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German Division and Reunification, 1944-1990: An Overview via the Documents*

Timothy Kearley**

Germany's post-war division and impaired sovereignty were embodied in many documents. The country's recent reunification and restoration of sovereignty are similarly embodied in several international agreements. Professor Kearley identifies the most important of these materials, provides bibliographically useful references to them, and notes the role they played.

A recent spate of agreements has brought to an end Germany's division and impaired sovereignty. Two of them, the Treaty on the Establishment of Germany Unity,¹ and the Treaty on the Final Settlement with Respect to Germany,² have been widely publicized. Others have not received such widespread publicity.³ Similarly, some documents that divided Germany and reduced its sovereignty are well known, while other such documents are not.

The purpose of this article is to identify the most important documents regarding post-war Germany's legal status (especially those most directly concerning sovereignty and division) and to provide an annotated bibliography, noting the key role such documents have played.⁴

Many documents have been compiled in other works. Two are frequently noted here for their practical value as sources: the U.S. Department of State's *Documents on Germany, 1944-1985* (1985) and Günther Doeker and Jens Brückner's *The Federal Republic of Germany and the German Democratic Republic in International Relations* (1979). Because these compilations have a much broader scope, they have not

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1. Treaty on the Establishment of German Unity, Aug. 31, 1990, 1990 BGBl. II 885, 30 I.L.M. 457 (1991), amended by Agreement on the Execution and Interpretation of the Unification Treaty, 1990 BGBl. II 1239.

2. Treaty on the Final Settlement with Respect to Germany, Sept. 12, 1990, S. Treaty Doc. No. 101-20, 1 U.S. Dep't of St. Dispatch 164, 165 (1990), 29 I.L.M. 1186 (1990).

3. For references and a discussion of these, see entries 23-37.

4. This article does not encompass documents concerning the German Democratic Republic, except those also involving the F.R.G. An exception is made for the G.D.R.'s first constitution.

singled out for attention the documents noted in this article. As a result, some documents in these compilations are somewhat obscured in the forest of other, sometimes more politically significant, documents. Moreover, *Documents on Germany* is not annotated, and the Doeker and Brückner work, while providing some context for the documents, is less inclusive. Finally, neither work encompasses the recent documents of reunification.⁵ I have used the abbreviations "D.O.G." for *Documents on Germany* and "Doeker" for Doeker and Brückner's work.

The annotated list of documents that follows is arranged chronologically and should enable the researcher to follow the changing legal status of Germany from its defeat and division to its current unity and sovereignty.

[1]

9/12/44 Protocol on the Zones of Occupation in Germany and Administration of "Greater Berlin," 5 U.S.T. 2078, 227 U.N.T.S. 279, *Documents on Germany, 1944-1985*, at 1 (1985) [hereinafter D.O.G.],⁶ Amended 11/14/44 by the Agreement Amending the Protocol . . . , 5 U.S.T. 2078, 227 U.N.T.S. 286, D.O.G. 4. Also amended July 26, 1945, by the Agreement Further Amending the Protocol . . . , 5 U.S.T. 2093, 227 U.N.T.S. 297, D.O.G. 44.

This is the wartime agreement between the United States, the United Kingdom, and the Union of Soviet Socialist Republics in which it was agreed to divide Germany into zones of occupation. The November 1944 amendment modified the zones, and the July 1945 amendment further modified the zones to allow for occupation by France.

[2]

11/14/44 Agreement on Control Machinery in Germany . . . , 5 U.S.T. 2062, 236 U.N.T.S. 359, D.O.G. 6, 1 Günther Doeker & Jens Brückner, eds., *The Federal Republic of Germany and the German Democratic Republic in International Relations* 35 (1979) [hereinafter Doeker]. Amended 5/1/45 by the Agreement Regarding Amendments to the Agreement on Control Machinery in Germany . . . , D.O.G. 12.

5. The first two volumes of THE FEDERAL REPUBLIC OF GERMANY AND THE GERMAN DEMOCRATIC REPUBLIC IN INTERNATIONAL RELATIONS, SECOND SERIES (Günther Doeker and Lukas Meyer eds., 1991) are now available. They cover developments up to the fall of the Berlin Wall. A third volume, entitled THE UNIFICATION PROCESS OF DIVIDED GERMANY, will focus on unification and related events.

6. The careful observer will note that *Bluebook* requirements for treaty citation are not followed in this article. Bibliographic usefulness has instead prevailed; hence, T.I.A.S. references are omitted and other sources such as *Documents on Germany* are included.

