Europe and German Unification

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Contents

List of Abbreviations vii
Preface Roger Morgan 1
Introduction 4

1 Germany on the Agenda 11
A People Breaks Down Its Walls 12
Dual Germany or Single Fatherland? 17
The Germans in European Change 26
The Russian Question 30

2 Europe in Upheaval 38
The Social-Liberal Coalition's Ostpolitik 39
The Building Blocks for a European Germany 46
The Revolution in the East and the Vision of Europe of 1992 55
New Dimensions of Security Relations in Europe 64

3 The External Aspects of German Unification 72
Allied Responsibility for Germany 73
The GDR's Legacy in Terms of Alliance Policy 84
The International Context of the Federal Republic 92
Germany According to the 1990 Frontiers 102

4 Right and Wrong Routes to German Unity 112
Ties with the West as a Commitment to Values 113
Germany, the Heart of Europe 123
Contents

The New State of the Nation 132
Berlin: Center or Periphery? 141

5 Germany in Tomorrow's Europe 152
The Germans in the European Community 153
Compatibility with Europe and Unity 162
The Franco-German Relationship Put to the Test 171
German-German Community of Responsibility 180

6 Lines of Continuity for United Germany 188
A Trial of Steadfastness for the Germans 189
The Proper Approach to Sovereignty 196
Germany in the New International Field of Force 203
A Vote for the Architects of Unity 212

Conclusion 223
Chronology 229
Documents 236
Index 246

List of Abbreviations

ABC (weapons) Atomic, biological, and chemical armaments
BILD Bureau International de Liaison et de Documentation
CC Central Committee
CDU Christlich-Demokratische Union Deutschlands
        (Christian Democratic Party of Germany)
CMEA Council for Mutual Economic Assistance
        (a.k.a. COMECON)
CPSU Communist Party of the Soviet Union
CSCE Conference on Security and Cooperation in Europe
ČSFR Czecho-Slovak Federative Republic
CSSR Czechoslovakian Socialist Republic (former name of ČSSR)
CSU Christlich-Soziale Union (Christian Democratic Party of Bavaria)
EBRD European Bank for Reconstruction and Development
EC European Community
EDC European Defense Community
EFTA European Free Trade Area
EIB European Investment Bank
EPC European Political Cooperation
ESA European Space Agency
EUREKA European Research Coordination Agency
FDP Freie Demokratische Partei (Free Democratic Party, the German Liberals)
FEDN Fondation pour les Études de Défense
Abbreviations

Nationale (National Foundation for Defense Studies), Paris
FRG Federal Republic of Germany
GATT General Agreement on Tariffs and Trade
GDR German Democratic Republic
IFRI Institut français des relations internationales (French Institute for International Relations)
IPW Institut für Internationale Politik und Wirtschaft (Institute for International Politics and Economy, quondam East Berlin)
NATO North Atlantic Treaty Organization
PDS Partei des Demokratischen Sozialismus (Party of Democratic Socialism, successor to the SED)
RKDB Ring Katholischer Deutscher Burschenschaften (Circle of German Catholic Students' Associations)
SACEUR Supreme Allied Commander Europe
SED Sozialistische Einheitspartei Deutschlands (Socialist Unity Party of Germany, the former name of the East German Communist Party)
SIPRI Stockholm International Peace Research Institute
SPD Sozialdemokratische Partei Deutschlands (Social Democratic Party of Germany)
USA United States of America
USSR Union of Soviet Socialist Republics
WEU Western European Union

Preface

Have Europe's upheavals of the last two years provided an answer to the "German Question," or merely multiplied it into a number of new ones? While those Germans who gave absolute priority to national unification would obviously accept the former view, those who perceived the "German Question" in terms of the reconciliation of social or economic systems, or of the place of a united Germany in an unstable Europe, continue to see many question marks over the future.

So many aspects of the rapid achievement of German unity were unsettling, both for the Germans themselves and for some of their neighbors. The reasons for this, in most cases, can be traced back to the sheer speed of the events we witnessed after the Berlin Wall was opened in November 1989. How, when all the comparative studies of the two German economies and social systems had underlined their profound differences, could it possibly be safe and sensible to try to force them together in an "economic, monetary and social union" at only a few weeks' notice? If the President of the Bundesbank expressed grave doubts about the speed of this rash project, could the Federal Chancellor be trusted to know what he was doing? Again, when every study of German unification had produced a conventional wisdom, reinforced over a third of century, to the effect that Germany could only be safely united when the two Cold War blocs had coalesced into a Pan-European security system, could Europe really feel safe at the prospect of a unified German state emerging while its environment was still so unstable?

Within Germany itself, would the apparently irresistible pressure of the East Germans for unification sweep away not only all the
detestable aspects of the Stasi-regime, but also certain positive features of East German society: such, for instance, as solidarity with family and friends, a Protestant reserve toward the rat-racing materialism of the West, a reflective Innerlichkeit or “inwardness,” and public welfare provision in the form of school meals and state-run nurseries?

On such questions and many others, Renata Fritsch-Bournazel's book provides an illuminating and reliable guide to the thoughts and reactions of the Germans and their neighbors. One of the most difficult tasks, for any observer of revolutionary processes like those of the last two years, is to distinguish the significant from the ephemeral and to seize the essential arguments in an fast-moving, many-sided, and intensive debate. The author’s method, that of identifying the fundamental issues and then documenting the controversies and the decisions in the words of those directly involved or close at hand, gives the reader an exceptionally vivid sense of the issues at stake and how it felt as they unfolded.

The practical significance of many contemporary slogans — “a common European house,” “a European peace order,” “a European Germany, not a German Europe” — is explored, in their historical context, in this well-documented analysis of a dramatic moment of German and European history.

It is interesting to note how some of the witnesses quoted here — especially the non-German ones — resort, as a means of understanding Germany’s present situation, to images and stereotypes from the past. A striking example is the “psychogram” of “the Germans,” compiled by Margaret Thatcher’s advisor Charles Powell: “The Germans... are not concerned with the feelings of others, are plagued by fear, are bragging and pushy but want to be loved, suffer from an inferiority complex and self-overestimation,” etc. As the academic participants in Mrs. Thatcher’s “seminar” at Chequers seem to have told her, and as many of the other documents in this book confirm, the German reality is a good deal more complex, and much less alarming, than this would suggest.

One important aspect of this book is that the various international organizations that form Germany’s “European” framework — the CSCE, NATO, and above all the European Community — are clearly and precisely identified and described. They are all in a process of rapid and confused evolution, and the statements from some of their leaders, quoted here, give a good picture of the widespread concern of Europe’s leaders (including Germany’s) to provide
in this House that unity in unfreedom is not in question. But this means today too that we welcome more free development and a right to a say by the people in the GDR even if they strengthen their loyalty to the other German State and thereby stabilize that State. The construction workers in the Stalinallee too wanted first of all more freedom and more human living and working conditions.

Seventhly: we have become a Western country through and through. Our political culture has and continues to have a Western stamp. Even those among us who are convinced that our democracy is far from achieving all its possibilities rely firmly on the Western catalogue of values. Where new movements demonstrate against the destruction of nature or arms madness, they do so in the forms of Western civil rights movements.

Eighthly: History has not conferred any special mission on us Germans, but geography faces us with special tasks. We are not wandering between two worlds, but the two blocs, while they may have the attraction for the superpowers of being easily perceptible zones of influence, are for us Central Europeans only a temporarily necessary evil.

Ninthly: NATO was founded above all so that Western Europeans could live the way they want to. An overcoming of the blocs that guarantees just this and if possible gives the other Europeans at long last the opportunity for that is not a spectre for us, but a return to European normality.

Tenthly: if the two parts of Europe grow together, the two parts of Germany must also grow together, but in such a way that the growing together of Europe is not thereby disturbed or blocked.

