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ENACT-  
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AND  
APPROVED  
PAPERS

ALLIED  
CONTROL  
AUTHORITY  
GERMANY

VOL. 4  
JUL. - SEPT.  
1946

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Germany (Territory under Allied Occupation)  
" 1945- ) Control Council.

**ALLIED CONTROL AUTHORITY**

**GERMANY**

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v. 4

**VOL. 4**

Jul. - Sept. 1946

**ENACTMENTS AND  
APPROVED PAPERS**



R E S T R I C T E D

ENACTMENTS AND APPROVED PAPERS  
OF THE  
CONTROL COUNCIL AND COORDINATING COMMITTEE  
1 JULY 1946 - 30 SEPTEMBER 1946

Compiled by

LEGAL DIVISION

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

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R E S T R I C T E D

F O R E W O R D

The present compilation containing enactments and approved papers of the Allied Control Authority for the period 1 July 1946 to 30 September 1946 is the fourth in the series of "Enactments and Approved Papers of the Control Council and Coordinating Committee" published by the Legal Division, Office of Military Government for Germany (U.S.).

Requests for and comments with respect to the "Enactments and Approved Papers" indicate that this publication is useful and fills a real need of Military Government Authorities.

It is planned to publish a fifth volume, covering the period 1 October 1946 to 31 December 1946, during January 1947.

Alvin J. Rockwell  
Legal Adviser, and  
Director, Legal Division

Berlin

1 October 1946

R E S T R I C T E D

R E S T R I C T E D

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CONTROL COUNCILLAW NO. 31POLICE BUREAUS AND AGENCIES OF A POLITICAL NATURE

The Control Council enacts as follows:-

Article I

All German Police Agencies and Bureaus which have as their purpose the supervision or control of the political activities of persons within Germany are abolished. This provision applies to all such Police Agencies and Bureaus, whether they are organised within legally constituted German Police Forces or placed under the control of the local authorities,

Article II

Any new organisation or any activity of Police Agencies or Bureaus of the type specified in Article I is prohibited.

Article III

Any person violating or attempting to violate any of the provisions of this Law shall be liable to criminal prosecution before a Military Government Court and to such punishment as the Court may direct,

Article IV

Any provision of German legislation inconsistent with this Law is hereby repealed.

Article V

This Law shall come into force on the date of its publication.

Done at BERLIN on the 1st day of July 1946.

P. KOENIG, General d'Armee

V. SOLOVSKY, Marshal of the  
Soviet Union

Robert . HARPER, Major General  
for Joseph T. McNARNEY, General

Sholto DOUGLAS, Marshal of the Royal  
Air Force

"The date of publication is 5 July 1946 at 1800 hours."

CONL/P(46)47(Final)  
1 July 1946

COORDINATING COMMITTEE

Financing of the Central Registry of War Criminals  
and Security Suspects

1, By its Directive No.25 of 23rd January 1946, the Control Council decided that, from the date of this directive, the costs of CROWCASS would be borne in equal parts by the Governments of the four United Nations represented in the Control Council and that these Governments would have **the** right to charge these costs as German costs of occupation.

2, While CROWCASS is in Paris the necessity exists to finance these expenses in foreign exchange. The method whereby foreign exchange occupation costs of this character **are** to be reimbursed from German resources has not yet been determined. However, it is clear that pending the balancing of German import costs against the proceeds of German exports, foreign exchange occupation costs of this nature may not **be** defrayed from the latter source.

3. In fact, during this period Germany will not dispose of any resources in foreign exchange which can be utilized to cover them. The four occupying nations will thus have to make advances.

4. The expenses of CROWCASS as obtained from U.S. Army sources, include the following elements:

(Approximate Operating Costs for the Month of February)

French Employees	\$	17,251.00*
US and British Personnel	\$	3,400.00
Hollerith Machines	\$	2,800.00
Hollerith Cards and Paper	\$	3,500.00
Printing General Forms, etc,	\$	1,200.00
Rent	\$	1,000.00*
Stationery and Office Supplies	\$	200.00*
Mimeograph Paper	\$	200.00*
Gasoline and Oil	\$	175.00
Garage Rent	\$	35.00*
Cleaning and Preserving Materials	\$	35.00*
Communication	\$	75.00*
Light and Power	\$	250.00*
Fuel	\$	200.00*
	\$	<u>30.321.00</u>

\* Payable in French Francs.  
(French franc expenses converted into  
U.S. dollars at the rate of  
\$ 1.00 = FF 118.959.096)

5. The actual payment of these expenses will not be subject to fluctuations for several years since they deal principally with salary of personnel whose maintenance must be assured. Thus a liberal provision should be made for their payment,

6. In the application of the principle of equal shares determined by Directive No.25 it follows that the total of the expenses from the budget of CROWCASS should be divided into four equal parts and that the governments of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and of France should make an actual payment of one fourth each to cover the operating expenses. It is proposed that each of the four occupying powers pay a sum equivalent in value to \$ 45,000.00 out of which the cost in francs and sterling will be payable in those currencies, and the balance in dollars and this sum will be regarded as an advance to cover CROWCASS expenditures with a final accounting to be made at a later date. The amounts so advanced will be used to defray the costs of CROWCASS on an equal basis from 23rd January 1946. It is estimated that the amounts so advanced will cover the expenses of CROWCASS for a six month period from 23rd January 1946. Amounts already advanced for this purpose by the United States since 23rd January 1946 will be considered as applying against its share of the contribution noted above..

7. They Will charge these advances to the account of external occupation costs in order to be reimbursed in due time.

CORC/P(46)158(Revise)

5 July 1946

CORC/M(46)33

COORDINATING COMMITTEE

MINUTES

(Meeting of 3 July 1946)

379. FINANCING OF THE CENTRAL REGISTRY OF WAR CRIMINALS AND SECURITY SUSPECTS (CROWCASS).

The Meeting considered CORC/P(46)158 (Revise).

THE MEETING:

- (379) (a) approved CORC/P(46)158 (Revise);  
 (b) agreed that CROWCASS in Paris should be financed on account of proceeds from German exports and that, as soon as this organization moved to Berlin these expenses should be borne by German agencies;  
 (c) instructed the Finance Directorate to implement the above decision of the Committee.

COORDINATING COMMITTEE

Second Report on Financing the Repatriation of German Agents and  
Obnoxious Germans Located in United Nations Territory

Note by the Allied Secretariat

1. At its 36th Meeting on 7 February 1946, the Coordinating Committee considered CORC/P(46)52 on the above subject, and agreed to refer this paper to the Finance Directorate for further examination, in consultation with the Political Directorate.
2. After securing the concurrence of the Political Directorate, the Finance Directorate, at its 34th Meeting on 20 June 1946, agreed to submit the following recommendations to the Coordinating Committee:
  - (a) "That the United Nations be requested to assume the burden of all expenses incurred in repatriating to the German border German agents and obnoxious Germans residing in their territory."
  - (b) "That all expenses incurred in this connection up to the point of entry into Germany should be borne by the United Nation concerned and that all expenses incurred within Germany should be borne out of German resources within the Zone in which they are incurred."
3. The above recommendations are submitted for approval, at the 62nd Meeting of the Coordinating Committee on 3 July 1946.\*)

J. L. BAUDIER, Consul General

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

Allied Secretariat

\*) see page 6

5 July 1946

CORC/P(46)33

6

COORDINATING COMMITTEE

MINUTES

(Meeting of 3 July 1946)

383. SECOND REPORT ON FINANCING THE REPATRIATION OF GERMAN AGENTS  
AND OBNOXIOUS GERMANS LOCATED IN UNITED NATIONS TERRITORY

The Meeting considered CORC/P(46)224.

On the CHAIRMAN's proposal,

THE MEETING:

(383) (a) approved CORC/P(46)224;

(b) instructed the Secretariat to send a letter in the name of the Control Council to the United Nations requesting them to assume the burden of all expenses incurred in repatriating to the German border agents and obnoxious Germans in their territory.



COORDINATING COMMITTEE

Special Instructions Concerning Replacement by Similar  
or Comparable Property of Objects of a Unique Character

(Proposal of the U. S. Member\*)

1. Replacement for unique objects of the following categories only may be submitted to the Allied Control Authority:

- a. Works of art of the masters of painting, engraving and sculpture,
- b. The most important works of distinguished masters of applied art and outstanding anonymous examples of national art.
- c. Historical relics of any kind,
- d. Manuscripts, books (such as rare incunabula), books having an intrinsic value of historical character, or constituting rare examples even of modern times,
- e. Objects of importance to the history of science,

2. Only claims for objects of great rarity will be considered, Action to be taken on each claim will be based upon the evidence presented and the merits of each case.

---

\*) see page 8

9 July 1946

CORC/M(46)34

COORDINATING COMMITTEE

MINUTES

(Meeting of 8 July 1946)

THE MEETING agreed:

- (387) (a) To approve in principle the paper submitted by the American Delegation.\*)
- (b) To instruct the R.D. and R. Directorate to consider what machinery could best implement the measures mentioned in the paper, taking into account the existing machinery for dealing with reparation and restitution.

---

\*) NOTE: In its meeting of 8 July 1946 the Coordinating Committee considered Appendix "A" to CORC/M(46)34 instead of the originally submitted paper CORC/P(46)80 Revise: "Special Instructions Concerning Replacement by Similar or Comparable Property of Objects of a Unique Character".

CONTROL COUNCIL

LAW NO. 32

Employment of Women on Building and Reconstruction Work

In view of the shortage of able-bodied men in certain parts of Germany, the Control Council enacts as follows:-

Article I

The appropriate German authorities may employ, or authorize the employment of female labor on building and reconstruction work, including rubble clearance.

Article II

The provisions of the Ordinance concerning working hours (Arbeitszeitordnung) of 30th April 1938 (RGEL 1938 I/447) and all other enactments inconsistent with this Law are repealed or amended in accordance with this Law.

Article III

This Law shall come into force on the date of publication,

V. SOKOLOVSKY  
Marshal of the Soviet Union

JOSEPH T. McNARNEY  
General

SHolto DOUGLAS  
Marshal of the Royal Air Force

P. KOENIG  
General d'Armee

Done at Berlin the 10th day of July 1946

"The date of publication is 14 July 1946 at 1800 hours."

CONTROL COUNCILDIRECTIVE NO. 30Revision of Article IV of Directive No.30 on the  
Liquidation of German Military and Nazi Memorials  
and Museums

THE CONTROL COUNCIL DIRECTS AS FOLLOWS:

Article IV of Directive No.30 is hereby rescinded and replaced by the following wording:

## IV

"The following are not subject to destruction and liquidation:

- I. Monuments erected solely in memory of deceased members of regular military organizations, with the exception of paramilitary organizations, the S.S. and Waffen S.S.
2. Individual tombstones existing at present or to be erected in the future, providing the architectural designs, decorations or inscriptions of the monuments, mentioned in paragraphs 1 and 2 do not recall militarism or commemorate the Nazi party.

With a view to the preservation of the monuments indicated in paragraphs 1 and 2, alterations may be made in the architectural designs, decorations or inscriptions which would remove objectionable characteristics."

Done at Berlin, the 12th day of July 1946.

M. I. DRATVIN  
Lieutenant General

R. W. HARPER  
Major General

G.W.E. G. ERSKINE  
Major General

R. J. NOIRET  
General de Division

CORC/P(46)226 Final

CONTROL COUNCILLAW NO. 33Census of the German PopulationTHE CONTROL COUNCIL ENACTS AS FOLLOWS:Article I

A census will take place of the entire population located in the American, British, French and Soviet Zone of Occupation and in Berlin on the basis of the situation existing at 2400 hours on Tuesday 29th of October, 1946.

Article II

The following persons will be excluded from the census:

1. Members of the Armies of Occupation, of Military Governments, of Control Commissions, and Military Missions accredited to the Allied Control Authority.
2. Civilians who are not German nationals and who are affiliated to, and in possession of identity papers issued by, the Occupational Forces.
3. Civilians who are not German nationals and who had been admitted into a Zone or into Berlin by Military Government and are in possession of identity papers exempting them from German registration and do not receive their ration cards from German sources; such as members of International Delegations, non-German barge crews and non-German bargemen whose home port is not located in Germany.

Article III

The following persons will be subject to census by Occupational and not by German authorities;

1. Prisoners of war.
2. Displaced persons who are in possession of displaced persons' identity cards and are located in camps placed under the responsibility of any of the Allied Military Authorities.

(c) Wilfully suppresses, defaces, alters, or makes away with any such document

shall be prosecuted in Military Government or German courts and shall be punished by imprisonment for a term not exceeding five (5) years or by a fine of not less than 1000.- and not more than 29,030.- M., or both.

Article VIII

This Law shall come into force on the date of publication.

Done at BERLIN on the 20th day of July 1946.

/s/ P. A. Kurochkin  
/t/ P. A. KUROCHKIN  
Colonel-General

/s/ Joseph T. McNarney  
/t/ JOSEPH T. MCNARNEY  
General

/s/ B. H. Robertson  
/t/ B. H. ROBERTSON  
Lieutensnt General

/s/ R. J. Noiret  
/t/ R. J. NOIRET  
General de Division

"1800 hours, 25th July 1946 was agreed to as the date of promulgation of Law No.33."

CONL/P(46)50 (Final)  
20 July 1946

### 3. Civilian internees.

#### Article IV

The fourteen (14) mandatory questions appearing in Appendix 'A' of this Law are to be included in the Household List for all four Zones.

#### Article V

Zone Commanders shall have discretion to determine the format of the Household List and to add any additional questions thereto.

#### Article VI

Subject to the provisions of Article III the local German authorities will be responsible under the control of Military Government for the implementation of the present Law and are given full power for the preparation and execution of the census.

#### Article VII

1. It shall be the duty of all persons when required by any person authorized to do so under this Law to answer correctly all questions on the census schedules applying to themselves and to persons under legal or physical disability for whom they are answerable.