This wartime document provided an outline for occupation government. It established, among other things, a Control Council consisting of the three allied chiefs-of-staff to coordinate zonal government and an Inter-Allied Governing Authority (Kommandatura) to govern Berlin.⁷

[3]

5/7/45 Act of Military Surrender, signed at Rheims, 59 Stat. 1857, 1 Doeker 26.

[4]

5/8/45 Act of Military Surrender, signed at Berlin 59 Stat. 1857, D.O.G. 14, 1 Doeker 27.

The surrenders signed at Rheims and at Berlin were the most important of the documents of surrender signed by various German officers in May of 1945.

[5]

6/5/45 Declaration Regarding the Defeat of Germany and the Assumption of Supreme Authority with Respect to Germany . . . , 60 Stat. 1649, 68 U.N.T.S. 189, D.O.G. 33, 1 Doeker 28.

This declaration by the commanders-in-chief of the allied forces ordered the cessation of all German military actions, the surrender of weapons, the release of allied prisoners of war, etc. It is also a policy statement asserting the supreme authority in Germany of the allied governments, while explicitly stating that the assumption of supreme authority did not effect an annexation of Germany. This latter statement became an essential element of the "identification theory" of the German state generally accepted in the West. The theory holds that the German state represented by the Reich never ceased to exist; that the Federal Republic of Germany was (at least partially) "identical" with it; and that the Federal Republic exerted German state power as the allies relinquished it, even though it did not control all of the territory formerly part of the Reich.⁸

7. The term "Kommandatura" was manufactured as a shorthand name for this body. WOLFGANG FRIEDMAN, *THE ALLIED MILITARY GOVERNMENT OF GERMANY* 53 n.9 (1947).

8. For a lengthier description of the theory of identification and of the related "roof theory," which also assumed the continuing existence of the Reich, see Georg Ress, *Germany, Legal Status After World War II*, in 10 *ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW* 191, 197-98 (1987). The roof theory posited that East and West Germany were two legal entities existing under the one roof of the invisible, but extant, German Reich. The other basic theory, expounded by Hans Kelsen in 1945, was that upon its defeat the German state ceased to exist and was replaced by a "condominium" established by the occupying powers. See Hans Kelsen, *The Legal Status of Germany According to the Declaration of*

[6]

4/8/49 Agreements Relating to Basic Principles for the Merger of the Three Western German Zones . . . , 63 Stat. 2817, 140 U.N.T.S. 196, D.O.G. 215.

As it became clear that the Western allies would not soon come to an agreement with the U.S.S.R. about the formation of a single government for Germany, the former decided to unify at least their three zones of occupation. This agreement created an Allied High Commission, with one commissioner from each Western occupying power, to exercise allied occupation rights. The High Commission decided most issues by majority vote, but had to agree unanimously in exercising the powers of the Occupation Statute (see next entry).

[7]

4/8/49 Occupation Statute Defining the Powers to be Retained . . . , D.O.G. 212, 1 Doeker 85.

The Occupation Statute was issued by the three commanders-in-chief (who also acted as military governors) to create a transitional governing regime. It moved Germany from the complete dependency it endured under the "Declaration Regarding the Defeat of Germany and the Assumption of Supreme Authority with Respect to Germany . . ." (no. 5 above) toward sovereignty. It stated in paragraph 1 that Germany would "enjoy self-government to the maximum degree possible consistent with" the occupation. In practice this meant that the Western allies removed themselves from most aspects of German government, but retained supervisory rights over Germany's international relations, and their Basic Law (the drafting of which was in progress—see next entry), while also retaining the right to intervene in emergencies. As noted above, this statute was overseen by the Allied High Commission.

[8]

5/8/49 Basic Law for the Federal Republic of Germany (*Grundgesetz*), 1949 Bundesgesetzblatt 1, [hereinafter BGBI], D.O.G. 221.

Berlin, 39 AM. J. INT'L L. 518 (1945). Ress rejects this theory, and it was likewise spurned by most scholars and by Western governments; the latter preferred to view the Federal Republic as the only legitimate successor to German state power formerly exerted by the Reich. See also 1 MARJORIE WHITEMAN, DIGEST OF INTERNATIONAL LAW 326 (1963). The opinion of the Office of the Legal Adviser on this subject is excerpted, *supra*, at 332-35.

