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WHAT AMERICA CAN DO ABOUT THE GERMAN QUESTION, WHICH AGAIN HAUNTS EUROPE

The question of Germany's future again haunts Europe. The opening of East Germany's borders with the West raises an ancient question for Europe: Should the people of Germany be united into a single national state?

This is a vital question for United States and Europe because Germany's national ambitions have caused two world wars, and because West Germany is today Europe's strongest economy and an indispensable member of the Western military alliance, which Washington leads. For decades Germans and Western observers alike have said that the question of German reunification would not be resolved in their lifetimes. Today, this is no longer true. For the first time in the post-World War II era West German leaders believe reunification is a near-term possibility. Said West German Chancellor Helmut Kohl this November 8: "We have less reason than ever to be resigned to the long-term division of Germany into two states."¹

Reason for Optimism. Kohl's reassessment of the prospects for reunification is understandable, given the disarray of the East German communist regime. But there is another reason why he is optimistic about reunification. Because the Soviets and their allies in East Germany long have been the chief obstacles to German reunification, the apparent willingness of Soviet leader Mikhail Gorbachev to tolerate reform in East Germany implies an important geopolitical change in Europe.

¹ "Toward German Reunification?" *The Washington Post*, November 9, 1989, p. A22.

Undermining Communist Legitimacy. Gorbachev's encouragement of reform in East Germany may have let the reunification genie out of the bottle. This new geopolitical situation has created an enormous dilemma for the new East German leader Egon Krenz: If he follows the model of Gorbachev and the reformers in Poland and Hungary, his Communist Party (technically called the Socialist Unity Party of Germany) may have to give up power. Krenz already has been forced to call for free elections and to allow immigration to the West. But free elections almost surely will undermine not only the legitimacy of the Communist Party, but that of the East German state itself.

Unlike the Poles, Hungarians, Czechs, Slovaks, and the other East Europeans who base their claim to statehood on their national identity, East Germany's only reason for existence is that it is a communist state. If communism goes by the wayside, so too does the German Democratic Republic — or GDR as East Germany is officially known — as it currently exists. If the GDR ceases to be communist-ruled, how does it differ from West Germany? And why should the two remain divided?

German reunification is a challenge and an opportunity for the U.S. and its West European allies. Since the end of World War II, the U.S. has proclaimed its support of German reunification in whatever form the German people as a whole should choose by means of free and fair elections. From America's perspective, Germans have a right to self-determination, but not if it violates the national and security rights of their neighbors and the U.S. The truth is: A completely reunified German nation in the heart of Europe, with West Germany detached from the Atlantic Alliance, a single army, and a neutral foreign policy suspended between East and West, is in no one's interests, including Germans'. Such a Germany was the source of endless misery not only for Europeans, Americans, and Russians, but for Germans as well.

Three Alternatives. As Germany now contemplates the question of reunification, three alternatives emerge: 1) keeping the status quo of a divided Germany; 2) creating a loose confederation of the existing German states in which some things are administered in common (such as transportation, the mail, and environmental policy) and some are not (such as foreign and defense policy); and 3) founding a completely reunified state where all affairs are administered by a single centralized apparatus.

The best alternative for the U.S., Germany and Europeans is the second one: a German Confederation that would be modeled on the European Parliament, which is a representative body of the Common Market. This alternative would allow West Germany to remain a member of NATO while either establishing East Germany as a neutral zone with no Soviet troops on its territory, or allowing East Germany to remain in the Warsaw Pact with only a token presence of Soviet forces. Moscow's acquiescence of course, is essential. Although the two Germanies would be free to develop close political, economic, and social ties within the new German Confederation,

they would not have a common army and would retain separate responsibilities for foreign and defense policies.

The Soviet Union will oppose reunification in the short term, but it may have no choice but to settle for a closer association of the two Germanies in the future. Events may be spinning out of control in East Germany, and it is not inconceivable that Moscow someday may prefer a solution to the German Question negotiated under international auspices to one decided solely by the Germans. If faced with the prospects of East Germany quitting the Warsaw Pact, Moscow may be willing to accept a German settlement that guarantees that neither NATO nor West Germany will turn East Germany militarily against the Soviet Union.

The aims of U.S. policy toward German reunification should be to reduce Soviet influence in Germany as much as possible, retain security ties with West Germany, and to encourage West Germany to expand its democratic and free market institutions into East Germany. With this in mind, the U.S. in consultation with Bonn and the other Western allies, should press for what Secretary of State James Baker has called the "reconciliation" of the two German states. To achieve this goal the U.S. should develop a U.S. policy toward German reunification that seeks:

- 1) Free and fair elections in East Germany and an end to the communist party's monopoly of power.**
- 2) Open borders between East and West Germany.**
- 3) Reunification of the two German states based on the principle of federalism.**
- 4) Inviolability of Germany's borders with non-German states.**
- 5) Maintenance of West Germany's security ties with the West.**

The U.S. should develop a seven-step plan for reunifying Germany consisting of:

- 1) Consultations with America's European allies, particularly Bonn, about the German Question; George Bush should call a special NATO summit to discuss the future of Germany and Europe.**
- 2) Raising the German Question when Bush meets Mikhail Gorbachev at their Malta summit in December, and warning the Soviet leader not to intervene against reform in East Germany.**
- 3) Calling for free and fair elections in East Germany as a first step toward reunification.**
- 4) Proposing a decentralized German Confederation based on the model of the European Parliament, after East Germany has its free elections.**
- 5) Proposing the creation of a temporary Commission on Inter-German Affairs consisting of representatives from West Germany, a freely elected East German regime, the U.S., France, Britain, and the Soviet Union, to**

negotiate reunification and to monitor free elections in East Germany; this commission would be abolished once the German Confederation's National Assembly convenes.

