

4th September, 1961.

General Comments on the Draft Instructions
 delivered to General Norstad
 by the Four Powers.

The present note intends to set up, as briefly as possible, the main problems arising from delivery to the Secretary-General, for his personal knowledge, of the draft instructions issued by the four Powers to General Norstad of August 29th, 1961. These comments are related to those three main items:

1. Is it proper for the four Powers to have given those instructions to General Norstad without the prior knowledge of their NATO partners or their approval?
2. How are the other NATO members involved in the Berlin situation and in any military action which might arise, if the crisis goes on or turns to a more acute situation?
3. How can the NATO authorities, both military and civil be brought into the picture and through which procedure?

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1. Is it proper for the four Powers to have given those instructions to General Norstad without the prior knowledge of their NATO partners or their approval?

The draft instructions to General Norstad are only for planning purposes. They intend to seek from General Norstad the working out of plans to meet the several contingencies which might arise from the Russian attitude, or the DDR attitude, vis-à-vis the rights of the three Powers, the free access to West Berlin, etc. There is no doubt whatsoever that the United Kingdom, United States and French governments are primarily concerned with the whole of the status of Berlin. The special position of the three powers is well known by their NATO partners. It has been recognized at the time of the October 1954 diplomatic discussions when the protocols of the Brussels Treaty were signed, and accompanied by several statements emanating from the German Federal Republic, or from the three powers' declarations and statements which were "noted" by all member governments, members of the North Atlantic Treaty Organisation.

It is also well-known that the three powers maintain, in West Berlin, since many years, a small garrison which is not strong enough to protect the city against any attack from either East German forces or the Russian forces. These Western military forces are a token of the rights of the three powers and no more. Each of these forces is under the command of a senior officer of the UK, US or French forces.

It is not known exactly under which national authority are placed the UK and the French commanders of the UK and French forces stationed in Berlin, but there is no doubt that the US commander in Berlin is under the authority of the American Supreme Commander in Europe, CINCEUR, i.e. General Norstad.

It is easily understandable that in view of the necessary co-ordination, the British and French authorities agree to place their troops under the command of General Norstad. This seems to be a practical solution to the problem of co-ordination and the instructions sent to General Norstad at the end of August 1961 appear to be in accordance with these views.

It should be noted that there are no West German forces in Berlin. The fact that the three powers most concerned have agreed to have the government of the Federal Republic of Germany join them in the draft of the instructions sent by them to General Norstad, is also quite understandable in view of the special interests of the Bonn authorities.

To sum up, the juridical situation is quite clear and cannot be criticized if the draft instructions for planning purposes are sent by the four powers to General Norstad only in his capacity of Supreme Commander-in-Chief US Forces Europe and do not, for one moment, give the feeling that they are addressed to General Norstad as SACEUR. The major criticism which can be brought to the present drafting of the instructions of August 29th, is precisely that these instructions are not worded in such a way as to avoid unnecessary confusion between the dual capacity of General Norstad as CINCEUR on the one hand and SACEUR on the other. To take care of this criticism would not be an insurmountable task and a re-draft of the instructions could easily be done, which would avoid any doubt about the irregular way in which four NATO member countries have instructed a high military authority to establish some plans to cope with the several actions likely to be undertaken by the East German or Russian authorities.

2. How are the other NATO members involved in the Berlin situation and in any military action which might arise, if the crisis goes on or turns to a more acute situation?

