German Unification in European Perspective

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Part I

Negotiating German Unification
The German-German negotiations and the "Two-Plus-Four" talks

Peter Ludlow

1. The German-German negotiations

The reunification of Germany had been an official objective of the Federal Republic since its inception. It figured in the Basic Law, notably the preamble and Articles 23 and 146. It was also acknowledged by Germany's Western partners, including the member states of the European Community, which appended to the Treaty of Rome four relevant documents: a protocol on German internal trade and connected problems; a joint declaration on Berlin; a declaration by the government of the Federal Republic on the definition of a "German national"; and a further declaration by the Bonn government on the application of the Treaties to Berlin. All of these affirmed in one way or another that the division was temporary and that Germany should be seen as one.

Although the Federal Republic's foreign policy was based until the late 1960's on the "Hallstein Doctrine" of non-recognition of the GDR, it had been clear since the early 1950's that reunification was not a realistic prospect in the short term. As a result, the FRG's main political parties contrived to combine rhetorical affirmation of unity as a long-term goal with practical agnosticism about its achievement and an overriding commitment to the Federal Republic's links with the West.

In the second half of the 1960's, as the SPD began to emerge as the most creative force in West German foreign policy, tacit acceptance was transformed into open admission of the existence

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of two Germanies as a central feature of the new Ostpolitik. The policy did not, of course, exclude the disapproval of specific actions of the East German régime, but vigorous condemnation was not in any way incitement to revolution. On the contrary, West German leaders from Strauss to Brandt repeatedly affirmed through deeds as well as words their acknowledgement of the Honecker régime as an unavoidable partner in the quest for European security.

When the end came, therefore, it was as much of a surprise to West German leaders as to anyone else. For months after the exodus from East Germany began to assume major proportions in the middle of 1989, they exhibited no grand design, only improvisation and not a little anxiety. Pressure came first on the Federal Republic’s official delegations in East Berlin, Prague and above all Budapest. In September, it intensified, as the Hungarian government opened the border to Austria and 50,000 East Germans fled via Hungary to the Federal Republic. Within weeks, the East German authorities themselves began to connive at the exodus. In the first week of November alone, 60,000 East Germans left the GDR via Czechoslovakia with the open permission of the East Berlin authorities.

The exodus was not the only sign of the disintegration of authority in East Germany. As demonstrations occurred on an almost nightly basis in the major cities of the GDR from September onwards, some individuals from the churches and other “apolitical” backgrounds emerged as leaders; for the most part, however, the movement seemed spontaneous rather than contrived, its contagion made all the more effective by television.

Faced by this combination of internal unrest and popular flight, the East German régime crumbled. Honecker resigned as head of state and Secretary-General of the SED on 18 October. Initially the succession went to a member of his own party. Even after 7 November, when the whole cabinet resigned, Communists remained at the head of affairs. The party had, however, manifestly lost not only the ability but also the will to govern. On 9 November, it openly acknowledged the fact by allowing a breach in the Berlin wall, the symbol and instrument of its power and separateness for almost thirty years.

The Federal Republic and more generally the West were spectators rather than actors in this extraordinary drama. German unity was manifestly back at the centre of the Federal Republic’s political agenda, but notions of how it could be accomplished were still hazy. The dominant focus of official statements in October and even in the first half of November was not on the timetabling of union. On the contrary, there was open division about intra-German policy, notably but by no means exclusively in the SPD.

This initial phase of hesitation ended on 28 November when Chancellor Kohl presented a ten-point programme to the Bundestag. He listed the forces that had led to the present situation and paid tribute once again to the roles played by the European Community, NATO and the new leaderships in the East, particularly in the Soviet Union. Given the popular character of the movement in East Germany, it was impossible, he continued, to produce a neat bureaucratic plan for German unification: “Abstract models may have their use in argument but they are going to be of little practical importance”. It was, however, possible to envisage a number of steps by which the eventual goal would be achieved.

There should be immediate action to deal with the social and economic consequences of the emigration of the previous weeks and the normalisation of traffic between the GDR and the Federal Republic. There should be an intensification of economic, scientific and cultural co-operation between the two Germanies. Active help would be given by the Federal Republic in the transformation of the political and economic system of the GDR.

Beyond these practical steps, there would be active co-operation with the GDR authorities in the development of what East German Prime Minister Modrow had described as a Vertragsgemeinschaft (a treaty community). Common institutions would have to be strengthened and extended to oversee the
increasingly complex network of agreements in all areas and at all levels. Furthermore, Mr. Kohl expressed his government's willingness to proceed still further towards "confederal structures" linking the two Germanies following democratic elections in the GDR.