The German Democratic Republic at first claimed identity with the Reich but later changed its policy, alleging that the Reich had been extinguished when Germany was divided and that there were now two German states. For additional discussion of these theories, see Bruno Simma, *Legal Aspects of East-West German Relations*, 9 MD. J. INT'L L. & TRADE 97 (1985), which also cites numerous other writings on the subject.

In the summer of 1948, the Western allied military governors asked German officials in the western zones to convene a constituent assembly. A committee produced the first draft of the Basic Law in August of that year, and the final draft was approved by the assembly nine months later. The Basic Law is an occupation document, designed, according to its preamble, "to give a new order to political life for a transitional period." It was not intended to be the permanent constitution for one part of a permanently divided Germany, hence the name "Basic Law," as opposed to "Constitution." Article 146 indicates that "The Basic Law shall cease to be in force on the day on which a constitution adopted by a free decision of the German people enters into force." However, Article 23 provides the mechanism that was used in 1990 to make the Basic Law applicable in all of Germany (see no. 21). It states that "for the time being, this Basic Law applies in [the Western Länder]. It is to be put into force in other parts of Germany on their accession."⁹ In fact, the Basic Law reads like a constitution, and it has long been treated as a constitution in practice; the Federal Republic has a Constitutional Court (*Verfassungsgericht*), whose sole function is to interpret this document.

[9]

5/12/49 Letter from the Military Governors . . . Approving, with Reservations, the Basic Law . . . , D.O.G. 260, 1 Doeker 75.

As its title indicates, this letter provides Allied approval for the Basic Law, subject to nine reservations. Most important was the one stipulating that the Occupation Statute superseded the Basic Law in cases of conflict.

[10]

5/30/49 Constitution of the German Democratic Republic, D.O.G. 278.

In this first constitution of the G.D.R., article 1 proclaims that Germany is an "indivisible democratic republic" and that there is "only one German nationality." The G.D.R. at this time claimed to be the successor to the German Reich and denied the existence of two German states.¹⁰ As G.D.R. policy changed in this regard, so did the relevant wording of later constitutions. The text of this first constitution of the G.D.R. also can be found in Amos J. Peaslee, *2 Constitutions of Nations* 59 (2d ed. 1956).

9. The Saarland was accepted into the Federal Republic as a Land in 1957 under this provision, after having been under the control of an international authority since the war's end.

10. See entry no. 5 and accompanying note (discussing post-war Germany's legal identity).

[11]

5/26/52 Convention on Relations Between the Three Powers and the Federal Republic of Germany, 6 U.S.T. 4251. As amended by Schedule I of the Protocol on Termination of the Occupation Regime, 331 U.N.T.S. 327, D.O.G. 425, 1 Docker 111. (Schedule I is printed in 6 U.S.T. 4121.)

The "Three Powers Convention" restores to the F.R.G. the powers enjoyed by a sovereign state. Article 1 states that "The Federal Republic shall have . . . the full authority of a sovereign state over its internal and external affairs" The Convention also repeals the Occupation Statute and establishes a new relationship between the Federal Republic and the allied powers based on sovereign equality. However, the allied powers retained a few rights, chief among them being those related to reunification and a peace settlement.

Although the "Three Powers Convention" was signed in Bonn in 1952, its implementation was delayed, as were the implementations of other agreements signed along with it, known collectively as the Bonn Agreements.¹¹ None of them went into effect until 1955, after being amended in October of 1954 by the Protocol on Termination of the Occupation Regime in the Federal Republic of Germany (see next entry) and its five accompanying schedules which, together with three other treaties, are referred to as the Paris Agreements.¹² The "Three Powers Convention" was modified by Schedule I of the Protocol.

Implementation was delayed due to the failure of the European Defense Community to come into being. The "Three Powers Convention" and the other Bonn agreements of 1952 were predicated on the creation of the Defense Community, within which there would be a "German defense contribution." The European Coal and Steel Community had just been established, so the Defense Community was seen also as a part of a general drive toward a united Western Europe, as well as a key element in the restoration of German sovereignty. When the French legislature refused to approve of the European Defense Community, it was necessary to modify the Bonn agreements and achieve the benefits of the German defense contribution in another way. That "other way" was the integration of German forces into the North Atlantic Treaty Organization, an agreement

11. Convention on the Rights and Obligations of Foreign Forces and Their Members in the Federal Republic of Germany, May 26, 1952, 6 U.S.T. 4278, 332 U.N.T.S. 3; Finance Convention, May 26, 1952, 6 U.S.T. 4377, 332 U.N.T.S. 157; Convention on the Settlement of Matters Arising out of the War and the Occupation, May 26, 1952, 6 U.S.T. 4411, 332 U.N.T.S. 219; Agreement on the Tax Treatment of the Forces and Their Members, May 26, 1952, 6 U.S.T. 4370, 332 U.N.T.S. 387.

