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Working Paper

The Ghost Enlargement:

**The Integration of the German Democratic Republic (GDR) into the
European Community (EC)**

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Abstract

The fall of the Berlin Wall induced the termination of the Cold War and is considered a landmark event in contemporary history. The resulting restructuring of the global and European security order is characterised by the Eastern enlargements of NATO and the EC. The reunification of Germany is the focal point of these developments and has received high scholarly attention. Surprisingly, researchers have not yet sufficiently investigated the role of the EC in that process so that a crucial link in Cold War history is missing.

The paper steps in this research gap and provides an answer to the question of why the EC decided to integrate the GDR automatically through German reunification. Existing narratives argue that this decision is a neglectable by-product of the reunification, which is generally understood as a fortunate event of history or the result of a horse trade between the FRG and France. I demonstrate that these narratives are flawed and challenge them in constructing an analytic narrative, which combines an in-depth historical analysis with a game theoretic model. The analysis builds on original, recently declassified material. It reveals that the FRG got into a powerful bargaining position vis-à-vis the EC by launching a *fait accompli*, which made a veto very costly. The FRG's proactive strategy also ensured bargaining success in related negotiations about the reunification making status quo change inevitable. This is why the EC was, eventually, forced to acquiesce to an outcome far from its initial preference: the automatic integration of the GDR into the Community taking place simultaneously with reunification. The FRG mitigated the EC's costs for this outcome by offering side payments and institutional concessions.

Introduction

The Fall of the Berlin Wall on November 9th, 1989 is arguably one of the most influential events in post-War history. The opening of the inner-German border coincided with the Fall of the Iron Curtain and initialised the reordering of the global and European security structure. The termination of the Cold War led to Eastern enlargements of the North Atlantic Treaty Organization (NATO) and the European Community (EC). The reunification of Germany represents the focal point of the reconstruction of the global security architecture. The integration of the former German Democratic Republic (GDR) into NATO and EC resulting from reunification is the first expansion of these organizations to the previously socialist hemisphere. The GDR's integration is outstanding and puzzling at the same time, given its completion within less than one year on October 3rd, 1990.

Naturally, the unification of Germany and its international interdependencies, such as the 2+4 negotiations and NATO enlargement, have received extensive scholarly attention and are well understood (e.g. Janning 1999; Morgan 1992; Weidenfeld, Wagner, and Bruck 1999). The opposite counts for the European dimension: the social-scientific integration and enlargement literature overlooks the accession of the GDR to the EC or treats it as an outlier without further consideration. Existing publications by historians are dated, partially flawed and lack causal explanation. This paper addresses the existing research gap by posing the question of why the EC decided to integrate the GDR automatically through reunification. Answering this research question delivers a twofold contribution. On the one hand, it provides an important missing link in Cold War history. On the other hand, it explains a crucial outlier case of EC enlargement.

For the EC, the accession of the GDR marks the beginning of an encompassing change in terms of horizontal and vertical integration. The GDR's integration stands at the beginning of major enlargement rounds and the development of the EC to an "ever-closer" political, European Union (EU) (Janning 1999, 342–52; Mehlhausen 2011, 24–26; Meyer 1993, 38–49; Patel and Schulze 2022, 21–30). Past and current examples demonstrate that enlargement does not always follow standard procedures and often takes place against the background of security aspects. As a result of the Russian aggression, Ukraine, Moldova and Georgia have applied for membership and are hoping for "accelerated" accession.¹ Just as in the 1990s, a major restructuring of the European security order is ongoing and, once again, EU Eastern enlargement is part of the process. The knowledge generated in this paper about the GDR's EC

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_123, accessed 20.03.23.

integration shall, therefore, have a great impact on the study of these current, “special” enlargement cases. Furthermore, the GDR’s case prompts for comparison with the (regular) enlargement processes of other previously socialist states. The accession of the Central and Eastern European states (CEEC) to the EU has received considerable scientific interest (e.g. Moravcsik and Vaduchova 2005; Plümper and Schneider 2007; Schimmelfennig 2001; Sedelmeier 2005) but the connection to the GDR has not yet been made.²

The paper proceeds in the following way. First, the existing literature concerning the GDR’s integration into the EC is reviewed. I identify three flawed but persistent narratives. These argue that the German reunification is a fortune of history unfolding beyond the control of politicians. Moreover, the integration of the GDR into the EC is just a by-product of the reunification process, which can be traced back to a deal between the Federal Republic of Germany (FRG) and France. I contest these narratives and present the paper’s analytic narrative approach (Bates et al. 1998) consisting of a game theoretic model serving as the paper’s framework, around which a historical narrative is constructed. The analysis reveals that the decision to integrate the GDR into the EC automatically through reunification builds on the FRG’s proactive strategy aiming at the revision of the status quo. Early on, Chancellor Kohl confronted the EC with a *fait accompli* making a veto very costly. The EC’s consent was ensured by successful bargains in related negotiations. Furthermore, I find evidence for side payments and institutional concessions paving the way. These findings build largely on the analysis of original, recently declassified documents from national and European archives.

Literature Review

The reunification of Germany has received considerable attention from contemporary historians (for instance Walter 1999; Zelikow and Rice 1997). Not only inner-German but also related international processes have been profoundly addressed. The negotiations for the 2+4 agreement are well reconstructed on the basis of archival material (Küsters and Hofmann 1998; Möller, Amos, and Geiger 2015; Schabert 2021; Weidenfeld, Wagner, and Bruck 1999). Similarly, the question of NATO membership for East Germany is well-researched (Küsters et al. 2000; Plato 2003). The implications of the German reunification process for the EC have, on the contrary, not received the same scholarly attention (Patel 2022, 54–55). Existing publications discuss possible solutions for the GDR’s future in the EC (Blumenwitz 1990; Falke

² One aspect to compare the integration of the GDR to the CEEC could for instance concern temporary deviations from the *acquis*, which can be found in both enlargement cases. See Schimmelfennig (2014) for the concepts of exemptive and discriminatory differentiation.

1994; Hrbek 1990; Kaiser and Becher 1993; Kohler-Koch 1991; Küsters et al. 2000) and the role of EC institutions in that process (Gehler and Jacob 2019; Giegerich 1991; Holeschovsky 1991; Janning 1999; Morgan 1992; Spence 1992). Other authors focus on specific aspects such as the legal implications of the enlargement (Grabnitz and Bogdandy 1991; Jacqué 1991; Randelzhofer 1991; Timmermans 1990). Others deal with the economic implication for the EC (Kuschel 1991; Toepel and Weise 2000). The most encompassing study about the GDR's integration into the EC has been written by Meyer (1993). Like the majority of the listed publications, Meyer's is predominantly descriptive. Since most of them stem from the 1990s, the evidence is preliminary and dated. Patel and Schulze's (2022) recent, popular-scientific monograph highlights the existing research gap and the demand for scientific research regarding the GDR's EC integration. This research gap is even more prominent in the social-scientific enlargement literature, for which the GDR's EC integration should be an obvious case.

Within the existing literature, I identify three flawed but steady narratives concerning the reunification of Germany. This causes the persistence of misunderstandings also about the integration of the GDR into the EC. All of these narratives include misunderstandings and fall short of delivering an encompassing explanation concerning the GDR's integration into the EC. According to the first narrative, the reunification of Germany was a "serendipity of history"³ only possible due to a series of uniquely fortunate circumstances. The narrative is also present in public debates and suggests that fate was catching up with Europe and Germany in 1989 and 1990. "Chance as a helper" (Plato 2003, 90) so that "history was unfolding" (Gehler and Jacob 2019, 506) at a "breath-taking speed" (Toepel and Weise 2000, 178) hardly in control of political decision-makers. Politicians were lagging behind the ever-accelerating events and forced to improvise (Morgan 1992; Walter 1999).

