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THE BRITISH HIGH COMMISSIONERS IN GERMANY:
some aspects of their role in Anglo-German relations,
1949-1955

Submitted to the
the London School of Economics and Political Science
for the degree of Ph.D. in International History

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November 1991



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CORRIGENDUM

page 5: for taking charge (line 3,4)
I am most grateful (line 18)
page 8: of (last line)
page 9: were able (line 5)
quadripartite (line 13)
page 10: quadripartite (line 7)
page 12: peace treaty (line 18)
page 13: alle Rechte (line 33)
page 14: developments were (line 13)
page 15: (cut 'the', should read:) was a revised (line 16)
page 16: bilateral (line 10)
page 18: their (line 2)
page 22: (cut one) handling (line 25)
page 26: (rearrange) a great deal about the British -- at least (line 6,7)
subconscious -- attitude (line 14)
the former were to be (line 17)
page 27: sovereignty (line 21)
June (line 23)
managing (line 23)
page 28: (first main sentence should read:) Sir Brian (line 19)
Robertson's biography contains two important clues, (line 25-6)
which explain his attitude towards Germany.
page 30: allegiance (line 19)
page 32: varied: in some fields they governed directly, in (line 25-6)
others indirectly (line 25-6)
page 37: humorous (line 16)
page 39: persuade (line 23)
page 40: with (line 22)
page 41: inevitable (line 30)
page 42: of (line 2)
page 47: greatest (line 3)
page 48: acquired (line 4)
(cut out) also (line 8)
1938 he was (line 9-10)
1943 he was (line 11)
smouldering (line 24)
page 51: commitment (line 26)
page 52: (cut out) the (line 28)
page 53: impossible (line 19)
eloquent (line 28)
page 55: the High Commission (line 4)
page 56: persuade (line 21)
page 57: there (line 2)
Statement of Principle (line 5)
(cut out) one (line 16)
page 60: counsel (line 30)
advice (line 33)
page 63: nicht (line 23)

page 64: though (line 5)
(new paragraph starting) General Robertson (line 16)
page 65: (the second paragraph of the quotation should read:)
My second point of difference is that I do not believe in the conception of a re-united Germany held disarmed, even after the conclusion of the Peace Treaty, under the supervision of quadripartite missions or inspectorates. The Germans would not remain tranquil under such a restriction (given their geographical situation, I should sympathize with them in this) and allied unity would not be strong enough to enforce it.
page 67: One therefore has to put it in perspective. Britain was not (line 2,3)
page 74: (insert) on (line 12)
whom (line 14)
page 79: after all (line 13)
page 80: autobiography (line 8)
depreciated (line 27)
page 82: (instead of 'chapter') part (line 14)
page 86: Gerhard (line 9)
page 88: political and diplomatic viewpoint (top line)
which (line 2)
page 91: Germany to (line 26)
page 92: once (line 17)
arouse (line 36)
page 95: therefore (line 14)
page 96: volunteer (line 11)
page 97: Statute (line 6)
page 99: Brussels Treaty (line 24)
page 100: equipped (line 36)
page 102: The real (line 14)
page 106: solution of the (line 16)
preference (line 17)
page 107: equality of rights (line 19)
page 111: him that as (line 22)
page 114: possession (line 8)
page 119: alleviation (line 4)
page 120: ist (line 25)
page 121: Democrats (line 6)
page 124: be made (line 4)
page 127: (cut out) striking (line 20)
page 130: unofficially (line 7)
Office's (last line)
page 132: that of the Western Powers (line 14)
Adenauer's (line 20)
page 134: devolved (line 5)
page 139: of the High Commissioner (line 8)
not (line 15)
page 141: here (line 7)
(insert hyphen) Al-lies (line 15)
page 142: (cut out) the (line 22)
(insert spage) Commissioners' answer (line 25)
page 145: (cut out) to arrange (line 13)
page 147: (insert space) looking aspirations (line 5)
page 149: controls (line 26)
page 153: advised (line 15)

well nigh (line 25)
page 154: development (line 3)
page 161: separate (line 16)
impairing (line 23)
page 164: with the High Commissioners (line 25)
page 166: (cut out) to (line 6)
page 173: separate (line 24)
page 176: were (line 5)
came (line 16)
page 179: (cut out . and 'therefore') (line 23-4)
page 180: Denmark (line 4)
page 181: Commissioners (last line)
page 185: (delete 'could neither', insert 'Nor could' at the beginning of the sentence) (line 12)
page 187: Republic (line 2)
Poncet's (line 31)
page 190: extent (line 12)
page 197: (new paragraph starting) During this meeting McCloy (line 16)
that (line 24)
page 200: (new paragraph starting) It was hoped (line 6)
High (line 25)
page 202: collapse (line 2)
page 207: lose (line 5)
page 209: (insert) the (infront of 'Foreign Office') (line 8)
page 213: difficulties (last line)
page 218: (line 35 to 37 should read:)
doubt it is superfluous;" but it apparently met a serious political difficulty of the Chancellor, Kirkpatrick wrote to London.
page 219: bearable (line 19)
these (line 23)
page 223: In Britain too there was (line 22)
page 225: assist (line 18)
page 226: (instead of 'if') Whereas (line 19)
replaced (line 21)
page 227: Constitutional (line 3)
(insert) be (after 'outcome would') (line 7)
page 228: as he ended (line 3)
(start new paragraph) However, Frank Roberts (line 11)
page 229: (insert) will (before 'remain' and insert) bound by (before 'the concessions') (line 33)
page 236: Rhinelander (line 11)
page 241: prey (line 15)
page 246: recommendation ... Adenauer (19)
page 256: provisions (line 18)
page 258: negotiations (line 16)
page 259: aircraft (line 4)
page 265: renegotiation (line 9)
page 266: (change chapter headline to) The Berlin Conference attitude (line 14)
page 269: (cut out) to (line 17)
page 270: severely (line 17)
page 272: were sent (line 14)
together with Anthony (line 21)

page 273: excellent (line 25)
page 275: that if the Conference (line 17)
measures (line 27)
page 279: Germans (line 17)
that (line 25)
an excuse (line 26)
page 283: sympathise (last line)
page 284: National (line 28)
annoyance (line 30)
page 290: control (line 2)
page 291: (change chapter headline to) The Saar Problem
page 299: readiness (line 3)
As (line 10)
page 300: continuing (line 8)
page 301: much (line 11)
page 304: enormous (line 15)
the (line 18)
(underline) dementi (line 25)
page 309: the (line 2)
Frederick (line 6)
page 310: (first three lines should read)
The chapter entitled The Aftermath of the Treaties
described what happened right after May 1952:
page 317: separation (line 19, 27)
deduce (line 25)
page 318: much (line 32)
page 319: sections (line 23)
page 322: (insert) on (before 'a minute') (line 21)
page 323: costs (line 13)
separate (line 18)
page 326: (delete 'been' and insert) being (line 2)
page 329: separate (line 20)
political (line 27)
that he felt (line 29)
page 333: reduction (line 29)
page 343: rearmament (line 13)
ratify (line 23)
page 345: separately (line 10,15)
Consuls (line 26)
institutions (line 27)
page 346: separately (line 27)
page 348: separately (line 12)
(delete 'are' and insert) is (line 23)
(delete 'They are' and insert) It is (line 24)
page 353: recipients were (72)
page 359: Germany (line 22)
page 364: unenthusiastic (line 15)
page 365: democratically (line 18)
(delete 'were' and insert) was (line 23)
from page 370 to page 373: (change underlining)
page 373: Morrison
page 375: Weber, Alfred (1979) Haben wir Deutschen nach 1945 versagt
throughout the text the name of the French High Commissioner
should read: Francois-Poncet

ABSTRACT

Between 1949 and 1955 the supreme authority in the newly established Federal Republic of Germany did not lie in the hands of the elected representatives, but in the hands of the representatives of the three Western Occupying Powers, the Allied High Commissioners. Surprisingly quickly the character and the role of the Allied High Commission changed and it devolved more and more of its power to the German Government. This thesis recounts the history of the Allied High Commission from the perspective of the British High Commissioner. Three men consecutively held this position: Sir Brian Robertson, Sir Ivone Kirkpatrick, and Sir Frederick Hoyer Millar. They were three very different men, who had different perceptions of their role, different tasks to accomplish, and different degrees of influence on events in Germany and British policy on Germany. The three men are given epithets, which either describe their perception of their role as British High Commissioner in Germany or the role itself, and which serve as themes for the three main parts of the thesis. Sir Brian Robertson was called a "Benevolent and Sympathetic Viceroy" by his biographer, which not only describes Robertson's own perception of his role in Germany, but also is the best indication of the vast

powers of the Allied High Commissioners at the beginning. His successor, Sir Ivone Kirkpatrick, was charged with negotiating the end of the Allied High Commission and for this act of self-eradication is given the epithet "The Negotiator". If it had not been for the French delay of the ratification of the 1952 treaties, Sir Frederick Hoyer Millar would have been the first British Ambassador to Germany. Instead he held the title fo British High Commissioner for his first two years in Germany, although for all intents and purposes he was an "Ambassador in Waiting".

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ACKNOWLEDGEMENTS

This thesis is dedicated to the memory of Roger Bullen, who was my supervisor until his untimely death. I am very grateful to Professor Donald Cameron Watt for taking over the charge and guiding me through to the end.

I would like to express my gratitude to all the people who granted me interviews and supplied me with additional information, especially Sir Frank Roberts and Sir Maurice Bathurst. I am very happy to have had the opportunity to meet at least one of my protagonists personally, Sir Frederick Hoyer Millar Lord Inchyra, and very sad that he did not live to see the completion of this thesis.

I would also like to thank my friends from the Public Record Office. As fellow doctoral students and researchers they were the only ones who understood and appreciated my problems and worries and were able to help me. Special thanks go to Dr. John Young, who kindly read some draft chapters.

I most grateful to my friend James Moir for his help and support and to my parents for their never abating belief in me.

INTRODUCTION

The history of the Allied High Commission spans the first six years of the existence of the Federal Republic of Germany from September 1949 to May 1955. Made up of an American, a French and a British element, each headed by a High Commissioner, it held and administered the supreme authority over the territory of the new West German republic. This authority emanated from the total defeat of Germany and the responsibility which the Allies had assumed by occupying her territory after the Second World War. The fact, however, that it was limited to the three Western zones of occupation means that the Allied High Commission is a symbol and a manifestation of the division of Germany.

The aim of this thesis is to describe the history of the Allied High Commission from the perspective of the British High Commissioner, his role in Germany and his influence on British policy for Europe. In order to do this properly, it is important to recount the events, which led up to the founding of the Federal Republic of Germany and the Allied High Commission.

On 8 May 1945 the supreme command of the German Armed Forces signed the declaration of unconditional surrender of the German Reich; with the arrest of Hitler's successor,

Admiral Doenitz, and the acting head of the Reich Government, Count Schwerin of Krosigk, all German central administration ceased to operate. In the Berlin Declaration of 5 June the victorious Allies proclaimed that, considering the total defeat of Germany, they would seize supreme power in the country; they did not, however, formally annex its territory. It was divided into four zones, each to be allocated to one of the Allied Powers, the United States of America, the Soviet Union, Great Britain and France. The supreme power in Germany was held by the Control Council consisting of the Commanders-in-Chief of the four allied armies: they were to administer and be responsible for their individual zones, but jointly and unanimously deal with all problems, which concerned Germany as a whole. Dr. Kurt Schumacher, later to become the leader of the Social Democratic Party in Germany (SPD), said at the time that total victory meant total responsibility.

On 17 July in Potsdam, the Big Three met for the last time: Stalin, Truman and Churchill, and later the last's successor Attlee, decided to demilitarise, denazify, decentralise and democratise Germany; reparations were to be paid from the current production, the dismantling and transfer of industrial stock in the individual zones and from the seizure of deposits abroad; all territory east of the rivers Oder and Neisse were to be administered provisionally by the Soviet Union and Poland, and the German population living in these areas and in Czechoslovakia and Hungary were to be resettled in the four occupation zones.

Most importantly, the Big Three decided that Germany, despite its division into zones, would be treated as one economic unit. It became clear, however, that the wartime alliance would not last during peacetime. The Control Council became bogged down by French and Soviet obstructive vetoes and consecutive conferences of the Council of Foreign Ministers ended in deadlock, as no common policy for Germany could be agreed upon. Each occupying power started to shape the economic and political life of its zone in its own image and to its own advantage.

The end of 1946 witnessed a dramatic change in the attitude of two of the occupying powers: the United States of America and Great Britain. In July the two powers decided in principle to fuse their zones of Germany. The decision was formalised on 2 December and on 1 January 1947 the united economic area, known as the Bizonal, was founded. The American Secretary of State Byrnes announced in a speech in Stuttgart on 6 September 1946 that the Germans were to be helped to regain an honourable place amongst the free and peace-loving nations of the world. He also declared that the democratic and economic reconstruction of Germany would be assisted. Six months later Byrnes' successor Marshall announced an European aid and reconstruction programme, of which the Western occupied zones of Germany were also to benefit.

At the end of February 1948 the deputy foreign ministers of the United States, France, Great Britain and

the Benelux States met in London and agreed on a common recommendation to their governments to create a federal state in Western Germany and to let this state participate in the international control of the Ruhr industries and in the Marshall Plan. The United States was able to persuade France to cooperate with them and Britain over Germany. Accordingly the three Military Governors formed the unofficial "Tripartite Board", which met 25 times before the start of the Allied High Commission and can be seen as its predecessor.

As much as the London Conference marked the beginning of tripartite cooperation over the administration of the three Western zones, it also marked the end of quadripartite control of the whole of Germany: the Soviet Military Governor Sokolowsky left the Control Council under protest over the recommendations of the London Conference and the founding of the Western Union, which was the first defence treaty between France, Great Britain and the Benelux States directed against the Soviet Union.

The second session of the London Conference, from 20 April to 2 June, came to the conclusion that the German people should be given the opportunity to achieve unification on the basis of freedom and democracy and to gradually regain complete self-government. The Military Governors were to empower the German heads of the state governments, the Ministerpraesidenten, to convene a constitutional assembly.

The end of June saw the final rift between the wartime

allies: the Soviet attempt to extend the currency reform of their zone to the whole of Berlin was frustrated by the Western Powers, who introduced the new West German currency, the Deutsche Mark, into their sectors. The Soviet Union used this disagreement to bring the growing conflict to a head: it imposed a blockade of all water and land routes to and from Berlin and declared the quadripartite administration to have ended. In response to the Soviet blockade the United States and Great Britain started a massive airlift to supply the population of the Western Sectors.

The Berlin Blockade only strengthened the Western Allies' resolve to put the policy arrived at in London into effect: the Military Governors Clay, Robertson and Koenig presented the Ministerpraesidenten of the separate German provinces (Laender) in Frankfurt a.M. on 1 July with three documents proposing to convene a constitutional assembly, to review Laender frontiers and laying down the basic principles of the relationship between the future West German Government and the occupying powers. The Ministerpraesidenten initially hesitated to take up the offer of the Western Allies, because they feared that the formation of a state on the territory of the Western occupation zones would deepen the division of Germany. It was Berlin's mayor, Professor Ernst Reuter, who persuaded his colleagues that the new state would be a provisional core state, which could grow into a united Germany. A Parliamentary Council was convened on 1 September 1949, which drafted a "Basic Law for the

Federal Republic of Germany" during the following eight months.

Meanwhile deliberations started amongst the Military Governors on the Occupation Statute, which was to form the basis of the relations between the new German state and the occupying powers. They submitted their final report on 17 December 1948, listing the points of agreement and disagreement. These disagreements could not be settled at an Intergovernmental Conference in London at the beginning of the following year. In April, at a conference in Washington, Foreign Ministers Acheson, Bevin and Schuman finally arrived at a common policy for Germany: they approved a new, simpler and shorter text of the Occupation Statute, which conveyed wide authority to the new German Government, specified the powers reserved by the Allies and stated that it would be reviewed in favour of the new German republic within eighteen months. They also agreed to fuse the three zones into the Trizone and decided to replace the Military Governors by civilian High Commissioners.

Two months later, in Paris, the three Foreign Ministers signed the Charter of the High Commission. They had gathered in the city to meet their Soviet counterpart to end the Berlin Blockade. It was to be the last conference of the Council of Foreign Ministers and the end of any quadripartite policy for Germany, except for Berlin, where the illusion of the four power Kommandatura was kept alive, although the Soviet Commandant's chair had been vacant since the beginning of the Berlin Blockade.

The time period to be studied in this thesis is the term of the official effectiveness of the Occupation Statute, namely from the date it was promulgated on 21 September 1949 until it expired with the ratification of the Paris Treaties on 5 May 1955. This period is of special interest for four reasons:

Firstly, not only the period to be studied in this thesis, but the whole occupation of Germany represents a historical precedent: Germany had been completely defeated, but her territory had not been annexed, merely occupied. Even the exception to this, the territories east of the rivers Oder and Neisse, according to the agreement between the victorious powers, were only going to be administered provisionally by the Soviet Union and Poland. Despite the unconditional surrender and the end of hostilities in 1945, the Federal Republic of Germany had to wait until 1951 for the Western Allies to officially end the state of war and until 1990 for a peacetreaties with all the wartime adversaries.

The second reason for the special interest in the period of existence of the Occupation Statute is the fact, that the three Western Allies succeeded in jointly holding the supreme power in Germany and in agreeing on a common policy for it. Although such commonality had existed between the allies during the war, it had quickly deteriorated after the common enemy, who had united them, had been defeated.

The joint administration of Germany, decided at Potsdam, did not work.

Thirdly, Ludolf Herbst in his book Option fuer den Westen has identified a historical anomaly, which he calls the "Machtdualismus" or "Doppelherrschaft", which existed during the period between 1949 and 1955. This describes the co-existence of the Western Allies's claim to supreme authority in West Germany, allied control and administration on the one hand and a German constitution, German law and an elected German Parliament and executive on the other hand:

"Das Besatzungsstatut stand ueber dem Grundgesetz und war das ranghoechste Dokument des damaligen Deutschlands. Es definierte die Rechte des Souveraens - und der Souveraen war eben nicht das deutsche Volk sondern das Kollektiv der drei westlichen Alliierten."(1)

Finally, the period is of utmost importance in the history of the Federal Republic, as all the foundations for its future development were laid then: all the legislature necessary for the existence and the working of a state had to be passed; the young Federal Republic had to gain her sovereignty; and during this period far-reaching decisions were taken about rearmament and European integration:

"Fuer die Integration Westdeutschlands ist die Existenz des Besatzungsstatuts und der Alliierten Hohen Kommission sehr wichtig. Da die Integration zunaechst vorwiegend eine Frage der Aussenwirtschafts und der Aussenpolitik war, ist es bedeutsam, dass die Bundesregierung in diesen Bereichen Kompetenzen erst allmaehlich durch den Abbau der alliierten Vorbehaltsrechte erwerben musste. Anders gesagt, bei der Integration besassen die drei Westalliierten zunaechst alle Rechte und Kontrollmoeglichkeiten, hier konnte kein Schritt ohne ihr Wissen und ihre Billigung getan werden."(2)

The Western Allies had planned a gradual transfer of power to the new Federal German Government. The ever-accelerating speed, however, which this transfer took, was unsuspected. It developed its own dynamics, as with every new right to the German Government acquired, its bargaining position improved:

"The Western Allies found themselves forced increasingly to choose between bullying, bribing or supplicating to obtain their way, where before a hint or an order was enough. As German support was courted, so German bargaining power grew." (3)

Especially in the first two and a half years after the promulgation of the Occupation Statute developments are extremely rapid: barely two months after it came into effect, the end of the Allied dismantling programme was announced and many restrictions on German industry lifted. In March 1951 the Occupation Statute was revised and the High Commission conceded its supervisory function over German legislation and its rights to handle German foreign policy. Also in the first one and a half years first steps made towards European integration: in July 1950 the Federal Republic became an associate member of the Council of Europe and in March 1951 it signed the European Coal and Steel Community Treaty. The boldest step toward European integration, however, eventually failed: in a European Defence Community, German contingents were to form part of a European army.

The EDC Treaty was signed simultaneously with and was coupled to the Convention on the Relations between the three Western Powers and the Federal Republic on 26 May 1952.

According to this Convention the occupation regime was to be ended and the Federal Republic to become a sovereign state; allied reserved powers were to be limited to the stationing of troops on German soil, to cases of emergency, and to questions concerning Berlin and Germany as a whole, e.g. a peace treaty and reunification.

The ratification of the two treaties posed huge difficulties for all parties concerned, which proved insurmountable for the nation whose brainchild the EDC had been, namely France. When the French National Assembly finally refused to ratify in 1954, it was the British Foreign Minister, Sir Anthony Eden, who produced the alternative plan, which was discussed by the London Nine Power Conference at the end of September 1954. Following this conference four treaties were signed in Paris at the end of the following month. The first was the a revised version of the Bonn Convention, in which the preamble of the old treaty was deleted and Articles 7 and 10 modified:

"Pending the peace settlement, the Signatory States will co-operate to achieve, by peaceful means, their common aim of a reunified Germany enjoying a liberal-democratic constitution, like that of the Federal Republic, and integrated within the European Community."(4)

In the second treaty the Brussels Pact was revised and extended to include the Federal Republic and Italy. It was the founding treaty of the Western European Union (WEU). In return for her inclusion in WEU the Federal Republic accepted certain limits and controls of her arms production. The third treaty was linked to the second: the member states

of the North Atlantic Treaty Organisation invited the Federal Republic to join; they recognised the Federal Government as the only legitimate German government and stated as their common aim the reunification of Germany; the Federal Republic declared its adherence to the United Nations Charter, the defensive character of NATO and WEU and renounced the use of violence to achieve reunification or a change of its borders.

Finally, France and the Federal Republic signed the Saar Statute and an agreement about closer bilateral cultural and economic cooperation.

Great Britain has played a very important role in Germany's war and post-war history: she had been a part of the Big Three and therefore considered herself one member of the real victors over Germany; after the break-up of the wartime alliance she became the most influential European country in the Western camp. Great Britain lost the initiative to France at the beginning of the movement towards European integration, but regained it one more time after the failure of the European Defence Community.

The period between 1949 and 1955 was a period of the closest relations between the Federal Republic and Great Britain. Although the latter was not the most powerful and definitely not the most vocal of the three occupying powers, it was to Great Britain the West German government turned to for support and mediation most of the time. In 1950 the West

German Chancellor Dr. Konrad Adenauer started a long series of appeals to the British Government for mediation between his country and France. It was only the beginning of a problem which was to bedevil Franco-German relations throughout the period under investigation in this thesis, namely the status and allegiance of the Saar territory.

The British government considered itself the "god-father" of the rapprochement between France and the Federal Republic of Germany. This sentiment was expressed by Sir Anthony Eden in November 1951, when he said that Great Britain was glad to assist in the German-French friendship, which, in view of past tragic events, the British had hoped for. It is for this reason that Adenauer appealed to the British for mediation between himself and his French counterpart, as in August 1954 when he sent a telegram to Churchill urging him to appeal to M. Mendes-France to get the EDC Treaty ratified. All appeals failed: the French Assembly refused to ratify. It fell to the British to save the day: with the promise to maintain four divisions and a tactical airforce on the European mainland they achieved West Germany's integration into WEU and NATO.

"The proposals were put by Eden in order to the Benelux powers, to West Germany, to Italy and to the French. Their reception in Bonn underlined the degree to which the Federal Republic was still relying on Britain to protect them against a direct confrontation with a weak though obstructive France. The British aim to bind Western Germany closer to the West by including her in the consultative provisions of the Brussels Treaty accorded directly with Dr. Adenauer's views." (5)

The British were also the most responsive to the German

wishes on the defence of the Federal Republic. Since 1948 the Soviet authorities had built up an armed force in their German occupation zone. These and other threatening gestures from the East induced Dr. Adenauer to approach Sir Brian Robertson with a proposal for a motorised, semi-militarised police force similar to that established in East Germany.

"Sir Brian supported the idea strongly (and it is significant of the good state of relations between the British representatives in Germany and the Federal Government that it was the British whom Dr. Adenauer approached), but he was forced to say that the matter would have to be raised with the other Western High Commissioners." (6)

One month later the outbreak of the Korean War prompted a discussion about a general rearmament of West Germany. Sir Ivone Kirkpatrick, Sir Brian's successor, wrote in his memoirs:

"My views at this time are on record in writing: 'It is quite wrong to assume that West Germany wants to form an army. This is quite so.' Mr. Bevin agreed. ... (He fought hard for the militarised German police force requested by Dr. Adenauer.)" (7)

But the Americans were against it. They accused the British of obstructing German rearmament because of their fears of German resurgence. The outcome of the New York Conference of Foreign Ministers in September 1950 was the adoption of the American Plan and the British agreement "in principle" to the rearmament of West Germany.

Another area where the Federal Republic relied - not exclusively but very heavily - on British support was in its dealings with the Soviet Union. This became acute when in 1951 the Federal Republic regained control of her foreign

affairs. In November of that year Adenauer visited London. Here the German Chancellor received assurances that there would be no agreement with the Soviet Union at the expense of Germany. In his autobiography he quotes Churchill: "Haben Sie volles Vertrauen zu England, wir werden nicht hinter Ihrem Ruecken Geschaefte machen." (8) Adenauer left London with the assurance that he would be consulted before any negotiations with the Soviets about the future of Germany. Karl Guenther von Hase, the Federal Republic's ambassador to London between 1970 and 1977, wrote:

"Der erste Londonbesuch Adenauers leitete - so kann man rueckblickend feststellen - die waehrend der gesamten vierzehnjaehrigen Regierungszeit Konrad Adenauers fruchtbarste Spanne der deutsch-britischen Beziehungen ein. Sie fand ihren Hoehepunkt in der historischen Initiative des britischen Ausserministers Eden." (9)

Considering what must have seemed like a close and advantageous relationship between his country and Great Britain, it is not surprising that Dr. Adenauer hoped and wished to tie Great Britain permanently to West Germany and Europe. His autobiography is filled with praise for the British parliamentary traditions, which he deemed so necessary as an example for the rest of Europe. His hopes that Great Britain would join the European Coal and Steel Community and the European Defence Community were not only guided by the knowledge of the importance that would add to the two endeavours but also by her ability to mediate between France and West Germany. In March 1951 Dr. Adenauer expressed his regrets about Great Britain staying outside the European integration process:

"Ich wiederholte mein grosses Bedauern darueber, dass England bei der Integration Europas, die durch den Schuman-Plan und den Pleven-Plan begonnen habe, abseits stehe. Ich sagte Lord Hendersen, dass ohne die Beteiligung Grossbritanniens ein wichtiger Faktor fehle. Ich gaebe die Hoffnung noch nicht auf, dass Grossbritannien nicht vielleicht doch einige Grundsaetze ueber Bord werfe, um sich dem gemeinsamen grossen Plan anschliessen zu koennen."(10)

It is clear that Great Britain was important to the Federal Republic during these first years of its existence. Britain's reluctance, however, to become even more and deeply involved in German affairs can be explained by the fact that for Britain Germany was only one of its concerns and obligations. At a dinner in 1953, Sir Winston Churchill explained the British position to Chancellor Adenauer by drawing three intersecting circles on his placecard, one circle for the United States of America, one for the Commonwealth and one for a united Europe, with Britain at the intersection of the three, not exclusively part of one circle, but belonging to all three.

In this global framework of British concerns, Germany was important to Great Britain for two reasons which were interlinked: it was the vital ingredient in the strategic plan to keep the Americans in Europe and it was instrumental to a lasting peace order in Europe. The British aim was therefore clear: although they were willing to gradually transfer the direct power held by the victorious powers over German affairs to the newly formed Federal Republic, it was nevertheless essential to perpetuate the control over the country by firmly integrating it into a security network.

Never again should a German state become so dominant as to be able to threaten the peace in Europe. Britain's economy, however, was severely weakened by the Second World War and it could not muster the influence in Europe and the world it might have liked to perpetrate. Because of this and because of their atlanticist inclination, the British governments of this period looked to the United States for support of their aims. They were not going to let America withdraw, like she did after the First World War, and the Anglo-American cooperation in Germany was the way to assure continued American involvement in European affairs. This also explains British concessions, especially on the issue of German rearmament, as they bought American security guarantees and averted the threat of an American withdrawal from Europe.

Great Britain was represented in Germany consecutively by three men who held the position of British High Commissioner: Sir Brian Robertson, from the promulgation of the Occupation Statute in September 1949 to June 1950, Sir Ivone Kirkpatrick, from 1950 to 1953, and Sir Frederick Hoyer Millar, until the end of the Allied High Commission in May 1955. The aim of this thesis is to describe the role and work of these three men and in the process describe the history, functions and role of the Allied High Commission.

Its time of existence can be divided into three periods: from the promulgation of the Occupation Statute and its institution on 21 September 1949, to the revision of the

Occupation Statute on 6 March 1951; from this date to the signing of the Bonn Conventions on 26 May 1952; and from this date to its final dissolution and the Federal Republic of Germany becoming a sovereign state on 5 May 1955. Although these three periods only very roughly correspond with the tenures of the three British High Commissioners, their perception of their roles in Germany clearly reflect the changes these three periods encompassed.

Sir Brian Robertson regarded himself as a "colonial administrator" which reflects the large extent of power the Allied High Commissioners held during this first period. Sir Ivone Kirkpatrick's tenure witnessed the greatest reductions in the power of the High Commissioners, a process in which he was actively involved, as the French Foreign Minister Schuman pointed out on the occasion of the signing of the General Treaty in 1952 "that never in history had men worked with such zeal to abolish themselves." (11) The long delay to the ratification of the Bonn Conventions meant, however, that Kirkpatrick's successor, Sir Frederick Hoyer Millar, still held the title of British High Commissioner, although he regarded himself as an ambassador.

The head of the historical division of the American High Commission, Elmer Plischke, described the role of the Allied High Commission as follows:

"The handling of the German problem by the Allies involves both the formulation of policy and its implementation -- the determination of basic relations and their practical application ... the

practical application of the policy and the handling of day-to-day contacts with the German Government has been the responsibility of the Allied High Commission. The latter has been concerned with details of policy formulation within the broader declarations of principle decided upon by the Foreign Ministers and with the implementation of tripartite agreements concerning Germany." (12)

The Allied High Commissioners held a pivotal role in this period of Germany under occupation: they were the head of a vast organisation; they were involved in the formulation of the policy for Germany of their respective governments; they held supreme power in Germany and represented it towards the outside world; they represented their own governments in negotiations with their High Commissioner colleagues and with the German Chancellor. Although there were contacts between all levels of the Allied High Commission and the West German executive, Professor Hans-Peter Schwarz points out that

"Dennoch gilt fuer die gesamte Geltungsdauer des Besatzungsstatuts (21. September. 1949 bis 5. Mai. 1955), ganz besonders aber fuer die Jahre von 1949 bis 1952, dass Fragen von Bedeutung zwischen Adenauer und den Alliierten Hohen Kommissaren meist direkt verhandelt und besprochen wurden." (13)

It is also true, that direct contact between Adenauer and the heads of government and the Foreign Ministers of the Western Allies increased, especially during the last period of the occupation. This, however, does not reduce the importance of the High Commissioners. It only reflects their changing role, as they still represented a vital link between their governments and the Chancellor.

This thesis will be based on evidence from published

and unpublished German and British sources and on oral history interviews with surviving members of the British administration of that time. On the British side mainly Foreign Office files, containing the records of the British High Commission, and Cabinet papers have been consulted. Some papers concerning Adenauer have recently been recalled by the Foreign Office. The contents of those and other retained files can only be assumed in hopefully educated guesses or substituted by German published sources.

FOOTNOTES

Introduction

- (1) Herbst, Ludolf, Option fuer den Westen, p.60
- (2) Herbst, Ludolf, Option fuer den Westen, p.63
- (3) Watt, Donald Cameron, Britain looks to Germany, p.99
- (4) Ruhm von Oppen, Beate, Documents on Germany under Occupation, p.623
- (5) Watt, Donald Cameron, Britain looks to Germany, p.111
- (6) Watt, Donald Cameron, Britain looks to Germany, p.103
- (7) Kirkpatrick, Ivone, The Inner Circle, p.240
- (8) Adenauer, Konrad, Erinnerungen 1945-1953, p.517
- (9) Blumenwitz, Dieter, Konrad Adenauer und seine Zeit, p.643
- (10) Adenauer, Konrad, Erinnerungen 1945-1953, p.503
- (11) Kirkpatrick, Ivone, The Inner Circle, p.246
- (12) Plischke, Elmer, Allied High Commission 's Relations with the West German Government, p.1
- (13) Schwarz, Hans-Peter, Adenauer und die Hohe Kommissare 1949-1951, p.XI

GENERAL BRIAN H. ROBERTSON

"THE LIBERAL AND SYMPATHETIC VICEROY"

In August 1970, in an oral history interview for the Harry S. Truman Library, General Robertson said about the British perception of their role in post-war Germany: "We rather fancied ourselves as colonial administrators, I suppose, and we were pretty good at it"(1). This rather candid admission says a great deal, at least subconsciously, about the British attitude towards Germany: the atrocities committed in her name during the Third Reich had lost her the right to count herself among the civilised countries. Accordingly, after the war, the British occupation forces behaved like colonialists in an uncivilised country.

They displayed the paternalist, but also rather condescending attitude towards the 'natives' typical of the British colonialists: to be re-educated and led on the way to democracy. Germany was treated like an A-class mandate had been under the Covenant of the League of Nations, with the British - amongst others - holding the trusteeship. Eventually she was to be given her 'independence', firmly tied into a 'commonwealth' though, integrated politically and possibly militarily for the common good and in order to perpetuate the influence and control of the former 'colonial powers'.

The Allies had created a historical precedent in Germany after the Second World War: they had occupied the whole of the country and, after the unconditional surrender and the demise of the German administration, had assumed the sovereignty in a territory which they, however, had not annexed. It is not surprising, therefore, that they searched for frames of reference in their national experience, which would help them to deal with this historical precedent. For the British it seems to have been their experience as a colonial power.

If the British regarded their occupation of Germany as a period of colonial rule then it follows that they must have regarded the tenure of the Allied High Commission as the period of decolonisation: self-rule under the supervision of the 'colonial' power and the gradual transfer of power to the 'native' government leading up to eventual independence and sovereignty of the colony and her membership in a 'commonwealth'.

In order to understand General Robertson's personal attitude towards his role as British High Commissioner in Germany between September 1949 and June 1950, one has to 'look at his career up to that date. A soldier by profession, he had resigned his commission in 1935 to become managing director of Dunlop, South Africa. In 1940 he was recalled as a reserve officer to become administrative officer in Field Marshal Montgomery's staff, whom he followed to Germany as Deputy Military Governor from 1945 to 1948 and then succeeded as Commander-in-Chief and Military Governor from 1948 to

1949.

Sir Brian Robertson's career is significant in two respects: firstly, his absence from Europe in the inter-war years left him untainted by negative impression Germany left on so many of his fellow country men and influenced their attitude towards Germany after 1945. Secondly, he saw his job in Germany after the war through the eyes of a highly efficient supply officer: the country had to be rebuilt as it could not be supplied indefinitely by her occupiers. His skills as a supply officer were tested to the ultimate, when, as Military Governor in 1948, he was faced with the Soviet blockade of the Western sectors of Berlin and had to organise and execute, together with his American colleague General Clay, the Berlin Airlift. But he was more than just a soldier: during his tenure as High Commissioner he had to be a politician and a diplomat.

When the Federal Republic of Germany was founded in 1949 and the Western Allies replaced the military rule of their zones with a civilian, General Robertson stayed on as British High Commissioner for Germany. He was the only one of the Military Governors to do so. Sir Brian, however, regarded himself as just a transitional candidate: "It is of course the most natural thing," he told his French and American colleagues, when his departure from Germany had been announced, "that I should go. It would have been very natural, that I should have made way to a civilian, when the change was made to the High Commission. It is more than

natural now, because I shall have been in Germany for nearly five years and I think it is not right, that any man should stay in one job too long." (2)

Robertson had only stayed on in Germany as High Commissioner on the specific request of the British Foreign Secretary, Ernest Bevin(3). Robertson and Bevin came from different backgrounds and held different political beliefs -- one an aristocratic soldier who held conservative beliefs, the other a former trade unionist now Labour minister -- but the Foreign Secretary valued the General's input highly. In a letter to Prime Minister Attlee, Bevin described Robertson as "a tower of strength to me since you placed the responsibility for Germany on my shoulders." (4) Both men had the highest personal respect for one another. In fact, Robertson later insisted that Bevin had asked him to stay on in Germany despite different political affiliations and never tried to influence his actions in Germany in an ideological way:

"And though there are various accusations that have been made against the British on that point in Germany, one which is completely off net, is an accusation that the Socialist Government of England was pushing things for a Socialist future. Well, they didn't, I can assure you. All the time that I was there England had a Socialist Foreign Secretary. There's his picture, Ernie Bevin, and he never pushed me that way, ever." (5)

Actually it seems to have been the other way around: the personal rapport between the two men actually enabled Robertson to push the Foreign Secretary to make decisions, which went against the latter's beliefs. Bevin disliked and mistrusted the Germans and it is only because he trusted Robertson's judgement that he allowed him to implement some

of his more sympathetic policies in Germany.

In the already-quoted oral history interview General Robertson described the initial British attitude towards Germany after the end of the war and how and why it changed:

"Our instructions, broadly, were that Germans must be put in their places, that we must denazify them, that we must remove the weapons of war and the means of obtaining new ones. We must be careful because the country would be starving, and it might be full of disease, and our troops must be careful and we shouldn't allow troops to fraternize, as it was called, with the German Frauleine. We had to try to stop that and, of course, were quite unsuccessful. ... We ourselves realized that these instructions were no good, rather more early than did the Americans." (6)

As the reason for the change of attitude towards the Germans General Robertson pointed mainly to one thing: the deteriorating relationship with the Soviets. This led the former allies to compete for German allegiance: "The truth of the matter was that in those early days we were fighting a battle over the soul of Germany." (7) When the differences between the Western Allies and the Soviet Union came to a head in Berlin in 1948, Robertson wrote in a memorandum to the Foreign Office: "Germany should be brought into the community of Western European nations as a partner and not as a servant."

In this memorandum the colonial theme re-appears:

"We should recognise that there is very little possibility of our staying indefinitely in Germany as a benevolent colonial authority. The democratisation of Germany will not be achieved by means of a protracted and delayed tutelage. On the other hand we should see to it that, though our authority is withdrawn, our influence is perpetuated." (8)

These kind of statements might have induced his biographer,

Charles Richardson, to describe him as the "liberal and sympathetic viceroy" (9). General Robertson was indeed the man who set in motion the "decolonisation" of Germany, in other words, who initiated the gradual transfer of power to the Federal German Government and Germany's integration into the "commonwealth" of Western nations. This chapter will prove that he deserves the epithet of "liberal and sympathetic viceroy". (10)

A viceroy, per definitionem, is the person governing as the deputy of a sovereign. The Allied High Commissioners were indeed "governing". The Occupation Statute, which had been agreed upon by Foreign Ministers Acheson, Bevin and Schuman in Washington in April, came into effect in September 1949. It stated that the representatives of the three Western powers, the Allied High Commissioners, should jointly exercise the supreme authority in the Federal Republic of Germany and should exercise control over the Federal Government and the governments of its constituent Laender. The Statute, however, also proclaimed that "the German people shall enjoy self-government to the maximum possible degree" and that "the Federal State and the participating Laender shall have, subject only to the limitation in this instrument, full legislative, executive and judicial powers in accordance with the Basic Law and with their respective constitutions."

These limitations, also known as "reserved powers", concerned:

- (a) "disarmament and demilitarisation"

- (b) "controls in regard to the Ruhr"
- (c) "foreign affairs"
- (d) "displaced persons and the admission of refugees"
- (e) "protection, prestige and security of Allied forces"
- (f) "respect for the Basic Law and the Land constitutions"
- (g) "control over foreign trade and exchange"
- (h) "control over internal action, only to the minimum extent necessary to ensure use of funds, food and other supplies in such a manner as to reduce to a minimum the need for external assistance to Germany"
- (i) "control over persons charged by courts or tribunals of the occupying powers"

The occupying authorities also "reserved the right ... to resume ... the exercise of full authority if they consider that to do so is essential to security or to preserve democratic government in Germany or in pursuance of the international obligations of their Governments." In addition, "any amendment of the Basic Law will require the express approval of the occupation authorities before becoming effective. Land constitutions, amendments thereof, all other legislation, and any agreement made between the Federal State and foreign governments will become effective 21 days after its official receipt by the occupation authorities unless previously disapproved by them." (11)

The High Commissioners' way of "governing" varied, in some fields directly in others indirectly. They directly exercised certain sovereign prerogatives, especially concer-

ning the conduct of the foreign affairs of the Federal Republic: for example, foreign diplomats were accredited to the Allied Council, made up by the three High Commissioners. It is important to note that, at the very beginning of his tenure as British High Commissioner, Sir Brian initiated the transfer of part of this prerogative to the Federal German Government: it was allowed to establish consular representation abroad and to join certain international organisations, such as the International Labour Organisation.

Secondly, the High Commission exercised its authority indirectly by consulting, conferring and negotiating with the German Government. Contacts took place on all levels of the administration, but the most important were the meetings between the three High Commissioners and Chancellor Adenauer. The latter jealously guarded what he regarded as his exclusive right to deal with the High Commission. In a letter to his ministers of October 4th, 1949, he wrote:

"Um eine einheitliche Gestaltung der Beziehungen zwischen der Bundesregierung und der Alliierten Hohen Kommission zu gewaehrleisten, bitte ich, den gesamten Verkehr mit der Hohen Kommission ueber mich zu leiten. Technische Einzelfragen koennen von den einzelnen Ministerien in unmittelbarer Verbindung mit der Hohen Kommission behandelt werden, ich bitte jedoch, mir auch hiervon Kenntnis zu geben." (12)

Although the High Commissioners were also careful to maintain the correct line of command, they nevertheless insisted in November 1949 that contacts between the High Commission and the Federal Government had to take place on all levels. During the 6th meeting of the Council General Robertson said:

"The Chancellor at the moment is trying to establish the position, that nobody has the right to talk except the Council to the Chancellor. I don't think, that that is right. I think, that it is quite right, that nobody has the power to give orders except the Council to the Chancellor. (But) I believe there must be contact between our committees and the responsible ministers."(13)

During General Robertson's tenure as British High Commissioner the number of committees, sub-committees and ad-hoc working parties of the Allied High Commission steadily grew, which is natural in the initial phase of a new kind of administration. The Charter of the Allied High Commission, which was promulgated in June 1949, only envisaged five committees and the Military Security Board, but included a provision that "the number, functions and organisation of such committees or bodies may be changed, adjusted or eliminated entirely by the Council in the light of experience"(14). At the end of Robertson's tenure in 1950 the number had grown to nine main committees and twentyseven sub-committees plus the Allied Secretariate. All of these bodies were staffed and organised like the Council itself: tripartite basis with monthly rotating chairmanship. They had an advisory capacity, but the Council could delegate executive functions to them.

"The main committees exclusive of the Military Security Board, held a total of 337 meetings during the first year of the Allied High Commission. ... the sub-committees held 957 sessions. ... the total number of copies of documents of the High Commission for its first year, not including the Official Gazette, was 1,122,905."(15)

These numbers are quoted here to show the magnitude of the High Commission's "Government".

Thirdly, the High Commission fulfilled many of its responsibilities by enacting legislation in five broad

fields: law and justice, external affairs, internal affairs, economics and finance and foreign trade. These enactments could take the shape of laws, regulations, directives, decisions, declarations and instructions.

Finally, in order to fulfill their supervisory function, the High Commission exercised a negative power with respect to German legislation: all amendments to the Basic Law required unanimous approval of the Council; Land constitutions, amendments thereof, all other legislation, and any agreements made between the Federal German Government and foreign governments became effective 21 days after its official receipt by the Council unless previously disapproved by it, provisionally or finally. Decisions to disapprove German legislation, like other decisions of the Council, were taken by majority vote (subject in certain cases to appeal to governments) or by a "weighted" vote in proportion to the funds provided for Germany by the Power concerned (only in areas which affected the need for these funds). The Occupation Statute clearly specified the reasons for such disapproval: "The occupation authorities will not disapprove legislation unless in their opinion it is inconsistent with the Basic Law, a Land constitution, legislation or other directives of the occupation authorities themselves or the provisions of this Instrument, or unless it constitutes a grave threat to the basic purposes of the occupation." (16)

Besides "governing" jointly, each High Commissioner was responsible for his country's zone of occupation. The Char-

ter of the Allied High Commission defined the responsibilities of the individual High Commissioners:

"Each High Commissioner shall be responsible to his Government with respect to the Laender of his zone for the matters in the fields reserved to the occupation authorities listed below:

- (a) maintenance of law and order if the responsible German authorities are unable to do so;
- (b) ensuring the protection, prestige, security and immunities of the Allied forces of occupation, of the Allied occupation authorities;
- (c) the delivery of reparations and restitution property;
- (d) care and administration of displaced persons;
- (e) the disposition of war criminals;
- (f) administration of justice in cases falling within the jurisdiction of Allied courts;
- (g) control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the occupation authorities, over the carrying out of sentences imposed on them and over questions of amnesty, pardon or release in relation to them." (17)

In the Land capitals of his own zone the High Commissioner was represented by Land Commissioners and in his colleagues' zones by Land Observers, who acted as close advisors to the Land Commissioners.

All in all, General Robertson was in charge of 125,000 allied personnel, supported by a German auxiliary staff numbering 199,000. One of the last acts of the Military Governors in August 1949 was to decide "that the expenses incident to the High Commission should be borne by the German Federal Republic" (18). For the financial year 1949/1950 the three High Commissioners agreed on the total sum of 4,593,434,000 DM occupation costs, of which 2,309,940,000 DM was allocated to the British Zone. From the very start there was a unanimously supported move to reduce personnel and thereby the occupation costs: thus the grand total for the financial year 1950/1951 was reduced to

4,050,962,500 DM, of which 1,742,810,600 DM went to the British Zone (19). These sums, as well as the size and complexity of the organisation of the Allied High Commission, are comparable to any colonial government. And like colonial governors and "viceroys" the High Commissioners were governing as deputies of their governments: Robertson once told the German Chancellor that he was not free, but only a tool of his government.

The American executive tied their representatives abroad to very clear and detailed directives. The British, however, preferred the more practical way of giving broad policy outlines, but leaving the implementation to their representatives on the spot. This method worked well with General Robertson: as a soldier, he was used to receiving orders, but relying on his own initiative how to implement them. He once put it in a rather humorous way: "My Government gives me advice sometimes, but it is a rather conceited person and likes its advice to be taken" (20).

Robertson's hands seem to have been tied especially on issues which the British Government considered vital to British security: for example, the question of socialisation of the basic industries, coal, iron and steel. The British Labour Government did not regard the issue of socialisation so much from the perspective of ideology but of security: these industries should not fall back into the hands of those magnates, who had supported and financed the Third Reich. The aim of socialisation, however, was not shared by

the Americans. When the American and the British zones were merged in 1947, Robertson, who was British Military Governor then, found it difficult to reach a compromise on this topic with his American counterpart, General Clay. This compromise had to be re-negotiated in the autumn of 1949 in order to include the French.

The centre of the evolving argument was the preamble of Law 75, which left the ultimate decision about the ownership of these industries to the Germans. Robertson regarded the re-negotiations as a "personal challenge", appealing to McCloy not to go back on his predecessor's word(21). He was also bound by explicit instructions from London: on April 12th, 1950, he was told to bring the preamble to a formal vote in the Council. If his American and French colleague refused, he should appeal to the governments. The following day, Robertson, as the chairman of the 24th Council meeting, brought about the vote: the Americans finally agreed to the preamble, as the re-negotiated law included a new Article 5, which provided for compensation of the previous owners; the French were outvoted, but their appeal only delayed the passage of the law. The Foreign Office congratulated Robertson: the result was "as satisfactory as could have been expected" (22).

Sir Ivone Kirkpatrick, head of the Foreign Office German Section since 1949, apologized at that time to Robertson for having tied his hands in such a way. He did not know that one year later, as Robertson's successor in the office of British High Commissioner, it was going to be he, who was

outvoted in the final decision on socialisation.

In fields other than socialisation, General Robertson enjoyed great latitude, greater maybe than any other "deputy" of his country abroad. This degree of latitude grew out of Foreign Secretary Bevin's trust and respect for the High Commissioner and their reciprocal liking. In June 1950, shortly before his departure as High Commissioner, Robertson expressed his gratitude for Bevin's confidence:

"I have had a wonderful job in Germany. I am conscious of having made many mistakes and hope only that there is a small balance on the credit side. You have backed me up at all times, right or wrong. What more can a subordinate ask? It has been the greatest privilege and pleasure to serve you." (23)

The personal and close relations between Bevin and Robertson also meant that the latter had great influence on the Foreign Secretary's political decisions concerning Germany. Sir Frank Roberts, at that time Bevin's Private Secretary, said in an interview:

"He had great influence on Bevin. Whenever there were problems, as to was the Foreign Secretary going to accept these or those recommendations and if the Foreign Office people could not persuade him, we would always as a last resort send for Brian Robertson, who usually could." (24)

This seems to have been the case in the dismantling question. In April 1949 a treaty had been signed establishing the International Authority for the Ruhr, in which representatives of the three Western Occupying Powers and the Benelux States were to set the quotas for production and export and the prices of Ruhr coal, coke and steel. It was agreed that eventually German representatives should join the Authority. The treaty also provided for a sharp red-

uction of the dismantling programme, which had been agreed at the Potsdam Conference. This programme had been initiated for two reasons: industries, which had contributed to the German war effort, were to be dismembered to ensure that Germany could never again build offensive arms; and secondly, the dismantled factories were to form part of the reparations for the countries which had suffered at the hands of Germany during the war. When the Ruhr Authority Treaty was signed, the British (and the French) had hoped it would be substantially the final word on the matter of dismantling(25).

This was not to be, because the American idea of how the Ruhr Authority should function differed considerably from that of the British and French: for the Americans the IAR was a first step towards European integration; they wanted to do away with the burdens of reparations and dismantling on the young Federal Republic. This information was leaked by the American High Commissioner to the German press in an "off the record" interview in October 1949, undermining at the very beginning the united front which the Allied High Commission was supposed to represent and scoring propaganda points with the Germans. Robertson complained in his weekly personal telegram to Bevin that "it accentuated still further the general belief that Great Britain alone is responsible for the dismantling policy."(26)

Britain and France were opposed to a further reduction of dismantling for security and economic reasons. Britain

was also opposed to any moves towards European integration, which had a supranational element to them. A working party, initiated by William W. Henderson, had produced a paper, "the Ruhr Authority and Economic Integration of Western Europe", in which it was clearly stated that the IAR should be seen separately from the integration process and that the American pressure was hasty and that OEEC was an already existing alternative. This paper was sent to Robertson as an outline of British policy on Germany and Europe. The High Commissioner reacted very strongly:

"I have read the paper with interest but confess that I am frankly disappointed at its contents. ... all I am allowed to glean regarding reasons for our negative attitude towards the concept of associating IAR with the concept of West European integration is contained in some very general statements in paragraph 17-18. These statements crystallize out in the sentence 'The objection(s) to all these forms of integration are obvious'. ... If I am going to play any useful part in this battle, I feel that I should be better prepared for it than this." (27)

Robertson was a stranger to Foreign Office jargon; his main aim was the efficient administration of his zone and the implementation of the dismantling programme caused him considerable headaches. He was a soldier and used to following orders: this explains the intensified dismantling efforts in October and November. In every one of his weekly personal telegrams to the Secretary of State, however, he described the heightening tension over dismantling: intimidation of German contractors carrying out the programme - "in the present climate of opinion it is inevitabel that these men should be regarded as traitors to Germany ... a number of contracts will shortly expire and we must expect increasing

reluctance to sign up for a further period" (28); and German government officials, who "openly defied the authority of the Land Commissioner by closing down and then imposing fines on a number of dismantling contractors". He did not fail to point out what he regarded as the greatest weakness of the dismantling programme: the differences of opinion between the Allies, which could be exploited by the German Chancellor, Dr. Konrad Adenauer: "It is difficult to avoid the conclusion that Adenauer enjoys an appreciable tactical advantage in having to deal with representatives of three powers whose views are not always in harmony. This is the kind of game at which he is extremely proficient." (29) The following day, 27 October, Robertson went to London to press his point even further.

Bevin "had already made up his mind that dismantling would have to stop soon. Nonetheless the decision went against his grain. He grumbled to Acheson that it was all-right for the Americans; they had been lucky and finished their dismantling quickly. He was caught between a public opinion at home and a public opinion in Germany, whose demands were in conflict. Neither Bevin nor Schuman was yet ready to take a decision." (30) On 19 October he declared in the House of Commons on dismantling: "I am not satisfied yet that the rest of the world is entirely safe."

Yet barely a week later, one day after Robertson's arrival in London, Bevin wrote to Acheson, urging him to come to a joint solution of the dismantling problem, to "seize this last opportunity of grappling with the problem

from a position of relative strength. Unless we do so we shall suddenly find that dismantling has in fact ceased, and that we no longer enjoy any freedom of choice." The second paragraph of Bevin's letter, in which he described the situation, sounds like a direct quote from the telegrams, which he had received from Robertson: it is the clearest indication of the degree of the High Commissioner's influence on the Secretary of State on Bevin:

"It is clear that for several reasons the moral authority of the High Commission and of the Allies in Germany is being rapidly destroyed. The principal cause of this is the present dismantling programme, which is arousing bitter resentment and opposition in Germany, particularly in the British Zone, where most of the dismantling is taking place. ... it is only a matter of a few weeks before dismantling collapses for lack of labour. In my view we cannot afford to wait until our whole dismantling policy falls about our ears, and the Western powers are publicly humiliated in front of the Germans." (31)

In the letter Bevin suggested that "the High Commission should be authorized to work out an acceptable solution." He had authorised his own High Commissioner already, as Robertson, one day after the letter was written, returned to Germany and immediately requested a meeting with Adenauer. He indicated that he had found a way to break the vicious circle - "den Ring zu sprengen" (32) - another indication that during his two day stay in London he was able to sway Bevin and returned to Germany with a solution, in whose shaping he had had a major part.

