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MEMORANDUM OF CONVERSATION
Special Working Group on Afghanistan

TIME: 9:30 to 11:30 am; 11:45 am to 12:00 pm; 2:00 to
4:00 pm, Tuesday, March 22, 1988
PLACE: Under Secretary Armacost's Office
SUBJECT: Afghanistan

PARTICIPANTS

U. S.

UNDER SECRETARY ARMACOST
Amb. Matlock
P Staff Steven Coffey
(Notetaker)
Peter Arfanassenko
(Interpreter)

U.S.S.R.

DEPUTY MINISTER ADAMISHIN
Mr. Alekseyev
Amb. Dubinin
Mr. Zolotov
(Notetaker)

Armacost began the discussion by noting that the Ministers had given them a job which he hoped could be done swiftly and to mutual satisfaction. He had read the transcript of the Secretary's conversation the night before with Foreign Minister Shevardnadze and had concluded that there had been a useful conversation.

Armacost said he welcomed Shevardnadze's statement that the troop withdrawal would be completed by the end of the year and the support expressed by Shevardnadze for the personal efforts of Cordevez to foster intra-Afghan dialogue on future Afghan governmental arrangements. He thought that Shevardnadze's formulation could provide a basis for taking care of this issue in Geneva.

Armacost noted that Shevardnadze had also raised the question of the Pakistani/Afghan border. This was basically a matter between Afghanistan and Pakistan. The language in the Geneva Accords on the border had been had been taken by Cordovez from a 1981 UN resolution which Afghanistan had voted for and which perhaps the Soviet Union had also voted for -- he was not sure. The point he wanted to make was that Pakistan had not demanded inclusion of this language for its own particular purposes. This language had been included at Cordovez' initiative.

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BY dr NARA, DATE 6/8/99

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Armacost said that for us (U. S. and Soviets) symmetry regarding military assistance was the key issue. The job he and Adamishin had was to find a way to come up with a balanced formula which reflected the interests of both sides. He wanted to sum up the areas where the two sides agreed in order to have a better understanding of where the areas of disagreement might lie.

Both sides agreed, said Armacost, that it would be useful to have a Geneva agreement. The Soviet side wanted a predictable environment for the withdrawal of troops. A Geneva agreement would also provide for the Soviet side a rationale at home and abroad for Soviet policy in Afghanistan.

For the U.S., a Geneva agreement would enhance assurances of early withdrawal of Soviet troops from Afghanistan and a means by which this could be accomplished consistent with the desire to allow Afghans to determine their own political future and for the refugees to return home. The U.S. did not, however, need a Geneva agreement. Although it was somewhat awkward to endorse the actions of others, the U.S. side had agreed to participate in the Geneva process and believed that an agreement would be a positive step in US-Soviet relations. If there were no agreement, things could still be managed. But this was not as constructive a way to go, in terms of the bilateral U.S.-Soviet relationship. The two ministers had agreed that it would be useful to have an agreement.

The sides also agreed, Armacost continued, that there was no legal impediment in the Geneva text to providing arms to a legitimate recognized government. There was a difference over whether the Kabul government qualified as such a government. The Soviet side said it did; the U.S. side said it didn't; but there was no dispute over the right of a sovereign government to receive supplies of arms.

Armacost said that he thought the sides agreed -- here he said he would be interested in Adamishin's view -- that there was no practical requirement for introducing additional arms into Afghanistan. Vorontsov had told Cordovez and the Pakistanis that the shortcomings of the Kabul regime did not

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arise from an insufficiency of arms, but from incompetence in their use. When it came to the Soviet desire to continue arms supply, the requirement seemed to be more political than practical.

Armacost cited as a fourth area of agreement the desire of each side to approach this issue in a principled manner. Each wanted to honor political and moral obligations to its Afghan friends.

There was also agreement that, if the Geneva agreement were to provide an impulse to the resolution of other regional conflicts, both sides would have to be in a position to defend the agreement. The obligations of both sides would have to be balanced. The sides might disagree where that balance should be, but both sides understood that an agreement had to be balanced if they were to be in a position to defend it publicly.

Finally, Armacost said there could be a sixth area of agreement on the possibility that neutrality arrangements provided a means of reducing the flow of arms. In all past discussions, the U.S. side had heard that the Soviet side accepted neutrality in principle but did not believe it feasible now and therefore found discussion of it premature.

He and Adamishin had the task of achieving a balanced solution. There were two alternative ways to accomplish this.

The first alternative, Armacost said, was to reaffirm the right to continue military supplies while foreswearing the exercise of those rights in practice lest the sides add fuel to the fire in Afghanistan. The purpose would be to encourage a process of national reconciliation and foster conditions that Foreign Minister Shevardnadze had mentioned the night before -- letting the situation in Afghanistan wind down. A moratorium on military supplies would promote this trend. Without prejudicing the legal rights of either side, a practical understanding might be reached that would meet these requirements or conditions having to do with national reconciliation and that both sides could endorse.

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A second possibility, Armacost said, was to preserve the right to supply arms with the intention of exercising that right. If it were the Soviet intention actually to continue arms deliveries to the Kabul regime based on an historical relationship, then to preserve balance in the agreement, the U.S. side would assert not only a reciprocal right to supply the mujahidin but also would need the practical means to make that right effective. There would be no balance if Soviets arms continued to go Kabul, but the U.S. had no practical means to deliver arms.

