

GOVERN-
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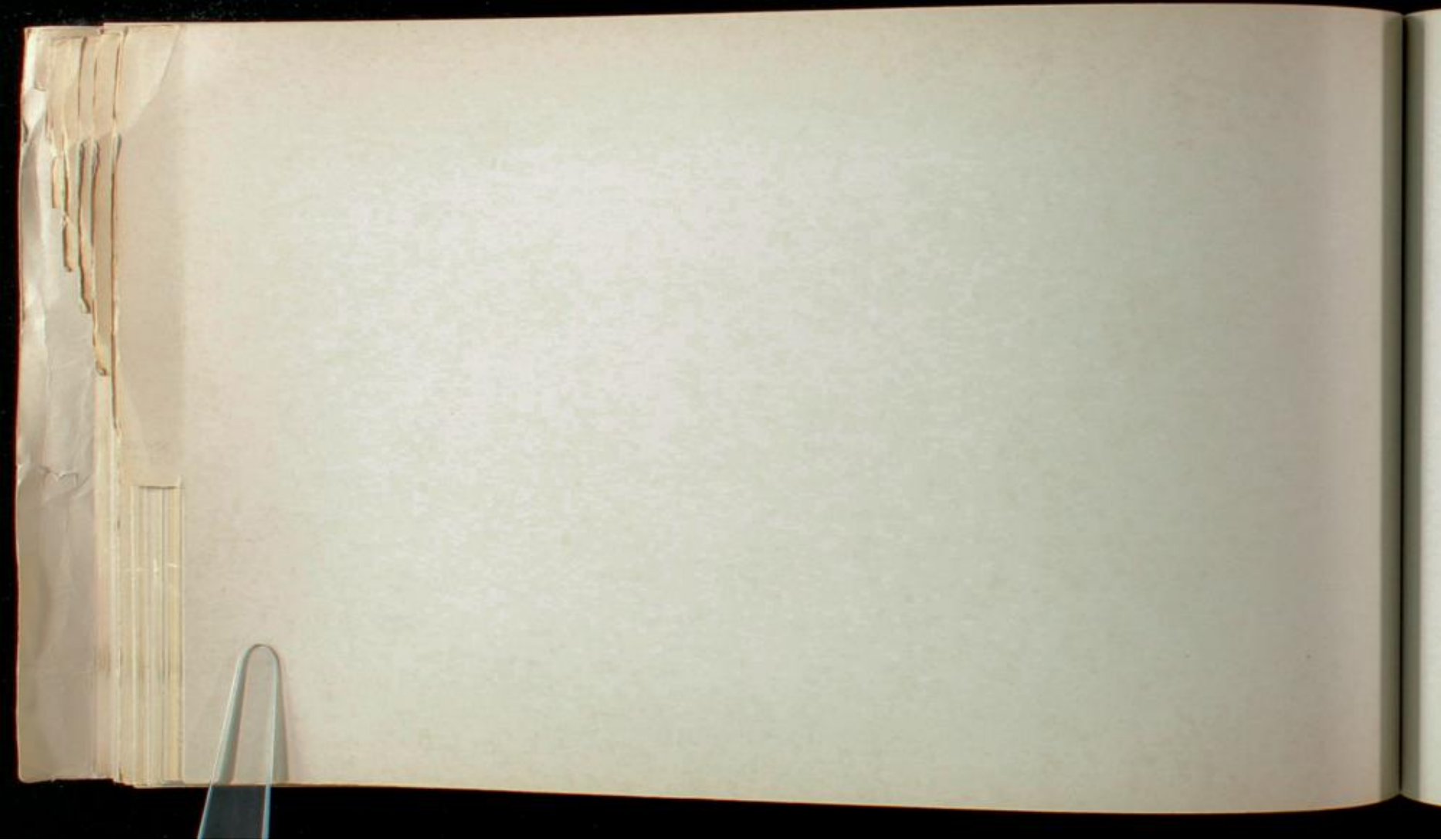
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INTERNATIONAL AGREEMENTS

SUBJECT: GOVERNMENT

ATLANTIC CHARTER

August 14, 1941

Right of Peoples to Choose Form of Government:

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;

YALTA CONFERENCE

11 February, 1945

Coordination, Administration and Control of Government by Central Control Commission

Under the agreed plans the forces of the three Powers will each occupy a separate zone of Germany. Coordinated administration and control has been provided for under the plan through a Central Control Commission consisting of the Supreme Commanders of the three Powers with headquarters in Berlin.

It has been agreed that France should be invited by the three Powers, if she should so desire, to take a zone of occupation, and to participate as fourth member of the Central Commission. The limits of the French zone will be agreed by the four Governments concerned through their representatives on the European Advisory Commission.

STATEMENT BY THE GOVERNMENTS OF THE UK, THE US AND THE USSR AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC ON CONTROL MACHINERY IN GERMANY

June 5, 1945

Control Machinery in Germany

1. In the period when Germany is carrying out the

basic requirements of unconditional surrender, supreme authority in Germany will be exercised, on instructions from their governments by the British, United States, Soviet, and French Commanders-in-Chief, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole. The four Commanders-in-Chief will together constitute the Control Council. Each Commander-in-Chief will be assisted by a Political Advisor.

