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	SWNCC 126 Series - Representation of Foreign Countries in Germany after Surrender.			
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18 June 1945

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*SWNCC 125*

INFORMAL POLICY COMMITTEE ON GERMANY  
REPRESENTATION OF FOREIGN COUNTRIES IN GERMANY  
AFTER SURRENDER

Report of the Working Party of the Informal Policy Committee on Germany.  
References: a. IPCOG-6/D (SWNCC 125/D)  
b. JCS 1130/1

THE PROBLEM

1. To consider the proposals by the United Kingdom Representatives to the European Advisory Commission (EAC) concerning the representation of foreign countries in Germany after surrender (Appendix to Enclosure, IPCOG 6/D) and to advise the U.S. Representative, EAC, of U.S. policy.

FACTS BEARING ON THE PROBLEM

2. In E.A.C. (45)47, the U.K. Representative submitted a proposal for the representation of foreign countries in Germany after surrender. His memorandum directs attention to Article 8 of the Agreement on Control Machinery in Germany (E.A.C.(44) 11th meeting) which provides that, "The necessary liaison with the Governments of other United Nations chiefly interested will be ensured by the appointment by such Governments of military missions (which may include civilian members) to the Control Council, having access, through the appropriate channels, to the organs of control." (JCS 1130/1)

3. The U.K. memorandum discusses when those United Nations "chiefly interested" should be invited to send military missions and suggests a list of such nations. It suggests that as far as other United Nations and neutrals are concerned they should be invited to send "Civil Agencies." The privileges and immunities to be enjoyed by members of such "Civil Agencies" are only briefly discussed. The question of the establishment of consulates is also discussed. The memorandum concludes with a recommendation that in the early stages the procedure as far as Austria is concerned should follow the same general lines.

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DISCUSSION

4. For discussion see Appendix "B".

CONCLUSION

5. It is concluded:

- a. That there are no military implications requiring the submission of this report to the Joint Chiefs of Staff;
- b. That the memorandum at Appendix "A" should be transmitted to the Secretary of State.

RECOMMENDATION

6. It is recommended that the memorandum at Appendix "A" should be sent to the Secretary of State.

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APPENDIX "A"

MEMORANDUM TO THE SECRETARY OF STATE:

The Informal Policy Committee on Germany has considered the United Kingdom's memorandum on "Representation of Foreign Countries in Germany after Surrender", (EAC (45)47), and is in general agreement with the proposals outlined therein, subject to the following comments:

a. With regard to representation by military missions of the United Nations "chiefly interested":

The list presented by the United Kingdom memorandum of smaller United Nations deemed to be "chiefly interested", as that term is used in Article 8 of the Agreement on Control Machinery in Germany, is acceptable, inasmuch as the list includes all those states which have actively participated in the European war and which have been given a special recognition by advance notification of the declaration of 5 June. No invitation should be extended to Poland, however, until such time as there is a single Polish government recognized by the four Occupying Powers.

The invitations should be sent jointly by the four Powers as soon as feasible. The British proposal to send the invitations not later than the issue of the "public statement" provided for in paragraph 9 of the EAC report covering the Control Machinery Agreement is no longer pertinent since this "public statement" was issued on 5 June.

The Control Council should determine the time when the military missions may arrive at the seat of the Control Council, should make arrangements for their appropriate reception, and should determine their mode of access to the Control Council as well as all other procedural arrangements connected with the work of the military missions. The military missions should be accorded the privileges and immunities usually enjoyed by diplomatic missions and their personnel.

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b. With regard to representation of other United Nations:

In so far as representation of other United Nations may be desired by these countries or may serve to facilitate the work of the Control Council, the Control Council should be authorized to provide for the representation of other United Nations in Germany by means of agencies. The Control Council should determine the appropriate time for the arrival of the members of such agencies at the seat of the Control Council, the scope of the functions of such agencies, and their mode of access to the Control Council, as well as other procedural arrangements connected with their work, including the status of their members in the matter of privileges and immunities.

In cases where a country may not wish to look after its own interests, an agency of one country may be permitted to look after the interests of another country.

c. With regard to representation of neutral states: The Control Council may permit neutral states to establish agencies to represent their interests in Germany, under whatever specification of functions or restrictions as may be deemed desirable by the Control Council.

With regard to the naming of Chile as an illustration of a neutral state (para. 4 of U.K. memorandum), it should be pointed out that Chile became a member of the United Nations on 14 February 1945.

d. With regard to Austria: The same policy as expressed for Germany should apply to Austria in the initial stage, subject to decisions of the governing body of the Allied Administration for Austria to alter it to meet more rapidly changing needs in the different circumstances of Austria. When an Austrian government, provisional or otherwise, is recognized by the four occupying powers, the governing body of the Allied Administration for Austria should determine when diplomatic or consular representatives or other nations may be accorded to the Austrian government.

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**SECRET**APPENDIX "B"DISCUSSION

1. The four nations represented on EAC have bound themselves to invite those United Nations "chiefly interested" to send military missions to the Control Council for Germany. The U.K. suggestion is that such invitation should be sent "not later than" the issue of the "public statement" provided for in paragraph 9 of the report by EAC covering their agreement on control machinery in Germany (E.A.C.(44th) 11th meeting). This is no longer pertinent since this "public statement" was issued on 5 June. The invitations should be sent jointly by the four powers as soon as feasible.

2. The list of United Nations "chiefly interested" suggested by the U.K. memorandum is generally acceptable to the U.S. However, no invitation should be extended to Poland until such time as there is a single Polish government recognized by the four occupying powers.

3. The Control Council should determine the time when the military missions may arrive at the seat of the Control Council, should make arrangements for their appropriate reception, and should determine their mode of access to the Control Council as well as all other procedural arrangements connected with the work of the military missions. The military missions should be accorded the privileges and immunities usually enjoyed by diplomatic missions and their personnel.

4. With regard to representation in Germany of other United Nations and neutrals the U.K. suggestions are not acceptable in that they propose to require the invitation of representatives and attempt to define their status. These matters should be left to the discretion of the Control Council, which will have to consider, among other things, the available housing and subsistence facilities and the functions which such representatives can acceptably perform in Germany. The Control Council should be given general policy direction under which it may extend invitations at such time as it deems representation advisable.

5. For further discussion **SECRET** "A".