Vorontsov had suggested to Ambassador Matlock that the US had the right to supply the resistance on Pakistani territory. To be meaningful, this right had to include as a corollary the right to get the supplies across the Afghan border. It would not be a satisfactory outcome for the U.S. to have this right and then have Pakistan accused of violating the Geneva accords when the U.S. right were exercised.

These were the two ways, Armacost concluded, in which the U.S. and Soviet sides could work out a balanced arrangement. Armacost asked Adamishin whether they could pursue these two areas or had he misunderstood some aspect of the Soviet position?

Adamishin said that he had listened very carefully to what Armacost had said. He had noted in his presentation areas of disagreement and he had noted areas of agreement.

Concerning the withdrawal of Soviet troops, the US side should now be clear that the Soviet Union had taken a firm political decision and this would be carried out under any circumstances. Adamishin said he could not help but recall his first meeting with Armacost one and a half years ago when he had told him that the Soviet side would resolve the Afghan problem in any event. He had said it would be "good" if the U.S. helped, but, as a matter of principle, the Soviet side would deal with the situation even if the U.S. did not help. Shevardnadze had told Shultz the night before that the withdrawals would be completed within 1988, that half of the troops would be withdrawn in the first three months, and that Cordovez could perform mediation services among the Afghan parties.

As for the question of the language on the Pak-Afghan border in the Geneva accords, Adamishin said that Soviet Afghan friends were not happy with the language and hadn't given their

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consent to it. This was not, however, a subject for discussion between the U.S. and Soviet sides, but one for discussion between the parties in Geneva.

The task the foreign ministers had given them was to work toward an understanding that would make possible rapid signature of the Geneva accords. That was his mandate, in any event. His mandate was not to create obstacles, but to do everything possible for making signature possible. If Armacost had the same mandate, their conversation would go much easier.

Armacost interjected that the issue of symmetry was the only real remaining issue. If this could be resolved, there should be no obstacle to concluding Geneva. But the U.S. side couldn't ask Congress and the people to support an agreement where obligations were unbalanced. He and Adamishin should try to find a formula that allowed them to move forward.

Adamishin replied that this was very good, but that he wanted to raise another issue involving Pakistani behavior. Adamishin said he had in mind last-minute demands that went beyond the Geneva framework that could postpone signing of the Geneva accords and could delay for an indefinite period withdrawal of Soviet troops.

Armacost responded that he couldn't speak for Pakistan, but that it was his belief that Shevardnadze's remarks on the role Cordovez could play in helping to arrange an interim government would resolve that issue. The U.S. side had a representative in Geneva and it would have him confirm this with the Pakistani representative. Armacost said the U.S. representative would be contacted that morning.

Adamishin said this was not a bad idea and that he would have the Soviet representative in Geneva also be in touch with the Afghans on this.

As a result of the meeting between the two ministers last night, Adamishin continued, it should be clear that the proposal that the Soviet side must cease arms supplies to the present Afghan government was unacceptable.

The Soviet position had a legal basis. It had to do with the right of a sovereign government to conclude an agreement with another sovereign government.

The Soviet position also had to do with historical relations between two neighboring countries. There had been a

treaty in effect between the two countries (USSR and Afghanistan) since 1921, regardless of which regime were in control of Afghanistan.

The Soviet position also had to do with the way the question has been handled in the Geneva instruments. Armacost had mentioned that there was no provision inhibiting assistance to the legitimate government of Afghanistan. The real issue had to do with American assistance to the rebels.

Armacost interjected that he had tried to make a distinction between affirmation of the legal right to supplies and the intention to exercise that right. The Soviet side invariably proposed moratoria in arms control and other areas, irrespective of the legal obligations and historical traditions that were affected by them. In the present case the sides could declare a time-limited moratorium out of recognition of the fact that additional arms were not needed in Afghanistan. This could be done without violation of anyone's juridical rights and would be in keeping with the overall purpose of Geneva to facilitate an orderly withdrawal of Soviet troops, return of the refugees, a process of national reconciliation, and a general disengagement of outside powers from an internal Afghan conflict.

Adamishin said that, speaking frankly, this proposal would not be suitable or workable for the Soviet side. But he wanted to ask a couple of questions. Was his understanding correct that the Soviets were being asked to institute a moratorium on the supply of arms to the legitimate government in Kabul for a period of time, while the US side ceased supplies to factions fighting that legitimate government? If this was the idea proposed by the U.S. side, it would not be accepted.

Armacost explained that, in canvassing ideas on ways to inject balance into the agreement, he had simply wanted to suggest that a moratorium would not prejudice legal rights and would not have practical effect on the regime in Kabul. There was already more than enough weaponry inside Afghanistan. There would be some time before the agreement entered into force during which there would be no restraints on military assistance; information of the U.S. side showed that the Soviet side was already turning over weaponry in Afghanistan to its friends in Kabul.

Adamishin replied that he was not responsible for U.S. intelligence and had no experience in intelligence matters. In international law there were legitimate governments and illegitimate governments. From the point of view of

international law, a moratorium put the legal government of Afghanistan on an equal footing with the forces fighting against it. From a practical standpoint, the situation was such that the Kabul government could only count on Soviet arms, whereas the mujahidin had diverse sources of arms supply. While it would be easy from a theoretical point of view to monitor the flow of Soviet arms to Kabul, it would be hard to verify arms moving to and from Pakistan. Injection of a moratorium into the discussion would delay the preparation and signing of the Geneva accords. He had looked at this option in a theoretical perspective and had not simply rejected it because it came from the American side. He and Armacost should return to the practical task at hand.