New Dimensions of Security Relations in Europe

The question raised by Eppler, that of the statics of the European house if the walls and frontiers between the two German States are to be torn down, indeed calls for new answers. Political change in Eastern and Central Europe, and particularly in the ex-GDR, is opening up the possibility that countries belonging formerly to the Warsaw Pact, and hitherto committed to the Soviet communist system, may make their security-policy links available. For the Soviet leadership the greatest challenge lies in the fact that with the departure of the GDR and the dissolution of the Eastern alliance not only is the basis of the Soviet military presence endangered, but the whole influence of the USSR on Eastern and Central Europe shaken. In the contribution to the international symposium organized by Die Zeit in early December 1989 on the "Causes and Consequences of the Eastern European Revolution of '89," Polish historian and Chairman of the Solidarność parliamentary group in the Sejm Bronislaw Geremek stated the following:

We are at present living through a time where we must not think in categories linked exclusively with the old conceptual world of earlier organizational forms. We must make reference to value concepts. I wish by this to make clear that the disappearance of communism we are at present experiencing in Central Europe is not simply a victory for capitalism. It cannot be understood as a conflict between the two systems. It is the return to freedom in Central Europe, the victory of freedom over totalitarian phenomena. It is certainly not a matter of the balance of power between the two superpowers, the USSR and the USA, either. Anyone thinking only in these categories is deceiving himself. Considerations made in the West about Central Europe, have very often attempted to respect and consider imperial sensibilities, instead of keeping international security in the forefront. Perhaps attention has been paid rather more to taking account of the pride of the Empires than to thinking about the security of the whole world or of Europe. But we cannot find the way beyond Yalta if the spheres of domination are left untouched.

In the spring there had already been reflection on the Western side as to the function of the alliances in this changed international environment. In a keynote speech on 31 May 1989 in Mainz, U.S. President Bush spoke of an era "beyond containment" and of the fact that we are at the threshold of a new age. The Cold War, said President Bush, has come to an end, with a victory for the West along a broad front. That will also affect the East-West conflict in Europe. It is not disappearing, but shifting from exclusive concentration on the military level to the level of politics and economics.

In an analysis of Europe's situation "beyond containment" announced by President Bush, Frankfurt political scientist Ernst-Orto Czempiel, author of a book on the United States and the Soviet Union in the 1980s, retrospectively described the stabilizing role of the alliances as follows:

Over the past forty years they ensured stability in a divided Europe, arranged the functionally outdated European medium and small States into viable larger units, quieted the German question, froze the Berlin problem and forced on the East European States their political position at the side of the Soviet Union. Not least, NATO constituted a guarantor of the Federal Republic's link with the West and of continuing cooperation of the West European States among themselves and with the United States. This order was provisional and unsatisfactory, but it was stable. Through armament and the accompanying strategy, not only was the Soviet Union deterred and the situation of non-war in Europe consolidated; political linkages and alliances were also created.29

The stormy acceleration of political change in Eastern and Central Europe has ensured that previous alliances have indeed lost a major part of their political structure and function. On 12 December 1989, a few days after the U.S.-Soviet summit meeting in Malta, which was completely devoted to European issues, U.S. Secretary of State James A. Baker, in a speech to the Berlin Press Club, undertook to design "a new architecture for a new age."

Speech by U.S. Secretary of State James A. Baker to the Berlin Press Club on 12 December 1989 (extracts)

This new architecture must have a place for old foundations and structures that remain very valuable — like NATO — while recognizing that they can also serve new collective purposes. The new architecture must continue the construction of institutions — like the European Community — that can help draw together the West while also serving as an open door to the East. And the new architecture must build up frameworks — like the CSCE process — that can overcome the division of Europe and that at the same time can bridge the Atlantic Ocean.

This new structure must also accomplish two specific purposes. First, as a part of overcoming the division of Europe there must be an opportunity to overcome, through peace and freedom, the division of Berlin and of Germany. The United States and NATO have stood for unification for forty years, and we will not waiver from that goal.

Second, the architecture should reflect that America's security — politically, militarily and economically — remains linked to Europe's security. The United States and Canada share Europe's neighborhood. . . .


As we construct a new security architecture that maintains the common defense, the non-military component of European security will grow. Arms control agreements, confidence-building measures and other political consultative arrangements are going to become more important. It is in such a world that the role of NATO is going to evolve. NATO will become the forum where the Western nations cooperate to negotiate, to implement, to verify and to extend agreements between East and West . . . .

Third, NATO should also begin considering further initiatives the West might take, through the CSCE process in particular, to build economic and political ties with the East, to promote respect for human rights, to help build democratic institutions, and to fashion, consistent with Western security interests, a more open environment for East-West trade and investment.

And finally, NATO may have its greatest and most lasting effect on the pattern of change by demonstrating to the nations of the East a fundamentally different approach to security. NATO's four decades offer a vision of cooperation, not coercion; of open borders, not iron curtains. The reconciliation of ancient enemies, which has come about under the umbrella of NATO's collective security, offers the nations of Eastern Europe an appealing model of international relations.

Their Soviet Foreign Minister Shevardnadze was very willing to take up the slogan of the political function of the Western alliance; a few days later he spoke to the Political Affairs Committee of the European Parliament in Brussels and used this slogan in an attempt to give the Warsaw Pact too a new legitimation. In a first estimate of change in the "socialist community of States," he put forward the view that the Eastern alliance ought to become a political alliance of sovereign treaty partners on an equal footing.

Speech by Soviet Foreign Minister Eduard Shevardnadze to the Political Affairs Committee of the European Parliament in Brussels, 19 December 1989 (extracts)

As those [eastern European] countries are changing, everyone has had a chance to see that people there are completely free to choose their own path and their own methods for building a new society. Our respect for their choice means respect for full sovereignty of the countries of Eastern Europe, unconstrained by any ideology; respect for their independence without precluding possible transformations in their socioeconomic and political institutions.
It is notable that all of those countries have reaffirmed their alliance obligations under the Warsaw Treaty. We regard this as an important prerequisite for preserving stability in the current situation. Of course, our time calls for adjustments in the system of relations within our alliance. Modernizing its structure can only benefit our common interests. It is our view that its nature must change, with political aspects prevailing over its military substance.

In this context we welcome recent remarks by the US Secretary of State Mr. James Baker about the first new task of NATO, in which the military component should be reduced and the political component reinforced.

Officially, the Warsaw Pact was established in 1955 as a response to West German rearmament and the Federal Republic’s entry into NATO. In reality, it had already existed since Stalin’s time in the form of pacts of friendship and assistance among the East bloc States. Agreements on the stationing of troops in the GDR, Poland, Hungary, and, following the defeat of the “Prague Spring,” in Czechoslovakia as well, allowed the Soviet Union effective control of Eastern Europe. The Pact was originally limited to thirty years but was extended in 1985 by a further twenty.

While the onetime East bloc States drifted westward, the Soviet Union was seeking to maintain its influence over the destinies of Europe in new ways. Its defensive glaci — the securing of which had been the real objective of the Warsaw Pact — had already been lost. It is well-nigh fantastic that the last summit conference of the Pact, held in Moscow in early June 1990, was attended by three declared anti-communists: de Maizière for the GDR, Mazowiecki for Poland, and Antall for Hungary. The USSR nevertheless succeeded, through proposals for transforming the military alliance into a kind of “disarmament pact” and for creating a review commission, in fending off dissolution until July 1991. The temporary committee called into being in Moscow, which was to work out routes toward a total functional shift for the Warsaw Pact, had also, however, been assigned a bloc-bridging role. The point was to deprive NATO of former threat scenarios and offer itself to it as a model for adaptation of the alliances to the new overall international conditions.

