

# Opportunities Missed by Gorbachev at the End of the Cold War

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The goal of this paper is not to propose an alternative history that could have been, but to explore opportunities missed by Gorbachev in the brief period entailing the collapse of the Berlin Wall and German reunification. The proposal is that Gorbachev's lack of action and understanding contributed to outcomes contrary to Russian interests that could have been very different if other cards, that ought to have been obvious, had been played. As such, we can see the practical applications of history as an instructor of statecraft by understanding the nature of power and opportunity.

## The Idea of European Integration

*Glasnost* and *perestroika*, formulated to save a Russia in decline, could also appeal to the ideal of Russian integration with Europe. These policies were linked with the German question since Soviet separation was grounded – ideologically, politically, strategically and economically – in the geography resultant from World War II. The idea of integration actually precedes Gorbachev's policies and, because of the liberalizing qualities of the latter, might have been articulated more openly as a reintegration that could bring Russia more in line with the social political values animating Western Europe, renewing the relationship shared prior to the Russian Revolution. The history of this idea shall be briefly explored to demonstrate its evolution and usefulness.

Speaking in London on December 18, 1984, Gorbachev described Europe as a common home on a shared planet, shunning the image of a military theater. In 1972 Andrei Gromyko employed a similar appeal in discussions with French President Pompidou concerning the creation of the Conference on Security and Cooperation in Europe (CSCE). The idea was also mentioned by Brezhnev in 1981 at a dinner speech addressing public opinion.<sup>1</sup> Its earlier implementation seems consistent with the view that it originated as a propaganda maneuver. Before Gorbachev, Soviet strategy included attempts to split NATO by deterring the hearts and minds of Western Europeans – both politicians and civilians – from

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<sup>1</sup> Marie-Pierre Rey, "Europe is Our Common Home: A Study of Gorbachev's Diplomatic Concept," *Cold War History* 4 (2004): 34.

the U.S.<sup>2</sup> It may have served this purpose for Gorbachev as well, placing Soviet *rapprochement* within a wider vision and flattering Europe culturally by contrasting ties of civilization with those of alliance and security.<sup>3</sup> Rey notes that it also sent a message to the Americans that they would pursue certain issues, such as disarmament, without them if needs be. In 1985, for example, Gorbachev made an offer to Mitterrand to negotiate the presence of nuclear weapons in Europe, seeking allies against the contentious Pershing missile policy advocated by Kohl and Reagan.<sup>4</sup> It is in more concrete applications such as this, however, that we also see the idea shifting from a rhetorical ploy to a genuine potential goal. It also demonstrates that while the appeal was in terms of civilization, its own true motive was very similar to that of the Americans.

As such, Gorbachev's policies and the idea of European integration had an inevitable dimension of security and economics. At the Twenty-Seventh Congress of the Communist Party of the Soviet Union (CPSU), in February of 1986, the Secretary emphasized the universal fear of nuclear destruction, humanity's interdependence and non-ideological international relations. In order to coexist peacefully, it was argued, US and Soviet strategic thinking should be held together by cooperation, mutual security and reasonable sufficiency.<sup>5</sup> European integration would see NATO and the Warsaw Pact dissolve and a strengthened CSCE, along with the United Nations, would assume responsibility for international security concerns. The CSCE's human rights dimension had been seen as an irritant by previous Soviet Leaders who had, consequently, ignored it. Gorbachev, however, immediately included it as part of his cause in the international realm, sending Shevardnadze, on his first foreign mission, to take part in the CSCE Vienna conference. Here Shevardnadze made the unprecedented motion that a subsequent meeting – concerning the humanitarian component of security – should be held in Moscow. The Institute of Europe was created in the USSR Academy of Science in early 1988 in order to shift Moscow's intellectual focus to the concept of a common European home.<sup>6</sup> Savranskaya notes that in his pursuit of these aims Gorbachev became less tactical (we might read less critical as well) as he gained a deeper understanding and appreciation of the West.<sup>7</sup>

The architecture of the common European home, assuming the borders confirmed in 1975 (with special emphasis on Oder-Neisse) was described using an image of a four-tiered structure. Level one assumed collective security,

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2 Svetlana Savranskaya, "The Logic of 1989: The Soviet Peaceful Withdrawal from Eastern Europe," in *Masterpieces of History: The Peaceful End of the Cold War in Europe, 1989*, ed. Svetlana Savranskaya *et al.* (Budapest: Central European University Press, 2010), 18.

3 Rey, 35-6.

4 *Ibid.*, 36.

5 *Ibid.* 37.

