

Top Secret



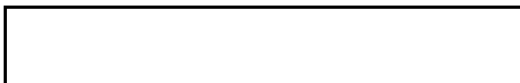
DIRECTORATE OF
INTELLIGENCE

Central Intelligence Bulletin

Top Secret

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7 August 1970



State Department review completed

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Approved For Release 2004/03/17 : CIA-RDP79T00975A016900010002-2

Approved For Release 2004/03/17 : CIA-RDP79T00975A016900010002-2

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West Germany - USSR: The two countries probably will initial today a treaty renouncing the use of force that is little changed from the earlier Bahr-Gromyko draft.

Foreign Minister Scheel has informed the Western Allies that consultation will follow in Bonn. Scheel's initialing of the treaty will virtually commit West Germany to signature, however.

The Western Allies have been seeking a reaffirmation of four-power rights in West Berlin and West Germany in connection with this agreement. The Soviets have declined, however, to publish any written statement on this subject in their own name. Instead, a West German note to the three Western powers is to quote from oral statements on four-power rights by the West German and Soviet foreign ministers, thus providing only an indirect reaffirmation.

Despite assurances from Scheel that he would deal with the need to indicate that the present treaty is no final peace treaty, the latest draft text says nothing explicit on this question. Scheel has nevertheless suggested that the reaffirmation of four-power rights in itself implies that no peace treaty has been concluded since any such treaty would do away with those rights.

In addition, the text of the treaty has been adjusted to make the commitment to "respect" postwar borders appear as an amplification and specific application of the renunciation of force. This is intended to make the de facto recognition of borders seem less like a new concession or an anticipation of an eventual peace treaty, and hence more palatable to the West German public.

As planned earlier, the West Germans will issue a letter asserting the German right to national unity. Scheel now expects Gromyko to reply to the letter without contradicting the West German claim. The treaty preamble now also contains a reference to the 1955 Soviet - West German agreement. As this

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agreement mentioned the right of the Germans to national unity, Bonn will argue that reference to it provides further confirmation of German national rights.

The Soviets have made no major concessions. Nevertheless, the agreement is now more satisfactory from the West German standpoint. If some agreement can be worked out on Berlin, this treaty will probably be ratified by the West German parliament.

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