6) Proposing a German Peace Treaty to settle questions relating to Germany's borders, security arrangements, allied rights, and the status of Berlin, once the Commission on Inter-German Affairs convenes.

7) Calling for elections for an All-German Constituent Assembly to create a common constitution for the German Confederation.

WHAT IS THE GERMAN QUESTION?

The German Question is and always has been how to accommodate the national aspirations of the German-speaking people in Europe without infringing on the legitimate national, political, and security rights and interests of Germany's neighbors. In short, the German Question is: What to do with Germany? For centuries, Europe has wrestled with attempts to answer it.

The Holy Roman Empire. The Germanic King Charlemagne was crowned Emperor of Rome on Christmas Day, 800 A.D., in Rome. His realm, known to history as the Holy Roman Empire, covered most of Europe, from France to western Germany and from Holland to northern Italy. Charlemagne's ascension to the throne signified the transfer of the Roman imperial legacy to the Germanic peoples who had overrun the Roman Empire after the fourth century A.D.

After Charlemagne died in 814, his empire crumbled and no Germanic leader was able to restore it. In the Middle Ages (1000-1400) no Germanic emperor was able to stand up to the Papacy, the powerful city-states of Italy, or even the German nobility. In the 17th century the unity of the Holy Roman Empire was frustrated as well by Catholic France, Protestant Sweden, and Protestant German princes who rebelled against the Catholic Hapsburg emperors in the devastating Thirty Years War (1618-1648).

Bismarck and His Successors. The Holy Roman Empire was formally dissolved by Napoleon in 1806, and eventually was replaced by a decentralized and Austrian-dominated German Confederation that lasted until 1848. The question throughout the 19th century was whether Germany would be unified into a centralized national state by Prussia or by Austria. After military victories over Austria in 1866 and France in 1870-1871, Prussia founded the German Empire in 1871 with its king as the new German Kaiser. This new Germany excluded Austria but included all other German principalities, plus German-speaking territories of what are today Poland and Russia. Its territory was larger than Britain or France; similarly its population of 41 million surpassed the 39 million of France and 31 million of Britain. Overnight, imperial Germany became the largest state of Western and Central Europe, smaller (though probably stronger) only than Russia.

The German Empire's new leader, Chancellor Otto von Bismarck, assured the world that the German Empire was "satiated," meaning that he had no new territorial designs on Europe. He was speaking the truth. Unfortunately for Germany, and the world, Bismarck's successors were not satiated. An expansionist Germany under Kaiser Wilhelm II did much to ignite the First World War. Adolf Hitler's refusal to accept Germany's defeat in 1918 led him to try again at beating Germany's old enemies, only this time by total war.

• **The Post-War German Problem.** The postwar German problem began even before American and Soviet soldiers met on April 27, 1945, at Torgau on the Elbe River in Germany, some 30 miles northeast of Leipzig. The unexpected strength of Hitler's armies in the West had slowed the Allied liberation of Europe and allowed the Red Army to push much deeper in Germany than the Western allies had hoped. Defeated Germany was divided into American, Soviet, British, and French occupation zones. When U.S. Secretary of State James F. Byrnes in 1946 proposed a 25-year disarmament pact for a reunited democratic Germany, Moscow balked. It soon became clear that the Soviet Union, which had set up a communist government in its German occupation zone, would not agree to any plan for German unity that did not reserve power for its communist German allies and submit Germany to Soviet influence.

In response to Soviet attempts to shield the East German zone from Western influence, the U.S. and its European allies helped create the Federal Republic of Germany in 1949. The Federal Republic's constitution claimed that Germans living in the East were entitled to West German citizenship, and as it said in the preamble, that "The entire German people are called upon to achieve in free self-determination the unity and freedom of Germany."²

Two Policy Directions. West Germany's approach to the question of Germany's division has taken two different directions in the post-war period. The first was articulated by Konrad Adenauer, who was the West Germany's first chancellor, serving from 1949 to 1963. He tried to isolate East Germany and integrate the Federal Republic as closely as possible into the NATO Alliance and the European Economic Community.