2. Any person who shall wilfully refuse or neglect to answer any of these questions, or shall wilfully give answers that are false, shall be prosecuted in Military Government or German courts and shall be punished by imprisonment for a term not exceeding six months or by a fine of not less than 100.-- and not more than 1000.-- RM, or both,

3. Any official or other person employed in connection with the taking of the census who:-

- (a) Wilfully makes or is privy to the making of an inaccurate return of information, or
- (b) Wilfully makes or is privy to the making of any omission or false statement in any document issued or prepared under this law or any order made pursuant thereto, or



Appendix 'A' to  
Control Council Law No. 33

CONTROL COUNCIL

Census of the German Population  
Standard Questionnaire for the Four Zones

1. Christian names
2. Surname
3. Relation to head of family or household
4. Sex
5. Year, month, date, and place of birth
6. Family particulars:
  - (a) single
  - (b) married
  - (c) widowed
  - (d) divorced
  - (e) living apart
7. "Staatsangehoerigkeit" (See explanation 1)
  - (a) present citizenship
  - (b) how was it acquired
  - (c) from what date
  - (d) country of origin
8. National Origin (literally, "nation from which you stem")  
(Greek, Rumanian, Russian, Italian, etc.)  
(see explanation 2)
9. Mother tongue
10. Religious affiliation:
  - Roman Catholic
  - Protestant
  - Jewish
  - Non-believer
  - Other religions

## 11. Education:

- (a) illiterate, literate (see explanation 3)
- (b) has he or she received any university or technical education
- (c) if so, state in what university or technical institution final or professional examinations were passed

## 12. Trade or profession:

- (a) Nature of present occupation (employment) or other means of subsistence (peasant, metal turner, electrical engineer, pensioner, etc.)
- (b) Social position (independent contractor or skilled worker, additional member of family, workman, employee, etc.)
- (c) Place where working (where employed)
  - (i) Name and trade name of firm, or of administrative department, e.g., S. Muller's Builders
  - (ii) Firm's address (or of administrative department)

## 13. a. Present residence

b. Permanent residence 1 September 1939

## 14. Have you served in the Wehrmacht (Army, Navy or Air Force), or in a para-military organization? if so, from what date to what date, and in what rank?

Explanations

- (1) Staatsangehoerigkeit: Citizens of Germany should answer "Deutschland". Those who are not citizens of Germany acquire German citizenship by naturalization only (routine procedure for naturalization), women by marriage with a citizen of Germany. Children of foreigners do not acquire German citizenship by reason of their birth within the country. Persons possessing another citizenship in addition to German citizenship should also indicate this. Stateless persons, i.e., those having no citizenship of any country, should put "Staatenlos".

- (2) These questions shall be answered by those persons whose national origin from which they stem differs from their citizenship (Staatsangehoerigkeit) (question 7).
- (3) Only to be filled out by persons who were born before 1 January, 1932.

CONTROL COUNCILCensus of the German PopulationStandard Questionnaire for the Four ZonesOfficial German Text of Questionnaire

1. Vorname
2. Familienname
3. Stellung zum Haushaltungsvorstand
4. Geschlecht
5. Geburts- Tag -Monat -Jahr und -Ort
6. Familienstand:
  - (a) ledig
  - (b) verheiratet
  - (c) verwitwet
  - (d) geschieden
  - (e) getrennt lebend
7. Staatsangehoerigkeit (siehe Erlaeuterung 1):
  - (a) gegenwaertige Staatsangehoerigkeit
  - (b) wie erworben
  - (c) seit wann (Datum)
  - (d) Land des Ursprungs
8. Nationale Abstammung (Griechen, Rumaene, Russe, Italiener usw. siehe Erlaeuterung 2)
9. Muttersprache
10. Religionszugehoerigkeit:
  - roemisch-katholisch
  - evangelisch
  - israelitisch
  - glaubenslos
  - andere Glaubensbekenntnisse

## 11. Bildungsgrad:

- (a) des Lesens und Schreibens kundig oder unkundig  
(siehe Erlaeuterung 3)
- (b) wurde Hochschul- oder Fachausbildung abgeschlossen?
- (c) wenn ja, angeben, in welcher Hochschule bezw.  
Fachanstalt die Staats- oder Abschlusspruefung  
abgelegt wurde.

## 12. Beruf:

- (a) gegenwaertiger Beruf (Beschaeftigung) oder andere  
Erwerbscuellen (Landwirt, Eisendreher,  
Elektroingenieur, pensioniert usw.)

COORDINATING COMMITTEE  
CHANNELS OF COMMUNICATION BETWEEN VARIOUS ECHELONS  
OF THE ALLIED CONTROL AUTHORITY AND THE ALLIED  
KOMMANDATURA, BERLIN

{Proposal of the Allied Secretariat)

1. At its thirty-fourth meeting, on the 28th June 1946, the Directorate of Internal Affairs and Communications approved a paper on the subject of Channels of Correspondence between the Communications and Posts Committee of the Allied Control Authority and the Allied Kommandatura of Berlin, taking into consideration that direct exchange of correspondence was approved at the Joint Meeting of the Communications and Posts Committee of the Directorate of Internal Affairs and Communications and of the Allied Kommandatura. The original paper submitted by the Directorate is held by the Allied Secretariat.

2. The Allied Secretariat is of the opinion that, apart from this particular instance, the Coordinating Committee should give a decision on the general principle of direct communications between echelons of the Allied Control Authority and the Allied Kommandatura.

3. A number of papers from various committees of the Allied Control Authority addressed to the Allied Kommandatura, Berlin, have come to the attention of the Allied Secretariat in recent weeks. A large part of this correspondence is relative to the implementation of principles and regulations already agreed by the Coordinating Committee and Control Council. These papers are not of sufficient interest to warrant their presentation to the Coordinating Committee, as they represent routine and/or technical correspondence. However, existing procedure requires presentation of these papers to the Coordinating Committee for approval and transmission to the Kommandatura.

4. The Allied Secretariat recommends that the Coordinating Committee approve the following procedure for correspondence between various echelons of the Allied Control Authority and the Allied Kommandatura.

- a) The Coordinating Committee agrees that correspondence which is relative to the implementation of Coordinating Committee decisions on principles and regulations, and is only of a routine and/or technical nature, may be transmitted by various echelons of the Allied Control

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Authority to the Allied Kommandatura without reference to the Coordinating Committee as set forth below.

- b) The Coordinating Committee delegates to the Allied Secretariat the responsibility of control of all such direct correspondence.
- c) Echelons of the Allied Control Authority who wish to establish direct channels of communication with echelons of the Allied Kommandatura will submit a request for authorization to the Allied Secretariat. The Allied Secretariat will review all requests from the various echelons of the Allied Control Authority for permission to correspond directly with the Allied Kommandatura. The Allied Secretariat will review from time to time all papers which constitute direct correspondence.

5. This paper is submitted to the Coordinating Committee for its consideration at its Sixty-sixth Meeting on 23 July 1946.

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

Approved at Berlin 23 July 1946.

CO.C/P(46)237



COORDINATING COMMITTEEEstablishment of a Coal Committee of Qualified Experts

Note by the Allied Secretariat

The French Delegation has been informed that the Council of Foreign Ministers in Paris, on 12 July 1946, came to the following decision:

The Council of Foreign Ministers agreed to charge the Allied Control Council with the appointment of a Committee of qualified experts who should submit to the four Governments not later than 10 August 1946 a report on the following questions:

1. Measures which should be taken with a view to increasing German coal production.
2. Basic guiding principles for the allocation of the German coal production between requirements of home consumption and export.

This report should be considered by the Allied Control Council for Germany which, in its turn, should submit the report to the Council of Foreign Ministers by 1 September 1946.

This paper is submitted for consideration by the Coordinating Committee at its Sixty-Sixth Meeting on 23 July 1946.\*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

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\*) see page 25

ESTABLISHMENT OF A COMMITTEE OF EXPERTS ON COALFRENCH MEMORANDUM

Pursuant to the **decision** of the Council of Foreign Ministers on 12 July, relative to the Committee of Experts on Coal, which was referred to the Coordinating Committee, the French Delegation proposes:

- 1) that each member of the **Coordinating Committee** immediately appoint the experts of **its** delegation who will take part in the work of the Committee;
- 2) that the **Coordinating Committee instruct** the Committee of Experts, on the one hand, to carry out an enquiry in the four occupation Zones, examining particularly the points mentioned in the attached appendix; and, on the other hand, to study, in conformity with Para 2 of the **decision** of the Council of Foreign Ministers, the principles for the apportionment of German coal production between internal consumption and export.

DRAFT INSTRUCTIONS FOR THE EXPERTS RESPONSIBLE FOR ENQUIRING  
INTO THE MEASURES NECESSARY TO INCREASE COAL PRODUCTION

The investigation and report of the Committee of Experts will deal with the following points:

1. The number of additional miners necessary, the possible source of this manpower and the rate of incorporation to be recommended,

2. Means of attracting to the pits the greatest number of miners and of ensuring the maximum output.

a. Increase in the miners' rations. Should such an increase be linked with output? Should the same advantages be extended to families and workers in related industries which are essential to the operation of the mines? The quantities of supplementary food necessary should be indicated,

b. The value of a supplementary distribution of consumer goods to miners, as a means of increasing production; the type and quantity of goods necessary and the way in which they may be obtained, either from German production or from imports. Indications should be given of the available resources for this purpose in each zone; the quantities of coal and raw materials necessary and the time required for definite delivery, also the recommendations with regard to distribution.

c. The effect of miners' housing conditions on output and proposals as to what housing programme should be undertaken. Indications should be given as to the quantities and type of building materials necessary, The resources of the zones in coal supplies and raw materials.

d. The advantage, from the production point of view, of an increase in miners' wages.

e. Other means of encouraging output (transport; facilities, tobacco and beer rations, output bonus).

f. Technical supervision, discipline in the pits and necessary measures to improve them, Collaboration with the Trade Unions and labor organisations. Reduction of absenteeism.

**g. Psychological methods to encourage output,**

**3, The sufficiency or insufficiency of the present supplies of equipment to the mines, and measures to be adopted to obtain the supplementary supplies which may be necessary. Indications should be given of the quantities of coal and raw materials required.**

**4. To what extent the consumption of coal in the mines can be reduced.**

**5. Examination of the methods used to establish production programmes and the levels to be attained.**

**6, Production level to be attained,**

In drawing up their report the experts should give their opinion on the short and long term effect on coal production of the recommendations which they put forward. These recommendations shall be entirely objective and will take local conditions into account. The actual possibilities of putting their proposals into effect should in any case be submitted to the zone commanders for their opinion,

24 July 1946

CORC/M(46)37

COORDINATING COMMITTEEMINUTES

(Meeting of 23 July 1946)

411. ESTABLISHMENT OF A COAL COMMITTEE OF QUALIFIED EXPERTS

The Meeting considered CORC/P(46)239.

General KUROCHKIN stated that the Soviet Delegation agreed to the creation of this committee and nominated Mr. KURMASHOV as the Soviet representative,

General CLAY nominated Mr. FORESTER as the U.S. representative, and proposed that a meeting of the Committee be called immediately in order to draw up its terms of reference and submit them to the next Coordinating Committee meeting. The experts should, at the same time, begin their duties immediately without awaiting confirmation of their terms of reference.

General ERSKINE stated that the British delegation would agree to the creation of such a Committee on condition that its activities should embrace all four zones. He nominated Brigadier MARLEY as the British representative. He also proposed that the Committee should report to the Coordinating Committee through the Directorate of Economics.

General KUROCHKIN thought this latter procedure impracticable and considered that the Committee should report directly to the Control Council. However, its report could be prepared in consultation with the Directorate of Economics.

General NOIRET agreed with General KUROCHKIN's proposal and nominated M. PARISOT as the French representative on the Committee.

On the Chairman's proposal,

THE MEETING:

- (411) (a) appointed a Coal Committee of qualified experts, composed of the members mentioned above, and instructed it to start work immediately;
- (b) instructed the Coal Committee to draw up its terms of reference and to submit them to the next meeting of the Coordinating Committee.

COORDINATING COMMITTEEProposal to Make Reparations Item No. 16 Available to the Soviet Union

(Note by the Allied Secretariat)

At its Fifty-second Meeting, the Economic Directorate considered the statement by the Soviet Member, about making Reparations Item No. 16 available to the Soviet Union; since that item was a part of Reparations Item No. 3 (shipbuilding plant Deschimag Weser).

The U.S. Member explained that Reparations Item No. 16 was part of the Deschimag Weser plant.

The Directorate requests the Coordinating Committee to reconsider its decision on Item No. 16 in the list of plants and to make it available to the U.S.S.R.

This document is presented to the Coordinating Committee for consideration at its Sixty-sixth Meeting on 23 July 1946.\*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

CORC/P(46)240

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\*) see page 27

24 July 1946

CORC/M(46)37

COORDINATING COMMITTEEMINUTES

(Meeting of 23 July 1946)

413. PROPOSAL TO MAKE REPARATIONS ITEM NO. 16 AVAILABLE TO THE SOVIET UNION

The Meeting considered CORC/P(46)240.

**THE MEETING:**

(413) **approved** the proposal of the Directorate of Economics to deliver Reparations **Item No.16** (a portion of the Deschimag Weser Plant) to the Soviet Union, **including it** as a part of Item No. **3** in the **first list** of advanced deliveries.

COORDINATING COMMITTEE

Non-ferrous Metal Plants Declared Available for Reparations  
or to be Retained in Germany

(Note by the Allied Secretariat)

The Directorate of Economics, at its Fifty-fourth Meeting on 5 July 1946, confirmed the **lists** of non-ferrous metal plants declared **available** for reparations or to be retained in Germany, with the following amendments:

- (a) In reparations item No. 1412 - "Norddeutsche Raffinerie" - in column 5 of the list, to exclude the copper-smelting shop of 40,000 tons capacity;
- (b) In the **lists** of plants to be retained in Germany, to include the copper-smelting shop of 40,000 capacity, belonging to "Norddeutsche Raffinerie" plant.

One copy of each agreed **text** of the above mentioned **lists** is available for information in the Allied Secretariat.

This paper is submitted to the Coordinating Committee for consideration at its **Sixty-sixth** Meeting on 27 July 1946.\*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

\*) see page 29



29 July 1946

CORC/M(46)38

COORDINATING COMMITTEEMINUTES

(Meeting of 27 July 1946)

UR NON-FERROUS METAL PLANTS DECLARED AVAILABLE FOR REPARATIONS OR TO BE RETAINED IN GERMANY.

The Meeting considered CORC/P(46)241.

THE MEETING:

(419) agreed:

- (a) to **approve** the list of non-ferrous metallurgical plants declared available for reparations;
- (b) to instruct the Directorate of Reparations, Deliveries and Restitution:
  - (i) to report this list to IARA and the Soviet Union for submission of claims;
  - (ii) to **proceed** immediately with the valuation of these plants;
- (c) to the Economic Directorate's proposal to exclude from reparations plant 1412, the "Norddeutsche Raffinerie" copper-smelting shop of 40,000 tons capacity;
- (d) to delete from the headings of the lists the words "OR DESTRUCTION" (attachment 1, page 1, and attachment 2, page 1);
- (e) to approve the list of non-ferrous metallurgical plants to be retained in Germany.

