

No. 29522

GERMANY
and
UNION OF SOVIET SOCIALIST REPUBLICS

Treaty on conditions for the temporary stay in and modalities for the phased withdrawal of Soviet troops from the territory of the Federal Republic of Germany (with annexes). Signed at Bonn on 12 October 1990

Authentic texts: German and Russian.

Registered by Germany on 28 January 1993.

ALLEMAGNE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES

Traité sur les conditions régissant le séjour temporaire et les modalités de retrait échelonné des forces soviétiques du territoire de la République fédérale d'Allemagne (avec annexes). Signé à Bonn le 12 octobre 1990

Textes authentiques : allemand et russe.

Enregistré par l'Allemagne le 28 janvier 1993.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON CONDITIONS FOR THE TEMPORARY STAY IN AND MODALITIES FOR THE PHASED WITHDRAWAL OF SOVIET TROOPS FROM THE TERRITORY OF THE FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany and the Union of Soviet Socialist Republics,
Convinced of the need to contribute, in the new circumstances, to the maintenance of peace and stability in Europe,

Guided by the endeavour to create the foundation for a qualitatively new relationship between their two countries,

Recalling the historical events which led to the stationing of the Soviet troops in Germany,

Mindful of the fact that the German people, freely exercising its right of self-determination, has given expression to the will to re-establish the unity of Germany as a single State, in order to promote world peace as an equal and sovereign member of a united Europe,

Mindful of the significance of the Treaty of 12 September 1990 on the final settlement with respect to Germany,²

Desirous of creating an appropriate treaty basis for the temporary stay of Soviet troops on the territory of the Federal Republic of Germany pending their complete withdrawal, and of resolving matters relating to their reduction and withdrawal,

Resolving to pay heed to the security interests of both sides, and to play a part in building a just and lasting peace in Europe,

Considering that the regulation of the temporary stay and final withdrawal of the Soviet troops from the territory where they are stationed should take the form of a confidence-building measure between the Federal Republic of Germany and the Union of Soviet Socialist Republics, which contributes to guaranteeing peace and security in Europe at a time when European security structures are being created,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Treaty:

(1) “Soviet troops” means units, formations and divisions of the armed forces of the Union of Soviet Socialist Republics, and their administrative officers in the garrison territory;

¹ Came into force provisionally on 3 October 1990, and definitively on 6 May 1991 by the exchange of instruments of ratification, which took place at Moscow, in accordance with article 27 (1).

² United Nations, *Treaty Series*, vol. 1696, No. I-29226.

(2) “Members of the Soviet troops” means:

(a) Military personnel and civilians of Soviet nationality deployed in units, installations and undertakings of the Soviet troops in the garrison territory;

(b) Persons of Soviet nationality sent to provide services to the Soviet troops in the garrison territory;

(3) “Family members of members of the Soviet troops” means:

(a) Spouses, minor children and dependent children,

(b) Close relatives who are dependent, for reasons of age or health, where such persons are nationals of the Union of Soviet Socialist Republics;

(4) “The garrison territory” means:

The territory of the Federal *Länder* of Brandenburg, Mecklenburg-Pomerania, Saxony, Saxony-Anhalt and Thuringia, as at 3 October 1990.

The following districts of the city of Berlin are treated as equivalent territory for the purposes of this Treaty:

Centre, Friedrichshain, Prenzlauer Berg, Köpenick, Lichtenberg, Pankow, Treptow, Weissensee, Hellersdorf, Hohenschönhausen and Marzahn, as at 3 October 1990;

(5) “Movable property of the Soviet troops” means all weapons, ammunition, military equipment and vehicles in the possession of the Soviet troops, and all other goods required to equip and supply the troops;

(6) “Immovable property” means: areas of land, such as barracks, airfields, harbours, military practice grounds, shooting ranges and other buildings and installations made available for the use of the Soviet troops on the basis of the agreements of 12 March 1957¹ and 25 July 1957 between the Government of the Union of Soviet Socialist Republics and the Government of the German Democratic Republic, including facilities constructed with funds provided by the Union of Soviet Socialist Republics.

Article 2. GENERAL REGULATIONS AND OBLIGATIONS FOR THE TEMPORARY STAY OF THE SOVIET TROOPS

(1) The Soviet troops are deployed in the garrison territory on the immovable property assigned to them at the time of conclusion of this Treaty.

(2) The Union of Soviet Socialist Republics will not strengthen further the numbers of its troops in the garrison territory, or their weapons.

(3) As from the entry into force of this Treaty, the Union of Soviet Socialist Republics shall inform the Federal Republic of Germany of the total strength of the Soviet troops in the garrison territory, broken down according to military personnel, civilians and service personnel, together with their family members. It shall subsequently inform the Federal Republic of Germany on a regular basis, at least once a year, of the stage reached in the withdrawal of troops.

(4) The temporary stay and phased withdrawal of the Soviet troops shall take place by mutual agreement. For this purpose the Contracting Parties shall lend each

¹ United Nations, *Treaty Series*, vol. 285, p. 105.

other mutual support, and shall work together in a purposeful manner. The German and Soviet authorities shall seek by every means to maintain friendly relations between the population, government agencies and non-governmental organizations of the Federal Republic of Germany, and the Soviet troops and their administration. They shall ensure the orderly, assured and timely implementation of this Treaty, and shall arrange the stay and withdrawal of the troops so as to avoid harm to the population or to the environment.