On 31 October Robertson suggested to Adenauer that a reduction of the dismantling programme should be linked to the Federal Republic joining the International Authority of

the Ruhr and cooperation with the Military Security Board. He told the Chancellor that the dismantling problem had to be seen not as an economic question, but as a question of security: if the security requirements of Britain and especially of France could be satisfied, a solution to many problems, which stood in the way of a closer association of the Federal Republic and the West, could be found. The Chancellor agreed to write a letter to Robertson and to express in it his willingness to accommodate these demands:

"Die Bundesregierung schlaegt vor, sofort einen Ausschuss unter Teilnahme deutscher Vertreter zu berufen, der die Sicherheitsfrage und auch die mit ihr zusammenhaengenden internationalen wirtschaftlichen Fragen prueft. Sie bittet, die Demontagen bis zum Bericht dieses Ausschusses nicht fortzusetzen, auf alle Faelle sie entsprechend zu verlangsamen. Die Bundesregierung verspricht sich von der Arbeit dieses Ausschusses eine wesentliche Foerderung der europaeischen Zusammenarbeit."(33)

This was the first step towards the settling of the dismantling issue: at the Paris Foreign Ministers Conference the High Commissioners were given the task of negotiating the settlement; the negotiations started on 15 November and on 22 November they and Chancellor Adenauer signed the Petersberger Accord. It went much further than just the removal of certain plants from the dismantling list: the Federal Republic was allowed to establish consular representations in Western countries, to join international organisations, as for example the Council of Europe, and to restart their shipbuilding industry. The Petersberger Accord is significant for two reasons: on the side of the Western Allies it was the first outward sign of their policy to tie the Federal Republic to the West, for which they were

willing to make concessions. Bevin had made this point in the already-quoted letter to Acheson:

"If, however, we are to avoid during the coming period constant series of differences and disputes with the German Federal Government, which can only retard the fulfillment of our policy of associating Germany closely with the Western World, I suggest that we should be within our interests to try to reach an understanding with Dr. Adenauer on a programme for dealing with as many as possible of the more important problems, which are likely to cause trouble in the course of the period before the time comes to consider a revision of the Occupation Statute." (34)

On the German side it meant, as Adenauer put it: "Zum erstenmal seit dem Zusammenbruch wurde unsere Gleichberechtigung offiziell anerkannt, und zum erstenmal traten wir in die internationalen Sphaere ein." The Petersberger Accord was the first agreement which had been negotiated between representatives of the Western Allies and the Federal Republic and, as Hans-Peter Schwarz points out, the times, when the Western Allies had made far-reaching decisions about Germany without previous negotiations with the Germans, were over. (35)

The third part of the definition of "viceroy" is "sovereign": in the case of the Allied High Commission it was shared sovereignty. In the Trizonal Fusion Agreement of April 1949 it was laid down that the three High Commissioners, one of each occupying power, would jointly, tripartitely hold the supreme authority in the Federal Republic of Germany. The Fusion Agreement also stated that in the Allied High Commission a majority voting formula

should replace the rule of unanimity which had bedeviled the administration of Germany by the Control Council. The only exception to this rule were changes or amendments to the Basic Law, which required unanimous approval of all three High Commissioners. An appeal procedure was made available to the one High Commissioner, who found himself in the minority:

"If a majority decision of the High Commission alters or modifies any intergovernmental agreement relating to disarmament, demilitarization, or certain other matters, any dissenting High Commissioner is empowered to appeal to his government. Such appeal serves to suspend the decision pending agreement among the three powers at governmental level." (36)

In all deliberative organs of the Allied High Commission, including the highest, the Council, which consisted of the High Commissioners or their deputies, each national element had an equal vote.

"It is specifically provided in the fusion agreement, however, that in cases in which the exercise of, or failure to exercise, the powers reserved to the Allied High Commission in the field of foreign trade and exchange would increase the need from United States Government appropriated funds, weighted voting may be used. Under this system the representatives of the Occupying Authorities enjoy a voting strength proportionate to the funds made available to Germany by their respective governments." (37)

It is important, however, to note that questions were rarely put to a formal vote: in the first year of its existence the Allied Council only resorted to a formal vote in eight instances; in only three cases the dissenting High Commissioner appealed to his government. The American High Commissioner, John McCloy, at one point gave one reason for this reluctance to use the appeal procedure: "I think, each

time we appeal we've got to delegate from our own authority and position." (38) On another occasion he said that the High Commissioners should always make the greatest effort to reach a compromise: "I think, that we don't make great progress, at least around this table, in referring to the attitude of one country rather than the other countries. We act as a Commission and we must melt in the Commission the attitudes of the three countries." (39)

John McCloy (1895-1989) was a lawyer by profession. During the war he was appointed Undersecretary of State at the Ministry of War and went on to head the Civil Affairs Division of United Chiefs-of-Staff. Between 1947 and 1949 he was the President of the World Bank, before coming to Germany to become American High Commissioner.

His French colleague was even more eager to achieve a compromise, when decisions were made in the Council, as the weighted voting system would have worked against him. Andre Francois-Poncet repeatedly appealed for unity, "for the solidarity which above all must unite ourselves." (40) This solidarity between the High Commissioners was important, because they had to present a common front towards the German Chancellor, who was an expert in exploiting allied differences to the advantage of the Federal Republic. It is important to recall the already-quoted remark of General Robertson that "this is the kind of game at which he (Adenauer) is extremely proficient." (41)

In his youth Andre Francois-Poncet (1887-1978) had studied in Germany and had learned to speak the language

without an accent. He had embarked on a career as a scholar of German literature when World War I broke out. After the war he became active in politics: his special interest lay with industrial matters. He had acquired substantial holdings in the French steel industry through marriage and therefore had close connections to the Comite des Forges, the French iron, coal and steel control.

World War I also saw the beginning of his long and distinguished diplomatic career. Between 1931 and 1938 he had been French Ambassador in Berlin and then for two years in Rome. From 1940 to 1943 he had been a Member of the National Council. He was interned by the Nazis in Germany in 1943. In 1948 he became an adviser to the French Military Governor and to the French Government on German questions before being appointed High Commissioner in 1949.

Charles Richardson adds two adjectives to his description of Sir Brian Robertson as a viceroy: "liberal and sympathetic". Indeed, in his one year as British High Commissioner, Robertson proved to be a champion of a liberal interpretation of the Occupation Statute. As Military Governor he had been instrumental in the framing of the Statute and he therefore knew better than either of his two colleagues its scope and intentions.

In May 1950 a long smoldering disagreement on principle came to a head between the American High Commissioner, John McCloy, and General Robertson. The High Commission had been

inundated with Land legislation which sought to re-introduce ideas which were based on the old German tradition of guilds, "Zuenfte". The piece of legislation which was described by McCloy as "the most outrageous one I have seen this far", was a law on music teachers:

"The idea that one can't go out and employ any singing teacher that he wants to teach his children, seems to be an outrageous thing, but it is not only that, if we accepted the concept of the Meistersingers you have here. What I consider really outrageous are the provisions limiting the number of music teachers that may operate in a locality."

He stated that he "would like to be able to deal with it as a principle rather than as a series of rather silly laws" and urged his colleagues to let him prepare a statement on policy regarding the freedom to engage in any trade, business or profession(42). He objected to professional bodies imposing limitations on free-lance employment in their fields.

Already at that time Robertson raised objections which he reiterated when the American statement came up for discussion in June. He maintained that, however noble the principles which guided the American objections to these laws, the High Commissioners were not entitled to enforce them under the Occupation Statute. He was not convinced by the American argument that decartelisation, mentioned in the Statute as one aim of the occupation, covered this matter:

"Some years ago under quite different conditions when the Occupation Statute was not in force and the Allies decided on a policy of decartelisation in the interest of security. I do not consider that this question of restraint of trade through licensing affects security. I said that I respect your point of view about it and I do so because I can see that you wish to introduce a better



social order in Germany. For that I have sympathy, but I have to say that the Occupation Statute does not entitle us to impose a particular social order in this country." (43)

At the very best, Robertson said, it would be stretching the word decartelisation, "and we have been instructed not to stretch the Occupation Statute." If one defines liberal as meaning laissez-faire then this is the best proof for Sir Brian's liberalism. He knew more than anybody the difference between the total, absolute powers of the Military Governors, who could shape the future of their parts of Germany by decrees and orders, and the supervisory powers of the High Commissioners.

In the Occupation Statute it was laid down that "the German people shall enjoy self-government to the maximum possible degree" and that meant that even "desirable" legislation could not be imposed unless it fell under the High Commission's reserved powers. Robertson's remarks also prove that the British had a much more pragmatic attitude to the occupation of Germany, while the Americans pursued the idealistic aim of shaping the Federal Republic in the image of the United States.

The second attribute, which General Robertson is given by his biographer, is "sympathetic". Two questions pose themselves in discussing this attribute: sympathetic to whom and why? Sir Brian clearly displayed the sympathy of a victor - i.e. a rather patronising attitude. Also his sympathy for certain German causes was mostly based on clear

considerations of the British interests in Germany.

Three issues, on which Robertson displayed clear sympathies for German concerns, will be discussed here: the first is Berlin, a problem which occupied, in various disguises, the minds of all three British High Commissioners. Robertson, however, displayed the greatest sympathies of all three for the plight and aspirations of the Berliners. Even among his High Commissioner colleagues he turned out to be the greatest advocate of the Berlin cause.

The reason for his sympathetic attitude can be found in the fact, that he was the only one of the three, who had not only witnessed the Soviet Blockade of Berlin between 1948 and 1949, but had organised, together with the American Military Governor General Clay, the Western response to it, the Berlin Airlift. This experience had left in him a high esteem for the courage and persistence of the population of Berlin. It also shaped his conviction that the West should not be caught unprepared again, in case of a repetition of the Soviet action against the Western sectors of Berlin: during the very first meeting of the Council of the Allied High Commission he urged his colleagues to build up and maintain at all times stocks of food and fuel supplies, sufficient for five months, in the city.

As in so many matters, which involved a financial commitment from the Western Allies, Britain's ability to contribute was curtailed by her considerable economic difficulties after the war. In an interview in 1970,

Robertson put this problem in very simple terms: "The sums of money involved were very considerable. Rations were short in England too, and it was no easy thing to persuade the government to spend large sums of money on feeding Germans." (44) Thus, from the very start, he argued for the involvement of the West German Government in the upkeep of Berlin: "the only way funds can be provided is by the Federal Government." (45)

Not only stockpiles had to be maintained; Berlin also suffered from a high level of unemployment and a large budget deficit. It was General Robertson who pressed the Federal Government to give financial aid to the city. At the first meeting between the Council and the Chancellor on 14 October the matter was at the top of the agenda. Adenauer conceded that

"we are prepared to help Berlin to the extent of what we are able to do. However, according to what we have heard so far there is a certain danger if the money which so far has come from the West to Berlin has not been put to the use for which it has been earmarked." (46)

He pleaded for an executive of the Federal Government to be sent to Berlin to supervise the use of Federal funds for the city. Robertson had foreseen this demand; on 28 September he wrote in his weekly personal telegram to Bevin:

"it is evident that so long as the present currency arrangements continue, we shall have to face not merely a recurrent crisis, but a permanent and inevitable drain on the economy of the city and the on the resources of the West, which must support it. It is hardly conceivable that the Federal Government should undertake this burden without tangible addition to its authority in Western Berlin and I foresee that willy nilly we shall be compelled to make concessions in this respect." (47)

One week later he added that this demand would also be made by the West Berliners:

"These developments have drawn from the West Berliners renewed demands for the incorporation of the Western Sectors in the Federal Republic coinciding with growing realisation that Berlin's economic dependence on the West inevitably calls for closer political ties." (48)

The day before Robertson had introduced a proposal on the political and economic situation in Berlin to his colleagues in the Council. He said that two separate reasons demanded the change of the status of Berlin. The first was economic: Berlin permanently depended on aid, which could only come from Western Germany; the second was psychological: its population felt deserted. Robertson supported the wishes of the Berliners and many West Germans and proposed to end the suspense of Article 23 of the Basic Law and let Berlin become the 12th Land of the Federal Republic, but it became clear that special, international considerations made that nearly impossible.

Although Robertson had hoped to have taken into account all possible objections by his colleagues when he made this proposal, it became obvious that there were very clear divisions between the three on the future status of Berlin: the French Deputy High Commissioner, M. Berard, did not see the solution to Berlin's problems in allowing it to assume its position under Article 23 of the Basic Law. Mr. McCloy stated that the US Government, because it wanted a solution which was both definite and eloquent, would go further than Robertson's proposal and allow Berlin to assume its position as 12th Land. The Council agreed that the Federal and Berlin

administrations must be consulted and indeed must contribute to a solution. General Robertson offered several compromises in the wording of the proposal, as he intended to get a joint recommendation of the Council to their governments on the status of Berlin. (49)

The consultations with the Federal Chancellor took place on 14 October 1949. Robertson, however, was wrong to assume that the Federal Government was in favour of Berlin belonging to the Federal Republic as the 12th Land. Dr. Adenauer stated at that meeting:

"I'm speaking very frankly here, Gentlemen, when I say that it seems that the motive of the SPD Party group in the Bundestag when they urge the pushing of the question of Berlin being made into a twelfth Land in the Federal Republic their motive is that they want to gain influence this way in Germany. In the light of this, Gentlemen, I think you will see that it takes quite a lot of courage to counteract these cheap nationalist demands and to take the stand that it is in the genuine German interest to take the stand that it would not be desirable to have Berlin as a twelfth Land." (50)

Adenauer was clever enough though not to be branded a traitor of the Berlin cause. He was bound to the Basic Law, which included Article 23, although it had been suspended by the Allies when they passed the Basic Law. This article reads:

"For the time being, this Basic Law shall apply in the territory of the Laender of Baden, Bavaria, Bremen, Greater Berlin, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Schleswig-Holstein, Wuerttemberg-Baden, and Wuerttemberg-Hohenzollern. In other parts of Germany it shall be put into force on their accession." (51)

Adenauer wanted to pass on the responsibility for this very unpopular decision to the Allies when he said:

"As far as I can see now, I think that it would be best if I am going to recommend to the Bundestag to propose any kind of official action until they have heard from the High Commission, I mean to say until we have obtained the opinion of the High Commission." (52)

Robertson, who had not been present at the meeting as he was in Berlin at the time, wrote furiously in his weekly telegram to Bevin:

"On the Berlin issue Adenauer, who has sound party reasons for opposing the incorporation of Berlin into the Federation, has unashamedly attempted, by exploiting Allied differences, to cast on the Occupying Powers the responsibility for thwarting Berlin's aspirations. I do not intend to let him get away with this and I shall bring the issue into the open at the next Council meeting." (53)

These "sound party reasons", which Robertson hinted at, were of course the fact that Berlin was a SPD stronghold, governed by the very popular SPD mayor, Professor Ernst Reuter, and the inclusion of voting members from Berlin in the Bundestag could have tilted the small majority, held by Adenauer's CDU led coalition, to the opposition SPD's favour. The Chancellor also had other reasons for opposing the 12th Land solution, as he explained during a cabinet meeting on 11 October:

"Eine Eingliederung Berlins als 12. Land werde Komplikationen nach sich ziehen, weil dann die Bundesregierung in die schwierige Lage kaeme, mit den Russen verhandeln zu muessen und das koennte gegebenenfalls bedeuten, die westlichen Alliierten aus ihrer bisherigen Verantwortung fuer Berlin zu entlassen. Wir seien gewillt, jede Hilfe fuer Berlin zu leisten. Es sei jedoch untragbar, dass ein Teil der Bundesrepublik Deutschland sowjetischer Kontrolle unterliege und wir mit den Russen verhandeln muessen." (54)

After meeting with Berlin representatives, Adenauer, during his next encounter with the High Commissioners on 20 October, took a much more conciliatory position: "As far as

the political requests of these people are concerned, it is the wish of Berlin as well as our own that Berlin should be taken as a twelfth State in the Federal Republic." However, he pointed to one problem: the Magistrate had wanted Greater Berlin to be incorporated into the Federal Republic. Adenauer repeated his concerns "that for a country as weak as the Federal Republic it is not very desirable if a part of the Republic would in name belong to the Soviets.(55)

On 26 October General Robertson wrote in a telegram: "On the problem of financing Berlin's deficit we appear to have reached some degree of finality." Indeed, the Berlin-hilfegesetz was passed by the Bundestag on 7 March 1950. In this telegram Robertson acknowledged Adenauer's changed attitude:

"On the related question of Berlin's political status the position is still obscure, with the Allies still in disagreement upon the course which they wish to see taken, while on the German side there has been an increasing measure of agreement and readiness to accept the substance of Berlin's membership of the Federation without insisting upon the form. Adenauer has not pursued his attempt to pin upon the High Commission the responsibility of denying the extreme demands of the Berliners and he appears to have succeeded to carry the SPD with him in following the more modest course. I am bound to acknowledge a degree of courage and adroitness on his part which exceeded my expectations."(56)

On 27 October the High Commissioners agreed to common recommendations to their governments. The paper was regarded as the "lowest common denominator"(57) and proposed that Berlin should be a city and a Land; that it should be represented in the Bundestag and the Bundesrat by non-voting members; that legislation should be adopted by the

Federation with a view to its extension to Berlin through legislative action of the Magistrate; that there should be closer cooperation between the Federal Government and the Berlin Magistrate in terms of aid and its use; the recommendations also repeated the Statement of Principle of May 1949.

The recommendations explicitly stated that the British and American High Commissioners would have been prepared to go further to meet Berlin's aspirations, but joined the present recommendations having particularly in mind the attitude of the Federal Government on this question.(58) When Robertson initially proposed his paper on Berlin he had made it clear that he had not consulted his government beforehand. From this and later statements by British officials, it can be gathered that Robertson's sympathies for Berlin's aspirations were personal one.

His successor, Sir Ivone Kirkpatrick, wrote in his weekly telegram to the Secretary of State on 22 August 1950 that "we (AHC) also reached agreement upon the method of approving the Berlin Constitution which, I hope, will not antagonise the Germans in Berlin, but which at the same time avoids commitment on the 12th Land issue."(59) From the last part of this statement one can gather that he was not as keen on the idea as his predecessor had been. Article 1, Paragraph 2 and 3 of the new Constitution ("Berlin is a Land of the Federal Republic of Germany" and "The Basic Law and the laws of the Federal Republic of Germany are binding on Berlin") were suspended; Article 87 was interpreted as

meaning that, during the transitional period, Berlin should possess none of the attributes of a 12th Land. These were the reservations of the Allied Kommandatura when it approved the Berlin Constitution on 29 August 1950.

General Robertson, however, was not only concerned about the financial and economic situation of Berlin, but about the general economic situation of the Federal Republic as a whole. At the end of the 14th Council meeting on 26 January 1950, he raised this issue with his colleagues:

"For some time past I have been getting rather worried about the general economic situation in the country and after talking it over the other day with my Economic Advisor, I asked him to put my point of view and his views down on paper. The paper is based on the principle that the High Commission is bound to take note of the general economic situation, not from purely economical effects, which are a matter for the ECA and others, but from its possible political effects." (61)

In 1950 there were about two million unemployed in the Federal Republic: this not only put a heavy burden on the already stretched finances of the young republic and on the West, who supported it; Robertson, and everybody who knew the reasons for the collapse of the last republic on German soil, also knew that large scale unemployment was potentially a hotbed for political extremism. His sympathetic attitude towards the economic problems of the Federal Republic was therefore well founded on political considerations of protecting the democratic advancements of post-war Germany.

As far as he was able to, Robertson was also

sympathetic towards the position taken by the Federal Government. The degree of sympathy, of course, depended on the matter concerned and the latitude he was given from London on it.

At the beginning of 1950 an issue became acute, which placed enormous strain on Franco-German relations, and on which Adenauer appealed to the United States and especially Great Britain for mediation and support: the future of the Saar. The Saarland had been part of the French Occupation Zone, but France clearly aimed at more: an economic union of the territory with France. At the beginning of 1946 the French sequestered the mines and at the end of the same year drew a customs-frontier between the Saarland and the territory of the Western occupation zones (including their own). In 1947 the Saar Constitution was passed, which was based on the economic association with France and on the Saarland's political independence from Germany.

The Petersberg Accords, signed in November 1949 by the three Allied High Commissioners and Chancellor Adenauer, had envisaged that West Germany should become a member of such international organisations as the Council of Europe. This particular membership, however, was in doubt at the beginning of 1950, because it became known that the Saarland would also apply for membership. The Federal Government had never accepted the existence of the Saarland as a separate state, and membership of both in the Council would have been a tacit acceptance of the status quo.

Robertson, from the very beginning of the argument,

tried to remain aloof, intervening at times as a mediator. From his telegrams to London one can deduce that his sympathies lay with the Federal Government. On 31 January 1950 he wrote:

"Francois-Poncet endeavored, at the Council meeting on 26th January, to persuade us to approach Adenauer with a direct inquiry, whether and when he would be prepared to accede to the Council of Europe. It is clear, that the French tactics were based on the assumption that the German campaign over the Saar could be compared with that over dismantling and that Adenauer would climb down when confronted with a firm attitude. Hays and I refused to be drawn into this..."(62)

In March 1950 the problem came to a head. On 3 March the French and the government of the 'autonomous' Saarland agreed on 12 conventions, which consolidated their economic association by granting a 50 year lease of the Saar mines to France. The German reaction to the Saar Conventions was unanimous outrage. The leader of the SPD opposition, Dr. Kurt Schumacher, exclaimed at a public meeting in Neuss on 4 March: "Die Saar-Konvention ist der groesste Sieg der Sowjetunion und der Nationalisten in Deutschland."(63)

To the enraged public the Federal Republic's membership of the Council of Europe began to appear increasingly less desirable. Robertson was sympathetic to Adenauer's difficult position, who wanted to join the Council of Europe despite public opinion now angered by developments at the Saar:

"I intend to see him (Adenauer) before the debate in the Bundestag on Friday in order to council moderation, advising against an intransigent attitude towards admission to the Council of Europe. I doubt whether my advise will have any immediate effect. (On the other hand I suspect that Adenauer has deliberately planned

his tactics in such a way, that although he will swim with the popular tide at the moment, at a later opportunity of his own choosing, he will shift his position)." (64)

He was even willing to help Adenauer to overcome the complications created by the Saar Conventions. He send a letter, informing the Chancellor about Lord Henderson's speech in the House of Lords, in which it was stated that the final status of the Saar could only be decided by a peace treaty with Germany. Although Adenauer acknowledged the receipt of the British assurances "mit besonderem Dank", they did not go far enough in his opinion and he pressed Robertson for further clarification:

"Ich waere Ihnen zu grossem Dank verpflichtet, wenn Sie die Aufmerksamkeit Ihrer Regierung auf diese nach meiner Ansicht entscheidende Tatsache lenken und eine moeglichst baldige Stellungnahme Ihrer Regierung zu dieser Frage herbeifuehren koennten." (65)

Robertson sent the desired clarification on the same day and Adenauer was clearly much obliged, as he wrote the next day:

"Ich moechte nicht verfehlen, Ihnen zu sagen, dass die Praezisierung des Standpunktes Ihrer Regierung zur Saarfrage, die Sie mir mit diesem Schreiben uebermittelt haben, fuer die Bundesregierung von grossem Wert gewesen ist und mir meine Stellungnahme zum Saarproblem vor dem Bundestag wesentlich erleichtert hat. Ich darf Ihnen daher fuer die Uebermittlung dieses Schreibens meinen aufrichtigen Dank zum Ausdruck bringen." (66)

Adenauer quoted Robertson's clarification in his autobiography:

"Meine Regierung hat in der Erklaerung Lord Hendersons zum Ausdruck gebracht, dass es ausdruecklich festgelegt ist, dass der endgueltige Status der Saar nur durch den Friedensvertrag geregelt werden kann. In diesem Sinne haben die Abkommen nur vorlaeufigen Charakter und gelten nur bis zum Friedensvertrag. ... Es ist ganz sicher, dass meine Regierung diese Auffassung beim Abschluss des Friedensvertrages aufrechterhalten wird." (67)

Although Robertson was highly critical of his colleague, Francois-Poncet's handling of the matter, his sympathies for the German standpoint had clear limits, which reflected the British attitude towards the question of Germany's membership in the Council of Europe and her future in general. This becomes very clear in his telegram of 28 March 1950:

"When my colleagues and I met the Chancellor on 22nd March, Francois-Poncet, on his initiative, clumsily attempted to force the pace and gave the Chancellor the opportunity to try out some pressure on his own account. ... Francois-Poncet's handling of the whole affair has been extremely inept and I was glad to see from your telegrams that his action does not appear to be in accordance with M. Schuman's thinking on the subject." (68)

During this meeting Adenauer and Francois-Poncet had clashed quite vehemently. At the end Robertson summed up the proceedings:

"Der erste klare Schluss, den ich aus der heutigen Unterhaltung ziehe, ist der, dass im Augenblick keine Hoffnung dafuer besteht, dass Deutschland auf Grund einer Abstimmung im Bundestag ein Gesuch um Aufnahme in den Europarat stellt. ... Der zweite Schluss, den ich aus dem heute Gesagten ziehe, ist der, dass der Herr Bundeskanzler der Meinung ist, dass die Lage noch geaendert werden koennte, wenn man irgendwie ein neues Element hereinbringen wuerde. ... Ich glaube aber, dass der Beitritt Deutschlands zum Europarat von allergroesster Bedeutung sowohl fuer Deutschland als auch fuer Europa ist." (69)

The next day the Chancellor addressed a letter to the High Commissioners asking for a written undertaking, that the Allied governments were anxious for German accession to the Council of Europe; that the Saar's membership of the Council would be subject to the peace treaty; and that Germany would become a full member of the Council as soon as possible, with the right meanwhile to send an observer to the Council

of Ministers. Robertson wrote to London: "We were able to agree on a reply satisfactory to him on the first two points, but the third point was, of course, quite out of the question." (70)

Full membership of the Council of Europe would have meant that the Federal Government would be granted the right to handle her foreign affairs, which was still a reserved power of the Allied High Commission. The British Government, for its part, was not willing to make such a concession as the gesture Adenauer had been asking for. It rather saw it as a possible consequence of the Federal Republic's willingness to associate herself with the Council of Europe. This was pointed out to Herbert Blankenhorn, Adenauer's special emissary, by Sir Ivone Kirkpatrick, head of the German Department of the Foreign Office and designate successor of Sir Brian Robertson, when the former visited London in May 1950:

"Wenn ich aber einen Rat entgegennehmen wolle, so sei es der, dass die Entscheidung fuer den Europarat ein Bekenntnis zu Westeuropa bedeute und dass eine solche Haltung zweifellos neue Konzessionen der Alliierten auf den verschiedensten Gebieten mit sich bringen werde. Man duerfe nich den vorsichtigen Hinweis des britischen Aussenminister Bevin ueberhoeren, der sich erst kuerzlich in einer Rede im House of Commons mit dem deutschen Beitritt zum Europarat befasst und die Moeglichkeiten einer Uebertragung der Fuehrung der Aussenpolitik an die Bundesrepublik angedeutet habe."

The same message was repeated by Lord Henderson, Parliamentary Undersecretary for Foreign Affairs:

"Die Frage der vollen Mitgliedschaft Deutschland im Europarat werde in kuerzester Zeit sicher positiv entschieden werden, es sei aber hierzu notwendig, dass die deutsche Regierung einmal vorleiste, damit das

Misstrauen, das sich in letzter Zeit angesammelt habe, beseitigt werde." (71)

In the end, Adenauer got his gesture, which enabled him to lead the Federal Republic into the Council of Europe, not from the British tough, but from the French in form of the Schuman Plan, the proposal to integrate French and German heavy industry. Robertson's comment on the Schuman Plan was:

"The net effect on German opinion has been good, though the strong limelight projected on France has for the presence put our own wishes about the future of Germany somewhat in the shade." (72)

The Schuman Plan marks the beginning of a period when the initiative in European affairs, publicly at least, passed from the British to the French, only to be regained in 1954, after the collapse of the French plan for a European army. General Robertson did not hold the office of British High Commissioner long enough to see matters through: for example, his commitment to Law 75, the reorganisation of the coal, iron and steel industries, had an unsuccessful sequel -- unsuccessful from the British perspective; the Berlin and the Saar problem were also to haunt the Allied German relations throughout the existence of the High Commission.

Sir Brian Robertson, however, laid the foundations for the future relations between Great Britain and the Federal Republic of Germany. He held very strong views about the future of Germany and was not afraid to challenge policies developed by the Foreign Office and was able to influence them. The most important example for this were his comments on the paper prepared by the Permanent Under-Secretary's Committee on "The Future of Germany": after having apolo-

gised for seeming "impertinently critical towards the able and experienced body of men who have written the paper", he explained that "it is probably because I have been brought up in the military profession that I find this statement of our problem so contrary to my philosophy." His two main criticisms of the paper were that it did not state with "unequivocal clarity" that Britain supported Germany's desire to be re-unified:

"We should not wait for the Russians to propose it because they will choose a time which suits themselves and not us; they will get all the credit, among the Germans, for having made the proposal and they will thereby gain a vital advantage in the inevitable tug-of-war between the East and the West for possession of the soul of the re-united Germany.
My second point of difference is that I do not believe in the conception of a re-united Germany held disarmed, even after the conclusion of a Peace Treaty, under the supervision of quadripartite missions is a misconception." (73)

It was due to the high respect in which Robertson was held within the Foreign Office and especially by the Foreign Secretary that his observations on such a documents were sought and that they had an actual impact on the development of the British policy towards Germany. This is why his call for a "re-united" and "re-armed" Germany, which should be firmly "integrated into the Western Association of nations" on the basis of an "equal partnership", is a not only prophetic but also significant legacy.

Taking up the colonial frame of reference from the beginning again, General Robertson indeed set in motion the "decolonisation" of Germany as, in the words of his biographer Charles Richardson, the "liberal and sympathetic 'vice-

roy' intent on guiding the social and democratic advancement of a future ally." Stewart Easton, in his book The Twilight of European Colonialism, wrote:

"The master idea of the British has been to accustom the dependent peoples to working the institutions of democratic self-government before being considered ready for a further installment. Thus these peoples are constantly on their good behavior, as it were with the mother country watching, ready to hand out rewards for the deserving." (74)

There are amazing similarities to the British attitude towards Germany under occupation. One only has to recall as an example Sir Ivone Kirkpatrick's remarks to Herbert Blankenhorn. Easton also quotes the 1948 White Paper:

"The central purpose of the British colonial policy is simple. It is to guide the colonial territories to responsible self-government within the Commonwealth in conditions that ensure to the people concerned both a fair standard of living and freedom from oppression in any quarter." (75)

These could equally have been the instructions issued to the British High Commissioner in Germany: guide the Germans to responsible self-government; work towards the integration of the Federal Republic into the Western world, which became acute during Sir Ivone Kirkpatrick's period as British High Commissioner and the discussions about the Federal Republic's integration into the Western defence system; the concern for a fair standard of living and freedom from oppression mirrors Sir Brian Robertson's economic initiatives and the continuous struggle of all High Commissioners against communist interference in Berlin and the Federal Republic. Parallels to the British decolonisation policy are therefore numerous.

It seems, however, a rather patronising and condescending attitude. One has to put it in perspective: the Britain was not able to play the part of the colonial "mother country" to the full for three reasons: she was joint sovereign together with the United States and France and their general relations and developments of other common interests influenced their co-operation in Germany; world developments and especially relations with the Soviet Union dictated changes of attitudes towards Germany which Britain might otherwise not have made, or at least not so soon; and thirdly, the first German Chancellor, Dr. Konrad Adenauer, being a shrewd political manipulator and cunning negotiator, was increasingly able to speed up the "decolonisation" of the Federal Republic and did not just sit back and gratefully receive devolved powers as a gift from the "colonial sovereign". This attitude of a colonial power, which the British adopted at the beginning of the occupation of Germany and still maintained in the first year of the High Commission, was about to change. The new form of relations between the Western Allies and the Federal Republic, however, could no longer be imposed, but was going to be the result of negotiations. This is why the second British High Commissioner is given the epithet "The Negotiator".

FOOTNOTES

Sir Brian Robertson

(1) Oral History Interview with General Lord Robertson of Oakridge, conducted by Theodore A. Wilson in 1970 for the Harry S. Truman Library, p.5
all future references to this interview will be made under the abbreviation "Robertson" and the pagenumber

(2) PRO, FO 1005/1103

(3) Bullock, Alan, Ernest Bevin, Foreign Secretary 1949-1951, p.699

(4) PRO, FO 800/467/399

(5) Robertson, p.6f

(6) Robertson, p.2f

(7) Robertson, p.5

(8) PRO, FO 371/70716

(9) Lord Blake & Nicholls, C.S., The Dictionary of National Biography 1971-1980,

(10) The representative of the Crown in India until independence was called a viceroy. The analogy can be rather confusing, because after independence the representative of Britain in India (and in any other former colony and vice versa) is called a High Commissioner, but has only the functions of an ambassador.

(11) Ruhm von Oppen, Documents on Germany under Occupation, p.375ff

(12) Booms, Hans ed., Kabinettsprotokolle der Bundesregierung, Band 1: 1949, p.102

(13) PRO, FO 1005/1103

(14) Ruhm von Oppen, Documents on Germany under Occupation, p.400

(15) Plischke, Elmer, History of the Allied High Commission for Germany, p.64f

(16) Ruhm von Oppen, Documents on Germany under Occupation, p.376

(17) Ruhm von Oppen, Documents on Germany under Occupation, p.404

(18) Plischke, Elmer, History of the Allied High Commission for Germany, p.35

(19) PRO, FO 1005/1111 HICOM/P(50)33

(20) PRO, FO 1005/1102 10th meeting, 15 December 1949

(21) PRO, FO 1005/1102

(22) PRO, FO 371/85694/C1697

(23) PRO, FO 800/467/Ger(50)8

(24) Oral History Interview with Sir Frank Roberts, conducted on 24 August 1988

(25) Hymans, H.H.E., Anglo-American Policies in the Occupied Germany 1945-1952, p.256

(26) PRO, FO 371/76652/C7509

(27) PRO, FO 371/76972/CE 4608

(28) PRO, FO 371/76652/C7509

(29) PRO, FO 371/76652/C8247

(30) Bullock, Alan, Ernest Bevin, Foreign Secretary 1949-1951, p.719

(31) Lademacher, Horst & Muehlhausen, Walther, Sicherheit Kontrolle Souveraenitaet, p.312

(32) Adenauer, Konrad, Erinnerungen 1945-1953, p.255

(33) Adenauer, Konrad, Erinnerungen 1945-1953, p.256f

(34) Lademacher, Horst & Muehlhausen, Walther, Sicherheit Kontrolle Souveraenitaet, p.313

(35) Schwarz, Hans-Peter, Die Aera Adenauer, p.76f
This quotation is the basis for the decision to give the chapter on Sir Ivone Kirkpatrick the subtitle "The Negotiator"

(36) Plischke, Elmer, History of the Allied High Commission for Germany, p.55

(37) Plischke, ibid, p.56

(38) PRO, FO 1005/1102 10th meeting, 15 December 1949

(39) PRO, FO 1023/17

(40) PRO, FO 20th meeting, 17 March 1950

(41) PRO, FO 371/76652/C 8247

(42) PRO, FO 1005/1104 27th meeting, 4 May 1950

(43) PRO, FO 1005/1104 31st meeting, 22 June 1950

(44) Robertson, p.11

(45) PRO, FO 1023/17 1st meeting, 21 September 1949

(46) Schwarz, Hans-Peter, Die Aera Adenauer, p.440

(47) PRO, FO 371/76652/C 7509

(48) PRO, FO 371/76652/C 7854

(49) PRO, FO 1005/1102 informal meeting, 10 October 1949

(50) Schwarz, Hans-Peter, Die Aera Adenauer, p.441f

(51) Basic Law of the Federal Republic of Germany,
Translation published by the Press and Information Office of
the Federal Government, Bonn, printed in 1987

(52) Schwarz, Hans-Peter, Die Aera Adenauer, p.444

(53) PRO, FO 371/76652/C 8093

(54) Booms, Hans, Kabinettsprotokolle der Bundesregierung,
Band 1: 1949, p.119

(55) Schwarz, Hans-Peter, Die Aera Adenauer, p.449

(56) PRO, FO 371/76652/C 8247

(57) PRO, FO 1005/1102 8th meeting, 1 December 1949

(58) PRO, FO 1005/1109/HICOM/P(49)52

(59) PRO, FO 371/85086

(60) Heidelmeyer, Wolfgang & Hindrichs, Guenther, Documents
on Berlin 1943-1963, p.117ff

(61) PRO, FO 1005/1102 14th meeting, 26 January 1950

(62) PRO, FO 371/85085/C834

- (63) Mensing, p.175f
- (64) PRO, FO 371/85085/C1738
- (65) Mensing, p.177
- (66) Mensing, p.178
- (67) Adenauer, Konrad, Erinnerungen 1945-1953, p.313
- (68) PRO, FO 371/85085/C2228
- (69) Schwarz, Hans-Peter, Die Aera Adenauer, p.171
- (70) PRO, FO 371/85085/C2228
- (71) Blankenhorn, Herbert, Verstaendnis und Verstaendigung, p.98f
- (72) PRO, FO 371/85085/C3356
- (73) PRO, FO 1030/253
- (74) Easton, Stewart, The Twilight of European Colonialism, p.23
- (75) Easton, ibid., p.31

SIR IVONE A. KIRKPATRICK

THE NEGOTIATOR

Sir Ivone Kirkpatrick was the longest serving of the three British High Commissioners; he also held the position during the central period of transition, namely from June 1950 to September 1953: he was British High Commissioner, when the Occupation Statute was revised in March 1951 and the Federal Republic regained control over a large part of her foreign and internal affairs; and it was he, who negotiated her rearmament and almost complete sovereignty in May 1952. If Robertson exercised the supreme authority of the Western Allies in Germany, Kirkpatrick negotiated it away. He therefore can justly be given the epithet "The Negotiator".

A description of Kirkpatrick's character, which fully supports this claim, is given by Herbert Blankenhorn, the Federal Chancellor's liaison officer to the Allied High Commission and later head of the political section of the German Foreign Office, in an entry in his diary on 14 August 1953: Kirkpatrick possesses one quality in particular, writes Blankenhorn, which is crucial in a diplomatic life: to distinguish the essential from the non-essential and to recognise quickly the weak points of proceedings, negotiations or discussions and to draw from them the necessary and for British policy most advantageous conclusions. In

negotiations he aims for extreme clarity and is never at a loss for a compromise solution, when the other negotiating parties have reached deadlock. How many times, exclaims Blankenhorn, has he proven this in the negotiations leading up to the Contractual Agreements. Blankenhorn goes on to describe the mask of a lethargic, tired man, behind which hides an extremely keen observer, and he highlights Kirkpatrick's sense of humour and his courage in defending his opinions, even when they were unpopular (1).

Blankenhorn's last observation is very accurate, especially in light of certain proposals, which Kirkpatrick made during his time in Germany and which were progressive in contrast to Foreign Office thinking and therefore not always popular or successful: for example his proposals on the future of Heligoland were put into effect, while he was only partially successful with respect to the Saar, and his differences with Whitehall over the treatment of German war criminals pushed him to the verge of resignation. Kirkpatrick dared to think ahead, for example on the rearmament of the Federal Republic and her integration into NATO, and to argue his case vigorously, pushing the Foreign Office to adopt his line of thinking.

Sometimes his personality might have hindered the success of his proposals: his Foreign Office colleagues described him as highly intelligent, but rather waspish, and some resented him for his at times high handed approach. On the other hand Kirkpatrick was much more powerful, than

any other British representative abroad: his staff at the beginning of his tenure numbered 6000 British officials and even more German auxiliaries; he also had unparalleled freedom and room for manoeuvre which he hinted at in his autobiography: "Of course in the exercise of these supreme powers the High Commissioners were controlled and fortified by their Governments. But the departments at home could only follow events in a general way and Ministers could not be expected to acquaint themselves with all the problems arising from the administration of Germany" (2).

Kirkpatrick's ability to influence the shaping of British policy towards Germany also depended his rapport with the Foreign Secretary: he was sent to Germany by Ernest Bevin, with whom he got on well and who he admired greatly. Bevin's successor, Herbert Morrison, resented the collegiality which had existed between Bevin and his staff and Kirkpatrick was one of "Bevin's men". He nevertheless praised Kirkpatrick and expressed total confidence in the High Commissioner, when he visited Germany in Spring 1951. Morrison's term as Foreign Secretary was a short one, however, as Labour lost the 1951 election and Sir Anthony Eden became Foreign Secretary. Eden had the highest regard for Kirkpatrick whom he recalled from Germany to become Permanent Under-Secretary of State of the Foreign Office. In his autobiography Eden praised "the high quality of Foreign Office leadership under Sir Ivone Kirkpatrick" (3) and it is reasonable to assume that the high respect which the Foreign Secretary held for Kirkpatrick, was formed or at least

corroborated by their co-operation during the latter's term as British High Commissioner in Germany. However, Eden's praise for Kirkpatrick was mainly influenced by the fact that the latter was one of the few Foreign Office officials who shared his attitude to Colonel Nasser and the Suez Crisis.

Sir Ivone Kirkpatrick's opinion and attitude towards Germany and the Germans changed during his tenure as High Commissioner and it is therefore essential to describe his initial opinion in these introductory paragraphs, while the change will become apparent in the course of this chapter as a whole. In November 1948 he wrote a minute for the Foreign Secretary, which Bevin considered to be a "thoughtful contribution" to the appreciation of the whole scene. In it Kirkpatrick wrote that Germany again could become "a mortal peril" if she joined the Soviet bloc:

"In order therefore to achieve security versus Germany, the first, and indeed the only aim must be to prevent her joining the Soviet bloc. How is this aim to be achieved? Certainly not by running after the Germans and telling them that their accession to Western Union is essential to us. The Germans are the best chisellers in Europe and such an approach would only excite them to play off the East against the West. ... The most promising course is to take advantage of the present day desire in Germany to be received back into decent society. ... If we can play upon this foible, we can bamboozle the Germans by roping them in and eventually making them so dependent economically, politically and militarily on the Western world that they cannot afford to break away and join the East. ... under the cloak of equal rights for Germany, we should in fact achieve complete control ... But we should not wait until the admission ceases to be a favour and we find ourselves dealing with Germans whose policy will be governed by the conviction that Germany is in a position to confer a favour upon us." (4)

In contrast to Robertson, who had come to Germany untainted by such unhappy memories, Kirkpatrick had spent almost his entire career dealing with German affairs. As a child he had spent the summer holidays in the Black Forest and had learned to speak German fluently. During the First World War, at the age of twenty, he was sent to Holland to head an intelligence gathering operation. The most important and detrimental experience, however, came when the Foreign Office transferred him to Berlin in August 1933, where he acted as Charge d' Affaires in 1936, 1937 and 1938. Before 1933 he had spent three years in Rome at the Holy See and had watched Mussolini rise in power. When he came to Berlin, Hitler's "Machtergreifung" had just taken place. For six years he observed the building of the Nazi state and its expansionist tendencies. He had first hand experience of the deteriorating German-British relations and rejected the British policy of appeasement, although he was not in a position successfully to oppose it. He left Berlin on 15 December 1939, after Great Britain had declared war on Germany because of the German invasion of Poland. All these experiences had turned Kirkpatrick into a man, whom his colleague John Coleville described in his diary entry of 31 October 1939 as "fanatically anti-German" (5).

During the war Kirkpatrick was seconded to the British Broadcasting Corporation to take charge of propaganda against Germany. When the tide of war started to turn in the Allies' favour the Control Commission for Germany was fou-

nded to prepare for the administration of the country after her anticipated defeat. Kirkpatrick became Deputy Commissioner (Civil) in the British Element in September 1944. In August 1945 he returned to the Foreign Office and in February 1949 was appointed Permanent Under-Secretary of State (German Section). He therefore wrote the above quoted minute shortly before his appointment to head of the German Section; one can only assume that the stand he took in it was at least one of the reasons for his appointment, as it equalled Bevin's general dislike and mistrust for the Germans after the war. Both men, however, were forced by the turn of events to adopt a more mellow and liberal approach towards Germany, though it seems from the tone of correspondence between Kirkpatrick and Robertson that the former did so rather grudgingly:

"A liberal policy," Kirkpatrick told Robertson in a letter on 31 August 1949, "can only be adopted and put into effect if public opinion is satisfied that the Germans can be trusted not to abuse our liberalism. . . . My second conclusion is that it would be very helpful to our cause if we could find some excuse for jumping on the first Nazis and rabid nationalists who raise their heads. Germans are impressed by strong action. If, however, they find that they can commit a political misdemeanour with impunity their success not only goes to their heads and they become more and more difficult to control but they attract followers" (6). On 8 September he wrote: "I was very glad to note from the press and your telegrams that you had taken such effective action about the press law. This is the sort of action that impresses the bad Germans and encourages the relatively few good ones" (7).

It will become clear in the course of this chapter that Kirkpatrick's attitude towards Germany changed considerably when he went to Germany as Robertson's successor in the

position of British High Commissioner. One reason for this change of heart must be seen in Kirkpatrick's rapport with the German Federal Chancellor Adenauer. In his autobiography, Kirkpatrick described Adenauer as a "remarkable figure ... a man guided by principle ... a redoubtable but charming adversary ... rational man"; but he also added that "indeed there are few more cunning manipulators of men and situations than Dr. Adenauer" (8). Especially in that last characteristic Kirkpatrick might have recognised something of himself. It is clear that the rapport between the two men depended on their similarities: both were Catholics, both had similar characteristics, both were shrewd negotiators.

In the course of the chapter it will become clear that many of Kirkpatrick's most pro-German proposals were in fact made with Adenauer's interests in mind: for example his move to return Heligoland, which had been a RAF bombing range since the war, to its former German inhabitants, were designed to support the Chancellor; the German public was to be convinced that Adenauer's leanings towards the West were beneficial for Germany. Kirkpatrick did not prop up Adenauer because of any personal likes. The Chancellor's political survival was essential for the success of the British policy to tie Germany firmly to the West. Kirkpatrick clearly stated that in a secret telegram on 22 November 1950: "There is no doubt that Adenauer with all his defects is more likely than any other German politician to take a large view of current problems and to carry through a western policy in Germany. Consequently we have an interest in sustaining him

by demonstrating, so far as we are able, that his Western policy is in fact bringing concrete advantages to Germany" (9). One week later he wrote: "Adenauer is probably the best chancellor we can get" (10). This was not a common British view of Adenauer, then or later.

When Adenauer was elected in September 1949 Kirkpatrick had been anything but enthusiastic: "He is not the man we should have chosen, but he is the elected choice and we shall have to work with him" (11), he told the Prime Minister. The fact that by November of the next year he had changed his mind so drastically, points to the fact that Kirkpatrick might have been swayed by the Chancellor's personality to a certain degree afterall, as they were in constant personal contact with each other from June 1950 onwards.

Kirkpatrick's support for Adenauer's policies, however, only went as far as they were in accordance with British interests. It was in Britain's interest to foster European integration and to champion the Federal Republic's participation in it, but Adenauer's pleas for Britain to join this integrated Europe fell on deaf ears. During talks with Churchill in London in December 1951 Adenauer expressed his hopes most clearly: Great Britain must be more than a good neighbour. Churchill replied that Britain sincerely desired to see the constitution of a European Army and that Britain would stand at the side of such an army. At the same time he must make it clear that although Britain was in favour of

this European Movement, she was not an integral part of it since she was an island. Adenauer interjected that nevertheless Mr. Churchill was the father of the European Movement. The Prime Minister explained that the reason he had sponsored this idea was that he desired to create a firm Franco-German friendship in which Britain could extend a helping hand by preserving a balance in Europe(12).

According to Adenauer's auto biography Churchill had illustrated this point at a dinner party by drawing three intersecting circles on his place-card, one representing the United States, one the Commonwealth and one Europe. The Prime Minister explained to Adenauer that Great Britain was the intersection of these three circles, being a part of but not exclusively belonging to each.

Britain's aloofness was personified by Kirkpatrick. He wanted to integrate the Federal Republic into the West and in order to achieve this it was paramount to lay to rest once and for all the Franco-German "Erbfeindschaft". One of his main task was therefore to mediate between the French and the Germans, whether on the personal or at the state level. Two examples: on 17 October 1950 Kirkpatrick wrote in his weekly personal report to the Secretary of State that the Chancellor had "expressed misgivings about the future of France whom he described as 'sick to death'. He hinted cautiously that we might have to organise Western defence without France or at least without relying on the French army. I depreiated this line of thought and said that the French troops might work as well as all troops if they were

properly led. The Chancellor also said that he had reluctantly come to the conclusion that Francois-Poncet was out to ruin Franco-German understanding. He was beginning to think that all his attempts to achieve a rapprochement were doomed to failure. I told him that on the first point he was wrong in fact and on the second unduly pessimistic. The fact is that Dr. Adenauer and Francois-Poncet have conceived a violent dislike for one another" (13).

The second example of Kirkpatrick's desire to foster Franco-German rapprochement was his bold attempt to persuade the Foreign Office to urge the French Government to come to an agreement with the Federal Republic over the Saar. On 8 June 1951 he wrote:

"I submit therefore that the time has come for His Majesty's Government, in conjunction if possible with the United States Government, to consider giving friendly advice to the French about the course that events in the Saar territory are taking. We should not hesitate to let the French know that we view with increasing concern the growth of the Saar issue to the status of a problem calculated to prevent the attachment of Germany to the West and to undermine the policy to which the three governments are committed in Western Europe. If this policy is to be successful the causes of tension between France and Germany must be removed, and the greatest single issue between the two countries is the attempt to develop and maintain the political separation of the Saar from Germany" (14).

Kirkpatrick's change of attitude towards the Germans was a gradual progress and not so much a change of heart as it was in response to changed circumstances: one day after he arrived in Germany as the new British High Commissioner the Korean War broke out and it became the general belief that this was only the prelude to a third World War. Germany,

which displayed frightening similarities to the divided Korea, was bound to be the first area of conflict in Europe and, more importantly, could provide the *casus belli* for a general war.

The following chapter will discuss the British policy on a German contribution to Western defence. Kirkpatrick's negotiating skills were required in three different areas: firstly, he influenced the development of the policy of his own government; secondly, he was involved in the formulation of a common Allied policy, both at the governmental level and on the High Commission; and thirdly, he had to convince the Germans to go along with the Allied decisions. Kirkpatrick's involvement on these three levels is a theme which will run through the whole chapter. It will try to prove his considerable influence on the decision whether and in what form the Germans should contribute to Western defence. This decision was fundamental to the Western Allies's policy towards Germany from the beginning of Kirkpatrick's tenure until the end of the Allied High Commission in Germany.

The third chapter will discuss the revision of the Occupation Statute. It will provide a unique insight, from the viewpoint of the British element, into the working of the Allied High Commission. This part of the chapter will prove that the British tended to interpret the Occupation Statute in a much more liberal way and were willing to go further in its revision than their American or French col-

leagues.

In the fourth chapter of this part the most important development of Kirkpatrick's tenure will be recounted: the negotiations leading up to the contractual agreements between the Western Allies and the Federal Republic of Germany. Considering the magnitude and significance of these agreements and Kirkpatrick's considerable influence on and role in their formation, this part of the chapter will justify his epithet "The Negotiator".

The last chapter will describe briefly the major developments between the signing of the contractual agreements and Kirkpatrick's departure from Germany: the beginning of the long and protracted process of ratification, the Soviet initiative of 1952 and the Naumann case. It will also try to give a concluding assessment of Kirkpatrick's record as British High Commissioner in Germany.

A GERMAN CONTRIBUTION TO WESTERN DEFENCE

The British Chiefs of Staff had started discussing a possible German contribution to the defence of Western Europe as early as 1944. The Western Union staff discussions on the defence of Europe had arrived very early, i.e. in July 1948, at the realisation that Europe should be defended as far east of the Rhine as possible and that could not be done without either German or American troops -- preferably with both. These discussions took on a new urgency in August 1949, when the Soviets exploded their first atomic bomb. There was also the growing threat of the East German People's Police, which was being equipped to undertake military operations, although it was ostensibly intended for internal security purposes. The question arose, whether a strong gendarmerie should be built up in West Germany to form a counter balance to the East German People's Police.

On 25 April 1950 Kirkpatrick wrote to Bevin: "Though the arguments in favour of the eventual establishment of a gendarmerie are strong, I had hoped that the problem need not arise at the moment. However, the Chiefs of Staff, who have been examining the question in the wide context of the defence of Western Germany, have now recorded the emphatic view that the establishment of a gendarmerie in Western Germany 'should be undertaken as a matter of urgency.'" As

the head of the German Department of the Foreign Office he prepared for the Secretary of State a brief for the forthcoming ministerial meeting in London in May. The brief recommended that "a) the three Foreign Ministers should decide in principle that if the Federal Republic applies for leave to form a Federal Gendarmerie they will not oppose it. b) the initiative in proposing the formation of such a body should be left to the Germans and the decision at a) should be kept secret." (15) In his accompanying note Kirkpatrick pointed out that "as you know the German Federal Chancellor has for some time been complaining that we have left him in the dark about our plans for the defence of Germany. General Robertson has recommended that if at all possible he should be given authority to discuss this matter with Dr. Adenauer." Although Bevin agreed with the general conclusions of the brief, he did not want the High Commissioner to take any further action before he had had his discussions with Mr. Acheson and M. Schuman (16).

Four days later, on 29 April, General Robertson reported in a top secret telegram that "the Chancellor presented us with a written proposal for the authorisation of a Federal Police Force 25000 strong as a general reserve for the enforcement of the will of the Federal Government and as a local police for the Federal Capital." (17) On 4 May cabled to London that the Chancellor's proposal had been the topic of discussion at a private meeting of the three High Commissioners; both McCloy and Francois-Poncet "discussed this proposal in a realistic manner and recognised the inevitabi-

lity and indeed the desirability of the creation of such a force. However, they laid great stress on the need for very careful handling of this issue. ... As you know, I am in favour of the acceptance of the Chancellor's request in full." (18)

One explanation for Sir Brian's support for the German request of a Federal Police Force might be that he was involved in shaping this idea. The German Chancellor at that time was officially advised on security matters by Gehard Detloff Graf von Schwerin (19). Schwerin had been recommended to Adenauer by Sir Brian Robertson. In April he had travelled to London and had had conversations with the Chiefs of Staff and Sir Ivone Kirkpatrick. Sir Ivone later vigorously denied that it had been anything but a "courtesy call" and that "neither remilitarisation nor the creation of a Federal Police Force were discussed" (20). It is a fact, however, that the German request, formulated in consultation with Schwerin after his return from London, corresponded closely with the opinion of the British Chiefs of Staff at that time.

On 11 May the three High Commissioners agreed on the formation of a Federal Police Force: the French pointed out that his Foreign Minister was prepared to accept the formation of a force not exceeding 5000 but that he would not agree to any larger force. The American High Commissioner supported the French position. General Robertson added in his letter to Sir Ivone Kirkpatrick: "Under the circumstan-

ces it seemed to me to be better to take what we can for the moment. I hope that the Chiefs of Staff will feel comforted by the instructions to the High Commissioners to study this matter further as obviously the result of this examination would only be to recommend an increase in the size of the force." (21) On 15 June the Council of Allied High Commission decided to set up a committee to study the matter further and to produce recommendations to be considered by the three governments.

