

59/1 SOVIET PROPOSALS FOR A PEACE TREATY WITH GERMANY

Text of notes exchanged between the Government of the Soviet Union and the Government of Canada concerning the conclusion of a peace treaty with Germany.

Note: The text of a draft peace treaty as proposed by the Soviet Union follows the notes.

DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA

Ottawa
February 17, 1959

Excellency:

I have the honour to transmit the reply of the Canadian Government to the Note concerning the conclusion of a peace treaty with Germany dated January 10, 1959, from the Government of the U.S.S.R.

As the Soviet Government's Note points out, the absence of a peace settlement with Germany leaves unresolved many important problems. The Canadian Government contests a number of statements in the Soviet Government's Note, but is of the opinion that these points should be examined as part of a general review of the German question in all its aspects by representatives of the four states, the U.S.S.R., France, the United States and the United Kingdom, which, as former occupying powers, have special responsibilities for Germany. The Canadian Government considers that until the results of such a four-power meeting have been assessed it would not be useful to take a decision as to the holding of a large peace treaty conference attended by Canada and other participants in the war against Germany.

Accept, Excellency, the renewed assurances of my highest consideration.

(Sgd.) SIDNEY SMITH

His Excellency Dr. A.A. Aroutunian,
Ambassador of the Union of
Soviet Socialist Republics,
OTTAWA

UNCLASSIFIED

January 10, 1959

Text of Soviet Note to Canada of January 10, 1959, proposing a conference to consider adoption of a peace treaty with Germany (text of draft peace treaty which accompanied the note is also attached.) Similar notes were sent on January 10 to 28 countries which the Soviet Union identified as having been engaged in the war against Germany and also to the Federal Republic of Germany and the government of the Soviet Zone of Germany. The notes to the UK, USA and France contained additional passages in response to notes from these countries of December 31, 1958, relating to the Berlin situation. (This text was tabled in the House of Commons, Feb. 9, 1959)

No. 4/2E

"The Soviet Government considers it necessary to draw the attention of the Government of Canada to the completely abnormal situation which has arisen as a result of the delay in the solution of one of the most important international post-war problems - the conclusion of a peace treaty with Germany.

At a time when peace treaties have long since been concluded with the other states who took part in the Second World War on Germany's side and their development has been established on an independent national basis, the German nation still has no peace treaty, which deprives it of the possibility of fully achieving its state sovereignty and of becoming an equal member of the family of nations. Furthermore, foreign forces continue to remain on German territory, and in certain parts, for example in West Berlin, an occupational regime is still maintained.

The delaying of a peace settlement with Germany from year to year leaves unresolved many questions which affect the interests not only of Germany, but also of the countries which took part in the war against Germany. The absence of a peace treaty with Germany seriously complicates the situation in Europe, arouses suspicions and mistrust in inter-state relations and prevents the normalisation of these relations.

The Canadian Embassy,

Moscow

Nor can one pass over the fact that German militarism, taking advantage of the absence of a peace treaty, is again raising itself up and gathering strength in West Germany. This cannot but disturb the Soviet people and other European nations upon whom militarist Germany has more than once inflicted grim hardships and suffering. A peace treaty, corresponding to the interests of the peaceful development of Germany, would create the conditions necessary to preclude for all time a repetition of the tragic events of the past, when the German militarists drew mankind into ruinous wars with enormous human and material losses.

Being true to the obligations taken upon itself in relation to Germany, and bearing in mind the legitimate interests of the German nation and other European nations, the Soviet Government has more than once in the post-war years come forward with proposals to the Governments of Great Britain, the U.S.A. and France to work out and conclude a peace treaty with Germany. Unfortunately the proposals of the U.S.S.R. concerning a peace settlement with Germany have not met with a favourable response from the Western powers who not only have not put forward any proposals of their own, but have not wished seriously to consider this long outstanding question. Moreover, in the course of many years, they have put forward one and the same thesis of the imaginary priority of so-called free all-German elections and that the four formerly occupying powers, not the Germans, should concern themselves with the question of the reunification of Germany. This thesis was also the main content of the Western powers' Notes of September 30th, 1958, to which an exhaustive reply was given in the Soviet Government's Notes on the Berlin question of November 27, 1958.

