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Changing Berlin's Air Regime: The View from Moscow,
 East Berlin, and Western Capitals

Summary

We believe the Soviets would see a US initiative to renegotiate the air regime over East Germany as an opportunity to advance their goal of undermining Western rights in Berlin. It would allow Moscow to appear forthcoming on a traditionally "hot" East-West issue, and new possibilities would arise for creating West German pressure on US arms control positions by implicitly linking progress on Berlin to movement in the Geneva negotiations. In 1984 the Soviets themselves suggested a similar renegotiation on the air corridors. Although movement on Berlin would further Moscow's efforts to burnish its already improving image in Western Europe and especially West Germany, Gorbachev probably does not want negotiations on the Berlin air regime to eclipse arms control discussions with the United States, which remain the centerpiece of his efforts. [redacted]

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The East Germans would probably object to certain aspects of the proposal--particularly those highlighting Allied rights in Berlin and the corridors. Moscow's sensitivity to East Berlin's concerns over the proposal's restatement of four-power rights would be another complicating factor. Moreover, the proposed increase in north-south flights over the GDR by Western airlines would raise the specter of increased Western intelligence-gathering. The opportunity offered by the changes in the status quo and the chance to become directly involved, however, could

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This memorandum was prepared in the European Assessments Division of the Office of Soviet Analysis and in the East European and West European Divisions of the Office of European Analysis. This paper was prepared to respond to questions raised in the Berlin IG working group on the air corridor regime. 25X1
 Comments and questions are welcome and should be directed to the Director of European Analysis [redacted] to the Chief, European Assessments Division, SOVA [redacted]

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bring East Berlin to overlook the drawbacks. The East Germans would be particularly attracted to the prospect of expanding flights to Western Europe. [redacted]

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A US proposal to renegotiate the Berlin air regime would probably receive a favorable response in West Germany and at least acquiescence in London and Paris. The West Germans--including the West Berliners--would respond most favorably, seeing it as a chance to promote closer ties between West Berlin and the Federal Republic, to intensify intra-German contacts, and to improve the East-West atmosphere. Sensitive to prospects of erosion of their postwar rights in Berlin, however, the French and the British are likely to be much more cautious. [redacted]

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1. The following analysis is based largely on indirect evidence. We have no current information on Soviet, East German, or Allied thinking on many of the issues that will be raised by the proposed initiative. [redacted]

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2. The 3 September 1971 Quadripartite Agreement reasserted British, French, American, and Soviet rights in Berlin. Since then the Soviets have tried to chip away at various elements of Western rights in the city. We believe the Soviets would accept a US initiative to renegotiate the air regime because they would see it as an opportunity to advance their goal of undermining Allied rights there.

- In 1984, the Soviets changed their unilateral practice of reserving portions of the air corridors during military operations to reservations covering the entire lengths of corridors (See Map). This forced Allied flights to take off or land at very steep angles or to circle down; both methods increased the risk of accidents.
- In 1986 the Soviets allowed the East Germans to proceed with an ultimately unsuccessful attempt to force diplomats accredited to the GDR or the Allied missions to meet East German passport and visa requirements when crossing into East Berlin from West Berlin. This was a bold attempt to show that the dividing line between the eastern and western sectors of the city is an international border.
- More recently, Moscow has ignored Western protests that the East Germans are violating the demilitarized status of Berlin by using confidence-building measures established at the Conference on Disarmament in Europe--inviting observers to military maneuvers--to induce the 35 CSCE participants to attend a military briefing in East Berlin. [redacted]

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Box

The Berlin Air Regime

The three Western powers and the Soviets agreed on Allied air access to West Berlin in late 1945. In February 1946, the four occupying powers created the Berlin Air Safety Center (BASC) to regulate air traffic. Three corridors were established, connecting West Berlin to Hamburg, Hannover, and Frankfurt. Following the Berlin blockade of 1948-49, the four occupying powers again agreed in the New York and Paris agreements of May and June 1949 on joint management of the corridors and guaranteed access for the Western powers.

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The 1946 agreement also established the Berlin Control Zone (BCZ), an area with a 20-English-mile (32-kilometer) radius around the Allied Control Authority (ACA) building in downtown Berlin. The circle is defined as an area of "free flight" for US, Soviet, French, and British aircraft. The BCZ specifically has a 10,000-foot ceiling. The three corridors intersect at a spot 35 English miles (56 kilometers) from the ACA and 15 English miles (24 kilometers) from the western edge of the BCZ.

