CABINET

BERLIN

MEMORANDUM BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

My colleagues will be aware that the further probes which it was hoped would take place in Moscow following up the conversations with the Soviet Foreign Minister, Mr. Gromyko, in the United States and in London have not materialised. There are a number of reasons for this; in the first place the chance of fruitful conversations in Moscow was prejudiced by the incidents on the sector boundary in Berlin; a second cause was President Kennedy's reluctance to get involved in discussions of substance with the Russians before a German Government had been formed which could engage its responsibility and, finally, there was a reduction of pressure by the Russians.

2. It seems clear that the idea of "probing" without getting into substance is now dépassé. In a manner of speaking the German Ambassador in Moscow, Dr. Kroll, has already carried out the probe which we had in mind. He suggested, apparently on his own initiative, a formula which involved, amongst other things, a Four-Power agreement covering the freedom and viability of West Berlin, access to it and the presence of Western troops there as a prerequisite to an agreement on negotiations for a German peace treaty and related questions and resumption of negotiations on disarmament. There was nothing really new in this, but it had never been put to the Russians in such a concrete form or in a way which offered scope for wider ranging discussions if an arrangement could be reached over Berlin. Mr. Khrushchev's reaction was that these proposals were workmanlike and he agreed to them in principle. He also made it fairly clear that, though he wants negotiations, he is ready to wait a reasonable time for the Western position to be cleared.

3. This gives us more time, but it also means that when the talks with the Russians eventually take place, Mr. Khrushchev will expect to get straight into questions of substance. The conclusion is, therefore, that we must try to reach agreement with our Allies on a detailed negotiating position as soon as we can.

4. A good deal of work has already been done on this question, but mostly of a preliminary nature. The Ambassadorial Group in Washington have been working for several weeks on a paper, largely of German origin, which sets out the different points likely to arise in negotiations with the Russians. This paper defines what negotiations should achieve, what is negotiable and what is not, and also sets out the margin for negotiations. The paper will in due course be supplemented by a paper on tactics and it is intended that both shall serve as guidance in further talks with the Soviets and in eventual negotiations. The text is annexed to this paper so that my colleagues may be aware of the issues around which arguments are likely to turn. It has not yet been approved by Governments, though it is largely in line with our views and those of the Americans. The attitude of the German and French Governments towards it is not yet known.

5. In general, the sensitive points for the Germans on which the Russians are likely to press very hard are:

(a) acceptance of the existence and authority of the Deutsche Demokratische Republik;

(b) the political relationship between West Berlin and the Federal Republic;
(c) recognition of the Oder-Neisse line;
(d) limitation of nuclear weapons for Germany.

In the discussions in the Ambassadorial Group the Germans have shown themselves aware of the need for increased practical dealings with the East Germans on the part of the Western Powers as well as of themselves. We have brought home to them the need for some form of interim action by the Western Powers over Germany's eastern frontier, and I am hopeful that some acceptable formula can be worked out to cover these two points. On the other hand they claim that Berlin is constitutionally a part of the Federal Republic and it will be very difficult to get them to agree to any attenuation of existing links. This is a matter on which the Russians feel very strongly and we shall have to apply pressure in order to make the Germans give up some of the more obvious political links, such as meetings of the Federal German Parliament in Berlin. Whether we shall get them to go far enough to satisfy the Russians is another matter. As regards the question of limitation of nuclear weapons, we think that the Germans could reaffirm their intention, which is already enshrined in the Western European Union Treaty, not to manufacture atomic, bacteriological and chemical weapons. It might also be possible for the Americans and ourselves to declare our intention not to transfer control over nuclear components of weapon systems to third Powers not possessing them. The Germans might by separate declaration comply with a United Nations resolution whereby non-nuclear Powers disclaim their intention to claim control over nuclear warheads. The Germans regard these ideas with suspicion since they fear they might help the Russians to achieve their object of imposing an inferior status on the Federal Republic and weakening Germany and the West militarily; but I do not despair of getting the Germans to be reasonable on this point, provided that the Russians do not pitch their demands unreasonably high.

