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MEMORANDUM FOR: Gerald Livingston, NSC Staff

SUBJECT : West Berlin Between East and West

Summary: The West German Foreign Ministry has complained to the Western Allies that the Soviets are not living up to the spirit of the Quadripartite Agreement on Berlin. The charge is not that the Soviets have violated the explicit terms of the accord, but rather that their interpretations of its ambiguous provisions amount to "salami slicing" which could set dangerous precedents. In fact, Moscow's behavior since the Agreement came into force in 1972 is consistent with its long standing policy of keeping West Berlin separate from West Germany and under Allied occupation. There is no good evidence that Soviet and East German aims diverge on this, although over the longer term differences seem likely to grow. The question of Soviet fulfillment of the Agreement finds the Western Allies in some disagreement over the merits of the West German complaints, and West German, West Berlin, and Allied officials unsure about their goals for the city's future.

1. West German and West Berlin officials have expressed concern that the USSR is not living up to the spirit of the Quadripartite Agreement on Berlin. In sounding out the UK, US, and French assessments, the FRG Foreign Ministry representatives

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in the Bonn Group meeting on 8 February pointed out that while Moscow probably had not violated the letter of the Agreement, it certainly had tried to create favorable precedents. Bonn has admitted that Soviet observance of the accord has led to many favorable developments, such as the relatively smooth functioning of the new transit regulations. But it is disappointed because, on certain questions, Moscow has changed its attitude little if at all since the Agreement went into force in June 1972.

2. West German complaints concern the nature of the relationship between West Berlin and Bonn; specifically, the type and extent of political ties, and Bonn's right to represent West Berlin abroad. Under the first category, the Soviets have, inter alia, objected to the use of the term "Land Berlin" in treaties and legal documents, protested the suggestion to grant full voting rights to West Berlin deputies in the Bundestag, and complained about certain aspects of the Federal presence in West Berlin. Under the second category, the Soviets are accused of claiming that Bonn can represent West Berlin abroad only in consular affairs, and of refusing to participate in international events in West Berlin or insisting upon separate identification of West Berlin members of West German exchange groups.

3. The West Germans do not accuse the Soviets of violating specific provisions of the Agreement. Instead, the complaints are a record of Soviet resistance to West German initiatives and a lament that Moscow has refused to budge from its pro-Agreement attitudes. Thus, Moscow continues to shun the term "Land Berlin" because it implies that West Berlin is a constituent part (as are the other Laender) of the FRG, which the Agreement specifically states it is not. For similar reasons, Moscow objects to granting West Berlin deputies voting rights in the Bundestag.

4. The other points are less clear-cut, and concern more of ambiguity built into the Agreement. It was expected that a process of testing West German will would take place, and this process began almost immediately and has continued regarding

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of other factors in the Bonn-Moscow relationship. Although the accord provides that West Germany shall perform consular services for West Berliners, matters of security and status are excepted and the Soviets on at least one occasion defined these terms quite broadly and refused access on those grounds. The West German Embassy in Moscow recently admitted, however, that the Soviets have given West German diplomats no difficulty as a rule in performing consular functions for West Berliners. On another issue, the accord provides that "permanent residents of the Western sectors...may participate jointly with participants from the FRG in international air change and exhibitions." The Soviets and their allies, however, consistently have defined "jointly" as meaning at the same time and place, but with separate identification.

5. The West Germans probably should not have expected more from Moscow. In a general sense, the Soviets began the negotiations on Berlin because it seemed necessary to them in pursuing their broad policy of detente. To them a Berlin Agreement was a means, not an end in itself. They were brought along as far as they were because a Berlin Agreement furthered other Soviet interests--securing ratification of the West German - Soviet treaty of 1970, fulfilling Western pre-conditions for convening a CSCE, and supporting Chancellor Brandt's precarious domestic political position. At no time did the Soviets indicate that their fundamental opposition to closer FRG-West Berlin relations was softening. In the absence of specific incentives to alter their policies toward West Berlin, there is little reason to expect the Soviets to do so.

Soviet Goals

6. The basic Soviet goal vis-a-vis West Berlin, which they have followed before, during, and since the negotiations on the Agreement, is to keep West Berlin independent of West Germany. Soviet officials have explicitly restated this theme--West Berlin is a "separate city" or a "special entity." The FRG is a "foreign state" as far as West Berlin is concerned. Thus, it is not surprising that the Soviets have chosen to stress the restrictions and exclusions that the Agreement imposes on the FRG - West Berlin relationship, while the West Germans dwell upon the "maintain and develop" provision in the accord.

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7. Another Soviet goal is to assert a share in the occupation rights and responsibilities in West Berlin. Because the Western Allies have countered such claims in the past, Soviet ability to assert such rights in the future would only be read as a sign of growing influence in the affairs of the city. The Soviets will undoubtedly try to use their consulate general in West Berlin to deal with the West Berlin Senat and public in the way that an embassy accredited to an independent government would, and to deal with the Allied commandants so as to imply they share occupation responsibility.