(5) The Soviet troops, members of the troops and their family members shall respect the sovereignty of the Federal Republic of Germany and German law, and shall refrain from intervening in any way in German domestic affairs or from any actions which would adversely affect the normal life of the population in the territory. They shall respect and comply with the laws and regulations applicable in the Federal Republic of Germany, and shall refrain from any activity incompatible with the tasks and goals set in this Treaty. The administration of the Soviet troops shall be responsible for compliance with these provisions.

(6) Any member of the Soviet troops who is found guilty of a breach of German law shall, at the request of the competent German authorities, be recalled from the garrison territory.

(7) The German authorities shall respect the legal status of the Soviet troops and shall refrain from all actions which may hinder observance of the rights and duties of the Soviet troops. They shall adopt, by agreement with the Soviet troops, measures necessary for the protection and security of the Soviet troops and of their immovable and other property, including precautionary measures to prevent, to the extent possible, the commission of unlawful acts.

(8) The Soviet troops are entitled, within the areas of immovable property assigned to them and designated accordingly, to guard such property in conformity with Soviet military rules and with German law. Transport convoys will be guarded by members of the Soviet troops within the framework of German law and in co-operation with the competent German authorities.

(9) Military personnel present in the territory who are members of the Soviet troops shall normally wear uniform while on duty. At other times, they shall wear uniform as required by the regulations for the armed forces of the Union of Soviet Socialist Republics.

(10) Military personnel who are members of the Soviet troops shall carry weapons and live ammunition outside the areas of immovable property assigned to the troops only when they are charged, under paragraphs 7 and 8 of this article, with ensuring the protection and security of the Soviet troops, the immovable property assigned to them, their weapons and other equipment, or money and valuables. Civilians belonging to the Soviet troops within the meaning of article 1, paragraph 2, may carry firearms only where permitted by German law.

Article 3. TEMPORARY STAY OF SOVIET TROOPS IN BERLIN

The Federal Republic of Germany and the Union of Soviet Socialist Republics have agreed as follows concerning the temporary stay of Soviet troops in the equivalent territory, within the meaning of this Treaty (article 1, paragraph 4, second sentence), consisting of the following districts of Berlin: Centre, Friedrichshain, Prenzlauer Berg, Köpenick, Lichtenberg, Pankow, Treptow, Weissensee, Hellersdorf, Hohenschönhausen and Marzahn, as at 3 October 1990 (“the equivalent territory”):

(1) The numbers and equipment of the Soviet troops in the equivalent territory shall not exceed the previous level. The Soviet troops shall be withdrawn from the equivalent territory by the time-limit indicated in article 4.

(2) The Soviet troops in the equivalent territory shall hand over to the German authorities the immovable property not being used by them at the time of entry into force of this Treaty, in accordance with the procedure laid down in article 8, paragraphs 5 and 6, of this Treaty.

(3) To the extent necessary, the Soviet troops shall enjoy free access (from the district of Berlin Centre) to the Soviet monument situated in the district of Tiergarten, outside the equivalent territory.

(4) Members of the Soviet troops in the equivalent territory, and members of their families, may, without any visa, visit for private purposes districts of Berlin not named in this Treaty.

(5) The Soviet troops shall not carry out manoeuvres or other exercises in the equivalent territory. In the storage and transport of weapons and ammunition, and in the transport and ground movement of troops, in addition to the rules contained in articles 2, 6 and 11 of this Treaty, the special municipal provisions applicable in the equivalent territory shall be observed.

(6) An *ad hoc* commission shall be set up, with the participation of the Senate of Berlin, to resolve practical issues arising in connection with the stay of the Soviet troops in the equivalent territory.

Article 4. PHASED WITHDRAWAL OF SOVIET TROOPS

(1) The withdrawal of the Soviet troops shall begin with the entry into force of this Treaty and shall proceed in stages, to be completed at the latest by the end of 1994. It shall apply to all members of the Soviet troops, members of their families and their movable property.

The withdrawal shall take place in accordance with the general timetable for withdrawal which is to be agreed with the German authorities and thereafter jointly updated and adjusted in detail at regular intervals, in the light of current developments.

(2) For the purpose of the withdrawal the two sides shall appoint authorized representatives who shall establish and coordinate the requisite measures in the light of the agreed modalities for the withdrawal.

Article 5. APPLICATION OF AGREEMENTS ON ARMS CONTROL AND CONFIDENCE-BUILDING MEASURES

The Contracting Parties declare that the relevant provisions of arms control agreements, such as the Final Document of the Stockholm Conference on Confidence and Security-Building Measures and Disarmament in Europe and the Inspections Agreement of 11 December 1987¹ in connection with the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles,² shall apply to the relationship between the host State and the armed forces in the garrison territory

¹ United Nations, *Treaty Series*, vol. 1658, No. I-28536.

² *Ibid.*, vol. 1657, No. I-28521.