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CURRENT INTELLIGENCE MEMORANDUM

SUBJECT: Berlin: Possible Consequences of A Peace Treaty

With the signature of a Peace Treaty between the USSR and East Germany the remaining Western occupation rights in Berlin and East Germany would be declared by the bloc to have ceased.\* The USSR would have the alternatives at this point of enforcing this declaration in toto or of taking steps piecemeal by which the West's rights were gradually eliminated. There follows a detailed discussion of the changes affecting Western occupation rights which could stem from the signature of a peace treaty.

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Peace Treaty

\*A series of four-power agreements defined the zones of occupation in Germany and provided that Berlin was to be jointly administered--i.e., four sectors occupied by the four powers and an Inter-Allied Authority (Kommandatura). No basic document signed by the four powers provided for free and unrestricted access to the city but separate quadripartite agreements provided for Allied access by road (the Helmstedt autobahn), rail (the Helmstedt line, with empties to return via Oebisfele) and air (the three Berlin corridors, the Berlin Control Zone and the Berlin Air Safety Center). Free circulation within Berlin derived from the joint occupation of the city. The right of access to Berlin was emphasized by the four-power agreement of 5 May 1949 (New York agreement) ending the Berlin blockade which provided for the lifting of "all the restrictions imposed since March 1, 1948 by the government of the USSR on

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I. Claim that Western occupation rights within Berlin have lapsed

A. West Berlin: Since the walkout of the Soviet delegation from the quadripartite Allied Control Council on 20 March 1948, foreshadowing the Berlin blockade, the city's administration has continued under a three-power umbrella. Only two quadripartite institutions have continued to function--the Berlin Air Safety Center (BASC) and Spandau Prison.\*\* Bloc spokesmen have frequently challenged the "three-power occupation of West Berlin" but Moscow has refrained from calling a showdown on the issue, in part probably because of the USSR's own interest in maintaining a foothold in West Berlin.

With the signing of a treaty, the USSR would be in a position to demand the withdrawal of Western occupation forces from the city within a specified and probably short period of time. It might even refuse to acknowledge the authority of the Western commandants and could recognize the West Berlin Senat as the only legitimate authority in the Western sectors. The practical consequences of this position would depend upon Moscow's

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communications, transportation and trade between Berlin and the Western zones of Germany and between the Eastern zone and the Western zones...." This was supplemented by the communiqué of the council of foreign ministers of 20 June 1949 which declared that "the occupation authorities, each in his own zone, will have an obligation to take the measures necessary to ensure the normal functioning and utilization of rail, water and road (sic) transport for such movement of persons and goods and such communications by post, telephone and telegraph." The latter agreement--unlike the earlier four-power agreements--provides an umbrella for West German and West Berlin civilian traffic.

\*\*The third four-power establishment--the Allied Auditing Bureau--has long been dormant.

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willingness to resort to measures to enforce Western compliance. Short of a blockade or an invasion of West Berlin the following steps might be taken:

B. Attempt to transfer competence for certain matters to the commander-in-chief level: The USSR already appears to be making an effort to induce the Western powers to deal on certain matters concerning Berlin with the Soviet commander-in-chief in East Germany rather than settling such questions, as in the past, at the level of the Berlin commandants. The Soviet commandant repeatedly has declared that his functions are limited to those of the commander of the Berlin garrison and has sought to disclaim any quadripartite functions. The signing of a treaty might be accompanied by some type of Soviet-East German pact granting the Soviet commander-in-chief competence for dealing with Western military matters concerning Berlin. Any such agreement, however, would be drafted to support the contention that Western occupation rights in Berlin have lapsed and probably would be exceedingly limited in character.

C. Soviet withdrawal from Spandau Prison: In the event of a treaty, the USSR might either turn over its responsibilities to GDR authorities or maintain its foothold in West Berlin by continuing its occupation functions under some other name, such as enforcement of anti-Nazi provisions of a peace treaty.

