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From the Private Secretary

30 January 1990

REPRESENTATION OF BERLINERS IN BONN

Thank you for your letter of 29 January about the German proposal to extend the electoral rights of Berliners.

The Prime Minister has commented that the reason why the FRG wants this is to establish that Berlin will be the capital of a united Germany, and that the first step has been taken towards acceptance of that by the Allies. She would not stand out on this if all others agree, but equally would not want us to be party to trying to rail-road the Russians into agreeing (although she doubts whether they have a very strong case for objecting, given that East Berliners already vote for the GDR Parliament). Perhaps the best course would be to try to lie low on this until the Russians show their hand. If they choose to exercise a veto, it would then be clear to the Germans where responsibility for blocking the proposal lay.

I am copying this letter to Simon Webb (Ministry of Defence).

C. D. POWELL

Richard Gozney, Esq.,
Foreign and Commonwealth Office

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MEM



Prime Minister

cc/c ①

East Berliners

Foreign and Commonwealth Office

already of course have
the vote for the East German

London SW1A 2AH

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29 January 1990

① What is the position with regard to the European Parliament?

Parliament.

② The reason the FRG wants it is

to establish that Berlin is the capital of a united Germany & that the GDR has now been taken over by the Berliners.

③ I would stand out on this if all others agree but I am reluctant to leave Russia on her own. I doubt however whether she has much of a case as to whether Berliners have the vote. Not

I do not think we can object to this proposal without unacceptable damage to our interests. But I have rather hope the dear Charles, Russians will veto it.

Agree?
COP
29/1

Representation of Berliners in Bonn

The "Berlin Allies" are discussing a German proposal to extend the electoral rights of Berliners.

Under Allied laws drawn up after the War, West Berliners do not directly elect representatives to Bonn. Instead, their representatives in the Bundestag are nominated from the (directly elected) Berlin House of Representatives. Furthermore, Berlin representatives to the Bundestag and Bundesrat may not vote there. These restrictions were originally intended to reflect the fact that Berlin is not part of the Federal Republic of Germany.

The prospect of genuinely free elections in the GDR and East Berlin in March could lead, however, to a paradoxical situation in which West Berliners are the only Germans less than fully enfranchised. Federal elections in the FRG are due on 2 December and the Federal Government and Berlin Senat are pressing us to agree, in good time for these, to change our rules to allow for such elections and voting rights. The Allies would, however, retain the right to vet Federal legislation before it was applied to Berlin (as is the case at present). Any party political doubts on the part of the CDU have been overruled by Chancellor Kohl.

Before coming to a firm view, we shall need to consult further with our Allies, who are reflecting on the Federal Government's proposal. First indications are that the French and Americans consider that there is a strong political case for altering the status quo. There are other presentational, legal, and political aspects to be considered.

The presentational aspect. In 1981, when the Russians allowed East Berliners to elect representatives directly to the GDR Parliament, we complained to them that this contravened the 1971 Quadripartite Agreement (QA). We could now be accused of inconsistency, and contravening the QA, if the Western Allies acted unilaterally. But the Quadripartite Agreement could be changed by agreement. Thus the Quadripartite Agreement need not be breached if the Russians agreed, or at least did not raise objection, to the matter.

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The legal aspect. It could be argued that direct elections and full voting rights for Berlin representatives in Bonn would undermine our view that West Berlin is not part of the Federal Republic of Germany. But there is no intention on our part (and no wish on the part of the Germans) to change the present procedures whereby Federal laws have to be taken over separately into Berlin, and are subject to Allied approval. A distinction of status would thus be preserved. A number of legal documents would need to be altered if we did move in the way the Germans wish, although this would not pose major difficulties.

The political aspect. We are fully aware of Soviet sensitivities on anything to do with the "German Question". The Russians clearly attach importance, particularly now, to maintaining their standing in Berlin. They have already protested to the Germans that any unilateral change would be a breach of the QA, and we expect them to say the same to us soon. We would therefore need to present our thoughts to the Russians very carefully and make clear that we were seeking to work with them, not in spite of them. We might point out that the proposed changes would not make Berlin part of the Federal Republic.

We should also need collectively to consider what we would do if faced with a flat Soviet refusal. The Russians' own system is far from democratic, and many would object if the Allies seemed prepared to allow the Russians to deny an extension of democracy to the West Berliners. Legally, we need Soviet approval for any change to the Quadripartite Agreement, and we would not wish to act in defiance of their wishes. This could complicate contacts with them in other crucial areas. At the end of the day the Allies might have to concur in a Russian veto if they chose to exercise one. We would then have to put the problem to the Germans and make clear to the Russians that they would bear any political penalty vis-à-vis the Germans. Grudging acquiescence may however be the more likely Soviet response.

In principle, the Foreign Secretary favours a positive response to the Germans' approach. The political case for free elections is clear cut. The problems ought to be manageable. We expect our Allies to take the same view. We should therefore sound out the Russians on the Germans' request. It would clearly be awkward or worse if we were to be isolated in opposing a move to enfranchise the West Berliners, particularly since we could not expect to keep our

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opposition secret. This issue is likely to have an increasingly high political profile in Germany as the year goes on. We shall have many important and valid arguments to put in the next few months on questions relating to Germany which affect our security or prosperity, but this is hardly one of them.

We will report further in the light of discussions with the Allies and the Germans.

I am copying this letter to Simon Webb (MOD).

Yours ever,

Richard Gozney

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