



SCHWEIZERISCHES GENERALKONSULAT
FRANKFURT a. M.

(16) Frankfurt a. M., den 16. Mai 1949.
Myliusstrasse 20
Fernruf Amt Frankfurt a. M. 78486
Postcheckkonto: Frankfurt a. M. 6795
Sprechstunden 9—11 Uhr ausser Samstag

AKTENZEICHEN: Unser E.12.5 - HU/ws
Ihr

130
ad 21.5.49

POLITISCHES DEPARTMENT
10. MAI 1949 005389
REF p. B. 71.3.A

Herr Minister,

Ich beehre mich, Ihnen beiliegend den Text des vom Parlamentarischen Rat am 8. Mai 1949 verabschiedeten "Grundgesetzes für die Bundesrepublik Deutschland" zu übersenden. Wie Sie aus der Presse wissen, ist dieser Text von den drei Militärgouverneuren mit gewissen Vorbehalten angenommen worden. Ich füge den Wortlaut dieser Vorbehalte bei. Zur Vervollständigung Ihrer Dokumentation übersende ich Ihnen ferner den Text des Besatzungsstatuts sowie des zwischen den drei Besatzungsmächten abgeschlossenen Uebereinkommens betreffend die Fusion der Trizone.

Genehmigen Sie, Herr Minister, die Versicherung meiner ausgezeichneten Hochachtung.

DER SCHWEIZERISCHE GENERALKONSUL

Leuch

✓ Beilagen erwähnt.

An das Eidg. Politische Departement,
Politische Angelegenheiten,
B e r n .

Es wird gebeten, Anfragen das Rückporto beizulegen. — In einem Brief jeweils nur eine Angelegenheit behandeln. Korrespondenzen sind ausschliesslich an das Schweizerische Generalkonsulat zu richten.

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
Public Information Office Frankfurt

Room 560

APO 757

US Army

EMBARGO: 1600 HOURS

Frankfurt (Main) Tel: 8184, 8567

26 April 1949

OMGUS PIO/264/49/29

State Department is issuing the following documents in a press release at 1400 hours Zebra Time (1600 hrs Frankfurt Time), 26 April. Release follows:

"The Department of State today made public the text of the agreement reached in Washington on April 8, 1949, between the governments of France, the United Kingdom, and the United States on the basic principles for the merger of the three Western German Zones of Occupation. The purpose of this agreement is to define the organization and procedures through which the powers of the occupying governments will be exercised after the establishment of a provisional German government. The agreement provides for a High Commission, to be composed of a High Commissioner for each of the occupying governments, and it outlines the manner in which the commissioners will vote and reach their decisions. The nature and extent of the powers to be exercised by the occupying governments have been fully set out in the Occupation Statute, which has already been released for publication.

"The provisions of this agreement as to Tripartite controls will be applied so far as practical to Berlin.

"The three governments also agreed on and recorded in their minutes the principles according to which their powers and responsibilities will be exercised after the establishment of a German federal republic. While the occupying governments will retain supreme authority, it is intended that Military Government will be terminated and that the function of the occupation officials will be mainly supervisory. The German authorities will be free to take administrative or legislative action, and this action will be valid unless it is vetoed by Allied authority. The fields in which the occupation authorities reserve the right to take direct action themselves, including the issuance of orders to German federal and local officials, will be restricted to a minimum, and it is expected that, with the exception of security questions, the exercise of direct powers will be of a temporary and self-liquidating nature. After the German federal republic has been established, the Economic Cooperation Administration will assume the responsibility for supervising the use of funds made available by the United States Government to the German economy for purposes of relief and recovery. It is envisaged that the German federal republic will become a party to the convention for European economic cooperation and will also conclude a bilateral agreement with the government of the United States. When the German republic has been established and Military Government has been brought to an end, the strictly military functions of the occupation authorities will be exercised by a commander-in-chief and all other functions by a High Commissioner, who will direct each of the Allied establishments in Germany other than the occupation forces. It is intended that the size of the staffs to be maintained in Germany will be kept to a minimum. A major objective of the three Allied governments is to bring about the closest integration, on a mutually beneficial basis, of the German people under a democratic federal state within the framework of a European Association.

