

No. 2477

**UNITED STATES OF AMERICA, FRANCE,
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FEDERAL REPUBLIC OF GERMANY**

**Protocol of Agreements relating to the incorporation of
Germany into the European community of nations.
Signed at Petersberg (Bonn), on 22 November 1949**

Official texts: English, French and German.

Registered by the United States of America on 5 February 1954.

**ÉTATS-UNIS D'AMÉRIQUE, FRANCE,
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Protocole des Accords relatifs à l'incorporation de l'Alle-
magne dans la communauté européenne des nations.
Signé à Petersberg (Bonn), le 22 novembre 1949**

Textes officiels anglais, français et allemand.

Enregistré par les États-Unis d'Amérique le 5 février 1954.

No. 2477. PROTOCOL¹ OF AGREEMENTS REACHED BETWEEN THE UNITED STATES OF AMERICA, FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE INCORPORATION OF GERMANY INTO THE EUROPEAN COMMUNITY OF NATIONS. SIGNED AT PETERSBERG (BONN), ON 22 NOVEMBER 1949

Following upon the meeting of the three Foreign Ministers in Paris on November 9th and 10th the U.K., French and U.S. High Commissioners were authorized to discuss with the Federal Chancellor the letters which he had addressed to them on the subject of dismantling with a view to a final settlement of this problem. The instructions to the High Commissioners also covered a wider field and required them to examine with the Chancellor other points to be included in a general settlement. Discussions took place accordingly on November 15th, 17th and 22nd on the Petersberg.

The discussions were animated throughout by the desire and the determination of both parties that their relations should develop progressively upon a basis of mutual confidence. Meanwhile, their primary objective is the incorporation of the Federal Republic as a peaceful member of the European community and to this end German association with the countries of Western Europe in all fields should be diligently pursued by means of her entry into the appropriate international bodies and the exchange of Commercial and Consular representation with other Countries. Both the High Commissioners and the Chancellor appreciate that progress towards this objective must depend upon the re-establishment of a true sense of security in Western Europe and they have addressed themselves particularly to this end. In all these matters they have been encouraged to find a wide community of ideas and intention and they have in particular agreed upon the following:

I. The High Commission and the Federal Government are agreed to promote the participation of Germany in all those international organizations through which German experience and support can contribute to the general welfare.

They record their satisfaction at the various steps already achieved in this direction including German participation in OEEC,² the desire expressed on

¹ Came into force on 22 November 1949 by signature.

² Organization for European Economic Cooperation.

both sides that the Federal Republic should be promptly admitted to the Council of Europe¹ as an associate member and the proposed signature of a bilateral agreement with the Government of the United States of America covering ECA² assistance.

II. The Federal Government, appreciating the desirability of the closest possible cooperation by Germany in the rehabilitation of Western European economy, declares its intention of applying for membership of the International Authority for the Ruhr in which, at present, the Federal Government is only represented by an Observer, it being understood between both parties that German accession will not be subject to any special conditions under Article 31 of the Agreement for the establishment of the Authority.³

III. The Federal Government further declares its earnest determination to maintain the demilitarization of the Federal territory and to endeavour by all means in its power to prevent the re-creation of armed forces of any kind. To this end the Federal Government will cooperate fully with the High Commission in the work of the Military Security Board.

IV. It is further agreed between them that the Federal Government shall now initiate the gradual reestablishment of Consular and Commercial relations with those countries where such relations appear advantageous.

V. The Federal Government affirms its resolve as a freely elected democratic body to pursue unreservedly the principles of freedom, tolerance and humanity which unite the nations of Western Europe and to conduct its affairs according to those principles. The Federal Government is firmly determined to eradicate all traces of Nazism from German life and institutions and to prevent the revival of totalitarianism in this or any form. It will seek to liberalize the structure of government and to exclude authoritarianism.

VI. In the field of decartelisation and monopolistic practices the Federal Government will take legislative action corresponding to decisions taken by the High Commission in accordance with Article 2 (b) of the Occupation Statute.⁴

VII. The High Commission has communicated to the Chancellor the terms of an agreement reached by the three Powers for the relaxation of the present restrictions on German shipbuilding.