Often the improvisation went wrong, for instance, with Kohl's 10-point programme, a "cardinal mistake" (Meyer 1993, 26). According to Meyer, it took Kohl months to catch up with the speed of events and adopt an appropriate unification policy. Eventually, promoters of the narrative conclude that the "integration of the former GDR into the European Community [...] has been an unusually smooth process. It did not stir many waves" (Falke 1994, 164). I agree that the fall of the Berlin Wall was a surprise to all actors (see also Schabert 2021) and that the speed of events was extraordinary. However, the decision-makers were not solely improvising or simply accepting history's turn. As I will demonstrate, Kohl's 10-point programme is a prior example

³ Bundesrat President Haseloff called the reunification of Germany a "serendipity of history" ("Glücksfall der Geschichte") at his anniversary speech 2021, https://www.bundesrat.de/SharedDocs/texte/21/2021_1003-festakt-tag-der-deutschen-einheit.html, accessed 15.03.23.

of a decision-maker seeking the agenda-setter role and thereby triggering status quo change. Most certainly, the automatic integration of the GDR into the EC is the result of strategic interaction between rationally acting states and not only the result of fortunate circumstances.

According to the second persistent narrative, the integration of the GDR into the EC is a neglectable by-product of the German reunification bound to happen. Since the enlargement lacks formal accession negotiations and did not follow standard procedures it is an “unusual instance of EU enlargement” (Duttler et al. 2017, 415). As it seems, this serves as the justification in the social-scientific enlargement literature to disregard the GDR’s integration into the Community. Influential books overlook this enlargement case (e.g. Moravcsik 1998; Schimmelfennig 2003; Schneider 2009). Whereas I agree that the integration of the GDR is a unique case, there are good reasons to argue that the integration of the GDR was not simply a by-product but the outcome of separate negotiations between the FRG and the EC. The chosen solution was neither pre-programmed nor without any alternative. The ignorance of the literature towards the GDR’s EC integration might be due to difficulties to apply established models. For instance, in Schneider’s (2009) model member states bargain with the applicant, a structure that cannot be simply adapted to the GDR’s integration. It would be appropriate to refine existing models or develop new approaches. Instead, the GDR integration into the EC is dismissed as an unimportant side product of the German reunification. The GDR enlargement is treated as an outlier without further consideration.

Linked to the latter is the third narrative that the reunification of Germany, to which the enlargement of the EC is a by-product, resulted from a horse trade. “France and West Germany made kind of a deal” (Spohr 2000, 878). The substance of that deal is not convincingly presented. Authors point to a deal, in which the FRG traded enhanced European integration (often in the form of the EMU) for reunification with France (e.g. Baun 1995; Marsh 2009; Rödder 2004; Weidenfeld 1998). However, these authors remain too vague in where the causal link to the integration of the GDR to the EC is. I side with Wirsching (2022), who proves that the situation was much more complex and that there is no evidence for a sort of issue linkage between GDR enlargement and EMU. The narrative does also not explain how the eurosceptic UK was convinced. As I will show, that side payments and concessions were part of the German negotiation strategy but certainly not the only part.

The Analytic Narrative Approach

Social scientists recently “have been (re)discovering history” (Finkel, Lawrence, and Mertha 2019, 2). The underlying paper’s interdisciplinary approach is part of this trend. “Analytic narratives” were originally developed by Bates et al. (1998) and thenceforth applied in problem-driven studies aiming at the exact mechanisms behind particular outcomes (e.g. Allen 2002; Greif 2006; Johnson and Koyama 2014). Analytic narratives aim at combining the best of two worlds: the “narrative” is a rich and in-depth analysis resembling historians’ work, to which the “analytic” feature is added through the combination with game theoretic and rational choice models known from economics or political science.

The strategy behind analytic narratives is to identify relevant actors, their “preferences, their perceptions, their evaluation of alternatives, the information they possess, the expectation they form, the strategies they adopt, and the constraints that limit their actions” (Bates et al. 1998, 11). Eventually, a sound narrative is developed explaining the path to the outcome. The narrative is supported by the explicit usage of theory. Hence, the game-theoretic model (formalised or not) embeds the narrative in a clearly defined frame focusing on the essential features of the story. Ideally, the narrative “confirms” the expected outcome of the game. If not, the model should be refined iteratively between theory and empirics (Bates et al. 2000). Certainly, analytic narratives and process tracing approaches have a lot in common. The former is, however, actor-oriented and less variable-oriented as process tracing is (Levi and Weingast 2016).⁴

Based on my intentions, a formalisation of the model would go beyond the purpose. Even spelled-out formalised game-theoretical can never account for the dynamics of real-world negotiations. Therefore, models should be judged as to whether they match their purpose. The model in this paper is used in a heuristic or “explicative” way (Clarke and Primo 2007). Context-specific details not captured by the model are accounted for in the narrative.

The empirical material informing my analysis consists, predominantly, of archival documents. Among all types of primary sources, archival documents are arguably the most reliable ones due to their confidentiality (Trachtenberg 2006, 140–68). The documents are fine-grained enough to the narrative better than any other source. Contrary to this, “soft primary sources” like memoirs or speeches are more likely to be manipulated. If the bias from these types of sources is assessable, I also use them as evidence. Moreover, insights from the secondary

⁴ For more information on process tracing see Beach and Pedersen (2019); Bennett and Checkel (2015); Hall (2008).

literature serve the purpose of triangulation. Of course, there are also limitations regarding archival documents: their content tends to be selective, sometimes files are shredded or disappear (Beach and Pedersen 2019, 213–22; Gasparyan 2019). Moravcsik (1998, 80–85) emphasizes the value of archival records for studies of European integration. Since the events of interest date back over 30 years, the majority of records have been declassified. Earlier publications on the issue were not able to draw on these documents so their findings are likely to be challenged by my work.⁵ The analysis includes original archival documents collected at field trips to the Historical Archives of the European Union (HAEU), the German Bundesarchiv (BA) and the National Archives of the United Kingdom (NA).⁶ Furthermore, I use historical poll data from the Politbarometer West dataset to support my analysis (Jung, Schroth, and Wolf 2019).

Historical Background: Actors without Scripts?

The following section provides crucial information on the historical background in setting the stage for the game theoretic model, which is subsequently introduced. Even though the Iron Curtain had started cracking in the 1980s, the fall of the Berlin Wall on November 9th, 1989 was a surprise. The prompt opening of the borders in the GDR turned the reunification of Germany from an abstract matter into a pressing issue. Politicians across the world had no answer prepared for the sudden return of the German Question.⁷ Schabert (2021, 1–10) compares the situation to actors spontaneously asked to perform a play without a given script.

The first reactions from the European capitals were welcoming the change and expressing their support to the people of East Germany.⁸ At the same time reservations about the return of the “problème allemand” (Weidenfeld 1998, 55) were arising in the way that the fall of the Wall would create a domino effect and overthrow the post-War order. The satisfaction of most states with the status quo is captured in the quote of the French author Mauriac: “I love Germany so much I’m glad there are two of them.”⁹ For France but also other states “Germany’s division was convenient, both in reducing German power and ensuring a Germany closely integrated into the Western European institutions – and hence open to French influence.”¹⁰ Public statements of French members of government welcomed the changes in the GDR pointing

⁵ An exemption is Spence (1992), who had access to classified Commission documents being part of the Commission staff.

⁶ All translations of quotes from originally non-English documents in this paper are my own.

⁷ The term “German Question” is frequently used in the literature without defining its scope. When I use the term, I refer to all nationally and internationally processes related to the reunification of Germany.

⁸ BA B136/34467: “Haltungen zur Deutschen Frage“, 10.11.89.

⁹ https://en.wikiquote.org/wiki/Fran%C3%A7ois_Mauriac, accessed 17.03.23.

