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## German Unification and the Issue of Poland's Western Border

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### Introduction

On September 12, 1990, just before the unification of Germany, the Federal Republic of Germany (West Germany), the German Democratic Republic (East Germany), and the four victorious countries, the United States, the United Kingdom, France, and the Soviet Union, signed the "Treaty on the Final Settlement with Respect to Germany." This is the so-called "Two-plus-Four Treaty" which set out the external aspects of German unification.

Article 1, Section 1 of this "Two-plus-Four Treaty" defines the territory and external borders of a unified Germany. It states, "The united Germany shall comprise the territory of the Federal Republic of Germany, the German Democratic Republic and the whole of Berlin. Its external borders shall be the borders of the Federal Republic of Germany and the German Democratic Republic and shall be definitive from the date on which the present Treaty comes into force." What this means is that a unified Germany recognized the western border of Poland that was established after World War II and finally abandoned the eastern part of the former German *Reich* east of the Oder and Neisse rivers.

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In fact, the final determination of the western border of Poland (called the "Oder-Neisse Line" by the German side) became a renewed point of contention in the international politics of German unification after the fall of the Berlin Wall (November 9, 1989). However, this is rather strange. This is because, at least in the late 1980s, few politicians (or intellectuals, or even ordinary citizens) in East Germany, let alone West Germany, were serious about redrawing the border with Poland and retaking the eastern territories. However, the issue of the western border of Poland became "the one that caused the greatest international irritation" (Rödder 2020: 74) in the German unification process

So why did it become such a contentious issue? This study traces why the determination of Poland's western border became an international issue and how it was resolved using West German diplomatic documents that have recently been disclosed.<sup>(1)</sup>

## 1. Conditions Before the Fall of the Berlin Wall

### (1) West Germany's Legal Position and Poland's Arguments

On June 6, 1950, the East German government signed the Treaty of Görlitz with Poland recognizing the Oder-Neisse line as the German-

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(1) This paper makes intensive use of, among other things, the collection of documents related to the "Two-plus-Four" process published in 2015 (*Die Einheit*), supplemented by unpublished documents in The Political Archive of the Federal Foreign Office (Politisches Archiv des Auswärtigen Amts: PA AA) as well as documents in the collection of the Federal Chancellery of West Germany (*DzD-DE*). For further details on the historical materials used, please refer to the bibliography. On the general issues surrounding the western Polish border, or the Oder-Neisse line, see Ash 1993: Ch. 5. In particular, Mitter 2010 is a fragmentary but valuable study of the period of German unification using West German diplomatic documents. Also, in part, Ritter 2013 and Amos / Geiger 2017 deal with the West German Foreign Office's approach to the issue of Poland's western border. For the Polish side, the published diplomatic documents (*Polska wobec zjednoczenia Niemiec: PwzN*) are used. For more on Poland's policy toward Germany, see Pick 2017 and Domber 2017.

Polish border. This was difficult for Konrad Adenauer's government (1949–63) of the time and the subsequent West German government led by Christian Democratic and Social Union (CDU/CSU) (1963–69) to accept. This is because West Germany was the self-proclaimed legitimate legal successor state of the former German *Reich*.

However, the “New *Ostpolitik*” of Willy Brandt's government (a coalition of Social Democrats (SPD) and Liberal Democrats (FDP)) formed in 1969 changed the situation. The Brandt government recognized the Oder-Neisse line as Poland's western border in accordance with the Treaty of Warsaw signed with Poland in 1970.<sup>(2)</sup>

However, this recognition by West Germany was merely provisional; legally valid only until German reunification was achieved. This point was confirmed by the Bundestag when the treaty was ratified in 1972. The Federal Constitutional Court had also confirmed on several occasions since 1973 that only a sovereign unified Germany could finally abandon the former East German territories east of the Oder-Neisse (i.e., until then, the German *Reich* legally continued to exist).<sup>(3)</sup> There were two legal reasons for this. Firstly, constitutionally speaking, the Basic Law, the constitutional law of West Germany, was only provisional until reunification (Preamble to the Basic Law, Article 23, Article 116, Article 146, etc.). Secondly, according to international law, the four victorious powers still held “the right and responsibility for Germany as a whole”

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(2) See Article 1 of the Treaty of Warsaw. Deutsch-polnischer Vertrag vom 7. Dezember 1970, in: *APBRD*, Doc. 96, pp. 340–342, here p. 341.

(3) The Federal Constitutional Court ruled on July 31, 1973 that “the German *Reich* is still in existence and still has the capacity for rights,” and repeated such a ruling on October 21, 1987 [*Die Einheit*, Doc. 41, p. 215] . In addition, the Federal Constitutional Court ruling of July 7, 1975 confirms that the Treaty of Moscow (signed with the Soviet Union in August 1970) and the Treaty of Warsaw did not preempt the Peace Treaty and did not create the legal basis for the existing borders. In view of the responsibility of the four victorious powers for Germany as a whole, the West German government could not make decisions concerning German territory that would preempt a peace treaty [*ibid.*, Doc. 51, p. 264, n. 6] .

(Kiessler/Elbe 1993: 115).

Furthermore, the Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE), adopted in 1975, sets forth the principle of "inviolability of borders," but in the process of preparing the document, the West German government succeeded in securing the possibility of "peaceful changes" to its borders. This was, of course, inserted with the possibility of changing the border between East and West Germany (the so-called "internal German border") in mind, but it could not help being perceived as having an impact on the western border of Poland.

As we will see later, West German Chancellor Helmut Kohl (in office 1982-98) relied on these legal arguments, especially the Federal Constitutional Court decision, and took the position that the western border of Poland could be negotiated only after reunification. However, Kohl's position was, so to speak, a "front," and behind it were internal and party-political calculations. First, an organization of *Vertriebene* (people who were forced to emigrate from the eastern part of Germany and other parts of Eastern Europe at the end of World War II and immediately after), one of the CDU/CSU's valuable voting constituencies, broadly interpreted the Federal Constitutional Court decision and argued that the territory of the German Reich as of December 31, 1937 should be the territory of a unified Germany. These claims could not be ignored by Kohl, the leader of the CDU. Secondly, the far-right Republican Party (*Die Republikaner*) was gaining ground in West German politics in the late 1980s. The party won 7.5% of the vote in the West Berlin state elections in January 1989, and also won 7.1% of the vote in the European Parliament elections in June 1989. On the other hand, in both of those elections, the CDU lost more than eight percentage points of the vote resulting in a serious sense of crisis. Thus, while losing votes to the far right, Kohl could not easily argue for recognition of Poland's western border, i.e., abandoning the eastern part of the country, and had to rely on legal arguments.

