

SWNCC

Box #

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SWNCC - CONTROL  
336 MACHINERY  
GERMANY

## LIST OF PAPERS

FILE UNDER NO. 336 - CONTROL MACHINERY, GERMANY (MISCELLANEOUS)

| Serial No. | From          | Date    | To            | Synopsis  |
|------------|---------------|---------|---------------|---|
| 1          |               | 5/10/45 |               | Memorandum for Information No. 7 - Control Machinery in Germany   |
| 2          | H.F. Matthews | 5/12/45 | Sec of State  | Memo forwarding copy of Memo No. 7  |
| 3          |               |         |               | Agreement Concerning a Provisional Organization for European Inland Transport.  |
| 4          |               | 7/26/45 |               | IPCOG Memo for Info. No. 5 - Communication Channel with Commanders in Chief, U.S. Forces of Occupation in Germany and Austria.    |
| 5          | Col. McCarthy | 7/26/45 | Mr. Hickerson | Memo attaching memo from JCS, re Communication Channel with Commanders in Chief U.S. Forces of Occupation in Germany and Austria. |

STATE-WAR-NAVY COORDINATING  
COMMITTEE

STATE

W Mr. Cox  
W Mr. Moseley  
W Mr. Gardiner

WAR

W Colonel McCarthy  
W Lt. Colonel Pennoyer  
W Major Field  
W Major Gunther  
W Lt. Spittall

NAVY

W Commander Richardson  
W Lt. Comdr. Rockefeller  
W Lieutenant Geilfuss  
W Ensign Whiteside

W Note  
W Circulate  
W File

REMARKS:

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**SECRET**

26 July 1946

MEMORANDUM FOR MR. HICKERSON:

**Subject:** Communication Channel with  
Commanders in Chief, U. S.  
Forces of Occupation in  
Germany and Austria.

Attached is a memorandum received from the Joint  
Chiefs of Staff addressed to both SWNCC and IPCOG.

The Secretariat has prepared a reply which it  
proposes forwarding to the Secretary, Joint Chiefs of  
Staff accepting the proposed procedure and clarifying  
some minor points principally that of timely distribu-  
tion of incoming queries. In the past, matters of  
procedure with the Joint Chiefs of Staff have been  
handled on the Secretary level and it is proposed  
dispatching this memorandum without reference to  
either of the Committees. However, in view of your  
interest, I am sending it to you for comment should  
you so desire.

CHARLES W. McCARTHY  
Secretary

2 Enclosures  
1 - Copy memo fr JCS  
2 - Draft reply to  
JCS

**SECRET**

*Source  
file.*

(5)

**SECRET****THE JOINT CHIEFS OF STAFF  
WASHINGTON 25 D. C.**SM-2687  
25 July 1945

C-O-P-Y

MEMORANDUM FOR THE INFORMAL POLICY COMMITTEE ON GERMANY:

**Subject:** Communication channel with Commanders in Chief, U.S. Forces of Occupation in Germany and Austria.

On 10 July 1945, copies of the Joint Chiefs of Staff messages to the Commanders in Chief, U.S. Forces of Occupation in Germany and Austria, concerning the channels of communications by which they would receive and ask for instructions from the U.S. Government on matters of policy pertaining to the control machinery, Germany, and control machinery, Austria, were sent to the Secretariat of the State-War-Navy Coordinating Committee and Informal Policy Committee on Germany.

The Joint Chiefs of Staff believe that the process by which the interested United States agencies should issue instructions pertaining to the control of either Germany or Austria should be through the existing Informal Policy Committee on Germany - State-War-Navy Coordinating Committee - Joint Chiefs of Staff procedure. By this procedure, it is believed, all interested U.S. agencies will be afforded an opportunity to consider the proposed instructions. This is deemed wise in view of the fact that such instructions will, in effect, be amendments to or amplifications of the basic instructions contained in the directives on military government of Germany or of Austria (IPCOG 1 Series; IPCOG 2 Series; SWNCC 2 Series; SWNCC 119 Series; J.C.S. 1067/6 as amended by J.C.S. 1067/8; J.C.S. 1369; J.C.S. 1569/3) which were approved by these agencies in the first instance.

Actual dispatch of instructions, after final approval, will be effected by transmission of the instructions from the IPCOG-SWNCC Secretariat to the Secretary, Joint Chiefs of Staff, who will have them forwarded to the appropriate commander in chief.

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**SECRET**

It is presumed that instructions issued in answer to queries from commanders in chief, U.S. Forces of Occupation in Germany or Austria, will also be processed by the above described procedure, when matters involving basic policy are concerned.

For the Joint Chiefs of Staff:

/s/ F. R. SWEENEY,  
Colonel, GSC,  
Acting Secretary.

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**SECRET**

**SECRET**DRAFT

MEMORANDUM FOR THE SECRETARY, JOINT CHIEFS OF STAFF:

The Informal Policy Committee on Germany and the State-War-Navy Coordinating Committee are in agreement with the procedure suggested in your memoranda of 25 July 1945 (SM-2687 and SM 2688) for the issuance of instructions to and the answering of queries from the respective Commanders in Chief, U.S. Forces of Occupation, concerning the control of Germany or Austria. The Departments and Agency represented on the two committees are being informed as to this agreed procedure.

It is suggested that, in all cases where requests for instructions are received by the Joint Chiefs of Staff from Commanders in Chief, U.S. Forces of Occupation in Germany or Austria, with respect to the control of either country, copies of such requests be promptly forwarded to the Secretary, IPCOG, with a covering memorandum stating whether or not it is planned to forward the query to IPCOG for consideration. This practice will (a) permit the IPCOG Working Party to begin consideration of the problem at once when reference to IPCOG is contemplated and (b) provide IPCOG with information as to queries which it is planned to answer without formal reference to IPCOG. Rapidity of action will be facilitated if queries which require IPCOG consideration are forwarded to the Secretary, IPCOG, immediately upon receipt with a request for collaboration by its working party with the appropriate JCS agency in the preparation of instructions in reply.

