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BRUSSELS FOR USEC - AMB. NILES

E.O. 12356: DECL: OADR  
TAGS: PGOV, BU  
SUBJECT: FIRST NATIONAL ASSEMBLY SESSION PREPARES TO  
- REMOVE PRO-COMMUNIST CLAUSES FROM CONSTITUTION

1. (U) SUMMARY. IN ITS FIRST DAY OF ITS DECEMBER SESSION, THE BULGARIAN NATIONAL ASSEMBLY HAS PREPARED THE WAY FOR THE JANUARY REMOVAL OF CONSTITUTIONAL CLAUSES WHICH GUARANTEE THE COMMUNIST PARTY A LEADING ROLE IN GOVERNMENT AND SOCIETY. THE ASSEMBLY ALSO AGREED TO PREPARE A NEW LAND LAW WITHIN ONE MONTH, VOTED AGAINST SOME STATE COUNCIL AND COUNCIL OF MINISTERS DECREES FOR THE FIRST TIME IN RECENT MEMORY, MADE SEVERAL PERSONNEL CHANGES IN THE TWO COUNCILS, AND ACCEPTED NEW DRAFT LAWS FOR THE PENAL CODE. END SUMMARY.

2. (U) TAKING ITS LEAD FROM THE BCP PLENUM AT WHICH THE PARTY HAD ENDORSED THE ABOLITION OF ITS LEGALLY MANDATED "LEADING ROLE," THE NATIONAL ASSEMBLY VOTED IN ITS FIRST MEETING TO TAKE ACTION TO REMOVE CLAUSES

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2 AND 3 FROM ARTICLE 1 OF THE BULGARIAN CONSTITUTION. ASSEMBLYMEN WERE APPARENTLY PREPARED TO REMOVE THE CLAUSES AT THIS SESSION, BUT LAWYERS POINTED OUT THAT ARTICLE 143 OF THE CONSTITUTION REQUIRES THAT PROPOSED AMENDMENTS OF THE CONSTITUTION CANNOT BE MADE "EARLIER THAN ONE MONTH. . . AFTER BEING SUBMITTED TO THE NATIONAL ASSEMBLY." AT THIS SESSION, THEY COULD ONLY VOTE IN FAVOR OF A DECLARATION TO REMOVE THE CLAUSES AT THE EARLIEST POSSIBLE MOMENT THIS VIRTUALLY GUARANTEES THE ABOLITION OF THE CLAUSES

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AT THE ASSEMBLY'S NEXT SESSION IN JANUARY. (NOTE: THE AGRARIANS, ALONG WITH THE BCP, JOINTLY INTRODUCED THE BILL.)

3. (U) THE ASSEMBLY ALSO VOTED TO INITIATE A NEW DRAFT LAW ON PROPERTY AND LAND-USE AND TO FORM TWO PARLIAMEN-TARY COMMISSIONS: ON WOMEN'S AFFAIRS, MOTHERHOOD, AND CHILDCARE; AND ON THE LAND AND FORESTS. THE MOTION FOR THE LAND COMMISSION WAS ENTERED BY AGRARIAN STAND-ING COMMITTEE (POLITBURO) MEMBER MILENA STAMBOLISKA, WHO ALSO CALLED FOR REHABILITATION OF NIKOLA PETKOV AND OTHER EARLY AGRARIANS. THE LAND ACT WILL BE INTRODUCED AT THE NEXT ASSEMBLY SESSION IN JANUARY.

