

'Sovereignty restored' from the Bulletin des Presse- und Informationsamtes der Bundesregierung (5 May 1955)

Caption: On 5 May 1955, the Bulletin of the Press and Information Office of the German Government emphasises the significance of the end of the occupation regime in the Federal Republic of Germany (FRG) in terms of national sovereignty.

Source: Bulletin des Presse- und Informationsamtes der Bundesregierung. Hrsg. Presse- und Informationsamt der Bundesregierung. 05.05.1955, Nr. 84. Bonn: Deutscher Verlag. "Im Besitz der Souveränität", p. 695-696.

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Sovereignty restored

On this day, 5 May, the Protocol ending the occupation régime in the Federal Republic of Germany comes into effect with the deposition of instruments of ratification signed by all parties to the agreement. This prompts us to cast our minds back to 5 May 1945 and the preceding years which had led ineluctably to the collapse of Nazi Germany and its unconditional surrender. That date marked the end of a senseless, hopeless and criminal war, with Germany at point zero, contemplating the chilling tally of a 12-year tyranny under which 3.2 million German soldiers, 3 million German civilians and 300 000 German concentration camp inmates had perished. The country was occupied by American, British, French and Soviet forces. German soldiers were prisoners of war, women, mothers, old people and children were starving, exhausted, evacuated, on the roads, in flight. After capitulation, Germany faced the threat of extinction if it could not rein back the advance of paralysis, decline and despair.

With help from the Free World of the West, and thanks to the vigour, industriousness and sound sense of Germans in all walks of life, however, the country got back onto its feet and set about rebuilding. Local communities, mainly driven by shortage of food, acute lack of accommodation and the need to house the homeless, were the first to come back to life. Soon afterwards, within the framework of the occupation zones, the German *Länder* were formed. Their political life gradually took shape and gained a profile. Often, as after the First World War, it fell to the lot of the young democracy to clear away the rubble of a lost war and to resume political life, regardless of any volition of its own and without decision-making freedom, under the patronage of the military governments of the victorious powers.

After the Second World War, the overarching political structure of the Federal Republic did not exist until 1949. Only after its formation could progress begin along the road to German sovereignty, which, until today, has been suppressed and stifled by the force of occupation. ‘With the establishment of the Federal Government, which comes into being today, the Occupation Statute also comes into effect. Although the powers of the Federal Government and the Bundestag are limited by the Occupation Statute, this development, this unfolding of the German core state should nevertheless fill us with joy’, declared the first pronouncement of the Government of Dr Adenauer on 20 September 1949. Further progress was also arduous and difficult, with many setbacks, roadblocks and diversions. Some of the obstacles arose from action by the occupying powers and from the confrontation between East and West; some resulted from the exacerbated political situation at home and the antagonism of the opposition. Particularly painful were the division of Germany and the fact that the Soviet occupying power, despite its rhetoric on German unity, did all it could to frustrate anything that could assist a transfer to East Germany of the reconstruction effort and increasing recovery of German autonomy and decision-making freedom in evidence in the Federal Republic.

The Protocols of 23 October 1954 on the ‘Termination of the Occupation Régime in the Federal Republic of Germany’ which have been ratified by the parliaments leave us free to restore sovereignty as an act of fulfilment. It comes at the end of a chain of hard-won advances by which the Federal Republic slowly released itself from the tutelage of the victorious powers and their Occupation Statute. The Federal Chancellor described the ‘unsovereign’ situation of the Federal Republic at the time as follows: ‘the paradox of our position is that, as long as Germany’s foreign affairs are handled by the Allied High Commission, every act of the Federal Government or the Federal Parliament, even in relation to the internal affairs of Germany, in some way forms part of the process of foreign relations. Because of occupation, the Ruhr Statute, the Marshall Plan, etc., Germany is more intricately bound up with international developments than ever before.’

In November 1949, the pressure of occupation first began to ease with the Petersberg Agreement; the Dismantling was halted. Consular relations with other countries could be resumed. German representatives could take their place in international organisations. In March 1950, the Federal Republic secured a minor revision of the Occupation Statute. Thereafter, diplomatic missions were set up abroad, and Allied control of legislation was substantially relaxed. In addition, shipbuilding and shipping were given the go-ahead, and possibilities for the revival of scientific research and production in all branches of industry were opened up. One month later, the Federal Republic joined the Council of Europe and was able to use its voice for the first time in an international forum. Another important milestone was passed when it joined the European Coal

and Steel Community. The Ruhr Statute was removed and, with it, the right of the occupying powers to set German coal export quotas. The restriction on steel production and cuts in production capacity disappeared.

In May 1952, the signatures to the Convention on Relations between the Three Powers and the Federal Republic of Germany paved the way for the restoration of sovereignty. It was already agreed at that time that, after ratification, the Occupation Statute and all remaining political and economic restrictions should be removed and that Germans would once again be masters in their own house. The Western Allies declared themselves to be allies of Germany, which would participate on an equal footing in the construction and defence of a united Europe.