**SECRET**



**SECRET**

It is requested that arrangements be made to have copies of all instructions pertaining to the control of either Germany or Austria which are issued through the Joint Chiefs of Staff forwarded to the Secretary, IPCOG, whether or not such instructions have been approved by IPCOG prior to their despatch.

For the Informal Policy Committee on Germany and the  
State-War-Navy Coordinating Committee:

Secretary

**SECRET**

Reference: J.C.S. 1408/1



THE JOINT CHIEFS OF STAFF  
WASHINGTON 25, D. C.

SECRET

SM-2687  
25 July 1945.

MEMORANDUM FOR THE INFORMAL POLICY COMMITTEE ON GERMANY:

Subject: Communication channel with Commanders in Chief, U.S. Forces of Occupation in Germany and Austria.

On 10 July 1945, copies of the Joint Chiefs of Staff messages to the Commanders in Chief, U.S. Forces of Occupation in Germany and Austria, concerning the channels of communications by which they would receive and ask for instructions from the U.S. Government on matters of policy pertaining to the control machinery, Germany, and control machinery, Austria, were sent to the Secretariat of the State-War-Navy Coordinating Committee and Informal Policy Committee on Germany.

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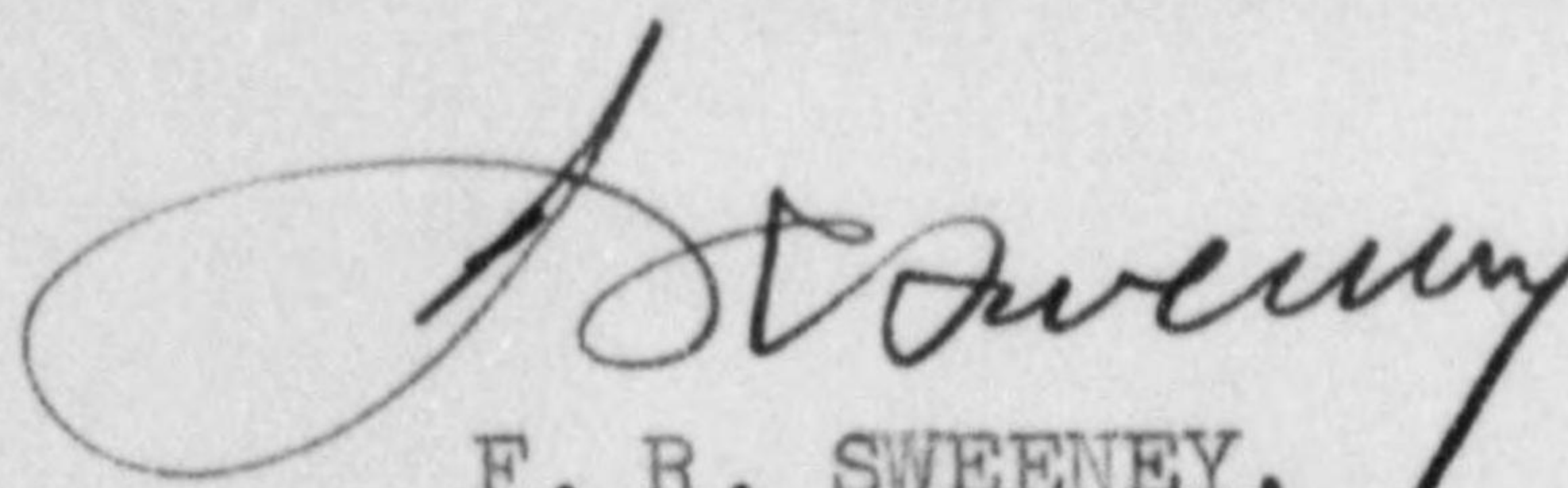
Actual dispatch of instructions, after final approval, will be effected by transmission of the instructions from the IPCOG-SWNCC Secretariat to the Secretary, Joint Chiefs of Staff, who will have them forwarded to the appropriate commander in chief.

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It is presumed that instructions issued in answer to queries from Commanders in Chief, U.S. Forces of Occupation in Germany or Austria, will also be processed by the above described procedure, when matters involving basic policy are concerned.

For the Joint Chiefs of Staff:



F. R. SWEENEY,  
Colonel, GSC,  
Acting Secretary.

**SECRET**

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Col Mc Carthy

DATE: 7/76

FROM : Guejira

SUBJECT: Draft reply JCS re instructions to occupation forces

Attached is preliminary draft which is submitted for your approval of the general idea. I think it should be approved by the Committee members.

~~By rejecting the JCS reply I think we should be able to appeal it.~~

JG

D R A F T

26 July 1945

*Sauter*  
MEMORANDUM FOR THE JOINT CHIEFS OF STAFF:

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It is requested that arrangements be made to have copies of all instructions pertaining to the control of either Germany or Austria which are issued through the Joint Chiefs of Staff forwarded to the Secretary, IPCOG, whether or not such instructions have been approved by IPCOG prior to their despatch.

For IPCOG and SWNCC:

Secretary

S E C R E T

COPY NO. 40

26 July 1945

Pages 1 - 2, Incl.

INFORMAL POLICY COMMITTEE ON GERMANY

MEMORANDUM FOR INFORMATION No. 5

and

STATE-WAR-NAVY COORDINATING COMMITTEE

MEMORANDUM FOR INFORMATION No. 17

COMMUNICATION CHANNEL WITH COMMANDERS IN  
CHIEF, U.S. FORCES OF OCCUPATION IN GERMANY AND AUSTRIA

Note by the Secretaries

The enclosure, a memorandum from the Joint Chiefs of Staff addressed to the State-War-Navy Coordinating Committee and Informal Policy Committee On Germany, is circulated to the committees for information. The Secretariat will advise the Joint Chiefs of Staff that the procedure outlined in the enclosure for the issuance of instructions to the Commanders in Chief of the U.S. Forces of Occupation in Germany and Austria pertaining to the control of either Germany or Austria is acceptable to both committees and will be adopted in the future.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

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S E C R E TE N C L O S U R ESM-2687 - 2688  
25 July 1945MEMORANDUM FOR: THE INFORMAL POLICY COMMITTEE ON GERMANY  
THE STATE-WAR-NAVY COORDINATING COMMITTEESubject: Communication Channel with Commanders  
in Chief, U.S. Forces of Occupation in  
Germany and Austria.