29 July 1946

CORC/M(46)38

COORDINATING COMMITTEE

MINUTES

(Meeting of 27 July 1946)

423. MEMORANDUM OF THE SOVIET MEMBER OF THE ECONOMIC DIRECTORATE  
ON PLANTS NOS. 1013 AND 1209

The CHAIRMAN informed the Meeting that the Economic Directorate had requested confirmation of the decision to include reparations plant 1209 as part of reparations plant 1013, inasmuch as the latter had mistakenly been divided between two positions in the list.

THE MEETING:

(423) confirmed the above-mentioned decision of the Economic Directorate.

22 July 1946

CONL/A(46)19

CONTROL COUNCILMINUTES

(Meeting of 20 July 1946)

83. PRESENTATION TO THE CONTROL COUNCIL OF THE CHIEF OF THE NETHERLANDS MILITARY MISSION

The CHAIRMAN announced that the Allied Secretariat wished to inform the Control Council that the new Chief of the Netherlands Military Mission, Major General Huender, had arrived in Berlin and was awaiting presentation to the Control Council.

THE MEETING

(83) agreed that Major General Huender should be presented to the Control Council at its 35th Meeting, 30 July 1946.

31 July 1946

CONL/A(46)20

CONTROL COUNCILMINUTES

(Meeting of 30 July 1946)

85. PRESENTATION TO THE CONTROL COUNCIL OF THE NEW CHIEF OF THE NETHERLANDS MILITARY MISSION

Major HUENDER, new Chief of the Netherlands Military Mission was presented to the Members of the Control Council.

COORDINATING COMMITTEECONSTITUTION OF BERLIN

To provide for the situation arising after the collapse of the national-socialist regime, and the occupation by the Allied Powers, and in continuation of the constitutional right, according to the City Statutes of 30 May 1853, to the Law on the formation of a new Municipality Berlin of 27 April 1920, and the Law on the preliminary regulation of various problems of the municipal constitutional right of the City of Berlin of 30 March 1931, Berlin receives the following:

C O N S T I T U T I O NChapter I: GENERAL PROVISIONSArticle 1

- (1) Greater Berlin is the exclusively established Public Territorial Corporation for the Territory of the Municipality of Berlin.
- (2) Greater Berlin has to fulfil all the public duties, in its district in accordance with this Constitution,
- (3) Greater Berlin bears the Arms and Flag with the Bear. Particulars hereof will be laid down in a special order.

Article 2

- (1) The whole of the German citizens of Greater Berlin express their will through their elected representative bodies,
- (2) All citizens of Greater Berlin are, within the framework of the effective laws, of equal status independent of Race, Sex, Confession and extent of property owned.
- (3) The representative bodies are the Stadtverordnetenversammlung and the Magistrat.

Article 3

- (1) The Stadtverordnetenversammlung is constituted on ground of general, equal, direct, and secret election by the inhabitants of Berlin, who are entitled to vote according to the principles of proportional representation.

- (2) The Members of the Magistrat will be elected by the Stadtverordnetenversammlung for the period of the election term. All political parties composing the Stadtverordnetenversammlung must be represented in the Magistrat if such parties demand it. The Members of the Magistrat must also be competent to fulfil their duties.
- (3) The elected Members will remain in office until the newly elected representatives and members of the Magistrat have been obligated.
- (4) The election of the Members of the Stadtverordnetenversammlung and details for this election will be given in the election regulations.

## Chapter II: THE STADTVERORDNETENVERSAMMLUNG

### Article 4

The Stadtverordnetenversammlung consists of 130 members (Stadtverordnete). They will be elected for two years.

### Article 5

The Stadtverordnetenversammlung has the following duties:

- (1) The election of the members of the Magistrat.
- (2) The resolution on
  - (i) the Constitution of Berlin and its alterations,
  - (ii) all legal regulations (Verordnungen und Satzungen),
  - (iii) the settlement of the Budget, grants, and reimbursements for extraordinary expenditures,
  - (iv) the determination of the taxes,
  - (v) the discharge of the Annual Accounts after checking audit,
  - (vi) the taking up of loans,
  - (vii) the establishment of new, and the closing down of obsolete or unprofitable institutions and establishments,
  - (viii) the participation in new undertakings working as institutions of private or public right,
  - (ix) bestowing and renouncing the Freedom of the City.
- (3) The supervision of the execution of the Legal regulations resolved by the representatives as well as of the entire administration.

Article 6

- (1) Within two weeks after the publication of the final result of the elections to the Stadtverordnetenversammlung the Magistrat must summon those elected for the purpose of constituting the Stadtverordnetenversammlung, and to obligate them by handclasp at the beginning of the first meeting to conscientiously fulfil their duties.
- (2) In the first meeting the Stadtverordnetenversammlung elects from their midst for their term of office the Managing Committee, consisting of a Chairman and a secretary, and their deputies.
- (3) The Stadtverordnetenversammlung is to be summoned at least once a month. The meeting has to be called by the Chairman, with notice of the subjects to be discussed. Notice must be given at least two clear days before the meeting direct to every representative.

Extraordinary meetings of the Stadtverordnetenversammlung may be convened also by

- (i) the Chairman
- (ii) on demand of at least one fourth of the members, or
- (iii) on demand of the Magistrat,

and, except in cases of utmost urgency, warning must also be given at least two clear days before the meeting direct to each of the members, with notice of the subject to be discussed.

- (4) On deliberation and voting on subjects touching the special private interests of a representative, this representative may not be present. His opinion can be expressed in writing, and must be heard.
- (5) Should a member lose his right to vote, he will be excluded from the Stadtverordnetenversammlung, and will lose his rights as a member of this body.
- (6) The Stadtverordnetenversammlung establishes its own order or procedure regulations.

### Article 7

- (1) The sittings of the Stadtverordnetenversammlung are public. On application of the Magistrat or the Chairman or of a fifth of the representatives, the public may be **excluded** in the case of certain matters. A resolution on this point is passed in a secret sitting.
- (2) The Stadtverordnetenversammlung can establish committees in order to discuss certain general as well as individual problems. These elect from their midst a Chairman and a secretary for summoning meetings and presiding at these.
- (3) The Stadtverordnetenversammlung and its committees are competent to pass resolutions if at least one half of the members are present. The resolutions are, if not otherwise stipulated, passed with simple majority. In case of equal votes, the casting vote of the Chairman will decide. Resolutions upon alterations of the Constitution require a majority of two thirds,
- (4) Minutes are to be kept of the meetings. These have to contain the discussed motions, as well as the manner and result of the voting. Resolutions, as passed, are to be entered in a special book. The Minutes of the meeting, as well as the entry of the resolutions are to be signed by the Chairman who presided at the meeting, and by the secretary.

### Article 8

The members of the Stadtverordnetenversammlung have the right of traveling free of charge on the public means of transportation within Berlin, and to receive a remuneration for each sitting and compensation for the loss of earnings accruing owing to the sitting.

## Chapter 111: THE MAGISTRAT

### Article 9

- (1) The Magistrat consists of the Oberbuergermeister, three Buergermeisters, and a maximum of sixteen additional full time, salaried, members.

- (2) The members of the Magistrat take an oath in the presence of the Stadtverordnetenversammlung on taking up office, that they will impartially discharge their duties for the good of the Community and in accordance with the law. If a member of the Magistrat breaks his oath or shows himself as completely unsuited for his office, he may be relieved of it, following upon a hearing before a Committee specially called by the Stadtverordnetenversammlung for this purpose. A decision to dismiss requires a two-third majority of the members of the Stadtverordnetenversammlung.

#### Article 10

- (1) The Magistrat is to be invited to all sittings of the Stadtverordnetenversammlung, and of its committees, with notice of the Agenda.
- (2) The Stadtverordnetenversammlung can demand the participation of a certain member of the Magistrat for the purpose of giving a report to the sitting. The members of the Magistrat are allowed at any time during the discussion to express their opinion.
- (3) The Magistrat is to be informed of all resolutions of the Stadtverordnetenversammlung.

#### Article 11

- (1) The Magistrat is the supreme, guiding, and executive organ of Greater Berlin, and represents Greater Berlin externally. The Magistrat is entirely responsible to the Stadtverordnetenversammlung, and subordinate to its instructions.

The Magistrat issues Ordinances and Statutes on the basis of, and for the purpose of the execution of the existing legislative provisions which have been adopted by the Allied Kommandatura and the Stadtverordnetenversammlung.

The Magistrat supervises the execution of these legislative provisions and ordinances,

The ordinances and directions of the Magistrat will be executed throughout the whole area of Greater Berlin.

Upon a two-third vote of the total membership of the Stadtverordnetenversammlung, a resolution may be forwarded to the Allied Kommandatura requesting dismissal of the Magistrat and stating reasons. If the Allied Kommandatura agrees, the Magistrat must immediately resign.



- (2) The Magistrat is authorized to bring up questions for the agenda of the Stadtverordnetenversammlung meetings, and to prepare proposals in an appropriate form for discussion at these meetings.
- (3) The Magistrat decides on the directives according to which the public tasks are to be carried through, and supervises the Bezirksamter.
- (4) The Magistrat appoints, transfers, and dismisses all persons in the service of Greater Berlin; and supervises management, unless a member of the Magistrat, or the Bezirksamt, or a member of the latter has been charged therewith,
- (5) The Magistrat takes its decisions by simple majority of votes! In the case of equality of votes the casting vote of the Chairman will decide. The Magistrat is able to take decisions, if more than one half of its members are present.
- (6) While deliberating and voting on subjects touching the private interest of a member of the Magistrat, this member may not be present. His written explanation must be heard.
- (7) The Magistrat draws up its own order of procedure.

#### Article 12

- (1) The Oberbuergermeister is the Chairman of the Magistrat. He represents the Magistrat externally, conducts the sessions of the Magistrat, and directs the service supervision of the remaining members of the Magistrat.
- (2) The three Buergermeister are the permanent deputies of the Oberbuergermeister.
- (3) The Oberbuergermeister, or, in case of his incapacity, his Deputy, can temporarily act on his own initiative in cases belonging to the Magistrat's competency, which admit of no delay. The matter must be laid before the Magistrat at its next session for confirmation by way of resolution, or in cases of particular importance, at an extraordinary meeting. These decisions must not contradict the constitution and the principles of democracy.
- (4) The Magistrat, as leading and executive authority, conducts its business through departments, the number of which must not exceed 13. Each department has at its head a member of the Magistrat.

- (5) Each Member of the Magistrat performs independently, on its own responsibility, and in accordance with the directives obtained in Article 11, the duties entrusted to him by the representative bodies (Vertretungskörper).

### Article 13

The resolutions of the representative bodies (Vertretungskörper) (Article 5 (2) and Article 11, para 1) are binding for the District bodies only, if they have been passed by the Stadtverordnetenversammlung and Magistrat in agreement. Where agreement is not reached, a joint discussion between the Magistrat and the Stadtverordnetenversammlung is held, with the object of reaching an agreement. If an agreement is not attained through this joint discussion, the Stadtverordnetenversammlung will decide with a two thirds majority of its members,

## Chapter IV: THE BEZIRKSVERORDNETENVERSAMMLUNG

### Article 14

- (1) For the purpose of local administration, Greater Berlin is divided into twenty Verwaltungsbezirke (Administrative Districts).
- (2) In each Verwaltungsbezirk, a Bezirksverordnetenversammlung (District Council), and a Bezirksamt (District Office) will be formed to look after local interests, and to carry on the work of the Bezirk.
- (3) Upon a unanimous resolution of the Bezirksverordnetenversammlung, and the Bezirksamt, an Administrative District; can be divided into (Ortsbezirke (Local Districts)).

### Article 15

- (1) The Bezirksverordnetenversammlung is established on the basis of a general, equal, direct, and secret election, by all persons entitled to vote, living in the Administrative District, according to the principles of proportional representation, and for the maximum period of two years.
- (2) For the Administrative Districts of up to 100,000 inhabitants, 30 District Representatives, for those of 100,000 up to 200,000 inhabitants, 40 District Representatives, and for those of 200,000 and more inhabitants, 45 District Representatives are to be elected.

- (3) The elections of the Bezirksverordnetenversammlung and the elections of the Stadtverordnetenversammlung take place on the same day. The elections of the Members of the Bezirksverordnetenversammlung and details for these elections will be given in the election regulations.

#### Article 16

- (1) The Bezirksverordnetenversammlung is to resolve on all affairs concerning the District, within the limits of the directives issued by the Stadtverordnetenversammlung, and the Magistrat.
- (2) The Bezirksverordnetenversammlung elects the members of the Bezirksamt according to the stipulations valid for the election of the Magistrat,
- (3) The Bezirksverordnetenversammlung annually prepares a survey on the requirements of the establishments and institutions administered by the district, as well as of the other District Administrations; this survey serves as a basis for the total Budget.
- (4) The Bezirksverordnetenversammlung supervises the execution of its resolutions, and the utilization of the means which are placed at the disposal of the focal establishments and institutions of the Administrative District.

#### Article 17

- (1) Within a period of two weeks after the publication of the final result of the election of the Bezirksverordnetenversammlung, the Bezirksamt, in order to create the Bezirksverordnetenversammlung must summon the elected members and, at the beginning of the first meeting, must obligate the members by hand-clasp to perform conscientiously their duties.
- (2) During its first meeting, the Bezirksverordnetenversammlung elects from its midst the managing Committee, composed of a Chairman, a secretary, and their Deputies, who preside for the period of the election term.
- (3) The Bezirksverordnetenversammlung must be convened once a month. The convocation must be made by the Chairman, with notice of the Agenda. The notice must be transmitted to each District Representative at least 2 whole days before the day of the meeting.

Extraordinary meetings of the Bezirksverordnetenversammlung may be convened.

- (i) on the part of the Chairman,
- (ii) on demand of at least 1/4 of the District Representatives,  
or
- (iii) on demand of the Bezirksamt.

Apart from cases of the utmost urgency, the notice must enumerate the questions to be discussed, and must be transmitted to each District Representative at least 2 clear days before the day of the meeting.

- (4) The Bezirksverordnetenversammlung meets in public. On the application of the Bezirksamt, or the Chairman, or a fifth of the Representatives, the public may be excluded in the case of certain matters. The resolution on this is passed in a secret sitting.

