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PRIME MINISTER

POLISH/GERMAN BORDER

I attach a copy of the Polish Prime Minister's message to you, which was delivered by the Polish Ambassador this morning, together with the note reporting our exchange.

CD?

Not included

CHARLES POWELL

22 FEBRUARY 1990

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C. Polish

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From the Private Secretary

23 February 1990

POLISH/GERMAN BORDER

The Prime Minister has now read the Polish Prime Minister's message of 21 February about the Polish/German border. She has commented that she thinks Mr Mazowiecki is right: a treaty should be prepared now so that it can be signed by the newly unified German state as one of its first international actions. Otherwise there will be a risk of delay.

Charles Powell

Richard Gozney Esq
Foreign and Commonwealth Office

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(Unofficial translation)

Warsaw, February 21, 1990

Dear Prime Minister,

The unification of the German nation in a single State opens up a new period in the history of Europe. We cannot possibly enter that period with the security of all the States on the continent, particularly the neighbours of Germany, in their current borders, unassured.

According to the Ottawa statement of Feb. 13, 1990, the Foreign Ministers of the Federal Republic of Germany and the German Democratic Republic will meet with the Foreign Ministers of the French Republic, the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics in order to discuss the various external aspects of the establishment of German unity, including the issues of security of the neighbouring States.

Poland welcomed the fact that the questions of the security of the neighbouring States had been referred to in the statement by the six Foreign Ministers.

The fact that the security of Germany's neighbours has been raised has two consequences: a substantive and a procedural one. Each of them is important.

Firstly, as regards the substantive aspect, the Ottawa communique means that the unification of the two German States and the attainment of constitutional unity by the German nation shall leave intact the security of the States adjacent to the unifying (and subsequently unified) German States. In other words, the unification shall in no way impair the present nor future security of the neighbours, particularly with respect to their territorial security and the permanence of their borders.

The Right Honourable
Mrs Margaret Thatcher FRS MP
Prime Minister

London

These are extremely important issues. It is of vital concern for Poland to see an end to any equivocation with respect to the Polish-German border along the Odra-Lusatian Nysa rivers. A future treaty of peace has repeatedly been emphasized in the Federal Republic of Germany as the exclusive instrument by which that border could be settled. However, the legal and political reality is that despite the lack of peace settlement the Odra-Lusatian Nysa border has become part of the European order. Whoever questions that border in one form or another, or puts to question its permanent character - thereby defies the security and cooperation in Europe. I declare Poland's readiness to take part in the work on the peace treaty and her readiness to sign it. However, for reasons beyond Poland's control, work on the peace treaty is not envisaged at all at present or is being postponed until an unidentified point in time after German unification, thus giving some forces the opportunity to continuously consider the Polish-German border an open question. We cannot allow such state of affairs to persist after Germany is unified.

The German Democratic Republic has recognized the Odra-Lusatian Nysa border as the Polish-German state frontier (Zgorzelec Agreement of July 6, 1950). The Federal Republic of Germany has stated that the relevant line constitutes the western state border of the Republic of Poland (The Treaty of Warsaw, of Dec. 7, 1970). Therefore, if one acts in good faith, nothing can obstruct the present Polish-German borderline from becoming reaffirmed by a treaty concluded at the very beginning of the unification process. It is an essential issue for Poland as a neighbour of the German nation.

Secondly, by pointing to the security issues of the neighbouring States, the Ottawa communique indicates that in the discussions between the Ministers of Foreign Affairs of the Federal Republic of Germany and the German Democratic Republic and the Foreign Ministers of the Four Powers, there is room for the participation by the Foreign Ministers of the countries concerned and adjacent to one or both German States.

The latter implication of the relevant clause in the Ottawa statement deserves closer elaboration.

The present international relationships in Europe are becoming increasingly democratic, with all the European States having the possibility to speak and take part in the conferences or other meetings where their interests, particularly the vital ones, are discussed. It is unthinkable today (and impracticable) for any European State, especially any of the six which adopted the Ottawa statement, to seek to exclude the voice of the neighbours of the German States from the discussion on these neighbours' security. The Polish Government did not allege and is not alleging the existence of such intentions on the part of any of the six States; it attaches great importance to having the best possible relations with each of these States.

Indeed, to exclude the voice of the neighbouring States concerned and to shut them off from the relevant stage of the discussion on the aspects of the German unification which affect the security of the neighbouring States - would be tantamount to a repetition of the Yalta formula of 1945. It would, indeed, mean discussing and deciding by some States about vital interests of others in the absence of the latter.

In view of the foregoing considerations, guided by her own interest as well as that of European cooperation, and by the desire for the best possible relations with her German neighbour - Poland states as follows:

1) We believe that the point of departure to the German unification is the final elimination of all doubt or equivocation with respect to the present course, delimitation and demarcation of the Polish-German border along the Odra-Lusatian Nysa rivers. The issue should never re-emerge; the elimination of doubt or equivocation will be equivalent to peace settlement and will have full effect in German law and that of other States. Poland proposes to conclude, at the outset of the unification, a treaty containing provisions to that effect and reaffirming the final and permanent status of the existing Polish-German

border. That border should not be changed in any way. The text of the treaty will be initialled by the two German States and Poland as a result of the discussions indicated by the Ottawa communique. The treaty will be signed by the unified German State and Poland upon the establishment of that unified German State. Poland will submit a draft of such a treaty.

2) Poland considers it indispensable to have a part in the discussion on the external aspects of the German unification in order to present her standpoint on the security issues, particularly those relating to the border and the proposed treaty. Poland makes it clear that she is not seeking a status identical with that of any of the Four Powers nor any of the two German States.

We believe that the discussion on the security issues of the neighbouring States should be held at an early stage of the conference as its separate part.

In conclusion, I wish to state as follows:

The prospect of the unification of the German nation in one State opens up a new chapter in the postwar history of Europe. Poland welcomes every form of national self-determination. The unification of Germany and its external aspects constitute an important part of the peace settlement on our continent. Every State concerned has the right to take part in that settlement. One such State is Poland. Our right stems from the imperatives of international morality, the international law, our historical experience of the last fifty years and our present legal and political situation.

I wish to inform you, Prime Minister, that identical letters are being sent to the leaders of the French Republic, the United States of America and the Union of Soviet Socialist Republics.

Please accept the assurances of my highest consideration.

/-/ Tadeusz Mazowiecki