

Statement by the Government of the Federal Republic of Germany (3 September 1971)

Caption: On 3 September 1971, the Government of the Federal Republic of Germany (FRG) lists the major measures included in the Four-Power Agreement on Berlin signed that day by the British, French, Soviet and US authorities.

Source: The Berlin settlement, The quadripartite agreement on Berlin and the supplementary arrangements. Bonn: Press and Information Office of the Government of the Federal Republic of Germany, 1972. 206 p. p. 31-33.

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Statement by the Government of the Federal Republic of Germany (3 September 1971)

The Federal Government approved the following statement on September 3, 1971:

1. From an official communication from the Ambassadors of France, the United Kingdom and the United States the Federal Government has taken note of today's signing in Berlin of the Quadripartite Agreement by the Ambassadors of France, the United Kingdom, the Soviet Union, and the United States. After having heard a report by the Federal Minister for Foreign Affairs, it has, in the light of the permanent and close consultations with the Three Powers, concluded the examination of the text of the Agreement and its accompanying documents.

2. The Federal Government notes that with the agreement reached today the Four Powers responsible for Berlin have established a solid basis for a satisfactory Berlin settlement. The settlement itself will materialize after the supplementary arrangements between the Federal Government and/or the Senat of Berlin and the Government of the GDR, as envisaged in the Quadripartite Agreement, have been concluded and bound up to a whole with the Quadripartite Agreement by means of the Quadripartite Final Protocol which has also been initialled today.

The Federal Government welcomes the fact that it has been possible to arrive at practical arrangements without altering the status of Berlin and without prejudicing the legal position of the Three Powers responsible for West Berlin.

3. The Federal Government sees in these practical arrangements substantial improvements for West Berlin and its inhabitants:

- Civilian traffic between Federal territory and West Berlin will be unimpeded, and its clearance at the crossing points simplified and facilitated.

- The freedom of movement of the inhabitants of West Berlin will be widened. They will again be able to visit the Eastern part of the city as well as the GDR.

- West Berlin can be represented by the Federal Republic of Germany vis-à-vis the Soviet Union in the same manner as it has been represented by the Federal Republic for many years now in the larger part of the world. The inhabitants of West Berlin will be able to enjoy the consular protection of the Federal Republic of Germany which they have so far been missing. Participation of the city and its inhabitants in worldwide international exchanges will no longer be prejudiced.

4. The close ties which exist between West Berlin and the Federal Republic of Germany in all spheres of life, and which correspond to the sense of solidarity, have been underlined and reaffirmed as to their existence and their possibilities of development. The Federal Government regards this as a decisive gain for the city's viability.

5. The Quadripartite Agreement has not changed the basic legal relationship between the Federal Republic of Germany and West Berlin. This basic relationship continues to be governed not only by German constitutional law, but also by Allied reserved rights. German constitutional law, i.e., the relevant provisions of the Basic Law and the Berlin Constitution, remain unaltered; the Allied reserved rights continue, however, to be superimposed on them. All Federal Governments have always considered these preceding Allied rights to be in the interest of Berlin's security and respected it accordingly. From the responsibility incumbent on them for Berlin and its security, the Allies have, by virtue of that precedence, suspended German constitutional law in such a way that West Berlin is neither fully included in the constitutional organization of the Federation nor governed by the Federation.

6. The safeguarding of the vital ties between West Berlin and the Federal Republic of Germany presupposes a clarification of how the Three Powers will exercise the rights reserved for them with regard to Berlin. The Allies have given this clarification in the Quadripartite Agreement. The Federal Government considers the

limitations resulting therefrom for the activity of the Federation and its organs in Berlin to be justifiable, because the vital ties can be maintained and developed. Within this compass:

- Federal organs will be able to make their appearance in West Berlin;
- the established procedures concerning the applicability to West Berlin of the legislation of the Federal Republic as well as the application of laws by administrative and court authorities concerned with West Berlin's affairs remain unchanged;
- nothing will be changed in the presence of authorities and institutions of the Federation in West Berlin.

7. The Federal Government is aware that the Berlin settlement, the first stage of which is now in existence, cannot solve the Berlin question as a whole, and that this will, in fact, only be possible within the framework of a settlement of the German question. However, it expects of the Berlin settlement, which is still to be completed, a development in and around Berlin that will be free from crises. Such a development will not only strengthen the viability of the city but also further détente in the centre of Europe. Both elements are equally indispensable to a development in Germany that will fulfil the mandate of the Basic Law.