The members of the Magistrat may take part in the meetings of the Bezirksverordnetenversammlung. The members of the Bezirksamt are to be invited, with notice of the agenda, to take part in all meetings of the Bezirksverordnetenversammlung and its Committees.

The Bezirksverordnetenversammlung can demand the presence of a certain member of the Bezirksamt as reporter. The members of the Magistrat and the Bezirksamt must be heard at any time during the deliberation.

- (5) While deliberating and voting on subjects touching the special private interest of a member of the Bezirksverordnetenversammlung, this member may not be present. His written declaration must, however, be heard.
- (6) If a member of the Bezirksverordnetenversammlung loses his right to vote, he will be excluded from the Bezirksverordnetenversammlung and lose his rights due to him as a member.
- (7) The Bezirksamt must be informed on all resolutions of the Bezirksverordnetenversammlung.
- (8) The Members of the Bezirksverordnetenversammlung have the right of traveling free of charge on the public means of transportation within Berlin, and they receive a remuneration for each sitting, and compensation for the loss of earnings accruing owing to the sittings.
- (9) The Bezirksverordnetenversammlung draws up its own order of procedure.

Chapter V: THE BEZIRKSAMT

Article 18

- (1) The **Bezirksamt** consists of the District Buergermeister as Chairman, one Deputy, and not more than 9 salaried official members,
- (2) Every **Bezirksamt** member conducts independently, and under personal responsibility, the duties transferred to him by the election of the **Bezirksverordnetenversammlung** and according to the directives given in Article 11.
- (3) The members of the **Bezirksamt** take an oath before the **Bezirksverordnetenversammlung** on entering their office, that they will fulfil their duties unbiased, for the welfare of all, and in accordance with the law. If a member of the **Bezirksamt** breaks his oath, or shows himself as completely unsuited for his office, he may be relieved of it, following upon a hearing before a Committee specially called by the **Bezirksverordnetenversammlung** for this purpose. A decision to dismiss requires a two-thirds majority of the **Bezirksverordnetenversammlung**.
- (4) Upon a two-thirds vote of the total membership of **Bezirksverordnetenversammlung** a resolution may be forwarded to the Military Commandant of the Sector requesting dismissal of the **Bezirksamt** and stating reasons. If the Military Commandant of the Sector agrees, the **Bezirksamt** must immediately resign.

Article 19

- (1) The **Bezirksamt** is the executive subordinate authority in the affairs of the Administrative District. The **Bezirksamt** is absolutely responsible to the **Bezirksverordnetenversammlung**.
- (2) The **Bezirksamt** is also the executive organ of the **Magistrat**, and its duty is to fulfil the directives of the **Magistrat**. It is under the supervision of the **Magistrat**.
- (3) The **Bezirksamt** has to
  - i execute the resolutions of the **Bezirksverordnetenversammlung**,
  - ii administer the institutions and establishments of the District,
  - iii engage, transfer, and dismiss all persons who are in the service of the Administration of the District,
  - iv act as intermediary between the **Bezirksverordnetenversammlung** and the representative bodies of Greater Berlin,
  - v represent Berlin externally in matters concerning the District.

- (4) In other respects the provisions of Article 11(5) and (6) are decisive. Representatives of the magistrat must be heard at any time during the discussion of the Bezirksamt.
- (5) The Bezirksbuergermeister is under the supervision of the Oberbuergermeister, and the other Bezirksamt members are under the supervision of the Beairksbuergermeister,

Chapter VI: RELATIONSHIP BETWEEN ORGANS OF THE CENTRAL  
ADMINISTRATION, AND THE BEZIRKS ADMINISTRATIONS

Article 20

- (1) The competency of the Local Administration, in the Administrative Districts, in relation to the Central Administration is to be regulated in the Main Statutes. In these, the sphere of affairs to be managed by the Central Administration is to be designated. All other administration affairs are to be attended to by the Administrative Districts.
- (2) The spheres of work are to be stated in such form that
- (i) affairs which require uniform administration on account of their importance for the whole of Berlin, are left to the management of the Central Administration of the Magistrat;
- (ii) all other affairs concerning the District itself are to be managed by the Bezirksamt, and the Bezirksamt must be allowed discretion in managing these affairs,
- (3) The spheres of the duties of the Districts may be different in the various Districts.

Article 21

The chief Statutes will regulate the Meetings and powers of the Buergermeisters' Council and define the methods considered necessary for the co-operation of the local and central Administrations. The chief Statutes have to be submitted to the Allied Kommandatura for approval,

Article 22

It is the privilege of the Magistrat in all cases, to prevent the execution of resolutions of the Bezirksverordnetenversammlung, and the Bezirksamt, if the interests of the Community make it necessary, or if the resolutions of the Bezirks authorities exceed their competence, or violate the law. In the resolutions of the Magistrat preventing the execution

of Bezirksverordnetenversammlung and Bezirksamt resolutions, the grounds for the objection must be given.

#### Article 23

- (1) If no agreement is reached in the case of Article 22, every Corporation concerned may apply for a decision, within 2 weeks, from the date of the announcement of the objection.
- (2) This decision will be made by a Committee appointed by the Stadtverordnetenversammlung.

### Chapter VII: BUDGET AND FINANCE

#### Article 24

- (1) The property of the territorial corporation is to be administered economically and carefully. It is to be maintained out of the means of the regular budget.
- (2) To provide for articles needing replacement, because they are too old, or have been worn out, or otherwise have depreciated in value, or because of increased requirements due to increasing demand, funds must be placed in reserve out of the ordinary Budget (Renewal and Extension Reserve),

#### Article 25

- (1) Public Undertakings must show a profit .
- (2) Statutes must be framed for undertakings without legal representation (City owned undertakings) .
- (3) Budget management, administration of property, and the accounting for each undertaking must be effected in a manner permitting specific inquiry into their administration and financial results.

#### Article 26

- (1) Loans (annuities, bonds, and other credits, except Cash credits) may only be raised within the extraordinary budget plan.
- (2) Loans may be taken up only for covering extraordinary and indisputable demands so far as other means for covering these demands are not available.



- (3) For each loan a redemption scheme must be set up. Loans which serve to satisfy recurring demands are to be redeemed before these arise anew,

#### Article 27

- (1) The entire income and expenditure of Greater Berlin are to be calculated for each fiscal year, and inserted in the budget plan. The budget plan is the basis for administering all revenues and expenses. As a rule, the expenses are sanctioned for one year,
- (2) In calculating the budget plan for Greater Berlin, special plans are to be made for the demands of the various Districts. For carrying them through, due discretion is left to each district.
- (3) If by the end of the fiscal year the budget plan for the next year has not yet been compiled, up to the time of application the Magistrat authorized to pay all expenses necessary, for maintaining legally based institutions, to enforce measures which are taken on a legal basis, to fulfil all legally valid obligations of Greater Berlin, and to proceed with work on buildings, supply, and other services for which in the budget plan of the preceding year, expenditure was already sanctioned.

#### Article 28

- (1) Surplus and extra expenses may only be paid with the approval of the Magistrat. Approval may only be given for indisputable requirements.
- (2) All excessive and extraordinary expenditure requires the subsequent consent of the Representative Bodies.
- (3) Extraordinary expenditure may be paid only if cover payment is assured.

#### Article 29

Persons in the service of Greater Berlin who are guilty of violating the regulations of Article 28, are responsible to the Corporation for the damage involved. The liability to render such compensation does not arise, if the action was taken in order to avoid a pressing danger to the Corporation which could not be foreseen, and if the contravention of the regulations was not excessive in view of the measures demanded by the emergency.



### Article 30

- (1) The **Treasurer** must give the Representative bodies of Greater Berlin an **account** of the utilization of all revenues of the **fiscal** year, in the first **six** months of the following **fiscal** year, and **must submit** a **summary** on the entire assets and liabilities,
- (2) The accounts are to be **examined and** passed by the **Hauptpruefungsamt** on the basis of the budget **plan** and budget calculations, Details **will be** given in **an** Ordinance.
- (3) On the basis of the **examination** and statement of **items** carried through by the **Hauptpruefungsamt**, the Representative **Bodies** decide to **pass** the accounts.

## Chapter VIII: PROVISIONS CONCERNING PUBLIC OFFICIALS

### Article 31

- (1) All **persons fulfilling** superior duties in the Central Administration, and all **employees** in lead — positions of the Central Administration are appointed, transferred, and dismissed by the Magistrat.
- (2) All persons who have to perform superior duties in the Administrative District, and **all employees** in leading positions of the District are appointed, transferred and dismissed by the **Bezirksamt**,
- (3) The transfer of persons who have to **perform** superior duties in the service of Berlin from an Administrative District to **the Central Administration**, or from one District to another, is decided **upon** by the Magistrat after hearing the respective **Bezirksamt**.

### Article 32

All persons who have to exercise superior duties in the *service* of **Berlin**, in taking over their work, have to swear an oath that they **will** fulfil them impartially for the welfare of **all**, and according to the law. They **receive** fixed official remunerations for their work.

## Chapter IX: EFFECTIVE LEGAL PROVISIONS

### Article 33

- (1) A matter can **only** be regulated by an ordinance, if it is to be generally legal. **This** ordinance must be framed according to this Constitution, and announced *in* writing and publicly.
- (2) All ordinances **are** to be published within a term of one month after **final** resolution. They come into effect, **failing** other directions, on the seventh day after they are published.

### Article 34

The organs which have been appointed or approved by the municipality of Berlin, **when this** Constitution comes into force, in the Central Administration, as in the District Administration, will exercise the constitutional privileges until new organs are appointed,

### Article 35

- (1) This Constitution comes **into** force on the day of its publication in Greater Berlin. All former directives, which are contrary to this Constitution, become void on the same day. **The** necessary directives for its execution will be issued by the Magistrat,
- (2) The Stadtverordnetenversammlung will deliberate in public meetings on the Draft of a new Constitution for Greater Berlin. **This** Draft is to be submitted to the Allied Powers for approval before 1 May 1948. As soon as **this** approval has been **given**, elections must be held according to the new Constitution.

### Article 36

Except as may be specifically **provided** by the Allied Control Authority, the independent administration of Greater Berlin is subordinate to the Allied Kommandatura, and that of the Bezirks Administrations to the Military Governments in the respective sectors. All legal enactments which are accepted by the Stadtverordnetenversammlung, as well as ordinances and instructions issued by the Magistrat, must conform to the laws and ordinances of the Allied Powers in Germany and the Allied Kommandatura Berlin, and be sanctioned by the latter.

Alterations in the Constitution, resignation of the Magistrat or of any of its members, as well as the appointment and discharge of **leading** officials of the city administration **can** only take effect with the sanction of the Allied Kommandatura Berlin,

The Bezirks Administrations are subordinate in their activities to the Military Government in the respective sectors.

This Draft of a Temporary Constitution for Greater Berlin has been elaborated by the Local Government Committee of the Allied Kommandatura,

FELDMAN	GLASER	HAYES	ZIEGELMEYER
Garde Major	Lt. Col.	Major	Capitaine
USSR	U.S.	G.B.	FR.

CORC/P(46)252

3 August 1946

CORC/M(46)39

COORDINATING COMMITTEE

MINUTES

(Meeting of 2 August 1946)

431. PROVISIONAL CONSTITUTION OF GREATER BERLIN.

The Meeting considered CORC/P(46)252.

THE MEETING:

- (431) (a) approved the proposed constitution in principle;
- (b) amended Articles 4, 12, and 36 as shown above;\*)
- (c) returned the proposed constitution to the Kommandatura,
- (i) inviting its attention to the foregoing discussion;

\*) Articles 4, 12 and 36 are here published in their amended form.

- (ii) requesting it to consider the desirability of amending the constitution to give the Stadtverordnetenversammlung and Bezirksverordnetenversammlungen the right to demand, after due hearing, the dismissal of employees of the Magistrat and Bezirksamter who violate the constitution; and
- (iii) authorizing it to *take final action* on the constitution without further reference to the Coordinating Committee, after having considered the necessity for the amendment referred to in (ii) above.

COORDINATING COMMITTEECoastal Shipping Tonnage left to Germany

(Note by the Allied Secretariat)

The Coordinating Committee, at its Sixty-fifth meeting on 18 July 1946, considered the paper CORC/P(46)233 on the above subject.

In the course of discussion a divergence of opinion became apparent.

The Soviet Member accepted the paper in its entirety,

The American Member stated that the object of the paper was not clear to him, as, according to the Potsdam agreement, Germany must be treated as an economic whole, which principle was reaffirmed at the Council of Foreign Ministers in Paris. This proposal suggested the division of the German coastal shipping among the zones, as though the zones were different countries. The U.S. Member could not agree to this, but was prepared to make available the transport facilities in its zone for use throughout Germany and to combine them with those of any other zone, as soon as a Central German Transport Department was formed. The U.S. Member could not however agree to divide the capital assets of Germany among the four zones.

The British Member pointed out that the proper course was to set up a Central German Transport Organisation to operate this small mercantile fleet in the interests of Germany as a whole. The British Member would not agree to divide up the fleet if this was not agreed by his colleagues,

The British Member proposed as a basis for future discussion the following draft reply to the Tripartite Merchant Marine Commission:

a) The Control Council had provisionally fixed the figure of 175,000 tons carrying capacity, i.e. 200,000 tons d.w.t., as the limit of tonnage to be left for the peace-time needs of Germany.

b) Of the ships allocated to Germany by the Commission in accordance with para (a) of the letter, the effective tonnage available to Germany amounts only to 427 ships totalling 165,526 d.w.t.

c) In view of the **age** and condition of the serviceable and repairable vessels contained in this figure, the Control Council **considers it** to be impossible, without further experience of **six months'** operation, to decide **now whether this figure will** be adequate or not.

d) The Control Council agrees that the Tripartite Merchant Marine Commission can allocate all ships already listed by the Commission in **excess** of the 427. Should additional **ships** be traced, which **have not** already been listed by the Commission, **such ships will not** be declared **as** available without the consent of the Control Council.

e) With reference to the request of the Tripartite Merchant Marine Commission that **it** should be provided with a list of ships of **less** than 100 **gross registered** tons the Control Council understands that **this** matter has received further consideration by the Commission and, **therefore**, awaits a further communication.

The Coordinating Committee decided to postpone **discussion** of **this** paper to a future **meeting**.