The second direction was called *Ostpolitik* (Eastern policy) and was pursued by Adenauer's successors, including Christian Democratic Chancellor Kurt Georg Kiesinger, Social Democratic chancellors Willy Brandt and Helmut Schmidt, and the current Christian Democratic leader Helmut Kohl. While they have refused to establish full diplomatic relations with East Germany, Bonn's close relations with East Berlin amounts to tacit recognition. Bonn signed a series of treaties with Moscow and other East European countries, including Poland, in the early 1970s, normalizing

2 Preamble to "Basic Law (Constitution) of the Federal Republic of Germany, Approved by the Parliamentary Council in Bonn, May 8, 1949," U.S. Department of State, *Documents on Germany, 1944-1985*, p. 221.

relations, improving access to Berlin, and reconciling territorial claims. No treaty of official recognition has been signed between Bonn and East Berlin.

U.S. INTERESTS AND ATTITUDES TOWARD THE GERMAN QUESTION

The U.S. officially has supported the reunification of Germany. As early as 1947 Secretary of State George C. Marshall said that "the United States [seeks] a comprehensive settlement which would overcome the present division of Germany."³ On November 4, 1955, France, Britain, the U.S., and West Germany jointly submitted a proposal at a Geneva meeting of the foreign ministers stating that "Free and secret elections shall be held throughout Germany during September 1956, for the selection of representatives for an All-German National Assembly to draft a constitution and to form a government thereunder for a reunified Germany."⁴ George Bush said this September 25, that "If...[reunification] was worked out between the Germanies, I do not think we should view that as bad for Western interests."⁵

America's interests in Europe are intimately tied to the fate of Germany. Europe "from the Atlantic to the Urals," with a population of over 800 million and in control of just about half the world's economic output, is the only global region with the industrial and economic capacity to threaten the U.S. militarily. West Germany plays the key European role in a security system designed to deny control of the continent to the Soviet Union. The question of German unification thus invariably raises questions about the continued viability of the Western security system and European stability.

Adhering to Western Values. Germany played a central role in America's plans to consolidate Western Europe as a balance against the expansion of communism. American leaders in the early post-World War II period believed that European stability could not be achieved with an impoverished and politically uncertain Germany in the heart of Western Europe. As a result, the U.S. supported the establishment of West Germany in 1949, thereby providing political stability in the form of a German state whose constitution promised adherence to Western democratic values and institutions. Then, in 1955, at U.S. urging, NATO invited West Germany to join the alliance and to rearm and assume the bulk of responsibility for NATO's standing front-line defense. By 1962, Germany's 400,000 strong armed forces outnumbered U.S. troops in Europe.

A united but neutral Germany would present serious problems for the U.S. and its West European allies, even if there is an East-West conventional arms

3 *Department of State Bulletin*, December 28, 1947, p. 1247.

4 "Western Proposal for the Reunification of Germany Through Free Elections," November 4, 1955, in *Documents on Germany*, *op. cit.*, p. 471.

5 "Idea of reunifying Germany roars to life, scaring some," *The Washington Times*, September 26, 1989.

reduction agreement. Moscow still would remain Europe's dominant military power. With a non-aligned Germany out of NATO, all of Central Europe would be off limits to the truncated Atlantic Alliance, leaving NATO without logistical support, communications, defensive positions, or even overflight rights east of France and the Low Countries. In such a situation, the U.S. undoubtedly would call home its forces and would have dim prospects of redeploying them in Germany in case of war. The result would be a power vacuum in the heart of Europe which only a large German army could fill.

Germany itself, as a neutral state, would be left without the protection of America's nuclear forces as a deterrent to war, and thus completely vulnerable to Soviet nuclear intimidation. The Germans could try to counter Soviet strategic weapons by developing their own nuclear weapons, but this could prove to be extremely destabilizing.

Creating A Confederation. But if a fully reunified Germany is not in the U.S. interest, a partly unified Germany in which Soviet influence is greatly reduced in East Germany is. The creation of a German Confederation in which West Germany remains in NATO and East Germany becomes either neutral or largely free of Soviet troops would be fully consistent with U.S. interests. Such a confederation would meet an important U.S. strategic objective: the reduction or even elimination of Soviet influence in East Germany. So long as West Germany is anchored in the Western Alliance, it will be an effective counter to Soviet power and therefore a strategic asset to Europe and the U.S. The character of NATO (and the Warsaw Pact) could change as military forces are reduced by international agreement, but West Germany and America would remain natural allies with largely overlapping interests in balancing Soviet military power and expanding Western democratic and economic institutions into Eastern Europe.

SOVIET INTERESTS AND ATTITUDES

Historically the Soviet Union has taken an ambivalent attitude toward the German Question. Though Stalin called for the creation of a neutral German state in 1952, this was widely seen as an attempt to stop the rearmament of West Germany. Since that time the Soviet Union has opposed reunification, backing its East German ally whose very existence depends on the division of Germany. A year ago, for example, during Chancellor Kohl's visit to Moscow, Gorbachev brusquely denied the very existence of the "German Question," insisting that any challenge to the division of Germany would be a "dangerous venture."⁶

This attitude seems to be changing. Eight months later, Gorbachev advisor Valentin Falin told a West German magazine that "the historical fate of the

⁶ *The Wall Street Journal*, October 28, 1988.