"The Department of State also made public the text of two further agreements reached by the three governments on April 8, concerning a plebiscite in Wuerttemberg-Baden, and the administration of the port of Kehl.

"The texts of certain other agreements on Germany have already been made available for publication. These include the Occupation Statute, the international authority for the Ruhr, the agreement concerning prohibited and limited industries in Germany, and the agreement on the German reparation program."

The four documents follow: p.t.o.

Das State Department veroeffentlich in einem Pressrelease das folgende Dokument, das am 26. April um 16 Uhr Deutscher Sommerzeit zur Veroeffentlichung gelangt. Es hat folgenden Wortlaut:

"Das State Department veroeffentlichte heute den Text des Uebereinkommens, das am 8. April 1949 zwischen den Regierungen von Frankreich, England und den Vereinigten Staaten ueber die Grundprinzipien der Vereinigung der 3 Besatzungszonen Westdeutschlands in Washington erzielt wurde. Zweck des Uebereinkommens ist die Festlegung der Organisation und des Verfahrens mittels derer die Machtbefugnisse der Besatzungsmachte nach Errichtung einer provisorischen deutschen Regierung zur Ausfuehrung gelangen sollen. Das Uebereinkommen sieht die Einsetzung einer Hohen Kommission vor, die sich aus je einem Hohen Kommissar fuer jede der drei Besatzungsmachte zusammensetzt und bestimmt die Art und Weise, wie die Hohen Kommissare abstimmen und ihre Entscheidungen treffen werden. Art und Begrenzung der Machtbefugnisse der drei Besatzungsmachte sind in dem bereits zur Veroeffentlichung gelangten Besatzungsstatut klar umrissen.

"Die Bestimmungen des Abkommens ueber die Dreimachtekontrolle wird auch so weit wie moeglich auf Berlin Anwendung finden.

"Die drei Regierungen erzielten ebenfalls ein protokollarisch festgehaltenes Uebereinkommen ueber die Grundfragen, nach denen ihre Machtbefugnisse und ihre Verantwortung nach der Gruendung einer deutschen Bundesrepublik ausgeuebt werden sollen. Wohl werden die Regierungen der Besatzungsmachte weiterhin die oberste Staatsgewalt ausueben, die Militaerregerung soll jedoch planmaessig aufhoeren und die Funktionen der Beamten der Besatzungsmacht werden hauptsaechlich beaufsichtigender Natur sein. Administrative oder gesetzgeberische Handlungen werden von nun ab von den deutschen Behoerden ausgeuebt werden, die Gueltigkeit bzw. Gesetzeskraft haben, sofern die alliierten Behoerden kein Veto einlegen. Die Gebiete, auf denen die Besatzungsmachte sich das Recht der eigenen Handlungsweise einschli. der Erteilung von Befehlen an deutsche Bundes- und Laenderbeamte vorbehalten, wird auf ein Minimum beschraenkt werden und man erwartet, dass mit Ausnahme der Behandlung der Sicherheitsfragen, die Ausuebung der direkten Machtbefugnisse nur voruebergehend sein werden und mit der Zeit vollkommen aufhoeren wird. Nach Errichtung einer deutschen Bundesrepublik wird die ECA die Verwendung der von der Regierung der U.S.A. zur Verfuegung gestellten Hilfs- und Wiederaufbaumittel in eigenem Verantwortungsbereich ueberwachen. Weiterhin ist vorgesehen, dass die deutsche Bundesrepublik ein Mitglied der OEEC werden wird und mit der Regierung der U.S.A. einen zweiscitigen Vertrag abschliessen wird. Sobald die deutsche Bundesrepublik errichtet und die Militaerregerung beendet ist, werden die reinen militaerischen Funktionen der Besatzungsmachte von einem Oberkommando ausgefuehrt werden, alle anderen Funktionen jedoch von einem Hohen Kommissar, dem saemtliche alliierten Aemter in Deutschland unterstehen, ausser denen der Besatzungstruppen. Es ist weiterhin vorgesehen, dass in Deutschland verbleibende Personal auf ein Minimum zu beschraenken. Das grosse Ziel der drei alliierten Regierungen ist, das deutsche Volk innerhalb eines demokratischen Bundesstaates zu allseitigem Nutzen in engste Zusammenarbeit mit der europaeischen Gemeinschaft zu bringen.