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The 1946 Four Power Agreement on Rules of Flight remains the basis for Allied air access to West Berlin. The agreement stipulates that each corridor is to be 20 English miles (32 kilometers) wide and that the minimum corridor cruising altitude is to be 1,000 feet. The Soviets contend that the base of the corridor is 2,500 feet. While the Allies reject this Soviet position, it is not a serious point of contention as Allied planes do not normally fly below this altitude. The agreement did not specify an altitude ceiling for the corridors. The Soviets long have claimed a ceiling of 10,000 feet, the same as that for the BCZ. The Allies reject this interpretation in principle, but accept it in practice as few Allied flights have exceeded 10,000 feet since 1960. Only when Soviet reservations cover lower altitudes do the Allies fly over this ceiling.

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3. We believe the Soviets would be willing to move forward on--and might even welcome--the proposed initiative because of the benefits they foresee from holding such talks. The Soviets would gin up their propaganda apparatus to take credit for any positive changes that accrued to either Germany and at the very least obscure American credit for considering the desires of Bonn and West Berlin. At the same time, Moscow will parade in the world media its claim that the Quadripartite Agreement applies only to West Berlin.

-- The Soviets may see the initiative as tailor-made for further efforts to woo the Europeans by exhibiting flexibility on an issue that is crucial for East-West, intra-European, and intra-German relations. [redacted]

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4. In addition, we believe the Soviets would be favorably disposed to the suggested change in our flight profiles in the corridors. The Soviet chief air controller in Berlin in 1984 informally raised a similar idea as a means of resolving Allied concerns over the number of corridor reservations. They may also try to expand the agenda to suit their own interests and try to codify other changes in the current regime, such as setting ceilings, or even reasserting their claim that Soviet interests and needs take precedence in the corridors. [redacted]

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5. In terms of broader East-West issues, the Soviets may find useful linkage between restructuring of the Berlin air regime and their desire to increase German pressure on the United States for more flexibility in arms control negotiations. They might hope to trade on West German desires for furthering intra-German relations and an increased presence in West Berlin to generate this pressure. If an INF agreement has not been concluded before the initiative is announced, the Soviets may try to contrast their forthcoming attitude on Berlin with alleged American footdragging on arms control. [redacted]

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6. The principal disadvantage for Soviet arms control desires is the possibility that a highly public negotiating process would complicate keeping the Geneva talks centerstage. The Soviets would also be concerned that the initiative will bring Bonn and Washington closer together on East-West issues. Moscow almost certainly will also object to--or seek to block--any attempts to strengthen ties between West Berlin and West Germany, especially the authorization of West German airline (Lufthansa) flights to the city. The Soviets may also worry that approving an increase in the current minimal numbers of north-south Western civil air flights in East German airspace would augment suspected Western intelligence-gathering capabilities. Soviet permanent military installations and other associated

military exercise activity are located within photographic range of established flight paths in East German airspace. [redacted] 25X1

7. The initiative could create friction between Moscow and East Berlin because a new air regime agreement will reaffirm four-power rights in Germany. The Soviet Minister in West Berlin told our Minister recently that Moscow wants to keep the air corridors because their existence provides justification for the Soviet role in Berlin. The East Germans, however, reject the wartime concept of a "greater Berlin," and only grudgingly accept the reality of the air corridors. To avoid alienating its client, Moscow has followed a convoluted logic by insisting on maintenance of its four-power status, but accepting GDR control in East Berlin and generally supporting or abetting efforts to undercut the legal basis for the allied presence in the city. The Soviets will probably assuage East German sensibilities over being reminded that they do not have complete sovereignty over their airspace by arguing that a new accord could strengthen the East German position and pointing out that East Berlin's misgivings over the Quadripartite Agreement proved to be unfounded. [redacted] 25X1

East German Equities

8. East Germany would be obliged to hew to the line set down by the Soviets because Berlin and intra-German affairs are so sensitive to Moscow. In principle, however, the GDR would welcome any initiative on the Berlin air regime in which it was recognized as an actively interested party.