In history, traditional alliances have as a rule disappeared, along with the threat they were set up against. The North Atlantic Pact, by contrast, is for its members not primarily a means of defense against a specific threat but above all an expression of membership in the Western community, as well as a way of anchoring the United States in Europe. The decision of the London NATO meeting of July 1990 to change the strategy of “flexible response,” to replace forward defense by a mobilization concept and henceforth to grade nuclear weapons only as a “last resort” for the extreme case of danger to existence, testifies to the willingness of the Western alliance to reform. But the summit was also a response to the challenges of the German question.

The unification of the two German States compels a rethinking of Europe’s security structures, since it inescapably poses the question of what larger whole Germany is to be fitted into. Moscow’s agreement to a free and sovereign decision by the Germans as to their alliance membership has opened the way to a NATO solution to the problem of European security, but it is combined on the Soviet side with the hope and expectation that the Soviet Union will not be pushed to the margins in Europe.

The discussion has only begun as to how, given the upheavals in Eastern and Central Europe, the stability that can prevent wars is to be maintained or restored in a new form in the whole of Europe. The shift from containment of Soviet power aspirations to cooperation between West and East in Europe can be accomplished only if all existing organizations are called on to collaborate, before thoughts of replacing, or at least overlaying, the existing alliances with a collective all-European security system can begin. The decisive test for the much-vaulted “end of the postwar period” will come when the consensus arrived at in the negotiations on the framework conditions for the security status of united Germany is to be converted into reality.

It was on this very question that only close harmonization among the various levels of talks and the various negotiating parties can promise prospects of success. The Two-Plus-Four Talks at which the two German States met with the Four Powers responsible for Berlin and for Germany as a whole; the disarmament talks in Vienna; and the CSCE structures were three complementary forums for discussing these issues. It would certainly be overstraining the CSCE process to treat it as already being a new European security system; still, it can play an important part as a stable framework for the dramatic developments in the whole of Europe. In a committed contribution to the objectives of Helsinki II, Count Luigi Vittorio Ferraris, the former Italian ambassador in Bonn, gave vent to reservations about putting exaggerated hopes on all-European structures:
A conference about Germany for Germany and around Germany would be a means of taking official cognizance of the predominant position of the 80 million Germans, who additionally have a direct influence on a further 100 million Europeans in the East. Such a position of predominance can be expressed positively in an Atlantic or a European context, but certainly not in connection with an overall framework in which the interests are much more diffuse and therefore less controllable and less able to be balanced. At the Helsinki I conference there was a refusal to accept the concept of a pan-Europa. The basis of this idea was a Soviet concept seeking to have the differences in political and social systems forgotten and at the same time aiming at the ambivalent concept of the "common house." Do these differences no longer have any importance? We would do better to wait before starting to sing paens of victory.30

A bare year earlier, in a talk to the Royal Institute of International Affairs in London, British historian Sir Michael Howard had attempted to give an answer to the question: Does 1989 mean "a new turning-point in the times"? In connection with the development of East-West relations in Europe, he made the following predictions:

The military framework of East-West relations in Europe may therefore not change very much before the end of the century. But it will become increasingly inappropriate to the political structure of the continent, as the states of Eastern Europe come in closer contact with those of the European Community and Germany returns to its natural role as a link, rather than a barrier, between East and West. This political evolution is being shaped by events east of the Rhine, and British, American and even French political leaders can do very little about it. They may watch with consternation as the familiar pattern disintegrates and the traditional formulae no longer work, but they appear sadly incapable of devising new ones.31

Howard linked his statements with an allusion to the disarmament and arms control talks underway in Vienna and Geneva, calling for "fewer Genevas and more Locarnos," thus expressing his conviction that the political shaping of Europe's future was more important than "splitting hairs over technicalities of the military relationship of forces." The historic challenges of the 1989 revolutions in Eastern and Central Europe lend this appeal additional weight, but the question of the balance of forces is posed anew, particularly in the context of German unification.

Communiqué on the Three Power Conference in Berlin (Potsdam Agreement) of 2 August 1945 (extracts)

VI. City of Königsberg and the Adjacent Area

... The Conference has agreed in principle to the proposal of the Soviet Government concerning the ultimate transfer to the Soviet Union of the city of Königsberg and the area adjacent to it ... subject to expert examination of the actual frontier.

The President of the United States and the British Prime Minister have declared that they will support the proposal of the Conference at the forthcoming peace settlement.

... IX. Poland

... The three Heads of Government agree that, pending the final determination of Poland's western frontier, the former German territories east of a line running from the Baltic Sea immediately west of Swinemünde, and thence along the Oder River to the confluence of the western Neisse River and along the western Neisse to the Czechoslovak frontier, including that portion of East Prussia not placed under the administration of the Union of Soviet Socialist Republics in accordance with the understanding reached at this Conference and including the area of the former free city of Danzig, shall be under the administration of the Polish State and for such purposes should not be considered as part of the Soviet Zone of occupation in Germany.

XIII. Orderly Transfer of German Populations

The conference reached the following agreement on the removal of Germans from Poland, Czechoslovakia and Hungary:

The three Governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations or elements thereof, remaining in Poland, Czechoslovakia and Hungary, will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner.

At Potsdam, any question of dividing Germany into separate States was supposed to have been disposed of formally. Yet, as

The External Aspects of German Unification

Germany's future was caught up in the struggle for the domination of Europe, joint Four Power control, as promulgated on 5 June 1945 in the Berlin Declaration, could not survive the collapse of cooperation between the wartime Allies. As the East-West conflict intensified, the differences in development between the occupied zones created deeper and deeper rifts in Germany, despite the fact that no formal decision to divide Germany for the foreseeable future had been made.

The last directive of the Four Powers that mentioned reunification of Germany as a joint goal dates back to the Geneva summit conference in July 1955. For the first time since Potsdam, and this time with the participation of France, the Heads of State and of Government of the former victorious powers came together to discuss the German question, European security, disarmament, and East-West relations. The Four Power conference had only a few tangible results, and brought no agreement as to positions on the German question.

It would be another thirty-five years before the Four Powers would again make a joint statement on Germany as a whole, as the Potsdam Agreement had bound them to. Four-power responsibility had admittedly turned into a Two-plus-Four mechanism: the two German States were holding joint talks with the four victor and occupying States of 1945 about the "external aspects" of German unification and about the security of Germany's European neighbors. The procedure had been agreed upon by ministers from NATO and Warsaw Pact countries at a conference in Ottawa on 13 February 1990, the actual object of which was aerial verification in connection with future disarmament measures. In a certain sense the wheel was coming round full circle here too, since the "open skies" concept, which had been U.S. President Eisenhower's idea, had first been discussed at the Geneva summit conference in 1955.

The restoration of German unity presupposed agreement in Europe as to where Germany would belong politically. As long as that was lacking, joint responsibility by the victorious powers continued its shadowy existence. The issue came to life again at the point when the objectives mentioned in the Yalta "Declaration on Liberated Europe"—peace, free elections, and democratic structures—were finally having a chance to be defined and achieved by all Europeans in agreement. Thus, the debate on replacement of reserved Allied rights over "Germany as a whole" also has direct effects on the fate of Europe "as a whole." This connection between European security
and the German question was described by Eberhard Schulz, then deputy director of the Bonn Foreign Policy Research Institute, in the following terms, a few months before the opening of the Berlin Wall:

That four great powers should be attacked by a fifth one, then come to an agreement to occupy its capital jointly in order in future to be able reliably to control the aggressor, then fall out but continue unfailingly to hold to their joint rights as victors — this is no doubt a unique case in history. Such a special case of course arises only when there are inexcusable reasons for it. It is needful to recall this background, because most people in Germany itself, but also in the victor countries of 1945, are no longer even aware that the German question does not concern only the relationship of the two States in Germany to each other. . . . On only one point are the Four Powers to date agreed: the self-determination of the Germans must not be allowed to lead to restoration of the former situation, namely to an all-German State with its sovereignty not restrained by any ties, whose superior potential would allow it a hegemonic position in Central Europe, if not indeed the oppression of its neighbours.

