

## MEMORANDUM

NATIONAL SECURITY COUNCIL

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URGENT INFORMATION

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MEMORANDUM FOR MR. KISSINGER

FROM: Helmut Sonnenfeldt

SUBJECT: Soviet Consulate General in West Berlin

This memo follows up our brief talk in San Clemente on the issue of a Soviet Consulate General in West Berlin.

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Why do the Soviets want this? In practical terms, they do not need such an office. Members of the Soviet Embassy in East Berlin are able to move freely in and out of West Berlin, with no obstacles apart from those of their own making. Conversely, West Berliners desiring Soviet consular services could travel to the Embassy in East Berlin were it not for obstacles placed by the East -- and which in any event should disappear once the Four Power agreement comes into force.

Therefore, one must conclude that there is no practical reason or motive for the Soviets to insist on establishing an independent official representation in West Berlin. Supporting that conclusion, is the fact that the Soviets have not indicated at all that they would even consider lesser levels of representation (such as a consulate or the use of consular agents) which might have been more appropriate in relation to the amount of genuine consular work involved. The Soviets have insisted on the fullest possible representation, a Consulate General.

From the Soviet viewpoint, the establishment of a Consulate General in West Berlin will permit them to:

-- further their theory (and the GDR's) that West Berlin is an independent political entity totally separate from East Berlin;

-- expand and facilitate Soviet influence over all aspects of life in West Berlin; and

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-- create for themselves a continuing West Berlin basis (four power status) for their all German rights in lieu of the Greater Berlin basis which they have renounced.

What are the risks for us? Aside from the fulfillment of the general Soviet objectives noted above, the Allies would be put in the position of tacitly admitting that they have no role in East Berlin. Serious doubt would be cast on the continued vitality of the Four Power status for all of Berlin. Along with this comes the increased risk that the Soviets, once so officially established in West Berlin, would accede to GDR pressure to end the residual Allied presence in East Berlin (i.e., official access and military patrols) which is highly embarrassing to the GDR.

Having gained an official establishment such as this in West Berlin, the Soviets would have achieved a tactical advantage in any subsequent disputes and confrontations with the Allies. Inevitably, the Soviets will seek to expand their activities into an establishment impressive enough to support their eventual role as a Fourth Occupying Power. At some point, the Allies would feel forced to draw the line and will wish to prevent this sort of erosion. But the Allies will have to take into account that the Soviets might charge violation of the Four Power Agreement and threaten a counter-breach of the Agreement as a whole. Particularly with the pressure the Allies would feel from the Germans, there is little likelihood that the Allies would run that risk. (It is not inconceivable that the Soviets might attempt to interfere with Allied -- not German -- traffic as a counter to Allied attempts to curtail their expansion in West Berlin.)

As I already mentioned to you, there is also the question of how this Soviet advance (when added to other Western concessions and the only marginal practical benefits of an Agreement) would be read by the Berliners. It is entirely possible that there will be considerable public dissatisfaction to the extent that an Agreement would not be acceptable. The question of Soviet presence in West Berlin is already receiving great interest in Berlin. The CDU chairman, Peter Lorenz, on July 15 charged publicly that eventually the three Allies would be induced into handling current West Berlin affairs through the Consulate, and the outcome would be a joint administration of West Berlin by all Four Powers. If this line gains great currency, it will quite possibly affect choices of investment, relocation, etc., and may even revive for many Berliners the sense of physical danger and insecurity which was so real in the immediate post-war days. This will not assist in maintaining the viability of West Berlin.

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Does it make any difference to whom it is accredited? Until the past several months, the FRG has been opposed to the idea of a Consulate General, though other lesser form of increased Soviet presence was acceptable if the Three Powers were so inclined. Then the FRG made a switch. Bahr and his colleagues began arguing that indeed, the existence of a Consulate would enhance the Allied theory because it would be clear that the Soviets had a consulate just as did the Greeks, for example, making clearer that the Three Powers were supreme. This sort of argument is an exercise in question-begging, for the Greeks (or any other non-Four Power) cannot be equated with the Soviets in this situation.

It may be useful to look briefly at the question of under which auspices the Consulate General would be created (assuming in all cases, there would be accreditation to the Three Commandants). If the Consulate were connected with the Soviet Embassy in East Berlin, it would clearly appear (under Allied theory) to be a local arm of the Soviet governing authority in East Berlin. Its similarity to the Allied missions in West Berlin, and its legal connection with the Soviet Embassy, would make it more difficult for the Allies to argue that the area of applicability of the Four Power status had not been reduced to West Berlin.

Alternatively, the Consulate General could be subordinate to the Soviet Embassy in Bonn and would operate under the auspices of the Soviet-FRG Consular Convention which would be extended to Berlin. It can be argued that this approach would still entail damage to our legal theory because West Berlin (for purposes of the Convention and the scope of the Consulate's jurisdiction) would be substantially distinguishable from East Berlin and to that extent would undercut our claim to continued Four Power status for all of Berlin. Nevertheless, this relatively slight disadvantage would be offset greatly by the fact of the Soviet's acceptance of Berlin-Bonn ties in this fashion

For a Consulate to be established connected with neither the Soviet Embassy in East Berlin nor with the Soviet Embassy in Bonn (and under the Consular Convention), the effect would be the most serious. The West would have accepted a discrimination undercutting the Four Power status concept without any possible counter-arguments against the Soviet three-state theory.

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The views of our allies. The British from the beginning have been the most forthcoming on the general issue of Soviet presence in West Berlin (most existing Soviet presence is located in the British Sector). Their present position is that they have severe doubts about a Consulate General, but they would not wish to block it if it were the only thing standing in the way of a satisfactory Berlin agreement; this concession should not be made until the final stage of the negotiations, and only if the major issues of Western concern had first been resolved. The French have usually been ambiguous on this, though lately they seem to have sided with the Germans accepting the proposal. During a private conversation on July 9 Ambassador Sauvagnargues told Abrasimov flatly that he was not hostile in principle to the opening of a consulate.

(This linkage is out of line with the course of the negotiations, in which the consulate has been linked -- by the Soviets -- to the issue of FRG representation of West Berlin abroad.) In any event, the FRG is now very much in favor of accepting a Consulate, but refuses to accept a Soviet trade mission which, the Germans argue curiously, would bolster the Soviet argument that West Berlin was an independent political entity.

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In order to decrease any implications that an asymmetrical increase in Soviet presence in West Berlin would affect the city's status, the US had proposed (with less than full gusto) the establishment in East Berlin of a US cultural center (accredited to the Soviets). The Soviets have in effect said no (it should be accredited to the GDR Ministry of Cultural Affairs, said the Soviets), and our Allies have made it clear they do not want us to raise this possibility again for fear of jeopardizing the negotiations. Ambassador Rush has recommended that we drop the idea completely.

The other method we have been employing to reduce the dangers of an enhanced Soviet presence has been to insist (in accordance with NSDM 106) that any actual Soviet expansion (including a Consulate General) should take place only after an Agreement is concluded and is actually being implemented. In refining this timing point further, State has been seeking clearance of a cable indicating that the Allies would state publically at the signature of the Berlin Agreement that, separate from it, the Western Allies intend to authorize specified increases in Soviet activities during the year following the signature of the Final Protocol. At the July 16 meeting, Abrasimov professed an inability to understand why the arrangements for the increased Soviet presence cannot be included in the text of the Agreement, or at a minimum, in an agreed Four Power statement issued at the same time.

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