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**GENERAL
ASSEMBLY**

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**AD HOC POLITICAL COMMITTEE 18th
MEETING**

Saturday, 8 December 1951, at 10.30 a.m.

Palais de Chaillot, Paris

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Chairman: Mr. Selim SÄRPER (Turkey).

Appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas (A/1938, A/AC.53/L.11, A/AC.53/L.13) (continued)

[Item 65]*

**HEARING OF THE REPRESENTATIVES
OF THE FEDERAL REPUBLIC OF GERMANY**

1. The CHAIRMAN recalled that at its 15th meeting on 4 December 1951, the Committee had decided to invite the official representatives of the Western and Eastern Zones of Germany and the sectors of Berlin to make statements before the Committee on the question before it (A/AC.53/L.12) and that at its last meeting the Committee had decided to postpone consideration of the item until the arrival of the said representatives. The representatives of the Federal Republic of Germany were present; they were: Mr. von Brentano, member of the *Bundestag* and Chairman of a group of the Christian Democratic Union, Mr. Reuter, Burgomaster, head of the Berlin Government, and Mr. Schäfer, Vice-Chairman of the *Bundestag*.

2. Mr. Y. MALIK (Union of Soviet Socialist Republics) asked whether the Government of the German Democratic Republic had replied to the invitation that had been sent to it.

3. The CHAIRMAN replied in the negative.

4. Mr. Y. MALIK (Union of Soviet Socialist Republics) pointed out that, according to a telegram from the ADN Agency, the Government of the German Democratic Republic had not yet received the invitation by 6 December, and that fact should be verified. Furthermore, in view of the fact that, at its 17th meeting, the Committee had appointed Monday 10 December, as the final date for the receipt of the replies from the representatives of Eastern and Western Germany or for the arrival of the said representatives, it would appear advisable that the Committee's meeting should be postponed until the date in question so as to afford the Government of the German Democratic Republic the necessary time in which to transmit its reply. He therefore formally proposed the adjournment of the meeting until Monday, 10 December.

5. The CHAIRMAN pointed out that the reports of the Press agencies were somewhat contradictory. According to one agency, the Government of the German Democratic Republic was supposed to have sent a negative reply to the invitation in question. He recalled that the invitations had been sent on the same day to the authorities of Eastern Germany and Western Germany, and that on the evening of Friday, 7 December, the Secretary-General had sent a further invitation to the authorities of Eastern Germany.

6. The Chairman put to the vote the USSR proposal for adjournment.

The proposal was rejected by 20 votes to 16, with 18 abstentions.

7. Sir Gladwyn JEBB (United Kingdom) stated that he had voted against the adjournment as the Committee might save time by giving an immediate hearing to the German representatives who were present, and he would therefore propose that the Committee should

* Indicates the item number on the General Assembly agenda.

limit itself to hearing those representatives and afterwards adjourn.

8. The CHAIRMAN put to the vote the proposal of the United Kingdom.

The proposal was adopted by 44 votes to none, with 10 abstentions.

9. Mr. RAMIREZ MORENO (Colombia) asked the Chairman to indicate whether the members of the Committee would have the right to put questions to the representatives of Western and Eastern Germany, on the clear understanding that the purpose of those questions would only be to obtain supplementary information or explanations, and that they would in no sense give rise to a discussion with the representatives concerned.

10. The CHAIRMAN recalled that under the terms of the decision taken by the Committee, the representatives of Germany had been invited to "make a statement before the Committee on the item under discussion". The possibility of putting questions was therefore excluded and he had decided not to allow members of the Committee to put questions, or the German representatives to reply to them, unless the Committee reconsidered its previous decision.

At the Chairman's invitation, Mr. von Brentano, Mr. Reuter and Mr. Schäfer, representatives of the Federal Republic of Germany, took their places at the committee table.

11. Mr. VON BRENTANO (Federal Republic of Germany) recalled that the Government of the Federal Republic of Germany, as the spokesman of an overwhelming majority of the popular representation, had on several occasions given expression to the conviction of the entire German people that the division of Germany was one of the fundamental causes of the present disturbed situation in Europe and of the threats to world peace.

