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Soviet Union

*Statement¹ of the Minister of Foreign Affairs of the Soviet Union,
Eduard Shevardnadze²*

Prague, 17 March 1990

The conversation with President V. Havel³ showed that our allied countries have a vast sphere of concord on principal issues, related to the provision of European security and the settlement of German affairs.

I think we are all grateful to our Czechoslovak friends for their initiative. Where, if not here, in the center of Europe, should we discuss the central problem of today's European policy, namely the German issue?

It is worth mentioning that, from a legal point of view, consideration of the German issue in the framework of the Warsaw Treaty Organization, which was established at the time simply to protect us against a potential threat from Germany, is our direct duty.

This is about understanding the positions on the most important aspects at the moment when the decisive events begin to take place.

In this regard, I consider it necessary, at least briefly, to mention those main elements that determine the Soviet approach to these complex problems we face.

First: the Germans, of course, have the right to unity. The Soviet Union has never denied it and did not put forward the idea of dismembering Germany. This is well known.

Second, inextricably linked with the first: the Germans should take into account the rights and interests of others. In this respect, there are frameworks outlined by quadripartite agreements and decisions. And this means that the idea of self-determination, the building of German unity, can be realized only in such a way that the threat to peace will never again emanate from German soil.

Third: no matter how complex the Germanic issue was, it must be solved in such a way as not to destroy, but, on the contrary, reinforce positive world trends. Not undermine but advance the process of constructing a new, united Europe.

Fourth: since this process is inseparable from the pan-European process, a step-by-step and democratic approach is needed. The path to unification goes through the stages of forming mechanisms for the new Germany to cooperate with both

¹ *Statement (translated from Russian):* Archive of the Foreign Ministry of the Russian Federation ABП PΦ ф. 742, оп. 35, п. 147, л. 8, л. 133–145.

² *Eduard Shevardnadze (1928–2014),* dodis.ch/P54603, *Minister of Foreign Affairs of the Soviet Union 2.7.1985–26.12.1990.*

³ *Václav Havel (1936–2011),* dodis.ch/P52679, *President of the CSSR 29.12.1989–20.7.1992.*

159 the West and the East. Any other solutions, particularly one-sided ones, are unacceptable.

Fifth: any attempts to take decisions for the GDR, pushing it to self-liquidation, are unacceptable either from a political or from a moral point of view. As members of the Warsaw Pact, we have no right to abandon our ally. Our duty is to provide the GDR with all necessary assistance in safeguarding its interests at this crucial stage. The free expression of the will of the GDR people, the implementation of their right to choose their way by themselves – this is one thing, and quite another – direct interference in the internal affairs of the Republic from the side of the other German state is uncalled for.

Sixth: the Soviet people, who suffered immense loss as a result of the aggression of Nazi Germany, like other nations, are in a position to demand that all reliable guarantees should be given to prevent the recurrence of military adventures.

Seventh: the German problem is to be solved in the context of an unconditional securing of the postwar German borders under the international regime of law.

Finally, for all of us, there are numerous extremely important practical moments in the near future, in particular – an economic “slice” of the union of the GDR and the FRG. Intensive economic relations of our countries with the GDR should not suffer at any stage as a result of the convergence and rapprochement of the two German states.

Now in more details about these elements.

The most principal question is: *on what basis* should the *unification* be implemented?

Recently, the option of the factual accession of the German Democratic Republic, fully or partially, to the FRG on the basis of the 23rd Article of the Constitution of West Germany is being vigorously advocated. According to this article, as you may know, the Constitution of West Germany cannot be applied to the territory of the GDR.

What is this if not the recurrence of the Anschluss?

And that is not all. The Article mentions that “other parts of Germany”, pay attention to this, may in time join the FRG. How many of these parts are there, and where are they? The question is not simple, it is very serious.

It is in our interest neither to allow the practical application of this article, nor the other revanchist provisions of the German constitutional law. It would have been contrary to the principles of the clauses of the Potsdam agreement, which unequivocally assumed that the restoration of German statehood could only occur within the borders of the then occupied areas, in an orderly democratic fashion and based on the agreement of all the parties concerned. This would also ignore the GDR and FRG treaty obligations regarding the issues raised by Germany reunification that were adopted on the basis of postwar agreements, including the issue of the rights of the Four Powers and the GDR’s constitutional legal framework.