Das State Department gab ebenfalls den Text zweier weiterer Uebereinkommen bekannt: den Volksentscheid in Wuerttemberg-Baden sowie die Verwaltung des Hafens Kehl, die am 8. April zwischen den drei Regierungen getroffen wurden.

Der Text gewisser Uebereinkommen ueber Deutschland ist bereits bekanntgegeben worden. Dazu gehoeren das Besatzungsstatut, die Internationale Ruhrbehoerde, das Uebereinkommen ueber verbotene und beschraenkte Industrien in Deutschland, und das Uebereinkommen ueber das deutsche Reparationsprogramm.

Die vier Dokumente folgen im englischen Text:

Agreed Minute on Wuerttemberg-Baden Plebiscite

It was agreed that the status quo in Wuerttemberg and Baden would be maintained for the time being and that the plebiscite recommended by the German Minister Presidents would be postponed in the interest of avoiding any possible delay in the establishment of the German Federal Government.

It was further agreed that the question of the Wuerttemberg-Baden Land boundaries would be re-examined after the establishment of the German Federal Government.

Agreement regarding Kehl

Final Text

The French Control Authorities with the assistance of the Strasbourg French Authorities will maintain under existing conditions jurisdiction over the Kehl Port Zone until establishment of the German Federal Government and conclusion of negotiations between the French and German authorities with respect to a Joint Port Administration for Kehl.

It was agreed, on a proposal of the French Government, that the City of Kehl would gradually be returned to German administration. It was foreseen that the French temporarily domiciled in Kehl might remain during a four-year period required for the preparation of additional housing in Strasbourg. Around one-third of the French inhabitants will be able to leave Kehl within several months, and the remainder progressively thereafter as housing becomes available.

The final decision with respect to the Kehl Port Zone will be made in the peace settlement. If the port authority develops harmoniously, the US and UK will be willing at the time of the peace settlement to bring an attitude of good will toward the establishment of a permanent joint authority.

Agreement as to Tripartite Controls

Final Text

The Governments of the United Kingdom, France and the United States agree to enter into a Trizonal Fusion Agreement prior to the entry into effect of the Occupation Statute. The representatives of the Three Occupying Powers will make the necessary arrangements to establish tripartite control machinery for the Western Zones of Germany, which will become effective at the time of the establishment of a provisional German government. The following provisions agreed by the Governments of the United Kingdom, France and the United States shall form the basis of these arrangements:

1. An Allied High Commission composed of one High Commissioner of each Occupying Power or his representative shall be the supreme Allied agency of control.

2. The nature and extent of controls exercised by the Allied High Commission shall be in harmony with the Occupation Statute and international agreements.

3. In order to permit the German Federal Republic to exercise increased responsibilities over domestic affairs and to reduce the burden of occupation costs, staff personnel shall be kept to a minimum.

4. In the exercise of the powers reserved to the occupation authorities to approve amendments to the Federal Constitution, the decisions of the Allied High Commission shall require unanimous agreement.

5. In cases in which the exercise of, (or failure to exercise), the powers reserved under paragraph 2 (g) of the Occupation Statute would increase the need for assistance from United States Government appropriated funds, there shall be a system of weighted voting. Under such system the representatives of

(more)

the occupation authorities will have a voting strength proportionate to the funds made available to Germany by their respective Governments. This provision shall not, however, reduce the present United States predominant voice in JEIA and JFEA while these organizations, or any successor organization to them, continue in existence and are charged with the performance of any of their present functions. No action taken hereunder shall be contrary to any inter-governmental agreement among the signatories or to the principles of non-discrimination.

