



and  
of Part II the concept of "continue" in the same paragraph and in Paragraph 1 of Annex II; the concept of the "relationship" between the FRG and the Western Sectors" in Paragraph B Part II; and the designation of "FRG liaison agency" in Paragraph 3 of Annex II. The first difference concerns access and the remaining ones the description of the overall relationship between the Western Sectors and the FRG.

2. Discussion revealed that the Soviet negotiators had been using their divergent vocabulary on these topics with their own authorities for some time and had apparently presented the agreed text to them in these words. The Allied Advisers, given superb assistance on language and substance by USBER-EAS head Akalovsky, succeeded, at the end of the morning's session on August 25 in resolving some of the issues but a number of them remained open at the end of the session. Discussion of treaty formalities successfully dealt with most issues and will continue on August 26.

END SUMMARY.

3. The problems became apparent at the outset of the first comparison of the English, Russian and French texts on August 24. The Russian language text of the last phrase of Paragraph A, Part II, was to the effect that transit traffic will be "on the basis of favored treatment",

(... I NA OSNOVE BLAGOPRIYATSTVOVANIYA)

rather than "preferential treatment". The Soviet representative explained that they had from the outset been using the words "favored" instead of "preferential" in the Russian language version. They maintained that although the Russian language permitted a close equivalent to the English version to the effect that this traffic will enjoy preference, they were wholly unwilling to use the words "preference", "preferential" or "preferred" in connection with access traffic because this would mean undertaking a Soviet obligation to give Berlin access traffic priority and precedence over all other traffic using the designated routes, including Soviet military traffic, and, more persuasively, all GDR civilian traffic using the same routes.

4. The corresponding provision in paragraph 1 of Annex I the is in/Russian version "it will receive the most simple expeditious and favored treatment provided by international practice."

OSUSHCHESTVLYATSYA

(... I CHTO ONO BUDET/OSUSHCHESTVLYATSYA NAIBOLEYE ... BLAGOPRIYATNYM OBRAZOM)

After a discussion of this topic running for nearly five hours, Kvitsinskiy agreed to recommend to his ministry that, in view of the discrepancy between the terms "preferential" and "favored" in Paragraph A of Part II, that the Russian version

also read "most favored" / ~~INSTEAD OF~~ <sup>instead of</sup> "favored", as in Annex I. The course of the discussion made it quite clear that the Soviets have been using the word "preferential" in their discussion with the Allies and the word "favored" in their internal Soviet discussions. The Allies repeatedly pointed out that the entire ~~the~~ negotiations had been carried out in terms of the English word "preferential" and the Russian word "favored" or "favorable" had not been used at all. It became evident that this same problem existed in other important parts of the agreement.

5. The next discrepancy occurred in Paragraph B, Part II, following the phrase "that the ties between the Western Sectors and the Federal Republic of Germany will be maintained and developed". The remaining part of the sentence reads in ~~the~~ English "taking into account that these Sectors continue not to be a constituent part of the Federal Republic of Germany and not to be ~~governed~~ governed by it."

((... I RAZVIVATSYA S UCHETOM TOGO, CHTO ETI SEKTORA ...))

The ~~the~~ Russian wording for "taking account" was of such a nature that it gave the dependent clause which these words begin in the English version equal status with the remaining part of the paragraph, rather than subordinating the clause to the first statement concerning the maintenance and development of the ties. The paragraph ~~is~~ was then given the character of a primarily restrictive provision.

6. In the Russian language formulation, the last phrase in Paragraph B, Part II, read in effect "and ~~will~~ continue not to be governed by it" (literally), "and also henceforth will not be governed by it"

PO- PREZHNE MU NE ~~YAM~~ YAVLYAYUTSYA  
(...CHTO ETI SEKTORA ~~PO-  
SOSTAVNOY CHASTYU FRG ~~YAVLYAYUTSYA~~  
~~YAVLYAYUTSYA~~ I NE BUDUT UPRAVLYATSYA YEYU I VPRED.)~~

The sense of the English language version is "continue not to be governed by it". ~~The verb "continue" clearly governs both phrases of the dependent clause ("continue not to be governed by it")~~ The verb "continue" clearly governs both phrases of the dependent clause ("continue not to be a constituent part .... and not to be governed ....").

Allied reps repeatedly told Kvitsinskiy that by inserting a future tense into the Russian language version of the phrase, he was undermining the delicate balance of the compromise reached in this section where instead of saying "not regarded as a Land" we were saying ~~constituent part~~ "constituent part" in return for the use of the word "continue", making it evident that the relationship described was that of the past. Allied reps said that the Allied wording, using the verb "continue" in the present tense made it quite clear that the condition ~~described~~ described would <sup>remain</sup> ~~remain~~ in effect. Indeed the Allies were undertaking a commitment vis-a-vis the Soviet Union that this would be the case. But the Soviets were throwing

the whole phrase off balance by adding the verb "will".

This would make it appear that the sentence described a new status and would open this section of the agreement to political controversy in the Federal Republic. The same problem of the use of the future tense which came up in Paragraph B, of Part II arose at the end ~~XXXXXXXXXXXXXXXXXXXX~~ of the final phrase of Paragraph 1, Annex II, concerning ~~the~~ "the provisions of the Basic Law of the Federal Republic of Germany and of the Constitution operative in the Western Sectors of Berlin which contradict the above have been suspended and continue not to be in effect". The Russian version for the end of the sentence was "and, as before, will not have effect".

(... PRIOSTANOVLYENY V SVOYEM DEYSTVIYI ~~XXXXX~~  
I PO-PREZHNE MU NE BUDUT IMET SILY.)

again giving a future twist instead of the connotation of a continued condition.

7. A further source of difficulty was found in the Russian word "relationship" in the final paragraph of Paragraph B, Part II, reading in the English version "Detailed arrangements concerning the relationship between the Western Sectors of Berlin and the Federal Republic of Germany are as set forth in Annex II". The Russian word for "relationship" is in

(...KASAYUSHCHIYESYA OTNOSHENIY...)  
fact "relations" / ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ the same word used to describe relations between two foreign states,

[ a formulation which lends support to the Soviet concept ]  
of West Berlin as a separate international entity. In  
this case, too, there were alternate Russian phrases which  
could readily be used.

8. The description of the "permanent liaison agency" contained  
in Paragraph 3 of Annex II was translated by the Russians on  
as "organ for ties" ( ...ORGAN PO SVYAZYAM ) Allied reps  
pointed out to the Soviets that their language would permit  
the interpretation that only repeat only the permanent liaison  
agency had responsibility for ties between the FRG and the  
Western Sectors and further that there were no other ties, or  
activities under other ties, ~~XXXXXXXXXX~~ <sup>except</sup> those it administered  
or comprehended. They noted that this might be a cause of  
future interpretation difficulties between the Allies and  
the Soviets. Allied reps pointed out to the Soviets that here,  
too, there were readily usable Russian language equivalents  
~~XXXXXXXXXX~~ for the English term.  
~~XXXXXXXXXX~~ FOR:EM

2100

9. The meeting adjourned at ~~2200~~ hours. Kvitsinskiy called the ✓  
US rep by telephone on the morning of August 25. Exceptionally  
he began in an agitated way to discuss business on the telephone.  
He stated that his authorities had turned down his proposal to  
put "most favored" into paragraph A, Part II, as an equivalent  
for "preferential". He requested the US Adviser to meet him  
prior to the resumption of the session that morning. ~~XXXXXX~~

The latter agreed to do so.