- The special quadripartite arrangements for Berlin-- especially the air regime--have long stuck in the GDR's craw as an infringement on its sovereignty.
- East Germany's Air Law, passed by the Volkskammer in 1983, is a marker setting forth the regime's claim to full sovereignty over its airspace, except where existing agreements--read: quadripartite agreements-- are in effect. [redacted] 25X1

9. The East German regime would likely see a number of tangible as well as potential advantages accruing to it from the Berlin initiative:

- Regular intra-German air service, even if constrained by a prohibition on cross-border flights, would be a boost to the GDR's goal of normalizing ties to the FRG on a state-to-state basis. Such air service would be financially remunerative and allow East Germany to increase its official presence in key West German

cities. At the very least, it would offer another opportunity to conduct intra-German relations.

- East Germany would probably calculate that initial limitations on intra-German air service in a new agreement would be eroded over time, especially because of pressure from Lufthansa on the Western allies. Meanwhile, carriage by Interflug and Lufthansa might help to undercut the viability of Allied-approved service by Pan American, British Air, and Air France.
- More generally and perhaps most significantly, just the prospect of changing the Berlin status quo is welcome to the East Germans because they have always had the most to gain from changes. If their Soviet patron is able to produce a net loss for the Allies, then the GDR is very likely to end up with a few slices from the salami. In sum, they might well view the Berlin initiative as an opportunity to strengthen their position. [redacted]

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10. Nevertheless the East Germans will also have problems with the proposed initiative:

- They are likely to oppose the closer West Berlin-FRG ties that are clearly one goal of the Allied proposal. The GDR has been particularly aggressive on status issues in the past year. For example, it challenged the West with its attempt to impose passport and visa requirements between East and West Berlin last May-June and more recently made two attempts to use CDE-mandated notification of military exercises to infringe on Berlin's demilitarized status.
- The East Germans would oppose non-Allied flights in the corridors on sovereignty grounds.
- They might well fear increased potential for intelligence gathering by Western--including NATO countries'--airlines on the proposed north-south routes. [redacted]

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The West German Equities

11. We expect a positive West German response--from both Bonn and West Berlin. The rationale will be primarily political, but economic considerations will also be important. Although officials in Bonn almost certainly will take the lead, the applause--and "advice"--from West Berlin, and Governing Mayor Diepgen, will be the loudest. [redacted]

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12. The political reasons for supporting the US initiative are numerous:

- The West Germans consistently seek to expand the ties between West Berlin and West Germany, and many will see the initiative as one such opportunity. On two occasions Diepgen has urged US officials in Washington to stretch the opportunities offered by the Quadripartite Agreement to their limits. And Diepgen has followed his own advice, pressing, for example, to establish a German Cultural Foundation in West Berlin--recently approved by the federal and state governments. Diepgen was reportedly even prepared to propose the direct election of West Berlin representatives to the Bundestag during his most recent visit to Washington.
- While less outspoken, officials in Bonn generally share Diepgen's objective. West German governments traditionally seek opportunities to reinforce the extensive federal presence in West Berlin, especially if ways can be found to avoid a sharp Soviet response. Indeed, that may make the US initiative all the more attractive. Renegotiating the Berlin air regime under Allied auspices presents much smaller risks than other moves taken by Bonn, such as the establishment of the federal headquarters of the Environmental Protection Office in West Berlin.
- More generally, party leaders, media spokesmen, and pundits of all stripes are likely to applaud a US proposal that promises to promote East-West cooperation. Although Berlin is no longer a focal point of international tension, it remains a symbol of the postwar confrontation between East and West in general, and the United States and the USSR in particular.
- Berlin also remains a symbol of the country's postwar division and its limited sovereignty, and we expect support from Bonn and West Berlin for an initiative that promises to enhance the German role in the city. This applies especially to the Berlin air regime, from which West Germans are excluded. Indeed, Lufthansa and its chairman Heinze Ruhnau appear to be leading a campaign to win the right to service the former capital. Ruhnau has stated publicly his belief that Lufthansa will some day fly there again, and the company has published several brochures highlighting the history of its service in Berlin.

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13. Economic--primarily commercial--considerations will be nearly as strong.

-- We believe West German officials will see the proposal as a means of strengthening West Berlin's economy by increasing the number of travelers and visitors, while making the city appear as a more lucrative and safer investment market. Although it has improved considerably over the last few years, West Berlin's economy remains dependent on the good will and largesse of the Federal Republic, and West German policy has long been one of enhancing the city's economic viability. Diepgen even spoke dreamily in Washington of making Berlin an international transportation hub.