12. The Federal Government therefore considered that the rebuilding of a united Germany was a matter of imperative necessity. A decisive step towards unification would be the holding of free elections in the Federal Republic, in Berlin and in the Soviet Zone. Such free elections could not take place, however, unless all the inhabitants of Germany had the opportunity to make known their views quite freely, in full enjoyment of their civic rights. For that reason, the Federal Government, in agreement with all members of the *Bundestag*, with the sole exception of the Communist Party, had demanded the setting up of a United Nations commission to carry out an investigation in all parts of Germany in order to determine whether existing conditions there made it possible to hold genuinely free elections. The Federal Government would afford such a commission every facility necessary to enable it to investigate as it wished the conditions existing in the Federal Republic.

13. After the capitulation, the Federal Republic and the Soviet Zone of Germany has adopted constitutions with the consent of the occupation authorities. The

purpose of the two constitutions had been to guarantee a democratic order in Germany. It was stated in the preamble to the Constitution of the Federal Republic that the German people also acted in the name of those Germans "who were unable to co-operate in it", and the preamble ended with the words: "The German people as a whole is called upon to work conscientiously for the unity and freedom of Germany". Thus, the German people on both sides of the frontier dividing the zones considered themselves to be a single entity, and the Federal Government considered itself to be responsible for all Germans in whichever zone they were living.

14. Mr. von Brentano then compared the Constitution of the Federal Republic of Germany with that of the German Democratic Republic. While fundamental rights and civic liberty were proclaimed in the latter Constitution, they existed only on paper. Since the creation of the United Socialist Party, all other free parties and organizations had been deliberately suppressed. The democratic parties had been systematically deprived of the key-men they had freely elected and had been reduced to the level of being more or less dependent upon the single party which dominated the State. For example, the Christian Democratic Union, re-established in the autumn of 1947 on a democratic basis with duly elected representatives who were thus able to act as the spokesmen of that section of public opinion opposed to the dominant party, was deprived of its leading men as a result of decrees which were promulgated.

15. He recalled the demonstration by the Christian Democratic Union of the Soviet Zone which took place in Berlin in the autumn of 1945. That expression of the unanimous will of the members of the Union was nullified a few weeks later. During conversations in which he had taken part, and at which representatives of the occupying Power were present, it had been most categorically stated that the elected chairmen of the Union were no longer recognized as political spokesmen. All objections emphasizing that such a decision was contrary to the democratic principle were futile. Only such representatives of the Christian Democratic Union as had been approved by the Soviet military authorities and by the United Socialist Party remained, while all the others were divested of their authority either by the Military Government or by local measures adopted by the Head quarters of the United Socialist Party. The Liberal-Democrat Party had suffered the same fate, as had also the Social-Democrat Party in the Soviet Zone, concerning which further details would be given by Mr. Reuter.

16. As a result of that evolution several political parties had been allowed to exist nominally in the Soviet Zone; those parties were, however, entirely dependent on the United Socialist Party. Representatives of the democratic parties who had opposed that evolution had been forced to flee to the Federal Republic or to the western sector of Berlin. To prove the decadence of the former Christian Democratic Union in the Soviet Zone, Mr. von Brentano quoted

the following passage from the so-called *Twenty-two theses of Christian realism* forcibly imposed on the Congress of the Union in the preceding month of October: "The movement based on the political theories of Karl Marx has found its logical evolution in the social structure of the Soviet Union and is a guiding principle in the struggle for a new and better society. This is enough to ensure our continued political collaboration with the followers of Marxism-Leninism". He could produce further evidence of the submission of all the parties to the will of the United Socialist Party.

17. General elections had only been organized in the Soviet Zone after that submission had taken place. Only political parties and organizations which were unquestionably subservient to the United Socialist Party were allowed to nominate candidates. There was no question of candidates being chosen or lists made. The electorate was simply presented with a single list containing the names of candidates from organized political groups. Seats had been allocated to those groups according to a previously agreed plan, so that there were no elections properly speaking, but merely the confirmation of a pre-arranged result. The electorate could only either accept or reject the list. Representatives of the United Socialist Party, however, encouraged the electorate to vote openly, thus precluding any possibility of a free ballot. Anyone wishing to vote against the list ran the risk of unpleasant consequences if he did so. Furthermore, the population was forced to vote, since it had been made clear that failure to do so would lead to reprisals. Those who had lived under a totalitarian régime were well aware of how an election could be changed into a controlled vote.