4. (U) IN PERSONNEL CHANGES, DRAZHA VULCHOVA RESIGNED AS DEPUTY CHAIRPERSON OF THE ASSEMBLY, BUT NO REPLACE-MENT WAS NAMED. THE FOLLOWING STATE COUNCIL MEMBERS WERE REMOVED: PETUR TANCHEV (FIRST DEPUTY CHAIRMAN), GEORGI DZHAGAROV (DEPUTY CHAIRMAN; ASKED TO BE RELIEVED), VLADIMIR BONEV, NICOLAI ZHISHEV, IVAN PANEV, YORDAN YOTOV, NACHO POPASOV, PENCHO KUBADINSKI, ANGEL BALEVSKI, AND PANTELEI YAREF. DZHAGAROV TOOK HIS FINAL OPPORTUNITY TO SPEAK TO CRITICIZE THE STATE

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COUNCIL AS A "RUBBER STAMP" WHICH HAD BEEN USED (IN SESSION) ONLY TWICE BETWEEN 1985 AND 1988. TANCHEV HAS BEEN REPLACED AS DEPUTY CHAIRMAN, AN APPOINTMENT TRADITIONALLY RESERVED FOR AGRARIAN PARTY LEADERS, BY NEW AGRARIAN LEADER ANGEL DIMITROV. DZHAGAROV HAS BEEN REPLACED BY VASIL MRUCHKOV. THE ASSEMBLY ALSO ACCEPTED A MOTION THAT GEORGI YORDANOV AND GRIGOR STOICHKOV BE REMOVED AS DEPUTY CHAIRMEN OF THE COUNCIL OF MINISTERS. NADYA ASPARUKHOVA WAS THEN ELECTED TO ONE OF THESE TWO POSITIONS. FINALLY, THE ASSEMBLY STRIPPED THE FOLLOWING REPRESENTATIVES OF THEIR SEATS IN THE ASSEMBLY: TODOR ZHIVKOV, VLADIMIR ZHIVKOV, MILKO BALEV, GRISHA FILIPOV, DIMITUR STOYANOV, NIKOLA STEFANOV, YAROSLAV RADEV, AND GENERAL KRISTO RUSHOV. ALL, IT SAID, HAD BEEN "ASSOCIATED WITH THE TOTALITARIAN SYSTEM."

5. (U) IN LEGISLATIVE CHANGES, THE ASSEMBLY ACCEPTED, IN PRINCIPLE, DRAFT LAWS ON MEETINGS AND DEMONSTRATIONS; FOR PUBLIC ASSOCIATIONS OF CITIZENS; FOR AMENDMENTS TO THE PENAL CODE; AND FOR AMNESTY FOR CERTAIN LEGAL OFFENDERS. THE TEXTS OF THESE LAWS HAVE NOT YET BEEN RELEASED TO THE PRESS AND PUBLIC. HOWEVER, JUSTICE MINISTER SVETLA DASKALOVA ELABORATED ON THEM IN AN INTERVIEW IN THE 15 DECEMBER EDITION OF "RABOTNICHESKO DELO." THE LAW ON MEETINGS, SHE SAYS, "WILL GUARANTEE CITIZENS' RIGHTS TO GATHER IN PUBLIC PLACES AND

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EXPRESS THEIR OPINIONS ON POLITICAL, CULTURAL,  
ECOLOGICAL, AND OTHER ISSUES OF PUBLIC CHARACTER."  
BUT CITIZENS MUST "INFORM THE TOWNSHIP . . . IN GOOD  
TIME," AND "GUARANTEES HAVE BEEN ENVISAGED FOR  
ENSURING PUBLIC ORDER AND THE TRANQUILLITY OF OTHER  
CITIZENS, AND RENDERING SUPPORT TO CONDUCTING MEETINGS

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BRUSSELS FOR USEC - AMB. NILES

E.O. 12356: DECL:OADR  
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ON THE PART OF THE PEOPLE'S COUNCILS." THE LAW OF  
PUBLIC ASSOCIATIONS WILL ENABLE SUCH GROUPS TO BE  
REGISTERED AS LEGAL ENTITIES "IF 5 PERSONS DECIDE TO  
FOUND SUCH AN ASSOCIATION, PREPARE A CHARTER, ELECT  
A LEADING ORGAN, AND REGISTER AT THE MUNICIPAL COUNCIL.  
ASSOCIATIONS DIRECTED AGAINST THE SOCIALIST SYSTEM  
CANNOT BE REGISTERED." APPLICANTS WHO ARE REFUSED  
WILL BE ENTITLED TO JUDICIAL REVIEW. THE PENAL CODE  
REVISIONS WILL BE DIRECTED AT ARTICLE 108, PARAGRAPH 1;