On the European level, said Mr. Kohl, a firm link should be maintained between the development of intra-German unity and the establishment of a secure political architecture for Europe as a whole. For this to come about, it would be necessary to further strengthen both the European Community and the CSCE, leading to the latter's institutionalisation as well as new moves to reduce armaments. On these bases, Mr Kohl asserted, German reunification could be achieved. Reunification remained, he concluded, "the political objective of the Federal Republic".

The content and scope of the Chancellor's speech surprised observers both inside and outside Germany. It was much more explicit about the medium and long-term goals of German policy than any official statement hitherto. It was, even so, quickly overtaken by events. Two factors were of particular importance: the growing evidence of the complete disintegration of the East German economic and political system and, in March, an overwhelming vote by the East Germans themselves in favour of German unification in their first free elections.

Even before the March election, Chancellor Kohl had offered the Modrow government economic and monetary union, based on the principles of a social market economy. The Modrow government itself still adhered to the idea of a confederation between two sovereign states, but it agreed to explore the possibilities opened up by the Chancellor's February offer, and a joint expert commission began work immediately. With the elections of 18 March, however, neither the Confederation nor economic and monetary union were any longer enough. The East German people voted for what the basic law of the Federal Republic asserted as their right: accession to the Federal Republic itself.

In the months that followed, three major landmarks stand out. First, the conclusion of the Staatsvertrag on 18 May establishing a German economic, monetary and social union as of 1 July 1990. Second, agreement on 2 August that there would be all-German elections in December 1990. Third, the signature of the Einigungsvertrag on 31 August, paving the way for formal unification on 3 October.

Economic and monetary union was, as already indicated, initially conceived as a medium-term objective in itself, distinct in a strict chronological sense at least from the broader objective of political unification. It was, after all, a very ambitious objective. The Bundesbank in particular made no secret of the major consequences it foresaw as a result of such an agreement. The West German government, however, took a different view. Whatever economic discomfort might result from over-hasty and over-generous economic and monetary union, the latter was a political necessity. The Bundesbank had to give way both on the principle and on the details. By the same token, however, the Staatsvertrag contained the seeds of its own obsolescence. It formally buried the old East Germany and established full union in every sense except the political one.

Political union, therefore, could not long be postponed. The conclusion of the Staatsvertrag led inexorably to the drafting of an Einigungsvertrag. Even the external constraints (discussed below) could not halt the process. On the contrary, their resolution was hastened by it.

Negotiations for the Einigungsvertrag began on 6 July. Shortly afterwards, on 22 July the Volkskammer in East Berlin adopted a law reconstituting the five German Länder as of 14 October. This unilateral action was followed two weeks later by a joint agreement of both governments to hold pan-German elections on 2 December. The date was not arbitrary. The Federal Republic itself was due to hold elections at that time and it was obviously convenient to link the two processes. It was also, however, assumed at this stage that the December date would be the logical moment for the entry into force of the Einigungsvertrag.
currently under negotiation. Even this calculation was, however, swept aside, when on 23 August the Volkskammer voted to accede to the Federal Republic on 3 October. This further acceleration of the process made the conclusion of the Einigungsvertrag even more urgent. It also prompted a significant revision of the timetables in the negotiations with the external partners. In the end, the Einigungsvertrag itself was formally signed on 31 August to take effect on 3 October. On that day East Germany ceased to exist as a state. The Federal Republic’s Basic Law became effective in the five new Länder. So did the law of the European Community, subject only to special transitional exemptions to be defined in separate negotiations between the EC and Germany.

2. The "Two-Plus-Four" talks

In the formal sense, the "Two-Plus-Four" negotiations were concerned with the abolition of the wartime allies’ residual rights over the two Germanies. At a deeper level, however, they reflected the need of the two Germanies to reconcile their own ambitions and internal necessities with the interests of Europe as a whole. The fears that the prospect of a reunited Germany awakened amongst its neighbours and partners were never far from the surface. For this reason, the external negotiations were never simply a formality that had to be cleared out of the way for the sake of good form. They were a vital part of the unification process itself, which, as the Federal Chancellor and Foreign Minister and indeed all leading German politicians constantly maintained, could only be achieved and sustained if it was seen as a step towards the creation of a new, peaceful European structure rather than a potentially destabilising development.

The dangers - and opportunities - were very much apparent in the first weeks after the fall of the Berlin wall. Public debate both in the Western democracies and in the East mirrored the preoccupations aroused by the prospect of a united Germany.

German political leaders were constantly reminded that they were under observation. Loose formulations - or to take a specific example, the failure of the Chancellor to give explicit assurances that a new, united Germany would not seek to reopen the issue of its Eastern frontiers - were fastened on as evidence of bad faith or potential menace.

