

No. 13589

**FEDERAL REPUBLIC OF GERMANY
and
CZECHOSLOVAKIA**

Treaty on mutual relations (with exchange of letters and related letter). Signed at Prague on 11 December 1973

Authentic texts: German and Czech.

Registered by the Federal Republic of Germany on 21 October 1974.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
TCHÉCOSLOVAQUIE**

Traité sur les relations mutuelles (avec échange de lettres et lettre connexe). Signé à Prague le 11 décembre 1973

Textes authentiques : allemand et tchèque.

Enregistré par la République fédérale d'Allemagne le 21 octobre 1974.

[TRANSLATION — TRADUCTION]

TREATY¹ ON MUTUAL RELATIONS BETWEEN THE FEDERAL
REPUBLIC OF GERMANY AND THE CZECHOSLOVAK
SOCIALIST REPUBLIC

The Federal Republic of Germany and the Czechoslovak Socialist Republic,
Recognizing, in the light of history, that harmonious coexistence of the peoples
of Europe is a prerequisite of peace,

Being firmly resolved, in their relations, to have done once for all with the per-
nicious past, especially in connexion with the Second World War, which caused in-
calculable suffering to the peoples of Europe,

Recognizing that the Munich Agreement of 29 September 1938 was imposed on
the Czechoslovak Republic by the national socialist régime under the threat of force,

Considering that in both countries there has grown up a new generation which
is entitled to an assured peaceful future,

Purposing to create lasting foundations for the development of good-
neighbourly relations,

Desiring to consolidate peace and security in Europe,

Being convinced that peaceful co-operation on the basis of the purposes and
principles of the Charter of the United Nations conforms to the wishes of peoples
and is in the interests of world peace.

Have agreed as follows:

Article I. The Federal Republic of Germany and the Czechoslovak Socialist
Republic consider the Munich Agreement of 29 September 1938 void as regards their
mutual relations under this Treaty.

Article II. (1) This Treaty shall not affect legal consequences deriving, in
respect of natural or artificial persons, from the law applied in the period from
30 September 1938 to 9 May 1945.

There shall be excluded from the foregoing the consequences of measures which
both Contracting Parties consider void by reason of their incompatibility with the
fundamental principles of justice.

(2) This Treaty shall not affect the nationality of persons, living or dead,
deriving from the legal order of either Contracting Party.

(3) This Treaty shall not, by virtue of its declarations concerning the Munich
Agreement, constitute a legal basis for material claims by the Czechoslovak Socialist
Republic or its natural or artificial persons.

Article III. (1) The Federal Republic of Germany and the Czechoslovak
Socialist Republic shall be guided in their mutual relations, and in matters relating to
the preservation of security in Europe and in the world, by the principles and pur-
poses set forth in the Charter of the United Nations.

¹ Came into force on 19 July 1974 by the exchange of the instruments of ratification, which took place at Bonn, in
accordance with article VI.

(2) They shall accordingly, in conformity with Articles 1 and 2 of the Charter of the United Nations, settle all their disputes exclusively by peaceful means and refrain, in matters affecting European and world security and in their mutual relations, from the threat or use of force.

Article IV. (1) In accordance with the aforementioned purposes and principles, the Federal Republic of Germany and the Czechoslovak Socialist Republic affirm the inviolability of their common frontier now and in the future and mutually pledge to each other unqualified respect for their territorial integrity.

(2) They declare that they have no territorial claims of any kind against each other and that they will not raise any such claims in the future.

Article V. (1) The Federal Republic of Germany and the Czechoslovak Socialist Republic shall take further steps with a view to the comprehensive development of their mutual relations.

(2) They agree that it is in their mutual interest to expand their neighbourly co-operation in economic matters, science, technical scientific relations, culture, environmental protection, sport, transport and other aspects of their relations.

Article VI. This Treaty shall be ratified and shall enter into force on the date of the exchange of instruments of ratification, which shall take place at Bonn.

IN WITNESS WHEREOF the plenipotentiaries of the Contracting Parties have signed this Treaty.

DONE at Prague on 11 December 1973 in two original copies, each in the German and Czech languages, both texts being equally authentic.

For the Federal Republic of Germany:

WILLY BRANDT
WALTER SCHEEL

For the Czechoslovak Socialist Republic:

STROUGAL
B. CHŇOUPEK

EXCHANGE OF LETTERS

Ia

Sir,

I have the honour, on behalf of the Government of the Federal Republic of Germany, to confirm the agreement reached during the negotiations that the application of article II of the Treaty on mutual relations between the Federal Republic of Germany and the Czechoslovak Socialist Republic signed this day shall, in conformity with the Quadripartite Agreement of 3 September 1971,¹ be extended to Berlin (West) in accordance with established procedures.

