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Problem of Berlin

Report¹

Committee on Political Affairs and Democracy

Rapporteur: Mr Paul STRUYE, Belgium

1. 1958 - 10th Session - Third part



A. 1. Draft Resolution presented by the Political Committee

1. The Assembly,
2. Deeply concerned by the seriousness of the problem raised by the proposals of the Soviet Government for the future status of West Berlin and by the seeming intention to put them in the form of an ultimatum with an expiry limit,
3. Recalls that no international agreement can be terminated unilaterally and that the Soviet Government remains bound by the obligations to which it subscribed in London on 12th September and 14th November 1944, in Berlin on 7th July 1945, in New York on 4th May 1949, and in Paris on 20th June 1949, and which guarantee the protection of West Berlin by Western forces and their freedom of access to their sector ;
4. Takes note that the people of West Berlin clearly and freely affirmed, at the elections on 7th December 1958, their unswerving attachment to democracy and freedom ;
5. Believes that their freedom could not be safeguarded in future if West Berlin were to become an isolated city encircled by Soviet forces which could, on the least pretext, march into its territory ;
6. Considers, therefore, that the Western Powers, in fulfilment of their pledged word, are justified in having unanimously and firmly rejected the Soviet proposals ;
7. And, futher, considers that it is the duty of the Western Powers to enter as soon as possible into negotiations with the Soviet Union on the German problem as a whole, which while safeguarding the inalienable rights of the people of West Berlin would open the way to an acceptable agreement, taking into account the security requirements of all the States concerned.

B. 2. Draft Order

The Assembly instructs the President to send Resolution . . . to the Ministers for Foreign Affairs, members of the Committee of Ministers of the Council of Europe.

C. 3. Explanatory Memorandum (presented by M. STRUYE)

1. Introductory remarks

1. At a meeting on 13th December 1958 the Political Committee decided to make an exception to the established practice of embracing debates on the international situation and to recommend, instead, that the Assembly should concentrate next January on one topic of particular importance at the present time; the problem of Berlin. The Standing Committee, meeting on 15th December 1958, endorsed these proposals.

2. The Political Committee also expressed the hope that the debate might lead to the adoption, without further time-consuming reference back to committee, of a resolution or recommendation. The difference between a recommendation and a resolution is that the first is addressed to the Committee of Ministers while a resolution is not. In fact, we could hardly say that the Committee of Ministers have, in the past four or five years, really taken account of the recommendations of the Assembly on the international situation. We may deeply regret this and we may wish to enquire why this has been so. But the conclusion to which we are impelled is that the value of the Assembly's debates is not so much to enable advice to be tendered to the Committee of Ministers of the Council of Europe as to give an opportunity to Members of Parliament from many European nations to debate questions of mutual interest and through their discussion to give expression to a European point of view. It has been the Assembly's hope that to voice the views of a cross-section of European public opinion on the major events of the day might (a) contribute generally to the solution of problems and (6) assist in making our peoples increasingly aware that they belong to the European community. That being so, it will often be immaterial whether the conclusions of the Assembly are in the form of resolutions rather than recommendations. It may even be better, at any rate in some cases, if they are in the form of resolutions² which the President of the Assembly can send personally to each Foreign Minister, possibly asking for his comments or inviting him to make known his comments in the course of a speech to the Assembly at a subsequent part-session. In the case of the Berlin problem, there may, further, be particular reasons why a resolution will be more appropriate?for instance if the conclusions of the Assembly are such that they are to be addressed to the Governments having responsibilities for Berlin rather than to the Committee of Ministers as a whole. There is also the point that if the Assembly were to adopt a recommendation it is most unlikely that the Committee of Ministers will meet before next April to consider it.

3. Having made these introductory remarks, your Rapporteur proposes to deal with the Soviet proposals on Berlin and the Western reaction so far. He will then discuss whether the Western position is adequate to the situation likely to develop within the next few months and he will endeavour to point out any issue which is of specific interest to the Council of Europe in relation to its task of building up the European community.

