

No. 25671

FRANCE
and
FEDERAL REPUBLIC OF GERMANY

**Exchange of notes constituting an agreement concerning the
Mundat forest (with annex). Bonn, 10 May 1984**

Authentic texts: German and French.

Registered by France on 23 February 1988.

FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Échange de notes constituant un accord relatif à la forêt du
Mundat (avec annexe). Bonn, 10 mai 1984**

Textes authentiques : allemand et français.

Enregistré par la France le 23 février 1988.

[TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE MUNDAT FOREST

I

MINISTRY OF FOREIGN AFFAIRS

514-553.32 FRA

The Ministry of Foreign Affairs has the honour to acknowledge receipt of the note verbale of today's date addressed to it by the Embassy of France, which reads as follows:

“The Embassy of France has the honour to inform the Federal Ministry of Foreign Affairs of the following:

“The Government of the French Republic advises the Government of the Federal Republic of Germany that it formally accepts the repeal of article 1, paragraph 4, of Order No. 212, issued by the French Commander-in-Chief in Germany on 23 April 1949 (Official Gazette of the French Commander-in-Chief in Germany, No. 262, 23 April 1949, pages 1967-1968). Article 1, paragraph 4, of the Order will be repealed by the competent authorities as defined in chapter 1, article 1, paragraph 1, of the Convention on the Settlement of Matters Arising out of the War and the Occupation, as amended by Schedule IV to the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany, signed at Paris on 23 October 1954.² (*Closing salutation*)”.

The Ministry of Foreign Affairs has meanwhile also sought, as required, the agreement of the British and the United States Governments and requests the Embassy to transmit the following declaration by the Government of the Federal Republic of Germany to the Government of the French Republic:

The Government of the Federal Republic of Germany hereby commits itself, given the repeal by the competent authorities of article 1, paragraph 4, of Order No. 212 of the French Commander-in-Chief in Germany, to recognize the French Republic's title to the area referred to in that Order as the Mundat Forest, providing that the lots covering an area of some 15 hectares (ha) which on 23 April 1949 belonged to private German owners (a list of which is provided as an annex) are retained by those owners or their successors in title. However, the French Republic shall, in lieu of the land and hill on which the ruins of Guttenberg Castle are situated, receive an equivalent area of 6.72 ha on the edge of the Mundat Forest. The corresponding details shall be settled in due course.

The two parties shall co-operate with a view to ensuring that the French Republic is entered in the register of land ownership as a property-owner under

¹ Came into force on 10 May 1984 by the exchange of the said notes.

² United Nations, *Treaty Series*, vol. 332, p. 219.

German law. The French Republic and its successors in title shall, by virtue of such recognition of its title, enjoy the right, in accordance with the legislation in force, to make use of the forest, its springs and its game with due regard for:

- (A) The right in perpetuity to draw, transport and make use of the water situated in the aforementioned part of the Mundat Forest, as well as the right to maintain the corresponding installations, for the benefit of the French border areas and particularly of the commune of Wissembourg;
- (B) Free access to the forest and the springs for the staff responsible for their maintenance and use, as well as for the appropriate equipment.

The details of the surveying work to be carried out jointly by the French and German sides shall be settled in due course.

In addition, an agreement concerning the customs post at Weiler shall be concluded between the Federal Republic of Germany and the French Republic in accordance with the Franco-German Agreement concerning adjoining national frontier clearance offices of 18 April 1958.¹

In conclusion, the Ministry of Foreign Affairs has the honour to propose that the competent authorities of the two countries initiate the necessary measures immediately and complete them as soon as possible. These measures and the decision by the competent authorities referred to in the note verbale of the Embassy of France shall be taken parallel. Any specific issues arising as a result of their implementation shall be settled by mutual agreement.

Approval of this note verbale by a note verbale of the Embassy of France shall constitute a binding commitment.

The Ministry of Foreign Affairs takes this opportunity, etc.

[Illegible]

Bonn, 10 May 1984

The Embassy of France

¹ United Nations, *Treaty Series*, vol. 746, p. 288.

ANNEX TO NOTE VERBALE 514-553.32 FRA OF 10 MAY 1984

PRIVATE LAND IN THE FOREST OF MUNDAT

	Site	Area			Owner	Remarks
1. Commune of Bobenthal Land register of Bobenthal, vol. 11, p. 444, entries 41 and 42	Lots:	ha	a	m ²	Bourquin, Gerhard	St. Germanshof
	1646/4 "	18	72			
	1646/5 "		04			
		18	76			
Land register of Bobenthal, vol. 14, p. 532, entries 1 and 2	1706	5	40	Dr. Bertzel	Orchard Cemetery	
	1712/2		30	Dr. Bertzel		
		5	70			
Land register of Fischbach, vol. 22, p. 1011, entries 271, 282, 283, 284, 285, 286, 290, 306, 307, 308, 309, 414, 430	Lots:				Successors in title of the Schenk family (Regional forest authority)	Wooded land
	1651 "	56	53			
	1652 "	2	62			
	1700 "	4	65	66		
	1703 "		5	94		
	1705 "		5	40		
	1707 "		4	80		
	1708 "		12	60		
	1709 "	1	23	00		
	1710 "	1	05	30		
	1711 "	2	05	10		
	1712 "	1	54	40		
	1713 "		70	90		
1714 "		22	20			
		12	34	45		
2. Commune of Rechtenbach		90	60	10 different owners	Agricultural allotments on the eastern slope of the Gut- tenberg ruins	

3. Commune of Schweigen	Lots: 1830 "	97	10	Commune of Schweigen	Wooded land
4. Communes of Oberotterbach and Schweigen	Lots: 1829	8	90	Regional forest authority	Roads
	1829/1	11	01	Regional forest authority/ Federal forest authority	
		14	66 52		

II

EMBASSY OF FRANCE

Bonn, 10 May 1984

0233

The Embassy of France presents its compliments to the Federal Ministry of Foreign Affairs and has the honour to acknowledge receipt of its note verbale 514-533.32 FRA of 10 May 1984, which reads as follows:

[*See note I*]

The Embassy of France has the honour to inform the Federal Ministry of Foreign Affairs that it approves the contents of the note.

It takes this opportunity, etc.

[*Signed*]¹

Federal Ministry of Foreign Affairs
Bonn

¹ Signed by Jacques Morizet.