6 Savranskaya, "The Logic of 1989," 20.

7 *Ibid.*, 19.

including nuclear, chemical and conventional disarmament. Level two proposed peaceful resolution of conflicts while the top levels, designed to foster a “European cultural community,” related to pan-European cooperation on trade and economic policies.<sup>8</sup> In 1988 the Soviet stance shifted from insisting on the dissolution of alliances to envisioning their transformation into political organizations. The Common Declaration was established in June of 1988 whereby the European Community (EC) and COMECON came to a commercial and economic agreement while Gorbachev, motivated by growing desperation over the Soviet economic situation, called for an integration that would see existing economic structures united, assuming the continuation of Central European reformed socialist democracy.<sup>9</sup> By this point, however, the only person giving integration serious consideration in Western Europe, according to Rey, was Mitterrand. He contests that Genscher had paid attention from '86 to '87 primarily out of its “perceived usefulness” in raising the German question.<sup>10</sup>

It was in response to the warm reception of his 1989 UN speech, but also concern over the pause in Washington following Bush's ascent to power (discussed further below), that Gorbachev sought to move forward with a speech in Strasbourg, announcing a European vision but also a process to obtain it.<sup>11</sup> Delivered on July 6, 1989 it articulated collective security based on the assumption of restraint instead of deterrence, full economic integration, environmental protection and human rights. International interests, instead of forces, were to be balanced with one another. Two weeks prior to the fall of the Berlin Wall, Gorbachev made a proposal to Mauno Koivisto, the president of Finland that the 35 CSCE states should meet to discuss the opening possibilities of European security and cooperation. Yakovlev, in discussion with Brzezinski, predicted a common parliament for Europe, common trade affairs and trade relations with open borders.<sup>12</sup> Georgy Shakhnazarov sent a memo to Gorbachev on October 14 1989 stating that Moscow's acceptance of the Eastern Europe revolutions combined with Soviet withdrawal would contribute to these ultimate aims. Prior to these developments on the ground, Chernyaev portrays Eastern Europe akin to a sideshow in Gorbachev's mind.<sup>13</sup>

### **Eastern Europe, The German Question and Breshnev's Repeal**

One of the major impediments to change in the Warsaw Treaty was the rulers of

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8 Rey, 39.

9 *Ibid.*, 40.

10 *Ibid.*, 51.

11 Savranskaya, “The Logic of 1989,” 20.

12 *Ibid.*, 21.

13 *Ibid.*, 22.

the other Warsaw Treaty countries themselves. While Gorbachev gave the impression that the other countries were free to do as they pleased, their own interests were not necessarily understood in terms of Gorbachevian political values. At the same time Gorbachev had largely foresworn the use of force, hobbling himself from taking a more assertive, even aggressive role in the restructuring and ideological orientation of the Treaty members. At least some members of his cabinet, residing in the Conservative branches, seemed to have a sense of the unintentional consequences of Gorbachev's policies.

In February of 1989 a document shows that the International Department, headed by Valentin Falin, produced a strategy for dealing with other socialist European countries. Falin argued, notably, that altering traditional relations between the Soviet Union and Warsaw Treaty Organization (WTO) had left a void and that the restructuring of international relations in terms of a “balance of interests” had left the impression that friends were being abandoned and socialist priorities replaced.<sup>14</sup> The region is cast in uncertainty with activists in both the Hungarian Socialist Worker's Party and the Polish United Worker's Party ready to use force in the event of rapid deterioration. Concerns extending back to 1968 prevented the Czechoslovakian leadership from taking a solid stance on *perestroika*, preferring to employ administrative measures against the opposition, pursue economic change, and stall political change. Bulgaria is characterized as a “simulation” of *perestroika*, combining continuous internal reorganization with tightening of the system, ultimately undermining the party, socialism and *perestroika*.<sup>15</sup> Particular fear is expressed for the GDR, where “special problems” might arise, on account of its ideological, as opposed to national, foundation. Romania appears the most static, dominated by Ceausescu and his attempts to isolate his country from Russian influence and donning the mantle of “pure” socialism. Yugoslavia, locked in political and economic crisis, could potentially split from the federation.<sup>16</sup> European socialist countries, having and continuing to act as a security buffer for the home of socialism, ought to be prioritized.<sup>17</sup>

Authoritarian methods of interference were foresworn in this document except in the event of “direct and clear armed interference by external forces in the internal developments of a socialist country,” limiting means of leverage to political and economic connections.<sup>18</sup> One means of continuing to hold economic

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14 Svetlana Savranskaya et al. ed., “Document No. 41: Memorandum from CC CPSU International Department, 'On a Strategy for Relations with the European Socialist Countries, February 1989,'” in *Masterpieces of History: The Peaceful End of the Cold War In Europe, 1989* (Budapest: Central European University Press, 2010), 354.

15 *Ibid.*, 355-6.

16 *Ibid.*, 356.

