

April 5, 1971

**Memorandum for President Nixon from Kissinger,
"The Berlin Negotiations - New Guidelines"**

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Summary:

National Security Advisor Henry Kissinger updates President Nixon on the status of the Four Power Berlin negotiations between the Soviet Union, East Germany, West Germany, and the United States.

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

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ACTION

April 5, 1971

MEMORANDUM FOR THE PRESIDENT

FROM : Henry A. Kissinger

SUBJECT: The Berlin Negotiations -- New Guidelines

The Senior Review Group met recently and considered the course of the Four Power Berlin negotiations. It was suggested that now would be an appropriate time for you to issue revised guidelines on the conduct of the negotiations. Your previous decisions were recorded in NSDM 91 which resulted from the discussions at the NSC meeting of October 14 (Tab B).

At the instruction of the SRG, an interagency working group has prepared a memorandum for you which has been approved by Secretary Rogers (Tab C). The memorandum correctly points out the problem our negotiators have faced during the past year of the Four Power talks: to utilize Soviet interests in achieving an agreement (i. e., to secure ratification of the German treaties, and to permit a European Security Conference) in order to achieve meaningful improvements in Berlin, without jeopardizing the Western position or without paying a price in terms of Berlin's relationship with the Federal Republic which would prejudice longer term future of the city.

The memorandum concludes that there are three possible outcomes to the current negotiations:

-- achievement of an agreement, from which would follow wide recognition of East Germany and eventual UN membership, but a better ability of West Berlin to be viable within the changed environment of a greatly enhanced East Germany;

-- no agreement and no improvements, which would signify failure, block the ratification of the Soviet/FRG treaty, and might lead the Soviets to seek to obtain by harassment the objectives they failed to obtain in the negotiations;

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-- it is possible to achieve at least minor improvements without any formal Four Power agreement, and indeed some phone communications have already been opened between East and West Berlin; we would certainly not stand in the way of any improvements, but we would have to be sure that any inter-German arrangements did not conflict with our interpretation of Four Power rights and responsibilities.

This third possibility would still require some concessions from the Western side, probably in the form of a reduction in German Federal presence in West Berlin and perhaps also in an increase of Soviet presence in West Berlin. Also, this third possibility carries with it the fact that an outcome of this nature may cause difficulties with the FRG, since it will make more difficult their decision on whether to ratify the Moscow and Warsaw treaties.

The NSDM at Tab A, based on the recommendations contained in the SRG memorandum, attempts to bring up to date the guidelines laid down in NSDM of last October. In essence, the proposed NSDM amends the previous one in two ways: provides some new flexibility on specific points; and adds some guidelines on issues not previously covered.

-- the previous guidelines required that the agreement expressly acknowledge our interpretation of Four Power rights. Since the negotiations have demonstrated the impossibility of that requirement, the new NSDM requires only that the new agreement not prejudice our interpretations;

-- a clear definition of our objectives on access (evident improvements less susceptible to arbitrary harassment) is included in the new NSDM, although the previous requirement is retained that they must be guaranteed by the USSR to the maximum extent feasible;

-- new to the guidelines is the question of the strong Soviet desire to increase their physical presence in West Berlin. Our previous totally negative position has virtually isolated us from our allies, and Ambassador Rush has requested more flexibility (Secretary Rogers has advised the Ambassador of the more flexible language of the proposed guidelines). The new NSDM would permit a very limited but non-official increase in Soviet presence if an otherwise acceptable agreement depended upon it. However, it makes clear that any arrangement permitting an increase in Soviet presence must not be contained in the Agreement, and should not actually take place until well after the conclusion and implementation of the Agreement. This safeguard is designed to avoid a linkage between the Agreement and the Soviet increase which might otherwise give the appearance of acknowledgment of a new Four Power status for West Berlin and perhaps increase the risk of our own access to East Berlin being curtailed.

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-- finally, the new guidelines treat for the first time the issue of the inner-German negotiations on access and inner-Berlin improvements; the main point here is that in order to ensure the Western position that the GDR is not sovereign over access, any FRG/GDR negotiations must take place only after a specific Four Power framework has been established and after there is agreement that any German arrangements will be encompassed within the eventual Four Power agreement.

The negotiations have reached a new phase with the introduction by the Soviets of a draft agreement, a counter to the Western draft of early February. Though both sides have moved considerably from their original positions, such a distance still exists that it is very difficult to predict the outcome. Recently, the Soviets tried to secure their objectives by using the East Germans to pressure the West Germans to enter into arrangements prejudicial to the Four Power talks. The Western side, however, has held together.

It will be useful for our negotiators to have at this stage your new guidelines for the conduct of the talks. The proposed guidelines offer some more flexibility without prejudicing our basic rights and interests. The NSDM makes clear that if it appears that no agreement is possible, or that only an agreement which fails to meet these guidelines can be achieved, you will wish to decide whether any modifications can be made.

RECOMMENDATION

That you approve the issuance of the NSDM at Tab A offering guidelines for the conduct of the Berlin negotiations.

Approve 

Disapprove _____

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