

Text of the Occupation Statute of Germany (Bonn, 12 May 1949)

Caption: On 12 May 1949, General Pierre Koenig, Military Governor and Commander-in-Chief of the French Zone of Germany, General Lucius D. Clay, Military Governor and Commander-in-Chief of the United States Zone of Germany, and General Sir Brian Hubert Robertson, Military Governor and Commander-in-Chief of the British Zone of Germany, promulgate the Occupation Statute of Germany in Bonn.

Source: Official Gazette of the Allied High Commission for Germany. 23.09.1949, n° 1. Bonn-Petersberg: Allied High Commission for Germany. "Text of Occupation Statute promulgated on 12th May 1949 by the Military Governors and Commanders in Chief of the Western Zones", p. 13-15.

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Text of Occupation Statute promulgated on the 12th May 1949 by the Military Governors and Commanders in Chief of the Western Zones

THE OCCUPATION STATUTE

In the exercise of the supreme authority which is retained by the Governments of France, the United States and the United Kingdom, General Pierre Koenig, Military Governor and Commander-in-Chief of the French Zone of Germany, General Lucius D. Clay, Military Governor and Commander-in-Chief of the United States Zone of Germany, and General Sir Brian Hubert Robertson, Military Governor and Commander-in-Chief of the British Zone of Germany,

Do hereby jointly proclaim the following Occupation Statute

1. During the period in which it is necessary that the occupation continue, the Governments of France, the United States and the United Kingdom desire and intend that the German people shall enjoy self-government to the maximum possible degree consistent with such occupation. The Federal State and the participating Länder shall have, subject only to the limitations in this Instrument, full legislative executive and judicial powers in accordance with the Basic Law and with their respective constitutions.

2. In order to ensure the accomplishment of the basic purposes of the occupation, powers in the following fields are specifically reserved, including the right to request and verify information and statistics needed by the occupation authorities:

a) disarmament and demilitarisation, including related fields of scientific research, prohibitions and restrictions on industry, and civil aviation;

b) controls in regard to the Ruhr, restitution, reparations, decartelisation, deconcentration, non-discrimination in trade matters, foreign interests in Germany and claims against Germany;

c) foreign affairs, including international agreements made by or on behalf of Germany;

d) displaced persons and the admission of refugees;

e) protection, prestige, and security of Allied forces, dependents, employees and representatives, their immunities and satisfaction of occupation costs and their other requirements;

f) respect for the Basic Law and the Land constitutions;

g) control over foreign trade and exchange;

h) control over internal action, only to the minimum extent necessary to ensure use of funds, food and other supplies in such manner as to reduce to a minimum the need for external assistance to Germany;

i) control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the occupying Powers or occupation authorities; over the carrying out of sentences imposed on them; and over questions of amnesty, pardon or release in relation to them.

3. It is the hope and expectation of the Governments of France, the United States and the United Kingdom that the occupation authorities will not have occasion to take action in fields other than those specifically reserved above. The occupation authorities, however, reserve the right, acting under instructions of their Governments, to resume, in whole or in part, the exercise of full authority if they consider that to do so is essential to security or to preserve democratic government in Germany or in pursuance of the international obligations of their Governments. Before so doing they will formally advise the appropriate German authorities of their decision and of the reasons therefore.

4. The German Federal Government and the Governments of the Länder shall have the power, after due notification to the occupation authorities, to legislate and act in the fields reserved to these authorities, except as the occupation authorities otherwise specifically direct or as such legislation or action would be inconsistent with decisions or actions taken by the occupation authorities themselves.
5. Any amendment of the Basic Law will require the express approval of the occupation authorities before becoming effective. Land constitutions, amendments thereof, all other legislation, and any agreements made between the Federal State and foreign Governments, will become effective 21 days after its official receipt by the occupation authorities unless previously disapproved by them, provisionally or finally. The occupation authorities will not disapprove legislation unless in their opinion it is inconsistent with the Basic Law, a Land constitution, legislation or other directives of the occupation authorities themselves or the provisions of this Instrument, or unless it constitutes a grave threat to the basic purposes of the occupation.
6. Subject only to the requirements of their security, the occupation authorities guarantee that all agencies of the occupation will respect the civil rights of every person to be protected against arbitrary arrest, search or seizure; to be represented by counsel; to be admitted to bail as circumstances warrant; to communicate with relatives; and to have a fair and prompt trial.
7. Legislation of the occupation authorities enacted before the effective date of the Basic Law shall remain in force until repealed or amended by the occupation authorities in accordance with the following provisions:
- a) legislation inconsistent with the foregoing will be repealed or amended to make it consistent herewith;
 - b) legislation based upon the reserved powers, referred to in paragraph 2 above will be codified.
 - c) legislation not referred to in a) and b) will be repealed by the occupation authorities on request from appropriate German authorities.
8. Any action shall be deemed to be the act of the occupation authorities under the powers herein reserved, and effective as such under this Instrument, when taken or evidenced in any manner provided by any agreement between them. The occupation authorities may in their discretion effectuate their decisions either directly or through instructions to the appropriate German authorities.
9. After 12 months and in any event within 18 months of the effective date of this Instrument the occupying Powers will undertake a review of its provisions in the light of experience with its operation and with a view to extending the jurisdiction of the German authorities in the legislative, executive and judicial fields.