¹⁰ NA FCO 33/10758: “France and the German Question”, 25.10.89.

towards the Germans' right of self-determination. Against the background of a possible reunification, France emphasised that the FRG must remain part of the Western alliance and relating to the EC that there is "no choice to be made between the Community and the GDR."¹¹

Even though the UK's position was publicly more reserved than the French, internal documents prove that the assessment of the change in East Germany was similar. A file from the FCO one week before the fall of the Wall concludes that the UK is "fundamentally opposed to German reunification."¹² London was particularly worried that too rapid change in the GDR would inflate a large-scale fire in Eastern Europe. If at all, change concerning the German Question should only occur in small reform steps. The government aimed at the "possibility of delaying 'reunification' for some time [...] for the next two/three years."¹³ Like France, the UK had a "major interest in a steady pro-Western foreign policy in Bonn" precluding the possibility of a neutral, reunified Germany.¹⁴

For obvious reasons, the FRG welcomed the events in the GDR much more than others. Overcoming the German separation was the FRG's *raison d'état* and suddenly realistic.¹⁵ It is therefore not surprising, that Chancellor Kohl started to touch on the issue of reunification in an exchange with Egon Krenz only two days after the fall of the Wall.¹⁶ Throughout the summer/autumn of 1989 Kohl's cabinet witnessed increasing numbers of GDR refugees recognised as a threat to internal stability.¹⁷ 31% of the West German population identified GDR refugees as the most important political problem in October 1989 (Jung, Schroth, and Wolf 2019). Kohl hoped that soft signals towards reunification would convince GDR citizens to remain in their country. Furthermore, the Chancellor aimed at satisfying his electorate against the background of his aspired re-election in the upcoming year (Spohr 2000). On the international level, the FRG had no interest in loosening its ties to the Western alliance. The government was convinced that a reunified Germany can only prosper if it remains integrated into NATO and EC.¹⁸

¹¹ NA PREM 19/2696: "The German Question: Kohl Proposals: French Views", 19.11.89.

¹² NA FCO 33/10278: "Germany", 02.11.89.

¹³ NA WRE O14/2: "GDR Internal Developments: Policy", 15.11.89.

¹⁴ NA WRG O20/3: "The Federal Republic of Germany: How Reliable an Ally?", 10.04.89.

¹⁵ The FRG considered itself as a temporary construct. The constitution avoids the term "Verfassung" to emphasize the rejection of two German states and refers to reunification.

https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F*%5B%40attr_id%3D%27bgbl149001.pdf%27%5D#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl149001.pdf%27%5D__1655026771180, accessed 27.03.23.

¹⁶ In Küsters and Hofmann (1998) Doc-Nr. 86: "Telefongespräch Kohl mit Krenz", 11.11.89.

¹⁷ Cabinet meetings summer/autumn 1989 prove migration from the GDR worried the FRG's government. Minutes are available: <https://www.bundesarchiv.de/cocoon/barch/0000/k/k1989k/index.html>, accessed 20.03.23.

¹⁸ BA B 136/32696: "10-Punkte-Plan", 28.11.89.

Due to the rapidly processing events, the French President convened a special EC summit to discuss the implications of the change in Eastern Europe for the EC to take place in Paris on November 18th. Given his difficult internal situation, the informal meeting was very important for Kohl. The Chancellor was “not looking for decisions” but a “political gesture of solidarity among partners and of support for reform in the GDR” that could be interpreted as a signal that the EC will not stand in Germany’s way if it wishes to reunify.¹⁹ In his address to the other heads of state/government, Kohl demanded that “the people of Germany must be allowed to determine their future for themselves.”²⁰ Furthermore, Kohl emphasised that the FRG would remain committed to NATO and the EC. This did, however, not relax the concerns of the others. Margaret Thatcher claimed that it was not the right time to talk about reunification since this would “open a Pandora’s Box of border claims through central Europe.”²¹

Fait Accompli Game

Against this historical background, the fait accompli game around which the narrative will be framed is introduced. The concept of the “fait accompli” originates from the crisis bargaining literature. In a classical two-state, territorial conflict, a fait accompli takes place if “one state unilaterally chooses some revision of the status quo. The second state can either acquiesce to the revision or can go to war to reverse it” (Fearon 1995, 394). I apply a model developed by Tarar (2016), in which the fait accompli occurs due to a commitment problem under incomplete information. In Tarar’s understanding the fait accompli comes along with costs for the initiator.

The entire structure of the game is depicted in Figure 1. There are two players, the FRG and the EC. Due to domestic pressure related to the ongoing migration crisis and the lack of support received by its European partners at the Paris summit, the FRG is the dissatisfied player seeking a revision of the status quo. It is faces in intergovernmental negotiations the other eleven member states of the EC, which are satisfied with the status quo. Both players are assumed to be rational and unitary. They bargain over the integration of the GDR into the Community against the background of German reunification. Of course, these negotiations do not take place isolated from other negotiations related to the reunification of Germany. The situation resembles what Tsebelis (1990) understands as nested games. Accordingly, the strategic interaction of players in the game in focus is also influenced by other games they are involved. To use Tsebelis’ (1990, 245) language, the negotiations about the GDR’s EC integration did

¹⁹ NA PREM 19/2672: “German intentions at the Paris meeting of Community heads of Government”, 17.11.89.

²⁰ NA PREM 19/2672: “European Community Heads of Government Meeting in Paris”, 19.11.89.

²¹ Ibid.

not take place in a “vacuum.” As the analysis will show, spill-overs from games related to the national or international dimension of the German reunifications had a strong influence.

EC enlargement is subject to intergovernmental bargaining, in which the rule of unanimity applies so that every state is a veto player (Moravcsik 1998; Schneider, Finke, and Bailer 2010). Supranational actors lack the same influence in enlargement questions and are, therefore, not included in the game. Since it is beyond the scope of this paper to study the preferences and tactics of all member states in an encompassing way, the analysis focuses on France and the UK. They were not only the most powerful states in the EC but also in an outstanding position in other international matters of the German Question as allied veto powers. The impact of the GDR government on the country’s integration into the EC is neglectable. The old socialist government lacked a democratic mandate and was, therefore, internationally not respected. Its successor could also never grow beyond the role of a bystander (Küsters et al. 2000). All members of the new government were “political greenhorns” (Patel and Schulze 2022, 67).²² The UK’s Foreign and Commonwealth Office (FCO) judged GDR officials to “lack expertise” and their influence for shaping the future as “next to none.”²³

²² Own translation.

²³ NA FCO 30/9170:“EMU and the GDR“, 27.07.90.