10. At the outset of the conversation, ~~Kvix~~ Kvitsinskiy asserted ~~asserted~~ that he had been on the phone three times that morning with ~~Gromy~~ Gromyko personally. He had advanced not only the idea of repeating "most favored" in ~~PartxA~~ Para A Part II as in Annex I. Gromyko had turned this down. Kvitsinskiy had then proposed as an <sup>alternative</sup> ~~XXXXXXXXXX~~ that Paragraph A, Part II be reformulated so that it would be identical in formulation with Paragraph 1, Annex I, minus repeat minus the ~~r~~ reference to international practice. According to Kvitsinskiy, Gromyko also turned <sup>this</sup> ~~this~~ version down on the grounds that it was a concession which went far beyond the significance of the words "preferential" and would involve <sup>an</sup> ~~a~~ obligation for the Soviets to give Berlin access traffic precedence on all ~~designated~~ traffic. Kvitsinskiy, who was obviously upset, said that he had a "presentational problem" with his superiors in the Soviet Union and with Ambassador Abrasimov. From the time when each of the relevant concepts had been introduced into the negotiations, he had in his discussions with his own authorities, used the terms in the Russian text which were now in dispute. ~~XXXXXXXXXX~~ ~~this situation should create a no practical problem for the Allies. The Soviets would not question English or French versions or request any change in them. As far as access was concerned, Kvitsinskiy continued, the main Soviet commitment was to be found in the word~~

These terms were now part of the conceptual vocabulary of Soviet leaders interested in the Berlin Agreement and it was too late to change them. However this situation should create no practical problem for the Allies. The Soviets would not question the English ~~and~~ or French versions or request any change in them. As far as access was concerned, Kvitsinskiy continued, the main Soviet commitment was to be found in the word "unimpeded" and in its practical applications in paragraph 1 of Annex I. The remaining points in Paragraph A, Part II, including the wording "preferential" were of general nature and of lesser significance.

11. The US Adviser replied that it was true that Kvitsinskiy had from the outset of the negotiations made a valuable contribution to their success by conducting the Advisers' meetings in German and all drafting in English. We recognized this contribution. Translation from each of the three official languages would have made the Advisers' sessions completely unwieldy. But it was clear that following this practice had meant that we had seldom discussed Russian equivalents. Despite repeated requests, we had received a full Russian language only on the morning of August 24. Kvitsinskiy claimed this had been necessary because of the hectic pace of the last phase of negotiation. US rep said he regretted any embarrassment for Kvitsinskiy personally or for Ambassador Abrasimov. But the fact of the matter was that now there was agreed French and English versions and a divergent Russian language version. Any resultant problem was for the Soviets to clear up internally. US rep reviewed the difficulties for the application of the agreement and for its acceptance by German political opinion which might arise out of the divergencies contained by the Russian version. He said that although he personally believed Kvitsinskiy's account of his present difficulties, no one could exclude the possibility that the Soviets were attempting to gain extra

negotiating advantage in the last moment through the use of a divergent text.

12. Kvitsinskiy then said he would try on his own authority to work out compromises for the outstanding points in the ensuing session. He would use a formulation of the Russian version which changed the "taking into account" towards the Western version and he would remove the future tense verbs from Paragraph B of Part II and Paragraph 1 of Annex II. He believed he was right concerning the word "relationship" in Paragraph B, Part II. This was an authentic usage in the Soviet Union. He would try to make that clear once more, and he would try to find a new Russian language formula for the liaison agency in Paragraph 3, Annex II. He would also explain the Soviet concept of "most favored treatment" in Annex I so that the Allied reps could get a better idea of the Soviet approach to this question. US rep said he was willing to try a new approach on this basis.

13. In the session with all Allied reps, Kvitsinskiy again made the points on access re Paragraph A, Part II, he had made to the US rep. He pointed out that the Soviet translation of the final sentence of Paragraph 1 of Annex I, was "transit traffic will receive the most simple expeditious

and favored treatment provided by international practice". The phrase "most favored" was identical in Soviet practice to that used in trade agreements in the most favored nation sense. This meant, first, that the specific provisions of Paragraph 2, Annex I which exceeded in scope current international transit practice had the precedence and primacy and would be applied first. "Most favored treatment as provided by international practice" would then be applied to supplement and complement the procedures specifically set forth in Paragraph 2.

Consequently, <sup>the relevant word in</sup> Paragraph A of Part II should read

"favored" in Russian. It would represent the Soviet commitment to the Allies to give favored treatment to access traffic and it would be reflected by the use of the same word in the superlative in the Annex. Allied reps said that, ad referendum to their Ambassadors, they considered this an adequate explanation of the divergent Russian language used and of future Soviet practice as regards access.

~~12. XXXX Witslinsky then removed the future tense from Paragraph B of Part XII. He continued to insist on the use of the Russian word "relations" for the final sentence of Paragraph B, Part XII. After Witslinsky had produced Soviet Law books which used the proposed Russian term to~~

14. As regards the Russian rendition of the phrase "taking into account" in Paragraph B of Part II, Kvitsinskiy agreed to bring it into conformity with the English version but with the addition of the word "however" . The Allied Advisers accepted this as a compromise solution, with English text remaining unchanged. The Russian version of the pertinent passage now reads "... and developed, taking into account, however, that ..." (I RAZVIVATSYA, UCHITYVAYA ODNAKO, CHTO ...)

15. Kvitsinskiy then removed the future tense from Paragraph B of Part II. He continued to insist on the use of the Russian word "relations" for the final sentence of Paragraph B, Part II. After Kvitsinskiy had produced Soviet law books which used the proposed Russian term to



"... that these Sectors also henceforth  
are not a constituent part of the FRG  
and will not be governed by it."

VPRED  
(... CHTO ETI SEKTORA I/~~XXXX~~ NE  
YAVLYAYUTSYA SOSTAVNOY CHASTYU FRG  
I NE BUDUT UPRAVLYATSYA YEYU.)

"... have been suspended and will have  
no force henceforth as well."

PRIOSTANOVLENY  
(.../~~PRIOSTANOVLENY~~ V SVOYEM  
DEYSTVIYI I NE BUDUT IMET SILY I  
VPRED.)

17. The Allied Advisers told Kvitsinskiy that they did not know how their Ambassadors would react to the present situation and could not anticipate that reaction. Nor could they say whether their Ambassadors would wish to sign the agreement under these circumstances. They did however wish to point out one thing which appeared certain. The discrepancies between the English and the Russian texts would be immediately seized upon by opposition critics in the Federal Republic because they concerned the core of the relationship between the Federal Republic and Berlin. Controversy on this point could undermine much of the political value of the Berlin Agreement. This could in turn jeopardize the chances of ratification for the German-Soviet treaty and could make that treaty the main issue of the FRG political campaign which would begin in the summer of 1972, thus risking not only the success of the treaties themselves, but the continuation of the Brandt Government.

18. US rep told Kvitsinskiy that, quite independent of the Ambassadors' decision to sign the agreement under these circumstances, he considered that there was one possible action which could at least partially rectify the situation. This would be for the Four Advisers to agree on an agreed German translation to be used by the FRG

and GDR which would reflect the Allied version of the disputed points. He pointed out to Kvitsinskiy that the latter had on several specific occasions during the course of the two-day discussion stated that he would be willing to recommend to the GDR a German translation of the text corresponding to the Allied rather than the Russian language version of many of the points at issue. The US Adviser said that it seemed possible to him that the Allied Ambassadors would want to meet with FRG authorities on this topic sometime on August 26 and that the Advisers would be available on the morning of August 28, at which time they might be instructed to inform Kvitsinskiy of the reaction of the Allied Ambassadors to the present situation. The Advisers advised Kvitsinskiy in the meanwhile to reconsider the Soviet position and to again recommend/~~his compromise~~ his compromise formulations to his superiors. They also advised him to give close consideration to the idea of working on an agreed German translation and to have the answer to both questions available on the morning of the 28th. Kvitsinskiy said that he was willing to meet at any time, but that, in all honesty, he did not think it was any longer possible to change the Russian language version of the text. He indicated he would give consideration

to the idea of the German translation.

19. Our own view is that Kvitsinskiy is accurate in stating that the formal production process on the Russian text has begun and that it would be very difficult to stop it without a top level Soviet political decision. In our view, the Advisers succeeded in reducing the initial disparities to a considerable extent. Assessment of the intrinsic importance of the remaining disparities is, we believe, a question which should be left foremost to the Allied Ambassadors and the FRG. We think it would in any event be desirable to exploit to the extent possible the present situation, where the Soviets have been caught off balance, to try to obtain agreement to an agreed German language version.

