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/// Immutability, Inviolability, Permeability

The German Question and the Role of Borders Before and After Helsinki

Abstract

An event, originally called the European Security Conference (ESC), was initiated by the leaders of the Soviet bloc (Molotov in 1954 and Rapacki in 1965). The aim of the conference was to guarantee the borders established after 1945. The Federal Republic of Germany (FRG) did not recognize the "provisional" borders of Potsdam in the absence of a German peace treaty. By the time negotiations began in Helsinki, two significant events had changed the situation. (1) Willy Brandt's new *Ostpolitik* led to the conclusion of treaties between the FRG and the socialist states, which declared the inviolability of the existing borders, thus rendering the original objective of the ESC almost obsolete. (2) The West persuaded the Warsaw Pact countries to supplement their security issues with discussions on cooperation. The latter constituted the second and third "baskets" of the Helsinki Conference. Within the third basket (humanitarian cooperation), Eastern Bloc countries signed recommendations on the permeability of borders. Except for a few reformist states, the Warsaw Pact countries significantly restricted the movement of their own citizens across borders. Despite their commitments, they still did not want to "facilitate wider travel by their citizens for personal or professional reasons", as the Final Act recommended. The protests of opposition groups that emerged after Helsinki were relatively easy to suppress—at least in those states that were not indebted and thus could not be blackmailed into granting further loans.

= = = Introduction

After 1945, several new borders were established in Eastern and Central Europe. These were drawn primarily in accordance with the interests of the Soviet Union. The victorious country, which had risen to become a superpower, successfully

persuaded the Anglo-Saxon powers to accept as its western border essentially the same line that Hitler had approved in 1939 in the secret protocol of the Molotov–Ribbentrop Pact. In fact, it went even further than that, as the area around Königsberg and Carpathian Ruthenia also became Soviet territory. Consequently, Poland—one of the first victims of World War II—lost 180,000 km^2 of its pre-1939 territory. The Anglo-Saxon powers, and even the Soviet dictator Joseph Stalin, agreed that the Poles deserved compensation, which was provided at the expense of defeated Germany; 101,000 km^2 of German territory east of the Oder and Lusatian Neisse Rivers was annexed by Poland, with the possibility of the complete deportation of Germans living there. The idea of the Oder–Neisse border was raised at the Crimean Conference and then decided upon at the Potsdam Conference. In 1945, all this was intended to be temporary, with the final decision to be made at the peace conference. However, no peace treaty was signed with Germany in 1947 or later. Furthermore, the remaining German territories, divided into four sectors, underwent different developments, ultimately resulting in the division of Germany in 1949.

In the absence of a peace treaty, neither the Federal Republic of Germany (FRG) nor the German Democratic Republic (GDR) initially recognized the Oder–Neisse border. It was in Stalin's interest to keep the border issue open, as both Poland and the GDR hoped that the Soviets would rule in their favor in the territorial dispute. The GDR finally recognized the Oder–Neisse border in the summer of 1950 but unofficially continued to harbor "revisionist" intentions. Along with other reasons, this caused serious tensions in East German–Polish relations, which lasted until the construction of the Berlin Wall.[1] Bonn's territorial claims remained in place in the longer term. The West German governments did not recognize the existence of the GDR or the Polish–German border. Chancellor Konrad Adenauer set the goal of restoring the 1937 borders. In 1955, Germany formulated the Hallstein Doctrine, according to which the FRG would not establish, or would sever, diplomatic relations with states that recognized the GDR.[2] After the rearmament of West Germany and its accession to NATO (1955), the Poles and East Germans became increasingly alarmed, but they were only able to establish active cooperation in the 1960s. This was mainly because Władysław Gomułka, First Secretary of the Polish United Workers' Party, who started out as a reformer, gradually shifted his domestic policy in a dogmatic direction, making it easier for the equally hard-line, East German party leader Walter Ulbricht to find common ground with him.[3]

Official West German foreign policy never raised the issue of changing the Czechoslovak border—that is, restoring the 1938 Munich Agreement. Nevertheless,

1 = = Sheldon Anderson, *A Cold War in the Soviet Bloc: Polish–East German Relations 1945–1962* (Westview Press, 2001), 40–46, 50–59, 259–76.

2 = = Tony Judt, *Postwar: A History of Europe Since 1945* (Penguin Press, 2005), 270.

3 = = Anderson, *A Cold War in the Soviet Bloc*, 259–66.

Prague also feared West German territorial claims. This fear was justified at most by the activities of Sudeten German organizations operating in the FRG.[4] In any case, for the "northern tier" of the Warsaw Pact, the most important condition for normalizing relations with the FRG was the recognition of their borders. Therefore, Csaba Békés refers to the GDR, Poland, and Czechoslovakia as security-concerned states.[5] Paradoxically, these countries were never able to pursue a coordinated policy toward Bonn because their internal conflicts prevented them from doing so. Contemporary Western political scientists assumed that such an alliance existed between them, which they called the "iron triangle." However, per more recent sources, no such alliance emerged either in the 1950s or in 1967, when their friendship treaties were signed.[6]

= = = The Plan for a European Security Conference

The interests of security-concerned countries were primarily championed by the Warsaw Pact and, prior to its formation, by the Soviet Union. The means to achieve this was the European Security Conference (ESC), first proposed in November 1954 by Soviet Foreign Minister Vyacheslav Molotov. The main reason for this was the October 23 decision made in Paris on the FRG's accession to NATO, which seriously threatened the security of the Eastern Bloc. However, Molotov did not invite the United States or Canada to the ESC, so other NATO countries did not want to attend either.[7] The Western military integration of West Germany could not be prevented. This was followed by the formation of the Warsaw Pact, which was originally a tactical maneuver: Soviet First Secretary Nikita Khrushchev tried to persuade the West to dissolve both military blocs in the spirit of détente, of course unsuccessfully.[8] The issue of the ESC did not arise in the following ten years.