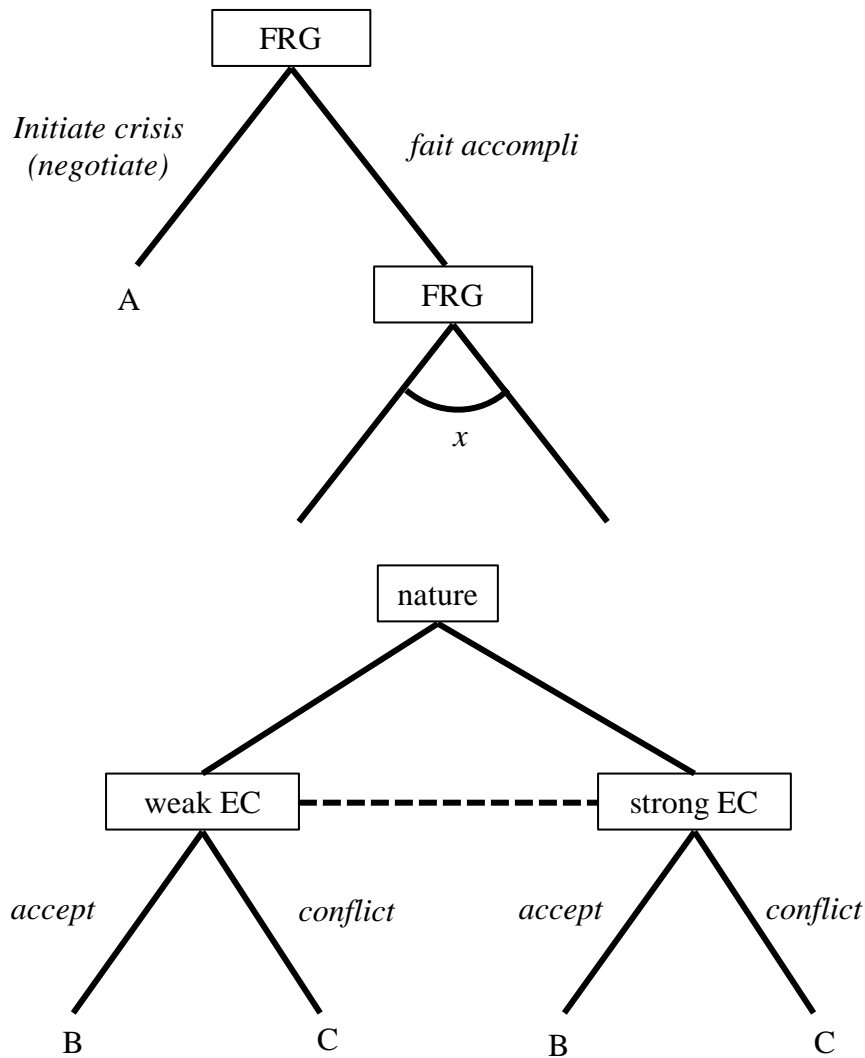


Figure 1 Adaption of Tarar's (2016) fait accompli game due to a commitment problem under incomplete information

In the first sequence of the game, the FRG has two options. On the one hand, it can initiate a crisis and enter negotiations so that the game ends with A. On the other hand, the FRG can launch a fait accompli so that it is in the position to pose a take-it-or-leave-it-offer. Moreover, the FRG gets to determine the size of x . Originally, x is the size of land grabbed by the state, which requires some adjustment for the underlying context. X is positively related to the costs the initiator of the fait accompli has to cope with. Under incomplete information, the FRG does not know whether it faces a weak or strong type EC. This is indicated by the move of nature and the dashed line between weak and strong type EC. In the second sequence of the game the EC can either accept the FRG's offer so that the fait accompli succeeds in the outcome of B. Alternatively, the EC can reject the offer and opt for conflict resulting in C.

What do these outcomes mean substantially and which outcome does the game predict? The preferences of the players are derived from the anecdotal evidence discussed in the historical

background of the game. If A prevails, the EC and the FRG reach a negotiated settlement about the integration of the GDR into the Community. Given the game's structure, the EC is in a good bargaining position, it can make a take-it-or-leave-it-proposal. In accordance, with the preferences of the EC fast change in the German Question is an unlikely outcome. Instead, the deal would include a politics of controlled reforms without a threat to stability. The EC has the interest to keep the FRG in the Community and would also benefit economically from a reunified Germany in the EC. This is why A could still include a long-term membership perspective for the GDR. This process might be started in "forms of association for the short to medium term [and] therefore neither lead automatically to, nor automatically, exclude, eventual EC enlargement."²⁴

Under the outcome of B, either the weak or the strong type EC accepts the FRG's *fait accompli*. Now the FRG is in the powerful position to pose a take-it-or-leave-it offer. This means that an outcome close to the FRG's preferences can be expected that the EC still prefers over conflict. The FRG's preferences are summed up in the 10-points-programme presented by Kohl on November 28th.²⁵ Accordingly, under B the status quo would change drastically: Germany reunifies and the GDR automatically integrated into the EC. If the EC opts for *conflict* so that C prevails, this will not cause a military conflict but still a massive confrontation. The FRG could refer to the "Wiedervereinigungsgebot" of its constitution. A one-sided decision of the GDR under Art 23 to join the FRG would suffice to accomplish reunification.²⁶ As the British government correctly assessed, it was beyond the control of the allied powers to prevent this.²⁷ The enlarged FRG could refer to a clause in the Treaties of Rome, which allowed for reconsideration of its membership in the EC in the case of reunification (Falke 1994, 163–65). The German withdrawal from the Community would have drastic economic and political consequences that would most likely mean the EC's end. The EC could cut the FRG from the beneficiaries of membership and push the UK and France to restore their occupational rights over Germany. Based on these considerations, I assume that the EC prefers A over B over C. Even though it is worried about too fast of a change in the German Question, it would still prefer this outcome over a confrontation. The FRG prefers B over C and A. C is preferred to A

²⁴ NA PREM 19/2672: "EC relations with Eastern Europe", 30.11.89.

²⁵ BA B136/32696: "10-Punkte-Plan", 28.11.89.

²⁶ https://www.bundestag.de/webarchiv/textarchiv/2013/46662599_kw46_grundgesetz_23-213482, accessed 17.12.22.

²⁷ NA PREM 19/2998: "Germany: Meeting with Herr Teltschik", 09.02.90.

because A would make Kohl's re-election unlikely due to the ongoing German separation. The FRG would rather give up its ties to the EC than rule out reunification.

Under complete information, this formation of preferences leads to the outcome of B: the FRG has no interest in negotiating so it launches a *fait accompli* that will be accepted by the EC. Furthermore, a commitment problem is present. Imagine a situation, in which the FRG knows that negotiating leads to a satisfying result so that its preference order changes to $B > A > C$. Even then it would be rational for the FRG to launch a *fait accompli* because the EC cannot credibly commit itself to refrain from actions preventing a *fait accompli*. Thus, the FRG is concerned that entering negotiations precludes an outcome containing the same benefits as related to B. The options of the EC to prevent a *fait accompli* once negotiations are entered are manifold. For instance, it could be declared that there will be no exemption from the *credo* of no enlargement before the completion of the single market for the GDR (Spence 1992, 141).

Under incomplete information, it matters whether the EC is a weak or strong type, i.e. how high the EC's costs for conflict are. A strong type EC has lower costs if the FRG reunifies without coordination and leaves the Community. The weak type EC would, instead, face high costs and is more likely to acquiesce to the *fait accompli*. The assumption of incomplete information is a realistic one given the situation in November 1989. Due to the short period of time after the fall of the Wall, the FRG could not be sure about the costs and benefits of the EC related to the respective outcomes. At the Paris EC summit, Kohl had faced the EC acting like a strong type declining any status quo change. However, the FRG cannot be sure whether this EC is actually a bluffing weak type. This uncertainty has implications for the size of x . In this case, x does not correspond to the amount of land the FRG "grabs" but rather the type of *fait accompli* the FRG launches. Tarar (2016, 749–50) differentiates between "safe and risky" *fait accomplis*. A risky *fait accompli* could, for instance, mean that the FRG immediately completes unification under Art 23 and considers the GDR part of the EC. A safe *fait accompli* makes acceptance more likely, even for the strong EC. The FRG could, for instance, offer a long-time horizon for the completion of reunification or offer other compensations, e.g. in the form of side payments. Since the FRG's costs related to the outcome of C are high, I expect it to rather launch a safe *fait accompli* also a strong type EC would accept. Given these considerations, I expect the FRG to launch a safe *fait accompli* in the first move. Since both the weak and strong type EC prefer B over C, they will acquiesce and the outcome will be B.

Analysis

Kohl's Gamble

The EC's special summit in November left the FRG's government in a difficult situation. The desired positive signal regarding the self-determination of the German people could not be achieved. Against the German efforts, the member states did not agree on a communiqué to support the FRG's aspirations (Weidenfeld 1998, 90). The following passage from Kohl's (2005, 988) memoirs captures that the Chancellor learnt a lesson from the summit:

I took the special Paris summit as a warning. Even my friend Francois Mitterrand did not seem to be reliable. The British attitude hardly surprised me. However, the sharpness with which the British Prime Minister behaved towards me was more than disconcerting. After all, I now knew how to behave. Whether they liked it or not in government headquarters, with the fall of the Berlin Wall, the German question had overnight become the big issue in international politics.