How little preparation there really was for the repercussion of upheaval in Europe on the German question is shown by George F. Kennan’s reaction to the breaching of the Wall. Under the immediate impression of the events of 9 November, this U.S. diplomat, who in 1947 had provided the theoretical underpinning for the Western policy of Soviet containment and later, as professor at Princeton, had repeatedly written on Germany within Europe, firmly stated that the status quo of division should be retained, at least in relation to Germany:

The principle by which most of us were guided when we found ourselves faced, 40 years ago, with the problem of Germany’s future was this: that there must not again be a united Germany, and particularly a militarized one, standing alone in Europe and not firmly embraced in some wider international structure — some structure that would absorb its energies and, by doing so, give reassurance to Germany’s neighbors. . . . Even if the liberalization of political conditions in Eastern Europe were to progress in the near future to a point where they were little different from the conditions prevailing in the German Federal Republic, this would of itself be no reason for an immediate German unification; and this is, therefore, not the time to raise the subject.

This position seems to confirm the correctness of Paul Valéry’s assertion that the only agreements that count are agreements between arrières-pensées. Kennan’s opinion, however, is not to be regarded as the official position of the United States, which in contrast to the many other allies of the Federal Republic unambiguously supported the much-vaulted unification of Germany when it finally appeared on the agenda. Admittedly, alongside U.S. support in principle for a peaceful, democratic process of unification, concern for stability and consideration for Soviet reservations initially played a part in the U.S. attitude; yet German-American cooperation in removing the obstacles on the road to unity worked quite smoothly. As early as 4 December 1989, a day after the summit meeting with Soviet head of Party and State Gorbachev in Malta, President Bush set forth four principles for overcoming the division of Europe and Germany in freedom that were decisively to influence the outcome of negotiations in the Two-plus-Four talks.

Speech by U.S. President George Bush to the NATO council, 4 December 1989 (extract)

Of course, we have all supported German reunification for four decades. And in our view, this goal of German unification should be based on the following principles:

First, self-determination must be pursued without prejudice to its outcome. We should not at this time endorse nor exclude any particular vision of unity. Second, unification should occur in the context of Germany’s continued commitment to NATO and an increasingly integrated European Community, and with due regard for the legal role and responsibilities of the allied powers. Third, in the interests of general European stability, moves toward unification must be peaceful, gradual, and part of a step-by-step process. Lastly, on the question of borders, we should reiterate our support for the principles of the Helsinki Final Act.

An end to the unnatural division of Europe and of Germany must proceed in accordance with and be based upon the values that are becoming


universal ideals, as all the countries of Europe become part of a commonwealth of free nations.

The attempt to harmonize the need for a partnership on an equal footing with the prerogatives of being a one-time victorious power was certainly easier for the United States than for France or Britain. While all three Western Allies agree that the whole of Germany should belong to the West, the idea of a sovereign, economically powerful State in the center of Europe arouses concern that new imbalances may arise. This duality was articulated in a particularly clear way by French President Mitterrand during his State visit to the GDR in December 1989.

Press conference by French President Mitterrand at the conclusion of his State visit to the GDR, 22 December 1989 (extracts)

I have no intention at all of dictating to Germany what its future status is to be. And how its alliances and the nature of its alliances are to be decided concerns Germany. France has taken measures for itself. It does not make them into a gospel . . .

We are also the guarantors of peace in Europe. We are ourselves guarantors of the status of Germany. But 45 years have gone past, and I do not want to give Germans any lessons; I do not arrogate that right to myself. I have no intention to speak for them, to say to Germany we will act towards you as if we have just got over the conflict in which we were adversaries. There are new generations now, this is a new page in history; I personally therefore refuse to take it that the Germans can be treated as if they were under tutelage. But as soon as the issue is one of the status of Europe, that does concern us; and we must ensure that no imbalance emerges that would ultimately lead to a restoration of the Europe of wars.

The great resistance to the termination of Allied rights came naturally from the USSR, for which much more was at stake than for the three Western powers. The division of Germany and the stationing of Soviet troops in its eastern half were for decades spoken of in propaganda terms as the masterstroke of Soviet security policy. In postwar history, all Soviet scenarios for overcom-

ing the division had been linked to the demand for neutrality, and a unification of Germany on Western terms had always been treated as an unacceptable option.

Even after Gorbachev had assured Chancellor Kohl in February 1990 that the Germans could determine the time and process of unification themselves, the question of alliance membership remained open, and the Soviets repeatedly sought to impose their views of what military neutrality would mean for a united Germany. Among the most remarkable documents of the first half of 1990 is undoubtedly the interview in the Spiegel with long-time ambassador in the Federal Republic and expert on Germany Valentin Falin, who sought to give emphasis to his advocacy of German freedom from alliances with unconsumed and highly undiplomatic references to the Soviet Union's special rights:

SPIEGEL: Mr. Falin, what is to happen, then, if in a few weeks a newly elected Volkskammer decides on accession to the Federal Republic and NATO has no intention of letting this Federal Republic out of the Western military alliance?

FALIN: I am no lover of speculation. I would only ask you to take the following fact into account: there is no legal vacuum in Germany. Either the GDR — irrespective of what government will be in power there — fulfills its mandates and its agreements, the commitments that the Republic has undertaken to the Warsaw Treaty and to us, or the latent rights of the Soviet Union will become patent.

SPIEGEL: Do you believe that emergency measures under right of conquest, even acts of force, can still uphold something?

FALIN: No. The Germans are intelligent enough to understand that it cannot be in their interests to provoke a confrontation. We are not threatening anyone; but we do not want to be threatened either. That would be the worst development of all when after all the solid, long-term solution, and the gentlest one for the German people, lies within reach — is not only possible, but is even knocking at the door.34

Falins's statements were, moreover, not only rather undiplomatic, but also incorrect. For by signing the Warsaw Treaty in 1955, then GDR Prime Minister Otto Grotewohl had inserted a reservation whereby the GDR asserted, vis-à-vis its alliance partners,

its right to international freedom of action in the event of German reunification.

Report of GDR Prime Minister Otto Grotewohl to the GDR Volkskammer, 20 May 1955 (extract)

The GDR continues as previously to regard reunification of Germany on a peaceful and democratic basis as the main task for it and for the whole German people, and will do everything to speed reunification of Germany. In signing the present treaty on friendship, cooperation and mutual assistance, the government of the GDR takes the position that reunified Germany will be free of the commitments that one part of Germany has entered into in military treaties and agreements concluded before reunification.

The GDR's Legacy in Terms of Alliance Policy

By the time of the electoral defeat of the GDR's Communist Party at the very latest, however, it must have been clear even to Moscow that the "latent rights" of the Soviet Union could offer only limited room for maneuvering. Even in August 1989, when the Honecker government was getting into serious difficulties as a consequence of the rapid expansion of the refugee movement, the then Rector of the Academy for Social Sciences under the Central Committee of the SED, Otto Reinhold, had warned Moscow against incautiously risking the existence of the GDR by pressing for reforms. Earlier than many others, the SED's chief ideologue had understood that a GDR without a "socialist identity" had little chance for survival:

As for no other socialist country in Europe... the dialectical link between cooperation and confrontation is an unavoidable essential feature of the conception of society. The core question here is particularly what one might call the GDR's socialist identity. On this question there is quite clearly a difference in principle between the GDR and other socialist countries. They all existed, before their socialist transformation, as States with a capitalist or semi-feudal system. Their existence as States did not therefore primarily depend on the socio-political system.