On 10 July 1945, copies of the Joint Chiefs of Staff messages to the Commanders in Chief, U.S. Forces of Occupation in Germany and Austria, concerning the channels of communications by which they would receive and ask for instructions from the U.S. Government on matters of policy pertaining to the control machinery, Germany, and control machinery, Austria, were sent to the Secretariat of the State-War-Navy Coordinating Committee and Informal Policy Committee on Germany.

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For the Joint Chiefs of Staff:

/s/ F. R. Sweeney

F. R. SWEENEY,  
Colonel, GSC,  
Acting Secretary.



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SECRET

Reference: J.C.S. 1408/1

SM-2688  
25 July 1945.

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COORDINATING COMMITTEE:

ion channel with Com-  
Chief, U.S. Forces of  
Occupation in Germany and Austria.

On 10 July 1945, copies of the Joint Chiefs of Staff messages to the Commanders in Chief, U.S. Forces of Occupation in Germany and Austria, concerning the channels of communications by which they would receive and ask for instructions from the U.S. Government on matters of policy pertaining to the control machinery, Germany, and control machinery, Austria, were sent to the Secretariat of the State-War-Navy Coordinating Committee and Informal Policy Committee on Germany.

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SECRET



THE JOINT CHIEFS OF STAFF  
WASHINGTON 25, D. C.

SECRET

SM-2688  
25 July 1945.

MEMORANDUM FOR THE STATE-WAR-NAVY COORDINATING COMMITTEE:

Subject: Communication channel with Commanders in Chief, U.S. Forces of Occupation in Germany and Austria.

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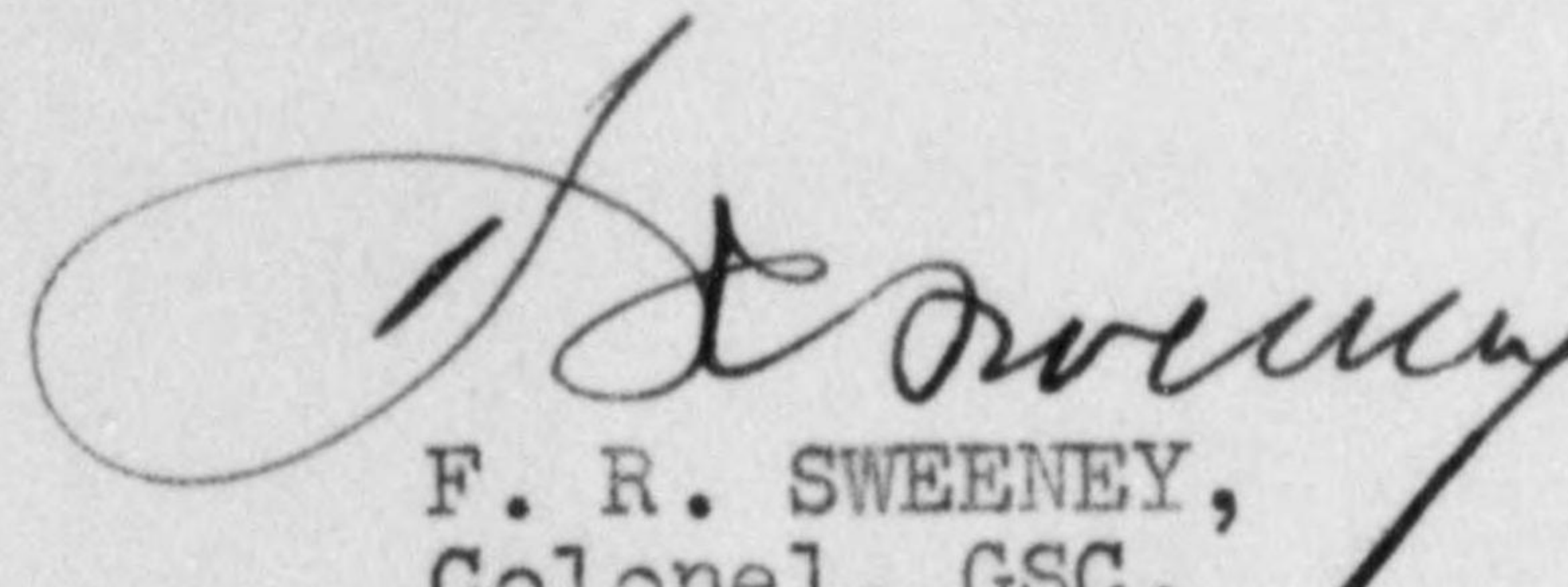
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For the Joint Chiefs of Staff:

  
F. R. SWEENEY,  
Colonel, GSC,  
Acting Secretary.

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**SECRET**

APPENDIX "A"

AGREEMENT CONCERNING A PROVISIONAL ORGANIZATION  
FOR EUROPEAN INLAND TRANSPORT

The Governments whose duly authorized representatives have subscribed hereto (hereinafter referred to as the Signatory Governments) being agreed that a European Central Inland Transport Organization should be established at the earliest possible date for the purposes set out in the draft agreement annexed hereto (hereinafter referred to as the Draft Agreement), and being desirous of making provision for mutual cooperation in achieving these purposes in the territories in Continental Europe under their authority during such period as may elapse before the organization's establishment, have agreed as follows:-

Article I. The Signatory Governments hereby agree to bring the Draft Agreement provisionally into force between them in respect of the territories in Continental Europe under their authority.

Article II. In order to discharge in respect of the territories under their authority the functions to be exercised by the Executive Board in accordance with the Draft Agreement, the Signatory Governments hereby agree to establish forthwith a Provisional Executive for inland transport. A council as provided by the Draft Agreement shall also be provisionally established.