The FRG's government had not only been disappointed by its European partners but was also facing an increasingly worrisome situation domestically. Migration from the GDR remained at high levels in November and was considered the most important political problem by 51% of the West German population. The unsatisfactory Paris summit was a good opportunity for the opposition to point out the government's inability to deal with the crisis. The polls for the CDU/CSU dropped by minus seven percent to 32, so the Chancellor's party was lagging eleven percent behind the SPD (Jung, Schroth, and Wolf 2019). Kohl's inner circle was naturally concerned about these developments and started working on a strategy to regain leadership in the German question. Otherwise, there was the "danger that this task would be taken over by the FDP or SPD" (Teltschik 1993, 53). A group around Kohl's close advisor Horst Teltschik worked with full speed on the development of the 10-points-programme, which was presented to the Bundestag by the Chancellor on November 28th (Petschow 2021). The programme outlines steps to overcome the separation of Germany and culminates in saying that "unification will appear if the people in Germany want so."²⁸

The importance of the programme for the reunification of Germany is common sense; it has been extensively discussed in the literature (e.g. Knoll 2004; Walter 1999; Weidenfeld 1998). Points six and seven have, however, receive less attention. In those, Kohl emphasises the interdependence of the national reunification process and European integration. Accordingly,

²⁸ BA B136/32696: "Kohl 10 Punkte Plan", 28.11.89.

the reunified Germany shall be part of the EC, which underlines the FRG's preference for the automatic integration of the GDR into the Community in that case.

The launch of the 10-points-programme confirm what was expected from the game: the FRG does in the first sequence not opt for negotiations. Instead, the 10-points-programme features all elements of a *fait accompli* identified in the literature (Altman 2017; Tarar 2016). It is an unprecedented move prepared under utmost secrecy to ensure a surprise effect. Apart from a narrow circle around Kohl, nobody was informed about the programme in advance, not even the coalition partner (Teltschik 1993, 42–46).²⁹ Foreign minister Genscher admitted to his British colleague Hurd “that he had not been consulted in advance about the Chancellor's speech.”³⁰ Contrary to the usual practice, none of the FRG's close allies was informed about the major proposal in advance.³¹ The launch of the programme marks an unexpected, drastic change of the FRG's strategy. The rather soft approach of negotiating and arguing deployed at the Paris summit is left behind. Instead, an agenda going far beyond the status quo is presented “out of the blue” (Tarar 2016, 743). Both of Tarar's conditions for making an out of the blue *fait accompli* more likely are satisfied. On the one hand, the FRG expects higher benefits compared to negotiating, particularly, due to its negative experience of the Paris summit. On the other hand, and also due to the Paris summit, the FRG had good reason to assume that the EC was likely to take measures ruling out a *fait accompli* once negotiations were entered. This could, for instance, be done by emphasising that the principle of no enlargement before the completion of the internal market in 1992 was also valid for the GDR (Falke 1994, 172–73).

The genesis of the 10-points-programme was rather informal and is, therefore, hardly captured in official, archival documents. In his memoirs, Kohl (2005, 988–93) states that he intended to take the initiative and send a signal to the citizens of the GDR. The domestic arena plays a more prominent role in Kohl's memoirs. This is likely due to the bias in the public interest towards the national dimension of the reunification process. Eventually, the *fait accompli* must be understood as a prior example of a politician acting in the domestic and international arena at the same time (Putnam 1988) and seeking re-election as the prior objective (Moravcsik 1993).

²⁹ Altman (2017) also states that *fait accomplis* can be non-violent.

³⁰ NA FCO 33/10383:“FRG/GDR”, 30.11.89.

³¹ Only the US was informed beforehand due to the time difference (Teltschik 1993, 52).

Reactions to the *Fait Accompli*

On the domestic level, the 10-points-programme was a major success and supported by all parties except the Greens. The polls for the CDU/CSU increased by six percent to 38 narrowing down the distance to the SPD from eleven percent in November to three in December. Moreover, Kohl managed to shift the public's attention from the migration problem to reunification, which was considered the most important issue by 57% (Jung, Schroth, and Wolf 2019). Teltschik (1993, 58) concluded: "We have achieved our goal: the Chancellor has taken the lead in opinion on the German question."

Evaluating the impact of the FRG's *fait accompli* on the European dimension of the German question is less straightforward. It follows, however, the logic of the *fait accompli* game. Kohl creates a take-it-or-leave-it-offer in proposing the German reunification together with the automatic integration of the GDR into the EC. In the view of the British ambassador "Kohl's ten points may now be taken for granted in the debate with the FRG"³² making aspirations to preserve the status quo "begin to look unattainable."³³ Due to his strong domestic position, Kohl could pose a credible ratification threat for any outcome less far-reaching than the 10 points (Putnam 1988). In this sense, Kohl acts as the agenda setter with the power to change the status quo beyond the German separation. The FRG's *fait accompli* also resembles what Johnson (1998, 55) understands as "reversion point politics", the EC is brought in a position to accept an outcome far from its preferred one.³⁴

Like every *fait accompli*, the ten points include a "calculated risk" (Altman 2017, 882). Kohl gambled that the EC would accept his offer over the outcome of conflict. The success of the gamble is dependent on the size of x , which relates to the question of whether the 10 points are a rather safe or risky *fait accompli*. Based on the findings so far, the ten points were rather risky. This contradicts the prediction of the game that FRG would opt for a rather safe *fait accompli* due to the uncertainty of which type of EC it faces. Instead, Kohl's programme is revolutionary compared to existing proposals and, both, far ahead of the status quo and the EC's preferred outcome. At the time of its launching, the FRG was uncertain about the support of the allied powers, a necessary condition for achieving all aims of the programme.³⁵ Against the backdrop of being voted out of office in the next year, Kohl was willed to take a high risk and opt for a

³² NA PREM 19/2696: "The German Question and some implications for Security in Europe", 12.12.1989.

³³ NA FCO 33/10381: "The German Question", 07.12.1989.

³⁴ The reversion point is the "value for a no-agreement outcome", see Morrow (1994, 112) It is also known as "reservation value" (Schneider 2009, 64).

³⁵ Only the US government supported a quick reunification since the fall of the Wall, see BA B136/30915: "Gipfeltreffen der EG-Staats- und Regierungschefs", 18.11.89.

rather large x . The chancellor hopes for a weak type EC, against which the *fait accompli* is likely to succeed. The only room for negotiation in the ten points is the time horizon and potential concessions on further European integration (point seven), which Kohl knew were crucial to France.

According to Tarar (2016), the size of x correlates positively with the cost for the *fait accompli*. Since the context is not a military but a political one, the costs are also political. On the domestic level, the costs were limited. Even though Kohl's coalition partner FDP had not been informed in advance, no major eruptions emerged in the coalition. On the European level, the political price was higher. The Chancellor's speech generated major disruptions in the relationship with the EC, which I understand as the FRG's costs related to launching the *fait accompli*. That a group of journalists but not none of the FRG's close international partners was briefed about the programme in advance constituted a political affront.³⁶ In terms of content, none of the member states was pleased with the programme. France's main concern was that the FRG would turn its back to the EC so that Mitterrand's attempts to advance European integration come to a halt. The UK was similarly reserved and emphasised its rejection of status quo change in the German Question.³⁷

The first confrontation between Kohl and his colleagues took place at the European Council of Strasbourg on December 8th-9th, 1989. The EC was well aware that it had been confronted with a *fait accompli* that it could either accept or risk disorder. The minutes of a background conversation between Mitterrand and Thatcher demonstrate how concerned both were.³⁸ Thatcher was worried that

Reunification would just come about. If that were to happen all the fixed points in Europe would collapse [...] we would probably face a *fait accompli*. This is why she thought we must have a structure to stop this happening and the only available one was the Four Power arrangement.