17 *Ibid.*, 357.

18 *Ibid.*

influence over the socialist countries – in light of diminished Soviet ability to provide goods, particularly oil – was a coordinated conversion of the military economy and a common approach to resolving problems of foreign debt. The most critical point was that these countries be incorporated as socialist commonwealths into global economic relations.<sup>19</sup> Structures for political pluralism (akin to coalitions or parliaments) as well as the legalization of opposition ought to be formulated with Soviets leading the process, not leaving things up to opposition forces. The implicit danger was that opposition forces could “unite on a negative, destructive platform all kinds of forces and movements in the society,” destabilizing the region in Soviet terms.<sup>20</sup>

The signing of the Joint Declaration on June 13<sup>th</sup>, 1989 established an agreed upon framework – assigning priority to international law both domestically and internationally as well as to the dignity and rights of individuals – to overcome the division of Europe. The outcome sought, by this point, was peace in a common European house with room for the United States and Canada. Military superiority, as a goal, was rejected and the CSCE would provide a structure for activities directed toward these outcomes.<sup>21</sup> At this meeting Shevardnadze stated that “a major discussion on the European Continent's future,” would, “take place shortly,” reassuring Kohl that international structures would be maintained as their dismantlement was unrealistic and dangerous.<sup>22</sup>

During this meeting Shevardnadze also asserted the importance of the negotiations in Vienna, concerning confidence building measures, between NATO and Warsaw Pact nations.<sup>23</sup> These negotiations should be noted as they show a precedent, as Shevardnadze illustrates, that the Soviets could have adamantly referred to as a successful means of resolving issues of security and self-determination. Concluding in January of 1989 these agreements, according to Shevardnadze, were “a major step in the development of the common European process,” described in terms consistent with the Conference on Security and Cooperation in Europe, but also *perestroika*. Following Vienna, a number of multilateral meetings were held – addressing information policy and ideology amongst other subjects – and negotiations concerning troop reduction. Meetings between leaders of the European Economic Community, the European Parliament and NATO led Shevardnadze to conclude that a unified European economic and legal zone, along with the integration of existing security structures, were realistic

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19 *Ibid.*, 358.

20 *Ibid.*, 360.

21 Hans-Dietrich Genscher, *Rebuilding a House Divided: A Memoir by the Architect of Germany's Reunification*, trans. Thomas Thornton (New York: Broadway Books, 1998), 265-6.

22 *Ibid.*, 267.

23 *Ibid.*

goals.<sup>24</sup>

The process of relaxation between the USSR and the United States, along with the precedents established with Ronald Reagan, came into question with the arrival of George Bush in the White House. In his analysis of the collapse of the Soviet Union, American Ambassador Jack Matlock notes that Bush not only sought to leave his own stamp on foreign policy,<sup>25</sup> but that he also had to contend with the fact that he was distrusted by the right wing of the Republican Party, something Reagan had never experienced. This forced him to “play the tough guy,” on occasion, to mitigate hardline criticism. Gorbachev stressed to both Reagan and Bush, at a meeting on Governor's Island in December of 1988, that there should be a continuity of relations between administrations. The nature of the criticism faced by Bush was a distrust of Gorbachev's sincerity, seeing it as a ruse to build up Soviet military strength and weaken the US. For this reason Matlock sought to warn Gorbachev to expect hardline, demanding rhetoric and a “slowing of momentum.”<sup>26</sup> The message was passed through Alexander Bessmertnykh, a principal deputy of Shevardnadze in the Foreign Ministry whose career had mostly been in Washington. Matlock emphasized, in a meeting with the deputy, that despite Bush's apparent change in White House policy he nevertheless wanted “constructive negotiations” and to foster “closer relations” once criticism from his opponents had been diffused. Despite his best efforts, this short period has still become known as “the pause” within Soviet circles. During this time – due to Soviet inquiries consistently meeting with silence or new demands – Soviet skeptics and critics of American sincerity and fair dealing (like KGB Chief Kryuchkov) likewise pressed Gorbachev on his policies.<sup>27</sup>

Bush's arrival also created a new pathway to American policy formation, in the form of Henry Kissinger that Gorbachev was aware of. Alexander Yakovlev met with the former Secretary on January 16, 1989.<sup>28</sup> Kissinger offered the Soviets a plan to build stable relations in Europe between the two superpowers based, mutually, in long-term interests. He offered an argument that Soviet withdrawal from Afghanistan, Angola and Nicaragua, while positive, could lead to unpredictability and that; likewise, restructuring of the military balance in Europe could as well. Because of this unpredictability, Bush would be willing to work to mitigate political explosions in favor of political evolution (as opposed to

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24 Eduard Shevardnadze, *The Future Belongs to Freedom*, trans. Catherine A. Fitzpatrick (London: Sinclair-Stevenson Ltd., 1991), 129.

