



Federal Republic is a member of NATO with a status in the Alliance qualified by a set of self-denying ordinances relating to certain categories of armament and weapons. The three Western powers for their part would take note of the inclusion of East Germany under the Warsaw Pact and of the treaty between the USSR and the GDR concluded September 20, 1955. In view of the proposed agreement between the three Western powers and the Federal Republic not to alter by force the internal and external boundaries of the Laender and West Berlin and of the agreement between the three and the USSR not to use force to change the consequences of the two separate peace treaties this arrangement could be considered by both sides to have the affect of a non-aggression treaty between NATO and the Warsaw Pact powers;

- (b) In the London and Paris agreements of 1954 the three Western powers declared that "achievement through peaceful means of a fully free and unified Germany remains a fundamental goal of their policy". The other members of the Alliance associated themselves with this declaration through a resolution of October 23, 1954. A similar provision is embodied in the treaty of September 20, 1955, between the USSR and the GDR: "There is accord between the contracting parties that it is their main aim to bring about a peaceful settlement for the whole of Germany by means of appropriate negotiations. In accordance with this they will make necessary efforts toward a settlement by a peace treaty and toward restoration and uniting of Germany on a peaceful and democratic basis". Recognition of the two sets of agreements in 1954 and 1955 in the proposed international instrument taking note of the new peace treaties would constitute a re-affirmation by both parties that reunification by peaceful means was a continuing and common objective.

- (c) The 1954 agreements also declared that the three Western powers considered the Government of the Federal Republic

as the only German Government freely and legitimately constituted and therefore entitled to speak for Germany as the representative of the German people in international affairs. The parallel treaty solution would involve steps resulting in a measure of recognition of the GDR which would be incompatible with the latter portion of this declaration. Consequently, it would be necessary to work out with the Federal Republic a clause for incorporation in their treaty with the Western three which would take account of this.

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- (d) As one of the stated purposes of the Secretary General's proposal is to liquidate nearly all the consequences of the war, consideration should presumably be given to the idea of having a treaty between the three powers and the Federal Republic open to accession by all countries which were at war with Germany. It might be difficult to accomplish this objective in a treaty between the Western three and the Federal Republic but the proposed international instrument between the Western three and the USSR could contain a declaration that the state of war with the whole of Germany was terminated. This instrument might then be open to be subscribed to by all states which were at war with Germany. It might be designed so as to have the affect of a peace treaty making it unnecessary for those other than the occupying powers to accede to either of the treaties with West Germany or East Germany. If it were found feasible, such an arrangement would have the added advantage of avoiding implications for the reunification of Germany that would appear to result from accession by a number of states to treaties which dealt with only part of Germany and from accession by some states to both treaties. Besides registering this agreement with the United Nations it might also be advantageous to have the United Nations act as depository so that the problem of recognition could be avoided in the event that it was decided in the future that either West Germany or East Germany sign it.