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Department of State

# TELEGRAM

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US BONN GROUP REPRESENTATIVE SENDS  
SUBJ: FRG Paper on Results of Berlin Negotiations

There follows an informal translation of a paper on the results of the Berlin negotiations prepared by the Foreign Office for use in presentation of the draft Quadripartite Agreement for Cabinet consideration. It analyzes each of the sections of the agreement by comparing the situation before the negotiations with the gains which can be reasonably expected after the entire negotiating package is put into force. The paper concludes that the expectations which could reasonably have been attached to the negotiations at their beginning were exceeded and that the concessions made by the Allied side were not great in comparison to what has been achieved.

DRAFTED BY:

POL:BONN:JKornblum:k

DRAFTING DATE

8/24/71

TEL. EXT.

APPROVED BY:

~~XXXXXXXXXX~~ MIN: CABorg

CLEARANCES:

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1724

BEGIN TEXT

The Results of the Four Power  
Berlin Talks

I. Present Status

The Ambassadors of the Four Powers have agreed on texts of the Agreement and Final Protocol. When the four governments have agreed to these texts then the Agreement will be signed and the Final Protocol will be initialled. The Allies expect this to happen early in September.

This step concludes the first stage of the Berlin talks and simultaneously determines the content of the third and final stage which will be concluded at the end of the German implementation/arrangements. ~~settlement~~. In the meantime the Government of the FRG will settle the details of the Berlin traffic and the Senat will work out the particulars concerning regulations for visits to by West Berliners/~~with~~ the GDR. Before the overall settlement can be concluded there remains something to be done. However, the basic Four Power agreements have provided the most important preconditions for a Berlin settlement.

II. The Essential Content of the Four Power Agreement

1. The Structure of the Four Power Agreement

The agreement consists of: the Preamble; Part I, General Provisions; the main Part II dealing with practical provisions for the following four areas: (1) Access, (2) West Berlin/FRG relations, (3) possibilities for visiting and other improvements for West Berliners and (4) representation abroad; Part III, which points to the need for a Final Protocol to tie the whole agreement together; the four annexes containing detailed provisions for the separate areas of the main part, as well as the following attached documents: (1) an interpretative letter from the Allies to the FRG concerning the relations between Berlin and the FRG, (2) Agreed Minute on visitors' passes for West Berliners, (3) a letter from the Allies to the Soviet Union concerning Soviet <sup>activities</sup> ~~activity~~ in West Berlin.

2. The Status of Greater Berlin and the Position of the Allies Concerning West Berlin

<sup>basic</sup>  
The ~~essential~~ function of the Preamble and of Part I is to make sure that the valid status of Berlin and the position of the Occupying Powers remain inviolable.

The reference in the Preamble to the legal basis has not removed the differences of opinion between the Four Powers about the ~~legal~~ <sup>legal</sup> fundamental/questions. <sup>set aside</sup> The negotiators have ~~put~~ questions ~~in brackets~~ on which at present no agreement could be reached and have tried to find practical solutions which the Allies and the FRG were trying to obtain for West Berliners.

To avoid wrong conclusions from the above concerning the status, Part II/~~which~~ <sup>which</sup> deals with practical issues (for West Berlin) was preceded by Part I which together with the Preamble applies to all of Berlin. However, the common/~~concept for it could not be~~ <sup>expression to describe the area under</sup> consideration could however not be /found. The area of application is expressed in the sentence of the Preamble which points to the area with which the Four Powers are dealing in their talks, that is Greater Berlin. This too does not provide any agreement about the/~~valid~~ <sup>present</sup> status. It defines, however, that the legal foundations remain as before while each party maintains its own point of view.

Nevertheless, it is to be regarded as progress that for the first time ~~since a long time interval~~ <sup>in many years</sup> all the participants have confirmed in a common

document the continuation of the Four Power rights and responsibilities. It is not a mere coincidence that the decision of the GDR Council of State about the electoral districts which maintains the remnants of a special status of East Berlin was decided ~~only during~~ only during the final phase of the Four Power negotiations.

In summing up, the following can be said about the status questions:

(1) The Four Power status for all of Berlin remains untouched. ~~inviolable~~ The Soviet Union will continue to maintain that East Berlin as the capital is under the sovereignty of the GDR. The Berlin settlement contains nothing to support such a contention. The reference to the rights and responsibilities of the Four Powers which are clearly defined as remaining unaffected, ~~being inviolable~~, on the contrary, supports Western point of view.

(2) The original legal basis also remains intact in those areas which are the subject of concrete new settlements ~~which applies to the new detailed regulations~~, that is civilian access and freedom of movement within Berlin; the original rights of the three ~~offer~~ unaffected. Western Powers continue to remain ~~inviolable~~

The practical application will, however, be determined by the newly agreed improvements.

(3) The position of the Three Western Powers in the Western Sectors ~~will be~~<sup>is</sup> confirmed and strengthened. The obligation in Part I to respect also the individual rights of the other powers means that the Soviet Union promises to respect such rights of the Three Powers in West Berlin which they regard as original. The security of West Berlin which Khrushchev attacked in his ultimatum of 1958 has thus been strengthened. The remaining provisions of the Agreement are formulated in such a way as to confirm the authority of the Three Powers to exercise their occupational rights in West Berlin and with regard to West Berlin.

3. Access

Prior to the Berlin settlement. ~~The~~ Civilian access to Berlin since the end of the war remained inspite uncertain/~~in spite~~ of the unwritten Allied rights. ~~With the~~ <sup>Surface</sup> ~~traffic~~ ~~was~~ made progressively more difficult. The Allies and the Government of the FRG although they

protested against every traffic slowdown, could not prevent it. Especially dangerous was the development when in June 1968 the GDR by applying passport and visa obligations found the means to make civilian surface traffic more and more difficult as it pleased by raising the visa fees or by making visa issuance procedures more difficult. The appeal to the right of a free access to Berlin did not change the fact that in reality the surface access for travellers to Berlin was made more difficult through delays, annoying controls and by switching traffic lights to red, and that for many surface access was made impossible through exclusion at the point of entry. This resulted in a depressing uncertainty for Berliners who could not be sure whether the communications between the city and the outside world would remain open at all in the future. The Western Powers have in the past again and again attempted to come to an understanding with the Soviets about access and were ready to make far reaching concessions also with respect to the role of the GDR, for instance in 1959 in Geneva or in 1962 during the US-Soviet exploratory talks. The Soviet Union, however, has always referred to the sole competence of the GDR and refused through the years even to

talk to the Western Powers about access.

After the Four Power Agreement

a) The Four Power Agreement will bring considerable access improvements although the details will have to be first settled with the GDR:

(1) The Soviet Union has taken upon itself an obligation that the civilian Berlin traffic on roads, railways and waterways will in the future be unimpeded. In addition, it provides for a facilitated movement of the traffic which will be simple and expeditious as possible; and also guarantees a preferential treatment for the Berlin traffic. This obligation\* applies to all who travel to or from Berlin without any exceptions.

(2) In particular the following improvements are provided for:

-- Goods may be transported by road, rail and waterways in sealed conveyances and the sealing will be done before the departure, that is on the territory of the FRG or in West Berlin. Goods transported in this manner may not be checked by the GDR; the GDR authorities may only check the seals and the accompanying documents.



and will not be subject to inspection nor  
will their vehicles and/~~hand~~<sup>personal</sup> luggage be  
searched. They may not be detained or excluded  
from the use of the access routes. In this  
case there is also a misuse clause inserted  
according to which these provisions will not  
be valid when in separate cases there is  
sufficient reason to suspect that somebody  
will not use the access routes for the purpose  
of direct travel and in doing so/~~will~~<sup>will</sup> act  
contrary to generally applicable regulations  
concerning public order. Proceedings ~~will~~  
for such cases of misuse will also be settled  
between the German authorities.

-- In place of the present fees which have been  
collected from individual travellers,/~~a~~<sup>an annual</sup> lump  
sum payment may be paid by the Federal Republic  
to the GDR. It must still be made clear in the  
inner-German negotiations whether or not the GDR  
will also be ready to include visa fees in the  
lump sum payment.

b) This agreement on Berlin travel is the most important step that the Four Powers have taken concerning access to Berlin since the end of the blockade. In content it goes much further than the agreement reached at that time (the "Jessup-Malik" agreement) which only reinstated past practices. The agreement achieves ~~XXXXXXXX~~ in 1971 something that the victorious powers neglected to settle at the end of the war. With this the Western Powers have obtained for Berlin that which they had ~~XXXXX~~ so long searched for in vain, i.e. a Soviet guarantee for unhindered access.