D. Claims that the West Berlin Senat is the only legitimate authority: The GDR could demand that the Senat, as representative of a "free city," negotiate with the regime for the continuance of its vital traffic with West Germany. The basis for such a demand exists in the customs law enacted by the GDR People's Chamber on 28 March; such a step probably would have to be preceded or accompanied by the unilateral abrogation of the interzonal trade agreement (IZT) negotiated with West Germany on a non-governmental level.\*

\*The customs law contains the following phrase: "The customs status of West Berlin, which lies within the customs and sovereign territory of the GDR and does not belong to the customs and sovereign territory of the West German Federal Republic, shall be regulated under the terms of an agreement. Until such time, trade between West Berlin and the GDR, the West German Federal Republic and other countries will proceed on the basis of regulations now in force"--i.e. IZT agreements.

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E. Visas: The GDR might demand that West Berliners secure GDR visas to transit the GDR to West Germany (They already demand visas to travel to other bloc countries).

F. Annexation of West Berlin's exclaves: The GDR might receive Soviet backing for a move to annex Steinstuecken, Biskeller and other exclaves of West Berlin forming part of the US and UK sectors. To date, however, the East Germans have sealed off, rather than attempted to move into such areas.

II. Incorporation of East Berlin in the GDR  
The exercise of Western rights in the Soviet sector not involving some degree of acknowledgement of GDR authority has been reduced to the sending of daily US Berlin Command patrols into East Berlin. Since October, Western officials have been forced to show identification to pass through the East German crossing points on the sector border, or to accept exclusion from East Berlin. French and UK personnel still theoretically go without identifying themselves--in fact the British flash identification--but the US commandant has been effectively barred. These consequences have resulted from the strong backing given by the USSR to East German claims. In effect, the building of the Berlin Wall put an end to free circulation within Berlin.

The signing of a separate treaty probably would be followed by the convocation of the GDR People's Chamber to legislate East Berlin's formal incorporation in the GDR and seat East Berlin delegates as regular members of the chamber. This move would be accompanied or followed by:

A. The exclusion of Western patrols from East Berlin.

B. Demands for the presentation of passports with visas by all persons, probably including West Germans, crossing the former sector border into East Berlin. (At this time, West Germans merely present West German identification documents and secure GDR permits to visit East Berlin.) This would be accompanied by the imposition of customs duties.

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C. Refusal of East Berlin municipal authorities to deal with their West Berlin counterparts and demands that they deal directly with the GDR government.

### III. Autobahn Access

The three Western powers have maintained their right of ground access to Berlin via the autobahn checkpoints at Marienborn and Babelsberg. The USSR evidently has hesitated to turn over these controls to East Germany and, under the Bolz-Zorin agreement of 20 September 1955 maintained for itself jurisdiction over Allied personnel.\*

Under a peace treaty, the USSR could unilaterally abrogate the four-power agreements providing for Western access and transfer this jurisdiction to the GDR. In this situation, East German officials probably would attempt to impose the same controls now carried out by Soviet authorities.\*\*

\*Under the exchange of letters between GDR Foreign Minister Bolz and Soviet Deputy Foreign Minister Zorin, the USSR reserved "the control of traffic of troops and material of the garrisons of France, England and the US stationed in West Berlin passing between the German Federal Republic and West Berlin.. (to) the command of Soviet troops in Germany, pending the conclusion of an appropriate agreement." It specified that this traffic was to be permitted on the basis of existing four-power decisions on the autobahn, railroad line, and air corridors.

\*\*Controls exercised by Soviet authorities take the following forms: (1) Allied convoys: Since last August the US has generally provided prior notification of the arrival of convoys numbering more than 8 vehicles but does not recognize any Soviet right of prior notification. The officer or NCO-in-command presents travel orders and convoy manifest to Soviet authorities at the control shack. The latter conduct a head count of Allied personnel: in convoys numbering more than 40, exclusive of drivers and assistant drivers, the men dismount; those in smaller convoys do not. Soviets are not permitted to mount Allied vehicles nor open tailgates, although from time to time they attempt to do so. There are minor differences in the practice of the US, UK and French convoys--the British use uncovered trucks and drop tailgates. (2) Allied military or official personnel traveling in private, US-forces-licensed vehicles present their travel orders and identification to Soviet authorities at both checkpoints.

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A number of variant approaches would be possible, however, all having the ultimate aim of forcing the Allies into some degree of recognition of GDR sovereignty or self-denial of the use of the autobahn. Possible variations include the following:

A. The Russians could announce that they are acting in behalf of the GDR in exercising control functions at the autobahn checkpoints. They would probably affix East German customs stamps to Allied documents, with or without Soviet stamps.