But that is not all. Actual absorption of one state by another would mean an undermining of the “2 + 4” mechanism created in Ottawa. It would have made other countries, including the Soviet Union, rethink their possible steps, primarily by considering their rights and responsibilities towards Germany as a whole.

We expect that the member countries of the Warsaw Treaty Organization will take a firm position against the unification of Germany under the "scenario" of Article 23, meaning the unification of Germany on the basis of an *equitable* agreement between the GDR and West Germany. Specifically as a result of such a development, a new entity under international law, a successor of the GDR and the FRG would arise, allowing a fair decision on the new international status of Germany to be reached.

It will be for the benefit of all, including the Germans themselves, to ensure that the transitional period will not be brief and fleeting, so that different options can be considered: a confederation, a German union or a federation. It is up to the Germans themselves to make a choice, after careful consideration, as the final settlement of German affairs will be conditional to this choice.

Also there is a direct connection with the problem of the military-political balance in Europe. From the very beginning, we have said, and we still maintain this position: *a unified Germany should not become a part of NATO*. Otherwise, we will witness the demolition of the military-strategic balance in Europe, which is the basis of stability and security, mutual trust and cooperation, and put into question the many achievements of the all-European process. Because nowadays military blocs have not yet been transformed into political alliances, and only the first steps have been made in the field of European disarmament and the implementation of confidence-building measures, these categories will remain relevant.

Moreover, the actual policy of the country cannot but take into account the public mood. The united Germany's accession to NATO would provoke a sharp and negative reaction from the Soviet people because their memory of the last war and of everything connected with it is still fresh.

There is one path which seems to be promising: the military-political status of the united Germany should fit into the new all-European security structures, and the stages of its formation should be synchronized with the stages of formation of these structures.

We need more consistence in building inter-Germany structures while creating pan-European mechanisms of cooperation and security. Changes in the eastern part of Europe, which led to the dismantling of unsustainable bureaucratic, command-and-control models of the organization of social life and politics, correspond with the construction of a European home based on the Helsinki process.

The contacts established now between the countries of Eastern Europe and the countries of the West, the European Community, the Council of Europe, and mutual adaptation are becoming a normal and natural thing.

Today's and tomorrow's realities in Europe mean that in many ways we must take a fresh look at security issues. To overcome the inertia of bloc approaches, we need to think of continental security in terms of joint efforts and concepts, and not their polarization. The path to achieving this objective requires the gradual transformation of existing military and political alliances, the realization in their doctrines of the principle of defense sufficiency, and establishing a policy of dialogue and contacts between them.

161 It is a question of replacing systems of bloc security with collective security which should also incorporate the future united Germany. Moving simultaneously from both sides is the only option to come close to such a system.

Speaking metaphorically, we see the construction of such a security system taking the form of two linked arches. Their external supports are established over the Atlantic, that is, in the USA and Canada, as well as in Eurasia, a large part of which is the Soviet Union, and they converge in Europe.

In this matter, the all-European summit scheduled for the end of the year will be called upon to play a significant role. In our opinion the German issues will take a proper place on its agenda. It appears that we have already reached a consensus on this question.

An understanding is also emerging that agreements reached within the framework of the "Two plus Four" mechanism should be confirmed by the leaders of all 35 states that are participants in the Helsinki process. What kind of form and political and legal status should these agreements acquire? This issue requires further consideration at the pan-European summit.

The question of *demilitarization* of a united Germany must be considered seriously so that its military potential meets the principle of reasonable and sufficient protection.

The flaws in the arguments that the united Germany may join NATO on the condition that armed forces from the Alliance are not deployed on the territory of the present GDR are quite obvious.

After all, not to confuse arguments, in this case the whole of united Germany would enter the sphere of the NATO treaty. If we invite Germany to join the Warsaw Pact, the West will for sure regard this as an absurdity. But is it not less absurd after the reunification of Germany to leave things in the bloc structures in Europe as they are?

Measures on demilitarization and arms limitation should embrace both parts of Germany. Otherwise it would not be a just and equitable decision, and without such a decision German affairs will not be settled.