Germans is...linked to the division of Europe.”⁷ An influential foreign policy columnist for the Soviet government newspaper *Izvestia* Alexander Bovin, who usually expounds views held by the “reformist” wing of the Soviet leadership, raised the prospect of German reunification in exchange for the dissolution of “blocs” in “a more homogeneous, more European, so to say, Europe.”⁸ The clearest indicator of a change in Moscow’s position toward East Germany, however, came in the Kremlin’s support for reforms in East Germany.

Moscow’s Concerns. The renewed Kremlin interest in the German Question probably is triggered by a couple of key considerations. First, only West Germany can master enough economic resources to help *perestroika* inside the Soviet Union; West Germany is already the Soviet Union’s largest trading partner in the West, and the Kremlin is banking on West German credits to finance Gorbachev’s reforms. It is important, therefore, for Moscow to court Bonn. Second, the surge of unrest in East Germany raises questions about East Germany’s membership in the Warsaw Pact. Moscow wants to keep East Germany in the Pact, but may be willing to let it go if West Germany were to leave NATO.

The fate of the Germanies is therefore closely intertwined with Gorbachev’s two major strategic objectives: successful domestic reform and the disintegration of NATO. He needs West Germany to make *perestroika* work, and for strategic reasons, would like to detach it from NATO.

Given such stakes and Gorbachev’s decisive foreign policy style, it is conceivable that he may abandon the unstable and increasingly costly East German regime in exchange for the dissolution of the two military blocs, the subsequent creation of a reunified neutral Germany in which West Germany is detached from NATO, and a massive influx of German financial aid and technology into the Soviet Union. Until the military blocs are dissolved, however, Gorbachev will permit almost any reform in East Germany (including the fall of the Communist Party) save one: East Germany must not leave the Warsaw Pact unilaterally.

“German Chip.” At some point, however, Gorbachev could be forced to abandon East Germany regardless of what happens to the military blocs. For one thing, if a noncommunist regime survives in Poland, the viability of the strategic link between the Soviet Union and its more than 300,000 troops in East Germany will become increasingly more difficult to maintain. For another, a democratic East Germany could emerge that could ask Moscow to recall its troops without any compensation whatsoever from the West. If so, Gorbachev may be tempted to cash in the German chip while he still has it. The recent tumultuous events in East Germany make such a deal more conceivable, if not more probable.

⁷ *Der Spiegel* (Hamburg), June 5, 1989.

⁸ *Mirovaya Ekonomika Mezhdunarodnye Otnushenia* (Moscow), January 1989, p. 66.

WEST EUROPEAN INTERESTS AND ATTITUDES

No doubt a great deal about West European attitudes toward German reunification can be summed up in a statement shortly after World War II, widely attributed to Britain's Lord David Ismay, NATO's first Secretary General, that the function of NATO is to "keep the Russians out, the Americans in, and the Germans down." Whether apocryphal or not, the statement is privately cited often enough by British officials to suggest that there remains some truth to it, at least from the perspective of Germany's West European World War II enemies.

Yet Britain, France, and other European NATO allies are publicly committed to German reunification in principle. The tension between the sentiments expressed by those citing Ismay and official West European support for German reunification did not present a problem when reunification appeared a distant prospect. But it does now.

Despite its reputation for Germanophobia, France has taken the lead in coming to grips with the reunification issue in Europe.⁹ French President Francois Mitterrand last week called the German desire for reunification "legitimate" if achieved through "peaceful and democratic" means, and added that he is "not afraid" of a united Germany.¹⁰ Despite obvious fears about the economic might of a united Germany, and latent fears about German territorial claims and revived militarism, there is concern in France, evident in Mitterrand's comments, that a French and Western failure to support unification could push Germany toward the East and toward compromise with Moscow to bring an end to its divided status.¹¹

Pragmatic French, Ambivalent British. For some time, Mitterrand has demonstrated a pragmatic strategy of preparing for the prospect of unification by strengthening West Germany's ties to Western Europe through the European Community and to a lesser extent through increased Franco-German defense cooperation.

While recent attention to the issue has sparked much discussion in the British press on reunification prospects, no clear government policy toward the issue has emerged in London as it has in Paris. Beyond ritualistic support

9 See, for example, Enno von Loewenstern, "France's Germanophobia Cannot Block Reunification," *The Wall Street Journal*, October 8, 1989.

10 Robert J. McCartney, "Mitterrand Is Not Afraid of United Germany," *The Washington Post*, November 4, 1989, p. 18.

11 Mitterrand expressed this concern earlier this year. See, "Mitterrand on FRG 'Drifting Away From' West," Hamburg DPA, July 26, 1989; *FBIS Western Europe*, July 28, 1989, p. 11.

for unification, British government attitudes, far more than in France, tend still to be marked by careful ambivalence and denial. Both were evidenced in statements this fall by Foreign Office Minister of State William Waldegrave, who made clear Britain's interest in ending the division of Europe, but hedged when it came to Germany. "Why should we not see two or three German-speaking states with different types of economy?" he asked, adding that reunification seems "an issue more of the past fifty years than of the next fifty years."¹² Responding to a reporter's question about German reunification, Prime Minister Margaret Thatcher implied on November 11 that such thinking was premature, saying that the reporter was moving "too fast" with such speculations.¹³

EAST EUROPEAN INTERESTS AND ATTITUDES

The prospect of German reunification understandably brings out ambivalence in Eastern Europe. West Germany is admired for its post-World War II achievements and courted for its economic favors, particularly by Poland and Hungary. At the same time, German atrocities are not forgotten. The possible revival of the long dormant German political and military power unsettles many throughout the region.