Regulations covering specific improvements are already well fairly/defined in the Quadripartite Agreement so that the GDR will be acting within relatively narrow implementation bounds in the ~~XXXXXXXXXXXX~~ negotiations. The possibility of using sealed conveyances and through trains which cannot be subject to disturbance by the GDR provides an improvement, the value of which can hardly be underestimated. When the Agreement comes into force, travellers to and from Berlin will not only be free from the often experienced discomforts, but -- and this is the most important result -- the certainty that access will remain open and

undisturbed will give the Berliners a greater feeling of security and increased trust in the future of their city.

4. Relationship between West Berlin and the Federal Republic of Germany

The Situation Before the Berlin Agreement

a) In considering the relationship of Berlin to the Federal Republic, a differentiation must be made between the different forms taken ties:  
by these/~~xxxx~~

- The basic legal relationship (1);
- The broadly based ties and the presence of Federal offices and institutions in Berlin which are closely related to these ties; (2);
- And a third element, the so-called "demonstrative" Federal presence (3).

(1) The basic legal relationship is limited by reservations of the Allies, who in 1949 suspended the section of the Basic Law which states that Berlin is a Land of the Federal Republic and in 1950 suspended the corresponding section of the Berlin Constitution. At that time the Federal Government and the Senat of

Berlin accepted this step as an inescapable result of the international situation and established the definition of Berlin's relationship to the Federation as "de facto membership" (declaration of Chancellor Adenauer of October 21, 1949). They took into account that the security and freedom of West Berlin was dependent upon the continuation of occupation rights as the basis for the Allied position in Berlin. However, in the second half of the 1950's there developed on the German side a differing legal interpretation, which found expression in the decisions of the Federal Constitutional Court. The impression arose among the German public that Berlin was after all a Land of the Federal Republic of Germany. The Three Powers have, however, continued to hold firmly to their reservations. They have expressed this ~~through various formulations~~ through various formulations. ~~expressed this in various forms and have at~~ describe times gone as far as to consider Berlin as ~~not being a constituent part of the Federation~~ (ref. BK/O 52-35 of 12/20/50)

(2) The ties between the Western Sectors of Berlin and the Federal Republic of Germany in the economic, legal and cultural fields which have been expressly authorized by the Three Powers form the basis of the close relationship. They are vital for the viability of West Berlin. The presence of a great number of offices and institutions of the Federation in Berlin is also of great importance for West Berlin, if for no other reason than the fact that they provide many opportunities for employment.

(3) Meetings of the Bundestag, the Bundesrat, the Cabinet and the Bundesversammlung, and the work weeks of Bundestag committees and Fraktionen are not necessarily an important element  
/XXXXXXXX in the viability of West Berlin.

Their purpose has been on the one hand to act as a manifestation of Federal solidarity with the Berliners in times of external threat, and on the other hand to demonstrate Berlin's role as the historical capital of Germany. They were, therefore, spoken of as "demonstrative Federal presence".

b) Portions of the ties with the Federation have been given a legal basis by the Allies, while the total relationship has received their support as being necessary for the viability of Berlin. The "demonstrative" activities have never been expressly authorized but they have been allowed to take place individually with the understanding of the Allies as long as they ~~seemed~~ ~~to~~ fulfill the purpose of supporting the morale of the Berliners.

c) The Soviet Union never recognized the close ties between West Berlin and the FRG and attacked all forms of Federal presence with increasing intensity. Opposition to these ties was demonstrated through the increasingly numerous interruption of Berlin traffic by the GDR.

d) The attempts of the Soviet Union to isolate Berlin from the FRG caused great burdens for the residents of the city. In this connection the basic opposition to the ties and the administrative inter-relationship of West Berlin to the Federation were more disturbing than the attack on individual manifestations of the Federation in Berlin, the

utility of which, as for example in the case of the last Bundesversammlung, was even being debated among the German public.

The Situation After the Quadripartite Agreement

a) In their agreement the Four Powers reached a compromise which may be stated basically as follows: It is agreed that West Berlin's ties with the FRG will be maintained in the context of continuing Allied limitations and may be developed further; that is, the existence and the possibility for development of these ties is recognized by the Soviet Union. In return the Western Powers have declared that certain activities of the Federation may not take place in Berlin.

1) The express Allied confirmation and the implied Soviet recognition of the ties is an important gain. It removes/ <sup>from contention</sup> the major portion of the relationship with the FRG which is decisive for the viability of Berlin. Through the form of the Agreement under which the Soviet Union approves the Allied declaration with its signature on the entire package, the USSR has also recognized the right of the Western Powers

to authorize these ties, a competence which it has in the past refused to accept.

Tied to the Western declaration is ~~the~~ confirmation of the continuing Allied ~~XXXXX~~ limitations on the relationship between West Berlin and the FRG. The Allies have repeated ~~their~~ earlier declaration that the Western <sup>are</sup> Sectors of Berlin/as before not a constituent part of the FRG and continue not to be governed by it. They repeat that the contrary parts of the Basic Law and the Berlin Constitution have been suspended and continue not to be in effect. The expression "not a constituent part" means that West Berlin does not have the same position as other Federal Laender in the basic constitutional organization of the FRG, whereby eligible voters participate in the direct election of the Bundestag, and on the other hand the unlimited sovereign German state authority is exercised over these Laender. With the express reaffirmation of their decision, the Allies have made a concession to the <sup>valid</sup> Soviets who -- without/reason -- had claimed that the Allies had allowed doubts to arise about the continuation of their reserved rights in this field. In reality nothing has been changed,

and even without the Quadripartite Agreement the Allies would never have given up their reserved rights, which they consider necessary for protection of their position in Berlin.

2) In return for Soviet recognition of these ties, the Allies accepted a limitation of the so-called demonstrative Federal presence. In this connection, they proceeded from the assumption that after agreement with the East, especially concerning access, ties, and freedom of movement for West Berliners, there would no longer be a need for demonstrations of Federal presence. Compared with present practices, the major limitation is that the Bundesversammlung, which meets every five years and the last meeting of which in Berlin resulted in much controversy among German public opinion, may no longer come together in Berlin. Plenary sessions of the Bundestag and Bundesrat have at the request of the Allies not taken place in Berlin for several years. Committees of the Bundestag and Bundesrat may continue to meet singly in Berlin or if required by the subject under consideration, several committees may confer at the same time in the city

if such meetings are connected with continuation and development of the ties with the FRG. A demonstrative heaping together of committee meetings is, however, forbidden. Fraktionen of the Bundestag may continue to meet in Berlin without limitation of the subject of their discussions. They may, however, only meet one at a time in the city.

This interpretation of the Agreement is contained in the letter of interpretation which was agreed between the Four Powers and which will be sent by the Allies to the Federal Government. A copy of the letter will be sent to the Soviet Government which will confirm reception of the communication and take note of its contents. The formulations in the Agreement itself declare only what is self-understood, namely that Federal organs may not act contrary to Allied limitations on the relationship between Berlin and the FRG. The formulation attempts to counteract the Soviet claim that the FRG had in the past not held to Allied decisions.

The other organs listed in the Agreement (Annex II) and in the letter itself, i.e. the



be no change in the presence of Federal organs and institutions in Berlin. No Federal employee will have to leave Berlin.

b) In a consideration of the gains and losses of this Agreement, the advantages which have been obtained are obvious: the relationship between West Berlin and the Federal Republic of Germany has finally ceased to be a point of contention between East and West which in the past had been used continuously by the other side as a pretext for pressure against Berlin and its residents. In addition, this understanding was reached on the basis of a Soviet recognition of the ties which the FRG had continuously tried to obtain without success.

On the other hand, Allied actions represent an acceptable concession; they are ~~concentrated~~ limited to upon a limitation of the so-called "demonstrative Federal presence."