25 Jack F. Matlock Jr., *Autopsy on an Empire: The American Ambassador's Account of the Collapse of the Soviet Union* (New York: Random House, 1995), 182.

26 *Ibid.*, 183.

27 *Ibid.*, 184.

28 Svetlana Savrankaya et al. ed., “Document No. 36: Record of Conversation Between Aleksandr Yakovlev and Henry Kissinger, January 16, 1989,” in *Masterpieces of History: The Peaceful End of the Cold War In Europe, 1989* (Budapest: Central European University Press, 2010), 341.

rapid transformation). A significant American fear was that potential future Soviet military involvement in Europe—particularly after the reduction of conventional armaments, the abolition of nuclear weapons and the elimination of the perception of the USSR as an enemy – would result in German nationalism and resentment against the American establishment (including by their own citizens).<sup>29</sup> While this was only speculation it was based in genuine high-level fear that might have been exploited more openly and concretely by Gorbachev. The reality of this option existed until March of 1989 when Baker leaked the approach as a superpower initiative that would reenact Yalta.<sup>30</sup> Had the Soviets pursued this program they might have expanded its appeal to other nations, articulating it in rhetoric more consistent with the idea of a unified Europe by incorporating the entire continent into the resolution of Europe's division.

Mikhail Gorbachev, along with his ministers and assistants, emphasize in their writings that Soviet domination in Central and Eastern Europe had failed by the mid-1980s. With airs of apparent resignation communist allies refusing or incapable of change are cited as a major obstruction to the success of *perestroika* and *glasnost*. Moreover, during the various revolutions of the late eighties they emphatically claim anti-interventionism and non-involvement were the only logical approaches, given their own reformist strategies. These were designed to move beyond the Cold War and to integrate – culturally, politically and economically – with Europe.<sup>31</sup> Yet some facts of this period demonstrate that the Soviets, as a whole, may have been overly hasty. A carefully restrained use of force, or even the threat thereof, combined with greater intervention and implementation of Gorbachev's new thinking in the Eastern European countries, might have enabled the application of brakes to the various negotiations of this time as well as greater influence in the choice of their direction and outcome.

While the desire to avoid an Afghanistan in Central Europe may have been a motivating factor, this apparent fear overlooks the fact the USSR's relationship with its allies – evinced by the success of previous crackdowns – was a very different situation. Furthermore, as demonstrated by contemporary events, Western acceptance of Soviet military action was lenient in certain areas. With the crackdown against Lithuania in January of 1990, Alexander Yakovlev appeared on Soviet television, warning that Lithuania could start a “domino” effect, threatening the existence of the Soviet Union.<sup>32</sup> One week later an uprising

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29 *Ibid.* 342.

30 *Ibid.* 341.

31 Vladislav M. Zubok, “New Evidence on the 'Soviet Factor' in the Peaceful Revolutions of 1989.” in *Cold War International History Project Bulletin 12/13*, ed. Christian F. Ostermann (Washington: Woodrow Wilson International Center for Scholars, 2001), 1.

32 Alfred Erich Senn, *Gorbachev's Failure in Lithuania* (New York: St. Martin's Press, 1995), 82.

in Azerbaijan met with a military response, killing hundreds.<sup>33</sup> Yet Rice notes that it was “diplomacy backed by the threat of an international crisis,” and “not some overt use of force,” that concerned the Americans.<sup>34</sup>

In light of Lithuanian pressure for secession an embargo against them was implemented, by the Soviets, on April 18<sup>th</sup>, 1990.<sup>35</sup> In response, American foreign policy-makers drew up a list of economic sanctions, but Bush felt that keeping Gorbachev in power had priority over Lithuanian independence. According to Senn, Bush surprised Scowcroft and Baker at an April 23<sup>rd</sup> meeting, stating they would do nothing.<sup>36</sup> While Bush urged the Lithuanians to be flexible, Kohl and Mitterand urged the Lithuanian parliament to delay their decision to cede from the Union.<sup>37</sup> The Soviets initially demanded a repeal of the March 11<sup>th</sup> decision, but escalated to calling for suspension by the end of April, urging Lithuanians to hold a referendum on the issue while stating they could be independent in two years if they obeyed.<sup>38</sup> Bush's openness to a degree of aggressive Soviet activity in its own spheres is evident from his June 1990 visit from Gorbachev. At this meeting Bush signed a trade treaty without mentioning, in public, the Lithuanian situation as an impediment to Senate ratification.<sup>39</sup> It was the Lithuanian Supreme Council's coerced decision to accept a moratorium on secession that led the Soviets to lift their blockade, according to Senn.<sup>40</sup>