In a top secret letter to Bevin on 4 July 1950 the outgoing High Commissioner Sir Brian Robertson put his full weight behind the argument in favour of German rearmament:

"It is this danger of Soviet aggression which, in my opinion, presents the allied statesmen with their biggest problem so far as Germany is concerned. The British Chiefs of Staff have recorded their opinion that Western Europe cannot be defended without the inclusion of Western Germany in the defensive arrangements. That is no more than a statement of the mathematically obvious. ... My strong recommendation is that this matter of German re-armament should be faced at once and that those questions of "when" and "how" should be submitted forthwith to careful technical study. ... Such a difficult question as the above will obviously require very delicate handling and the closest co-operation with our Allies. I think that the Allied High Commission can be a helpful element in this discussion. My colleagues are broadminded, sensible men and I have no doubt that my successor will get on with them very easily. ..." (22)

Sir Brian was the most outspoken supporter of the German request for a large gendarmerie, but then he considered the question from a military standpoint. He was first and foremost a soldier, while his two High Commissioner colleagues were both civilians. His successor, Sir Ivone Kirkpatrick, was a diplomat and therefore considered the question from a

political, a diplomatic viewpoint. He clearly saw the difficulties which the rearming of the former enemy would raise at home and with Britain's allies. He was therefore a more reluctant supporter of the idea of gendarmerie, but his support was still more forthcoming than that of the Americans and the French.

When Kirkpatrick arrived in Germany as the new British High Commissioner on 24 June, the opposing positions had hardened on the question of a Federal Police Force. Francois-Poncet had been issued new instructions on the subject, of which the Foreign Office had been informed by the French Embassy in London: "The French line is to take up the various reasons in favour of such a force which Adenauer has advanced at one time or another and to demonstrate how adequately the various requirements and deficiencies which he cites can be met by methods other than the creation of a Federal Police, a step to which the French Government remains firmly opposed. ... it is unlikely that French opposition will be overcome and progress made without direct ministerial intervention." (23) The Americans were equally reluctant to support the idea. On 30 June Sir Ivone wrote in a letter to Sir Donald St.Clair Gainer:

"McCloy said that the State Department had been somewhat excited at reports that we intended to press for the immediate reconstitution of a German Army. He said that in his view a decision on the Police Force must depend largely on whether it was regarded as a first step in the reconstitution of a German Army or whether it was advocated entirely on its merits. I told him that the State Department could sleep quite easily in their beds. Neither our Chiefs of Staff nor anyone in the Foreign Office, and still less no-one in the Bri-

tish Government, advocated the rearmament of Germany, although I must in all frankness tell him that our military view was to the effect that Western Europe could not be effectively defended without a German contribution. Nevertheless it was recognised on all sides that German rearmament now was not practical politics. Consequently the establishment of a German Federal Police must be considered entirely on its merits without relation to German rearmament;" (24)

One day later Kirkpatrick complained to Gainer: "We are doing our best to fulfil the wishes of the Chiefs of Staff and to secure tripartite agreement to the immediate establishment of a Federal Police Force. But, as you will have gathered from the telegram I am sending you today about the proceedings in the Special Committee and from previous correspondence, our efforts are being disastrously handicapped by the circumstances that we are getting no support from the American. Indeed, it seems that the US High Commissioner has instructions virtually to block our proposal." (25)

On 25 June 1950 North Korean troops crossed the 38th parallel and invaded South Korea. The parallels between Korea and Germany were not lost on the people and the government of the Federal Republic: a divided country, the build up of a military force in the communist half capable of aggression against the other half. "It was felt," Kirkpatrick wrote in his autobiography "that the Korean War was only a curtain-raiser to a Russian sponsored war of unification in Germany" (26). The presence of the Allied occupation troops in the Federal Republic seemed little reassuring, especially in light of the initial inability of the American troops, brought in from Japan, to stop the North Korean advances. The tentative optimism which had

existed in the Federal Republic at the beginning of 1950, because of the visible improvement in the economy, the end of rationing and the announcement of the Schuman Plan, had quickly disappeared in the light of events in Korea. There was a definite wave of panic and some Germans started to hoard food, make preparations to flee or sought ways to re-insure themselves with the Communists. Though this phenomenon had already been evident in the Spring of 1950, the outbreak of the Korean war let it take on much more serious proportions.

On 11 July Adenauer came to see Kirkpatrick and implored him to take decisive actions to build up morale in the Federal Republic. The Chancellor was deeply upset after receiving gloomy reports about the situation from Count Schwerin, who told Adenauer that the West had no defence in Europe against the East and seemed to be taking no serious steps to organise one. Indeed, only 4 Anglo-American divisions and practically no air-force stood between the Channel and the 22 Soviet divisions stationed in the Soviet occupation zone of Germany. There was no promise of a continuation of the American presence in Germany ad infinitum. France was politically and militarily weak and it would take some time to rearm it sufficiently. Britain had huge economic problems which would make it difficult to find the necessary resources for the defence of West Germany.

Kirkpatrick reported his conversation with the Chancellor on 11 July to Sir Donald St.Clair Gainer in a four page

top secret personal letter. He wrote: "The Chancellor then reverted to what he described as the short term problem, and said that the Korean incident had only brought into relief a situation which must already have been clear to all of us. It could not be denied that we were living on a volcano. But had the Western Powers thought out all the short term possibilities? For example, had we considered what we should do if the Russians played the Korean game in Berlin and employed the Volkspolizei to attack the western garrisons in the Western Sectors? In this connection he drew my attention to a statement by Stalin to the effect that a war for the unification of a country was not a war of aggression" (27). Kirkpatrick promised at the end of the letter to send his personal comments on the conversation and the general situation. On 15 July he sent three top secret telegrams to London: in the first he described the Council meeting on 13 July, during which his conversation with the Chancellor had been discussed. Both his colleagues had "expressed the view that we should have bad news from Korea and that we must expect the western Germans to become shaky in their allegiance to the West. Both thought a Russian coup in Berlin or an attack on the West might come sooner than anyone expected, even this year" (28). In the second he outlined his views on what to do:

"The Korean war has brought the defencelessness of Germany to the notice of the Federal Government and the Western Germans. They are aware that at present we cannot protect them or indeed western Europe from a Russian attack.

The Western Germans look to us to take urgent action to improve our military position. Failing any evidence

of our resolve there will be an increasing tendency to compound with the Russians while there is time. On the other hand their sympathy is with the West and it should not be impossible to hold the position despite reverses in Korea if we can show the Federal Government that we are tackling the Russian menace in a business-like and resolute manner. They realise that we cannot do everything in a day but would like to see a beginning made, at all events with some of the short-term problems in Germany. Those specifically mentioned to me by the Chancellor were the creation of a federal police, the improvement of the dienst-gruppen and preparations to deal with refugees. If we cannot cope with these problems, the solution of which lies within our power, the Germans will conclude that we do not mean business and are unlikely to face the much more difficult problem of western defence. Once the Germans reach this conclusion their morale will collapse and with it our German policy.

Accordingly I recommend that we should lose no time in tackling these short term problems and that we should do so in consultation and cooperation with the Chancellor." (29)

In his third telegram he dealt with the threat to Berlin which Adenauer had used as an example to illustrate the general threat to Germany. Kirkpatrick reiterated his opinion that "our whole German policy is based on the supposition that we shall eventually be able to build up a position of strength in the West. But the Chiefs of Staff tell us that in fact we cannot do this without German participation. On these grounds I advocate making a beginning now with the police and the dienst-gruppen. This procedure would have the following advantages. We should not be remilitarising Germany. We should be more likely to enlist full German cooperation than if we came up with a proposal for German militarisation which would arouse opposition in many quarters and would compel others to pose unacceptable conditions. It would be a relatively small and unobtrusive operation least calculated to alarm the Russians. We should have a basis on

which to build if we so decided." (30)

From then on Kirkpatrick was involved with the question of the defence of Western Germany on three levels: in Germany he was negotiating with his colleagues to come to a joint recommendation to their governments on the Federal Police question and sounding out the feelings of the German government and opposition on the question of defence; at the same time he was involved in the policy making process in London, where Bevin was reconsidering revision of his policy for the defence of Western Europe. Kirkpatrick received instructions from Gainer: "If the police question comes up in the High Commission in the near future you should base yourself on Adenauer's original letter of 28th April, on what passed at the meeting of Ministers, and on Mr. McCloy's statement to the Chancellor to the effect that the three Foreign Ministers had agreed that a good base for the formation of a Federal Police Force could be established. ... If there seems to be a likelihood of discussion of this question in the High Commission resulting in a decision to organise the police force on the unsatisfactory basis proposed by the French, it might be to our interest that discussion should be deferred for the present" (31). This met completely with Kirkpatrick's assessment of how far he could go in the negotiations with his High Commissioner colleagues: "As regards the federal police I would not object to beginning on a Land basis in order to satisfy the French, provided there is sufficient central control of training, estab-

lishments etc. to make the force effective. If we insist on a manifestly ineffective force we shall not only waste money and effort, but create in the German mind the impression that we are frivolous" (32).

The negotiations turned out to be protracted and complicated. It took the three High Commissioners three months to come up with a joint answer to Adenauer's proposal, which he had tabled on 28 April. The French were taken aback at any mention of what the British deemed as the essential elements of central control. Finally, on the evening of 27 July, it was decided that any delay of the answer to the Chancellor would be damaging to German morale and a letter, in which substantial changes had been made to accomodate the French qualms, was dispatched inviting the Federal Government to submit proposals for such a force. McCloy and Kirkpatrick, however, did not fail to warn their French counterpart that they would insist on the acceptance of any reasonable German proposal, as it was of paramount importance to secure an effective force. Kirkpatrick wrote in his telegram to the Foreign Office: "One encouraging feature in the conversation was the startling evolution in McCloy's attitude. I was not surprised that Hays should be strongly for a large and efficient force but McCloy was just as strong. He said opinion in America would regard our present proposals as inadequate. As against this, although I believe Berard to be genuine, I am doubtful whether his government means business and we may have to take a very firm line if this police force is to be effective. I would

greatly welcome it if you would cause the French Ambassador to be made aware of our doubts in regard to the French attitude" (33).

French apprehension, however, was only one of the obstacles to overcome on the way to a Federal Police Force. The fact that the Allies had agreed that the Force should be organised on a Land basis meant that the Federal Government was faced with negotiations with the Laender governments over the central control of the force. As Kirkpatrick pointed out in his report on the first Allied-German negotiation: "it was evident that the Federal Government are by no means over-confident of their ability to get their way in discussions with the Laender. The first point that arose therefore was how far Allied authority could be used to force through the Federal Government's ideas. To this we replied that specific points must be referred to us before there was any question of Allied pressure on the Laender" (34).

On 17 August the three High Commissioners met the Chancellor. Adenauer started the discussions with a long and grim expose of the situation: he talked of the expansion and the offensive character of Soviet troops in the Eastern Zone and the militarisation of the East German Volkspolizei, which now numbered 50,000 to 60,000 men. The Soviets, according to Adenauer, were not planning to invade themselves, but the Volkspolizei would be used like the North Korean army. Morale in the Federal Republic was so low that little resistance would be rendered against such an invasion and

the Federal Republic with all her industrial potential would fall into Soviet hands, as the Western Allies would not risk a war with the Soviet Union over Germany. The Federal Government was totally helpless: the enlargement of the police by 10000 agreed by the Allies would not be enough to withstand the East German Bereitschaften. The Chancellor implored the High Commissioners to persuade their governments to demonstrate military might in Germany; the public should be given the confidence that resistance was possible. Secondly, the Federal Government should be allowed to raise an armed 150,000 strong volunteer force to defend the Federal Republic against an attack by the East German Volks-polizei. (35)

When Adenauer made these statements to the High Commissioners, he knew that he had the whole hearted support of the British High Commissioner: Kirkpatrick and he had had lunch together two days before, at which the Chancellor had expressed his anxiety about the low level of morale. Kirkpatrick cabled to London: "I retorted that the Russian propaganda was effective because of the military weakness of the Western Allies. If we could improve our military situation, we should have no reason to fear the Russian propaganda. . . . Finally he said that something must be done to improve the quality and reliability of the police. . . . On this point the Chancellor is right. In order to scotch the German menace we have so organised matters that no piece of German Governmental apparatus can be a menace to anyone including the Communists" (36).

Despite Kirkpatrick's general support for Adenauer's proposal to raise a volunteer force to match the East German Bereitschaften, he, together with his colleagues, resisted the Chancellor's pressure to impose this idea by High Commission decree on the basis of Article 3 of the Occupation Statute. All three High Commissioners also disapproved of the fact that Adenauer had ventilated his proposal publicly and thereby had antagonised the SPD, the Land governments and parts of his own party; on the other hand, Kirkpatrick wrote, "his action has the advantage of making it clear that this is a German and not an Allied initiative" (37).

Adenauer recapitulated his proposals in a memorandum, which he presented to the High Commission on 29 August: he asked for the reinforcement of the occupation troops, for the establishment of a Western European army with German contingents as a counterweight to the militarised Volks-polizei, and for the establishment of a Federal Police to warrant internal security. Together with this memorandum on security went one on the question of the reorganisation of the relations between the Federal Republic and the Occupation Powers: referring to the London Conference communique of 13 May, that the German people should be granted their natural wish for an easing of controls and the reestablishment of their sovereignty, the Chancellor demanded a greater degree of freedom of action, which accorded with new duties towards the common defence of Western Europe. He spelled out his concrete demands:

"Die Bundesregierung haelt es daher fuer notwendig, dass die Beziehungen Deutschlands zu den Besatzungsmaechten auf neue Grundlagen gestellt werden. Die Bundesregierung bittet die alliierten Aussenminister, auf der kommenden Konferenz in New York etwa die folgenden Erklaerungen abzugeben:

1. Der Kriegszustand zwischen den alliierten Maechten und Deutschland wird beendet.
2. Der Zweck der Besatzung ist in Zukunft die Sicherung gegen aeussere Gefahr.
3. Die Beziehungen zwischen den Besatzungsmaechten und der Bundesrepublik werden fortschreitend durch ein System vertraglicher Abmachungen geregelt." (38)

These requests went much further than Adenauer's letter in April: the Federal Police Force now only constituted one part of Adenauer's great design. He had taken up the proposal of a European Army, which had been put forward by the leader of the British opposition, Sir Winston Churchill, at a meeting of the Council of Europe on 11 August. The German Chancellor also for the first time demanded the replacement of the occupation regime by relations based on contractual agreements.

At the end of the discussion on these memoranda between the Chancellor and the High Commission Kirkpatrick tried to reassure Adenauer: "Kirkpatrick sagte mir am Schluss der Sitzung, dass sich die Alliierte Hohe Kommission der grossen Schwierigkeiten der gegenwaertigen Lage in der Bundesrepublik voll bewusst sei. Die drei Hohen Kommissare wuerden ihren Einfluss in New York nach Kraeften dafuer einsetzen, dass etwas geschehe, was einem Appell an weite Kreise des Volkes gleichkomme." (39) However, Adenauer's recollections of Kirkpatrick's statement are misleading: the latter agreed with the underlying analysis, but he did not come to the same conclusions as the Chancellor. Kirkpatrick

did not favour the idea of a European Army nor the abolition of the occupation regime at the present time. He did want to bolster German morale, but in his opinion this required a strong Federal Police for internal security and the reinforcement of Allied troops for external security.

Kirkpatrick expressed his views in a minute which he wrote in August for the Secretary of State. The Foreign Office attached the following comment: "For your meeting on 21st August with H.M. Representatives in West European countries on the subject of the possible use of German resources for Western defence, I attach two important papers, the first prepared by the Chiefs of Staff, and the second by Sir I. Kirkpatrick. Though differing in their approach to the subject and in the arguments they use, both papers in effect reach the same conclusion. The conclusion is that we must accept the need for using German resources to fill the gap in Western defence, and that we should consider now the best method of initiating the gradual rearmament of Germany within the framework of Western defence." In the above mentioned paper Kirkpatrick wrote:

"In Europe our declared policy has been: (1) to build up a position of strength in the West (2) to incorporate Germany into the Western system, eventually as an equal partner. ... We hoped to achieve this by the Brussels treaty and subsequently by the North Atlantic Treaty. Had our hope been realised our policy would be coherent and our prospects fair. But the Chiefs of Staff now tell us that our original expectation is vain and that in fact we cannot build up the necessary strength to assure the defence of the West without the participation of Germany. If we accept this military advice, the conclusion is clear: unless we can find ways and means of securing the participation of Germany in Western defence, the conditions of success which we ourselves

have laid down will not exist and our whole policy must fail."

Kirkpatrick argued for a gradual approach to German participation in Western defence. As the first step he insisted on the establishment of an "effective gendarmerie" and the improvement of the German auxiliary forces. The essential precondition for the next step, actual German rearmament, was the strengthening of Western forces in Europe.

"We should face the fact that the establishment of proper German auxiliary forces will have to be followed at a later stage by a degree of German rearmament. From the purely German point of view this can only be contemplated when the Western Powers have built up very much stronger forces than they possess today. If we are not to alarm German opinion as well as French and Russian opinion our policy should be to rearm Germany as unobtrusively as possible and gradually to integrate the German armed forces into the Western European forces of which they will form a part."

According to Kirkpatrick, it was important to keep in mind that the Germans were in general not in favour of rearmament. Thus it was essential to support the present German government, as it was most inclined to support the West and to make some contribution to its defence.

"That is to say we must sustain the prestige of the Federal Government; and this in turn means a revised Occupation Statute under which or day-to-day interference is much reduced; in which the Germans are allowed, subject to the retention of certain reserved powers, to conduct their own foreign affairs. We must as Germany become progressively tied to the West, progressively lift the existing restrictions on German industry." (40)

In other words: the defence of Western Europe had to be strengthened. As a first step the forces of the Western Allies in Europe had to be enlarged and equipped. If as a second step a German participation in Western defence was

contemplated, then the Allies would have to agree to a substantial reduction of their occupation powers in Germany to bring about such a participation. Kirkpatrick was not yet thinking of an abolition of the Occupation Statute, but he was beginning to see the end of the occupation regime in its present form. It would depend on his negotiating powers in the future to limit the reduction of the Allies' rights to the absolute minimum deemed essential by the British.

On 21 August 1950 a group of nine top level Foreign Office men, the British Ambassadors to France, the Netherlands, Belgium and Italy and Sir Ivone Kirkpatrick congregated around Bevin to discuss how to prevent another world war and to assess the morale and strength of the other European countries. At the beginning of the discussion the Secretary of State outlined the most important aim of his policy: the continued involvement of the United States of America in Europe. "We wanted the U.S., whose position as a powerful intimidatory force had been weakened by events in Korea, to play a really active part. But, in order to convince the United States of the desirability of applying her resources to Europe, it was necessary to get Europe on the move and to induce the various Western countries to take action." During the debate Kirkpatrick launched several attacks on the French: "the attitude of the French in Germany was equally frivolous. They kept talking about showing strength in the face of the Russians and yet refused to take such small useful actions as might contribute to an improvement of strength. For example, they had sabotaged the idea

of a federal police ... the object of the Schuman Plan was rather to keep the German Government out of European affairs, and to see that Germany never raised her head again or had an effective Government."

When the meeting turned to the question of Germany, Kirkpatrick pointed out that "the actual re-armament of Germany was not really a practical possibility ... our object must be to take those steps which would stop the outbreak of civil war in Germany by providing a counterpart to the People's Police capable of dealing with it. ... In any case, though the Germans were not reformed characters, present conditions of warfare and the cost of modern weapons put full scale aggression beyond the reach of a country with the economy and population of Western Germany. the real danger was that German potential might pass into the Russian hands, or form a bait for the Russians, rather than any danger of German domination by itself. The Secretary of State, while emphasising his misgivings as to the possibility of a resurgence of German aggression, agreed that something must now be done for the security of Western Germany. ... The Secretary of State would not propose himself to raise the major question of re-armament of Germany, but would be ready to discuss it if Mr. Acheson or M. Schuman wished to do so." (41)

It was decided that Kirkpatrick should write a paper for Cabinet with a view to discussing, on a tripartite basis in New York, the question of a federal police. This

paper corresponded closely with the letter which Kirkpatrick had written earlier. In it he made eight recommendations:

- "1. It should be recognised that it is not practicable at the moment to rearm Germany on the scale recommended by the Chiefs of Staff.
2. Nevertheless, the United States and French Governments should be brought to agree that the Federal Chancellor should be told in reply to his request that in view of the threat of an invasion by the Eastern German Army he may as a first step raise a federal force of 100,000 volunteers trained and equipped on the model of the Bereitschaften, the arms to be supplied by the Western Allies.
3. A similar force of 3,000 men should be raised in Berlin.
4. The proposal to create a gendarmerie on a Land basis should be abandoned.
5. The auxiliary forces serving with the British and U.S. armies should be improved and reorganised in units.
6. The German Frontier customs Police Force should be improved and slightly expanded.
7. Germany should make an industrial contribution to Western strength.
8. The High Commissioners should be empowered to discuss the implementation of these steps with the Chancellor and with German representatives nominated by him." (42)

On 1 September the Defence Committee of the Cabinet had approved the proposals regarding German association with the defence of the West which were made in the paper that was drafted after the meeting held in London on 21 August. Kirkpatrick was told very pointedly, however, that the German Chancellor should only be told that the question would be discussed by the Foreign Ministers in New York. The British Ambassadors in Paris and Washington were instructed to sound out the feeling in these two capitals.

The French attitude towards the idea of a German Federal Police Force was expressed by the French Ambassador to London when he called to see Bevin on 5 September: "M.

Massigli said that the French Government had certainly come along in their thinking about the German gendarmerie and were prepared to countenance larger numbers than they had envisaged previously. They doubted, however, whether the gendarmerie should be placed under Federal authority so long as (a) this was not agreeable to the Laender; (b) it would require constitutional amendment; (c) there was division on the subject within the Federal Government." (43) This statement shows quite clearly how much the French were able to shape the High Commissioners' joint recommendation to their Foreign Ministers on the issue of the gendarmerie.

Kirkpatrick did not succeed in persuading his colleagues to adopt his proposals of a strong and effective federal force because he could not rally American support against French opposition; the British Embassy in Washington informed the Foreign Office on 9 September that "the Bureau of German Affairs are flatly opposed to the creation of a centralised German police force which they fear would be used by Adenauer for quelling social unrest, e.g. on the part of refugees, not necessarily connected with Communist tactics. Therefore if further police forces are required they should be on a decentralised basis. However, the Bureau of German Affairs do not regard an increased police force as an adequate protection from possible trouble with the Bereitschaften. To meet this they favour the creation of German Armed forces in the proper sense as part of a European Army." (44)

On 4 September the Americans had introduced a totally

new proposal of an integrated defence force in Western Europe in which not only American divisions but also German contingents could participate under an American Supreme Commander. During the meeting in the Foreign Office in August Bevin had stressed the importance of persuading the United States to continue to apply their resources to Europe. Now the Americans seemed willing to do just that. The American proposals would meet Britain's military requirements and had the added political advantage of tying the United States to Europe. The only disadvantage of the American proposal in the eyes of the British was the inclusion of a German contingent in the integrated force. The gradual progress towards a German contribution towards Western defence, which was preferred by the British, now seemed under pressure to advance faster than the British wanted.

The discussions in New York started on 12 September. The Americans made a very strong case for a German contribution towards Western defence; if Germany was left as a vacuum the Soviet Union would take it over and thereby gain resources which would enable it to carry on the fight against the rest of Europe and probably win. On 14 September Bevin urged his cabinet colleagues in a telegram to give him permission to agree to the American proposals: "Our country is a leading power and I cannot take part in the discussions without giving some opinion. We must either reject the U.S.A. thesis or accept it and cooperate with them. Otherwise Great Britain will look weak and indecisive. ... I would

propose giving general support to the U.S.A. proposal." (45) The answer from London was affirmative: the cabinet "were in general agreement to an acceptance in principle of German participation in Western defence. ... the subject should not be presented in such a way as to suggest that the Atlantic countries were wooing the Germans." (46) The next day Bevin cabled to London:

"I arranged to see Mr. Acheson before the afternoon session of the Atlantic Council today in order to inform him of the attitude of His Majesty's Government on German participation in Western Defence. I explained why there was a good deal of hesitation in the United Kingdom on the subject. I said we were most anxious to avoid a position in which we seemed to be appealing to the Germans. I then referred to the great importance which His Majesty's Government attached to a solution of the problem of a German police force. Our decided reference was a Federal police force, but the main thing was to ensure that the Federal Government were in a position to maintain law and order." (47)

Acheson made it quite clear to Bevin that the American proposals were a package deal; he would not be able to convince the American defence authorities to commit more divisions and a supreme commander to Europe, if they were not reasonable prospects of success in a possible conflict, and that this could only be the case if Germany contributed to Western defence. All he wanted, Acheson assured Bevin, was a decision in principle on the ultimate incorporation of German units.

Bevin subsequently saw M. Schuman: "As far as he was concerned however he had no authority to commit his Government to an immediate decision. He had not yet had a reply from Paris, but he rather feared that when it came it would be unfavourable. He would not have found it so difficult to

agree to a decision in principle being taken now if it could have been kept secret. He feared however that this would not be possible." The French were not going to agree to the rearmament of Germany until the other European powers had been substantially strengthened, as they feared renewed German militarism more than possible Soviet aggression, which could even be provoked by German rearmament.

The French also argued that the Germans themselves would not welcome rearmament, a point which was supported by the three High Commissioners: "Public opinion in Germany is in general at present opposed to the remilitarisation of that country. This is particularly true of the recreation of a German National Army." The High Commissioners, however, argued in their report, which they presented to the Foreign Ministers on 13 September, that the Germans were prepared to contemplate the recreation of a German military force, if this was to form part of a European defence force, especially as it was assumed that this involved a progressive and substantial return to equality of right and German sovereignty.

The British delegation was unable to convince their American and French counterparts with regard to the question of a Federal Police Force. It had been the British who had championed this German proposal from the start in the face of American hesitation and French opposition. Now, however, with the American 'package deal' for European defence on the table, the British proposal was simply off the agenda. The

solution to the short term problems of German morale and internal German security was overruled by the long term perspective of keeping the Americans and their resources tied to Europe. The microcosm had to submit to the macrocosm: British policy on Germany had to submit to British global policy. In New York the following compromise was achieved:

"Nevertheless the Foreign Ministers are impressed by the case which the Federal Chancellor has developed, and are anxious to meet him so far as possible. They are accordingly prepared to agree to the formation of a security police force on a land basis, with a total initial strength of 30,000 subject to review. This force would have no normal powers of arrest, and would not perform routine police duties, but would be trained and used solely for the preservation of public order. Its units would be housed in barracks and equipped with light arms only." (48)

Kirkpatrick was obviously disappointed that his proposals for a strong federal police force had been rejected. With hindsight and scarcely hidden glee he wrote in his autobiography: "I may say in passing that events proved us right and the Americans wrong. The American purpose was to bring about a degree of German rearmament as quickly and effectively as possible. They would have achieved their aim more quickly if they had simply acceded to Dr. Adenauer's request. Instead at least seven years were wasted in pressing on the Germans a proposal they disliked and the acceptance of which was made conditional on substantial concessions by the Allies." (49)

The British accepted in principle the American proposal for a German contribution to Western defence, because it corresponded closely with their long-term objective of inte-

grating the Federal Republic into NATO. It was also the only way of getting US troops committed to the defence of Europe and a US Commander-in-Chief for NATO. In the end, however, the Americans accepted a temporary rebuff at the hands of the French; there was to be no agreement regarding, or public reference to, the inclusion of a German contingent in the integrated force, and planning for the integrated force would proceed forthwith, despite previous American hints that progress on this subject was linked in their minds with the creation of a German contingent. "The main failures of the New York conferences undoubtedly related to defence. As far as the British delegation was concerned, the main casualty of tripartite clashes on defence had been Anglo-American hopes of accelerating the integration of the F.R.G. into the west. British officials regretted that clumsy American tactics on the defence issue had led to unsatisfactory compromises on Occupation questions and placed Anglo-French relations under strain." (50)

Kirkpatrick returned to Germany with the task of sounding out the Federal Government's stand on a German contribution to Western defence. Bevin had suggested this procedure: "I thought that we should reply to Dr. Adenauer that we were prepared in principle to consider German participation in European defence and invite him to discuss the question further with the High Commissioners. ... I felt that the High Commissioners were best placed to handle this problem and to judge what were the possibilities of German

collaboration. Only in this way could we obtain a clear picture of the German position." (51)

On 27 September, Kirkpatrick wrote in his weekly personal telegram to the Secretary of State: "My colleagues and I met the Chancellor on 23rd September to convey to him the results of the New York conference. The Chancellor seemed very pleased with the published statement and said that I could rely on him and the Federal Government to make a success of the new phase of our relations with Germany now opening. I think that he is determined to make the best of the new situation and that Schumacher is of the same opinion on this question. ... I regard this positive attitude as encouraging." (52)

Kirkpatrick realised that the problems of internal security and external security had to be handled separately in order to make any progress. With regard to internal security the existing Land police forces could not be relied on to preserve order in cases of emergency. Consequently a specially trained armed mobile police force on a Land basis was required. Kirkpatrick, however, stressed that "the S.P.D. can and will prevent the police being raised on a basis which make it a camouflaged army, and if we were able to circumvent the S.P.D., who would maintain order after we had converted the police into military units? The idea of allowing Germany to have a private army which is not integrated is dangerous and I have assured the S.P.D. leaders that His Majesty's Government will not be party to it." (53)

The question of external security was much more compli-

cated and far reaching: it was the question of the possible participation of a German contingent in an integrated defence force. "British preparations for the next meetings in Washington concentrated on how to bring the French round. On the military side safeguards for keeping German rearmament under control were worked out by the chiefs of Staff in conjunction with the Foreign Office. The main difficulty was how to draw up safeguards which would be militarily effective abnd yet politically acceptable to the Federal government. Sir I. Kirkpatrick, the U.K. High Commissioner in Germany, was influential in striking a fair balance." (54) This meant that Kirkpatrick was involved on three levels: he was involved in the preliminary discussions with the German government and opposition; the second level were discussions with his High Commission counterparts; and on the third level he influenced the policy making process of his own government.

On the first level Kirkpatrick reported a conversation with Adenauer in a top secret telegram to the Foreign Office on 26 September: "The Chancellor then asked me when I thought the High Commission would receive instructions to get to grips with him on the subject. I told him th as he would see from M. Francois-Poncet's statement we already had instructions to discuss the matter of the German contribution in a general way, but I did not know when we should be authorised to go further than this. I would, however, like to put a personal non-committal question to him. What

would be his answer if we invited him to raise a German contingent for an integrated army. He replied that, provided this German contingent was admitted on exactly the same footing as any other contingent, he would personally agree without any further condition. Under cross-examination he said that Germany would not require a strategic air force but that she would ask that the German contingent would have the same weapons, the same staff arrangements and the same air support as any other contingent." (55)

Nine days later he told the Foreign Office that "at the moment we cannot profitably carry these exploratory discussions any further. The United States High Commissioner and I are, however, doing what we can in conversation with the S.P.D. and others to prepare the ground for German participation if this is eventually decided. All this sounds regrettably slow. But you must bear in mind that the Germans are hopelessly divided and we must help them to sort themselves out. Schumacher, Kopf and other S.P.D. politicians have emphasised the delicacy of the situation and begged me not to attempt to bulldoze through the mess." (56)

On the second level, the discussions with his High Commission colleagues, Kirkpatrick rejected the idea to restrict German contribution to the size of battalions integrated into Allied brigades, an idea the French were toying with. He agreed, however, with both his High Commissioner colleagues that "it would be best if matters could be so arranged that the Germans appeared to be neither begged, coerced nor bought" (57) in the matter of contribution to the

defence of Western Europe.

On the third level Kirkpatrick was called upon to comment on policy papers produced by the Foreign Office. Gainer praised the High Commissioner's contributions and told him "that it was most important and valuable for us to have the answers over your signature and with your authority." (58) Knowing the importance of terminology in diplomacy, Kirkpatrick in all his correspondence with the Foreign Office talked about "conditions of participation" rather than "safeguards".

"The problem is to devise conditions of German participation which will alleviate French fears but will not prove unacceptable to Germany. I agree that any restrictions should so far as possible be tacit and not published. That is why I suggested in my telegram No. 1492 a public announcement of the principle and a confidential directive to the High Commissioners. You will remember that this procedure worked well before the Petersberg Agreement."

In Kirkpatrick's opinion the only effective solution was a German military contingent in an integrated force. He knew that the French were not ready to accept a German national army. He also knew, however, that the Germans would not accept being treated differently to any other participant of an integrated force. He therefore suggested that "the German contingent like every other contingent would be integrated into an Atlantic Force and would come under the operational control of the Supreme Commander and his staff. Germany would be suitably represented on the staff of Supreme Headquarters." Kirkpatrick was willing to go to some length to meet the French: "The highest German formation would be the

division. The number of German divisions will not exceed one fifth (or one quarter) of the total number in the Atlantic Force. The German contingent will have armour and a tactical air force in proportion to its strength. But tanks and aircraft will not be delivered except in small quantities for training until the Allied forces are equipped." However, Germany would have to accept restrictions on its production and posession of certain military equipment. Kirkpatrick, at this point, still insisted that "the occupation regime will have to continue so long as the present international tension requires it" (59).

Kirkpatrick substantially influenced British policy-making at the time: "With regard to Sir I. Kirkpatrick's twelve points on conditions for German participation, Sir P. Dixon informed Mr. Bevin on 16 October that 'the first view of the Foreign Office is that they offer a better chance of being accepted by both the French and the Germans than either of the other two sets of proposals. On the other hand they clearly need looking into in detail'. It was agreed that the Chiefs of Staff and Foreign Office should concert to work out a further set of conditions of participation on the basis of Sir I. Kirkpatrick's twelve points. Action was then set in train for the revision of D.O. (50) 85 which included the recall of Sir I. Kirkpatrick and Sir O. Harvey to London for discussion on 20 October." (60) Extracts from the Brief by the Chiefs of Staff show how much Kirkpatrick was able to influence the policy making: "It is essential to

obtain German co-operation and this must be based on an identity of interest. Thus we can obtain the maximum safeguards for our own security against her future military resurgence. Whilst these are described as 'Safeguards' to satisfy French fears, some term such as 'conditions of participation' would be more appropriate in negotiations with the Germans " (61).

As before in the case of the proposals for a Federal Police Force, British policy making was overtaken by proposals launched by their allies. The brief by the Chiefs of Staff quoted above is dated 20 October. Four days later the former Defence Minister René Plevén gave his first governmental statement as the new Prime Minister. In it he proposed a European Army, not a coalition of national armies, but an amalgamation of men and equipment under a European political and military High Authority and a European Defence Minister. With this plan the French accepted the principle of German rearmament, as German units were supposed to form part of this European Army.

The British official reception of the Plevén Plan was mixed. The main fears were that German rearmament, which militarily was deemed urgent, would be delayed by complications involved in the implementation of the plan. In the eyes of the British it also diverted attention from the idea of an Atlantic unified force and thereby the involvement of the Americans, which was the ultimate British policy aim. British participation in a federated European force was out of the question. Politically, the British had already demon-

strated their reluctance to become involved in the European movement when the Schuman Plan had been proposed, because they did not regard themselves as a solely European power. Militarily, the plan was rejected as unsound. Even the French Chiefs of Staff might have even concurred with this judgement, but the plan was never submitted to them by the French Government.

The German Chancellor's first reaction to the Pleven Plan was also guarded; in a press conference on 28 October he said that "the plan in its present form was not clear in certain respects, and in particular he regretted that acceptance of the Schuman Plan had been made a condition of German participation in European defence. Thereby France conveyed the impression of exercising pressure" (62). He stressed again that Germany could only make a contribution to Western defence if German contingents had complete equality of status; German soldiers were not going to become mercenaries.

In his comments on the Chancellor's press-conference, Kirkpatrick pointed out that "generally speaking, German opinion is slowly hardening against participation and the factor most likely to swing it in the reverse direction would be evidence that the Western Powers have passed from the stage of planning to action"; the Foreign Office in London was more and more convinced that this meant "a higher price for us to lay out when we eventually come to ask for their participation" (63).

Although Adenauer's first reaction had been guarded, he publicly welcomed the Pleven Plan during the foreign affairs debate in the Bundestag on 8 November; in his view it not only guaranteed the security of the Federal Republic, but also paved the way for reunification. In his comments on the debate, Kirkpatrick pointed out, that

"Adenauer deserves credit for courage in making his positive declaration, on behalf of the Federal Government, of its readiness to make an appropriate contribution to the construction of a defensive front. ... I think he deserves equal credit, though his action may prove embarrassing later and not only to him, for his acceptance of the Pleven plan as a basis of discussion, although by claiming equal rights he really rejected it. He is about the only German who has accepted it; and he probably did so because of the need for good relations with France. Perhaps he calculates that the best way to kill the plan is by kindness to France; but we should not overlook the fact that its European federal character gives it attraction in Germany which it lacks for us" (64).

At a meeting between the High Commissioners and the Chancellor on 16 November, the latter announced the resignation of Count Schwerin, which he hoped would serve as a reassurance that there would not be a return of a powerful arcane Prussian officer class: "Wenn wir zur Aufstellung deutscher Brigaden kommen, dann wollen wir alles dafuer tun, dass diese deutschen Brigaden nicht ein Staat im Staate werden, nicht eine Klasse fuer sich bilden, sondern sich als Teil des gesamten deutschen Volkes fuehlen und dass sie sich der zivilen Macht unterworfen fuehlen. Um das allen deutschen Generalen von vornherein klarzumachen, habe ich dem General von Schwerin nahelegen lassen, sofort um seine Entlassung nachzusuchen, weil ich ihn sonst sofort entlassen haben wuerde. Der Graf von Schwerin hatte naemlich angefan-

gen zu politisieren" (65).

In a long letter to Gainer Kirkpatrick defended the General: Schwerin had been in a very difficult position because "his task was to make preparations for doing a job which the Federal Government had not yet agreed or indeed even been requested or authorised to do: namely, the creation of a German contingent for European defence"; the Chancellor, according to Kirkpatrick, had used Schwerin as a scape-goat, when his dealings had been exposed. "Schwerin's departure is something of a loss so far as we are concerned. As Steel explained in his letter of 13th September, his appointment was almost certainly made as a result of a suggestion put to the Chancellor by General Robertson. Schwerin was well disposed to us, and we had very little difficulty in keeping in touch with him and finding out a great deal of what he was doing. This may not be so easy with his eventual successor" (66). The creation of the Abteilung Blank, named after its newly appointed head, Theodor Blank, was in Kirkpatrick eyes merely a front for a kind of embryo Ministry of Defence: "I understand that he (Chancellor) means before long to recreate under Blank a planning section which will carry on the work Schwerin has been doing."

Adenauer presented the High Commissioners with a whole catalogue of conditions for a German contribution to Western defence during their meeting on 16 November. The conditions ranged from a renewed wish to replace the Occupation Statute

with a contractual agreement, a total stop to all dismantling, a review of the agreement on the limitation of industry, of the decartelisation programme and the restitution question, an elevation of the restrictions on scientific research, to certain wishes in the legal area, for example on extradition. In his comments on this catalogue of wishes Kirkpatrick wrote: "The Chancellor's statement and request are capable of being interpreted as precisely what he says he means to avoid, i.e. the making of conditions for a contribution to defence and the bringing to bear of pressure on the occupying powers. I think it is unfortunate that he should have presented us with this large new catalogue of requests before we have even implemented the New York decisions. Nevertheless I believe that he meant what he said when he declared that even if all his requests are rejected he will continue to urge German participation in Western defence. In fact I gathered in conversation with him after the meeting that he does not really expect full satisfaction, but intended to make a list of all the items on which concession would be helpful to him in the coming struggle" (67).

The Foreign Office's reaction was expressed by Sir Donald St.Clair Gainer in a memo: "we may be forced to concede the maximum of political equality in order to bring about even the minimum of military equality", implying that issue of sovereignty for the Federal Republic might have to be faced soon. (68) Mr. Mallet's memorandum of 16 November made this point even more graphic: "If rearmament will

involve military equality, military equality will involve political equality. ... If we need Germany's help and want Germany to form part of our Western bloc, we must make her a full member of the club and reconcile ourselves to seeing her smoking a large cigar in a big chair in front of the fire in the smoking room. Otherwise, Germany will not pay the subscription we are asking; she may even join another club where she will be better treated. ... This means that we must recognise that the occupation regime will have to come to an end much sooner than we anticipated and that Germany will recover complete sovereignty subject only to such military arrangements as may be made within the Atlantic Pact for stationing Allied troops on German soil. We must expect shortly to see Adenauer sitting at the conference table with the Americans, the French and ourselves."(69)

At the beginning of December the German Chancellor became increasingly restless. During a meeting with the High Commissioners, he bitterly complained about being kept out of the discussions about a German contribution to Western defence: "Seit mehr als drei Monaten geht zwischen den Westalliierten und den Atlantikpaktstaaten die Verhandlung darueber, ob Deutschland einen Beitrag zu leisten aufgefordert wird oder nicht, hin und her. Die Bundesregierung bekommt keine irgendwie offizielle Mitteilung darueber, sondern die Bundesregierung is lediglich darauf angewiesen, was in den Zeitungen veroeffentlicht wird. Das ist fuer die Regierung der Bundesrepublik Deutschland ein voellig unmoeg-

licher Zustand." Adenauer, a rhetorical and political master, had painted a gloomy picture of German morale: the fear of the Soviet Union was aggravated by Communist successes in Asia and Western hesitation and inaction in Europe; the Germans, according to Adenauer, would be easy pray for the Social Democrats' propaganda, that peace could only be preserved by doing nothing, and would turn towards the Soviet Union, if the Western Allies would not take decisive action soon. The Chancellor's long speech served him to press his demand: "Meine sehr herzliche Bitte an Sie, meine Herren, geht deswegen dahin, legen Sie bitte Ihren Regierungen nahe, dass sie eine Erklaerung dahingehend abgeben, das Besatzungsstatut durch beiderseitige Sicherungsverträge zu ersetzen" (70).

From now on Adenauer insisted on ultimate political equality and relations between the Western Allies and the Federal Republic on the basis of contractual agreements. He was under mounting pressure especially as the leader of the East German government, Grotewohl, had launched a new reunification initiative and Adenauer found it increasingly difficult to simply denounce it as propaganda. Public opinion was urging him to at least explore the offer to meet for discussion on reunification and Adenauer, in turn, was clever enough to use this public mood to his advantage in his negotiations with the Allied High Commissioners.

The British and especially Bevin increasingly disapproved of the Pleven Plan, "which he come to regard as 'a sort of cancer in the Atlantic body' and 'we must nip it in

the bud'. British objections to the Pleven plan revealed the fundamentally Atlanticist outlook of Mr. Bevin and his advisors." (71) Looking for alternatives they adopted the American compromise solution, the Spofford Plan, "whereby the the U.S. plan for a unified force, now with a reduced level of German units, and the Pleven plan for a European Army should proceed in parallel." (72) At a meeting with the Secretary of State on 11 December in London, Kirkpatrick explained the German attitude towards rearmament. He was asked to write a memorandum for cabinet discussions on German opinion on German participation in Western defence:

"The idea of German participation in Western European defence is repugnant to large sections of public opinion. ... Dr. Schumacher and the Sozialistische Partei Deutschlands (S.P.D.) have taken advantage of the present state of public opinion to wage a violent and successful campaign against German participation. ... The Chancellor himself is in advance of his own party but he realises that his political position is at stake and has authorised the issue of an official statement to the effect that Germany can only participate if she is given a position of equality not only in a possible eventual European Army but also in any interim period. He has also said that it will be extremely difficult to secure parliamentary approval for a German contribution unless the Western Allies agree in principle to replace the Occupation Statute and the Occupation Regime by a Security Treaty and the grant of sovereignty to the Federal Republic.

In the circumstances described above it is certain that the Chancellor, the coalition parties, the German Parliament and public opinion will be united in declaring the Spofford Plan to be unacceptable." (73)

Kirkpatrick's assessment of German opinion on a defence contribution supported Bevin's view that one should proceed more cautiously. Time was needed to bring the German public around to accept the idea of German rearmament. Time was also needed in another respect: the British had accepted the

principle of German rearmament because the Americans had tied this to their promise of an increased military and economic commitment to Europe. Since this promise had been given at the New York Conference much time had been lost by pursuing French plans for a European Army. Meanwhile the Americans had been weakened by reverses in Korea. There was therefore greater anxiety about running the risk of German rearmament. In addition, Allied resolve to rearm had been weakened by the relaxation of Western Europe's fear of the Soviet Union: the Soviet proposal for another meeting of the Council of Foreign Ministers was interpreted as willingness to achieve some degree of rapprochement.

At a meeting on 14 December the cabinet endorsed Bevin's plan for the forthcoming meeting of the North Atlantic Council: he would reaffirm the British acceptance of the principle of German rearmament, but would suggest that this principle should be implemented in stages. The first stage would be to inform the German Government that the plan had been adopted but not to ask them to either accept or reject it. Secondly the United States should be urged to proceed at once with the appointment of a Supreme Commander and the creation of an integrated force for the defence of Western Europe. In the event that a meeting of the Council of Foreign Ministers was arranged, the Western Powers would then be able to discuss the remilitarisation of Germany without having taken any irrevocable step towards the rearming of Western Germany. "This course would have the additional

advantage that it would not be necessary to solicit German help in the defence of western Europe. It would create a place for Germany in the scheme of European defence; an informal effort could then be made to ensure that, when the time was ripe, the Germans would themselves offer to take their place in the scheme." (74)

With hindsight one can say that this last statement turned out to be wishful thinking: once again developments changed the scene so quickly that the next year would see the Western Allies bargain away most of their reserved powers in Germany in exchange for her contribution to Western defence. At the Brussels meeting of the North Atlantic Council in December 1950 the British got what they wanted: the Council approved German participation in Western defence, but the timing and manner of an approach to the German Federal Government was left to the discretion of the Western occupying powers. The Council also approved proposals for the immediate establishment of an integrated force, whereupon Mr. Acheson announced the appointment of General Eisenhower as Supreme Commander and the imminent increase of United States forces in Europe. This meant that the British had achieved the main aim of their European policy: to tie the United States and their resources to Europe, at least for the time being.

On the other hand the British were unable to prevent the French from proceeding with the Pfeiffer Plan. It was decided that the French government would convene a conference in Paris to begin negotiations on the establishment

of a European Defence Community. Kirkpatrick described the results of the Brussels Conference in his autobiography as follows: "We registered a very meagre degree of progress in the sense that the French agreed to German rearmament provided German units were kept so small as to have no military value," in his opinion a "rather ludicrous conclusion" (75).

In tripartite talks on 19 December it was agreed that the A.H.C. should inform Dr. Adenauer of NATO Council decisions on defence 'with an indication that they were ready to discuss the matter with him further but without handing him any document and without conveying the impression that he was expected to take hasty decisions' (76). Upon their return from Brussels, the three High Commissioners met Adenauer on 21 December, to inform him about the conference decisions, the up-coming negotiations on the Pleven Plan and on changes in the occupation regime. Everything would be on the table except for the principle of occupation, which for the moment was not negotiable.

The Chancellor was pleased about the fact that the future of Germany was to be determined by negotiations between the High Commissioners and himself, and not by a diktat; he also welcomed the appointment of General Eisenhower as Supreme Commander. He expressed his hopes that the implementation of the Schuman Plan and the Pleven Plan would form the basis of European unity and a European federation, and that eventually Britain would also take a more positive position towards it, which would be in accordance with

common British and European interests. Then, however, Adenauer launched into a confrontation, first with Francois-Poncet and then with McCloy, on the Allied insistence that the principle of occupation had to be maintained. Adenauer had hoped that the stationing of Allied troops in Germany would be based on contractual agreements and not on rights resulting out of the unconditional surrender of Germany. Kirkpatrick intervened when the confrontation became too acute: he mediated between Adenauer and McCloy, turning from one to the other clarifying their points of argument; in the end he produced the compromise: they would start negotiations on the easier problems and work their way towards the most difficult, the principle of occupation; eventually even that could be based on contracts(77). He was obviously in his element as a negotiator and mediator. Kirkpatrick gave an interesting account of the meeting to the Foreign Office:

"The Germans are in a nervous, suspicious and almost hysterical temper. They expect us to woo them and behave like a woman scorned if we do not approach them as suitors. In these circumstances when the German experts get to grips with our military proposals we may expect them to drive a hard bargain on every detail. The Chancellor has not yet apprehended that under our proposals Germany will have no representation on the Council of Ministers. This is likely to be a sticking point. On the political side the Germans will continue to press for the abandonment of the basis of the occupation as a primary condition of participation. With the passage of time their insistence will become greater and they will be less willing to accept a provisional half way house. ... When, if ever, we succeed in squaring the Chancellor and his minions, it will be necessary to square the Bundestag. It is too early to make any prediction on our prospects but we may assume that the opposition will fume and rage whilst the Chancellor's parties, if they endorse his policy will do so without enthusiasm. In short we have a long row to hoe."(78)

These words proved to be prophetic, if one considers the long and protracted negotiations, which lead up to the General Treaty, signed in May 1952, and the long process of ratification; both will be discussed later in this chapter. Considering the year 1950, Kirkpatrick's role in the development of the Western defence strategy for Europe and the decision in favour of a German participation in this defence was considerable. Among his High Commission colleagues he seems to have been most in tune with German wishes on the matter: for example his championing of the cause of a federal police force and later his recognition of German reluctance to rearm. This is quite surprising for a man who was known to be anything but a friend of the Germans.

Kirkpatrick was also highly successful in influencing his own government. He was more than an ambassador consulted by the Foreign Office; he was his government's foremost expert on Germany and his recommendations were adopted as policy as far as they fitted in with Britain's global military and political interests. Kirkpatrick greatest contribution was that of a skilful negotiator striking trying to find a fair balance between safeguards to reassure the French and conditions to persuade the Germans to participate in Western defence.

REVISION OF THE OCCUPATION STATUTE

In his answer to Kirkpatrick's telegram, quoted at the end of the previous part of this chapter, Gainer expressed his concern the work towards a revision of the Occupation Statute and the Charter of the Allied High Commission might go by default because it had been overtaken by the Brussels decisions. He reminded the High Commissioner of Bevin's summing up speech on 19 December, in which he had said that account should be taken of the progress made in carrying out earlier decisions when approaching the question of any new arrangement for Germany; for instance, Bevin had said, our attitude towards Adenauer's proposal for a contractual relationship would inevitably be influenced by his action in implementing the New York decisions. Gainer hinted at the possibility of a concession: "I think that we should be prepared to tell the Chancellor that we are ready to accept a personal assurance from him and would not insist on approval by the Bundestag of the debt agreements before putting the rest of the New York agreements into force." (79) At the New York Conference the Foreign Ministers had promised a substantial revision of the occupation regime, if, in return, the Federal Republic took on the obligations of the former Reich, including its debts.

The New York Conference had not been the first occasion

when the revision of the Occupation Statute had been discussed. It was instead the culmination of a long preparatory process. Its timeframe had been laid down in paragraph 9 of the Occupation Statute itself, which called for its review between 12 and 18 months after its promulgation, i.e. between September 1950 and March 1951; paragraph 9 also stated that the review should be undertaken "with a view to extending the jurisdiction of the German authorities in the legislative, executive and judicial fields." (80)

Long before the New York Conference, in April 1950, discussions started between the Allies about the devolution of their powers to the Federal Government. McCloy, the American High Commissioner, on a visit to London, met Kirkpatrick, who was already designated to succeed General Robertson as British High Commissioner. Kirkpatrick informed the General afterwards that he had suggested to give the German Government control of foreign affairs: "McCloy rather boggled at this. He did not oppose it but said that he was against giving the Germans too much too quickly. On the other hand he said that he thought the safest field in which to give them increased powers was foreign affairs; and indeed he would be quite pleased to have more power to intervene in internal affairs, particularly against the recrudescence of nationalism. I told him that the Occupation Statute would not have to be revised until the end of the year and that we obviously could not make up our minds now exactly what should be done. But I still thought that pro-

vided German behaviour justified it we should take a step forward in the direction of foreign affairs." (81)

At the London Conference in May a revision of the Occupation Statute was deemed to be premature. It was decided, however, that the progressive re-entry of Germany into the community of free people of Europe should be fostered. Inofficially the Foreign Office asked the British High Commission in Germany to give their opinion on the Occupation Statute and areas of improvement. The Deputy High Commissioner's answers to these inquiries provide a unique insight into the British opinion on the working of the Occupation Statute after nine months. Mr. Steel had two main criticisms:

"(a) The definitions of reserved powers in Article 2 are so wide that any Ally who feels sufficiently deeply about almost anything can stretch the Statute to cover it. In fact we alone have not been guilty of this practice which is expressly contrary to the whole spirit of the Washington documents of April 1949. Both the French and the Americans have not hesitated to twist the reserved powers and one of the most important tasks of the forthcoming conference will be to curb this habit. ...
(b) The High Commissioners have not worked the machinery of the Tripartite Controls Agreement properly. There has been infinite haggling and shilly-shallying and neither the French nor Americans have ever been anxious to take matters to a vote as prescribed in the Agreement. Basically trivial questions, such as the German exchange rate, the trade licensing laws, etc., have been sufficient to provoke a threat of appeal to Governments and the time honoured expedient of avoiding a vote by putting a question to them. If the High Commission is to function effectively in the peculiar supervisory role allotted to it it must act with speed and decision. This it has not done. It has taken often weeks to settle matters within itself and has in consequence lost much face." (82)

With this letter Steel sent a detailed article by article commentary on the Occupation Statute. This list accorded closely with the Foreign Office own preliminary considera-

tions and it was decided that it should serve as a brief for the United Kingdom delegation in the Study Group. This Study Group was to convene in London to compile recommendations for the Foreign Ministers on the subject of revision of the Occupation Statute. In an accompanying paper it was laid down that "the Occupation Powers should be ready to take a marked further step forward in the direction of the transfer of authority to the Germans, and the revised Occupation Statute should be as different as possible in form as well as in content from the present instrument." Nevertheless the Statute should remain a unilateral instrument, despite the intention to deal with as many of the reserved powers as possible on a contractual basis. The supreme authority had to be retained, but its purpose could maybe be redefined. The reserved powers should be limited to those essential for the maintenance of security and the furtherance of democracy. The voting procedure in the Allied High Commission was to be adhered to as strictly as possible(83).

Steel, in a later letter, expressed his misgivings about the Foreign Office's mention of the term "furtherance of democracy": "While the Americans can be relied on to work for the use of some such language, and while of course, given the terms of the recent London Declaration, it will be extremely hard to avoid its use, we feel that it would be a mistake for us to put forward this sort of vague and indefinable phrase which has led to so much controversy here, and could still do so in the future. Many of our disputes in the

High Commission (e.g. over the Civil Service Law or Licensing of Trades and Professions) derive from a difference of view as to what practices and traditions are essential to democracy, and therefore to be imposed on the Germans" (84). The Study Group began its work on 3 July, 1950.

On 29 June, the three High Commissioners met the German Chancellor to tell him that the Foreign Ministers had agreed in principle to a measure of consultation and to suggest that he should embody the German views in a memorandum for transmission to the London Working Party. Adenauer hesitated, pointing out that this procedure had the disadvantage that the Germans might ask for too little or too much and thus involve themselves either with their own public opinion or the Western Powers'. The conversation took a bad turn and the French High Commissioner, Francois-Poncet, accused Adenauer wishing the High Commissioners dead. The Chancellor tried to disclaim any such intention and said that like caterpillars they might turn into butterflies.