6. All these ideas will be discussed between President Kennedy and Dr. Adenauer who is present in Washington. The President's main purpose will be to discover from Dr. Adenauer whether the basis of the Western position for possible negotiations with the Russians is acceptable to the Germans. If so, the next problem will be to persuade General de Gaulle to negotiate and to accept this basis for negotiations. Much therefore depends on the result of the President's meeting with Dr. Adenauer and also of the meeting which the Prime Minister is to hold with General de Gaulle later this week.

7. General de Gaulle has a rooted opposition to negotiating with the Russians so long as they refuse to take practical measures to reduce international tension which they themselves have created. It may be therefore that he will oppose French participation in any discussions with the Russians, regardless of Dr. Adenauer's attitude. He may stick to the view that we should simply stand pat and await further Russian moves. If so, we must try to convince him that the Berlin situation cannot be allowed to drift or deteriorate. Since 13th August it has changed radically for the worse. West Berlin has now become a liability to the West and it is positively necessary to try to improve it. If nothing is done there is a grave danger that the life of the city will wither away under our eyes. To some extent this is happening already, but the trend will be aggravated if the Western Powers remain inactive. In these circumstances Mr. Khrushchev cannot be expected to come forward with proposals, as General de Gaulle apparently thinks he should. It is therefore a Western interest to demand negotiations for the purpose of improving the situation in Berlin by agreement. To demand negotiations on this basis is quite a different matter from acceding to pressure for negotiation because of threats to allied communications with West Berlin. It would enable us, incidentally, to put forward our own ideas as to the sort of arrangement we should wish to see enforced for Berlin as an independent German city protected by allied forces, enjoying free communications with the outside world and living a life of its own.

8. If General de Gaulle or Dr. Adenauer agree to negotiations, our aim must be to finalise the Western negotiating position without delay. If not, a Western Four-Power meeting will have to be held to resolve our differences.

H.

Foreign Office, S.W. 1,

SECRET
ANNEX A

PAPER ON THE WESTERN NEGOTIATING POSITION UNDER DISCUSSION IN THE AMBASSADORIAL GROUP IN WASHINGTON

(Draft as at November 14)

This paper is intended to define:
what negotiations should achieve;
what is nonnegotiable; and the
margin for negotiations.

This paper will be followed by a paper on tactics, and both are intended to serve as guidance in further contacts with the Soviets and in eventual negotiations.

A. SUBSTANTIVE QUESTIONS

I. What Negotiations Should Achieve

The aim of negotiations should be to achieve positive results with regard to:

1. maintenance of Western rights concerning Berlin
   - presence of forces and free access for military personnel and civilians;

2. improvement of access facilities
   - preferably by international highway or, at least, their maintenance on the same basis as at present; and

3. assurance of West Berlin's freedom and viability
   - including the Berliners' rights to preserve freedom of choice as to their general way of life and to preserve their ties with the Federal Republic.(a)

The scope of Western concessions must be determined by the degree of Soviet preparedness to give something—particularly with regard to the future stability of the Berlin situation.

/II.

(a) The German delegation desires a concerted interpretation of West Berlin's present legal situation on the assumption that it is considered to form part of the Federal Republic, but with full rights of a "Land" suspended by virtue of occupation law.
What is Nonnegotiable

The following are points relating specifically to Berlin on which there can be no compromise:

1. the unchanged source of Western rights; (a)
2. protection of West Berlin by forces of the Three Powers (b)(c)
   a Soviet contingent in West Berlin is definitely unacceptable;
3. Freedom of access to the outside world at least as good as it now is; and
4. West Berlin's relationship with the West, and with the Federal Republic in particular, at least to remain in general as at present.

The following points are formally agreed Western policy relating to Germany as a whole on which there can be no compromise:

1. Reunification on the basis of self-determination remains the aim of the Western Powers. The right of the German people to self-determination must be asserted. A Soviet acknowledgement of the right to self-determination would greatly help toward a modus vivendi. The Western Governments in any case must include in anything they sign a formula which keeps the door open.
2. Recognition of the "G.D.R." remains unacceptable.