8. Countervailing these two goals, however, is the broader Soviet policy of seeking generally improved relations with the West. To pursue this policy effectively, West Berlin must not become again a focus of East-West tension. This of course puts limits on how aggressive the Soviets can be, but Moscow probably sees the limits as rather broad because "detente" gives the Western capitals, too, a reason for avoiding confrontation. As the West German Foreign Ministry points out, the danger now is not from Soviet threats and bluster, but from low-profile "salami slicing."

9. It is a moot point whether Moscow still believes it is a realistic long-range goal to get the Western Allies out of West Berlin and incorporate the whole city into East Germany. This former "conventional wisdom" may have been outdated by the abandonment of pressure tactics and the broader considerations of European detente. Certainly it can be said that the policy of detente, of which the Berlin Agreement is an approximation, implies that Moscow is prepared to see the occupation status of West Berlin continue indefinitely. It also follows that for at least as long as the Western Allies remain in West Berlin, the USSR will want to remain involved there also.

10. Another question the Soviets must face is how far into the future they can rely upon the East Germans. No one can be certain where the inter-German treaty will ultimately lead, or whether it could be the first step toward a confederation or reunification of sorts. Moscow's opposition to German reunification remains very strong. Therefore, the realization of an independent West Berlin, particularly a West Berlin in which it has some responsibility, would give Moscow an invaluable lever in German affairs.

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11. East German and Soviet interests coincide on leaving West Berlin independent of the FRG. The East Germans presumably are reconciled to West Berlin remaining separate and independent for the indefinite future, but they are more interested than are the Soviets in some day incorporating West Berlin into East Germany. The past provides ample evidence that, in general, the East Germans preferred a more aggressive policy toward West Berlin than the Soviets were willing to countenance. The East Germans also resented having to make some of the concessions the Soviets required of them in negotiations over the past two years.

12. East German leaders in the future will feel free to pursue initiatives independent of Moscow. The advent of debate, bringing with it a measure of West German and Western Allied recognition, means that the East Germans are not quite as dependent as before on the Soviet aegis.

Western Policy

13. By citing Soviet "violations" of the Agreement, the West Germans hope to drum up support for resisting Eastern interpretations and reinterpretations. The Western signatories are committed to intervene when the Soviets violate the Agreement, but in practice the commitment is less clear on questions of interpretation.

14. A major reason for the fuzziness is that the issues themselves are of differing merit, and do not evoke a uniform reaction from the Western Allies. Questions such as Bonn's right to represent West Berlin abroad do find the West agreed in opposition to Soviet views, but the question of the Federal German presence in West Berlin finds the West in disunity. The French in particular often show a readiness to side with the USSR against the FRG on several aspects of West German - West Berlin relations. In addition, questions such as using the term "Land Berlin" may even find the Western Allies as a group more in agreement with the Soviet than the West German view.

15. There is also ample evidence of considerable disagreement between the Chancellor's Office in Bonn and the West Berlin Senat. Members of the Foreign Office probably side with the

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Senat. The most obvious recent example is Bonn's abortive attempt last month to stop subsidizing visa fees for West Germans and West Berliners visiting the GDR and East Berlin. In general, many in West Berlin suspect that Bonn lacks a consistent, clear policy toward West Berlin's future, and some fear that the Federal government is being inclined toward a dangerously looser future relationship with the city. It cannot be excluded that in bringing the question of Soviet "violations" to a head, the West German Foreign Ministry is trying to gain Western support for resisting this tendency.

16. In as far as can be determined, Minister Bahr, State Secretary Grabert, and perhaps Chancellor Brandt himself have equivocal views of the future of West Berlin. Implicit in Ostpolitik is a desire to move closer to the GDR by meeting what are perceived as legitimate GDR concerns. In part, this means easing the tension over West Berlin. At the same time, there are plans to move West Berlin toward at least a limited dependence on the East German hinterland for fuel supply and waste disposal. Many Germans are uneasy about such a dependent relationship.

17. In addressing the question of Soviet "violations" of the Quadripartite Agreement, the US must put some hard questions to Bonn. What is the extent of the West German commitment to maintain West Berlin, and how much is Bonn willing to pay for it, both in financial as well as political terms? A question for Washington is whether the US is prepared to accept an increased West Berlin dependence upon, if not incorporation in, East Germany to the extent that this may someday be desired or acceptable to Bonn. Also, how much Soviet and East German "interpretation"--and Consulate General activity--is the US prepared to countenance for the sake of maintaining otherwise good relations with the Soviets?

18. When the West German Foreign Ministry polls the Western Allies on their attitudes toward Soviet "violations," it is doing more than merely trying to cover its flanks from potential domestic criticism. In a broader sense, it is also asking whether the West believes that West Berlin has become

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primarily a West German question. When the Western Allies respond that the West Germans have the best leverage with the Soviets on the questions raised by the Foreign Ministry, they are saying in effect that Berlin now is indeed primarily a German-Soviet question.

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