West Germany's ties to Eastern Europe far exceed those of any Western state, as a result of geography, historical connections, and conscious policy. Bonn's *Ostpolitik*, the policy of increasing German political, economic, and other ties to the governments and peoples of Eastern Europe, was begun in the 1960s by the "Grand Coalition" government of Kurt Georg Kiesinger and continued by his successors, Christian Democrats and Social Democrats alike.

Traditionally Germany has been the dominant economic power in Eastern Europe and likely will remain so. Its trade with and investment in these countries vastly outweighs that of any other Western state. Example: West German trade with Poland last year totaled \$1.5 billion, compared to \$800 million between Britain and Poland and \$715 million between the U.S. and Poland. Some countries in Eastern Europe, such as Hungary, welcome West German investment, seeing themselves as economic partners in developing markets in the East, and are unconcerned about German reunification.

Territorial Rearrangements. This good will toward Germany, however, is not shared by everyone in Eastern Europe. Despite the postwar democratization of West Germany and its record of four decades as a good European citizen, some East Europeans understandably are nervous at the prospect of facing an ever stronger and possibly reunified Germany cut off

12 "Waldegrave Backs Support for East European Reform," *The Independent*, August 26, 1989, *FBIS Western Europe*, September 7, 1989, Annex, p. 1.

13 See John G. Roos, "Europeans Trust U.S. Conventional Shield," *Armed Forces Journal*, September, 1989, p. 24. Britain's confidence in allies: U.S. (78 percent), West Germany (51 percent), France (44 percent). French rankings: U.S. (71 percent), Britain (67 percent), West Germany (60 percent).

from West. Most concerned is Poland, which, as a result of postwar territorial rearrangements, now includes significant areas of former German lands within its borders. When Poland was forced to cede the Western Ukraine and parts of Byelorussia to the Soviet Union in the West, it was compensated in the West by huge chunks of defeated Germany. Poland received most of the captured German territory east of the Oder and Western Neisse rivers, including such provinces as Silesia, East Prussia, and parts of Pomerania and such cities as Szczecin and Wroclaw, which once were known by their German names as Stettin and Breslau. Some West German politicians believe that these lands should be returned to a reunited Germany.

Seeking A Counterweight. Bonn repeatedly has said that it has no designs on these territories, but no statement on the part of West Germany, however heartfelt, will or should reassure the Poles completely. The 1970 treaty normalizing relations between West Germany and Poland states that both countries "reaffirm the inviolability of their existing frontiers now and in the future and undertake to respect each other's territorial integrity without restriction."¹⁴ But the West German government also has said that it cannot speak for a future reunited Germany that many want to change the borders with Poland.

Because of these concerns, East Europeans may seek a counterweight to German influence in the West, but none of the available candidates — France, Britain, or the U.S. — is likely to be able to substitute for Germany's involvement. As a result, notwithstanding Hungary's rather benign attitude toward German reunification, most East Europeans will remain uncertain and uncommitted on the German Question.

A U.S. PLAN FOR REUNIFYING GERMANY

If West Germany is not to be lost to the Atlantic Community and its system of collective security, it is essential for American strategy in Europe to be consistent with a conception of Germany's future that is attractive to Germans, East and West. In practice this means that Washington should offer a practical alternative to a reunified but neutral German state completely cut off from security ties in the West. Washington should support a solution to German reunification between the extremes of complete division and full reunification. Washington should devise a tangible plan for German unity that not only allows for closer political and economic association of the two German states, but protects the rights of other Europeans and the security interests of the West.

The specific aims of U.S. policy on German reunification should be to reduce as much as possible Soviet military presence in East Germany, to

¹⁴ "Treaty Between the Federal Republic of Germany and Poland Concerning the Basis for Normalizing Their Mutual Relations, signed at Warsaw, December 7, 1970," in *Documents on Germany*, *op. cit.*, p. 1126.

retain American security ties with West Germany, and to encourage the expansion of West German democratic and free market institutions into East Germany.

Several events would have to precede the reunification of Germany. The German Democratic Republic of Germany would have to be transformed radically before the process of reunification began. The communist system and its present rulers in East Germany would have to go. This likely would have to be accompanied by the withdrawal of Soviet forces from East Germany, or at least drastic reductions, possibly as the result of a conventional arms control agreement between NATO and the Warsaw Pact.

For the Soviets to acquiesce to German reunification, the military blocs in Europe would have to be dissolved first, or Moscow would have to change its current position against reunification. The U.S. should oppose dissolution of the military blocs. If East Germany becomes a full-fledged democracy, Moscow may have no choice but to let it go without getting West Germany out of NATO.

U.S. Guiding Principles for German Reunification

Regardless of what the Soviets do, American policy toward the question of German reunification should be guided by a set of principles. They are:

◆ ◆ Free and fair elections in East Germany.

