

# “TAKE NO RISKS (CHINESE)”: THE BASIC TREATY IN THE CONTEXT OF INTERNATIONAL RELATIONS

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Only the two Germanies signed the Basic Treaty at the end of 1972; yet the origins of this treaty were anything but bilateral. Like so much else in the Cold War, this accord represented the interaction between many layers: the local grievances of Berliners concerned with issues of family reunification and transit rights; the ambitions of the leaders of both halves of divided Germany; and the pressures of global superpower competition. In order to understand the Basic Treaty, it is necessary to understand all of these levels. This essay will, first, provide an overview of what the treaty accomplished on a practical level; second, discuss one particularly illuminating controversy, the question of emigration; and finally, show how this controversy reveals the impact of the international context on the Basic Treaty.

## I. The Treaty

On December 21, 1972, the lead GDR negotiator, Michael Kohl, and Chancellor Willy Brandt's close aide, Egon Bahr, signed the Basic Treaty in East Berlin. It would be misleading to describe the signing, which was soon overshadowed by the United States' Christmas bombing of Hanoi, as a joyous occasion and a great triumph. Plans to have more senior figures—such as Brandt himself and SED leader Erich Honecker—sign the accord had fallen victim to squabbling. The treaty itself, rather than representing a new breakthrough, instead instituted acceptance of the sad realities of the Cold War.

Nonetheless, the merits of the Basic Treaty deserve recognition. The details of the treaty itself have been analyzed elsewhere. The question here is: what was its overall significance in terms of international relations?<sup>1</sup> Through complex and often contentious talks, the two states on either side of the Cold War front line had effectively reached a *modus vivendi*. With this accord, Bonn and East Berlin recognized that the division of Germany would remain in place for the foreseeable future (even if West Germany avoided including any formal recognition of the GDR as a sovereign state) and established a basis for regulating the practical problems caused by that division.

The Basic Treaty also decreased the chance for conflict between the two Germanies by codifying a number of contentious issues. It formally

stated the commitment of both Germanies to the principle of non-violence in their dealings with one another. It indicated both sides' willingness to try to promote peaceful relations in Europe as a whole. Both Germanies agreed generally to respect each other's autonomy in internal issues. Various appendices indicated more specific intentions, such as to increase trade and ease traffic and postal flows. The two states also agreed to exchange "permanent representations," or missions, that would essentially be quasi-embassies. For all its shortcomings, the treaty provided a framework and institutions for resolving German-German conflicts in the future, thereby reducing the chances that such conflicts would escalate.

Strangely, the signing of the Basic Treaty did not signal the end of the negotiations surrounding it. Follow-up talks continued throughout 1973. Ostensibly, these talks were to discuss remaining technical questions. However, they did not confine themselves to minor issues. Instead, these post-Basic Treaty follow-up talks revealed the impact of the international context. They did so by exposing the darker aspects of questions of human rights, and of trade and financial transfers between the FRG and GDR.

## II. Controversy over Emigration

In the 1960s, West Germany had established a practice of essentially buying the freedom of political prisoners and other would-be émigrés from the GDR. By the time the Wall came down, the FRG had spent over DM 3.5 billion to secure the release of roughly 34,000 prisoners along with reuniting approximately 250,000 families divided by the Wall.<sup>2</sup> Until the time of the Basic Treaty, such dealings occurred primarily along a shadow back channel. Both West and East German negotiators referred to this channel as the "lawyer level" because of the involvement of attorneys such as Wolfgang Vogel of East Berlin.<sup>3</sup> The East German secret security service, the Stasi, was heavily involved in this matter as well. On the West German side, such dealings were largely the responsibility of the Ministry for All-German (*Gesamtdeutsch*)—later Intra-German (*Innerdeutsch*)—Affairs.<sup>4</sup>

In all such dealings, two SED concerns—worry about the effects of increased humanitarian concessions and desire to secure economic gain—stood in conflict with one another. Eventually, the latter gained the upper hand. East Berlin decided to use humanitarian concessions as bargaining chips. For example, when Basic Treaty talks had bogged down, the GDR announced its willingness to issue an amnesty to some prisoners on or near its anniversary holiday, October 7, 1972. It also offered to release from GDR citizenship those East Germans who had fled to the West and had become FRG citizens; such a move would enable them to travel back into the East without fear of being repatriated against their will.