**This paper is** submitted **for** consideration by the Coordinating Committee at **its** Sixty-eighth meeting.\*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

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\*) see page 51

3 August 1946

CORC/M(46)39

COORDINATING COMMITTEE

MINUTES

(Meeting of 2 August 1946)

434.. COASTAL SHIPPING TONNAGE LEFT TO GERMANY

The Meeting considered CORC/P(46)254.

THE MEETING:

- (434) agreed (a) to instruct the Secretariat to transmit to the Tripartite Merchant Marine Commission the draft letter proposed by the British Delegation,
- (b) to instruct the Transport Directorate to expedite **its** study on the operations of German coastal shipping.

CONTROL COUNCILAmendment to ORDER NO. 4Confiscation of Literature and Material of a Nazi  
and Militarist Nature

THE CONTROL COUNCIL ORDERS AS FOLLOWS:

Control Council Order No. 4 is hereby amended by the addition of the following paragraph:

"6. In the interests of research and scholarship, the Zone Commanders (in Berlin the Kommandatura) may preserve a limited number of copies of documents prohibited in paragraph 1. These documents will be kept in special accommodation where they may be used by German scholars and other German persons who have received permission to do so from the Allies, only under strict supervision by the Allied Control Authority.

The Zone Commanders will inform one another through Control Council channels concerning the quantity and titles of those documents, the place where they are preserved and the purposes for which they are being used."

Done at Berlin, the 10th day of August 1946.

/s/ Joseph T. McNarney  
/t/ JOSEPH T. MCNARNEY, General

/s/ Sholto Douglas  
SHOLTO DOUGLAS  
Marshal of the Royal Air Force

/s/ P. Koenig  
/t/ P. KOENIG  
General d' Armee

/s/ V. Sokolovsky  
V. SOKOLOVSKY  
Marshal of the Soviet Union

"1800 hours, 15 August 1946, was agreed to as the date of promulgation of Amendment to Control Council Order No. 4." CONL/P(46)55(Final)  
10 August 1946



COORDINATING COMMITTEE

Report on the Advantages and Disadvantages of Holding  
Joint Meetings of the Military, Naval and Air Directorates

(Note by the Allied Secretariat)

1. The Coordinating Committee at its 59th Meeting on 14 June, 1946 considered the above question.

2. The three Service Directorates were instructed to report on the advantages and disadvantages in meeting as a joint body while awaiting their merger into an Armed Forces Directorate. Joint meetings were held on 10 July, 1946 and 31 July, 1946, the former for the purpose of considering the reports required by Control Council Directives Nos. 22 and 28, the latter for the purpose of considering the question of the establishment of an Armed Forces Directorate.

3. From experience gathered from the above two meetings, the Military, Naval and Air Directorates have arrived at the following conclusions:

(a) Advantages :

More rapid action would be obtained on certain questions of equal and mutual concern where coordination of the three Service Directorates is required.

(b) Disadvantages :

(1) A joint gathering of the three Service Directorates becomes unwieldy and is apt to result in impeding the accomplishment of beneficial results, (i. e. The three Service Directorates from each of the four powers present the problem of twelve representatives who may have separate and distinct opinions).

(2) There are many administrative, secretarial and clerical disadvantages due mainly to the fact that there is no legal basis for joint meetings and no permanent staffs or files provided for. It is not considered advisable to establish separate special staffs and special files for joint meetings since this is at best a temporary expedient.

4. The three Service Directorates recommend to the Coordinating Committee in view of the disadvantages of holding joint meetings that no action be taken prescribing such joint meetings and that the holding of such meetings, pending the formation of an Armed Forces Directorate, be left to the discretion of the Service Directorates,

5. This paper is submitted for the consideration of the Coordinating Committee at its 70th Meeting, to be held on 12th August, 1946,

H. A. GERHARDT, Colonel

R. G. RAW, Lieutenant Colonel

L. J. CALVY

A. A. KUDRIAVTSEV, Major

Allied Secretariat

Approved at BERLIN 12 August 1946

CORC/P(46)262

COORDINATING COMMITTEERadio Frequency Allocation ProcedureEXTENT OF AUTHORITY

It is clearly a responsibility of the Radio Working Party to insure that interference to the radio services of the four occupying nations and any other authorized services in Germany is minimized. At the same time it is a responsibility of the Radio Working Party to insure that radio services in Germany occasion a minimum of interference to radio stations external to Germany.

1. PROCEDURE

All new requests for radio frequencies for the four occupying nations and other authorized Services in Germany will be submitted to the Radio Working Party for the necessary frequency clearance. The four occupying nations should continue with their present allocations and submit only new requirements likely to occasion interference to any of the four occupying nations. All requests should contain the information indicated in the attached "Form for Frequency Allocation Requests".

2. PROCEDURE FOR INTERNAL TRANSMISSIONS

When technical considerations indicate that only services within Germany will be affected, frequencies suitable to the four occupying powers will be selected and allocated for Germany.

As a guide, it is considered that:

- (1) Frequencies for stations employing powers less than 50 watts need not be coordinated between zones.
- (2) Stations employing powers less than 500 watts, non-directional antennas, and frequencies less than 7000 kilocycles also may not be coordinated between zones if they do not interfere with the work of other stations of the Allied Powers.
- (3) Particulars as to the power, frequency, and location of all stations and purpose of civil stations operating within each zone of occupation shall be communicated by the Zone concerned to the Secretariat of the Allied Communications and Posts Committee for information purposes.

### 3. PROCEDURE FOR EXTERNAL TRANSMISSIONS

When technical considerations indicate that services outside Germany will be affected, frequencies suitable to the four occupying powers will be selected and then external frequency boards in areas likely to be affected will be requested to comment on the proposals of the Radio Working Party,

All correspondence will be conducted through the Secretariat of the Allied Communications and Posts Committee and each secretary will secure the approval of his respective member (or his deputy) prior to the dispatch of any letter,

### 4. PROCEDURE FOR THE ELIMINATION OF INTERFERENCE

All cases of interference, which may arise between radio services of the four Allied Powers located on the territory of occupied Germany, should be settled by the Radio Working Party. In case of interference among the four occupying nations, this will necessitate a check to determine whether the properly assigned frequencies are being used in conformance with good operation procedure, and to determine remedial action which may involve the reassignment of frequencies. If a station outside Germany is involved negotiations will then be undertaken to obtain a technical solution on questions of interference of German Radio Stations with stations of other countries as well as on questions of interference of radio stations of other countries with German radio stations.

All correspondence will be conducted through the Secretariat of the Allied Communications and Posts Committee and each secretary will secure the approval of his respective member (or his deputy) prior to the dispatch of any letter.

### 5. GENERAL PRINCIPLES

In conformity with a decision reached at the London Conference concerning civil radio frequencies in liberated countries of Europe/COFILE/ held in September 1945:

- (a) Allocation of the frequencies between the services to be arrived at to be in strict accordance with the Regulations accepted at the Cairo Conference in 1938.

(b) Frequencies allocated to individual countries according to the Lucerne Plan should only be utilized elsewhere subject to the agreement of the country to which these frequencies had been allotted and subject to consideration of the frequencies actually in use in 1939.

Approved at BERLIN 12 Aug 1946

CORC/P(46)265

FORM FOR FREQUENCY ALLOCATION REQUESTS

1. Frequency Desired \_\_\_\_\_  
(Listing Alternates)
2. Location of Transmitter \_\_\_\_\_
3. Description of Antenna \_\_\_\_\_  
(Characteristics and Orientation if appropriate)
4. Frequency Tolerance of carrier \_\_\_\_\_
5. Bandwidth of Emission \_\_\_\_\_
6. Power of Emission (in Antenna) \_\_\_\_\_
7. Type of Emission \_\_\_\_\_
8. Type of Service \_\_\_\_\_
9. Period of Emission if not continuous \_\_\_\_\_
10. Location of Receiver \_\_\_\_\_
11. Proposed date of Introduction of Service \_\_\_\_\_
12. Date of previous registration in Berne \_\_\_\_\_
13. Any other Remarks \_\_\_\_\_

CONTROL COUNCIL

## Directive No.33

Limitation of Characteristics of Ships Loft at the Disposal of Germany

The Control Council directs as follows:

It is essential for the proper control of the Maritime waters of GERMANY that a few craft should be available to prevent smuggling, illegal fishing and for such other duties as the arrest of vessels which have illegally left harbour.

In anticipation of restrictions which are likely to be imposed on ships and craft allowed to GERMANY and in view of the urgency of establishing adequate Frontier Protection, Customs and Fishery Protection Services, the Control Council authorizes the following:

- (1) (a) The Zonal Authority of each of the three Zones having a seaboard will be permitted to employ not more than 24 vessels of a tonnage not in excess of 100 gross registered tons and a speed not in excess of 20 knots. These craft may be obtained from the nation concerned's share of the ex-German Navy and will be used for Frontier Protection, Customs and Fishery Protection duties.
- (b) The above craft will be on loan and will never revert to German ownership.
- (c) The above craft will be commanded by Officers of the nationality of the occupying Power.
- (2) Craft of German status which may be employed by the Frontier Protection, Police, Custom or Fishery Protection Services may have a speed not in excess of 18 knots and a tonnage not in excess of 15 gross registered tons.
- (3) The craft mentioned in paragraphs (1) and (2) above will be manned by personnel of the frontier Protection, Police, Customs or Fishery Protection Services. Service in the above-mentioned craft will be subject to the same regulations regarding exclusion of personnel of the former German Armed Forces as are applicable in the case of the German police,

- (4) Personnel, in so far as possible, must not be changed.
- (5) All craft will fly the Allied Control Authority flag.
- (6) The Naval Directorate shall have the right to assure itself that the above regulations are being enforced in each Zone,

Done at BERLIN, on the 16th day of August 1946.

LUCIUS D. CLAY  
Lieutenant General

B. H. ROBERTSON  
Lieutenant General

R. NOIRET  
General de Division

F. A. KUROCHKIN  
Colonel General

CORC/P(16)264 (Final)



COORDINATING COMMITTEETerms of Reference of the Combined Services Directorate1. TERMS OF REFERENCE OR BASIC RESPONSIBILITIES:

- (a) The Combined Services Directorate will assume all authority, responsibilities, and functions previously vested in or charged to the three Service Directcrates in accordance with the decisions of the Tripartite Conference of Berlin, and as directed in CORC/P(45)2 Final, CORC/P(45)65, CORC/P(46)12, CORC/P(45)190, and the Third Corrigendum to CONL/P(45)69.

In any of the above-mentioned documents where the Military, Naval, or Air Directcrates are named individually or collectively as the responsible agent, the term "Combined Services Directorate": will be substituted.

- (b) To include as additional terms of reference or basic responsibilities the following:
- (i) Authority to deal with all problems of civil aviation pertaining to Germany in accordance with instructions of the Control Council.
  - (ii) The responsibility for keeping a watching brief in all matters affecting the liquidation and possible regrowth of the German war potential and for bringing to the notice of the directorate concerned any facts or tendencies which in the opinion of the Combined Services Directorate might lead to a German military revival, and to watch the execution of all laws, directives, and quadripartite decisions which bear on questions of militarism and propose amendments to these laws as they consider necessary,
  - (iii) Authority to deal with all problem concerning hydrographic services in Germany and control of the German Hydrographic Institute, in accordance with instructions of the Control Council.
  - (iv) Authority to deal with all meteorological problems pertaining to Germany and the responsibility for control of German meteorological organizations in accordance with the instructions of the Control Council.

2. ORGANIZATION

(a) Director

Each member of the Control Council will designate a representative to act as one of the four heads of the Combined Services Directorate with authority to appoint such deputies and staff as necessary.

(b) Committees

(i) It is initially proposed to have the following standing Committees:

- Military
- Naval
- Air

(ii) Additional committees and sub-committees will be appointed as required.

(c) Secretariat

The Secretariat will consist of the necessary staff to perform all functions and provide all facilities necessary for the efficient functioning of the Combined Services Directorate and its committees and sub-committees.

CONTROL COUNCILLAW NO. 34Dissolution of the Wehrmacht

The Control Council: in accordance with Proclamation No. 2, Section I, paragraph 1, of 20th September 1945, enacts as follows:

Article I

The German War Ministries: Oberkommando der Wehrmacht (OKW), Oberkommando des Heeres (OKH) Reichsluftfahrtministerium (RLM), and Oberkommando der Kriegsmarine (OKM), all German land, naval and air forces, with all their organizations, staffs, and institutions, including the general staff, the officers corps, reserve corps, military schools, war veterans organizations, and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, are hereby considered disbanded, completely dissolved and declared illegal.

Article II

The maintenance, formation and reconstitution of any of the agencies or organizations enumerated in Article I under any name or form whatsoever, and the taking over of all or any of the functions of such agencies or organizations in the future by other agencies is prohibited and declared illegal.

Article III

All legislation is hereby repealed concerning the organization of the armed forces and quasi-military organizations, and also all laws, orders, instructions, decrees, regulations, ordinances, military criminal and military criminal procedure codes and other legislative measures which concern military service, the registration of those liable thereto, training, administration, disciplinary rights, property, uniforms, decorations, the legal status and privileges of military and ex-military personnel and members of quasi-military organizations and their families,

Article IV

All property of whatever nature owned by the organizations enumerated in Article I of this Law is subject to confiscation by order of the Zone Commander.

Article V

Any person violating or attempting to violate any of the provisions of this Law shall be liable to criminal prosecution before a Military Government Court and such punishment, including the death penalty, as the court may direct,

Article VI

This Law becomes effective on the day of publication.

Done at BERLIN the 20th day of August 1946.

JOSEPH T. McMERNEY  
General

SHOLTO DOUGLAS  
Marshal of the Royal Air Force

R. NOIRET  
General de Division  
for P. KOENIG, General d'Armee

V. SOKOLOVSKY  
Marshal of the Soviet Union

"The date of publication is 26 August 1946 at 1800 hours".

CONL/P(46)56(Final)  
20 August 1946

CONTROL COUNCILLAW NO. 35Conciliation and Arbitration Machinery in Labor Conflicts

In order to make provision for the prevention and settlement of conflicts arising out of the relationship between employers (Arbeitgeber) and employees (Arbeitnehmer) or their organizations, the Control Council enacts as follows:

Article I

1. The interested parties may agree as to the procedure to be followed in the prevention or settlement of labor conflicts. This procedure may be established by a collective agreement.
2. The interested parties may avail themselves of the services of the official agency established under Article III of this Law.