It is beyond the scope of this chapter to provide a detailed analysis of external reactions to the events of October and November 1989. There were divisions in every country, and none were entirely positive or entirely negative. It is, however, possible to distinguish certain general trends. Of Germany’s major partners, three were initially cautious, if not hostile, towards any speedy movement towards German unification: the Soviet Union, Britain and France.

The clearest statement of the Soviet position in the first few weeks was probably the speech that Foreign Minister Shevardnadze made in Brussels in December. It contained the following:

We emphasise with the utmost determination... that we shall protect the GDR from any attack. That country is our strategic ally and a member of the Warsaw Treaty Organisation. It is necessary to proceed on the basis of the post-war realities, namely, the existence of two sovereign German states members of the United Nations. A retreat from that would be fraught with destabilisation in Europe.

British and French reservations were also well known, if not quite so overtly displayed. In London, Mrs. Thatcher made no secret of her concern. The French President’s views were, on occasion, hardly less negative. Gestures towards the Communist leadership in East Berlin, indiscretions in the course of discussions with Mr. Gorbachev in Kiev at the beginning of December and innumerable instances of “off-the-record” statements of alarm to official and unofficial visitors to Paris, suggested that M. Mitterrand, like many others in France, saw developments in Germany as a threat.

The Bonn government, however, had allies from the very beginning. Two were of particular importance: the Bush administration and the European Community, the latter acting through both the European Commission and the Council machinery. The
Americans were consistently supportive. There was undoubtedly an element of resignation before the inevitable. The strong, positive tone adopted by the President and his senior advisers both in Washington and Bonn itself, was, however, in the final analysis based on calculations of interest.

By November 1989, the "special relationship" between the Bush administration and the Bonn government was an established fact. It had been the theme of several celebrated speeches by the President and the Secretary of State, and it had been consolidated by a number of meetings and still larger number of telephone conversations. In a period in which the United States was having to reassess its own global role, it needed Germany, the single strongest member of the European Community, as a major partner. Nothing happened in November or December 1989 to undermine that perception. Hyperactive diplomacy by the German Chancellor and Foreign Minister further assuaged any temptation that there might have been in the highest ranks of the administration to review its priorities.

The positive evaluation of events in Germany in Washington was more than matched by the response of the European Community institutions. The relationship between the EC and the new Germany will be looked at in a more technical sense in the following chapter. The early reactions of Commission President Delors and his colleagues and, more generally, of the European Council in November and December had, however, a direct bearing on the high political negotiations subsequently carried out within the "Two-Plus-Four" framework. The EC as a whole proved decidedly more rational and generous than its parts, and in so doing first contained and then overcame whatever damage the negative reactions of individual member states might have done. The lead was undoubtedly given by the Commission. From October onwards, building on strong personal relations with decision-makers in Bonn, M. Delors in particular not only reacted to, but also in important respects anticipated, events in Central Europe with a series of statements which were notable in their warmth and constructiveness. It would, however, be a mis-

take to personalise the Community's reaction. The Commission President undoubtedly consolidated his position as a leader, but the true victors in the last months of 1989 were the institutions themselves, particularly the European Council, which met twice in the course of four weeks in November and December. Given what was known about the personal feelings of some of the more important members of that body, not least the French President and the British Prime Minister, the conclusions of the two Council meetings were remarkable. The following passage from the conclusions of the Strasbourg Council in December is a case in point:

We seek the strengthening of the state of peace in Europe in which the German people will regain its unity through free self-determination. This process should take place peacefully and democratically, in full respect of the relevant treaties and agreements and of all the principles defined by the Helsinki Final Act, in a context of dialogue and East-West co-operation. It also has to be placed in the perspective of European integration. The Community is and must remain a point of reference and influence. It remains the cornerstone of a new European architecture and, in its will to openness, a mooring for the future European equilibrium... Construction of the Community must therefore go forward: the building of European union will permit the further development of a range of effective and harmonious relations with the other countries of Europe.

The fact that the French government held the Presidency of the Community at the time only reinforced the importance of the Community dimension in the development of the "Two-Plus-Four" process. The French leadership was pushed willy-nilly into a constructive frame of mind, at the core of which lay the calculation implied in the Strasbourg conclusions: German unity need not be threatening if the opportunity that it offered to accelerate European union was grasped. By the end of 1989, Paris and Bonn had together begun to move towards a view of what was desirable and feasible which eventually found expression in the joint letter of President Mitterrand and Chancellor Kohl to the Irish Presidency proposing a second intergovernmental conference on political union. Against this background, the French were almost bound to be helpful in the context of the "Two-Plus-Four" negotiations,
and so it proved. The British position remained more ambivalent, since the British Prime Minister viewed European union as negatively as she did German unity. With two of his Western allies firmly behind him, however, Chancellor Kohl’s position on the eve of the negotiations with the four allied powers was much stronger than had seemed likely in the immediate aftermath of his Ten-Point Plan at the end of November.