Despite signs from other players that a degree of compulsion was permissible in its internal policy, future dealings – including those with the German Democratic Republic – would excluded violence as an option. This was the determination at a January 26<sup>th</sup> meeting, following Gorbachev's return from Lithuania.<sup>41</sup> An influential think tank report, produced by the Bogomolov Institute, likewise passed over the use of force as an option, but a memorandum attributed to the International Department nevertheless recommended that the Soviet leadership:

should leave a certain vagueness as far as...concrete actions are concerned...so that we do not stimulate the anti-socialist forces to try to

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33 Philip Zelikow and Condoleezza Rice, *Germany Unified and Europe Transformed: A Study in Statecraft* (Cambridge: Harvard University Press, 2002), 161.

34 *Ibid.*, 162.

35 Senn, 103.

36 *Ibid.*, 106.

37 *Ibid.*, 107.

38 *Ibid.*, 108.

39 Senn, *Gorbachev's Failure*, 109.

40 *Ibid.*, 114.

41 Zelikow and Rice, 162.



‘test’ the fundamentals of socialism in every country.<sup>42</sup>

As we can see throughout Gorbachev's time in power, but particularly within the short period that is our focus, his own seemingly unintentional vagueness – based more in genuine uncertainty than a deliberately induced perception – resulted in vast unintentional consequences.

It was the opening of the Hungarian border, beginning a constant flow of refugees from East to West, that most directly led to the opening and dismantlement of the Berlin Wall. Strangely, this border opening was permitted by Gorbachev himself, along with his ambivalence. On the 3<sup>rd</sup> of March, 1989 Miklos Nemeth – the Chairman of the Council of Ministers of Hungary – told Gorbachev that all electronic and technological protection would be removed from the western and southern borders of Hungary. His view was that these security measures had outlived their need and that they served only to catch East German and Romanian citizens. He included that the matter would be discussed with comrades from the GDR. “We have a strict regime on our borders, but we are also becoming more open,” was the extent of Gorbachev's reply.<sup>43</sup> On August 25, 1989 Gulya Horn stated that at the Warsaw Pact summit in Bucharest he had pressed for a revision of mutual relations with the Soviet Union, demanding the allowance of independent evolution and freedom to choose both social and political systems. The demand received no support until Gorbachev endorsed it.<sup>44</sup>

Kohl's most decisive maneuver, a power-play that wrested control over the unfolding of events from Gorbachev, was provoked by an unofficial Soviet gesture. While Falin proposed a German confederation he was sidelined and unable to get through to Gorbachev. Having acted as ambassador to Germany from 1971 to 1978 and considered to be the Soviet's most qualified Germanist, he decided to make his ideas heard through Kohl instead. An official paper he was responsible for drafting to establish the Soviet position – cleared with Chernyaev – affirmed pledges made by Kohl to Gorbachev, stating that if they were kept, “everything” might be possible. A second unofficial paper, also drafted by Falin, presented the idea of a confederation something the Soviets already had on the table and were prepared to accept in principle. A member of the International Department staff working for Falin, Nikolay Portugalov, met with Horst Teltschik on November 21 gave both positions. Teltschik believed that if the Soviets were already German unification, with confederation as an acceptable option, it was time for the FRG to seize the initiative and propose an idea of unification

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42 Jacques Lévesque, “Soviet Approaches to Eastern Europe at the Beginning of 1989,” in *Cold War International History Project Bulletin* 12/13, ed. Christian F. Ostermann (Washington: Woodrow Wilson International Center for Scholars, 2001), 47.

43 Zubok, 8.

44 Genscher, 277-8.

themselves. He presented a report to Kohl provided a basis for the latter's 10-point speech. In fact, Gorbachev had not accepted the idea of confederation and regarded Kohl's leap forward as an unwarranted acceleration. Savranskaya notes that the real meaning of the 10 points did not become clear until after the Malta summit and especially after the NATO summit in Brussels.<sup>45</sup> At the same time, Gorbachev overlooked the fact that Kohl's ten points reflected Soviet objectives at the time, providing no specific timetable, referred to an all-European process, and guaranteed the GDR's continued autonomous existence for at least several years, implying Soviet troop presence.

### **The Development of Two + Four**

Throughout the process leading up to the commencement of the Two plus Four meetings, the USSR attempted to gain a better position by maintaining the framework of Four Power negotiation, but, in the end, appears to have sacrificed this crucially available chess-piece in the name of more amicable relations with Western powers.<sup>46</sup> Soviet indecision and inaction after the opening of the Berlin Wall gave Kohl the opportunity to formulate his nine points, providing the impetus towards German unification that was encompassed within American strategy. There was also an ambivalence – whether it was ignorance or lack of political will – amongst the foremost Soviets to employ various means that would allow them to steer the process in a direction more favorable to their own ends.