12. See entries 13 & 14 and *infra* note 14.

signed on the same day as the Protocol on Termination, noted above.¹³

[12]

5/26/52 Convention on the Rights and Obligations of Foreign Forces and Their Members in the Federal Republic of Germany, 6 U.S.T. 4278. As amended by Schedule II of the Protocol on Termination of the Occupation Regime . . . , 332 U.N.T.S. 3. (Schedule II is published in 6 U.S.T. 4132).

Another of the Bonn agreements (amended by one of the Paris Agreements), this one grounds the continued presence of foreign forces in the Federal Republic in a treaty negotiated by sovereign states. However, the rights granted to the foreign forces, primarily the right to be free from the F.R.G.'s criminal jurisdiction, show the remaining inequality of the parties. On the other hand, the convention does subject members of the foreign forces to the F.R.G.'s civil jurisdiction.

[13]

10/23/54 Protocol on Termination of the Occupation Regime . . . , 6 U.S.T. 4117, 331 U.N.T.S. 253, D.O.G. 434, 2 Doeker 32.

As noted above, this protocol, another of the Paris Agreements,¹⁴ was the vehicle through which the Bonn agreements of 1952 were amended. The main body of the protocol (printed separately in D.O.G. and Doeker) consists of only three articles. The five appended schedules (attached to the Protocol in U.S.T. and U.N.T.S.) are quite lengthy and amount to separate agreements.

[14]

10/23/54 Convention on the Presence of Foreign Forces in the Federal Republic of Germany, 6 U.S.T. 5689, 334 U.N.T.S. 3.

Another of the Paris Agreements, this one supplements and coordinates the Convention on the Rights and Obligations of Foreign Forces . . . (no. 12 above) and the North Atlantic Treaty,¹⁵ to which the F.R.G. simultaneously acceded. It coordinates the rights of the three allied occupation powers to station their forces in the F.R.G. under the Rights

13. North Atlantic Treaty, Apr. 4, 1949, 63 Stat. 2241, 34 U.N.T.S. 243. The German accession is embodied in Protocol to the North Atlantic Treaty on the Accession of the Federal Republic of Germany, Oct. 23, 1954, 6 U.S.T. 5705, 243 U.N.T.S. 308 [hereinafter Protocol on Accession].

14. Protocol on Accession, *supra* note 13; Agreement Between the Parties to the North Atlantic Treaty regarding the Status of Their Forces, 4 U.S.T. 1792, 199 U.N.T.S. 67. *See also* entry no. 11.

15. *See supra* note 13.

and Obligations Convention, with their and other Western forces' rights, under the North Atlantic Treaty.

[15]

5/5/55 Proclamation . . . Revoking the Occupation Statute and Abolishing the Allied High Commission . . . , D.O.G. 444.

This document recognizes the new relationships established by the Bonn agreements of May 1952 (as amended by the Paris agreements of October 1954), which came into force on the day this document was proclaimed. As its name indicates, this proclamation revoked the Occupation Statute and abolished the Allied High Commission the Statute had established to supervise German government. Virtual sovereignty was thus achieved for the F.R.G.

[16]

8/3/59 Agreement on the Abrogation of the Convention on Rights and Obligations of Foreign Forces and their Members . . . , 14 U.S.T. 686, 481 U.N.T.S. 591.

This treaty eliminated nearly all of the lingering limitations on West Germany's sovereignty by abrogating the unusual rights that had been retained by the wartime allies in the Convention on Rights and Obligations of Foreign Forces . . . (no. 12 above) and other of the 1954 Paris agreements. It subjected members of foreign forces to the F.R.G.'s criminal jurisdiction and based the presence of foreign forces in the F.R.G. on North Atlantic Treaty rights and obligations. (This did not apply to the allied presence in Berlin, which continued to be based on occupation rights.)

[17]

9/3/71 Quadripartite Agreement on Berlin, 24 U.S.T. 283, 880 U.N.T.S. 115, D.O.G. 1135, 1 Doeker 267, 10 I.L.M 895 (1971).