Article II

1. Where a labor conflict which is not within the jurisdiction of the Labor Courts has not been settled by conciliation or under any other agreed procedure, the parties thereto may refer it to the German Labor Administration of the Province or Land for submission to the Arbitration Commission appointed under Article IV of this Law.
2. If the conflict affects the interests of the Allied occupation, the Commander of the respective Zone may direct the German Labor Administration of the Province or Land to order the parties to submit the conflict to the Arbitration Commission.

Article III

The German Labor Administration of each Province or Land shall appoint from its staff a qualified person or persons whose functions shall be as follows:

- (a) To consult with employers and employees or their organizations on questions of labor relations.
- (b) To promote the establishment of agreed machinery for concluding collective agreements and machinery for the settlement of labor conflicts between employers and employees or their organizations.

2. The German Labor Administration of the Province or Land shall prepare two panels of assessors:

- (a) The employees' panel shall be selected on the basis of the proposals of the Trade Unions or their Federations in that region.
- (b) The employers' panel shall be selected on the basis of the proposals of the employers or of recognized employers' associations in that region.

#### Article VIII

Except as provided in paragraph 2 of Article II of this Law, the submission of a conflict for settlement by the Arbitration Commission shall take place only with the consent of the parties to the conflict.

#### Article IX

1. The rules of procedure to be followed by the Arbitration Commissions shall be established by the German Administration of the Province or Land.

2. The Chairman of the Arbitration Commission must be unbiased, independent of both parties to the conflict, and approved by them. Assessors must have the approval of the party whose interests they represent. Where a conflict is referred to arbitration under paragraph 2 of Article II of this Law, such approval shall not be required in the case of either the chairman or the assessors.

3. Arbitration Commissions may hear witnesses and experts and take such other evidence as they may deem necessary. They may request the appropriate court to take such evidence on oath as they consider necessary.

4. Arbitration Commissions shall hear the parties to the conflict before making the award, but are not otherwise bound by formal rules of evidence.

5. Decisions of Arbitration Commissions shall be made by majority vote. Awards shall be expressed in writing.



### Article X

1. Subject to the provisions of paragraph 2 of this Article, an award made by an arbitration Commission shall not be binding upon the parties to a conflict unless they both accept it.
2. The award shall be binding on the parties,
  - (a) where they have agreed before the making of the award to accept it or
  - (b) where the conflict was referred to arbitration under paragraph 2 of Article II of this Law.
3. An award which is binding on the parties shall have the effect of a collective agreement and shall apply only to the parties to the conflict.

### Article XI

1. No award of a properly constituted Arbitration Commission shall be set aside or modified by any German authority unless such award violates any enactment of the Allied Control Authority or Military Government or is in conflict with the objects of Allied occupation or is tainted with fraud or other violations.
2. The Commanders of the respective Zones shall have the right to review awards of Arbitration Commissions in order to ensure complete conformity of such awards with the enactments and objects set forth in this Law.

### Article XII

The Allied Kommandatura of Berlin is charged with the duty of taking appropriate measures for the establishment of conciliation and arbitration machinery in Berlin in accordance with the principles of this Law.

### Article XIII

All German legislation inconsistent with this Law is repealed or amended in accordance with the provisions of this Law.

Article XIV

This Law shall come into force on the day of its publication.

Done at BERLIN the 20th day of August 1946.

JOSEPH T. McNARNEY,  
General

SHOLTO DOUGLAS  
Marshal of the Royal Air Force

R. NOIRET  
General de Division  
for P. KOENIG  
General d'Armee

V. SOKOLOVSKY  
Marshal of the Soviet Union

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"The date of publication is 26 August 1946 at 1800 hours."

CONL/P(46)57(Final)  
20 August 1946



COORDINATING COMMITTEEReorganization of the Berlin Police4. AIMS

When examining this paper, it is necessary to have the following principal aims in view:

- (1) to maintain the principle of quadripartite control of the Police Force of the City of Berlin.
- (2) not to infringe the rights, powers and authority of the Berlin Polizeipraesident granted to him by the Allied Kommandatura.
- (3) to improve the working of the Polizeiinspektionen in the interests of the civil population and to ensure the maintenance of law and order in Berlin,
- (4) to make no change in the existing organizational structure of the Berlin police, except by the appointment of four Assistant Chiefs of Police, one for each Sector, thus constituting an additional link in the chain of command.
- (5) to give each Sector Commander control over the police in his sector not inconsistent with the objectives listed above,

B. GENERAL PRINCIPLES

1. The Polizeipraesident will exercise power and control over, and bear responsibility for, the entire activities of the Police Force of the City of Berlin, whose authority and duties will remain unchanged.
2. The Polizeipraesident will be assisted by 4 Assistant Chiefs of Police (one for each Sector).
3. Public Safety Officers of each of the 4 Allied Powers will retain their prerogatives and, moreover, will have power of control over the Assistant Chiefs of Police in their respective Sectors; their activities and means of control will also remain unchanged.

4. The number of Polizeinspektionen and of Polizeireviere in each Sector of Berlin, as established on 1 June 1946, as well as the number of police and of administrative staff, in accordance with the approved establishments, will remain unaltered unless changed by the Kommandatura.

5. All activities of the City of Berlin Police will continue to be controlled by the Quadripartite Public Safety Committee of the Allied Kommandatura.

60 (a) The Polizeipraesident of the City of Berlin will be appointed or dismissed by the Oberbuergermeister of the City of Berlin acting on the instruction of the Allied Kommandatura.

(b) The Polizeipraesident will appoint, transfer or dismiss only with the prior approval of the Allied Kommandatura, to whom all evidence confirming the necessity for such action will be submitted, the following officials!

1. Polizei Vize-Praesident
2. Assistant Chief of Police
3. Leiter der Praesidialabteilung
4. Abteilungsleiter
5. Dezernenten

(c) The Sector Commander in his own sector will retain the right in special circumstances to give instructions to the Polizeipraesident to suspend the police officials falling in the categories listed below subject to the subsequent confirmation of these instructions by the order of the Allied Kommandatura. The instructions of the Sector Commander will be implemented by the Polizeipraesident, provided they are not inconsistent with quadripartite policy in the direction of the Berlin Police,

1. Inspektionsleiter
2. Stellv. Inspektionsleiter
3. Abteilungsleiter der Polizei-Inspektionen
4. Reviervorsteher
5. Stellv. Reviervorsteher
- 60 All police personnel subordinate to the above

#### C. REORGANIZATION

1. With a view to improving the work of all branches of the police, and also to improving the control over the work of the police in the different Sectors of Berlin, 4 Assistant Chiefs of the Police (one for each Sector) will be appointed.

2. The Assistant Chief of Police for each Sector will have at his disposal a number of police officials with technical qualifications. These specialists will assist in the control of the three branches of the police in their Sector and will ensure their smooth operation.

3. The Assistant Chief of Police for each Sector in general circumstances will not himself give any orders, instructions or directions immediately connected with the work of the Police in his Sector without the knowledge of and sanction of the Polizei-praesident. However, in case of emergency constituting a danger to public security and in cases that do not affect overall policies and are of special interest to the Sector Commander, the Assistant Chief of Police of the Sector may take all necessary measures and notify the Polizei-praesident of the measures taken.

4. With the exceptions noted above, the Assistant Chief of Police in each Sector will report to the Polizei-praesident and to Command H.Q. of the Sector any measures and proposals connected with the work of the police, before putting them into practice. They will be implemented only after their approval by, and on receipt of an order to that effect from, the Allied Kommandatura.

5. The Polizei-Inspektionsleiter is responsible to the Polizei-praesident for the work of all sub-divisions and services of the police, being guided by orders based on the decisions of the Allied Kommandatura, in accordance with the requirements of the German population.

6. Personnel of the Criminal, Uniformed and Administrative Police in each Inspektion are directly subordinate only to the Inspektionsleiter, and report on the results of their work to the corresponding departments of the Polizei-praesidium through the Inspektionsleiter and the Assistant Chief of Police in the Sector.

Approved at BERLIN 22 August 1946  
with the understanding that the proposed reorganization would be subject to the provisions of the Berlin constitution (see page 32 et seq.) when it became effective.

CORC/P(46)159 Revise

COORDINATING COMMITTEEAdditional Reply to U.N. Concerning the Direction From Spain of Underground Activities in Germany Against The Allies

Note by Allied Secretariat

1, The Coordinating Committee at its 58th Meeting on 3 June 1946 approved a reply to the Secretary General of the United Nations Organization who had requested information on the direction from Spain of German underground activities against the Allies. The text of this reply was as follows:

"In the time available it has not been possible to discover any evidence concerning direction from Spain of the German underground activities against the Allies. The question is still being studied and the interrogation of recently arrested persons has not yet been completed. The possibility may not be excluded that there exists contact between German underground organizations and Fascists abroad.

"It is hoped that a more complete report will be forwarded by the Allied Control Authority early in July, 1946".

2, In compliance with the second paragraph of reply sent on 3 June 1946, the I.A. & C. Directorate has submitted the following additional reply which it requests be approved and forwarded to the Secretary General of the United Nations Organization:

"As an addendum to the telegram sent to you on 3 June 1946, concerning the question of direction from Spain of German underground activities against the Allies, the Allied Control Authority hereby informs you that although this matter has been under continuous investigation up to the present time no evidence of Spanish-directed underground activities in Germany has been found".

3, This paper is submitted for consideration of the Coordinating Committee at its 72nd Meeting on 22 August 1946. \*)

H. A. GERHARDT, Colonel  
R. G. RAW, Lieutenant Colonel  
J. L. BAUDIER, Consul, General  
M. M. IDASHKIN, Major

Allied Secretariat

\*) see page 74

23 August 1946

CORC/M(46)43

COORDINATING COMMITTEEMINUTES

(Meeting of 22 Aug 1946)

467. ADDITIONAL REPLY TO UNITED NATIONS CONCERNING THE DIRECTION FROM SPAIN OF UNDERGROUND ACTIVITIES IN GERMANY AGAINST THE ALLIES

The Meeting considered CORC/P(46)273.

THE MEETING:

- (467) instructed the Secretariat to send to the United Nations Organization the reply contained in paragraph 2 of the paper, with the addition of the following sentence:  
"The Allied Control Authority is continuing the investigation, and in case any facts are established, it will immediately communicate with the United Nations Organization".

COORDINATING COMMITTEELimitation of the Period of Validity of the  
Temporary Uniform Postage Stamps and of  
Zonal Stamps Issued during the Occupation

(Note by the Allied Secretariat)

1. At its Twenty-eighth Meeting held on 3rd May 1946, the Directorate of Internal Affairs and Communications considered the following three proposals on the above subject:

(a) To leave for the present time the temporary uniform postage stamp as a single series in 19 denominations, on the same level with the future permanent postage stamp and not to limit its validity and use.

(b) To issue the permanent postage stamp only at such times as the exact rates will have been determined for domestic and international mail.

(c) To prolong the period of validity of the postage stamps in the Zones until 31 May 1946 after which date they shall be withdrawn from circulation.

2. The Directorate unanimously approved the first and second proposals, but was unable to agree on the third, and decided to submit the question to the Coordinating Committee for a decision taking into consideration the following points of view.

(a) While the U.S., U.S.S.R. and British Members agreed to the discontinuance of the sale of the zonal stamps as of 31 May 1946; the French Member, acting under instructions of his government, could not accept any date for the discontinuance of sale of zonal postage stamps.

(b) The U.S. and U.S.S.R. Members likewise agreed to the termination of the validity of the zonal stamp as of 31 May 1946, while the British Member wished to see the validity of these stamps extended. The French Member could not agree to any such measure.

(c) In the opinion of the British, U.S.S.R. and U.S. Members, the issue of a uniform stamp does not prejudice the position of the French Delegation in regard to Central German Organisations.

3. The Coordinating Committee at its 55th Meeting on 17 May 1946 considered the disagreement contained in paragraph 2 above. As agreement could not be reached owing to the view held by the French Delegation, the paper was returned to the Internal Affairs and Communications Directorate.

4. The Internal Affairs and Communications Directorate at its 39th Meeting on 9 August 1946 agreed to forward the following recommendations to the Coordinating Committee for approval:

(a) The date from which the temporary uniform postage stamp may no longer be sold, as well as the limit date of validity, cannot be set as it is to be replaced by the permanent postage stamp (See para, (b) following).

(b) The date of issue (sale) of the permanent postage stamp may not be set until the designs submitted will have been accepted by the Coordinating Committee,

(c) Limit date of sale in the Post Offices of the zonal postage stamps in the United States, British and Soviet Occupation Zones is fixed for 31 August 1946 at midnight. The limit date of validity of these postage stamps for postage on mail is fixed for 31st October 1946 at midnight.

The stamps peculiar to the French Zone are maintained,

5. This paper is submitted for the consideration of the Coordinating Committee at its 73rd Meeting on 27th August 1946.

H. A. GERHARDT, Colonel

R. C. RAY, Lt. Colonel

J. L. BAUDIER, Consul General

M. M. IDASHKIN, Major

Allied Secretariat.

COMC/P(46)176 (Revise)

Paragraph 4(c) approved at BERLIN 28 Aug 1946

COORDINATING COMMITTEEBerlin Courts and Trade Unions

(Note by the **Allied** Secretariat)

1. The Kommandatura instructed its Legal Committee to examine the question of whether the Judges, Prosecutors and Court Officials of the Courts should be permitted to join Trade Unions.

2. Appendix "A" attached contains a report approved by the U.S., British and French Representatives of the Legal Committee, Appendix "B" attached contains a report on the opinion of the Soviet Representative which differs from that of the three other Representatives.

3. The two reports were examined by the Kommandatura. The Commandants were unable to reach an agreement; they decided:

- a. to refer the matter to the Allied Control Authority with a statement of the different opinions,
- b. to forbid judges and prosecutors of Berlin to join Trade Unions pending the decision by the Allied Control Authority.

4. The Legal Directorate examined the attached Appendices but was unable to reach a unanimous decision. In June, therefore, the Directorate submitted a paper to the Coordinating Committee and informed it that:

- "a. the U.S., British and Soviet Delegations are of the opinion that no case *in point* justifies adoption of the measures provided for in paragraph 4 of the proposal contained in Appendix "A", and that the Coordinating Committee should be advised to recommend to the Kommandatura to withdraw this paragraph 4 and to take no measures on this point.
- b. The French Delegation considers, on the contrary, that a definite question was submitted to the Legal Directorate, that is not within its functions to judge whether or not the question is of present interest, and that it should have given its findings on the principle involved."



