



Volume 3. From Vormärz to Prussian Dominance, 1815-1866
Final Act of the Viennese Ministerial Conferences (May 15, 1820)

The rules laid out in the German Federal Act were to be quickly supplemented by a Basic Law and "organic Confederal institutions." Just as the Carlsbad Conference of 1819 approved additional measures in support of the Federal Act, the governments of the German states agreed to further regulations of Confederal affairs in the Vienna Final Act of May 15, 1820. The 65 articles were unanimously approved by the Frankfurt Confederal Assembly on June 8, 1820.

The sovereign princes and free cities of Germany, mindful of the obligation they assumed upon founding the German Confederation to safeguard, through supplementary and explanatory basic laws, an appropriate development for the provisions of the Confederal Act and thereby [also to safeguard] the Confederal Union itself, convinced that they, in order to strengthen indissolubly the bond that ties the whole of Germany in freedom and harmony, may no longer hesitate to perform that obligation and do justice to a generally felt need through mutual deliberations, have to this end appointed the following plenipotentiaries:

(There follow the names of the plenipotentiaries)

who, after properly accrediting their plenary powers, have assembled in Vienna and, after careful and balanced consideration of the reciprocal views, wishes, and proposals of their governments, have arrived at a definitive agreement via the following articles:

Art. 1. The German Confederation is a union under international law of the sovereign German princes and free cities, for the preservation of the independence and inviolability of the states included in its Confederation and for the maintenance of the domestic and external security of Germany.

Art. 2. This union exists domestically as a community of independent states, none dominated by another, with mutual equal rights and obligations by treaty, but externally as a whole power bound in political unity.

Art. 3. The scope and the limits which the Confederation has prescribed for its effectiveness are determined in the Confederal Act, which is the Basic Treaty and the primary Basic Law of this union. In that the same articulates the aims of the Confederation, it simultaneously determines and limits [the Confederation's] authorizations and obligations.

Art. 4. The entirety of the Confederal membership is authorized to shape and develop the Confederal Act to the extent that fulfillment of the aims listed there make such necessary. But the decisions reached for this reason may not contradict the spirit of the Confederal Act nor deviate from the essential character of the Confederation.

Art. 5. The Confederation has been founded as an indissoluble union, and therefore no member of the same is at liberty to secede from this union.

Art. 6. The Confederation is, according to its original purpose, restricted to the states currently participating. – The admission of a new member can only take place when the entirety of the Confederal membership finds such to be compatible with existing circumstances and appropriate to the advantage of the whole. – Changes in the current vested rights of the Confederal members cannot result in any changes in the rights and duties of the same with respect to the Confederation without the express approval of the whole. – A voluntary cession of sovereign rights adhering to one Confederal territory can take place without such approval only to the advantage of a fellow ally.

Art. 7. The Confederal Assembly, formed by the plenipotentiaries of all the Confederal members, represents the Confederation in its totality and is the permanent constitutional organ of its will and action.

Art. 8. The individual plenipotentiaries at the Federal Diet are unconditionally dependent on their state governments issuing them their instructions and are responsible to them alone for the faithful observance of the instructions issued to them, as well for the performance of their office in general.

Art. 9. The Confederal Assembly exercises its rights and obligations only within the limits drawn out for it. Its efficacy is determined in the first instance by the rules of the Confederal Act, and by the Basic Laws concluded or still to be concluded pursuant to the same but, where these are not sufficient, by the Confederal aims designated in the Basic Treaty.

Art. 10. The overall will of the Confederation is articulated through constitutional resolutions of the Confederal Assembly; but those resolutions are also constitutional that, within the limits of the competence of the Confederal Assembly, are passed by open vote, after previous deliberation, either in committee of the whole or in the plenum, depending on whether the one or the other was prescribed by the provisions of Basic Law.

Art. 11. As a rule, the Confederal Assembly passes resolutions required for taking care of the common concerns of the Confederation in committee of the whole according to absolute majority. This form of passing a resolution takes place in all cases where established general principles are to be applied, or laws passed and institutions established, but in general for all

subjects of deliberation which the Confederal Act or later resolutions have not specifically exempted.