If one does not entertain illusions but faces the truth, then it must be recognized that the restoration of German unity must inevitably come about through a series of stages on the way towards a rapprochement of the German Democratic Republic and the German Federal Republic. Today one can only wish for the beginning of this process, the success of which, however, depends upon the efforts of both German states. To evade the preparations of a German peace treaty means to conduct the matter in such a way that the German people would have no peace treaty nor single national state. This would mean the maintenance of the present intolerable situation which creates the possibility that the F.G.R. will try to thrust upon the G.D.R. an internal system of its own type. But in such a case the G.D.R. would in its turn be entirely justified in raising the question of changing the system and regime in the F.G.R. Of course, this would not only not facilitate the achievement of national German unity, but on the contrary would increase the already wide gap between the two German states.

On the other hand, in present conditions the inclusion of a peace treaty is precisely the measure which can most quickly bring the German people to a solution of its main, nation-wide problem - the reunification of the country. The definition in a peace treaty of the military status of Germany, as well as of the external conditions, by observing which she would protect her internal development from any foreign interference, would open up before the German people clear perspectives for the future of Germany and would greatly assist the Germans, who are living in two states with different social and economic systems, to find ways of developing contacts and of establishing mutual confidence. A peace treaty would create a firm base for a rapprochement between both German states and for surmounting those profound differences which still bar their path to unification.

In justice it must be said that the Government of the F.G.R. bears a considerable share of the responsibility for the situation created in Germany including the fact that Germany is to this day without a peace treaty, inasmuch as it has set its course towards re-militarisation and has closely linked its policy to the plans of the NATO military bloc which are in radical contradiction to the national interests of Germany. If new proof is required that the Government of the F.G.R. is following precisely this course, the proof is provided by the note of the Government of the F.G.R. of January 5, 1959 in answer to the Soviet Government's note of November 27, 1958 on the Berlin question. This note shows that, instead of contributing to a solution of the Berlin question in the interests of peace in Europe and of the German nation itself, the Government of the F.G.R. is striving in every way to inflame passions and exacerbate the situation on the Berlin question with the aim of perpetuating the occupation régime in West Berlin.

It is impossible to justify a situation in which the states, who took part in the war with Hitlerite Germany, are forced to wait and remain passive observers in such a serious and urgent matter as the preparation and conclusion of a peace treaty with Germany. These states, which managed to set up close collaboration between one another in war time, have an opportunity now to find a common language, despite the existing differences, so as to bring to a conclusion a peaceful settlement with Germany, and at last to guarantee to the people of Europe, including the German people, a quiet and peaceful life. The necessity of deciding this problem is the more urgent since in both German states - the D.D.R. and the F.G.R. - a movement is spreading for the speedy preparation and conclusion of a peace treaty.

Arising out of the above considerations, and wishing to place the peaceful settlement of Germany on a practical basis, the Soviet Government has prepared a draft peace treaty and is now bringing this to the attention of the Canadian Government.

Aspirations to divide the world into conquerors and conquered are alien to the Soviet State, as also are feelings of vengeance towards its former military opponents. At the basis of the Soviet draft peace treaty is placed the idea of the peaceful democratic development of Germany. The restoration of the full sovereignty of the German people over Germany, her territory and air space, is provided for by the draft. No limits will be imposed on Germany regarding the development of her peaceful economy, trade, seafaring, and access to world markets. Germany's right to have its national armed forces, necessary for the defence of the country, is recognized. All these clauses in the draft, open to the German people wide opportunity for peaceful constructive work and secure for it a position of equality with the other nations of the world.

Naturally, the draft treaty provides for certain military limitations which in the conviction of the Soviet Government correspond to the national interests of the German people who have twice crossed the gulf of world wars, and also to the general interests of peace. Among the military obligations placed on Germany are, in the first place, the prohibition of the production of nuclear and rocket weapons and the equipping of German armed forces with them. This would have furthered the strengthening of security in Europe and helped to remove one of the important obstacles dividing the two German states at the present time.

The clause of the peace treaty of significant importance for guaranteeing peace in Europe is that which excludes the possibility of Germany being drawn into any military groupings directed against any state which was in a state of war against Hitlerite Germany, and in which all the four main allied powers of the anti-Hitlerite coalition - the U.S.S.R., the U.S.A., Great Britain and France do not participate. The inclusion of this clause in the treaty would, to a large extent, spare mankind the threat of a new war, since no one will deny that this threat is much greater precisely in the presence of a military union of one or several of the great powers with Germany, which is directed against another great power.