The French President agreed with the *fait accompli* nature of the ten points but was less certain about available measures to hold the FRG back:

He [Mitterrand] was very critical of Chancellor Kohl's ten points plan and speech [...] Kohl was speculating on the national adrenalin of the German people and it seemed that nothing could stop him [...] Mitterrand continued that the German people were in a process of motion and we did not have many cards to stop them. Nor could the Russians do much. It seemed the United

³⁶ NA FCO 33/10381: "Kohl's speech on the German question", 28.11.89.

³⁷ BA B136/34457: "Reaktionen aus den wichtigsten Hauptstädten auf den 10-Punkte Plan", 30.11.89.

³⁸ NA FCO 33/10383: "Germany: conversation Prime Minister and President Mitterrand", 08.12.89.

States did not have the will. All that was left was Britain and France. He was fearful that he and the Prime Minister would find themselves in the situation of their predecessors in the 1930s who had failed to react in the face of constant pressing forward by the Germans.

Both these quotes provide evidence that the EC was deeply worried that a German solo run would overthrow the post-War order. Therefore, I find that the EC's costs related to *conflict* were high. The FRG was facing a weak type, for which the "the worst situation would be one in which the two Germanys simply went their own way without any consultation with the respective allies."³⁹

During the official consultations of the Strasbourg Council, the weak type EC did not reveal its high costs for conflict to the FRG but bluffed to be a strong type instead. German government officials found themselves isolated in a "frosty, irritated atmosphere"⁴⁰ (Genscher 1995, 663). Kohl (2005, 1011) shares the following memories from the Council:

In the many years I have been involved in European bodies, especially the European Community and NATO, there has never been a meeting held in such a tense and unfriendly atmosphere.

The German Question was scheduled as a minor issue of the summit but the discussions turned out to be "the most difficult."⁴¹ After "tribunal-like questioning" and "heated exchanges" (Kohl 2005, 1011–12) a passage was included in the communiqué the FRG aimed at the previous Paris Council:

We seek the strengthening of the state of peace in Europe in which the German people will regain its unity through free self-determination.⁴²

The Strasbourg summit was a partial success for the FRG but the EC was still far away from accepting the *fait accompli*. Generally, the atmosphere remained unrelaxed. In the aftermath of Strasbourg, the decisive actors in the EC, France and the UK, developed different strategies to cope with the FRG's *fait accompli*, on which I will elaborate in the following.

France: Integration must Continue

Mitterrand emphasized that the German Question cannot be resolved at the expense of the European integration project. Throughout the French EC Council Presidency in 1989, Mitterrand campaigned for integration projects such as the EMU (Schabert 2021, 238–51).

³⁹ NA WRL 020/1: "Secretary of State's meeting with President Bush: Germany", 30.01.90.

⁴⁰ Also Kohl (1996, 195): "Niemals einen EG-Gipfel wie diesen in so eisige Atmosphäre erlebt."

⁴¹ NA FCO 30/7992: "European Council, Strasbourg", 09.12.90

⁴² HAEU DORIE-612 38_00: "Conclusions de la Présidence – Conseil Européen – Strasbourg", 09.12.89.

After Kohl presented the ten points, Mitterrand expressed his worries that the integration of Europe would be left behind to foreign minister Genscher:

Reunification, once it comes, has to be absorbed by a European Community still consolidated. Otherwise, the European partners will look for new counterweights. Germany can hope for a reunification in being part of a strong community. One doesn't need to be a psychologist to recognize that Federal Germany on the road to EMU at the moment slows things down. Federal Germany hitherto has always been a driving force in the process of European unification. Now it puts on the brakes. For me reunification is inescapable. This inescapable development has to be put into a framework. We do not live in the year 1913. We live in 1993 [sic]. I want to help you. But not to the detriment of Europa. The Germans face a most important choice.⁴³

Before the Strasbourg summit there had been tension between France and FRG because Kohl threatened to veto an intergovernmental conference (IGC) to adopt the EMU (see Wirsching 2022). The dispute could be settled last minute. As a result, Mitterrand gained trust in the rhetorical commitment of FRG government officials that German reunification and European integration go hand in hand. The FRG's strategy was to emphasize the importance of the EC for the resolution of the German Question, Kohl integrated this commitment into the seventh of his ten points. An internal document reveals that these ongoing rhetorical commitments pro Europe were, predominantly, of a tactical nature, i.e. a "political-psychological safeguard"⁴⁴ for the *fait accompli*. In the following weeks, France and Germany were developing one position. In an informal meeting at the beginning of 1990, Mitterrand and Kohl reached a principal agreement that the answer to the fall of the Iron Curtain must be "a close connection of Germany, France and Europe." Moreover, the common position was developed that "German and European unity should be pursued simultaneously."⁴⁵ Due to this general agreement France was willing to acquiesce to Kohl's *fait accompli*. The French President confirmed that there would be no veto to reunification including the automatic accession of the GDR to the EC:

He does not see a second German state in the EC. He saw only one Germany. [...] There would certainly not be a 13th member state in the EC. The enlargement of the German member state by 17 million was not a big problem.⁴⁶

⁴³ Original citation can be found in Schabert (2021, 303).

⁴⁴ In Küsters and Hofmann (1998) Doc-Nr. 151: "Aufzeichnung des Ministerialdirigenten Hartmann", 29.01.90.

⁴⁵ In Küsters and Hofmann (1998) Doc-Nr. 135: "Gespräch des Bundeskanzlers Kohl mit Staatspräsident Mitterrand", 04.01.90.

⁴⁶ In Küsters and Hofmann (1998) Doc-Nr. 187: "Gespräch des Bundeskanzlers mit Staatspräsident Mitterrand", 15.02.90.

Based on this evidence, the French acceptance of the FRG's *fait accompli* was not due to a newly created issue linkage like others have argued before. I find no evidence for a typical issue linkage structure. Instead, the Franco-German engine, which had stalled due to the ten points, was restarted by Kohl and Mitterrand in early 1990. Projects that had already been in the pipeline for years served as fuel for the engine, such as the EMU or the political Union. For the latter, a common proposal was presented in the run-up of the Dublin Council, at which the automatic integration of the GDR was also decided on.⁴⁷ After Mitterrand was reassured about the German commitment to the European Integration project he adopted a pragmatic position concerning the German Question.

British Aims to Preserve the Status Quo

From the UK's perspective the proposal before the Dublin Council was "incoherent, inconsistent and ill thought through."⁴⁸ Despite initially shared concerns about the 10-points-programme, the UK and France developed very different strategies. Mitterrand's pragmatic approach to let reunification happen and intensify European integration further was fundamentally opposed by Thatcher (see also Wirsching 2012, 61–72). On the contrary, the Prime Minister argued that more integration would facilitate the Germans to dominate the EC; she "did not accept that the right way to prevent Germany's dominance was to integrate Europe more closely [...] An integrated Europe would be a German Europe."⁴⁹

The UK considered the reactivation of the 4 power rights a legitimate tool to slow down and control the process with which the German question was proceeding and hope to side with the USSR. During a visit of the Soviet foreign minister Shevardnadze in December 1989 "activating the 4-power mechanism in Berlin and making more use of it" was discussed.⁵⁰ In the logic of the *fait-accomplis* game, the UK was obviously preparing for the outcome of *conflict* and not willed to simply acquiesce to the *fait accompli*. The UK was still convinced that "a binary German confederation would be the best form of German unity."⁵¹ In an interview on January 25th, which created a lot of noise, Thatcher openly accused the Kohl government of destabilising Europe and rejected a fast-track reunification. For the FRG this interview was an affront, it considered "the content and form of this criticism inappropriate." Furthermore, the

⁴⁷ HAEU DORIE-567 38_00:"Conseil Européen – Dublin", 28.04.90.