6. On all other matters action shall be by majority vote.

7. (a) If a majority decision alters or modifies any inter-governmental agreement which relates to any of the subjects listed in paragraph 2 (a) and 2 (b) of the Occupation Statute, any dissenting High Commissioner may appeal to his Government. This appeal shall serve to suspend the decision pending agreement between the three Governments.

(b) If a High Commissioner considers that a majority decision conflicts with any inter-governmental agreement which relates to any of the subjects in paragraph 2 (a) and 2 (b) of the Occupation Statute or with the fundamental principles for the conduct of Germany's external relations or with matters essential to the security, prestige, and requirements of the occupying forces, he may appeal to his Government. Such an appeal shall serve to suspend action for 30 days, and thereafter unless two of the Governments indicate that the grounds do not justify further suspension.

(c) If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.

8. A High Commissioner who considers that a decision made by less than unanimous vote involving any other matter reserved by the Occupation Statute is not in conformity with basic tripartite policies regarding Germany or that a Land constitution, or an amendment thereto, violates the Basic Law, may appeal to his government. An appeal in this case shall serve to suspend action for a period not to exceed twenty-one days from the date of the decision unless all three Governments agree otherwise. If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.

9. All powers of the Allied High Commission shall be uniformly exercised in accordance with tripartite policies and directives. To this end in each Land the Allied High Commission shall be represented by a single Land Commissioner who shall be solely responsible to it for all tripartite affairs. In each Land the Land Commissioner shall be a national of the Allied power in whose Zone the Land is situated. Outside his own Zone each High Commissioner will delegate an observer to each of the Land Commissioners for purposes of consultation and information. Nothing in this paragraph shall be construed to limit the functions of bodies established pursuant to inter-governmental agreement.

10. To the greatest extent possible, all directives and other instruments of control shall be addressed to the Federal and/or Land authorities.

11. The Trizonal Fusion Agreement will continue in force until altered by agreement among the Governments.

(end)

OCCUPATION STATUTE

Defining the Powers to be Retained by
the Occupation Authorities

In the exercise of the supreme authority which is retained by the Governments of France, the United States and the United Kingdom,

We, General Pierre KOENIG, Military Governor and Commander-in-Chief of the French Zone of Germany,

General Lucius D. CLAY, Military Governor and Commander-in-Chief of the United States Zone of Germany, and

General Sir Bryan Hubert ROBERTSON, Military Governor and Commander-in-Chief of the British Zone of Germany,

DO HEREBY JOINTLY PROCLAIM THE FOLLOWING OCCUPATION STATUTE:

1. During the period in which it is necessary that the occupation continue, the Governments of France, the United States and the United Kingdom desire and intend that the German people shall enjoy self-government to the maximum possible degree consistent with such occupation. The Federal state and the participating Laender shall have, subject only to the limitations in this instrument, full legislative, executive and judicial powers in accordance with the Basic Law and with their respective constitutions.

2. In order to insure the accomplishment of the basic purposes of the occupation, powers in the following fields are specifically reserved, including the right to request and verify information and statistics needed by the Occupation Authorities:

- (a) Disarmament and demilitarization, including related fields of scientific research, prohibitions and restrictions in industry, and civil aviation;
- (b) Controls in regard to the Ruhr, restitution, reparations, decartolization, deconcentration, non-discrimination in trade matters, foreign interests in Germany and claims against Germany;
- (c) Foreign affairs, including international agreements made by or on behalf of Germany;
- (d) Displaced persons and the admission of refugees;
- (e) Protection, prestige, and security of Allied Forces, dependents, employees and representatives, their immunities and satisfaction of occupation costs and of their other requirements;
- (f) Respect for the Basic Law and the Land Constitutions;
- (g) Control over foreign trade and exchange;

- (h) Control over internal action, only to the minimum extent necessary to ensure use of funds, food and other supplies in such manner as to reduce to a minimum the need for external assistance to Germany;
- (i) Control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the Occupying Powers or Occupation Authorities; over the carrying out of sentences imposed on them; and over questions of amnesty, pardon or release in relation to them.