18. An election was meaningless unless the electorate had at least two lists to choose from. When physical and moral threats were used to force the people to vote, abstention was impossible. Furthermore, if there was no guarantee of a secret ballot, voters had no option but to assent, often in spite of their personal convictions. Such systematic interference with the principles of free election had had the desired results: according to official information from the Soviet Zone 98.5 per cent of the electorate had voted; 12,097, 105 votes had been cast in favour of the single list and 34,060 against. Those figures proved conclusively the fundamental inconsistency of an electoral system of that type.

19. It was absolutely impossible to organize an opposition in the Soviet Zone, even within the parties. Political changes and the activities of members of parties were subject to strict supervision. Failure to attend a meeting or a demonstration could have serious repercussions for the person concerned. The Constitution of the Soviet Zone of Germany nevertheless guaranteed to every citizen individual freedom, the inviolability of the home and freedom to change his domicile at will within the territory. According to the Constitution every citizen had the right to express his views freely and publicly within the terms of the law, and nobody need fear to use that right. In actual fact, however, the administration in the Soviet Zone had introduced

a State Security Service which closely resembled the former Gestapo. That Service had 150 officers and employed about 4,500 officials and 50,000 spies. It could make arrests without proper warrants. One of its tasks was to observe the relations between the citizens in the Soviet Zone and the democratic world; that was why during judicial investigations in the Soviet Zone accused persons were often confronted with photostat copies of most of their correspondence with friends or relatives in the Federal Republic.

20. Germans in the Soviet Zone were powerless in face of those arbitrary measures, for the administration of that Zone was not the executive organ of a democratic government, but the organ of the United Socialist Party. Moreover, there was no legal protection against the administration's arbitrary measures.

21. The impartiality of justice was guaranteed in the Federal Republic. No case could be withdrawn from the jurisdiction of a qualified judge; there were no special courts; no one could be arrested without a proper warrant; there were no concentration camps or similar institutions.

22. The same could not be said of the Soviet Zone. It was only necessary to read the official report of the United Socialist Party's third Congress to be convinced of that. The duties of the judge in the Soviet Zone were very clearly defined in the professional journal *New Justice*, which stated in particular: "The court... is an organ of the dictatorship of the proletariat... It is required to assist in accomplishing the tasks of social and cultural reconstruction, of laying the foundations of the socialist economy and of suppressing capitalist elements". To that end professional judges had been replaced by so-called "people's" judges and attorneys, who were in fact nothing more than United Socialist Party leaders with a very superficial legal training. According to recent information obtained, there were 721 people's judges out of a total of 1,169 and 291 people's attorneys out of 351. Thus, 93 per cent of the attorneys and 65 per cent of the judges belonged to the United Socialist Party. Of the 3,000 lawyers in the Soviet Zone in 1945, only 941 were still practising. Between 1 January 1949 and June 1951, 158 lawyers had sought refuge in the Federal Republic.

23. There were 40,800 persons under arrest in the Soviet Zone who must be considered as political prisoners. Of those, 24,800 were political prisoners properly speaking; a further 8,000 had been arrested by the State Security Service. Between April and June 1950, 3,500 political prisoners had been sentenced at Waldheim, in Saxony, to long terms of imprisonment; over 3,000 of those were absolutely innocent according to normal judicial principles. From 1 January 1951 to 15 May 1951, 6,425 minors had been sentenced for "political offences"; 18 pupils from a secondary school and one adult who, during the elections in October 1950 had distributed leaflets which they had printed themselves, had been condemned to a total of 130 years' imprisonment. In that connexion it was interesting to quote an official order of the Minister of Justice in the Soviet Zone dated 5 September 1951

which laid down that "whosoever attacks the anti-fascist and democratic order and whosoever acts contrary to the establishment of the peace economy is guilty of a crime and shall be punished for his criminal action. Persons indicted under that category shall not, therefore, be regarded as political offenders but as offenders under the ordinary law".