2. The Control Council, whose decisions shall be unanimous, will ensure appropriate uniformity of action by the Commanders-in-Chief in their respective zones of occupation and will reach agreed decisions on the chief questions affecting Germany as a whole.

3. Under the Control Council, there will be a permanent Coordinating Committee composed of one representative of each of the four Commanders-in-Chief, and a Control Staff organized in the following Divisions (which are subject to adjustment in the light of experience):

Military; Naval; Air; Transport; Political; Economic; Finance; Reparation, Deliveries, and Restitution; Internal Affairs and Communications; Legal; Prisoners of War and Displaced Persons; Manpower.

There will be four heads of each Division, one designated by each Power. The staffs of the Divisions may include civilian as well as military personnel, and may also in special cases include nationals of other United Nations appointed in a personal capacity.

4. The functions of the Coordinating Committee and of the Control Staff will be to advise the Control Council, to carry out the Council's decisions, and to transmit them to the appropriate German organs, and to supervise and control the day-to-day activities of the latter.

5. Liaison with the other United Nations Governments chiefly interested will be established through the appointment by such governments of military missions

(which may include civilian members) to the Control Council. These missions will have access through the appropriate channels to the organs of control.

6. United Nations organizations will, if admitted by the Control Council to operate in Germany, be subordinate to the Allied control machinery and answerable to it.

7. The administration of the "Greater Berlin" area will be directed by an Inter-Allied Governing Authority, which will operate under the general direction of the Control Council, and will consist of four Commandants, each of whom will serve in rotation as Chief Commandant. They will be assisted by a technical staff which will supervise and control the activities of the local German organs.

8. The arrangements outlined above will operate during the period of occupation following German surrender, when Germany is carrying out the basic requirements of unconditional surrender. Arrangements for the subsequent period will be the subject of a separate agreement.

DECLARATION

REGARDING THE DEFEAT OF GERMANY AND THE ASSUMPTION OF SUPREME AUTHORITY WITH RESPECT TO GERMANY BY THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC
6 June 1945

The Representatives of the Supreme Commands of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the French Republic, hereinafter called the "Allied Representatives", acting by authority of their respective Governments and in the interests of the United Nations, accordingly make the following Declaration:

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INTERNATIONAL AGREEMENTS

SUBJECT: GOVERNMENT (CONT'D.)

The Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, and the Provisional Government of the French Republic, hereby assume supreme authority with respect to Germany, including all the powers possessed by the German Government, the High Command and any state, municipal, or local government or authority. The assumption, for the purpose stated above, of the said authority and powers does not effect the annexation of Germany.

Article 13

(b) The Allied Representatives will impose on Germany additional political, administrative, economic, financial, military and other requirements arising from the complete defeat of Germany. The Allied Representatives, or persons or agencies duly designated to act on their authority, will issue proclamations, orders, ordinances and instructions for the purpose of laying down such additional requirements, and of giving effect to the other provisions of this Declaration. All German authorities and the German people shall carry out unconditionally the requirements of the Allied Representatives, and shall fully comply with all such proclamations, orders, ordinances and instructions.

POTSDAM AGREEMENT

2 August 1945

Supreme Authority in Government, Uniformity of Treatment of GermansIII, A. Political Principles

1. In accordance with the Agreement on Control Machinery in Germany, supreme authority in Germany is exercised on instructions from their respective Governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic, each in his own

zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

Decentralization of Political Structure, Development of Local Responsibility and Measures Therefor

III, A. 9. The administration of affairs in Germany should be directed towards the decentralization of the political structure and the development of local responsibility. To this end:

- (i) local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;
- (ii) all democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;
- (iii) representative and elective principles shall be introduced into regional, provincial, and state (Land) administration as rapidly as may be justified by the successful application of these principles in local self-government;

(iv) for the time being, no central German government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the field of finance, Transport, communications, foreign trade, and industry. Such departments will act under the direction of the Control Council.

RESTRICTED

FOURTH SESSION OF CFM, MOSCOW, 1947

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AGREED

SUBJECT: FORM & SCOPE OF THE PROVISIONAL POLITICAL ORGANIZATION OF GERMANY, General Reservation (Part III, CFM/47/M/148)

ORIGIN: Dep. f. Germ. & COMC

FOUR POWER AGREEMENT	U S	U K	FR	SOVIET
<p><u>GENERAL RESERVATION</u></p> <p>All Delegations agree that any decision on the political organization of Germany is conditional upon the prior establishment of German economic unity. (Page 11, Part III, CFM/47/M/148)</p> <p>-----</p> <p>The general Reservation stated above applies to all subjects under the POLOR Series.</p> <p>-----</p> <p><u>NOTE</u></p> <p>All subsequent subjects of the POLOR series fall under the general heading of FORM & SCOPE OF THE PROVISIONAL POLITICAL ORGANIZATION OF GERMANY.</p>				
ACTION TAKEN BY CFM: Referred for Study to Deputies for Germany				