In view of the foregoing the Soviet Government proposes to convene in two months' time in Warsaw or Prague a peace conference to examine the draft peace treaty with Germany which has been put forward, and to work out and sign an agreed text of the treaty. On one side, representatives of the states who participated with their armed forces in the war against Germany would take part in

the conference and on the other the Governments of the G.D.R. and the F.G.R. which would sign the peace treaty in the name of Germany. If a German confederation is created at the time of the signing of the peace treaty then in this case the representatives of the German Confederation, as well as of both German states, could sign the peace treaty. It is self-evident that the Soviet Government recognises the right of the Governments of the G.D.R. and the F.G.R. to come to an agreement on any proper representation of Germany in the preparation and signing of the peace treaty.

In presenting the draft of a peace treaty with Germany, the Soviet Government proceeds from the fact that the positions of the parties interested in the German question have already been completely defined, and that it is now necessary, rejecting needless polemics, to pass on to working out decisions of a practical character, dictated by the situation which has arisen in Germany and by the interests of strengthening peace in Europe.

The Soviet Government is convinced that only those who do not wish well towards the German people, who desire to see Germany still torn asunder, who do not wish to transform Europe into a continent where lasting peace and security reign, and who want her to remain, as before, the centre of dangerous tension, and of the "cold war", pregnant with a serious threat to the cause of peace; only they can fail to show a positive attitude towards the proposal for concluding a peace treaty.

The Soviet Government expresses the hope that the Canadian Government will study attentively the considerations set out here, as well as the attached draft peace treaty with Germany, and exert all its efforts to the end that a peace conference may successfully discharge its responsibilities.

Moscow, January 10, 1959

Noting that there is no further justification for the continuation of the profoundly abnormal situation which, 14 years after the ending of hostilities, foreign troops remain in the territory of Germany and the German nation is still deprived of the right to fully exercise its state sovereignty, to maintain equal relations with the other states and its outside the United Nations;

guided by the desire to implement in the prevailing conditions the principal propositions stipulated by the documents of the anti-Hitlerite coalition and particularly the Potsdam Agreement;

the conference and on the other the Governments of the G.D.R. January 10, 1959. If a German confederation is created the name of Germany. If a German confederation is created at the time of the signing of the peace treaty then in this case the representatives of the German Confederation, as well as the representatives of the Soviet Union as an attachment to Soviet Notes of January 10, 1959, relating to proposals for a peace conference on Germany. Notes were sent to 28 countries, including Canada. In all cases, the draft peace treaty was the same. (This text, along with the Soviet Note to Canada on January 10, 1959, was tabled in the House of Commons on February 9, 1959)

In presenting the draft of a peace treaty with Germany, the Soviet Government proceeds from the fact that the positions of the parties interested in the German question have already been completely defined, and that it is now necessary, in order to work out decisions of a practical character, to work out the situation which has arisen in Germany and by the United States of America, the French Republic, Australia, the People's Republic of Albania, Belgium, the Byelorussian Soviet Socialist Republic, the People's Republic of Bulgaria, Brazil, the Hungarian People's Republic, Greece, Denmark, India, Italy, Canada, the People's Republic of China, Luxemburg, the Netherlands, New Zealand, Norway, Pakistan, the Polish People's Republic, the Rumanian People's Republic, the Ukrainian Soviet Socialist Republic, Finland, the Czechoslovak Republic, the Federal People's Republic of Yugoslavia, and the Union of South Africa, as states which took part with their armed forces in the war against Germany, and hereinafter referred to as "the Allied and Associated Powers", on the one hand,

PEACE TREATY WITH GERMANY

and Germany, now represented by the German Democratic Republic and the Federal Republic of Germany (or in case a peace conference is set up by the time the peace treaty is signed, the German Confederation, and also the German Democratic Republic and the Federal Republic of Germany) of the other part;

noting that there is no further justification for the continuation of the profoundly abnormal situation when, 14 years after the ending of hostilities, foreign troops remain in the territory of Germany and the German nation is still deprived of the right to fully exercise its state sovereignty, to maintain equal relations with the other states and is outside the United Nations;

guided by the desire to implement in the prevailing conditions the principal propositions stipulated by the documents of the anti-Hitlerite coalition and particularly the Potsdam Agreement;

believing that the absence of a peaceful settlement precludes a just approach to the legitimate national interests of the German people and is largely conducive to the aggravation of tension and instability in Europe;

being unanimous in their intention to finally reckon up the war unleashed by Hitlerite Germany, the war which has brought incalculable sufferings and calamities to many peoples, including the German nation;