5. Freedom of Movement of West Berliners

The agreement obtains for West Berliners the possibility, which must still be implemented through detailed discussions between the Senat and the GDR, to travel

to the Eastern part of the city for the first time since expiration of the last visitor's pass agreement in 1966. And this time the agreement will proceed from a permanent and much broader basis. Berliners will not only be able to visit relatives but will also be able to travel on business or as tourists and will not only be able to visit East Berlin, but also the GDR. In addition the difficulties of the exclaves such as Steinstuecken which have resulted from their separation from the rest of West Berlin will be solved. Finally, telecommunications connections with the outside world will be improved. It is known that at the beginning of 1969, Chancellor Kiesinger was ready to accept much less in return for cancellation of the Bundesversammlung meeting in Berlin. Today provisions for visits constitute only one of many ~~much~~ broader improvements.

6. Representation of the Western Sectors of Berlin Abroad

The Situation before the Quadripartite Agreement

a) The Soviet Union and its allies did not recognize the competence given by the Western Allies with certain limitations to the FRG to represent West Berlin abroad.

This situation resulted in the following inconveniences for the FRG and Berlin:

- Treaty cooperation with the Soviet Union in areas of economics, science, technology, culture, transport and other subjects was blocked because of failure to agree on a Berlin clause for such agreements.
- Insofar as exchanges took place without formal commitments, Berlin could not be included.
- West Berliners and their commercial organizations were forced to operate in the Soviet Union and in countries allied with it without the consular protection provided by foreign establishments of the FRG.
- West Berliners could not use passports of the FRG in the East bloc.
- In international organizations and multilateral agreements Soviet objections to the representation of West Berlin by the FRG resulted continuously in friction and difficulties.
- West Berliners and their commercial organizations were continuously discriminated against at

unofficial activities such as fairs, exhibitions, conferences, visits of delegations, sporting events, etc., in Eastern bloc countries because they were not allowed to participate as members of groups from the FRG.

-- The choice of Berlin as a meeting place for international events was considerably restricted by efforts of the Soviet Union and its allies to hinder the placing of meetings of international organizations in West Berlin as well as through their own refusal to participate in such activities in West Berlin.

c) The result of these developments was that West Berlin was cut off more and more from international exchanges and that its role as convention city and international center for science and <sup>culture</sup>~~cultural~~ was being threatened. /XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Since after loss of its function as the seat of government for all of Germany, West Berlin could no longer fulfill its role as capital of Germany, it was even more important for the viability of the city to preserve its role as a metropole. This possibility was severely restricted through difficulties placed in the way of Berlin's participation in international life.

The Situation after the Quadripartite Agreement

a) The exchange of letters between the Western Powers and the Soviet Union, which is a part of the Four Power Agreement, achieved agreement for the future on procedures for foreign representation.

The Allies informed the Soviets of past practices, i.e. that while reserving their basic rights and with the exception of matters concerning security and status they have given their approval for:

Performance

--/~~XXXXXXXX~~ by the FRG of consular services

for inhabitants of the Western Sectors.

-- Extension to the Western Sectors of international agreements and arrangements entered into by the FRG in accordance with existing procedures.

-- Representation of the Western Sectors by the FRG in international organizations and conferences.

-- Participation by West Berliners together with participants from the FRG in international exchanges (including exhibitions).

-- The holding in the Western Sectors of meetings of international organizations and conferences and exhibitions with international participation.

1724

In its letter of reply the Soviet Union declares that in the future it will raise no objection to any of these forms of representation abroad of the Western Sectors of Berlin by the FRG.

Agreement was also reached that the Federal Government can issue invitations to international events in Berlin (West). It must also be noted, however, that the Senat /will participate in issuing the invitations.

The Western Powers were also ready to agree to establishment of a Soviet Consulate General in West Berlin in the context of agreement on foreign representation. Specific modalities for the establishment must be agreed upon among the Four Powers before signature of the Final Quadripartite Protocol. The basis for the Consulate General is, however, already provided by the agreement and the accompanying Allied letter to the Soviet Union.

In considering the question of a Soviet Consulate General, the Allies took account of two factors:  
Would  
1) /~~wixh~~ the Four Power status of Berlin be affected;  
and 2) would the Consulate General give the impression that  
/ ~~ix~~ special consular relations had been established between the USSR and West Berlin?

As a result of these considerations a form was found for the provision on the Consulate General which took care of the doubts raised by both questions.

1) The following modalities were established for the opening of a Soviet Consulate General:

- It will fall under appropriate Allied and German regulations.
- Its activities will be limited to purely consular matters and it may not exercise political functions or any responsibilities connected with the rights and responsibilities of the Four Powers.
- It will, as are all other consulates, be accredited to the Commandants of the Three Western Sectors.

This provision assures that the Soviet Consulate General will not receive a special status but will be handled in the same manner as other consulates and consulates general which have been established in West Berlin for some time.

XXXX

(2) The Allies have made establishment of a Soviet Consulate General dependent upon acceptance by the Soviet Union of representation abroad of West Berlin by the FRG, especially in the consular area. After this had been agreed the establishment of a Consulate General could no longer give the impression that the Soviet Union was undertaking separate consular relations with the Federal Republic on the one hand and West Berlin on the other. To make the connection completely clear, Allied authorization of a Soviet Consulate General was included in the agreement on the foreign representation of West Berlin by the FRG.

In practical terms the establishment of a Soviet Consulate General will simplify necessary procedures for West Berliners who want to travel to the Soviet Union. They will no longer have to go to the trouble of applying through the Soviet Embassy in East Berlin.

In addition the Western Powers will allow the Soviet Union to open a number of unofficial trading establishments with their own employees in the Western Sectors. These employees will receive certain carefully limited advantages, but will be provided with no privileges or special rights. The

Soviet Union will also again be able to utilize its property



importance for Berlin. The close ties between West Berlin and the FRG are thereby also strengthened connection with in/relations with other states.

7. The Meaning of the Final Quadripartite Protocol

The Four Power Agreement provides by drawing on the rights and responsibilities of the Four Powers the basis for the complete settlement including questions of access and freedom of movement for West Berliners, the details of which must still be agreed by the appropriate German side. The Final Quadripartite ~~PROTO~~ Protocol has the together function of binding/the individual agreements under the responsibility of the Four Powers to form a complete settlement. Its most important article is the consultation clause which makes clear that the Four Powers assume responsibility for implementation of all parts of the total package, ~~ixexxxamngxakheraxknoxfoexknoxixthatxthey~~  
~~wixxndixexxexxixxthaxknoxcommitmentsxundertakenxbyxthe~~  
~~GDRxaxxfulfillx~~ including that the Four Powers will see to it that commitments undertaken by the GDR are fulfilled.

8. What Was Not Settled

The Quadripartite Agreement does not provide a new status for Berlin nor does it bring a final settlement of the Berlin question as such.

Its purpose is to help relax tensions concerning Berlin and improve the lives of the Berliners through practical arrangements on questions which have created difficulties in ~~the~~ the past. Therefore ~~questions~~ <sup>subjects</sup> such as air access and military surface access were ~~not~~ not expressly included in the agreement, since they are <sup>covered by</sup> Allied rights which are exercised unchallenged and whose ~~implementation~~ presents no problem.

Concerning a general settlement of the Berlin question, it remains a fact that this will only be possible when the victorious powers from the Second World War ~~can~~ can agree on a final settlement for the German question as such. The Quadripartite Agreement does not prejudice such a solution and leaves open for Berlin all possibilities for its role in a future Germany. It provides for the Berliners the improvements which they need today.

III.

SUMMARY

The Berlin settlement is not yet finished. The results of the negotiations with the GDR must be awaited. It is too early to place a value on the ~~net~~ effect~~s~~ that the Quadripartite Agreement will have on the lives of the Berliners, developments between the two states in Germany ~~and~~ and for the process of relaxation of tension in Europe.

This much however can already be said: The Agreement among the Four Powers is a large step forward. No one can claim that all of our wishes were fulfilled. The result had to be achieved in hard negotiations. But the expectations which could reasonably be attached to the negotiations at their beginning have been exceeded. The list of improvements is long. To get them we were not forced to give in on any important issue; the concessions made by the Allies are, in comparison ~~now~~ to what has been achieved, not especially weighty.

At the beginning of the discussion a success seemed far away. ~~The beginning positions, which were formulated under the grand coalition, are testimony of our modest expectations.~~  
The beginning positions, which were formulated under the grand coalition, are testimony of our modest expectations.

