Germany Approaches National Sovereignty

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Historians, severest editors, in the world, probably will be able one day to take a certain half-dozen meaty documents and boil them down to 50 words, telling in textbooks how the Federal Republic stood among the nations in the critical spring of 1951. These half-dozen texts are available today and their eye-filling titles are familiar to persons connected with the occupation, Allies and Germans alike. Of all the documents blueprinting the political nature of the occupation of Germany, the six most currently mentioned are the Federal Basic Law (Grundgesetz), the Occupation Statute, the Petersberg Protocol, the New York Agreement of September 1950, the decisions of the Brussels Conference and the First Instrument of Revision of the Occupation Statute. (These six documents refer primarily to the politico-legal aspects of the occupation. There are similarly important economic aspects dealt with in the Prohibited and Limited Industries Agreement, various Allied High Commission laws for control of German industries, ECA agreements and the like.)

And another phrase is heard. One speaks of the coming months during which occupied and occupiers may express their relationship in a new form called "contractual arrangements."

Today’s Allied Officials and German leaders, unlike tomorrow's historians, cannot yet reduce the relationship of their respective countries to a 50-word paragraph. In the spring of 1951 the Allied-German tie has become a cable of many strands, interwoven with guarantees and assurances, privileges and obligations applying to both sides. Yet six documents, viewed together, tell a great deal about the status of Western Germany in regard to the Western Allies, six springs after surrender. The six map "How we got here and where we go next"—as well as any papers can ever map the progressive relationship of peoples.

The story of the first document, the Basic Law, is already almost a part of the history books: the story of how popular elections in 11 German states gave birth in September 1949 to the Federal Republic, with its Basic Law of some 146 articles—a document corresponding to a constitution and complete with a bill of rights.

Along with the Basic Law came into being the second and much shorter document, the nine articles of the Allied Occupation Statute, which charted and limited the field of Western Allied activities in Germany.

Also reported around the world was the third of the basic six papers, the Petersberg Protocol, of November 1949. The Protocol, signed by the Federal Chancellor and the Allied High Commissioners, affirmed the intention of the Federal Government to conduct its
The three Allied High Commissioners get together at the Petersberg to discuss new problems. Left to right, M. Francois-Poncet, Mr. McCloy and Sir Ivone Kirkpatrick.

affairs in accordance with the principles of freedom, tolerance and humanity and to liberalize its structure of government and to exclude authoritarianism.

In turn the Occupation Authorities granted specific concessions to the German self-government, with respect to dismantling and foreign representation, and undertook to speed Germany’s return to the community of free nations.

The fourth and sixth of the documents which chart a “Bird’s-eye View” of Western Germany’s status in the spring of 1951 are the “New York Agreement” of September 1950 and the “First Instrument of Revision of the Occupation Statute” promulgated in March 1951. They are parent and child.

If the family connection of the New York Agreement (which authorized the Revised Occupation Statute) and the Instrument of Revision (which actually revised it) is sometimes overlooked, that is because of the arrival on the scene, between times, of the document which in our

list stood as number five: the significant decisions in regard to Germany which were recorded by the “Brussels Agreement” of December 1950.

THE ORIGINAL OCCUPATION STATUTE contains the well-known sentence providing for its own revision in 12 to 18 months. Carrying out this written pledge, the Foreign Ministers in New York last September agreed to certain modifications of the occupation: among them, giving the Federal Republic the right to conduct its own foreign affairs and permitting both federal and state legislatures to pass laws without submitting them for prior review.

Since important financial and economic controls were to be lifted by the planned new revision of the Occupation Statute, the Federal Republic was asked to give two assurances:

1. That it accept responsibility (in principle, but not necessarily requiring repayment of the full amount) regarding the prewar external debts of the Reich and economic aid which has helped keep Germany going since the surrender.

2. That it would continue to make available its fair share of certain materials which are in short supply among all the Western nations.

THE SAME DAY ON WHICH the Federal Government submitted the two “assurances” — March 6, 1951 — the Allies put into effect the First Instrument of Revision of the Occupation Statute. Along with this basic document (our blueprint number six) were published subsidiary papers — one of them a program for still further relaxation of occupation controls. This new liberalization will take place (for example, in decartelization) after certain Allied programs have been completed or German programs begun.