Adamishin said he had expressed the attitude of the Soviet side toward Soviet arms supply to Kabul. He now wanted to say something about U.S. supplies to the opposition. Armacost had mentioned two possibilities. Adamisahin said he would mention three.

First, the United States could unilaterally stop its arms supplies to groups inside Afghanistan. This would be the best option.

Armacost interjected that Shevardnadze the night before had acknowledged that this option was unacceptable. So what was the second option?

Adamishin interjected that he was mentioning the first option again because he liked it so much.

Armacost responded that he would like to see him defend it before Congress.

Adamishin replied that he thought he could defend it before the Supreme Soviet.

The second option, Adamishin continued, was that the United States not sign the Geneva accords. Armacost noted that the Soviets had requested U.S participation in the Geneva process. Adamishin responded that it was useful for both countries to participate and that it was in the interest of the rest of the world as well to see this regional conflict resolved.

There was a third option. It was an idea rather than something definitely formulated, something impeccable or flawless. The sides could agree to comply with those obligations imposed by the Geneva instruments. Whatever was not called for by the agreement would not be a subject for discussion or subject to implementation. Nothing was said in the Geneva accords about military assistance.

Armacost asked about the practical effect of Adamishin's suggestion that there was nothing in the Geneva accords prohibiting the United States from supplying the mujahidin. Would the Soviet side declare Pakistan in violation of the Geneva accords if supplies were delivered across the Afghan border?

Adamishin replied that they did not need to anticipate problems and should not force the pace of events. Their job was to remove the last obstacle for signature of the Geneva accords.

Armacost said that if the U.S. had a right, it should be able to use it. The United States would not be interested in arrangements according the U.S. a right, but then have the exercise of it expose a friendly country to the charge of having violated its obligations.

Adamishin rejoined, in English, that they "shouldn't trouble trouble until trouble troubles us."

Armacost responded that if troubles were foreseeable, they should try to avoid them.

Adamishin said that he proposed that the two sides come to an internal understanding that whatever is in the agreement should be carried out, but that there would be no discussion of issues not mentioned in the agreement.

Ambassador Dubin interjected that the U.S. side could do what was not prohibited.

Armacost replied that it was still not clear to him what Adamishin's intent was. A cosmetic symmetry formula would not work. Congress would want to know whether the U.S. right to military assistance could be implemented in view of the commitments Pakistan had undertaken. Would the Soviet side allow the ambiguity of its proposed formula to cover both the US and Pakistan or did the ambiguity cover only the U.S. so that the Soviet side could use Pakistani commitments to frustrate the practical exercise of the US right to supply?

Adamishin replied that, as he saw it, nobody had raised before the question of Pakistan. The question had been that of U.S. arms supplies to the mujahidin.

The Soviet side had proposed, Adamishin continued, three options. The first option was to remove the issue completely

by a unilateral U.S. cessation of arms supplies. The third suggestion was an internal understanding with the U.S. that only the contents of an agreement had to be complied with. But the Soviet side was not going to applaud the transfers of arms first to Pakistan and then to the resistance.

Armacost interjected that he was not asking for applause, he was simply asking whether the Soviets would accuse Pakistan of violating the agreement.

Adamishin replied that he had the idea from these questions that maybe the U.S. would not want to go forward with signing. Armacost had attached such importance to drawing a distinction between the right to supply military assistance and the exercise of that right.

It was even more important for the Soviet side, interjected Armacost. Soviet supplies end up with the mujahidin.

Then the first variant should be the best, joked Adamishin. Let us (Soviets) become suppliers to both Kabul and the mujahidin.

Armacost reiterated that there were two possibilities for a balanced outcome. Either both sides refrained from supplies, or both could continue to supply. Armacost said he couldn't understand why the Soviet side thought it would be easier within the context of a Geneva agreement to defend publicly the continuation of supplies, when both sides recognized that these supplies were not necessary. Earlier the Soviet Union had been accusing the United States and Pakistan of being an obstacle to concluding a Geneva agreement. But failure to resolve this issue of symmetry could put the Soviet Union in the position of being accused of holding up Geneva in order to insist on continuing arms supplies to a discredited regime.

Armacost noted that he was not challenging Soviet legal rights, but was merely suggesting a practical understanding that both sides would refrain from the exercise of those rights. There were enough arms piled up in Afghanistan already. It would be sufficient to acknowledge the right to supply, but in fact not supply and explain this in the context of the objectives of the Geneva accords. Whatever its legal rights might be, each side could publicly say that it would honor a cessation of supplies if the other side did.

Adamishin said he wanted to comment parenthetically on Armacost's remark about the "discredited Kabul regime." He and

Armacost could have a good discussion about the Pakistani regime and the mujahidin, but that was not the subject of their conversation.

The question of arms supply did not figure in the Geneva accords. The question had arisen because of the need of the U.S. side to explain its position to the congress. The Soviet side had proposed three options. The third option was a formula for an internal understanding between the sides which would make it possible to explain the Geneva accords to congress.

Armacost said that if there were reciprocity, this could be a solution. But the U.S. side had to know how this internal understanding related to Pakistani obligations.

We should interpret those as written, said Adamishin. He was reluctant to draw the analogy, but the two sides had been able to find the formula "as signed" for the ABM treaty. The Geneva accords were silent on the subject of military assistance, so why introduce it? The Soviets had not approved arms supplies to Pakistan or to the resistance in the past and the Soviet side would not approve them in the future. The two sides had criticized each other on many subjects and would do so in the future. But this was a different question, he said, from the question of the contents of the Geneva accords.

