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E.O. 12958, as amended, Sect 3.5

NSC/Soubers to Smith DA/DG/2002

By Date 02/13/07

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

~~SECRET/EXDIS~~

August 11, 1971

National Security Decision Memorandum 125

TO: The Secretary of State
 The Secretary of Defense

SUBJECT: The Berlin Negotiations: The Issue of a
 Soviet Consulate General

After considering the Senior Review Group's memorandum of August 7, the President has directed that the following guidelines shall be used as the basis for our conduct of the remainder of the Berlin negotiations:

1. The general requirements for a satisfactory Agreement defined in NSDM 106 are maintained. In addition, the following specific requirements are defined:

- a. The concept of unimpeded access should not be diluted through reference to international practice or rules.
- b. There should be no provision for GDR spot checks of the contents of sealed conveyances, and no GDR inspection of baggage on through trains and buses.
- c. Soviet acceptance of the utilization by West Berliners of Federal passports should be a requirement if the FRG desires. Formulations relating to FRG-Berlin ties should be precisely worded so as to minimize the likelihood of future disputes.
- d. It should be established that the Agreement is not limited to West Berlin, and this may be accomplished by referring to "Berlin" in the Preamble. Similarly, there should be no implication of a Western acknowledgment of the division of Berlin, as the phrase "taking into account the existing situation" implies.

2. If an Agreement obtaining most of the above requirements can be obtained only if the Western side concurs in the establishment of a

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Consulate General in West Berlin, then authorization is granted on the condition that the Soviets accept in binding form the following restrictions on the Consulate General:

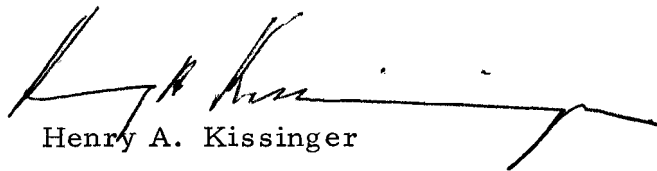
a. The Consulate General must be accredited to the Western Commandants.

b. The Consulate General will not perform any functions deriving from the rights and responsibilities of the Four Powers for Berlin and Germany as a whole; its activities will be limited to consular functions, and it will not perform political functions.

c. The consul general, and all Soviet staff members, must be acceptable to the Western Commandants who must be given prior notification of their designation; and the number of Soviet staff will be established at a figure not to exceed twenty.

d. The consul general and its personnel must abide by all applicable Allied laws and regulations, and any pertinent German legislation.

3. The prohibition in NSDM 106 (paragraph 6 a (2)) with respect to an official Soviet representation in West Berlin is deleted.



Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff
Director of Central Intelligence