recognizing that during the years since the ending of hostilities the German people have proved in many ways that they condemn the crimes committed against the peoples of Europe as a result of the aggression unleashed by German militarism;

fully resolved never to allow Germany ever again to threaten its neighbours or other nations, to unleash a new war;

desirous of giving Germany an opportunity to develop along peaceful and democratic lines and of ensuring its fruitful co-operation with other states as an equal member of the community of nations;

convinced that the conclusion of a peace treaty would be of exceptionally great significance for insuring security in Europe and the consolidation of world peace;

holding that the conclusion of a peace treaty with Germany is a necessary and important step toward the restoration of the national unity of Germany;

have decided to conclude the present peace treaty and have therefore appointed the undersigned Plenipotentiaries who, after presentation of their Credentials, found in good and due form, have agreed on the following provisions:

1. The Allied and Associated Powers declare that they will base their relations with Germany on the principles of respect for the sovereignty and territorial integrity of Germany, of non-interference in its domestic affairs, non-aggression, and of equality and mutual benefit, and in accordance with the provisions of the present treaty.

In its relations with all countries Germany shall be guided by the same principles.

2. Germany commits itself to solve its international disputes only by peaceful means so as not to endanger international peace and security. Germany also pledges to refrain from the threat of force in international relations or the use of force against the territorial integrity or political

PART I

POLITICAL AND TERRITORIAL CLAUSES

I. PEACE AND PEACEFUL RELATIONS

ARTICLE I

The Allied and Associated Powers, on the one hand, and Germany on the other hand, declare and confirm the ending of the state of war and the establishment of peaceful relations between them, all the political and juridical consequences to take effect as of the entry into force of an appropriate statement or declaration by each of the Allied and Associated Powers.

ARTICLE II

Until Germany is reunited in one or another form, the term "Germany" in the present Treaty shall mean the two existing German states -- the German Democratic Republic and the Federal Republic of Germany, and all the rights and obligations of Germany stipulated in the Treaty shall be equally binding on the German Democratic Republic and the Federal Republic of Germany.

ARTICLE III

The Allied and Associated Powers undertake to recognize the full sovereignty of the German people over Germany, including its territorial waters and airspace.

ARTICLE IV

1. The Allied and Associated Powers declare that they will base their relations with Germany on the principles of respect for the sovereignty and territorial integrity of Germany, of non-interference in its domestic affairs, non-aggression, and of equality and mutual benefit, and in accordance with the provisions of the present Treaty.

In its relations with all countries Germany shall be guided by the same principles.

2. Germany commits itself to solve its international disputes only by peaceful means so as not to endanger international peace and security. Germany also pledges to refrain from the threat of force in international relations or its use against the territorial integrity or political

independence of any state, and not to give aid or support to any nation or group of nations violating international peace and security.

ARTICLE V

1. Germany assumes a commitment not to enter any military alliances directed against any power party to the present treaty, and also not to take part in any military alliances whose membership does not include all the four principle Allied Powers of the anti-Hitlerite coalition -- the USSR, the USA, the United Kingdom, and France.
2. The Allied and Associated Powers will respect Germany's obligation not to take part in military alliances mentioned in point one, and will refrain from any actions with regard to Germany which are liable to entail a direct or indirect breach of this commitment by Germany.
3. The Allied and Associated Powers will do everything necessary to let Germany take part, on an equal footing, in steps to strengthen all-European security and to establish a security system in Europe based on the joint efforts of the European nations.
4. With the entry into force of this treaty Germany -- the German Democratic Republic and the Federal Republic of Germany -- will be freed of the obligations arising from membership in the organizations of the Warsaw Treaty and the North Atlantic and West European Unions, respectively.

ARTICLE VI

Germany undertakes to recognize the full force of the peace treaties with Bulgaria, Hungary, Italy, Rumania, and Finland.

ARTICLE VII

After the entry into force of the present treaty, the Allied and Associated Powers will support Germany's application for admittance to membership of the United Nations.

II. FRONTIERS

ARTICLE VIII

The frontiers of Germany shall be those existing on January 1, 1959. Germany's frontiers are shown on the map appended to the present treaty (Appendix No. 1).

Until Germany is united into one state, the territories of the German Democratic Republic and the Federal Republic of Germany are delimited by the line existing on January 1, 1959, as shown on the map appended to the treaty (Appendix No. 1).