Polish Foreign Minister Adam Rapacki proposed the idea again at the United Nations General Assembly in December 1964.[9] In January 1965, the Political Con-

4 = = Jürgen Tampke, *Czech–German Relations and the Politics of Central Europe: From Bohemia to the EU* (Palgrave Macmillan, 2003), 120–31.

5 = = Csaba Békés, *Hungary's Cold War: International Relations from the End of World War II to the Fall of the Soviet Union* (University of North Carolina Press, 2022), 184.

6 = = Douglas Selvage, "Papírháromszög: Lengyelország, az NDK és Csehszlovákia," [Paper Triangle: Poland, the GDR, and Czechoslovakia] *Külpolitika* 7, no. 1–2. (2001): 168–76.

7 = = Laurien Crump, *The Warsaw Pact Reconsidered: International Relations in Eastern Europe, 1955–1969* (Routledge, 2015), 21.

8 = = Vojtech Mastny, "The Warsaw Pact as History," in *A Cardboard Castle? An Inside History of the Warsaw Pact, 1955–1991*, ed. Vojtech Mastny and Malcolm Byrne (CEU Press, 2005), 4–5.

9 = = Wanda Jarząbek, "Preserving the Status Quo or Promoting Change: The Role of the CSCE in the Perception of Polish Authorities," in *Helsinki 1975 and the Transformation of Europe*, ed. Oliver Bange and Gottfried Niedhart (Berghahn, 2008), 145.

sultative Committee (PCC) of the Warsaw Pact met in Warsaw. Its original agenda focused on NATO's plan to deploy nuclear weapons in West Germany under the name of Multilateral Forces (MLF). By the time the PCC convened, the issue had been removed from NATO's agenda. Ulbricht nevertheless wanted to keep the German question on the table. The only significant result of the contentious meeting was a Polish proposal that had not originally been on the agenda. Gomułka then revived Molotov's 1954 proposal and again proposed convening a European Security Conference. This was also accepted by the Romanians, and so it was included in the final declaration, albeit not very prominently.[10] From then on, the ESC was regularly on the agenda of subsequent PCC meetings of the Warsaw Pact, with the GDR and Poland being the main proponents of the idea.

Twenty years after the end of World War II, however, West German government policy began to change. In March 1966, Bonn sent a "peace note" to all Warsaw Pact member states except East Germany, proposing a bilateral treaty renouncing the use of force. The attempt to divide the camp was partly unsuccessful because the Poles, suffering from the "Rapallo complex,"[11] sent a harsh response. On the other hand, Romania and Hungary—this time along with reform-oriented Czechoslovakia—wanted to negotiate with the FRG, hoping for further improvement in their economic relations. Originally, the Soviets would have given a softer response, but at the meeting of the Warsaw Pact foreign ministers in June 1966, Gomułka convinced Moscow, which also made recognition of the GDR and the Oder–Neisse border a precondition for negotiations.[12]

A month later, the PCC met in Bucharest. The Romanian hosts succeeded in getting the Warsaw Pact to tone down its official response to the West German peace note; the declaration did not condemn the FRG and left open the possibility of establishing diplomatic relations with Bonn. The importance of convening the ESC was reiterated more emphatically than at the 1965 meeting in Warsaw—this time not as a Polish but as a Romanian–Soviet proposal. The appeal was essentially defensive in nature, so its reception in NATO states was not bad. Its weakness, however, was that it did not invite the United States and made recognition of the two German states and the existing borders a basic precondition. On this basis, the West was naturally unwilling to negotiate.[13] Romania, on the other hand, continued to

10 == Crump, *The Warsaw Pact Reconsidered*, 137–40.

11 == Germany and the Soviet Union concluded a treaty in 1922 in Rapallo, Italy, establishing a friendly relationship and ending diplomatic isolation. Moreover, both countries had territorial claims against Poland, which is why many consider Rapallo to be a precursor to the 1939 Molotov–Ribbentrop pact.

12 == Selvage, "Papírháromszög," 170–72; Crump, *The Warsaw Pact Reconsidered*, 148–50.

13 == Csaba Békés, "Magyarország és az európai biztonság előkészítése 1965–1970" [Hungary and the Preparations of European Security 1965–1970], in *Évkönyv XII.*

prepare for the establishment of diplomatic relations with the FRG, which worried Warsaw and East Berlin.

In October 1966, Erhard's government fell in the FRG. A new grand coalition government was formed in Bonn in December under the leadership of Kurt Georg Kiesinger, while Willy Brandt became foreign minister. Brandt had already indicated on December 13, 1966, that he would put West Germany's relations with Eastern Europe on a new footing. This initiative became known as *Ostpolitik*, the (new) Eastern Policy of West Germany. While previous West German foreign policy regarded the European Security Conference as a serious threat, Brandt supported the plan of a European Security System (ESS), invented also by the Eastern Bloc. *Ostpolitik* was a step-by-step "master plan" that anticipated German reunification in the long term, although at first glance it seemed to serve Soviet interests and therefore faced serious internal opposition in West Germany.[14]

Brandt essentially broke with the Hallstein Doctrine but still did not recognize the GDR or the Oder–Neisse border. However, he was willing to establish full diplomatic relations with any socialist country other than the GDR. In addition to Romania, Hungary and Czechoslovakia also negotiated on this issue. At the same time, Ulbricht and Gomułka proposed convening a meeting of the Warsaw Pact members and managed to convince Soviet party leader Leonid Brezhnev that diplomatic relations with West Germany would only be possible if Bonn recognized the GDR, accepted the existing borders, and renounced nuclear weapons.[15] Then, in early 1967, Bucharest established diplomatic relations with West Germany without consulting its allies. The Polish and East German first secretaries reacted hysterically. On February 8–10, 1967, they forced the adoption of a secret protocol in Warsaw, which imposed six conditions on other countries for establishing relations with the FRG. This so-called "Warsaw Package" is referred to in the literature as the Ulbricht Doctrine, although it should in reality be called the Gomułka Doctrine or, according to Douglas Selvage, neither. The conditions were as follows: 1. The FRG must renounce the principle of "sole representation"; 2. It must recognize the GDR; 3. It must recognize the existing borders, including the Oder–Neisse line; 4. It must recognize the invalidity of the 1938 Munich Agreement; 5. It must renounce nuc-

Magyarország a jelenkorban [Yearbook XII. Hungary in the Contemporary Era], ed. Éva Standeisky and János Rainer M. (1956-os Intézet, 2004), 292; Crump, *The Warsaw Pact Reconsidered*, 154–56.