Although the distinction between the establishment of plans and the setting in motion of such plans is and must remain quite clear, there is no doubt that planners must, when studying their plans, consider the means of putting these plans into operation. On the basis of this remark, the following question arises: could any of the plans established by CINCEUR become operational without the other NATO countries' forces being involved? The answer to this question seems, from a realistic point of view, to be that it would be impossible for CINCEUR to operate only with US, UK and French forces if one or the other of his plans had to be set in motion. Even the most peaceful of the plans such as air-lift operations, or utilisation of tactical air forces to support air-lift operations as appropriate, might easily bring into the picture aircraft and personnel from other countries than the three powers. Moreover, as the instructions sent to General Norstad have been given to him not only under the responsibility of the three powers, but also under the Federal Republic of Germany, one could easily question the soundness of CINCEUR utilising some German forces at the same time^{as} he would have to use UK, US and French forces. This is to say, that even if it might be feasible to avoid any use of Dutch, Belgian, Danish, etc. forces in the Berlin crisis, the fact that German forces might be utilised, would create a very serious problem in NATO. The conclusion seems to be clear: if, in the first stage, the planning request to CINCEUR could emanate from the four powers, a second stage opens immediately in which there must be concurrence of all NATO partners. Such concurrence should not only be on the operational measures or steps which might become unavoidable, but before that, on the planning itself. In justification of this view, there is the most important statement of Mr. Rusk at the Council meeting of August 8th. The Secretary of State pointed out that the military contingency plans (for Berlin) were being reviewed and added in this review "we count on the growing involvement and support of NATO political and military authorities". It is clear from such a statement that the leader of the four powers recognised beyond doubt that the support of

the whole of NATO machinery, both in the political and military field, would become necessary in the very near future. That is also the reason why Mr. Rusk stated that "the military contingency planning group known as Live Oak is being brought into the SHAPE area and we can expect close co-ordination of that planning with NATO as a whole".

Finally, Mr. Rusk could not be clearer than when he ended this part of the statement, with the following sentences: "the problem of Berlin and access to it may, in the first instance, rest on the occupying powers, but beyond the first instance, we believe it to be a NATO problem".

To sum up, all the facts point to the need for the four powers to bring NATO into the picture as quickly as possible, following the draft instructions sent to General Norstad on August 29th.

3. How can the NATO authorities, both military and civil, be brought into the picture and through which procedures?

The first step to be taken should be the circulation to all other NATO countries of the draft instructions of August 29th. The NATO members should be asked to concur ^{with} and approve these instructions. But to do so, with the least disturbance, it is submitted that the re-drafting of these instructions should be a pre-requisite. It has already been explained in other papers that the present draft would certainly raise many objections on the part of several NATO countries. The draft confuses the issues and does not establish clearly enough a distinction between what the four powers are entitled to do on their own and what they cannot do without the previous agreement of their partners.

On the basis of a new draft of the instructions to General Norstad, a discussion should be undertaken in the Council to arrive at a conclusion as regards the ways and means of getting complete agreement of all the NATO countries to the responsibilities of SACEUR. If the contingency planning must become a NATO problem, then not only the form of the present draft instructions to General Norstad should be amended, but the substance of them should also be altered. There is certainly a serious contradiction between the aim of getting full approval by NATO, both in the political and military fields, to what

should be done about Berlin and the recourse by CINCEUR to an ambassadorial group established in Washington, or even to the three ambassadors in Bonn. Moreover, the instructions make clear that the problem is of a world-wide scale and, therefore, within the military machinery of NATO - not only is SACEUR involved, but also SACLANF and CINCHAN.

In addition, it must be said that the highest military authority of NATO rests in the Military Committee, of which the Standing Group is the executive branch, and, therefore, any plans worked out by the Supreme Commanders must be approved by the Military Committee.

In view of the acuteness of the situation and its urgency, there might be some delegation of authority, by the Military Committee or the Standing Group, to the Major Commanders, but such delegation of authority must be worked out in order to comply with the ordinary chain of command which has been established many years ago and cannot be disregarded in the present circumstances.

In the political field also, it is the NATO Council as such which would have certainly to make decisions such as those envisaged in the present draft instructions. See for instance paragraph 6.A., in fine, "it would be understood that the execution of approved plans would be the subject of separate political decisions to be taken at the time". And also paragraph D.(3), "The specific political decision to employ nuclear weapons selectively in order to demonstrate the will and ability of the Alliance to use them".

To sum up and, if the first two points are to be followed, there is a need to work out as quickly as possible in order to establish the chain of command, both in the military and in the civil field, which should be necessary to expedite the planning and the decisions to follow these plans. If new rules have to be developed they must be approved by all NATO member countries and cannot be established only by the four powers.