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ACTION EUR-25

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CIAE-00 DODE-00 PM-07 INR-10 L-03 NSAЕ-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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O R 141514Z AUG 73
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 6830
INFO AMEMBASSY BELGRADE
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMEMBASSY WARSAW
USMISSION BERLIN
USMISSION NATO BRUSSELS

CONFIDENTIAL SECTION 01 OF 02 BONN 11578

E.O. 11652: GDS
TAGS: PFOV, PFOR, BU, GW, CZ
SUBJECT: FRG TALKS WITH BULGARIANS, CZECHS (AND PROBABLY HUNGARIANS) STALLED ON BERLIN ISSUE

1. SUMMARY. THE FRG HAS BEEN ACTIVELY CONDUCTING TALKS SEPARATELY WITH THE BULGARIANS, CZECHS AND HUNGARIANS IN RECENT WEEKS AIMED AT NORMALIZING RELATIONS AND ESTABLISHING DIPLOMATIC TIES. (SEE SEPTEL FOR DETAILS.) THE GERMANS HAVE RUN INTO WHAT THEY CONSIDER TO BE SIGNIFICANT DIFFICULTIES WITH THE BULGARIANS AND CZECHS, HOWEVER, ON THE PROBLEM OF WEST BERLIN COURTS' RIGHT TO SEEK ASSISTANCE IN BULGARIA AND CZECHOSLOVAKIA ON BEHALF 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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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 HASPOSED 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 GOVERN-
MENT. 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. CASH

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