The turn of events only began in the fall of 1970, after signature of the Moscow Treaty, when it became clear to all participants that Berlin really had become a test case for the success of the entire attempt to reduce tensions.

We have reason to be satisfied with the result of the negotiations and to thank the Allies for ~~their~~ the way they conducted the discussions. ~~/conduct of the discussions~~ When the Quadripartite Agreement has been signed and the Final Quadripartite Protocol has been initialled we will have come a large step closer to a satisfactory Berlin settlement.

END TEXT.

GP-3

KLEIN

*AK*  
*(AK)*

DECLASSIFIED

Authority NND 67230

By BKT/NC on 2 May 2013

~~CONFIDENTIAL~~  
Classification

Department of State

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LIMDIS

SUBJ: BERLIN TALKS: English Language Version  
of Quadripartite Agreement

Following is the English language text of the  
Quadripartite Agreement on Berlin approved by the  
four Ambassadors on August 23 as a working text  
covering the substance of the Agreement submitted  
to Governments for their consideration. The document  
was approved without prejudice to formulation of  
agreed texts in Russian and French.

DRAFTED BY:

POL: BONN: JKornblum:km

DRAFTING DATE

8/23/71

TEL. EXT.

APPROVED BY:

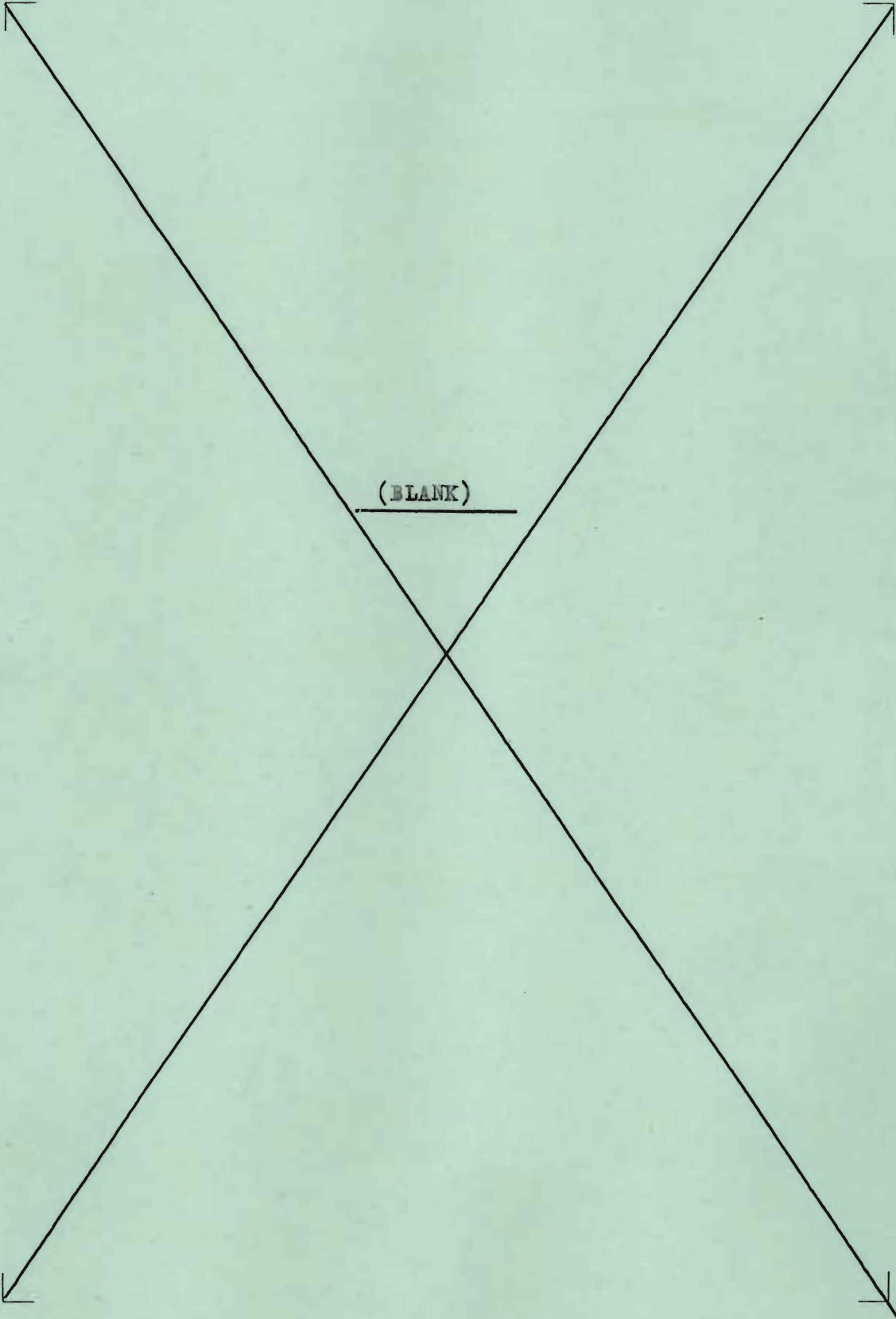
Minister Klein

CLEARANCES:

POL: BONN: JDean

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Classification



QUADRIPARTITE AGREEMENT

The Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, represented by their Ambassadors, who held a series of meetings in the building formerly occupied by the Allied Control Council in the American Sector of Berlin,

Acting on the basis of their quadripartite rights and responsibilities, and of the corresponding wartime and postwar agreements and decisions of the Four Powers, which are not affected;

Taking into account the existing situation in the relevant area;

Guided by the desire to contribute to practical improvements of the situation;

Without prejudice to their legal positions;

Have agreed on the following:

PART I GENERAL PROVISIONS

1. The four Governments will strive to promote the elimination of tension and the prevention of complications in the relevant area.

2. The four Governments, taking into account their obligations under the Charter of the United Nations, agree that there shall be no use or threat of force in the area and that disputes shall be settled solely by peaceful means.
3. The four Governments will mutually respect their individual and joint rights and responsibilities, which remain unchanged.
4. The four Governments agree that, irrespective of the differences in legal views, the situation which has developed in the area, and as it is defined in this Agreement as well as in the other agreements referred to in this Agreement, shall not be changed unilaterally.

PART II PROVISIONS RELATING TO THE WESTERN SECTORS OF BERLIN

A. The Government of the Union of Soviet Socialist Republics declares that transit traffic by road, rail and waterways through the territory of the German Democratic Republic of civilian persons and goods between the Western Sectors of Berlin and the Federal Republic of Germany will be unimpeded; that such traffic will be facilitated so as to take place in the most simple and expeditious manner; and that it will receive preferential treatment.

Detailed arrangements concerning this civilian traffic, as set forth in Annex I, will be agreed by the competent German authorities.

B. The Governments of the French Republic, the United Kingdom and the United States of America declare that the ties between the Western Sectors of Berlin and the Federal Republic of Germany will be maintained and developed, taking into account that these Sectors continue not to be a constituent part of the Federal Republic of Germany and not to be governed by it.

Detailed arrangements concerning the relationship between the Western Sectors of Berlin and the Federal Republic of Germany are set forth in Annex II.

C. The Government of the Union of Soviet Socialist Republics declares that communications between the Western Sectors of Berlin and areas bordering on these Sectors and those areas of the German Democratic Republic which do not border on these Sectors will be improved. Permanent residents of the Western Sectors of Berlin will be able to travel to and visit such areas for compassionate, family, religious, cultural or commercial reasons, or as tourists, under conditions comparable to those applying to other persons entering these areas.

The problems of the small enclaves, including Steinstuecken, and of other small areas may be solved by exchange of territory.

Detailed arrangements concerning travel, communications and the exchange of territory, as set forth in Annex III, will be agreed by the competent German authorities.

D. Representation abroad of the Western Sectors of Berlin and consular activities of the Union of Soviet Socialist Republics in the Western Sectors of Berlin can be exercised as set forth in Annex IV.