It is different for the GDR. It is conceivable only as an anti-fascist, a socialist State, as a socialist alternative to the FRG. What entitlement to existence would a capitalist GDR have alongside a capitalist Federal Republic? None, of course. Only if we always keep that fact in the forefront of our minds will it become clearly recognizable how important for us is a social strategy oriented uncompromisingly towards consolidation of the socialist system. There is no place here for carefree playing with socialism, with socialist State power.35

In many respects, the diagnosis drawn up by a team of German authors in spring 1989 with an eye to the Federal Republic, applies to developments in the GDR as well. Gorbachev's reform policy, and the fact that, for the first time since the GDR came into existence, a Soviet politician was being regarded by the population as a bearer of hope and an agent for change had, in view of the strategic position of the "frontline State" in the eastern alliance, to have particularly far-reaching consequences:

Under the influence of glasnost and perestroika, both certainties and enemy images are collapsing. This new unclarity that has come out of a world of upheaval includes hopes as well as doubts and uncertainties. Everything is coming to be seen in a new light, and it is hard to say whether, in this illumination from afar, it is hope or irritation that has the upper hand.36

Conversely, it is true for the Soviet Union that the shape of relationships with the GDR belongs among the issues that were controversial well before the SED regime lost its hold on the GDR. A memorandum by social scientist Vyacheslav Dashichev, head of the foreign policy section of the Moscow Institute for the Economy of the World Socialist System, available to the Soviet leadership previous to Gorbachev's visit to the Federal Republic in the spring of 1989, gave an extremely sharp critique of the SED leadership along with a recommendation not to turn the maintenance of socialism in the GDR into dogma:

The regime that has come into being in the GDR could and can exist, politically and economically, only if isolated from the FRG, and supported on violence against its own population. Among the pillars of its existence were the cultivation of outdated dogmas and the maintenance of an enemy image in the form of West German imperialism.

The ideas of the common European house, openness to the outside world, glasnost, the rights to freedom of the individual, are alien to the power structure of the GDR that has come into being, and dangerous for it. For it, certain tensions in East-West relationships are advantageous, since they allow justification of the course toward isolation and decarzmaic from the FRG.

The new Europe can come about only in a broad consensus of all its States and peoples. It is completely clear that unity, peace and stability will prevail in it only once a dividing line between East and West no longer runs through the heart of the continent, through Germany and through Berlin, and the German people secures the possibility of determining its fate itself in peace and in mutual understanding with all the neighbouring peoples.

 Barely a year later, many of the objectives set out in this concept have become reality. The Soviet Union, in renouncing its victor rights over Germany, has abandoned the last remaining token of its dominance in Eastern Europe and has made its peace with Germany. However, what Federal Chancellor Brandt stated precisely twenty years earlier, at the signing of the Moscow Treaty, applies to the Kohl-Gorbachev agreement of 16 July 1990 as well: “Nothing is being lost through this treaty that had not been played away long ago anyway.”

Declaration by Federal Chancellor Helmut Kohl on the outcome of the talks with President Gorbachev of 16 July 1990 (extract)

Firstly:
The unification of Germany covers the Federal Republic of Germany, the GDR and the whole of Berlin.

Secondly:
With restoration of Germany’s unity, the four-power rights and responsibilities in relation to Germany as a whole and to Berlin come to an end. United Germany will at the time of unification secure complete, unrestricted sovereignty.

Thirdly:
United Germany can, in exercise of its full and unrestricted sovereignty,

Eighthly:
Following withdrawal of Soviet troops from the territory of the present GDR and Berlin, NATO integrated troops may also be stationed in that part of Germany, though without nuclear-capable delivery systems. Foreign troops and nuclear weapons shall not be moved there.

Ninithly:
The Federal Government declares its willingness to give a declaration of commitment, in the current Vienna negotiations, to reduce the armed forces of the united Germany to a personnel strength of 370,000 within three to four years. This reduction shall start with the entry into force of the first Vienna Agreement. This means that if the existing nominal strength of the Bundeswehr and the National People’s Army are combined, the armed forces of the future united Germany will be reduced by 45 percent.

Tenthsly:
United Germany will renounce the manufacture, possession and availability of atomic, biological and chemical weapons and remain a member of the non-proliferation treaty.

In this settlement, the Soviet Union abandoned its ideas of a German hybrid position: that of neutrality, the “French solution” of leaving the NATO military structure or a dual membership in the two systems of pacts that would have been contradictory from a security-policy viewpoint. Extending the link with the West to united Germany was also the best guarantee against Germany becoming, like a loose cannon on deck, a rogue political quantity in central Europe. It expands the Federal Republic of Germany’s key position at the center of Europe — until now as a frontline State in the event of war, but in the future also as a bridge to Eastern Europe — to the former GDR as well, assigning to the whole of Germany the role of a major pillar of European security.

The Soviet Union’s legal titles vis-à-vis the GDR, in particular its right to station troops there, thus became obsolete. While the USSR’s treaties with Hungary and Czechoslovakia provided an actual legal basis for the stationing of troops, the presence of Soviet troops in the GDR and the former German territories of Poland was based solely on the victor’s right, under the international law of war, to occupy the territory of the vanquished people. The stationing agreements with these two countries, regulated only specific questions, such as that of civil or criminal liability, and with respect to the GDR applied only to the separate contingents — including Soviet ones — of the United Command of the Warsaw Pact States.

The Soviet Union had explicitly retained original victor’s rights in the so-called Sovereignty Treaty with the GDR of 20 September 1955. Even in June 1989, when the “Group of Soviet Armed Forces in Germany” was renamed the “Group of Soviet Armed Forces in the West” (and not “in the GDR”), this measure was accompanied by a statement that neither the 1955 Treaty nor the rights and responsibilities of the four powers would be affected thereby.

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**Treaty on Relations Between the German Democratic Republic and the Union of Soviet Socialist Republics of 20 September 1955**

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**The External Aspects of German Unification**

Article 4: The Soviet troops at present stationed on the territory of the German Democratic Republic in accordance with existing international agreements shall for the present remain in the German Democratic Republic on terms to be set in an additional agreement between the government of the German Democratic Republic and the government of the Soviet Union.

The Soviet troops temporarily stationed on the territory of the German Democratic Republic shall not interfere in the internal affairs of the German Democratic Republic nor in the country’s social and political life.

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By contrast, the “sovereignty declaration” of 25 March 1954 appears in quite a new light today. In it the Soviet government stated that it would be guided “unfailingly by the endeavor to contribute to the settlement of the German problem in accord with the interests of peace and of the securing of Germany’s national reunification on a democratic basis.” Certainly, what has now become a reality — practical measures “for the rapprochement of East and West Germany” and the holding of “free all-German elections” — was then determined by the tactical motive of Moscow presenting itself as the proponent of the Germans’ national aspirations; nevertheless, it remained a document valid in international law. The GDR since then possessed a legal title that became relevant in 1990: according to the sovereignty declaration it would “possess the freedom to decide at its own discretion on its internal and external affairs, including relations with West Germany.”

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**Declaration by the Government of the USSR on the granting of sovereignty to the German Democratic Republic, 25 March 1954 (extract)**

The Government of the Soviet Union will be guided unfailingly by the endeavour to contribute to the settlement of the German problem in accord with the interests of the consolidation of peace and the securing of Germany’s national reunification on a democratic basis.

These goals shall be served by practical measures for the rapprochement of East and West Germany, the holding of free all-German elections and the conclusion of a peace treaty with Germany.

1. The Soviet Union shall maintain the same relations with the German Democratic Republic as with other sovereign States.

The German Democratic Republic shall possess the freedom to decide at its own discretion on its internal and external affairs, including relations with West Germany.
2. The Soviet Union shall in the German Democratic Republic retain the functions connected with the guaranteeing of security and resulting from the commitments arising for the Soviet Union from the Four-Power Agreement.