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FOURTH SESSION OF CFM, MOSCOW, 1947

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SUBJECT: CENTRAL ADMINISTRATIVE AGENCIES, Establishment & Supervision of (Part III, A, CFM/47/M/148 & A.1, CFM/47/M/121)

ORIGIN: Dep. f. Germ. & COMO

FOUR POWER AGREEMENT	US	UK	FR	SOVIET
<p>A. 1. All Delegations agree to accept the following text-</p> <p>(a) The Control Council is directed to institute in the shortest possible time Central Administrative Agencies dealing with those matters requiring central decision in the fields laid down in the Potsdam Agreement as well as for food and agriculture.</p> <p>(c) Central Administrative Agencies will be under the supervision and direction of the appropriate quadripartite bodies of the Allied Control Authority. When the German Provisional Government has been established new arrangements for control are envisaged.</p> <p>(Page 1, A.1., CFM/47/M/121)</p>			<p><u>FRENCH RESERVATIONS</u></p> <p>The French Delegation accepts these two paragraphs [1(a) & 1(b)] only on condition that agreement is reached on paragraphs 2 and 3.</p> <p>(Page 11, Part III, A, CFM/47/M/148)</p>	
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FOURTH SESSION OF CFM, MOSCOW, 1947

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UNAGREED
SUBJECT:

RESTRICTED

CENTRAL ADMINISTRATIVE AGENCIES, German Executive Committee (Part III, A, CFM/47/W/148 & A.2., CFM/47/W/121)

ORIGIN: Dep. f. Ger. & CGRC

FOUR POWER POSITION

US

UK

FR

SOVIET

NO AGREEMENTUS, UK and FRENCH POSITION

A. 2. The US, UK and French Delegations accept the following text:-

"Each Department will be under the management of a German Executive Committee, consisting of representatives of the different Länder, with a chairman holding executive authority (to implement) the decisions of the majority of the Committee."
(Page 1: A. 2., CFM/47/W/121)

US and UK POSITION

The US and UK Delegations prefer the deletion of the words shown in brackets and the substitution therefor of the words "subject to".
(Page 1: A. 2., CFM/47/W/121)

SOVIET POSITION

The position of the Soviet Delegation on the question of the management of Central Departments is defined in Part III, paragraph 9 (10) of the decisions of the Berlin Conference. So far as questions of detail are concerned, they should be referred for consideration of the Control Council.
(Page 1: A. 2., CFM/47/W/121)

Part III, paragraph 9, IV of the POTSDAM AGREEMENT

IV. for the time being no Central German Government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade and industry. Such Departments will act under the direction of the Control Council.

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SUBJECT: CENTRAL ADMINISTRATIVE AGENCIES, Exclusion of Saar (Part III, A., CFM/47/M/148 & A. 3., CFM/47/M/121)

ORIGIN: Dep. f. Germ. & CGRC

FOUR POWER POSITION	U S	U K	FR	SOVIET
<u>NO AGREEMENT</u>		<u>UK POSITION</u> The UK Delegation can accept this proposal insofar as the Saar is concerned but reserves its position with regard to the Ruhr and the Rhineland. (Page 2; A.3., CFM/47/M/121)	<u>FRENCH PROPOSAL</u> A.3. The French Delegation proposes the following text:- *The above provisions do not apply to the Saar territory and do not prejudice the future regime of the Ruhr and the Rhineland*. (Page 1 & 2; A.3., CFM/47/M/121)	

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AGREED
SUBJECT:

RESTRICTED

CENTRAL ADMINISTRATIVE AGENCIES, Guidance of Agencies by ACC (Part III, A., CFM/47/M/148 & A.4., CFM/47/M/121)

ORIGIN: Dep. F. Germ. & GRC
SOVIET

FOUR POWER AGREEMENT	U.S.	U.K.	FR	SOVIET
<p>4. All Delegations have accepted the following text:-</p> <p>"The Allied Control Council will issue directives necessary for the guidance of these agencies including directives specifying the administrative functions to be allocated to Central Administrative Agencies and those to be allocated to the authorities of the Leader.</p> <p>The Central Administrative Agencies shall issue in their respective fields instructions and directives to the competent authorities in the Leader".</p> <p>(Page 2; A., CFM/47/M/121)</p> <hr/>				

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FOURTH SESSION OF CFM, MOSCOW, 1947

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RESTRICTED

SUBJECT: CENT. ADM. AGENCIES, Relationship Between Zone Commanders and CAA (Part III, A., CFM/47/M/148 & A., 5., CFM/47/M/121)

ORIGIN: Dep. r. Germ. & CGRC

FOUR POWER POSITION

US

UK

FR

SOVIET

NO AGREEMENTUS, UK and FRENCH POSITIONSOVIET POSITION

- A. 5. The US, UK and French Delegations agree that the relationship between the Zone Commanders and the Central Administrative Agencies should be defined as follows:-

"The Zone Commanders shall have the right to be informed as to the activities of the Central Administrative Agencies in their respective zones. They shall, however, issue no instructions to them save

- (a) as agents of the Control Council,
(b) in the event of a threat to the security of the occupation forces".