In one of its most cynical moves, the SED also used children as bargaining chips. East German negotiator Michael Kohl made an offer to Bahr in October 1972 to allow roughly three hundred children and minors to join family members in the West. SED documents show that Bahr knew this was not a gift. He replied that, "in conjunction with the exit of the children, certain transfer payments probably should be made."<sup>5</sup> Yet problems became apparent just before the signing. According to Kohl, in a conversation on December 12, 1972, Bahr complained that not all of the children on the list were actually being allowed to emigrate. Showing that he knew where to apply pressure, Bahr pointed out that the FRG had a sum of about DM 60–70 million "on ice," but that its release to the GDR was dependent on a satisfactory resolution to the issue of the children's emigration.<sup>6</sup>

In the same conversation, Bahr also complained about the hindrance of the emigration to West Germany by GDR citizens who had previously received permission to leave. In some cases, these would-be émigrés had already sold their worldly possessions and literally sat on packed suitcases. Stories of their plight made it into the West German press, where they became colloquially known as the *Kofferfälle*, or "suitcase cases."<sup>7</sup> The extent of the problem was made clear in a telegram to Kohl from the head of the West German chancellery, Horst Ehmke. In it, Ehmke complained that there were 2,700 to 3,000 cases in which individuals with exit visas suddenly found themselves unable to leave.<sup>8</sup>

Even more mysteriously, by the end of June 1973, this issue had suddenly evaporated.<sup>9</sup> What had happened between the end of April, when the blockage seemed to be an intractable problem, and the end of June? SED documents strongly suggest that one must look beyond German-German politics to find all the factors involved in bringing about an end to the emigration blockages.<sup>10</sup> It was not only the West Germans who were getting the impression that the SED regime was trying to use the would-be émigrés as pawns in its effort to secure Basic Treaty ratification as well as secure UN membership for the GDR. The Soviets seem to have felt the same way.

Surveying the political horizon from a different perspective, Moscow had other concerns that it considered to be more important. Détente with the United States had become increasingly problematic. Despite strong internal resistance from Henry Kissinger, the American senator Henry Jackson insisted in late 1972 and early 1973 on linking trade relations with the USSR, specifically the grant of Most Favored Nation (MFN) status, to an easing of restrictions on Jewish emigration. The legislative manifestation was the Jackson-Vanik amendment.<sup>11</sup> As a result, the Soviets did not receive MFN status; officially, they withdrew their request.

More importantly, the Soviets continued to express worry to the SED about China throughout the spring of 1973.<sup>12</sup> Only two months before SPD parliamentary faction leader Herbert Wehner's May 1973 visit to Honecker, Brezhnev told East German Chairman of the Council of Ministers, Willi Stoph, that "the Chinese are conducting politics that are dangerous and harmful to us all."<sup>13</sup> He added cryptically, "they are threatening us with reference to the American fleet."<sup>14</sup> Brezhnev then made clear that the Soviets were also worried about the situation in Vietnam, which remained unsettled despite the Paris Accords between the United States and the North Vietnamese, and also about the stability of the Brandt government.<sup>15</sup> Brezhnev himself argued that "one must support Brandt."<sup>16</sup>

As a consequence of all of these concerns, Brezhnev made it perfectly clear that the SED needed to be more forthcoming in its dealings with the West Germans. Brezhnev told the SED in late March 1973 that the party had to "re-think the issue [. . .] of allowing families to reunite." Essentially, he created a direct link between the global concerns of the country he headed and the fate of a few hundred families divided by the German-German border.<sup>17</sup>