5. The Coordinating Committee at its 59th and 60th Meetings on 14 and 22 June 1946, considered this paper. The U.S. and Soviet Members agreed that after studying the German Law of 1932 they were prepared to leave it in force and to ask the Kommandatura to conform thereto. The British Member wished to be sure that a judge or someone serving in a like capacity would not have the right to join a trade union which had the right to strike. As the French Member had not found it possible to study the pertinent legislation, the meeting agreed to refer it to the Legal Directorate for submission of a new proposal taking into consideration the opinions expressed in the Coordinating Committee.

6. The Legal Directorate considered the matter at its 56th Meeting on 30 July 1946 and agreed to send the following reply to the Coordinating Committee:

- "a. 1. According to German law in force in 1932, judges and prosecutors had the right, each at his own election, to form unions or professional associations so as to protect their economic interests, or to join existing unions and associations of such a nature, but judges and prosecutors, nevertheless, had not the right to belong to organizations which had the right to strike.
2. The Legal Directorate recommends the Coordinating Committee to request the Allied Kommandatura,
- (a) to withdraw their question on the subject of Berlin judges and prosecutors; and
- (b) to repeal their decision forbidding judges and prosecutors to join Trade Unions and be guided by the German legislation in force in 1932 as mentioned in the foregoing paragraph."
- b. noted that the British Delegation had some doubts on the above proposal contained in 6.a.2.(b), and considered it would be necessary to add a third paragraph to the above mentioned conclusion, as follows:—

"To recommend to the Coordinating Committee that legislation should be enacted to repeal any existing laws and to restore the law on this subject as it existed prior to 1933. If, however, it was ascertained that the existing law was the same as in 1932, there would be no necessity to refer to legislation prior to 1933."

**7. This paper is submitted for the consideration of the Coordinating Committee at its 73rd Meeting on 28 August 1946. \*)**

H. A. GERHARDT, Colonel

R. G. RAW, Lt. Colonel

J. L. BAUDIER, Consul General

M. M. IDASHKIN, Major

Allied Secretariat

CORC/P(46)205Revise

\*) see page 83

Appendix 'A' to  
CORC/P(46)205 Revise

COORDINATING COMMITTEE

Berlin Courts and Trade Unions  
Report of the U.S., British and French Representatives of the  
Legal Committee, Allied Kommandatura

It is Allied Policy **subject** to the maintenance of military security to permit the formation of free trade unions. Accordingly, the right of **employees** performing tasks incident to **the work** of the courts to join trade unions **is** recognized. However, **it is** the opinion of the representatives signing the proposal below that judges, prosecutors and "court officials" (defined as those persons who in the absence of regularly assigned judges or prosecutors may serve in their stead) are not within the stated policy because they do not follow a trade in the **usual** sense.

It is also Allied Policy to maintain the independence of the judiciary. It is the opinion of the representatives signing the proposal below that the joining of trade unions by judges, prosecutors and court officials, at least at this period **when** the German judicial system **is in** the process of reconstruction, **would** have a tendency to undermine that necessary independence, and should not be permitted.

Proposal :

In accordance with the above comment it is proposed by the Legal Committee of the Allied Kommandatura that the Allied Kommandatura issue the following order to the President and the Generalstaatsanwalt of the Kammergericht :

1. Court personnel other than judges, prosecutors and court officials (defined as those persons who in the absence of regular judges or prosecutors may serve in their stead) may join trade unions providing the same shall be in accordance with the rules and regulations of the Manpower Directorate of the Allied Control Council and other orders and directions of Military Government .

2. Negotiations shall be made with the highest appropriate German authority only. Grievances and discussions on current working conditions may be taken up with proper lesser officials.

3. Before unions are formed or trade union membership is solicited it must be known that; membership is voluntary.

4. German law In force in 1932 shall govern the right of Berlin judges and prosecutors to form unions or professional associations.

Appendix 'B' to  
CORC/P(46)205 Revise

COORDINATING COMMITTEE

Berlin Courts and Trade Unions  
Report of the Soviet Representative of the Legal Committee,  
Allied Kommandatura

It is not possible to accept the resolution proposed by the representative of the U.S.A. on the question of "Berlin Courts and Trade Unions" which in effect debars judges and prosecutors from joining Trade Unions because:

1. Paragraph 13 of the Potsdm agreement, signed by the head of the Three Powers permits the creation of free Trade Unions and does not exclude the right to join such Trade Unions from my class of workers or specialists.
2. German law at present in force permits the creation of all Unions among officials and in this connection Part III of the disciplinary code for government officials, issued in 1932, provides that "officials, like all other citizens, may amalgamate in unions, associations or societies, the objects of which do not conflict with criminal law, for the protection of their mutual interests. Prior limitations which forbade officials from participating in unions, the objects of which conflicted with governmental or service interest, are cancelled."
3. The resolution to prohibit judges and prosecutors from forming unions does not follow current Control Authority legislation nor does it follow existing requirements and living and working conditions of judges and prosecutors.
4. To prohibit judges and prosecutors from forming Trade Unions is to limit the civic rights of this category of workers, in contradiction of the declarations of the Allies on the principles of development of democracy and freedom in Germany.

For the reasons above set out it is proposed:

That the question of prohibiting judges, prosecutors, and court officials from joining Trade Unions should be withdrawn from the agenda, leaving the provisions of German Law in force up to 1933 on this subject to apply.

29 August 1946

CORC/1 (46)44

COORDINATING COMMITTEE

MINUTES

(Meeting of 28 Aug 1946)

478. BERLIN COURTS AND TRADE UNIONS

The Meeting considered CORC/P(46)205 Revise.

THE MEETING:

(478) (a) requested the Allied Kommandatura to repeal its decision forbidding judges and prosecutors to join Trade Unions, and instead to be guided by the German legislation on this subject in force in 1932;

(b) approved Appendix A to CORC/P(46)205 Revise, with the following amendment;

Delete paragraphs 4 and 5 and substitute:  
"4. German law in force in 1932 shall govern the right of Berlin judges and prosecutors to form unions or professional associations."

CONTROL COUNCIL

## DIRECTIVE NO.34

Establishment of a Combined Services Directorate

THE CONTROL COUNCIL DIRECTS AS FOLLOWS:

1. The Military, Naval and Air Directorates shall be merged into a single Directorate, which shall be known as the Combined Services Directorate.

2. The Combined Services Directorate shall assume the authority, responsibilities and functions of the former Military, Naval and Air Directorates and such other functions and duties as the Control Council or Coordinating Committee may prescribe.

3. Each member of the Control Council shall nominate a representative to act on his behalf in the Combined Services Directorate.

4. The Combined Services Directorate shall be fully established and begin its operations, as herein provided, on 1st January 1947.

Done at BERLIN on 3 September 1946.

/s/ B. H. Robertson  
/t/ B. H. ROBERTSON  
Lieutenant General

/s/ R. Noiret  
/t/ R. NOIRET  
General de Division

/s/ P. A. Kurochkin  
/t/ P. A. KUROCHKIN  
Colonel General

/s/ L. D. Clay  
/t/ L. D. CLAY  
Lieutenant General

COORDINATING COMMITTEEInterpretation of the Interim Export-Import  
Plan

(Note by the Allied Secretariat)

1. The Economic Directorate at its 27th Meeting on 3 February 1946 approved the following interpretation of the temporary Export-Import Plan:

"Each Zone Commander may open bank accounts in his own name which will be regarded as Special Accounts of the Control Council. Deposits will consist of proceeds of exports, and withdrawals may be made on the orders of the Zone Commander, or his duly accredited representatives, to pay for imports into his own Zone, or otherwise if approved by the Control Council or agreed between Zone Commanders."

The Economic Directorate requested instructions from the Coordinating Committee concerning the presentation of reports by Zone Commanders to the Control Council on these Special Accounts (quarterly, annually, etc.).

2. The Coordinating Committee at its 49th Meeting on 12 March 1946, considered the paper outlined in paragraph 1. above and agreed to refer the paper to the Finance Directorate with instructions to examine the financial aspects and to submit recommendations to the Coordinating Committee.

3. The Finance Directorate at its 36th Meeting on 24 July 1946 agreed to recommend that the Coordinating Committee approve the text of the interpretation of the interim Export-Import Plan as in paragraph 1. above and add thereto the following provisions:

Each Zone Commander should keep a money accounting record covering all exports from and imports into the Zone.

The bookkeeping currency for this purpose should be U.S. dollars. Where an export or import is invoiced in a currency other than U.S. dollars, the entry in the accounting record covering such export or import should be both in U.S. dollars (as bookkeeping currency) and in the currency in which the export or import was in fact invoiced,



Where payments are made by one Zone Commander to another in connection with export-import operations, such payments (whether effected in accordance with arrangements made directly between Zone Commanders or in accordance with agreements reached by the Allied Control Council) should be entered in these accounting records.

Statements from the above accounting records must be submitted quarterly by the Zone Commanders to the Control Council in such form and in such a manner as specified by the Directorate of Economics after consultation with the Finance Directorate".

4. This paper is submitted for the consideration of the Coordinating Committee at its 74th Meeting on 3 September 1946.

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

J. L. BAUDIER, Consul General

M. M. IDASHKIN, Major

Allied Secretariat

Approved at BERLIN 3 Sept 1946

CORC/P(46)282

COORDINATING COMMITTEE

Interpretation of the 22% Minimum in the Valuation  
Of Advanced Deliveries on Account of Reparations

1. The Coordinating Committee at its 57th Meeting on 28 May 1946, considered the following interpretation on the 22% minimum in the valuation of advanced deliveries on account of reparations which had been agreed by the Finance Directorate at its 31st Meeting on 21 May 1946:

- "I. From the unit of allocation is excluded any item of plant which cannot be used for normal industrial purposes having in view the nature of the item,
- "II. The receiving Power can reject equipment having 1938 replacement value of not more than 10% of the 1938 replacement value of the whole unit of allocation (as defined in paragraph I above).
- "III. After all deductions (other than that in paragraph II above) have been made, the residual value shall be not less than 22% of the 1938 replacement value of the total unit of allocation (as defined in paragraph II above) less the 1938 replacement value of items deducted within the limit of the 10% provided in paragraph II above."

The Coordinating Committee approved the paper provisionally and instructed the Economic Directorate to examine Article "I" with a view to the production of a more precise wording.

2. The Coordinating Committee at its 66th Meeting on 23 July 1946 considered the recommendation of the Economic Directorate which was to delete Article "I" of the "interpretation" as in paragraph 1 above. The Soviet Member proposed a new draft of Article "I" as follows:

"Equipment which, in view of its nature (i.e. non-standard, special purpose equipment, equipment 50% damaged or more, underground communications and installations, linings, incomplete odd equipment), cannot be put to normal industrial uses, shall be excluded from the allocation unit. Such equipment shall be included in a special list, and the recipient country will be given the opportunity to choose from this equipment such parts as it deems suitable."

The Coordinating Committee agreed to return the paper to the Economic Directorate for final drafting in the light of the above proposal.

3. The Economic Directorate at its 59th Meeting on 9 August 1946 considered the paper and agreed to the following new wording for Article "I":

"The unit of allocation will include all the equipment which can be moved and is useable, as is determined by the experts appraising the equipment for evaluation. Equipment damaged more than 50% may be excluded on their unanimous recommendation."

4. This paper is submitted to the Coordinating Committee for consideration at its 74th Meeting on 3 September 1946.

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

3. L. BAUDIER, Consul General

M. M. IDASHKIN, Major

Allied Secretariat

CORC/P(46)172 (3rd Revise)

4 September 1946

CORC/M(46)45

COORDINATING COMMITTEE  
MINUTES  
(Meeting of 3 Sept 1946)

489. INTERPRETATION OF THE 22% MINIMUM IN THE VALUATION OF ADVANCED DELIVERIES ON ACCOUNT OF REPARATIONS

The Meeting considered CORC/P(46)172 (3rd Revise).

THE MEETING:

(489) Approved the new wording for Article I contained in paragraph 3 of the paper.

CONTROL COUNCIL

Directive No. 35

Sentences of the International Military Tribunal.

The Control Council issues the following Directive pursuant to the Agreement of August 8th 1945 for the Prosecution and Punishment of the Major War Criminals of the European Axis and Article 29 of The Charter of the International Military Tribunal annexed to the said Agreement.

1. An official record of all proceedings of the trial now being held before the International Military Tribunal in Nuremberg, and of any further trials ordered to be held before the said Tribunal pursuant to Article 22 of the said Charter, shall, immediately after sentence has been rendered, be held at the disposal of the Legal Directorate of the Allied Control Authority by the Secretariat of the Tribunal, to the extent required by the said Directorate,

2. If a Petition for Clemency is filed by a man condemned to death, this Petition, in order to be receivable, must be addressed to the Control Council and lodged with the Secretariat of the International Military Tribunal within four days from the date on which sentence was passed. The Secretariat of the Tribunal will record the date of receipt of this Petition and will immediately forward it to the Control Council, together with copies of the Indictment and of the Judgment of the Tribunal. If it so desires, the control Council may refer the Petition for Clemency to the Legal Directorate, which will forthwith make a study of the Defendant's Petition, the Indictment, the Judgment of the Tribunal and such parts of the record of the proceedings at the trial and of the documents produced in evidence thereat as it considers necessary. Thereupon the Legal Directorate will report its findings within the time prescribed by the Control Council,

3. Should any person be convicted and sentenced to imprisonment he will immediately begin the service of such sentence in accordance with the Judgment of the Tribunal. Should any person be convicted and sentenced to death by the Court, the sentence will be carried out on the fifteenth day after the date of pronouncement of sentence in open court, unless otherwise ordered by the Tribunal or the Control Council within said period. If the fifteenth day falls on a Sunday, the sentence will be carried out on the following day. The day when the sentence is rendered shall not be counted in the fifteen-day period,

4. A quadripartite commission of four military commanders, one appointed by each **Zone** Commander, is designated as the agency responsible for the detention of all major war criminals who are convicted and sentenced by the Tribunal at the trial held either at Nuremberg, or at the trials held in other places pursuant to Article 22 of the Charter of the International Military Tribunal, pending the execution of those sentenced to death, and for the delivery to the Kommandatura in Berlin of those upon whom prison sentences have been passed by the Tribunal at the trials before referred to.

The said Commission is also responsible for the execution of any death sentences in accordance with the Judgments of the Tribunal and is directed to provide full quadripartite participation in the execution of such sentences.