This agreement on Berlin, for the most part, was intended to reduce the tensions that had built up between East and West around Berlin over the preceding two decades. It dealt with practical matters, such as traffic, visas, communication, and the like. However, in its Annex II, the Western Allies reiterate that "the Western Sectors of Berlin continue not to be a constituent part of the Federal Republic of Germany and not to be governed by it," and that "[t]he provisions of the Basic Law . . . and of the Constitution operative in the Western Sectors of Berlin which contradict the above have been suspended and continue not to be in effect."

[18]

12/21/72 Treaty on the Basis of Relations Between the Federal

Republic of Germany and the German Democratic Republic (Grundvertrag/Basic Treaty), 1973 BGBl. II 423, 12 I.L.M. 217, D.O.G. 1215, 1 Doeker 395.

In this "Basic Treaty," the two republics agreed to strive to develop good relations, recognized that neither could represent the other nor exert jurisdiction in the other's territory, and, for most practical purposes, recognized each other as separate states. However, in related documents, the Federal Republic stated that it would still work for the unity of the German nation through free self-determination.¹⁶ Moreover, the treaty itself stipulated that the two parties maintained their differing views on the issue of German nationality.¹⁷ The seeming de facto recognition created by the treaty caused the conservative government of Bavaria to challenge its constitutionality.¹⁸ The Constitutional Court interpreted the treaty in such a way as to find that it did not violate the Basic Law's requirement for the German people to work for unity. The Court said that under this treaty Germany could still be conceived of as being one nation which had been reorganized temporarily into two entities; it noted, among other things, that the treaty's preamble included the phrase "without prejudice to the differing views of the Federal Republic of Germany and the German Democratic Republic on questions of principle, including the national question."

It should also be noted that this document helped pave the way for the admission of both East and West Germany to the United Nations in 1973.

[19]

3/14/74 Protocol on the Exchange of Permanent Missions Between the Federal Republic of Germany and the German Democratic Republic, 1974 BGBl. II 933, 13 I.L.M. 878 (1974), D.O.G. 1265.

The exchange of permanent missions between East and West Germany was called for in the Basic Treaty. However, the fact that it was an

16. Letter from the Government of the Federal Republic of Germany to the Government of the German Democratic Republic on German Unity, Dec. 21, 1972, *reprinted in* DOCUMENTS ON GERMANY, 1944-1985, at 1217 (1985) [hereinafter DOCUMENTS ON GERMANY].

17. The preamble states that the agreement is made "without prejudice to the differing views of the Federal Republic of Germany and the German Democratic Republic on questions of principle, including the national question."

18. Applications of the Bavarian State Government and the Federal Government for a Declaratory Judgment on the Constitutionality of the Treaty on the Basis of Relations Between the Federal Republic of Germany and the German Democratic Republic, 36 BVerfGE 1 (1973). A brief English-language summary can be found in DOCUMENTS ON GERMANY, *supra* note 16, at 1248, and a lengthier summary in 1 THE FEDERAL REPUBLIC OF GERMANY AND THE GERMAN DEMOCRATIC REPUBLIC IN INTERNATIONAL RELATIONS 405 (Günther Doeker & Jens Brückner eds., 1979) [hereinafter DOEKER & BRÜCKNER].

exchange of missions, as opposed to an exchange of ambassadors, was one of the factors pointed to by the Constitutional Court in its holding that the treaty had not abandoned the quest for unification and, hence, was constitutional.¹⁹

[20]

5/18/90 Treaty Establishing a Monetary, Economic and Social Union (Staatsvertrag), 1990 BGBl. II 518, 29 I.L.M. 1108 (1990).

This agreement was supposed to lay the groundwork for some sort of close ties, but not necessarily complete unification, between East and West Germany. Among other things, it made the West German mark the currency of East Germany and called for fundamental changes in the East's economic and social structure that would make it compatible with that of the F.R.G. The Unification Treaty (below) rendered most of this agreement superfluous, but did not abrogate it.

[21]

8/31/90 Treaty . . . on the Establishment of German Unity (Unification Treaty/Einigungsvertrag), 1990 BGBl. II 885, 30 I.L.M. 457 (1991). Amended 9/18/90 by the Agreement on the Execution and Interpretation of the Unification Treaty, 1990 BGBl. II 1239.

The Unification Treaty, which went into effect on October 3, 1991, contains only 45 articles but has attached to it 3 annexes of some 230 pages detailing how unification is to be accomplished. As Article 1 indicates, unification was achieved through the accession of the G.D.R to the F.R.G.'s Basic Law under that document's Article 23.²⁰ Hence, no new state is created; rather the Federal Republic of Germany is expanded by the incorporation into it of what was the G.D.R. The Unification Treaty also changes the Basic Law in several respects (see, especially, articles 4, 5, and 6).