Kirkpatrick, who during the discussion had supported Adenauer' wish for informal and non-committal contacts instead of or at least before any German submission to the London Working Party, wrote to the Foreign Office: "I can see considerable advantage in our ascertaining the points on which they set the most value, which may well be matters of prestige rather than of substance, and in our being able to convey to him without the shock of any formal exchange of documents where insistence on the German side would be liable to encounter strong opposition and involve him in

loss of face" (85). Kirkpatrick's recommendation was accepted: the Inter-Governmental Study Group at a Plenary Meeting on 5 July agreed that the three High Commissioners should be instructed by their respective governments to establish an informal and non-committal contact with representatives of the Federal Government in order to permit it to voice its opinion informally on matters on the Agenda of the Inter-Governmental Study Group.

Together with the Occupation Statute, the Tripartite Controls Agreement and the Charter of the Allied High Commission were supposed to be revised. Steel's comments on the latter are very revealing: "The most important object, in our opinion, in a revision of the Charter should be to provide a statutory limitation on the size and complexity of the High Commission machinery. The original Charter named in Section III(4) the Committees and some of the Sub-Committees of the High Commission, and left it open to the Council to establish such additional Committees or groups as it might approve. I suggest that the opportunity might be taken of cutting down the present excessive number of Committees" (86). The original Charter had called for the establishment of five committees and the Military Security Board; by the time Steel wrote his letter, July 1950, their numbers had grown to eight committees with thirty sub-committees and the Military Security Board, which also had 4 divisions. For every problem the High Commission had encountered a sub-committee or working group had been established and over the

year an administration had developed which rivaled the executive organisation of Whitehall. The machinery of the Allied High Commission, however, had grown in parallel with the new Federal German executive, and the more power was devolved to the Germans and their governmental organisation grew, the more the High Commission's size had to shrink. The British were especially conscious of the costs of maintaining a large administration in Germany and had reduced the personnel of the British Element of the Control Commission from over 21,000 in July 1947 to about 5,500 in July 1950.

On 7 July Kirkpatrick, as Chairman of the Allied High Commission, received a letter from Sir Donald St.Clair Gainer, as Chairman of the Study Group, requesting the High Commission to furnish the Study Group with certain information to assist it in formulating recommendations to the Foreign Ministers. In it, Gainer repeated the fundamentals of the revision of the Occupation Statute: "In accordance with the decisions of the Foreign Ministers no modification of the principle of supreme authority nor of the basis of the occupation regime can be contemplated. This regime remains based upon the unconditional right of the Allies to retain occupation troops in Germany and to ensure their security, prestige and requirements. The Study Group is not contemplating any change in the provision of the Occupation Statute affecting the essential elements of security. The Study Group also recognises that the principle of Allied responsibility in regard to "fundamental democratic issues of real importance" and in regard to the "just liberties of

the individual" must be safeguarded" (87).

The information provided by the High Commissioners on the request of the London Study Group provides a unique insight into the supervisory functions of the Allied High Commission and the gradual devolution of these functions to German authorities. By 1950 the Allies still carried out supervisory functions in the area of German economic policy and legislation. One of the powers reserved to the Allies under the Occupation Statute was control over foreign trade and exchange. Since November 1949 the Federal Government had been empowered to conduct direct negotiations for trade agreements, subject to the presence of Allied observers and to approval of the agreements by the High Commission. 35 trade discussions had taken place so far, at 28 of which Allied observers had been present, and had intervened in negotiations with 10 different countries. Despite the fact that executive responsibility for export controls had been assumed by the Federal Government in May 1950, the High Commission had found it necessary to intervene on several occasions to ensure the proper administration of security restrictions; Allied observers also sat in on the Inter-Ministerielle Einfuhrausschuss (Import Committee) and still held several executive functions. The management of foreign exchange had been progressively transferred to the Bank deutscher Laender and the Federal Government; the High Commission had nevertheless maintained a close watch in order to avoid any necessity for an increase in foreign assistance.

ce. The High Commission also had intervened on six occasions in regard to unauthorised changes in the customs tariff and manipulation of the rates and to ensure non-discriminatory treatment.

Although the Occupation Statute also called for the control of internal action to reduce the need for external assistance, the High Commission and the Federal Government had arrived at a substantial degree of co-operation: the High Commission had accepted a more limited control, particularly in fiscal and budgetary matters. To the greatest extent possible it avoided publishing its observations. For its part the Federal Government sought the advice of the High Commission before publishing its decisions or submitting its drafts to Parliament. Thanks to this procedure official and therefore embarrassing intervention was rendered almost unnecessary.

The second area in which the Allied High Commission carried out supervisory functions was German legislation and its consistency with the Basic Law and Laender constitutions. Up to mid July 1950, 966 items of Federal and Land legislation had been submitted to the Allied High Commission, of which 20 had been disapproved, provisionally disapproved or annulled. It was the general policy of the High Commission not to act as a substitute of a constitutional court: for example, the Allied High Commission did not disapprove the Schleswig-Holstein constitution, although it expressed serious doubts; in the opinion of the High Commission the matter should be dealt with by the Federal Constiti-

tutional Court, when it came into existence. Flagrant violation of the Land constitutions were the principle ground for disapproval: for example, the Rhineland-Palatinate Law on Provisional Budgetary Arrangements for the Fiscal Year 1950. In the great majority of cases laws were disapproved because of their incompatibility with Allied laws and directives or because the matter fell under the Allies' reserved powers. With the establishment of a Federal Constitutional Court the Allies' supervisory function with regard to German legislation was supposed to end. In fact, it was not until 12 March 1951 that all the legislation necessary for the establishment of such a court had been passed and not until 28 September of that year that the court had been set up and started to operate.

The London Study Group also asked the High Commission to provide information on the actions it had taken with regard to German war criminals sentenced and imprisoned by the Allies. On this subject there had always been close co-operation between the Occupation and German authorities and no complaints had been received from the German authorities in regard to the exercise of this reserved power. The High Commissioners, however, received numerous appeals for clemency, which meant that the issue remained a contentious issue throughout. Each High Commissioner was individually responsible for war criminals sentenced and imprisoned in his zone and when Kirkpatrick arrived in Germany there were 242 war criminals in the prison in Werl in the British Zone. In his

autobiography he wrote: "My personal responsibility for the custody of these men was absolute. I, and I alone, was empowered to review their cases and to remit sentences, if this seemed right on health or other grounds. I was naturally under constant pressure to exercise clemency" (88).

In the spring of 1951 at a press conference at the British Press Club in Berlin, Kirkpatrick was asked whether he was prepared to review the case of Rudolph Hess, who had been sentenced at the Nuremberg Trials to life imprisonment in the Spandau Prison in Berlin: "bearing in mind the provisions of Article II of the Nuremberg Charter I said that this was a matter for the four powers collectively but that I personally would be ready to make a review. I added that hatred and revenge were bad counsellors. In saying this I meant, of course, that sentiments of hatred and revenge should not inspire a refusal to make a review" (89).

This was not, however, the way his statement was interpreted in London, where it caused alarm among Government supporters. The matter was discussed in the Cabinet, where agreed that Kirkpatrick's statement had been badly worded and rather unfortunate. The Attorney-General's criticism was the strongest: "he did not feel that the Cabinet had yet had an adequate explanation of the High Commissioner's reference to 'hatred and revenge as bad counsellors,' which had been widely interpreted as a reflections on the Nuremberg Tribunal and on the British military courts. Moreover, in dealing with the heinous crimes which many of the German war criminals had committed, he found it difficult to understand

in what respects 'circumstances had changed,' a phrase which, according to Press accounts, the High Commissioner had used in his remarks".

This very strong criticism might have been inspired by the Attorney-General feeling personally offended, as he had been one of the prosecutors at the Nuremberg Trials. Some of his Cabinet colleagues displayed much greater understanding of High Commissioner. In the discussion the point was made that "the Foreign Secretary had signed an instrument of delegation which placed responsibility on the High Commissioner to review cases and remit sentences when he thought it proper to do so. ... Sir Ivone Kirkpatrick considered that he had been given a personal responsibility, in the exercise of which he must be guided by his conscience. He had assumed that he should no seek ministerial guidance on the exercise of this duty. ... The United Kingdom High Commissioner in Germany might, on one view, be regarded as an official responsible to the Foreign Secretary while, on another view, he might be regarded as more akin to the Governor of a Colony who advised on the prerogative of mercy without reference to the Colonial Secretary" (90).

In his autobiography Kirkpatrick described the affair as follows: "There was quite a fuss and Mr. Attlee rebuked me in Parliament. I thought of resigning, but two considerations restrained me. First, to resign on this issue would have roused opinion in Germany; and it would have been damaging at that particular juncture to provoke Anglo-German

friction. Secondly, Mr. Bevin, who told me I was quite right, asked me not to do so. I was not only devoted to him personally, but I had great respect for his judgement. I arranged with him, however, that in view of the political flavour this problem had acquired I should at once divest myself of all responsibility for War Criminals and transfer it to the Foreign Secretary" (91).

It took the High Commission over three weeks to respond to the questions of the London Study Group. This delay was caused by differences of opinion between the three Allied High Commissioners. These differences provide a unique insight into their different interpretation of their role and the future scope of the occupation regime in Germany. They were especially acute on the last question of the Study Group: "what would be the effect on the working of the High Commission of the establishment of direct diplomatic relations between the Federal Republic and foreign countries?" The main controversy was over the question whether the Federal Republic should be allowed to establish diplomatic missions in the capitals of the three Occupying Powers.

Kirkpatrick, who chaired the Council meeting when this question was discussed, pointed out that, in his opinion, the establishment of diplomatic relations would not impinge on the theory of supreme authority. To illustrate his point he used the example of Austria, where the Austrian Government had established these diplomatic relations despite the

fact that the quadripartite control council in Vienna still possessed supreme authority in Austria. He also made the theoretical point that only the sovereign had the power to delegate. He told his colleagues that he would opt for the establishment of German diplomatic missions in the capitals of the Occupying Powers: "I think the conception we should have is of an Allied Supreme Tripartite organ here with diplomatic representations broadly confined to inducing the home government to instruct us as the Germans would have it."

Francois-Poncet was adamantly opposed to German ambassadors in Paris, London and Washington: "I feel that the day when there will be ambassadors in our capitals, there will be awful confusion between their powers and ours, ... I believe that by the time the supreme authority of the Allies, especially the authority of the High Commissioner, would only be a word. My government can see very well that there might be diplomatic representation in our capitals, but representation of a special nature, so long as the High Commission remains." Mr. McCloy, the American High Commissioner, agreed with the French: "Well, I think that the introduction of ambassadors in the capitals does produce, as I say, a very serious and new factor in the relationships of the Commission and the status of the Commission. If those ambassadors operated as ambassadors normally do, I think the position of the Commission here would be very seriously embarrassed and deteriorate. That

would be by-passing the Commissioners here and confusion of authority and the situation would be very awkward, I should say. (92) "

In the end the three could only agree to disagree and to express this disagreement in three different versions of an answer to the London Study Group. The French version opposed the establishment of regular diplomatic missions headed by ambassadors in the three capitals as this "could create an element of confusion in the relations between the Federal Republic and the three Occupying Powers." The American demanded an additional agreement in the case that diplomatic representations were to be established: "Closer co-ordination among the three Elements and closer definition of relations in this field with the Germans would be necessary to enable the Allied High Commission to have current knowledge of German operations in order to discharge its own responsibilities." The British alone believed that the introduction of German diplomatic representations in the three capitals would not impair the status or the working of the Allied High Commission, but only "import a new factor into the relations between the Federal Government and the three Occupying Powers", by giving the it the opportunity of "reinforcing representations made to the High Commission in Bonn by separate demarches in the respective capitals." (93)

When the High Commissioners' answers to the questions of the London Study Group were dispatched, Steel wrote an accompanying letter to the Foreign Office. In it he pointed

out that throughout the discussions the French had taken a rather more restrictive view than they had done in London in May. According to Steel, it was only thanks to British insistence that interference with German life and habits under the blanket clause about the "the basic purposes of the occupation" had been slight. He had a word of warning for the Foreign Office: "McClory is hot on this particular trail at the moment and is loud in his assertions that now is our last chance by paternal action to turn the Germans into a big, clean, liberal community (by implication on the American model). It is clear that he is thinking in this matter very much of decartellization and "freedom to engage in a trade". I feel and so does Ivone that this recrudescence of crusading zeal represents a real danger. If to the existing economic controls we add a whole lot of new ideological ones, the Occupation Statute in its new form will leave the Germans with less rather than more freedom of action than they had before. If in addition the French block any real transfer of competence in foreign affairs I cannot imagine the Chancellor and his Government retaining any prestige at all, let alone building themselves up as we intend." (94)

As one can see from Steel's letters and Kirkpatrick's statements, the British element of the Allied High Commission was much more forward looking than their American and French counterparts and were deeply worried when this did not come

across to the Germans: on 7 September Kirkpatrick complained to the Foreign Office that "these reports convey the impression that the French and Americans are ready for far-reaching concessions to Germany and that Britain is lagging behind. The positive interpretation of French policy, which we know to be the most restrictive of all, is somewhat galling, and there is danger that the blame will fall on us if the results of the Foreign Ministers conference should not come up to expectation." (95)

Foreign Affairs continued to be a sticking point; even the Intergovernmental Study Group in London could not agree on a common recommendation on this issue in their final report, which it approved at the eighth Plenary Meeting on 4 September. It was agreed that the Federal Republic could establish regular diplomatic relations with countries other than the Occupying Powers, subject to the High Commission's right of previous disapproval, which would only be contemplated in rare cases. There was, however, insurmountable disagreement between the British representatives on the one hand and the American and the French on the other on the question of establishing diplomatic relations between the Occupying Powers and the Federal Republic: the United Kingdom would receive diplomatic representatives, who would not deal with matters affecting the powers of the High Commission, but would not appoint diplomatic representatives to the Federal Republic, as the High Commissioners would act in this capacity in matters which did not call for tripartite

action. The Americans and the French reiterated that the High Commission had to remain the only channel for the negotiation of matters of a diplomatic and political nature between the Occupying Powers and the Federal Republic and that they would only contemplate receiving official agents of the Federal Republic, whose task would be limited to matters of a non-diplomatic nature, including informing their Government. (96)

Up to the beginning of the New York Foreign Ministers Conference the Foreign Office increased the pressure on the Americans to come around to the British point of view. Bevin wrote to Sir Oliver Franks, the British Ambassador in Washington, asking him to arrange to arrange a meeting between himself and Acheson before the start of the tripartite talks: "I have the impression that he may well be more responsive than his officials and should be inclined to see things as I do." Bevin was doubtful if the recommendation of the Study Group went far enough "to enable us to achieve our object of assuring the Germans that we mean to have them on our side and we intend to treat them as one of our company." The main point which the Foreign Secretary wanted to make to his American counterpart was on foreign affairs: "I think the American reservation as to holding back this power but delegating it to the Germans in certain fields is psychologically a mistake. The prestige of the Federal Government will be closely bound up with the authority they have in foreign affairs and the idea of delegation will be hard to

swallow; whilst it does not add anything to our effective control. Similarly, the American unwillingness to accept a German ambassador at this stage is unfortunate. I do not see how we can ask other countries to receive Ambassadors if the United States does not. No doubt there may be difficulties in Washington, as elsewhere, but these are just the risks of a secondary order which we must take." Bevin wanted Acheson to know that he was "prepared to make very great sacrifices from our original view point to bring about an agreement." (97)

As described before in this chapter, the New York Conference was the first instance, when a German contribution to the Western defence was discussed officially, and although the Allies could not come to a full agreement on this issue, it brought about a change in the thinking on the subject of the revision of the Occupation Statute. The Intergovernmental Study Group was to re-convene to consider "a further revision of controls to be put into effect when satisfactory progress has been made towards a common defence with which Germany is associated. ... Meanwhile, the High Commissioners are to be instructed to prepare immediately on their return to Germany the draft of a document amending the statute, on an interim basis, on the lines of the Study Group's recommendations." On foreign affairs the United States/French proposals were accepted, despite Bevin's reservations, but only "for the duration of this next interim phase" (98).

The net

result of the New York Conference was, like on the defence issue described earlier in this chapter, the British had been roped in by the American proposal of a "package deal", and had given up their forward looking aspirations for a new Occupation Statute and had settled for a much less ambitious reform with the promise that more would follow the eventual agreement on the incorporation of the Federal Republic into the Western Defence. It was a curious situation in which the High Commissioners were to return to Germany and deploy all their energy in the implementation of the New York decisions, only to render the revision of the Occupation Statute obsolete by its successful completion; in other words, once the Occupation Statute had been revised the Western Allies and the Federal Republic would move on to a much more fundamental review of their relations in connection with the question of a German contribution to Western defence. The British High Commissioner was in the forefront of pushing the process along to achieve the liberalisation, which he had aimed for all along.

During the first meeting with the Chancellor after the New York Conference, Kirkpatrick tried to impress on Adenauer the importance of implementing the conference decisions, especially of getting a satisfactory assurance about Germany's financial obligations: "I drew attention to the Secre-

tary of State's conviction of the importance of the present stage in our relations and told the Chancellor how much Mr. Bevin hoped that the Federal Government and all concerned would devote themselves wholeheartedly to the success of the policy on which we were now embarking. The Chancellor replied that we could rely on him and the Federal Government to make a success of the present stage." (99)

While the Germans expressed their willingness to co-operate with the implementation of the New York decisions, a disagreement developed between the three High Commissioners about the instrument of revision of the Occupation Statute. During the Council meeting on 13 October Francois-Poncet and Kirkpatrick wanted to accept the draft submitted to them by their experts, but McCloy expressed doubts about its form which he considered inartistic and imprecise: "He argued in particular that it was inappropriate to include in a legal document statements of the High Commission's intention in connexion with the powers to be relaxed upon fulfilment of conditions or programmes. He wondered whether we should not instead convert the instrument into a memorandum which would be handed to the Chancellor as an indication of our future programme for the relaxation of controls. The controls could then be relaxed one by one, and when the process was complete, a legal instrument definitely relinquishing our powers could be promulgated." The French Government reacted strongly and urged the British to join them to make representations in Washington, complaining that McCloy was out of

line with the decisions taken on 18 September in New York. Kirkpatrick resisted as he saw no objection to accepting a shortened instrument of revision and a memorandum or declaration of intention to relax other controls upon the fulfilment of conditions or completion of programmes; he only objected to the delay which this procedure would cause. In his comments to the Foreign Office on the whole affair, Kirkpatrick deemed McCloy's remarks to reflect the dislike of a lawyer -- the American High Commissioner's learned profession -- of a legal document, which included hypotheticals. Kirkpatrick explained the strong reaction of his French counterpart: "I understand that Poncet has been taken to task by Paris for permitting the inclusion of any reference to the prospect of future revisions" (100).

Bevin agreed with Kirkpatrick that it was very unsatisfactory that the High Commissioners should be arguing about a question of this nature: "the Germans would soon get to hear about it and would feel that they could play off one against another" (101). The High Commissioner had come to London on 20 and 21 October to discuss the situation with the Secretary of State and others and it was agreed that the British should decline to join the French protest in Washington and should endeavour to reach agreement on the lines of the compromise proposed by Sir Ivone: they would accept a shortened instrument of revision and a declaration of intention to relax other control. One week later Kirkpatrick was able to cable to London that "at a private session following

Council meeting on 26th October Francois-Poncet agreed to seek a revision of his instructions which would permit him to accept the short instrument of revision" (102) and on 2 November the French Political Adviser returned from Paris with instructions to that effect.

The only condition which the French Government attached to the agreement was that both the instrument of revision and the declaration of intention were issued in a manner which made it quite clear that they represented the unilateral acts of the occupying powers acting in the exercise of their supreme authority. "This arrangement finally disposes of the French attachment to the long instrument," Kirkpatrick wrote, "and I consider that we should accept it" (103). When the two documents came up for discussion in the Council on 9 November they were accepted without alteration and forwarded to the governments for final approval.

In the meantime Kirkpatrick was urging Adenauer to give the two assurances required before the revision of the Occupation Statute could be put into force. Although the Chancellor undertook to proceed with all possible haste, "he pointed out that since he was required to put the matter to the Bundestag it would be necessary to secure his own party and if possible the opposition. This would necessarily take a little time" (104). Despite his assurances it seems like Adenauer was stalling: he knew that his bargaining position was improving with the Allies getting closer to an agreement on a German contribution to Western defence. On 16 November

he handed the High Commissioners a memorandum in which he urged the early realisation of his proposal to put the relations of Germany to the Occupying Powers on a totally new basis and to regulate them progressively by a system of contractual agreements; he had first made these proposals before the New York Conference, but now he felt in a stronger position to reach this aim.

At a lunch on 20 November Kirkpatrick discussed the memorandum with Adenauer: "I told the Chancellor that His Majesty's Government was committed to an evolutionary policy which would lead to German membership of a western system. But the pace and character of this evolution required very careful consideration. In particular I emphasised the danger that if we suddenly terminated the occupation regime we might prejudice our right to maintain troops in Berlin. ... The Chancellor took the point and agreed that the problem should be carefully studied before any step was taken which might adversely affect our situation in Berlin" (105). At this lunch the Chancellor also mentioned to Kirkpatrick that he found the tone of the allied draft of the communique altogether too unforthcoming and that he hoped that it would be possible to improve it. Kirkpatrick replied that "it made the same impression on myself." He therefore agreed to receive German suggestions for a change of appearance of the document. When Dittmann, the Chancellor's representative, finally communicated the text to the British, it turned out to be a complete German redraft. In his comments to the

Foreign Office Kirkpatrick wrote:

"I consider that we must do our best to help the Chancellor over this fence and we have accordingly replied to Dittmann that there would be no British objection to the submission of a German counter draft. We have at the same time suggested that various passages should be differently put. The use of the title "protocol", the rehearsal of much of the content of the instrument of revision, the suggestion that the arrangements are merely a first step and the mention of a contractual settlement will no doubt arouse the opposition of the French. It would be best not to tell the Americans of this approach. It should have been made to them as they are in the chair, but Dittmann, somewhat embarrassingly claimed that the Chancellor was anxious to know the view of the British Element before formally putting forward his counter-draft." (106)

The Foreign Office agreed with Kirkpatrick that it was important to support Adenauer, as his rival Schumacher would raise the price of German participation in Western defence still higher. "It is in fact clear that the Germans are getting uppish," Mallet wrote in a Foreign Office minute; he was convinced that concessions would be necessary, but suggested that it should be made clear to the Chancellor "that he must settle the present proposals in regard to the Occupation Statute, claims, etc. before asking for more, and to show him that, if he wants the Allies to advance further, he must avoid giving the impression of pushing us or of driving bargains and must be content to move step by step." (107)

The German Chancellor, however, was not at all content to move step-by-step; instead he "showed signs of being somewhat rattled by developments in internal politics here and by events in the Far East," Kirkpatrick wrote about the

meeting between Adenauer and the High Commissioners on 1 December. During that meeting the Chancellor and McCloy had had some very sharp exchanges; "I confined myself to assuring the Chancellor that I well understood the political difficulties he was in and adding, in order to bring the discussion back to a more concrete issue, that we therefore appreciated the efforts he had made to change, by redrafting it, the character of the communique we had proposed for joint signature by himself and us when the Occupation Statute is revised" (108).

These were only Kirkpatrick's public utterances; in a secret telegram he urged the Foreign Office to grant Adenauer' request: "On the whole I think that the Western Powers would be well advised to tell the Chancellor that we always had it in our mind, if Germany joined us in the defence of Europe, to replace the occupation statute by a regime which would give Germany the status of freedom compatible with her new responsibilities. Accordingly they would be prepared in principle at the appropriate moment to make a public declaration to this effect and to authorise the High Commission to discuss with him the timing and terms of such a declaration" (109). The Foreign Office, however, hesitated: "I am quite clear in my mind that it will be wellnigh impossible to get them (the French and the Americans, explanation of the author) to agree to any such assurance to the Germans as Sir I. Kirkpatrick suggests,"

Gainer wrote in the minutes to the High Commissioner's telegram; "I feel quite sure that we must go slow on this pending developments on the Washington, NATO and CFM fronts. We should explain to Sir I. Kirkpatrick and see if we can't get a message to Dr. Adenauer to comfort him if there is to be any long delay in reaching a decision about German rearmament," Mallet added. On these lines an answer was sent to Germany: "I well understand the desirability from the point of view of the situation in Germany of some such assurance to the Chancellor," Sir Donald St.Clair Gainer wrote, but "in all these circumstances it hardly seems possible for us to take any initiative at the moment towards raising with the French and Americans your suggestion for talks with Adenauer. But, as soon as it is decided to authorise you and your colleagues to start discussions with Adenauer on a plan for German participation in defence, then you will clearly have to be empowered at the same time to discuss the future form of the occupation." (110)

In fact the Foreign Office was wrong to assume that both the French and the Americans were unwilling to contemplate anything on the lines suggested by Kirkpatrick; in fact Sir Oliver Franks informed the Foreign Office that the American State Department had been giving very active consideration to the subject of further constitutional changes in Germany and that they appeared to have come to the conclusion that to terminate the regime of the Occupation

Statute as such and to negotiate a new regime on a contractual basis was the only practicable course(111). And at a meeting on 7 December, the Allied High Commissioners were united: "I said that the first thing to be done was to execute the decisions which the Foreign Ministers had taken in New York. Once the New York decisions were in force I personally, should favour a statement to the effect that Germany was advancing progressively to full membership of the western community and that with each advance the attitude of the Western Powers towards Germany would be adjusted to meet the changed conditions. If Germany were to make a contribution to Western defence the relationship of the Western Powers to Germany would have to be adjusted to this circumstance. My colleagues agreed that they could recommend to their Governments a statement on these lines once the New York decisions had been put into effect. McCloy was anxious that in such a statement our governments should explicitly refer to the Chancellor's idea of a Security Treaty, and state that they were prepared to study it in consultation with the Germans; Francois-Poncet and I did not dissent."(112)

A curious situation had developed: what had been envisaged as a major alleviation of controls, namely the revision of the Occupation Statute, now stood in the way of a further removal of controls; in other words, the revision of the Occupation Statute had to take place before it could be abolished or replaced by contractual agreements. The High

Commissioners pointed out to the Chancellor that the implementation of the New York decisions was essential before further arrangements for the future could even be considered. This point was also stressed by Bevin, when he discussed the general line to be taken at the forthcoming Brussels Conference with Mr. Allen and Mr. Mallet on 16 December. Once the New York decisions were implemented, the Secretary of State was prepared to tell the German Chancellor that the three Governments had taken note of his suggestion that the Occupation Statute should be replaced by a contractual arrangement: "as a first step towards the study of the constitutional question, it would be desirable to get the joint recommendations of the Allied High Commission. It would be desirable that the discussions should proceed as far as possible in consultation with the German Federal Government from an early stage. The approach should be different from that adopted in the past when the three Occupation Powers had worked out their plans and then presented them to the Federal Government." (113)

At the Brussels Conference it was decided that the failure of the German Federal Government to implement the New York decisions need not preclude discussion of further changes with the Federal Republic, but that these should not be brought into force until the New York decisions had been implemented. The Occupation Powers finally agreed to accept a declaration by the Federal Chancellor, without the backing of the Bundestag, on Germany's foreign debts

and the provision of raw materials. The revision of the Occupation Statute was eventually promulgated on 6 March 1951: the Allied High Commission relinquished the supervision of Federal and Land legislation, restored almost complete foreign exchange control to the Federal Government and considerably expanded Federal control over foreign affairs. The British therefore succeeded in swaying their allies over the supervision of legislation, but were in the end not able to carry the Americans and the French with them on foreign affairs, at least not as far as the British had been prepared to go. The Federal Republic of Germany was to be represented in the capitals of the three Occupying Powers only by charge d'affairs.(114)

Considering the episode of the revision of the Occupation Statute one can not help but notice the forward looking attitude of the British. Sir Ivone Kirkpatrick was the first to suggest the transfer of power in foreign affairs to the German Federal Government and it is he who later on argued in favour of accepting German ambassadors in the Allies' capitals. The British also resisted the American fervour towards influencing internal German affairs. Later on, Kirkpatrick tried to persuade his own government to accept the replacement of the Occupation Statute by "a regime which would give Germany the status of freedom compatible with her new responsibilities."

This forward

looking attitude, however, has to be put in perspective. The British never had the same degree of missionary fervour as the United States towards shaping Federal Republic in the American image. Nor did they have the same anxieties as the French concerning the Germans. The British were willing gradually to relax their powers in order to persuade the Federal German Government to make a firm commitment to the West. At the same time they were never willing to endanger their military and political objectives in Germany and that meant that they were never willing to go as far as giving up the principle of the Allies' supreme authority in Germany. This forward looking attitude up to the last, crucial point continues during the negotiations of the contractual agreements.

THE CONVENTIONS ON GERMAN-ALLIED RELATIONS

The negotiations leading up to the Contractual Agreements were long and arduous and prove why Sir Ivone Kirkpatrick deserves the epithet "The Negotiator": 31 official meetings between the Allied High Commissioners and Dr. Adenauer, 13 of them in the last two months before the eventual signing of the treaties on 25 May 1952; especially in the last phase of the negotiation the sessions became longer and longer, turning into marathon meetings: there were 11 all-day meetings; the longest lasted from 10 a.m. on 15 May until 5.30 a.m. the next day. There were countless meetings between members of the Allied High Commission's Special Committee and German representatives and other, mostly unofficial, meetings on various levels.

In the negotiations the High Commissioners were guided by instructions from their Governments. These instructions, however, were shaped as far as possible in accordance with recommendations by the High Commissioners. Kirkpatrick wrote innumerable letters to keep the Foreign Office informed and several times flew to London, as he himself put it, to "induce Government departments to drop demands which were excessive or which were acceptable neither to our Allies nor

the Germans." (115) Three times, in Paris in November 1951, in London in February 1952, and in Bonn during the days before the signature, the Foreign Ministers met to settle outstanding points and for the last two of these conferences the German Chancellor, Dr. Adenauer, was present, negotiating directly with the Foreign Ministers. This is a point to prove how times had changed: the High Commission was not the only channel of communication between the Allied Governments and the German Federal Government any more. The atmosphere of the negotiations had changed, too: the Chancellor was not ordered to the Petersberg any longer, as he had been for the negotiations for the Petersberg Agreement in 1949; the four met at the residence of the Chairman of the Allied High Commission, rotating monthly. But even though the atmosphere had changed, Kirkpatrick wrote in his autobiography: "I have never known so punishing an ordeal." (116)

At the very start of the negotiations, one week after the official start of the exploratory talks on 10 May 1951, the British High Commissioner told his men: "The truth is that we have gaily undertaken to perform a fabulous tour de force - squaring the circle would be relatively child's play. And nobody knows how to tackle it. And so we hope that the passage of time will enlighten us." (117) Almost exactly one year later, during a meeting between Adenauer and the Allied High Commissioners on 1 May 1952, Kirkpatrick repeated this metaphor of the squaring of the circle. His statement then could almost serve as his resume of the signifi-

cance and the scope of the task they had been given by the Foreign Ministers at the Brussels Conference in December 1950. He pointed out that there was no precedence in history for such a set of agreements and outlined the intricacies: first, the Four Power Agreements on Berlin and the unity of Germany were still binding; second, it was necessary to station troops in Germany for defensive purposes, which undoubtedly would entail certain burdens for the Federal Republic, but on the other hand also bring her economic advantages. From this necessity to station troops a unique situation would result: public opinion would have to made to agree with the task which the troops were there to perform. Thirdly, the uniqueness of the historic situation resulted from the fact that the state of war and the occupation was to be liquidated before the conclusion of a peace treaty. This was why a large number of separate regulations were necessary.

In Kirkpatrick's view, the purpose of the set of agreements was to reconcile the aims and intentions of Allied policy with the greatest possible freedom for the Federal Republic. The problem of squaring this circle had to be resolved in three ways: first, the Federal Republic's sovereignty had to be restored without impairing the restoration of German unity. Second, the freedom of manoeuvre of the Federal Republic should suffer as little as possible through the presence of Allied troops. And finally, the state of war was to be liquidated without imposing too heavy

a burden on the Federal Republic. Kirkpatrick at that point added that public opinion had to be informed that the negotiations had been totally free and that both sides had made concessions in view of the great common task. It was clear that the people in all four countries paid special attention to the concessions made by their respective government and tended to ignore the concessions made by the others. All parties concerned had to try to convince public opinion that every one had made concessions and that all four of them had made great sacrifices (118).

The Contractual Arrangements must be one of the longest and most intricate set of agreements ever negotiated. In the end it consisted of: The General Convention on Relations between the Three Powers and the Federal Republic of Germany, which contained the text of the General Convention and eight other papers; The Convention on the Settlement of Matters arising out of the War and the Occupation, which consisted of 12 chapters, which had themselves 25 subordinate parts; The Convention on the Rights and Obligations of Foreign Forces and their members in the Federal Republic of Germany, made up of the text itself plus two annexes; The Convention on the Economic and Financial Contribution of the Federal Republic to Western Defence; five letters signed by the Chancellor to the three Allied Governments on security controls; and finally one agreement on archives. All in all 54 texts. In his autobiography Kirkpatrick wrote: "On many of the issues it was hard to obtain Allied agreement. On

some the military were in conflict with the civilians. In Germany all the political parties were seeking to intervene in the negotiations. For a long time it seemed as if the treaty must founder on an accumulation of technical snags. If at last we reached port, it was because all the parties were resolved to succeed. In an elegant little speech about the treaty M. Schuman referred to the role of the High Commissioners and remarked that never in history had men worked with such zeal to abolish themselves." (119)

The general success of this set of agreements, is best brought out by Kirkpatrick himself, who pointed out that "the treaty has stood up fairly well to the scrutiny of time. Contrary to expectation there has been no move in Germany to secure its revision. Nor has there been any substantial manifestation of dissatisfaction in any Allied country." (120) This has held true until 1990, 38 years after the set of treaties were first signed, when the two parts of Germany were unified and the four World War II allies signed an accord with representatives of the two parts of Germany, which settled all outstanding issues and granted the unified Germany her full sovereignty.

It was mentioned at the beginning of the chapter that General Robertson was the British High Commissioner in Germany who exercised all the powers connected with this unique role and that his successor, Sir Ivone Kirkpatrick, was the one who surrendered these powers in negotiations

with the Germans. Evidence in support of the claim that Kirkpatrick was a good negotiator is the fact that, in return for this transfer of power, he got what the British wanted: the Federal Republic's firm integration into the Western bloc and its participation in Western defence. He also never gave up all the powers: as long as most of the British forces were stationed on the Continent, their position and prestige had to be secured and for this reason some of the powers had to be retained; outstanding quadripartite issues also demanded the retention of some powers. In the negotiations Kirkpatrick also achieved a financial settlement with the Federal Republic which was essential for Britain, still weakened by the economic after-effects of the war. He was a very skillful negotiator with a great ability to persuade, mediate and to find a compromise. He was able to do this because the British were more concerned with the end result of the negotiations than the details. Kirkpatrick's role in these negotiations will be described in this part of the chapter.

The beginning of the negotiations was hampered by differences of opinion among the Western Allies and between the High Commissioners and their own governments on the speed of progress and the scope of the negotiations. At the Brussels Conference, the Foreign Ministers held a meeting the High Commissioners on 19 December. The French, Andre Francois-Poncet, summed up the opinion of all three High Commissioners on the German Chancellor's repeated requests for the re-placement of the Occupation Statute by some

contractual arrangement: "The High Commissioners thought it important to meet the Chancellor as far as reasonably possible over such matters because of the increasing signs that German opinion was becoming attracted by the idea of the possible neutralisation of Germany as a result of Dr. Schumacher's policies, the pronouncements of Pastor Niemoeller, Grotewohl's recent letter and the prospect of a four-Power meeting." (121)

In the previous part of the chapter a secret telegram, which Kirkpatrick sent to the Foreign Office on 2 December, was quoted. In it he had expressed the same opinion as Francois-Poncet. The Foreign Office, however, decided to take a more cautious line than the one recommended by Kirkpatrick and in Brussels Bevin said: "We should go along stage by stage taking each case on its merits. We could not at once promise the Germans full equality in everything. Nevertheless we must recognise that the process of continual evolution made necessary adjustments in our attitude. For instance the Potsdam Agreement had been based on the idea of the repression of Germany. The Schuman Plan was based on that of equality. If the Schuman Plan succeeded it would mean that the basis of our approach to many German problems had been changed and that a further step had been taken away from the original Potsdam conception. But we could not give any promise of immediate and complete equality." (122)

It was decided that the High Commissioners should

embark on the first phase in the development of a new relationship between the occupying powers and Germany, namely exploratory talks, at the conclusion of which they were to report to their Governments and await instructions before embarking on the real negotiations. In their work the High Commissioners were to be guided by four general principles: firstly, the entry of Germany into Western defence arrangements would logically entitle her to substantial freedom; secondly, the final plan of the new relationship should be mutually satisfactory; thirdly, the arrangements should cover all aspects of these relations, except such problems as could only be resolved in a peace settlement; and fourthly, the possibility should be explored whether commitments made by Germany to her adherence to international statutes or organisation would render possible the relinquishment of occupation controls. (123)

Returning from Brussels the three elements of the Allied High Commission found it difficult to come up with a common approach: Kirkpatrick informed London that these divergencies of view "will very seriously complicate the High Commissioners' task when informal discussions with the Germans begin. If no agreed view can be expressed, it may prove impossible to express a view at all; and we may find ourselves reduced to a position where we cannot negotiate, but are confined on some of the most important issues involved to registering German views in order to record them in the High Commission's eventual recommendations to Govern-

ments." (124)

This disagreement amongst the three elements of the Allied High Commission was especially embarrassing as the German side was making considerably more progress and was going to be ready to present concrete proposals. The Political Director and Head of Chancery of the United Kingdom High Commission, Mr. C.D.W. O'Neill, complained to the Foreign Office that "they have of course two advantages over us. First, that they have only their own minds to make up and do not have to concert their line with others. Second, that their Government is close at hand and can endorse their recommendations and give them current instructions. Armed with these advantages, they have apparently not merely (like us) churned out a great quantity of paper on all conceivable subjects representing the views of all their Ministries; but also, unlike the High Commission, they have succeeded in distilling this mass of paper down to a smaller compass of precise proposals. We learn that they are prepared to discuss most of the subjects on our list of thirty-nine points(125); but probably as I told you in my last letter they will still wish to begin with those subjects which are most important for them and most awkward for us. They have apparently, for example, drafted a complete "Truppenvertrag", or Convention on Troops; and I suppose they will confront us with it." (126)

The differences of opinion between the High Commissioners were fundamental: The first concerned the Allies' supreme

authority in Germany: they all agreed that they could not forgo it completely as it represented the basis for their position in Berlin, for their powers to act in Germany in the event of an external emergency, and for their dealings with the Soviet Union on subjects which concerned the whole of Germany. The German Federal Government was prepared to accept the Allies' retaining supreme authority provided that the latter were prepared to regard the contracts entered into as binding, meaning "to regard the exercise of supreme authority as irrevocably suspended in the fields in which contracts were concluded." In Kirkpatrick's opinion "the intentions of the Ministers at Brussels can best be achieved by a system of contracts freely negotiated, binding both parties, and founded upon a common purpose and on the assumption of mutual good faith". He was therefore prepared to go along with his American colleague and accept the German proposal. The French approach was radically different and their argument was very similar to the one they had made during the discussions over the revision of the Occupation Statute: "In the French view, the agreements and declaration of 1945 invest the Allies with the right to be in Germany and with 'sovereignty' in German affairs. The French therefore argue, that (i) the presence of the Allies in Germany is something about which no contract can be made and (ii) possessing the attributes of sovereignty the three powers are in a special position vis-a-vis the Federal Government and any agreements we make with that government must reflect

the special character of this relationship."

Although Kirkpatrick stated that the effectiveness of the system contemplated would depend upon the good faith of the contracting parties "to a greater or lesser degree all elements at various levels desire somehow to retain the powers necessary to ensure that the Germans comply with their bargain." He proposed his own parameters for the negotiations with the Germans: "any fields in which we are determined to retain powers of control and enforcement must lie outside the scope of a contractual system 'on the widest possible basis'. It follows that we must envisage the present field of Allied activity in Germany divided into two areas in one of which our powers will be abandoned and replaced by contracts, while we retain our supreme authority in the other and act by virtue of it." Kirkpatrick realised that it would take the greatest power of persuasion to make the Germans swallow this pill.(127)

On 1 May Kirkpatrick went to London for consultations in the Foreign Office. He pointed out certain incompatibilities between safeguards in connection with West Germany's participation in Western defence and the planned new relationship between the Allies and the Federal Republic on a contractual basis: "High Commissioner believed that it was desirable to make a start with the negotiation of contracts as soon as possible, and for this purpose suggested that a division should be made between those contracts which were inseparable from the German defence contribution, and those

which could be concluded irrespective of the creation of a German army or not. The High Commissioner's view was that it should be possible to proceed nevertheless to the negotiation of both categories of contract, a clause being inserted in the former making it clear that the resultant agreement agreement was 'dormant' until the German contribution materialised." (128)

Although the Foreign Office acknowledged Kirkpatrick's views it was still holding back: "If the Western Powers seriously want an early German defence contribution, a revision of the N.A.T.O. safeguards referred to in the previous paragraph will have to be sought and such a revision would involve the smoothing out and reconciliation of Allied differences. But this step raises fundamental issues which can only be settled at governmental level and at a later stage." But it was pointed out that the momentum of the political discussions in Germany should be maintained. Mr. Bevin had expressed the view before "that the process of transferring authority to the Federal Government should continue whatever form the association of the Federal Republic in Western defence might take, and indicated his belief that the Occupying Powers had more to gain by bringing the inevitable changes about gracefully and rapidly rather than grudgingly and too late" (129). Kirkpatrick was therefore to proceed in the way he himself had proposed in London on 1 May. The Foreign Office, however, adopted only parts of his recommendations: it did not share the High

Commissioner's sense of urgency over the need to come to a final decision on West Germany's contribution to Western defence, which he deemed essential to tackle the incompatibilities which he had pointed out.

The Office of the High Commissioner concluded that it had been almost too successful in winning the Foreign Office over and that the instructions would be difficult to translate into action: "The French and the Americans have given at best but a grudging and partial consent to our concept that certain contracts should be concluded ahead of the German decision to contribute to defence; and this concept is reflected very faintly, if at all, in the Aide Memoire given to the Germans on 27th February which sets the stage for the forthcoming discussions" (130). O'Neill recommended in his minute on the instructions to the High Commissioner that the British element should not expose the dilemma, which it had recognised to exist between the contracts and the NATO safeguards, in tripartite discussions, and definitely not in discussions with the Germans: it would "merely give comfort to the French and lead them to agree with our conclusion without accepting our (necessarily unexpressed) view that what is really needed is a revision of the NATO safeguards. I think therefore that on these subjects we should, while avoiding the expression of very firm views, incline towards support of the American case, which is that contracts should be concluded in these fields by which the Germans would accept our right to continue legislating,

prosecuting, imprisoning and inspecting. We know well that the American view is an optimistic one, and that the Germans are very unlikely to enter into contracts of this kind. But I think we must leave it to the Germans to teach the Americans this lesson rather than try to teach it to them ourselves" (131).

In the middle of May the British element of the High Commission was expecting a visit by the Secretary of State, Herbert Morrison, who amongst other matters wanted to find out first hand, how long the solution of the dilemma could be postponed, in other words, "how long we can afford to postpone effective decisions regarding the defence contribution without the risk of the Germans going sour on us." T.W. Garvey, who had become the chief doctrinaire in the British element of the High Commission in matters concerning the negotiations, was instructed to write a minute for the High Commissioner on the brief the Foreign Office had prepared for the Secretary of State.

"I submit that the lesson, if any, that we can teach Mr. Morrison during his visit is that we have already fully insured, if not over-insured, the freedom of action of H.M. Government by the caveats we have already put in as to the nature of the current conversations. If, within the framework of these caveats, we are enabled to have a full and frank exploration with the Germans of the whole field of our relations, the danger of the Federal Government going sour is not serious. If on the other hand the Ministers insist on construing despatch No. 185 in the light of paragraph 12 of the present brief (which says that you have been instructed to centre the current discussions upon the relaxations of safe-guards in fields not directly related to defence), and if it becomes known, as it will, that the Allies are insisting on discussing unimportant matters, the situation will have serious potentialities in terms

of German disillusionment." (132)

Kirkpatrick wrote a short "I agree" on Garvey's minute.

On 3 August 1951 the exploratory talks ended and ten days later the High Commissioners sent their report concerning the new relationship between the Allied Powers and Germany to their Governments. With this report Kirkpatrick sent three letters in which he criticised his own Government and in which he expressed his frustration about the instructions given to him: "the report now transmitted to the three Governments represents the result of eight months' discussions which might have been concluded sooner but for the desire of His Majesty's Government and the French Government to defer a decision." He made it clear that such a decision, in his opinion, had to be taken: "I do not believe that the Allies can with safety defer for much longer a decision in regard to German participation in Western defence ... If they wish Germany to contribute, they must consent to accord her that degree of military and political equality which is essential if a Military Service Bill is to pass through the Bundestag."

He complimented the Special Committee of the High Commission for the thoroughness of their work in producing the report and in outlining the complexity of the issues and the differences which still separated the Allies. In his opinion, however, it did not and could not succeed in satisfying the Germans on the issue of political equality whilst meeting the differing requirements of the three Powers. "If the

Western Governments decide to dispense with a German defence contribution, most of the problems raised in the report will require no solution. But in the contrary event it will be necessary for the Western Powers to resolve to place their relations with Germany upon a basis comparable to that of normal intercourse between free countries, retaining only those powers which are demonstrably vital to the security of our troops, to the defence of the West, to the maintenance of our position in Berlin and to safeguarding our responsibilities in respect of all Germany and of the peace treaty. The report in its present form does not meet the requirements of the situation" (133).

In his second letter on 14 August Kirkpatrick communicated a unilateral report by the American High Commissioner, which sought to draw together in one single document the salient characteristics of the new relationship to be established between Germany and the Allies. "My initial impression is that it presents the contractual arrangements in a manner both intelligible and attractive to the man-in-the-street and that, if Governments decided to proceed on the basis of the report, the American draft might represent a satisfactory basis of discussion," Kirkpatrick commented and added that the British should not be deterred by French antipathy to the American draft: "The French clearly desire to keep down the tone of the contractual arrangements and to make them appear as a series of conventions of an administrative character between the Federal Government and the

three Governments as holders of supreme authority." (134)

Never before had Kirkpatrick expressed his differences with the Foreign Office so clearly: already in December he had expressed the view that if the Western Allies wanted a German contribution to Western defence, they must be willing to pay the price of awarding the Federal Republic the status of equal partner. From the beginning he had been held back by the Foreign Office, which was not ready to make this decision yet. Just when the first steps towards this incorporation of West Germany had been taken, fears of the Soviet Union had receded and with them the willingness to pay the price of West Germany's military and political emancipation. In addition, the British Government was at best half hearted about the idea of a European Defence Community, which had become the framework of the Federal Republic's contribution to Western defence. The British High Commissioner was therefore placed in the position of implementing a rather half-baked policy. Knowing the situation on the ground in Germany better than anybody back in London, he urged his government to make up its mind on the issue of a German defence contribution and the connected issue of German political emancipation.

From 10 to 14 September 1951 the Foreign Secretaries of the United States of America, the United Kingdom and France met in Washington to discuss the Federal Republic's participation in the European Defence Community and the resulting

reorganisation of their relations. The British were in an uncomfortable situation: they were still sceptical about the military practicability of the French plan and had no intention of becoming a full member of such a tightly integrated organisation. On the other hand they were unable to suggest any satisfactory alternative to the EDC, given the refusal of France to agree to the NATO solution favoured by the British. In addition they did not want to endanger their 'special relationship' with the United States, who were now fully supporting the French plan. Consequently, in Washington in September 1951, the British Government abandoned its previously non-committal attitude and promised Britain's 'closest possible association' with the Community (135). This was finally the decision, whose deferment Kirkpatrick had denounced in his letter in August. With this decision on defence came a commitment to the reorganisation of the Allies' relations with the Federal Republic of Germany.

A declaration issued on 14 September stated: "The three Foreign Ministers declare that their Governments aim at the inclusion of a democratic Germany, on a basis of equality, in a Continental European Community, which itself will form a part of a constantly developing Atlantic Community. ... The participation of Germany in the common defense should naturally be attended by the replacement of the present Occupation Statute by a new relationship between the three Governments and the German Federal Republic" (136). The declaration must have pleased Kirkpatrick because it ex-

pressed the Allies' final decision on a German defence contribution, which he had called for in his letter of 13 August. In addition, the first draft of a general convention between the Federal Republic and the three Western Powers, which resulted from this meeting of the three Foreign Ministers, resembled the American draft, which Kirkpatrick had backed, and corresponded very closely with his views, which he had expressed in that letter.

This first draft clearly stated that the Federal Republic was to be given full control of her internal and external affairs; the Three Powers were only going to reserve rights in respect to Germany as a whole (i.e. the peace treaty and German re-unification), to Berlin and to the protection of Allied troops to be stationed on German soil; these reservations are identical with those suggested by Kirkpatrick in his letter. The Occupation Statute and the Allied High Commission was to be abolished and the Three Powers were to be represented by ambassadors, who would act jointly through a Council of Ambassadors in matters of a tripartite nature. The draft also included articles on Berlin, cases of emergency and a tribunal, which was to adjudicate over matters arising out of the treaty.

This marked the end of the phase during which Kirkpatrick had mainly been concerned with convincing his own Government and achieving a common Allied line; from then on his main task was to convince the Germans. This task did not get off to a very promising start: on 24 September 1951, the

three High Commissioners presented the Allies' first draft of a general convention to Adenauer. the German Chancellor complained that in his opinion the proposals were not based on the principle of equality and reciprocity: "Der vorliegende Vertragsentwurf gehe zwar davon aus, dass man uns als Partner hinsichtlich der zu erfüllenden Leistungen betrachte, dass man uns aber, abgesehen von gewissen Konzessionen, letzten Endes doch nicht trae. Eine Gemeinschaft gebe es aber nur bei gegenseitigem Vertrauen." The High Commissioners tried to calm Adenauer's fears. According to Sir Ivone, the truth was that the Foreign Ministers wanted to find with this settlement a place for Germany which was based on freedom and equality. Maybe this intention had not been clearly enough expressed, but this could be the starting point for the negotiations and he was convinced that the difficulties were not insurmountable. He showed his willingness to consider concessions, for example on the proposed Council of Ambassadors. He saw the greatest difficulties concerning the security guarantee which the Germans had demanded in their version of a General Treaty, which had been submitted on the same day. At the end of the meeting, Kirkpatrick said that he had taken part in many negotiations, but none which had started with more difficulties.(137)

When the High Commissioners met Adenauer again on 1 October, Kirkpatrick was in the chair. The main discussion centred on the question of the Allies supreme authority in

Germany. Adenauer wanted to see the reserved rights of the Three Powers based on contracts. The High Commissioners, on the other hand, insisted on them being based on the declaration of 5 June 1945, in which the four war-time allies had assumed the supreme authority in Germany; the adherence to this declaration, according to the three High Commissioners, was especially important with regard to dealings with the Soviet Union and to Berlin. During this meeting, Kirkpatrick displayed one of the main characteristics of a good negotiator: his ability to bring out the common ground in the arguments of both sides and to reduce the differences to a minimum. He pointed out that everybody agreed that the Allies' rights, which arose from the international situation, had to be secured. The only question now, according to Kirkpatrick, was whether or not these rights were derived from the declaration of 5 June 1945: "Stimme man soweit ueberein, so sei er wohl zu der Feststellung berechtigt, dass die Abweichung der Auffassung nur hinsichtlich der Rechtsquelle, naemlich das Abkommen vom 5.Juni.1945, bestehe" (138).

A good negotiator also tries to show his willingness to compromise, in some areas, especially if he is less willing to yield in others. During the next meeting two days later. Kirkpatrick therefore signaled a certain degree of flexibility on the Allied part regarding the German demand of a security guarantee. He expressed understanding for the Chancellor's position in the Bundestag, but also pointed to

the difficulties which this question would create in his own parliament. He recounted the long negotiations over the question of a security guarantee when NATO was founded; at that time Denmark had also pressed for a security guarantee. Kirkpatrick predicted serious difficulties in the Houses of Parliament, if Germany was now going to be granted more than a war-time ally like Denmark. McCloy suggested that the New York declaration on security could be reiterated or the NATO pledge could be extended to Germany.

On the question of the supreme authority, the High Commissioners were less yielding: in addition to the legal reasons already advanced during the previous meeting, Kirkpatrick put forward practical ones, namely the security of the Allied forces to be stationed in Germany. The United Kingdom was to transfer almost the entirety of its forces to the continent and their protection through certain reserved rights based on the supreme authority was paramount: "Dieser Wunsch entspringe nicht aus der psychologischen Schwierigkeit, Deutschland als Bundesgenossen zu behandeln. Das gleiche Beduerfnis wuerde auch gelten, wenn die Truppen in Norwegen staendend." All parties agreed to search for a commonly acceptable form of words, which would reconcile special rights of the Allies with the concept of contractual arrangements. (139)

Accordingly, the Special Committee and the German representative, Professor Hallstein, exchanged draft texts on reserved powers on 14 October. O'Neill wrote in his

minute on the Special Committee meeting on 16 October: "All members of the Special Committee this morning felt that it was important that the High Commissioners should make clear to the Chancellor tomorrow that the formula put forward by Hallstein makes it evident that no agreement in principle on this subject has been reached; and that we cannot accept the present German position and must insist on maintaining our own position." (140) Kirkpatrick described the discussions with Adenauer in telegram to London as follows:

"I began by expressing disappointment at the progress made since our last meeting: I had hoped we had reached agreement in principle, but this was clearly not the case. I could not agree that it was either legally correct or practicable to make a distinction between the rights we possessed in the Federal Republic and those we possessed as between ourselves or vis-a-vis third parties. Our rights were indivisible." (141)

Adenauer argued that the Allies had assumed the supreme authority in June 1945 to avoid a state of chaos in Germany in the absence of competent or democratic German authorities; this was no longer the case. The Chancellor went on to say that the right to station troops in Germany assumed jointly with the Russians as a measure of protection against Germany could not still be employed to station troops in Germany as a measure of protection against the Soviet Union. He emphasised that the Allied insistence on basing their rights in respect to the stationing of troops on the declaration of 1945 was in flat contradiction to their repeated declarations that their troops would cease to be occupation troops. He was not to be shaken by the High Commissioners'

arguments designed to demonstrate the necessity of maintaining the present right: "One of these arguments was that we must be free to reinforce our troops without German consent; to which the Chancellor replied he would be happy to give us such a right by treaty. He would moreover give us whatever rights were proved necessary for action in emergency to protect the security of our forces. Our discussion concluded with agreement that the experts should continue their work."

Ten days later, however, Adenauer showed himself to be anxious to get ahead and the High Commissioners decided "to take advantage of his anxiety": "Adenauer has good reason to fear that if we do not get on the whole project may stick and eventually collapse. Moreover, he has a tactical interest in concentrating on the general agreement without too much regard to our other requirements, but we shall all ensure that he is not allowed to lose interest in the other agreements when the General Agreement has been nearly completed. But we shall never make any progress at all if we cannot come to some conclusion on the General Agreement," (142) Kirkpatrick told the Foreign Office.