ANNEX I COMMUNICATION FROM THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA

The Government of the Union of Soviet Socialist Republics, with reference to Part IIA of the Quadripartite Agreement of this date and after consultation and agreement with the Government of the German Democratic Republic, has the honor to inform the Governments of the French Republic, the United Kingdom and the United States of America that:

1. Transit traffic by road, rail and waterways through the territory of the German Democratic Republic of civilian persons and goods between the Western Sectors of Berlin and the Federal Republic of Germany will be facilitated and unimpeded. It will receive the most simple, expeditious and preferential treatment provided by international practice.
2. Accordingly,
  - (a) Conveyances sealed before departure may be used for the transport of civilian goods by road, rail and

waterways between the Western Sectors of Berlin and the Federal Republic of Germany. Inspection procedures will be limited to the inspection of seals and accompanying documents.

- (b) With regard to conveyances which cannot be sealed, such as open trucks, inspection procedures will be limited to the inspection of accompanying documents. In special cases where there is sufficient reason to suspect that unsealed conveyances contain either material intended for dissemination along the designated routes or persons or material put on board along these routes, the content of unsealed conveyances may be inspected. Procedures for dealing with such cases will be agreed by the competent German authorities.
- (c) Through trains and buses may be used for travel between the Western Sectors of Berlin and the Federal Republic of Germany. Inspection procedures will not include any formalities other than identification of persons.
- (d) Persons identified as through travellers using individual vehicles between the Western Sectors of Berlin and the Federal Republic of Germany on routes designated for through traffic will be able to proceed to their destinations without paying individual tolls and fees for the use of the transit routes. Procedures

applied for such travellers shall not involve delay. The travellers, their vehicles and personal baggage will not be subject to search, detention or exclusion from use of the designated routes, except in special cases, as may be agreed by the competent German authorities, where there is sufficient reason to suspect that misuse of the transit routes is intended for purposes not related to direct travel to and from the Western Sectors of Berlin and contrary to generally applicable regulations concerning public order.

- (e) Appropriate compensation for fees and tolls and for other costs related to traffic on the communication routes between the Western Sectors of Berlin and the Federal Republic of Germany, including the maintenance of adequate routes, facilities and installations used for such traffic, may be made in the form of an annual lump sum paid to the German Democratic Republic by the Federal Republic of Germany.

3. Arrangements implementing and supplementing the provisions of paragraphs 1 and 2 above will be agreed by the competent German authorities.

ANNEX II COMMUNICATIONS FROM THE GOVERNMENTS OF THE FRENCH  
REPUBLIC, THE UNITED KINGDOM AND THE UNITED STATES OF  
AMERICA TO THE GOVERNMENT OF THE UNION OF SOVIET  
SOCIALIST REPUBLICS

The Governments of the French Republic, the United Kingdom and the United States of America, with reference to Part IIB of the Quadripartite Agreement of this date and after consultation with the Government of the Federal Republic of Germany, have the honor to inform the Government of the Union of Soviet Socialist Republics that:

1. They declare, in the exercise of their rights and responsibilities, that the ties between the Western Sectors of Berlin and the Federal Republic of Germany will be maintained and developed, taking into account that these Sectors continue not to be a constituent part of the Federal Republic of Germany and not to be governed by it. The provisions of the Basic Law of the Federal Republic of Germany and of the Constitution operative in the Western Sectors of Berlin which contradict the above have been suspended and continue not to be in effect.
2. The Federal President, the Federal Government, the Bundesversammlung, the Bundesrat and the Bundestag, including their Committees and Fraktionen, as well as other state bodies of the Federal Republic of Germany will not perform in the Western Sectors of Berlin constitutional or official acts which contradict the provisions of Paragraph 1.

3. The Government of the Federal Republic of Germany will be represented in the Western Sectors of Berlin to the authorities of the three Governments and to the Senat by a permanent liaison agency.

Note

The Ambassadors of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America have the honor to refer to the statements contained in Annex II of the Quadripartite Agreement to be signed on this date concerning the relationship between the Federal Republic of Germany and the Western Sectors of Berlin, and to inform the Ambassador of the Union of Soviet Socialist Republics of their intention to transmit to the Chancellor of the Federal Republic of Germany immediately following signature of the Quadripartite Agreement a letter to be dated (following day) containing clarifications and interpretations which represent the understanding of their Governments of the statements contained in Annex II of the Quadripartite Agreement. A copy of the letter to be sent to the Chancellor of the Federal Republic of Germany is attached to this Note.

(Formal close)

\_\_\_\_\_  
Ambassador of the French Republic

\_\_\_\_\_  
Ambassador of Great Britain and  
Northern Ireland

\_\_\_\_\_  
Ambassador of the United States  
of America

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Classification

Letter of the Three Ambassadors to the Federal Chancellor  
Concerning Interpretation of Annex II

Mr. Chancellor:

With reference to the Quadripartite Agreement signed on (date), our Governments wish by this letter to inform the Government of the Federal Republic of Germany of the following clarifications and interpretations of the statements contained in Annex II of that Agreement, which was the subject of consultation with the Government of the Federal Republic of Germany during the quadripartite negotiations.

These clarifications and interpretations represent the understanding of our Governments of this part of the Quadripartite Agreement, as follows:

- a. The phrase in Paragraph 2 of Annex II of the Quadripartite Agreement which reads: ". . . will not perform in the Western Sectors of Berlin constitutional or official acts which contradict the provisions of Paragraph 1" shall be interpreted to mean acts in exercise of direct state authority over the Western Sectors of Berlin.
- b. Meetings of the Bundesversammlung will not take place and plenary sessions of the Bundestag and the Bundesrat will continue not to take place in the Western Sectors of Berlin. Single committees of the Bundestag and the Bundesrat may meet in the Western Sectors of Berlin in connection with maintaining and developing the ties between those Sectors

and the Federal Republic of Germany. In the case of Fraktionen, meetings will not be held simultaneously.

- c. The liaison agency of the Federal Government in the Western Sectors of Berlin includes departments charged with liaison functions in their respective fields.
- d. Established procedures concerning the applicability to the Western Sectors of Berlin of legislation of the Federal Republic of Germany shall remain unchanged.
- e. The term "state bodies" in Paragraph 2 of Annex II shall be interpreted to mean: the Federal President, the Federal Chancellor, the Federal Cabinet, the Federal Ministers and Ministries, and the branch offices of those Ministries, the Bundestag and the Bundesrat, and all Federal courts.

(Formal close)

For the Government of the French Republic:

For the Government of the United Kingdom of Great Britain and Northern Ireland:

For the Government of the United States of America:

Note

The Ambassador of the Union of Soviet Socialist Republics has the honor to acknowledge receipt of the Note of the Ambassadors of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America, dated (blank), and takes note of the communication of the three Ambassadors.

(Formal close)

ANNEX III Communication from the Government of the Union of Soviet Socialist Republics to the Governments of the French Republic, the United Kingdom and the United States of America.

The Government of the Union of Soviet Socialist Republics, with reference to Part IIC of the Quadripartite Agreement of this date and after consultation and agreement with the Government of the German Democratic Republic, has the honor to inform the Governments of the French Republic, the United Kingdom and the United States of America that:

1. Communications between the Western ~~SECTORS~~ Sectors of Berlin and areas bordering on these Sectors and those areas of the German Democratic Republic which do not border on these Sectors will be improved.
2. Permanent residents of the Western Sectors of Berlin will be able to travel to and visit such areas for compassionate, family, religious, cultural or commercial reasons, or as tourists, under conditions comparable to those applying to other persons entering these areas. In order to facilitate visits and travel by permanent residents of the Western Sectors of Berlin as described above,

- additional crossing points will be opened.
3. The problems of the small enclaves, including Steinstuecken, and of other small areas may be solved by exchange of territory.
  4. Telephonic, telegraphic, transport and other ~~EXX~~ ~~XXXXXX~~ external communications of the Western Sectors of Berlin will be expanded.
  5. Arrangements implementing and supplementing the provisions of Paragraphs 1 to 4 above will be agreed by the competent German authorities.

ANNEX IV A. Communication from the Governments of the French Republic, the United Kingdom and the United States of America to the Government of the Union of Soviet Socialist Republics

The Governments of the French Republic, the United Kingdom and the United States of America, with reference to Part IID of the Quadripartite Agreement of this date and after consultation with the Government of the Federal Republic of Germany, have the honor to inform the Government of the Union of Soviet Socialist Republics that:

1. The Three Governments maintain their rights and responsibilities relating to the representation abroad of the interests of the ~~Western~~ Western Sectors of Berlin and their permanent residents, including those rights and responsibilities

concerning matters of security and status, both in international organizations and in relations with other countries.