(a) We could accept the view that an explicit confirmation of these rights is not necessary unless doubts arise as to their validity, owing to given circumstances. See also paragraph III 3 a.

(b) The Western Powers could not accept a substantial reduction in the level of their forces in Berlin, as the Soviets are likely to demand. They could, however, consider making a declaration to the effect that they would:
   1) freeze their forces at present levels;
   2) make token reductions in the size of their forces;
   3) from time to time, examine the possibility of reducing their forces if developments permit.

(c) a contingent of U.N. troops
   [might be acceptable in addition (particularly if there were some U.N. institutions housed in the city) on the understanding that their presence will be symbolic and will not limit the powers of the Western garrisons].
   [is not acceptable, whether replacing Western troops or as an additional contingent; same position as to neutral troops without a U.N. mandate. (German Delegation).]
3. The final determination of the boundaries of Germany must await a peace settlement for the whole of Germany. (a)

The question of European security should be dealt with only in the context of a wider German settlement [or in connexion with disarmament.](b)

III.

The Margin for Negotiations

1. The essential objective of an "understanding" preceding the conclusion of a separate treaty between the Soviet Union and the "G.D.R." would be a practical arrangement on access after the entering into force of the treaty. They should try to reach an agreement limited to access to West Berlin, but see paragraph 4 below. No understanding is possible unless the Soviets give a guarantee that in practice free access to West Berlin for Allied personnel [as well as for Germans](c) will remain as it is now or be improved after a peace treaty.

In order to reach an agreement in accordance with Section I, we could consider:

a) An international autobahn

We might propose a corridor exempt from East German jurisdiction.

(i) As a starting position a "free corridor", under the exclusive control of the three Western Powers, might be proposed.

(ii) Secondly, there might be proposed an International Access Authority for Berlin which should, without exercising any sovereign right over the territory of the Federal Republic, the "G.D.R." authorities, or the Government of West Berlin, and while paying rent for use of facilities in the territory of these authorities, keep the Helmstedt-West Berlin highway open to traffic and in good repair, and ensure that no charges are levied on through traffic using this highway except by the Authority and operate the Berlin Air Safety Centre and any facility in West Berlin, the operation of which is essential to safe travel in the Berlin air corridors.

/(iii)

(e) See III 1 c below.

(b) An exception from this principle can be envisaged with respect to unilateral declarations of NATO and the Warsaw Pact Organisation concerning non-aggression and renunciation of force [and with respect to production of ABC weapons and transfer of nuclear warheads]. See also paragraph III 4 d.

(c) Unbracketed language does not cover free access by Germans. The position to be taken on this point remains to be considered, particularly with relation to free and uncontrolled passage by air.
(iii) In both cases it has to be decided

- whether East German traffic should be completely excluded from this autobahn (e.g. by fencing off the autobahn from East German territory) or whether mixed traffic might be acceptable;

- whether the existing autobahn from Helmstedt could be used or whether a new autobahn would have to be constructed which would exclusively serve the purpose of channelling the free traffic to and from Berlin;

- whether the autobahn would have to be enlarged (e.g. to eight lanes) or to be supplemented by a railroad or monorail and certain auxiliary installations (pipelines, powerlines, telephone cables etc.).

(iv) In any case, it would be desirable to preserve in addition to the international autobahn, the other existing access routes for the use of German civil traffic and under controls as presently applied to this traffic.

(v) Consideration could be given to a possible United Nations role in connexion with improvement of access provided there was otherwise some U.N. presence in Berlin.

b) Flexibility with respect to access procedures

There can be no direct negotiation with the "G.D.R." on Allied access rights. [Provided this principle is maintained, there can be flexibility in dealing with the appropriate East Germans in the practical exercise of these rights.]

[In certain circumstances, representatives at the technical level of the "G.D.R.", and of the Federal Republic acting on behalf of the Three Powers could make arrangements for procedures and modalities for the exercise of Allied rights.

The Three Western Powers could state that their experts would be prepared to deal on a non-political level with East Germans on practical arrangements.]

Technical aspects of access (railroad schedules, autobahn fees, etc.) can be handled on the same working level between the Federal Republic and the "G.D.R." as now.