2. The Soviet proposals on Berlin

4. The Soviet proposals on Berlin were released by Tass on 27th November 1958. Their main points are :

- a. The U.S.S.R. notifies the Western Powers that it regards as null and void the threepower Protocol on the occupation zones of Germany and the administration of Greater Berlin and associated supplementary agreements of September and November 1944, and the Four- Power Agreement of May 1945 on the control mechanism in Germany.
- b. The U.S.S.R. will hand over to the " German Democratic Republic " all t he functions exercised by t he U.S.S.R. under these agreements in conformity with the Soviet- " German Democratic Republic " Agreement of September 1955.
- c. The " German Democratic Republic " will thus in future exercise its sovereign rights on land, sea and in the air.
- d. Contacts between Soviet and Western representatives in Berlin will be discontinued.
- e. The Soviet Kommandantura in Berlin will be abolished and guard troops attached to it withdrawn.
- f. Discussions on all these matters will be held between the Soviet Union and the " German Democratic Republic ".

2. It is noteworthy that the Assembly of Western European Union recently adopted a Resolution on Berlin. The Conference of Members of Parliament from NATO countries did likewise a month previously.though of course, this is an unofficial body.

- g. The U.S.S.R. proposes that West Berlin should be demilitarised and have the status of a free city ; the U.S.S.R. would negotiate with the three Western Powers on these proposals.
- h. If these proposals are rejected there will be no topic left for possible discussion on Berlin.
- i. To allow time for these discussions, the U.S.S.R. will not introduce changes in the present procedure for six months, and Western traffic to and from Berlin will not be interfered with.
- j. If no agreement is reached within six months, the Soviet Union will carry out its plans.

5. These proposals entail the withdrawal of Western forces from Berlin, leaving the city surrounded by the armed forces of the Soviet bloc. They imply, significantly, that the best solution of the Berlin question would, so far as the Soviet Union is concerned, and as they have said on several occasions, be one under which the Federal Republic of Germany left N.A.T.O. and the " German Democratic Republic " left the Warsaw Treaty. The neutralisation of Germany thus remains the basic objective of Soviet policy. The short-term objective is to secure the recognition of the East German regime. The six months' grace offered by the Soviet Government seems to be an attempt to force the Western Powers into negotiations under the shadow of an ultimatum.

6. The Soviet view on German reunification and the German peace treaty remains unchanged : the former is to be achieved through an agreement between the East and West German Governments for the establishment of a German confederation in which parteach of Germany would retain its political system; the latter should be negotiated on a four-Power basis.

3. Background information on Berlin

7. Contrary to M. Khrushchev's claim on 10th November 1958, the Potsdam Agreement does not mention Berlin. It mainly dealt with the establishment of the Council of Foreign Ministers and the principles which were to govern the treatment of Germany.

8. The rights of the Western Powers in Berlin and their rights of access to that city derive from Germany's unconditional surrender in 1945. This was recognised in agreements (notably the Protocol of 12th September 1944 " on the occupation zones of Germany and on the administration of Greater Berlin ") concluded with the U.S.S.R. in the European Advisory Commission in which the Three (later Four) Powers formally assumed supreme authority with respect to Germany, laid down basic requirements of the occupation, and determined the boundaries of the occupation zones and of the sectors of Berlin. These requirements were later embodied in two Declarations of 5th June 1945, the second of which mentioned Berlin specifically. The question of four-Power administration of Berlin, which was dealt with in the European Advisory Commission's Agreement of 14th November 1944, was the subject of a further agreement on 7th July 1945 which provided for the establishment of a Kommandantura of the city.

9. The rights of access to Berlin are inherent in the right of the Western Powers to occupy the city. They were recognised in arrangements concluded with the Soviet military authorities in 1945. Moreover, in the New York and Paris agreements of 1949, the Soviet Union undertook to restore communications which had existed prior to the blockade of Berlin. They thus recognised allied and German rights of access to that city. Finally, France, the United Kingdom and the United States undertook, in a Declaration issued at the end of the nine-Power conference in London in October 1954, to maintain their forces in Berlin and reaffirmed that they would regard any attack on Berlin as an attack upon their forces and themselves.