14 = = Oliver Bange, "An Intricate Web: Ostpolitik, the European Security System and German Unification," in *Helsinki 1975 and the Transformation of Europe*, ed. Oliver Bange and Gottfried Niedhart (Berghahn, 2008), 24–30.

15 = = Selvage, "Papírháromszög," 171–72.

lear weapons; 6. It must recognize West Berlin as an independent city-state—that is, not part of its own territory.[16]

In April 1967, the Conference of European Communist and Workers' Parties met in Karlovy Vary. Romania boycotted the meeting and did not sign the final declaration. The conference also made public the six conditions of the Warsaw Package, which had originally been secret, as conditions for convening the ESC. The meeting thus reemphasized the importance of holding the ESC, and Warsaw Pact member states had to convince their Western partners of the importance of the ESC in bilateral negotiations. This allowed the bloc's states to establish legal relations with the West, gain diplomatic experience, and emancipate themselves.[17] After that, relations with West Germany and the issue of the ESC reached a deadlock for two years. Of course, the Prague Spring and the Nuclear Non-Proliferation Treaty also played a role in this, diverting attention from the German question.

On March 17, 1969, the PCC of the Warsaw Pact met in Budapest. The meeting, which lasted only a few hours, was merely a formality, as important decisions had been made the day before. In addition to the organization's long-delayed military reform, the ESC issue was added to the agenda at the last minute, which the Hungarian side presented as its own proposal. Gomułka and Ulbricht were the most difficult to convince—they would have condemned the FRG and the West more strongly and continued to insist that the fulfilment of the Warsaw Package be a prerequisite for the ESC. Nicolae Ceauşescu and János Kádár, the Romanian and Hungarian party leaders, were only able to persuade them to be more realistic by joining forces. By this time, Brezhnev had also had enough of the Polish–East German blackmailing. It was against this backdrop that the Budapest Appeal was born, proposing the convening of the ESC without preconditions, thus making its actual implementation possible. In October 1969, the foreign ministers of the Warsaw Pact declared in Prague that economic and trade cooperation with the West was also important. The Hungarian side proposed that the ESC should be a series of conferences or even a permanent organization.[18]

16 = = Douglas Selvage, "Poland, the GDR, and the 'Ulbricht Doctrine'," in *Ideology, Politics, and Diplomacy in East Central Europe*, ed. M. B. B. Biskupski (University of Rochester Press, 2003), 231–41; Wanda Jarząbek, "'Ulbricht-Doktrin' oder 'Gomułka-Doktrin'? Das Bemühen der Volksrepublik Polen um eine geschlossene Politik des kommunistischen Blocks gegenüber der westdeutschen Ostpolitik 1966/67" ["Ulbricht Doctrine" or "Gomułka Doctrine"? The People's Republic of Poland's Efforts to Achieve a Unified Policy of the Communist Bloc towards West Germany's Ostpolitik in 1966/67], *Zeitschrift für Ostmitteleuropa-Forschung* 55, no. 1 (2006): 110–14.

17 = = Crump, *The Warsaw Pact Reconsidered*, 159–63.

18 = = Békés, *Hungary's Cold War*, 241–52; Békés, "Magyarország és az Európai Biztonsági Értekezlet előkészítése," 296–301, 304–5.

= = = The FRG's Treaties with Eastern Europe (1970–1973): Respecting (the Inviolability of) Borders

In September 1969, the Social Democrats won the Bundestag elections in the FRG. For the first time, the conservative CDU (*Christlich Demokratische Union*) was forced into opposition. *Ostpolitik* gained new momentum during Chancellor Brandt's term (1969–1974). The first concrete result of this was the Soviet–West German treaty, which was signed on August 12, 1970. The parties renounced the use of force and declared that they would "respect" existing borders, with particular emphasis on the inner German border and the Oder–Neisse line. The Soviets renounced the formula of "recognition of borders," while the FRG indicated that it still aimed to achieve German unity, but only by peaceful means and exclusively through the unification of the FRG and the GDR.

In previous years, Poland had done everything in its power to hinder the improvement of relations between West Germany and the Soviet bloc. However, in 1969, this policy failed and Gomułka had to change his mind. The intervention against Czechoslovakia did not derail the détente, and Soviet–West German relations continued to improve. At the same time, Poland failed to persuade the GDR to engage in extensive economic cooperation with the Eastern Bloc. Although Ulbricht agreed to this in 1967, Günter Mittag, the chief architect of the GDR's new economic system (NÖS), sabotaged the signing of the agreement. Polish–East German relations cooled, and Gomułka "denounced" Ulbricht to Brezhnev because of the threat of German economic reunification. The Polish First Secretary then sought to integrate the GDR into the bloc by strengthening the Council for Mutual Economic Assistance (Comecon). At the end of 1968, Soviet–West German negotiations resumed, and the GDR also began talks with Bonn, during which it did not demand the recognition of the Oder–Neisse border. The two German states signed a long-term trade agreement, which aimed to increase intra-German trade nearly threefold in six years. Fearing German reunification, Gomułka told the Soviets that this could not go on. He considered the existence of the GDR to be even more important than Western recognition of the Oder–Neisse border. In April 1969, his plan for reforming the Comecon also failed, and the Polish leader changed his tactics, proposing negotiations with the FRG himself. At a Warsaw Pact summit in December 1969, Gomułka acknowledged that a decisive turning point had been reached in Bonn's policy, but Ulbricht opposed the negotiations.[19] Gomułka was also dissatisfied with the Budapest Appeal, which regarded the inviolability (rather than recognition) of borders as an important condition for European security. Therefore, Warsaw prepared its own draft for a future security conference in

19 = = Douglas Selvage, "The Treaty of Warsaw: The Warsaw Pact Context," *Bulletin of the German Historical Institute – Supplement* 1 (2003): 69–75.