Art. 12. Only in cases expressly designated in the Federal Act and when it concerns a declaration of war or the confirmation of a peace settlement on the side of the Confederation, or when a decision has to be made about the admission of a new member into the Confederation, does the Assembly form a plenum. If, in individual cases, there is any doubt about whether something is a matter for the plenum, closed council is entitled to decide. Neither discussion nor deliberation takes place in the plenum; instead, there is simply a vote about whether a resolution prepared in closed council should be adopted or rejected. – A valid resolution in the plenum requires a majority of two-thirds of the votes.

Art. 13. Concerning the following matters:

- 1) Acceptance of new basic laws, or amendments to the same;
- 2) Organic institutions, meaning permanent establishments, as means to fulfill stated Confederal goals;
- 3) Admission of new members into the Confederation;
- 4) Religious affairs;

no resolution by a majority of votes shall take place; nevertheless, a definitive vote on matters of this kind can take place after careful examination and discussion of the reasons determining the opposition from individual Confederal members, whose statement may not be denied in any instance.

Art. 14. Where the organic institutions in particular are concerned, not only should there be a decision in the plenum, and with a unanimity of votes, on the preliminary question about whether such are necessary under the circumstances, but also on the preliminary and final versions of the same in general outline and essential provisions. If the decision has turned out in favor of proposed institution, all further negotiations about execution in detail shall be left to the closed assembly, which shall decide all the ensuing questions by a majority of votes, and also, according to how the circumstances are judged, arrange a commission from among their members in order to settle the different opinions and motions with the greatest possible care and consideration for the circumstances and wishes of the individual members.

Art. 15. In cases when the Confederal members do not appear in their constitutional unity, but rather as individual, autonomous, and independent states, consequently administering *jura singulorum*, or when individual Confederal members are expected to give a special service or consent to the Confederation not required by all members, no resolution binding on the same can be passed without the free approval of all participants.

[. . .]

Art. 18. Since harmony and peace among the Confederal members should be preserved undisturbed, when the domestic tranquility and security of the Confederation is threatened in

any way, the Confederal Assembly will [take measures to] preserve or restore them, and pass appropriate resolutions guided by the provisions contained in the following articles.

Art. 19. When acts of violence between Confederal members are feared or have actually occurred, the Confederal Assembly is to be summoned to take provisional measures to obviate the necessity for self-defense and to resist [or to bring an end to] measures that have already been taken. To this end, above all, it shall take care to uphold vested rights.

[. . .]

Art. 25. Maintaining domestic law and order in the Confederal states is up to the governments alone. As an exception, however, in consideration of domestic security for the entire Confederation, and as a result of the obligation of Confederal members to mutual assistance, the cooperation of the whole [Confederation] toward maintaining or restoring peace can take place in case of insubordination by subjects against the government, [in case] of an open uprising, or of dangerous movements in several Confederal states.

Art. 26. When domestic peace in a Confederal state is directly threatened by insubordination of subjects against the authorities, and a dissemination of rebellious movements is to be feared, or a real rebellion has broken out, and the government itself, after exhausting constitutional and legal means, calls for the support of the Confederation, then it is incumbent upon the Confederal Assembly to arrange immediate assistance for the restoration of peace. Should, in the last-mentioned case, the government be notoriously unable to suppress the rebellion using its own resources, yet simultaneously prevented by circumstances from seeking the assistance of the Confederation, the Confederal Assembly is not for that reason any less obliged, even if not called upon, to intervene to restore order and security. But in any event, the disciplinary measures decreed should not be longer in duration than the government served by Confederal assistance deems necessary.

Art. 27. The government which is granted such assistance is obliged to inform the Confederal Assembly of the occasion for the unrest that occurred, and to send a reassuring notification to the same on the disciplinary measures taken to solidify the restoration of legal order.

Art. 28. When public peace and legal order are threatened in several Confederal states by dangerous associations and attacks, and the only way this can be countered is through cooperation of the whole [Confederation], then the Confederal Assembly is authorized and called upon, after previous consultation with the governments threatened in the first place, to discuss and conclude such disciplinary measures.