It is equally obvious that a unified Germany should refrain from the production, possession and disposal of nuclear, chemical, bacteriological and other types of weapons of mass destruction.

One could also think about how to achieve a withdrawal from the territory of the Federal Republic of Germany of all nuclear weapons deployed there, along with the necessary control measures.

The question of *the presence of troops of the Four Powers* in the territory of a united Germany would probably be difficult to resolve. Their presence in the GDR and the FRG has a dual basis – quadripartite responsibilities and bilateral and multilateral obligations are directly related to the security of the Warsaw Treaty and NATO members.

Both the Soviet troops and those of the three Western powers stationed on the ground in Germany enjoy a special status. According to the previously signed treaties, they are to stay in Germany until a peaceful settlement is reached and pan-European security structures have been created. We need to discuss the number of these troops and the conditions of their stay in the country, first and fore-

162 most keeping in mind that they should enjoy equal rights and opportunities in Germany and not engage in any hostilities with each other.

The main issue pertaining to the vital interests of our countries, but first and foremost for their neighbors, is the future Germany's borders. It is clear that this involves the categorical rejection by everyone of any territorial pretension. The principle of the recognition of borders will be equally relevant to the Oder-Neisse border and to the borders established after the accession of the former East Prussia to the Soviet Union and Poland.

All of us have the right to demand from the Germans that they unequivocally undertake to recognize the existing borders and refrain from any attempts, either at present or in the future, to change them through means that are incompatible with international law.

In the FRG, it is believed that a peace treaty is not necessary to fix the borders, thinking it will be sufficient to confirm this from the viewpoint of the GDR, the FRG and the unified Germany; the Moscow Treaty; and other "Eastern treaties".

However, this is far from sufficient. We know how the state agencies of the Federal Republic of Germany interpret these agreements. According to their interpretation, the current borders are of a temporary nature. These interpretations, in particular the decision of the Federal Constitutional Court of 1973, have not been repealed; neither have the provisions of the Constitution of the Federal Republic of Germany and other legislative acts on which these interpretations are based. So the objective should be the unconditional international legal confirmation of the borders with the most reliable guarantees.

All this again brings us back to the question of concluding a peace treaty with Germany.

By the way, the obligation to conclude a peace treaty has been directly recorded both in the agreements of the FRG with the three powers and in the treaties of the GDR with the USSR. These contractual obligations must be fulfilled before the final reunification takes place and there will be an international recognition of this fact by all interested states.

Up to this point, we believe, the rights and responsibilities of the four powers remain valid. The formula fixed in the Potsdam Agreement on the prerogatives of the four powers "now and in the future" to take the necessary measures to ensure that "Germany would never again threaten its neighbors or the preservation of peace in the world" lies at the core of these obligations.

These rights are not fictitious. They cannot be declared as inactive or insignificant just because today someone is not happy with them. The very mechanism of the "Six" confirms the special role of the Powers in establishing security guarantees for all countries while the solution of the German question takes place.

Troops, communications missions, air corridors, the special status of West Berlin and many other things are testaments today to the rights and responsibilities of the powers visibly represented on German soil. All these issues are directly related to the German peace settlement, and they cannot be ignored.

In short, the purpose of the peace treaty is to conclusively determine the status of Germany in Europe in the structures of international legal order. This is the main question.

163 I think you will agree that the preservation of quadrilateral rights will have a stabilizing effect on the process of movement towards German unity, making it more predictable and controlled.

Finally, it is impossible to leave unattended the real threat of the *resurgence of fascism*. This reveals itself in open and covert forms in both German states. The social roots of neo-fascism have not been removed thus far. Right wing extremism shows itself in territorial ambitions and claims of revanchist communities of compatriots and associations in the FRG.

We should obviously send a strong message to the united Germany on the question of unconditional fulfillment of the Potsdam agreement related to the prevention of the resurgence of German Nazism and the ideology of pan-Germanism in general.