The U.S. should support free and fair elections in East Germany. The Western Allies are explicitly committed in Article 7, paragraph 2 of the 1954 Treaty with the Federal Republic of Germany "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."¹⁵ This democratic constitution for a greater Germany could be formed only if the people in East Germany could elect representatives freely to a Constituent Assembly.

◆ ◆ Open borders between East and West Germany.

A reunified Germany could not exist without open borders, much like exist today between West Germany and Austria. The events of the past week indicate that this process already has begun.

◆ ◆ Federalism.

East Germany could be loosely associated with West Germany in a decentralized German Confederation, rather than in a highly centralized nation state. The National Assembly set up to govern the confederation could coordinate political and economic affairs between the two German states,

¹⁵"Convention on Relations Between the Three Powers and the Federal Republic of Germany, May 26, 1952, As Amended by Schedule I of the Protocol on Termination of the Occupation Regime in Germany, signed at Paris, October 23, 1954," in *Documents on Germany, op. cit.*, p. 428.

and even administer some things, such as the post office and transportation; remaining separate would be the foreign and defense ministries.

A confederated Germany has deep historical roots. Notwithstanding Bismarck and Hitler, German history is marked more by regionalism than by centralism. The regional ties of Bavarians, Hamburgers, Rhinelanders, Prussians, and others probably are stronger than an emotional commitment to a greater Germany. Germany, moreover, has a long history of confederations upon which it can draw, starting with the German Confederation of 1815 and the North German Confederation of 1866. And there is the long tradition of the Holy Roman Empire, in which separate principalities carried on independent foreign policies while remaining politically associated with one another in the Imperial Diet.

◆ ◆ **Inviolability of German borders with non-German states.**

The U.S. and both Germanies have signed the 1975 Helsinki Accords which requires all participants to respect the "territorial integrity" of all countries in Europe.¹⁶ Bonn's 1970 Treaty normalizing relations with Poland also commits West Germany to the inviolability of their existing frontiers. These documents prevent the U.S. and Bonn from legally pressing for the return to Germany of its territories lost to Poland after World War II. Since there is so far no great desire in either of the two German states for a return of these territories, the border question at this time should not be a major obstacle to German reunification.

◆ ◆ **Maintaining West Germany's security ties with the West.**

Some form of Western military alliance is needed in Europe to protect American and West European security. Regardless of whether Soviet forces leave Central Europe, the Soviet Union could still pose a potential threat to Western Europe. A Western military alliance requires the participation of West Germany. NATO still provides the best security framework for Western Germany, but the character of NATO could change if forces in Europe are drastically reduced. Thus, German reunification should not come at the expense of West Germany's membership in NATO.

◆ ◆ **Creating an All-German Confederation.**

The aim of U.S. policy should be to create a decentralized German confederation based on the model of the Common Market's European Parliament. Like this political assembly headquartered in Brussels and Strasbourg which represents essentially sovereign states, the two German states could be associated loosely with one another politically and economically, but would retain certain rights, obligations, and institutions separately, particularly with respect to security arrangements.

¹⁶ "Conference on Security and Cooperation in Europe: Final Act," *Department of State Bulletin*, September 1, 1975, p. 324.

This German Confederation would consist of the territories currently comprising West and East Germany. The German Confederation would be fully democratic with free elections in the East and open borders between West Germany and what is today East Germany.

Common Rights. East and West Germans could retain their citizenship in their respective parent states and would have certain rights common to all Germans, such as voting for a German National Assembly representing all Germans as the European Parliament represents all West Europeans whose nations are members. The National Assembly could hold its sessions in the old German *Reichstag* building in Berlin, while West Germany and East Germany would hold their regional parliaments respectively in the West German Parliament House (*Bundeshaus*) in Bonn and in what is today called the People's Chamber (*Volkskammer*) in East Berlin. The Confederation's National Assembly could have a symbolic president and could send observers to the United Nations, as the European Community does, while Bonn and East Berlin maintain separate permanent representatives at the U.N. All domestic and inter-German policies could be coordinated by the Assembly and its appointed officers, and some, like environmental affairs, transport, and post services, actually managed jointly. It can be safely assumed that with open borders and free elections, East Germany would evolve a democratic and free market system.

Foreign and defense policies would still be controlled separately by Bonn and East Berlin. West Germany would remain a member of NATO, while East Germany could become a neutral zone with all Soviet troops withdrawn according to a timetable established by East-West agreement; or if East Germany remains in the Warsaw Pact, it could host a token contingent of Soviet forces. If as the result of international negotiations East Germany were to become neutral, it would have to pledge not to join NATO, and not to station its troops on West German soil. This would likely be necessary to reassure the Soviets that East Germany would never join a military alliance against them. By the same token, West Germany would pledge not to join the Warsaw Pact, and not to station West German or NATO troops on East German soil. East Germany's neutral status could be guaranteed by international agreement signed by the two German states and the four Allied Powers of World War II, the U.S., U.S.S.R., France, and Britain. This agreement would allow East Germany to retain a defense force, but bar it from merging the force with the West German army.