In the past, the Soviet Union's reserved rights had been brought to bear via the inclusion of the GDR in the Eastern military alliance as well. The Warsaw Pact of 14 May 1955 constituted, not merely de facto but also de iure, an unequal treaty for the GDR, because at that time it was not fully sovereign in the question of deciding its security policy. By contrast with other member States it had, to all appearances, been subjected to decisions of other members even as far as fulfillment of its assistance obligations was concerned. Whereas all non-German versions of the Warsaw Pact treaty of 14 May 1955 stipulated that each participant State has to afford its allies the assistance that "it" considers necessary, in the German version it is assistance that "they" consider necessary that is required. The USSR de facto claimed for its troops on East German territory a quasi-sovereign immunity, with no limitations on their ability to intervene in East German internal affairs.

**Warsaw Pact Treaty of 14 May 1955 (translation of extract from the German version)**

Article 4: In the event of an armed attack in Europe on one or more of the States Party to the Treaty by any State or group of States, each State of the Treaty shall, in the exercise of the right of individual or collective self-defense, in accordance with Article 51 of the United Nations Charter, afford the States or States so attacked immediate assistance, individually and in agreement with the other States Party to the Treaty, by all means they consider necessary, including the use of armed force.

The peculiar position of the GDR within the Eastern bloc was even stipulated in constitutional law. East Germany was the only country in the world that in its very constitution had allied itself "irrevocably" with the Soviet Union and had declared itself an inseparable component part of the socialist community of states.

**The External Aspects of German Unification**

At the same time, it was also the only State within its alliance that lacked an independent national identity within the confines of its own frontiers.

**Constitution of the German Democratic Republic of 9 April 1968, amended 7 October 1974 (extract)**

Article 6(2): The German Democratic Republic is allied forever and irrevocably with the Union of Socialist Soviet Republics. The close and brotherly alliance with it guarantees the people of the German Democratic Republic further progress on the path of socialism and peace.

The German Democratic Republic is an inseparable component part of the socialist community of states. True to the principles of socialist internationalism, it contributes to its strengthening, fosters and develops friendship, mutual collaboration, and mutual aid with all states of the socialist community.

The Soviet Union's rights and responsibilities for Berlin and for Germany as a whole eventually became — having been a taboo subject for decades — a topic for debate in the GDR as well. In the journal of the East Berlin Institute for International Politics and Economics (IPW), two security-policy experts set forth in early 1990 “Considerations on the GDR's Foreign Policy Interests;” these throw light on many frustrations of the past:

The further shaping of the relationship between the GDR and the USSR as a political alliance within the framework of European security and European State relationships presupposes a higher level of political coordination on a basis of equality of rights. The Soviet forces in the GDR must be drastically cut to the level that is actually militarily necessary and defined unambiguously in nature as allied forces. At the same time, the GDR could bear a part of the stationing expenses. A move should be made toward genuine military integration between the remaining Soviet forces and those of the GDR (and as far as possible with integration with those from Poland and Czechoslovakia too). That would make defense functions more effective and mean far lower costs as well as greater leeway for disarmament maneuvers. At the same time, the mutual military and political obligations and reliances and mutual trust would be strengthened, not least as one of the bases for the activation of German-German relationships.
In view of the difference in interests that naturally exists between the USSR and the GDR for geopolitical, economic and political reasons, it is in view of the existential importance of this relationship for our government absolutely necessary to create an effective permanent mechanism to overcome these differences.  

The International Context of the Federal Republic

In contrast to the communist-governed GDR of the Honecker era, the Federal Republic saw Allied responsibility for Germany as a whole as the last bracket holding the German nation together, the last link in international law spanning both parts of Germany. The basic decision in favor of the West, expressed in the set of treaties in the 1950s, was taken on the assumption that the Western powers would promote reunification. Restoration of Germany's national unity was not excluded in any of the treaties then signed, although initially, in view of the East-West confrontation, freedom for at least one part of the German nation took precedence over unity.

What had to be decided at that time was whether the Federal Republic was prepared to be involved in the military defense of Western Europe and willing to accept an alliance-type link with the West. Bound up with this was the prospect of ending the occupation regime and securing sovereignty, burdened with a few remaining reserved rights. The process in the course of which these decisions were taken began in the spring of 1951 and ended four years later. Until 1990, the treaties of Bonn and Paris determined the Federal Republic's position in the Western community of States and in the community of international law.

On 26 May 1952 the "Convention on Relations Between the Three Powers and the Federal Republic of Germany" was signed in Bonn. Federal Chancellor Adenauer immediately, and unofficially, gave it the punchier name of "The Germany Treaty." It was coupled with the "Treaty establishing a European Defense Community" (EDC) signed a few days later in Paris. Ratification of this second treaty failed after a prolonged debate in the French National Assembly in August 1954.


Only a hastily improvised substitute solution in the autumn of 1954, providing for the Federal Republic's direct accession to NATO and doing without the EDC, made it possible for the "Germany Treaty" to be signed once again on 23 October 1954, in an abbreviated and — from the German viewpoint — improved version, as part of the "Paris Treaties." In May 1955 it was ratified by all the treaty partners and came into force. Only then, after long years of occupation, did the Federal Republic gain the sovereignty it had striven for, although its international freedom of action continued to be restricted by the reserved rights of the Allies in relation to Berlin and Germany as a whole.

Convention on Relations Between the Three Powers and the Federal Republic of Germany (Germany Treaty), as amended on 23 October 1954 (extract)

Article 1(2): The Federal Republic shall have accordingly the full authority of a sovereign State over its internal and external affairs.

Article 2: In view of the international situation, which has so far prevented the reunification of Germany and the conclusion of a peace settlement, the Three Powers retain the rights and responsibilities, heretofore exercised or held by them, relating to Berlin and to Germany as a whole, including the reunification of Germany and a peace settlement.

Article 7(1): The Signatory States are agreed that an essential aim of their common policy is a peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundation for a lasting peace. They further agree that the final determination of the boundaries of Germany must await such a settlement.

(2): Pending the peace settlement, the Signatory States will cooperate 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.

(3): (deleted)

(4): The Three Powers will consult with the Federal Republic on all matters involving the exercise of their rights relating to Germany as a whole.

The Three Powers' reservation concerning "Germany as a whole" did not establish any exclusive powers for the Allies, and was
moreover subject to restrictions in content. The common goal of
the four signatory States, indicated in Article 7(2), was a "re-
unified Germany enjoying a liberal-democratic constitution, like
that of the Federal Republic, and integrated within the European
Community." This statement took on an unsuspected topicality
as German unification drew nearer. In the view of diplomat and
international lawyer Wilhelm Grewe, then prominently involved
in the negotiations concerning the end of the Occupation Statute,
it could not be deduced from this in any binding way that Ger-
many as a whole would also have to remain in NATO:

What was meant was the general linkage with the West of the Federal
Republic, which was not equated with NATO membership. This was
also reasonable because no one believed that the Soviet Union would
ever tolerate a shift in NATO's military frontier up to the Oder-Neisse
line.

Membership of a united Germany too in the Atlantic Alliance —
perhaps a NATO altered by the changes now under way — is certainly
the best solution and the one that most promotes European security.
Were it however to be made a binding conditio sine qua non of uni-
fication, the notion would be strengthened among Germans that the
Western partners are concerned primarily with a control system direct-
ed against them — not exactly favourable to the cohesion and solidari-
ty of an alliance community.39

NATO membership not only brought the Federal Republic the
termination of occupation rights, but also guaranteed it a voice in
the Western system. "Defense contribution," as a circumlocution
for the fact that the Federal Republic would again have soldiers,
characterized two aspects that were important in the 1950s and are
still important today. On the one hand, the phrase made clear the
limits to the kind of military power being conceded to the Germans,
and, on the other, it indicated that the Federal Republic could not
defend itself on its own, but would need the contributions of others
to its — to the common — defense. In reflections on the connections
between the link with the West and the postwar system, just
before the Twenty-Seventh Strategy Conference of February 1990,
Josef Joffe, the security expert of the Süddeutsche Zeitung, published
in Munich, came to the following conclusions:

The postwar order that has been collapsing since 9 November served,
after all, not only to contain the Soviet power but also to restrain
Germany, the heavyweight in the center of the continent, which in
view of its power and its position can shift things for the better (as
after 1945) or the worse (as before 1945). When the Soviets complete
their withdrawal, a power vacuum will arise in Central Europe, which
the Germans will fill — whether they want to or not.