Soviet Foreign Minister Gromyko found it necessary to remind the SED of these concerns in mid-May during a visit to East Berlin with Brezhnev. He told the GDR to re-think its hard-line stance. The Stasi summary of his reasoning is quite brief: "take no risks (Chinese)."<sup>18</sup>

A note from Egon Bahr to Willy Brandt at this time reported that, according to Bahr's informants from the Soviet Union, Moscow had given up hope of improving relations with the Chinese.<sup>19</sup> Brezhnev himself, en route to visit Bonn, spoke at length with Honecker about the long list of Soviet geopolitical concerns.<sup>20</sup> As he told Honecker, the most frightening aspect about China was not merely its possession of nuclear weapons; after all, the United States had them as well, and the USSR had its own arsenal. Rather, "the most horrible, frightening, and dangerous thing is that the current Maoist leadership has wholly and completely betrayed Marxism-Leninism and will sign a treaty with any old imperialist state, with Bonn and France, with the main goal of harming the Soviet Union."<sup>21</sup> In other words, Brezhnev was more worried about the *Chinese* because of their hostile intentions than he was about the Americans.

### III. The International Context

Brezhnev's comments about China in this context were the most blunt that he had ever made. Yet, by taking a longer view of the German-German relations, it becomes apparent that Soviet fear of China had been building for years. It had made a significant impact on its conduct of foreign policy toward Europe for much of the détente era.

In fact, to an extent not appreciated until archival documentation became available, there was a striking parallel between the superpowers' attitudes towards Europe. Nixon and Kissinger wanted to stabilize international relations in Europe so that they could turn their attention toward the goal of withdrawing from Vietnam with honor; Brezhnev similarly sought stability in Europe due to his own worry over conflict in Asia, namely fear of armed combat with China.

The parallel nature of these "Asian worries" had striking practical effects. Both superpowers worried about their respective German ally showing too much initiative at a time when stability in Europe was at a premium. For example, after the SED leadership agreed in 1970 to allow Willy Brandt to travel on to GDR soil for a meeting in Erfurt, it then watched in horror as he was warmly welcomed by East German crowds. Because of the reception accorded to Brandt, Moscow began to get more actively involved in the conduct of German-German relations, with the goal of preventing a repetition. President Nixon rightly surmised that the Brandt visit had "scare[d] hell out of the Soviets."<sup>22</sup>

However, these events caused not a little anxiety in Washington as well. Willy Brandt's eager outreach to East European nations deeply worried Kissinger and Nixon.<sup>23</sup> In the 1960s, United States leaders had accused the Germans of not keeping pace with détente developments and of "obstructing or retarding the solution of important East-West issues."<sup>24</sup> Hence, when the new Brandt government evinced willingness to implement détente measures of its own, the West could hardly complain. On top of this, Brandt claimed to view the division of Germany not as a territorial but rather as a human rights issue, thereby offering "an unobjectionable political and moral rationale" for his Eastern policies.<sup>25</sup>

However, during the early 1970s, Henry Kissinger was involved in an incredibly complicated game of international political chess. Via shuttle diplomacy, with only a small staff, Kissinger was trying to manage simultaneously policy toward the Soviet Union, China, the Middle East, and Vietnam. Moreover, rather than seeking help from the State Department or the Joint Chiefs, he was going out of his way to exclude them from the decision-making process. The Joint Chiefs were actually reduced to spying on him to find out what he was doing.

As a result, Kissinger did not want Willy Brandt causing any unnecessary complications for his plans. Kissinger's worry was not so much that Brandt would intentionally destroy the Western alliance. Rather, he was concerned about what Brandt might unintentionally do. Brandt's one brief visit to the GDR had caused large protests. If he continued his policy of Ostpolitik, might it lead to massive outbursts of nationalism? What would they imply for the status quo? Would Soviet tanks roll into divided Germany? What would the Western response be?