September 1969 which contained a *recognition* of borders. However, the Soviets did not support it, as they believed that the West would find it unacceptable.[20]

It was against this backdrop that Polish–West German talks began in February 1970. After seven rounds of negotiations, the treaty was signed in Warsaw on December 7, 1970. The opposition—the CDU/CSU and Silesian refugee organizations—continuously attacked Brandt's government during this time. Signatories agreed that Poland's western border would run along the Oder and Lusatian Neisse rivers and reaffirmed the inviolability of the existing borders. They renounced the use of force. The FRG asked the Poles to improve the situation of the German minority and to allow their emigration for the purpose of family reunification, which Warsaw promised (although not in the text of the treaty). The signing and subsequent ratification of the treaty did not mean the establishment of diplomatic relations.[21]

Immediately after the Soviet–West German treaty, the PCC met in Moscow in August. Ceauşescu believed that other Eastern Bloc countries could also establish relations with the FRG, but his proposal was rejected. In December, there was another PCC meeting in Berlin. By then, the signing of the Polish–West German treaty was imminent. Gomułka secretly agreed with Brezhnev that Warsaw would then be able to establish diplomatic relations with Bonn, although only two of the six demands made in 1967 were met. (The FRG joined the Nuclear Non-Proliferation Treaty in 1969—that is, it agreed not to deploy nuclear weapons on its territory—and it reaffirmed the inviolability of borders in 1970). The reason for the deal was to compensate Brandt, as the chancellor was facing serious internal and external difficulties. The conditions for the other states remained unchanged.[22]

The Warsaw Pact states achieved a significant success on September 3, 1971. A Quadripartite Agreement on Berlin was signed by the victorious powers of 1945, stating that West Berlin was not legally part of the FRG. However, Bonn could represent the city in international organizations and provide consular protection to its residents. The treaty referred to the existence of the GDR, so by signing it, the Western powers recognized the GDR for the first time (though the FRG still did not).[23]

A Warsaw Pact summit took place in Crimea at the end of July 1972. Brezhnev changed his mind here and again forbade the Poles from establishing diplo-

20 = = Jarząbek, "Preserving the Status Quo," 147–48.

21 = = Claus Hofhansel, *Multilateralism, German Foreign Policy and Central Europe* (Routledge, 2005), 32–36.

22 = = Csaba Békés, "Magyarország, a szovjet blokk, a német kérdés és az európai biztonság 1967–1975" [Hungary, the Soviet Bloc, the German Question, and the European Security 1967–1975], in *Évkönyv XVI. Kádárizmus: mélyfúrások* [Yearbook XVI. Kádárism: Dig Deep], ed. János Tischler (1956-os Intézet, 2009), 330–31.

23 = = M. E. Sarotte, *Dealing with the Devil: East Germany, Détente & Ostpolitik, 1969–1973* (The University of North Carolina Press, 2001), 113–23.

matic relation with the FRG. Nevertheless, due to another special agreement, Poland was authorized to do so in September.[24]

On December 21, 1972, the German–German Basic Treaty (*Grundlagenvertrag*) was signed. Prior to this, two agreements (the Transit Accord in December 1971 and the Traffic Treaty in May 1971) were signed, whereby the FRG recognized the existence of the GDR for the first time. In the Basic Treaty, the parties renounced the use of force and "reaffirm[ed] the inviolability [*Unverletzlichkeit*] of the border between them now and in the future."[25] The phrase "recognition of the borders" did not appear in the text either. It was highlighted that neither party could represent the other state, thereby renouncing the principle of "sole representation" of Germany by the FRG. The FRG indicated in a letter that it would not renounce its plan for the peaceful reunification of Germany. The FRG continued to adhere to the principle in its Basic Law that all German citizens were also citizens of the FRG, while the GDR wanted to recognize independent citizenship. A compromise was reached on the establishment of diplomatic relations. Instead of ambassadors, the two countries sent "permanent representatives" to each other's capitals. Consequently, the two German states were admitted to the UN at the same time in September 1973.[26] After the signing of the December 1972 treaty, only one of the six conditions of the 1967 Warsaw Package remained unfulfilled: the declaration of the invalidity of the Munich Agreement.

Signing such a declaration was accompanied by unexpected difficulties, although Bonn never wanted to revise the German–Czechoslovak border. Prague insisted that Munich was invalid from the beginning (*ex tunc*). For the FRG, *ex tunc* was unacceptable, since in that case the Sudeten Germans would have been Czechoslovak citizens throughout the war, and could therefore have been rightly accused of treason and deported after 1945. Bonn wanted the Munich Agreement to be declared invalid *ex nunc* (literally "from now on": i.e., from a date later than 1938). Finally, a compromise was reached between the parties, and the invalidity was declared in such a way that neither the German (*nichtig*) nor the Czech (*nulitný*) words clearly indicated since when Munich had been invalid. Lawyers analyzed the entire text and concluded that it contained elements of both *ex tunc* and *ex nunc*. The treaty was finally signed on December 11, 1973, declaring that both parties

24 = = Békés, "*Magyarország, a szovjet blokk, a német kérdés és az európai biztonság,*" 338–39.

25 = = For the German text of the treaty, see DocumentArchiv, "Grundlagenvertrag" (December 21, 1972), http://www.documentarchiv.de/brd/grundlvertr.html. Quote taken from Artikel 3.

26 = = Sarotte, *Dealing with the Devil*, 123–60.

"reaffirm the inviolability of their common border now and in the future."[27] At the same time that the two countries established diplomatic relations, Bulgaria and Hungary have now followed suit.

