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Soviet Union

Memo¹ for the Foreign Minister of the Soviet Union, Eduard Shevardnadze²

Moscow, 6 August 1990

This is the draft of the “Final International Legal Settlement with Germany”, prepared in the light of agreements reached in Arkhyz.

As it was agreed at the experts’ meeting of the “Six” held 19 July in Bonn (after the ministerial meeting in Paris), the Western participants and the Soviet side must exchange their drafts of the final document before 15 August in order to facilitate the work of the experts when they come to Berlin at the beginning of September to agree the final text of the said document.

It would be advisable to hand our project to the rest of the “Six” participants as soon as possible, at any rate before the arrival of Kastrup³ (August 13) and especially Genscher⁴ (August 17) in Moscow. In this case, we may know the reaction of West Germany to the Soviet draft even before experts start working in Berlin and give it due consideration.

If there are no other instructions or comments from your side, we will pass the proposed draft to the embassies of the FRG, GDR and the three Western powers in Moscow (with adequate translations into foreign languages).

Please approve.

Draft

Final International legal settlement with Germany

Preamble

The Governments of the German Democratic Republic, the Federal Republic of Germany, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic,

– realizing that the peoples of their states have been living in peace with each other since 1945;

– taking into account the historical changes of recent time in Europe, which provide an opportunity to overcome its division;

¹ *Memo (translated from Russian)*: Archive of the Foreign Ministry of the Russian Federation АБП ПФ, ф. 757, оп. 35, л. 196, д. 9, л. 151–161.

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

³ *Dieter Kastrup (*1937)*, dodis.ch/P57383, *Political Director in the FRG Foreign Ministry, 1988–1991*.

⁴ *Hans-Dietrich Genscher (1927–2016)*, dodis.ch/P15414, *Vice-Chancellor and Minister for Foreign Affairs of the FRG* 1.10.1982–17.5.1992.

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- taking into account the rights and responsibilities of the Four powers relating to Germany as a whole and to Berlin, as well as respective agreements and decisions of the Four powers taken during war and the post-war period;
- determined, in accordance with their obligations under the Charter of the United Nations, to develop friendly relations among nations on the basis of respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- referring to the principles and provisions of the CSCE Helsinki Final Act;
- recognizing that these principles have laid a solid foundation for the establishment of a just and to secure a peaceful arrangement in Europe;
- determined to take into consideration the security interests of all concerned;
- convinced of the need to finally overcome antagonism and develop cooperation in Europe;
- reaffirming its readiness to take effective measures for the purpose of further disarmament, transformation of existing military and political alliances, establishment relations of trust and partnership between them, institutionalization of the CSCE process, including the establishment of all-European security frameworks;
- noting that the German people, freely exercising their right of self-determination, have expressed their will towards building the state unity of Germany in order to serve the cause of world peace as an equal and sovereign member of Europe following the path of unity;
- convinced that the unification of Germany into a state with finalized borders is a significant contribution to the cause of peace and stability in the continent;
- submitted by their foreign Ministers in accordance with the Declaration of 13 February 1990 adopted in Ottawa, met on 5 May 1990 in Bonn, on 22 June 1990 in Berlin, on 17 July 1990 in Paris ... September 1990 in Moscow ... In Washington and ... In London. The Minister of Foreign Affairs of the Republic of Poland participated in the meeting 17 July 1990 in Paris.

The Governments of the participating States have agreed on the international aspects of building German unity as follows.

1. The united Germany will include the territories of the German Democratic Republic, the Federal Republic of Germany and the whole of Berlin. Its external borders in the final analysis will become the borders of the German Democratic Republic and the Federal Republic of Germany from the date of entry into force of the final settlement. Confirmation of the final nature of borders is a fundamental part of the peaceful order in Europe.

The united Germany and the Republic of Poland confirm the existing border between them in a treaty that is binding in accordance with international law.

The united Germany has no territorial claims against other States and will not make such claims in the future.

The Governments of the German Democratic Republic and the Federal Republic of Germany will ensure that the Constitution of the united Germany will not contain any provisions contrary to these principles. Accordingly, this applies to the provisions set out in the preamble, in articles 23 (phrase 2) and 146 of the Basic Law of the Federal Republic of Germany.

The Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic take note of the relevant commitments and statements made by the Government of the German Democratic Republic and the Federal Republic of Germany and declare that with their implementation the final character of the borders of the unified Germany will be confirmed.

2. The Governments of the German Democratic Republic and the Federal Republic of Germany, on behalf of the German people proclaim that the united Germany will build its policy in such a way that only peace could come from its territory. No military action will be taken from its territory against anyone, either on its own or in alliance with other states, except in the exercise of the legitimate right of self-defense. There will also be no military activities of third States in its territory directed against anyone.

The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic take note of that Declaration and, for their part, confirm that they will be guided by the same principles in their relations with the United Germany.