The Polish side, however, naturally would not accept this position. This is because there was no guarantee that a reunified Germany would

respect its borders with Poland. Therefore, an important diplomatic goal for Poland was to force West Germany to finally abandon the eastern territories and to recognize the Oder-Neisse line as the official western border of Poland.

This point has not changed since the regime change in 1989. On June 4, 1989, the political party Solidarity (*Solidarność*) won Poland's first free postwar election, which led Tadeusz Mazowiecki to become prime minister (the first non-Communist Prime Minister among the Warsaw Pact countries) on August 24. Solidarity leader Lech Wałęsa in a meeting with West German Foreign Minister Hans-Dietrich Genscher in September 1989, stated that "the Berlin Wall and the Iron Curtain, the relics of Stalinist past, should vanish." Krzysztof Skubiszewski, a professor of international law and Foreign Minister in Mazowiecki's government, who was not himself an official member of Solidarity, said at the end of September that from the standpoint of the right to self-determination, German unification was "first of all a question for the Germans themselves" (Domber 2017: 187 f.). In terms of accepting German unification, the new Polish government was certainly innovative.<sup>(4)</sup>

The border issue, however, is different. Already on July 7, 1989, Bronisław Geremek, who visited Bonn as a representative of the Solidarity parliamentary group in the Polish House of Representatives, expressed his dissatisfaction that the border issue had not yet been finally resolved when he met with Kohl.<sup>(5)</sup> Here, Geremek revealed that Solidarity also sought final recognition of Poland's western border before German unification (Pick 2017: 604).

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(4) Of course, behind such a Polish stance was the expectation of economic support from the West German government (Domber 2017: 188).

(5) Gespräch des Bundeskanzlers Kohl mit dem Fraktionsvorsitzenden des Bürgerkomitees "Solidarität," Geremek, Bonn, 7. Juli 1989, in: *DzD-DE*, Doc. 15, pp. 339–345, here p. 342 f.

## (2) Genscher's Diplomacy and the November 8 Resolution of the Bundestag

Not only Poland but also the Soviet Union was unhappy with Kohl's position. In a speech to the UN General Assembly on September 26, 1989, Soviet Foreign Minister Eduard Shevardnadze harshly criticized "some politicians" for "forgetting the lessons" of World War II and "inspiring, intentionally or unintentionally, the reprisalist forces" that are "trying to change or destroy the postwar status quo in Europe."<sup>(6)</sup>

Shevardnadze's speech drew "a lot of attention" in West Germany. The following day, on the 27th, Foreign Minister Genscher, after his own UN speech, met with Shevardnadze and asked him about his intentions.<sup>(7)</sup> What Shevardnadze cited as "problematic" was Kohl's speech to the CDU party congress in Bremen on September 11, especially his use of the phrase "Wiederherstellung" (rebuilding Germany on its former borders). In response, Genscher tried to appease Shevardnadze with his own UN speech on the same day. The speech included the following message to Polish Foreign Minister Skubiszewski:

Fifty years ago, the Polish people became the first victims of the war started by Hitler's Germany. [...] Please know that we Germans will not question your right to live within secure borders by means of territorial claims, now or in the future. The wheels of history will not turn in the opposite direction. We want to work together with Poland for a better future for Europe. The inviolability of borders is the foundation of peaceful coexistence in Europe.<sup>(8)</sup>

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(6) Cited in: *Diplomatie*, p. 36, n. 4.

(7) Vermerk des D 2, Kastrup, vom 27. September 1989 über das Gespräch von Bundesaußenminister Genscher mit dem sowjetischen Außenminister Ševardnadze am 27. September 1989 in New York, in: *Diplomatie*, Doc. 5, pp. 36–39, here p. 36 f.

(8) Rede des Bundesministers des Auswärtigen, Genscher, vor der 44. Generalversammlung der Vereinten Nationen am 27. September 1989, in: *APBRD*, Doc. 204, pp. 600–603, here p. 600. See also *Die Einheit*, Doc. 34, n. 4, p. 34.

This message was handwritten and inserted into the manuscript by Genscher a few minutes before his speech began (Kiessler/Elbe 1993: 27) and Genscher assured Shevardnadze that this was the position of the federal government and that Kohl approved of it.<sup>(9)</sup>

On November 8, 1989, on the motion of the CDU/CSU and the FDP parliamentary groups, the Bundestag adopted a resolution on Poland. The part about borders was an exact repetition of Genscher's UN speech mentioned above. However, this resolution states, "The Federal Republic of Germany adheres to all the articles and spirit of the Treaty of Warsaw. We can't and won't change our legal position."<sup>(10)</sup> Depending on the interpretation this left room for Kohl's position. Indeed, in Poland, while the Bundestag resolution was welcomed, Kohl's failure to clearly state the inviolability of the border continued to be criticized (Pick 2017: 612).

The next day – November 9, the day the Berlin Wall came down – Kohl and Genscher started their visit to Poland. In a series of summits interrupted by sudden changes in the situation, Prime Minister Mazowiecki addressed the border issue and criticized the legal position of Kohl and the CDU/CSU in contrast to the "future-oriented" SPD. In response, Kohl explained the difficult position he found himself in domestically. When Mazowiecki said, "I hope that the party of Chancellor [Kohl] will also be more sensitive to the situation in Poland," Kohl gave a lengthy explanation of the internal political situation.<sup>(11)</sup>

On the other hand, Genscher, who met with Foreign Minister Skubiszewski on the 10th, the day after the wall came down, said:

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(9) *Diplomatie*, Doc. 5, p. 37.

(10) Deutscher Bundestag, Drucksache 11/5589 vom 08. November 1989. The resolution was adopted by 400 votes in favor (with 4 against, and 33 abstentions). All members of the FDP and the opposition SPD supported the resolution. The majority of the CDU/CSU voted in favor of the resolution, although there was 1 against and 5 abstentions. The Green Party had 28 abstentions, 3 against, and 1 in favor. Deutscher Bundestag, Stenographischer Bericht, 11. Wahlperiode, 173. Sitzung vom 08. November 1989, p. 13061 f.

(11) Gespräch des Bundeskanzlers Kohl mit Ministerpräsident Mazowiecki, Warschau, 14. November 1989, in: *DzD-DE*, Doc. 92, pp. 532–537, here p. 532 f.