The British High Commissioner was able to induce his superiors to agree to the omission of the reference to a Council of Ambassadors from the treaty, which he had already hinted at on 24 September. Only the French were hankering after this Council in order "to demonstrate that Germany has not altogether escaped tutelage" (143). In the

end, however, Kirkpatrick was able to persuade his reluctant French counter part to abandon his insistence on the Council of Ambassadors with an assurance by the British and the Americans that they would agree with the French on a procedure for joint action in matters of common concern. "We have always contemplated it might be necessary and desirable to have something in the nature of a 'Charter of the Council of Ambassadors'. I think it remains in our interest to do so. If the French attempt to make it too detailed, formal and elaborate, we and the Americans should be able to resist them, and see that it is confined to essentials" (144). The Foreign Office agreed to Kirkpatrick's proposal, but insisted that this agreed procedure should not become a public document like the Charter of the High Commission.

On emergency powers the British were also willing to compromise: "there must remain in Germany some authority able to exercise the normal powers of a national government in the event of an external attack or threat of such an attack. The three Powers must be that authority: but we consider that we can safely come some way towards meeting the Chancellor's difficulties by agreeing that the three powers will only in such circumstances declare a state of emergency at the request of the Supreme Commander." (145)

The next month of negotiations, November 1951, started out very promisingly. After a meeting which lasted until midnight on 2 November, Kirkpatrick wrote a quick

note to the Foreign Office: "the Chancellor was in a more accommodating mood than his experts on the drafting committee had been. It seemed clear that he was anxious to reach quick agreement, partly in order to confound his critics who had accused him of being too optimistic. McCloy, who was in the Chair, took advantage of this circumstance to press him very hard and with some good effect, on the problem of our reserved rights and the emergency. The upshot of this marathon meeting was that we reached agreement on a draft which we could recommend to the favourable consideration of our Governments" (146).

In his more detailed comments on the meeting, which were sent two days later, he expanded on one point in the discussion which should remain a bone of contention throughout the negotiations: emergency powers. On 2 November Kirkpatrick demonstrated his ability as a good negotiator to find a compromise on this issue: "McCloy's firmness on this point led the Chancellor to make an impressive and effective statement that it was against the conception of human rights and impossible for him to ask the German people to accept that their democratic liberties should be suspendable at the arbitrary whim of three Foreign Powers without any recourse whatever to an independent authority for a review of their decision. McCloy was clearly impressed, and embarrassed by his instructions. He intimated to me that he would welcome any suggestion I could make, as he himself was precluded from making one. I accordingly threw out the idea that if the

German Government at any time considered that circumstances warranted an end of the emergency regime they should be able to refer their request to the N.A.T.O. Council. This appealed to Adenauer, and I think to McCloy also. I am, however, inclined to think it would be more satisfactory to press the Americans to adopt our proposal about the Arbitration Tribunal which would, I think, satisfy Adenauer." (147) On 6 November, however, Kirkpatrick received instructions from the Foreign Office, that a German appeal to NATO was out of the question and that they should only be allowed to make representations to SACEUR. An appeal to the Arbitral Tribunal could neither be contemplated: "the Federal Government should be satisfied with the consultation clause." (148) This is the other side of Kirkpatrick's ability of finding a compromise: sometimes these compromises were throttled by his superiors in the Foreign Office.

The next meeting between Adenauer and the High Commissioners on 26 November was far less successful than the previous one; after six hours "very little progress was made and we parted in an acrimonious atmosphere", Kirkpatrick wrote in a telegram the next day. The Foreign Office, responding to Kirkpatrick's telegram, told him: "we feel that it would not be tactically wise to give away further points to the Chancellor at a stage when he has evidently been led by the prospect of this Paris meeting into taking a generally unaccommodating line. We hope therefore that

you may be able to persuade your colleagues to concentrate at tomorrow's meeting on working through those articles which were not discussed at the 8th meeting" (149). Kirkpatrick, however, wrote back that developments in Germany had made that impossible: "McCloy has been turning the heat on the Germans, apparently with some effect." The American High Commissioner had produced revised texts of disputed articles, which Kirkpatrick deemed as "on the whole satisfactory. They do not in every respect meet all our original requirements, but I am satisfied we cannot hope to do better. The text reserving our rights is entirely satisfactory." (150) Negotiating means finding and accepting compromises without giving up what is most important. Kirkpatrick as a good negotiator was able to achieve these compromises without ever giving up all the Allies' reserved rights.

During their meeting on 14 November the High Commissioners and Adenauer managed to agree provisionally on a text of a General Treaty, except for Article V on emergency powers. "We did, however, run into one very serious snag on which we spent nearly four of our five hours in bitter controversy and without reaching a solution. This point concerns the interpretation of our text rather than the text itself. The matter at issue is our attitude towards the former German territories East of the Oder-Neisse line" (151). Before the Chancellor's arrival, the High Commissioners had agreed to make it clear to him that, when the Three Powers referred to a unified Germany,

they were referring only to the unification of the Eastern Zone and Berlin with the Federal Republic. "Adenauer reacted very sharply, and throughout a long discussion maintained that this statement of our position was entirely new and unexpected from his point of view." He also pointed out that this would have a profoundly unfavourable effect on German opinion and would destroy all chance of the treaty being ratified by the Bundestag.

"In the early stages of the discussion, before Adenauer had committed himself too deeply, I pointed out that he himself, no doubt for good political reasons, had refrained until a very few months ago from publicly taking up the position that the Oder-Neisse territories must be reunited to Germany. He could hardly be surprised if our Government, for equally good reasons, proposed to continue their policy of remaining uncommitted on this issue. ... I also insisted that the new element in the situation was not our refusal to admit that a unified Germany must include these territories but the Chancellor's insistence that we should agree to include them. Our Governments had made repeated statements over the last six years making their position on this point absolutely clear; and there was no warrant for the Chancellor's supposition that that position had ever been changed or would be changed by our treaty."

Throughout the discussion, Adenauer refused to be pinned down as to what he regarded as a satisfactory Eastern frontier; he did not rise to rather provocative statements by Kirkpatrick, "Sind wir etwa verpflichtet, Ihnen den polnischen Korridor wiederzugeben?" (152), or by McCloy on Koenigsberg, or even Francois-Poncet angry remark, that "French public opinion would certainly conclude that the Chancellor's aim in contributing to European defence was to the waging of a war of revenge to recover the Eastern territories." Instead, "he recognised throughout that we

must reserve the position that a final frontier could only be established at the peace settlement; but he could not see why we could not now commit ourselves to the proposition that Germany must recover the Oder-Neisse territories at the peace treaty." (153)

There is an important and interesting point which should be added to the report on this controversy: the British position on the Oder-Neisse line was not at all as clear cut as Kirkpatrick had suggested. The day after his telegram had been received in London the Prime Minister sent a note to the Secretary of State: "It is curious that in this long telegram the Oder-Neisse Line is several times mentioned without any apparent distinction being drawn between the Western and the Eastern Neisse. At Potsdam our position was to concede to Poland the territory up to the Eastern Neisse in compensation for their adopting the Curzon Line on the Russian Front; but we made it perfectly clear that we would not agree to the Western Neisse. The matter was shelved by being adjourned for the Peace Treaty. There were over three million Germans between these two tributaries of the Oder." The Foreign Office, however, recommended to the Secretary of State that "we must continue to maintain vis-a-vis the Germans the position that, pending a final settlement in the a Peace Treaty, we cannot be committed to any particular solution of the problem." (154)

Back to 1951: on 16 November the agreed report of

the Allied High Commissioners on the position they had reached in their negotiations with the German Federal Government was despatched for consideration by the respective Governments. Last minute attempts to amend or change the text of the General Treaty were unsuccessful: e.g. Kirkpatrick received instructions to bring about the deletion of the words "or the creation of a European Federation" from Article X paragraph 1; the British request, however, was met unfavourably and, like so many other points, it was reserved for discussion by the Foreign Ministers in Paris.

In preparation for the Paris meeting of Foreign Ministers to be held at the end of November, Kirkpatrick was asked by the Foreign Office to supply a summary of the position reached in the negotiations. He wrote two letters in response: in the first, he listed three points of special difficulty in the negotiations, which in his opinion could conceivably prove breaking points, namely emergency powers, possible security controls on German industry and the German financial contribution (in a later letter he added a fourth point: war criminals). The second letter is especially interesting as Kirkpatrick gave his opinion on the Germans at that time. On the whole, he wrote, the German people want to reach agreement with the Western Powers and to make a contribution to defence. "The difficulties we are encountering derive principally from the weakness of Adenauer's political position."

The Chancellor, according to Kirkpatrick, was proba-

bly willing to accept much more readily solutions satisfactory to the Allies, "but he is not a free agent." His slim majority in parliament depended on a coalition, which had proved far from reliable to back him up all the time. "The Chancellor has, properly and necessarily from his point of view, determined that he must keep parliament closely informed of the progress of our negotiations. For this purpose a special sub-committee of the Bundestag Foreign Affairs Committee has been established", in which the two SPD members appeared to be far the most active "and the Chancellor's advisers undoubtedly defer to them to a considerable extend." In Kirkpatrick's opinion, however, the Chancellor was not totally blameless for the current difficulties. He was all too hasty to make short-term political capital out of situations: "he is a spendthrift of his political credit, far too prone to consume the iron rations he should keep in store for tight corners." Also "he is all for having a General Agreement ... but he is very reluctant to swallow the full dose of medicine we have prepared for him in the shape of the supplementary Conventions."

Kirkpatrick delivered a damning description of the German character:

"The Germans have a tendency to regard foreign relations both from a very formal point of view, and with great suspicion of the goodwill and intentions of those with whom they negotiate. On the one hand, they are inclined to believe that good relations can be established by treaty, quite ignoring that they can only in fact be established by a habit of fair dealing, by mutual confidence and good faith. On the other hand, they are

inclined to prejudice the chances of that mutual confidence developing by assuming that every proposal made by their negotiating partners is made with the intention of doing them down. This may be because many of their own proposals have this intention; but it is principally because their whole history has left them without experience of the possibility of honest co-operation on an equal basis with other powers, and with a cynical belief that in every relationship one partner must be dominant and the other dominated, with no room left for compromise."

In the current negotiations that meant that the Germans stressed formal equality far too much, in Kirkpatrick's opinion, seeking "to get every aspect of it documented and prescribed in advance of embarking on the course which can earn it for them." Equality of consideration could only be the consequence of equality of responsibility; this should be evident to the Germans, wrote Kirkpatrick, "and to do him justice I think it is evident to the Chancellor, almost alone among them." (155)

These letters illustrate Kirkpatrick's attitude towards the Germans and his negotiations with them. Ever since his time at the British Embassy in Berlin before the second World War he had held a rather anti-German view and even when he became British High Commissioner in Germany he was still suspicious of them. Lord Palmerston had once said that Britain had no eternal enemies or perpetual friends but only eternal interests. The anti-German Kirkpatrick was convinced that it was in the interest of the British to tie the Federal Republic of Germany firmly to the West. The German Chancellor, Dr. Konrad Adenauer, had many short-comings, but he was the one German politician who, in Kirkpatrick's opinion, could deliver what the

British wanted. It was therefore important to keep him in his present position as Chancellor and Kirkpatrick was often willing to compromise in his negotiations with Adenauer in order to help him fight his internal political battles.

The Foreign Ministers Conference in Paris in November 1951 was important in two respects: first, the German Chancellor was invited to Paris and took part in the discussions between the Foreign Ministers on the final day of the conference, 22 November. This was a novelty and marked the beginning of a new phase in the relations between the four countries. Second, on that day the General Convention, which settled the fundamental questions of the future relations between the Federal Republic of Germany and the Three Powers, was initialled by Acheson, Schuman, Eden and Adenauer. Although it was agreed that the Convention was not to be published until the related conventions had been worked out, and the communique of the conference only spoke of the reaching of an agreement on the General Convention, this agreement also marks the beginning of a new phase in the negotiations between Adenauer and the Allied High Commissioners: the general principles had been agreed, now the work on the details had to begin. As Kirkpatrick had pointed out in his letter, Adenauer was far less keen on the details in the related conventions and proved very obstinate, but so did the Allies: while it had taken nine official meetings

between them to get to an agreement on the principles in the General Convention, it took a further 22 meetings and two Foreign Ministers conferences to come to a total agreement on all the details and all the conventions. In a letter to Frank Roberts at the Foreign Office on 21 January 1952, two months after the Paris Conference, Kirkpatrick gave three reasons why, in his opinion, the negotiations were rather slow:

"First of all, we are conducting not one negotiation but two, for whenever a difference of attitude arises between the Three Powers, and they are very frequent, that has to be ironed out before we can get on with the Germans. Second, the various levels at which the negotiation has to be conducted here do not make for speed. To hoist a point up from the Rapporteur's Group through the Steering Committee to the High Commissioners and the Chancellor is likely to take ten days or a fortnight at least; and if it is a point to which importance is attached neither side is likely to give way before the top level. Third, the negotiations are being conducted on both sides (and this perhaps affects the British more than anyone) by people with a great deal of ordinary work to do." (156)

This last point became more and more pressing until 16 April when the High Commissioners and the Chancellor decided that from 22 April their experts would go into seclusion, freed from all other duties or obligations, at the American Headquarters in Mehlem, and work uninterrupted until all the conventions and related papers had been agreed; a British official, Con O'Neill, was to become a kind of 'whip' of the experts; the High Commissioners and Adenauer also agreed to meet if necessary every day at short notice for one or two hours to solve problems, on which their experts were unable to reach an agreement. This, however, was the final spurt in April/May

1952. It was proceeded by three months of long negotiations filled with moments of hope and frustration, with new initiatives and new instructions.

In the previously quoted letter of 21 January, Kirkpatrick had given a progress report of the negotiations since the Paris meeting. Only one of the four problematic points, which he had described in his November letter, namely emergency powers, had been settled in Paris. Since then "we have been making reasonably good progress here, in so far as the thoroughly refractory nature of the material permits. The Status Convention, concerned with the Allied Troops in Germany, was "taking shape", although there were at least three stubborn points still outstanding: jurisdiction over offences against the security of the Allied forces, the status of the dependants of Allied forces and the G.S.O. One large chapter on the rights of the forces had scarcely been discussed yet; it was to loom large in the later stages of the negotiations and to produce such curious but nevertheless long and complicated discussions, for example those on the American demand for hunting and fishing rights for their soldiers. Only on one of twelve parts of the Programmes Convention, Refugees and Displaced Persons, had complete agreement been reached by January 1952. The Charter of the Arbitration Tribunal was nearing completion, but talks had not even started on Security Controls or the Financial Convention; the latter would contain very detailed provi-

sions governing procedures for provision of logistic and material support for the Allied forces, on some of which Kirkpatrick rightly expected strong German opposition; the negotiations would also be complicated by the question whether French troops, which were supposed to join German troops in the EDC as equal partners, were to be different from then on from the British and American troops.

After the meeting with the Chancellor on 22 January, Kirkpatrick made an interesting observation: "I think that the Chancellor is very anxious to reach early agreement and is prepared to take a broader and more tolerant view of the individual problems than any of the three Western Governments who all have their pet hobbies viz. protection of the Jews and deconcentration in America, control of industry in France, etc. Kirkpatrick omitted to mention that the British had 'pet hobbies' as well, one of them was the Finance Convention: "on finance we made some progress," he wrote. "I think the Chancellor has been beating Schaeffer and Blank on the head. In any event they accepted relatively tamely the conditions under which we agreed to access to the Wise Men. In fact they agreed so tamely that I could not believe that it was true; and I tried to pin Schaeffer down and to make him say specifically that the division would appear in the contract, etc. etc. The Chancellor gave me satisfactory replies to these questions, but I had the impression that Schaeffer will need careful watching if he is not to run out again. Anyhow it seems to me that yesterday's proceedings do mark

a step in advance." (157)

In fact, one month later, when the Wise Men had fixed the financial contribution of Federal Republic towards the common defence, a very acrimonious debate took place between Kirkpatrick and the German Finance Minister, Schaeffer, about the fixing of the occupation costs in this framework: the Germans wanted to pay 500 Million DM, the High Commissioners insisted on 600 Million or the possibility of a supplementary budget. Kirkpatrick tried to influence the Chancellor by quoting Britain's precarious financial situation: "Ich fuerchte, dieser Vorschlag wird keinen guten Eindruck machen, denn waehrend wir in England ein Not-Budget machen und die oeffentlichen und sozialen Ausgaben senken, erklaert Deutschland, dass es eine solche Ausgabensenkung nicht vornehmen will." Adenauer countered this by quoting the enormous expenditure needed for reconstruction and the settling of refugees. They finally agreed, like they did on so many of the issues in these negotiations, on a mutually agreeable form of words: "Es wird vereinbart, dass die Bundesregierung in einem Briefwechsel mit der AHK die Erwartung ausspricht, dass die Besatzungskosten in der Uebergangszeit 500 Millionen nicht ueberschreiten und dass die AHK in einem Bestaetigungsschreiben versichert, dass man sich bemuehen werde, eine solche Ueberschreitung zu vermeiden." One day later the agreement was finalised: in the fiscal year 1952/1953 8.8 billion DM was to be paid; 2 billion the first four

months and 6.8 billion during the next 8 months. (158)

A Bundestag debate on the negotiations in February went rather badly; when McCloy saw the Chancellor afterwards he seemed tired and dispirited, but had said that he saw no reason why the Bundestag resolutions should arrest the negotiations. When the High Commissioners discussed the debate at a private meeting on 11 February, Francois-Poncet claimed that the Bundestag's resolution VI(3) virtually demanded that "we should abandon our programme conventions. But McCloy and I argued," Kirkpatrick telegraphed to London, "that, although the Bundestag might be putting us on notice that they would be reluctant to ratify the programme conventions, the text of the resolution itself did not proclude the perpetuation of allied legislation by an agreement to which the Federal Government was a party." McCloy, during this meeting, told the other two that he had received a telegram from Mr. Acheson which betrayed extreme exasperation: "In fact he had never received a similar telegram from Mr. Acheson. When Francois-Poncet innocently asked why, Mr. McCloy replied that Mr. Acheson was irritated by his correspondence with M. Schuman as well as by the Germans who were demanding too much. Mr. McCloy added that Mr. Acheson had said in his telegram that for the King's funeral he would not have come to Europe at all in present circumstances" (159).

Both the Americans and the British were becoming increasingly fed up with French tactics: on 7 February Francois-Poncet had declined to approve a recommendation

by the High Commissioners to their Governments on the invitation of Adenauer to London; the American and British High Commissioner then decided to despatch the text nevertheless as representing at least their joint view. Kirkpatrick told the Foreign Office that "We are clearly in a critical phase and we cannot exclude the possibility that the whole negotiation will collapse." He saw no way to complete the negotiations before the conference. "Nevertheless I do not think this situation should necessarily rule out a visit by Dr. Adenauer to London to join the three Foreign Ministers for a conference after they have completed their own preliminary conference ... Such a meeting would in fact accelerate progress if it could lead to decisions on half-a-dozen disputed points. But if it takes place it should be made clear, both in the invitation to the Chancellor and in accompanying publicity, that its purpose is not the conclusion of our negotiations but a general review of the position they have reached and the settlement of a certain number of outstanding points now ripe for decision at Ministerial level. It would certainly help the Chancellor if he could be invited to a conference even with this limited purpose. If he is not invited the omission, after all the publicity this matter has had here, will be interpreted as a deliberate slight" (160).

With this statement of unequivocal support for an invitation to Adenauer, Kirkpatrick had taken a position

opposed to the opinion of his own Secretary of State. Eden had sent a telegram to the British Embassy in Washington on 2 February in which he had made his feelings clear: "I notice that Acheson seems to take it for granted that Adenauer will join the three Foreign Ministers. I am by no means sure that this would be wise and my talks with the French this afternoon confirm me in this. I thought that I had made it clear when I first suggested the meeting in London that we would only ask Adenauer to join us if the progress of the contractual negotiations made this propitious" (161). The Foreign Secretary, however, could finally be persuaded that Adenauer's participation in at least some of the meetings in London would be useful after all.

The three High Commissioners did agree on a joint report to the Foreign Ministers on the status of the contractual negotiations. Their assessment of the Bundestag resolutions was that they showed concern over equality of rights, but that they were "worded in terms sufficiently moderate and general or have sufficient escape clauses to leave the Chancellor reasonable free to meet the Allied requirements" (162). The points which they submitted for resolution by the ministers were divided into two groups: firstly, subjects on which tripartite agreement was needed before any further discussion with the Federal Chancellor, namely on war criminals and on security controls; and secondly, subjects on which there was disagreement between the High Commissioners and the Federal Chancellor: composition of the Supreme Restitution Court and obligation of

the Federal Republic to satisfy restitution judgements against the former Reich; exemption from the equalisation of burdens levy (Lastenausgleich); compensation for German external assets taken in safehaven countries; and the Convention on Economic and Financial Participation. It had been hoped that the meetings in London would give the negotiations a new impetus. That hope was shattered, however, on 10 March 1952, when the Soviet leader, Joseph Stalin, proposed to conclude a peace treaty with an all-German Government; Germany was to be reunified in the borders 'agreed' at the Potsdam Conference and also neutralised after the withdrawal of all foreign troops; she was to be given a national army for defensive purposes; there was to be ban on all anti-democratic or militaristic organisations, but democratic rights and parties should be guaranteed. Although the High Commissioners and the German Chancellor agreed during their meeting on 11 March that the Stalin Note should not influence the progress of the negotiations, Kirkpatrick noticed on 3 April that "progress has been conspicuously slow for the last three weeks" (163).

On the other hand, the new Soviet initiative seemed to unite the Western Allies and the Germans in the common purpose at a time when their negotiations had been bogged down by details. On 17 March, the High Commissioners and Adenauer devoted their whole meeting to the discussion of an Allied answer to the Note. Adenauer made it clear that

the Federal Government was opposed to a Four Power conference, but that a complete 'No' as an answer would not be right either; he was under immense pressure from the opposition over the Stalin Note and he proposed that the Allied answer should expose the real intentions of the Soviet Union by posing precise questions on the content of Note. Even the French, faced with the Soviet initiative and its appeal to certain sections of the French and the German public, now seemed in a hurry; Francois-Poncet said during the meeting: "Ob es eine Konferenz gebe oder nicht, ob die Frage in einem Notenaustausch mit der Sowjetregierung weiter behandelt wuerde oder nicht, ist gleichgultig. Die Arbeiten an der europaeischen Integration (Verteidigungsgemeinschaft, Generalvertrag) muessten beschleunigt zu Ende gefuehrt werden." (164)

Kirkpatrick was getting extremely frustrated that so little progress had been made recently in the contractual negotiations, even on questions where agreement had been thought to have been reached in principle. He therefore suggested in a letter to the Foreign Office on 19 March that a special conference should be called to speed up the process. On 2 April he received a reply from Frank Roberts at the Foreign Office: "While we want to get on as fast as possible with the contract its timing is dependent on that of the E.D.C. negotiations. The latest news on this is that the E.D.C. treaty is unlikely to be ready for signature before May. We are not, therefore, under immediate pressure on this account. ... While, therefore, we

share your anxiety less any excessive delay might lead to the collapse of the structure we have been building, we also agree with you that the time has not yet come to make a supreme effort to bring the negotiations to an end in the immediate future. We do not, therefore, feel that we need now consider calling a special conference somewhere other than in Bonn with instructions to the delegates to finish the whole negotiation within a stated time limit. But we shall not overlook this suggestion" (165). His suggestion rebuffed, Kirkpatrick therefore battled on in the regular negotiations and used his chairmanship in the month of April to try to settle as many outstanding points as possible.

The first meeting in April produced only partial success: in an eight hour marathon session, ending at midnight, they were only able to cover 16 out of the 28 points on the agenda. A few minor points were agreed, as for example the exemption of UN nationals from the German equalisation of burden laws (Lastenausgleich); some questions were brought nearer to a solution, as the question of Restitution Claims against the former Reich; "on other questions we met real difficulties largely owing to the fact that they were fresh to the Chancellor and he had been inadequately briefed", Kirkpatrick wrote in his telegram to the Foreign Office. "Thus on Reparations he showed great indignation at everything his experts had previously accepted and virtually destroyed the existing partly ag-

reed draft. But he clearly did not know what he was talking about and the damage may be patched up by the experts. He also waxed very indignant over proposals for limiting the freedom of the Federal Government to repeal certain Allied legislation, including Control Council Laws, affecting our future reserved powers, but here again I think a solution will be possible if we adopt a slightly different but harmless tack" (166).

This last point was in a way a return to an old argument: Adenauer was opposed to mentioning the 1945 Declaration in the list of Allied legislation which could not be repealed. Kirkpatrick repeated his old argument: "die Aufrechterhaltung dieser Proklamation sei den Russen gegenueber notwendig. Ihre Aufhebung mache Verhandlungen mit den Russen unmöglich." The Chancellor very acrimoniously declared that "mit der Erwähnung der Proklamation Nr. 1 werde er sich niemals einverstanden erklären," and quoted the General Convention; Kirkpatrick replied that the Allies had signed this treaty with the condition that the Federal Republic would not question the Allies' position in Germany, to which the Chancellor retorted: "Das passt doch zum Generalvertrag wie die Faust aufs Auge!" The British High Commissioner, however, succeeded in the end in getting a statement out of the Chancellor that he had no intention of repealing the proclamation. (167)

The next meeting turned out to be very much more harmonious and Kirkpatrick sent an enthusiastic report to London: "Our meeting with the Chancellor on 9th April was

probably the most successful in the whole long series we have had with him. He was obviously out to get agreement, and proved ready to accept compromise solutions, which secure our requirements, on a variety of subjects. The absence on leave of Schaeffer and Hallstein probably contributed to the ease of the proceedings. We reached agreement on some nine points, the most important of which were: (a) Restitution Claims against the Reich; (b) Procedure for the Provision of Goods, Services and Accommodation for the Forces; (c) Powers of the Arbitration Tribunal; and (d) Pre-emergency clauses" (168). His optimism, however, was not entirely justified: for example the arguments over the pre-emergency clauses were not settled completely until after the meeting on 28 April. In Kirkpatrick's opinion the Germans deserved a pat on the back for good behaviour and he therefore asked the Foreign Office for authorisation to propose to his colleagues that the Federal Republic should be granted the privilege of having the instruments of ratification deposited in its archives: "To do so will involve the paying of a slight compliment to the Germans which they will appreciate and will avoid the difficulty of choosing among the three Allied Governments." (169)

At this stage, when the negotiating partners were starting to discuss seriously a timetable for completion of the treaties, a subject which had complicated the process at the very beginning of the negotiations was

raised again by the Americans: the security guarantee for Germany. The Americans proposed to scrap the guarantee as it was redundant in view of more recent proposals such as the EDC/NATO link up agreed at the NATO Council meeting in Lisbon, the proposed treaty between the United Kingdom and the EDC, and the planned tripartite declaration in which the British and American intention to maintain forces in Europe was to be expressed. In a telegram to the British High Commissioner the Foreign Office pointed out that Berlin was not explicitly covered by these agreements, but that it seemed hardly conceivable that an attack upon Berlin would not involve an attack on the Allied Forces there and thereby bring NATO into play: "On the other hand it is most important that both the Russians and Berliners should be aware of our commitments with regard to Berlin and should not gain the impression that we have weakened the force of the New York declaration of 1950. Any misconception in this respect might tempt the Russians into rash action, as in Korea, with incalculable results. It is also important to sustain Berlin morale. It would also be unfortunate at this delicate stage in our German negotiations if Dr. Adenauer derived the impression that we were going back on an important point of principle previously agreed" (170).

The Foreign Office asked Kirkpatrick for further comments before making a decision on whether he should join his American colleague in putting the proposal to scrap the guarantee to the Germans. Kirkpatrick made his

opinion very clear in a telegram two days later: "I do not at all like the U.S. proposal to scrap the German Security Guarantee agreed on by the four Foreign Ministers in Paris last November." He gave two main reasons for his opposition. The first was that it would have a very bad effect on the Chancellor: "You will recollect that the Chancellor was originally anxious that our guarantee should be included in the General Convention ... and was only with difficulty persuaded to accept instead a guarantee by declaration of the Three Powers. I have no doubt he would be very reluctant to agree to abandon this declaration now; and we should have a hard job in persuading him that it is equally well covered in other documents. The guarantee if maintained will represent an important element in the whole contractual package as presented to the German public and Bundestag, and will be a considerable inducement to the latter to proceed to ratification." The second reason was the negative effect on the morale of the Berliners; they were bound to seize on the absence of a specific and special guarantee for the city against attack: "and I cannot but feel it is possible that any overt diminution of the guarantee now in force for Berlin would be noticed by the Russians and might induce them to draw dangerous conclusions." (171)

The French, however, supported by the Americans, expressed strong objections to the idea of retaining the security guarantee. They argued that the Germans should

manifestly be threatened with the loss of all guarantees if they seceded from the European Defence Community; if they were granted a security guarantee independent of the protection they would enjoy under the EDC and the related treaties, they would not lose anything or be penalised if they seceded from the Community. In the French view, the German Chancellor could be persuaded to accept the scrapping of the security guarantee by demonstrating to him the value of a treaty over a guarantee enshrined in a unilateral declaration. They proposed that Berlin should be protected by a declaration made approximately in the terms of the draft "German Security Declaration", but relating only to Berlin.

Kirkpatrick was alone in his unequivocal support for the maintenance of the security guarantee. On 1 May he received a secret message from the Foreign Secretary: "I agree generally with arguments in your telegram No. 408 against scrapping the draft agreed last November. I should still prefer to avoid reopening the matter with Dr. Adenauer if possible. However, my chief preoccupation relates to Berlin and this would be met by French proposal in paragraph 2 of Paris telegram under reference. Accordingly if your French and U.S. colleagues receive instructions to discuss the matter with Dr. Adenauer, you should agree to this being done, but on the condition that a suitable statement is made in the form of either a declaration or of a letter to Reuter on the subject of Berlin" (172).

During a meeting on 8 May, the American High Commissioner finally raised the matter officially with Adenauer, choosing a very clever and outwardly successful line of argument: "it had become desirable," McCloy reportedly stated, "to consolidate the various guarantees and declarations under consideration to avoid a multiplicity of texts. Therefore there was much to be said in favour of abandoning the text agreed on in Paris and relying on the guarantees exchanged between NATO and the EDC." The Chancellor replied that he would welcome such a consolidation and was presented with an American draft security declaration to cover Berlin. Kirkpatrick betrayed surprise at the Chancellor's reaction, especially after having stood up for what he had thought to be a vital German interest: "We must now await the Chancellor's further reactions after studying this text but his initial reaction was certainly less critical than I had anticipated" (173).

The draft declaration which the American High Commissioner presented to Adenauer had not been agreed upon tripartitely and O'Neill complained to the Foreign Office that "the Americans rather bounced us here (not I am sure from any calculation of advantage but simply in a general desire to rush ahead rapidly) by giving the Germans the text contained in our telegram No.480. I have since taken an opportunity to make it clear to Blankenhorn that the various amendments indicated in this text were American proposals only and that the whole text must be regarded as

incomplete as it is still under consideration between the Three Powers. As we anticipated, the Germans have already spotted the reference to 'their forces in Berlin' and are telling the Americans that it will make an extremely unfortunate impression if the New York guarantee for Berlin is diminished in this way" (174). On this point the opinion of the British element of the Allied High Commission was supported by Foreign Office: "since the U.S. Government were able in the New York Declaration of September 1950 to guarantee Berlin as such," the Foreign Secretary wrote, "I do not understand 'Congressional reasons' for referring now only to an attack upon their forces in Berlin. The change, as you say, is bound to be disliked by the Germans and, as you have seen from Paris telegram No.267 we shall have French support in resisting it" (175).

Although Kirkpatrick had started the month of April in an optimistic mood, he wrote in a letter to Roberts on 3 May that the situation had deteriorated. The Finance Convention still had not been finished; Adenauer was getting anxious about expected difficulties in getting the treaties ratified by the German Upper House, the Bundesrat; and several points, on which an agreement seemed to have been reached before, were raised again. The Allied High Commission was under increasing pressure especially from the American Government to bring the negotiations to a successful conclusion. Although Kirkpatrick told Roberts that the Germans were mainly responsible for the delay, he

also imparted some of the blame to the Western Powers, who could not "bring themselves to pay regard to the great issues at stake and insist on holding out over some point which is not of capital importance. And here curiously enough the worst sinners are the Americans themselves."

As an illustration of this point he included a list of 20 points which he divided into three groups: important, significant but not vital, and minor points. Amongst the important points he counted maintenance of Allied legislation, expression of Germany's continuing financial obligation, reparations and the waiver of claims, which had all been yielded by the Germans; the other two important points, prohibited weapons and war criminals, were still not settled. There were six points in his second group: two, the liquidation of the DKV (Deutsche Kohle Verkaufsorganisation) and customs exemption for the Allied forces, had been yielded by the Germans; on two, the German Service Organisations and pre-emergency powers, a compromise had been reached, on the latter in the Allies' favour; the remaining two points in this group, priority of military requirements and free use of Laender property and facilities, were not settled yet; of the eight points in the last group of minor there were five, in which only the Americans were interested. This stood in stark contrast to only one point, the GSO, which the British were solely interested in and on which they had accepted a compromise, and thirteen points which had been either

proposed by all three Allies or at least by a combination of two of the three.

"On the American side the worst offender is General Handy, who is a veritable Chinese war lord, who demands for his troops a situation out of harmony with the whole conception. For example, we have discussed at three meetings General Handy's demand that an American soldier should not have to pay the normal German contribution for a hunting trophy; and the point is still not settled. As you will see there are other minor American points, some of them not settled whilst others have wasted hours of our time. It is difficult to reconcile the tenacity on these points with a desire to finish quickly. Secondly, if the Americans want rapid signature they should not reopen the General Convention. I foresee delays owing to the scrapping of the Security Guarantee."(176)

This list proves the point that the British, in contrast to the Americans and the French, were mainly concerned with the ultimate goal of the negotiations and were therefore more willing to make concessions on details.

One of the main aims of the British in the negotiations was the need to share the burden of the defence of Europe with the Federal Republic of Germany. Kirkpatrick himself had made a note in his diary during his trip to Washington in September 1951 on that subject: "I saw Hugh Gaitskell, Plowden and Rowan who were in Washington on Treasury business. I tried to impress on them that we could not indefinitely afford to allow Germany to escape the burden of armaments. Otherwise we should by an act of our own volition be placing Germany in a position to compete unfairly in overseas trade. Germany would capture our markets, we should then be unable to sustain our effort and the consequence would be that whilst Germany was not allowed to make armaments, we should not have the

resources to make them. But the collapse of Western defence would not be the only consequence. More serious still would be the circumstance that we had hoisted Germany into a position of economic preponderance in Europe. A Germany in that situation would be a greater nuisance and indeed a greater danger to us than a Germany with an army and an armaments industry limited by treaty and by her own economic and manpower capacity" (177). Britain's precarious financial situation at that time meant that one of the main prerogatives during the contractual negotiations was to keep Britain's financial commitment to Germany and Europe as small as possible; it is therefore not surprising that Kirkpatrick listed the expression of Germany's continuing financial obligation as one of the important points and as one in which mainly the United Kingdom and the United States were interested.

Kirkpatrick went to some length to point out to the German Government the advantages of reaching this final goal: "The end of the occupation regime will bring massive economic advantage to Germany. On the date of the entry into force Germany will receive about D.M. 1 milliard in foreign exchange through troops expenditure here. This figure will rise gradually to some D.M. 5 milliard about 20 months after entry into force." He also pointed out the sacrifices which his own government was willing to make: "The commitment to station troops for the defence of Germany is an unprecedented political, military and finan-

cial burden. For example this commitment at present prices is likely to cost Britain, who already has a defence budget of about D.M. 17 milliards an additional expenditure of 1.5 milliards in foreign exchange. The cost to Britain of the forces in Germany (4 1/2 Divisions and a large Air Force) is already about D.M. 3 milliards (equipment, pay, rations, transportation, etc.). In order to maintain this force in Germany, in addition to the necessary forces in Austria, Trieste, Middle East, Africa, Malaya, Hong-Kong, and Korea, Britain must: (a) maintain a total strength of 830,000 men; (b) denude Britain of troops; and hazard the flower of her European army on the continent" (178).

The month of May 1952, the final month of negotiations, was going to demand the utmost perseverance and energy, the ultimate characteristics of a good negotiator, from all the negotiating partners: 6 official meetings between the Chancellor and the High Commissioners, 66 hours of negotiations on 106 items of the agenda, were necessary to get the set of treaties ready to be finalised and signed by the three Foreign Ministers and the German Chancellor.

On 1 May Adenauer presented the Allied High Commissioner with a memorandum. He emphasised that the parliamentary situation of the Federal Government had become extremely difficult with regard to the General Treaty and the Related Conventions. Kirkpatrick acknowledged these difficulties when he wrote to the Foreign Office: "I have

discussed the position and our prospects with McCloy and Berard, and we are all agreed that it is unlikely that the coalition parties will allow the Chancellor to sign unless he can say that he has secured some concessions. We are also agreed that we should not recommend concessions in those matters in which our Governments have a vital interest. We also agree that before selecting possible concessions in the other matters we should see what amendments the Germans propose, both in regard to making the Conventions more palatable in appearance and in regard to the elimination of those items likely to create difficulties in the Bundesrat" (179).

This last point, the expected difficulties in the Bundesrat, provoked some of the most bitter exchanges between Adenauer and the High Commissioners during their meeting on 8 May. The Chancellor urged the exclusion of certain clauses, which would require the consent of the Upper House, because he feared that otherwise its rejection of some of these could endanger the whole set of agreements; he proposed that two sets of agreements should be drawn up. McCloy was very doubtful whether the Allied Governments would accept such an arrangement: "Der Kongress werde einwenden, dass er einen Vertrag ratifizieren solle, der alle alliierten Leistungen bzw. Zugestandenisse enthalte, ohne dass er die im zweiten Vertrag enthaltenen deutschen Gegenleistungen kenne. Er muess befuertchen, vom Capitol gestuerzt zu werden" (180). Equally problematic

was the Chancellor's proposal that the Contractual Agreements should come into effect before ratification of the EDC Treaty; throughout the whole negotiation the premise had been made that both were to be linked. "In short, a great deal of recasting of our agreements would be necessary. I am therefore at present inclined to recommend that we should not meet the Chancellor's proposal;" Kirkpatrick wrote to the Foreign Office. "I doubt whether on further reflection the Americans will want to either. But if we are to overcome the many other difficulties which still exist and are arising we may have to make some considerable concession; and this one might therefore be worth at least considering further." The ratification issue indeed remained on the agenda until the signing of the agreements.

Kirkpatrick was more willing to make concessions on minor points such as the Chancellor's proposal on the issue of war criminals: "I should see some advantage in meeting him here. I think it is in the interest of the Occupying Powers as well as of the Germans that present responsibilities in respect of war criminals should be superseded as soon as possible by the new regime. Moreover the proposal would constitute an incentive to ratify quickly in view of the importance attached by all parties to this question." (181) The Allies did accept the German proposals on war criminals during the meeting with the Chancellor on 13 May. Adenauer asked for more concessions, but Kirkpatrick was not worried: "I believe that they are

susceptible of solution and that if we show elasticity we can give the Chancellor enough to satisfy the parties without serious damage to our interests" (182).

Their next meeting was the longest in the whole series: starting around 11 o'clock on 15 May it lasted until the early hours of the morning of the next day. "On the whole we made progress. A number of minor and some important issues were solved. There is no doubt that the Chancellor is extremely anxious to push on rapidly and is ready to surrender small points" (183), Kirkpatrick wrote in an interim report, which he sent to London when they had been in session for about 12 hours. All three High Commissioners had agreed before the meeting that Adenauer's proposal for entry into force of the contractual agreements before the ratification of the EDC Treaty was unacceptable; when they made this clear "the Chancellor took this calmly, but asked whether we could not agree instead to have an exchange of letters in which our Governments would undertake, after the Contractual Agreements had been ratified by all parties to them and the EDC Treaty had been ratified by the Germany and France, to meet together to consider and establish by mutual agreement what parts of the Contractual Agreement might be brought into force before the period provided under their provision. McCloy accepted this proposal and I did likewise. It seems to me perfectly reasonable, even in this form should constitute a valuable incentive to more rapid

ratification by Germany" (184); on 19 May Kirkpatrick received a telegram from London saying that the Foreign Secretary agreed with this proposal.

The other tricky point that was discussed again was the latest Allied draft of a security guarantee. The Chancellor raised two main objections: firstly, the 1951 guarantee had spoken of the stationing of troops within the territory of the Federal Republic of Germany and Berlin; the new draft only covered Berlin and otherwise spoke of maintaining armed forces on the continent of Europe. Secondly, while the reciprocal guarantees covered the Federal Republic, the new draft said only that the Allies would treat as an attack upon themselves any attack against their armed forces in Berlin. As before, Kirkpatrick was unequivocal in his support for Adenauer: "I very much hope the points the Chancellor objected to can be put right. The second point seems to me of very great importance" (185).

For the discussion of the first point on the agenda of the meeting on 21 May the secretaries who normally kept the minutes were mysteriously excluded and Kirkpatrick's telegram to London seems to be the only record of it. At first it seemed that the Chancellor wanted to reopen discussions on Article 7(3) of the General Convention which dealt with the rights and obligations of a unified Germany.

"After much explanation the point the Chancellor was driving at emerged as follows. Some of his most influential supporters feared that our reserved right relating to

Germany as a whole (Article 2(1)) might be interpreted by us as including the right to take any action we chose in the Federal Republic, in spite of the provisions of the General Convention and the related Conventions, i.e. as amounting in fact to the same thing as the general reserve under paragraph 3 of the present Occupation Statute. My colleagues and I assured the Chancellor that we neither intended to nor in our view could properly take action of his general kind under this reserved right. The right after all related to Germany as a whole, and could not be exercised in relation only to a particular part of Germany, unless to prevent prejudice to it by German action in that part. For the rest, it was clear that the provisions of the Conventions would bind us; and it seemed rather absurd to say so specifically. The Chancellor while agreeing with our interpretation said that his supporters feared that the relations between the Three Powers and Russia might perhaps change for the better over the next few years, and that conceivably as a result future Governments of the Three Powers might wish to use this reserved right to the prejudice of the Federal Republic, not in the process of establishing German unity which was sufficiently covered by Article 7(3) but, for instance, as a preliminary step to such unity."

The Chancellor urged the three High Commissioners that Article 2(1) should be amended or to exchange letters to the effect that the Allies did not interpret the right in this article as permitting the three powers to derogate from their undertakings to the Federal Republic in the Contractual Agreements. The three High Commissioners agreed to such a letter and a mutually agreeable text was prepared: "We made it clear our acceptance of this text was subject to approval by our Governments. I have no doubt it is superfluous; but since apparently it meets a serious political difficulty of Kirkpatrick wrote to London.

On 22 May, Adenauer and the High Commissioners had their last meeting before the arrival of the Foreign Ministers in Bonn. "We made good progress to-day. Chancel-

lor seems determined to reach agreement," Kirkpatrick wrote. "There are, however, a number of points for settlement by Ministers. Two are important. First the financial question: on this we are recommending a small concession to the Germans in which the War Office representative concurs. Secondly the question of applicability of the Rights and Obligations Convention to the French troops. Here I have the impression that the Chancellor will yield before a united front of the three Allied Ministers" (187).

With the arrival of the Foreign Ministers in Bonn on 24 May and the signing of the treaties two days later, Kirkpatrick's work as negotiator ended. The British got what they wanted: the Federal Republic had been firmly integrated into the Western bloc. Kirkpatrick had been willing to make concessions to achieve this aim, but only as long as they did not impare Britain's vital interests: they were the security of their forces in Germany, the reduction of Britain's financial obligations in Germany to a berable minimum and the upholding of her political position in Germany vis-a-vis the Soviet Union. To secure these interests, certain rights from the era of the Allied occupation of Germany had be retained. It had been Kirkpatrick's task to find a compromise between thes requirements and the German demands for total sovereignty put forward in connection with the Federal Republic's integration as an equal partner into the Western community.

Kirkpatrick and his negotiating partner were successful in reaching this compromise and the treaties were signed on 26 May 1952. The compromise was put to the test, when the treaties were presented to the parliaments of the four signatory countries for ratification. The fact that this process of ratification was long and protracted in the Federal Republic and unsuccessful in France does not reduce the significance of the achievement of the negotiations: the compromise, which Kirkpatrick had helped to achieve, held up well; only because they were coupled to the EDC Treaty, which failed to be ratified by the French, that the set of agreements signed in Bonn had to be renegotiated in 1954.

THE AFTERMATH OF THE TREATIES

Although there was already a certain rumbling on the horizon when the set of agreements were signed by the three Foreign Ministers and the German Chancellor on 26 and 27 May 1952, nobody foresaw the actual difficulties their ratification would bring: in the Federal Republic they brought about a constitutional crisis, while successive French governments procrastinated until 1954 only to see the Assemblee Nationale refuse to ratify the EDC Treaty, despite the fact that the European Defence Community had been the brainchild of a French government in the first place.

During the meetings in Bonn before the signing of the treaties the Foreign Ministers agreed that they would address a letter to the Chancellor about the possibility of earlier entry into force of certain provisions of the Conventions; this would depend on the ratification of the Conventions by all parties to them and the ratification of the EDC Treaty at least by the Federal Republic and France. There also seems to have been a tacit agreement between the Three Powers to conduct their relations with the Federal Republic on the basis of the Agreements despite the fact that they had not been ratified; Kirkpatrick

later wrote in his autobiography: "Meanwhile we anticipated the treaty so far as we were able and began to treat Germany as a sovereign state" (188). This state of affairs was acknowledged by Adenauer: "Wir standen noch immer unter Besatzungsrecht mit allen sich daraus ergebenden Konsequenzen. Wir hatten noch immer Industriebeschaenkungen, wir waren noch immer Objekt in der auswaertigen Politik. Und wenn man auch im Hinblick darauf, dass von den beteiligten Regierungen der Deutschlandvertrag und der Vertrag ueber die Europaeische Verteidigungsgemeinschaft unterschrieben waren, uns dies nicht immer fuehlen liess und uns in Fragen konsultierte, die das Verhaeltnis Deutschlands zu Sowjetrussland betrafen, so hatten wir letztlich noch keinen Anspruch auf solche Konsultationen" (189).

The Deputy High Commissioner, John Ward, described the situation in Germany after the signing of the treaties in a letter to Sir Anthony Eden as follows: "The signature of the agreements was followed, inevitably, by a feeling of anti-climax. ... the attitude of the public is usually friendly but unenthusiastic, the opposition centring still round the Communists, the extreme right-wing parties, the Refugee Party and the Social Democrats." These groups claimed that the raising of German troops under the EDC Treaty was unconstitutional and, apart from this point, the present Bundestag did not have a mandate to decide on the Treaties. Opposition in the Bundesrat, the Upper House whose members are representatives from the

Laender, centred on the anxiety that they might be engineered out of having their say on the Treaties: if their content did not directly effect Laender matters, the Bundesrat could not veto the ratification; or if matters which did concern the Laender did not form part of the Treaties, but were included in the affiliated letters and declarations, they did not even have to be ratified by the Upper House. Ward commented: "Skilful as the Chancellor has been with his tactics in the pre-signature stage, he thereby made enemies who may be more difficult to pacify now that the ratification process has commenced." By far the most serious obstacle in the path to ratification was the Constitutional Court: it had been asked to deal with two submissions, firstly a petition by 144 Bundestag members (in practice the Social Democrats and the small Centre Party) to declare that the law ratifying the EDC Treaty represented a constitutional amendment and therefore required a two-thirds majority to pass; and secondly, a request by the Federal President to the Court for an advisory opinion on the compatibility of the EDC Treaty with the Basic Law. (190)

In Britain was there was strong pressure from the Labour opposition to postpone the parliamentary debate on ratification until after the summer recess. However, Eden was not about to change his mind: "My present feeling is that we must proceed as arranged. I gave Mr. Acheson to understand that we would ratify before the summer recess.

It seems to me that European opinion expects us to give a lead and that failure to do so might have adverse effect on the action of the French and German Parliaments" (191). Although Kirkpatrick agreed that postponing the debate would certainly have a depressing effect on the Chancellor and his supporters, he was much more cynical about the effect on the German Parliament: "The coalition parties would be more encouraged by early British ratification than they would be discouraged by evidence of Labour opposition. And the SPD will fight the Treaties, whatever is done in London. Strong Labour opposition might possibly prejudice the position in the Bundesrat ... but the Treaties will not get to the Bundesrat for a long time and once we have ratified, the circumstances attending our ratification this month may well be forgotten by then" (192).

On 1 August the House of Commons approved the Contractual Arrangements, but 253 members voted against it; for the first time since the end of the war the opposition had voted against the Government on foreign affairs. The Labour Party had pleaded for negotiations with the Soviet Union before the ratification of the treaties and Eden found it necessary to stress in the information sent to H.M. representatives abroad that "approval of these treaties has not decreased the desire of Her Majesty's Government for a satisfactory solution of the German problem to which the Russians would agree. Ratification will not preclude the possibility of securing the unity of Germany

through Four-Power talks. Indeed, as I indicated in the House of Commons on 1st August, it will be more likely to facilitate our efforts to this end." (193)

Meanwhile, Kirkpatrick was keeping a close watch on the Germans, to see whether they were fulfilling their obligations under the Treaties; the anticipation of the Conventions before their ratification, in his opinion, worked both ways. In a letter to Eden on 14 July, for example, he described what had been done so far in the field of compensation of victims of Nazi persecution. "I shall as opportunity affords, exert influence (a) in support of the move to establish a special Senate of the Federal High Court to deal with compensation cases. This could only do good, although the diversity of the laws will probably prevent the Senate from achieving a great deal in the way of harmonization; (b) in support of the proposal made, with reference to the Lastenausgleich law, for setting aside funds for use to assist in payment of compensation. Moves of this sort may get around the Federal Government's unwillingness to meet any of its obligations until it can meet them all; (c) in support of the Federal Government's view that legislation should take the form of first completing the pattern of Land laws, and then supplementing and improving it by a Federal law on principles" (194). Eden fully supported the High Commissioner on this subject and pointed out that this was "a matter to which I attach considerable importance, and I

shall be glad if you will exert your influence as opportunity offers on the lines proposed" (195).

On the occasion of the first reading in the Bundestag of the draft laws for the ratification of the Conventions and the Treaty regarding the European Defence Community, Kirkpatrick was optimistic about the progress of ratification. Everybody agreed, he wrote to London, that the debate had gone well for the Federal Government and he complimented Adenauer and Franz-Joseph Strauss, the leader of the CSU, on their performance.

"The SPD voted together with the Coalition Parties for the first reading and the reference of the Ratification Laws to the various Bundestag committees. This does not imply a change of heart on the part of the SPD, but it does perhaps amount to a recognition that Germany as a whole is in favour of integration with the West and that the issue in dispute is rather that of the means by which such integration is to be achieved."

If the danger from the Bundestag had receded, in Kirkpatrick's opinion, that from the Constitutional Court had increased: the 144 Bundestag members had preplaced their petition with a new one, which called upon the Court to declare that not only the law ratifying the EDC Treaty, but also that ratifying the Bonn Conventions were incompatible with the Basis Law.

"The Court is only too aware that it is being used by the SPD as a possible means of delaying or of annulling legislation which that party is unable to frustrate in Parliament. ... It appears to me unlikely that the Court, even if it sees, on legal grounds, some justice in the petition's arguments, would wish to frustrate the implementation of the Chancellor's foreign policy at a time when that foreign policy appears to be finding increasing support in public opinion. ... Obstacles remain and new ones may arise, but as things stand at present I do not believe they will prove insuperable." (196)

However, by the beginning of November Kirkpatrick was far less optimistic: a majority of the judges of the Federal Constitutional Court were believed to be against the Federal Government's position on the constitutionality of the treaties and a feeling of depression had gripped Government circles. While Kirkpatrick deemed it unwarrantably pessimistic that the outcome would such as to "bring the policy of the three Western Governments and the German Federal Government to an inglorious fullstop", he wrote that there was only an even chance for a favourable outcome. He considered it time to consider what action should be taken if the Court's opinion was adverse: "My purpose in writing is to suggest that you should consider the desirability of consulting with the French and American Governments as to what is to be said and done in the unhappy circumstances I am postulating." In these circumstances, according to Kirkpatrick, a formal enquiry should be made with the Federal Government as to whether it would or would not be possible to pass and promulgate the laws approving the treaty; also some general action would have to be taken: for example, if the present treaties were doomed by the Court, a highly publicised Three Power meeting should take place which would make the announcement that the situation in Germany would remain unchanged until something else had been put into the place of the failed agreements (197).

Kirkpatrick's proposals sounded very harsh and very

different from the moderate stance he had adopted all through the contractual negotiations. He must have realised this himself, was he ended the letter with this paragraph: "I am sorry to write you so depressing a letter. But it is a sound principle of strategic planning to prepare always for the worst case. Please do not think I am saying that this worst case is going to occur. But it seems to me sufficiently likely to occur for it to be our duty now to give thought to what we must do if it does." The Foreign Office went along with his first suggestion of a formal enquiry in that worst case. However, Frank Roberts, who wrote the Foreign Office answer to Kirkpatrick's letter, expressed doubts about the second suggestion of an early and publicised Three Power conference and an announcement of the return to the status quo ante. He wrote that "we have now gone too far simply to put the clock back"; it would also provide a "very convenient let-out for the French, where opposition to the Agreements is based on a much more fundamental considerations"; thirdly, such an announcement would be detrimental for Adenauer and his pro-Western policy, and his position should rather be strengthened in view of the German elections in 1953: "We should handle our initial announcements in the way which seems most likely to promote the emergence of a German Government more rather than less inclined to carry out policies of cooperation with the Western Powers." The Foreign Office was thinking on much more general and far-reaching terms; alternative policies were

being considered for the case when the EDC scheme had to be abandoned because of ineradicable opposition in France:

"Our general thinking has been that German entry into N.A.T.O. would then be the only possible alternative and that we should work for this. We have assumed that the S.P.D. opposition in Germany might then disappear because this would really mean equality of rights. Thus if a two-thirds majority were still required, it could be obtained. Clearly however the abandonment of the E.D.C. might have a very serious effect upon other schemes of European integration, e.g. E.C.S.C., the main purpose of which has been to end the Franco-German quarrel. It is likely that French opposition to German membership of N.A.T.O. , although apparently weakening a little as dislike for the E.D.C. tie-up grows, will remain strong. In that case the French will presumably try to devise some half-way solution between the E.D.C. and full German membership of N.A.T.O. We ourselves cannot at first blush see how anything of this sort could work or be made acceptable to the Germans. In E.D.C. at least the Germans have full equality of status. Presumably they would insist upon having this also in N.A.T.O. We should be grateful for your comments, however provisional, on this long-term problem." (198)

In his letter on 19 November, Kirkpatrick agreed that it would be impossible simply to turn the clock back, not least because the staff of the Allied High Commission had been considerably reduced. However, he pointed out that "there is an obvious risk that the Germans will believe that the collapse of the treaties will merely mean that they are freed from the military, reparations, restitution and other burdens imposed in the treaties, whilst the Allies remain the concessions embodied in the treaties. Already these concessions are beginning to be regarded as acquired"; Kirkpatrick thought that it would help the Chancellor, if the Allies made it clear that their concessions depended on the assumption of unpleasant obligations

by Germany, as this was the justification of his policy so far. On the future relationship between the Three Powers and Germany if it came to the crunch, he supported the Foreign Office line whole heartedly: "if the Court rules that the E.D.C. treaty requires a two-thirds majority, then I agree with you that German entry into N.A.T.O would be the only alternative for which we should work. ... I would, however, be rash to assume that the S.P.D. would vote for the N.A.T.O. solution. They might and they might not. ... I think you are right in believing that a half-way solution between E.D.C. and full N.A.T.O. membership would not be acceptable here. The S.P.D. would certainly reject it; and so would the Chancellor also, I believe. ... Meanwhile I fully agree that we should in public continue to take the line that the E.D.C. is the best solution and that we are confident that present difficulties can be overcome." (199)

The High Commissioner's views on immediate action in the event of a negative decision of the Federal Constitutional Court were incorporated in a Foreign Office brief, submitted to the Secretary of State by Sir Frank Roberts, for the up-coming NATO ministerial meeting to be held in Paris in the middle of December 1952. The Foreign Office had adopted Kirkpatrick's proposals of a formal enquiry to the Federal Government to be followed by discussion with the Chancellor and a public statement: as long as the Allies were solely responsible for the defence of Germany they could not divest themselves of the extensive powers

necessary to discharge that task and the Occupation regime therefore had to continue in force; but the Allies hoped that means could be found of enabling the German people to secure the benefits embodied in the Contractual Agreements.

