PART VII

NATIONAL LAW IN CONTEXT
“BERLIN BLEIBT BERLIN”

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I remember well an early encounter with the sectors of Berlin. In 1953, in my first year at secondary school, my mathematics teacher, Mrs Cheney, was teaching us about the circle and its sectors. She asked, innocently: “Where else do you find sectors?” Being an avid listener to the wireless, and especially the BBC Home Service (now Radio Four), my hand shot up: “Berlin, Miss!” I do not know who was the more astonished, Mrs Cheney, the class, or me.

After the Second World War, the four victorious Allies occupied Germany, though Germany remained as a legal entity. Although it was divided into four zones of occupation and the four sectors of Berlin, the Western allies hoped that one day Germany would re-emerge as a free and independent democracy within its traditional borders. As it was to turn out, they had to wait much longer than they had expected, and Germany was to lose part of its Eastern territory.

In 1949, the Soviet Zone became the (most misleadingly named) German Democratic Republic (GDR), more popularly known as East Germany. The GDR was not recognised by the three Western States until 1972. Because of the establishment of this Soviet satellite, and other Soviet non-cooperation over Germany, in 1955 the three Western Zones had been replaced by the (truly democratic) Federal Republic of Germany (FRG), more often referred to as West Germany. It was recognised by most States, though not by the Soviet Union or other communist States until 1972.

After the War, Berlin had been divided into four sectors each being occupied by one of the Allies: American, British, French and Soviet. There were no barriers between the three Western sectors, and between them and the Soviet Sector. There was no solid barrier until the Wall went up in 1961. Until then East Berliners were able to go from the Soviet Sector to the Western sectors (and from there to West Germany). But, the legal status of the whole of Berlin was unchanged from 1945

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1 In fact, and in law, the Allies assumed ‘supreme authority’ for Germany. They never annexed it.