Kissinger did not want to open that can of worms at a time when he had, in his view, more pressing issues in Vietnam and China to manage. He wanted to “checkmate” the Soviet Union by setting up an alliance with China, and, thus secured, withdraw from Vietnam from a position of strength. However, if Brandt were to conduct policy toward the Soviet Bloc on his own, that might imply weakness in the Western alliance.

The story of Kissinger’s diplomacy is well known; what has been less well known is the Soviet counterpart to it. Moscow was horrified to find in March 1969 that the Chinese would not shy away from actual combat over border disputes.<sup>26</sup> Fighting broke out at the Ussuri River and continued throughout the year. China was also willing to fight a war of words. During the 24th Party Congress of the Communist Party of the Soviet Union, held from March 30 to April 9, 1971, the Chinese press launched an astonishingly hostile press campaign against the USSR. Moreover, Kissinger would soon, on his own visit to China few months later, discover that the Chinese leadership had built underground shelters in Peking because of their anxiety about the Soviet aggression.<sup>27</sup> Meanwhile, Soviet rhetoric matched the Chinese press in its escalatory language. The informational material for the Soviet party congress, distributed to the heads of Warsaw Pact delegations in attendance in Moscow, painted a grim picture. It reported that “the atomic bomb” was hanging over Chinese-Soviet relations.<sup>28</sup>

As a result, Henry Kissinger’s strategy of “checkmating” the Soviet Union by strengthening ties with China turned out to be very beneficial for Europe. Concerned that it would soon be facing war in Asia, Moscow was eager to maintain quiet on the European “front” via treaties and negotiations. The example cited above (of Brezhnev’s intervention in the German-German emigration debate surrounding the Basic Treaty) was far from unique. Right from the beginning of the German-German negotiations, Soviet attitudes toward China had been a factor.

One of the clearest examples of the impact is to be found in a private communication between Brandt and Egon Bahr. At the time of writing this letter, Bahr was in Moscow, negotiating what would become the 1970 accord between West Germany and the Soviet Union. He took time to write a very telling letter to Brandt, which he had hand-carried back to Bonn from Moscow. The letter concluded with the sentence “I would prefer that you destroy this.”

Bahr informed Brandt that he had discovered a raw nerve. He had mentioned China in a discussion and suddenly floodgates of insecurity opened. Moscow was “absolutely convinced that the Chinese want war.” As Bahr saw it, the Soviets believed the Chinese *needed* war because “they have too many people.” A complete lack of any kind of intelligence operation in China, reported Bahr, exacerbated Moscow’s fears. His So-

viet counterparts were also telling him that “the Americans are probably much further along with the Chinese than either of us [the USSR and FRG] suspect.” Bahr concluded that the Chinese situation clearly made the Russians interested in a rapprochement with the West.<sup>29</sup>

#### IV. Conclusion

From the initial contact of the new Brandt government with the Soviets in early 1970, until the signing of the Basic Treaty, Soviet fear of China remained an important factor in shaping German-German relations. Due to the brevity of space, only a few examples of this dynamic have been cited above. Interested readers may wish to read about these examples at greater length.<sup>30</sup>

As a result, when considering this supposedly bilateral Basic Treaty, it is essential to place it in the context of Cold War international politics. Without the Soviet Union (paradoxically) supporting West German calls for greater SED flexibility, Brandt and Bahr would have had a much more difficult time extracting concessions from the East Germans. The Basic Treaty is a case study of the way in which local and even individual concerns, such as the desire of a family to win their child back, intersect with global concerns – such as the Sino-Soviet rivalry. This tight inter-connection was, I would submit, one of the defining characteristics of the Cold War, and it is clearly visible in the case study of the Basic Treaty.

