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NATO SECRET

26th October 1962

DRAFT BRIEF FOR DEPUTY SECRETARY GENERALBERLIN CONTINGENCY PLANS

In my PQ/62/- of October 1962, I have circulated a draft decision, on which I hope that the Council will be able to agree, regarding the position reached in our discussion of the military contingency plans for Berlin which were submitted to the Council last month by the NATO military authorities in response to the Council's Resolution instructions contained in O-N(61)104 of 9th November 1961.

In inviting the Council's agreement to this formula, I feel it is most important to make clear that this should be regarded as only one step in a wide-ranging and continuing programme of work on which the Council is embarked in connection with Berlin. The importance of this decision is that it should enable the military authorities to proceed with the development of their planning. At the same time it is in no sense intended to prejudge the discussion or solution of other closely related issues which are still on our agenda.

Among these I may mention the following :-

First, Alerts. This problem is intimately linked with the military contingency planning, as was recognised in O-N(61)104, and as has been repeatedly stressed by the NATO military authorities. The Council will I hope shortly be in a position to discuss a Standing Group paper which is now under consideration by the Military Committee (and of which an advance copy was distributed to delegations on 26th October under reference 868-593-62), placing the alerts question in the direct context of the Berlin Contingency Plans and of the Three Power paper on the Preferred Sequence of Actions. The question of alerts in the Berlin context is of course only one aspect of the broader problem of the NATO alert system as a whole, and in fact it is not really possible to separate them. I would recall that at the meeting

on 18th October it was agreed that negotiations should be resumed between the NATO military authorities and member governments with a view to lifting as many as possible of the remaining reservations. It was further agreed that the Council should keep this matter on its agenda and review progress periodically, it being understood that Permanent Representatives would take a personal interest in facilitating negotiations between the Major Commanders and their governments.

Second, legal implications. As foreshadowed in the Secretary General's PO/62/581, a paper by the International Staff Legal Adviser discussing the implications ⁱⁿ International Law of certain of the maritime contingency plans has been circulated to delegations. So far only one delegation has comment on this study, but I feel sure that others will wish to contribute their own thoughts and I hope they will do so in the near future. In view of the preoccupation expressed by certain Permanent Representatives, I am convinced that the Council should have at its disposal the fullest possible knowledge of the legal implications of the contingency plans so that should the Council ever be faced with choosing a plan from the present catalogue, it would be in a position to weigh not only the political and military advantages and disadvantages, but also the legal considerations which would have to be taken into account in deciding to execute any particular action. In each case no final determination is likely to be possible in abstraction from the circumstances prevailing at the time of decision. We must therefore be prepared to revert to this particular problem when we know more of the reactions of member governments to the Legal Adviser's initial study.

Third, we have the question of transfer of responsibility ^{military operations} from the Three Powers to NATO in a Berlin crisis. On October 12th the U.S. Representative replied on behalf of the Three Powers to a question raised by the Canadian Permanent Representative referred to

in paragraph 10 of PQ/62/641. This was followed by a short and helpful background statement by the Director of the LIVE OAK Planning Staff. The Representatives of Canada, Italy, Belgium and Turkey undertook to convey the sense of these replies to their governments. If there are ^{no} further points to be cleared up in this connection, is the Council agreeable that it should take note, as an acceptable basis for further planning, of the Three Power recommendations concerning relationships between NATO and the Three Powers in the planning and control of Berlin contingency operations contained in document OTS-62-9 together with the additional explanations and comments which have been furnished by the spokesman of the Three Powers?

Finally, I think that no reservations were expressed to the suggestion contained in paragraph 12 of PQ/62/641 that the Four Power paper on the Preferred Sequence of Military Actions should be accepted as a general framework for the continuing discussion of the overall problem of co-ordinating actions and policies of the Allies in the event of a worsening of the Berlin situation. At the same time a number of Permanent Representatives have expressed the desire that a day should be set aside specially for the consideration of political contingency plans of which ^{regarded as forming} ~~these~~ should be a catalogue available as in the case of the military plans. I understand that the Four Powers will shortly be ^{at least} ready to table ~~one~~ of the several studies to which reference is made in paragraph 14 of PQ/62/641. If it is agreeable, therefore, we might I suggest set aside a day early next week for the discussion of this and of any other points which may be ripe for consideration.