Thus, the position of the Soviet Union is as follows: "yes" to the German unity, though on the condition that the interests of all European states, primarily Germany's neighbors, will be observed. Synchronization of the process of building this unity with the all-European process and the creation of security on a collective basis are necessary. Any legal or political loopholes for revisions of the borders are inadmissible. A decisive "no" to Germany's membership of NATO. Support of the movement towards the rapprochement of Western and Eastern Europe. Promotion of the allies' interests within the framework of the "2 + 4" mechanism. Supporting Poland in the area of its participation in the negotiating process, especially at the stage where issues directly affecting its interests, particularly relating to the border question, will be discussed. We agree with the Polish proposal to hold this round of talks in Warsaw. We do not rule out that besides members of the "Six", some other countries may also be brought to the table.

One should not rule out that at a certain stage some other countries, particularly those who are immediate neighbors of Germany, may join the process. Such attitudes are welcomed from NATO too. Even such countries as Canada do not think that the German affairs should be discussed only within the framework of the "Six".

Now, in more detail at the first meeting of experts of the "Six" on March 14 in Bonn. This reflected the understanding that the issues of military and political status, borders, quadripartite rights and the responsibilities, as well as the problems, of Berlin could be added to the agenda. Of fundamental importance was also the fact that all members of the "Six" could agree to invite Poland to participate in the discussion of the issues affecting its interests, particularly pertaining to the borders. It has been agreed that the work of "Six" will be consensus based.

At the same time, the FRG and some Western powers, under its influence, are so far evading the need to bring to the floor the questions related to the peace settlement, how to ensure the synchronization of Germany's reunification with the all-European process, and some proposals made by the GDR (property relations and GDR's legal inheritance). Especially Bonn has produced particular objections against the idea of the peace treaty. However, it should be clear that the cessation of quadripartite rights and responsibilities cannot happen by themselves without a peace treaty or any other appropriate form of peaceful settlement. This is why we do not consider the opinion expressed by the Western experts in Bonn as the

final say and we are going to hold on firmly to our position and seek a reconsideration of these issues at the next meetings, of course, counting on the support of our allies.

Generally the meeting in Bonn showed that the mechanism of the “Six” provides certain options for influencing and controlling the process of Germany’s unification. The participants agreed to hold the next meeting during the first half of April in Berlin. As agreed, the third meeting will be held at the ministerial level.

Thus, a multilateral dialogue designed to achieve the necessary arrangements has been started, but the hard work apparently remains to be done. We have at our disposal a highly efficient tool in the form of public opinion, which is very sensitive to the entire set of German issues.

The Germans in both parts of Germany should know: we are not going to act against their legitimate aspirations. But to reach a sustainable solution, we need intelligence, realism and responsibility on both sides.

They must also know what Germany’s neighbors and all the participants of the Helsinki process think about the united Germany. I mean not just the views of the governments and professional politicians, but also of the broader public. Any decision will be fragile at its core if it does not consider such factors.

In conclusion, let me say a few words on a topic that goes beyond the current agenda, about the improvement of the cooperation mechanism within the framework of the Warsaw Treaty Organization. This issue has been raised by President V. Havel.

The experts have carried out substantial work. The formulation of points related to the activities of the Political Consultative Committee, the Foreign Affairs Committee and the Defense Committee (the current Committee of Defense Ministers) have been almost agreed upon. A mutually satisfactory solution has been reached regarding the appointment of a Commander-in-Chief, the procedures for interactions between political and military bodies, and various other aspects.

In our opinion, it is possible to come to decisions on the issues that have not yet been agreed upon: the expansion of the functions of the Secretary General of the Political Consultative Committee, whom the majority of us would also like to see as a Secretary General of the Warsaw Treaty at large, and the creation of a Permanent Political Working Body.

The development of the European situation in general indicates that structures for permanent political cooperation are essential.

Having established these we would have made a significant contribution to the substantial renewal of the Warsaw Treaty Organization, increasing the component of political cooperation in its activities.

It is becoming increasingly evident that our alliance is needed, because it can play a constructive role in the formation of new joint security structures in Europe, which is the way forward to replace the existing bloc approaches.

I draw attention to the proposal brought forward by the Foreign Minister of Czechoslovakia⁴ – on the conclusion of the European Security Treaty. It seems that this proposal deserves serious consideration and examination. Together, we

4 Jiri Dienstbier (1937–2011), dodis.ch/P57467, Foreign Minister of the CSSR 10.12.1989–2.7.1992.

165 can look for solutions to issues of European security, acceptable to both the Warsaw Pact and NATO.