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Authority NND 969037
By AB NARA Date 11/21/03

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A/ISS/IPS, Department of State
E.O. 12958, as amended
June 19, 2008

President wishes Dept defer negotiations
until West German Parliament has ratified
Basic Treaty between ~~FRG~~ Republic and GDR (S/S 7305773)
THE SECRETARY OF STATE

7302728

WASHINGTON

February 15, 1973

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WH/PND or
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Attention MRS TROMBLY
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MEMORANDUM FOR THE PRESIDENT

Subject: Initiation of Negotiations with the
GDR on Establishment of Diplomatic
Relations

The Four Power Declaration of November 9, 1972 concerning the continuing validity of Four Power rights and responsibilities following UN entry of the two German states, and the signature on December 21 of the Basic Treaty between the FRG and the GDR, opened the way for friendly countries, including NATO members, to establish diplomatic relations with the GDR. Most NATO countries, including the UK and France, moved quickly to do so. Before the British and French began their talks with the GDR, we consulted with them to coordinate the substantive positions which the Three Powers would take on issues which would likely arise in talks with the GDR. Both the British and French held generally to those positions in the negotiations which they have now completed. At the present, aside from ourselves, only Portugal, Greece, and Canada among the NATO countries have not agreed to the establishment of relations with the GDR, and Canada has indicated its intention to do so.

Ref. Sec. E-105

Our general posture has been to avoid any appearance of haste in establishing relations with the GDR and to keep the East Germans in the position of demandeur. This has been favorably viewed by the Federal Republic and has put us in a good tactical position for talks. I believe that we should now proceed with substantive negotiations in order to ensure that the United States will be in a position to represent and protect its interests in East Germany and East Berlin. Accordingly, if you agree, I would propose that the East Germans be invited to begin

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Eur ICE JS Sutterlin

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- 2 -

talks in Washington during the first week of March. Assistant Secretary Stoessel would head the US negotiating team. If the negotiations are successful, we would anticipate that the American and East German embassies will open simultaneously in the respective capitals whenever adequate facilities are available. Ambassadors would not be exchanged until after the FRG's Permanent Representative is established in East Berlin.

The matters on which we will need to reach agreement with the East Germans prior to the establishment of relations are the following:

A. Basis of Relations -- The GDR has acceded to the Vienna Convention on Diplomatic Relations. Since we have also acceded, this Convention can provide the basis for our diplomatic relationship. The East Germans have not acceded to the Vienna Convention on Consular Relations, however, and we will wish to achieve with them some understanding of how consular matters will be handled. We also will seek East German assurances that the public will be afforded unhindered access to the US Embassy and any subordinate offices.

B. Claims -- We need to achieve a clear understanding that claims negotiations will take place after the establishment of diplomatic relations, and that we will be free to raise any questions we wish in the claims and financial area. We intend to define for the East Germans the specific subjects which will need to be covered and seek their written acknowledgement.

C. Embassy Facilities -- The United States owns the property in East Berlin on which the pre-war American Embassy was located. The property is now vacant and is within the prohibited area bordering the Wall. The East Germans own no property in Washington. We will need to reach agreement with the East Germans on the eventual utilization or exchange of the property we now own and on premises which can be used for a chancery and embassy housing pending the time when a new embassy complex is

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- 3 -

constructed. We will seek authorization for an embassy cultural and information section in a building separate from the embassy chancery in East Berlin, and for trade and information offices in Leipzig and Rostock. The likelihood of achieving agreement on these additional offices is not good unless the East Germans are interested in establishing a trade and information office in New York and possibly elsewhere in the United States. On this as on most other matters to be negotiated, we will follow strictly the principle of reciprocity.

We do not intend to negotiate with the East Germans on anything involving the rights and responsibilities of the Four Powers regarding Berlin and Germany as a whole. These subjects have been dealt with in the Berlin Agreement and in the Four Power Declaration and are not within the competence of the East German Government. We intend, however, to state clearly at the beginning of discussions that diplomatic relations will be established on the premise that the Four Power rights and responsibilities and related agreements and practices will remain unaffected.

I am attaching a paper which provides greater detail on the negotiating positions we would intend to take and on the background of the prospective talks.


William P. Rogers

Attachment:

Position Paper

CONCURRENCE: EUR-Mr. Stoessel

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