10. Soon after the end of the war, the Soviet Government began to take measures to seal off the Soviet zone. On 16th June 1948 the Soviet representatives walked out of the four-Power Berlin Kommandantura, and the four-Power administration of the city virtually came to an end. On 24th June the full-scale blockade of West Berlin was imposed. It failed owing to the courage of the people and the Allied air-lift.

11. Since then attempts to force allied nationals to deal direct with the authorities of Eastern Germany have continued. In July 1957 the Soviet authorities made it known that they would no longer issue Soviet entry or transit visas for the Eastern zone of Germany to private American, British or French travellers. From January 1958 they refused to issue visas to holders of Allied Diplomatic and Service passports wishing to travel into or through Eastern Germany. Members of the Western garrison in Berlin travelling between that city and Western Germany are, however, still exempt from this regulation.

12. At present, the only form of four-Power administration in .Berlin is that exercised over the allied Air Safety Centre, two telecommunications lines and the Spandau prison for war criminals.

4. The Western reaction

13. The Western position in the face of the Soviet proposals is set out in three documents :

(a) the Declaration of the Foreign Ministers of France, the Federal Republic of Germany, the United Kingdom and the United States of 14th December 1958, (b) the statement on Berlin adopted by the North Atlantic Council on 16th December 1958; and (c) the individual replies sent on 31st December 1958 by France, the United Kingdom and the United States, and on 5th January 1959 by the Federal Republic of Germany, after consultations with their other allies in N.A.T.O. It can be summarised as follows :

The Western Powers will not conduct negotiations under the threat of a six-month ultimatum prejudging their final outcome.

They warn the Soviet Union against any unilateral denunciation on their part of the four-Power agreements concerning Berlin ; they will not relinquish their rights to be in and to have access to Berlin, and will continue to hold the Soviet Union responsible for their free access to the city. Nor will they accept the substitution of the " German Democratic Republic " for the Soviet Union in this respect.

The proposals for a free city of West Berlin are rejected on the grounds that they are unacceptable to the people of West Berlin (as shown overwhelmingly by the elections of 7th December 1958) and that they would leave the city defenceless.

The Western Powers regard the situation in Berlin as one aspect of the German problem. They are ready for four-Power discussions on the reunification of Germany, European security and a German peace treaty.

5. The significance of Berlin

14. Before going on to discuss the Western position, we should be clear about the meaning of Berlin and its value to the West. The Political Committee had the privilege of meeting in Berlin last spring and of coming into contact with many of its citizens. Berlin appeared then, as it is today, essentially a Western political outpost. Not only is it a kind of permanent exhibition of the West, an ever-present reminder of the superiority of the system of government and of the way of life of free nations, but it is also the escape hatch through which the greater part of more than two million people have fled from Eastern Germany and " chosen freedom ". For the Western Powers to abandon Berlin would mean, that the existing balance between the forces of the two blocs would be broken, and it would also be a grave and unpardonable breach of the undertakings solemnly and repeatedly given by the West to the people of Berlin.

6. Prospects

15. With a welcome display of unity, the Western Powers have stated that they stand by their obligations and that they will maintain their forces in West Berlin. Yet in four months' time from now it is the declared policy of the Soviet Union to destroy the quadripartite status of Berlin and hand over their responsibilities to the authorities of East Germany. What will happen then if on both sides present intentions are carried out ? Inevitably, grave difficulties will arise. Civilian overland traffic is already checked by the East German officials, but allied military trains and vehicles are not. It is to be feared that the East German authorities will now claim the right to do this and, if the West refuses, either force will have to be used or the air-lift will have to be resumed. But can it be operated as in 1948 without the quadripartite Air Safety Centre in Berlin, and, if so, will the «German Democratic Republic» claim that its sovereignty in the air is being infringed and will it invoke the Warsaw Treaty ? What of the refugees who are flown out regularly in allied commercial aircraft? The danger of incidents, of planes being intercepted or forced down, is real, and this is enough to make us realise the gravity of the situation that is likely to arise in four months' time.