Our Constitution uses the word "Einheit (unification)" instead of "Wiedervereinigung (reunification)." The fathers of the Basic Law must have chosen their concepts carefully. They did not want to give the German question a retrospective character..... This is also valid for borders..... No one will ever turn the wheel of history in reverse. We Germans think of the German question in a very European sense. Eastern treaties will also not be questioned.<sup>(12)</sup>

However, no matter what Genscher said, as long as Kohl was sticking to his legal position, the situation would not progress. The November 14 joint declaration of West Germany and Poland only affirmed the Treaty of Warsaw generally as "the firm foundation of relations between the two countries" and "the inviolability of their borders and respect for the territorial integrity and sovereignty of all European nations."<sup>(13)</sup>

Nevertheless, up to this point, it appears that Poland had been optimistic about the situation. In the Polish record, the fact that Kohl, a CDU member, respected the Treaty of Warsaw was in itself seen as a positive development, and was appreciated: "although we are aware that the differences in interpretation between Poland and West Germany" regarding the Treaty of Warsaw "have not yet disappeared but the situation is clearly calming down."<sup>(14)</sup> That is why Kohl's "Ten Points" for German unification, which he announced out of the blue in the Bundestag on November 28, 1989, came as a shock to Poland.

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(12) Gespräch des Bundesministers Genscher mit dem polnischen Außenminister Skubiszewski in Warschau, 10. November 1989, in: *Die Einheit*, Doc. 20, pp. 133–135, here p. 134. Skubiszewski states that "the concept of 'reunification' is a source of anxiety" (p. 135).

(13) Deutscher Bundestag, Drucksache 11/ 5699 vom 15. November 1989. Quotes are from paragraphs 4 and 61.

(14) *PwzN*, Doc. 29, pp. 184–185. See also Pick 2017: 613 f.



## 2. “Ten Points” and “Two-plus-Four”

### (1) Kohl’s “Ten Points” and the Internationalization of Poland’s Western Border Issue

The “Ten Points” were formulated and announced by Kohl without prior consultation with Genscher, his foreign minister, let alone other heads of state, in order to seize the initiative for German unification in the fluid situation after the fall of the Berlin Wall. There was also no mention of Poland’s western border in these “Ten Points.”<sup>(15)</sup> The opposition SPD supported the “Ten Points” in the Bundestag on that day, but later demanded that the finalization of Poland’s western border be added as “Point 11.” Genscher addressed the Bundestag as foreign minister after Kohl’s speech and although he also stated that the FDP supports the “Ten Points,” he more indirectly stated that “We recently passed an important joint resolution on the issue of Poland’s western border.”<sup>(16)</sup> This was not a direct criticism of Kohl’s “Ten Points”, but it is clear that Genscher was concerned about the border issue.

Of course, the fact that Kohl’s “Ten Points” did not mention the border issue caused anxiety and frustration on the Polish side. In the first place, as is well known, the “Ten Points” themselves were received with shock by the international community as a unilateral initiative by West Germany. In the meantime, Kohl’s attitude toward border issues also came to be viewed with distrust by the international community.

For example, on November 30, immediately after the “Ten Points” announcement, the West German Foreign Office prepared a report summarizing the reactions of various countries, in which it was noted that not only the Soviet Union was vehemently opposed but the United States and France also “regard the border issue as a central problem.”<sup>(17)</sup>

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(15) Deutscher Bundestag, Stenographischer Bericht, 11. Wahlperiode, 177. Sitzung vom 28. November 1989, pp. 13510–13514.

(16) Deutscher Bundestag, Stenographischer Bericht, 11. Wahlperiode, 177. Sitzung vom 28. November 1989, p. 13520C.

(17) Vorlage des Referatsleiters 210. Lambach, für Staatssekretär Sudhoff, 1.

Although it was often said that only the U.S. agreed to Kohl's "Ten Points" among the four victorious powers, the U.S. also had a problem with Kohl's attitude toward the border issue. It should be noted that the day after the release of the "Ten Points," Secretary of State James Baker laid out his "Four Principles" for German unification, the fourth of which was adherence to the principles of the Helsinki Final Act on the "Border Issues."<sup>(18)</sup>

Of course, the distrust that the Soviet Union, France, and Britain had for Kohl was far greater. There are many studies on this point, but here the Franco-Soviet summit between François Mitterrand and Mikhail Gorbachev held in Kiev on December 6 will be the focus. In the summit, Mitterrand pointed out that Kohl's "failure to mention the border with Poland" was "a serious problem" and that the concern was shared by "all EC countries" in varying degrees.<sup>(19)</sup>

What is particularly interesting about this meeting is that both Mitterrand and Gorbachev focused on the "conflict" within the West German government,<sup>(20)</sup> namely the disagreement between CDU Chancellor Kohl and FDP Foreign Minister Genscher. Just prior to this meeting, Genscher had met with Mitterrand (November 30) and Gorbachev (December 5) and was tasked with explaining the "Ten Points." From his meeting with Genscher, Mitterrand said, "Genscher is an outstanding politician (*ein Politiker von Format*). He sees the problem in a broader context" showing his appreciation of Genscher. Gorbachev did not deny it either.<sup>(21)</sup> At this point, there is no doubt that they both had more confidence in Genscher than in Kohl. Distrust of Kohl was deep, while

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Dezember 1989, in: *Die Einheit*, Doc. 25, pp. 147–153, here p. 148 f.

(18) Vorlage des Ministerialdirektors Teltchik an Bundeskanzler Kohl, Bonn, 30. November 1989, in: *DzD-DE*, Doc. 102, pp. 574–577, here p. 574. In addition, the U.S. placed the greatest emphasis on Germany's continued membership in NATO, which Kohl did not mention in his "Ten Points."

(19) Gespräch Gorbačëvs mit dem französischen Staatspräsidenten Mitterrand am 6. Dezember 1989, in: *MGdF-SD*, Doc. 62, pp. 266–271, here p. 267.

(20) *Ibid.*, p. 271.

(21) *Ibid.*, p. 268.

trust in Genscher, who had been working on confidence building for some time, including on border issues, was relatively high.

On January 4, 1990, Mitterrand and Kohl held talks at Mitterrand's villa in Lache, southwestern France.<sup>(22)</sup> Subsequently, Mitterrand moved toward accepting unification only if European integration was deepened (specifically, the development of an economic and monetary union) and Germany was embedded in it. However, Mitterrand and Kohl would clash over the western border of Poland.

## (2) The Formation of “Two-plus-Four” and Poland’s Reaction

On February 13, 1990, the “Two-plus-Four” formula for German unification was announced using the Open Sky negotiations in Ottawa, which brought together the foreign ministers of member states of NATO and the Warsaw Pact Organization. In other words, it was decided that the “external aspects” of German unification would be discussed within the framework of the “six powers” of East and West Germany and the four victorious countries of the United States, Britain, France, and the Soviet Union.

