

CONSEIL DE L'ATLANTIQUE NORD
NORTH ATLANTIC COUNCIL

Reg E.F

~~PC-13.4.01~~

369

EXEMPLAIRE N°
COPY

ENGLISH ONLY
14th September, 1961



NATO SECRET
WORKING PAPER
AC/202-WP/3/2-
(Revised)

+ Add - 21 - Sept.
+ Add 2. 16. Nov.

WORKING GROUP ON ECONOMIC COUNTERMEASURES
REPLIES TO QUESTIONNAIRE ON LEGAL AND ADMINISTRATIVE
MEASURES (AC/202-D/1)

Note by the German Delegation

The Delegation of the Federal Republic of Germany has submitted its answer to the Questionnaire on Legal and Administrative Measures (AC/202-D/1) of 30th August 1961 by its letter of 5th September 1961. (1)

This Delegation now requests that its answer of 5th September 1961 be replaced by the following:

Legal and administrative measures of the Federal Republic of Germany for the imposition of a total economic embargo on the Soviet Bloc.

Re. (i):

Re. (a), (e) and (f) of Annex A to the Recommendations adopted at the Four Foreign Ministers' Meeting of August 6, 1961

Legal situation and necessary administrative measures.

1. Legal basis:

An ordinance having the force of law to be issued pursuant to Paragraph 7 of the Foreign Trade Act of 28th April 1961.

2. Responsible authority:

The Federal Government

3. Date of effectiveness of this ordinance:

This ordinance can be passed and promulgated immediately upon request at any given time.

4. Time required to implement the ordinance:

24 to 48 hours.

(1) Circulated subsequently under reference AC/202-WP/3/2

NATO SECRET

Re. (b) of Annex A:

Legal situation:

An expulsion by the Federal Government of groups of nationals of certain specific countries is impossible for the time being. On the strength of a Police Ordinance applicable to foreign nationals and dated 22nd August 1938, the Länder governments may expel foreign nationals in individual cases. This is however, subject to a normal administrative procedure which in turn is subject to judicial review.

Re. (c) of Annex A:

1. Legal basis:

An ordinance having the force of law to be issued pursuant to Paragraph 7 of the Foreign Trade Act insofar as measures affecting foreign trade transactions are concerned. More comprehensive freezing measures are impossible under the existing legislation.

2. Responsible authority:

The Federal Government.

3. Date of effectiveness of this ordinance:

This ordinance can be passed and promulgated immediately upon request at any given time.

4. Re (d) of Annex A implement the ordinance:

1. Legal Basis:

The non-application of the trade agreements is possible at any time. Their current implementation can be stopped by the ordinance having the force of law to be issued under I (a), (e) and (f).

2. Responsible authority:

Federal Government.

(Czechoslovak)

of overflights would involve the Agreement of 7th December 1944. But even if not practicable by way of reprisal under international law.

2. Responsible authority:

The Federal Government.

Re. (i) of Annex A

1. Legal situation:

There is no legal basis for the prohibition of calling at Soviet Bloc ports of German vessels and aircraft.

Re. (ii) and (iii) of AC/202-D/1

Since it is evident from the above information that the existing legislation is inadequate for the implementation of all desired measures, the Federal Government is endeavouring to provide a more comprehensive legal basis.

1. Proposed legislation:

The Federal Government is preparing a Draft Law on the Protection of the Freedom of Berlin vesting the Federal Government with powers to take all measures listed in (a) through (i) of Annex A.

2. Legislative authority:

The Federal Republic.

3. Date of effectiveness of the law:

The draft law and related ordinances can be introduced by members of the Bundestag and passed within a short time.

Time required to implement the law after it has been passed:

24 to 48 hours.

Re. (iv):

The measures would affect the ICAO Agreement of 7th December 1944 and the IATA Agreement of the same date as far as Poland and Czechoslovakia are concerned, as well as bilateral trade agreements with the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania and Bulgaria.

Re. (v):

The above measures would not apply to the Soviet occupied zone of Germany. The necessary measures will have to be taken on the strength of Law. No. 53(Revised) of the military governments of the United States and the United Kingdom and/or Ordinance No. 235(Revised) of the military government of France.

OTAN/NATO,
Paris, XVIe.