(Page 2; A. 5., CFM/47/M/121)

- A. b. The Soviet Delegation proposes that the relationship between the Zone Commanders and the Central Administrative Agencies be defined as follows:-

"The Zone Commanders, each in his own zone, being guided by the necessity for ensuring the fulfilment by Germany of her obligations to the Allies, the maintenance of the security of the occupation forces and the observance of the instructions of the Control Council in accordance with the policy of the Four Powers with respect to Germany, shall exercise general supervision and control of the activities of the Central Administrative Agencies on the basic questions.

"In cases where the directives of the Central Administration run counter to the directives and instructions of the Control Council, the Zone Commanders, after informing the Control Council, shall have the right to suspend the execution of these directives, and the Control Council will make the final decision on the matter involved".

(Page 2; A. b., CFM/47/M/121)

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UNAGREED
SUBJECT:

RESTRICTED

FOURTH SESSION OF CFM, MOSCOW, 1947

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CENTRAL ADMINISTRATIVE AGENCIES, Functions of (Part III, A., CFM/4/M/148 & A., S., CFM/4/M/121)

ORIGIN: Dep. 1. Germ. & CERC

FOUR POWER POSITION

U S

U K

FR

SOVIET

NO AGREEMENT

US and UK POSITION

A. S. The US and UK Delegations also believe that the functions of the Central Administrative Agencies should be understood as follows:-

"The functions of these executive agencies shall extend over the whole of Germany; their agents and any Allied supervisory staff shall be free to travel throughout Germany. It should be brought home to the German people that while these agencies will operate under the policy direction of the Control Council they will have full executive responsibility for the management of the economy of Germany".

(Page 3; A. S., CFM/4/M/121)

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FOURTH SESSION OF CFM, MOSCOW, 1947

AGREED
SUBJECT:

RESTRICTED

GERMAN ADVISORY COUNCIL, Establishment of (Part III, S.L., CFM/4//N/148 & S.L., CFM/4//N/121)

ORIGIN: Dep. r. Germ. & CGRC

FOUR POWER AGREEMENT	U S	U K	F R	S O V I E T
<p>S.L. All Delegations agree that a German Advisory Council will be established within three months of the creation of German Central Administrative Agencies. (Page 3; S. L., CFM/4//N/121)</p> <hr/>			<p><u>FRENCH RESERVATION</u></p> <p>The agreement of the French Delegation to this text is conditional on the final determination of the frontiers of Germany having been settled by that date. (Page 11; S. CFM/4//N/148)</p> <hr/>	
<p>ACTION TAKEN BY CFM: Referred to Deputies for Germany for Study</p>				

UNAGREED
SUBJECT:

RESTRICTED

FOURTH SESSION OF CFM, MOSCOW, 1947

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GERMAN ADVISORY COUNCIL, Composition of (Part III, B. 2., CFM/47/M/148 & B. 2., CFM/47/M/121)

ORIGIN: Dep. f. Germs. & CGRC

FOUR POWER POSITION

U S

U K

FR

SOVIET

NO AGREEMENT

US, UK and FRANCE PROPOSAL

SOVIET POSITION

B. 2. The UK, US and French Delegations propose the following:-

"The German advisory Council shall consist of three representatives of each Land chosen by the Landtag so as to represent as nearly as possible the division of democratic political opinion in that Land.

The Advisory Council will consult the political parties and the trade unions and may consult any other organizations representative of German public opinion existing in any part of Germany."

(Page 3 & 4; B. 2., CFM/47/M/121)

The Soviet Delegation proposes the following text:-

"The German Advisory Council should consist of an equal number of representatives of democratic parties and of the Landtag, and also of representatives of the free trade unions and other large anti-Nazi organizations.

(Page 4; B. 2., CFM/47/M/121)

US POSITION

The US Delegation prefers the deletion of the word "will" and the substitution of the word "may".

(Page 4; B. 2., CFM/47/M/121)

FRANCE POSITION

The French Delegation prefers the deletion of the word "will" and the substitution of the word "may".

(Page 4; B. 2., CFM/47/M/121)

UK, US and FRANCE POSITION

The UK, US and French Delegations have assumed that if a Landtag should choose representatives on a basis which did not represent the division of political opinion in the Land, the Control Council and the Zone Commander would take corrective action.

(Page 4; B. 2., CFM/47/M/121)

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FOURTH SESSION OF CFM, MOSCOW, 1947

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GERMAN ADVISORY COUNCIL, Functions of (Part III, S. 3., CFM/47/W/148 & S. 3., CFM/47/W/121)

ORIGIN: Dep. f. Germ. & CGRC

FOUR POWER AGREEMENT

U S

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FR

SOVIET

3. * All Delegations are agreed that the German Advisory Council shall advise the Control Council on the general aspects of the work of the Central Administrative Agencies. This Advisory Council will also have as its task to work out within the framework of general principles laid down by the Control Council the details of a provisional constitution. The principles referred to will conform to such directives on the subject as may be issued by the Council of Foreign Ministers".
(Page 12; S. 3., CFM/47/W/148)

US STATEMENT

The US Delegation makes the following statement regarding this and subsequent parts of this report. The US Delegation has agreed to the preparation of a provisional constitution on the understanding that it shall be general in nature and shall contain no more than the minimum required to operate the provisional government for the short time needed for the preparation of a permanent constitution.