ARTICLE IX

In conformity with the Potsdam Agreement of 1945:

a) Germany renounces all its rights, and legal and other claims to the former German territories east of the line running from the Baltic Sea, slightly to the west of Swinemunde, along the river Oder to its confluence with the Western Neisse and along the Western Neisse to the Czechoslovak frontier, and to the territory of the former East Prussia, and of the former City of Danzig, which have now passed under the sovereignty of the Polish People's Republic, which Germany recognizes.

b) Germany renounces all its rights, legal and other claims to the former City of Königsberg and the adjacent area, which have passed under the sovereignty of the Union of Soviet Socialist Republics, which Germany recognizes.

ARTICLE X

Germany recognizes as invalid the Munich Agreement with all the consequences arising from it, and declares that it will always recognize the former so-called Sudeten region as an integral part of the national territory of the Czechoslovak Republic.

ARTICLE XI

Germany undertakes to recognize that the territory of Alsace-Lorraine is an integral part of the French Republic. The Saar region forms part of the territory of Germany.

ARTICLE XII

Germany confirms and undertakes to recognize the changes and delimitation of its frontiers, effected according to the agreements concluded with neighbouring states in the period from May 1945 to January 1, 1959.

III. GERMANY AND AUSTRIA

ARTICLE XIII

1. Germany undertakes to recognize the full force of the State Treaty establishing an independent and democratic Austria of May 15, 1955, and the prohibition of Anschluss contained in it.

2. In conformity with this, Germany shall respect the sovereignty and independence of Austria and renounces all territorial and political claims to Austria and Austrian territory.

3. Germany undertakes to recognize and to respect the permanent neutrality of Austria as it is laid down by the Federal Constitutional Law of Austria, adopted by the Austrian Parliament on October 26, 1955.

4. To prevent the threat of an Anschluss, any political or economic alliance between Germany and Austria is prohibited. Germany undertakes fully to recognize its responsibility in this question and shall not enter into a political or economic alliance with Austria in any form whatever.

Germany must not conclude any agreements with Austria, undertake any actions, or carry out any measures directly or indirectly promoting its political and economic alliance with Austria, or jeopardizing the territorial integrity, political or economic independence of Austria. Germany further pledges not to allow any actions on its territory directly or indirectly promoting such an alliance, and must prevent the existence, revival, or activity of any organizations pursuing the aim of establishing a political or economic alliance with Austria, or propaganda in favour of an alliance with Austria.

IV. BASIC HUMAN RIGHTS AND FREEDOMS

ARTICLE XIV

1. Germany binds itself to take all measures necessary to secure to all persons under German jurisdiction, without distinction as to race, sex, language, religion, nationality, origin, or political convictions, the enjoyment of human rights and of the fundamental freedoms, including personal freedom, the freedom of expression, of press and publication, of religious worship, of political opinion, of association and of public meetings.

2. Germany also undertakes that the laws in force in its territory shall not, either in their content or in their application, discriminate or entail any discrimination between German nationals on the ground of their race, sex, language, religion, nationality, origin, political convictions, or party affiliation, whether in reference to their persons, property, business, professional or financial interests, status, political or civil rights, or any other matters.

3. Past membership of any German national in the Nationalist-Socialist Party or organizations affiliated to it or under its control, cannot be regarded as a reason for restricting the rights and freedoms stipulated in point one if this is not done on the strength of a court ruling.

4. Persons of German nationality moved to Germany from other countries in conformity with the decisions of the 1945 Potsdam Conference enjoy in the territory of Germany all the rights mentioned in point one without any discrimination and as persons enjoying full rights as German nationals.

ARTICLE XV

The German authorities or nationals are prohibited from persecuting or oppressing any person on the ground that during World War II he acted in favour of the Allied and Associated Powers or expressed sympathy for their cause, as well as on the ground that prior to the entry into force of the present treaty this person committed actions facilitating the fulfillment of the joint decisions of the U.S.S.R, the U.S.A., the United Kingdom, and France on Germany or any of the proclamations, injunctions, ordinances, and instructions issued on the strength of these decisions.

V. POLITICAL PARTIES AND OTHER ORGANIZATIONS

ARTICLE XVI

Germany undertakes to insure unhampered activity to political parties and other organizations, with the exception of parties and organizations mentioned in Articles XIII, XVII and XVIII, and to give them the right to manage their internal affairs freely, to hold congresses and meetings, to enjoy freedom of press and publications.