¹ United Nations, *Treaty Series*, vol. 880, No. I-12621.

The Federal Republic of Germany and the Czechoslovak Socialist Republic contemplate agreeing in each specific case on the extension to Berlin (West) in accordance with established procedures, in conformity with the Quadripartite Agreement of 3 September 1971, of treaties resulting from the implementation of article V of this Treaty.

I would request you to confirm your agreement with the foregoing.

Accept, Sir, etc.

WALTER SCHEEL

Mr. Bohuslav Chňoupek
Minister for Foreign Affairs
of the Czechoslovak Socialist Republic

Ia

Sir,

I have the honour, on behalf of the Government of the Czechoslovak Socialist Republic, to acknowledge receipt of your letter of today's date, reading as follows:

[*See letter Ia*]

The Government of the Czechoslovak Socialist Republic agrees with the foregoing.

Accept, Sir, etc.

B. CHŇOUPEK

Mr. Walter Scheel
Federal Minister for Foreign Affairs
of the Federal Republic of Germany

Ib

Sir,

In connexion with the signing this day of the Treaty on mutual relations between the Federal Republic of Germany and the Czechoslovak Socialist Republic, I have the honour to inform you, with reference to article V of the said Treaty, that during the negotiations on the Treaty, agreement was reached on the following questions:

1. In the framework of their endeavours to develop mutual relations, the Government of the Federal Republic of Germany and the Government of the Czechoslovak Socialist Republic will devote attention to humanitarian questions.

2. The Czechoslovak side has declared that the competent Czechoslovak authorities will give sympathetic consideration, in conformity with the laws and regulations in force in the Czechoslovak Socialist Republic, to applications by Czechoslovak citizens desiring by reason of their German nationality to emigrate to the Federal Republic of Germany.

The German side has declared that, in accordance with the laws and regulations in force in the Federal Republic of Germany, persons of Czech or Slovak nationality desiring to do so may emigrate to the Czechoslovak Socialist Republic.

3. There are no objections on the part of the two Governments to the German Red Cross and the Czechoslovak Red Cross assisting in the solution of the aforementioned questions.

4. Both Governments will further develop travel between the two countries, including visits between relatives.

5. Both Governments will explore possibilities for technical improvements in connexion with travel, including expeditious clearance at frontier crossing points and the opening of additional frontier crossing points.

6. The contents of this exchange of letters shall, in conformity with the Quadripartite Agreement of 3 September 1971, be applied *mutatis mutandis* to Berlin (West) in accordance with established procedures.

I would request you to confirm the contents of this letter.

Accept, Sir, etc.

WALTER SCHEEL

Mr. Bohuslav Chňoupek
Minister for Foreign Affairs,
of the Czechoslovak Socialist Republic

I**b**

Sir,

I have the honour, on behalf of the Government of the Czechoslovak Socialist Republic, to acknowledge receipt of your letter of today's date, reading as follows:

[See letter I**b**]

The Government of the Czechoslovak Socialist Republic agrees with the foregoing.

Accept, Sir, etc.

B. CHŇOUPEK

Mr. Walter Scheel
Federal Minister for Foreign Affairs
of the Federal Republic of Germany

RELATED LETTER

Sir,

On the occasion of the signing this day of the Treaty on mutual relations, between the Czechoslovak Socialist Republic and the Federal Republic of Germany, I have the honour, on behalf of the Government of the Czechoslovak Socialist Republic, to inform you of the following:

As regards criminal acts committed in the years 1938 to 1945, under current Czechoslovak law charges can now be brought only in respect of any such acts which are punishable under Czechoslovak criminal law, for which the death penalty is prescribed by law and which, in addition, have the characteristics of war crimes or crimes against humanity

within the meaning of article 6 (*b*) and (*c*) of the Charter of the International Military Tribunal at Nuremberg. There is no statutory limitation on criminal prosecution for such acts.

In all other cases, the time-limit for criminal prosecution expired at the latest in 1965. This situation will be in no way affected by the present Treaty.

Accept, Sir, etc.

B. CHŇOUPEK

Mr. Walter Scheel
Federal Minister for Foreign Affairs
of the Federal Republic of Germany