#### Notes

<sup>1</sup> Readers interested in a detailed overview of the entire Basic Treaty should see Benno Zündorf, alias Antonius Eitel, *Die Ostverträge* (München, 1979), 211–319; and Ernest D. Plock, *The Basic Treaty and the Evolution of East-West German Relations* (Boulder, 1986). For a text of the treaty, see Bundesministerium für innerdeutsche Beziehungen, ed., *Zehn Jahre Deutschlandpolitik: Die Entwicklung der Beziehungen zwischen der Bundesrepublik Deutschland und der Deutschen Demokratischen Republik 1969–1979* (Bonn, 1980), 205–16.

<sup>2</sup> Hans-Hermann Hertle, *Chronik des Mauerfalls: Die dramatischen Ereignisse um den 9. November 1989* (Berlin, 1996), 45.

<sup>3</sup> The original German term was “Anwaltsebene.” On Vogel, see Craig R. Whitney, *Spy Trader: Germany’s Devil’s Advocate and the Darkest Secrets of the Cold War* (New York, 1993).

<sup>4</sup> See the memoirs of the state secretary in the ministry responsible for the operative management of the dealings: Ludwig A. Rehlinger, *Freikauf: Die Geschäfte der DDR mit politisch Verfolgten 1963–1989* (Frankfurt, 1991). The FRG usually tried to pay in kind rather than in cash; on the means by which the GDR turned the goods back into cash, see Thomas Kleine-Brockhoff und Oliver Schröm, “Das Kirchengeschäft B,” *Die Zeit*, August 28, 1992.

<sup>5</sup> “Niederschrift aus dem Gedächtnis über eine persönliche Unterredung mit Staatssekretär Bahr am Abend des 25. Oktober 1972,” 2–3, in: Stiftung Archiv der Parteien und Massenorganisationen der DDR im Bundesarchiv Berlin (hereafter SAPMO-BA), formerly “Sekretariat Kohl”, DC 20–5596.