ARTICLE XVII

Germany undertakes not to allow, under threat of penal punishment, the revival, existence, and activity of the National-Socialist Party, organizations affiliated to it or under its control in German territory, including political, military, and paramilitary organizations, as well as the emergence and activity of other similar parties and organizations and, particularly, revanchist parties and organizations demanding a revision of German's frontiers or making territorial claims on other states.

ARTICLE XVIII

Germany undertakes to dissolve and not to allow, under threat of penal punishment, the existence and activity in its territory of any organizations, including émigré organizations, which conduct hostile activity against any of the Allied and Associated Powers.

Germany shall not grant political asylum to persons affiliated to the aforesaid organizations.

VI. OTHER CLAUSES

ARTICLE XIX

Germany undertakes to recognize the decision of the International War Tribunal in Nuremberg and the sentences of other courts on crimes stipulated by the Charter of this Tribunal and committed both inside and outside of Germany.

ARTICLE XX

Germany undertakes not to allow in any form propaganda which is intended to create, or capable of creating or increasing the threat to peace, to create a violation of the peace or an act of aggression, including war propaganda, and also any kind of revanchist statements demanding a revision of the German frontiers or making territorial claims on other countries.

ARTICLE XXI

1. Germany undertakes to co-operate completely in the repatriation of nationals of the Allied and Associated Powers who came to be in German territory as a result of the war.

2. For their part the Allied and Associated Powers will render similar assistance, where this has not yet been done, in the repatriation of German nationals who are in the territories of the Allied and Associated Powers as a result of the war.

3. The Allied Powers assume the commitment, insofar as they have not yet done so, to repatriate within six months after the present treaty enters into force all German specialists forcibly moved from Germany during and after the war. The provisions of this Article do not affect persons who left Germany at their own discretion.

ARTICLE XVIII

PART II

CLAUSES ON THE RE-ESTABLISHMENT OF THE UNITY OF GERMANY

ARTICLE XXII

The Allied and Associated Powers undertake to recognize the right of the German people to the restoration of the unity of Germany and express their readiness to render both German states all-out assistance in reaching this goal on the basis of a rapprochement and agreement between the German Democratic Republic and the Federal Republic of Germany.

Both German states, as well as the Allied and Associated Powers, regard the present treaty as an important contribution to the cause of the re-unification of Germany in accordance with the national aspirations of the German people and with the interests of insuring security in Europe and throughout the world.

ARTICLE XXIII

In view of the fact that any attempt to settle the question of the re-unification of Germany by means of force would be fraught with the danger of war, entailing incalculable calamities for the people of Europe, and for the German people in the first place, the German Democratic Republic and the Federal Republic of Germany solemnly undertake never to resort to force or the threat of force for achieving the unification of Germany and will settle by peaceful means any disputes that may arise in the relations between them.

ARTICLE XXIV

After the restoration of the unity of Germany, the present treaty shall remain in force and its provisions shall apply to the united German state.

ARTICLE XXV

Pending the restoration of the unity of Germany and the establishment of a united German state, West Berlin shall have the standing of a demilitarized free city with its special status.

PART III

MILITARY CLAUSES

ARTICLE XXVI

Germany shall have its national armed forces (land, air, and naval) necessary for the defence of the country.

ARTICLE XXVII

The following shall not be permitted to serve in the German armed forces:

a) persons convicted by the courts of the countries which were at war with Germany or by German courts, for their crimes against the peace, humanity, and for war crimes;

b) persons who do not have German citizenship;

c) persons not of German nationality who found themselves on the territory of Germany during and after the end of the war, irrespective of whether or not they subsequently became German citizens.

ARTICLE XXVIII

Germany shall not have, produce, acquire, or experiment with:

a) any types of nuclear weapons or other means of mass destruction, including biological and chemical weapons;

b) any types of rockets and guided missiles, as well as equipment and installations necessary for their launching or guidance;

c) aircraft designed mainly as bombers with bombs and shell racks;

d) submarines.

ARTICLE XXV

ARTICLE XXIX

Germany shall not have, produce, or acquire, either publicly or privately or in any other way, war materials and equipment or maintain production facilities for their manufacture in excess of the quantity necessary for equipping the armed forces permitted by Article XXVI of the present treaty, nor shall it export from the territory of Germany to other countries any war materials and equipment.

ARTICLE XXX

All foreign troops now stationed in Germany are to be withdrawn from Germany not later than within one year after the coming into force of the present treaty.

or: after the coming into force of the present treaty, all foreign troops stationed in Germany shall be withdrawn from Germany within time limits to be agreed upon by the parties concerned so that within six months from the coming into force of the treaty the numerical strength of foreign troops stationed on German territory shall be reduced one third.