Armacost said that if we could assume reciprocal restraint, then the implications for Pakistani obligations would not be so important. But if we could not assume reciprocal restraint, then the U.S. side needed to know whether U.S. exercise of its right would be leading to charges against Pakistan. He was not seeking special advantages for the United States. He simply wanted a balanced agreement. If the Soviet side exhibited restraint, it could expect restraint from the U.S. side.

Armacost noted that Adamishin had said that the Soviet side would not applaud U.S. supplies to the resistance. The U.S. side did not expect Soviet applause. However, if the Soviet side was willing to tolerate the U.S. supplying arms in the event the Soviet side supplied them, then that could be a workable arrangement. But the U.S. could not enter into an agreement where the exercise of its rights would expose Pakistan to charges of committing a violation. It did not want a purely formal symmetry that in practice meant nothing. That was why he wanted to be sure about the interpretation and implications of this understanding. Questions would have to be answered to the Congress about the practical meaning of the

accords. He was not trying to be argumentative; he just wanted to be sure what was understood on this.

Adamishin replied that the Geneva instruments were few in number. The one they were talking about was the one placing obligations on the United States and the Soviet Union. There was nothing in the Declaration on International Guarantees that would prohibit either party from supplying arms to Afghanistan. But there was also an instrument -- a bilateral agreement between Afghanistan and Pakistan -- that imposed certain obligations on those two countries. If Pakistan violated the obligations it assumed under that bilateral agreement, neither the US nor Soviet sides should overlook that fact. To do so would undercut the Geneva accords as a whole. Otherwise, what would be the meaning of the agreement on the principles of non-intervention and non-interference? So the obligations that were contained in the instruments would be in effect and were the ones that had to be complied with. The declaration signed by the U.S. and Soviet sides should also be complied with. But what was not contained in the declaration did not need to be discussed.

Armacost replied that he had understood Adamishin's answer but found that it would not be convincing to the Congress or to the American people.

Adamishin replied that the U.S. side had been "smart enough" in providing answers to the Congress. It's hardly imaginable, he said, that just to please Congress, the parties to an international agreement should be allowed to violate it.

Armacost said it wasn't only a question of the Congress; in Adamishin's proposal the balance was more theoretical than real. The Soviet side had an unimpeded right to supply what it called a legitimate government. It said the U.S. side had a right to make supplies, but if the U.S. exercised that right, a third party would be accused of violating the agreement.

Adamishin responded that the bilateral accord between Pakistan and Afghanistan placed obligations on both sides. What was the meaning of non-intervention if Pakistan did not have to comply? Pakistan had not raised any questions about this. Armacost should go ahead and examine the documents carefully and see how he could find justification for the U.S. political course. That was a problem for the U.S. side to solve. He told Armacost to look at the documents and all the obligations written there.

Armacost responded by saying that the Soviet side had

asserted the legitimacy of the Kabul regime. The U.S. side did not believe that regime to be legitimate. The U.S. was supporting a legitimate resistance fighting an outside invader. Adamishin might reject that. The two sides had different theories about legitimacy and each was not going to persuade the other. But despite these differences, Armacost said he believed the sides could find a formula for reaching agreement. Everything, he said, again came back to the question of balance.

There were two possibilities. There was no requirement for more arms deliveries. The U.S. side was not challenging Soviet rights to supply arms to a friendly regime based on a historical relationship, but the sides could reaffirm their rights while in practice not exercising them. This solution would encourage the process of national reconciliation. It would create a stable and predictable environment for Soviet troop withdrawals, the return of the refugees, and would be consistent with the overall purpose of the Geneva accords of disengaging external powers from the internal struggle among Afghans.

The second possibility would be for both sides to have the right to supply and to continue the supplies. In that case the U.S. right could not be just theoretical. The U.S. right had to be defined. This agreement would have to be defended before Congress, the people, and the press. The sides were so close to agreement in Geneva now that it was hard to understand why the Soviets were insisting on piling more arms into Afghanistan.

Adamishin replied that the issue was not who is best, the Kabul regime or the mujahidin. That issue had no relevance to the question under discussion. The question was how the Geneva agreements should be observed. The Soviet formula proposed that what was written in the documents should be implemented; what was not written there would not be subject to implementation.

Adamishin then asked Armacost how he saw the second Soviet option if Armacost's moratorium idea was unacceptable.

Armacost, in turn, asked Adamishin how he would describe the supply arrangement under the Soviet formula. His point in asking the question, he said, was to know whether Pakistan would be accused of violating the accords if the U.S. exercised its rights in response to perceived Soviet continuations of arms supplies. That facts of geography, Armacost said, could not be ignored. How was U.S. aid to be delivered?

After talking privately with Ambassador Dubinin and Alekseyev, Adamishin told Armacost that the Soviet side was trying to take account, to the maximum extent possible, of US concerns. The Ministers had tasked them to discuss the question of the Soviet side's arms supply to the Afghan government and U.S. supplies to the mujahidin and find a satisfactory formula. Adamishin then repeated the Soviet proposed formula.

Adamishin continued that now the American side was saying that it was not sufficient to have the right to supply. Now it was demanding that the Soviet side provide a guarantee that the Pakistanis would not be criticized if they violated the bilateral agreement between Pakistan and Afghanistan. Pakistan had not raised this issue. Why not leave hypothetical situations for the future? Why should it be decided now that the Pakistanis would violate the Geneva accords? In any event, how could the Soviet side give a guarantee for its attitude toward actions by Pakistan in contravention of the agreement?

At this point Armacost suggested to Adamishin that they should perhaps take a half-hour break. They might consider drafting language so that each would have a more precise understanding of the other's proposals.