The delay in ratification meant that this goal was not achieved until the spring of 1955. The fruit of this development, the sovereignty of the Federal Republic, was not 'conferred' or 'granted' by the three Western occupying powers. It is not something handed over by foreign powers; it is sovereignty that uniquely belongs to Germany, something that takes effect again wherever the force of occupation is no longer exerted. It is not something new which has been conferred on the Federal Republic; it is Germany's own sovereignty which has become effective once again.

It is entirely consistent with the European concept of German politics that this regained sovereignty does not provide any basis for the distorted philosophies of sovereignty prevalent in the past. This new concept of sovereignty is already enshrined in paragraphs 1 and 2 of Article 24 of the Basic Law, which state: 'the Federation may by legislation transfer sovereign powers to intergovernmental institutions. For the maintenance of peace, the Federation may join a system of mutual collective security; in doing so it will consent to such limitations upon its rights of sovereignty as will bring about and secure a peaceful and lasting order in Europe and among the nations of the world.'

Accordingly, on 15 December 1954, the Federal Chancellor declared to the Bundestag: 'the Federal Government holds to the conviction that any concept of sovereignty based on exaggerated nation-state thinking is historically obsolete and pernicious. It sees in Germany's regained sovereignty extended political autonomy, responsibility and scope for action which will allow it to pursue established goals with greater effectiveness and persuasiveness: the reunification of Germany and the unification of Europe. Hitherto, important military and political decisions directly affecting the fortunes of Germany have been routinely taken without consultation of the Federal Government, since we do not yet have full sovereignty and equal status. In the future, these formal impediments will also disappear, and the Federal Government will be in a position, as a member of the Western community of nations, to assume the rights and obligations attaching to decisions taken in the major forums and to the implementation of those decisions alongside the other nations concerned.'

This declaration of the Federal Chancellor defines in broad outline the future task of the Federal Republic after the restoration of German sovereignty. In order to dispel any doubts as to the sovereignty of the Federal Republic, the terms relating to the stationing of the armed forces of the Western powers, the emergency provisions, the powers of the Arbitration Tribunal envisaged and the 'Transitional Agreement' were amended in the newly worded Convention on Relations between the Three Powers and the Federal Republic of Germany. If American, British and French divisions remain on German soil in the future, after the day on which sovereignty is regained, and do not leave as foreign troops did on 30 June 1930 when the Rhineland was evacuated, it is because we need these divisions for our protection and because we want them to stay. It is also not the case that the division of Germany is entrenched or consolidated by the restoration of sovereignty in one part of the country. Precisely because the Federal Government pursues German unity and reunification as a primary objective, the new Convention provides that the Four-Power Agreement of 1945 on German unity should remain unaffected. For this reason alone, the Federal Government has agreed that the responsibility of the three Western powers for Berlin should be maintained and that they should retain their rights in respect of Berlin, reunification and the conclusion of a peace treaty. Only a superficial assessment would view this as a renunciation of sovereign rights. As the Federal Chancellor stated in the Bundestag, it is 'at all events a restriction which any reasonable German would consider unavoidable and necessary at the present time, in order not to jeopardise the situation of Berlin and exacerbate the difficulty of reuniting Germany.'

German sovereignty will also have a beneficial effect in many other respects. The Federal Republic will not be subject to any control which would be incompatible with German sovereignty, for example on the matter of internal restitutions and the status of displaced persons and refugees. In addition, the three Western powers retain their authority with regard to arrangements for their troops, but only until the Federal Government obtains corresponding powers from the Bundestag. The provisions laying down German obligations in relation to competition restrictions, the film resources of the former Reich and the big banks also lapse. The Federal Government acquires sovereignty in defence, civil air space and the air waves. Another effect of the settlements will be the gradual release of requisitioned houses. Accordingly, the Americans have announced that, by the summer of 1956, they will have released some 600 000 dwellings. The Allied High Commission will be wound up. The USA, Britain and France will maintain normal diplomatic relations with the Federal Republic and will exchange ambassadors. Recently, in Lüneburg, the Federal Chancellor declared that the most important task of the German Government after restoration of sovereignty was to contribute to general détente in the world. He believes that the solution of the problem of reunification, the liberation of the Soviet Zone and general disarmament across the world are to be seen within the context of general détente. What he said was: 'this aim will be one of the most important tasks of the German Government when we have regained our sovereignty, when we are a member of NATO and can act as a sovereign nation in international affairs.'

If we look back to 1945 and forward from 1955, the day Germany regains its sovereignty will stand out as a vital point of arrival and departure which should be recorded as an historic event. Hence it should also be a moment for political reflection, not least because it imposes an obligation on us to become politically active, independently, under our own responsibility and drawing upon our resources for action, on behalf of Germans on the other side of the Iron Curtain. This is required of us under the Preamble to the Basic Law. The final demand of this Preamble is now incumbent on the German people: 'to achieve the unity and freedom of Germany in free self-determination.'