Along with the Netherlands and Italy, Poland also objected to this framework. In Warsaw, “Two-plus-Four” was called “the second Yalta.” Mazowiecki insisted that “it is not permissible to make decisions about us without us,” and actively appealed to heads of state that Poland should be involved in the “Two-plus-Four” negotiations (Weidenfeld 1998: 484).

Mazowiecki was not the only one. For example, President Wojciech Jaruzelski, in a meeting with East German Prime Minister Hans Modrow in Warsaw on February 16, stressed that Poland has a “special political and moral right” to participate in the “Two-plus-Four” negotiations. The Polish government spokesperson, Małgorzata Niezabitowska, stated on Radio Warsaw on February 16 that “we do not want the most critical

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(22) Gespräch des Bundeskanzlers mit Staatspräsident Mitterrand in Latché, 4. Januar 1990, in: *DzD-DE*, Doc. 135, pp. 682–690.

issues for us to be negotiated without our participation” and demanded that the Oder-Neisse line be fixed based on the Treaty and that they participate in the “Two-plus-Four” negotiations with direct consequences for Polish national security. In addition, the Polish United Workers' Party and the successor organizations of the former bloc parties, which had been relegated to the background by Solidarity, actively raised the border issue in an attempt to regain popularity.<sup>(23)</sup>

On February 19, Günther Knackstedt, the West German ambassador in Warsaw, reported on the situation there as follows:

At the moment, there is only one theme in Polish politics: the 4+2 [sic] method for establishing German unity. Ever since Prime Minister Mazowiecki demanded during his first visit to London<sup>(24)</sup> that Poland must participate in these [Two-plus-Four] negotiations, the public has been growing more hysterical by the day. The Poles, who live very deeply in the past, remember being abandoned by their allies many times in this century. [...] It seems as if a national emergency has broken out. If an indifferent visitor opens a newspaper or converses with his Polish hosts, he will think that a new German invasion across the Oder River is imminent<sup>(25)</sup>.

In this way, the border issue became a major point of contention in Poland.

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(23) All quotes in this paragraph are from: Drahtbericht des Botschafters Knackstedt, Warschau, 19. Februar 1990, in: PA AA, ZA 140.726 E (also in: *Die Einheit*, Doc. 53, pp. 276–278, here p. 277). On Modrow's visit to Poland, see also the following record of a meeting with Mazowiecki. Gespräch zwischen Dr. Hans Modrow, und dem Vorsitzenden des Ministerrates der Republik Polen, Tadeusz Mazowiecki in Warschau, 16. 2. 1990 [Auszug] , in: *APDDR*, Doc. 48, pp. 474–476.

(24) Mazowiecki visited London from February 12 to 14, 1990, and met with Thatcher on February 12.

(25) Drahtbericht des Botschafters Knackstedt, Warschau, 19. Februar 1990, in: PA AA, ZA 140.726 E (also in: *Die Einheit*, Doc. 53, pp. 276–278, here p. 276).

### (3) Poland's Position

As already mentioned, after the regime change the Polish government was not opposed to German unification itself at the start. However, based on past experience, they wanted to guarantee their country's western border (Pick 2017: 616 ). So what kind of solution was Poland seeking for the border issue?

Poland's position and demands on the border issue were explained to the West German Foreign Office by Foreign Minister Skubiszewski on February 21, 1990. According to the report, Poland could not accept the "Yalta system," which would allow others to decide its fate. However, Poland "[did] not hope to participate in the [Two-plus-Four] conference on an equal footing" with the six countries. They only wanted to be part of the "forum where security issues concerning Poland's western border are discussed." And what Poland was seeking was "border security by treaty." Such treaty should "[confirm] the finality of Poland's western borders" and "must be initialed (*paraphieren*) by Poland, West Germany and East Germany, i.e. before unification, and then signed by Poland and united Germany."<sup>(26)</sup> Prime Minister Mazowiecki also sent this request to the United States, Britain, France, and the Soviet Union on February 21.<sup>(27)</sup>

This Polish demand was supported by the aforementioned four countries and East Germany.<sup>(28)</sup> After talks in Warsaw, Bonn, Paris, London,

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(26) Vermerk von Schrömbgens vom 22. Februar 1990 über die polnische Haltung, in: PA AA, ZA 140.726 E. Emphasis by the author.

(27) Vgl. *Die Einheit*, Doc. 59, p. 303, n. 10. For the Polish side, it was important that such a border treaty was not of the nature of "establishing new borders" but that it confirmed that the current western border of Poland was "final (*endgültig*)."<sup>(28)</sup> This is because the difference depended on whether the territory east of the Oder-Neisse belonged to Poland from 1945 or not. According to West Germany's legal interpretation of the Treaty of Warsaw (ruling by the Constitutional Court), the German *Reich* was still legally in existence after 1945 (see note 3), so this demand was only natural. Hence, the Polish side also sought to amend Articles 23, 116, and 146 of the West German Basic Law (Pick 2017: 617).

Moscow, Washington, and so on, it was agreed at the first secretariat-level meeting of the "Two-plus-Four" negotiations on March 14 that Poland should be invited to the "Two-plus-Four" negotiations only on the topic of "border issues."<sup>(29)</sup>

During this period, the role of Genscher, along with the pressure of the four victorious powers, was important in getting West Germany to accept Poland's demands. French Foreign Minister Roland Dumas told the Polish Ambassador to France that "It was not easy to get Kohl to change his mind on the issue of Poland's participation in the 4 + 2. In that case, Genscher helped me a lot."<sup>(30)</sup>

Incidentally, compared to Britain and France, which immediately supported Poland, George H. W. Bush's administration in the U.S. showed some understanding of Kohl's policy. At the US-West German summit at Camp David on February 24–25, Bush did not deny Kohl's position on the border issue, namely that a freely elected unified German government and parliament should conclude a border treaty. However, he emphasized that the Polish representative should be included in the "Two-plus-Four" discussion of the border issue. Kohl, on the other hand, explained to Bush that the border issue "is not really a big problem, it's solvable, it's just a question of method."<sup>(31)</sup>

However, Kohl's attitude, although understood by Bush, came under

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(28) For more on Poland's active diplomacy during this period, see Pick 2017: 615–619. For Polish lobbying with the U.S., see: Fernschreiben aus Washington vom 27. 02. 1990, betr.: Schreiben MP Mazowiecki an Präsident Bush, in: PA AA ZA, 179.532 E.; Fernschreiben aus Washington vom 02. 03. 1990, US-Unterrichtung über Schreiben MP Mazowiecki an Präsident Bush und Entwurf für US-Antwortschreiben, in: PA AA ZA, 179.532 E.

