

German Unification Was Not Like Crimea

By [Josef Janning](#)

April 29, 2015



When Russian Prime Minister Dmitry Medvedev recently labelled "the return of Crimea" to Russia as the "restoration of historic justice, which in its significance is equivalent to the fall of the Berlin Wall, the reunification of Germany or the return to China of Hong Kong and Macau," he was seeking to put Russia's action into the same category as other widely accepted and largely successful territorial changes.

As with so many historic analogies, the comparison is misleading at best — an attempt to borrow from the legitimacy of the cited equivalents.

Medvedev has a point in his argument about the significance of the events he mentioned. Indeed, German unification and return of Hong Kong and Macau to China were of high significance to international order, as is the absorption of Crimea into the Russian Federation.

While the former reinforced established norms of international order, the latter contradicted them. Changing the territorial status quo of Germany and China exemplified the rule of law, while changing the territorial status quo of Ukraine and Russia represent the law of power — both significant for the conduct of international affairs, but in very different ways.

To illustrate the differences, a look back on the German case seems necessary. After all, more than a generation has passed since then. Those in Europe under 30 years of age have no recollection or judgement of their own on German unification, while the events around Crimea are very much present in the public memory.

The unification of the two German states, the Federal Republic of Germany and the German Democratic Republic, took almost a year from the opening of the Berlin Wall on Nov. 9, 1989 to the admittance of the newly created states on the territory of the German Democratic Republic (GDR) to the Federal Republic on Oct. 3, 1990.

Between these two dates, an intensive process unfolded, which began in the weeks after the fall of the wall with a ten-point-plan of the West German government.

In this plan, Chancellor Helmut Kohl sought to establish a trajectory for the time ahead, which signaled that the changing situation would be dealt with in full respect for the will of the people and of international law as well as in close cooperation with Germany's neighbors and partners and based on agreement with the four Allied powers, which still reserved special rights and privileges regarding Germany as a whole.

German unification was foremost driven by the interests and expectations of the citizens of the GDR, but it had to be done in rather complex negotiations between the two German states and the United States, the Soviet Union, France and Britain.

The European Union, then called the European Community, had to be involved because its legal requirements would apply to a united Germany just as well. President of the European Commission Jacques Delors also developed a scheme on how to rather quickly integrate the GDR into the EU, should the Germans decide on a two-state future.

Both East and West Germans agreed to begin the process with free and fair general elections in the GDR, which took place on March 17, 1990, four months after the fall of the wall. A truly democratic parliament was elected and a coalition government was formed. The GDR now had a legitimate actor to conduct the negotiations and to scrutinize its results.

While the two German states negotiated a treaty on unification, they engaged in the so-called "Two plus Four" format with the Allied powers to settle Germany's status as a whole. In order to curb the massive migration to the West, both German governments concluded a treaty on Economic, Monetary and Social Union, which went into force on July 1, 1990, introducing the West German Deutsche Mark as the single currency.

In August the East German parliament passed a decision to seek unification through membership of its newly created Lander (states) joining the Federal Republic. In September, the treaty between the two German states and the four powers was signed, ending Allied control over Germany and confirming agreement on the withdrawal of Allied military forces in Germany.

The entire process is well documented and researched. Historians and political scientists were given access to files and could question the actors ahead of the usual time to allow for systematic evaluation and publication.

But most of all, the will of the people and the democratic legitimacy and accountability of the formal steps is what characterizes German unification of 1990. This and the full involvement of international actors define the significance of the case.

Taken as a benchmark for the case of Crimea, the process of separating the region from Ukraine and integrating it into the Russian Federation does not live up to this standard, neither in terms of democratic legitimacy, nor with regard to its legal quality and involvement of all stakeholders.

German unification took less than a year but still much longer than the annexation of Crimea. Parliaments and elected governments were the key actors; neither militias nor regular military were involved, although Allied powers had almost 800,000 troops deployed in Germany.

Their presence and later withdrawal was based on negotiated agreement and took place without any pressure or force. Needless to say, not a single shot was fired to overcome 40 years of division.

Seen from this perspective, it is evident that the most recent history of Crimea does not belong in the same category as German unification.

Josef Janning is Senior Policy Fellow Berlin at the European Council on Foreign Relations.

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