(Page 12; S. 3., CFM/47/W/148)

SOVIET POSITION

The Soviet Delegation in agreeing with paragraph 3 considers that the Control Council will define a more concrete form and procedure of consultation on the part of the Advisory Council.

(Page 12, S. 3., CFM/47/W/148)

ACTION TAKEN BY CFM: Referred to Deputies for Germany for Study

FOURTH SESSION OF CFM, MOSCOW, 1947

UNAGREED
SUBJECT:

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PROVISIONAL GOVERNMENT, Establishment of (Part III, C., CFM/4//M/148 & C., CFM/4//M/121)

ORIGIN: Dep. f. Germ. & CGEC

FOUR POWER POSITION	US	UK	FR	SOVIET
<p><u>NOTE</u></p> <p>The Committee was unable to reach agreement on the proposals submitted by the UK Delegation at the 22nd Meeting of the Council of Foreign Ministers.</p> <p>The main issue remains whether elections to the provisional government are desirable or not. The position of the Delegations is as follows:- (Page 5; C., CFM/4//M/121)</p>	<p><u>US POSITION</u></p> <p>The US Delegation does not believe that elections to the provisional government are necessary. See the US reservation set forth in paragraph 3 (3) above. (Page 5; C., CFM/4//M/121)</p> <p><u>US RESERVATION</u></p> <p>The US Delegation makes the following reservation to this and subsequent parts of this report. The US Delegation has agreed to the preparation of a provisional constitution on the understanding that it shall be general in nature and shall contain no more than the minimum required to operate the provisional government for the short time needed for the preparation of a permanent constitution. In its view, such a provisional "constitution" could well take the form of a charter or directive from the Control Council, leaving the development of a detailed permanent constitution to the deliberative processes of an elected constitutional assembly and to final ratification by the people. Thus, a stable permanent government on an elected basis could be established within a period of one year from the establishment of the provisional government. (Page 4; S.J., CFM/4//M/121)</p>	<p><u>UK POSITION</u> (same as Soviet Pos.)</p> <p>The provisional constitution and any recommendations of the advisory body on this question shall be submitted to the Control Council for its approval and in accordance with the provisional constitution, as approved by the Control Council, elections to the German Parliament shall be held and a provisional government formed to operate the provisional constitution. (Page 5; C., CFM/4//M/121)</p>	<p><u>FRENCH POSITION</u></p> <p>The provisional constitution and all recommendations on this question made by the consultative council will be submitted for the approval of the Control Council. When the provisional constitution has been approved by the Control Council, parliamentary institutions will be instituted and a provisional government will be established on the basis of the provisions of this constitution. (Page 5; C., CFM/4//M/121)</p>	<p><u>SOVIET POSITION</u> (same as UK Position)</p> <p>The provisional constitution and any recommendations of the advisory body on this question shall be submitted to the Control Council for its approval and in accordance with the provisional constitution, as approved by the Control Council, elections to the German Parliament shall be held and a provisional government formed to operate the provisional constitution. (Page 5; C., CFM/4//M/121)</p>

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SUBJECT: PROVISIONAL GOVERNMENT, Functions of (Part III, D., CFM/4//N/148 & D., CFM/4//M/121)

ORIGIN: Dep. I. Germ. & CEC

FOUR POWER POSITION

US

UK

FR

SOVIET

NOTE

During the discussion of this subject it became apparent that there were two separate issues involved. The first was the question of the functions of the provisional government and the second the question of the relationship between the provisional government and the Control Council. Insofar as the Delegates expressed opinions on these subjects, they are set forth below:-

(Page 5; D., CFM/4//N/121)

UK and US POSITION

The UK and US Delegation propose the following text:-

*The provisional central government, when established, shall:-

- (i) exercise, subject to the control of the Control Council, legislative powers in the field assigned to it;
- (ii) supervise the execution of any such legislation by the appropriate authority and of any instructions of the Control Council in the field for which the provisional central government is competent;
- (iii) initiate the processes of framing a permanent democratic constitution*.

They consider that the nature and degree of the control referred to in sub-paragraph (i) above, remains to be settled.

(Pages 5 & 6, D., CFM/4//N/121)

FRENCH POSITION

The provisional government shall assume the functions assigned to it by the constitution under the control of the Control Council, without prejudice to the powers reserved in certain matters to the Control Council and to the general authority assumed by the four powers in the declaration of surrender of June 5, 1945.

(Page 6; D., CFM/4//M/121)

SOVIET POSITION

1. The provisional German government will assume the powers of the Central Administrative Agencies.

2. The provisional government will be charged with functions defined in the provisional all-German constitution.

3. The provisional German government will be charged as its basic tasks with the eradication of the remnants of German militarism and fascism, the implementation of comprehensive democratization of Germany and the carrying out of measures designed to rehabilitate German economy, and also the unconditional fulfillment of Germany's obligations to the Allied States, as well as with the preparation of the draft of a permanent German constitution, which shall be adopted by the German people and on the basis of which a permanent German government will be formed.

