

Convention on relations between the Three Powers and the FRG (Bonn, 26 May 1952)

Caption: Signed on 26 May 1952 by France, the United States, the United Kingdom and the Federal Republic of Germany (FRG), the Bonn Convention grants sovereignty, albeit with some restrictions, to the FRG, once the Treaty establishing the European Defence Community enters into force.

Source: Bundesgesetzblatt 1955 II. Hrsg. Der Bundesminister der Justiz. 29.03.1954, Nr. 3. Bonn: Bundesanzeiger Verlagsges. m. b. H. "Vertrag über die Beziehungen zwischen der Bundesrepublik Deutschland und den Drei Mächten", p. 61-67.

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Convention on relations between the Three Powers and the Federal Republic of Germany (Bonn, 26 May 1952)

THE UNITED STATES OF AMERICA,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and
THE FRENCH REPUBLIC,
of the one part, and
THE FEDERAL REPUBLIC OF GERMANY,
of the other part;

WHEREAS a peaceful and prosperous European community of nations firmly bound to the other free nations of the world through dedication to the principles of the Charter of the United Nations can be attained only through united support and defence of the common freedom and the common heritage;

WHEREAS it is the common aim of the Signatory States to integrate the Federal Republic on a basis of equality within the European Community itself included in a developing Atlantic Community;

WHEREAS the achievement of a fully free and unified Germany through peaceful means and of a freely negotiated peace settlement, though prevented for the present by measures beyond their control, remains a fundamental and common goal of the Signatory States;

WHEREAS the retention of the Occupation Statute with its powers of intervention in the domestic affairs of the Federal Republic is inconsistent with the purpose of integrating the Federal Republic within the European Community;

WHEREAS the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic (hereinafter referred to as "the Three Powers") are therefore determined to retain only those special rights of which the retention is necessary, in the common interest of the Signatory States, having regard to the special international situation in Germany;

WHEREAS the Federal Republic has developed free and responsible political institutions and is determined to maintain the liberal-democratic federal constitution which guarantees human rights and is enshrined in its Basic Law;

WHEREAS the Three Powers and the Federal Republic recognize that both the new relationship to be established between them by the present Convention and its related Conventions and the Treaties for the creation of an integrated European community, in particular the Treaty on the Establishment of the European Community for Coal and Steel and the Treaty on the Establishment of the European Defence Community, are essential steps to the achievement of their common aim for a unified Germany integrated within the European Community;

HAVE entered into the following Convention setting forth the basis for their new relationship:

Article 1

1. The Federal Republic shall have full authority over its internal and external affairs, except as provided in the present Convention.
2. The Three Powers will revoke the Occupation Statute and abolish the Allied High Commission and the Offices of the Land Commissioners upon the entry into force of the present Convention and the Conventions listed in Article 8 (hereinafter referred to as "the related Conventions").
3. The Three Powers will thenceforth conduct their relations with the Federal Republic through Ambassadors who will act jointly in matters the Three Powers consider of common concern under the present Convention and the related Conventions.

Article 2

1. The Three Powers retain, in view of the international situation, the rights, heretofore exercised or held by them, relating to (a) the stationing of armed forces in Germany and the protection of their security, (b) Berlin, and (c) Germany as a whole, including the unification of Germany and a peace settlement.
2. The Federal Republic, on its part, will refrain from any action prejudicial to these rights and will cooperate with the Three Powers to facilitate their exercise.

Article 3

1. The Federal Republic agrees to conduct its policy in accordance with the principles set forth in the Charter of the United Nations and with the aims defined in the Statute of the Council of Europe.
2. The Federal Republic affirms its intention to associate itself fully with the community of free nations through membership in international organizations contributing to the common aims of the free world. The Three Powers will support applications for such membership by the Federal Republic at appropriate times.
3. In their negotiations with States with which the Federal Republic maintains no relations, the Three Powers will consult with the Federal Republic in respect of matters directly involving its political interests.
4. At the request of the Federal Government, the Three Powers will arrange to represent the interests of the Federal Republic in relations with other States and in certain international organizations or conferences, whenever the Federal Republic is not in a position to do so itself.

Article 4

1. The mission of the armed forces stationed by the Three Powers in the Federal territory will be the defence of the free world, of which the Federal Republic and Berlin form part.
2. The Three Powers will consult with the Federal Republic, insofar as the military situation permits, regarding the stationing of such armed forces in the Federal territory. The Federal Republic will cooperate fully, in accordance with the present Convention and the related Conventions, in facilitating the tasks of such armed forces.
3. The Three Powers will obtain the consent of the Federal Republic before bringing into the Federal territory, as part of their forces, contingents of the armed forces of any nation not now providing such contingents. Such contingents may nevertheless be brought into the Federal territory without the consent of the Federal Republic in the event of external attack or imminent threat of such attack but, after the elimination of the danger, may only remain there with its consent.
4. The Federal Republic will participate in the European Defence Community in order to contribute to the common defence of the free world.

Article 5

1. In the exercise of their right to protect the security of the armed forces stationed in the Federal territory, the Three Powers will conform to the provisions of the following paragraphs of this Article.
2. In case the Federal Republic and the European Defence Community are unable to deal with a situation which is created by

an attack on the Federal Republic or Berlin,
subversion of the liberal democratic basic order,

a serious disturbance of public order or
a grave threat of any of these events,

and which in the opinion of the Three Powers endangers the security of their forces, the Three Powers may, after consultation to the fullest extent possible with the Federal Government, proclaim a state of emergency in the whole or any part of the Federal Republic.