Simultaneously with the withdrawal of foreign troops from Germany all foreign war bases on German territory shall be closed down.

In the future, Germany shall not permit the stationing of any foreign armed forces or the siting of foreign military bases on its territory.

ARTICLE XXXI

Germany undertakes to respect, preserve, and maintain on German territory the graves of the soldiers, prisoners of war, and nationals of the powers which were at war with Germany who were forcibly brought to Germany, the memorials and emblems on these graves, and the memorials to the military glory of the armies which fought against Hitlerite Germany.

The Allied and Associated Powers undertake on their part to insure the maintenance of the marked graves of German soldiers on their territories.

PART IV

ECONOMIC CLAUSES

ARTICLE XXXI

ARTICLE XXXII

No restrictions shall be imposed on Germany in the development of its peaceful economy which is to promote the welfare of the German people.

Nor shall Germany be in any way restricted regarding its trade with other countries, navigation and access to world markets.

ARTICLE XXXIII

After the withdrawal of foreign troops from German territory any German property which is being used by the armed forces of foreign states on the territory of Germany and for which no compensation has been paid shall be restored to its owners or adequate compensation shall be paid.

ARTICLE XXXIV

1. Insofar as such action has not already been taken, Germany shall restore all legal rights and interests of the Allied and Associated Powers and their nationals in Germany as they existed on September 1, 1939, and of the Czechoslovak Republic and its citizens, as they existed on September 30, 1938, and shall return all property of the Allied and Associated Powers and their nationals or pay compensation for it. The order and terms of the implementation of the provisions of the present article shall be determined by special agreements between Germany and the states concerned.

"Property" means movable or immovable property, whether tangible or intangible, including industrial, literary, and artistic property, as well as rights and interests of any kind in property.

2. The existence of the state of war in itself shall not be regarded as affecting the obligation to pay pecuniary debts arising out of obligations and contracts that existed prior to the state of war.

3. Germany undertakes to permit no discrimination regarding the satisfaction of claims to compensation for the damage sustained by nationals of the Allied and Associated Powers, irrespective of the nature of the due compensation or of the organization or institution which is to satisfy the claim.

ECONOMIC CLAUSES

ARTICLE XXXV

Germany shall recognize the rights of any Allied or Associated Power to German foreign assets transferred to this Power on the strength of agreements between the U.S.S.R., the U.S.A., the United Kingdom, and France.

Germany shall recognize the decisions regarding German foreign assets in Austria as contained in the State Treaty on the re-establishment of an independent and democratic Austria.

ARTICLE XXVI

1. On behalf of Germany, German organizations and nationals, Germany waives all claims of any description against the Allied and Associated Powers, their organizations and nationals which arise directly out of the war or out of the actions taken because of the existence of a state of war in Europe after September 1, 1939, whether or not such Allied or Associated Power was at war with Germany at the time.

ARTICLE XXVII

In particular, this renunciation of claims includes the following:

- a) claims for losses or damages sustained as a consequence of acts of the armed forces or authorities of the Allied or Associated Powers;
- b) claims arising from the presence, operations, or actions of the armed forces or authorities of the Allied or Associated Powers on German territory;
- c) claims with respect to the decrees or orders of prize courts of the Allied or Associated Powers, Germany agreeing to accept as valid and binding all decrees of such prize courts after September 1, 1939 concerning German sea going or river vessels or German goods or concerning the payment of costs;
- d) claims arising out of the exercise of belligerent rights, or out of measures taken for this purpose.

2. The waiving of claims by Germany under paragraph one of this article includes any claims arising out of the actions taken by any of the Allied or Associated Powers with respect to German seagoing or river vessels after September 1, 1939 as well as any claims and debts arising out of the conventions on prisoners of war now in force.

3. The provisions of this Article shall bar completely and finally all claims of the nature referred to above, which shall henceforward be extinguished, whichever may be the interested party. The German Government agrees to make equitable compensation in marks to persons who furnished supplies or services on requisition to the forces of the Allied or Associated Powers on German territory and also in satisfaction of non-combat damage claims against the forces of the Allied or Associated Powers arising on German territory.

ARTICLE XXXVII

Germany likewise waives all public claims, all the claims of German public juridical persons, and the claims of German private juridical persons and German nationals regarding the territories which were returned to other states and placed under their jurisdiction.