B. East German officials might appear at the checkpoints alongside the Russians, sooner or later attempting to exercise control functions.

C. East German escorts: The Russians could announce that all Allied-licensed vehicles using the autobahn must travel in convoy, under East German police escort.

D. Limit use of autobahn: New regulations might be introduced which would limit Allied use of the autobahn to certain hours, with GDR permission required for use at other times.

E. Forbid use of autobahn: The Russians might announce that the Allies no longer can use the autobahn but must use some other less convenient highway described by the East Germans.

F. GDR take over all functions: East German officials might take over all Soviet functions at the checkpoints without any advance warning.

G. Russian blockade: The Russians could refuse to permit any Allied vehicles to use the autobahn--i.e., blockade it.

#### IV. Railroad Access

The Western Allies have preserved the right of access for Western duty trains but in practice have permitted Soviet authorities at the Marienborn checkpoint to exercise increased controls. At present, two US and one UK train each way travel the Helmstedt railroad line daily and one French each way weekly. The trains are pulled by East German locomotives, manned by East German crews, and the cost of this service is provided for under the interzonal trade agreement.

Following a treaty several variant courses of action would be available to the USSR:

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A. Allies negotiate with GDR: The Russians or East Germans might announce that the Western Allies must negotiate with the GDR for the use of East German railroad facilities, threatening to refuse service if the West refused.

B. GDR authorities at checkpoint: As at the autobahn checkpoints, East German officials might simply accompany the Russians in the early stages and subsequently attempt to carry out controls presently exercised by Soviet authorities.\*

C. Russian withdrawal: The Russians could suddenly withdraw from the Marienborn checkpoint, leaving the East Germans in full control.

D. Blockade: Use of East German rail facilities might be denied--i.e. a blockade imposed.

#### V. Air Access

The Western powers have preserved their right to use the Berlin air corridors without permitting any substantial Soviet involvement in control of the corridors. Soviet participation in the four-power Berlin Air Safety Center (BASC) is limited to the grant of air safety guarantees; from time to time Soviet controllers have refused to initial Western flight plans, but the flights have been carried out on schedule.

In the event of a separate treaty, the USSR probably would attempt to replace its personnel in BASC with East Germans or even withdraw from BASC announcing that all Western rights in the corridors have lapsed. Depending on its estimate of Western firmness, it might start a campaign of intimidation in the air corridors similar to last winter's harassing campaign by Soviet or even East German fighter aircraft. Ultimately Allied military aircraft would have to maintain normal air traffic to Berlin under conditions involving

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\*Allied train commanders present Russian translation of travel orders for the train and all passengers and Russian translations of individual travel orders and AGO cards or passports to Soviet authorities at Marienborn (only).

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Communist harassment. A number of variations are possible short of this final phase. These include:

A. Prior to a walkout from BASC, the Russians could refuse to grant flight safety guarantees to all commercial flights and demand that the civil air carriers negotiate with the GDR for permission to fly the corridors. A strong propaganda campaign probably would be staged to induce the carriers to transfer to the GDR's Schoenefeld airfield outside Berlin on grounds that it is much larger and facilities will be better than at Tempelhof, Tegel and Gatow.

B. Use notification procedures to force recognition: The Russians could take advantage of differences between US and UK flight notification procedures--chiefly the UK practice of supplying BASC with estimated border crossing times for flights in the northern and central corridors--to force US recognition of the GDR's "international frontier."

C. The Russians could announce that a GDR "Flight Safety Center" had been established to which all Western flight plans would be referred.

D. Following a walkout from BASC, the Russians and/or the East Germans could declare the corridors closed to all Western flights, civil and military.

#### VI. Abolition of the Western Military Liaison Missions

The three Western military liaison missions to the Soviet commander in chief in East Germany have continued to function essentially as provided for in four-power agreements and implementing agreements between the USSR and each of the three powers.\*

\*The Huebner-Malinin agreement between the US and USSR signed on 5 April 1947, contains the following key provision (article 10): "Each member of the mission will be given identical travel facilities to include identical permanent passes in Russian and English languages permitting complete freedom of travel wherever and whenever it will be desired over territory and roads in both zones, except places of disposition of military units, without escort or supervision."

