

March 10, 1970

**Memorandum for President Nixon from Kissinger,
"The Current Status of Brandt's Ostpolitik"**

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Summary:

A memorandum for President Nixon from National Security Advisor Henry Kissinger on the current status of West German Chancellor Willy Brandt's "Ostpolitik" or Eastern Policy, which sought to normalize relations between West Germany and the communist countries.

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INFORMATION

March 10, 1970

MEMORANDUM TO THE PRESIDENT

FROM: Henry A. Kissinger *H*SUBJECT: The Current Status of Brandt's Ostpolitik

It looks like Brandt is over his head; he has very little to offer - & they have a great deal

This week the West German government resumed negotiations in Moscow and Warsaw and held the first staff-level preliminary contacts to prepare a meeting between Chancellor Brandt and the East German Premier Willy Stoph. On the Eastern side, following the conclusion of the first round of talks in Moscow, Foreign Minister Gromyko paid an unexpected visit to East Berlin and stopped off in Warsaw on his return. Bonn is obviously entering a phase in which the various strands of its negotiations with the East will have to be pulled together. At the same time, our negotiations with the USSR over Berlin will become part of the general dialogue.

A. The German-Soviet Talks

The basis for these talks is the West German proposal for a renunciation of force agreement which was the basic framework of the talks during 1967-1968. In the first phase of the current contacts (December 7 - February 16) both sides have tried to define the scope of such an agreement. Four issues have emerged:

1. Border recognition: The Soviets are demanding that Bonn explicitly confirm all existing European borders, and pledge not to change them in any manner.

--Bonn's position is that it is constrained by the Potsdam agreements and the 1954-1955 agreements with the three Western powers from legally recognizing all European borders as final and irrevocable; as a practical matter Bonn would renounce any change from the 1970 borders.

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2. The West German - East German Relations: The Soviets continue to press for a clarification of the future relationship between the two Germanies, claiming that Bonn must accept the border with East Germany as an international frontier.

--The Soviets also insist that it be understood in advance that any Soviet-West German agreement would have to be similar to subsequent agreements between Bonn and the other "socialist countries".

--Bonn contends that future relations with East Germany must have a "special" character, based on equal rights between two states, but not on international relations, since Bonn will not accept East Germany as a "foreign country".

--Gromyko has found this "illogical", and has insisted that any mention of unification or the "German nation" in an agreement with the USSR is out of the question.

3. Berlin: The Soviets insist that the renunciation of force agreement apply to West Berlin; West Germany would pledge not to change the borders of West Berlin, thus conferring a special status on West (but not East) Berlin. The Soviets have said that all matters, such as access, were matters for the four powers.

--Bonn has responded that while negotiations with the USSR over Berlin are beyond its competence, there could be no confirmation of the status quo from Central Europe, while the status quo in Berlin was thus modified. Berlin's relations would have to be "normalized" and West Germany's economic, financial, cultural, and legal ties with West Berlin would have to be respected by the USSR. In turn, Bonn would respect the status of Berlin, subject to four power agreements.

4. FRG - Soviet Relations: Bonn has wanted to insert in any agreement some reference to Article 2 of the UN Charter, which obligates the members to respect each other's sovereignty. This arose because of previous Soviet claims that under Articles 107 and 53 of the UN Charter the USSR retained certain legal rights of intervention in German affairs.

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--Originally, Gromyko claimed that this issue could not be discussed but most recently he acknowledged that there might be a reference to Article 2 as Bonn desires.

B. The Polish - West German Talks

The issue here is relatively straight forward. The Poles insist that the "starting point" for any normalization of relations is West German recognition of the Oder-Neisse border as a final boundary, and without any qualifications.

Bonn's position is that the Poles could achieve the same practical effect by concluding a renunciation of force agreement, in which Bonn would undertake not to change any boundaries by force. Bonn further argues that the Potsdam agreement specifically envisaged a final "peace settlement" to determine Germany's Eastern border, and that, in any case, the 1954 treaty between Bonn and the three Western powers, ending the occupation of West Germany, retained for the three powers the right and responsibility of a final settlement under Potsdam.

The Poles countered by asking why Bonn did not ask the three Western powers either to revise the 1954 treaty or to endorse the Oder-Neisse line as final.

The West Germans are fairly sanguine about these talks. The main question is whether the Poles will settle for less than their maximum demands of definitive recognition of their borders. The answer may depend, in part, on the Moscow talks and on the East-West German talks.

C. The Brandt-Stoph Talks

When the Brandt government followed its election by proposing negotiations with Moscow and Warsaw, a debate broke out within the Warsaw Pact. Reliable reports of a Pact meeting in Prague in early December indicate that East Germany was opposed to any normalization with Brandt's government, that Poland and Romania favored negotiations and that the Soviets and other members took the middle ground. The Soviets argued that the Brandt government presented opportunities that each of the Warsaw Pact countries might exploit in separate negotiations, but that the recognition of the GDR

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should be retained as a common objective. Naturally, the Soviet position prevailed.

The East Germans then inserted themselves onto the scene by proposing a draft treaty with East and West Germany and an early meeting between Premier Stoph and Brandt. Despite the harsh and patently unacceptable terms of the treaty, the East Germans posed no preconditions for a meeting with Brandt in East Berlin. Brandt accepted and proposed a first meeting in mid-March (this is one reason the West Germans are urging speed in opening the four power talks on Berlin). Staff level discussions on the portocol and the agenda are underway. After the first Brandt-Stoph meeting, Bonn is thinking in terms of lower-level negotiations (4-6 weeks) to lay the bases for a "contractual relationship". The negotiations might divide into several areas: (1) political relations; (2) improvement in communications; (3) reductions in discriminatory treatment; (4) joint institutions; and (5) economic relations.

Bonn would hold back on the critical question of East German participation in international organizations until progress was achieved on political relations and improved communications. After a period of bargaining Stoph would come to Bonn.

While the East German tactics are largely a matter of guesswork, their aims are clear: to obtain the maximum possible recognition from Bonn as a separate state, equal in all respects including in international law. While Brandt is prepared to acknowledge the existence of two separate states, his concept of two states within one "German nation" is likely to prove an unacceptable circumvention for the East Germans. A key unknown is the degree of conflict between Moscow and East Berlin, which has been evident, and within the East German leadership as Bonn alleges (and wishes to believe).

D. The Outlook

It is still early in these talks to see how they might ultimately fit together or how the issues might be resolved. On the Eastern side there are no great pressures for an early agreement if, in fact,

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they want any agreement. On the West German side, however, there are some serious misgivings within the country over Brandt's policy. An early test for the Brandt government may come this June when there are local elections in Germany's largest industrial state, North-Rhine Westphalia. If Brandt's coalition partners, the Free Democrats, do poorly in those elections, the party could splinter or turn to a local coalition with the Christian Democrats, and jeopardize the Brandt national coalition government. For this reason alone, Brandt feels under pressure to show some early success in his dealings with the East.

*and if Brandt continues on
his soft headed line - -
This would be in our interests.*

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