For such a country there can be no neutrality. Left to its own de-
vices (which is the essence of neutrality) it will have to try to control
the circumstances around it, or else others will try to control this coun-
try. This role was spared the Federal Republic, by contrast to the
Reich under Bismarck or under Hitler — to the profit of the Germans
and the relief of their neighbours. The brilliant aspect of the postwar order
was that it did not surround the Germans but fitted them in. It offered
the Germans a refuge and a community that took away from them the
fear of encirclement and from their neighbours the fear of an onslaught.

The postwar order took the sting out of the "curse of geography": the
fact that it is now falling apart is one reason the more for saving the
best structures of the old system into the new times in such a way that
Europe and Germany can really grow together.40

The Federal Republic's freedom of action is limited in the context
of the NATO Treaty above all by the fact that all armed forces of the Member States stationed in the area controlled by Supreme
Allied Command in Europe (SACEUR) come under the command
of SACEUR or another competent NATO command authority. By
agreeing to this procedure before accession to the NATO Treaty, the
Federal Republic from the outset renounced national command
over the use of the Bundeswehr in the event of war. With the NATO
membership of Germany as a whole, as accepted by Moscow, the
question of the units of the Territorial Army under national command
also gained in importance, since they — by contrast with the
Bundeswehr units integrated in NATO — could, immediately upon
unification, be stationed in the territory of the former GDR and in
Berlin.

Resolution of the NATO Council on the outcome of the Four and Nine
Power Conferences, 22 October 1954 (extract)

40. Josef Joffe, "Welche Nach-Nachkriegsordnung?" in Süddeutsche Zeitung,
5 February 1990.

Grundbegriffe der Deutschlandpolitik im Lichte des Wandels im Osten. Neue
IV a) All forces of NATO countries stationed on the Continent of Europe shall be placed under the authority of SACEUR, with the exception of those which NATO has recognised or will recognise as suitable to remain under a national command.

b) The location of such forces shall be determined by SACEUR after consultation and agreement with the national authorities concerned.

c) Such forces shall not be redeployed on the continent nor used operationally on the Continent without his consent, subject to appropriate political guidance from the North Atlantic Council.

g) The forces... shall be inspected by SACEUR.

The simultaneous accession of the Federal Republic to the North Atlantic Treaty and to the West European Union (WEU) set the seal on the basic direction of Bonn's foreign policy, which within a few years received full support from all the major parties in the Bundestag, and from the SPD opposition in 1960. The West European Union, which developed out of the Brussels Treaty of 1948, was modified and completed by protocol in 1954; it is significant primarily because it commits the seven member States (Great Britain, France, the three Benelux countries, West Germany, and Italy) to giving each other automatic assistance, thus going further than the NATO treaty. This advantage is nevertheless restricted by the fact that the WEU as an organization has no military planning organization and thus would not be in a position either to plan or to carry out joint action by the forces of its member States.

The North Atlantic Treaty itself was suitable neither in overall conception, nor given its signatory States, for incorporating arms limitation and control arrangements that did not discriminate against the Federal Republic; on the contrary, Article 3 of the Treaty bound the signatory States to increased armament. The arms restrictions on the Federal Republic, desired particularly by France, were worded in protocol no. III and annexed to the WEU Treaty as a voluntary self-limitation, although in a way that does exclude unilateral withdrawal.

The Federal Republic's self-restraint covered in particular the unconditional renunciation of the manufacture of atomic, biological, or chemical weapons (so-called ABC weapons) on its territory, which was later confirmed in the Nuclear Non-Proliferation Treaty of 1968 and in the Convention banning biological weapons of 1972, and extended to possession of such weapons. Conventional-

The External Aspects of German Unification

arms limitations on manufacture of guided missiles, warships, and strategic bombers were agreed conditionally, that is, subject to possible amendment by WEU Council decision, in 1954, but have since been removed as a discrimination against Germany that is now anachronistic.

The NATO Forces Convention of 19 June 1951 and the additional agreement thereto regulate the legal conditions for the accommodation of Allied forces in the Federal Republic, but does not regulate how many and what kind of troops may be stationed there. The only published legal basis for such a stationed of troops is the Presence Convention of 23 October 1954, which was initially concluded with the United States, Britain, and France; Belgium, Denmark, Canada, Luxembourg, and the Netherlands acceded later.

Convention on the Presence of Foreign Forces in the Federal Republic of Germany, 23 October 1954 (extract)

Art. 1(1) From the entry into force of arrangements for the German Defense Contribution, forces of the same nationality and effective strength as at that time may be stationed in the Federal Republic.

(2) The effective strength of the forces stationed in the Federal Republic pursuant to paragraph 1 of this Article may at any time be increased with the consent of the Government of the Federal Republic of Germany.

(3) Additional forces of the States party to the present Convention may enter and remain in the Federal territory with the consent of the Government of the Federal Republic of Germany for training purposes in accordance with the procedures applicable to forces assigned to the Supreme Allied Commander, Europe, provided that such forces do not remain there for more than thirty days at any one time.

Art. 3(1) The present Convention shall expire with the conclusion of a German peace settlement or if at an earlier time the Signatory States agree that the development of the international situation justifies new arrangements.

The exchange of notes accompanying the Franco-German Government Agreement on stationing rights and the status of French troops in Germany of 21 November 1966 — a consequence of France's withdrawal from the integrated NATO structure — again made it clear that the Alliance was not the sole legal basis for
the presence of Allied troops on the territory of the Federal Republic. Alongside the stationing agreed to by treaty, there was stationing on the basis of the Allied reserved right, confirmed in the Germany Treaty of 1954; thus, restrictions tied to German agreement existed only as regards the exercise of the right to a presence. In a detailed study of the German defense contribution in the context of the rearmament debate of the early 1980s, Heidelberg international lawyer Torsten Stein stated:

While, thus, the Three Powers wished to tie exercise of the stationing right, which continued to be based on reservations as to occupation rights, to agreement with the Federal Republic, this was not intended to go so far that a refusal of German agreement could render this stationing right illusory; for here the alternative consists not in simply withdrawing the units but instead, without further query, there would be armament or rearmament... This perception may have contributed to the formulation on the German side that the extent to which the stationing of particular weapons was dependent on assent by the host country concerned was ultimately a matter for political decision. The political decision may also lie in not putting the question of the assent requirement in so decisive a way as to provoke answers that would not be congenial to the political climate.41

Indeed, the Federal Republic had a special position in the political sphere in the Western Alliance. In a Three-Power declaration of 3 October 1954, which all NATO States confirmed, initially on 22 October 1954, the Federal Republic’s partners included Berlin (West) in the area protected by the Alliance, and committed themselves to reunification.

Since then, the position of the German question in resolutions of the Western Alliance has changed several times; nevertheless, those commitments can be seen as the tradeoff for the Federal Republic’s accession to the Western Alliance system. If the passages on Germany in North Atlantic Council resolutions initially dealt with the problem of disarmament and European security, after the Harmel report of December 1967 the connection between the German question and the European peace order came to the fore. Since the conclusion of the Eastern Treaties in the early 1970s the Alliance has, at irregular intervals, spoken on the question, using formulations from that set of treaties and contained in the notes on German unity. In the 1980s, the twenty-fifth anniversary of the Paris Treaties, and five years later the fortieth anniversary of the foundation of the Alliance, offered the occasion to highlight the German question.