= = = From ESC to CSCE and the Conclusion of Security Issues in Helsinki

In February 1970, US President Richard Nixon acknowledged the legitimacy of the Soviet Union's security concerns, and in May, a statement issued at the NATO meeting in Rome explicitly referred to the need for a security conference. In June 1970, in Budapest, the foreign ministers of the Warsaw Pact accepted two important Western demands: firstly, that the US and Canada should participate as full members in the future ESC, and secondly, that in addition to security and economic cooperation issues, which had already been supported by the Eastern Bloc, a third topic—cultural cooperation and the investigation of the human environment—should be added to the agenda. At the meeting of the Warsaw Pact foreign ministers in Warsaw in November–December 1971, the main goal was to speed up preparations for the ESC, or, more precisely, the Conference on Security and Cooperation in Europe (CSCE), as it was already called also in the Eastern Bloc. Hungarian Foreign Minister János Péter considered it important that the CSCE should involve independent states rather than blocs. In January 1972, the PCC was held in Prague. A new call was made for the CSCE, and, accepting a Finnish proposal, delegates were sent to Helsinki for a preparatory meeting. Preparations indeed accelerated, and Hungarian foreign policy played an important role in this. In January 1973, the deputy foreign ministers met in Moscow. They agreed to divide the CSCE cooperation issues into two sub-topics at the request of the West: economic, scientific, and technical cooperation on the one hand, and cultural cooperation, including the exchange of people and information, on the other. Therefore, the important "third basket" had finally taken shape. János Péter was already afraid that the West would take the initiative, so he proposed that the Eastern Bloc act in a coordinated manner.[28]

The first meeting of the CSCE began in Helsinki on July 3, 1973, and negotiations continued in Geneva for nearly two years. Finally, the closing conference and ceremonial signing took place again in the Finnish capital in the summer of 1975. The conference came to represent the apogee of détente and, according to many, was a substitute for the German peace treaty that had not been concluded after 1945. As one of the American diplomats noted, "all of the delegates at the Conference

27 = = Tampke, *Czech–German Relations*, 132–37. For the German text of the treaty, see DocumentArchiv, "Prager Vertrag" (December 11, 1973), http://www.documentarchiv.de/brd/cssr1973.html. Quote taken from Artikel 4.

28 = = Békés, "Magyarország és az európai biztonság előkészítése," 307–8; Békés, "Magyarország, a szovjet blokk, a német kérdés és az európai biztonság," 332–33, 342–43; Békés, *Hungary's Cold War*, 254–56.

realized that the CSCE was, in fact, about Germany."[29] By then, the security issues demanded by the Eastern Bloc had already been resolved by the Eastern treaties concluded between West Germany and the Soviet Union, Poland, East Germany, and Czechoslovakia. These security-related topics formed the so-called first basket of the CSCE. Nevertheless, the Soviets believed that it would be "preferable" to enshrine the inviolability of borders in a multilateral treaty. The GDR, however, had even greater ambitions; at first, they sought to establish the immutability of borders at the conference. When this failed, their next goal was to make the principle of inviolability of borders an "essential" requirement at the conference. Keeping it as an independent fundamental principle was of paramount importance to the GDR. Western states, especially West Germany, would have liked the basic principles of the Final Act to refer to the possibility of peaceful border changes, but they had to give up on this. Instead of the ten Fundamental Principles—the so-called Decalogue of the Final Act—only the first chapter, entitled "Sovereign equality, respect for the rights inherent in sovereignty" referred to it[30] as follows: "The participating States [...] consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement."[31] This compromise was reached after nearly a year of struggle (April 1974 to March 1975), and it is no exaggeration to say that the success of the entire CSCE depended on whether the possibility of peaceful border change could be included in the Final Act. The change of government in Bonn in May 1974 did not cause any disruption in this regard. The new Chancellor, Helmut Schmidt and his foreign minister, Hans-Dietrich Genscher, continued the *Ostpolitik* pursued by Brandt and Walter Scheel. Genscher firmly stated that no German government would sign the Final Act without resolving the issue satisfactorily. US Secretary of State Henry Kissinger played a major role in the solution, even though he considered the West German demand to be an annoying nuisance.[32] We can conclude that—contrary to the statement of East German leader Erich Honecker—"the final division of Germany"[33] was *not* sanctioned. The Final Act did not contain any reference to the *immutability* of borders—which was the ultimate goal of the

29 = = Quoted in Gottfried Niedhart, "Peaceful Change of Frontiers as a Crucial Element in the West German Strategy of Transformation," in *Helsinki 1975 and the Transformation of Europe*, ed. Oliver Bange and Gottfried Niedhart (Berghahn, 2008), 43.

30 = = Federica Caciagli, "The GDR's targets in the early CSCE process: Another missed opportunity to freeze the division of Germany, 1969–73," in *Origins of the European Security System: The Helsinki Process Revisited, 1965–75*, ed. Andreas Wenger, Vojtech Mastny, and Christian Nuenlist (Routledge, 2008), 117–18.

31 = = Organization for Security and Co-operation in Europe, Final Act of the CSCE (August 1, 1975), 4, https://www.osce.org/files/f/documents/5/c/39501.pdf.

32 = = Niedhart, "Peaceful Change of Frontiers," 43–49.

33 = = Quoted in Edwina N. Moreton, *East Germany and the Warsaw Alliance: The Politics of Détente* (Westview Press, 1978), 220.

GDR—only to their *inviolability*. In short, German reunification in 1990 was made possible already in Helsinki. This was an unfavorable turn for Poland, whose main goal was to prevent German unification. Warsaw protested the principle of peaceful border changes, but to no avail. However, Poland was basically satisfied with the results achieved in Helsinki.[34]

Still, Helsinki's significance lay more in cooperation, with economic cooperation forming the second basket and humanitarian and cultural cooperation forming the third.

