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Four-Power Talks on Berlin: Status Report

There have been five sessions of the Berlin talks which began on March 30. A watershed point seems to have been reached both in the talks themselves and within the Western side as well. There is another meeting on July 21 to be followed by a summer recess. This report reviews the approaches and specific issues which have been discussed in the talks, points up the differences that have developed on the Western side, and notes where the talks will probably take us.

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Basic Approaches

Soviets. As a tactical matter, the Soviets began the talks in a low key fashion but have escalated the rhetoric and demands at each subsequent session. As anticipated, they have also made it clear from the beginning that East Berlin is not a subject of the negotiations, and that the elimination of Federal political presence is the sine qua non for any possible agreement. They have admitted that the Three Powers are supreme in West Berlin, but the Soviets are dissatisfied with our performance since we are tolerating "illegal" FRG activities there. In addition, the Soviets say they have a certain, but undefined, role in the city-state of West Berlin, and the legitimate interests of the GDR must also be taken into account. West Berlin can remain viable, the Soviets claim, by engaging in normal state-to-state relations with all nations.

The essence of these points is contained in a set of "principles" which Abrasimov put forward at the June 30 session (these and the Allied proposals are at Tab A). In presenting these principles, the Soviets have attempted to move the talks from the exchange-of-views phase into actual negotiations. And these negotiations should center on general principles, not on the specific issues the Three Powers have introduced.

Three Powers. The Allies have taken the position that all of Berlin is the subject of discussion. They have argued that the basis for the talks is the continuing Four Power responsibility for Berlin and its access (this at times produced sharp and legalistic debate on 1944-48 Berlin history). Aside from this, the Allies have tried to proceed from the specific to the

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general, by suggesting practical improvements in the situation relating to inner-city communication, access, and representation of Berlin abroad (these points are spelled out more at Tab A). The Allies have proposed that these three specific areas be considered in the talks along with consideration of the Soviets' main complaint -- Federal presence in West Berlin.

Specific Issues

Status. The Soviets asserted that the GDR has a right to all of Berlin, but that the East Germans are ready to renounce their rights to the Western Sectors (which are admittedly under Three Power administration) so that West Berlin can continue to exist as an independent political entity. A broad, definitive agreement or treaty will ultimately take cognizance of this situation, i. e., agreement on the four principles. In late June Moscow broke its virtual press silence on Berlin with an article in Novoye Vremya which described West Berlin in terms of a city-state and implied this was the proper solution to the city's status. At the June 30 session, the Soviets for the first time during the formal meetings proposed an official Soviet installation in West Berlin "attached" to both the civil and Allied authorities. In short, the Soviets have pressed for Western acceptance of a status very similar to their old free-city theory.

The Three Powers have of course rejected the Soviet concept of the city's status, and have tried to maintain that there remains a quadripartite status for the whole of Berlin. Occasionally, the Allies have pointed to Soviet failure to abide by Four Power agreements as they relate to East Berlin.

Federal Presence. From the first session the Soviets have demanded the elimination of FRG political presence from West Berlin. Without satisfying this pre-condition, they assert, absolutely no progress can be achieved. Their objection has not been limited to the more demonstrative aspects, for they have attacked the very presence itself, and have presented an encyclopedic list of "illegal" Federal activities. The Allies have defended Federal activities and Bonn-Berlin ties as legitimate and as having been permitted by the Three Powers. However, they have agreed to consider the possibility of reducing the level of Federal presence.

Access. In the first sessions, Abrasimov said he would listen to constructive access proposals which conformed to the interests of all, though he made clear that the GDR was fully competent to regulate German

traffic to Berlin. He also said that difficulties on access are directly connected with the illegal Federal activities in Berlin and implied that the access situation would deteriorate if the Federal presence continued. At the last session, Abrasimov held out the prospect for stabilizing civilian access, hinted at a Soviet and GDR role in some sort of access mechanism, and stated the Soviets have no intention to interfere with Allied military access.

The Allies have charged that free access is a Four Power responsibility and that Soviet assurances on access should not be bargained for concessions on the Allied side. They have insisted that the East Germans may "regulate" traffic only in the sense of identity check, and that any restrictions (visas) are illegal. They have suggested the possibility of a Four Power confirmation of the free access principle coupled with better methods for eliminating friction.

Berlin's representation abroad. In the Soviet view, the FRG cannot represent Berlin abroad nor can it include Berlin in its treaties. Such efforts are products of the FRG's illegal claims on West Berlin. Curiously, in the June 30 session, Abrasimov suggested there would be no objection if one of the Three Powers took over West Berlin's consular representation. The Allies have stressed that they have agreed to Bonn providing consular and trade representation for Berliners, that this is not inconsistent with Berlin's special status, and that this representation is related to the viability of the city.

Inner-city communication. While the Allies have urged humanitarian measures providing West Berliners access to East Berlin, the Soviets have virtually ignored these arguments. Ironically, in the spring the FRG and GDR reached agreement in principle (in connection with postal arrangements) to restore telephone links between the two parts of the city -- one of the measures the Allies proposed.