(29) Vgl. Erste Gesprächsrunde Zwei plus Vier auf Beamtenebene in Bonn, 14. März 1990, in: *DzD-DE*, Doc. 220, pp. 950–952, here p. 951; Gespräch des Bundesministers Genscher mit dem polnischen Außenminister Skubiszewski in Lissabon, 24. März 1990, in: *Die Einheit*, Doc. 77, pp. 381–383, here p. 382.

(30) *PwzN*, Doc. 43, p. 233. See also Pick 2017: 619.

(31) Gespräch des Bundeskanzlers Kohl mit Präsident Bush in Camp David, 24. Februar 1990, in: *DzD-DE*, Doc. 192, pp. 860–873, here p. 863.

criticism in the United States. Jürgen Ruhfus, West German ambassador to Washington, reported on March 1 that dissatisfaction with Kohl's attitude toward the border issue was growing in the United States after the Camp David talks. According to Ruhfus, Kohl's "unclear and ambiguous statements" on the issue of Poland's western border aroused criticism from "[the U.S.] administration, Congress, think tanks, and public opinion" and "dominated the current German policy debate in the United States." "Within a short time, the question of the German government's attitude toward Poland's western border has become the premier internal political theme in the United States." This is due to the "pressure of a powerfully organized Polish lobby" backed by the voices of "more than 10 million Polish" residents, he said. In the face of this situation, Ruhfus suggested that the Bush administration, which had been supportive of West Germany's position, should be taken into consideration and that Bush should not be forced to choose between Polish interests and West Germany's position.<sup>(32)</sup>

### 3. Franco-German Conflict and American Mediation

#### (1) Parliament Resolution of March 8, 1990

Kohl tried to overcome this situation with the idea of a joint resolution of the West German Bundestag and the East German Volkskammer (People's Chamber). It was proposed that each of the two German parliaments would adopt a declaration that was almost identical to the Bundestag resolution of November 8, 1989 (and Genscher's UN speech of September 1989 on which it was based) that "the right of the Polish people to live within secure borders is not now and will not be questioned by us Germans through territorial claims." Such a proposal had already been suggested by Rita Süßmuth, President of the German Bundestag (CDU), in December 1989, and the West German Foreign Office was also considering it.<sup>(33)</sup> Kohl adopted it.

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(32) Fernschreiben aus Washington Nr 840 vom 01. 03. 1990, betr.: Deutschlandpolitik, hier: polnische Westgrenze, in: PA AA, B 13013.523 E.

(33) Vorlage des Leiters des Planungsstabs, Citron, für Bundesminister Gen-

On March 2, 1990, Kohl published a proposal that after the elections to the East German Volkskammer on March 18, 1990, the two German parliaments would resolve on the same statement. However, Kohl then tried to link this statement to the confirmation of Poland's renunciation of reparations on August 23, 1953, and the protection of the rights of the German minority in Poland.<sup>(34)</sup>

Kohl's proposal to link the two issues was strongly opposed by his coalition partner, the FDP, and led to a "crisis of coalition government" (Kiessler/Elbe 1993: 116 f.). After much debate and coordination among the ruling coalition parties, the CDU/CSU and FDP motion was tabled on March 6. The motion, which was finally voted on by the Bundestag on March 8, proposed the adoption of a resolution by the two German parliaments "as quickly as possible," while abandoning the idea of combining it with a waiver of reparations and protection of minority rights.<sup>(35)</sup> The motion was adopted, with five abstentions from the CDU/CSU parliamentary group.<sup>(36)</sup>

However, the Polish government was not satisfied with the March 8 resolution of the Bundestag. On March 9, during a visit to Paris, President Jaruzelski and Prime Minister Mazowiecki criticized West Germany's stance in the French media.<sup>(37)</sup> First of all, the part of the resolution concerning the border had not changed from the November 8 resolution, and the phrase "a treaty between the governments of all

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scher, 20. Dezember 1989, in: *Die Einheit*, Doc. 34, pp. 186–190. Initially, the Chancellery was negative about such a proposal. Vgl. Vorlage des Regierungsdirektors Mertes, 27. 2. 1990, in: *DzD-DE*, Doc. 195, pp. 878–879.

(34) "Kohl will die polnische Grenzfrage mit einem Verzicht auf Reparationszahlungen verbinden," FAZ, 3. März 1990, S. 1 f. See also *Die Einheit*, Doc. 64, p. 322, n. 23.

(35) Deutscher Bundestag, Drucksache 11/6579 vom 6. März 1990.

(36) Deutscher Bundestag, Stenographischer Bericht, 11. Wahlperiode, 200. Sitzung vom 08. März 1990, pp. 15405–15429B.

(37) Vorlage des Ministerialdirigenten Hartmann an Bundeskanzler Kohl, Bonn, 13. März 1990 (Betr.: Polnische Westgrenze), in: *DzD-DE*, Doc. 216, pp. 937–941, here p. 937 f.



Germany and Poland will adjust the border question” did not accommodate Poland’s request. There was also no specific mention of Poland’s western borders or the Oder-Neisse line, nor was there any mention of the Treaty of Warsaw. The resolution’s use of the phrase “inviolability (*Unverletzlichkeit*) of borders” was also called into question. This is because it avoided the concept of “immutability (*Unveränderlichkeit/Unantastbarkeit*),” which was precisely the expression used in the Treaty of Warsaw to avoid final international legal recognition (Rödder 2020: 76).

## (2) Collision between Kohl and Mitterrand

It was France that supported Poland by intervening in the border issue. Mitterrand had already clashed with Kohl at the Franco-German summit in Paris on February 15 demanding that Poland’s western borders should be approved before unification. On March 9, after a meeting with Jaruzelski and Mazowiecki, who were in Paris, Mitterrand stated at a press conference that “France’s position on the Oder-Neisse issue is more profound than the statement of the West German Bundestag,” and that negotiations on a border treaty should begin before German unification, and that “a treaty of the value of a peace treaty should be initialed” before unification. Kohl’s diplomatic advisor, Horst Teltschik, said, “Kohl’s reaction was one of anger and disappointment. The limits of friendship became clear in the eyes of the Chancellor” (Teltschik 1991: 171).

On March 14, when Mitterrand called Kohl and told him about the agreement with Poland announced at the recent press conference, Kohl was furious and replied, “Not only do we have to take into account the feelings of the Poles, but we also have to respect the feelings of the Germans.”<sup>(38)</sup> Noting Kohl’s anger, Mitterrand thanked him for his frank remarks and said he would emphasize at the press conference that

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(38) Telefongespräch des Bundeskanzlers Kohl mit Staatspräsident Mitterrand, 14. März 1990, in: *DzD-DE*, Doc. 218, pp. 943–947, here p. 946.