2. Without prejudice to the above and provided that matters of security and status are not affected, they have agreed that:

(a) The Federal Republic of Germany may perform consular services for permanent residents of the Western Sectors of Berlin.

(b) In accordance with established procedures, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the Western Sectors of Berlin provided that the extension of such agreements and arrangements is specified in each case.

(c) The Federal Republic of Germany may represent the interests of the Western Sectors of Berlin in international organizations and international conferences.

(d) Permanent residents of the Western Sectors of Berlin may participate jointly with participants from the Federal Republic of Germany in international exchanges and exhibitions. Meetings of international organizations and

international conferences as well as exhibitions with international participation may be held in the Western Sectors of Berlin. Invitations will be issued by the Senat or jointly by the Federal Republic of Germany and the Senat.

3. The three Governments will authorize the establishment of a Soviet Consulate General in the Western Sectors of Berlin accredited to the appropriate authorities of the three Governments in accordance with the usual procedures ~~applicable~~ applied in those Sectors, for the purpose of performing consular services, subject to provisions set forth in a separate document of this date.

B. Communication from the Government of the Union of ~~X~~ Soviet Socialist Republics to the Governments of the French Republic, the United Kingdom and the United States of America

The Government of the Union of Soviet Socialist Republics, with reference to Part IID of the Quadripartite Agreement of this date and to the communication of the Governments of the French Republic, the United Kingdom and the United States of America with regard to the representation abroad of the interests of the Western Sectors ~~X~~ of Berlin and their permanent residents, has the honor

to inform the Governments of the French Republic, the United Kingdom and the United States of America that:

1. The Government of the Union of Soviet Socialist Republics takes note of the fact that the three Governments maintain their rights and responsibilities relating to the representation abroad of the interests of the Western Sectors of Berlin and their permanent residents, including those rights and responsibilities concerning matters of security and status, both in international organizations and in relations with other countries.
2. Provided that matters of security and status are not affected, for its part it will raise no objection to:
  - (a) The performance by the Federal Republic of Germany of consular services for permanent residents of the Western Sectors of Berlin.
  - (b) In accordance with established procedures, the extension to the Western Sectors of Berlin of international agreements and arrangements entered into by the Federal Republic of Germany provided that the extension of such agreements and arrangements is specified in each case.

- (c) The representation of the interests of the Western Sectors of Berlin by the Federal Republic of Germany in international organizations and international conferences.
- (d) The participation jointly with participants from the Federal Republic of Germany of permanent residents of the Western Sectors of Berlin in international exchanges and exhibitions, or the holding in those Sectors of meetings of international organizations and international conferences as well as exhibitions with international participation, taking into account that invitations will be issued by the Senat or jointly by the Federal Republic of Germany and the Senat.
3. The Government of the Union of Soviet Socialist Republics takes note of the fact that the three Governments have given their consent to the establishment of a Soviet Consulate General in the Western Sectors of Berlin. It will be accredited to the appropriate authorities of the three Governments, for purposes and subject to provisions described in their communication and as set forth in a separate document of this date.

PART III FINAL PROVISIONS

This Quadripartite Agreement will enter into force on the date specified in a Final Quadripartite Protocol to be concluded when the measures envisaged in Part II of this Quadripartite Agreement and in its Annexes have been agreed.

DONE at the building formerly occupied by the Allied Control Council in the American Sector of Berlin, this (blank) day of (blank), 1971, in four copies each in the English, French and Russian languages.

For the Government of the French Republic:

For the Government of the Union of Soviet Socialist Republics:

For the Government of the United Kingdom

of ~~Great~~ Great Britain and ~~Northern~~ Northern Ireland:

For the Government of the United States of America:

FINAL QUADRIPARTITE PROTOCOL

The ~~For~~ Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Having in mind Part III of the Quadripartite Agreement of (date), and taking note with satisfaction of the fact

that the agreements and arrangements mentioned below have been concluded;

Have agreed on the following:

1. The four Governments, by virtue of this Protocol, bring into effect the Quadripartite Agreement, which, like this Protocol, does not affect quadripartite agreements or decisions previously concluded or reached.
2. The four Governments proceed on the basis that the agreements and arrangements concluded between the competent German authorities (list of ~~Agreements~~ <sup>agreements</sup> and ~~Arr~~ arrangements) ~~xx~~ shall enter into force simultaneously with the Quadripartite Agreement.
3. The Quadripartite Agreement and the consequent agreements and arrangements of the competent German authorities referred to in this Protocol settle important issues examined in the course of the negotiations and shall remain in force together.
4. In the event of a difficulty in the application of the Quadripartite Agreement or any of the above-mentioned agreements or arrangements which any of the four Governments considers serious, or in the event of non-implementation of any part thereof, that Government will have the right to draw the attention of the other three Governments to the provisions of the Quadripartite Agreement and this Protocol and to conduct the requisite



up document confirming that the person requesting the visa is a permanent resident of the Western Sectors of Berlin and containing the bearer's full address and a personal photograph.

During his stay in the Union of Soviet Socialist Republics, a permanent resident of the Western Sectors of Berlin who has received a visa in this way may carry both documents or either of them as he chooses. The visa issued by a Soviet office will serve as the basis for entry into the Union of Soviet Socialist Republics, and the passport or identity card will serve as the basis for consular services in accordance with the Quadripartite Agreement during the stay of that person in the territory of the Union of Soviet Socialist Republics.

The above-mentioned stamp will appear in all passports used by permanent residents of the Western Sectors of Berlin for journeys to such countries as may require it.

(initials)

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\_\_\_\_\_  
\_\_\_\_\_

Date

~~XXXX~~ Agreed Minute

Provision is hereby made for the establishment of a Soviet Consulate General in the Western Sectors of Berlin. It is understood that the details concerning this Consulate General will include the following:

The Consulate General will be accredited to the appropriate authorities of the three Governments in accordance with the usual procedures applying in those Sectors.

Applicable Allied and German legislation and regulations will apply to the ~~EXX~~ Consulate General. The activities of the Consulate General will be of a consular character and will not include political functions or any matters related to quadripartite rights or responsibilities.

The three Governments are willing to authorize an increase in Soviet commercial activities in the Western Sectors of Berlin as described below. It is understood that pertinent Allied and German legislation and regulations will apply to these activities. This authorization will be extended indefinitely, subject to compliance with the provisions ~~xxx~~ outlined herein. Adequate provision for consultation will be made. This increase will include establishment of an "Office of Soviet Foreign Trade Associations in the Western Sectors of Berlin", with commercial status, ~~onlyx~~ authorized to buy and sell on behalf of foreign trade associations of the Union of

Soviet Socialist Republics. Soyuzpushnina, Prodintorg and Novoexport may each establish a bonded warehouse in the Western Sectors of Berlin to provide storage and display for their goods. The activities of the Intourist office in the British Sector of Berlin may be expanded to include the ~~xxx~~ sale of tickets and vouchers for travel and tours in the Union of Soviet Socialist Republics and other countries. An office of Aeroflot may be established for the sale of passenger tickets and air freight services.

The assignment of personnel to the Consulate General and to permitted Soviet commercial organizations will be subject to agreement with the appropriate authorities of the three Governments. The number of such personnel will not exceed twenty Soviet nationals in the Consulate General; twenty in the office of the Soviet Foreign Trade Associations; one each in the bonded warehouses; ~~six~~ /~~xxxx~~ in the Intourist office; and five in the Aeroflot office. The personnel of the Soviet Consulate General and of permitted Soviet commercial organizations and their dependents may reside in the Western Sectors of Berlin upon individual authorization.

The property of the Union of Soviet Socialist Republics at Lietzenburgerstrasse 11 and at Am Sandwerder 1 may be used for purposes to be agreed between appropriate

representatives of the three Governments and of the Soviet Government.

Details of implementation of the measures above and a time schedule for carrying them out will be agreed between the four Ambassadors in the period between the signature of the Quadripartite Agreement and the signature of the Final Quadripartite Protocol foreseen in that Agreement.

(Initials)

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Date

KLEIN

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