-- From a West Berliner's perspective, this proposal may address two additional complaints. Officials in the West often express their fear that East Berlin is gaining in international stature at the West's expense. Although the economy in the East is clearly no match for its counterpart west of the Wall, the West has been suffering a loss in air travel because of the cheaper fares offered at East Berlin's Schoenefeld airport. At the same time, officials in West Berlin have complained often and publicly about Pan American's service to West Berlin. [redacted]

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14. There is still a downside to this broad West German endorsement. In fact, the negative aspects stem directly from the strength of this support--Bonn and West Berlin will be hard to please. We believe that West German representatives will continually press for more than the United States or its Allies in Berlin are willing to give.

-- A chief advocate almost certainly will be Lufthansa and its chairman, Ruhnau. He can be expected to press for direct service between the Federal Republic and Berlin via the corridors, and any attempts to prevent Lufthansa from crossing the intra-German border are likely to be resisted.

-- A model agreement for regular service between Duesseldorf and Leipzig already exists. The proposal acquired Bonn Group approval over a year ago once the Kohl government amended the proposal to ensure that this service would not undercut Allied service to West Berlin. [redacted]

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- [REDACTED]
- Numerous West German and West Berlin leaders--again, Governing Mayor Diepgen is a prime example--have displayed little concern for or understanding of the principles underlying Allied status in Berlin, and they can be expected to show as little concern here, especially in German-to-German talks. Diepgen and others appear to believe that only Allied officials and activities can harm or enhance Allied status in Berlin; the Germans, on the other hand, in their view enjoy a relative freedom to do as they wish. [REDACTED]

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15. It is difficult at this point to predict just how West German and West Berlin representatives would pursue a separate agenda. Past experience, however, does offer some clues.

- One method may be to take their case to the public. The West German media offer a convenient vehicle with which to reach a public that has an emotional interest in--but little knowledge of--Berlin affairs.
- The West Germans may also try to use public statements to present the Allies with faits accomplis. On a number of occasions they have stated that agreement existed--for example, that talks on a bilateral accord on SDI research had reached an early consensus--when, in fact, that was not the case. [REDACTED]

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London's Reaction

16. The UK probably would not object formally to renegotiation of the Berlin aviation procedures, but privately would want to be reassured that a new air regime--specifically those elements covering the corridors-- would not weaken Allied jurisdiction in Berlin. Although the British traditionally try to avoid tension over Berlin, they may believe that opening the aviation question will ultimately raise more trouble than it is worth. Nevertheless, if the other Allies accept a proposal we would not expect London to stand in the way. In fact, the British have already approved the FRG proposal for regular Duesseldorf-Leipzig service in the Bonn Group.

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[redacted] London always has emphasized the need for revitalizing West Berlin's economy, and would welcome a profitable new route for British airlines. 25X6

- At the same time, the British are concerned about preserving the special status of Berlin, and they may fear that negotiating changes in the air corridor regime might set a precedent that the Soviets could exploit by demanding further changes and concessions in the future. The British also fear that Berliners could interpret such a proposal as a sign of lessened Allied commitment, weakening popular morale in Berlin.

[redacted] 25X6

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[redacted]

- The British probably also would be skeptical that a new air agreement would permanently resolve the issue of Soviet airspace reservations, believing that Moscow's unilateral extension of reservation limits in 1984 suggests that the Soviets may do that again if it suits their interest. London, according to US Embassy reports, doubts Moscow's explanation that its unilateral action was prompted solely by Western fielding of INF and that the reservations issues could be resolved once an agreement on INF has been reached. [redacted] 25X1

French Reaction

17. In view of French behavior in the Bonn Group and Berlin, we would expect the French to be less amenable to a US initiative, but we do not think they would block agreement if the other Allies concur. Paris certainly shares with the United States and the United Kingdom a desire to solve the problem of Soviet airspace reservations. The French have also been active in trying to expand commercial air service from France to East

[redacted]

Berlin and East Germany, and they would presumably be amenable to an agreement facilitating such expanded service.

- Paris can be expected, however, to bargain hard to maximize the benefits received by its national carrier, Air France, and this could obstruct the negotiations. Paris also has yet to grant full approval to Bonn's proposal for the regular service between Duesseldorf and Leipzig. [redacted]

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18. The French tend to be sticklers about strict observance of Berlin's quadripartite status, and will probably play the role of watchdog in that regard as negotiations progress. Currently, Paris is also concerned by what it sees as the possibility of a runaway chain reaction in US-Soviet relations, in which the US might be tempted to make concessions that could undermine European security.