Article III. The Provisional Executive shall consist initially of five members who shall be appointed by the Provisional Council and shall include one member nominated by each of the Governments of the French Republic, of the United Kingdom and of the United States of America. The Provisional Council at any time after the accession of a Signatory Government under Article IV, may review these appointments and shall have power, at its discretion, to make further appointments, not exceeding two in number.

Article

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Article IV. The Provisional Council may invite any other interested government to accede to this agreement, and upon accession such government shall become, for the purpose of this agreement, a Signatory Government.

Article V. Any Signatory Government may withdraw from this agreement at any time, such withdrawal to take effect at the expiry of three months from the date of the notification in writing of its intention to withdraw to each of the other Signatory Governments. This agreement shall in any case cease to have effect from the date when the organization provided for in the Draft Agreement is established.

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## APPENDIX "B"

DRAFT AGREEMENT CONCERNING THE  
ESTABLISHMENT OF AN EUROPEAN CENTRAL  
INLAND TRANSPORT ORGANISATION

WHEREAS, upon the liberation of any territories of the United Nations in Europe, and upon the occupation of any enemy territories in Europe, it is expedient for the fulfilment of the common military needs of the United Nations and in the interests of the social and economic progress of Europe, to provide for coordination both in the movement of traffic and in the allocation of transport equipment and material with a view to ensuring the best possible movement of supplies both for military forces and the civil population and also speedy repatriation of displaced persons, and also with a view to creating conditions in which the normal movement of traffic can be more rapidly resumed;

The Governments whose duly authorised representatives have subscribed hereto;

Have agreed as follows:-

ARTICLE I

There is hereby established the European Central Inland Transport Organisation, hereinafter called "the Organisation", which shall act in accordance with the provisions of the following articles. The Organisation is established as a coordinating and consultative organ. It shall coordinate efforts to utilise all means of transport for the successful completion of the war and for the improvement of transport communications so as to provide for the restoration of normal conditions of economic life. It shall also provide assistance to the Allied Commanders-in-Chief during the war and to the occupation authorities set up by Governments of the United Nations during the first period after the war to maintain and improve the carrying capacity of transport.

SECRETARTICLE



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ARTICLE II - Membership

The members of the Organisation shall be the Governments signatory hereto and such other Governments as may be admitted thereto by the Council.

ARTICLE III - Constitution

1. The organisation shall consist of a Council and an Executive Board with the necessary headquarters, regional and local staff.

The Council

2. Each member government shall name one representative and such alternates as may be necessary upon the Council. The Council shall, for each of its sessions, select one of its members to preside. The Council shall determine its own rules of procedure unless otherwise provided in this agreement or by action of the Council. The Council shall vote by simple majority.

3. The Council shall be convened in regular session not less than twice a year by the Executive Board. It may be convened in special session whenever the Executive Board shall deem necessary and shall be convened within thirty days after request by one-third of the members of the Council.

4. The Council shall perform the functions assigned to it under this Agreement and review the work of the Organisation generally to ensure its conformity with the broad policies determined by the Council.

The Executive Board

5. The Executive Board shall consist of seven members who shall be appointed by the Council. It shall include one member nominated by each of the Governments of the French Republic, of the Union of Soviet Socialist Republics, of the United Kingdom and of the United States of America. Each member of

the Executive

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the Executive Board shall be provided with a deputy similarly nominated and appointed. The members and their deputies shall be appointed for not longer than one year. The Executive Board shall choose its own chairman subject to confirmation by the Council.

6. The Executive Board shall perform the executive functions assigned to the Organisation within the framework of the broad policies determined by the Council. It shall act in accordance with the ruling of the majority of its members. It shall present to the Council such reports on its performance of its functions as the Council may require.

7. The Executive Board shall appoint a chief officer to direct the technical and administrative work of the organisation under its general supervision in conformity with the broad policies determined by the Council. This officer shall appoint the staff at headquarters regional and local offices, subject to the approval of the Executive Board, taking into account the exigencies of the various branches of transport concerned. The responsibilities of the chief officer and staff shall be exclusively international in character.

8. Each member Government may appoint a representative for purposes of consultation and communication with the Executive Board. Such representatives shall be fully informed by the Board of all activities of the Organisation. Each time that any important question is discussed concerning the interests of a member Government this representative shall be entitled to take part in the discussion without right of vote.

#### ARTICLE IV

1. The Organisation shall have power to perform any legal act appropriate to its object and purposes, including the power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create subordinate organs

and

S E C R E T

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and to review their activity. The Organisation shall not however have power to own transport equipment and material, except with the unanimous consent of the Council.

2. These powers are vested in the Council. Subject to the provisions of paragraph 2 of Article V, the Council may delegate such of these powers as it may deem necessary to the Executive Board, including the power of subdelegation. The Executive Board shall be responsible to the Council for the upkeep and administration of any property owned by the Organisation.

#### ARTICLE V - Finance

1. The Executive Board shall submit to the Council an initial budget and from time to time such supplementary budgets as may be required, covering the administrative expenses of the Organisation. Upon approval of a budget by the Council, the total amount approved shall be raised in such a manner or be allocated in such proportions as may be agreed between the member Governments. Each member Government undertakes, subject to the requirements of its constitutional procedure, promptly to contribute to the Organisation in such currency or currencies as may be agreed by such Government with the Executive Board its share of these expenses. Each member Government shall also provide such facilities as are required for the transfer into other currencies of sums so contributed and held by the Organization in that Government's own currency.

2. The Organisation shall not incur any expenses other than administrative expenses except under the authority of the Council. Proposals for such expenses shall be submitted by the Executive Board to the Council, and when approved by the Council such expenses shall be met by contributions which a member Government or member Governments may agree to make, or in such other manner as may be agreed between member Governments.

3. Nothing in this Agreement shall require any member Government or transport administration under its authority to perform services without remuneration.