Franco-German relations were good. Kohl's anger was due to his fear that the French intervention would put him at a disadvantage in the upcoming East German Volkskammer elections on March 18.

In this way, Kohl managed to suppress French intervention; however, this did not improve his difficult position.

### **(3) East German Volkskammer Elections and U.S. Mediation**

Kohl's predicament was eased by the overwhelming victory of the "Alliance for Germany" in the East German parliamentary elections on March 18. Kohl, feeling relieved by this results, resolved to prepare a draft border treaty the following day, conceding to Genscher that Mazowiecki's proposal should be dealt with positively (Teltschik 1991: 179). Kohl's proposal was that the borders should be finalized by the German government after unification, and that treaty negotiations could not begin publicly, although drafting a treaty could begin informally.

It was Bush who helped Kohl here. Bush met with Mazowiecki in Washington, D.C., on March 21 and 22 and explained Kohl's proposal about which he had been informed by phone in advance, which resulted in an informal agreement. The idea was to informally agree on a draft text on border issues in advance, which would be resolved by both German parliaments and also inserted into a future border treaty (Rödter 2020: 77). On March 27, Genscher also agreed with Kohl in that direction. At that time, Kohl told Genscher, "We do not have to accept Mazowiecki's proposal to negotiate and initial a treaty before German unification" (Teltschik 1991: 183).

## **4. Toward the Compromise**

### **(1) Why Did Kohl Stick to His Legal Position?**

Why did Kohl remain so committed to his legal position? Kohl himself, of course, had no objection to establishing the existing Oder-Neisse line as the final border. However, he was still concerned about domestic politics and did not want to be criticized for his "abandonment policy" (*Verzichts-*

*politik*),” which could have resulted in the loss of right-wing votes ahead of the Bundestag elections scheduled for the end of 1990. In fact, Herbert Czaja, President of the Federation of Expellees (*Bund der Vertriebenen: BdV*) and a member of the Bundestag, said that the “hasty, thoughtless, and unhistorical abandonment” of Germany’s eastern territories would lead to “dangerous confrontations and dangerous majorities in Germany’s domestic politics.” This was taken seriously by Kohl as a domestic political threat (Rödter 2009: 237 f.).

Therefore, Kohl’s strategy was to link German unification with the recognition of the Oder-Neisse line. In other words, he tried to overcome their resistance by confronting the CDU/CSU parliamentary group and the expellees’ organizations with the choice to either accept the abandonment of the former eastern territories or frustrate the unification (Ritter 2013: 46). The abandonment of the eastern territories was the price that had to be paid for the unification of Germany, which is why Kohl persisted with his legal position so as to delay the final confirmation of the border until the last minute.

Kohl’s argument, however, was “a legally correct but diplomatically unsupportable position” (Amos/Geiger 2017: 80). It can be said that Kohl underestimated the international impact of Poland’s western border issue.

## **(2) Conflict between the West German Foreign Office and Kohl**

Foreign Minister Genscher and the West German Foreign Office took judgment that Kohl’s position would cause distrust even among the Western allies providing them with an excuse for reservations about German unification. It was for this reason that Genscher repeatedly called for the recognition of the current borders in his public speeches. For example, in an important speech he gave at the Evangelical Academy in Tutzing on January 31, 1990, he said:

The question we Germans have to answer is: what should be unified?

The answer is obvious. It is both German states, including Berlin, nothing more and nothing less.<sup>(39)</sup>

Genscher's attitude was met with an angry outcry from the right wing. According to a report by the West German Foreign Office, letters of protest and threats against Genscher "flooded" the ministry, with words such as "traitor (*Landesverrat*)," "fraud," "abandonment," "Polish mouth-piece," and "Polish foreign minister."<sup>(40)</sup> In a letter to Genscher dated April 9, 1990, the Ulm district representative of the Federation of Expellees wrote: "Rename the Oder-Neisse line to 'Hans-Dietrich Genscher line' so that future generations will always remember who sold our homeland like a potato."<sup>(41)</sup>

Kohl must have been frustrated by the criticism from the right wing. In May 1990, Kohl reprimanded the West German Foreign Office for attempting to negotiate with Poland on its own initiative.

In the first place, in anticipation of the "Two-plus-Four" negotiations, the West German Foreign Office was planning to focus on resolving the border issue. In early March 1990, the Foreign Office published an "interim report on foreign and security policy issues related to the establishment of German unification," in which the "border issue" was given "comparable importance" to the issue of the security status of a unified Germany.<sup>(42)</sup>

Therefore, in addition to the "Two-plus-Four" negotiations, the West

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(39) Rede des Bundesministers des Auswärtigen, Hans-Dietrich Genscher, zum Thema "Zur deutschen Einheit im europäischen Rahmen" bei einer Tagung der Evangelischen Akademie Tutzing am 31. Januar 1990 in Tutzing, in: *DV*, Doc. 23, pp. 190-191, here p. 191.

(40) Vorlage des Referatsleiters 214 i.V., Schrömbgens, für Bundesminister Genscher, 14. März 1990, in: *Die Einheit*, Doc. 72, pp. 364-365.

(41) *Die Einheit*, Doc. 72, p. 365, n. 1.

(42) Zwischenbericht des Auswärtigen Amtes über die außen- und sicherheitspolitischen Zusammenhänge bei der Herstellung der deutschen Einheit, Vermerk von Referat 210, 5. März 1990, in: PA AA, ZA 198.439 E. (auch in: *Die Einheit*, Doc. 66, pp. 329-339, here p. 332).

German Foreign Office, on its own initiative, took the lead in the trilateral negotiations between Poland, East Germany, and West Germany. This was an attempt by the three countries to discuss a draft of a future border treaty based on the draft treaty presented by the Polish Ministry of Foreign Affairs at the end of April, and was held on May 3, 18, and 29, 1990.<sup>(43)</sup>

However, these negotiations had to be suspended due to Kohl's protests. When Kohl learned that the Foreign Office was already negotiating with Poland on the border issue (or, more accurately, that he had forgotten about it), he called Jürgen Sudhoff, State Secretary of the Foreign Office, on May 25 and told Genscher that: "I [Kohl] would like to discuss the draft text of a brief resolution with the minister [Genscher] next week. The draft would then be discussed within the coalition, then with de Maizière [East German Prime Minister], and then with the Bundestag. [...] What I would like to see is a clear and unambiguous statement from both [German] parliaments. I will not take any orders from Poland. I've already had enough trouble in my country, and not just from the expellees."<sup>(44)</sup>

In this call, Kohl said, "This concerns the principle of the *Richtlinienkompetenz*." The principle being referred to is that of the Chancellor in the government as stipulated in Article 65 of the Basic Law, which states that each minister can only act within the limits of the "general guidelines of policy" decided by the Chancellor (often contrasted with the individual ministerial responsibility system adopted by the Weimar Constitution). Encountering Kohl's fury, the Foreign Office abandoned the idea of progress via negotiations with the three countries.