- Although the French will probably support a negotiating change in Berlin air practices, they may seek reassurance that Washington does not plan to offer major concessions to the Soviets in return for a better deal on aviation. In Bonn Group discussions they have even expressed skepticism about whether north-south flights through Tegel airport are feasible or desirable. [redacted]

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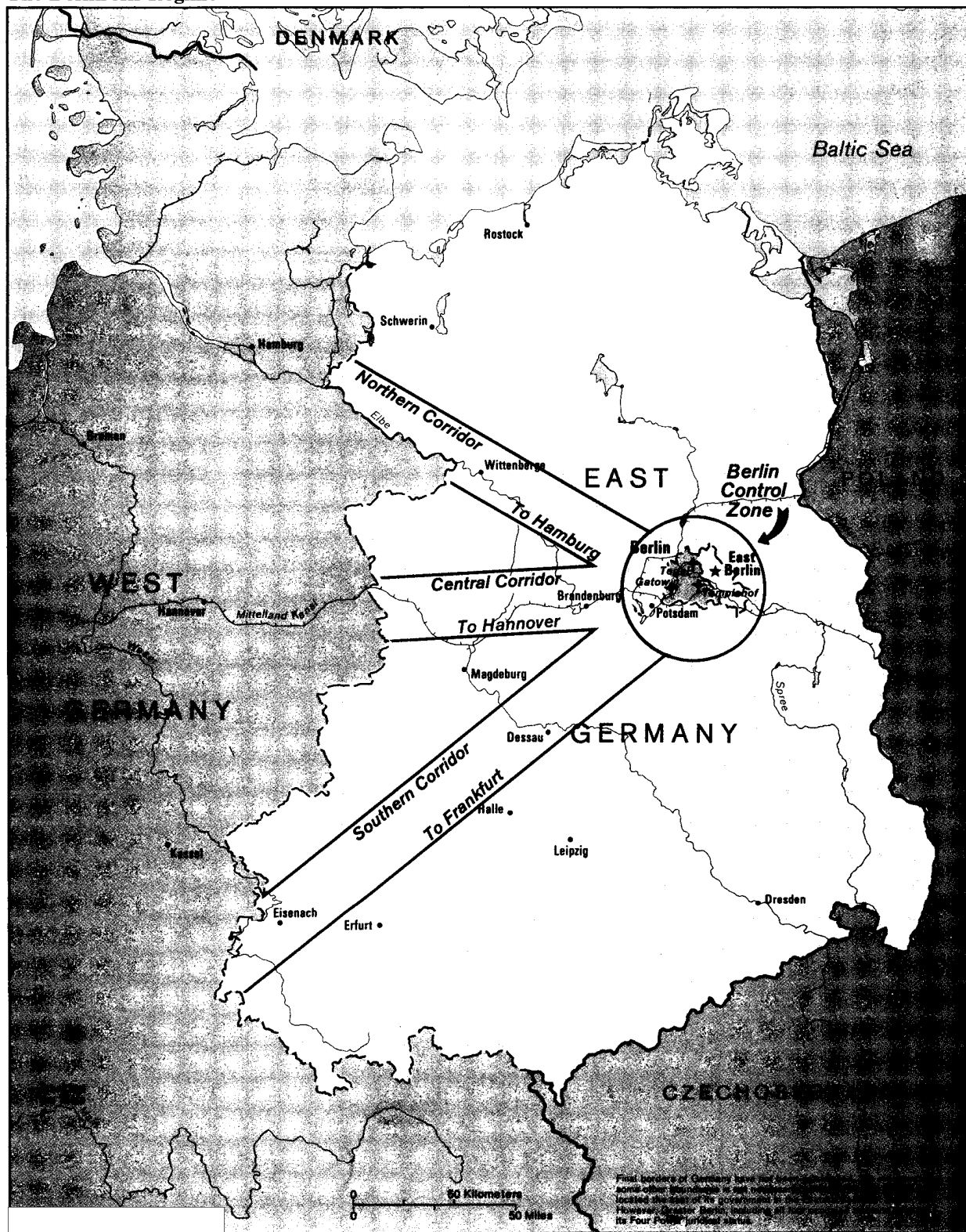
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