4. The provisional German government will act under the control of the Control Council which shall give directives to the German government on basic questions of its activity.

(Page 6; D., CFM/4//M/121)

ACTION TAKEN BY CFM: Referred to Deputies for Germany for Study

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SUBJECT: DIVISION OF POWERS BETWEEN PROV. CENTRAL GOV'T & LAENDER GOV'TS, The basic principle of (Part III, E.1., CFM/47/M/148)		ORIGIN: Dep. f. Germ. & COMC		
FOUR POWER POSITION	U S	U K	FR	SOVIET
<p><u>NOTE</u></p> <p>The Coordinating Committee was unable to reach unanimous agreement on this question. (Page 7, E., CFM/47/M/121)</p>	<p><u>US, UK and FRENCH POSITION</u></p> <p>The US, UK and French Delegations accepted the following text:- "All powers shall be vested in the Laender except such as are expressly delegated to the Central Government". (Page 1, E., CFM/47/M/121)</p>			<p><u>SOVIET POSITION</u></p> <p>The Soviet Delegation considers that when dividing the functions between the Central German and the Laender Governments it is necessary to proceed from the liquidation of the Hitlerite centralization of State administration which destroyed the Landtage and the autonomous administration of the Laender so that the decentralized administration that existed prior to the advent of the Nazi regime shall be re-established, with the revival of the Landtage and of two all-German Chambers.</p>
	<p><u>US POSITION</u></p> <p>The US Delegation believes that the question of the division of powers between the Laender and a permanent Central Government should be left to a constitutional convention elected by the German people according to electoral laws adopted by the several Laender; the action of this constitutional convention will be subject, of course, to the approval of the Allied Control Council, and to ratification by the German people not later than one year after the establishment of the provisional government. If this is to be a democratic constitution, only the most general instructions should be imposed upon its framers. If we write the constitution for the German people, that constitution will not have the popular support necessary to the stability of any constitutional government. We should agree here to no more than the general requirement that such powers as police, internal security, culture, education and religious affairs shall not be delegated to the Central Government. (Pages 748, E., CFM/47/M/121)</p>	<p><u>FRENCH POSITION</u></p> <p>The French Delegation also considers that in addition to the administration of subjects which come within their own competence, the Laender should be exclusively responsible for the administration within their respective territories of federal legislation and for the organization in these territories of the recruiting and operation of the public services functioning under federal direction. (Page 1, E., CFM/47/M/121)</p>	<p><u>SOVIET REMARK</u></p> <p>The remark of the Soviet Delegation regarding the last part of the above statement of the US Delegation: The Soviet Delegation considers that the Central German Government cannot remove from itself the responsibility to</p>	
ACTION TAKEN BY CFM:		Referred to Deputies for Germany for Study		

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DIVISION OF POWERS BETWEEN PROV. CENTRAL GOV'T & LANESDER GOV'TS, The basic principle of (Part III, E.1, CFM/4//M/142)

ORIGIN: Dep. r. Uern. & CCSD

FOUR POWER POSITION	U S	U K	FR	SOVIET
				(PCLCH/13, cont'd) the Allied Powers for guaranteeing State security in Germany, but that the Lander Governments should also have their powers in matters of State security on the basis of laws and directives of the Central Government, and the executive guidance of the work of the police should be in the hands of the Lander Governments. (Page 8, E., CFM/4//M/121)

ACTION TAKEN BY CFM: Referred to Deputies for Germany for Study

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SUBJECT: DIVISION OF POWERS, etc., Powers of Central Gov't, Political Unity I (Part III, E.P.a. CFM/47/W/148 & E.P.c. CFM/47/W/147) ORIGIN: Dep't. Germ. & CURC

FOUR POWER AGREEMENT	U S	U K	FR	SOVIET
<p>Introductory paragraph:</p> <p>The Soviet, UK, US and French Delegations agree that: The Central Government shall be competent to adopt legislative and executive measures in order to ensure the unity necessary in the following fields:-</p> <p>a. to ensure the political unity necessary. (Pages 12415, 2.a. CFM/47/W/148)</p> <hr/> <p><u>NOTE:</u></p> <p>The rest of this sub-paragraph was not agreed. See POLGR/15 for the unagreed part.</p>				

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SUBJECT: DIVISION OF POWER, etc., Powers of Central Gov't, Political Unity 2 (Part III, E.2.a., CFM/4//M/148 & E.2.a., CFM/47/M/121) ORIGIN: Dep. f. Germ. & CGRC

