INTERMEDIARY OF THE
FRG EMBASSIES IN THE RESPECTIVE CAPITALS. THE FRG-HUNGARIAN TALKS, NOW UNDER WAY IN BONN, ARE EXPECTED TO RAISE THE SAME PROBLEM. MOST OTHER DIFFICULTIES HAVE BEEN CLEARED AWAY IN THE BILATERAL TALKS. THE FONOFF HAS INDICATED IT IS NOW HOPING FOR THE THREE POWERS TO CLEAR UP THE DIFFICULTIES OVER THE LEGAL ASSISTANCE ASPECT IN DISCUSSIONS WITH THE USSR. END SUMMARY.

2. THE FRG FONOFF INDICATED TO US INFORMALLY EARLY ON AUGUST 14 THAT THE FEDERAL GOVERNMENT WOULD LIKE ASSURANCE FROM THE THREE ALLIES THAT THE TERM "CONSULAR SERVICES" IN THE BERLIN AGREEMENT (ANNEX IV) COVERS THE CONCEPT OF LEGAL ASSISTANCE. IT ALSO WISHES TO KNOW WHETHER THE ALLIES WOULD BE PREPARED TO TAKE THIS PROBLEM UP WITH THE SOVIETS SHOULD THE EAST EUROPEAN STATES PERSIST IN THEIR NEGATIVE POSITION. THE FRG VIEW IS THAT THE SOVIETS ARE BEHIND THE EE STATES' POSITION AND THAT WHAT IS INVOLVED IS AN INTERPRETATION OF THE BERLIN AGREEMENT THAT ONLY THE SIGNATORIES ARE COMPETENT TO MAKE. FONOFF POSITION WILL BE PRESENTED FORMALLY AT BONN GROUP MEETING LATE AUGUST 14. IN INTEREST OF BRINGING MATTER EXPEDITIOUSLY TO DEPT'S ATTENTION, HOWEVER, WE ARE REPORTING WHAT WE UNDERSTAND TO BE PRELIMINARY FRG POSITION.


4. THE EMBASSY IS OF THE VIEW THAT THE FRG CAN BE ASSURED BY THE ALLIES (ON THE ASSUMPTION THE UK AND FRENCH AGREE) THAT LEGAL ASSISTANCE, IN OUR VIEW, FALLS

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DODE-00  PM-07  INR-10  L-03  NSA-00  NSC-10  PA-03  RSC-01

PRS-01  SS-15  IO-13  ACDA-19  OMB-01  USIE-00  RSR-01

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O R 141514Z AUG 73
FM AMBASSAD BONN
TO SECSTATE WASHDC IMMEDIATE 6831
INFO AMBASSAD BELGRADE
AMBASSAD BUCHAREST
AMBASSAD BUDAPEST
AMBASSAD LONDON
AMBASSAD MOSCOW
AMBASSAD PARIS
AMBASSAD PRAGUE
AMBASSAD SOFIA
AMBASSAD WARSAW
USMISSION BERLIN
USMISSION NATO BRUSSELS

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UNDER THE MEANING OF THE WORDING OF THE QA.

5. AS TO THE QUESTION OF THE ALLIES SEEKING TO CLARIFY
   THIS INTERPRETATION WITH THE SOVIETS, THE EMBASSY TENDS
   TO TAKE A NEGATIVE POSITION. THE PROBLEM AS IT NOW
   STANDS IS ONE BETWEEN THE FRG AND THE EASTERN EUROPEANS,
   MINUS THE USSR WHICH HAS POSED NO DIFFICULTIES IN THIS
   AREA. WE TEND TO THINK THE FRG SHOULD CONTINUE TO USE
   ITS OWN NOT INCONSIDERABLE LEVERAGE IN ITS DISCUSSIONS
   WITH THE EE'S TO IMPRESS UPON THEM THE IMPORTANCE OF
   THE LEGAL ASSISTANCE QUESTION FOR THE FEDERAL GOVER-
   NMENT. IF THE EE'S REMAIN ADAMANT, WE BELIEVE THE FRG
   SHOULD TAKE A COOL STANCE, IF NECESSARY POSTPONING
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VISITS TO BULGARIA BY SCHEEL OR TO CZECHOSLOVAKIA BY
BRANDT TO UNDERLINE THE SERIOUSNESS OF THE FRG POSITION.
6. WE SEE LITTLE POINT IN OUR GETTING INVOLVED, NOT
LEAST BECAUSE THE SOVIETS CAN ALWAYS SAY THAT THEY ARE
LIVING UP TO THE SPIRIT AND LETTER OF THE QA IN THE
CONSULAR REPRESENTATION FIELD BUT THEY CANNOT OBLIGE
OTHER COUNTRIES TO ACCEPT THE OBLIGATIONS OF AN
AGREEMENT REACHED ONLY BY THE FOUR POWERS.

ACTION REQUESTED. FOR THE MOMENT, NONE; WE WILL BE
REPORTING FURTHER AFTER THE BONN GROUP MEETING IF THE
FRG SIDE HAS ANY ADDITIONAL ARGUMENTS OR POINTS TO MAKE.

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