ARTICLE

S E C R E T

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ARTICLE VI - The Scope of the Organisation

1. The Organisation shall exercise its functions in any territory in Continental Europe as soon as the member Government concerned becomes the effective authority for transport in that territory, provided that the Allied Commander-in-Chief concerned is satisfied that military necessity permits and under such conditions as he may deem necessary.

2. In respect of any territory in Continental Europe in which the Allied Commanders-in-Chief retain responsibility for the direction of the transport system, the Organisation shall on request give advice or assistance to the Allied Commanders-in-Chief, and, in consultation with the Allied Commander-in-Chief concerned, to any member Government or to other appropriate authorities of the United Nations, on any question with which it is empowered to deal under Article VII.

3. The Organisation shall treat with any of the Occupation Authorities set up by Governments of the United Nations in respect of any territory in Continental Europe in which such Occupation Authorities are exercising authority.

ARTICLE VII - Executive Functions  
of the OrganisationIntroductory

1. The Organisation shall carry out thorough studies of the technical and economic conditions affecting traffic of an international character, and shall give to the Governments concerned with such traffic, technical advice and recommendations directed to restoring and increasing the carrying capacity of the transport systems in Continental Europe and to coordinating the movement of traffic of common concern on these systems.

2. In case any member Government meets with difficulties in carrying out these recommendations owing to reasons of a material and economic character, the Organisation shall investigate with the member Governments concerned means of practical help.

InformationS E C R E T

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Information on Transport Equipment and Material

3. The Organisation shall receive and collect information concerning the requirements of transport equipment and material for Continental Europe.

Realisation of requirements for transport equipment and material

4. The Organisation shall assist the realisation of requirements of any member Government in Continental Europe for transport equipment and material.

Allocation and distribution for use of transport equipment and material

5. The Organisation shall, within the framework of the priorities determined by the appropriate authorities of the United Nations, determine the allocation or distribution for use to Governments in Continental Europe, on such conditions as it may deem necessary, of such transport equipment and material as may be made available for this purpose by the Allied Commanders-in-Chief, by Occupation Authorities, or by agencies of any one or more of the United Nations. To enable the Organisation to carry out this function effectively, it may consult with the Governments concerned on their export possibilities and import needs for transport equipment and material for Continental Europe and will receive from such Governments notification of all arrangements made in respect thereto of which they have notice.

Arrangements to make mobile transport equipment and material available

6. In cases where temporary emergency requirements of mobile transport equipment for carrying traffic of common concern arise, and normal arrangements for the interchange of such transport equipment are inadequate, the Organisation shall arrange with member Governments concerned to make available mobile transport equipment for the purpose of meeting such requirements. Such mobile transport equipment shall be made available under arrangements made between the member Governments concerned with the assistance of the Organisation.

RestorationS E C R E T

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Restoration of transport equipment and material

7. The Organisation shall arrange, as soon as practicable, to restore to the member Government concerned transport equipment and material belonging to a member Government or to its nationals, found outside the territories under the authority of that member Government and outside its control. These arrangements shall be made in accordance with any general policies which may be determined by the appropriate authorities of the United Nations regarding restoration and restitution of property removed by the enemy. Where immediate restoration would unduly prejudice the operation of essential transport in the area, the Organisation shall work out arrangements with the Governments concerned for the temporary use of equipment pending its restoration.

Census of transport equipment and material

8. The Organisation shall at the earliest practicable time arrange through the member Governments for a census of rolling stock in Continental Europe and of such other transport equipment and material there as may appear necessary for the proper discharge of its functions.

Traffic

9. The Organisation may make such recommendations to the appropriate authorities as it deems necessary with respect to particulars of projected movements of traffic of common concern, having regard to the transport facilities available for the movement of such traffic.

10. The Organisation shall make recommendations to the Governments concerned in order to ensure the movement of traffic of common concern on all routes of transport in Continental Europe in accordance with the priorities determined by the appropriate authorities of the United Nations. In respect of traffic of military importance sponsored by the Allied Commanders-in-Chief, the appropriate authority for this purpose will be the Allied Commander-in-Chief concerned.

ChargesS E C R E T

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Charges

11. The Organisation may work out the unification of tariffs, terms and conditions of transport, and the like, applicable to traffic of an international character. It shall recommend to the Governments concerned the principles by which reasonable transport charges for traffic of common concern in Continental Europe should be fixed by them in accordance with the provisions of paragraph 9 of Article VIII. This paragraph shall not apply to military traffic under the control of the Allied Commanders-in-Chief, except at their request.

Rehabilitation of transport systems

12. The Organisation may study the conditions affecting traffic of an international character in individual countries, and make recommendations to the governments concerned as to technical measures directed to the quickest restoration of transport facilities and their most effective use and as to the priority in which works or projects in respect of the restoration or improvement of transport facilities shall be carried out.

Operation of transport

13. While it remains the task of each member Government to provide for the efficient operation of the transport systems in Continental Europe for which it is responsible, the Organisation may exceptionally, at the request of any member Government, give any practicable assistance in the rehabilitation or operation of transport in any territory in Continental Europe under the authority of such Government on such conditions as may be agreed between such Government and the Organisation, having due regard to the rights of other member Governments.

Coordination of European transport

14. The Organisation shall work out and coordinate common action to secure the inauguration, maintenance, modification, resumption, or where

appropriate,

S E C R E T

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appropriate, suppression of international arrangements for through working of railways and exchange of rolling stock of the Continental European countries for carrying out international transport. In particular, it shall ensure a unified clearing system for traffic operations between the different countries in Continental Europe. In general it shall promote where necessary the establishment of appropriate machinery for cooperation between railway administrations.

15. The Organisation shall place its services at the disposal of member Governments and make recommendations with a view to ensuring the most efficient movement of international traffic on waterways.

16. The Organisation shall take such steps as may be practicable through the Governments concerned to facilitate the movement across frontiers of road transport vehicles.