24. The number of persons interned in concentration camps amounted to 185,000; 96,000 had died there, 37,000 had been deported to the USSR and 14,500 transferred to prisons. The application of those judicial procedures had made it possible to replace concentration camps in the Soviet Zone by prisons.

25. The establishment of a system of forced labour and deportation had also contributed to the suppression of individual freedom. Every citizen was required to register at a labour office, which could assign him to any occupation regardless of his place of residence, family responsibilities or professional capabilities. Thus 25,000 women and girls had been sent to work in the uranium mines against their will. Women considered fit for work refusing the employment assigned to them were deprived of their family allowances even if they had small children. There was no appeal since, no matter what the Constitution said, there was no right to strike, no freedom of association, no freedom of movement or protection of labour in the Soviet Zone. The Federation of Free Trade Unions in the Soviet Zone had been founded on the same principles as the United Socialist Party and, far from protecting the interests of the workers, was used as an instrument for their oppression.

26. The Press too was subject to Communist propaganda pressure; at its third congress, the United Socialist Party had defined the role of the Press as that of assisting the Party in its struggle against the opposition and the enemies of the German Republic within the "bourgeois parties". While it was not expressly forbidden to buy newspapers and publications originating in the Federal Republic and democratic countries the possession and the dissemination of such publications were punished by heavy prison sentences. Mr. von Brentano observed that all the information and figures he had cited had been collected from the testimony of the 322,254 persons who had left the Soviet Zone to take refuge in the Federal Republic and the western zone of Berlin during the period from 1 January 1950 to 30 September 1951. They would be able to offer their testimony to the commission of investigation which the Federal Republic of Germany was requesting.

27. Mr. Von Brentano then took up the problem of the unification of Germany. He emphasized that the amalgamation of the four occupation Zones and Berlin could only be achieved as a result of a decision freely taken by the German people. That goal could not be reached by way of consultation between the representatives of the Federal Republic and those of the Soviet Zone because the latter would not have received their mandate through democratic procedures, and hence could not claim to represent the free will of the

eighteen million Germans in the Soviet Zone. Moreover, it might well be wondered whether such representatives would be animated by a genuinely democratic spirit in view of the fact that, instead of struggling to re-establish freedom in the Soviet Zone, they had contributed to suppressing it. Nor did the Federal Republic of Germany believe that an investigation carried out by representatives of the four occupying Powers would have satisfactory results because, while it was true that the state of affairs he was describing was a tragic consequence of the division of Germany into four zones, it was nevertheless true that in the Soviet Zone the occupying Power had created an administration and had set up, not a democracy based on respect for human rights, but a régime based on force and oppression which deprived the millions of Germans living within that territory of liberty. Accordingly, the Federal Government had asked for the appointment of an impartial commission to carry out the investigation which would make it possible to achieve the objectives proclaimed in the *Bundestag* on 27 September 1951.

28. The Government of the Federal Republic, for its part, had nothing to fear from the activity of such a commission, the establishment of which it desired whole-heartedly. Government services, the democratic parties, trade union organizations and all information organs, such as the press and radio, would give their full support to the commission to enable it to study the internal political situation in the Federal Republic. The commission's impartiality would guarantee that the investigation would be carried out not only in a spirit of complete objectivity but in a spirit of peaceful mediation. Without interfering with the rights of the German people, the commission would be able to assist it in reaching the goal—which was also that of the eighteen million Germans in the Soviet Zone—of peacefully restoring German unity and of ensuring to all Germans the blessings of lasting peace and genuine freedom.

29. Mr. REUTER (Burgomaster of the western sector of Berlin) associated himself with the statement of Mr. von Brentano. The Berlin Government supported the resolution of the *Bundestag* and the Government of the Federal Republic of Germany asking the United Nations to appoint a commission of investigation to determine whether it was possible to hold free elections in the part of Germany occupied by USSR forces. Mr. Reuter recalled that in 1948, at the time of the Berlin blockade, the authorities of that city had sought to obtain the assistance of the United Nations; he expressed his satisfaction at being able to call for United Nations' co-operation in the restoration of Germany's unity.