⁴⁸ HAEU DORIE-567:"Rapports des bureaux-representations a veille du conseil européen special", 28.04.90.

⁴⁹ NA FCO 30/8905:"Prime Minister's meeting with the Prime Minister of France", 26.03.90.

⁵⁰ NA FCO 33/10382:"Visit of Shevardnadze", 18.12.89.

⁵¹ In Salmon, Hamilton, and Twigge (2010) Doc-Nr. 91:"The German Question and its Repercussions", 09.01.90.

interview was seen as an attempt to preserve the “for Great Britain favourable Status quo” of the German Question.⁵²

Against the background of these tensions, Teltschik met with Thatcher’s Private Secretary Powell for a discussion on February 9th.⁵³ Powell emphasised the UK’s dissatisfaction with Kohl’s “heady” behaviour that was lacking “sensitivity and consideration” towards others. The UK was not generally opposed to reunification but would demand an “orderly process” with encompassing negotiations about the implications for NATO and the EC. Eventually, Powell posed the threat of activating the 4 power rights: if the FRG was “not prepared to consult collectively with us, then we would have to talk to the others, including the Russians, without the Germans.” Teltschik responded that the FRG was not acting unilaterally but reacting to “an ever-worsening crisis in East Germany”, which was close to collapse due to the migration “exodus.” In the prospect of the upcoming Volkskammer election in the GDR (March 18th), Teltschik emphasised that the result could produce a GDR government invoking article 23 of the Federal German Grundgesetz. Accordingly, the GDR would declare its accession to the FRG. Teltschik stated that in this case “the German government would be unable to refuse”, which is the threat to pursue reunification unilaterally. This would lead to unclear consequences for NATO and the EC also if Germany was reunified. This dialogue between the two high-level advisors is evidence of the tense relationship between the British and German governments at that time. Moreover, it proves that the FRG used the conflict outcome as a threat to receive acceptance for its *fait accompli*. Both, a unilateral move by the FRG and the reactivation of the 4 Power Rights were realistic options.

In early 1990 the efficiency of the FRG’s *fait accompli* became increasingly clear. The persistence of the status quo shortly after the fall of the Wall was impossible, the question was less if but how the German question should be resolved. The opposition in the FRG, namely SPD leader Lafontaine, promoted to invoking article 146 of the Grundgesetz, which foresaw a constituent assembly. This assembly could potentially decide on the formation of a neutral Germany, which would then be neither NATO or EC member (Meyer 1993, 29–40; Randelzhofer 1991).

The German government strictly opposed a neutral Germany and the article 146 solution and favoured article 23, under which the GDR would be integrated into the FRG and automatically

⁵² BA B136/30501:” Interview der britischen Premierministerin Margaret Thatcher“, 25.01.90.

⁵³ NA PREM 19/2998:”Germany: Meeting with Herr Teltschik“, 09.02.90.

be a part of the EC.⁵⁴ To ensure that article 23 would be the way to reunification, Kohl posed a neutralisation threat. This threat was already rooted in his *fait accompli* and once again the Chancellor gambled that the EC would rather accept his *fait accompli* over the alternative of a neutral Germany. In a phone call, Kohl warned the French President:” I just want to mention Lafontaine here. The neutrality of Germany would be a catastrophe for Europe.”⁵⁵ There is evidence that Kohl’s threat was working out in this situation. The minutes from the conversation between French foreign minister Dumas and UK officials prove that both sides agreed that “if neutrality was the price to be extracted for reunification, the FRG Government would be ready to pay it.”⁵⁶ However, the UK was still upholding its resistance against Kohl’s *fait accompli*: “The Germans could not simply announce that the GDR was now part of Germany and therefore a member.”⁵⁷ For Thatcher it was impossible that the GDR, “which has been either communist or nazi since the 1930s” would be accepted to the EC straightaway.⁵⁸

Green Light from Dublin

Due to the UK’s scepticism it was still unclear in February 1990 whether the EC would acquiesce to the FRG’s *fait accompli* or reject it. In public statements and bilateral meetings with FRG officials, the UK was showing a tough face and threatening its veto. Due to the incomplete information structure of the game, the FRG was unsure whether the UK was actually capable of that. To prevent the outcome of *conflict* and ensure the UK’s consent, the FRG took further action. I identify three different instances of diplomatic engagement at the highest level, that prove how Kohl’s government achieved status quo change. All of them had implications for the EC dimension of the German question and once again support the nested games structure. Under the new status quo the UK was willing to accept the *fait accompli*.

The first example is the breakthrough in the negotiations with the USSR, which was achieved during Kohl’s visit to Gorbachev on February 10th.⁵⁹ The general consent of the USSR to the reunification of Germany was a major success for Kohl. Whereas the US was already in support of reunification since the fall of the Wall, the USSR had been much more reluctant (Genscher 1995, 661–69). With the consent of both superpowers, for reunification, the FRG possessed a strong bargaining chip making it even more costly for the EC to reject the *fait accompli*.

⁵⁴ BA B 102/41076:“Kabinettsausschuss Deutsche Einheit, Untergruppe Außen- und Sicherheitspolitik“, 06.02.90.

⁵⁵ In Küsters and Hofmann (1998) Doc-Nr. 203:“Telefongespräch des Bundeskanzlers Kohl mit Staatspräsident Mitterrand“, 05.03.90.

⁵⁶ NA PREM 19/2998:”Call on Dumas: Developments in Europe“, 02.02.90.

⁵⁷ NA WRL 020/1:”Secretary of State’s meeting with President Bush: Germany “, 30.01.90.

⁵⁸ BA B 136/20242:“Großbritannien und die Deutsche Frage“, 26.02.90.

⁵⁹ BA B136/20225:“Deutschlandpolitik und Deutschlandfrage“, 10.02.90.

A second instance is the FRG's diplomatic engagement to prevent the conclusion of a trade and cooperation agreement between the EC and the GDR. The European Commission started official negotiations with the GDR in December 1989.⁶⁰ Initially, the FRG welcomed the rapprochement of the GDR to the EC but when the agreement was shortly before being concluded, there were concerns that "the envisaged ten-year duration of the contract sends an untimely signal."⁶¹ Accordingly, the agreement could be misunderstood as a signal that a fast track accession of the GDR into the FRG and the EC is no longer desired. Against the background of the upcoming Volkskammer election, the position of the German government was the following:

The initialling of a long-term agreement with the GDR just before the election can be misunderstood and, on the other hand, we must not give the impression to the outside world - of 'paternalism' or a 'diktat', the question should be raised at a high political level (e.g. by Minister Genscher) to the Commission.⁶²

The FRG managed to delay the initialling of the agreement under the pretext of a missing translation. In the meanwhile, it arranged that the treaty would be amended by the clause that the "agreement is to be reviewed as soon as the two German states agree on the formation of a common economic territory."⁶³

The third instance concerns the Volkskammer election on March 18th, 1990. The victory of the "Allianz für Deutschland" was somewhat surprising because the polls had predicted a SPD victory (Roth 1990). This would have constituted an obstacle to Kohl's fast-track reunification via article 23 of the Grundgesetz since the SPD was in favour of article 146. To turn the tide, Kohl's party (CDU) showed massive engagement in the electoral campaign; for instance, the East German CDU received structural support in so-called "district partnerships." The Chancellor himself campaigned in large and well-attended election rallies. In this way, Kohl turned the elections into a referendum about his fast-track reunification approach, which was supported by the electorate (Gibowski 1990; Kohl 1996, 288–98).