According to the Foreign Office brief, it would be primarily for the German people through their elected representatives to seek alternative means whereby those benefits could be secured through agreements with the Occupation Powers and in a manner compatible with the decision of the Constitutional Court. This last part of the statement ran contrary to Kirkpatrick's opinion that the Three Powers should jointly search for an alternative solution. Frank Roberts explained this disagreement: "our feeling is that we should not present the problem to the German people as one which it is primarily in our interests to solve, with the corollary that they could reasonably sit back while we rack our brains for them. In other words, we should prefer to bring home to the Germans their responsibility for the setback and therefore for finding some quick way out of our mutual predicament" (200).

On the wider subject of alternatives if the EDC should fail, the Foreign Office made it clear that they did not expect the French would even begin the process of ratification before it had been completed by Germany; at the moment it seemed that the French Government would not be able to muster enough votes to secure ratification;

although the Foreign Office was considering already the alternative of integrating Germany directly into NATO, it expressed the view that "the time has not yet arrived to give any hint to the French Government that we are considering such possibilities. The most helpful course now is to bring the French up against the hard fact that there is no generally acceptable alternative to the present Treaties." (201)

Two points are important to note about this correspondence at the end of 1952: firstly, the British had favoured a NATO solution at the beginning of the discussions about a German defence contribution in 1950 and had only very grudgingly accepted the idea of the EDC; it was natural that they would return to their original point of view, when the idea of the EDC was seen to be in trouble. Secondly, Kirkpatrick's unequivocal support of a NATO alternative at this early stage is important to remember when it was finally officially proposed in the Eden Plan of 1954, which brought about in a very short time the successful re-negotiation of the General Treaty and Germany's integration into NATO. Kirkpatrick at that point had returned to London and had replaced Sir William Strang as Permanent Under-Secretary of State, who had headed the Foreign Office when the NATO alternative had started to be considered again in 1952. Sir Ivone kept the flame which was started under his predecessor burning and it is therefore not surprising that the Foreign Office had a contingency plan ready, when the French National Assem+

bly failed to ratify the EDC Treaty on 30 August 1954. Within less than one month Eden was able to persuade the countries concerned to congregate in London, where the basis was laid for the signing of the Paris Treaties in October 1954, which were ratified by May of the following year.

The atmosphere in the middle of 1952 was further aggravated by the exchange of notes about the future of Germany between the Soviets and the Western Allies, which had started in March of that year. Although these notes did not prevent the signing of the treaties in May, the proposed Four Power Conference became an increasingly popular idea. The Federal Chancellor, Dr. Adenauer, became increasingly worried about the fickleness especially of the British and the French; in his autobiography he wrote: "Im Zusammenhang hiermit gewann eine Aeusserung des britischen Aussenministers Eden vom 10. Juni. 1952 an Interesse. Eden hatte auf die Anfrage des Labour-Abgeordneten Noel Baker, ob eine Viererkonferenz die russischen Ansichten nicht rascher zutage bringen wuerde als eine Fortfuehrung des Notenwechsels, erklaert: 'Dieser Gedanke ist von meiner Beachtung nicht ausgeschlossen.'" (202)

The three Foreign Ministers, when they discussed their response to the latest Soviet note in London in June, tried to calm Adenauer's anxiety: "It was agreed that Dr. Adenauer should be told that full account had been taken of his views and that the three Powers had no

intention either of retreating from any of their earlier proposals or of allowing any preliminary meeting, if held, to be spun out unduly." (203) However, the Chancellor proved difficult to convince; as John Ward reported about the meeting between Adenauer and the High Commissioners, "although he kept calm the Chancellor was more obstinate and impervious to argument than I have ever known him, and his mood was not helped by the current heat-wave and by needling from the French High Commissioner." Adenauer welcomed the reassurance that the three Allies were against any return to Potsdam; but he regretted that there was still no specific repudiation of the idea of a neutral Germany.

"The United States and French High Commissioners are both very indignant in their different ways at the Chancellor's attitude of suspicion and obstinacy and his inability to see anyone else's point of view. Certainly his attitude (as we pointed out to him) is a poor return for the trust and consideration shown to him during the long months of negotiation of the contractual negotiations. But I venture to suggest that we should not allow our natural irritation to make us forget the very real difficulties with which the Chancellor is having to wrestle inside his Government and in Parliament and his real concern lest the offer to meet the Soviets at this stage may tip the scale against ratification in the Bundestag. Nothing of course would really satisfy him except a radical change of course which I realise is out of the question, and which would amount in effect to standing still on the note of 13th May until the Soviet Government had expressly accepted the complete Allied position set out therein. But to avoid the serious complications which are looming up here I hope it may be possible to make some further concession to his point of view. Maddening though his attitude is, it is in our interest to save his face at this time." (204)

The question of timing of the Allies' reply to the Soviet note on Germany was, in Kirkpatrick's opinion, much more

important than the text itself. He pleaded that it should not be delivered or published before or during the big Bundestag debate on the Treaties on 9 and 10 July, as the Chancellor would see this as a deliberate manoeuvre by the French to upset the contracts and gain time to come to an understanding with the Soviet Union: "I should add that the French High Commissioner (whose deputy has significantly been in Paris this weekend) is exasperated by what he regards as the increasing presumption of the Federal Government and makes no secret of his belief that the Allies should administer a sharp lesson by cutting short their deference to Adenauer's views in this matter. M. Francois-Poncet will shortly be leaving Germany and I do not think he troubles much about the effects on our future relations with the Federal Government." (205)

It is very clear that a lot of manoeuvring went on on all sides during the summer months of 1952: during a lunch with Lord Henderson on 24 June, Adenauer had volunteered to talk about the "lost territories" east of the Oder-Neisse line and had suggested that an eventual solution might place them either under a German-Polish condominium or alternatively under some form of international trusteeship. John Ward, who was present during this conversation, however, discounted the Chancellor's remarks: "My personal admiration for the Chancellor does not blind me to the fact that he can be as sly and tortuous as anybody when he wants to and I find it very difficult to believe that he was sincere when he spoke to Lord Henderson. I can only

refer to the scene which Adenauer made at an early stage of the contractual negotiation when he challenged the High Commissioner's explanation that reference to a unified Germany meant unification of the Eastern Zone and Berlin with the Federal Republic and was not intended to refer to the territory east of the Oder-Neisse line. I suppose that the Chancellor thinks that his soft words to visiting foreign politicians is the best way at present of keeping German claims before the world. Although the Chancellor is much more reasonable than most Germans about the "lost territories", and as a Rhinelaender has no love for the people hailing from beyond the Elbe, he is certainly much too patriotic a German to renounce the hope of getting back those ancient German territories." (206)

There were in all four exchanges of notes between the Soviet Union and the Western Allies in 1952: the first Soviet note of 10 March was answered on 25 March; it was followed by the second on 9 April and the second Allied answer of 13 May; in the third and fourth exchange (24 May/10 July and 23 August/23 September) both sides continued to insist on their respective standpoint: the Western Powers, in agreement with Adenauer, did not want to take up the Soviet offer; they insisted on free all-German elections and negotiations for a peace treaty with the government emerging from these elections and on the freedom of association for a reunited Germany. The Soviet proposals, in contrast, insisted on the reverse order of

events and on the neutralisation of Germany. The Soviet initiative was seen by both the Western Allies and the Federal Republic as a manoeuvre with the sole aim of harassing and delaying the process of the Federal Republic's integration into the Western block. After the last exchange the problems lay dormant until March 1953, when the Soviet leader, Joseph Stalin, died. The subsequent events will be discussed in the next chapter.

Another issue hampered the ratification process at the beginning of 1953: on the orders of Sir Ivone Kirkpatrick seven ex-Nazis were arrested in clandestine circumstances. They were accused of being the ringleaders of a group plotting to seize power in Germany and were held for two months without even been allowed to see a lawyer. This was the act of an occupying power and upset many Germans especially when they realized that eight years after the war the Allies could seize German citizens in dawn raids and hold them at their pleasure and that these immense powers could still be applied within the reserved powers to be retained by the Allies under the Conventions. It also ran flatly contrary to the protestations of Kirkpatrick in his autobiography that he was treating Germany as far as possible as a sovereign state. Nor did it boost the prestige of British justice in a country where it had been a declared British aim to establish an impartial and democratic judicial system.

The secrecy which surrounded the whole affair is brought out in a telegram, which Eden sent to Churchill in

New York: it is marked top secret and strictly personal telegram; no other copies were made and it was to be destroyed after the P.M. had read it: "You will remember I mentioned to you action we might have to take against certain people in Germany. Principal Cabinet colleagues and I today saw Kirkpatrick and discussed whole matter with him. We have reached conclusion that action should be taken as soon as possible and it may be done next week. We have taken full account of the effect on Dr. Adenauer's position. There are of course risks, but we think the effect in Germany will be salutary and it should be well received here." (207)

In the early hours of the morning of 15 January 1953 seven men were arrested. The principal was Dr. Werner Naumann, who had been second-in-command to Goebbels in the Propaganda Ministry and had been designated as his successor in Hitler's last testament. The other six included the former 'Reich Studenten Fuehrer' and Gauleiter of Salzburg, Dr. Gustav Scheel, and the former Gauleiter of Hamburg, Karl Kaufmann. The British seized material which filled 30 crates measuring 4 ft. by 2 ft. and the men were locked up in Werl prison incommunicado until the few British security officers still left in Germany had managed to sift through all this information. The whole operation had been planned in such a clandestine fashion that the US and French High Commissioners and the German Chancellor had only been informed about it a few hours

before the arrests were due to take place and after the orders had already been issued. In his diaries, Eden's Private Secretary, Evelyn Shuckburgh, made this entry on 15 January: "Arrests went off well last night. Adenauer, warned a few hours before, was favourable. A.E. very keen to take responsibility for the action, more so in fact than last night before the results were known" (208).

In the eyes of Alistair Horne, at that time the correspondent for the 'Daily Telegraph' in Germany, "the first official statements on the arrests were somewhat woolly. In the Commons, Mr. Eden explained that the arrests had been carried out by the British rather than by the German authorities, on the grounds that the Occupation Statute gave Britain wider powers than the Germans. In his first Press conference in Bonn, Sir Ivone Kirkpatrick, the British High Commissioner and the man who had advised the Cabinet of the necessity for the arrests, commented that the arrested men had bad political pasts and were obviously still 'in cahoots together'. They were also in touch with 'dubious Germans abroad'. Their aim, said Sir Ivone, was to gain power by infiltrating existing political parties. They were like 'Chinese pirates', he thought, who 'entered ships in the form of harmless-looking passengers, and later stormed the bridge and put the captain in irons'. But he added, 'We really don't know what Mr. Naumann and his friends are up to. We've arrested them to find out.' Beyond this there was little more to be gleaned from the British High Commission, which for months main-

tained a schoolboyish secrecy on the precise activities of the Naumann group long after the details had appeared in the German Press." (209)

Naumann, at the end of the war, had made his way out of the already encircled Berlin at the last minute and then had escaped the net of Allied denazification by working as a bricklayer in Tuebingen and Frankfurt. Ending up in Duesseldorf, he joined up with old friends and colleagues and founded the secret 'Gauleiter Group' whose aim was to infiltrate the existing parties of the right, the Free Democrats, the German Party and the Refugees' Party, and eventually to achieve the old National Socialist aims. He was quite successful in infiltrating the Free Democratic Party of North Rhine Westphalia, which meant that his activities were centred in the British Zone. Kirkpatrick was later to write in his autobiography: "If Naumann's attempt to enter politics had been an isolated phenomenon I might have taken a different view. But there had been disquieting signs of the resurgence of Nazism, particularly in Lower Saxony where Major-General Remer and his Neo-Nazi party had been much in the public eye. At the moment power to act resided in the High Commission, and if I failed to use it, we should never be in a position later to complain to an independent German Government of tolerance towards a revival of Nazism. Moreover, with the passage of time Naumann's political activities would become more widely known and supine acquiescence on the part

of the British authorities would be a source of dangerous discouragement to the democratic forces in Germany." (210)

One of the many unresolved points about this affair is how reliable the information was, on which the British based their action. They received most of this information from Dr. Otto John, who at that time was the chief of the West German security service. In July 1954 John defected to the East and his subsequent confessions revealed his extreme Nazi-mania. It is likely that John found in Kirkpatrick a man of kindred spirit, as the latter never forgot his experiences with Germany before and during the war and had never made a secret of his loathing of the Nazi regime. It is hard to tell, because of the lack of available sources, how far this deep-seated suspicion provoked the High Commissioner to fall prey to John's manipulation and to take over-hasty actions.

In his weekly personal report to the Secretary of State on 20 January, Kirkpatrick wrote: "The arrests of seven Nazis had raised a lot of dust here. My fan mail is not large enough to enable scientific conclusions to be drawn, but it is remarkable that about one half of my correspondents have approved our actions. In view of the fact that people are usually only moved to write when they are dissatisfied the circumstances that a number has written to express their approval is encouraging" (211). Alistair Horne's impressions were rather different: "The lamentable handling of publicity throughout the Naumann affair by the British High Commission provoked the weird-

est and most dangerous misconstructions in the German Press. The reasons for the arrests given out by the British were almost universally not accepted at their face value. The fact that business documents of Naumann's firm had been seized in evidence at once gave rise to the theme of 'British commercial jealousy' - a favourite one in most Anglo-German disputes. ... Far and wide other anti-Nazi voices were highly critical of the net effect the 'martyrdom' of the seven men by the Occupation Powers might have in Germany. Paul Sethe in the Frankfurter Allgemeine of 22nd January scoffed: 'Kirkpatrick has created more Nazis in eight days than Naumann and the seven have been able to do by the sweat of their brow for years.' The Duesseldorfer Nachrichten refused to believe that the Naumann plot was more than a 'political tea party' until 'hard proof' could be produced." (212)

Naumann's lawyer finally succeed in gaining access to his client on 15 March, after a habeas corpus hearing had been held in Bielefeld on 20 February and appeal by the British High Commission had been overruled. "Ten days later, on 1st April, the seven men were unexpectedly handed over to the German authorities, at the 'request' of Dr Adenauer. The immediate German reaction was to see in the British move a tacit admission of defeat," Horne wrote. "A German lawyer commented to me that day: 'You have put us in the gravest embarrassment; we want to prosecute Naumann, but you have not given us enough evi-

dence; and if a German Court acquits him for lack of evidence, just imagine what your Daily Express will say" (213). This was exactly what happened: Naumann was held in custody until the end of July and charged the following year with being 'ringleader of an organisation whose aim was hostile to the constitutional order of the Federal Republic'. On 3 December, however, the proceedings were broken off: although the Supreme Court was convinced that Naumann had National Socialist and anti-constitutional ideas, it had been impossible to prove how successful he had been in putting these ideas into action.

His arrest definitely spoiled Naumann's political aspirations in the election of 1953. What it did not achieve was to cure the nationalist aspirations of the Free Democrats in North Rhine Westphalia and to convince the German public that their security was really threatened by the Gauleiter Group.

The establishment of a new relationship between the Western Allies and the Federal Republic was the most important development during Sir Ivone Kirkpatrick's tenure as British High Commissioner in Germany. The fact that his role in the shaping of this new relationship was that of a negotiator is the clearest sign that Allied policies as well as circumstances had changed: the end of the occupation of the Federal Republic was not a unilateral act of the Western Allies but a negotiated settlement. It has been proven in this chapter that Kirkpatrick was a

very good negotiator as he succeeded in achieving an arrangement which corresponded totally with the British post-war European policy: the United States continued involvement in Europe was assured; the Federal Republic of Germany had been firmly integrated into the Western bloc and its contribution to Western defence would reduce the financial burden on Britain; first steps had been made towards a lasting peace in Europe through Franco-German rapprochement, fostered by Britain; and Soviet aspirations, for the moment, were held in check.

In conclusion it is interesting to note that throughout his tenure Kirkpatrick took a position in support of German aspirations, opinion and requests. This seems to be surprising as he was known before he went to Germany to be anything but a friend of the Germans. There are two reasons for this: firstly, this chapter has proven that Kirkpatrick was very aware of the politically vulnerable position of the German Chancellor and at that same time of the fact that Adenauer was the one German politician most likely to be able to deliver what the British wanted; it was therefore vital to maintain him in his present position and for that purpose Kirkpatrick was willing to make concessions which would help Adenauer fight his internal battles. Secondly, Kirkpatrick seems to have been willing to grant German requests or demands, because he was more interested in the final aim than in details on the way of reaching it. In a minute, written in 1948 and quoted at

the beginning of this chapter, Kirkpatrick had stated:

"There is no doubt that the Germans have an inherent dislike and contempt for the Slavs and that association with the Westerners would flatter their self-esteem. If we can play upon this foible, we can bamboozle the Germans by roping them in and eventually making them so dependent economically, politically and militarily on the Western world that they cannot afford to break away and join the East."

This chapter has proven that Kirkpatrick's rather anti-German language and attitude changed and softened. He never, however, gave up his perception that the final aim of British policy should be the Federal Republic's firm integration into the Western bloc and he was very successful in achieving this final aim.

Maybe his greatest failure was that he did not support an even closer relationship between the two countries. Adenauer's autobiography is filled with the hope for the active participation of Great Britain in the integration of Europe; to quote just one statement, which stands as an example of many, he exclaims: "Waere der EVG-Vertrag wirksam geworden, welche Moeglichkeiten einer Bindung Grossbritanniens an Europa waeren gegeben gewesen" (214). Adenauer was deeply sorry that Great Britain stayed so aloof and this aloofness was personified by Kirkpatrick. He was willing to foster the Franco-German rapprochement which he was convinced had to be the basis for peace and co-operation in Europe. However, he failed to see, like his Foreign Office colleagues, the benefits Britain could have gained from taking the lead in Europe.

FOOTNOTES

Sir Ivone Kirkpatrick

(1) Blankenhorn, H., Verstaendnis und Verstaendigung, p.165

(2) Kirkpatrick, I., The Inner Circle, p.218

(3) Eden, A., Full Circle, p.274

(4) PRO, FO 371/70603/C 10710

(5) Colville, J., The Fringes of Power, p.46

(6) PRO, FO 1030/253

(7) *ibid.*

(8) Kirkpatrick, I., The Inner Circle, p.225, p.230

(9) PRO, FO 371/85032/C 7553

(10) PRO, FO 371/85032/C 7372

(11) PRO, FO 800/467/p.297

(12) PRO, FO 371/93456/C 1052/2

(13) PRO, FO 371/85086/C 6655

(14) PRO, FO 371/93421/C 10112/49

(15) PRO, FO 371/85324/C 3335/G

(16) PRO, FO 371/85048/C 3136/G

(17) PRO, FO 371/85324/C 3333/G

(18) PRO, FO 371/85324/C 3336/G

(19) Schwerin, Gerhard Detloff Graf von (1899-1980) 1938-1939 head of the group 'England, America' in the Abteilung Fremde Heere West of the OKH, after that until the end of the war member of the general staff of the army; in 1950, on a recommendation of General Sir Brian Robertson, he became advisor to Adenauer on security matters and head of

the Zentrale fuer Heimatdienst. The British considered him a "valuable pre-war intelligence source" (FO 371/85325/C 4439) and were sorry to see him sacked 31 October 1950
On Schwerin's visit to London in 1939 see
Watt, D.C., How War Came, p.390f

- (20) PRO, FO 371/85325/C 4439
- (21) PRO, FO 371/85324/C 3337/G
- (22) PRO, FO 371/85022/C 4350/20/18G
- (23) PRO, FO 371/85324/C 3854/G
- (24) PRO, FO 371/85324/C 4414/G
- (25) PRO, FO 371/85324/C 4374/G
- (26) Kirkpatrick, I., The Inner Circle, p.238f
- (27) PRO, FO 371/85049/HC/2065
12 July 1950, Kirkpatrick to Gainer, Top Secret
- (28) PRO, FO 371/85049/C 4573/G
- (29) PRO, FO 371/85050/C 4574
Dienstgruppen were Germans working for the Allied armed forces
- (30) PRO, FO 371/85050/C 4575
- (31) PRO, FO 371/85050/C 4743 G
- (32) PRO, FO 371/85050/C 4574
- (33) PRO, FO 371/85325/C 4830
- (34) PRO, FO 371/85326
Wahnerheide Telegram No.387 Saving, 7 August 1950
- (35) Schwarz, H.-P., Adenauer und die Hohen Kommissare 1949-1951, p.222ff
- (36) PRO, FO 371/85051/C 5203 G
- (37) PRO, FO 371/85326/C 5290
- (38) Adenauer, K., Erinnerungen 1945-1953, p.363
- (39) Adenauer, K., Erinnerungen 1945-1953, p.366
- (40) PRO, FO 371/85050/C 4582/G
- (41) PROFO 371/85052/C 5425/27/18G

(42) PRO, FO 371/85051/C 5375/G

(43) PRO, FO 371/85053/C 5679/27/18G

(44) PRO, FO 371/85053/C 5756

(45) PRO, FO 371/85053/C 5865

(46) PRO, FO 371/85053
Foreign Office to New York No.1252

(47) PRO, FO 371/85054/C 5900

(48) PRO, FO 371/85327/C 5883/G

(49) Kirkpatrick, I., The Inner circle, p.241

(50) Bullen, R., Documents on British Policy Overseas,
p.xiii

(51) PRO, FO 371/85055/C 5982

(52) PRO, FO 371/85086/C 6203

(53) PRO, FO 371/85056/C 6425

(54) Bullen, R., Documents on British Policy Overseas,
p.xiv

(55) PRO, FO 371/85055/C 6170/G

(56) PRO, FO 371/85056/C 6352

(57) PRO, FO 371/85056/C 6403

(58) PRO, FO 371/85056/C 6425/27/18G

(59) PRO, FO 371/85056/C 6582/G

(60) Bullen, R., Documents on British Policy Overseas,
p.169

(61) Bullen, R., Documents on British Policy Overseas,
p.183

(62) PRO, FO 371/85089/C 6896

(63) PRO, FO 371/85090/C 6928

(64) Bullen, R., Documents on British Policy Overseas,
p.261ff

(65) Schwarz, H.-P., Adenauer und die Hohen Kommissare
1949-1951, p.266

(66) PRO, FO 371/85057/C 7220

(67) PRO, FO 371/85057/C 7440

(68) Bullen, R., Documents on British Policy Overseas,
p.263

(69) Bullen, R., Documents on British Policy Overseas,
p.266f

(70) Schwarz, H.-P., Adenauer und die Hohen Kommissare
1949-1951, p.279ff

(71) Bullen, R., Documents on British Policy Overseas,
p.xvi

(72) Bullen, R., Documents on British Policy Overseas,
p.xvii

(73) PRO, CAB 129/43 C.P.(50)311
12 December 1950, Annex B

(74) PRO, CAB 128/18 C.M.(86)50
14 December 1950

(75) Kirkpatrick, I., The Inner Circle, p.242

(76) Bullen, R., Documents on British Policy Overseas,
p.xxiii

(77) Schwarz, H.-P., Adenauer und die Hohen Kommissare
1949-1951, p.314ff

(78) PRO, FO 371/85035/C 8237

(79) PRO, FO 371/85035/C 8347

(80) Ruhm von Oppen, B., Documents on Germany under Occupation,
p.377

(81) PRO, FO 371/85020/C 2420

(82) PRO, FO 371/85022
Steel to Allen, 23 June 1950, Confidential,
103/8/13/50

(83) PRO, FO 371/85022/C 4303

(84) PRO, FO 371/85022/C 4437
This controversy has been described in the chapter on
General Sir Brian H. Robertson

(85) PRO, FO 371/85021/C 4279

(86) PRO, FO 371/85022/C 4437

(87) PRO, FO 371/85022
Foreign Office to Wahnerheide, No.1192, 7 July 1950

(88) Kirkpatrick, I., The Inner Circle, p.247

(89) Kirkpatrick, I., The Inner Circle, p.251

(90) PRO, CAB 128/19 C.M.13(51)

(91) Kirkpatrick, I., The Inner Circle, p.251

(92) PRO, FO 1005/1104
27 July 1950

(93) The questions of the London Inter-Governmental Study Group and the answers to them by the Allied High Commission can be found in
PRO, FO 371/85024 HICOM/P(50)121 Final
They have been quoted here mostly in an abbreviated form

(94) PRO, FO 371/85025/C 4975

(95) PRO, FO 371/85027/C 5693

(96) PRO, FO 371/85026/C 5498/20/18
IGG(50)98 Final

(97) PRO, FO 371/85027/C 5713

(98) PRO, FO 371/85027/C 5910

(99) PRO, FO 371/85028/C 6102

(100) PRO, FO 371/85030/C 6626

(101) PRO, FO 371/85030/C 6784

(102) PRO, FO 371/85030/C 6848

(103) PRO, FO 371/85031/C 7030

(104) PRO, FO 371/85030/C 6796

(105) PRO, FO 371/85032/C 7552

(106) PRO, FO 371/85032/C 7706

(107) PRO, FO 371/85032/C 7827

(108) PRO, FO 371/85032/C 7774

(109) PRO, FO 371/85032/C 7775

(110) PRO, FO 371/85033/C 7914

(111) PRO, FO 371/85033/C 8007

(112) PRO, FO 371/85033/C 7964

(113) PRO, FO 371/85035/C 8216

(114) The first head of the German diplomatic mission in London was Hans Schlangen-Schoeningen

(115) Kirkpatrick, I., The Inner Circle, p.244

(116) Kirkpatrick, I., The Inner Circle, p.245

(117) PRO, FO 1008/51/10/1/87/51

(118) translation from Schwarz, H.-P., Adenauer und die Hohen Kommissare 1952, p.150f

(119) Kirkpatrick, I., The Inner Circle, p.246

(120) ibid.

(121) PRO, FO 371/85034/C 8208

(122) PRO, FO 371/85034/C 8209

(123) PRO, FO 371/85034/C 8212

(124) PRO, FO 1008/51/10/1/55/51

(125) included in an Aide Memoire by the AHC, communicated to the Germans on 27 February 1951

(126) PRO, FO 1008/51/10/1/62/51

(127) PRO, FO 1008/51/10/1/55/51

(128) PRO, FO 1008/51/10/1/63/51

(129) PRO, FO 1008/51/10/1/87/51

(130) PRO, FO 1008/51/10/1/77/51

(131) PRO, FO 1008/51/10/1/87/51

(132) PRO, FO 1008/52/10/1/105/51

(133) PRO, FO 1008/54/10/1/195/51

(134) PRO, FO 1008/54/10/1/196/51

(135) Dockrill, S., Britain and the Settlement of the West

German Rearmament Question in 1954, p.153

(136) Ruhm von Oppen, B., Documents on Germany under Occupation, p.576

(137) Schwarz, H.-P., Adenauer und die Hohen Kommissare 1949- 1951, p.378ff

(138) Schwarz, H.-P., Adenauer und die Hohen Kommissare 1949- 1951, p.398

(139) Schwarz, H.-P., Adenauer und die Hohen Kommissare 1949- 1951, p.400ff

(140) PRO, FO 1008/63/10/44/5A/51

(141) PRO, FO 1008/63/10/44/7/51

(142) PRO, FO 1008/63/10/44/15/51

(143) PRO, FO 1008/55/10/1/402/51

(144) PRO, FO 1008/55/10/1/411/51

(145) PRO, FO 1008/55/10/1/402/51

(146) PRO, FO 1008/55/10/1/413/51

(147) PRO, FO 1008/63/10/44/19/51

(148) PRO, FO 1008/63/10/44/29/51

(149) PRO, FO 1008/63/10/44/36/51

(150) PRO, FO 1008/63/10/44/34/51

(151) PRO, FO 1008/63/10/44/37/51

(152) Schwarz, H.-P., Adenauer und die Hohen Kommissare 1949 - 1951, p.576

(153) PRO, FO 1008/63/10/44/40/51

(154) PRO, FO 371/93471/C 1083/26

(155) PRO, FO 1008/55/10/1/428/51

(156) PRO, FO 1008/98/10/28/1/52

(157) PRO, FO 1008/98/10/28/8/52

(158) Schwarz, H.-P., Adenauer und die Hohen Kommissare 1952, p.21

(159) PRO, FO 1008/98/10/28/50/52

(160) PRO, FO 1008/98/10/28/31/52

(161) PRO, FO 1008/98/10/28/23/52

(162) PRO, FO 1008/99

(163) PRO, FO 1008/100/10/28/113/52

(164) Schwarz, H.-P., Adenauer und die Hohen Kommissare
1952, p.28

(165) PRO, FO 1008/100/10/28/114/52

(166) PRO, FO 1008/100/10/28/115/52

(167) Schwarz, H.-P., Adenauer und die Hohen Kommissare
1952, p.44ff

(168) PRO, FO 1008/100/10/28/120/52

(169) PRO, FO 1008/100/10/28/125/52

(170) PRO, FO 1008/94/10/16/3/52

(171) PRO, FO 1008/94/10/16/6/52

(172) PRO, FO 1008/94/10/16/13/52

(173) PRO, FO 1008/94/10/16/19/52

(174) PRO, FO 1008/94/10/16/21/52

(175) PRO, FO 1008/94/10/16/23/52

(176) PRO, FO 1008/101/10/28/180A/52

(177) Kirkpatrick, I., The Inner Circle, p.242

(178) PRO, FO 1008/101/10/28/196/52

(179) PRO, FO 1008/101/10/28/196/52

(180) Schwarz, H.-P., Adenauer und die Hohen Kommissare
1952, p.179

(181) PRO, FO 1008/101/10/28/186/52

(182) PRO, FO 1008/102/10/28/207/52

(183) PRO, FO 1008/102/10/28/217/52

(184) PRO, FO 1008/102/10/28/211/52

(185) PRO, FO 1008/94/10/16/25/52

(186) PRO, FO 1008/95
Kirkpatrick to Foreign Office, Wahnerheide Telegram
No.557, 21 May 1952

(187) PRO, FO 1008/102/10/28/243/52

(188) Kirkpatrick, I., The Inner Circle, p.247

(189) Adenauer, K., Erinnerungen 1945-1953, p.571

(190) PRO, FO 1008/104/10/28/345/52

(191) PRO, FO 1008/105/10/28/353/52

(192) PRO, FO 1008/105/10/28/359/52

(193) PRO, FO 1008/105/10/28/398/52

(194) PRO, FO 1008/97/10/25/39/52

(195) PRO, FO 1008/97/10/25/40/52

(196) PRO, FO 1008/105/10/28/373/52

(197) PRO, FO 1008/107/10/28/469/52

(198) PRO, FO 1008/107/10/28/483/52

(199) PRO, FO 1008/107/10/28/485/52

(200) PRO, FO 1008/107/10/28/499/52

(201) PRO, FO 1008/108/10/28/589/52

(202) Adenauer, K., Erinnerungen 1953-1955, p.97

(203) PRO, FO 371/97887/C 1074/227

(204) PRO, FO 371/97887/C 1074/236

(205) PRO, FO 371/97887/C 1074/252

(206) PRO, FO 371/97898/C 1083/20

(207) PRO, FO 800/794 GE/53/1

(208) Shuckburgh, E., Descent to Suez, p.73

(209) Horne, A., Back into Power, p.54

(210) Kirkpatrick, I., The Inner Circle, p.252f

(211) PRO, FO 371/103894

- (212) Horne, A., Back into Power, p.54f
- (213) Horne, A., Back into Power, p.61
- (214) Adenauer, Erinnerungen 1945-1953, p.572

SIR FREDERICK R. HOYER MILLAR

THE AMBASSADOR IN WAITING

When Sir Frederick Hoyer Millar arrived in Germany in 1953 he should have assumed the position of the first British Ambassador to the Federal Republic of Germany. The Bonn Conventions, which had been signed in May of the previous year, fundamentally changed the relations between the Western Powers and the Federal Republic, terminated the occupation regime and consequently envisaged the High Commissioners to be transformed into Ambassadors. Due to the delay of the ratification of the Conventions, however, these changes had not yet been put into effect and Hoyer Millar therefore became the third and, as it turned out, final British High Commissioner in Germany, assuming the powers defined by the Occupation Statute, which had been revised in March 1951.

Although the powers of the occupation authorities were substantially reduced in the revision of the Statute, they retained, for example, the right to repeal or annul legislation, if in their opinion it was inconsistent with the provisions of the Statute, or with legislation or other measures of the occupation authorities, or constituted a grave threat to the basic purposes of the occupation. In fact, the Allied High Commission exercised this right on only two occasions after the revision: on 29 June 1951 it

annulled an article of a Federal law on the Turnover Tax; and on 17 January 1952 the Council annulled certain provisions of the Federal law concerning the position of Land Berlin in the financial system of the Federal Republic.

Similarly, powers of the occupation authorities over the external affairs of the Federal Republic had been limited by the revised Occupation Statute. Although the reserved power relating to foreign affairs under paragraph 2(c) was retained, the Federal Republic was allowed to establish a Ministry of Foreign Affairs, conclude treaties and enter into diplomatic relations with friendly countries. This principle was tested to its limits when discussions began in 1954 about the possibility of the Federal Republic establishing diplomatic relations with the Soviet Union. Certain treaties, which the Federal Republic entered into after the revision of the Statute, brought to an end institutions established under occupation rule: for example, the entry into force of the Treaty establishing the European Community for Coal and Steel, which had been signed in 1951, brought about the dissolution of the International Ruhr Authority.

The revision of the Occupation Statute was another, but quite substantial step in the gradual transfer of power from the occupation authorities to the Federal Republic of Germany. Many smaller, but equally important steps followed. The opening of the negotiations leading up to the Bonn Conventions clearly mark the beginning of the final period of the Occupation regime. However, Sir Maurice Bathurst, at that time legal advisor to the British High Commissioners, argues

that:

"It was not marked by any obvious change of policy; certain concessions and relaxations of the occupation regime had already been granted and others were to follow but there was no notable acceleration of the programme. ... There was a general consciousness that the relationship between the occupants and the occupied was in a transitional stage, but the Western Powers found themselves forced, in order to retain their authority and not to prejudice their negotiating position, to adopt a conservative attitude and to make clear when granting concessions that these only applied within the limits defined and were not to be taken as precedents for a series of further concessions, which might be justified on grounds of analogy. Thus the years between the beginning of negotiations and the entry into force of the Bonn Conventions were marked by a series of limited concessions of greater and lesser importance but brought no fundamental change in the character of the Occupation regime."(1)

Examples for this progressive relaxation of the Occupation regime were the relinquishing of the power to ensure respect for the Basic Law and the Land constitutions in October 1951; the surrender of this power was made possible by the setting up of a Federal Constitutional Court. At the same time it was announced that the occupation authorities would no longer control the administration of foreign exchange legislation subject, however, to the requirement that the Federal Government should obtain the approval of the Allied High Commission before introducing any change in its foreign exchange policies. On 22 October 1951, the Allied High Commission waived, subject to certain defined exceptions, its right to object to trade agreements entered into by the Federal Government. Other examples of concessions were the relaxation of industrial controls resulting from the Agreement on Industrial Controls of 3 April 1951, which was

further modified on 25 July 1952, and concessions progressively granted in the field of civil aviation, which culminated in the granting of a licence to the Deutsche Lufthansa to own and operate eight aircrafts.

At the same time as these concessions were being granted some of the programmes instituted to achieve 'the basic purposes of the Occupation' were nearing completion. Examples were the promulgation of a German law concerning the 'Grossbanken' and the dissolution of the Allied Banking Commission on 29 March 1952, and the final division of the Krupp assets on 4 March 1953.(2) An outward sign of this reduction in the powers of the occupation authorities was a reduction of the workload of the Allied High Commission: while the Council held 10 official meetings in 1949, 39 in 1950 and 33 in 1951, the Allied High Commissioners met only 27 times in the remaining three and a half years of their tenure.

Despite the gradual reduction in the power of the Allied High Commission just described, one should keep in mind that the supreme authority still rested in the hands of the High Commissioners. The most blatant example of this was Kirkpatrick's actions in the Naumann case.

Sir Frederick Hoyer Millar's powers as British High Commissioner therefore have to be defined by four parameters: they were based on the revised Occupation Statute; they were progressively reduced by the Allied policy of gradual transfer of power to the Federal authorities; they were limited by the intentions of the Allies expressed in

the Bonn Conventions to place their relations with the Federal Republic of Germany on a contractual basis; these Conventions, however, had not been ratified yet and therefore were not in effect yet.

Hoyer Millar was a very distinguished and senior professional diplomat. By the time he became British High Commissioner in Germany he had behind him some 30 years of diplomatic experience, notably in assignments in wartime and post-war Washington, in key posts in London and as Permanent Representative to the NATO Council(3). In contrast to his two predecessors he had no previous experience or special knowledge of Germany. The British Government obviously wanted to make the point that the special circumstances of the occupation were about to end and to be replaced by normal diplomatic relations with the Federal Republic of Germany. In the words of Sir Frank Roberts: "the qualities of Brian Robertson as a post-war Military Governor or the sharpness and brilliance of Ivone Kirkpatrick, who knew pre-war Germany and Italy well and had held an important war-time position in charge of the British Information Services were no longer so appropriate for our first Ambassador."(4)

In an interview shortly before his death, Lord Inchyra(5) himself described his role when he came to Germany as that of an ambassador although he held the title and the powers of High Commissioner. In fact his main task was to oversee the transition from the one to the other role and he did that in his typical unobtrusive manner, most of the

times setting aside the powers which he still possessed and already assuming his future ambassadorial manner.

His staff in Germany also described him as a very popular "Chief of Mission": beneath his aristocratic looks and a genial though somewhat lofty and detached exterior lay an acute mind. He was not given to intellectual nit-picking: he went straight to the heart of an important question and was a good and efficient administrator. He was also described as an example of how to keep an eye on everything while giving his subordinates plenty of responsibility. So much responsibility that he actually sent two of his men to the Anglo-American discussions on Germany in London in July 1954 and did not go himself; one of them, C.H. Johnston, wrote to him on 6 July: "I hope that Maurice and I have represented your views correctly so far. We will report again by next bag" (6). Sir Maurice Bathurst was also instrumental in shaping the Foreign Office's policy on the Saar question. Hoyer Millar's indirect way is quite different from the very direct way his two predecessors influenced British policy making. And this, in fact, is the main difference between the three: Robertson and Kirkpatrick were much more political than Hoyer Millar; they actively shaped British policy towards Germany, launching policy initiatives, for example Kirkpatrick's Saar proposals, while he restricted himself to commenting on the implementation and the timing of policies developed by the Foreign Office, sometimes assisted by members of his own staff.

This is also one of the main differences between Hoyer

Millar and his colleagues in Paris and Washington, Sir Gladwyn Jebb and Sir Roger Makins: they were much more vocal than the High Commissioner on questions effecting Germany and Europe at that time. Actually, Hoyer Millar sometimes felt left "at the margins" of these vital questions and complained that he was not sent all the relevant correspondence on time or at all(7). It is unlikely that this was a conscious snub by the Foreign Office; after all, Hoyer Millar's comments were still sought and appreciated. His main role, however, was that of messenger and rapporteur, which again are the functions of an ambassador. His two predecessors, of course, also performed these functions, but their main fields of activity were running the tripartite administration and shaping the future relationship between Great Britain and an independent Federal Germany, which were much reduced by the time Hoyer Millar came to Germany.

One reason for Hoyer Millar's reduced role in the shaping of British policy for Germany was the fact that his predecessor, Sir Ivone Kirkpatrick, returned to London to assume the very influential position of Permanent Under-Secretary of State at the Foreign Office. He not only accorded Germany the attention which other spheres of interest received, but considerably more: it almost seems as if he never let go of the reins which he had held as British High Commissioner in Germany. Kirkpatrick, in his pivotal role in the Foreign Office, took an active interest in the shaping of policy on Germany, writing minutes and policy documents

and talking to Adenauer and his representatives directly. When he was still in Germany, his standing as the principal German expert of the Foreign Office had meant that the main part of the British policy on questions affecting that country had been developed there. With his return to the Foreign Office, the centre of gravity shifted back to London.

It would be wrong, however, to personalised these changes too much. There was also a general change of atmosphere in the relations between the Federal Republic and the Western Allies which coincided with, but were not the result of Hoyer Millar's arrival in Germany. The Germans had become more self-assured: the times, when the High Commissioners had summoned the German Chancellor to the Petersberg, which had been a symbol of their supreme authority, were long over(8); when Hoyer Millar assumed the position of British High Commissioner he sought appointments to go and see Adenauer, while his main contacts were with his representatives, Hallstein and Blankenhorn. When the latter tried to circumvent the High Commissioner by going to Geneva and talking to the British representatives at the conference there, Hoyer Millar angrily complained to the Foreign Office. It was more a personal complaint about Blankenhorn, however, as the High Commissioner was conscious that he was no longer the only line of communication to the Foreign Office. The Germans only became more self-assured in their dealings with the Western Allies, because they received clear signals that their standing as allies and partners was appreciating.

While the British were getting increasingly irritated with the French and sometimes disappointed by the Americans, the Foreign Office records are full of understanding for and a desire to help the German Chancellor as the guarantor of pro-western German politics. This was not based on a sudden love for the Germans in general, but on clear realpolitik. In August 1954, Sir Ivone Kirkpatrick wrote in a Foreign Office minute:

"whereas the German character has not changed, the world situation has. This makes a radical change for the better in Anglo-German relations not only necessary, but also possible. We have made good progress in recent years and should continue on the same cautious but positive lines. There is no need to fall over each others feet nor to forget German short comings. But practical co-operation based on mutual respect rather than affection and above all on a healthy instinct of self-preservation vis-a-vis the Russians should be easier to achieve between the United Kingdom and Germany than between Germany and either the United States or France." (9)

In June 1953 P.F. Hancock, the head of the Central Department in the Foreign Office responsible for German affairs, wrote that "as regards Anglo-German problems, the present state of our relations with the Federal Republic is so happy that they are few in number" (10). It can be argued, therefore, that Hoyer Millar's role was reduced, in comparison to that of his predecessors, because of this lack of problems. In fact, as Kirkpatrick's words show, their interest and aims were very much the same. Hoyer Millar's tenure as British High Commissioner was therefore different from that of General Robertson's and Sir Ivone Kirkpatrick's in two respects: he had a different attitude towards his role as High Commissioner and the general political situation and

atmosphere had changed.

In order to describe Hoyer Millar's role in the twilight of the Allied High Commission, this part of the thesis will be divided into three chapters dealing with the three main questions of this period: the relations with the Soviet Union and the Berlin Conference, the Saar question, and the problems in connection with the ratification of the EDC Treaty, which finally led to the abandonment of this plan, a renegotiations of the treaties and the Federal Republic's integration into NATO. These three topics, however, are very much inter-related, as the attempt to build a new relationship with the Soviet Union and differences between France and the Federal Republic over the Saar delayed the ratification process. Thus, cross references between the chapters will have to be made.

In these three chapters it will become clear that Hoyer Millar assumed the functions of an ambassador, even though he still held the title and theoretically the powers of High Commissioner. This description of his reduced role is naturally more difficult, as it has to be gathered from circumstantial evidence. Clear comparisons are impossible, as one will never know whether for example Sir Ivone Kirkpatrick had behaved any differently, had he remained in Germany as High Commissioner. It is important to keep in mind that times and circumstances had changed.

RELATIONS WITH THE SOVIET UNION AND THE BERLIN CONFERENCE

In March 1953 Joseph Stalin died. Many in the West believed that his death would open a window of opportunity for a new relationship between the Western Powers and the Soviet Union. On 16 April, President Eisenhower appealed to the new leaders of the Soviet Union to give tangible evidence of a desire for peace, which could lead to a world-wide reduction in armament. "We care only", he said, "for sincerity of peaceful purpose, attested by deeds. The opportunity for such deeds are many." Anthony Eden, who in his autobiography claimed not to have "shared the optimism" of those who saw in the death of Stalin "an easement of the world problems", declared that "the Soviet reply lacked the hectoring abuse which had been commonplace in Stalin's time, but its attitude to the specific problems named by the President yielded nothing" (11). The Foreign Secretary, however, had to enter hospital in April 1953 for operations on gall-stones and was incapacitated for six months during this important period.

"On May 11th, 1953, the Prime Minister, who was acting as Foreign Secretary in Anthony Eden's absence on protracted sick-leave, opened a foreign affairs debate with a well thought out and equally well delivered speech", John Colville, Churchill's Private Secretary wrote, "ending with the

offer of an olive branch to the Soviet Union. He made this speech wholly contrary to Foreign Office advice since it was felt that a friendly approach to Russia would discourage the European powers working on the theme of Western union. However, Selwyn Lloyd, the Minister of State, was personally enthusiastic about it, as were most Tories and the Opposition." Colville added, "I thought it a statesmanlike initiative and knew it to be one which was entirely Churchill's own." (12)

Churchill's "olive branch", the proposal of a four power conference, surprised the German Chancellor and he sought a clarification and further details when he visited London in May of that year. In his autobiography, Adenauer expressed relief and satisfaction after his talks with the Prime Minister: "Churchill hatte mir anlaesslich meines Besuches in London im Dezember 1951 versichert, dass Grossbritannien zu seinen Verpflichtungen gegenueber der Bundesrepublik stehe und niemals Vereinbarungen hinter unserem Ruecken treffen werde. Ich brachte das Gespraech auf diese mir damals gegebene Erklaerung, und zu meiner grossen Befriedigung bestaetigte Churchill sie erneut" (13). Adenauer went along with the main ideas of the Prime Minister, as presented to him during their talks in London. Even the idea of a revival of the "spirit of Locarno", to alleviate the Soviet fear of a German attack, did not arouse the Chancellor's criticism. He emphatically stressed that the Federal Republic would never attack the Soviet Union and made the point that a strong and united Europe would bring them to

abandon cold war tactics and to seek a solution through negotiations.

Churchill, however, did not disclose to the German Chancellor that he was considering an even more drastic change of British policy towards Germany. In a top secret Foreign Office minute Dixon recorded that "in the course of a general conversation on May 16th the Prime Minister said that he had not closed his mind to the possibility of a unified and neutralised Germany. The Prime Minister made this remark in the context of a possible high-level discussion with the Russians and his meaning, I think, was that it might be desirable to agree to such a solution for Germany as part of a settlement with the Russians." Although Sir William Strang added to this minute that the Prime Minister had told him that "he would be willing to consider the unification and neutralisation of Germany if the Germans wished, but only if they wished for this", Churchill's attitude set alarm bells ringing in the Foreign Office and the diplomats felt obliged to draft a minute for the Prime Minister, whose conclusion strongly advised against such radical changes of policy:

"Our present German and European policies arose from the necessity of forestalling further Soviet encroachment on other people's territories, whether by occupation or by coups d' etat on the Czech model. They are also, however, as Dr. Adenauer has stated, desirable in themselves, quite regardless of the Soviet menace. The struggle for Germany lies at the heart of the problem. The rearmament of the Federal Republic, her integration into Western Europe, the collective defence effort, the movement for European unity, are component parts of a whole. If we reverse our German policy, we may bring the whole structure tumbling about our ears and advance the

frontiers of the Soviet bloc to the Rhine."(14)

Although there were voices in the Foreign Office who pointed out a number of matters on which the Soviet position had changed for the better, the main opinion was that nothing should be done before the EDC was ratified by the French. These optimistic voices were silenced by the brutal suppression of a revolt by East German workers on 17 June 1953: it made any Soviet concession impossible; and it provided public evidence that not even the most determined Western peaceniks could immediately ignore, that the East German Government was a repressive Soviet puppet.

Churchill's enthusiasm for a rapprochement with the Soviets was held up by a stroke which he suffered in July, 1953, just as he was about to meet President Eisenhower. Lord Salisbury, who stood in as Foreign Secretary during Churchill's and Eden's illness, went to Washington in the Prime Minister's place, where he was only able to persuade the Americans to agree to four-power talks on Germany at Foreign Secretary level. Despite the fact that Churchill had been encouraged by a speech Eisenhower had made, the President now expressed his opposition to the Prime Minister's proposals of top-level talks "without officials and without agenda". Due to Churchill's illness he had not been able to argue with the President at the Bermuda Conference, which was to be postponed until December.

Lord Salisbury was now attacked by the Opposition and, as Evelyn Shuckburgh noted in his diaries, "all the optimists for having whittled the glorious initiative of 11 May

down to a mundane and routine meeting of Foreign Ministers confined to the topic of Germany. In the FO we all think first that this is the utmost he could have got and second that it has in fact brought us back to realities" (15). Lord Salisbury was conscious of the awkward situation of having to run foreign affairs with two Foreign Secretaries in the background, who were at odds with each other over the question of how to deal with the Soviets.

Churchill continued to be "very wrapped up with the possibility of bringing something off with the the Russians and with the idea of meeting Malenkov face to face", as his private Secretary, John Colville noted, and was "very disappointed in Eisenhower whom he thinks both weak and stupid." He was also more and more at odds with his own Cabinet, especially with Eden who, in Colville's words, "is set on retaining the strength of N.A.T.O. and the Western Alliance by which, he believes, Russia has already been severly weakened. W. is depressed by Eden's attitude (which reflects that of the F.O.)" (16). Evelyn Shuckburgh voiced the opinion of many in the Foreign Office when he wrote in his diary that this was "an example of the hubris which afflicts old men": "It is hard to avoid the conclusion that W.S.C. is longing for a top-level meeting before he dies - not because it is wise or necessary but because it would complete the pattern of his ambition and make him the Father of Peace as well as of Victory" (17). Personal vanity was, however, only one aspect to Churchill's desire for top-level talks; he was

also driven by fear of the hydrogen bomb.

Throughout the summer of 1953 and despite the fact that Lord Salisbury had agreed in Washington to a meeting with the Soviets on Foreign Minister level, Churchill continued to hanker after a top-level meeting. The train was now, however, firmly set in motion for a Foreign Ministers Conference: a three-power invitation had been sent to Moscow and a note was promptly received in return. The Foreign Office response was dismissed by Churchill as an 'ocean of verbiage': "He is still taking the line that nothing less than a meeting between himself and Malenkov, with or without Eisenhower, has any value. He is taking the line that the Americans and French 'got us into this mess' by refusing to agree to such top-level talks and that it is up to them to get us out. Actually, of course, it was his speech of 11 May which got everybody into the mess. He made it without consultation with his allies, who had never thought such a meeting practicable." (18) And those allies, France but mainly the United States, remained opposed to a top-level meeting. Eisenhower even conveyed to Churchill that he would be opposed to the Prime Minister going to Moscow on his own, a 'veto' which Churchill heavily resented. Eisenhower withdrew that 'veto' in 1954 and it seems as if, as soon as Churchill had retired, the President rushed to the summit meeting with the Soviets.

During that summer a whole series of notes were exchanged between Moscow and the Western capitals quarreling over the scope, date and venue of the Foreign Ministers conferen-

ce. Finally, in December, the Soviets agreed that the Foreign Ministers should meet in Berlin at the end of January 1954 and discuss Germany and Austria. At a series of meetings the three Western allies worked out their common strategy for the conference. A working party, meeting in Paris, which was to work out details of this strategy, was joined by a German observer, Professor Grewe: this was the first time that the Germans had been granted access to meetings of the Western powers, at which their policy towards the Soviet Union was discussed. The Allied High Commissioners, however, were not present. This shows how times had changed: formerly the Federal Government would have been informed by the High Commissioners about the results of such meetings; now German observers were sent to take part in them and the High Commissioners stayed in Germany.

Hoyer Millar, who had been appointed British High Commissioner during that summer of 1953, was also excluded from the policy making for the coming conference, which went on back in London. It was his predecessor, Sir Ivone Kirkpatrick, now in the position of Permanent Under-Secretary of State at the Foreign Office, who together Anthony Nutting developed the "Thoughts for Berlin" which was to become the basis of British policy for the conference. What becomes clear from these two memoranda is that the Foreign Office was to "treat Berlin as a cold-war exercise", which meant that, in the absence of the prospect of any real settlement, it was going to be a propaganda battle. It was

imperative, in the eyes of the Foreign Office, that the break-down of the talks in Berlin, should not be blamed on the West: "Therefore to appear convincing and genuine, our joint efforts should be more than ever directed to proposing as much and opposing as little as possible." Anthony Nutting wrote: "I suggest, therefore, that at a very early stage we, the United Kingdom, should take the initiative in proposing a comprehensive and forward-looking plan for German reunification, based on the recent Paris talks with Dr. Adenauer's representative, i.e. free elections, leading to a free all-German Government with the right to participate in the Peace Treaty negotiations." Kirkpatrick developed the theme of the Berlin Conference as a propaganda battle even further: "I think we should take effective steps to keep our press informed of the Russian attitude. We rather failed on this in 1949 ... If the public are brought to understand that the Russians are insisting on refusing liberty to a unified Germany to associate with us, and whilst declining free elections, insisting on imposing on a reluctant Germany an all-German Government with a non-elected communist representation, I believe that there will be no surprise or resentment if the negotiations are abortive." Eden commented on these two papers: "I like all this. Will Sir I Kirkpatrick and Mr. Nutting please together set the machinery in motion so that we can give effect to these two excellent memoranda." (19)

It is clear, therefore, that the opinion dominant in the Foreign Office was determined on the failure of the

Berlin Conference one month before its start. In fact, it had never liked the idea of contacts with the Soviets at this point, but had been bounced into it by the Prime Minister's speech in May. The whole exercise had already delayed the ratification of the EDC and therefore the implementation of established British policy which was to make its first aim the firm integration of the Federal Republic into the Western alliance. The main aim was now to prove to a public still uneasy over German rearmament that Britain had done all she could to reach an understanding with the Soviets without wasting too much time on negotiations, which in the Foreign Office's opinion were not going to produce any tangible results. Expectations had been raised at home and abroad and the collapse of the talks could irreparably damage Britain's European policies, if the West was seen to be at fault.