= = = Permeability of Borders Before Helsinki

The right to free movement became a basic human right after World War II, although it was accepted only in the Free World. "Everyone has the right to leave any country, including his own, and to return to his country," concluded the Universal Declaration of Human Rights on December 10, 1948.[35] This was strengthened by the European Convention on Human Rights (1950): more precisely, by its Protocol No. 4, signed in 1963. No Eastern Bloc states were among their signatories. However, in the late 1960s, they joined United Nations' International Covenant on Civil and Political Rights, which also stated that "[e]veryone shall be free to leave any country, including his own," and "[n]o one shall be arbitrarily deprived of the right to enter his own country."[36] In fact, the right to free movement was guaranteed only in Western countries. The 1947 Geneva Passport Conference recommended abolition of visas based on bilateral agreements and the introduction of rapid border control procedures. Already during the 1950s, even passport-free zones were established (Benelux states; Scandinavia; the British Isles). After the foundation of the European Economic Community in 1957, citizens of member states were entitled to travel without passport, although border checks were not eliminated and ID cards were required. Consequently, the permeability of borders within Western

34 = = Wanda Jarząbek, *Hope and Reality: Poland and the Conference on Security and Cooperation in Europe, 1964–1989* (CWIHP Working Paper 56, Woodrow Wilson International Center for Scholars, 2008), 38–44.

35 = = UN General Assembly, Resolution 217A (III), Universal Declaration of Human Rights, A/RES/217(III) (December 10, 1948), https://www.un.org/en/about-us/universal-declaration-of-human-rights.

36 = = UN General Assembly, Resolution 2200A (XXI), International Covenant on Civil and Political Rights, A/RES/2200(XXI) (December 16, 1966), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

Europe increased, but immigration controls at external borders have become more stringent.[37]

The situation was quite different in the Soviet camp. Until the death of Stalin, borders were almost completely sealed, including borders between "fraternal" states. Foreign travel was possible only in the public interest. From 1955, the Soviets initiated reforms within the whole bloc. However, there were significant differences among countries in the implementation of these reforms. Hungary and Poland liberalized their border regimes, although at different rates and with minor setbacks. In certain periods, especially during the 1960s, other states like Czechoslovakia and Romania followed suit. Reform-oriented states allowed their citizens relatively free travel abroad. Hardline states, however, only allowed it even within the bloc from the 1960s or 1970s. For this reason, visa-free travel between socialist countries only became possible at this time. Yugoslavia, which was excluded from the bloc, was the only country that fully allowed travel to the West from the 1960s onwards. Apart from letting or forcing unwanted elements—minorities or dissidents—to emigrate, Western travel was very limited in other states. Of course, the restrictions were much less severe in Hungary and Poland. These limitations were mainly justified on grounds of state security, but economic and financial considerations also played a role. Another important lesson is that the bloc countries also restricted travel between themselves for financial reasons, as they were unable to secure even Eastern, non-convertible currency supplies. In other cases, the aim was to curb shopping tourism, which caused shortages of goods and, in some cases, serious budgetary damage, as price subsidies intended for domestic consumers were also taken advantage of by foreigners. Finally, in times of crisis, such as the Hungarian Revolution of 1956, the Prague Spring of 1968, or the Polish Solidarity movement that began in 1980, neighboring "fraternal" states introduced significant restrictions.[38] The most liberal border regime appeared in Hungary. Détente played a significant role in this even before 1975, and Austria's contribution was of outstanding importance. On the one hand, Austria was Hungary's gateway to the West, and on the other, Vienna constantly pressed for the liberalization of the Hungarian border regime. Many Austrian proposals, such as opening of new border crossing stations, the reintroduction of local border traffic, the complete dismantling of the Iron Curtain, and introduction of visa-free travel, did not (yet) come

37 = = Péter Bencsik, *Border Regimes in Twentieth Century Europe* (Routledge, 2022), 71, 74–76.

38 = = Bencsik, *Border Regimes in Twentieth Century Europe*, 94–113; Péter Bencsik "Emigration Policy of the East Central European State Socialist Regimes, 1945–1989," *Arhivele Totalitarismului* 32, no. 3–4 (2024): 93–107.

to fruition at that time. The partial results were nevertheless significant: facilitation of visa issuance was achieved in 1968, and demining of the common border was finished by 1971.[39]

= = = The Helsinki Final Act and the Permeability of Borders After 1975

The Helsinki Final Act was—among others—an appeal for freer travel, with the emphasis on "freer." Instead of insisting on complete freedom of movement, Bonn convinced its Western partners that a policy of small steps could lead to more certain success. The demand for complete freedom of movement would probably have been rejected by the Eastern Bloc countries, primarily the GDR; Bonn feared that in this case the issue might even be removed from the CSCE agenda.[40] Therefore, the phrasing of the Final Act was as follows:

"The participating States [...] Make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States [...]

The participating States intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular:

– gradually to simplify and to administer flexibly the procedures for exit and entry;

– to ease regulations concerning movement of citizens from the other participating States in their territory, with due regard to security requirements.

They will endeavour gradually to lower, where necessary, the fees for visas and official travel documents. [...]

The participating States consider that tourism contributes to a fuller knowledge of the life, culture and history of other countries, to the growth of understanding among peoples, to the improvement of contacts and to the broader use of leisure. They intend to promote the development of tourism, on an individual or collective basis, and, in particular, they intend:

39 = = Maximilian Graf, "The opening of the Austrian–Hungarian border revisited: How European détente contributed to overcoming the 'Iron Curtain'," in *New Perspectives on the End of the Cold War: Unexpected Transformations?*, ed. Bernhard Blumenau, Jussi M. Hanhimäki, and Barbara Zanchetta (Routledge, 2018), 140–43.

40 = = Petri Hakkarainen, "From Linkage to Freer Movement: The FRG and the Nexus between Western CSCE Preparations and Deutschlandpolitik, 1969–72," in *Origins of the European Security System: The Helsinki Process Revisited, 1965–75*, ed. Andreas Wenger, Vojtech Mastny, and Christian Nuenlist (Routledge, 2008), 172–78.