The Western Four: Three Power Differences with FRG

The essential problem which has hobbled the Western side throughout the talks has been the lack of agreement on the question of Federal presence in Berlin and its relationship to Bonn-Berlin ties. When the Three Powers made their initial approach to the Soviets last August they suggested (at Bonn's insistence) that the FRG might be willing to make concessions with respect to its presence. This was linked with possible specific improvements

in Berlin -- and was not linked in any way to the ties between Bonn and Berlin. Since then, the Germans have put increasing importance on the public recognition by the Soviets of these ties. Finally, last week the FRG in the Bonn Group asserted that the ultimate bargain in the negotiations had to be that the Soviets would give (at least tacitly accept) on Bonn-Berlin ties and the FRG would give (reduce somewhat) on its presence in Berlin. The possibility is thus becoming greater that the FRG is no longer prepared to reduce its presence in Berlin for anything but Soviet acknowledgement of the ties. The only blue chip the Allies have, then, could not be used to buy the improvements they have been seeking (access, inner-city movement and representation). In the face of the adamant Soviet opposition to Bonn-Berlin ties and insistence on eliminating Federal presence, the risk of an impasse and collapse of the talks has increased.

The concept of the German position was embodied in a formula which Bahr presented to the Three Powers in late February. It provides that the Four Powers would agree that each of them respects the situation which has been created by the other powers in their sectors of Berlin -- in effect, the Soviets would respect that the Allies have permitted West Berlin to have strong links with the FRG, and the Allies would respect the fact that the Soviets have permitted the East Germans to incorporate East Berlin. This part of the Bahr formula very much concerns the Three Powers (particularly the French) since they fear it would undercut their rights in Berlin. The other half of the Bahr formula is that the Three Powers would state to the Soviets that the constitutional organs of the FRG will not undertake in Berlin formal official acts which are required of them by the Basic Law. It is difficult to see how the Soviets could consider this very limited reduction of Federal presence to be any kind of worthwhile concession from the Western side.

A second area of difference on the Western side relates to the question of a German role in negotiations on access. We, the British and the FRG have desired to bring both the East and West Germans into the Four Power talks in some form to work out an arrangement on access. The French flatly refused to involve the Germans in any way. However, just this week there seems to be a change in the French position. Probably in connection with Abrasimov's suggestion at the June 30 session that there was a possibility of an access arrangement involving both the Soviets and the GDR, the French have indicated they would agree to propose to the Soviets the possible establishment of a German committee of experts (FRG-GDR, on a parity basis) to consider access matters.

The final major friction point is the issue of the linkage between the Berlin talks and the FRG's negotiations with the East. (treated in my memo of June 30, attached at Tab B). The FRG has moved to the position that "success" in the Berlin talks is virtually the sine qua non for the implementation of Brandt's Eastern Policy. We have tried to resist this linkage, and so have the French and -- to a lesser degree -- the British. The burden of the linkage becomes worse because the Germans are defining success as Soviet acknowledgement of Bonn-Berlin ties. In this light, failure of the Berlin negotiations to achieve success (by any definition) could bring the whole Eastern policy to a standstill coupled with the public impression that it was the fault of the Allies. This inflation of the significance of the Berlin talks will also bring increased pressures from our other NATO allies who wish for some measure of success so that a European Security conference can be achieved more quickly. Related to this might also be renewed insistence that NATO should play a greater role in the Berlin negotiations.

The July 21 Session and Beyond


In considering the position for the July 21 session, the Three Powers seemed to be approaching agreement that it would be unwise to provide Abrasimov with a reaction to his four principles (as he requested). Rather, since the Three felt no great time pressure and since the Soviets have not offered any meaningful response to the Allied suggestions, it would be best to devote the session to a summation of the Allied proposals already on the table. The Three would thus continue to insist that the talks proceed first from the specific to the general.

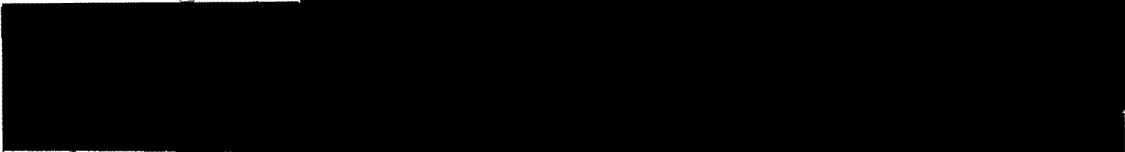
The FRG wants to move in the other direction. On July 7 the Germans presented in the Bonn Group a paper apparently drafted by Bahr, Frank and Berlin Senator Grabert. The paper (Tab C) sets out their view of the eventual Berlin settlement, and is the German proposal for negotiating language to be used at the July 21 session. The concept is to engage Abrasimov on his four principles by using them as the structure, but into which the Bahr formula is inserted. The proposed settlement agreement continues Bonn-Berlin ties, FRG representation of Berlin abroad, access to East Berlin for West Berliners and a Four Power guarantee of free access to Berlin. In exchange, the agreement contains the statement that Berlin is not governed by the FRG and that constitutional organs of the FRG will not undertake formal official acts in West Berlin. On its face, the FRG proposal appears non-negotiable.

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Nevertheless, the Germans are pushing their proposal. One possible rationale for this is that Bahr may have had talks with the Soviets to which we are not privy. 

 It is also possible, on the other hand, that the Germans simply evaluate Abrasimov's presentations more positively than we do -- but their sense of urgency may have clouded their evaluation processes.

In the relatively short period until the July 21 session, there undoubtedly will not be time for the four Western allies to reach any agreement on using the FRG proposal as the basis for the next session. No new ground will be broken at the July 21 meeting, which will be used merely to sum up the Allied proposals to date and to seek further definition of Abrasimov's four principles.

The Western allies will have to use the time between now and the September session to put their house in order. We will have to make some basic decisions on where we want the talks to head, whether we are prepared for some new definition of principles or status, or whether we should seek only the limited and specific measures already proposed (on access for example).

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