¹ United Nations, *Treaty Series*, Vol. 87, p. 103, and Vol. 100, p. 302.

² Economic Cooperation Administration.

³ United Nations, *Treaty Series*, Vol. 83, p. 105.

⁴ United Nations, *Treaty Series*, Vol. 140, p. 196, and Vol. 141, p. 400.

The main provisions now agreed are as follows :—

The construction of ocean-going ships, excluding those primarily designed for passengers, and tankers up to 7,200 tons, fishing vessels up to 650 tons and coastal vessels up to 2,700 tons not exceeding 12 knots service speed may begin forthwith. The number of such ships to be constructed shall not be limited.

The Federal Government may, with the approval of the High Commission, acquire or construct before December 31st 1950 six special ships exceeding these limitations of size and speed. Further particulars on this point were communicated to the Chancellor.

The Federal Chancellor raised the question of the construction and repair of ships in German shipyards for export. The High Commissioners informed him that this matter was not discussed by the Committee of Experts and that they were not in a position to give him a final decision on it. However, they will meanwhile authorize German shipyards to construct for export ships of the types and within such limits of numbers as are applicable to construction for the German economy; they will authorise repair of foreign ships without restriction.

VIII. On the question of dismantling, the High Commission has reviewed the present position in the light of the assurance given by the Federal Government and has agreed to the following modification of the programme.

The following plants will be removed from the Reparations list and dismantling of their equipment will cease forthwith.

a. SYNTHETIC OIL AND RUBBER PLANTS

Farbenfabriken Bayer, Leverkusen	} except for certain research equipment at these plants involving an important security element.
Chemische Werke, Hüls	
Gelsenberg Benzin, A. G. Gelsenkirchen	
Hydrierwerke Scholven, A. G. Gelsenkirchen-Buer	
Ruhroel G. m. b. H., Bottrop	
Ruhrchemie, A.G., Oberhausen-Holten	
Gewerkschaft Victor, Castrop-Rauxel	
Krupp Treibstoff Werke, Wanne-Eickel	
Steinkohlenbergwerk, Rheinpreussen Moers	
Dortmunder Paraffin Werke, Dortmund	
Chemische Werke, Essener Steinkohle, Bergkamen	

b. STEEL PLANTS

August Thyssen Hütte, Duisburg, Hamborn
Hüttenwerke Siegerland A. G., Charlottenhütte, Niederschelden
Deutsche Edelstahlwerke, Krefeld
Hüttenwerk Niederrhein A. G., Duisburg
Klöckner Werke A. G., Düsseldorf
Ruhrstahl A. G. Henrichshütte, Hattingen
Bochumer Verein A. G. Gusstahlwerke, Bochum
except that electric furnaces not essential to the functioning of the works will continue to be dismantled or destroyed.

c. Further dismantling at the I. G. Farben plant at Ludwigshafen-Oppau will not take place except for the removal of the equipment for the production of synthetic ammonia and methanol to the extent provided for in the reparations programme.

d. All dismantling in Berlin will cease and work in the affected plants will be again rendered possible.

It is understood that equipment already dismantled will be made available to IARA¹ except in the case of Berlin. The present modification of the reparations list will not affect the existing prohibitions and restrictions upon the production of certain materials. Dismantled plants may be re-constructed or re-equipped only as permitted by the Military Security Board and those plants at which dismantling has been stopped will be subject to suitable control to ensure that the limitation on the production of steel (11.1 million tons per annum) is not exceeded.

IX. The question of the termination of the state of war was discussed. Although such termination may be regarded as consistent with the spirit of this Protocol, it presents considerable legal and practical difficulties which need to be examined.

X. The High Commissioners and the Federal Chancellor have signed this Protocol with the joint determination to carry into effect the purposes stated in the preamble hereof and with the hope that their understandings will constitute a notable contribution to the incorporation of Germany into a peaceful and stable European community of nations.

B. H. ROBERTSON
André FRANÇOIS-PONCET
John J. McCLOY

K. ADENAUER

¹ Inter-Allied Reparations Agency.