3. The Governments of the German Democratic Republic and the Federal Republic of Germany declare that the united Germany will not produce, possess or acquire nuclear, chemical and biological weapons. The United Germany reaffirms its participation in the Nuclear Non-Proliferation Treaty.

The Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic take note of this obligation.

4. The Governments of the German Democratic Republic and the Federal Republic of Germany reaffirm their joint declaration at the Vienna talks on the reduction of conventional weapons meaning that the military strength of the united Germany will not exceed in total the limit of 370 thousand persons for Ground, Air and Naval forces. Reductions to this level will be made over a maximum period of four years, starting with the entry into force of the first Vienna Agreement.

The Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic take note of this statement.

5. The United Germany and the Soviet Union will conclude a treaty on conditions of stay, reduction and withdrawal of Soviet troops from the territory of the former GDR in the context of the decisions to be taken at the negotiations in Vienna to reduce to a certain level the military forces and weapons of each participant of negotiations.

During the period of stay of the Soviet troops, which will not exceed 4 years from the date of entry into force of the aforementioned treaty, in the territory of the united Germany with the exception of the area of Greater Berlin, there should be no other foreign troops, as well as German troops integrated into NATO. The German territorial defense forces may be deployed there, including the Greater Berlin area. When the withdrawal of Soviet troops is completed, the said territory will remain free from the presence of any foreign troops. Neither will nuclear weapons and the means of their delivery be deployed there.

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6. The question of the temporary stay, reduction and withdrawal of troops of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic from the territory of the former FRG is to be resolved by concluding appropriate treaties between the united Germany and the States mentioned.

7. The troops of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic will not cross the line coinciding with the current state border between the German Democratic Republic and the Federal Republic of Germany, excluding the movement of their troops located in the Western sectors of Berlin. The troops of the Soviet Union, for their part, will also not cross the line.

8. With the entry in force of the final international legal settlement with Germany, the occupation regime of the western sectors of Berlin is terminated.

At the same time, allied agreements on the Berlin air corridors, the Berlin control zone and the military transit via ground communications shall cease to have effect. The tripartite Allied Commandant's office in the western sectors of Berlin is to be disbanded and military missions and other diplomatic missions accredited to the Allied authorities in Berlin should be abolished.

The quadripartite Agreement of 3 September 1971 is to be annulled.

The troops of the Four powers will remain in Berlin for the period Soviet troops are in the GDR. The terms of their stay will be regulated by the treaties between the united Germany and the Governments concerned. The number of military contingents of the Four powers, areas of their deployment and the nature of their weapons will remain unchanged. Nuclear weapons and means of their delivery will not be deployed in Berlin.

The parties will facilitate the use of Berlin's resources for the establishment of all-European security and cooperation structures, including the placement of relevant authorities in this city.

9. The Governments of the German Democratic Republic and the Federal Republic of Germany declare that the united Germany

- recognizes the legality of the measures and decisions taken by the Four powers in matters of denazification, demilitarization and democratization, jointly or separately in their former occupation zones. The legality of these decisions, including those related to property and land issues, will not be subject to review by German courts or other German state bodies;

- will help to ensure that fair compensation is provided to persons employed for forced labor in Germany during the Second World War;

- will take all measures to prevent the revival of Nazi political ideology, as well as National Socialist political parties and movements. If such parties and movements are created, their activities will be prohibited;

- will ensure inviolability of memorials and other monuments erected on the German territory in memory of sacrifices made by peoples to defeat fascism, as well as of military graves of citizens of the countries of the anti-Hitler⁵ coalition and will provide proper care for these objects;

5 *Adolf Hitler (1889–1945)*, dodis.ch/P535, *Führer of the German Third Reich 1933–1945*.

– confirm the validity of international treaties and agreements concluded by the German Democratic Republic and the Federal Republic of Germany in accordance with the principle “Pacta sunt servanda” and, if necessary, conduct negotiations with States party to previously concluded treaties on clarifying, amending or terminating of existing obligations and replacing them with new ones on the basis of mutual agreement of the Parties.

The Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic take note of this statement.

10. The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic declare that with the entry into force of the Final International Legal Settlement with Germany, their rights and responsibility for Germany on the whole and Berlin are to be terminated, and the united Germany acquires all the prerogatives of a sovereign state. Accordingly, all the reservations made by the Four powers with the admission of the two German states to the United Nations are recalled.

This statement should be considered as an integral part of all the foregoing provisions of this document.

11. This Final international legal settlement with Germany will be submitted to the meeting of the Heads of States and Governments who signed the Helsinki Final Act.

It will be entered in force after the implementation of the constitutional procedures as stipulated in the legislation of the States parties.

Done at (place) (date),

Copies, in the Russian, English, French and German languages, each of which is equally authentic.

Signatures