Parallel to these efforts, the FRG emphasised from February 1990 on, that it was willed to make considerable institutional concessions and side payments to the EC against the background of

⁶⁰ HAEU CEUE_SEGE-SEC(1989)2277: "Recommendation de decision du Conseil autorisant la Commission à négocier un accord sur le commerce et la coopération commerciale et économique entre la Communauté économique européenne et la République démocratique allemande", 12.12.89.

⁶¹ BA B136/21520: "Sonderstatus des innerdeutschen Handels", 19.02.90.

⁶² Ibid.

⁶³ BA B136/21521: "Paraphierung eines Handels- und Kooperationsabkommens EG-DDR", 13.03.90.

reunification. This addressed the concerns that the FRG would dominate the Community or that the financial cost of reunification could be transferred to the EC. Since the FRG was unsure about the EC's costs for *conflict*, side payments should secure concessions to the *fait accompli*. Evidence for this strategy can be found in a report of an advisor to the FRG's cabinet committee on reunification:

In my opinion, waiving institutional adjustments is an important confidence-building argument for the forthcoming internal EC discussion (special Council Dublin!) [...] such a model could help to reduce the fears of some (e.g. UK, France).⁶⁴

After reunification, the FRG's population would increase to 80 million. Demands for institutional adjustments in the EC were, however, denied:

The institutional weighting (two German Commissioners, 81 German MEPs, 24 German members of the Economic and Social Committee, 10 German votes in the qualifying majority in the Council) is not to change as a result of this process.⁶⁵

Furthermore, the FRG offered financial side payments to the EC. The Commission's proposal to create a special fund for the ex-GDR was thankfully rejected by Kohl:

He was grateful for his colleagues' support but did not want special funds. He did not want the Mediterranean associates, for example, to suffer [...] It was not Germany's prime aim to get money from the Community.⁶⁶

In the same way, the FRG waived access for the GDR to the EC structural funds, which would have required an increase of the overall structural funds already distributed until 1993.⁶⁷ Part of the truth is, however, also that the FRG's side payments were not only directed at the upcoming Dublin summit (April 28th), at which the EC would decide about the integration of the GDR into the EC. In fact, Kohl already considered the question of how the integration process shall be completed:

He is not interested in receiving money from the EC [...] However, transitional arrangements are needed for individual areas, as was the case with Spain and Portugal.⁶⁸

⁶⁴ BA B136/34467: "Kabinettsausschuss Deutsche Einheit, 'TOP EG-Fragen'", 19.02.90.

⁶⁵ BA B136/34081: "Gespräch des Herrn Präsidenten des EP mit dem Bundeskanzler", 16.03.90.

⁶⁶ NA FCO 30/8828: "European Council: 28 April: German Unification", 28.04.90.

⁶⁷ B 136/34468: "Kommissionspapier 'Die Gemeinschaft und die Deutsche Vereinigung' für den Sondergipfel 20.04.90.

⁶⁸ In Küsters and Hofmann (1998) Doc-Nr. 238: "Deutsch-Britische Konsultationen London", 30.03.90.

The German denial of financial support by the EC was naturally in the interest of the member states and welcomed by those. The UK's Prime Minister's office was convinced that "we should accept longer derogations because we want the Germans rather than the EC to pay the costs."⁶⁹ After the Volkskammer elections as it became unavoidable that article 23 was the way to achieve reunification, eventually, also the UK developed the preference that it was best to automatically integrate the GDR into the EC:

Once the Article 23 decision is taken, the objective should be to integrate the ex-GDR into the Community as fully and quickly as possible. We also of course want to ensure that the transition is largely FRG-financed: this may mean accepting at the end of the day that certain derogations need not be very short.⁷⁰

The decision about the GDR's integration into the EC was taken at the extraordinary European Council in Dublin on April 28th. This summit mirrors the second sequence of the fait accompli game. Based on what I have found so far, it is no surprise that the EC consented to the automatic integration of the GDR when the reunification takes place. By spring 1990 at the latest, the preference of the EC was to accept the FRG's take-it-or-leave-it offer. The conclusions of the summit states that:

The Community warmly welcomes German Unification. It looks forward to the positive and fruitful contribution that all Germans can make following the forthcoming integration of the territory of the German Democratic Republic into the Community.⁷¹

Conclusion

At the extraordinary Council in Dublin on April 28th, 1990, the EC decided that the territory of the former GDR is to be integrated into the Community as soon as the reunification of Germany comes into effect. This paper delivers the hitherto missing, causal explanation for this outcome. I discover that the occurrence of a fait accompli is not limited to two-state, territorial disputes. The paper successfully applies a fait accompli game as its theoretical framework and thereby, effectively generates clarity about relevant actors, preferences and available options in a complex historical setup. The empirical analysis, informed by recently collected, historical data, supports the main assumptions of the game theoretic model. I provide evidence that the FRG's Chancellor aimed at a revision of the status quo due to an ongoing migration crisis and domestic pressure. Since Kohl lacked support from his European partners, he opted for a fait accompli in

⁶⁹ NA PREM 19/3000:"EC Implications of German Reunification", 25.03.90.

⁷⁰ NA FCO 30/8828:"EC implications of German unification: UK tactics", 23.03.90.

⁷¹ HAEU DORIE-567 38_00:"Conseil Européen – Dublin", 28.04.90.

the form of the 10-points-programme. Contrary to the theoretical expectations, the *fait accompli* was risky and not safe, which can be explained by Kohl's strong re-election concerns. The EC was affronted by the FRG's move, which led to considerable tensions. Whereas France's consent could be earned by ensured commitments to the European integration project, the UK was more difficult to convince. I find evidence for the exchange of threats of either reactivating the Four Power Rights or a unilateral German move towards reunification. The analysis also proves that the GDR's integration was not negotiated in isolation but resembles a situation of nested games (Tsebelis 1990). The diplomatic success in reunification-related games the FRG played, for instance, with the USSR had a strong impact on the EC's decision in Dublin together with side payments and institutional concessions.

The findings impact the general understanding of the restructuring of the European security architecture in the aftermath of the Cold War. I demonstrate that the integration of the GDR into the EC was subject to intergovernmental negotiations and not just a by-product of reunification. The outcome is a result of states strategically interacting and not just a fortunate event without alternatives. The integration of the GDR into the EC was agreed on before the integration into NATO. Against the background of the currently ongoing reordering of the European security structure, this demonstrates that EC and NATO enlargement must not be achieved simultaneously.⁷² The EU as a more homogeneous organization might decide to integrate Ukraine, Moldova or Georgia faster than NATO. Of course, this does not contradict the paper's finding that the GDR's integration into the EC was influenced by interrelated games. For these current examples, the GDR's case proves that enlargement can take place without much preparation if there is agreement among the member states. This particularly true, if there is one or several strong supporters in favour of enlargement as the FRG back then and possibly now Poland or the Baltics. This finding resembles the structure of Schneider's (2009) enlargement model to a certain degree, in which side payments also play an important role. At the same time, it emphasises the contribution of the paper to the social-scientific integration and enlargement literature beyond explaining a crucial outlier case.

As a result of the Dublin Council, the European Commission was mandated to prepare for the GDR's integration into the Community. Since the Council's decision precluded a change of primary law, the integration was about to be completed through the application of the *acquis*

⁷² Whereas the integration of the GDR into the EC was agreed on by April, 1990, its NATO integration was subject to the 2+4 negotiations concluded in September, 1990.

*communautaire*⁷³ to the GDR's territory. Given the GDR's preconditions and the immense time pressure, this task resembled a Herculean effort. How this task was completed, is subject to further research and its result will once again provoke comparisons to other (current) enlargement cases.

⁷³ The *acquis communautaire* consists is “the body of common rights and obligations that is binding on all EU Member States and that is constantly evolving.” https://ec.europa.eu/home-affairs/pages/glossary/eu-acquis_en , accessed 10.06.22.

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