16. We should also admit that the position of the West is in certain respects paradoxical. It is in itself abnormal that military occupation should continue fourteen years after the end of the war. The Soviet Union, by offering to withdraw her troops, has manoeuvred skilfully and given the appearance of being more magnanimous towards the defeated enemy. Of course, this generosity is a sham. While removing her troops from East Berlin the Soviet Union would keep them in the immediate neighbourhood of the city, which could be reoccupied if the slightest incident occurred, or ostensibly to restore order, as happened in Budapest in 1956. We must, however, realise that the West cannot prevent Soviet troops from being moved from East Berlin to the " German Democratic Republic " or vice versa; nor can we prevent her from transferring powers to the " D.D.R.

". The consequences appear to be that while the West are undoubtedly right to reject the Soviet proposals on Berlin, they must devise counter-proposals that will put pressure on the Soviet Union for a mutually acceptable accommodation on the German problem as a whole.

17. But in this search for accommodation we face a major difficulty. As recently as 12th December, Tass reiterated that the U.S.S.R. would not take part in any quadripartite discussion on German reunification, which problem is to be solved by talks between the " two Germanies ". Further, the " Socialist gains " of the Pankow regime must be preserved. And here we must ask a question. The Western position is, of course, that the Soviet Union is still morally and legally bound to re-establish German unity through free elections in accordance with the agreement at the summit meeting of July 1955, and the West is ready to begin quadripartite talks at once on this basis. But the Soviet Union is not. Ought we not therefore, if any progress is ever to be made, to give consideration to other possible approaches? There is, of course, the standing Soviet offer that the future of Germany should be worked out by The two German Governments. This suggestion cannot be accepted as it stands, for it is impossible to put on a same footing a free and democratic country like the Federal Republic of Germany and the " German Democratic Republic " which, in practice, is under Soviet tutelage. But it might be worthwhile to envisage more flexible formulas which, while not implying recognition for the Pankow " Government ", would not exclude certain contacts.

18. Likewise, it is difficult to know whether the novelty of having conferences of technical experts preceding the negotiation of an agreement can be used in connection with the German problem. The system has so far yielded interesting results on the question of the controlled suspension of nuclear tests, and technical experts are at present working?so far, unhappily, with less success?on the prevention of surprise attacks. It may be that a conference of technical experts from interested countries might move away from the present immobility of the position of the two blocs. There can be no question of accepting the Communists' unwarranted demands but at the same time we must not shrink from discussion. The Western replies to the Khrushchev proposals rebut the Soviet arguments admirably. But at the end the problem of the two Germanies and the two Berlins is still with us, and no way out is in sight. It would be regrettable if the Council of Europe were to resign itself to such unprofitable and dangerous stagnation.

19. But what if, despite the efforts of the West to formulate counter-proposals, the Soviet Government carry out their threat to act in six-now four?months' time ? The Western Powers might perhaps put the problem before the United Nations. It is noticeable that the Western Powers have sometimes appeared reluctant to put their problems before the organisation which is the successor to their wartime alliance and that they usually allow themselves to be arraigned there. To call the attention of the United Nations to a problem menacing the peace and to the fundamentally unjust situation of the people of East Germany who are denied the right of self-determination could serve to enlighten the non-committed countries about Soviet intentions and methods, and strengthen the Western position morally, with the vote of a majority of the Members of the United Nations.

20. To sum up, no one in the West can doubt the utmost need, from the political, legal and moral point of view, to give effective protection to the freedom of West Berlin. The Western Powers are as united as the people of West Berlin in saying " no " to the Soviet proposals. But Western diplomacy must be resilient enough to put forward counter-proposals for German reunification within which the Berlin problem can find an acceptable solution. It is necessary in this respect to distinguish between what is essential and what is accessory. The essential, on which it is not possible to give way, is the right of the people of West Berlin to have their security safeguarded and their communications with the West guaranteed. The rest is accessory and can give rise to agreements under various forms. The object of this report is not to formulate a detailed programme but to underline the spirit in which negotiations might usefully be entered upon.

21. The Political Committee has not been called upon to take a vote on all or any of the problems raised or the suggestions made in this Report. In accordance with established tradition, the Committee has only voted on the above draft Resolution. This was adopted on 19th January 1959, by 21 votes to 0 and no abstentions.