In response to Adamishin's questions, Armacost noted that in Geneva the Soviet representative in Geneva Kozyrev had spoken of the US right to supply the mujahidin in Pakistan. Armacost said he simply wanted to be sure that if the United States did that the Soviet side would not regard that as a violation by Pakistan of its undertakings.

Armacost again repeated that he saw two basic formulas. One was the US proposal for a moratorium without prejudice to legal rights. The other proposal was the Soviet proposal, an internal understanding that what was not expressly prohibited in the Geneva accords would be permitted. He asked Adamishin whether under this formula Pakistan would be relieved of its obligation to prevent transfer of military supplies across the Pak-Afghan boundary. Criticizing Pakistan for this was one thing, but accusing it of a violation was another.

Adamishin responded that Pakistan should fulfill its obligations under its bilateral agreement with Afghanistan. He was not going to go into the details of what Pakistan had to do. Armacost should look at this document carefully.

Adamishin said he wanted to raise still one more question

regarding the proposed Soviet formula. If an understanding were reached, the Soviet side would regard it as an internal understanding between the United States and the Soviet Union. It didn't need to be in writing, since it was absolutely clear that obligations not contained in an agreement did not have to be complied with. He asked Armacost whether the two saw eye to eye with this approach.

At this point, the meeting recessed for a half hour. The Soviet party left to attend ceremonies connected with inauguration of the Nuclear Risk Reduction Center.

After the break, Armacost began the discussion by explaining to Adamishin that, since the Soviet side had given him language for their proposal, he wanted to propose language in the other direction that could be discussed with Shevardnadze. This language could be embodied in an agreed minute, announced at the time of signature of the Geneva accord, or take some other form. There were various possibilities.

Armacost then read the following proposed language of a draft agreed minute:

"With reference to the political settlement of the Afghan conflict (signed this day in Geneva), the United States and the Soviet Union recognize that each asserts an interpretation of those accords which would permit the continued provision of assistance by the parties to the political settlement to parties to the conflict in Afghanistan. The United States and the Soviet Union each declare their intention to refrain from exercising the rights they assert to provide military assistance to any party in Afghanistan for a period of three years so long as the other parties to the settlement refrain from exercising any rights they might assert to provide military assistance."

As an alternative formulation, Armacost read the following draft agreed minute:

"With reference to the political settlement of the Afghan conflict (signed this day in Geneva), the United States and the Soviet Union recognize that each asserts an interpretation of those accords which would permit the continued provision of assistance by the parties to the settlement to parties to the conflict in Afghanistan. The United States and the Soviet Union each declare that, if military assistance is supplied to any Afghan party by any party to the Geneva settlement, they will each consider the other parties to the Geneva settlement free to supply military assistance to the other Afghan party."

Adamishin responded that it would be very hard for the Soviet side to accept either one of these variants. "Extremely difficult," he said. This would represent a remaking of the Geneva accords. "Other parties" in the second draft agreed minute referred to Pakistan, but what about Pakistani obligations regarding Afghanistan?

Armacost observed that the easiest solution from the practical point of view would be to continue to reaffirm the right to supply, but in practice not exercise it. The sides could explain to the public that they would not supply arms because there were ample arms in existence and because they were trying to promote the goals of the Geneva Accords: troop withdrawal, national reconciliation, and an end to the civil war. This formulation would square everything. But if the Soviets were going to exercise their right, the US would insist on exercising its right.

Armacost noted that it was time to go to the Secretary's luncheon. It was agreed that Armacost and Adamishin would meet after the luncheon to decide when to resume the discussion. With this, the session broke up for lunch.

After returning from lunch, Armacost and Adamishin had a long one-on-one.

They were then joined by Ambassador Matlock, Ambassador Dubinin, Mr. Alekseyev and notetakers.

Adamishin observed that the Soviet formula raised no legal issues regarding the obligations of third parties.

Armacost pointed out that two different situations were involved here. The issue of obligations, he said, became serious in the context of Soviet intentions. If the Soviet intention were to maintain the right to render military assistance but not to make deliveries, then that was one situation. If the Soviets, however, were going to maintain the right to deliver supplies, sign the accords, and then make the deliveries, then the U.S. side needed to know how the Soviet formula would impinge on the Pakistanis and on the exercise of the U.S. right.

Adamishin asked whether Armacost's question indicated that the U.S. side had withdrawn its proposals.

Armacost responded that the implications of each side's formulations should be understood.

Adamishin rejoined that, as he had said in his one-on-one with Armacost, the US formula was absolutely unacceptable to the Soviet side. He had run through the arguments and didn't think he needed to repeat them unless Armacost wanted to hear them again.

Armacost said that he would like to hear the arguments again.

Adamishin said that the Soviet side had not raised the issue of the right of supplying military aid, nor was the Soviet side asking for U.S. permission to supply military aid in accordance with bilateral treaties between the Government of Afghanistan and the USSR. Adamishin saw no need for U.S. military assistance to the mujahadin. The Soviet side would not give its blessing in an open public statement to U.S. supplies to the mujahadin. It would not do this for a variety of reasons, including those involving relations with allies. The Soviet formula was one of an internal understanding between the U.S. and Soviet sides.

Adamishin said the proposals of the U.S. side would undercut the Geneva accords. They gave a right to Pakistan to assist parties in the conflict in Afghanistan and to circumvent the obligations in the Pak-Afghan bilateral agreement. The issue would arise of which agreement was operative -- the bilateral agreement between Pakistan and Afghanistan or the US-Soviet understanding? This kind of proposed statement was totally unacceptable.