30. Mr. Reuter presented, first of all, a historical review of the situation in Berlin since August 1946. At that time the city had been granted a temporary constitution which provided for the election of a city council. That body had been given the mandate of preparing a final constitution for the City of Berlin, with new elections to be held within a period of two years. A draft constitution had been submitted in

April 1948 to the Allied Powers for approval and the city council had unanimously decided on 17 June 1948 to prepare for the elections envisaged under the new Constitution. The three Western Powers had approved the draft electoral regulations but the USSR representative in Berlin had forbidden the authorities in districts lying within the Soviet Zone to prepare election rolls. The elections had therefore been held only in the western sector of Berlin.

31. Shortly before then the people of Berlin had been surprised to learn that a new *Magistrat* had been formed. The old city council had been forced to evacuate the City Hall under pressure of communist elements and had had to move to the western sector of the city. A new *Magistrat* had been installed at the City Hall, formed under the aegis of the USSR and consisting of representatives of the United Socialist Party and a few representatives of the Christian Democratic Union and of the Liberal Democratic Party of the Soviet sector, the ranks of which had previously been purged under the influence of the Soviet occupation authorities.

32. In 1948 and 1950 new elections had been held in the western sector of Berlin, at which the vast majority of voters had voted for the democratic parties. The administration of the eastern sector, installed by the Soviet authorities, had attempted in November 1950 to camouflage its refusal to allow free elections by proposing new elections, but a pre-condition of such elections had been the withdrawal of the occupation forces. It was obvious that the occupying Powers could not accept that proposal and that was why it had not been acted upon.

33. Mr. Reuter then explained the aspirations of the people of Berlin. The high participation of the people of the western sector in the elections of 5 December 1948 and 3 December 1950 was evidence of the desire of the inhabitants of Berlin to participate in free and democratic elections. The inhabitants of the eastern sector of Berlin had also been given an opportunity to indicate their desire to take part in free elections for the whole of the city of Berlin; they had demonstrated that desire by replying in large numbers to a ballot held by the democratic parties of the western sector in 1950.

34. When, in September 1951, Mr. Grotewohl had proposed the holding of elections throughout Germany, the administration of the western sector of Berlin had announced that it was prepared to organize elections in Berlin on the basis of the electoral law of 1946, provided that the future organs of the city's administration were set up in accordance with the Constitution of 1948. That proposal had been rejected, the

representatives of the eastern zone indicating that there was no point in holding elections in Berlin alone. Actually, the administration of the eastern zone had been afraid of a complete failure of the Communist Party in free and democratic elections.

35. Mr. Reuter observed that there was no more political liberty in the eastern sector of Berlin than in the rest of the Soviet Zone. If the situation seemed to be slightly different, it was on account of the daily opportunity of contact between inhabitants of the two sectors. The Christian Democratic Union and the Liberal Democratic Party were prohibited and replaced by organizations in the good graces of the occupying Power. While the Social Democratic Party had not yet been officially prohibited in the eastern sector of Berlin, it was the object of severe restrictive measures, with its members forced to hold meetings in the western sector and its leaders denied the right to enter the Soviet Zone. Nor was there freedom for trade unions in the Soviet sector.

36. Mr. Reuter felt that it would be possible to hold free elections in the Soviet Occupation Zone only if freedom to enter and move about within that Zone were re-established for all Germans and if all political parties were given the right to organize freely in both Zones and prepare free elections.

37. The population of the eastern sector of Berlin entertained high hopes that the United Nations would establish the commission of investigation. Free elections in Berlin would be a first step towards the re-establishment of freedom within the Soviet Occupation Zone. They would make it possible to prove that the German problem could be settled peacefully if the USSR Government abstained from interference in the relationship between the German political parties.

38. In concluding, Mr. Reuter said he was convinced that an impartial inquiry would demonstrate the correctness of the facts which Mr. von Brentano and he had brought to the Committee's notice. He declared that the Senate and the House of Representatives of Berlin were prepared to give the commission of investigation every support. The eighteen million inhabitants of the Soviet Occupation Zone in Germany would greet the announcement of a United Nations investigation with satisfaction and relief. The help which the Germans themselves could give in solving peacefully the German problem would depend to a large extent on the assistance which the United Nations were able to offer them. That was why he had come, on behalf of the people of Berlin, to ask for that assistance.

The meeting rose at 12.25 p.m.