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(43) Trilaterales deutsch-deutsch-polnisches Direktorengespräch in Warschau, 3. Mai 1990, in: *Die Einheit*, Doc. 92, pp. 453–458. See also: *Die Einheit*, Doc. 100, n. 14 and Doc. 104.

(44) Vermerk des Staatssekretärs Sudhoff für Bundesminister Genscher, 25. Mai 1990, in: *Die Einheit*, Doc. 103, pp. 517–518, here p. 517.

### (3) Resolutions of the Two German Parliaments and Compromises in the "Two-Plus-Four (-Plus-One)" Negotiations

On June 21, 1990, the West German Bundestag and the East German Volkskammer adopted identical resolutions to the effect that "the borders between a unified Germany and the Republic of Poland are finally fixed by an international legal treaty" and that they would coincide with the existing borders. In advance, Kohl threatened the CDU/CSU parliamentary group that he would resign as Chancellor if the majority of the ruling coalition opposed him.<sup>(45)</sup> As a result, it was adopted by the Bundestag with 486 votes in favor, 15 against (all CDU/CSU), and 3 abstentions.<sup>(46)</sup> Thus, Kohl also officially confirmed that the current western border of Poland was "final" with this resolution.

Many existing studies end their description of the Oder-Neisse line issue with these two German parliamentary resolutions (Rödder 2020: 77); however, the struggle regarding the issue continued.

Indeed, Skubiszewski, who received this resolution of the two German parliaments from Genscher, responded on June 22 that "Poland's assessment of this resolution is positive" and that it is "satisfactory." However, Skubiszewski still insisted on the timing of the treaty: "Poland hopes that the treaty will be signed as soon as possible after the unification of the two German states."<sup>(47)</sup>

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(45) This point has recently been made clear by the documents of Manfred Abelein, a member of the Bundestag. The documents proved that Kohl's threat caused Abelein to flip from opposition to support. See the following news reports: Klaus Wiegrefe "Kohl riskierte Kanzlerschaft für Grenzfrage," *Der Spiegel*, Nr 30 / 2021 (24. Juli 2021).

(46) Deutscher Bundestag, Stenographischer Bericht, 11. Wahlperiode, 217. Sitzung vom 21. Juni 1990, pp. 17277–17279. In the East German Volkskammer there were 394 votes in favor, 6 against, and 18 abstentions. Cf. Entschließung des Deutschen Bundestages zur deutsch-polnischen Grenze vom 21. Juni 1990, in: *APBRD*, Doc. 226, pp. 676–677.

(47) Drahtbericht des Botschafters Knackstedt, Warschau, 22. Juni 1990, in: *Die Einheit*, Doc. 120, pp. 585–587, here p. 585 f. Note that in a meeting with

Then, on July 3, Skubiszewski presented his specific demands. As it stands now, “the provisions of the Polish-German border continue to have a provisional character. This is because no peace treaty has been signed with a unified Germany.” Therefore, the following three demands were made: (1) the international legal character of borders should be clearly stated as “a fundamental element of the European peace provision (or final provision)”; (2) not only the Basic Law but also all German laws and regulations should be amended so that they do not conflict with the international legal character of borders; and (3) the entry into force of the border treaty and the international legal final provision should be simultaneous.<sup>(48)</sup> Poland’s demands were carried over to the “Two-plus-Four” negotiations in which it would participate.

Already on May 5, 1990, at the first “Two-plus-Four” foreign ministers’ meeting in Bonn, the agenda was negotiated and four themes were agreed upon as the agenda for the “Two-plus-Four,” the first of which was the “border issue.”<sup>(49)</sup> Furthermore, at this first meeting, it was also officially decided to invite Polish Foreign Minister Skubiszewski to the third “Two-plus-Four” foreign ministers’ meeting to be held in Paris on July 17, 1990, to “discuss border issues.” It was also resolved that the Political Director of the Polish Ministry of Foreign Affairs would participate in the preceding secretariat-level meeting.<sup>(50)</sup>

In response to this decision, Poland also participated in the consultations on border issues at the sixth “Two-plus-Four” secretariat-level meeting held in East Berlin on July 3–4. One of the tasks of this

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Genscher in Copenhagen on June 6, Skubiszewski stated that he would not seek the provisional signing of a border treaty before unification (*PwzN*, Doc. 60, p. 327. Cf. Pick 2017: 621).

(48) *Die Einheit*, Doc. 120, p. 587, n. 11.

(49) The second is the “political and military question,” the third was the “Berlin question,” and the fourth the “final international legal provisions and the dissolution of the rights and responsibilities of the four countries.” Cf. Drahtbericht des Gesandten Bächmann, Brüssel (NATO), 7. Mai 1990, in: *Die Einheit*, Doc. 95, pp. 467–473, here p. 468.

(50) Cf. *Die Einheit*, Doc. 95, p. 470, n. 9.

secretariat-level meeting was to prepare principles on the border issue with Poland for the upcoming third meeting of the "Two-plus-Four" foreign ministers. Thus, the Polish side formally presented the three conditions mentioned above.<sup>(51)</sup>

Then, at the third "Two-plus-Four" foreign ministers' meeting held in Paris on July 17, 1990, Polish Foreign Minister Skubiszewski participated only in the discussion of border issues (called the "Two-plus-Four-plus-One" meeting).<sup>(52)</sup> To sum up, the Polish side's first request was accepted, that is, the phrase "the confirmation of the character of the borders of this united Germany as final is an essential element of the peaceful order in Europe" was to be added to the "Two-plus-Four Treaty" (Article 1, paragraph 1).<sup>(53)</sup>

In contrast, the second request, namely the revision of German laws and regulations other than the Basic Law, was abandoned by the Polish side. Furthermore, Skubiszewski could not get the proposed "Two-plus-Four Treaty" and border treaty to enter into force simultaneously. Instead, he conceded due to a statement by Genscher that "a treaty on the German-Polish border would be signed in the shortest possible time after Germany's unification and restoration of sovereignty" and would be ratified by the parliament of a united Germany.<sup>(54)</sup> The four victorious powers also confirmed that the borders of a unified Germany were final. From the West German point of view, it was a success because it

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(51) Drahtbericht des Botschafters von Ploetz, Brüssel (NATO), 9. Juli 1990, in: *Die Einheit*, Doc. 126, pp. 603–607, here p. 605 f.; Sechste Gesprächsrunde Zwei plus Vier auf Beamtenebene unter Beteiligung Polens in Berlin-Niederschönhausen, 3./4. Juli 1990, in: *DzD-DE*, Doc. 339, pp. 1293–1294.