In general, Adamishin said, the question of arms supplies was not one raised in the Geneva accords. The U.S. side had raised it for political reasons in order to explain the agreement to the Congress. The Pakistanis had not raised this issue.

The Soviet side had proposed three options, Adamishin continued. The third option was designed precisely to meet U.S. domestic political concerns. Under that formula, the US and the Soviet Union would comply with the obligations imposed on them by the instrument of guarantee. The parties could not be expected to fulfill obligations not contained in that instrument.

The U.S. side had raised the question of how the Soviet Union would react to US supply of arms to Pakistan and the mujahidin. It would criticize those actions. It criticized them now. But it would be hard for the Soviet side to invoke the Declaration of International Guarantees because there was no obligation in that declaration not to supply.

The question had arisen: what if Pakistan continued to interfere in Afghanistan? That concerned the bilateral Pak-Afghan agreement. If Pakistan violated that agreement, of course, it would be criticized. To act otherwise, to provide assurances not to criticize Pakistan in that circumstance, would undercut the agreement.

The U.S. side had raised, said Adamishin, the question of actual Soviet intentions regarding arms supplies. He was not in a position to answer that question. He could not guarantee that the Soviet side would terminate supplies or what would happen in the coming months in Afghanistan. The Soviet side could not give any guarantees on this.

Adamishin said the third option was the maximum position of the Soviet side. Armacost may have thought this a bargaining position, but the Soviet bargaining positions were options one and two. If Armacost didn't like the third option, then they could go back to the first two. The guarantees Armacost was insisting on were impossible for the Soviet side.

Armacost responded that he had read the conversation the night before between the ministers and, in that conversation, the Secretary also had indicated limits to the US bargaining position. The U.S. side needed balance and had scrutinized the Soviet proposal to see if it was really as balanced as the Soviet side said. The U.S. side was accountable to the press, the Congress, and the public. They would ask about the meaning of these agreements.

Armacost then read again the Soviet formulation that "the sides will comply with those obligations that are imposed on them by the Geneva instruments. Whatever is not a subject of the Geneva agreement or called for by the agreement cannot be a subject for discussion or implementation."

The Congress would ask, he said, what were the US rights to supply under this understanding. What were Soviet rights? Did the Soviet Union intend to continue to supply? Was it the intention of the US Government to continue to supply the resistance? How could the United States exercise its rights?

The U.S. response could be that if the Soviet Union intended to exhibit restraint, then the U.S. would do so. But this would lead to the question: what if the Soviets continued to turn over large amounts of equipment to the Kabul regime? What would the U.S. do in those circumstances? Would it be

able to make actual deliveries in the context of the Geneva accords without the Soviet side making charges that Pakistan was violating the agreement?

If "yes" could be said to this question, if the U.S. could continue the deliveries, the problem with the Congress could be handled. But, if the Soviet side shouted "foul -- this is a violation," then Congress would say that this whole understanding was a trick and that the U.S. side had been outmaneuvered. They would say the Soviet side had taken back with one hand what had been given with the other. They would say that the Soviet side had conceded a theoretical parity only.

Adamishin said he understood that problem. But the whole world could not be expected to adjust to problems regarding relations with Congress. The U.S. side was suggesting that, in order to satisfy the appetites of Congress, the whole logic of the Geneva accords would have to be destroyed. The U.S. and Soviet sides could answer only for their own bilateral relations. They could sign the declaration and have an understanding that nothing expressly prohibited could be permitted, that the Soviet side could supply the Kabul regime and vice versa for the U.S. side; it could supply the mujahadin.

But the U.S. side wanted to go further. It insisted on allowing Pakistan to transfer supplies to the Mujahidin. Adamishin said the Soviet side could not bless U.S. supplies, but it could agree that it would not use arguments based on the Geneva accords in criticizing those supplies. It could not go further than that without destroying the entire structure of the Geneva accords.

The Soviet side had presented an opportunity to deal with this problem. But from now on the U.S. side could deal with it itself. Adamishin could only repeat the Soviet formulation.

Armacost interjected that the Soviet side wanted U.S. signature at Geneva.

Adamishin replied that Armacost's terms would overturn the entire structure of the Geneva accords. The guarantee the U.S. side was asking for would make the Geneva Accords absurd. How could the Soviet side conclude an agreement with a guarantee that it could be violated? He suggested that Armacost work with the Soviet formula.

Ambassador Dubinin interjected that the formula proposed by Adamishin was a step forward in comparison to the one that had been given in Geneva and the one given to Ambassador Matlock.

When asked to explain this remark, Dubinin said that the Soviet formula would give the US side an opportunity to explain the agreement to Congress. The Soviet formula makes no reference to Pakistan. That had been dropped.

Another point about the Soviet formula, said Dubinin, was that it drew attention to the fact that nothing is said in the Geneva accords about supplies. Each side could interpret this fact as it desired. Each side could make supplies at its own risk. The other side might express its view of this. There could be talk of illegitimate factions, etc., but the U.S. side would supply and the Soviet side would supply. There was nothing in the Geneva documents referring to military supplies. Everyone must comply with the obligations contained in those accords, but only with those obligations that were specified.

Armacost asked Adamishin whether the Geneva accords required Pakistan to prevent the United States from transferring supplies across the Pak-Afghan border.

Adamishin suggested that Armacost answer this question himself.

Armacost then read paragraph 8 from Article II of the draft bilateral agreement between the Democratic Republic of Afghanistan and the Islamic Republic of Pakistan on the principles of mutual relations, in particular on non-interference and non-intervention.

