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6 June 1979

MEMORANDUM FOR: Joe Zaring
NIO/WE

FROM : [redacted]
OPA/WE

SUBJECT : Current Soviet/East German Pressures on Berlin

1. The Quadripartite Agreement (QA) on Berlin of 1971 codified an international legal standoff, thus it is a poor instrument to resolve the current dispute over West Berlin's selection of deputies to the first elected European Parliament. The QA gave to both sides and both have chosen segments from it to support their views on the current argument. [redacted]

2. The Soviets favor the QA passage that says the Western Sectors of Berlin are not a constituent part of the Federal Republic and are not governed by it. The actual text describes this as a continuing condition, but the Soviets drop that aspect in order to argue that the QA established a legal definition. [redacted]

3. The Western Allies prefer the QA paragraph that says the four Governments, irrespective of differences in legal views, agree that "the situation that has developed in the area" as defined in the QA and other agreements shall not be changed unilaterally. Hence, the Treaty of Rome (1957) extended to West Berlin (without Soviet objection), included the city in the EC, and Berlin delegates have sat in the European Parliament for decades already. [redacted]

4. The step to a directly elected European Parliament is to the West a logical progression. The Soviets claim to see in it a fundamental change. The West German EP election law, before becoming effective in Berlin, was reviewed by the Western Allies, who insisted that Berlin delegates, instead of being directly elected, continue to be selected by the city assembly (Abgeordnetenhaus), as are other Berlin parliamentary

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members, e.g., of the Bundestag. In general, such Berlin deputies are enjoined by the Allies from exercising the law making function (Gesetzgebung): they sit on committees, vote on administrative problems, but are not authorized to vote legislation up or down

5. These differing pseudo-legal interpretations between East and West are similar to ones that took place before the QA over wartime and postwar occupation agreements. They show that the political dynamics of the Berlin problem remain unchanged. The East Germans are chief complainants in the current dispute, but they are not a party to the QA so the Soviets must carry the ball. Since the Soviets began protesting this issue in 1976, they probably share to a degree the East German feeling that inclusion of West Berlin in the directly-elected European Parliament, viewed in the long run, is a watershed event. It refutes the Eastern view of Berlin, and asserts the Western engagement there in a way that much disturbs East German ambitions. Nonetheless, although the Soviets will probably authorize some demonstration of power around Berlin, they will not be so assertive as to disturb other international developments. The Western Allies will protest and the Bonn government will pay the political price.