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ARTICLE 109, PARAGRAPH 1; AND WILL ABOLISH ARTICLES 110, 112, 112-A, AND 113. (NOTE: ALL OF THESE INVOLVE VARIOUS CRIMES AGAINST THE STATE.)

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6. (U) IN A MOVE THAT IS REPORTEDLY UNPRECEDENTED IN ASSEMBLY HISTORY, DELEGATES VOTED AGAINST THREE OF 18 DECREES ISSUED BY THE STATE COUNCIL SINCE THE

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LAST ASSEMBLY SESSION. THE THREE ARE: THE ADDENDUM AND AMENDMENT TO THE LAW ON CULTURAL MONUMENTS; THE DECREES FOR CIVIL MOBILIZATION IN PEACETIME; AND THE AMENDMENT TO THE LAW FOR PUBLIC HEALTH. (NOTE: THE CIVIL MOBILIZATION DECREE WAS ISSUED BY THE STATE COUNCIL DURING THE SUMMER FLIGHT OF APPROXIMATELY 300,000 ETHNIC TURKS. IT ENABLED THE GOVERNMENT TO ENLIST CIVILIANS IN VARIOUS LABOR AND AGRICULTURAL PROJECTS AND RELOCATE WORKERS FOR TEMPORARY PERIODS.)

7. (U) AT THE END OF THE FIRST DAY, THE ASSEMBLY ANNOUNCED THAT IT HAD COMPLETED THE FIRST FIFTEEN ITEMS OF ITS 21-ITEM AGENDA. IT HAS, IN ADDITION TO THE ABOVE ITEMS, ACCEPTED, IN PRINCIPLE, THE FORMATION OF A PERMANENT ASSEMBLY COMMISSION ON DEFENSE AND INTERNAL AFFAIRS AND A COMMISSION TO RESOLVE "CERTAIN URGENT QUESTIONS RELATED TO PERMITTED DEFORMATIONS AND VIOLATIONS OF THE LAW IN THE STATE, PUBLIC, AND ECONOMIC LIFE." IT HAS ALSO ACCEPTED A PROPOSAL FOR CHANGES IN THE COMPOSITION OF THE COMMISSION WHICH IS PREPARING CONSTITUTIONAL CHANGES; ESTABLISHMENT OF NEW, SHORTER TERMS OF OFFICE FOR ASSEMBLYMEN; NEW PROCEDURES FOR ELECTION OF CHAIRMEN AND DEPUTY CHAIRMEN OF PERMANENT ASSEMBLY COMMISSIONS; AND RELIEVING THE CURRENT GENERAL PROSECUTOR AND ESTABLISHING PROCEDURES FOR ELECTING A NEW ONE. (DETAILS OF THESE CHANGES ARE EXPECTED AFTER THE CONCLUSION OF THIS SITTING OF THE ASSEMBLY.) FINALLY, AT FINANCE MINISTER BELCHO BELCHEV'S REQUEST, CONSIDERATION OF THE COUNTRY'S 1990 BUDGET WAS DEFERRED IN ORDER FOR REVISIONS TO BE

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MADE IN LIGHT OF HIGH BUDGET DEFICITS IN 1989. THE ASSEMBLY ALSO AGREED TO ALLOW ASSEMBLY COMMISSIONS TO REVIEW THE NEW BUDGET, WHICH WILL BE MORE DETAILED THAN PREVIOUS ONES. IT ALSO "SUGGESTED"

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THAT THE MINISTRY OF FINANCE HOLD DOWN EXPENSES AS MUCH AS POSSIBLE IN THE FIRST QUARTER OF 1990 UNTIL A NEW BUDGET IS APPROVED.