17. In carrying out the functions mentioned in paragraphs 14 and 16 of this Article, and in placing its service at the disposal of member Governments as described in paragraph 15 of this Article, the Organisation shall make use to the extent practicable of conventions in force between member Governments so as to obtain the greatest benefit therefrom for the fulfilment of its task in this respect, provided that the Organisation shall act (1) in accordance with any general policies which may be determined by the appropriate authorities of the United Nations, and (2) with due respect for existing rights and obligations.

#### Relations with other agencies

18. The Organisation shall make recommendations to the Governments concerned designed to promote adequate coordination of all European transport for the fulfilment of the common military needs of the United Nations or in the interests of traffic of an international character.

19. The

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19. The Organisation shall cooperate as may be required with the appropriate authorities and agencies of any one or more of the United Nations and with international organisations.

20. The Organisation shall provide all possible assistance to the Allied Commanders-in-Chief in meeting their needs for transport facilities and improving the use of these facilities for the successful fulfilment of military requirements.

#### Miscellaneous

21. The Organisation shall arrange for consultation through appropriate machinery with representatives of persons employed in inland transport, on international questions of mutual concern to the Organisation and such representatives within the field of the organisation's activities.

22. The Organisation may advise the Governments concerned and the appropriate authorities of the United Nations on the priority to be given in the interests of the rehabilitation of European transport to the repatriation of displaced transport personnel and to workers required for the production maintenance or repair of transport equipment and material.

23. The Organisation shall give all practicable assistance through the appropriate authorities to any Government concerned at its request in obtaining supplies of fuel power and lubricants to meet the needs of traffic of common concern in order that that Government may fulfill its obligations under paragraph 7 of Article VIII.

#### ARTICLE VIII - Obligations of member Governments

##### Information

1. Every member Government, in respect of territory which is in the field of activity of the Organisation, shall, upon request of the Organisation, provide it with such information as is essential for the performance of its functions.

##### Restoration

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Restoration of Transport Equipment and Material

2. Every member Government, in respect of territory which is in the field of activity of the Organisation, undertakes that:-

(1) it will facilitate the execution of paragraph 7 of Article VII;

(11) except with the consent of the Organisation, it will neither seize nor make use of,

(a) transport equipment and material in Continental Europe found outside the territories under its authority, even though such equipment and material may belong to it or to any of its nationals, provided that this subparagraph shall not debar any member Government or any of its nationals from continuing the management of its or his own inland vessels;

(b) transport equipment and material found within territory under its authority but not belonging to it or any of its nationals, provided that a member Government may make temporary use of enemy or ex-enemy transport equipment and material pending any arrangements that may be made in accordance with the provisions of paragraph 5 of Article VII, and without prejudice to the ultimate disposal of such transport equipment and material by the appropriate authorities of the United Nations;

(c) transport equipment and material coming within territory under its authority under arrangements made under the auspices of the Organisation for the movement of traffic of common concern.

3. The

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3. The provisions of paragraph 2 of this Article shall not affect the rights of the Allied Commanders-in-Chief within any territory in respect of which the Organisation has not begun to exercise its functions under Article VII.

Census of Transport Equipment and Material

4. Every member Government undertakes to co-operate fully with the Organisation in arranging any census for which provision is made in paragraph 8 of Article VII.

Traffic

5. Every member Government undertakes to ensure by any means in its power the best possible movement of traffic of common concern in accordance with the recommendations made by the Organisation under paragraph 10 of Article VII.

6. Every member Government undertakes to provide inland vessels under its control in Continental Europe required for traffic of common concern:-

(i) in accordance with the recommendations of the organisation generally, and

(ii) if signatory to the Annex to this Agreement, in accordance with its terms.

Provision of fuel, power and lubricants

7. Every member Government shall take all measures necessary and practicable to ensure in respect of the territory in Continental Europe under its authority that adequate supplies of fuel, power and lubricants are available for traffic of common concern, provided that the Organisation has made suitable arrangements with the Government concerned.

Charges

8. Every member Government undertakes not to levy or permit the levy of customs duties or other charges, other than transport charges and admissible

transit

S E C R E T

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transit charges, on traffic of common concern in transit through territories in Continental Europe under its authority. No discrimination shall be made in respect of import duties levied on goods of common concern dependent on the route the goods have travelled prior to importation into the country concerned.

9. Every member Government undertakes to secure that transport charges made within territories in Continental Europe under its authority on traffic of common concern, including such traffic in transit through such territories, shall be as low and simple and as uniform with those in other territories to which this agreement applies as is practicable. Every member Government shall give the fullest consideration to recommendations made by the Organisation in accordance with paragraph 11 of Article VII and report to the Organisation on the action taken.

#### Miscellaneous

10. Every member Government undertakes to co-operate with the Organisation in the exercise of its functions under paragraphs 14 and 16 of Article VII.

11. Every member Government shall use its best endeavours in its relations with any other international organisations, agencies or authorities to give effect to the provisions of this Agreement.

12. Every member Government shall give the fullest consideration to any recommendations made by the Organisation in accordance with paragraphs 12, 15 and 18 of Article VII and report to the Organisation on the action taken.

13. Every member Government shall respect the exclusively international character of the chief officer and the staff of the Organisation, and shall grant such facilities to the Organisation, to members of its constituent bodies and to members of its staff as are necessary to the performance by the Organisation of its functions in accordance with Article VII.

14. Every

S E C R E T

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14. Every member Government shall in territory under its authority take all steps in its power to facilitate the exercise by the Organisation of any of the powers referred to in Article IV.

#### ARTICLE IX

The Organisation shall be related to any general international organisation to which may be entrusted the co-ordination of the activities of international organisations with specialised responsibilities.

#### ARTICLE X

1. The functions of the Organisation shall relate to all forms of transport by road, rail or waterway, within the territories of the Continent of Europe in which the Organisation operates, but not to sea-going shipping, except that the provisions of paragraph 10 of Article VII and paragraph 5 of Article VIII shall apply in respect of such shipping when employed in coastwise trade or on inland waterways in Continental Europe.

