

Joint statement by Hans-Dietrich Genscher and Lothar de Maizière (Moscow, 12 September 1990)

Caption: On 12 September 1990, to mark the signing in Moscow of what is known as the '2+4 Treaty', Hans-Dietrich Genscher and Lothar de Maizière, respectively Foreign Ministers of the FRG and of the GDR, issue a Joint Statement to the Ministers of Foreign Affairs of France, the United Kingdom, the Soviet Union and the United States.

Source: The Unification of Germany in 1990. Bonn: Press and Information Office of the Federal Government, 1991. 184 S.

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http://www.cvce.eu/obj/joint_statement_by_hans_dietrich_genscher_and_lothar_de_maiziere_moscow_12_september_1990-en-0222d92e-564c-4d57-a551-aef0b6a88979.html

Publication date: 25/10/2012

Joint letter from Hans-Dietrich Genscher, Minister for Foreign affairs of the federal republic of Germany, and the acting Foreign Minister of the German democratic republic, Prime Minister Lothar de Maiziere, to the Foreign Ministers of the four powers on the occasion of the signing of two plus four treaty in Moscow, 12 September 1990

Mr Foreign Minister,

In connection with the signing today of the Treaty on the Final Settlement with respect to Germany we would like to inform you that the Governments of the Federal Republic of Germany and the German Democratic Republic declared the following in the negotiations :

1. The Joint Declaration of 15 June 1990 by the Governments of the Federal Republic of Germany and the German Democratic Republic on the settlement of outstanding property matters contains inter alia the following observations :

" The expropriations effected on the basis of occupation law or sovereignty (between 1945 and 1949) are irreversible. The Governments of the Soviet Union and the German Democratic Republic do not see any means of revising the measures taken then. The Government of the Federal Republic of Germany takes note of this in the light of the historical development. It is of the opinion that a final decision on any public compensation must be reserved for a future all-German parliament. "

According to Article 41 (1) of the Treaty of 31 August 1990 between the Federal Republic of Germany and the German Democratic Republic on the Establishment of German Unity (Unification Treaty), the aforementioned Joint Declaration forms an integral part of the Treaty. Pursuant to Article 41 (3) of the Unification Treaty, the Federal Republic of Germany will not enact any legislation contradicting the part of the Joint Declaration quoted above.

2. The monuments dedicated to the victims of war and tyranny which have been erected on German soil will be respected and will enjoy the protection of German law. The same applies to the war graves, which will be maintained and looked after.

3. In the united Germany, too, the free democratic basic order will be protected by the Constitution. It provides the basis for ensuring that parties which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free democratic basic order as well as associations which are directed against the constitutional order or the concept of international understanding can be prohibited. This also applies to parties and associations with National Socialist aims.

4. On the treaties of the German Democratic Republic, the following has been agreed in Article 12 (1) and (2) of the Treaty of 31 August 1990 between the Federal Republic of Germany and the German Democratic Republic on the Establishment of German Unity :

" The Contracting Parties agree that, as part of the process of establishing German unity, the international treaties concluded by the German Democratic Republic shall be discussed with the contracting parties 1 in terms of the protection of bona fide rights, the interests of the states concerned and the treaty obligations of the Federal Republic of Germany as well as in the light of the principles of a free democratic basic order founded on the rule of law and taking into account the responsibilities of the European Communities in order to regulate or ascertain the continuance, adjustment or termination of such treaties.

The united Germany shall lay down its position on the continuance of international treaties of the German Democratic Republic after consultations with the respective contracting parties and with the European Communities in so far as their responsibilities are affected. "