(52) Vermerk des stellvertretenden Leiters der Politischen Abteilung, Höynck, 18. Juli 1990, in: *Die Einheit*, Doc. 130, pp. 615–620, here p. 617–620. See also: Drittes Treffen der Außenminister der Zwei plus Vier unter zeitweiliger Beteiligung Polens in Paris, 17. Juli 1990, in: *DzD-DE*, Doc. 354, pp. 1367–1370.

(53) In addition, the word "fundamental (*grundlegend*)" in the Polish presentation has been changed to "essential (*wesentlich*)".

(54) Protokoll des französischen Vorsitzenden, in: *DzD-DE*, Doc. 354B, pp. 1369–1370, here p. 1370.



confirmed that the four countries did not guarantee the western border of Poland and that these provisions were not part of the peace treaty.

In addition, Skubiszewski and Genscher had a lunch meeting before discussing the border issue at the “Two-plus-Four” meeting.<sup>(55)</sup> Genscher had told his counterpart that he was ready to conclude a treaty on future relations between Germany and Poland. Gerhard A. Ritter notes here that, in effect, a compromise was made on the border issue (Ritter 2013: 164).

Thus, the border portion of the “Two-plus-Four Treaty” was set. “The Treaty on the Final Settlement with Respect to Germany (Two-plus-Four Treaty),” signed on September 12, 1990, defines the territory and external borders of a unified Germany in paragraphs 1–5 of its Article 1.<sup>(56)</sup> As already mentioned, paragraph 1 states that a united Germany consists of “the Federal Republic of Germany, the German Democratic Republic and the whole of Berlin” and that “Its external borders shall be the borders of the Federal Republic of Germany and the German Democratic Republic” and it was stipulated that it is final as “an essential element of the peaceful order in Europe.” The second paragraph also stated that “The united Germany and the Republic of Poland shall confirm the existing border between them in a treaty that is binding under international law.” And paragraph 3 confirms that a unified Germany finally renounced any territorial claims. Furthermore, in paragraph 4, the two German governments guaranteed that “the constitution of the united Germany does not contain any provision incompatible with these principles,” which was also confirmed as valid in the Preamble of the Basic Law, Articles 23 and 146. The fifth and final paragraph stated that the four governments of the United States, Britain, France, and the Soviet Union declare that “the definitive nature of the united Germany’s borders” has been confirmed.

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(55) Cf. *Die Einheit*, Doc. 130, p. 617, n. 8; Genscher 1995: 844.

(56) Vertrag über die abschließende Regelung in bezug auf Deutschland, 12. September 1990, in: *Die Einheit*, Doc. 152, pp. 700–706, here p. 702.

#### (4) Conclusion of a Border Treaty

Thus, in the "Two-plus-Four Treaty", the border treaty between Germany and Poland was explicitly mentioned. However, right up until the end, Kohl tried to stall the conclusion of the border treaty for as long as possible (Ritter 2013: 165). In a letter to Mazowiecki on July 13, 1990, just before the third meeting of the "Two-plus-Four" foreign ministers, Kohl proposed that the German draft of the treaty be communicated to Poland within three months of the opening of the reunified German parliament.<sup>(57)</sup> In response, Mazowiecki, in a reply to Kohl dated July 25, cited Genscher's statement at the "Two-plus-Four" conference, in which he promised to sign a border treaty "as quickly as possible."<sup>(58)</sup>

However, in a further letter to Mazowiecki on September 6, Kohl proposed a meeting on November 8, 1990. The talks were supposed to discuss measures "for the formation of future-oriented German-Polish relations, which we are both pursuing, and for the conclusion of a comprehensive treaty on border issues as quickly as possible in the New Year."<sup>(59)</sup> Kohl tried to delay the conclusion of the border treaty as long as possible, aiming to combine it with a treaty that would define future German-Polish relations (the Treaty of Good Neighborhood and Friendly Cooperation).

In the end, however, Kohl had to give in, and the date for the signing of the border treaty became a compromise, that is, the German-Polish border treaty was signed on November 14, 1990, six weeks "after" the unification and a little more than two weeks "before" the Bundestag elections.<sup>(60)</sup>

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(57) Schreiben des Bundeskanzlers Kohl an Ministerpräsident Mazowiecki, Bonn, 13. Juli 1990, in: *DzD-DE*, Doc. 349, pp. 1339–1340, here p. 1339.

(58) Schreiben des Ministerpräsidenten Mazowiecki an Bundeskanzler Kohl, London, 25. Juli 1990, in: *DzD-DE*, Doc. 371, pp. 1418–1421, here p. 1420.

(59) Schreiben des Bundeskanzlers Kohl an Ministerpräsident Mazowiecki, Bonn, 6. September 1990, in: *DzD-DE*, Doc. 412, pp. 1523–1524.

(60) Vgl. Tischvorlage des Bundesministers Genscher für die Kabinettsitzung am 14. November, 13. November 1990, in: *Die Einheit*, Doc. 169, pp. 763–765. The ratification of the border treaty by the Bundestag took place on October

## Conclusion

The fall of the Berlin Wall was an event that both opened up the possibility of German unification and revived the ghosts of World War II. Overcoming the divisions in Europe and ending the Cold War also required a renewed end to World War II. The issue of the determination of the western border of Poland, which has been examined in this paper, was a clear demonstration of this.

When history becomes a point of contention, the constraints of domestic politics on foreign policy become stronger. On the issue of the western border of Poland, the Poles feared a “new German invasion across the Oder” while the German right wing criticized the abandonment of eastern territories. Against this backdrop, West German diplomacy wavered between Kohl, who was concerned about domestic politics, and Genscher, who emphasized cooperative relations with other countries.

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17, 1991 (and by the Polish parliament on the following day). The German-Polish Treaty of Good Neighborship and Friendly Cooperation, which Kohl wanted to establish in conjunction with the border treaty, was signed on June 17, 1991, and ratified on October 17, the same day as the border treaty. Both treaties entered into force simultaneously on January 16, 1992.

## German Unification and the Issue of Poland's Western Border

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