We can go as far as, but no further than, the formula in existing contingency plans for acquiescence in East German implementation of existing autobahn and rail procedures. This would hold true both in direct discussions with the Soviets or East Germans and in unilateral statements ("Solution C")

- Certain amount of acquiescence in status quo

The Western Powers could consider making it known to the Soviets that they would confine themselves to protesting against the conclusion of the separate peace treaty as a violation of former agreements and to labelling the treaty void as far as states which do not recognise the "G.D.R." are concerned.
The undertaking of the Federal Republic, "never to have recourse to force to achieve the reunification of Germany or the modification of the present boundaries of the Federal Republic" (included in the Paris Treaties of 1952) can be repeated. This undertaking can be repeated vis-a-vis the Soviet Union [and guaranteed by the three Western Powers.]

If necessary, the undertaking could be broadened in order to cover the Oder-Neisse line. [The three Western Governments in their formula about reunification (see Section II) could specify that Germany should be reunified within the existing frontiers. They could also make a statement that when Germany was reunified and the time for a peace settlement had come, the Oder-Neisse line would then, in their view, be the eastern frontier of Germany.]

Unilateral non-aggression declarations of NATO and the Warsaw Pact Organisation would be acceptable (a formal treaty would be excluded).

d. Formula to satisfy Soviet request for respect of "GDR sovereignty".

If necessary, the understanding could embody a formula, according to which the Western Powers would "respect the rules and regulations of the authorities which exercise functions in that area."(a)

Other formulas under consideration:

["respect the rules and regulations of the authorities in the G.D.R."

["respect the functions of the G.D.R. authorities"]

["respect the authority of the Government in East Germany"]

["respect the responsibilities of the authorities in East Germany"]

2. An all-Berlin proposal might be put forward in the first instance including removal of the wall and free circulation in the whole of Berlin. This might also provide for the establishment of certain international institutions in Berlin.

3. In connexion with the status and the factual situation of West Berlin:

a. The status should last until reunification. Alternatively nothing would be said about duration.

b. The impression that West Berlin is being transformed into a "free city" in the sense of the Soviet demands must be avoided.

c. Establishment of international institutions would not be excluded. The presence of the European Office of the U.N. or of specialised U.N. agencies in West Berlin can be accepted and might be advantageous.

(a) This will require description.
d. No limitation or control of activities in West Berlin not applying equally in East Berlin would be acceptable. No agreement which would give any excuse for Soviet or "GDR" intervention in, or limit essential freedoms in, West Berlin would be acceptable. (Only to be used if the Soviets raise this question.)

e. There should be no Soviet guarantee for West Berlin's freedom and viability which would provide them or the East Germans with any basis to interfere. We should avoid in an understanding any language which might give the Soviet Union or the East Germans an obvious pretext for intervention. It would be desirable to get a Soviet pledge not to interfere and not to let the "GDR" interfere.

4. Should the Soviets insist on broadening the scope of negotiations, other questions will have to be considered.

   a. A proposal for plebiscite in the whole of Germany, preferably put forward near the beginning of East-West negotiations.

   b. A request to reestablish the principle of freedom of movement in Germany.

   c. The Federal Government's proposal concerning the establishment of three technical commissions.

   [d. Large-scale measures against surprise attack, for instance the creation of an inspection zone reaching from the Atlantic to the Urals. However, Soviet proposals concerning zones with special military status (especially zones free of atomic weapons) should be rejected.]

   [e. Nontransfer of atomic weapons and rockets:

   [The Federal Government is opposed to any such agreement between the United States, the United Kingdom and the U.S.S.R.]

   [British suggested response:

   We could not agree to include limitations on nuclear and rocket weapons in the "understanding" because of the implication that this might give the Soviets an excuse for intervention. But the Federal Government might issue a new declaration reaffirming its renunciation of the manufacture of nuclear, biological, and chemical weapons. Some East European governments might also renounce the production of these weapons. The United States, United Kingdom, and Soviet Governments might issue declarations affirming their intention not to relinquish control of nuclear weapons to governments not already possessing such weapons.]