3. It is the hope and expectation of the Governments of France, the United States, and the United Kingdom that the Occupation Authorities will not have occasion to take action in fields other than those specifically reserved above. The Occupation Authorities, however, reserve the right, acting under instructions of their Governments, to resume in whole or in part, the exercise of full authority if they consider that to do so is essential to security or to preserve democratic government in Germany or in pursuance of the international obligations of their Governments. Before so doing they will formally advise the appropriate German authorities of their decision and the reasons therefor.

4. The German Federal government and the governments of the Laender shall have the power, after due notification to the Occupation Authorities, to legislate and act in the fields reserved to these authorities, except as the Occupation Authorities otherwise specifically direct, or as such legislation or action would be inconsistent with decisions or actions taken by the Occupation Authorities themselves.

5. Any amendment of the Basic Law will require the express approval of the Occupation Authorities before becoming effective. Land constitutions, amendments thereof, all other legislation, and any agreements made between the Federal state and foreign governments, will become effective twenty-one days after official receipt by the Occupation Authorities unless previously disapproved by them, provisionally or finally. The Occupation Authorities will not disapprove legislation unless in their opinion it is inconsistent with the Basic Law, a Land constitution, legislation or other directives of the Occupation Authorities themselves or the provisions of this instrument or unless it constitutes a grave threat to the basic purposes of the occupation.

6. Subject only to the requirements of their security, the Occupation Authorities guarantee that all agencies of the occupation will respect the civil rights of every person to be protected against arbitrary arrest, search or seizure; to be represented by counsel; to be admitted to bail as circumstances warrant; to communicate with relatives; and to have a fair and prompt trial.

7. Legislation of the Occupation Authorities enacted before the effective date of the Basic Law shall remain in force until repealed or amended by the Occupation Authorities in accordance with the following provisions:

- (a) Legislation inconsistent with the foregoing will be repealed or amended to make it consistent herewith;
- (b) Legislation based upon the reserved powers, referred to in para 2 above, will be codified;
- (c) Legislation not referred to in (a) and (b) will be repealed by the Occupation Authorities on request from appropriate German authorities.

(more)

8. Any action shall be deemed to be the act of the Occupation Authorities under the powers herein reserved, and effective as such under this instrument, when taken or evidenced in any matter provided by any agreement between them. The Occupation Authorities may in their discretion effectuate their decisions either directly or through instructions to the appropriate German authorities.

9. After 12 months and in any event within 18 months of the effective date of this instrument the Occupying Powers will undertake a review of its provisions in the light of experience with its operation and with a view to extending the jurisdiction of the German authorities in the legislative, executive and judicial fields.

(ends)

BRITISH INFORMATION SERVICES
FRANKFURT /MAIN
489 HQ. C.G. BE
BAOR 21

11th April 1949

The following is not a press release but can be shown to correspondents for background purposes only. It can also be shown to German press on same understanding that it cannot be quoted.

Following is text of Occupation Statute:

In the exercise of the supreme authority which is retained by the governments of France, the U.S. and the U.K. General Pierre Koenig, Military Governor and Commander-in-Chief of the French Zone of Germany, General Lucius D. Clay, Military Governor and Commander-in-Chief of the U.S. Zone of Germany, and General Sir Brian Hubert Robertson, Military Governor and Commander-in-Chief of the British Zone of Germany, do hereby jointly proclaim the following Occupation Statute:

1. During the period in which it is necessary that the occupation continues, the governments of France, the U.S. and the U.K. desire and intend that the German people shall enjoy self-government to the maximum possible degree consistent with such occupation. The Federal State and the participating Laender shall have, subject only to the limitations in this instrument, full legislative, executive and judicial powers in accordance with the Basic Law and with their respective constitutions.