Combined with the weight of preponderant military force available to the Soviets in Eastern Europe, Gorbachev might have resorted to various legal arguments in pursuit of a unification that was more consistent with Moscow's interest. The 1945 Yalta and Potsdam accords required unanimity and a peace treaty in order to reconstitute the German state. Calling for such a treaty could potentially entail issues of reparations, dispersed populations and the negotiation of territorial settlements. Moreover, a question as to the constitutional basis for unification might have been raised. Article 23, which was the basis for unification, essentially extended West Germany's treaties – including the Final Act of 1954 that gave it NATO membership – to East Germany. Had pressure been exerted to rely upon Article 146, however, this would have necessitated the creation of a new constitutional assembly as well as the adoption of a new constitution via referendum, bringing into question more openly the state of current alliances.<sup>47</sup> To understand the traction that such appeals might have had,

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45 Savranskaya, "The Logic of 1989," 36.

46 Jacques Lévesque, *The Enigma of 1989: The USSR and the Liberation of Eastern Europe* (Berkeley: University of California, 1997), 229.

47 Hans Adomeit, "Gorbachev's Consent to Unified Germany's Membership in NATO," (paper presented to the Conference on Europe and the End of the Cold War, Université de Sorbonne,

this paper will briefly examine pertinent legal dimensions of the historical splitting of Germany.

The Final Settlement signed on September 12, 1990 included Article 7, signalling the end of Four Power rights and responsibilities over Berlin and Germany and dissolving all Quadripartite Agreements and Four power institutions. Official military occupation ended with the establishment in 1949 of two separate German states despite the continuation of Four Power rights,<sup>48</sup> and a *de facto* military occupation of Berlin, later recognized in the Quadripartite Agreements.<sup>49</sup> In establishing and ending military occupation, as understood between 1945 and 1949, the Allied Forces did not confine their actions within the Hague Regulations on the rights of occupying powers. Their declared aim was to effect a complete change of the political system, establishing a new European order that would prevent further German aggression. Both Germanies thus existed as regimes of “international administration,” modifying traditional international law. This concept, Hailbronner argues, provided for the continuing right of the Four Powers to decide the terms of final settlement of unresolved disputes arising from World War II. It did not, he states, provide sufficient legal basis to impose conditions for the unification of the two states or decide upon their legal status, particularly with respect to territorial acquisitions and exchanges.<sup>50</sup>

German reunification entailed a cession of German territory, but according to Hailbronner, “the exercise of a right of self-defence against aggression,” such as that of the allies against Germany, “cannot be considered in itself as a legal basis for annexation of territory.” While there was consensus between Germany and Poland over the Oder-Neisse borders, it would have been difficult to argue – from the stand-point of international law – that the transference that had taken place had been justified, a fact that Gorbachev might have employed to press the issue beyond Four Power interests into the international realm. While the Moscow and Warsaw Treaties of 1970 had affirmed the inviolability of the existing Western borders of Poland, including a renunciation of territorial claim, the FRG's historic position had been that these treaties were concluded in its own name and that a united Germany would not be bound by them.<sup>51</sup> The Federal Constitutional Court supported this position, deciding that neither treaty could be interpreted as a final disposition on Germany's overall territorial status.<sup>52</sup>

The lack of an assertive strategy at the legal level could also be seen

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Paris, June 15-17, 2006), accessed November 14, 2012. [http://www.swp-berlin.org/fileadmin/contents/products/arbeitspapiere/Consent\\_to\\_Nato\\_ks.pdf](http://www.swp-berlin.org/fileadmin/contents/products/arbeitspapiere/Consent_to_Nato_ks.pdf), 2.

48 Kay Hailbronner, “Legal Aspects of the Unification of the Two Germany States,” *European Journal of International Law* 2 (1991): 20.

49 *Ibid.*, 21.

50 *Ibid.*, 22.

51 *Ibid.*, 26.

52 *Ibid.*, 27.

