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INFO IMMEDIATE BMG BERLIN, EAST BERLIN, UKDEL NATO

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#### BERLIN: AN OVERVIEW

##### SUMMARY

1. PRESENT STATUS OF BERLIN WILL BE SUBJECT TO INCREASING CHALLENGE. WE SHOULD CONTINUE TO MAINTAIN THE QUADRIPARTITE AGREEMENT FOR THE IMMEDIATE FUTURE BUT A NEW REGIME FOR BERLIN MAY HAVE TO BE CONSIDERED IN DUE COURSE.

##### DETAIL

2. THE PACE OF CHANGE IN GERMANY IS RAPID AND THERE ARE INCREASING CHALLENGES TO THE STATUS OF BERLIN. STATUS HAS ALWAYS BEEN A TOOL TO PRESERVE FREEDOM AND STABILITY IN THE REGION AND TO KEEP OPEN THE POSSIBILITY OF A REUNIFIED GERMANY IN THE TERMS OF ARTICLE 7 OF THE RELATIONS CONVENTION. IT IS INEVITABLE THAT, AS OTHER MEANS BECOME AVAILABLE TO ADVANCE THESE AIMS, THE TRADITIONAL FRAMEWORK OF BERLIN STATUS SHOULD BE BROUGHT INTO QUESTION.

3. THERE IS LIKELY TO BE PARTICULAR PRESSURE IN THE FOLLOWING AREAS:

(1) AVIATION. IF TEGEL/SCHOENEFELD COOPERATION IS DEVELOPED, AS THE BERLIN SENAT WISHES AND THE FEDERAL GOVERNMENT IS LIKELY TO AGREE, THE FOUR POWERS WILL HAVE TO SHARE RESPONSIBILITY FOR THE CONTROL OF AIR TRAFFIC WITH THE GDR, AND BOTH THE FRG AND GDR WILL HAVE A MORE SIGNIFICANT SAY IN THE COMMERCIAL ASPECTS OF BERLIN AIR SERVICES. IF, AS ALSO SEEMS LIKELY, LUFTHANSA/INTERFLUG PRESS FOR A SHARE OF ROUTES TO BERLIN (AND LUFTHANSA WILL USE SCHOENEFELD IF THEY CANNOT USE TEGEL), ALLIED CORRIDOR SERVICES MAY FACE STIFFER COMPETITION AND THE CASE FOR REVISING THE CORRIDOR REGIME (EG BY RAISING FLIGHT LEVELS) MAY BE STRENGTHENED.

(2) RELATIONSHIP BETWEEN THE WESTERN SECTORS AND THE FEDERAL REPUBLIC. THERE ARE ALREADY PROPOSALS FOR WEST BERLINERS TO ELECT DIRECTLY THEIR BUNDESTAG REPRESENTATIVES, AND FOR THOSE REPRESENTATIVES TO HAVE FULL VOTING RIGHTS IN THE BUNDESTAG (SEE MIFT). THERE MAY SOON BE PRESSURE FOR THE WESTERN SECTORS TO BE



TREATED IN OTHER RESPECTS AS A NORMAL PART OF THE FRG POLITICAL AND LEGAL SYSTEM (FOR EXAMPLE, BY ALLOWING THE DIRECT APPLICATION OF FEDERAL LAW OR EXTENDING TO BERLIN THE JURISDICTION OF THE FEDERAL CONSTITUTIONAL COURT).

(3) EAST BERLIN. CONTACT BETWEEN MOMPER AND KRACK (THE 'MAYOR' OF EAST BERLIN) HAS ALREADY BEEN STRENGTHENED (BMG TELNO 216). THE PROPOSAL FOR A JOINT COMMISSION WITH A REGIONAL COMMITTEE FOR BERLIN WILL, WE UNDERSTAND, GIVE A SIGNIFICANT ROLE TO THE LOCAL EAST BERLIN AUTHORITIES. THE ALLIES HAVE NOT PREVIOUSLY RECOGNISED THE LEGALITY OF KRACK'S POSITION NOR THAT OF THE EAST BERLIN MAGISTRAT. THE ALLIES WILL PROBABLY ALSO HAVE TO FACE THE QUESTION WHETHER TO OBJECT TO VOLKSKAMMER DEPUTIES BEING DIRECTLY ELECTED FROM EAST BERLIN (SEE MIFT).