Five of our six “basic blueprints” — the Basic Law, Occupation Statute, Petersberg Protocol, New York Agreement and First Instrument of Revision — are seen

Studies of Dr. Konrad Adenauer, Chancellor of the Federal Republic, who has concurrently assumed the duties of Foreign Minister under the relaxations of Allied control which have enabled Western Germany to set up its postwar Ministry of Foreign Affairs.

(Photos by Claude Jacob, PRD HICOG)
to chart a planned course in the Western occupation of Germany. These five documents together trace a rising curve in German self-government.

The other of our six guides — the Brussels Agreement — took cognizance of the fact that an emergency had arisen which bound the Western nations together for their common defense.

At New York the Foreign Ministers had taken note of the rising sentiment in Germany and elsewhere in favor of German participation, in an integrated force for the defense of freedom. At Brussels it was definitely agreed that the Federal Republic should be authorized to participate in the common defense.

IT WOULD HAVE BEEN difficult to predict at the time of Germany's surrender that Eastern Europe would in a few years be turned into an armed camp or that South Korea would become the victim of Communist aggression. Recognition of the danger from the East required that the Western Allies face realistically the problem not only of security from Germany but of Germany's role in the common security of the West.

Among other world figures, responsible West German spokesmen were among the first to warn of peril to the free nations of Western Europe. Last fall the Federal Government asked for a "security guarantee." It came, in a pledge that an attack on Western Germany or on West Berlin would be regarded as an attack on the three Western Allies.

When, following the decision of the Western Foreign Ministers at Brussels to invite Germany to participate in the common defense, the High Commissioners began discussions with the Federal Government, it was emphasized that there were no "faits accomplis" as to the nature of Germany's self-defense. The Germans were free to discuss ways and means and to make counterproposals.

Since Brussels, informal talks have been going on at the Petersberg between German and Allied security experts. These conferences are not seeking final decisions about men and guns and ships but aim merely to arrive at agreed recommendations. Preliminary agreements when reached are to be reviewed by the Federal Government and the three Allied Governments.

BEFORE THE BRUSSELS MEETING the Federal Chancellor had asked that the occupation regime be modified to a contractual arrangement between the Allies and the Germans. Immediately after the decisions at Brussels, the High Commissioners gave the reply of their Governments: the Occupying Powers were prepared to consider appropriate changes in the nature of the occupation regime corresponding to the role of Germany as a participant in the Western defense system. It was intended that the new relationship should be placed to an increasing degree on a contractual basis.

What is the relationship to be between the new defense role and the new political status of the Federal Republic, both foreseen as a result of the Brussels decisions?

Map of Germany in High Commissioner McCloy's Frankfurter office plays part during discussion of Irish problem.

The best answer probably is that the two new relationships of the Allies with the West Germans — the role in defense and the changed political framework — are to be seen as a unit. Nations which are partners in their common defense normally are partners in their political and legal relationships. The new development marks a shift in emphasis from occupation for the purpose of control to partnership for the purpose of security. END

Hessian Border Officials Warned On Dangers of Communist Propaganda

Approximately 30 local officials, representing all walks of German life in the Hessian county of Eschwege, on the border of the Soviet Zone, have been warned on the dangers of Communist propaganda by Hesse State Commissioner James R. Newman.

Telling the leaders of Eschwege that he did not envy them their problems "here, where the Eastern world stops and the Western world begins," Dr. Newman urged the population to keep calm even when Soviet tools create incidents and "Communist agents dump their vicious propaganda on this side."

Calling the attempts to spread Red lies among the youth the most disturbing of all problems, Dr. Newman said that since 1946, when he crossed the Russian zone border on a visit to Soviet-occupied Thuringia and learned that Buchenwald was being used for "Germans who dared oppose the Communist regime," he was aware of the Soviet menace to peace and freedom.

Dr. Newman, however, assured his audience that despite their living on the fringe of the Iron Curtain, "a courageous determination plus American assistance will win the Cold War now going on here and... you will be able to reunite yourselves with your brothers across the border into a strong, peace-loving, anti-Communist nation."

Dr. Newman was on a tour of all Hessian counties bordering the Eastern frontier.