2. In order to ensure the accomplishment of the purposes of the occupation, powers in the following fields were specifically reserved, including the right to request and verify information and statistics needed by the occupation authorities:

(A) Disarmament and demilitarisation, including related fields of scientific research, prohibitions, decartelisation, deconcentration, trade discrimination, foreign interests in Germany and claims against Germany:

(B) Controls in regard to the Ruhr, restitution, reparations, decartelisation, deconcentration, trade discrimination, foreign interests in Germany and claims against Germany:

(C) Foreign affairs, including international agreements made by or on behalf of Germany:

(D) Displaced persons and the admission of refugees:

(E) Protection, prestige, and security of Allied Forces, dependents, employees, and representatives, their immunities and satisfaction of occupation costs and their other requirements:

(F) Respect for the Basic Law and the Land constitutions:

(G) Control over foreign trade and exchange:

(H) Control over internal action, only to the minimum extent necessary to ensure use of funds, food or other supplies in such manner as to reduce to a minimum the need for external assistance to Germany:

(I) Control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the Occupying Powers or occupation authorities, over the carrying out of sentences imposed on them, and other questions of amnesty, pardon or release in relation to them.

3. It is the hope and expectation of the governments of France, the U.S. and the U.K. that the occupation authorities will not have occasion to take action in fields other than these specifically reserved above. The occupation authorities, however, reserve the right, acting under instructions of their governments, to resume, in whole or in part, the exercise of full authority if they consider

(Occupation Statute, cont.)

that to do so is essential to security or to preserve democratic government in Germany or in pursuance of the international obligations of their governments. Before so doing they will formally advise the appropriate German authorities of their decision and of the reasons therefore.

4. The German federal government and the governments of the Laender shall have the power, after due notification to the occupation authorities, to legislate and act in the fields reserved to those authorities, except as the occupation authorities otherwise specifically direct or as such legislation or action would be inconsistent with decisions or actions taken by the occupation authorities themselves.

5. Any amendments of the Basic Law will require the express approval of the occupation authorities before becoming effective. Land constitutions, amendments thereof, all other legislation, and any agreements made between the federal state and foreign governments will become effective twenty-one days after official receipt by the occupation authorities unless previously disapproved by them, provisionally or finally. The occupation authorities will not disapprove legislation unless in their opinion it is inconsistent with the Basic Law. A Land constitution, legislation or other directives of the occupation authorities themselves or the provisions of this instrument, or unless it constitutes a grave threat to the basic purposes of the occupation.

6. Subject only to the requirements of their security, the occupation authorities guarantee that all agencies of the occupation will respect the civil right of every person to be protected against arbitrary arrest, search or seizure, to be represented by counsel, to be admitted in bail as circumstances warrant to communicate with relatives and to have a fair and prompt trial.

7. Legislation of the occupation authorities before the effective date of the Basic Law shall remain in force until repealed or amended by the occupation authorities in accordance with the following provisions:

(A) Legislation inconsistent with the foregoing will be repealed or amended to make it consistent herewith:

(B) Legislation based upon the reserved powers, referred to in para.2 above, will be certified,

(C) Legislation not referred to in (A) and (B) will be repealed by the occupation authorities on request from appropriate German authorities.

8. Any action shall be deemed to be the act of the occupation authorities under the powers herein reserved, and effective as such under this instrument, when taken or evidenced in any manner provided by any agreement between them. The occupation authorities may in their discretion effectuate their decisions either directly or through instructions to the appropriate German authorities.

9. After 12 months and in any event within 18 months of the effective date of this instrument the Occupying Powers will undertake a review of its provisions in the light of experience with its operation and with a view to extending the jurisdiction of the German authorities in the legislative, executive and judicial fields.

Following is text of agreement as to Tripartite controls:

The governments of the U.K., France and the U.S. agree to enter into a Trizonal fusion agreement prior to the entry into effect of the Occupation Statute.

(Occupation Statute, cont.)

The representatives of the three Occupying Powers will make the necessary arrangements to establish Tripartite control machinery for the western Zones of Germany, which will become effective at the time of the establishment of a provisional German government. The following provisions agreed by the governments of the U.K., France and the U.S. shall form the basis of these arrangements:

