

The Treaty on the Final Settlement with respect to Germany

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Last updated: 08/07/2016



The Treaty on the Final Settlement with respect to Germany

The definitive international status of reunified Germany was set out at the ‘Two Plus Four Conference’ which brought together the Four Powers, the guarantors of the quadripartite status initiated in 1945, and representatives of the two German States. The Conference opened in Bonn on 5 May 1990 and ended with the ‘Treaty on the Final Settlement with respect to Germany’, signed in Moscow on 12 September.

The key question was whether or not NATO should be extended to include the GDR, a plan to which Mikhail Gorbachev was opposed. President Bush proposed that the USSR be provided with security guarantees. On 16 July, Helmut Kohl met Gorbachev, and they reached an agreement on the terms and conditions. The issue of borders was raised by Poland, which demanded definitive recognition of the Oder-Neisse Line. France supported Poland and made its agreement conditional on this demand being met. On 17 July, the Conference adopted a ‘Declaration on the definitive nature of the borders of Germany’. Germany and Poland undertook to sign a treaty recognising their common border (subsequently signed on 14 November). Finally, the bargaining over the amount of the financial contribution to be paid for the withdrawal of the Soviet troops from the GDR and their relocation back to the USSR ended with the FRG agreeing to pay 12 000 million Deutschmarks, plus an interest-free loan of DM 3 000 million.

The Treaty on the Final Settlement with respect to Germany of 12 September formally recognised the fact that ‘the German people, freely exercising their right of self-determination, have expressed their will to bring about the unity of Germany as a state ... [and] as an equal and sovereign member of a united Europe.’ It confirmed the definitive nature of the frontiers. United Germany would be free to join the alliance of its choice; as it happens, this was the Atlantic Alliance. NATO structures would be extended to the territory of the former GDR only after the departure of Soviet troops. Subsequently, NATO forces might be stationed there, but without nuclear weapons. Above all, the military capacity of reunified Germany had to be limited to 370 000 men, half the total of FRG and GDR troops. Germany had to abandon the manufacture and possession of atomic, biological and chemical weapons (the FRG having already committed to this in 1955) and to sign the Treaty on the Non-Proliferation of Nuclear Weapons.

The Unification Treaty, signed by the FRG and the GDR in East Berlin on 31 August, entered into force on 3 October 1990. Thus, in the space of less than a year, Germany had recovered its unity and its sovereignty. The Four Powers renounced the quadripartite status of Germany. Russian troops would withdraw from Germany by August 1994. Western troops would leave Berlin on 8 September 1994 but remain in Germany under the aegis of the Atlantic Alliance. Germany remained subject to the international status defined by the Treaty of 12 September 1990 and ratified by the second Summit of the Conference on Security and Cooperation in Europe (Paris, 19–21 November 1990), at which the sixteen members of NATO and the six Warsaw Pact countries signed the Treaty on Conventional Armed Forces in Europe, which sought to establish parity between the conventional weapons arsenals of the two military alliances. This Treaty would lose its significance with the dissolution of the Warsaw Pact on 1 July 1991.