FOUR POWER POSITION	U S	U K	F R	SOVIET
<u>NO AGREEMENT</u>	<p align="center"><u>SOVIET, US and UK POSITION</u> (a. To ensure the political unity necessary:)</p> <p>1. The Provisional German Government shall, on German territory, have legislative and executive powers on matters of the fulfillment by a Central Government of its obligations to the Allies, foreign policy, conclusion and fulfillment of international treaties, citizenship, naturalization, emigration and immigration, extradition of criminals.</p> <p align="center">(Page 8, E.2.a., CFM/4//M/121)</p>	<p align="center"><u>UK STATEMENT</u> (re: Soviet Reservation on Police)</p> <p>In this connection, the UK Delegation wishes to stress that the police forces should be decentralized and that the central government should hold only restricted and clearly specified responsibilities or coordination in the field of criminal investigation. (Page 8, E.2.a., CFM/4//M/121)</p>	<p align="center"><u>FRENCH POSITION</u> (on Police)</p> <p>The French Delegation considers that there should be no federal police. A certain coordination on technical lines may appear necessary as regarding criminal research essentially limited to the establishment and maintenance of a central criminal registrar, without implying the creation of any federal police. (Page 9, E.2.a., CFM/4//M/121)</p> <p align="center"><u>FRENCH POSITION</u></p> <p>a.(2) General conditions of naturalization for foreigners, subject to the principle that every German possesses citizenship in one of the German states and must comply with the necessary conditions in this respect:</p> <p>Immigration, emigration and extradition of criminals.</p> <p>Foreign affairs and implementation of treaties insofar as these questions come under the competence of the Central Government. The States shall have the right to negotiate and conclude international agreements with foreign powers in matters which come under their competence (for instance, frontier, some agreements, local trade, technical and cultural agreements) and to exchange diplomatic representatives. (Page 9, E.2.a., CFM/47/M/121)</p>	<p align="center"><u>SOVIET POSITION</u></p> <p>see under Soviet, US & UK. (Page 8, E.2.a., CFM/4//M/121)</p> <p align="center"><u>SOVIET RESERVATION</u></p> <p>The Soviet Delegation considers that the provisional Central German Government should also have powers on matters of state security, with executive authority over the police forces existing with the Laender Governments. (Page 8, E.2.a., CFM/4//M/121)</p>

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SUBJECT:

DIVISION OF POWERS, etc., Powers of Central Government, Legal Unity (Part III, E., 2.b., CFM/47/M/148)

ORIGIN: Dep. f. Germ. & CGEC

FOUR POWER AGREEMENT	U S	U K	FR	SOVIET
<p>d. To ensure the legal unity necessary:</p> <p>(1) The Soviet, French, US and UK Delegations consider that the Council of Foreign Ministers should define the extent to which the Central German Government should be responsible for ensuring legal unity. They have therefore accepted the following text:-</p> <p>fundamental principles of criminal, civil and commercial law; copyrights, patents and trademarks; negotiable instruments, wills of lading and other documents of title of goods.</p> <p>(Page 13, E.2.b., CFM/47/M/148)</p>				

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SUBJECT:

DIVISION OF POWERS etc., Powers of Central Gov't., Economic Unity 2 (Part III, E.2.c., CFM/47/M/148 & E.2.c. CFM/47/M/121)

ORIGIN: Dep. f. Germ. & CCEC

FOUR POWER POSITION

U.S.

U.K.

FR

SOVIET

EXTRACT FROM CFM/47/M/41
Chapter 6, Point A

- Para. 5 a) The Superior Council of Transports, made up of technicians of the various branches of transport, representing the government of the States, shall have as its purpose:
- to assure, subject to the approval of the governments of the States, in what shall concern their respective territories, the coordination of the technical regulations in force in the States in the matter of transport;
 - to elaborate plans of transport of common interest to the States;
 - to act as an agency of conciliation in disputes between States in the matter of transport;
 - to serve as an intermediary between the governments of the States and the federal authorities in what shall concern the negotiation and execution of international agreements in the matter of transport.
- b) The Federal Railroad Committee, composed of the representatives of the governments of the States, possibly aided by representatives of the networks, shall have as its duty:
- to coordinate and approve time-tables involving several networks;
 - to study and suggest all measures likely to harmonize tariffs that are of general interest;
 - to put into effect inter-network agreements on exchanges of equipment.
- Para. 6 P.T.T. - The Minister of Posts, Telegraphs and Telephones shall have under his authority the federal direction of the posts and the federal direction of telecommunications.
- It shall be his duty:
- a) to coordinate the technical development of the networks of telecommunications;
 - b) to unify and approve the postal and telegraph tariffs;
 - c) to work out all useful regulations in the matter of posts and money agreements;
 - d) to assure the functioning of a central compensation office among States for the posts, and of a central office of compensation among States for telecommunications;
 - e) to act as an agency of conciliation in disputes arising between States.