3. Upon the proclamation of a state of emergency, the Three Powers may take such measures as are necessary to maintain or restore order and to ensure the security of the forces.

4. The proclamation will specify the area to which it applies. The state of emergency will not be maintained any longer than necessary to deal with the emergency.

5. The Three Powers shall consult the Federal Government to the fullest extent possible while the state of emergency continues. They will utilize to the greatest possible extent the assistance of the Federal Government and the competent German authorities.

6. If the Three Powers do not terminate a state of emergency within thirty days after a request by the Federal Government to do so, the Federal Government may submit a request to the Council of the North Atlantic Treaty Organization to examine the situation and consider whether the state of emergency should be terminated. If the Council concludes that continuance of the state of emergency is no longer justified, the Three Powers will restore the normal situation as promptly as possible.

7. Independently of a state of emergency, any military commander may, if his forces are imminently menaced, take such immediate action appropriate for their protection (including the use of armed force) as is requisite to remove the danger.

8. In all other respects, the protection of the security of these forces is governed by the provisions of the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany referred to in Articles of the present Convention.

Article 6

1. The Three Powers will consult with the Federal Republic in regard to the exercise of their rights relating to Berlin.

2. The Federal Republic, on its part, will cooperate with the Three Powers in order to facilitate the discharge of their responsibilities with regard to Berlin. The Federal Republic will continue its aid to the political, cultural, economic and financial reconstruction of Berlin and, in particular, will grant it such aid as is set out in the annexed Declaration of the Federal Republic (Annex A to the present Convention).

Article 7

1. The Three Powers and the Federal Republic are agreed that an essential aim of their common policy is a peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundation for a lasting peace. They further agree that the final determination of the boundaries of Germany must await such a settlement.

2. Pending the peace settlement, the Three Powers and the Federal Republic will cooperate to achieve, by peaceful means, their common aim of a unified Germany enjoying a liberal-democratic constitution, like that of the Federal Republic, and integrated within the European Community.

3. In the event of the unification of Germany the Three Powers will, subject to such adjustments as may be agreed, extend to a unified Germany the rights which the Federal Republic has under the present Convention and the related Conventions and will for their part agree that the rights under the Treaties for the formation

of an integrated European community should be similarly extended, upon the assumption by such a unified Germany of the obligations of the Federal Republic toward the Three Powers or to any of them under those Conventions and Treaties. Except by common consent of all the Signatory States the Federal Republic will not conclude any agreement or enter into any arrangement which would impair the rights of the Three Powers under those Conventions and Treaties or lessen the obligations of the Federal Republic thereunder.

4. The Three Powers will consult with the Federal Republic on all other matters involving the exercise of their rights relating to Germany as a whole.

Article 8

1. The Three Powers and the Federal Republic have concluded the following related Conventions which will enter into force simultaneously with the present Convention:

Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany;

Finance Convention;

Convention on the Settlement of Matters Arising out of the War and the Occupation.

2. During the transitional period provided for in paragraph 4 of Article 6 of Chapter One of the Convention on the Settlement of Matters Arising out of the War and the Occupation, the rights of the Three Powers referred to in that paragraph shall be deemed to be included within the exception set forth in paragraph 1 of Article 1 of the present Convention.

Article 9

1. There is hereby established an Arbitration Tribunal which shall function in accordance with the provisions of the annexed Charter (Annex B to the present Convention).

2. The Arbitration Tribunal shall have exclusive jurisdiction over all disputes arising between the Three Powers and the Federal Republic under the provisions of the present Convention or the annexed Charter or any of the related Conventions which the parties are not able to settle by negotiation, except as otherwise provided by paragraph 3 of this Article or in the annexed Charter or in the related Conventions.

3. Any dispute involving the rights of the Three Powers referred to in Article 2, or action taken thereunder, or involving the provisions of paragraphs 1 to 7 inclusive of Article 5, shall not be subject to the jurisdiction of the Arbitration Tribunal or of any other tribunal or court.

Article 10

The Three Powers and the Federal Republic will review the terms of the present Convention and the related Conventions

(a) upon the request of any one of them, in the event of the unification of Germany or the creation of a European federation; or

(b) upon the occurrence of any other event which all of the Signatory States recognize to be of a similarly fundamental character.

Thereupon, they will, by mutual agreement, modify the present Convention and the related Conventions to the extent made necessary or advisable by the fundamental change in the situation.

Article 11

1. The present Convention and the related Conventions shall be ratified or approved by the Signatory States in accordance with their respective constitutional procedures. The instruments of ratification shall be deposited by the Signatory States with the Government of the Federal Republic of Germany.

2. The present Convention shall enter into force immediately upon

(a) the deposit by all the Signatory States of instruments of ratification of the present Convention and of all the Conventions listed in Article 8; and

(b) the entry into force of the Treaty on the Establishment of the European Defence Community.

3. The present Convention and the related Conventions shall be deposited in the Archives of the Government of the Federal Republic of Germany, which will furnish each Signatory State with certified copies thereof and notify each such State of the date of the entry into force of the present Convention and the related Conventions.

IN FAITH WHEREOF the undersigned representatives duly authorized thereto by their respective Governments have signed the present Convention.

Done at BONN this twenty-sixth day of May, 1952, in three texts, in the English, French and German languages, all being equally authentic.

For the United States of America signed:

Dean Acheson

For the United Kingdom of Great Britain and Northern Ireland signed:

Anthony Eden

For the French Republic signed:

Robert Schuman

For the Federal Republic of Germany signed:

Adenauer