2. In regard to the handling of traffic in ports where sea-going vessels are discharged or loaded, the Organisation shall co-operate with the appropriate authorities of the member Government concerned and any shipping organisation set up by them to ensure -

- (a) the rapid turn-round of ships;
- (b) the efficient use of port facilities in the best interests of the prompt clearance of cargo of common concern.

#### ARTICLE XI

In the event of there being any direct inconsistency between the provisions of this Agreement and the provisions of any agreement already existing between any of the member Governments, the provisions of this Agreement shall, as between such member Governments, be deemed to prevail, due respect being had to the provisions of paragraph 14 of Article VII

provided,

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provided, however, that nothing in this Article shall be construed to prevent member Governments from entering into agreements to facilitate the working of traffic across national frontiers.

#### ARTICLE XII

Until the end of the period of two years after the general suspension of hostilities with Germany, the provisions of this Agreement may be amended, suspended or terminated only by a unanimous vote of the Council. At any time after that date, any provision of this Agreement may be amended, suspended or terminated by a two-thirds majority of the Council, provided that no alteration shall be made in the provisions of this Agreement so as to extend the obligations or financial liability of any member Government without that Government's consent.

#### ARTICLE XIII

1. This agreement shall come into force for each member Government on the date of signature.
2. It shall remain in force for two years from the date of the general suspension of hostilities with Germany. It shall thereafter remain in force subject to the right of any member Government, after the expiration of eighteen months from the date of such general suspension of hostilities, to give six months notice in writing to the Council of its intention to withdraw from this Agreement.

#### ARTICLE XIV - Definitions

1. For the purpose of this Agreement and its Annex, the definitions given in this Article have been adopted.
2. The term "inland transport" shall include all forms of transport as referred to in Article X

3. The

S E C R E T

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3. The term "Continental Europe" shall mean all territories in Europe under the authority or control of member Governments, but shall not extend to territory of the United Kingdom or of the Union of Soviet Socialist Republics.

4. The term "territory under the authority of a member Government" shall be construed to mean territory in Continental Europe either in the sovereignty of a member Government or territory over which a member Government or Governments is or are exercising authority or control.

5. The term "transport equipment and material" shall include, so far as the Executive Board deems it necessary for the execution of the functions of the Organisation:-

(i) any items of fixed and mobile equipment, stores (other than fuel), plant and spares and accessories of all kinds specifically intended and required for use of transport undertakings, including equipment required for use in ports, whether ashore or afloat;

(ii) equipment and material specifically intended and required for the rehabilitation, maintenance or construction of roads, railways, bridges, ports and inland waterways;

(iii) major plant and tools specifically required for the repair of transport equipment and material for use by transport authorities.

6. The term "traffic of common concern" shall include -

(i) personnel, stores, supplies or other traffic to be moved in accordance with the requirements of the Allied Commanders-in-Chief;

(ii) displaced and other persons to be moved in accordance with the priorities determined by the appropriate United Nations authorities;

(iii) supplies

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(iii) supplies for civil needs to be moved in Continental Europe in accordance with the priorities determined by the appropriate United Nations authorities.

(iv) property removed by the enemy.

7. The term "transport charges" shall include, in addition to freight or conveyance charges, any other incidental charges, such as tolls, port charges, charges for warehousing and handling goods in transit, which may effect the cost of transport.

8. The term "admissible transit charges" means dues intended solely to defray expenses of supervision and administration entailed by the transit traffic concerned.

9. The term "Allied Commanders-in-Chief" shall mean Commanders-in-Chief designated by the appropriate authorities of the French Republic, of the Union of Soviet Socialist Republics, of the United Kingdom and of the United States of America for commands on the Continent of Europe.

10. The term "Government" includes "Provisional Government".

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Annex to ECITO Draft Agreement;  
Traffic on Inland Waterways.

Preamble. With a view to fulfilling in respect of traffic on inland waterways the obligations assumed by the Agreement Concerning the Establishment of an European Central Inland Transport Organisation (hereinafter referred to as the Agreement), and subject to the conditions set out therein, the member Governments signatory hereto have agreed as follows:

Article I. Every member Government signatory hereto undertakes to establish appropriate machinery for the application of the obligations assumed in paragraphs 5 and 6 of Article VIII of the Agreement to traffic on inland waterways and to appoint persons or organisations that are entitled to treat with the Organisation on questions of this nature.

Article II. The member Governments signatory hereto, taking into account the geographical, technical and other peculiarities connected with traffic on inland waterways and the needs of each of them in these respects, will form committees of experts to be consulted by the chief officer on questions of traffic on inland waterways within the various areas of such traffic.

Article III. For each waterways traffic area concerned in Continental Europe, the allocation of inland shipping, and if necessary shipping space, for carrying approved programmes of traffic of common concern will be determined from time to time by the Organisation in agreement with the Governments concerned. In determining this allocation, due account shall be taken of the particulars of the vessel, its equipment and crew, and of its normal traffic.

Article IV. The terms of remuneration to be paid by the users of inland vessels for traffic of common concern shall be worked out by the Organisation in agreement with the Governments and/or the authorities concerned, on a fair and reasonable basis in such a manner as to give effect to the following two principles: (i) inland vessels of all flags performing the same services should receive the same freights, (ii) freights with reference to paragraph 11 of Article VII shall be calculated so as to include, after providing for depreciation of the ship, a reasonable margin of profit.

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12 May 1945


MEMORANDUM FOR THE SECRETARY OF STATE:

Subject: Control Machinery in Germany.

Reference: a. Memorandum for Information No. 7.

The State-War-Navy Coordinating Committee has approved the text of the Agreement on "Control Machinery in Germany" of 14 November 1944, as contained in SWNCC Memorandum for Information No. 7, a copy of which is attached.

For the State-War-Navy Coordinating Committee:

H. FREEMAN MATTHEWS  
Acting ChairmanEnclosure:  
Cy. No. 48, Memo for Info No. 7 SWNCC FILE

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THE STATE-WAR-NAVY COORDINATING COMMITTEE  
WASHINGTON, D. C.