– to promote visits to their respective countries by encouraging the provision of appropriate facilities and the simplification and expediting of necessary formalities relating to such visits."[41]

While the regulations of Western countries had been fully in line with the above, Eastern Bloc states had a lot of work to do. The Soviets were shocked by the idea of free movement of ideas and people. In 1974, Brezhnev told French President Georges Pompidou that these Western proposals "have no relation whatsoever with questions of sovereignty, of the inviolability of frontiers."[42] The hesitant Politburo was convinced by diplomat Anatoly Kovalev with the support of KBG leader Yuri Andropov, who believed that concessions should be made on paper only.[43] It is important to emphasize that the Helsinki Final Act was not legally binding, and in case of human rights objections from the West, Eastern Bloc countries could refer to Principle 6 of the Decalogue, which was about non-intervention in internal affairs (previously drafted by the Soviets as "non-interference," a more restrictive phrase).[44]

Daniel Thomas was the first to formulate the theory of the "Helsinki effect," which has been adopted by many other scholars. It means that human rights commitments signed in Helsinki undermined communist rule in East-Central Europe, as they triggered the formation of dissident groups that forced communist governments to comply with these promises.[45] More recent studies underline that Western human rights campaign had very little effect on the demise of communism. Robert Brier emphasizes that dissident movements in the Eastern Bloc were not created by the Helsinki process, and that their role was almost negligible in the fall of communism. For instance, these movements were easily crushed by the KBG in the Soviet Union. Western politicians had little hope in them; consequently, they refrained from supporting them and/or thought that doing so would be counterproductive. It was mainly Western human rights activism—that is, social movements—which expressed greater solidarity with them. In fact, these movements fought against political elites both in the West and the East, feeling that the "power and influence of these elites were based on sustaining the conflict

41 = = Organization for Security and Co-operation in Europe, Final Act of the CSCE (August 1, 1975), 38–41, https://www.osce.org/files/f/documents/5/c/39501.pdf.

42 = = Quoted by Marie-Pierre Rey, "The USSR and the Helsinki process, 1969–75: Optimism, doubt or defiance?" in *Origins of the European Security System: The Helsinki Process Revisited, 1965–75*, ed. Andreas Wenger, Vojtech Mastny, and Christian Nuenlist (Routledge, 2008), 77.

43 = = Rey, "The USSR and the Helsinki process," 77–78.

44 = = Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton University Press, 2001), 61.

45 = = Thomas, *The Helsinki Effect*. See esp. 257–88.

between East and West; controlling political institutions and draining all economic energies for the arms build-up, these elites were thus seen as driving the societies of East and West toward self-extermination."[46] Douglas Selvage shares a similar opinion, also emphasizing that the Soviet Union, East Germany, Czechoslovakia, and even Poland successfully repressed their dissident movements until 1982. Still, the Helsinki effect entered into force from 1982 due to the economic weakness of state socialist countries. Without loans from and trade with the West they were threatened by bankruptcy. Among the first concessions was a more liberal emigration policy in the Soviet Union and East Germany. Military détente (i.e., disarmament) was another— albeit also economically motivated—reason behind Soviet concessions. During the 1980s, the only option that prevented the "Helsinki effect" was economic self-sufficiency and re-Stalinization, which only Romania attempted.[47] However, another analysis suggests that Czechoslovakia was not far behind Romania in terms of the severity and inhumanity of its border regime.[48] Most of these Western critiques focused on human rights in general (Principle 7 of the Helsinki Declaration, technically within the first basket) and not on the role of the third basket. However, Csaba Békés explicitly concludes that the effect of the third basket is overestimated, while the second basket had much larger consequences; according to him, economic dependence and indebtedness contributed to the collapse of the Eastern regimes.[49]

An in-depth analysis of the Helsinki follow-up conferences shows that third basket issues were of great importance in Belgrade (1977–1978) and in Madrid (1980–1983). The Hungarian leadership constantly monitored Western intentions and adjusted its own actions accordingly. In fact, Budapest not only adopted a defensive stance, but also emphasized its greater openness compared to the West in many areas of humanitarian cooperation. The Belgrade meeting ended in a stalemate; only Hungary—the country that best met the Helsinki criteria from the out-

46 = = Robert Brier, "Beyond the 'Helsinki Effect': East European Dissent and the Western Left in the 'Long 1970s'," in *The 'Long 1970s': Human Rights, East-West Détente, and Transnational Relations*, ed. Poul Villaume, Rasmus Mariager, and Helle Porsdam (Routledge, 2016), 71–75, 82.

47 = = Douglas Selvage, "The Limits of Repression: Soviet Bloc Security Services vs. Transnational Helsinki Networks, 1976–1986," in *The CSCE and the End of The Cold War: Diplomacy, Societies and Human Rights, 1972–1990*, ed. Nicolas Badalassi and Sarah B. Snyder (Berghahn, 2019), 212–19.

48 = = Maximilian Graf, "European Détente and the CSCE: Austria and the East-Central European Theatre in the 1970s and 1980s," in *The CSCE and the End of The Cold War: Diplomacy, Societies and Human Rights, 1972–1990*, ed. Nicolas Badalassi and Sarah B. Snyder (Berghahn, 2019), 260–62.

49 = = Csaba Békés, "Détente and the Soviet Bloc: From Promoter to Victim, 1975–91," in *The 'Long 1970s': Human Rights, East-West Détente, and Transnational Relations*, ed. Poul Villaume, Rasmus Mariager, and Helle Porsdam (Routledge, 2016), 165–67.

set—took significant steps, already then for economic reasons. Still, the third basket was listed as a potential threat also in official Hungarian documents in 1978. However, the whole Eastern Bloc was forced to make significant concessions in Madrid.[50]