1. An Allied High Commission composed of one High Commissioner of each Occupying Power or his representative shall be the supreme Allied agency of control.
2. The nature and extent of controls exercised by the Allied High Commission shall be in harmony with the Occupation Statute and international agreements.
3. In order to permit the German federal republic to exercise increased responsibilities over domestic affairs and to reduce the burden of occupation costs, staff personnel shall be kept to a minimum.
4. In the exercise of the powers reserved to the occupation authorities to approve amendments to the federal constitution, the decisions of the Allied High Commission shall require unanimous agreement.
5. In cases in which the exercise of, or failure to exercise, the powers reserved under paragraph 2 (G) of the Occupation Statute would increase the need for assistance from U.S. government appropriated funds, there shall be a system of weighed voting. Under such system the representatives of the occupation authorities will have a voting strength proportionate to the funds made available to Germany by their respective governments. This provision shall not, however, reduce the present US predominant voice in JEIA and IFFA while these organizations, or any successor organization to them, continue in existence and are charged with the performance of any of their present functions. No action taken hereunder shall be contrary to any inter-governmental agreement among the signatories or to the principles of non-discrimination.
6. On all other matters action shall be by majority vote.
- 7.(A) If a majority decision alters or modifies any inter-governmental agreement which relates to any of the subjects listed in paragraphs 2(A) and 2(B) of the Occupation Statute, any dissenting High Commissioner may appeal to his government. This appeal shall serve to suspend the decisions pending agreement between the three governments.
- (B) If a High Commissioner considers that a majority decision conflicts with any inter-governmental agreement which relates to any of the subjects in paragraphs 2(A) and 2(B) of the Occupation Statute or with the fundamental principles for the conduct of Germany's external relations or with matters essential to the security, prestige, and requirements of the Occupying Powers, he may appeal to his government. Such an appeal shall serve to suspend action for 30 days, and thereafter unless two of the governments indicate that the grounds do not justify further suspension.
- (C) If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.
8. A High Commissioner who considers that a decision made by less than unanimous vote, involving any other matter reserved by the Occupation Statute is not in conformity with basic Tripartite policies regarding Germany or that a land constitution, or an amendment thereto violates the Basic Law, may appeal to his government. An appeal in this case shall serve to suspend action for a period not to exceed 21 days from the date of the decision unless all three governments agree otherwise. If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.

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(Occupation Statute, cont.)

9. All powers of the Tripartite Control Commission shall be uniformly exercised in accordance with Tripartite policies and directives. To this end in each Land the Allied High Commission shall be represented by a single Land Commissioner who shall be solely responsible to it for all Tripartite affairs. In each Land the Land Commissioner shall be a national of the Allied power in whose Zone the Land is situated. Outside his own Zone each High Commissioner will delegate an observer to each of the Land Commissioners for purposes of consultation and information. Nothing in this paragraph shall be construed to limit the functions of bodies established pursuant to inter-governmental agreement.

10. To the greatest extent possible, all directives and other instruments of control shall be addressed to the federal and/or Land authorities.

11. The Trizonal fusion agreement will continue in force until altered by agreement among the governments.

Following is text of message from Foreign Secretaries for delivery to Parliamentary Council by the Military Governors. Message covers text of the Occupation Statute which was agreed by the Foreign Ministers.

The Foreign Ministers have considered the problem of a federal German republic in all its aspects in Washington and have come to a number of important decisions of policy in regard thereto. They have decided that, in general, the German authorities shall be at liberty to take administrative and legislative action, and that such action will have validity if not vetoed by Allied authorities. There will be certain limited fields in which the Allies will reserve the right to take direct action themselves and which are set out in the Occupation Statute, a copy of which is attached hereto.

With the establishment of the German Federal Republic, Military Government as such will terminate and the functions of the Allied authorities will be divided - control functions being exercised by a High Commissioner and military functions by a Commander-in-Chief. The three High Commissioners together will constitute an Allied High Commission, and it is the aim of the three governments to restrict to a minimum the size of the supervisory staffs attached to their respective High Commissioners.

Foreign Ministers further affirm that it is a major objective of the three Allied governments to encourage and facilitate the closest integration on mutually beneficial basis of the German people under a democratic federal state within the framework of a European association.

Nevertheless, before the far-reaching developments which they contemplate can be put in hand, it is essential that an agreement should be reached by the Parliamentary Council upon a Basic Law for the German Federal Republic.

(ENDS)