11 May 1945

MEMORANDUM FOR MR. MATTHEWS:

Will you approve the attached papers, Memoranda for Information Numbers 6 and 7, containing the text of agreement signed in London regarding amendments to the agreements on "Unconditional Surrender of Germany" and "Control Machinery in Germany."

War and Navy are <sup>approval of</sup> being similarly asked for their agreement so that Riddleberger can telegraph Winant of these two agreements.

*Leonard James Riddleberger Cox.*

Raymond E. Cox

Approved. HPW

2 Encls.

Cy 49, Memo #6  
Cy 49, Memo #7

WAR DEPARTMENT - OK Mr. McCloy by Col. Gerhardt.

NAVY DEPARTMENT - OK Mr. Bard by Mr. Downey.

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COPY NO. 40

10 May 1945

STATE-WAR-NAVY COORDINATING COMMITTEE

MEMORANDUM FOR INFORMATION NO. 7

CONTROL MACHINERY IN GERMANY

Note by the Secretaries

The enclosure, a copy of the original text of Agreement between the Governments of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the Provisional Government of the French Republic regarding amendments to the Agreement on "Control Machinery in Germany," of November 14, 1944 transmitted to the Secretary of State by the U.S. Delegate, EAC, is circulated for information.

CHARLES W. McCARTHY

ALVIN F. RICHARDSON

RAYMOND E. COX

Secretariat

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TOP SECRETE N C L O S U R E

E.A.C. (45) 2nd Meeting,  
1st May, 1945

EUROPEAN ADVISORY COMMISSION

MINUTES OF MEETING held at Lancaster House, London, S.W.1., on  
1st May, 1945 at 6 p.m.

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PRESENT:

Monsieur R. Massigli (in the Chair)  
Monsieur de Leusse  
Professor Gros

Mr. J.G. Winant  
Brigadier-General V. Meyer  
Dr. P.E. Mosely

Sir William Strang  
Viscount Hood

Mr. F.T. Gousev  
Mr. G.F. Saksin  
Mr. N.V. Ivanov

Secretariat

Mr. E.P. Donaldson  
Mr. T.A. Marchenko  
Mr. W.D. McAfee  
Mr. E.A. Paton-Smith

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AGENDA

Approval of text of Agreement between the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom and the Provisional Government of the French Republic regarding Amendments to the Agreement of 14th November, 1944 on Control Machinery in Germany.

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THE COMMISSION

Approval of text of the Agreement between the four Governments regarding Amendments to the Agreement of 14th November, 1944 on Control Machinery in Germany.

(a) approved the text of the Agreement regarding Amendments to the Agreement of 14th November 1944 on Control Machinery in Germany, as agreed between the Delegations of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic;

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(b) decided to submit the above-mentioned Agreement to the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom and the Provisional Government of the French Republic for consideration and approval;

(c) requested the Secretary-General to have prepared a text in the French language of the Agreement of 14th November, 1944 on Control Machinery in Germany.

|   |  |  |  |
|---|--|--|--|
| Representative<br>of the<br>Government<br>of the<br>United<br>States of<br>America<br>on the<br>European<br>Advisory<br>Commission: | Representative<br>of the<br>Government<br>of the Union<br>of Soviet<br>Socialist<br>Republics<br>on the<br>European<br>Advisory<br>Commission: | Representative<br>of the<br>Government<br>of the<br>United<br>Kingdom<br>on the<br>European<br>Advisory<br>Commission: | Representative<br>of the<br>Provisional<br>Government<br>of the<br>French<br>Republic<br>on the<br>European<br>Advisory<br>Commission: |
| /s/ John S. Winant  | /s/ F.T. Gousev  | /s/ Wm. Strang   | /s/ R. Massigli  |

Lancaster House, London, S.W.1.

1st May, 1945.

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AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED KINGDOM AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC REGARDING AMENDMENTS TO THE AGREEMENT OF 14TH NOVEMBER, 1944 ON CONTROL MACHINERY IN GERMANY.

I.

In the preamble add "the Provisional Government of the French Republic" to the names of the three Governments.

II.

In Article 1 add "the French Republic" to the names of the three Powers.

III.

In Article 2 substitute "three" for "two" before the work "Commanders-in-Chief."

IV.

In Article 3 (a) substitute "four" for "three" before the word "Commanders-in-Chief."

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## V.

In the last sentence of Article 3(c) substitute "four" for "three" before the word "members."

## VI.

In the first sentence of Article 4 substitute "four" for "three" before the word "Commanders-in-Chief."

## VII.

In Article 5(c) substitute "four" for "three" before the word "zones."

## VIII.

In Article 6(b) substitute "four" for "three" before the words "high-ranking officials" and before the words "heads of each Division."

## IX.

In Article 6(c) substitute "four" for "three" before the words "heads of a Division."

## X.

In the first sentence of Article 7(a) substitute "four" for "three" before the word "Commandants."

## XI.

In Article 7(b) substitute "four" for "three" before the word "Powers."

## XII.

In Article 11 add "the Provisional Government of the French Republic" to the names of the three Governments.

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The above text of the Agreement between the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom and the Provisional Government of the French Republic regarding Amendments to the Agreement of 14th November, 1944 on Control Machinery in Germany has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 1st May, 1945.

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Representative  
of the  
Government  
of the  
United  
States of  
America  
on the  
European  
Advisory  
Commission:

Representative  
of the  
Government  
of the Union  
of Soviet  
Socialist  
Republics  
on the  
European  
Advisory  
Commission:

Representative  
of the  
Government  
of the  
United  
Kingdom  
on the  
European  
Advisory  
Commission:

Representative  
of the  
Provisional  
Government  
of the  
French  
Republic  
on the  
European  
Advisory  
Commission:

/s/ John S. Winant /s/ F.T. Gousev /s/ Wm. Strang /s/ R. Nassigli

Lancaster House, London, S.W.1.

1st May 1945.