"For the purpose of implementing the principle of non-interference and non-intervention, each high contracting party undertakes to comply with the following obligations:.... to prevent within its territory the training, equipping, financing and recruitment of mercenaries, from whatever origin, for the purpose of hostile activities against the other high contracting party, or the sending of such mercenaries into the territory of the other high contracting party, and accordingly, to deny facilities, including financing for the training, equipping and transit of such mercenaries."

Armacost suggested that perhaps the sides could agree that "mercenary" is not the term appropriately applied for the resistance. According to his understanding of the word, a "mercenary" is a soldier hired for pay in the service of another country. This was not an accurate description of the Afghan resistance. The Afghans were patriots fighting for the

cause of their own country. Perhaps the sides could reach some sort of agreement that this term was not applicable to the resistance.

Adamishin responded that the Soviet formula referred to the document that was to be concluded between the U.S. and Soviet sides and how that document was to be interpreted. The sides could interpret that document as not preventing supplies from them to parties in Afghanistan. But he couldn't comment either privately or publicly on the meaning of the bilateral Pak-Afghan agreement.

Armacost asked Adamishin whether, if the Geneva accords were completed, the Soviet side would continue to take the position that the parties to the Afghan-Pak bilateral agreement would themselves interpret it.

Adamishin responded that that was a complicated issue. There was a kind of inner relationship among all the documents and he was reluctant to give a rash answer to that question. The parties themselves would be able to make complaints about violations, and there was a mechanism in the documents for field inspections, etc. If Afghanistan made a complaint about Pakistani behavior, the Soviet side would probably support the Afghan, rather than the Pakistani, position.

Armacost interjected that the U.S. side would support the Pakistani position.

Adamishin continued that the US side had presented a whole list of concerns and that the Soviet side had tried to meet those concerns. The United States side had said that the troop withdrawal period should be shortened. The Soviet side had announced a ten-month timetable and had now agreed in Geneva to nine months. The US side had asked that the troop withdrawal be frontloaded. Now the Soviet side had agreed to remove fifty percent of its troops within three months. The United States had asked the Soviet side to drop the linkage between the formation of a coalition government and troop withdrawal. That linkage had been dropped. There was no need to complicate the negotiations with new issues. And now the United States side had brought up a new issue regarding arms supplies. In response, the Soviet side had proposed its formula.

Armacost said he wanted to comment on Adamishin's remark that symmetry was a new issue. The issue had not arisen earlier because Soviet troop withdrawal had been envisioned either in the context of an interim government or in the context of neutrality arrangements. But as the Soviet side had

shortened the timetable for withdrawal, broken the linkage with interim government, and deferred neutrality arrangements, then the question of arms supplies naturally arose. It was the result of the natural rhythm of the negotiations rather than any new demand from the American side.

Armacost said that he wanted to make one more run at explaining the US formula. The sides needed to think about what would be said in public. The Geneva agreement had, as its basic aim, the disengagement of external powers from the internal struggle among Afghans. The Soviet proposal maintained symmetry by assuring that both sides could continue to supply arms in a civil war in which both the U.S. and Soviet sides said their objective was strengthening peace and stability, national reconciliation, return of refugees, and withdrawal of Soviet troops. Trying to solve the conflict by leaving legal rights in place but agreeing not to exercise those rights would be more consistent with that overall objective than continuing the supplies of arms. The situation called for restraint and humanitarian aid; it called for food, seeds, agricultural implements, etc., rather than arms.

Armacost recalled Shevardnadze statement of the evening before, saying that the Soviet Union wished Afghanistan to become neutral, that such neutral status could be incompatible with a military supply relationship, but that neutrality arrangements would have to be decided in the future. Why would it be impossible for the sides to continue to affirm their rights but leave those rights in abeyance for a fixed period of time pending clarification of Afghanistan's international status and efforts by Cordovez to pursue an intra-Afghan dialogue on national reconciliation. The sides could say as a matter of public policy that they had adjusted their actions to the needs of the situation in Afghanistan and were rendering support to the parties in Afghanistan in the form of humanitarian assistance rather than arms.

Armacost then proposed that Adamishin present the two US formula to Shevardnadze for his consideration. Armacost said that he would report to the Secretary the formula proposed by Adamishin. The difference between the U.S. and Soviet proposals was that the US formula provided a solution to the Afghan conflict.

Adamishin said that Armacost's comments and the remarks made by Shevardnadze the evening before on a neutral Afghanistan were food for thought and suggested that perhaps the two ministers could talk about it at dinner that evening.

Armacost said that both US formulas solved the problem. Both met a test in principle and practice. In principle, there was no renunciation of rights, and in practice, there was an emphasis on humanitarian aid. The Soviet formula, on the other hand, gave a rationale for continuing weapons' supplies. The US had limited its moratorium to three years, but its duration could be keyed to the formation of a broad-based government. In either event, the objective was to let the dust settle and let the Afghans settle their own affairs.

Switching subjects, Adamishin noted that Armacost had postponed discussion about how to deal with public presentation of an internal understanding, if such an understanding were reached. He had proposed that the Soviet Union and the United States each explain independently the internal understanding to their respective publics. Was it not possible that the sides had reached such a degree of understanding in their relationship to be able to have a "gentlemen's agreement"? Both sides would have a text, but they would keep it in their desk drawers and make their own public explanations.