throughout the Soviet diplomatic process. Rice notes that Shevardnadze's speech to the Political Commission of the European Parliament (December 19, 1989) was full of indecisive musings.<sup>53</sup> The perception created was one of contradiction, making it appear that German unification might be both on and off the table. While reconciliation and cooperation were portrayed as possible through the CSCE in terms of the 1972 treaty (allowing for some sort of confederation), unification could not occur under the existing structures. The self-determination implied by Helsinki, while important, could not provide instruction as to how to resolve the historically brought about condition of divided Germany, sealed by the rejection of the Stalin note in 1952 and the FRG's joining NATO.<sup>54</sup> While Shevardnadze's speech, and the Nine Points contained therein, addressed subjects related to the negotiation of a potential peace settlement – guarantees of security, territorial integrity and the division of Europe – his speech never made any explicit motion to demand a settlement.<sup>55</sup> As Rice notes, this was the primary American fear, namely, that other allied combatants might become more involved and, thereby, proposals might be made contrary to American interests. A longer reunification process, greater demilitarization on all fronts and neutrality all held appeal for Britain and France, as well as the people of both Germanies. The greater involvement of these forces in determining the form and content of the negotiation process could isolate both Bonn and the United States.<sup>56</sup> The Soviets, however, missed this opportunity and played with a weaker hand, seeking Four Power negotiation which was eventually contradicted by national rights of self-determination.<sup>57</sup>

Soviet allowances in the format of the negotiations process were made by Shevardnadze. In his memoirs Valentin Falin accuses him of having made this alteration, on his own authority, to please Genscher. To undermine the perception of the FRG as a power under trusteeship Genscher had insisted on the Two plus Four formula. With the March 18<sup>th</sup> election victory of the Christian Democrats, Kohl's party, the terms and conditions of the process were thereafter decided by Bonn. It has been noted that the Two plus Four formula was, henceforth, Five against One while future Soviet action was impulsive and reactionary, lacking vision and realism.<sup>58</sup>

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53 Zelikow and Rice, 150.

54 *Ibid.*, 151.

55 *Ibid.*, 151-2.

56 *Ibid.*, 154.

57 *Ibid.*, 155.

58 Lévesque, *The Enigma*, 230.

## NATO

As this paper contends that the use of force and the threat of its use could have played a greater role in the hands of the Soviets it also contends that there were alternative measures that would have extended the integration of Germany into NATO. Nevertheless, we see throughout this period an ambivalence of Soviet interest and an acquiescence to American and West German proposals characteristic of Gorbachev and his political entourage. This seems to have been motivated by a simple and naïve trust in American promises concerning limits on the expansion of NATO and baseless assumptions concerning the pathways future developments would take.

The nature of East European instability posing an imminent threat to the Warsaw Pact was not unknown. In the spring of 1989 Shevardnadze and Gorbachev were both warned that the rapid progression of German destabilization necessitated planning for reunification and a pan-European security system.<sup>59</sup> As Levesque argues, the significance of German integration into NATO posed a threat to the existence of both the Warsaw Pact and Comecon (CMEA). With the GDR acting as a connection to Europe, the eastward expansion of NATO could potentially dissolve Soviet ties to Europe, contradicting the original intention of *perestroika* to integrate the USSR into it.<sup>60</sup> An idealized conception of German reunification was articulated by a Pravda commentator:

The process of German unification should be organically linked and synchronized with the European process and the creation of an essentially new security structure in Europe, a structure which would replace the alliances.

The mechanism for this ideal, mentioned above, was the Conference on Security and Cooperation in Europe (CSCE). It was with this end in sight that the Germans accepted reunification in principle at the end of January 1990.<sup>61</sup> This approach, favored by Germany's Social Democrats, existed as a concrete demand that could have acted as a braking mechanism because of the requirement for Four Power unanimity. Merely a month after the opening of the wall, however, Valentin Falin recorded that the attitudes of Gorbachev's advisors, Yakovlev excluded, were already defeatist.<sup>62</sup>

In some ways in order to understand what Gorbachev missed out on we

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59 Gerhard Wettig, "Moscow's Acceptance of NATO: The Catalytic Role Of German Unification," *Europe-Asia Studies* 45 (1993): 958.

60 Lévesque, *The Enigma*, 225.

61 *Ibid.*, 227.

62 *Ibid.*, 228.

must understand genuine American fears of the CSCE and the efforts they took to pre-empt Soviet action. The US National Security Council (NSC) worried in 1990 that Gorbachev might call a snap peace conference of the 110 nations that were at war with Nazi Germany. Many former belligerents would have been eager to attend in order to gain reparations. This would have put post-war security structures more flatly on the table with unpredictable consequences for NATO.<sup>63</sup> Baker found this worrying and warned Bush that "the real risk to NATO [was] the CSCE," considering it a possibility that West Germans might trade membership with NATO for unification since the alliance was unloved by the West German populace. More than 1 million West Germans had protested against NATO's missile emplacements in the 1980s, contributing to the fall of Helmut Schmidt's government. Furthermore, a number of East German dissidents were now political rulers and many came from pacifist backgrounds that rejected both the Warsaw Pact and NATO. Vaclav Havel shocked Washington on his first visit by requesting that all foreign troops leave Europe in February 1990.<sup>64</sup> On July 3, 1990 after the CPSU Congress Bush assembled senior members of the NSC and the State Department for a final briefing before the NATO summit. At this meeting Baker and Zoellick briefed the president on the need to edge the CSCE out of Eastern Europe. Baker told the assembled group that the US needed to lead the future role of the CSCE.<sup>65</sup>