(4) THE QUADRIPARTITE AGREEMENT. THE IDEAS FOR DIRECT ELECTIONS AND VOTING RIGHTS TOUCH ON THE PROVISIONS IN THE QA CONCERNING THE DEVELOPMENT OF TIES AND ALLIED RESERVATIONS IN RESPECT OF THE BASIC LAW. IF PROPOSALS WERE MADE BY THE GERMANS AND ACCEPTED BY THE ALLIES, ANNEX 2 AS A WHOLE MIGHT NEED REVISION. THE GUARANTEES ON COMMUNICATION AND TRAFFIC MAY STILL PROVE ESSENTIAL BUT IN A REGIME OF FREE TRAVEL IN GERMANY SOME PROVISIONS WILL BECOME OUTDATED. IT IS ALSO LIKELY THAT PROVISIONS CONCERNING THE STATUS OF WEST BERLIN RESIDENTS (ANNEX 4 AND AGREED MINUTE 1) AND SOVIET ACTIVITIES IN WEST BERLIN (AGREED MINUTE 2) WILL NEED TO BE REVIEWED.

4. THE MAINTENANCE OF ACCESS TO BERLIN THROUGH THE AIR CORRIDORS IS STILL ESSENTIAL BUT, PROVIDED THIS GUARANTEE CAN BE RELIABLY RETAINED FOR A TIME OF CRISIS, WE SHOULD BE PREPARED TO CONSIDER CONSIDERABLE CHANGE TO THE AIR REGIME. SIMILARLY, THE QUADRIPARTITE AGREEMENT CONTAINS PRINCIPLES WHICH AT LEAST FOR THE FORESEEABLE FUTURE ARE VITAL TO STABILITY, FOR EXAMPLE THE UNDERTAKING OF THE FOUR GOVERNMENTS (IE INCLUDING THE RUSSIANS) IN PART 1 'TO STRIVE TO PROMOTE THE ELIMINATION OF TENSION AND THE PREVENTION OF COMPLICATIONS' AND THEIR AGREEMENT THAT 'THERE SHALL BE NO USE OR THREAT OF FORCE IN THE AREA AND THAT DISPUTES SHALL BE SETTLED SOLELY BY PEACEFUL MEANS'. BUT, SEEN FROM HERE, REVISION OF OTHER PROVISIONS OF THE QA SHOULD NOT BE EXCLUDED IN PRINCIPLE.

5. WE MAY ALSO HAVE TO ALLOW A SUBSTANTIAL STRENGTHENING OF TIES BETWEEN THE WESTERN SECTORS AND THE FRG. THE RUSSIAN ATTITUDE HERE WILL BE IMPORTANT BUT, IF IT WAS NOT NEGATIVE, IT WOULD BE DIFFICULT TO RESIST PUTTING THE WESTERN SECTORS MUCH MORE ON A PAR WITH FEDERAL LAENDER. ONE REASON FOR RESISTING THIS IN THE PAST HAS BEEN



TO ENSURE THE MAINTENANCE OF THE STATUS OF BERLIN AS A WHOLE. WE MIGHT SEEK TO PRESERVE THIS CONCEPT DE JURE BUT ACCEPT THE DE FACTO TREND OF GREATER INTEGRATION OF THE WESTERN SECTORS INTO THE FRG. WE MIGHT BE SIMILARLY PRAGMATIC WITH EAST BERLIN. WE NEED NOT GO AS FAR AS EXPRESSLY RECOGNISING EAST BERLIN AS THE GDR'S CAPITAL, BUT WE MIGHT ACCEPT VOLKSKAMMER ELECTIONS (AS ENHANCING DEMOCRATIC RIGHTS) AND THE STRENGTHENING OF SENAT COOPERATION WITH THE EAST BERLIN AUTHORITIES (WHICH HELPS TO BIND THE TWO PARTS OF THE CITY TOGETHER). AT THE END OF THE DAY, IT IS THE WELFARE, FREEDOM AND DEMOCRATIC RIGHTS OF ALL BERLINERS WHICH THE ALLIES ARE IN BERLIN TO PROTECT. THE LEGAL FRAMEWORK SHOULD BE APPROPRIATE TO THIS AIM. STATEMENTS OF OUR LEGAL POSITION WILL SOMETIMES PRESERVE THE ESSENTIALS WHILE ACTUAL PRACTICES ARE ALLOWED TO ALTER.

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