ARTICLE XXXVIII

The states which now have under their jurisdiction a part of the former German territory bear no responsibility for the obligations arising out of the debts of the German state, German municipalities, and German public institutions, or for any other public juridical and private juridical questions which arose prior to May 8, 1945 and are connected with this territory.

ARTICLE XXXIX

1. Germany agrees to enter into negotiations with any Allied or Associated Power and to conclude treaties or agreements on trade and navigation, granting every Allied and Associated Power most favoured nation treatment on a reciprocal basis.

2. Germany shall not permit discrimination or artificial restrictions in anything that concerns its trade with Allied and Associated Powers. The Allied and Associated Powers on their part shall adhere to the same principle in their trade with Germany.

3. Germany shall not grant any exclusive or discriminatory right to any country with regard to the use of commercial aircraft for international communications within Germany's boundaries; Germany shall grant the Allied and Associated Powers, on a reciprocal basis, equal possibilities in obtaining rights on German territory in the sphere of international commercial aviation, including the right to land for refuelling and repairs. These provisions should not affect the interests of the national defence of Germany.

ARTICLE XL

Germany undertakes to grant Austria the right of free transit and communications without levying custom duties and tariffs between Salzburg and Lofer (Salzburg) via Reichenhall-Steinpass and between Scharnitz (Tyrol) and Ehrwald (Tyrol) via Garmisch-Partenkirchen.

PART V

REPARATIONS AND RESTITUTIONS

ARTICLE XLII

The question of the payment of reparations by Germany in compensation for the damage it inflicted on the Allied and Associated Powers during the war is regarded as fully settled and the Allied and Associated Powers waive any claim against Germany regarding further reparation payments.

ARTICLE XLIII

Insofar as Germany had not already done so, Germany undertakes to return in good order the identified objects of artistic, historical or archeological value which constitute part of the cultural assets of the Allied and Associated Powers and were forcibly or under coercion transported from their territories to Germany.

Claims for the restitution of the above mentioned objects may be presented within twelve months from the coming into force of the present Treaty.

Germany shall also transfer to the states to which were returned, or under the jurisdiction of which were placed parts of former German territory, all historical, juridical, administrative and technical archives, together with maps and plans concerning those territories.

PART VI

FINAL CLAUSES

ARTICLE XLIII

With the coming into force of the present peace treaty Germany shall be freed of all obligations under international treaties and agreements which were concluded by the Government of the German Democratic Republic and the Government of the Federal Republic of Germany prior to the coming into force of the present treaty, which stand in contradiction to the provisions of the peace treaty.

ARTICLE XLIV

Any dispute concerning the interpretation or execution of the present treaty which is not settled by direct diplomatic negotiations or in any other way by agreement between the parties to the dispute shall be referred to a commission composed of representatives of the Soviet Union, the United Kingdom, the United States of America, France, the German Democratic Republic, and the Federal Republic of Germany. Any such dispute not resolved by the commission for the settlement of this dispute within a period of two months shall, unless the parties to the dispute mutually agree upon another means of settlement, be referred to a commission composed of one representative of each party and a third member selected by mutual agreement of the two sides from the nationals of a third country.

ARTICLE XLV

The present treaty shall be ratified and come into force immediately upon the deposit of instruments of ratification by the Union of Soviet Socialist Republics, by the United Kingdom of Great Britain and Northern Ireland, by the United States of America, by France and Germany. With respect to every country which will subsequently ratify the present treaty or accede to it, the treaty will come into force upon the deposit of instruments of ratification or accession by this state.

2. If the treaty does not come into force within ten months after the date of deposit of Germany's instruments of ratification, any state which has ratified it may enforce the treaty between itself and Germany by notifying thereof Germany and the depositary state within three years from the deposit of instruments of ratification by Germany.

ARTICLE XLVI

Any state which was at war with Germany and is not a signatory to the present treaty may accede to the treaty.

ARTICLE XLVII

The treaty will grant no legal or other rights or advantages to states which will not be signatories to the present treaty and no legal or other rights or interests of Germany shall be regarded as infringed by any provisions of the present treaty in favour of such states.

ARTICLE XLVIII

The present treaty, as well as all instruments of ratification and accession shall be deposited with the Government of which shall furnish certified copies of the treaty to each of the signatory or acceding states and will inform these states of all ratifications and accessions.

In faith whereof the undersigned Plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done in . . . in the Russian, English, French and German languages, all texts being equally authentic.