On 31 May 1989, in a speech in Mainz one day after the NATO jubilee summit, U.S. President Bush conceded to the West Germans that they were not only “friends and allies” but, along with the Americans, “partners in leadership.” The viability of this new role has been substantiated in the negotiations on the international legal framework and the general political conditions for Germany’s national unification.

For the United States, the priority was to remove a situation of political vacillation in the heart of Europe as quickly as possible, and at the same time to guarantee an American troop presence in the Old World. Both goals were secured when the Soviet Union assented to NATO membership for the whole of Germany. This also explains the overwhelmingly positive response to the German-Soviet Agreement of 16 July 1990. Moreover, President Bush did important preparatory work preliminary to this round of negotiations.

At the Washington superpower summit, the Americans presented a polished, coherent concept aimed at harmonizing the Western solution to the alliance question with Soviet security interests. Bush’s “Nine Points” of 4 June already contained the essential assurances of German and Western self-limitation that then opened up the road to the NATO solution: the fixing of upper national limits for troops in the central region of Europe, including Germany, at the Vienna negotiations on Conventional Armed Forces in Europe; no stationing of NATO troops on the territory of the then GDR; a transitional solution for a continued presence of Soviet troops in the GDR; economic agreements between Germany and the Soviet Union; takeover of costs for a Soviet troop presence and assistance with their resettlement.

An additional impetus to Soviet agreement came from the NATO summit in early July. The “London declaration on a changed North Atlantic Alliance” of 6 July, providing both for a downgrading of the importance of nuclear weapons and a restructuring of NATO troops and a nonaggression pact with the East, while it mainly just offered options, was enough for the Kremlin to save face. Barely two months later, at long last, the conditions had been

created for solving a problem regarded for forty years as insoluble: to end the division of Germany in agreement between West and East.

Certainly, the negotiators in the Two-plus-Four talks on the "external aspects" of German unity were pressed by the events in Germany, which continually nullified all ideas about the timing of the stages of unification. But it took not only a perception of historical necessities but also the good will of all those involved for the "Treaty on the Final Settlement with respect to Germany," celebrated by the media as a "diplomatic world record," to be signed on 12 September 1990 in Moscow — only seven months after the Ottawa conference.

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The Treaty assures united Germany of the right to "belong to alliances, with all the rights and duties arising" (Article 6). It provides that the four powers hereby terminate "their rights and responsibilities" in Germany; accordingly, united Germany has "full sovereignty over its internal and external affairs" (Article 7). The Treaty enters into force with deposition of the instruments of ratification (Article 9).

Thus, a coincidence in time between national unity and the final abolition of the rights of the Four Powers was not totally achieved; but it was agreed in Moscow that the foreign ministers would, on 1 October 1990, before the start of the CSCE meeting in New York, sign a document laying down that the reserved rights and responsibilities of the four victorious powers of the Second World War would be set aside at the time of completion of Germany's national unification on 3 October 1990. The "sovereignty treaty" signed in Moscow and entered into force on 15 March 1991 is not conceived as a peace treaty settlement, yet with its definitive frontier arrangements and political provisions it incorporated elements of a classical peace treaty.

An Alliance without full membership for the Germans would no longer be the linchpin holding the United States and Europe together. And the CSCE alone, which Bonn's Foreign Minister Genscher has at times suggested as a substitute for the Alliance, would not, in the long term, have been able to have transatlantic linking effect. There were, however, also warning voices from the United States saying that the Alliance has paid too high a price for the membership of the whole of Germany. Henry Kissinger, who spoke unambiguously in favor of German unification at a time when many American experts still saw it as endangering Gorbachev's political chances of survival, justified this concern as follows:

Despite the general euphoria at the Kohl-Gorbachev agreement regarding NATO membership for a united Germany, I cannot help being concerned about the fundamental cohesion of the West. Against a widespread opinion, and at the risk of paining good friends, I must confess that I have reluctantly come to the conclusion that there has been quicker progress with German unification than with solving the new problems the West is confronted with... There is now the danger that German membership in NATO may have been purchased through renunciation of the military substance of the Alliance; that it will henceforth play a political role only within the Conference on Security and Cooperation.
Europe and German Unification

If present trends continue, NATO will at best be the framework for a unilateral American nuclear guarantee, allowing the various European nations, and particularly Germany, to pursue national goals on their own.42

Just twenty years earlier President Nixon's then security adviser had given expression in a memorandum to his concern that Ostpolitik by a divided Germany might in the hands of unscrupulous people become a new form of classical German nationalism; so here, in reference to the whole of Germany, there reappears one of the suspicions that has confronted the Federal Republic at regular intervals, and still does: ties to the West are interpreted as a provisional feature and not as a fundamental decision of German policy after the Second World War.

Germany According to the 1990 Frontiers

Mistrust of the long-term intentions of Germans was also the reason for the stubbornness with which the Poles, until the decisive Paris Round of the Two-plus-Four Talks on 17 July 1990, pressed for ever-new guarantees on the border question. Forty-five years to the day after the start of the Potsdam Conference among Churchill, Truman, and Stalin — which had Germany as its object, with no influence, and a Polish delegation under CP leader Bierut — Poland's first noncommunist postwar foreign minister sat with representatives of the Federal Republic and the GDR; and, as in 1945, the Oder-Neisse border question was again on the negotiating table. The disagreement as to Germany and its borders that had arisen at the Potsdam Conference, riddled as it was with serious conflicts among the Big Three, could not be dispelled until that moment under the Two-plus-Four umbrella. Only now could there be unanimity as to the other "external aspects" of German unification.

The code word for the preparation of the Potsdam Conference was "Terminal," and in its own way, the Paris Conference has now become the "terminus" of the development that had emerged in outline in the course of serious intermediate talks. The path toward that point was by no means straight; but the agreement reached in Paris on Germany's future frontiers removed one of the last obstacles to the conclusion of the Two-plus-Four talks in Moscow.

The External Aspects of German Unification

Resolution of the Two-plus-Four Conference in Paris on the "definitive nature of Germany's frontiers," 17 July 1990

1. United Germany will include the territories of the Federal Republic of Germany, the German Democratic Republic and the whole of Berlin. Its external frontiers will definitely be the frontiers of the Federal Republic of Germany on the day of entry into force of the final settlement. Confirmation of the definitive nature of Germany's frontiers is an essential contribution to the peace order in Europe.
2. United Germany and the Polish Republic shall confirm the existing border between them in a treaty binding in international law.
3. United Germany has no territorial claims on other States, nor will it raise any in future.
4. The governments of the Federal Republic of Germany and of the German Democratic Republic will ensure that the constitution of united Germany will contain no provisions incompatible with these principles. This applies mutatis mutandis to the provisions laid down in the preamble and Article 23(2) and 146 of the Basic Law for the Federal Republic of Germany.
5. The governments of the USSR, the USA, the United Kingdom and France have formally received the relevant commitments and declarations by the government of the Federal Republic of Germany and of the German Democratic Republic, and find that their implementation will confirm the definitive nature of the frontiers of Germany.

But 1990 was also the anniversary of two further events, each of them milestones of German-Polish reconciliation after World War II. The Federal Republic could look back on forty years of the Charter of Germans Expelled from the Homeland and on twenty years of the Warsaw Treaty; the GDR on forty years of its own border settlement as enshrined in the Görlich Treaty.

The Charter, adopted on 5 August 1950 in Stuttgart, was scarcely noticed abroad at the time; worry and concern over the Korean war, which had broken out a few months earlier, occupied people's minds far more. But the content of the document, in which thirty elected