- <sup>6</sup> "Niederschrift aus dem Gedächtnis über persönliche Unterredungen mit Staatssekretär Bahr am 12. Dezember 1972," 10–16, in SAPMO-BA, DY 30, J IV 2/2 J/4455.
- <sup>7</sup> On the Kofferfälle, see Carsten Tessmer and Klaus Wiegrefe, "Deutschlandpolitik in der Krise. Herbert Wehners Besuch in der DDR 1973," *Deutschland Archiv* 6 (June 1994): 600–627.
- <sup>8</sup> Telegramm von Chef des Bundeskanzleramts Horst Ehmke an Michael Kohl, vom 30. November 1972, 43–5, in: Bundesbeauftragter für die Unterlagen des Ministeriums für Staatssicherheit (BStU), Berlin, Zentrales Archiv (ZA), Sekretariat des Ministers (SdM), 1837.
- <sup>9</sup> "Niederschrift aus dem Gespräch über eine persönliche Unterredung mit Minister Bahr am 29. Juni 1973", 1, in SAPMO-BA, DY 30, J IV 2/2J/4785.
- <sup>10</sup> This is the central argument of M.E. Sarotte, "Vor 25 Jahren: Verhandlungen über den Grundlagenvertrag. Zum internationalen Kontext der deutsch-deutschen Gespräche," *Deutschland Archiv* 6 (Nov/Dez. 1997): 901–11.
- <sup>11</sup> For further information on the Jackson-Vanik amendment, see Raymond Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan*, revised ed. (Washington, DC, 1994), 347ff.
- <sup>12</sup> See, for example, in the files of Hermann Axen, the Politbüro expert for foreign affairs, "Vermerk über ein Gespräch des Genossen O.B. Rachmanin, Mitglied der Zentralen Revisionskommission der KPdSU und stellvertretender Leiter einer Abteilung des ZK der KPdSU, am 28. Februar in Moskau," 28–9, in SAPMO-BA, DY 30, J IV 2/2.035/55.
- <sup>13</sup> "Niederschrift über ein Gespräch zwischen dem Generalsekretär des ZK der KPdSU, Genossen Leonid I. Breschnew, und dem Mitglied des Politbüros des ZK der SED und VdM der DDR, Genossen Willi Stoph, am 21.3.1973 im Kreml von 11.00–13.15 Uhr," 4, in SAPMO-BA, DY 30, formerly "Sonderablage Stoph", DC 20–4415.
- <sup>14</sup> "Niederschrift über ein Gespräch zwischen dem Generalsekretär des ZK der KPdSU, Genossen Leonid I. Breschnew," 6.
- <sup>15</sup> "Niederschrift über ein Gespräch zwischen dem Generalsekretär des ZK der KPdSU, Genossen Leonid I. Breschnew," 3.
- <sup>16</sup> "Niederschrift über ein Gespräch zwischen dem Generalsekretär des ZK der KPdSU, Genossen Leonid I. Breschnew," 7.
- <sup>17</sup> "Niederschrift über ein Gespräch zwischen dem Generalsekretär des ZK der KPdSU, Genossen Leonid I. Breschnew," 7.
- <sup>18</sup> "Vermerk über Gespräche des Genossen Winzer mit Genossen Gromyko am 12./13. Mai 1973," 123, in BStU, ZA, Rechtsstelle 128/2.
- <sup>19</sup> "Vermerk," (author unclear but probably Bahr), 7 May 1973, in: Archiv der sozialen Demokratie der Friedrich-Ebert-Stiftung (AdsD), Bonn, Depositum Bahr, 432.
- <sup>20</sup> For a summary of Brezhnev's visit in the FRG, see document without title, dated May 31, 1973, from content seems to be Soviet summary of visit, in SAPMO-BA, DY 30, J IV 2/202/493.
- <sup>21</sup> "Stenografische Niederschrift der offiziellen Gespräche mit dem Generalsekretär des ZK der KPdSU, Genossen L.I. Breschnew, am 12. und 13.5.1973 in Berlin," identified in catalogue as conversation with Honecker, 24–5, in SAPMO-BA, DY 30, J IV 2/1/472.
- <sup>22</sup> Stephen E. Ambrose, *Nixon: The Triumph of a Politician, 1962–1972* (New York, 1989) 386.
- <sup>23</sup> Ambrose, *Nixon*, 385. "The big news in Europe, relatively unnoticed by most Americans in the late sixties and the beginnings of the seventies because of American preoccupation with Southeast Asia, was the development of détente."
- <sup>24</sup> Wolfram Hanrieder, *Germany, America, Europe: Forty Years of German Foreign Policy* (New Haven, 1989) 199. For further information on the history of the American occupation of Western Germany, see Carolyn Eisenberg, *Drawing the Line: The American Decision to Divide Germany: 1944–1949* (Cambridge, 1996).

<sup>25</sup> Hanrieder, *Germany, America, Europe*, 200.

<sup>26</sup> For a sample of some of the materials on the Sino-Soviet conflict that have become available since 1969, see Christian F. Ostermann, "New Evidence on the Sino-Soviet Border Dispute, 1969–1971," *Cold War International History Project Bulletin* 6/7 (Winter 1995/1996).

<sup>27</sup> William Burr, ed., *The Kissinger Transcripts: The Top Secret Talks with Beijing and Moscow* (New York, 1998): 41.

<sup>28</sup> "Information für die Leiter der Delegationen der Bruderparteien zum XXIV. Parteitag der KPdSU über den Stand der sowjetisch-chinesischen Beziehungen," April 8, 1971, 4, in SAPMO-BA, DY 30, J IV 2/202/358. This document also noted, on page 2, that the Chinese were contesting 4,000 km of the border.

<sup>29</sup> Letter from Bahr to Brandt, written in Moscow on March 7, 1970 and hand-carried back by Herr Sanne, in AdsD, Depositum Bahr, 429B/1.

<sup>30</sup> For my assessment of this issue, see M.E. Sarotte, *Dealing with the Devil* (Chapel Hill, 2001).