[22]

9/12/90 Treaty on the Final Settlement with Respect to Germany, S. Treaty Doc. 101-20 at 14, 1 U.S. Dep't of State Dispatch 164, 165 (1990), 29 I.L.M. 1187 (1990).

As its name implies, this agreement between Germany, the United States, the United Kingdom, France, and the U.S.S.R. resolves the issues that remained between the World War II adversaries. It "end[s] the

19. DOEKER & BRÜCKNER, *supra* note 18, at 410.

20. See also entry no. 8 and accompanying notes.

artificial division of Germany and Berlin; it provides for the full withdrawal of all Soviet forces . . . ; and it terminates all remaining Four-Power rights and responsibilities for Berlin and for Germany as a whole.”²¹ A “List of agreements, decisions, and practices terminated under article VII” [of this treaty] was attached as appendix 5 to Senate Executive Report 101-33, which accompanied the treaty in its form as Treaty Document 101-20 to the full Senate. Among the agreements noted as being terminated by the treaty are those that have been discussed in this article dated 9/12/44, 11/14/44, 6/5/45, and 9/3/71.

The treaty was approved by the U.S. Senate on October 10, 1990. The U.S.S.R. was the last of the parties to approve it, with the Supreme Soviet providing its ratification on March 4, 1991.²² The treaty went into effect on March 15, 1991, in accordance with Article 9, which stipulates that the document becomes effective “on the date of deposit of the last instrument of ratification or acceptance.”

[23]

9/25/90 Agreement Concerning the Convention on the Presence of Foreign Forces in the Federal Republic of Germany, Temp. Dep’t of State No. 90-296, 30 I.L.M. 417 (1991).

This agreement continues the Convention on Foreign Forces (no. 14 above), with modifications, and stipulates that it may be terminated by any of the parties with two years’ notification.

[24]

9/25/90 Agreement on the Settlement of Certain Matters Relating to Berlin, S. Exec. Rept. 101-33 at 28, 30 I.L.M. 445 (1991).

This agreement allows France, the United Kingdom, and the United States to maintain forces in Berlin for a limited (but unspecified) period. It also restricts the jurisdiction of German courts over the Allied Authorities and Allied Forces (defined in the agreement) in certain noncriminal proceedings. Furthermore, the agreement assures the continued validity of judgments made by Allied Authority judicial bodies before quadripartite rights cease.

21. Message from the President of the United States Transmitting the Treaty on the Final Settlement . . . , S. Treaty Doc. 101-20, at 1. This message also precedes the text of the treaty in 1 U.S. Dep’t of St. Dispatch 164 (1990).

22. N.Y. TIMES, Mar. 6, 1991, at A3, col. 4 (national ed.). See also *Statement by the USSR Supreme Soviet*, PRAVDA, Mar. 6, 1991, cited in LEXIS, NEXIS library, INTL file.

[25]

9/25/90 Exchange of Notes Concerning the Presence of Armed Forces in Berlin, S. Exec. Rept. 101-33 at 44, 30 I.L.M. 450 (1991).

This exchange of notes, related to the preceding entry, specifies the force levels that may be maintained by the parties, obligates Germany to provide facilities for the forces at no cost, and guarantees the forces access to Berlin from various parts of Germany, among other things. The arrangement can be terminated by any party on twelve months' notice.

[26]

9/27/90 Exchange of Notes Concerning the Relations Convention and the Settlement Convention, S. Exec. Rept. 101-33 at 50, 30 I.L.M. 454 (1991).

This document suspends the Convention on Relations between the Three Powers (no 11. above) simultaneous with the suspension of quadripartite rights (which occurred on October 3, 1990—see next entry), and abolishes them absolutely upon the entry into force of the Treaty on the Final Settlement (March 15, 1991, as noted in no. 22 above).

[27]

10/1/90 Declaration Suspending the Operation of Quadripartite Rights and Responsibilities, Temp. Dep't of State No. 90-297, 30 I.L.M. 555 (1991).

This declaration suspends quadripartite rights upon unification, and ends them upon the coming into force of the Treaty on the Final Settlement with Respect to Germany. Thus, like the previous entry, it had its initial effect on October 3, 1990 (simultaneously triggering the coming into force of the Agreement [or Exchange of Notes] Concerning the Relations Convention, no. above 26) and had its permanent effect as of March 15, 1991.