

The Basic Treaty (December 21, 1972)

Abstract

The Basic Treaty [*Grundlagenvertrag*] aimed to establish good neighborly relations between the two German states and granted *de facto*, albeit not *de jure*, legal recognition to the German Democratic Republic. The West German government stressed its intentions in a supplementary text that upheld the constitutionally anchored objective of reunification. Permanent missions [*Ständige Vertretungen*], not embassies, were opened in both German states to underscore the special nature of relations.

Source

The High Contracting Parties,
Conscious of their responsibility for the preservation of peace, anxious to render a contribution to détente and security in Europe,
Aware that the inviolability of frontiers and respect for the territorial integrity and sovereignty of all States in Europe within their present frontiers are a basic condition for peace,
Recognizing that therefore the two German States have to refrain from the threat or use of force in their relations,
Proceeding from the historical facts and without prejudice to the different view of the Federal Republic of Germany and the German Democratic Republic on fundamental questions, including the national question,
Desirous to create the conditions for cooperation between the Federal Republic of Germany and the German Democratic Republic for the benefit of the people in the two German States, have agreed as follows:

Article 1

The Federal Republic of Germany and the German Democratic Republic shall develop normal, good-neighbourly relations with each other on the basis of equal rights.

Article 2

The Federal Republic of Germany and the German Democratic Republic will be guided by the aims and principles laid down in the United Nations Charter, especially those of the sovereign equality of all States, respect for their independence, autonomy and territorial integrity, the right of self-determination, the protection of human rights, and non-discrimination.

Article 3

In conformity with the United Nations Charter, the Federal Republic of Germany and the German Democratic Republic shall settle any disputes between them exclusively by peaceful means and refrain from the threat or use of force.

They reaffirm the inviolability now and in the future of the frontier existing between them and undertake fully to respect each other's territorial integrity.

Article 4

The Federal Republic of Germany and the German Democratic Republic proceed on the assumption that neither of the two States can represent the other in the international sphere or act on its behalf.

Article 5

The Federal Republic of Germany and the German Democratic Republic shall promote peaceful relations

between the European States and contribute to security and cooperation in Europe.
They shall support efforts to reduce forces and arms in Europe without allowing disadvantages to arise for the security of those concerned.

The Federal Republic of Germany and the German Democratic Republic shall support, with the aim of general and complete disarmament under effective international control, efforts serving international security to achieve armaments limitation and disarmament, especially with regard to nuclear weapons and other weapons of mass destruction.

Article 6

The Federal Republic of Germany and the German Democratic Republic proceed on the principle that the sovereign jurisdiction of each of the two States is confined to its own territory. They respect each other's independence and autonomy in their internal and external affairs.

Article 7

The Federal Republic of Germany and the German Democratic Republic declare their readiness to regulate practical and humanitarian questions in the process of the normalization of their relations. They shall conclude agreements with a view to developing and promoting on the basis of the present Treaty and for their mutual benefit cooperation in the fields of economics, science and technology, transport, judicial relations, posts and telecommunications, health, culture, sport, environmental protection, and in other fields. The details have been agreed in the Supplementary Protocol.

Article 8

The Federal Republic of Germany and the German Democratic Republic shall exchange Permanent missions. They shall be established at the respective Government's seat.
Practical questions relating to the establishment of the missions shall be dealt with separately.

Article 9

The Federal Republic of Germany and the German Democratic Republic agree that the present Treaty shall not affect the bilateral and multilateral international treaties and agreements already concluded by them or relating to them.

[...]

The Federal Republic of Germany states for the record:

“Questions of national citizenship [*Staatsangehörigkeitsfragen*] are not regulated by the Treaty.”

The German Democratic Republic states for the record:

“The German Democratic Republic proceeds from the assumption that the Treaty will facilitate a regulation of questions of national citizenship [*Staatsangehörigkeitsfragen*].”

[...]

The Federal Minister Without Portfolio in the Office of the Federal Chancellor
Bonn, December 21, 1972

To
State Secretary of the Council of Ministers
of the German Democratic Republic
Dr. Michael Kohl
Berlin

Dear Herr Kohl,

In connection with today's signing of the Treaty concerning the Basis of Relations between the Federal Republic of Germany and the German Democratic Republic, the Government of the Federal Republic of Germany has the honor to state that this Treaty does not conflict with the political aim of the Federal Republic of Germany to work for a state of peace in Europe in which the German nation will regain its unity through free self-determination.

Very respectfully yours,
Bahr

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