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8. (U) THE FOLLOWING ITEMS REMAIN ON THE ASSEMBLY'S AGENDA FOR THE FOLLOWING DAY(S):

- ELECTION OF A PARLIAMENTARY COMMISSION TO EXAMINE QUESTIONS RELATED TO THE HYDRO-ENERGY COMPLEX "RILA" AND THE MESTA HYDROTECHNICAL COMPLEX;

- ESTABLISHMENT OF A NATIONAL CENTER FOR THE STUDY OF PUBLIC OPINION AT THE NATIONAL ASSEMBLY AND THE BULGARIAN ACADEMY OF SCIENCES;

- A REPORT FROM THE INTERIOR MINISTER ON COMPLAINTS OF CITIZENS FOR VIOLATIONS OF THEIR RIGHTS;

- A PROPOSAL OF THE BCP PARLIAMENTARY GROUP TO FORBID USE OF PORTRAITS OF LIVING LEADERS IN STATE INSTITUTIONS AND OTHER PUBLIC PLACES;

- ELECTION OF A PARLIAMENTARY COMMISSION TO EXAMINE COMPLAINTS OF CITIZENS OF RUSE; AND

- DEVELOPMENT OF A PLAN FOR ACTIVITES OF THE ASSEMBLY IN 1990.



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9. (C) COMMENT. MANY ITEMS ON THE ASSEMBLY'S AGENDA WERE PUBLICIZED TEN DAYS EARLIER, AND PERHAPS THE BIGGEST SURPRISE IN THE FIRST DAY'S MEETING WAS THE DISCOVERY OF THE CONSTITUTIONAL IMPEDIMENT TO REMOVING THE PRO-COMMUNIST CLAUSES FROM ARTICLE 1 OF THE CONSTITUTION. MLADENOV'S REPUDIATION OF THE CLAUSES AT THE PLENUM AND BCP RALLY EARLIER IN THE WEEK SEALED THEIR DOOM, BUT NOW THE ASSEMBLY MUST WAIT ANOTHER MONTH BEFORE ACTUALLY BURYING THEM.

10. (C) THE CHANGES IN THE PENAL CODE SHOULD ALSO BRING FEW SURPRISES. WITH ARTICLE 273 GONE ALREADY, THE ABOLITION OF THE REMAINING ANTI-STATE ARTICLES WILL PAVE THE WAY FOR MORE OPEN POLITICAL DISSENT AND RELEASE OF AN ESTIMATED 200 POLITICAL PRISONERS WHO HAD BEEN CONVICTED OF ANTI-STATE ACTS.

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11. (C) THE ASSEMBLY'S QUICK ADOPTION OF AGRARIAN STAMBOLISKA'S PROPOSAL TO CREATE A COMMISSION ON LAND USE STAVES OFF THAT PARTY LEADER'S THREAT TO HAVE THE 98 AGRARIAN ASSEMBLYMEN VOTE AGAINST THE 1990 BUDGET IF THE GOVERNMENT DID NOT GIVE THE BULGARIAN VILLAGE A "HIGH PRIORITY." THAT THREAT MAY NEVER HAVE BEEN A REAL POSSIBILITY, HOWEVER, SINCE THE BCP HAD BEEN DISCUSSING THE ISSUE SINCE WELL BEFORE ITS PLENUM ONE WEEK BEFORE THE ASSEMBLY SESSION. STAMBOLISKA IS LEADING THE AGRARIANS AS THEY BEGIN TO RAISE THEIR HEADS, BUT, WHILE THE HAVE TAKEN THE INITIATIVE ON SEVERAL LEGISLATIVE ITEMS, THEY HAVE YET TO CHALLENGE THE BCP ON ANY MATTER WITH WHICH THE BCP HAS NOT ALREADY PUBLICLY STATED ITS AGREEMENT.