Considerations of the public morale, especially in Berlin and the Eastern Zone of Germany, led the Foreign Office to instruct the British High Commissioner to explore a possible 'fall-back' position. Hoyer Millar himself had warned the Foreign Office about a slump in German morale if, after the break-up of the Berlin conference, there was nothing to hope for any more. The head of the Central Department agreed: "If the Berlin Conference is to break down, it may be said that, from the point of view of facilitating the ratification of the E.D.C. Treaty, the cleaner the break, the better. On the other hand, a clean break would not be

desirable from the point of view of German opinion." Hancock suggested three "minor but useful points on which some agreement might be reached before the Conference broke down": air safety, treatment of war criminals in Spandau Prison, and inter-zonal questions. The new Permanent Under-Secretary, however, was doubtful whether even such minor agreements could be reached:

"All right. But I am not hopeful. In 1949 the Russians were anxious to cloak their failure over the blockade. ... Circumstances are different now. We should tell Sir F. Hoyer Millar that we realise this and ask him to look at the problem informally with his colleagues. We must not make him look foolish in their eyes." (20)

In these discussions with his colleagues, Hoyer Millar discovered that the United States High Commission opposed any preparatory action of this kind: "Their attitude suggests that the U.S. authorities feel that if the Conference breaks down no attempt should be made to minimise the effect by trying to reach agreement on minor points with the Russians, or, in other words, if there is to be a break with the Russians it should be a clean break, and one capable of exploitation by Allied propaganda, etc." (20)

Despite the discouraging attitude of his colleagues, Hoyer Millar, two days later, submitted detailed proposals for a fall-back position. He divided them into measures "which we might try to put into effect by agreement with the Russians" and unilateral measure, which, although not strictly falling into the category of a fall-back position, he deemed nevertheless "equally necessary as well as easier to achieve." He also made a special case for measures concer-

ning Berlin: "I think the shock to German opinion caused by a failure of the Conference is likely to be more severe in West Berlin than in the Federal Republic as a whole since, for obvious reasons, the division of Germany reacts much more closely and unpleasantly upon the Berliners in their everyday lives. Moreover while the Federal Republic is prospering Berlin is still afflicted with grave economic problems, including heavy unemployment." The measures which he suggested and which needed Soviet agreement mainly concerned inter-zonal movement and communication. Hoyer Millar was conscious of the fact that this could mean continued Soviet interference. It also could give the Soviets the opportunity to claim that these were problems which should be solved by the two German governments, thus forcing them to engage in direct negotiations, to which the Federal Government was resolutely opposed, as it was to any measure which could imply recognition of the East German regime. The British, French and American governments were committed to supporting them in this determination. The suggested unilateral measures were either political, as for example "to bring into force quickly an advance instalment of the concessions in the Bonn Conventions", or economic, as for example increased Allied investment in Berlin and aid to the population of the inter-zonal border areas. (21)

Hoyer Millar's ideas of unilateral "consolation prizes" found open ears in the Foreign Office, but the preparation of a fall-back position was eventually abandoned: "We have gone as far as we can in examining all this without commit-

ment," Kirkpatrick wrote, "and I should be against further pressure on the Americans at this stage." The British High Commissioner himself provided some of the ammunition needed to kill off his idea: he had admitted that the value of Four-Power agreement on minor relaxations would be very small if the major issues of reunification remained unsolved. And even more importantly, he had drawn attention to the under-current of fear in Western Germany that if Berlin produced a detente between East and West, and no agreement on German reunification, Germany would appear to be getting the worst of both worlds(22). Hoyer Millar himself had helped to bury one of few and last policy initiatives he produced during his time as British High Commissioner in Germany.

The report of the tripartite official talks in Paris recommended that the German Federal Government should be consulted on three subjects: the holding of free all-German elections, the status of the subsequent all-German Government, and the problem of security in Europe. Accordingly, Sir Frederick Hoyer Millar, after consultations with his two colleagues, went to see the Chancellor on 4 January to present him with three memoranda on these subjects produced at the Paris talks. He also delivered a document embodying the answers to the questions which Professor Grewe, the German observer at the Paris talks, had posed. It was agreed that it might be desirable as the next step for the matter to be further explored between Professor Grewe and those

members of the three Allied High Commissions who attended the Paris meeting; Hoyer Millar had not taken part in the discussions in Paris. He had also not taken part in discussions between Adenauer and Eden in Paris and only had instructions now to remind the Chancellor that the declaration to be made by the U.S., U.K., and France and the whole security problem were still under discussion between the three Governments: Hoyer Millar as the messenger.

Hoyer Millar continued in this role nine days later when he met the Chancellor again to show him the "suitably edited text" of the Tripartite Group's paper on objectives and tactics at Berlin. He sent a record of his discussion with Adenauer to the Foreign Office, which in turn sent comments on the points made back to Bonn: this series of telegrams shows considerable similarities of opinion which existed between the British Foreign Office and the German Chancellor at this point in time. Allied and German experts were to consider the remaining divergences of opinion further and Hoyer Millar was asked to report on the results of these deliberations: Hoyer Millar as the rapporteur.

First, the similarities: "On the statement that one of our objectives should be 'to keep open the prospect of further negotiation with the Soviet Union at a later date'", Hoyer Millar wrote, "Dr. Adenauer expressed anxiety that, if French opinion was given to believe that the Berlin meeting, whatever its outcome, would be followed by further negotiations, this would immediately become an excuse for further delay over the French ratification of the E.D.C." The Fo-

reign Office shared the Chancellor's view and therefore were prepared "to accept the Chancellor's formulation of our objectives as to finish the meeting, in the event of failure, in such a way 'as not to make later negotiations with the Russians impossible'." They also agreed that there would be serious disadvantages of regarding the Berlin Conference as a meeting of the Council of Foreign Ministers, but pointed out that "we really could not agree to break off conversations with the Russians on this point alone." They also shared the Chancellor's reluctance to have a German Peace Treaty included in the agenda, but if the Russians insisted on it, would have to accept it.(23)

The Chancellor also gave Hoyer Millar his views on the documents which the latter had given him on 4 January on all-German elections and the formation of an all-German Government. The Foreign Office commented: "We share the apprehension of the Germans that if we set up a Working Group on the elections in Berlin during the meeting the Russians may be able to delay the outcome of the Conference indefinitely. For this reason it is our intention that the Foreign Ministers should themselves work out the main principles of the electoral arrangements. The details would be remitted not to a working group of the Conference, but to the High Commissioners who would meet only after the Conference was finished. We do not think that this would give excuse for any subsequent delay on the part of the French Parliament in ratifying the E.D.C. Treaty. We recognise that

this is a departure from the Paris report." The Chancellor also pointed out that he would prefer a Four Power commission, consisting of uniformed personnel, to supervise the elections: "After I had pointed out the practical difficulty of producing from our Armed Forces the large number of suitably qualified personnel required for this task, the Chancellor explained that the personnel concerned need not necessarily be regular members of the Armed Forces; the main thing would be the impression made on the East Zone population by the sight of a foreign uniform as such. Neutral observers in civilian clothes would not be at all the same thing." Although the Foreign Office had hitherto not been much in favour of such supervisory commissions, because they were bound to be unacceptable to the Russians, the message to Bonn was now: "we are certainly prepared to give it support." (24)

Second, the divergences: "Dr. Adenauer emphasised that he attached great importance to the proposal that new elections for the East Zone Volkskammer should be held simultaneously with the all-German elections." Hoyer Millar tried to point out the various objections which could be seen to this proposal, for example the possibility that new Volkskammer elections would still produce an unsatisfactory Assembly and the difficulty of finding adequate candidates. His arguments, however, were repudiated by the Chancellor and his principal adviser, Walter Hallstein. In objecting to this German proposal, Hoyer Millar followed the Foreign Office line: "You have already made most of the arguments

against it," he was told. "We entirely approve of what you have said. Furthermore, we do not believe that the elections would turn out in the long run as the Germans wish, for even if a reasonably representative Government were returned it would still be under the heel of the Russians and pressure could easily be brought to bear upon it. If if were constrained to obey the behest of the Russians, we should find ourselves in a most awkward situation. Instead of completely ignoring its existence as we can do with the East Zone Government, we should have to admit that it was largely our own creation."

The Chancellor also told the British High Commissioner, that in the Federal Government's view the process by which an all-German Government was to be established should be determined not by the National Assembly, but by agreement between the Bundestag and the newly elected East Zone parliament. Hoyer Millar explained this in his telegram: "In fact the main advantage of this provision, as already explained to us separately by Grewe, would be to give the Federal Government control over the modalities and timing of the transfer of powers to the all-German Government." The Foreign Office was strictly against this idea: "We should be most unwilling to accept the Chancellor's view ... we are confident that the all-German constituent Assembly will be the sort of body which the Western Powers and the Chancellor himself would wish to see. This is the one rock upon which we can count. It would therefore be unwise to allow powers

which we originally intended for the all-German constituent Assembly to be placed in the hands of the Bundestag and the East German Assembly jointly."

The greatest divergence of views between Adenauer and the Foreign Office was on the last point which the Chancellor raised with Hoyer Millar: that the Occupying Powers should abandon their existing powers before the all-German Government was established. "The Chancellor thought," Hoyer Millar cabled to London, "that the object should be to leave the Governments and Assemblies in West and East Germany as free as possible. He pointed out that in the East Zone the Control Statute had been abolished, so that theoretically the East Zone was now free while Western Germany was still living under Occupation rule." The Foreign Office professed to be "astonished that the Chancellor should question the right of the Allied Governments to reserve their existing powers with respect to Germany. Obviously we must reserve our rights in Berlin or we shall have no legal justification for maintaining the status quo there. Equally we must have rights with respect to the stationing and security of our troops. This is clearly recognized in the Bonn Conventions which confirm our reserved powers with respect to the re-unification of Germany and the Peace Treaty for reasons which are perfectly obvious." (25)

It is difficult to see why the Foreign Office should have been "astonished" or surprised by Adenauer's remarks: they were like a ceterum censeo for him. He took every opportunity to point out his dissatisfaction about the con-

tinued existence of the Allies' reserved powers with respect to Germany. What was different this time, however, was how Hoyer Millar handled Adenauer's remarks. When the Chancellor had raised the same objections to the Allies' reserved powers during the negotiations leading up to the Bonn Conventions, this had led to fierce arguments with Hoyer Millar's predecessor, Sir Ivone Kirkpatrick. In a much more ambassadorial fashion, Hoyer Millar had only received the comments of the Federal Government and passed them on to London, without argument, only at times politely raising possible objections and stating his own government's line.

On 18 January the Allied High Commission was handed two memoranda, containing the Chancellor's considered comments, which repeated, in Hoyer Millar's view, the points which Adenauer had made in their conversation five days ago only in "rather stronger form" (26). He passed them on to London together with agreed comments and recommendations which he had agreed with his US and French colleagues. The memoranda, however, did include one new point and several others which, in Hoyer Millar's words, needed further clarification.

The new point was the Federal Government's request that before elections for the National Assembly and the Volkskammer, the Volkspolizei should be reduced in numbers and disarmed to the level of the Federal Republic's Bundesgrenzschutz. Hoyer Millar's comment was: "This is a new suggestion and at first sight a particularly difficult and unpractical one" (27). Eden agreed: "Naturally, I sympathise

with reasons why Federal Government put this forward, but think it totally unrealistic to suppose that Russians would ever agree. Volkspolizei form part of their own security system. We intend to resist any suggestion that E.D.C. should be put into cold storage pending outcome of Berlin Conference, free elections etc. It would be difficult to justify our taking this line, with the simultaneous demand that what are in effect Russian security troops should be reduced on this drastic scale." (28)

Two days later representatives of the three High Commissioners took up with Grewe the points raised in the memoranda. They were grouped under two headings: all-German elections which included the new proposal of a reduction and disarmament of the Volkspolizei and the proposal for a Four Power supervisory organisation; and the formation of an all-German Government which included the German proposal for elections for a new Soviet Zone Parliament simultaneously with all-German elections, the transfer of powers to the National Assembly and the Occupation Statute.

Hoyer Millar's reports about the flood of German proposals at this late stage produced a feeling of annoyance in London. The Foreign Office felt that the Western Allies had done all they could to include the Germans in the policy making process: German observers had been invited to Paris to the tripartite preparatory talks and there had been top-level meetings between Eden and Adenauer and yet, barely a week before the Berlin Conference was about to start, the Germans had tabled a number of totally new conditions. And

these conditions seemed to originate with one person: the German Chancellor, Konrad Adenauer. Hoyer Millar implied this suspicion in his comment on the proposal to hold elections for a new Soviet Zone Parliament simultaneously with all-German elections: "The Chancellor feels strongly on this proposal which is now stated 'to have been approved by the Federal Cabinet'. But its wisdom is doubted by several of his advisers including Grewe, as well as by the Americans and French here" (29).

The Foreign Office was starting to doubt the Chancellor's intentions, knowing that he had never been keen on the idea of a Four-Power meeting. In a very frank telegram to Bonn, Eden wrote on 21 January: "I cannot help feeling that some of the German comments are unduly perfectionist. I wonder whether he would in the event venture publicly to demand that German unity must be abandoned unless all his requirements are met." Eden went on to outline once again his plan to take the initiative at Berlin and put forward "a simple and positive set of proposals, avoiding anything which might be criticised as unduly complicated and excessively rigid". He clearly voiced his annoyance: "We have been discussing these matters with Dr. Adenauer since November and it is disappointing that new issues, involving great complications, should only be presented to us so late in the day." Eden, however, was still eager to go to some length to satisfy the German Chancellor:

"The Russians will presumably argue for their scheme of a provisional Government formed from the two existing

administrations. ... At that stage we could quite properly argue that, whereas the Federal Government is entirely representative and formed after elections as recent as last September, the Soviet Zone administration, apart from being entirely unrepresentative, results from elections held as long ago as October 15, 1950. We could then suggest, and in this context only, that in the Soviet Zone at least new elections should be held to remedy this anomaly." (30)

Hoyer Millar was given the task to discuss this with his American and French colleagues and then with the Germans. The next day, Adenauer introduced yet another idea: the Laender in the East Zone should be restored and Landtag elections should be held in them under supervision simultaneously with all-German elections. Hancock, in the Foreign Office, concluded: "I think that we need not be perturbed by Dr. Adenauer's new idea ... The views expressed in our telegram apply equally to Dr. Adenauer's previous proposals and to his new proposal" (31). Discussions moved to Berlin, where the Western delegations, led by the Foreign Ministers and including the High Commissioners, met for pre-conference talks. The Americans, who initially expressed a mild interest in the latest German ideas, soon agreed to "instructions to the High Commissioners to explain firmly to Blankenhorn the objections to these last-minute proposals" (32).

On 24 January, Hoyer Millar reported on their conversation with the Federal Government's representative, which "had not been as difficult as they had expected." Blankenhorn had noted the arguments and the Western solution to strengthen the Supervisory Commission. From the words of his representative it became clear that Adenauer had back-trac-

ked considerably and also that the latest German proposals were mainly his own and not necessarily reflected the view of the German Federal Parliament: Blankenhorn "had agreed that publicity of the divergence of views was undesirable, and had mentioned that the memorandum had not been cleared with the Foreign Relations Committee, as had the earlier memorandum, and that therefore it was not generally known. He said that Dr. Adenauer had not meant to imply that the two suggestions were essential. They could perhaps be kept in reserve, should we reach detailed discussions with the Russians on the machinery of the elections." The High Commissioners had replied that the Chancellor's suggestions would not be forgotten, but had not committed themselves to raise them at any stage(33).

At this meeting between the High Commissioners and Blankenhorn in Berlin, the latter had expressed Adenauer's anxiety to be kept informed about developments at the Conference. The Chancellor had originally intended to go to Berlin himself, but had changed his mind at the beginning of January; it is very doubtful whether the Western Allies would have welcomed his presence there anyway, as it would have set a precedent and the Austrian and East German Foreign Minister could have insisted on being invited as well. On 5 January Hoyer Millar told Roberts that the Chancellor "intended to remain in Bonn throughout the period and to keep in touch with what was going on in Berlin through Grewe. ... Special aeroplanes were being chartered so as to

ensure rapid communication between Berlin and Bonn, and generally speaking the Chancellor seemed satisfied that he would be kept adequately informed of day to day developments at the Conference" (34). Nine days later the High Commissioner was informed that the German delegation would be lead by Herbert Blankenhorn; although Grewe had originally been appointed "Special Representative of the Federal Government for the Berlin Conference" and had been closely involved in all the preparatory talks, Blankenhorn was a better-known figure and had just been given the personal rank of Ambassador and his appointment was seen as a move to raise the profile of the German delegation. A week before the Conference was about to start, the High Commissioners came to an agreement amongst themselves on how to keep the Germans informed:

"My colleagues and I today discussed question of channel of communication between Western delegations and German representatives in Berlin. We thought that in matters of major importance the three High Commissioners should see Blankenhorn and that, when necessary, the chairman of the month could come to Bonn to see the Chancellor. Normally, however, we thought that the channel should be through the Chairman of the month to Blankenhorn, or, on routine matters, as through an appropriate member of the Chairman's staff to Grewe." (35)

Summing up, Hoyer Millar's role in the run up to and during the Berlin Conference of 1954 was that of an ambassador: he was not personally involved in the preparatory talks between the Western allies. He had delegated the preparatory quadripartite work to the British Berlin Kommandant. He had only been marginally involved in the policy making process in London, his only major policy initiative in suggesting a

fall-back position having come to nothing. Shortly before the Conference he was instructed to deliver the tripartite policy papers to the German Chancellor and receive his comments on them; he was, however, not negotiating with him and confessed to the Foreign Office that he had not been able to change the Chancellor's mind on the latter's new proposals: "I was not able to persuade the Chancellor to modify his ideas, to which he evidently attaches great importance" (36). During the Conference he was not involved in the negotiations, but was the line of communication to the Germans. It has to be stressed, however, that Hoyer Millar's role did not differ in any way from that of his High Commissioner colleagues and therefore should be interpreted as a sign of the change in their collective role.

The Berlin Foreign Ministers Conference did not reach any agreement on the German and security question. As planned, Eden took the initiative and proposed a five point plan for German re-unification: (1) all-German and guaranteed free elections; (2) the formation of a national assembly; (3) preparation of a constitution and a peace treaty; (4) the acceptance of the constitution and the formation of a government; and (5) the signing of the peace treaty with that government. The new Germany should possess total freedom of association. These proposals were called the Eden Plan and the Soviet Foreign Minister Molotov flatly rejected them. He proposed: (1) to work out a peace treaty with representatives of the Federal Republic and the GDR; (2) to have the Bundestag and the Volkskammer form a provisional

Government; (3) to withdraw all occupation troops, except for small contingents necessary for control, and to hold free all-German elections; (4) to form an all-German Government. The re-united Germany should be neutral and incorporated into a European collective security system. The Conference was broken off without reaching any significant agreement because of these irreconcilable differences.

THE SAAR QUESTION

The hopes and fears of an East-West rapprochement, which had delayed the ratification of the Bonn and EDC Treaties, were dashed at the end of the Berlin Conference. One obstacle on the way to French ratification of the Treaties, however, remained: the future of Saar territory. This question had cropped up again and again during the period of the Occupation of Germany and always at the most awkward time, souring Franco-German relations and thereby delaying important steps towards a peaceful Europe.

Looking at the development of this question throughout the period of Occupation, one can detect a shift in the British position away from unquestioning support for the French position towards the role of a mediator with a sometimes barely hidden pro-German bias. In 1947 Britain had supported the Saar's economic integration into France. This stance had been reaffirmed in 1950, when the Saar question flared up again in connection with the proposed admission to membership of the Council of Europe of both the Saar and the Federal Republic in the Council of Europe. The proviso in both instances had been that the status of the territory was a provisional one to be finally settled at a peace conference.

In 1951 the then British High Commissioner, Sir Ivone

Kirkpatrick, launched an initiative to persuade the French and German Governments to solve the Saar question before a peace conference. He was convinced that the Saar question left unresolved would hamper the process of integrating the Federal Republic into the West by leaving a bone of contention between France and Germany. At that time he was deeply involved in this integration process, namely the negotiations leading up to the Conventions signed in May of the following year. Kirkpatrick's initiative, which led to a joint representation by the British and American Ambassadors to the French Government, reflected the shift in the British position away from the unquestioning support for the French on the issue of the Saar. Considering that the issue was finally settled by a plebiscite in 1955, it is interesting to note that Kirkpatrick and his deputy debated the "healing properties of plebiscites" when they drafted the 1951 despatch to London. Kirkpatrick doubted "very much whether a plebiscite will lead to the liquidation of this problem and sweet reasonableness over the Saar in France and Germany." O'Neill, however, was convinced that this was the only possible solution and persuaded his superior to recommend it to the Foreign Office. (37)

From June 1951 the solution of the Saar question became a personal quest for Sir Ivone Kirkpatrick and he was also able to convince the new Foreign Secretary, Sir Anthony Eden, to regard it as one of the main impediments to the success of British policy for Germany and Europe. On 2

December 1952 Eden's Private Secretary wrote into his diary: "I found A.E. keen and optimistic about Europe. The vote in the Saar has helped the French and he thinks he can get it settled. 'I am excited. I think I am on to something.' He wants to do it in Paris next week and thinks this the key to European problems. Frank Roberts is dubious about this and thinks it is better to leave it to Adenauer and Schuman. (38)"

The French, however, found the British pressure on the Saar question one-sided, namely anti-French, and were getting increasingly annoyed. On 8 January 1953 the French Deputy High Commissioner, Armand Berard, told his British counterpart "that the Quai d'Orsay had been disagreeably surprised at the strength of Mr. Eden's recent intervention in Paris for an early Franco-German solution of the Saar question. Berard went on to allege that when the French spokesmen had questioned this pressure, Mr. Eden had said that he was continually being urged by Sir Ivone Kirkpatrick to intervene in this way." Although O'Neill rejected Berard in his report to the Foreign Office as "a slippery customer who is always flitting to and fro Paris and engaging in obscure intrigues with cronies at the Quai d'Orsay and my guess is that they may have cooked up this story in the hope that it would deter us here in Germany from taking too close an interest in this business", it is clear that the French were becoming increasingly irritated by the British pressure on them. (39)

This was made unmistakably clear to Eden when his

French counterpart, Georges Bidault, told him at a meeting in London in February 1953 that, "while always ready to receive our advice and to keep us informed, the French Government did not want outside intervention or mediation.(40)" This French reprimand had two effects: firstly, the British, in sulks, became much less keen to intervene, the Foreign Office advising Eden in March that "in the circumstances there seems to be nothing more we can do to hasten matters and it would appear undesirable for the Secretary of State to raise the question in Paris.(41)" And secondly, this can be seen as the beginning of a pro-German bias in the British attitude towards the Saar question, which the French had wrongly suspected to have existed all along. Before Bidault's statement in London, Eden had offered to intervene several times on the French behalf, but from now on he was only willing to intervene on both sides and in the secret Foreign Office correspondence his understanding for the German point of view became more and more obvious.

At the Bermuda Conference the British agreed with the Americans that an intervention should only take place when it was necessary and when it could be effective; the position paper which they had prepared at the beginning of the year should be held in reserve; and they were both unhappy that the French had made the Saar settlement a condition for the ratification of the Treaties.

The summer of 1953 saw an extraordinary change of

scene: the Saar Conventions, which had already caused a great storm when they had been signed by the French and Saar Governments in 1950, came up for revision. Adenauer protested to the Allied High Commission, as he had done in 1950. Now the French, who at the beginning of the year had not wanted any intervention, complained of "being left alone in the ring with the Germans.(42)" The French High Commissioner urged his colleagues to join him in a strong response to Adenauer's letter of 25 June and Hoyer Millar proposed to support an American intervention, but the Foreign Office held him back. Hancock, the head of the Central Department of the Foreign Office, wrote in a minute: "Why pester Dr. Adenauer, who is way ahead of any other German in his willingness to meet the French? We do not want to intervene but, if we must, we should intervene with both sides. And our intervention should then be effectual and carefully timed. I cannot understand why the Americans are always wanting to indulge in these small and pointless interventions. It is no good nagging.(43)"

Although Eden was convinced that the French were committing "a great folly"(44) by ratifying the Saar Conventions, he responded favourably to a request by M. Bidault to intervene on the French behalf in Bonn. On 28 October Hoyer Millar received the following instructions from London: "I am disturbed by recent indications that Dr. Adenauer is receding from the undertaking which he gave after the German elections to do his best to reach an early agreement with the French on the Saar. It is clearly up to the Germans to

make the next move. You should therefore take an early opportunity to remind the Chancellor of the importance which I attach to this matter and express the hope that he will be as forthcoming as possible and to do his best to meet the French." (45) The High Commissioner delivered the message to Walter Hallstein, State Secretary at the German Foreign Office, the next day and expressed British readiness "to help as far as we could if and when the appropriate time had come." Hallstein was grateful, but implied "that any intervention on our part at the present moment would be premature." (46)

This was the start of a period during which Hoyer Millar and his American colleague were standing on the sidelines observing the conversations which began between the German Chancellor and the French High Commissioner, Francois-Poncet. On 16 November he reported to the Foreign Office that "they have already run into heavy weather." (47) Hoyer Millar was, however, prevented from doing anything more than showing an interest in the progress of the talks; his instructions were clear: "keep us informed ... But we do not suggest that you should go out of your way to make enquiries, since we do not wish to appear to be butting in." (48)

The prospect of direct contact between Adenauer and Bidault prompted the Americans to propose a formal Anglo-American intervention and in January 1954 they submitted their latest ideas on the Saar to the British Foreign Of-

fice. Although Kirkpatrick expressed the general Foreign Office feeling about these ideas by calling them "slightly half-baked", they made the British move away from their reluctance to interfere. In their brief for the Berlin Conference they had written: "We should refrain from wasting our capital by haphazard and premature pressure upon the French and/or Germans" (49); but now messages were sent to the British delegation in Berlin to discuss the State Department proposals with their American colleagues. These discussions continued after the Berlin Conference had finished.

In March Adenauer went to Paris and was presented with a new set of French proposals for the solution of the Saar question, which envisaged, inter alia, a closer involvement of the United Kingdom and the United States, by asking them to guarantee the proposed solution. Hoyer Millar was excluded from the ensuing discussions and complained in a letter to Frank Roberts:

"Would you mind having a word with the Departments concerned and ask them to keep us rather more closely and rapidly informed regarding the course of events concerning the E.D.C. and the Saar. Although we are for the moment so to speak on the margin of the current discussions, we are very closely concerned in both questions and may at any moment be called upon to make representations about them to the Germans or, alternatively, may be questioned about them by the Chancellor and his people. It is therefore important that we should be kept fully up-to-date. At the moment this is not happening." (50)

When Kirkpatrick was High Commissioner, he had never been "on the margins of current discussions"; he had initiated policies and had not seen making "representations about

them" as his main function. These are clearly the words of an ambassador, who still happened to hold the title of High Commissioner. Although Hoyer Millar was still called upon to comment on and assess German feelings on the planned Anglo-American demarché, the content of this approach, which he was supposed to make to the German Government, was worked out between the Foreign Office and the State Department: "we think that the Ambassadors in Paris and the High Commissioners in Bonn must be provided with a brief agreed textually between the State Department and ourselves," the Foreign Office wrote. "the complexity of the Saar question is such that in our view, unless the Ambassadors and High Commissioners work from an agreed document, confusion is likely to arise." (51)

Accordingly Hoyer Millar, at the end of March, was issued with a very detailed brief, going so far as to suggest what arguments to use in discussions with the Germans. The underlying principle was that "we should in the first instance restrict ourselves to pressing the French and German Governments to accept unchanged the General Affairs Committee's recommendations. We should give them no pretext for proposing amendments and should therefore suggest, initially at least, no alterations ourselves, even in respect of points where modification appear desirable." (52) Hoyer Millar's main contribution to the Anglo-American plan was his recommendation on the timing of its implementation.

The question of timing turned out to be rather complicated and required all the skills which the experienced

diplomat, Sir Frederik Hoyer Millar, undoubtedly possessed: sensitive and unobtrusive observation of the German scene and constant readiness to put forward the British point of view. An extract from a telegram, which Hoyer Millar sent to London on 4 April 1954, will serve here as an example of his dealings with the Chancellor:

"I told the Chancellor that, as he of course knew, we attached the greatest importance to early Franco-German agreement being reached on the Saar. We hoped, therefore, that he for his part would do everything he could to facilitate this. AS far as we were concerned, our view was that on the whole and all things considered, the Van Naters report provided the best basis for a settlement. The Chancellor did not take up this remark of mine, but instead reiterated the difficulties which the Germans were now experiencing in dealing with the French authorities owing to the divisions of opinion and inconsistencies among the latter."(53)

This was not the planned intervention; Hoyer Millar had presented the British point of view and had not achieved great results. This is also a clear example of the change of the High Commissioner's dealings with the Chancellor: where before Adenauer had been summoned to the Petersberg and later the troika had descended from their Olympus to meet the Chancellor, now the High Commissioners met the Chancellor individually. The impact of a common front, which the three had represented when they faced Adenauer together, had been considerably reduced by the system now in existence, when the chairman of the month went to see the latter. Also the strength of their representations had decreased: where before they had been able to issue instructions and make demands, the High Commissioners were now relying on their

powers of persuasion.

The role of the British and American High Commissioner would have increased considerably, if the intervention had ever taken place. At consecutive meetings, however, Hoyer Millar was told by the Chancellor that, although an Anglo-American intervention might be necessary and welcome in the future, the time had not come yet. The Franco-German talks were continuing on different levels and between different men and the prospect of a break-through at the next stage seemed always close enough for Adenauer to request a delay of the Anglo-American intervention. On 27 April, for example, Hoyer Millar wrote: "In reply to a remark by myself, the Chancellor said that he felt it would be premature for any Anglo-American representations to be made in Paris or Bonn until the result of the coming Hallstein-Schuman talks were known."(54) Both the Foreign Office and the State Department, eager for their intervention, when it did take place, to be effective, let themselves be guided by these remarks.

The British were also less willing to put pressure on the Germans, because their views were very similar. Hoyer Millar informed the Foreign Office that "the Chancellor made it clear in the debate on April 29 that he has accepted the Van Naters Plan as the basis of negotiations and that he expects the French to do likewise. As I understand it this is also your view and that of the United States Government."(55) Even more importantly, the Foreign Office started to doubt whether, if the Germans could be persuaded to

make concessions on the Saar question, those concessions would have the desired result, namely a French advance of the ratification of the 1952 Conventions and the EDC Treaty. Hoyer Millar clearly expressed this in his telegram of 5 May: "unless we can be more confident about French intentions over the E.D.C. we should be careful how far we go in bringing pressure to bear on the Germans over the Saar." (56)

Hoyer Millar, however, made it clear that he thought "the position here as regards the Saar is getting steadily worse and that the Chancellor's ability to make concessions to the French is much less now than it was six months ago." Despite the fact that he thought the Chancellor would not be very receptive to the representations, he stated that in his view the time was approaching "when we and the Americans will have to intervene vigorously with both the French and the Germans to bring them to agreement. If such an intervention is to be effective it will have to be directed as closely as possible to the main outstanding points of difference, and the nearer we can come to suggesting clear-cut solutions the more chances we shall have of success." (57)

The Americans suggested a meeting of representatives of the British and American High Commissions, the embassies in Paris and the Foreign Office and State Department to meet in Paris to work out the revised terms of the planned representations. Hoyer Millar did not take part in the talks personally, but members of his staff did, who before hand had coordinated their views with members of the American High

Commission. After the Paris talks the Foreign Office and the State Department continued to discuss amendments to the brief for the representations to be made in Paris and Bonn. Once again Sir Frederik Hoyer Millar felt marginalised: "It is becoming rather difficult to follow the exchanges between London and Washington about amendments to the brief recently prepared in Paris. Once agreement has been reached with Washington it would, I think, be helpful if you could send us a telegram setting out exactly what amendments are to be made in the Paris brief."(58)

The formal intervention, however, was again delayed by the prospect of a new phase of Franco-German talks over the Saar: Adenauer was to meet M. Teitgen in Strasbourg and Hoyer Millar told the Foreign Office that it might be "better to hold our hand for the time being."(59) Although Eden had already sanctioned the intervention, the Foreign Office went along with Hoyer Millar's judgement of the situation and advised a postponement of the representations. From the Geneva Conference Eden cabled to London: "Although it does not sound as if much further progress is likely to be made at Strasbourg, I agree that in the circumstances our intervention should be postponed until afterwards. But it seems to me that we have now delayed long enough and I would like it to be made as soon as possible after Strasbourg."(60)

In fact, the British did intervene in the Franco-German negotiations on the Saar which took place in Strasbourg in May 1954. But the intervention was totally different from what had been planned and agreed with the Americans in

Paris. For a start, the High Commissioners and the ambassadors were not even present in Strasbourg. And it was in no way a formal intervention, but secret, behind the scenes, coaxing from the Foreign Office Minister, Anthony Nutting, and Frank Roberts, who were in town for the Council of Europe meeting. Nutting's report to Sir Anthony Eden is revealing in many respects: not only did he describe his secret mediation, but it also revealed the rifts in the Anglo-American-French alliance and the ever closer Anglo-German relations. "The significant feature of the method of the Strasbourg negotiations," Nutting wrote, "has been the cageyness and ellusiveness of the French compared with the constant contact and consultation I have had with Adenauer and Hallstein." Nutting was full of praise for Adenauer who was "a tower of strength compared to our other allies!"

British relations with both the French and the Americans had been strained by the Indo-China negotiations taking place at Geneva at that time. Nutting hinted at that fact when he wrote: "I have had to be very cautious in playing any British hand over all this since, despite of how the Americans have behaved to us, I did not feel I should break the Anglo-American front to the extent of playing an official intervening role. In offering counsel to either side I have therefore used only the spoken word. When it was a case of producing a written formula to try and reach agreement on the economic questions, I resorted to the subterfuge of slipping a draft text to Van Naters for him to present as

his own idea." Nutting, however, was very doubtful whether the agreement, which he had helped to come about, would survive:

"It seems a little too good to be true that any Frenchman has agreed to the terms of a Saar settlement and I fear that there will be some sinister sharpening of anti-EDC knives in Paris over the next 48 hours. Teitgen, as you know, is regarded in Paris as something of a hopeless European fanatic and the fact that he is the man responsible will I fear somewhat fortify the EDC opponents. ... The Germans have gone remarkably far and I am convinced that if the French repudiate this agreement nothing on God's earth or in Adenauer's powers of persuasion will get the German coalition to offer anything like the same terms again ... It would be an enormous achievement to get the final declared preamble settled, though I am afraid everywhere the signs are against the French Government bringing the EDC to a debate in the present state of the Indo-China negotiations." (61)

Indeed, the optimism created in Strasbourg was quickly dashed. Hoyer Millar reported that he had seen M. Berard, the French Deputy High Commissioner, who "seemed doubtful whether the agreement reached in Strasbourg would stick, and to fear that Bidault and Schumann might think that Teitgen had gone too far." (62) Indeed, Schumann issued a dimenti of the Saar agreement, although he confessed to the British Ambassador that this had been a tactical move to retain his room for manoeuvre before his party's conference. The British obliged the French in sending instructions to the High Commissioner to seek clarifications from the German Government. Hoyer Millar complied, but on 9 June he told the Foreign Office:

"The Chancellor gave the impression that his patience with the French had almost run out, and that he was not prepared to make any further concessions to the French over the Saar unless and until he could be assured that the E.D.C. was going to come into force. Adenauer said

something to me to the effect that he had heard that the United States and United Kingdom Governments were contemplating intervening shortly over the Saar question. His manner implied that if this intervention took the shape of pressure on him to make further concessions of substance to the French at this juncture, it would meet with a chilly response." (63)

All efforts by the British, seeking clarifications from the Germans and supporting the French by offering a guarantee of the agreement, however, were in vain. The French Government under M. Laniel fell and with it the Teitgen-Adenauer agreement on the Saar question. No progress was made with the new French Government either: when M. Mendes-France met Dr. Adenauer in Brussels the Saar question was not even discussed.

In August 1954, two years after the Conventions had been signed, the M. Mendes-France put the EDC Treaty to a vote in the French National Assembly, which finally rejected it. During the debate the opponents of the EDC pointed out that the absence of a Saar settlement meant that a "pre-condition" of the Treaty as defined by the Laniel government had not been fulfilled. In the final stages of the debate M. Mendes-France made it clear that a Saar settlement was still to be considered as a pre-condition for the rearmament of Germany. Thus, as the efforts started to put together an alternative to the EDC, the Saar problem continued to occupy not only the French and the German Governments, but also the British and the Americans. Their High Commissioners continued to stand in the wings, observing and encouraging and ready to finally launch their long delayed formal intervention.

The prospect of reaching a settlement of the Saar question, however, were dim. On 26 September, Hoyer Millar reported to London that the German Chancellor did not wish the Saar to be included in the agenda for the formal negotiations in London. Even more, he made it clear that the agreement which he had reached with Teitgen in Strasbourg in the spring was no longer acceptable as a basis for a settlement. It had been based on the idea of a Europeanisation of the Saar and therefore was too closely connected with the now defunct EDC(64).

The British Ambassador in Paris pressed the Foreign Office to try to change the German Chancellor's mind: "I think we ought to put some pressure to bear (for a change) on the Germans so as to induce them to say that they well accept the Teitgen Plan provided that the "supra-national element" is provided in some way by the Coal and Steel Authority"; but even he had to concede that, if the Germans would not budge, "I should imagine that we should have to tell the French that they, for their part, simply must not make this a "prealable" if they want us, for our part - who, after all, are not directly concerned with the Saar - to take a further step towards association with the Continent." Eden very much agreed with the last part of the statement and minuted on the telegram: "I think that Adenauer's position is probably too weak to allow him to do what Sir G. Jebb suggests." This was also what Sir Frederik Hoyer Millar wrote: "while there might be advantage in sounding out the

Chancellor about the Coal and Steel Community idea, I do not think he ought to be pressed if he shows obvious signs of disliking it" (65).

Kirkpatrick, after having talked to the Chancellor, advised that the British should refrain "from intervening until it is clear that we are wanted", to which Eden simply added "yes" (66). The time for intervention seemed to have come during the Paris Conference in October 1954. On 22 October, Hoyer Millar wrote in a minute about a conversation he had had with Adenauer: "Finally the Chancellor said that he felt that the time had now come when intervention by the Secretary of State was desirable - and indeed necessary if any real progress over the Saar question were to be made in the next day or two. He referred to a conversation he had had with Sir Ivone Kirkpatrick in London the other day, from which he had understood that the Secretary of State would be prepared to intervene at the right moment. In reply to a question from myself, he confirmed that he thought that this moment had now arrived." (67) In the end, however, British and American representatives, with a mediatory proposal in their hands, spent the night of 22 October outside closed doors, while inside the French and the Germans were negotiating an agreement on the Saar. The next morning Eden wrote in a secret telegram: "German delegation informed us shortly before 11.30 a.m. that the French and German experts had found solutions to outstanding problems. They were acceptable to the Chancellor, who was then discussing the position with German parliamentary leaders now in Paris. French

Cabinet are reported to be meeting at 2.30, but arrangements for signature ceremony of all four and nine Power agreements at 2.45 still stands."(68)

In the last minute a Saar settlement, which Mendes-France had called a pre-condition for German rearmament, had been reached and the new set of agreements replacing the ones signed in 1952 could go ahead. Although the British had played the decisive role in these agreements coming about, in the end their role in the final Saar settlement was limited. The signing of the Saar agreement, however, did not mean an end to the Saar problem. Both the French and the German Government faced problems in their parliament and with public opinion over the agreements reached in Paris. On 7 December, Sir Ivone Kirkpatrick, who three and a half years earlier had first proposed a British intervention on the Saar question, wrote: "There is not the slightest use trying to intervene at this stage to promote an agreement on the Saar. ... Meanwhile we should concentrate on doing all we can to accelerate ratification in Paris and Bonn. We should tell both the French and German Governments to keep as quiet as possible over the Saar and moreover to view with toleration any statements which the other may make in order to facilitate ratification by his own Parliament."(69) In the end it was through a plebiscite, a solution which Kirkpatrick had proposed in 1951 on the recommendation of his deputy, that the Saar's future was finally decided: on 23 October 1955, exactly a year after the agreement had been

reached in Paris, 67.7% of the inhabitants of the Saar voted against it. One year later The French and German Government were forced to sign a new agreement accepting the political and economic re-integration of the Saar territory into the Federal Republic of Germany.

In conclusion it can be said that Sir Frederik Hoyer Millar's role in settlement of the Saar question was limited in contrast to that of his predecessor. In fact it was very similar to that of the British Ambassador in Paris, which is yet another proof of the thesis that, although he still held the title of High Commissioner, he had already taken on the role of an ambassador.

THE SEARCH FOR ALTERNATIVE SOLUTIONS

The chapter entitled The Search for an Alternative Solution described the immediate aftermath of the Treaties signed in May 1952: the problems encountered on the way of the Federal Republic ratifying the Treaties and the question whether France would ever start the ratification process. Almost immediately after the signing ceremonies doubts arose in the French minds about the military part of the set of Treaties, namely the creation of a European Defence Community.

"When, subsequent to the signing of the treaty in the spring of 1952, world political conditions began gradually to change, the opponents of German rearmament (Communists and traditional right-wingers) and its supranational form (Gaullists, those representing large portions of French industry) were joined by more and more supporters of an East-West detente policy, a policy of independence in relations to the USA and of a 'third-force' Europe. The Socialists, radical socialists and moderate right-wingers in particular, who had as a rule supported the foreign policy of the French government, fell into serious internal party disagreements over the EDC problem. For fear of a collapse in parliament the government protracted ratification, with the result that the prospects for an acceptance of the project became increasingly remote." (70)

The British were in an unexpected position: they had never been very keen on the idea of a European Army, but they were the first to complete the ratification process in August 1952. In light of the complications, especially in France, they secretly started to think about alternatives to

the EDC in case of its ultimate failure. Although these deliberations are buried in the closed files of the Western Organisations Department of the Foreign Office, one can gain fleeting glimpses of them from comments made by Lord Hood, the head of the department, on minutes of other departments: for example, on 10 January 1954 Hood minuted:

"We are, of course, already studying how to obtain a German defence contribution if the E.D.C. fails. ... The Bonn Conventions would have to be adapted to meet the new circumstances and though it might be necessary and desirable to make some minor concessions as suggested in this paper, the general programme should be to promulgate the new political deal in Germany at the same time as German membership of N.A.T.O. (or of the revised Brussels Treaty) became effective." (71)

From another, literally parenthetical comment one can gather that the new British High Commissioner, Sir Frederick Hoyer Millar, who had arrived in Germany in late summer of the previous year, was actively involved in these studies: on 10 April, Frank Roberts told Hoyer Millar that "if the E.D.C. comes to nothing, we shall not only have to find some alternative means of obtaining a German contribution to Western defence (about which you and the other recipients of this letter have been exchanging views with Sammy Hood) but we shall also, in our own as well as the German interest, have to bring to an end the occupation regime in Western Germany" (72).

The second part of Roberts' statement indicates the search for ways of winding up the occupation regime in Germany, an endeavour which the British pursued with great vigour and in which Hoyer Millar played an important role

(and a more visible one than his involvement in the secret studies of alternatives to EDC). In fact, it can be said that this was his most important field of activity during his tenure as High Commissioner and the one which distinguished this position from his later role as Ambassador. Ironically, the main purpose of the exercise was to relinquish the last powers which distinguished the High Commissioner from a normal ambassador and it therefore can be said that Hoyer Millar's main task as High Commissioner was to see through the abolition of his own, very special position.

Hoyer Millar's tenure as British High Commissioner, considered from the angle of the winding up of the occupation regime, can be divided into five periods: the first lasted from his arrival in Germany until April 1954, during which he was considering concessions to the Federal Republic in case of deadlock or the indefinite delay of the entry into force of the Treaties signed in 1952; the second period began when the British and the Americans had given up hope of the EDC ever coming into force, although they never admitted this publicly, and started considering, how the Bonn Treaties could be enacted independently of the EDC Treaty; when the French National Assembly failed to ratify the EDC Treaty in August 1954 matters came to a head and urgent negotiations began, leading up to the London Conference at the end of September; during the fourth period the Allied High Commission had the task of adapting the 1952 Bonn Conventions to the situation of 1954 and of realising

the Declaration of Intent issued by the Western Powers at the London Conference; during the final period the High Commissioners prepared for the termination of the occupation, while observing the complications once again incurred during the ratification of the new and the revised treaties.

When the year 1953 drew to a close, the feeling in the British Foreign Office was that before long the Germans would overcome their constitutional problems and complete the ratification process of the 1952 Treaties, while the French were still stalling. In November, P.F. Hancock, the head of the Western Department of the Foreign Office, sent a letter to the British High Commissioner in Germany asking him to suggest concessions which should be made to the Germans to keep them in the Western fold, if this situation was to arise. He later described his letter as follows:

"In that letter I pointed out that, if the Bonn Conventions and E.D.C. Treaty did not enter into force before long, we could not expect the Germans to go on being patient. In particular, if the Germans themselves ratified the Treaties, it might be necessary for us to do something for Germany in advance of French ratification. We were not thinking of any major steps, but rather of the relinquishment of powers which we either did not exercise or did not want to go on exercising." (73)

E.J.W. Barnes, who answered the letter for the Deputy High Commissioner Jack Ward, suggested four "unpopular powers" which could be relaxed "without digging into occupation costs or without prejudicing the essentials of our position in Germany": the ban on civil aviation, industrial controls, decartelisation and deconcentration powers, and the abolition of the Allied Courts. In his accompanying letter,

however, he made one important point: "the sort of concessions which you have in mind, and around which we have drafted our paper, will only at the best hold the situation for a short time. The Germans, who have waited nearly two years for the Bonn Conventions are not going to be satisfied with a few assorted "concessions" extracted therefrom. ... Having reached this stage do we really still want to confine ourselves to a painless surrender of dormant rights or will the time come when political realism will compel us to go further?" He acknowledged that this would require a "decision of principle at the highest level."

This decision of principle was delayed by the prospect of the Berlin Four Power Conference and by the uncertainty which it created in the minds of the public and of officials in all the countries concerned. The attitude of the British Foreign Office towards this Conference has been described in a previous chapter. It was convinced that not only would the Conference not solve the German problem, but it would make the situation worse. Hancock wrote: "It seems to me that the question which is likely to confront us after the Conference is not so much that of "holding the fort" until the French ratify as that of what to do if the French do not ratify." He added that for the moment "the only thing to do is to put this question to one side until the Conference is over." On the same day, however, he wrote in a secret minute: "if the French will not ratify the E.D.C., it may be that one of these days we and the Americans will be considering the

bringing into force of the Conventions without the French participation," and he asked her to examine whether the situation in 1954 was comparable to the one in 1947, when the Americans and the British had merged their German occupation zones into the Bizonal. (74)

The new American administration under General Eisenhower, which entered office in January 1953, put pressure on its European allies to ratify the EDC. On 13 December 1953, the American Secretary of State, John Foster Dulles, threatened a 'painful re-examination' of American European policy as a whole, if the West European countries did not unite as a military, economic and political unit. The readiness to release the Federal Republic into full national sovereignty in the case of further procrastination over the treaty was publicly expressed by the new American High Commissioner, Dr. James Conant, on 27 March 1954:

"One thing seems to me quite certain. The Occupying Powers are agreed that the Federal Republic should become a sovereign state. I believe that this will be accomplished by the ratification of the pending treaties, but, if by any chance this should not come to pass in the near future, I feel sure that the three Occupying Powers will see that it is to the best interest of all concerned to have the equivalent of the Bonn Conventions put into force. In other words, the period of occupation is coming to an end." (75)

Four days later Hoyer Millar informed London that Dulles had sent a message of congratulation to the German Chancellor on the German ratification of the EDC. The British High Commissioner advised his own Foreign Secretary not to send a similar message for the following reasons: "(a) we do not wish to emphasize the isolated position of France in this

respect; (b) American attempts to win German good graces (e.g. Dr. Conant's week-end speech) have been somewhat clumsy and we have no particular interest in appearing to follow the American lead in this matter." (76) Although Eden wrote at the side of (b) "I agree", the German completion of the ratification process and the American open display of pleasure prompted the Foreign Office to take up the discussion postponed because of the Berlin Conference. Hoyer Millar's rather curt behaviour was softened by Warner on behalf of the Foreign Office: "I submit a draft telegram confirming that no message should be sent to the Federal Chancellor. It might, however, appear churlish if the High Commissioner were not at least able to congratulate Dr. Adenauer on the completion of this very difficult constitutional process and I suggest therefore, that Sir Frederick Hoyer Millar should at least be able to express the Secretary of State's satisfaction informally when he next happens to see the Chancellor."

At the centre of the discussion within the Foreign Office stood the question whether the principles enshrined in the Bonn Conventions should be realised independently of the EDC Treaty, which the Conventions were coupled to. F.A. Warner argued that "if we are not to have a first-class German crisis on our hands as well as a French crisis, we shall have to be prepared to terminate the Occupation without waiting for final agreement on a defence contribution." Lord Hood, on the other hand, believed that it would be a

mistake to abandon the link between the two: "It is true that the German rearmament is no longer in doubt, but its form is still the centre of controversy, and we shall need all the political cards we have in hand in order to obtain a defence contribution in an acceptable form." In the end Frank Roberts was able to convince his colleagues that "we are not called upon to take or even to recommend any major policy decision at this stage. We are only preparing the ground on the Bonn Conventions side, as we have already done on the military side." Accordingly he drafted a letter to the British High Commissioner in Germany asking him to undertake a study of the Conventions and point out parts of them which the Germans were going to reject or want modified: "in the light of the development of German opinion since 1952, we must now expect them to object to a number of things in the Bonn Conventions which they accepted in the last negotiations." (77)

It took the High Commissioner over a month to respond to Roberts' letter. His letter of 29 May about the separation of the Bonn Conventions from the EDC Treaty has been retained by the Foreign Office, most likely because it included comments on the Office's paper on alternatives to the EDC which was sent to Bonn on 13 May. From a letter of Hoyer Millar's subordinate, C.H. Johnston, to Hancock at the Foreign Office of 2 June 1954, one can deduct certain important aspects of the High Commissioner's attitude towards the problem of the separation:

"we think the reservation of our rights in regard to

German rearmament pending international agreement on the subject should be effected in a short treaty between the three Powers and the Federal Republic designed to cover that interim period. If we tried to do it by inserting an extra article in the Convention on Relations, this would lead the Germans to press for the whole Convention to be renegotiated, with all the disadvantages which, as the High Commissioner's letter points out, that would entail."(78)

From this quote one can gather that Hoyer Millar advised against the re-opening of negotiations, presumably because the Germans were in a much stronger bargaining position in 1954 than they were in 1952 and could have pressed for a more favourable settlement. His predecessor, who had negotiated with the Germans on behalf of the British Government in 1951/2, was much more realistic. In August 1954 Kirkpatrick wrote in a minute to the Prime Minister:

"The Bonn treaties not only gave Germany sovereignty, but they imposed a number of disagreeable servitudes. For example, the Germans were obliged to give our troops more rights and privileges than are accorded to N.A.T.O. forces. The Germans also undertook certain specific obligations in respect of the de-concentration of industry, restitution, compensation for victims of Nazi persecution, reparations, displaced persons and refugees, claims against Germany etc., etc. There was also a financial convention relation to the German obligation to support our forces in Germany. It now looks as if the Germans will welcome the parts of the Treaty which give them sovereignty but will tell us that the present Bundestag will not accept or ratify again the much more numerous parts of the Treaty which impose servitudes on Germany."(79)

Kirkpatrick also gave a clear warning to anybody in the administration who thought that the same deal could be secured in 1954 as in 1952:

"I am afraid that the W.O. must be told firmly that we shall do our best, but there is little chance of retaining everything in the Troops Convention. Politics is the art of the possible. And every W.O. mugwump must recognise that it is not possible to secure in 1954 what we achieved in 1951 or 1952 after verbal battles lasting

literally some hundreds of hours." (80)

Kirkpatrick made these comments in August and September 1954, when the situation had changed even more.

Back in June Kirkpatrick, Anthony Nutting and Frank Roberts were discussing what action would be required, if the EDC and Bonn Conventions were not ratified shortly. They had been consulted by the Americans who had also started a serious study of the problem. The new idea was to circumvent the problems connected with the Bonn Conventions by working from the basis of the existing Occupation Statute. On 10 June Roberts wrote Hoyer Millar that "we now think it necessary to prepare for the possible case of unilateral United Kingdom and United States abrogation of certain sections of the existing Occupation Statute." All these discussions were classified as top secret -- "it is clearly most important that no wind of this should reach French or German ears at this stage" (81) -- because neither the Americans nor the British wanted to admit publicly that they had given up all hope of the Treaties being ratified by the French, as such an admission would have been a self-fulfilling prophecy. Hoyer Millar, who had been asked to consider the practical details of the different plans, came out strongly against the idea of abrogating section of the Occupation Statute: "I think that only the entry into force of the Bonn Conventions, or the early hope of it, will enable the Federal Government to maintain its position beyond the autumn." (82) He, for the first time, suggested a declaration of intent, to be issued when the EDC was finally dead, which should

state that the Western Powers (with or without the French) would enter into negotiations with the Federal Republic about bringing the Bonn Conventions into force independently of the EDC.

The British Ambassador in Paris, Sir Gladwyn Jebb, fully supported the High Commissioner: "I would, however, most earnestly recommend that, for reasons so convincingly set out by Sir F. Hoyer Millar, we should not contemplate, except in the last resort, proceeding by abrogating parts of Occupation Statute in our two Zones only and still less by encouraging Germans to start raising forces in them." He pleaded to give the new French Prime Minister a chance to make the EDC work: "Advent of M. Mendes-France changes the picture ... Unless we are to help to overturn him and thus give France a real push towards neutralism we must surely give M. Mendes-France a chance of making his plan work." If his plan failed, Sir Gladwyn Jebb thought it fully justified to press the French to join a declaration on the lines suggested by Hoyer Millar. At the end of his telegram Jebb grasped the nettle and proposed something which went against the grain of British post-war administrations: "As you know, I am personally convinced, for reasons which I have explained at length elsewhere, that it would be far easier to get French agreement on all this if Her Majesty's Government could see their way to coming into some much looser form of E.D.C. which retains only the minimum element of supranationality."(83) It had been exactly that element of supra-

nationality which made the British stay outside the movement towards European integration, which had produced the Schuman Plan and EDC.