Armacost said that the American public thought the Geneva accords imposed restraint on the US ability to supply the mujahidin. The Soviet proposal contained an understanding of the guarantor's role different from what had been commonly understood. Consequently, the U.S. side would have to be in a position to explain to Congress and the press that the Geneva accords did not impair the US right to supply the mujahidin. And the U.S. side would need Soviet concurrence with this. It would need to be able to say that the Soviet Union did not oppose this interpretation.

Adamishin interjected that the U.S. side could say this and the Soviet side would not contradict it.

Ambassador Matlock said that, naturally, it would be well to be able to add that the U.S. side had an understanding that there would be no need to make arms supplies.

Adamishin responded that that was why it would be well for both sides to make their explanations independently.

Ambassador Matlock responded that there needed to be confidence that the need for arms supplies would in fact not arise.

Armacost asked Adamishin why the Soviet side wouldn't go beyond its formula and say something to the effect that, to the extent the United States didn't engage in delivering arms, the Soviet Union would not see the necessity for it either.

Adamishin replied that now Armacost was returning to the idea of a moratorium.

Armacost stated that a public presentation would be far more credible if it embodied the idea of a moratorium rather than the idea of simply continuing military assistance that will fuel the civil war.

Adamishin said that the Soviet side wouldn't go as far as a moratorium. The sides could simply agree that what was in the Geneva accords would be honored and what was not didn't need to be discussed. But, he told Armacost, other ideas regarding a future neutral Afghanistan are views that should be brought to the attention of the ministers.

Armacost said that he had mentioned neutrality as a rationale for dampening down arms supplies. When Dick Murphy was in Moscow, he had proposed a time-limited moratorium, a moratorium of three years, to Foreign Minister Shevardnadze, but the Foreign Minister hadn't replied.

Adamishin said that it was a new idea for him and that the Foreign Minister had said nothing to him about it, but that he would accurately report it to the minister.

Armacost said that the issue was one of public presentation. He saw problems with the Soviet proposal. The Soviet answer seemed to be that the delivery of military supplies to Afghanistan from Pakistani territory would be regarded as a violation by Pakistan of its obligations under the Geneva accords.

Adamishin said they had already talked about that. Here the Soviet side could not give a guarantee. This was a question that fell under the Afghan-Pakistani agreement and that agreement was for those parties to interpret. The Soviet side had proposed nothing regarding a formula for interpreting the Pakistani-Afghan agreement. The Soviet side had no responsibilities in that area. There were actions, however, not prohibited by international law, just as there was no prohibition on making assessments of those actions. It was all a matter of interpretation.

Armacost suggested that they set down in writing the Soviet proposal so that he could report it to Secretary Shultz. As he understood it, the Soviet proposal consisted of the following elements:

First, the US and the Soviet Union would have an understanding that the parties would comply with those obligations imposed by the Geneva instruments. Whatever was not a subject of negotiations in Geneva could not be discussed nor could it be an issue with respect to implementation.

Second, in explanations to the Congress, the US side could assume that, if it continued arms supplies to Afghanistan, the Soviet Union would criticize those actions, just as it criticized them now. The Soviet Union would not criticize these arms deliveries, however, as a violation of the Geneva accords.

Third, with respect to Pakistan, the Soviet Union could give no guarantee that there would be no criticism of Pakistan if supplies to the mujahidin went across the Pak-Afghanistan border, but that it was not the responsibility of the Soviet side to interpret the responsibilities of Pakistan to Afghanistan or vice versa. In a public sense, there might be some ambiguity or disagreement about the obligations of Pakistan.

Fourth, if the sides reached a private understanding, each side would explain to its own public its interpretation of that understanding. There would be no agreed bilateral statement.

Adamishin interrupted Armacost to say that he could not agree to the third point. He could not guarantee that there wouldn't be criticism of Pakistan as violating the Geneva agreement. It would be absurd, he said, to take that position.

Armacost asked whether Pakistani violations would call into question Soviet obligations.

Adamishin said that the Soviet Union would maintain a principled position.

Armacost asked him to explain.

Adamishin repeated that the Soviet side could not guarantee that there wouldn't be criticism of Pakistan as violating the accords. If that was expected from the Soviet Union, then it

would sign the accords without the US. What would be the meaning of the accords if they could be violated? Adamishin said that he had spotted Armacost's concern when Armacost had hinted that the Soviet side might link its troop withdrawal plans with Pakistani violations. There was a only a very small chance -- he would say maybe one in a thousand -- that the Soviet side would find it necessary to reverse the troop withdrawal. And if the Soviet side wanted to do that, there would be a thousand other reasons or pretexts for doing so.

Armacost suggested that perhaps the third point could be rephrased to say that, with respect to Pakistan, the Soviet side could give no guarantee that there wouldn't be criticisms of Pakistan for allowing supplies to cross the border and that Pakistan would be criticized for violating the accords, but that this would not call into question Soviet obligations.

Adamishin said he could not agree to this, that his statement on troop withdraw had been "emotional." It was impossible to say that the Soviet side would blink at the violation of an agreement. He simply wanted to say that the troop withdrawal was a question of policy.

The Soviet side asked to have Armacost's third point deleted.

Armacost then summarized the US side's moratorium proposal and asked Adamishin to convey that proposal to Shevardnadze.

Adamishin said he would do so, but as he and Ambassador Dubinin had indicated, this proposal would be unacceptable from the Soviet standpoint. He agreed, however, to convey the moratorium proposal to Shevardnadze and would add this as a fifth point to Armacost's list.

Armacost asked that they give the moratorium proposal a fair shake. He hoped the foreign minister would carefully consider it.

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