Fear of losing US pre-eminence in Europe drove Bush and Kohl to protect NATO from competitors. Sarotte cites Kohl's participation as fortunate for Bush in that another leader might have taken alternatives more seriously.<sup>66</sup> With respect to Gorbachev and the deteriorating Soviet economic situation, Kohl believed it would "come down to a question of cash," if they wanted to establish NATO's predominance in the German question. In the spring of 1990, Matlock described Gorbachev as someone who looked "less like a man in control and more [like] an embattled leader," with "signs of crisis" that were "legion," most notably spiking crime rates, growing anti-regime demonstrations and separatist movements, poor economic performance and a general devolution of power.<sup>67</sup>

It was in his meetings with Baker, from February 7 to 9, that Gorbachev accepted the idea that NATO would not move "one inch eastward" if reunified Germany was incorporated into it.<sup>68</sup> As is well known, Gorbachev never obtained any kind of commitment in writing. The matter only arose as an issue, potentially

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63 Mary Elise Sarotte, "Perpetuating U.S. Preeminence: The 1990 Deals to Bribe the Soviets Out and Move NATO In," *International Security* 35 (2010): 111.

64 *Ibid.*, 112.

65 *Ibid.*, 130.

66 *Ibid.*, 113.

67 *Ibid.*, 120.

68 *Ibid.*, 117.

open to public debate, when Gulya Horn speculated on February 20<sup>th</sup> that Hungary might have its sites on future NATO membership (although it is debated whether this was merely an election ploy). Before this ominous declaration was made, however, Gorbachev had already agreed, on February 10<sup>th</sup>, to the monetary dimension of German reunification, enacted the 1<sup>st</sup> of July 1990.<sup>69</sup> This concession, according to Wettig, favored acceleration and essentially handed the matter over entirely to West Germany. It is noted that Gorbachev optimistically expected the process to naturally drag on, allowing the GDR to continue in existence under Soviet influence. This, however, assumed the continued predominance of the social democrats, which ended with the March 18<sup>th</sup> elections.<sup>70</sup>

It was only once it was too late that Gorbachev made maneuvers more conducive to Soviet security interests. Matlock wrote that in May of 1990 had begun, referring to something that had actually started several months earlier, to articulate a vision of united Germany in both NATO and the Warsaw Pact, arguing that:

If Germany can participate without difficulty in the G-7, the EC-12, the NATO-16 and the CSCE-35, why couldn't it also accept participation in all or part of the Warsaw Pact political framework – an Eastern E-7, so to speak.<sup>71</sup>

As denoted by Gorbachev's own description, however, the matter and its resolution were comparable to a train that had already left the station. According to Andrei Grachev it was in a meeting with Mitterrand that finally led Gorbachev to accept a German reunification with complete accession to NATO. He initially pushed for its status to be similar to that of France, but was discouraged by France from this path. On May 25, 1990 Mitterrand told Gorbachev that it would never be accepted by Germany and that it was time to accept full membership in NATO for Germany, leading to his decision to do so at the June 1990 Soviet American summit in Washington.<sup>72</sup>

Despite American argumentation in terms of the Helsinki principle of self-determination, Gorbachev failed to recognize the *realpolitik* of this tactic. In a recent forum discussion, available online, James Baker stated frankly that the Americans only supported German reunification on the condition that Germany remain in NATO, not exploring its right of self-determination more broadly

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69 *Ibid.*, 119.

70 Wettig, 956.

71 Sarotte, 111.

72 Rey, 57.

within the available options.<sup>73</sup>

## Conclusion

While it cannot be known how things would have happened otherwise it can nevertheless be argued that there were options available to those in power in the Soviet Union, with respect to the reunification of Germany that would have allowed them to pursue alternative outcomes. These outcomes could have come about at a slower pace and reflected Soviet interest to a greater extent. As it stands, however, the outcome we know today is one that was largely driven by West Germany, shaped by the United States and simply conceded to by the former Soviet Union.

More generally this event gives us a dramatic example of the failing of a system as a whole. By carefully parsing out systemic problems from the actions of individuals we can understand the limits and opportunities of human freedom, gain insight into the difficulties of large-scale ideological and economic transition and the nature of trust between states that are vastly different from one another.

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73 James Baker, "Transatlantic Relations," Shell Distinguished Lecture Series, (The Baker Institute, Oct 3, 2003), accessed March 25, 2013, [https://www.youtube.com/watch?v=\\_CbaCesGVAg](https://www.youtube.com/watch?v=_CbaCesGVAg).