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E.O. 12958, as amended, Sect 3.5

NSC/Soubers to Smith 09/06/2002

By LR Date 02/14/07

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

~~SECRET/LIMDIS~~

April 22, 1971

National Security Decision Memorandum 106

TO: The Secretary of State
 The Secretary of Defense

SUBJECT: The Berlin Negotiations

After considering the Senior Review Group's memorandum of March 19, 1971, the President has directed that the following guidelines shall be used as the basis for our conduct of the Berlin negotiations.

1. Although the present arrangement serves as an adequate basis for fulfilling US responsibilities for the viability, well being, and security of West Berlin, the President considers that we can accept a new Four Power agreement if it enjoys the support of the German Federal Government and the Berlin Senat, and if it meets the requirements set out below.

2. An Agreement should in no way alter the status of Berlin. In substance or format an Agreement should in no way prejudice the US interpretation of quadripartite rights and responsibilities with respect to Berlin and Germany as a whole. Our ability to hold the USSR responsible for the exercise of our rights, including those arising out of a new Agreement, should not be limited. An Agreement should not, even by implication, contain provisions which would constitute Western acknowledgment of GDR sovereignty over Berlin access.

3. An Agreement should provide for (a) improvements in German surface access which will afford reasonable assurances that such access will be less susceptible to arbitrary harassments; these improvements should be evident and of a nature to encourage increased confidence in the viability of West Berlin, and should be guaranteed by the USSR to the maximum degree feasible; and (b) entry by West Berliners at least into East Berlin and possibly East Germany.

4. There should be no restriction of the opportunities for the further development of economic, cultural and financial links between West Berlin and the Federal Republic. With respect to the questions of (a) Soviet

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acknowledgment of specific Bonn/Berlin ties, (b) West Berlin's representation abroad by the FRG, and (c) the nature and extent of Federal presence in West Berlin, we shall be guided by what the Federal Government and the Berlin Senat consider necessary and acceptable for a satisfactory Agreement.

5. Procedural and substantive details sufficient to provide for the implementation and effectiveness of the requirements in paragraph 3 must be contained within the framework of an Agreement. An Agreement must not contain principles only, or secret protocols.

6. The US could agree to an expansion in Soviet presence in West Berlin

a. if all of the following conditions are met:

- (1) an increase should not involve more than a limited number of Soviet offices,
- (2) the increased presence should not have, or imply, the status of an official Soviet representation, and
- (3) if an Agreement, which otherwise advances Western interest, becomes dependent on this issue; or

b. if it were appropriately counterbalanced by some form of Western presence in East Berlin under acceptable conditions.

An Agreement should contain nothing on this issue, and any actual expansion in Soviet presence should be well distanced from the conclusion and implementation of a Berlin agreement.

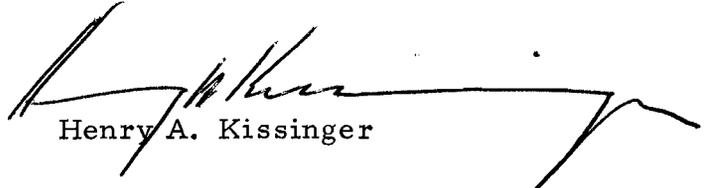
7. With respect to German discussions on access, and in connection with paragraph 2, it is essential that (a) a specific quadripartite framework be established before the discussions take place, (b) there must be prior Four Power agreement that the results of the German discussions will be encompassed within the Agreement, and (c) our ability to hold the Soviets responsible for enforcement must not be limited. Requirements (b) and (c) are sufficient for the Senat/GDR talks on inner-Berlin communications.

8. Should it appear that no Agreement is possible, or that only an Agreement which fails to meet these guidelines can be achieved, the President shall decide whether any modifications in these guidelines should be made.

9. The negotiators should continue to make every effort to coordinate our policy with the French, British and Germans, and should not regard themselves as operating under time pressures outside of the negotiations themselves.

10. We shall continue to support the FRG's position of maintaining a link between the ratification of the Moscow and Warsaw treaties and the outcome of the Berlin negotiations. This policy will, of course, be re-examined if the FRG decides to sever that link.

This NSDM supersedes the Berlin portion of NSDM 91; the Germany portion of NSDM 91 remains in force.



Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff
Director of Central Intelligence