

Valentin Falin Memorandum to Mikhail Gorbachev
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The USA and the FRG, with a somewhat passive role being played by Britain and France, are driving persistently and purposefully toward a situation where all internal and external aspects of German unification would be solved outside of the 2+4 negotiating process, and the Soviet Union would be faced with a *fait accompli*. Public opinion is being quietly tuned to the thesis that none of the states in the “six” should have veto power, especially on issues where the opinion of the “democratic majority” is obvious. In essence, the Western states are already violating the consensus principle by making preliminary agreements among themselves, and—in comparison with the situation during the meeting with Bush on Malta and with Bush in Moscow and in Ottawa—the positions of the USSR and USA on key issues are moving farther and farther apart.

The original motive in behavior like Washington’s and Bonn’s is not that complicated: Soviet freedom of maneuver today is extremely limited, and the West can now maximally realize its long-time aspirations without risking a serious confrontation. One can hardly hear the voices of the proponents of a more balanced approach, who did not exclude—in order to ensure a long phase of constructive development—a commensurate consideration of the USSR's interests.

An essential feature of the West’s tactics is intensive cultivation of not only NATO members but also our Warsaw Pact allies. The goal is clear to the naked eye—to isolate the USSR, to leave it on its own within the “six” and at the meeting of the “35.”

It seems urgently necessary to put forth a very definite Soviet position, primarily on the following issues:

1. Peace treaty. It has to be shown why the Soviet Union does not consider [either] non-legal options for a final settlement of World War II (declarations, memoranda, etc.) as acceptable for itself, [or] the efforts to pull apart the main components of the peace act (post-war borders and Germany’s military obligations; the fate of the four-party allied decisions and the resulting rights, and so on) into separate qualitatively different settlements.

To assert that the statute of limitations is not applicable to fundamental problems of war and peace. The persistent desire of certain circles to avoid concluding a peace treaty can only make one wary and in itself becomes an additional argument in favor of a peace settlement.

In any case, until the signing of an appropriate document comparable to a peace treaty in its legal significance and actual content, the USSR will not give up the rights and responsibilities it undertook by affixing its signature to the Yalta and Potsdam agreements, the Act of unconditional capitulation, and the Declaration of Defeat of

Germany, which remain part of current international law and are reflected in the UN Charter.

As far as the form and substance of the peace settlement, the USSR is open to constructive dialog, in which representatives of the GDR and the FRG would act as equals with other participants in the process. Because we will be talking about defining Germany's obligations toward the international community, i.e. the external aspects of German unification, it is completely logical that the topic of a peace settlement should become a subject of 2+4 negotiations.

We could put forward a proposal that the "six" should take upon itself the task—in close contact with Poland, Yugoslavia, Czechoslovakia, and other states who were victims of Hitler's aggression and occupation—to prepare the text of a document, which would then be open for signing by the governments of all countries whose armed forces participated in the war with Germany.

To avoid the classic "winners-losers" dilemma, we could frame it not as a peace treaty but as an "act of peace," as well as using sparingly the terminology that emphasizes the difference in status of different parties to the agreement. The accumulated experience (Moscow and other "Eastern" treaties, a number of agreements that the FRG concluded in particular with France) allows us to properly describe and affirm the desired situation without damage to the cause in a style that is non-discriminating for the Germans, and thus to avoid the "Versailles syndrome."

Thus, the principle of renunciation of violence as a means of national policy could be set down as the basis for such a document. It would be accompanied by an obligation to prohibit any use of German territory by third countries or groups of countries to conduct a policy of force directed at anybody in Europe or outside of Europe. Under such a construct, Soviet interests would receive reliable legal protection.

[...] It would be appropriate to note here that the peace treaty is our only chance to dock German unification with the pan-European process, although in terms of timing they will diverge, and apparently significantly so. [...]

2. Military status of united Germany. Judging by everything, the West has decided to stage a general battle on this issue. After the initial confusion, during which some not unattractive ideas were expressed (pulling the FRG out of the NATO military organization; simultaneous participation of Germany in NATO and the WTO; steps to limit armaments on German territory, surpassing the pan-European pace; the possibility of partial denuclearization of Germany, and others), we are now witnessing—week by week—a hardening of U.S. and FRG approaches, as well as those of the leadership of the Atlantic alliance.

Genscher from time to time continues to discuss accelerating the movement toward European collective security with the "dissolving of NATO and WTO into it."

Statements to the effect that disarmament should become the “core” of the pan-European process also are his. But very few people, apart from the West German social democrats and leftist parties in some of the Common Market countries, hear Genscher.

The issue is posed as “full-scale” German participation in NATO. Even the thought about excluding German territory from the bloc infrastructure is being rejected. Whereas previously, in the propaganda, the emphasis was placed on “control” over the future united Germany, now they are citing the importance of preserving the effectiveness of the alliance as a “factor of stability” in Europe. Even very recently, Germany’s membership in NATO was called “an interim option.” However, after a certain moment, it has been presented as an option for the future. If before March they were raising the price of the “concession”—non-expansion of the sphere of NATO to the GDR—then approximately a month ago they started discussing, in their own circles, that this obligation could not be applied in “crisis situations.”

At the meeting between G. Bush and M. Thatcher in Bermuda, German membership in NATO was characterized as a condition for preserving the Atlantic alliance. The idea of the military neutralization of Germany is being rejected on purely utilitarian grounds: the Atlantic bloc had been built from the beginning on the basis of using German territory according to the American military doctrine of “forward basing” and on the FRG’s participation in the implementation of that doctrine.

[...]

Do we have the resources at our disposal to boost the struggle for a pan-European option for long-term solutions? Since the collapse of the SED in the GDR, the USSR’s European policy has fallen into a period of contemplation and reflection, not to say depression. The West is outplaying us, promising to respect the interests of the USSR, but in practice, step by step, separating us from “traditional Europe.” Summing up the past six months, one has to conclude that the “common European home,” which used to be a concrete task the countries of the continent were starting to implement, is now turning into a mirage.

One would think the conclusion naturally comes to mind: we should employ all means in order to show the Europeans, and especially the Germans, that their hopes could be betrayed once again. Instead of a stable Europe with a guaranteed peaceful future and mutually beneficial cooperation in a variety of spheres, the apologists of the “Cold War” are imposing [on them] a regrouping of forces in order to prolong the era of confrontational politics. In order to make them believe and understand us, we would have to open some brackets and to make a critical reassessment of the U.S. positions in Geneva and in Vienna, their stubborn unwillingness to accept equal standards, their efforts to artificially split the matter so as not to take upon themselves any obligations that would not violate the balance of interests of both powers. The Soviet side spoiled Washington with its flexibility, good will and agreeability. More and more often, the Americans draw conclusions from our

constructive positions that are the opposite of those, which the USSR, following common sense and elementary decency has a right to expect.

The next *sine qua non* condition for success is firmness. With all our negotiating flexibility, the Western side must constantly feel where and what kind of limits exist, to which the USSR would stick no matter what, including in those cases where efforts are being made to put massive pressure on [the USSR].

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