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10 DOWNING STREET

Prime Minister Mr

I am afraid
that Conculer both
has taken offence at
your attributing certain
remarks about the
Berlin border to him
in your Spiegel
interview. He has
put out the
attached statement.
We are not
reaching further. CDP 26/3.

Federal Chancellor Dr. Helmut Kohl makes the following statement concerning the remarks made by Prime Minister Margaret Thatcher in an interview:

1. In the Warsaw Treaty signed by the Federal Republic of Germany and the then Polish People's Republic on 7 December 1970 the two sides declare:

- that the existing border on the Oder and Neisse forms the state border of the Polish People's Republic and
- that they reaffirm the inviolability of the existing borders now and in the future and that they will respect their territorial integrity without qualification.

This Treaty, as Federal Chancellor Helmut Kohl has reaffirmed in each of his government declarations, in numerous public speeches and consistently in talks with our friends, allies and partners, applies unconditionally and will be observed in letter and spirit.

2. Under the Warsaw Treaty - not least at the express wish of the three Western Powers - the rights and responsibilities of France, Great Britain, the USA and the Soviet Union are not affected. The Federal Government at that time also drew attention to the fact that it can only act in the name

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of the Federal Republic of Germany. All this was reaffirmed before signing the Warsaw Treaty by exchange of diplomatic notes with the three Western Powers (Text of the note to the Government of the United Kingdom is attached).

3. Hence it follows that corresponding treaty obligations for a united Germany can only be signed by a freely elected all-German government and ratified by an all-German parliament. On this point full agreement exists with the Polish government.
4. Federal Chancellor Helmut Kohl explained this legal position once more to the heads of state and government of the European Community during the informal, confidential talk quoted in "Der Spiegel". The quotation attributed to him is not correct either literally or in a general sense.
5. The Federal Constitutional Court took the legal position outlined above as a basis in its decision on the Warsaw Treaty. It did not thereby reverse any treaty obligations of the Federal Republic of Germany or other guarantees. Present criticism of the decision then taken by the highest court of a democratic state is therefore ~~unjustified~~ ^{unfounded} and unusual.
6. With a view to the future, it is now a question of creating an equally firm treaty basis between a united Germany and the Polish Republic as that which exists today between the Federal Republic of Germany and the Polish Republic.

The Federal Government - and Federal Chancellor Helmut Kohl personally - as well as the German Bundestag are, in accordance with the resolution of 8 March 1990, unreservedly prepared to do this.