

BERLIN BORDER RESCUE MEASURE DRAFT AGREEMENT

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[Commentary: "On Fiction and Truth"]

[Text] "In all probability the West Berlin fire brigade would have been unable to rescue the little Turkish boy who fell into the Spree River the day before yesterday. The land fire brigade director stated that his firefighters would have entered the water if they had been able to see any movement indicating that the child was there," [as reported by] West Berlin SFV radio station on 13 May 1975.

Upon request our editorial office received information from pertinent quarters that as early as 1973 a draft agreement on measures regulating accidents in sectors of territorial waters had been forwarded to the West Berlin Senat. As early as on 20 July 1973 it was possible to arrive at an agreement on concluding such an accord as well as on its content. Comrade Dr Mitdank, the GDR government delegate was authorized to sign the agreement. In a conversation on 5 October 1973 Comrade Dr Mitdank once more emphasized his authorization to conclude such an agreement. It subsequently took the West Berlin side 8 months to continue the negotiations. In these negotiations the West Berlin delegate Annusseck announced that he was not yet in a position to sign the agreement. In his reply to this remark Comrade Dr Mitdank pointed out that this attitude of the West Berlin Senat was not comprehensible to the GDR because it involved the settlement of humanitarian problems and because an agreement on the content and essence of these problems already existed in substance. In order to advance this matter, however, the GDR Government delegate, Comrade Dr Mitdank, pointed out to the West Berlin delegate Annusseck on 17 February 1975 that the GDR side was willing to implement the pertinent arrangement concerning rescue measures involving certain accidents in sectors of territorial waters in the form of an exchange of letters. Even though this GDR offer was welcomed by the West Berlin delegate, for inexplicable reasons putting the arrangement on rescue measures into effect by exchanging letters has not yet been approved.

Draft agreement between the GDR Government and the Senat of Berlin (West) on rescue measures in certain accidents in sectors of the territorial waters

Article I

1. If despite the measures to be taken by the Senat, people (for example, children, old or infirm persons) from Berlin (West) get into acute distress in the subsequently listed border waters, the GDR Government permits the persons authorized according to section 2 of Berlin (West) hereafter described as authorized persons from Berlin (West)) to undertake rescue measures.

2. The rescue measures may be taken in the [following]--border waters:

--The Berlin Spandau navigation canal, Humboldt port and Spree River from the Kiel Bridge (kilometer 10.6) to the border bend west of the Marschall Bridge (kilometers 15.1) and the Spree River from the Schilling Bridge (kilometer 19.3) to its junction with the Flutgraben (kilometer 21.3)

3. Rescue measures may be undertaken in those exceptional cases in which persons from Berlin (West) authorized to take such measures arrive at the scene of the accident before the GDR border security organs (hereafter termed GDR organs). If the assistance of GDR organs in rescue measures is considered necessary by authorized persons from Berlin (West) in an individual case, this will be made known to the GDR through the organs present at the scene of the accident.

4. To prevent accidents in GDR territorial waters at the Erlengrund enclave the Senat will arrange for the erection of a fence along the Havel riverbank from kilometer 6.3 extending 150 meters to kilometer 6.45

Article II

1. The GDR Government permits measures to rescue persons involved in accidents from Berlin (West) to be undertaken by members of the fire brigade and the water rescue service working group of Berlin (West).

2. Members of the police, customs service, as well as private persons of Berlin (West) are permitted to render assistance to people involved in accidents from Berlin (West) by throwing them life belts, ropes and other devices from the riverbanks.

3. If the measures described in paragraph 2 fail or perceptibly cannot succeed, and if neither the GDR organs nor the persons listed in paragraph 1 from Berlin (West) have arrived at the scene of the accident in time, persons (in plain clothes or in uniform) may temporarily carry out the first rescue measures in GDR territorial waters.

4. The persons of Berlin (West) authorized to carry out rescue measures possess no sovereign rights in the aforementioned territorial waters.

Article III

1. Before starting rescue measures persons from Berlin (West) authorized to carry out rescue measures must make such measures known or announce them.

2. This notification or announcement will be effected by using the rescue columns which will be erected by the Senat at conspicuous places along the border waters listed in Article I, paragraph 2, on the Berlin (West) riverbank at distances of 100 meters.

3. These rescue columns will be equipped with: an acoustic signal (alarm bell) a visual signal (blinking red light), a lifebelt and rope.

4. The acoustic and visual signals will be so combined that they are released by both the operation of a secured alarm release and the removal of the safety belt.

Section 4

Persons from Berlin (West) authorized to take rescue measures must follow the instructions of GDR organs during rescue measures. Upon the request of these organs they must immediately withdraw from the scene of the accident and must refrain from any interference in the activity of the GDR organs.

Upon arrival the GDR organs will be notified of the situation at the scene of the accident insofar as rescue measures have already been undertaken by authorized persons from Berlin (West).

Article V

The GDR Government permits the organs of Berlin (West) listed in Article II, paragraph 1, to employ in rescue operations in the territorial waters listed in article I, paragraph 2 for the duration of the rescue operation at the scene of the accident 'up to some 15 minutes: rescue forces up to four persons (including up to two divers) one lifeboat (rubber dinghy or aluminum boat) devices to rescue persons involved in an accident.

Article VI

Measures for locating and recovering the bodies of drowned persons will be carried out exclusively by GDR organs. If in an individual case the assistance of the persons of Berlin (West), authorized for rescue measures is considered necessary, this will be made known by the GDR organs present at the scene of the accident.

Article VII

1. Persons from Berlin (West) rescued by GDR organs in the aforementioned border waters of the GDR will be returned to Berlin (West) after their ability to be moved has been medically established.
2. The GDR Government permits persons from Berlin (West), rescued by persons from Berlin (West) involved in rescue measures in border waters to be immediately taken to Berlin (West) after approval by the GDR organs. In exceptional cases in which GDR organs have not arrived at the scene of the accident rescued persons from Berlin (West) may be transported to Berlin (West) immediately without previous approval.

Article VIII.

The Senat will take appropriate measures: to preclude a misuse of the provisions of this agreement; to insure that in connection with rescue measures by organs or private persons from Berlin (West) no acts are undertaken which violate the generally prevailing GDR rules concerning public order; to insure such conditions on the territory of Berlin (West) during rescue or salvage activities which make possible the unimpaired implementation of these measures. The two sides agree that the implementation and observance of the provisions and measures to be taken by the Senat constitutes a prerequisite for the implementation and validity of the agreement.

Article IX

The arrangement becomes effective with its signing. It becomes ineffective if one side demands it. An appropriate notification is to be transmitted to the other side in due time.

Berlin, on 1973
For the GDR Government
For the Senat of Berlin (West)
Protocol Annotation

1--Rescue measures are to be announced with blue light and Martin's horn signals as well as by hoisting a Red Cross flag or by a megaphone announcement until the rescue columns which are to be erected by the Senat in keeping with Article III are completed.

2--During the transition period which will not exceed 3 months, the rescue measures listed in Article III may be undertaken insofar as they have been made known as such in advance in keeping with number one.