[. . .]

Art. 35. As a whole power, the Confederation has the right to decide on war, peace, alliances, and other treaties. But, following the aims of the Confederation articulated in the 2nd Article of

the Federal Act, the same [i.e., the Confederation] exercises these rights only for its self-defense, to maintain Germany's autonomy and external security, and for the independence and inviolability of the individual Confederal states.

Art. 36. Since, in the 11th Article of the Federal Act, all members of the Confederation have obligated themselves to protect all of Germany as well as each individual Confederal state from attack, and to guarantee mutually all of the possessions included in the Confederation, no single Confederal state can be injured from abroad without the injury affecting the whole of the Confederation simultaneously and in the same measure.–

However, the individual Confederal states are obliged on their part neither to cause such injuries nor to inflict such [harm] on foreign states. Should a complaint be lodged with the Confederal Assembly by a foreign state about an injury that befell it coming from a member of the Confederation, and should this be judged to have a foundation, then it is incumbent on the Confederal Assembly to summon the Confederal member that occasioned the complaint to immediate and sufficient remedy, and to link this summons, depending on the circumstances, with disciplinary measures whereby additional disruptions to the peace can be prevented in good time.

[. . .]

Art. 53. The independence guaranteed to the individual Confederal states by the Federal Act generally excludes any influence by the Confederation on the domestic institutions and administration of the states. However, since the Confederal members have agreed in the second section of the Federal Act on some special regulations that relate partly to guaranteeing assured rights and partly to certain conditions of the [various principalities'] subjects, it is incumbent on the Confederal Assembly to effect the fulfillment of the obligations assumed by these regulations if it emerges from sufficiently well-founded proceedings of the participants that such have not taken place. – The application to specific cases of the general arrangements undertaken in accordance with these obligations, however, remains up to the governments.

Art. 54. Since, according to the meaning of the 13th Article of the Federal Act, and the declarations following upon it, there shall be in all Confederal states a constitutionally guaranteed assembly of the estates of the land, the Confederal Assembly has to see to it that this regulation shall not remain unfulfilled in any Confederal state.

Art. 55. It remains up to the sovereign princes of the Confederal states to arrange this domestic matter of their states respecting both previously existing legal rights of the estates as well as current conditions.

Art. 56. The constitutionally guaranteed assemblies of the estates recognized as currently in force can only be amended by constitutional means.

Art. 57. Since the German Confederation, with the exception of the free cities, consists of sovereign princes, the entire authority of the state must, according to the basic concepts provided thereby, remain united within the head of state, and the sovereign can be required to permit the constitutionally guaranteed assembly of the estates of the land to participate only in the exercise of certain rights.

Art. 58. The sovereign princes united in the Confederation may not be hindered or restricted in the fulfillment of their Confederal obligations by any constitutionally guaranteed assembly of the estates of the land.

Art. 59. Where the deliberations of the estates of the land are permitted by the constitution, the rules of procedure must see to it that the legal limits of free expression are not transgressed, neither in the deliberations themselves, nor in their printed form, in a manner that would endanger the peace of an individual Confederal state or of Germany as a whole.

Art. 60. If a Confederal member seeks the Confederation's guarantee for the constitutional system of the assembly of the estates of the land introduced into its country, the Confederal Assembly is entitled to adopt this. It thereby receives authorization, on appeal of the participants, to uphold the constitution, and to settle the misunderstandings resulting from the interpretation or application of the same through amicable or negotiated decision, so long as no other means or ways are legally prescribed for this.

[. . .]

Source: Karl Binding, *Deutsche Staatsgrundgesetze* [*German Federal Laws*], Number III, p. 37 ff.

Original German text also reprinted in Ernst Rudolf Huber, ed., *Deutsche Verfassungsdokumente 1803-1850* [*German Constitutional Documents 1803-1850*], vol. 1, *Dokumente zur deutschen Verfassungsgeschichte* [*Documents on German Constitutional History*], 3rd ed., rev. and enl. Stuttgart: W. Kohlhammer, 1978, pp. 91-99.

Translation: Jeremiah Riemer