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12. (C) THE REJECTION OF THREE OF THE STATE COUNCIL'S

1989 DECREES REFLECT THE ATTEMPT BY THE NATIONAL ASSEMBLY TO REGAIN SOME OF THE POWER WHICH HAD BEEN TAKEN FROM IT DURING THE ZHIVKOV REGIME VIA THE PROCESS OF ISSUING DECREES WHICH WERE THEN RUBBER STAMPED BY THE NATIONAL ASSEMBLY. THESE DECREES WERE ORIGINALLY TO HAVE ONLY BEEN ISSUED IN EMERGENCIES AND IN ACCORDANCE WITH EXISTING LAWS. HOWEVER, THE ZHIVKOV REGIME MADE THEM INTO THE NORMAL METHOD OF DOING BUSINESS.

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13. (C) PERSONNEL CHANGES WERE NEEDED TO SWEEP AWAY THE PARTY'S ZHIVKOVISTS WHO REMAINED IN THESE, THE LAST PUBLIC BODIES WHICH HAD NOT UNDERGONE MAJOR HOUSE-CLEANING AFTER 10 NOVEMBER: THE STATE COUNCIL,

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THE COUNCIL OF MINISTERS, AND THE ASSEMBLY. ZHIVKOV, HIS SON, AND MILKO BALEV HAVE BEEN STRIPPED OF ALL OF THEIR POSITIONS AND VIRTUALLY ALL OF THEIR TITLES, AND FILIPOV, STAOYANOV, ET AL CAN CONSOLE THEMSELVES WITH THE KNOWLEDGE THAT, FOR NOW AT LEAST, THEIR BCP MEMBERSHIPS ARE STILL INTACT.

14. (C) IN ADDITION TO EARLIER COMMENTS ON THE PERSONNEL CHANGES WHICH HAVE BEEN MADE, WE ADD THE FOLLOWING:

- THE NEWLY-APPOINTED DEPUTY CHAIRWOMAN OF THE COUNCIL OF MINISTERS, NADYA ASPARUKKHOVA, IS AN ETHNIC TURK. SHE HAS ALWAYS CLOSELY FOLLOWED THE PARTY LINE WITH REGARD TO THE FORCED ASSIMILATION CAMPAIGN AND IS THEREFORE NOT CONSIDERED LIKELY TO BECOME A MAJOR FORCE FOR CHANGE. NEVERTHELESS, THE APPOINTMENT IS INTERESTING AND WORTH WATCHING, PARTICULARLY SINCE HER BRIEF WILL APPARENTLY CONTAIN "SOCIAL ISSUES" WHICH WILL TOUCH ON THE ETHNIC TURKISH MINORITY.

- VLADIMIR BONEV, DISMISSED FROM THE STATE COUNCIL, IS THE CHAIRMAN OF THE HARDLINE FIGHTERS AGAINST FASCISM AND CAPITALISTISM UNION. THAT ORGANIZATION IS CONSIDERED BY MANY TO BE THE LAST PRESERVE OF "OLD THINKING" IN THE COUNTRY.

- NIKOLAY ZHISHEV, DISMISSED FROM THE STATE COUNCIL, HAD UNTIL YESTERDAY BEEN THE FIRST SECRETARY OF THE BOURGAS OBLAST. HIS DISMISSAL FROM THE LATTER POST MADE THREE FIRST SECRETARIES WHO HAVE NOW BEEN DISMISSED FROM OBLAST POSITIONS AS THE WAVE OF REFORM STARTS TO REACH DOWNWARD. ALSO REMOVED HAVE BEEN SOFIA CITY FIRST SECRETARY IVAN PANEV AND THE FIRST SECRETARY OF THE VARNA REGION.

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END COMMENT.  
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