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SUBJECT: DIVISION OF POWERS, etc., Powers of Central Gov't, Reservations (Part III, R. 5. & f., CFM/47/M/148 AE. 5. & 6., CFM/47/M/121)

ORIGIN: Dep. f. Germ. & CC&C

FOUR POWER AGREEMENT	US	UK	FR	SOVIET
	<p style="text-align: center;"><u>GENERAL RESERVATION OF THE US DELEGATION</u></p> <p>f. The agreement by the US Delegation to the definition of the powers of a Provisional Central Government in the preceding paragraphs is subject to the understanding that the constitution of a Provisional Government will come before the Allied Control Council for review, and to the reservation that such a constitution, when viewed as a whole, shall not contravene the provision of the Potsdam Agreement with respect to decentralisation and the development of local responsibility.</p> <p>In addition, the functions of police, internal security, culture, education and religious affairs shall not be delegated to a Central Government, and an independent judiciary shall be provided to safeguard the integrity of the Laender and the basic rights of the individual. The powers of taxation assigned to the Provisional Central Government shall not be such as to impair the authority and means of the Laender to raise appropriate revenues.</p> <p>(Pages 11&12: f., CFM/47/M/121)</p>		<p style="text-align: center;"><u>GENERAL RESERVATION OF THE FRENCH DELEGATION</u></p> <p>a. The French Delegation states that the powers stated as being within the competence of a Central Government in the preceding paragraphs may not in fact be attributed to this Government in their entirety by the provisional constitution. Their detailed enumeration in this statement represents only a definition of the maximum powers which the constitution may eventually give the Central Government.</p> <p>(Page 11: e., CFM/47/M/121)</p>	
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SUBJECT: DIVISION OF POWERS, etc., Powers of Leader Governments, (Part III, E. 3., CFM/47/M/148 & E. 3., CFM/47/M/121)

ORIGIN: Dep. 1, Germ. & CGRC

FOUR POWER POSITION	U S	U K	FR	SOVIET
<u>NO AGREEMENT</u>		<u>US, UK and FRANCE POSITION</u>		<u>SOVIET POSITION</u>
		<p>b. All powers not specifically delegated to the Central Government are vested in the Leader.</p> <p>(Page 12, 3. p., CFM/47/M/121)</p>		<p>e. The Government of the Leader shall enjoy in their respective territories and in the conditions normal to an autonomous government, legislative and executive powers in the following questions:</p> <p>(1) Administration and territorial divisions; Administrative management of the Leader, public security in conformity with the laws and directives of the national German government; the judicial system and court procedure; criminal and civil law on the basis of the national German legislation.</p> <p>(2) Public Education and Cultural Development, Public health, the regulation of conditions of work; public and social insurance; public relief.</p> <p>(3) Internal commerce; budget; local industry and transportation; mines, water resources and agriculture.</p> <p>(Page 12, 3. p., CFM/47/M/121)</p>
		<u>EXTRACT FROM THE WEIMAR CONSTITUTION</u>		<u>SOVIET STATEMENT</u>
	<p>Art. 6 The Reich has exclusive legislative power over:</p> <ol style="list-style-type: none"> 1. Relationships with foreign countries. 2. Colonial affairs. 3. Citizenship, freedom of travel, immigration, emigration, extradition. 4. Military organization. 5. Coinage. 6. Customs, as well as the unification of the customs and trade area, and freedom of commerce. 7. The post and telegraph system, including the telephone system. 			<p>c. The Soviet Delegation feels it necessary to retain para. 5 of this document taking into account the experience of the Weimar Constitution, particularly articles 6, 7 and 12.</p> <p>(Page 12, 3., c., CFM/47/M/121)</p>
	<p>Art. 7 The Reich has legislative power over:</p> <ol style="list-style-type: none"> 1. Civil law. 2. Criminal law. 3. Judicial procedure, including the execution of penalties and official aid among authorities. 4. Passports and police regulations governing foreigners. 5. Poor relief and care of vagrants. 6. The regulation of the press, association, and assembly. 7. Population policy, and the protection of maternity, infancy, childhood, and youth. 8. Public health, veterinary practice, and the protection of plants against diseases and pests. 9. The labor law, insurance, and the protection of laborers and employees, as well as labor bureaus. 10. The establishment of occupational representative bodies for the domain of the Reich. 11. Provision for war veterans and their survivors. 12. The right of expropriation. 13. The socialization of natural resources and economic undertakings, as well as the production, manufacture, distribution, and price regulation of economic goods for the general economy. 			
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SUBJECT:

DIVISION OF POWERS, etc., Powers of Leader Governments. (Part III, E. 3., CFM/47/W/148 & E. 3., CFM/47/W/121)

ORIGIN: Dep. f. Germ. & CGEC

FOUR POWER POSITION

U S

U K

FR

SOVIET

EXTRACT FROM THE WEIMAR CONSTITUTION (cont'd)

14. Commerce, weights and measures, the issuing of paper money, the banking system, and the exchange system.
15. Traffic in foodstuffs and luxuries, as well as objects of everyday necessity.
16. Industry and mining.
17. Insurance.
18. Ocean navigation, deep sea and coast fishing.
19. Railways, internal navigation, traffic by means of power-driven vehicles by land, by water, and in the air, as well as the construction of highways, insofar as general traffic and national defense are concerned.
20. Theaters and cinemas.

Art. 12 So long and so far as the Reich does not make use of its legislative power, the states retain the right of legislation. This does not hold for the exclusive legislative power of the Reich.

The national government possesses a right of veto in respect to state laws which refer to the subjects of Article 7, no. 13, insofar as the general welfare in the Reich is affected thereby.

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