Security Arrangements. Keeping the security arrangements and the defense forces of the two Germanies separate is probably the only way to get a negotiated agreement acceptable to all parties. For one thing, the Soviet Union understandably would never agree to a united Germany, with a single army, allied militarily to the West. For another, the emergence of a united Germany as the supreme military power in Europe would upset the balance of power.

These security arrangements would have to be negotiated between the two German states and the four Allied Powers of World War II, but legally they

ultimately should be decided and announced by Bonn and East Berlin, and ratified by the German Confederation's National Assembly once it is legally convened. The 1955 Austrian State Treaty provides guidance in this respect. Austrian neutrality is not discussed in the Treaty, but was a unilateral declaration made by the Austrians themselves. Though it was understood that neutrality was a precondition for the withdrawal of Soviet troops from Austria, Vienna announced its neutrality on its own.

Growing Support. Such would be the case with the German decision on security arrangements for the two halves of the Confederation. Both German states would recognize the restrictions on the sovereignty of the German Confederation in foreign and defense policy (specifically the neutrality of the Eastern zone, if that course should be taken, and the prohibition on unification of foreign and defense ministries and armies) as the price for greater political and economic unity, free and fair elections in East Germany, open borders, the withdrawal or deep reductions of Soviet troops in East Germany, and the freedom to develop all of Germany politically and economically as Germans see fit.

There is growing support in West Germany for some form of an All-German Confederation. West German Foreign Minister Hans-Dietrich Genscher endorses the idea, stating in an interview in the September 25, 1989, issue of the West German magazine *Der Spiegel* that "We should bring together the approaching European federalism with our German federalism. A European federalism and a German federalism, if they could cover the same ground, [would] open new forms of co-existence. [...] Why shouldn't there be room within a federal Europe for a German federalism that includes all Germans?"¹⁷

A Seven-Step Plan for Reunifying Germany

Reunifying Germany would be extraordinarily difficult. The German Question is highly sensitive and bound up not only with the East-West conflict, but with ancient historical enmities and prejudices that predate the Cold War.

Washington, however, cannot let the problem's difficulty lead to passivity. The breathtaking speed of changes in East Germany alone makes it clear that American policymakers no longer can ignore the question of German reunification. If they do, they risk being outflanked by Gorbachev. He soon may make some bold proposal on the future of Germany and Europe that puts the U.S. and the West on the defensive. It is thus essential that Washington have a concrete plan very soon for German reunification, on terms favorable to the West.

¹⁷"Genscher on Europe and German Reunification," *Statements and Speeches*, German Information Center, New York, N.Y., October 3, 1989.

To encourage the reunification of Germany and protect Western interests, the U.S. should:

1) Consult with European allies, particularly Bonn, about the German Question.

Given the enormous sensitivities involved, the U.S. needs first to approach West Germany and its other West European allies about their views on German reunification. The main objective of such discussions would be to get the German Question on the U.S.-West European agenda and to reassure all allies that the U.S. does not plan to compromise West European security with precipitous plans for German reunification. Bush should call a NATO summit soon after the Bush-Gorbachev summit in December to discuss developments in Europe and Germany. Given the importance of the U.S. to NATO, and its special role in Berlin, America should be included in all deliberations on the future of Europe.

2) Raise the German Question with Gorbachev at summits.

Following consultation with America's NATO allies, Bush should approach Gorbachev in their December summit and again in their more formal summit next spring about the question of German reunification. The main purpose of such discussions would be to exchange views and to determine Gorbachev's opinion about allowing East Germany to go its own way. Above all, Gorbachev should be warned that interference in East Germany would jeopardize his relations with the U.S.

3) Call for free elections in East Germany.

The process of reunification cannot begin seriously until East Germans can express themselves in free and democratic elections. Only then will the East Germans get a regime willing to discuss the prospect of reunification.

4) Propose a decentralized German Confederation, based on the model of the European Parliament, after East Germany has its free elections.

5) Call for the creation of a temporary All-German Commission on Inter-German Affairs.

If a reformist regime emerges in East Germany, the U.S. should propose the creation of an All-German Commission on Inter-German Affairs, modeled on the European Parliament and comprised of an upper chamber with official representatives from West Germany, East Germany, and the four Allied Powers of World War II and a lower chamber with elected officials from West and East Germany. The Soviets proposed an All-German Council similar to this on November 2, 1955, but that differed from this proposal in that the four Allied Powers were not to be represented and armaments were to be discussed. Two days later, on November 4, 1955, the foreign ministers of France, Britain, and the U.S. submitted a proposal for the reunification of Germany in which a commission was to be established to prepare for elections throughout all of Germany. These elections were to

lead to an All-German National Assembly "to draft a constitution and to form a government thereunder for a reunified Germany."¹⁸

The new proposed All-German Commission would differ from the U.S. and Soviet-proposed commissions of 1955. The new commission's purpose would be to begin discussions on calling an All-German Constituent Assembly to write a constitution, manage inner-German affairs in the transition toward a new Confederation, and monitor free elections in East Germany, and for the upper chamber to serve as a negotiating forum for the creation of the new German Confederation. It also could be used as a forum to negotiate a German Peace Treaty between Germany and the victorious Allied powers of World War II. Once the Commission has completed its work, it should be disbanded.