At the beginning of 1990, therefore, the principal priorities for the Bonn government were to establish an acceptable negotiating framework and to win over the Soviet Union to its fundamental objective, which was the renunciation by the Four Powers of their residual rights, and, as a consequence, to a commitment to the phased withdrawal of Soviet forces from the territory of the new Germany.

Both objectives were achieved by the middle of February 1990. The US administration played a decisive role in ironing out remaining differences in the Western camp over whether or how Germany should be represented in the negotiations, while the West German government itself, in the persons of Chancellor Kohl and Foreign Minister Genscher, made the decisive breakthrough with the Soviets. At their meeting on 10 February, President Gorbachev assured Chancellor Kohl that the Soviet government would not oppose German unification as such and that it would be ready to negotiate the agreements that this entailed.10 This accord paved the way for the agreement in Ottawa on 13 February, at a conference of foreign ministers of NATO and the Warsaw Pact, that negotiations should open on the external aspects of German unification on the basis of the "Two-Plus-Four" model.11

Formal negotiations began in Bonn on 5 May. It was agreed that the agenda should include border questions, the status of Berlin, the final legal settlement of German sovereignty, the political/military questions relating to the new European structure and more particularly the future role of the CSCE process, and the place, if any, of the new Germany within the alliance structures. Negotiations went smoothly on most issues, including the question of the Polish-German frontier, on which both German parliaments issued a reassuring resolution on 21 June.12 The most controversial issue in the negotiations was, however, the alliance question. The Soviets changed their position several times, but until early July seemed at most ready to concede an associate membership for the unified Germany in both alliances for an interim period, coupled with the reduction of all German forces to 250,000 men. None of the Western allies found this acceptable.

Two developments in July hastened an eventual compromise: the NATO summit in London on 5-6 July which redefined the role of the alliance in European security and called for a new relationship with the members of the Warsaw Pact and, still more important, a bilateral agreement reached at a meeting between Chancellor Kohl and President Gorbachev in the Soviet Union in mid-July.13 At that meeting, the Soviet President agreed to Germany’s obtaining full sovereignty on the day of unification, including the right to NATO membership. Soviet forces would be withdrawn from East Germany by the end of 1994. In return, Mr. Kohl gave a commitment to reduce the total of German military forces during the same period to 370,000. Finally, he agreed to bilateral negotiations on the withdrawal of Soviet troops, cooperation and good neighbourliness. These negotiations took place in the following weeks.

When, therefore, the foreign ministers of the two Germanies and their counterparts from the four wartime allies met in Moscow on 12 September 1990, they had before them a complex set of agreements. The cornerstone was the "Treaty on the Final Settlement with respect to Germany", which was signed by all six of them.14 In this document, the four allies accepted German unification and renounced all rights and responsibilities relating to Berlin and Germany as a whole. The main body of the treaty covered five points.
Territorial issues. The external borders of the new Germany were to be those of the Federal Republic and the German Democratic Republic. The definitive nature of these frontiers was confirmed as "an essential element of the peaceful order in Europe". A specific agreement was to be concluded with Poland.

The non-aggressive character of a new Germany. "According to the Constitution of the united Germany, acts tending to and undertaken with the intent to disturb the peaceful relations between nations, especially to prepare for aggressive war, are unconstitutional and a punishable offence".

Renunciation by Germany of the manufacture, possession and control of nuclear, biological and chemical weapons. This was coupled in article 3 with a pledge by the two Germanies to reduce the personnel of the armed forces of the united Germany to 370,000 within three to four years.

Bilateral arrangements for the withdrawal of Soviet armed forces from German territory.

Undertakings regarding German troops on the territory of the (former) GDR. Until the completion of the withdrawal of the Soviet armed forces, only German territorial defence units which were not part of NATO would be assigned to the territory of the former GDR. During the same period, moreover, the armed forces of other states would not be stationed there. In the longer term, the two Germanies undertook that, even when German forces linked with NATO were stationed in the former GDR, they would not be armed with nuclear weapons.

This multilateral treaty was linked with a number of bilateral agreements which were initialled by the West German Foreign Minister at the same time. These included a treaty on good neighbourly relations which, it was stated, was intended to "lend a new quality to German-Soviet relations" and envisaged the comprehensive development of co-operation in all fields. There were also more detailed agreements pertaining to transitional measures made necessary by the currency conversion in the GDR in July, the financial situation of the Soviet forces stationed there and the cost of their withdrawal. The total package seemed likely to cost approximately 15bn DM over a period of three to four years.

References
15. Note 12 above, p. 68.