

September 27, 1973

**Assessment of the proposal by the FRG delegation
regarding the principles of prohibiting the threat or
use of force, the inviolability of frontiers, and the
territorial integrity of states, submitted on 26
September 1973**

Citation:

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Summary:

An assessment of a proposal submitted on 26 September 1973 with particular regard to the inviolability of frontiers.

Original Language:

German

Contents:

Translation - English

Geneva, 27 September 1973 [1] [2]

Assessment

of the proposal by the FRG delegation regarding the principles of prohibiting the threat or use of force, the inviolability of frontiers, and the territorial integrity of states, submitted on 26 September 1973 [3]

I.

In two aspects the FRG proposal tries to undercut the agenda given to the 1st commission by the final recommendations in Helsinki.

First, the principle of inviolability of frontiers and the principle of territorial integrity of states are being qualified as principles subordinated to the renunciation of force.

Such an approach is at variance with the existing situation in Europe and it is contradictory to § 19 of the Helsinki recommendations [4] stating that all principles have to be treated equally and each has to have relevance on its own.

Second, in discussing and defining the three principles, the social-democratic doctrine of "peaceful change" is being placed in the centre, and thereby the functions of the principles aimed at securing and stabilising peace in Europe are being weakened. Hence, in the proposal, the principle of changing frontiers by mutual agreement is being placed next to the principle of inviolability of frontiers, which obliges states to treat frontiers as inviolable.

Thereby two different questions not directly connected are being brought together in a way that dilutes the central meaning of the principle of inviolability of frontiers. (Obviously international law respects the change of frontiers in accordance with the principles of international law, e.g. through mutually agreed exchanges of territory.) But first, this does not require explicit reference in connection with the principle of inviolability of frontiers. It [the inviolability of frontiers] remains detached from this principle as, for example, the principle of respecting human rights and essential freedoms is based on the obvious precondition that granting, enforcing and legalising these rights and essential freedoms generally can only be realised within the framework of the national sovereignty of the respective participating states. [. . .]

Endnotes

[1] The files PA AA: MfAA 396/78 to 398/78 bear the serial title "Attitudes of the FRG towards the Conference for Security and Cooperation in Europe, 1969-1977". File C 398/78 is sub-titled "Assessments and Notes of Conversations, 1973-1974".

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[3] See notes by Juergen Diesel on 14 September 1973, PA AA: B 150, 1973, vol. 288. Diesel (1926-1993) was one of Egon Bahr's closest advisors under Bahr's directorship of the Policy Planning Council in the Foreign Office during the Grand Coalition from

1966 to 1969. From 1971 to 1973, Diesel was Deputy Assistant Undersecretary of State and headed the 'Eastern Department' of the Auswaertiges Amt.

[4] See final recommendations of the Multilateral Preparatory Talks (MPT), 8 June 1973, in: Europa-Archiv (28) 1973, D 370ff.