6) Begin negotiations of a German Peace Treaty.

A German Peace Treaty should be negotiated in the upper chamber of the All-German Commission. These negotiations should begin once the National Assembly of the German Confederation has been convened. Negotiators would be West Germany, a democratically elected regime in East Germany, the U.S., the U.S.S.R., France, and Britain. The Treaty would declare that Germany's current borders are fixed permanently, settle security arrangements, establish procedures for the allies to yield their rights in Berlin, and establish the place of the German Confederation and its two major parts in the international community. It would be signed by the four Allied Powers, Bonn, and a democratic East Berlin. Once the German Confederation is set up and has a constitution, its National Assembly would ratify the Peace Treaty on behalf of all Germans.

7) Call for elections for an All-German Constituent Assembly.

Once the conditions for free and fair elections exist in East Germany, and once the All-German Commission has been established to monitor elections, Washington should propose elections for an All-German Constituent Assembly to write a constitution for the German Confederation. Once the Assembly has completed this, it can call for the elections of the Confederation's first National Assembly which can ratify a German Peace Treaty negotiated in the All-German Commission for Inter-German Affairs.

CONCLUSION

The question of German reunification can no longer be ignored by Western governments. The exodus of East Germans to the West and the escalating crisis in the communist government in East Germany show that the German Question grows in importance daily. Pretending, as some Western policy

¹⁸"Western Proposal for the Reunification of Germany Through Free Elections," November 4, 1955, in *Documents on Germany*, *op. cit.*, p. 471.

makers do, that German reunification is unimportant or does not require immediate action is short-sighted. Soviet leader Mikhail Gorbachev could be considering a proposal to withdraw all foreign troops from both Germanies, effectively promising the Germans reunification only if U.S. and other allied forces leave West Germany. This would destroy NATO. It also would put the U.S. on the defensive because it could be welcomed by East Germans and by many West Germans too.

Pre-Emptying Gorbachev. The U.S. cannot afford to be surprised by a bold Gorbachev proposal on something as important as the future of Germany. The U.S. needs a plan of its own that not only satisfies the national aspirations of Germans, but protects the security interests of the U.S. and other allied countries in Europe.

This solution to the German problem should be a compromise between the two extremes: complete division and full reunification. Complete division surely is unacceptable to Germans. Full reunification with West Germany outside NATO certainly is unacceptable to the U.S., Europe, and the Soviet Union.

The U.S. should propose the creation of a German Confederation modeled on the European Parliament and consisting of the territories of West and East Germany. West Germany should remain in NATO, while East Germany has two choices: one is to become a neutral zone within the German Confederation in which all Soviet troops are withdrawn; the other is to remain in the Warsaw Pact, allowing a token Soviet troop contingent on its soil. If the Soviets cut their forces in East Germany, U.S. force levels in West Germany also would be greatly reduced, perhaps to token levels.

With open borders to the West, democratic institutions and free markets and close political ties with West Germany within the German Confederation, East Germany could evolve over time a Western-style political and economic system much like that of West Germany and Austria.

Spreading Western Values. This solution to the German Question clearly would be in the interests of America and the West. It not only would preserve the basic structure of NATO, but it would serve as a wedge spreading the democratic and economic values of the Atlantic Community into Eastern Europe. An economically strong and democratic German Confederation could be a political and economic vanguard in Eastern Europe, developing ties with Hungary, Poland, and other emerging East European democracies that badly need Western assistance.

This approach may impose some restrictions on the sovereignty of Germany as a whole, but no more so than exist for Austria, which endures some minor limitations on its defense policies under the 1955 Austrian State Treaty. Such limitations would be a small price to pay for the advent of democracy in East Germany, the opening of borders between East and West Germany, and the withdrawal of Soviet forces from East Germany. Like Austria, all of Germany in effect would become part of the West, notwithstanding restrictions on security arrangements.

Paving The Way. Ultimately German reunification depends on actions taken in the Soviet Union and East Germany. Washington, however, should develop a step-by-step plan to reunify Germany on terms favorable to the West. The U.S. should consult with West Germany and its other European allies about the question of reunification, and call a NATO summit as soon as it can be arranged. George Bush should approach Mikhail Gorbachev to exchange views on Germany and to warn him against interfering in East Germany. The U.S. also should call for the creation of an All-German Commission on Inter-German Affairs to begin paving the way for negotiations on reunification and to begin preparing plans for the U.S. position in negotiations with the Germanies and the World War II Allies on a German Peace Treaty.

The face of Europe is changing. At the heart of Europe is Germany. Developing a long-term plan for Germany will be necessary if Washington wishes to play a role in shaping this new Europe.

Unique American Role. U.S. leadership thus is badly needed. No other NATO country can represent all Western interests in devising a plan for the reunification of Germany. Not Britain, which is distrustful of reunification. Not France, which often strives to supplant the U.S. in Europe. Only America has the influence, prestige, and power to lead on this vital question.

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