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The fact that the USSR also maintains missions at the three Allied headquarters in West Germany probably has had some part in Moscow's decision up to the present to continue the missions. Marshal Konev as recently as 5 April gave assurances that the USSR would continue to abide by the Huebner-Malinin agreement.

In the event of a separate treaty, Moscow might decide to impose severe curbs upon the activities of the Western missions, or even to abolish them unless their continued functioning could be used to enhance East German sovereignty e.g. by accrediting the Western missions to the GDR. Possible actions include the following:

A. The Soviet commander-in-chief might issue new documentation to Allied mission personnel, drafted to emphasize East German sovereignty; the new documents, for example, might state that they had been registered with the GDR Defense or Interior Ministry and that mission activities were conducted with the approval of the GDR.

B. GDR travel permits: Soviet authorities might announce that hereafter the missions would have to contact East German authorities to secure travel permits.

C. Declare all GDR a restricted area: The Russians might restrict the whole area of East Germany to mission visits on grounds of military necessity, although perhaps allowing them to maintain their headquarters at Potsdam.

D. Abolish missions: The Russians might announce that the missions were abolished, since the occupation was ended, simultaneously withdrawing their own missions from West Germany.

VII. Conversion of the Demarcation Line into a State Frontier

East German authorities long have controlled West German trade with and travel to the GDR and West Berlin and West Berlin's trade with and travel to West Germany. Since 1951

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these matters have been regulated by IZT agreements at the non-governmental level, which in practice recognized the continuity of a measure of German unity.\*

With the signing of a treaty the GDR might attempt to enforce all the usage of an international frontier at the demarcation line, which the customs law of 28 March already has designated as a state frontier. This might be accompanied by the unilateral abrogation of the IZT agreement with West Germany or even the suspension of trade and travel. The bloc obviously has hesitated to take such final steps because of the value of IZT trade, the possibility of obtaining large West German credits and the possibility of penetrating the Common Market through the East German back-door. In any event the actual signing of a treaty could have the following consequences:

A. Demand for recognition of GDR sovereignty over Berlin access routes\*\*

\*In terms of travel and trade this situation has had the following consequences: (1) West German travelers to and from Berlin have presented West German identification documents, not passports and visas, to East German frontier guards and their baggage has been free of customs duties. West Germans visiting the GDR have been required to obtain special permits (Aufenthaltsgenehmigungen) issued by East German officials in the areas they intended to visit but have used only their West German identification documents to secure these. (2) West German freight shipments under IZT agreements have been regulated by a complicated system involving the issuance of permits (Warenbegleitscheine) by West German authorities for the manufacture and delivery of specified goods. Since 1960, Bonn has issued revocable Warenbegleitscheine and has refused to permit GDR officials to stamp the documents.

\*\*West German traffic to and from Berlin or the GDR is controlled at the following East German checkpoints: Highway: Marienborn, Horst, Wartha and Juechhoh on the East-West German border and Staaken and Babelsberg outside Berlin. Railroad: Marienborn (passengers and freight) and Schwanebeide, Wartha and Probstzella on the border and Griebnitzsee and Albrechtshof outside Berlin (for passengers). Waterways: Cumlosen and Buchhorst on the border and Nedlitz outside Berlin.

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1. Private vehicular traffic on GDR highways: East German border guards could demand that all West Germans show passports and visas--or at least secure visas for their West German identification documents--when traveling to or from Berlin or the GDR. Police could enforce full international controls on such travelers, including the imposition of duties. Compliance would be publicized as implying recognition of the GDR.

2. Highway Freight Traffic: Drivers of trucks could be asked to show passports and visas and to submit customs declarations. Warenbegleitscheine might be refused or East German guards might attempt to stamp these documents, in either case violating existing IZT agreements.

3. Railroad and waterways: Corresponding steps might be taken.

B. Abrogation of IZT agreements: The GDR could declare that trade and travel no longer could continue on the basis of IZT agreements and that negotiations for an agreement on the government-to-government level would have to be instituted.

C. Attempt to exclude West German agencies from West Berlin: A treaty might provide a "legal" basis for the arrest of West German officials attempting to travel to Berlin by ground access routes, or for the forcing down or shooting down of aircraft carrying them to or from Berlin.

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