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Reflections on the present situation
with regard to involvement of the U.N.
in the German Problem.

- for D.H. from Dept. of Polit. and Secco Affairs,
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DEPARTMENT OF POLITICAL AND
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1. The Secretary-General, in his press conference on 26 January, made a distinction between two ways in which the United Nations might become involved in the Berlin question. One envisaged some kind of executive function, as a result of Great Power agreement. The other concerned rather the provision of a framework for negotiation.
2. The first-named situation embraces diverse arrangements, in which the United Nations would be asked to assume certain responsibilities. The present position in this respect is considered later in this Note.

I. UNITED NATIONS INVOLVEMENT IN DELIBERATION

3. The second of these situations might conceivably arise if agreement were not reached in the Foreign Ministers' Conference, in which event one or other of the parties might decide to submit the problem to the United Nations.
4. In this event, two distinctly different situations seem possible, for the significance of submission to the United Nations would seem to vary according to the frame of mind of the State or States submitting the question.
5. On the one hand, the problem might be thrown into the lap of the United Nations to demonstrate to the world the intransigence and the unlawful behaviour of the other party, and to seek support for the position taken by the submitting State. In this case, the expectation would be of United Nations action to strengthen the position of the submitting State, rather than to try to find a solution.

6. An alternative possibility is that the party submitting the question would be either seeking to induce the United Nations to take an initiative in solving the question, or would acquiesce in its so doing.
7. Since the USSR has stated its concern to bring about a summit conference irrespective of the preliminary agreement among the Foreign Ministers, it may not be inconceivable that the objective of submission to the United Nations in such circumstances would be to exert influence towards convening a summit conference.
8. Such would seem the more likely contingencies of United Nations involvement in deliberation on the problem.
9. However, some reflection is called for arising from reports that the United States State Department has under consideration submission of the question to the Security Council, and eventually to the General Assembly, even prior to a meeting of Foreign Ministers.^{1/} The stated objective of such a move would be to receive from the United Nations an endorsement of the legal position of the Western Powers, to wit: their right to have and maintain their forces in West Berlin, and the corollary arrangements which entitle them to access.
10. It would seem to be contended that an advantage of such a move would be that the United Nations would be seized of the problem while discussions were proceeding, and that ready recourse to the Organization would be available if the need should arise. The reasoning behind such a proposal may also well be that such recourse to the United Nations might strengthen the Western Governments internally and solidify public opinion in their countries, in the event of a serious and enduring crisis in the course of the year.

^{1/} Robert S. Allen (Syndicated Column), 16 March 1959.

11. While such a move would seem to have been under consideration, possibly at a high level in the State Department, weighty considerations are bound to be adduced against it. It can be readily admitted that some endorsement by the United Nations would strengthen the hand of the Western Powers in the forthcoming negotiations. The question remains, however, whether, and in what form, such endorsement by the United Nations would be forthcoming. The debate might well bare the basic weakness of the legal position of the Western Powers within the framework of United Nations ideology and that accordingly from the point of view of propaganda the move might backfire. The present Soviet attitude, continued by Mr. Khrushchev in his press conference of 19 March, is not to deny, but rather to recognize, the acquired rights and obligations of the West in Berlin, and of access thereto, but with a view to emphasizing the more that these are a result of the occupation, and that therefore the West is the protagonist of a policy which is outdated.

12. It may be doubted whether submission so prematurely would be affected by the form of submission - whether as dispute, or threat to the peace, or simply as question relating to the maintenance of international peace. Whatever the form, the move might engender such suspicion and hostility on the part of the Soviet Union that the carefully planned series of Foreign Ministers' and summit meetings might be jeopardized from the outset and the move be understood by the USSR as diversionary.

13. It would be reasonable to conclude that this early move, if contemplated, will be set aside in the course of negotiations proceeding in Washington. On the other hand, it would be unwise to exclude such a move as one contingency which might arise in the event of failure to agree on the agenda of a Foreign

Ministers' conference or on the conditions of its meeting. Indeed, any view entertained as to the advantage of submission to the United Nations from the outset might find expression in reluctance to agree to those compromises as to the formulation of the agenda which alone bid fair to make possible the reunion of Foreign Ministers.

II. UNITED NATIONS INVOLVEMENT IN AN EXECUTIVE CAPACITY

14. The suggestion that the United Nations would share "in one way or another in maintaining the Free City status of West Berlin" was first made by Mr. Khrushchev in the USSR Note to the Western Powers of 27 November 1958. In his speech in Berlin of 9 March 1959 and in the Soviet-East German communique of 11 March 1959, this matter was further defined.

15. Initial Western reactions to these suggestions have been less than enthusiastic. During the last few days, however, reports have been published^{1/} which, on apparently good authority, indicate that at least in the view of the United Kingdom a suggestion along these lines might merit further consideration, since, in conjunction with related matters, it might offer a basis for negotiation.

16. The British plans, as reported, admittedly still tentative, envisage a new international status for Berlin, under which the present arrangements in the City based on "the right of conquest" would be replaced - and strengthened - by treaty commitments entered into by the affected Powers.

17. In these tentative plans, some thought has been given to the further strengthening of the new arrangements through the introduction of a "United Nations presence".

^{1/} Thomas P. Ronan, in the New York Times, 18 March 1959, p. 1;
Marguerite Higgins, in the New York Herald Tribune, 19 March 1959, p. 1.

18. This United Nations commitment would not be introduced as a replacement of Allied forces now stationed in Berlin, but would have in effect a twofold task. It would, on the one hand, buttress general international concern in the maintenance of the new status that is being created; on the other hand, the United Nations organ, whose membership might consist of nationals of neutral countries, would serve as a curb to alleged aggressive activities and espionage directed against the German Democratic Republic, which is of apparent serious concern to the Soviet Union.

19. How the "United Nations presence" would conduct its activities remains for the moment vague, and insufficiently worked out. It would, however, seem that proposals and suggestions of this nature have now reached the debating stage, and will most likely turn up in one form or another while the great debate continues, both inside and outside the chancelleries.