In the case of hard-line states, the Helsinki effect only came to real fruition in the 1980s. Stephan Kieninger suggests that economic and humanitarian issues were interlinked: "Trade was a lever to perforate the Iron Curtain and to conduct détente in dynamic ways."[51] Following the policy of small steps taken already by Brandt, Helmut Schmidt could "buy" the freer movement of West Germans to the GDR and the possibility of emigration of Germans from various Eastern countries. Consequently, Schmidt opposed the trade war policy of Carter. He was even willing to grant a five-billion-mark loan to East Berlin to convince Erich Honecker for a more liberal exit policy. After Helmut Kohl became chancellor, only a billion-mark loan was negotiated and agreed to in 1983, in a strictly confidential way. Although no direct contract was signed for a "freer movement in return for cash" agreement, East Germans made some concessions, the most important among them being the dismantling of the automatic shooting devices along the inner German border, which was completed in November 1984. The West German move was bold, as they paid in advance without any guarantees, and the contract did not restrict how the money should be used. The main West German negotiator, Franz-Joseph Strauß expected that the border checks—or, rather, harassments—would be eased for Western tourists entering the GDR, and these incidents indeed significantly decreased. A new cross-border postal agreement was also reached in 1983. Not all questions could be solved, though. For example, West Germany campaigned in vain for lowering the East German age limit for travel. As dissent grew in East Germany, however, more and more people tried—and succeeded—to seek asylum in Western embassies in early 1984, forcing the GDR to permit a further 40,000 people to emigrate legally. Kieninger concludes that the *Milliardenkredit* saved the GDR from insolvency in the short run but contributed to its collapse in the long run.[52] According to Federica Caciagli, "...the GDR hoped to protect its boundaries. Yet, the GDR had in fact opened them up when it had

50 = = Róbert Takács, "Hungarian Foreign Policy and Basket III in the Cold War Confrontation from Helsinki to Madrid," *Múltunk* 64, no. 5 [special edition] (2019): 61–82, 93–106.

51 = = Stephan Kieninger, "Freer movement in return for cash: Franz Josef Strau, Alexander Schalck–Golodkowski, and the Milliardenkredit for the GDR, 1983–1984," in *New Perspectives on the End of the Cold War: Unexpected Transformations?*, ed. Bernhard Blumenau, Jussi M. Hanhimäki, and Barbara Zanchetta (Routledge, 2018), 117.

52 = = Kieninger, "Freer movement in return for cash," 126–29.

underestimated the importance of the third basket and had instead almost totally focused on the first one."[53]

Until 1989, selective emigration was a useful tool for East Berlin. With this so-called "targeted safety valve," opposition movements were weakened, as the regime itself could select the most active dissidents. The method was as follows: applicants were first denied, testing their determination. Many applicants were punished or harassed. If they repeatedly applied for emigration and even engaged in oppositional activities, they were more likely to be authorized to leave. A significant percentage of applicants was rejected to reduce the loss of human capital. Highly skilled experts of great economic importance were less likely to receive authorization to emigrate.[54]

The Austrian–Hungarian border quickly became more permeable after Helsinki. Austria was willing to invest significant amounts in the development of the Hungarian tourist industry; in return, a fifth border crossing station opened in 1976 in Bucsu, and in 1978, an agreement was reached on visa-free tourist traffic between the two countries. Although Austria and Poland had already abolished visa requirements in 1972, this was still a more significant step, as it was agreed between two neighboring countries. Border stations were refurbished with Austrian loans. Vienna urged speeding up border checks and encouraged the possibility of more frequent trips even for Hungarian tourists. The main obstacle to the latter was the shortage of hard currency. This was also the reason why the Hungarian side refused to allow local border traffic. Still, Austria kept pushing her demands during the following years. Finally, in 1987, the Hungarian side decided that instead of a local border traffic agreement, travel to the West should be liberalized in general. This led to the introduction of the "world passport," valid for all countries of the world without a need for an exit visa, which had previously been compulsory. Although there is no evidence that this step was related to another billion-mark loan (which Hungary received from West Germany in 1987), an indirect connection is conceivable. In any case, after the introduction of the world passport, the complete dismantling of the technically obsolete Iron Curtain was a logical step, which contributed not only to the ultimate downfall of the Hungarian regime, but also to that of East Germany.[55]

53 = = Caciagli, "The GDR's targets," 119.

54 = = Julian Michel, Michael K. Miller, and Margaret E. Peters, "How Authoritarian Governments Decide Who Emigrates: Evidence from East Germany," *International Organization* 77, Summer (2023): 531–40.

55 = = Graf, "The opening of the Austrian–Hungarian border revisited," 144–52; Bencsik, *Border Regimes in Twentieth Century Europe*, 104, 115.

= = = Conclusion

The development of state socialist countries generally moved from closed but uncertain borders to guaranteed but more open borders. However, it cannot be said that this uncertainty was the main reason for the closed borders, nor, vice versa, that the opening of the borders was a consequence of declaring them inviolable. The main reason for the isolation was the adoption of the Soviet model, with strict border regimes that included building the Iron Curtain. Although propaganda often claimed that the Iron Curtain served to ward off the imperialist threat, in reality it was intended to prevent the population of Eastern European countries from fleeing. However, the "northern tier" of the bloc was indeed in danger, and the Poles and East Germans successfully forced their allies to take joint action against the FRG. Although their real goal was the *recognition*—or *immutability*—of borders, they had to be content with an international declaration of the *inviolability* of borders. This was still a significant success for them, but they had to pay a heavy price for it. In a sense, the Helsinki Conference was unnecessary for them, as they did not achieve anything more than what the Bonn government had already guaranteed them in the Eastern Treaties. What is more, they had to accept that human rights and humanitarian cooperation, including border permeability, should also be subject to negotiation. Apparently, Principle 7 (on human rights) and the third basket (on freer movement) on their own did not weaken communist regimes, especially in the short term. Only the second basket (on economic cooperation) and the resulting indebtedness made this possible. However, the second basket alone would not have been sufficient either. It was the combined effect of the second and third baskets, as well as the Soviet Union's overextension and overspending, that caused the collapse of the communist systems. It is worth noting that while dissident movements focused on the implementation of Principle 7, concessions made due to Western economic blackmail almost exclusively concerned the third basket. Although freer travel is itself a human rights issue, and thus these two topics are interconnected, general human rights are often mistakenly classified as belonging to the third basket in the literature.

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Keywords

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borders, geopolitics, German–German relations, NATO, Warsaw Pact