From correspondence around 22 June 1954, it becomes obvious that Hoyer Millar was slightly out of step with Foreign Office thinking. While he stated that

"there is no doubt that the Chancellor's position has weakened in recent months ... It is important, however, I think, not to over-dramatize the position. Even if the worst happens over the E.D.C. and no progress has been made by the end of the year, I should still expect to find the Chancellor in control of the situation then and for some time longer, though subject to increasing criticism in the country and weakened by growing dissension with the coalition."

Kirkpatrick minuted on this telegram: "this errs on the optimistic side. In Germany the position can melt away with bewildering rapidity." And Hancock added: "this is certainly the Department's view. But of course the question resolves itself into an estimate of times and seasons." (84) However, it seems to have been more than a differing estimate of times and seasons. Hoyer Millar continued to stress that "apart from the many practical difficulties involved, it seems to me that for us and the Americans to 'go it alone' in Germany in major respects would be open to grave political dangers," (85) while the Foreign Office refused to rule out unilateral action as a last resort. Both the Foreign Office and Hoyer Millar agreed, however, that the Bonn Conventions should be brought into effect by a short treaty as soon as the EDC had failed.

The Prime Minister was about to depart to Washington. Kirkpatrick sent a short paper to Churchill's Private Secre-

tary, John Colville, which embodied seven propositions to which the Secretary of State thought the Prime Minister might invite the Americans to agree. This paper provides a good summary of the Foreign Office position at that time:

- "1. The situation in Germany is slipping fast.
- 2. If within the next two months it is clear that the French will not admit Germany to the Western Club, we shall have to act promptly to restore the situation.
- 3. For the situation in Germany cannot be indefinitely frozen once again whilst the great debate goes on.
- 4. So we must bring the Bonn Conventions into effect by a short treaty when paragraph 2 is operative.
- 5. Or if the French will not agree even to this, the U.K. and the U.S. High Commissioners must do what they legally can in their zones.
- 6. If this broad line is agreed, Anglo-American officials can start working out the execution.
- 7. they can also consider alternatives, including Germany entering N.A.T.O."(86)

In Washington, on 27 June the American President and the British Prime Minister agreed a minute; in it they stated that, in case of the failure of the French Assembly to ratify EDC before recessing for the summer, "it would be necessary in the interest of retaining the alignment of the Federal Republic with the West promptly to take such steps as were open to them to restore to the Federal Republic the measure of sovereignty contemplated by the Contractual Agreement." Although they wanted to maintain in full force their public and private support of EDC and discourage any public discussion of alternatives, they ordered official talks to begin in London on 5 July to coordinate these steps.

The British High Commissioner did not take part in the talks personally, but sent Charles Johnston and Maurice

Bathurst. They kept him informed and tried to represent his views. They were, however, not able to dissuade their colleagues to consider as a final solution, if all else failed, an Anglo-American unilateral action. The final report and its annexed documents set out three alternative, though still purely hypothetical solutions: the first course of action, in the event of the EDC having been rejected or postponed in Paris by about mid-August, was to negotiate between the three Western Powers and the Germans two protocols. Together they would (a) bring the Bonn Conventions into force before the EDC; (b) prevent German rearmament until the EDC or some alternative arrangement had come into force; and (c) provide for continued support cost for the Western troops stationed in Germany in the interim period.

The final report stated that "the reason why there are two Protocols is that, so far as procedure in the United States is concerned, it is necessary to submit to the Senate only the proposal to separate the Bonn Conventions from the E.D.C. Treaty. Therefore the first Protocol is designed for this purpose, while the second Protocol, ... would be put into force as an executive agreement by the United States Government."

The second protocol also included a provision that, if the EDC had not entered into force 90 days after the signature of the protocols, any of the signatory states was allowed to review the agreements "with a view to obtaining an immediate contribution by the Federal Republic of Germany to the defence of the free world." This Article 3 was clear-

ly directed against France. Britain and America were not going to put up with French delaying tactics any longer, which they stated unambiguously in the final report: "The end of the 90 days might well mark the parting of the ways on these issues between the Two Powers and France." (86)

The second alternative course of action was to do the same thing by tripartite action, e.g. through the High Commission, falling short of treaties subject to ratification. This method might be employed in the event of a French refusal to join with the Two Powers in the course of action described before. The British, however, considered this course of action unlikely to be fruitful.

The third and final alternative, which was to be adopted in case of the French having rejected both the two described above, was action by the U.K. and the U.S. over French opposition. Most of the provisions of the Bonn Conventions could be brought into effect without French agreement insofar as they would be matters within the competence of each High Commissioner in his own zone, or matters which could be dealt with by the Allied High Commission acting by majority vote, the British and American High Commissioners outvoting the French High Commissioner. Frank Roberts, who chaired the London talks, described this course of action as "much less desirable", but went on to say that "we have however been gratified and surprised to discover that the two Governments could do a great deal to improve the German position by majority vote in the Allied High Commission,

i.e. without proceeding to the last resort of disregarding existing tripartite commitments." (88) This problem was also described in the final report: "The only things which could not be done as above ... would be to put an end to the Occupation in the U.S. and U.K. Zones of Germany and to deprive of authority the Allied High Commission and its organs including the Military Security Board. The termination of the Occupation is of course the major German requirement. As against this, the consequence of breaking the tripartite agreements would be serious." This is the point, which the British High Commissioner, Sir Frederick Hoyer Millar, had repeatedly made.

On 13 July, three days after the Anglo-American talks ended in London, Hoyer Millar went to see the German Chancellor to communicate to him the gist of those talks and their results. Adenauer seemed "grateful for this communication". The High Commissioner summarised the Chancellor's attitude in a telegram to London: "if, as a result of no progress being made over the E.D.C. by the time the French Parliament rises, we decide to go ahead with the plan for a new treaty, great care would have to be taken to ensure that the French did not delay the resultant negotiations indefinitely; ... if the French should decline to be a party to such a treaty, then the United States and United Kingdom Governments must waste no time making some alternative arrangements for the restoration of sovereignty to Germany." (89)

The French reacted rather strangely to the London

talks, almost as if they wanted to forestall their decisions ever been put into action. On 16 August the French Ambassador in London informed Kirkpatrick that "M. Mendes-France had spontaneously suggested that it might be a good thing for him to tell Dr. Adenauer when they met in Brussels on Thursday that if the French Parliament failed to pass the E.D.C. he would be ready to discuss the immediate entry into force of the Bonn Conventions." (90) The French Prime Minister repeated his wish to give Germany her political sovereignty without delay, when he visited Churchill's country home Chartwell on 25 August; he was anxious to find out what plans the British and Americans had made for doing this. The American State Department, however, was opposed to handing over the London documents to the French. The British Embassy in Washington was told that, in the American opinion, Mendes-France "was clearly out to defeat E.D.C. and could not be trusted not to make some use of this exchange to imply that he was actively discussing alternative solutions with us and the Americans. He would probably exploit his visit to Chartwell in this way anyhow." (91) The Foreign Office totally agreed.

The French deeply resented this Anglo-American snub and it can be said that these few days before the vote in the French National Assembly on the EDC Treaty were a low point in the relations between the three powers. In the end, two years after they had been signed, the French National Assembly refused to ratify the Bonn Conventions and the EDC

Treaty.

"The more far-reaching fears associated by EDC supporters with a failure of the project did not prove justified. ... On the contrary, the crisis triggered by the failure of the EDC made it clear to all involved that apart from the special ambitions of the USA, France and the Federal Republic there was a basic level of common 'Western' interest. Since, moreover, none of those involved could afford to damage these interests, agreement on a substitute for the EDC solution to German rearmament was reached remarkably quickly." (92)

In fact, as Wilfried Loth, the author of the book from which the last quote was taken, argues "the effect of the crisis triggered by the collapse of the EDC was thus a fundamental consolidation of the Western camp." (93)

On 2 September 1954, Sir Frederick Hoyer Millar went to see the German Chancellor to discuss the new situation after the French rejection of the EDC. Adenauer, in his autobiography, described this meeting as a perfectly amicable affair, during which the High Commissioner had delivered a message of support from both the Prime Minister and Foreign Secretary, had explained the British preference of a NATO solution to the problem of German rearmament and had told the Chancellor about the London talks:

"Hoyer Millar kam dann auf die politische Seite des ganzen Problems zu sprechen. Seit einer Reihe von Monaten sei eine britisch-amerikanische Arbeitsgruppe in London damit beschaeftigt, eine Alternative fuer den Fall des Scheiterns der EVG auszuarbeiten. Zu Beginn dieser Arbeiten sei man der Ansicht gewesen, dass die Inkraftsetzung des Deutschlandvertrages der erste Schritt sein muesse und dass die militaerische Frage anschliessend ausgearbeitet werden solle. Inzwischen habe man diese Auffassung geaendert. Es sei durchaus moeglich, die politische und militaerische Seite des Problems gleichzeitig anzufassen und eine umfassende Loesung herbeizufuehren. Wenn ich dies wuensche, so bestuenden britischerseits keine Bedenken. Auf jeden Fall muesse man die Sachlage erneut ueberdenken. Eile

tue aber not." (94)

Adenauer's recollections of that day seem softened with hindsight; he was anything but in an amicable mood on 2 September: the American High Commissioner, who had gone to see the Chancellor prior to his British colleague to inform him about the London decisions, had telephoned the State Department "to say that his interview with Adenauer was very stormy and the Chancellor's reaction to the protocols was much more violent than even he had foreseen. The Chancellor apparently said that a leak to the public of these protocols would destroy his position in the Bundestag." (95)

The British had some advance warning about the German opposition to the plan of cutting the link between the Bonn Conventions and the EDC Treaty, in other words between the political and the military sovereignty. On 27 August, Baron von Welck, the political director of the German Ministry of Foreign Affairs, had told Hoyer Millar that "any solution on the lines indicated above would not be acceptable to the Federal Government, since it would involve discrimination against Germany; in respect of rearmament, the Federal Government were only interested in obtaining full sovereignty in one instalment." (96)

The Foreign Office must have genuinely felt that the London decisions were going to help Adenauer. It sent instructions to Hoyer Millar to use his meeting with the Chancellor on 2 September to build up the latter's confidence:

"Your general approach should be one of sympathy with Dr.

Adenauer in the cruel and undeserved predicament now facing him. Your first object should be to put heart into him and to persuade him that his friends abroad are determined to find in a short time a generally acceptable solution to the problem of German association with the West. They are relying upon his statesmanship and leadership to make this possible." (97)

Bearing in mind the experience of his American colleague, Hoyer Millar tried to adopt a more elastic and comprehensive approach with the Chancellor. At the outset of their interview he pointed out that the United Kingdom authorities appreciated that the circumstances had changed since the London talks in July; presenting the London documents "I made it clear, however, that these were in no sense intended as our last word, nor were they being communicated to him on a take it or leave it basis. The Protocols had been drawn up in a genuine attempt by the United States and United Kingdom governments to find a quick solution of the problem and in an effort to help the German Government." The procedure envisaged in London, to separate the Bonn Conventions from the EDC and to bring them into force at once by means of short protocols, were obviously no longer welcome to the German Government. Hoyer Millar cabled his main impression about the interview with the Chancellor to London:

"Although he did not actually say so, he implied that his objections to the Protocols rested not so much in the fact that he wished the political and military problems to be settled simultaneously, as in the fact that he felt that in the altered circumstances it was now not practical politics to talk of bringing the Bonn Conventions into force more or less as they stood. He said that from the German point of view, it was primarily a psychological problem. If we and the Americans were now to try to go back to 1952 and disregard everything which had happened since then, German opinion would not understand it and would lose confidence in the United States and the United

Kingdom." (98)

It is debatable, whether Hoyer Millar's impression was correct: Adenauer was very much interested in settling the political and military problems simultaneously and it is clear that he was more favourably disposed towards the British representations because they were more comprehensive, in other words they included the plan of the Federal Republic's integration into NATO, although this was presented as a purely British proposal at that stage.

Adenauer, however, was clever enough to give the British High Commissioner the impression that the only problem with the London proposals was that the Germans would no longer accept the 1952 version of the Bonn Conventions. This move forced the Western Powers not only to search for ways of solving the political and military problems simultaneously and of giving the Federal Republic her full sovereignty, but also to accept a re-negotiation of the Bonn Conventions on probably more favourable terms for Germany. Adenauer's gamble paid off. Ludolf Herbst summarises this unexpected result of the failure of the EDC as follows:

"Das Scheitern der EVG-Verträge in der französischen Nationalversammlung verlängerte für die Bundesrepublik zwar diesen Schwebezustand, bot zugleich aber auch eine Chance: Bonn konnte nun neu verhandeln und setzte eine erhebliche Verbesserung des Deutschland-Vertrags durch. Zudem trat an die Stelle der EVG-Integration nun die NATO-Integration, eine aufs Ganze gesehen militärisch effizientere und für die deutsche Seite günstigere Lösung." (99)

For the British the month of September 1954 was a time of frantic activity: the day after Hoyer Millar had reported his interview with the Chancellor, the Foreign Office under-

took an urgent examination of the Bonn Conventions with the aim of ascertaining which provisions therein were essential, desirable or expandable to the British. Frank Roberts summarised the Foreign Office's thinking under two headings: "(a) what we cannot give away and (b) what we shall not be able to secure". Under the heading (a) he made three points: first, two of the three powers reserved to the Western Powers in the Convention On Relations, namely powers in Berlin and Germany as a whole, including the unification of Germany and the peace treaty; second, the substance of the Finance Convention which "lays on Germany an obligation to make a continuing contribution to Western Defence comparable to that of other principal Western countries; and to assist for a specified period to meet the costs of the forces of other powers in Germany"; third, those parts of the Settlement Convention which would be normal and appropriate in a peace treaty or where action had not already been completed, for example deconcentration and restitution. Under (b) he also made three points: first, the rest of the Settlement Convention; second, "the bulk of the Forces Conventions, since we can only hope to get normal NATO treatment with perhaps some small improvements justified by the presence of such large forces in Germany"; and finally, the special powers to deal with an emergency.(100)

Adenauer, in his autobiography, wrote: "Der Besuch Hoyer Millars war der Auftakt zu Bemuehungen des britischen Aussenminister Eden, um uns alle aus der Sackgasse, in die

wir hineingeraten waren, herauszufuhren." (101) Eden left London on 11 September on a tour of the capitals of the countries, who in 1952 had signed the EDC Treaty. The purpose of the trip was to introduce and to rally support for the plan of reactivating the Brussels Treaty, of inviting the Federal Republic and Italy to participate in it, and finally to integrate the two countries into NATO. On 12 September Eden arrived in Bonn.

Parallel to the talks between him and Adenauer, the Legal Advisor of the British High Commissioner, Maurice Bathurst, took up discussions with a German representative, Wilhelm Grewe, about changes to the Bonn Conventions. The Foreign Office was quite pleased about the course of these discussions: "On the whole," P.F. Hancock minuted on 14 September, "the Germans seem to be taking a very reasonable line. But of course we are only just at the beginning." (102) These discussions continued after Eden left Bonn, first on an informal Anglo-German, and then, after 21 September, on a quadripartite, basis. Eden had sent a telegram to Bonn saying: "Mr. Dulles and I agreed yesterday that, before a Nine Power meeting in London, it would be desirable for the three Western High Commissioners to clear the ground as far as possible with the German Government on the best methods for termination of the Occupation." (103)

The alternative solution, which the British proposed in September and which Eden had sought support for on his tour of the European capitals, was not without its problems: "A number of concessions were necessary before this

solution was to appear acceptable to all those involved, and these were often made only after dramatic disagreements: Mendes-France accepted after a visit from Eden on 16 September the principle of the membership of the Federal Republic in NATO (beyond the Brussels Treaty); on the same day, Adenauer persuaded Dulles, who had hastened to Bonn on a lightning visit, that the Brussels Treaty solution contained the maximum which was at that time attainable in terms of a European integration, thus diverting him from continuing to foil the plan as an attempt to neutralise Europe."(104)

At the Nine Power Conference in London between 28 September and 3 October both the United States of America and the United Kingdom guaranteed a continued military presence on the European continent. In return, the Federal Republic conceded the right to build atomic, nuclear or biological weapons, guided missiles, large warships and bombers; Adenauer also issued a declaration that Germany would not use force to achieve an alteration of her frontiers or reunification. The way was thus clear for the founding of the Western European Union.

The short period between the London Conference, which ended on 3 October, and the Paris Conferences, which began on 19 October, was a time of hectic activity: the principles agreed in London had to be transformed into treaties. The French High Commissioner, Andre Francois-Poncet, described this period in his own inimitable way: in 1952, after the anticipatory reduction of its powers and its personnel in the wake of the signing of the initial treaties, the High Commission had gone "into a state of half sleep. It was aroused from this by the crisis resulting from the failure of the European Defence Community." As its share of the

workload connected with the search for a remedy for this crisis, the High Commission undertook the review of the Bonn Conventions, in order to adapt them to a situation which was no longer that of May 1952, and to revise them in favor of Germany. "On this occasion, it blazed with one last flame and once again there was a period of fever." (105)

The exploratory discussions, which had taken place on official level before the London Conference, now turned into serious quadripartite negotiations upon the termination of the Occupation. In an exhausting final spurt the main committee met thirteen times in seven days, between 9 and 16 October, some meetings lasting until the early hours of the morning, but it managed to settle the majority of points of contention. The British played an important role in these negotiations, as the British Legal Adviser, Maurice Bathurst, who had held the preliminary talks with his German counterpart Wilhelm Grewe, chaired most of the meetings. In contrast to the 1951/2 negotiations, therefore, the main negotiating partners were not the German Chancellor and the Allied High Commissioners, but their officials.

At the end of these negotiations Sir Frederick Hoyer Millar was left with "a somewhat unfortunate impression" of German negotiating tactics. He complained that "the Germans were not slow to add new points" to the list of alterations to the Bonn Conventions, which had been agreed before and adopted at the London Conference and which the Germans themselves had wished to be regarded as binding. The Germans

also "tended to regard a concession by us not as a means of finding a compromise but as an invitation to further pressure by them." Hoyer Millar did not think that "the Germans have shown up particularly well in these negotiations. ... Perhaps both sides approached the negotiations with more suspicion than one would wish at a time when the Federal Republic is about to enter N.A.T.O., but these suspicions were certainly more marked on the German side. Their methods were sometimes naive and not always commendable."

Despite these irritations the negotiations had been very successful. Only three points were not agreed upon in Bonn and were therefore left to be decided by the Foreign Ministers in Paris: the stationing of allied forces, the Review Clause in the Relations Convention, and the publication of the subsidiary documents attached to the Conventions. Hoyer Millar concluded:

"It may be that we shall be asked in Paris to grant further concessions in return for acceptance by the Germans of a compromise ... With the Germans in their present mood I hope we shall be able to resist any further concessions, (and not allow ourselves to be too much influenced by what the Chancellor can be relied on to say about his internal difficulties), if we are to avoid encouraging their appetite and so storing up trouble for ourselves over the next few years. It is in their interest more than anyone else's to reach speedy agreement at Paris on the end of the occupation."

At the Foreign Office the High Commissioner's report produced some consternation. Hancock wrote in a minute on it: "I think it is rather surprising that Sir F. Hoyer Millar should complain. No-one has ever supposed that the Germans were feeble in negotiation or that they were not out for

what they could get." And Kirkpatrick added: "I agree with Mr. Hancock. The Germans always have and always will want watching. They are expert chisellers; and the slightest success stimulates their appetite. But I can't detect anything very new in this account of their behaviour. It is reminiscent of what we had to put up with in 1951-52, when more often than not Professor Grewe in the sub-committee went back on the agreement or compromise concocted by the Chancellor and the High Commissioners."(106)

Comparing Kirkpatrick's and Hoyer Millar's attitude towards negotiating with the Germans, one is tempted to draw a conclusion about their rather different characters: Kirkpatrick was much more actively and personally involved in the negotiations and, from his descriptions of them, one gets the feeling that he rather enjoyed the clashes of wits as an intellectual exercise. With his sharp and shrewd mind he seems to have been an equal match to his German counterpart in the negotiations, namely the German Chancellor, Konrad Adenauer. Hoyer Millar, in contrast, was described by his subordinates as "not given to intellectual nit-picking". He preferred fair and straight dealings. He also had almost paternal instincts towards his staff, on whom the negotiations had imposed a "very considerable burden"; it is not surprising therefore that in the last paragraph of his already quoted telegram he praised their work, especially that of Maurice Bathurst, to whose "unremitting efforts" it was due "that the negotiations here have been brought to

such a satisfactory conclusion."

At the same time as these negotiations took place, the Allied High Commission was also involved in realising the Declaration of Intent issued at the London Conference on 3 October. The German Chancellor had first requested such a declaration to be made in the wake of the French National Assembly's rejection of the EDC Treaty in August; he needed some assurance that, if he agreed to new arrangements, the Federal Republic would not have to suffer a repeat performance of the fate of the initial agreements; in other words, the Germans should not have to wait for the benefits of any new treaties, while these treaties went through an equally long ratification process. In a conversation with the American High Commissioner, Dr. James Conant, Adenauer said that what he had in mind was a declaration on the part of the three Western Governments that they would not exercise their Occupation powers vis-a-vis the Federal Republic.

The Foreign Office received this request favourably: Kirkpatrick wrote that "I would have no objection to this. It is simple, requires no ratification and rescues us from an untenable position in Germany." (107) On this recommendation by his highest ranking official, Eden made the following proposal on 28 September:

"I pointed out that all Four Governments were agreed that the Occupation of Germany should be terminated as soon as practicable. ... Since this process would be bound to take some time, I proposed that there should be a Declaration of Intent on the part of the Three Occupying Powers to take as soon as possible the steps necessary to terminate the Occupation regime. This would include a statement by the Occupying Powers that they would instruct their High Commissioners not to use in the

meantime the powers of which it is proposed to divest them except in agreement with the German Federal Government." (108)

Adenauer welcomed this proposal as showing that the Conference had produced concrete results. He said the faith of the West German population had been somewhat shaken by recent events. The proposal was referred to the experts and the Foreign Ministers agreed on it on 3 October.

In a secret brief for a Cabinet meeting in November, the Foreign Office explained why this Declaration had been necessary. There were two reasons: "The Germans have had to wait three years since the Three Powers originally announced their decision to terminate the Occupation at the Foreign Ministers' Conference in Washington in September, 1951." And "during the London Conference we had to ask Dr. Adenauer to make a number of important concessions to meet M. Mendes-France." (109) The implementation of this declaration, however, proved more difficult than expected. As the brief pointed out: "when we came to put the Declaration into effect we found that the Germans had not the necessary legislation in force to take over most of the functions of the Allied High Commission."

Hoyer Millar's initial comments on the implementation of the Declaration of Intent, which pointed to this problem, were received in London with some alarm: "I find Sir F. Hoyer Millar's letter rather disturbing. On the strength of the Declaration of Intent the Germans are expecting us to do something concrete and quick. If nothing much is done, there will be great disappointment and frustration." A bold ges-

ture was needed. Although the High Commissioner pointed out that the restoration of German civil aviation had the "snag" of being prohibited under the demilitarisation provisions, Hancock wrote to Hoyer Millar that "our own feeling is that we should within reason try to be helpful to the Germans over civil aviation, seeing that it is perhaps the major psychological point." (110)

Within the United Kingdom's High Commission a working party was set up to study the effects of the Declaration of Intent. When it submitted its final report, including detailed annexes specifying which of the High Commissioner's powers should be retained and which could be relinquished, the Foreign Office's comments on it included a serious rebuke for Hoyer Millar's initial reaction: "the latest report is a distinct improvement on the letter to Sir Frank Roberts from Sir F. Hoyer Millar which seemed to show a disinclination to take any serious steps in the immediate future."

The report made two recommendations on tactics of the implementation of the Declaration: "(i) We should try and give the Germans one really important new freedom as a result of the Declaration, to convince them and the world that we meant what we said (the best choice for this purpose would be Civil Aviation "sovereignty"). (ii) Where we do retain powers between now and S-day we should be as unobtrusive about it as possible." It also made recommendations on procedure: no complete list of powers to be relinquished

should be published, but steps towards the fulfilment of the Declaration should be publicized; and the Federal and the Land Governments should be consulted over as wide a field of occupation activities as possible and Germans should be associated with the work of tribunals and coordinating bodies.

All these recommendations were, however, unilateral British ones and still had to be agreed by the Americans and the French, but as the Foreign Office pointed out "it is clear that the British Element of the High Commission are anxious to give the Germans as much benefit as possible from the Declaration without delay." (111)

The results of the quadripartite negotiations in Bonn on the revision of the 1952 Treaties were proposed to the Foreign Ministers of the United States, the United Kingdom, France and the Federal Republic of Germany at the first of the four Paris Conferences held between 19 and 23 October 1954. (112) The four men signed the modified Conventions on Relations between the three Western Powers and the Federal Republic, agreed on a protocol on the lifting of the Occupation Statute and the end of the occupation regime, and reaffirmed the security guarantees of the Western Powers and the Federal Republic's assistance for Berlin. The amended Treaty granted the Federal Republic its sovereignty. Although this sovereignty was still conditional, the Treaty went much further than the 1952 version: the preamble and the 'binding clause' were scrapped and the 'revision clause'

was extended to include the reunification of Germany.

In view of the fate of the initial treaties, the aftermath of the Paris Conferences was not very encouraging. On 30 December the French National Assembly approved the Western European Union, founded at those conferences, but only with 287 votes to 260 (with 79 abstentions). The controversies over the agreements were chiefly responsible for M. Mendes-France's resignation on 5 February 1955. It took the French Council of the Republic until 28 March to ratify all the treaty agreements. The French Government, however, refused to deposit the instruments of ratification, and thereby terminate the Occupation regime, before the Federal Republic's entry into NATO.

Mendes-France's resignation seriously depressed the British Foreign Office. Expecting months of French parliamentary juggling, with the probable conclusion that in the end the French would not be able to ratify the treaties, F.A. Warner wrote in a secret minute: "My conclusions are that although for the moment we should naturally not change our present policy of waiting for French ratification, we should immediately get to work on alternative courses of action and should begin discussion of them with the Americans." (113) With a definite feeling of *deja-vu* all concerned departments of the Foreign Office including the Western Organisation Department got to work. Resulting papers were sent to Bonn for comments.

Britain was the first signatory country to ratify the revised Bonn Conventions on 22 February 1955. Heeding an

agreement by the three Western Powers, however, to deposit their instruments of ratification jointly, the British postponed their deposit. Waiting for their allies to follow suit, they were getting increasingly annoyed with the French stalling tactics: when the French Embassy in London enquired with the Foreign Office, whether ratification in June would be regarded as falling within a reasonable period of time, an exasperated Kirkpatrick minuted "that June will not do. The French will go on postponing for ever. After June we shall be told that the 1956 General Election is pending and nothing can be done -- and so on ad infinitum."(114) When the French started insisting that they would not allow the agreements to take effect before the Federal Republic's entry into NATO, the frustration in the Foreign Office mounted: "I am afraid", Warner wrote in a secret minute on 10 April, "that the French Government are within their strict rights if they choose to take this line, although it is clearly not what we should expect from a loyal ally."(115)

The French Government, however, was not the only one which found it difficult to have the Paris Treaties ratified. The German Chancellor faced opposition from the SPD, extra-parliamentary groups, and even from his coalition partners, the FDP, over various parts of the agreements. The British High Commissioner, now not more than an ambassador if only for the title, was restricted to observing the situation. His predecessors with their far reaching powers

might have intervened in a similar situation, ordering, cajoling, influencing. Hoyer Millar watched and reported to London.

The SPD turned against the Paris Treaties because it believed that German rearmament and integration into the Western bloc would make reunification impossible. Encouraged by a fresh round of Soviet notes, it demanded another Four-Power conference. It was supported by the German Trade Union Congress (DGB) and by an ever stronger extra-parliamentary resistance movement. On 29 January 1955 a rally took place in the Paulskirche in Frankfurt and an anti-rearmament manifesto was passed. Two weeks later Hoyer Millar warned London that the movement against rearmament was gathering strength in Germany and that, while the parliamentary position in Bonn was sound, the Federal Government was increasingly out of touch with public opinion on the subject:

"There is no doubt that these views are held not only by the SPD voters but by a large body of moderate opinion in Germany who are genuinely concerned for the prospects of reunification and unable or unwilling to consider the question of overall East-West relations except as a purely German problem. ... If the French should fail to ratify the Paris Agreements as they stand, that wind might increase to gale force; even if they do ratify, the future may not be all plain sailing for the Chancellor and the Western Powers." (116)

It was true that the Federal Government's parliamentary position was sound: the governing coalition had won a comfortable majority in the 1953 elections. The ratification of the Paris Agreement nevertheless had anything but a smooth passage through the German Parliament. The FDP, junior partner in the governing coalition, was opposed to the Saar

Statute which formed an integral part of the Paris Agreements. Hoyer Millar's report on the ratification debate in the Bundestag on 27 February 1955 pointed out that

"the acrimonious exchanges between the Chancellor and the Free Democrats (FDP) over the Saar ... have undoubtedly widened the breach in the coalition. ... Apart from the storms around the FDP, the debate was probably the Federal Parliament's most distinguished performance yet, even though the result was taken for granted." (117)

Hoyer Millar's reports of a rift in the coalition worried the Foreign Office. Anthony Nutting feared that a break up of the coalition could endanger the passage through the Bundestag of legislation connected with Paris Agreements and he discussed with Sir Ivone Kirkpatrick, whether Hoyer Millar should talk to the Chancellor. In the end, the decision was left to him; in a letter to the High Commissioner G.W. Harrison pointed out that "you alone can say whether any intervention on your part would be helpful or the reverse." (118) Five years earlier the British High Commissioner would not have felt it necessary to ponder whether his intervention would be welcomed; with only a short while until the Federal Republic was to become a sovereign state, British officials were literally more diplomatic. In the end, Hoyer Millar decided against letting "any words of advice" fall as the Chancellor's aid Herbert Blankenhorn "confirmed our impression that the Coalition crisis will probably blow over." (119)

Hoyer Millar's main task in these last months as High Commissioner was to prepare the termination of the Allied High Commission and the wrapping up of the Occupation re-

gime. All three High Commissioners met in February to discuss the procedure, although Britain at that time was the only country which had completed the ratification process. At that time they were still planning to deposit the instruments of ratification jointly with the Chancellor at a ceremony attended by the Federal President and other dignitaries, after a final meeting of the Allied High Commission at which it was going to dissolve itself and terminate the Occupation regime. The next day the three ex-High Commissioners were to call separately on the President, in the order of their arrival in Germany, in order to hand him their letters of credence. Hoyer Millar wrote in a letter to London on 28 February:

"I attach importance to this action being taken separately; if it was taken jointly, e.g., at the ceremony the day before, this would start off the new regime on an unfortunate leg from the point of view of the Germans, who are highly sensitive about the possibility of having to deal with a solid tripartite front, on the lines of the Allied High Commission, after the end of the Occupation." (120)

There was, however, more to the end of the Allied High Commission than diplomatic protocol: certain institutions and people were able to make the transition into the new era by simply changing their names or titles, as for example the Land Commissioners and Land Observers, who became Consulars. Other institution, however, had to be dissolved completely, as for example the Military Security Board. During a telephone conversation with P. Hancock at the Foreign Office, Hoyer Millar described the difficulties about the mechanics of the termination of the Occupation regime. Hancock was

only mildly sympathetic: "I see no cause for perturbation. Bonn clearly feel it their duty to make the exercise look formidable. They have tackled worse tangles in shorter periods before now." He drafted a letter to Bonn saying: "The termination of the Occupation has been just round the corner for at least three years. We should never be able to explain things to the Secretary of State if the entry into force of the Agreements had to be postponed for 'technical' reasons." (121)

For reasons of American public opinion, the US Government instructed its High Commissioner to deposit the instruments of ratification unilaterally on 20 April 1955. Hoyer Millar cabled to London that he saw no particular advantage in Britain following the American example: "It would, in fact, rather painfully isolate the French High Commissioner from his two colleagues and make the eventual ceremonial ending of the occupation rather an anti-climax." (122) The Federal German Government decided to follow suit so that no uncertainty might arise in the light of opinion in Germany or developments in Austria (123) as to the Government's determination to go forward with its policy.

The final act of the Allied High Commission took place with rather less pomp and ceremony than might have been expected: on 5 May, 1955, the Allied High Commission held its final meeting at which it dissolved itself; at noon that day the French and the British High Commissioners deposited their instruments of ratification and later that day separately presented their credentials to the Federal President.

The Occupation regime in the Federal Republic had formally ended. Roger Allen, who reported for Hoyer Millar on the proceedings of the day, criticised the "last minute confusion about the various arrangements for this day". But his colleague at the Foreign Office, Hancock, disagreed: "I do not quite see why the German bungling of the arrangements is to be taken as a sign of political immaturity. On the whole it seems to me that the political maturity of the Federal Republic is remarkable. We can hardly expect the Germans to be very enthusiastic about the termination of the Occupation. It was long overdue." (124)

Comparing the three British High Commissioners one can draw the conclusion that Sir Frederick Hoyer Millar was the least influential of the three, both in relation to British policy making and in his impact on the Germans. In Germany the powers of the Allied High Commission had been reduced by the revision of the Occupation Statute, by the completion of certain occupation programmes, and by voluntary restraint on the part of the High Commissioners. Also the tripartite nature of the Allied High Commission had changed: with ever decreasing tripartite matters to be discussed and handled, the Council met less frequently. The High Commissioners did not meet the Chancellor together any longer, but separately and less frequently.

In the time leading up to and during the Berlin Four Power Conference his main task was to act as a line of communication between the Federal German and his own government. The planned Anglo-American intervention over the Saar problem never took place and even if it had Hoyer Millar was not the author of the alternative solution. The last main task of the Allied High Commission was to renegotiate the 1952 Bonn Conventions: Hoyer Millar left this work mainly to his Legal Advisor and other members of his staff.

The conclusion, however, are in no way a bad reflection on Sir Frederick Hoyer Millar the person. They are, instead, a reflection of the changed circumstances and atmosphere of the time. He was chosen as the first British Ambassador to the Federal Republic of Germany and only by the adverse fortunes of the Treaties signed in the year before his

arrival did he happen to hold the title of High Commissioner for the first one and a half years of his tenure. He considered himself as an ambassador and he was very effective and well liked in that role. Between his arrival in Germany in 1953 and the end of the Allied High Commission he can therefore be called an Ambassador in waiting.

FOOTNOTES

Sir Frederick Hoyer Millar

(1) Bathurst, M.E., Germany and the North Atlantic Community, p.118

(2) Bathurst, M.E., Germany and the North Atlantic Community, p.119f

(3) He held the NATO post only for a relatively short time and although he was involved in the Foreign Office's discussions about a NATO alternative to EDC there is no evidence to suggest that he was chosen for the post of British High Commissioner in Germany because of his NATO experience.

(4) letter written by Sir Frank Roberts to B.S. on 24 April 1991

(5) Sir Frederick Hoyer Millar became the 1st Lord Inchyra in 1961 on his retirement from the post of Permanent Under-Secretary at the Foreign Office, which he assumed after his return from Germany. In the winter of 1988 Lord Inchyra granted B.S. an interview. He died 16 October 1989

(6) PRO, FO 371/109578/CW 1072/93

(7) PRO, FO 371/109599/CW 1081/100

(8) Adenauer met the High Commissioners there 25 times, the last meeting taking place on 9 May 1951. The hotel had served as the headquarters of the Allied High Commission. Most of the meetings of the Council and the committees had taken place there and it was the seat of the Allied Secretariat. It was officially de-requisitioned as from 15 July 1952.

(9) PRO, FO 371/109571/CW 1052/32

(10) PRO, FO 371/103956/CW 1051/11

(11) Eden, Anthony, Full Circle, p.49f

(12) Colville, John, The Fringes of Power, p.667

(13) Adenauer, Konrad, Erinnerungen 1953-1955, p.203

(14) PRO, FO 371/103660/C 1016/32

(15) Shuckburgh, Evelyn, Descent to Suez, p.89

- (16) Colville, John, The Fringes of Power, p.673
- (17) Shuckburgh, Evelyn, Descent to Suez, p.91
- (18) Shuckburgh, Evelyn, Descent to Suez, p.96
- (19) PRO, FO 371/109271/C 1071/89
- (20) PRO, FO 371/109269/C 1071/20
- (21) PRO, FO 371/109270/C 1071/47
- (22) PRO, FO 371/109276/C 1071/244
- (23) PRO, FO 371/109272/C 1071/129 (Hoyer Millar's Savingram)
FO 371/109273/C 1071/146 (Foreign Office's comments)
- (24) PRO, FO 371/109273/C 1071/131 (Hoyer Millar's Savingram)
FO 371/109273/C 1071/146 (Foreign Office's comments)
- (25) PRO, FO 371/109273/C 1071/132 (Hoyer Millar's Savingram)
FO 371/109273/C 1071/146 (Foreign Office's comments)
- (26) PRO, FO 371/109274/C 1071/177
- (27) PRO, FO 371/109274/C 1071/178
- (28) PRO, FO 371/109273
- (29) PRO, FO 371/109274/C 1071/179
- (30) PRO, FO 371/109273
- (31) PRO, FO 371/109275/C 1071/200
- (32) PRO, FO 371/109275/C 1071/221
- (33) PRO, FO 371/109276/C 1071/257
- (34) PRO, FO 371/109271/C 1071/81
- (35) PRO, FO 371/109273/C 1071/157
- (36) PRO, FO 371/109275/C 1071/200
- (37) PRO, FO 371/93421/C 10112/49
- (38) Shuckburgh, Evelyn, Descent to Suez, p.63
- (39) PRO, FO 371/103988/CW 1081/12
- (40) PRO, FO 371/103990/CW 1081/45
- (41) PRO, FO 371/103991/CW 1081/75

- (42) PRO, FO 371/103996/CW 1081/178
- (43) PRO, FO 371/103997/CW 1081/202
- (44) PRO, FO 371/103998/CW 1081/228
- (45) PRO, FO 371/103997/CW 1081/210
- (46) PRO, FO 371/103997/CW 1081/223
- (47) PRO, FO 371/103998/CW 1081/249
- (48) PRO, FO 371/103998/CW 1081/265
- (49) PRO, FO 371/109597/CW 1081/12
- (50) PRO, FO 371/109599/CW 1081/100
- (51) PRO, FO 371/109599

(52) the committee referred to was the General Affairs Committee of the Council of Europe and its report is also known by the name of the Committee's Chairman, Van der Naters.

PRO, FO 371/109600/CW 1081/136

- (53) PRO, FO 371/109600/CW 1081/135
- (54) PRO, FO 371/109602/CW 1081/188
- (55) PRO, FO 371/109602/CW 1081/194
- (56) PRO, FO 371/109603/CW 1081/204
- (57) PRO, FO 371/109603/CW 1081/203
- (58) PRO, FO 371/109604/CW 1081/273
- (59) PRO, FO 371/109604/CW 1081/267
- (60) PRO, FO 371/109604/CW 1081/270
- (61) PRO, FO 371/109604/CW 1081/308
- (62) PRO, FO 371/109604/CW 1081/288
- (63) PRO, FO 371/109605/CW 1081/321
- (64) PRO, FO 371/109606/CW 1081/387
- (65) PRO, FO 371/109606/CW 1081/394
- (66) PRO, FO 371/109606/CW 1081/400
- (67) PRO, FO 371/109607/CW 1081/438(2)

(68) PRO, FO 371/109607/CW 1081/435

(69) PRO, FO 371/109610/CW 1081/570

(70) Loth, Wilfried, The Division of the World, p.283

(71) PRO, FO 371/109576/CW 1072/2

(72) the other recipients are Sir O. Harvey, United Kingdom's Ambassador in Paris, Sir C. Steel, United Kingdom's NATO Delegation in Paris, Sir R. Makins, United Kingdom's Ambassador in Washington.

PRO, FO 371/109576/CW 1072/6

(73) PRO, FO 371/109576/CW 1072/3

(74) PRO, FO 371/109576/CW 1072/4

(75) PRO, FO 371/109576/CW 1072/6

(76) PRO, FO 371/109576/CW 1072/12

(77) PRO, FO 371/109576/CW 1072/6

(78) PRO, FO 371/109576/CW 1072/23

(79) PRO, FO 371/109581/CW 1072/234

(80) PRO, FO 371/109582/CW 1072/249

He added: "In 1952 the W.O. rep thought that I was being weak. But he attended a meeting and at about 2.30 am. begged me in vain to give way so that he could get some sleep."

(81) PRO, FO 371/109576/CW 1072/24

(82) PRO, FO 371/109576/CW 1072/31

(83) PRO, FO 371/109576/CW 1072/34

(84) ibid.

(85) PRO, FO 371/109576/CW 1072/40

(86) PRO, FO 371/109577/CW 1072/57

(87) PRO, FO 371/109578/CW 1072/104

(88) PRO, FO 371/109578/CW 1072/117

(89) PRO, FO 371/109579/CW 1072/125

(90) PRO, FO 371/109580/CW 1072/203

(91) PRO, FO 371/109581/CW 1072/223

- (92) Loth, Wilfried, The Division of the World, p.290
- (93) Loth, Wilfried, The Division of the World, p.294
- (94) Adenauer, Konrad, Erinnerungen 1953-1955, p.302
- (95) PRO, FO 371/109581/CW 1072/224
- (96) PRO, FO 371/109580/CW 1072/209
- (97) PRO, FO 371/109581/CW 1072/234
- (98) PRO, FO 371/109581/CW 1072/231
- (99) Herbst, Ludolf, Option fuer den Westen, p.101
- (100) PRO, FO 371/109581/CW 1072/243
- (101) Adenauer, Konrad, Erinnerungen 1953-1955, p.303
- (102) PRO, FO 371/109582/CW 1072/249
- (103) PRO, FO 371/109582/CW 1072/254
- (104) Loth, Wilfried, The Division of the World, p.291
- (105) PRO, FO 371/118265/WG 1074/175
- (106) PRO, FO 371/109586/CW 1072/362
- (107) PRO, FO 371/109582/CW 1072/248
- (108) PRO, FO 371/109582
Foreign Office to Washington No.4894
- (109) PRO, FO 371/109589/CW 1072/440
- (110) PRO, FO 371/109583/CW 1072/306
- (111) PRO, FO 371/109584/CW 1072/354
- (112) The other three conferences were a Nine Power Conference (6 EDC countries, United Kingdom, United States and Canada) founding the Western European Union (WEU); a Fifteen Power Conference (14 NATO members and the Federal Republic of Germany as observer) inviting the Federal Republic to join NATO; and a Two Power Conference (France and the Federal Republic) signing the Saar Statute.
- (113) PRO, FO 371/118258/WG 1074/10
- (114) PRO, FO 371/118258/WG 1074/23
- (115) PRO, FO 371/118263/WG 1074/134

(116) PRO, FO 371/118258/WG 1074/15

(117) PRO, FO 371/118259/WG 1074/36

(118) PRO, FO 371/118260/WG 1074/43

(119) PRO, FO 371/118260/WG 1074/47

(120) PRO, FO 371/118260/WG 1074/48

(121) PRO, FO 371/118262/WG 1074/115

(122) PRO, FO 371/118263/WG 1074/143

(123) The Soviet Government had offered to open negotiations about a State Treaty giving Austria its sovereignty in a unified territory in return for a pledge of neutrality

(124) PRO, FO 371/118265/WG 1074/175

CONCLUSION

On 5 May 1955 the Allied High Commission held its 109th and final meeting. The old rule of that the chairmanship should rotate month by month decreed that the American High Commissioner, Dr. James Conant, should preside over the meeting; Conant, however, chose to give way to his French colleague, M. Andre Francois-Poncet. Conant thus honoured the one High Commissioner who, in his own words, had witnessed the birth of the Allied High Commission, had taken part in its activities during its entire existence, and was now present at, even taking an active part in, its burial.

The grand old diplomat, known as a master and lover of bon mots, did not disappoint his audience on this historical occasion, summarising in a witty speech the history of the institution, which was coming to an end on this day, and honouring all who had played an important role in it. His rather uncritical portrait of his own country's role is excusable in the circumstances, as the occasion demanded a broad sweep rather than a balance sheet. His main theme was the transitional character of the Allied High Commission and its role as guardian of the fledgling democracy:

"The High Commission, therefore, never considered its role as that of a Cerberus, a rigorous and pitiless controller, a master insisting without thought on the least of his prerogatives. Its powers were vast. They

were but rarely exercised. Rather than the method of punitive sanctions, it preferred that of warning and advice and that of concurrence obtained by mutual agreement. The High Commission has not been a mast on the top of which Gessler's hat was placed for the population to salute; it has been the staff to which one binds a young tree, not to halt it from growing, but on the contrary to help it in its growth."(1)

Francois-Poncet had to acknowledge the fact, however, that the young tree outgrew the staff it was tied to sooner than expected: "In September 1949, when it was founded, it was assumed that the High Commission would last about ten years." Another man of the first hour, the first British High Commissioner, Sir Brian Robertson, confessed in an interview in 1970 "the Americans were more quick than we were ... to realize the importance of turning over authority to the Germans. We clung onto the thing too long. We rather fancied ourselves as colonial administrators, I suppose, and we were pretty good at it."(2)

Indeed, the Americans seemed to have taken the decision to return to Germany her sovereign rights already in 1949 and to have regarded the Allied High Commission as a transition necessary to placate their allies. Throughout its existence they pressed ahead, coaxing and threatening their allies to follow their policy for the future of Germany. Yet in the details of the running of the occupation of Germany they were as reluctant to give up their powers as the next; for example, as it has been proven in this thesis, the Americans were much more reluctant than the British to let the Federal Government take charge of foreign affairs, especially to allow German ambassadors in Washington, London

and Paris.

The American reluctance over details, however, was surpassed by far by the French over fundamentals: for them, because of deep seated, psychological reasons the occupation regime ended too soon. Those old anxieties and misgivings about the Germans might have been hidden on 5 May 1955 by the charming M. Francois-Poncet, but they had held up the sovereignty of Federal Republic since 1952 and even in 1955 they were not totally forgotten.

Robertson's remark, therefore, appears to be too modest: the British adopted a more liberal attitude towards details of the running of the occupation of Germany than the Americans and a more liberal attitude towards the fundamentals of it than the French. Sir Brian was the only one of the three High Commissioners to have first hand knowledge of the Military Government of Germany and in 1949 that period of direct administration ended in the three western zones. Robertson not only knew the differences between the period before and after 1949, but he was intent upon making these differences noticeable and visible to everybody.

The Occupation Statute granted to the Federal Republic by the three Western Allies clearly defined the rights and obligations of both the new republic and of the Allies. The Allied High Commission was charged with the mission to ensure the operation of and the respect for the Occupation Statute. And nobody knew both the extent and the limitation of that Statute better than Sir Brian Robertson, who had been instrumental in drafting it.

As has been proven in this thesis, he adopted a watchful laissez-faire attitude. The times, when the Allies could order any institutional or structural change had passed with the Military Government. This can be seen most clearly in Robertson's discussions with his American colleague about various German laws on the freedom to engage in any chosen profession: despite his sympathies for McCloy's enthusiasm and good intentions, he argued that the American ideal of free choice of profession could not be imposed on the Germans under the Occupation Statute. Any changes could no longer be imposed on the Germans, but had to be negotiated. The first tangible evidence for these new parameters of Allied German relations was the Petersberg Agreement and it is not surprising that the High Commissioner, who was most sensitive to the new circumstances, namely Sir Brian Robertson was instrumental in bringing about this agreement.

If Robertson's remarks appear to be too modest, they are nevertheless significant, as they contain the most adequate description of the British attitude towards their role in Germany in these five and a half years: they rather fancied themselves as colonial administrators. Faced with a historical precedent in Germany after the Second World War, the British searched for a framework to deal with the situation and at least subconsciously adopted one with which they were well acquainted: colonialism. Thus, if they considered the occupation of Germany as a colonial period, the second part of it, the era of the Allied High Commission, can be

seen as the period of decolonisation.

This explains why they adopted a position in the middle between the American eagerness for German sovereignty, first voiced in 1946 by Secretary of State Byrnes, and the French desire to keep Germany occupied as long as possible. The British preferred an evolutionary approach to decolonisation, a step by step devolution of power to the native government, with periods in between, when the natives had to prove themselves worthy of the next instalment. In the same way they preferred an evolutionary approach to the sovereignty of the Federal Republic of Germany: they were committed to the same extent as the Americans were to this eventual aim, they wanted to reach it by a gradual transfer of power to the German Government, which remained under constant scrutiny.

Even the fact that this transfer turned out to be less gradual than the British might have liked it to be, that it developed a certain momentum beyond their control and was hastened along by developments outside Germany, can be regarded as a parallel to the British decolonisation experience. The first part of this thesis therefore aimed to prove why the first British High Commissioner, Sir Brian Robertson, deserves an epithet borrowed from the language of colonialism, although the one given to him by his biographer, Charles Richardson, "the benevolent and sympathetic viceroy", can be slightly misleading.

The parallels between the British approach to decolonisation and to the occupation regime in Germany, however, are

not the only reason for choosing that particular epithet for Sir Brian. It also served as an metaphor to describe the vast powers which the High Commissioners possessed at the beginning. Of course, the American and French High Commissioners were endowed with the same powers in the Occupation Statute and for that reason this thesis is a description of the history of the Allied High Commission in general, its role, its work and changes which occurred to its structures and powers during the five and a half years of its existence; and in particular the role which the British High Commissioner played in that general story. The history of the institution and its changing nature is therefore one of the three strands which run through the three parts of this thesis on the three British High Commissioners.

The conclusion of this strand of the thesis is that the British High Commissioners played a significant role in the history of this institution. They were instrumental in bringing about changes to it, as for example the end of the dismantling programme and the return of the foreign policy prerogative to the German Government. No attempt was made, however, to pass a value judgement, whether they played a more or less significant role than their American or French counterparts.

Although the American and French High Commissioners are mentioned extensively in the thesis, the main aim was not to compare them with the British. It was rather to compare and contrast the three men, who one after another became British

High Commissioners. This comparison is the second strand which runs through the entire thesis. It has been proven in the three parts of the thesis that they were three very different men, who played three very different roles, in three very different circumstances.

By a coincidence of history the tenures of the three British High Commissioners roughly correspond with the three big stages in the development of the Allied High Commission: Sir Brian Robertson left shortly before work started on the revision of the Occupation Statute; Sir Ivone Kirkpatrick's tenure ended after the signature of the Bonn Conventions; which meant that Sir Frederick Hoyer Millar arrived in Germany when the Allied High Commission should have already gone through its final change already and have ceased to exist. If Robertson experienced the dawn of the Allied High Commission, Kirkpatrick lived through the day, and Hoyer Millar endured an extended twilight period.

The thesis also did not intend to describe in any detail the American or French policy towards Germany. The main aim was to describe British policy and only in as far as American or French policy influenced it -- which of course is considerably -- they are related, but always from the British point of view, i.e. mostly through Foreign Office eyes. In conclusion one can say that Britain consistently pursued one overriding policy aim: to tie the Federal Republic firmly into the Western block.

The third theme, which runs through the thesis, is how the three British High Commissioners influenced the shaping

of the British policy for Germany. The three parts of the thesis presented evidence for the hypothesis that the degree of influence of the British High Commissioner depended on their personal rapport with the Foreign Secretaries of the time, as for example Sir Brian Robertson's good relations to Ernest Bevin, which enabled the former to initiate the compromise leading up to the Petersberg Agreement. The degree of influence also depended on the power of his office: when the actual power of the British High Commissioner had declined to the level of little more than that of an ambassador, as in the case of Sir Frederick Hoyer Millar, his influence on British policy making was no greater than that of the British Ambassador in Paris or Washington.

The epithets given to the three men in each case served as the basic framework for the individual parts of the thesis. Sir Ivone Kirkpatrick considered himself as much a colonial administrator as his predecessor did -- in his autobiography he wrote of "our stewardship in Germany" (3) -- and would have deserved a similar epithet to that of Sir Brian. His main task during his tenure, however, was the arduously long and highly complicated negotiations leading up to the Bonn Conventions signed in 1952, which had as one intended result the end of the Allied High Commission. For this act of self-eradication Kirkpatrick deserved the epithet "The Negotiator".

This epithet is more than merely descriptive: these negotiations were highly significant, as in them the founda-

tions were laid for future relations between the Federal Republic of Germany and the Western Allies. The epithet is also laudatory: Kirkpatrick was not only involved in formulating the British policy for Germany, but was also instrumental in achieving that policy's aims in the negotiations he took part in as British High Commissioner. Those aims were to keep the United States of America tied to, the Soviet Union out of, the Federal Republic committed to, and Britain associated with -- as loosely as possible and as firmly as necessary -- Western Europe's destiny.

Kirkpatrick was less successful as a negotiator as far as a German contribution to Western defence is concerned. His initial plan of a federal police force for the Federal Republic came to nothing. He personified the reluctant and unenthusiastic attitude of the British towards German rearmament. The policy aims described above and the depressed economic situation, which Britain found itself in at the beginning of the fifties, however, made that rearmament unavoidable. Kirkpatrick was instrumental in the British rethink on this topic. His preferred way of bringing about this rearmament was discarded in favour of the French plan of a European Defence Community during his tenure as British High Commissioner. Kirkpatrick, however, in his subsequent position of Permanent Under-Secretary of State in the Foreign Office, had the satisfaction of bringing about the implementation the original plan of integrating a German army into NATO after the failure of the EDC in 1954.(4)

The epithet of the last British High Commissioner, Sir

Frederick Hoyer Millar, emanated from a personal conversation with him, during which he described himself as an ambassador rather than a High Commissioner. Indeed, by the time of his arrival in Germany, the circumstances had changed radically, not least because of the fact that the institution of the Allied High Commission should have ceased to exist if it had not been for the delay of the ratification of the treaties signed in 1952. During his tenure as British High Commissioner he was therefore more of an "Ambassador in Waiting" than the colonial administrator that his predecessors had considered themselves as.

The "Great Men" historiography has been criticised. In the case of this thesis choosing this methodology was justified, because the Allied High Commissioners were endowed personally with unique and far-reaching powers. These three individuals held the supreme authority in their zones and collectively in the whole Federal Republic. They were not democratically accountable, but received orders from and reported to their governments. In the beginning, however, because of the sheer amount of decisions which had to be taken, they ruled without interference, in an almost absolute fashion. The only real check on the power of the individual High Commissioner were the other two.

The methodology to describe this period from the perspective of the High Commissioners, however, does not minimise the contribution of other members of the Allied High Commission. Nor does it ignore the influence of members of

the German or British Governments and administrations, especially members of the British Foreign Office and certain advisors of the German Chancellor.

The character of this thesis is mainly descriptive, its aim being to describe the history of the Allied High Commission and the British role in it. However, besides describing British policy towards Germany, the question was also put whether it was successful and one can conclude that it was. By concentrating on the British High Commissioners in Germany, the thesis describes this fundamental period in Anglo-German relations from a very special angle, as these three men had a profound and personal impact on it.

FOOTNOTES

- (1) FO 371/118265/WG 1074/175
- (2) Oral History Interview with General Lord Robertson of Oakridge, conducted on 11 August 1970, for the Harry S. Truman Library, p.4f
- (3) Kirkpatrick, Ivone, The Inner Circle, p.247
- (4) on this subject see:
Dockrill, Saki, Britain's Policy for West German Rearmament

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