Unless otherwise ordered by the Tribunal, the death sentence shall be carried out without publicity by means of hanging or by the guillotine, within the prison enclosure where the defendants concerned were confined at the time of sentence, and the bodies of the said defendants shall be disposed of according to the instructions of the said Commission.

5. The Allied Kommandatura, Berlin, is directed to select and provide prison facilities, with full quadripartite administration and supervision, within the area of the Kommandatura's authority, for effectuating prison sentences in accordance with the Judgments of the Tribunal. Until such prison facilities are provided within the area of the Kommandatura's authority, and transfer thereto is effected, imprisonment shall be at the place in which the prisoners were confined at the time of sentence.

6. The Directorate of Finance shall arrange for the carrying out of that part of any sentence passed by the Tribunal pursuant to Article 27 and 28 of the said Charter at the said trials which provides for the payment of fines by any of the Defendants, the confiscation of their property and for the disposal of such fines or confiscated property in accordance with the directions of the Control Council and also for the delivery to the Control Council of any stolen property in the possession or control of any of the Defendants of which by the order of the Tribunal he has been deprived,

7. In case the sentence of the Tribunal is in disagreement with any provisions of this Directive, the sentence shall prevail, unless otherwise directed by the Control Council.

8. This Directive is effective upon the date of signature. It shall forthwith be communicated in a confidential manner only to the Secretariat of the International Military Tribunal and

Counsel for the Prosecution, the respective Zone Commanders, the Allied Kommandatura, and the Finance Directorate, who shall take, so far as each is concerned, the necessary measures to put the Directive into effect,

Done at BERLIN on the 7th day of September, 1946.

G.W.E.J. ERSKINE  
Major General  
for B.H. ROBERTSON  
Lieutenant General

R. NOIRET  
General de Division

P.A. KUROCHKIN  
Colonel General

C.L. ADCOCK  
Major General  
for LUCIUS D. CLAY  
Lieutenant General.

CORC/P(46) 284 Final

7 Sept 1946

Appendix "A" to  
CORC/M(46)46COORDINATING COMMITTEECommunique on the Sentences of the International Military  
Tribunal\*)

The Control Council **has** approved a Directive on the sentences of the International Military Tribunal.

In the Directive **it** is **said**:

(a) The Control Council decided that **all records** of the proceedings of the **trial shall be held** at the **disposal of** the Legal Directorate of the Allied Control Authority.

(b) The Control Council directed that **if** a petition for clemency is filed by a **man condemned** to death, this petition in **order to be receivable, must** be addressed to the Control Council and **lodged** with the Secretariat of the International Military Tribunal **within four days from** the date on which sentence was **passed,**

(c) The Control Council appointed a Quadripartite Commission of **four Military** Commanders, one from each **zone,** to be **responsible for** the execution of the sentences of the International Military Tribunal.

(d) The Control Council. charged the Directorate of Finance **to** arrange for carrying **out** that **part of any** sentence which provides for the disposal of the **property of** the defendants.

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\*) In its meeting of 7 Sept 46 the Coordinating Committee considered CORC/P(46)291 "Draft Communique on the Directive on the Sentences of the International Military Tribunal". The above **communique** (Appendix "A" to CORC/M(46)46), proposed by the Soviet Member and agreed upon by the Coordinating Committee, is a **shorter Version** of CORC/P(46)291.

- (c) To intervene with the consent of the parties to the conflict with a view to settling labor conflicts either by conciliation or by resort to arbitration.

#### Article IV

Arbitration Commissions shall be established by the German Labor Administration of each Province or Land.

#### Article V

The Arbitration Commissions shall consist of a chairman and an equal number of assessors representing employers and employees and not exceeding five for each side.

#### Article VI

1. The chairman of the arbitration Commission shall be selected and appointed by the German Labor Administration of the Province or Land from a panel of chairmen prepared for that purpose in accordance with paragraph 2 of this Article.

2. The panel of chairmen shall be prepared by the German Labor Administration of the Province or Land from persons

- (a) having recognized democratic principles,
- (b) sufficiently competent in problems of production, labor and labor relations, and
- (c) acceptable to the representatives of Trade Unions as well as to the representatives of the employers.

3. The panel of chairmen of arbitration Commissions shall be appointed for three years. They shall be eligible for reappointment if they still satisfy the requirements of paragraph 2 of this Article.

#### Article VII

1. Assessors of arbitration Commissions shall be selected and appointed by the German Labor Administration of the Province or Land from panels of assessors prepared for that purpose. The panels shall consist of sufficiently competent persons arranged according to their occupational classifications.



COORDINATING COMMITTEEChange to Winter Time in Germany

Note by the Allied Secretariat

1. At its 40th Meeting on 20 August 1946 the IA&C Directorate decided to recommend to the Coordinating Committee that the time be changed to Zone 'A' time in the night between the 5th and 6th October 1946 at 0300 hours. The Directorate has sent information copies of this decision to the Economic and Transport Directorates.

2. This recommendation is submitted for consideration by the Coordinating Committee at its 75th Meeting.

K. G. EXHAM, Brigadier

3. L. BAUDIER, Consul General

M. M. IDASHKIN, Major

H. A. GERHARDT, Colonel

CORC/P(46)288

9 September 1946

CORC/M(46)46

COORDINATING COMMITTEEMINUTES

(Meeting of 7 Sept 1946)

505. CHANGE TO WINTER TIME IN GERMANY

The Meeting considered CORC/P(46)288.

THE MEETING:

(505) agreed that the time be changed to Zone A time in the night between 6 and 7 October 1946, at 0300 hours.

CONTROL COUNCIL

Report of the Coordinating Committee on the Preliminary Report of the  
Committee of Coal Experts  
(Note by the Allied Secretariat)

1. The Coordinating Committee at its Seventy-sixth (Extraordinary) Meeting, considered the Preliminary Report of the Committee of Coal Experts (CORC/P(46)289).

2. The Coordinating Committee agreed as follows:-

- "(a) to note the preliminary report and to recommend to the \* Control Council that it be forwarded to the Council of Foreign Ministers;
- (b) to request the Zone Commanders to put into effect the recommendations contained in the agreed report and to submit a monthly progress report to the Coordinating Committee, To inform the Control Council of this action and to recommend to the Control Council that the Council of Foreign Ministers be also informed;
- (c) to note the contents of the special minutes and to recommend to the Control Council that they be forwarded to the Council of Foreign Ministers.
- (d) to forward copies of the report to the Economic, Manpower and Finance Directorates for study and for appropriate implementation;
- (E) to instruct the Committee of Coal Experts to study again the principles of allocation and to report to the Coordinating Committee what differences of principles, if any, exist between the various Delegations, To recommend to the Control Council that the Council of Foreign Ministers be informed that efforts are still being made to obtain agreement on allocation;
- (f) to instruct the Economic Directorate to examine concurrently and to formulate a more precise definition of the term "needs of the Occupying Forces", and to report their conclusion to the Coordinating Committee".

3. The above information is submitted for the consideration of the Control Council at its Thirty-ninth Meeting on 10 September 1946.)\*

K. G. EXHAM, Brigadier

J., L. BAUDIER, Consul General

M. M. IDASHKIN, Major

H. A. GERHARDT, Colonel

Allied Secretariat

CONL/P(46)62

\*) The Control Council noted the Preliminary Report of the Committee of Coal Experts (CONC/P(46)289) and accepted the recommendations of the Coordinating Committee contained in CONL/P(46)62. instructed: a) the Committee of Coal Experts to submit practical proposals for allocation, and b) the Allied Secretariat to forward to the Council of Foreign Ministers the following documents: 1) the Preliminary Report of the Committee of Coal Experts (CONC/P(46)289); 2) the Coordinating Committee's report (CONL/P(46)92); and 3) the Minutes of the Control Council Meeting (CONL/M(46)24).

CONTROL COUNCIL

Directive No. 36

Establishment of an Allied Control Authority Interzonal  
Facilities Bureau

The Control Council directs as follows:

1. An Interzonal Facilities Bureau is hereby established by the Allied Control Authority. This office will be responsible to the Allied Secretariat, but the national section may be responsible to any agency designated by its Authority.
2. The function of the Interzonal Facilities Bureau of the Allied Control Authority will be:
  - a. To make arrangements for and deal with formalities connected with interzonal travel of members of or persons under the jurisdiction of the occupational forces of the four Allied Powers.
  - b. To take care of all the formalities in connection With transit movements through Germany of diplomatic and other representatives.
  - c. To make arrangements for and deal with formalities connected with interzonal travel of members of the Military Missions accredited to the Control Council and organizations approved by the Control Council.
  - d. To deal with requests for permits made by Germans, in accordance with the conditions laid down in CORC/P(45)172 dated 10 December 1945, as well as directives and agreements, which may subsequently be communicated to the Interzonal Facilities Bureau from time to time. This Bureau will exercise supervision over interzonal movement to the extent each of its national members is permitted to do so by the power he represents.
3. The Interzonal Facilities Bureau will consist of representatives of the four Allied Powers. The Allied Secretariat will appoint from among the four representatives the one who is responsible for co-ordinating the work of this quadripartite office.

4, The policies under which We Interzonal Facilities Bureau is to function will be laid down by the Control Council.

5. This directive replaces Directive No. 8.

Done at BERLIN 13 September 1946

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B. H. ROBERTSON  
Lieutenant General

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R. J. NOIRET  
General de Division

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P. A. KUROCHKIN  
Colonel General

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LUCIUS D. CLAY  
Lieutenant General

CONTROL COUNCIL

Supplement to Directive No. 14 - Wage Policy

The Control Council directs that the following supplement be added to paragraph 3 of Directive 14:

- (e) The wages of woman and minors may be raised to the same level as paid to men for identical work with identical productivity.
- (f) Wages in certain industries can be increased or decreased if necessary to correct maladjustments or eliminate inequities. Such industries will be designated by the Allied Control Authority who will also determine the limits of permissible deviation from current wage rates, and if considered necessary fix a date before which the new rates shall not become effective. Employers and trade unions may then negotiate new tariffs within the aforesaid limits under the supervision of the appropriate German authorities. Copies of the new tariffs will be deposited with the Allied Control Authority within 15 days of their becoming effective.
- (g) Increases to bring wages up to 50 Pfg. per hour will be permitted for workers who receive less than that amount and whose earnings are not adequately supplemented by free meals, lodging or other perquisites, or are not compensated by a very low cost of living.
- (h) Zone Commanders may re-define industrial areas as employed for purposes of wage control, where justified by changes in economic conditions.

All changes in the Tariff Orders relating to (e), (g) and (h) of the present paragraph shall be reported to the Manpower Directorate,

Done at BERLIN, on the 13th day of September 1946

B.H. ROBERTSON, Lieutenant General  
R. NOIRET, General d'Armee  
P.A. KUROCHKIN, Colonel General  
LUCIUS D. CLAY, Lieutenant General

CORC/P(46)285 Final

NOTE by Allied Secretariat to CORC/P(46)285 Final:  
 "Although Directive No. 14 was published in the Control Council Gazette, this Supplement will not be published to the German people."

COORDINATING COMMITTEEFormation of an Organization to Carry Out Restitution in Berlin

Note by the Allied Secretariat

1. On 17 June 1946 the Allied Secretariat forwarded an agreed Reparations, Deliveries and Restitution memorandum to the Allied Kommandatura requesting the latter to establish the organization necessary to carry out the restitution of objects found in the city of Berlin according to the definition of a quadripartite procedure for restitution, approved by the Control Council and the Coordinating Committee in the papers CONL/P(46)3(Revise) and CORC/P(46)143.
2. The memorandum referred to in paragraph 1 above has been considered by the Deputy Commandants and Commandants of the Allied Kommandatura. No agreement was reached. The United States, British and French members considered that a Restitution Commission should be set up at the Allied Kommandatura, to deal with restitution in Greater Berlin as a whole. The Soviet Member considered that Commissions on Restitution should be created in each Sector by the Commandant of the Sector, that reports on restitution should be passed to the Zone Commander in the order and manner established by the Control Council, and that the Commandants would inform each other at their meetings of the work completed. The Commandants requested the Allied Control Authority to set a ruling on these two divergent opinions.
3. The Allied Secretariat forwarded the contents of paragraph 2 together with relevant extracts of the Minutes of the Commandants' Meeting to the Reparations, Deliveries and Restitution Directorate for their comment. In reply, the Directorate has recommended that the Coordinating Committee direct the Kommandatura to take action in accordance with their original memorandum referred to in paragraph 1.
4. The paper is circulated for consideration of the Coordinating Committee at its Seventy-Seventh Meeting on Friday, 13 September 1946.\*)

K. G. EXHAM, Brigadier  
J. L. BAUDIER, Consul General  
M. M. IDASHKIN, Major  
H. A. GERHARDT, Colonel

Allied Secretariat

CORC/P(46)294

**THE ARMY LIBRARY**

WASHINGTON, D. C.

\*) see page 100



14 September 1946

CORC/M(46)48

COORDINATING COMMITTEEMINUTES

(Meeting of 13 September 1946)

514. FORMATION OF AN ORGANIZATION TO CARRY OUT RESTITUTION  
IN BERLIN

The Meeting considered CORC/P(46)294.

THE MEETING:

- (514) agreed that the Allied Secretariat should inform the Allied Kommandatura
- (a) that a Commission on Restitution should be created in each Sector and that these Commissions should make a monthly report on restitution to the Allied Kommandatura, in the same form as the monthly report now made by the Zone Commanders;
  - (b) that the Allied Kommandatura should collate the reports in (a) above and submit them to the Allied Control Authority;
  - (c) that an order, similar to General Order No. 6 should be issued in Berlin, and that the information furnished in the declarations by the Germans should be available to representatives of each nation eligible for restitution.



COORDINATING COMMITTEEInventory of German War Material in Neutral Countries

Note by the Allied Secretariat

1. At its 22nd Meeting on 23rd November 1945 the Coordinating Committee approved CORC/P(45)160 Final and thereby placed the responsibility for the listing of German war material in neutral countries on the German External Property Commission.

2. The German External Property Commission, considering itself incompetent to deal with a certain category of war material, has since requested that this responsibility be laid on the three Service Directorates. The following is a relevant extract from the German External Property Commission's proposal:

"a. It appears already desirable to submit for the approval of CORC the principle of distinguishing between two categories of German war materials in neutral countries.

- (i) Equipment which Germany had ordered in the neutral country before German capitulation and which is at present still located in said neutral country as German property. This material never having been used during military operations is to be considered as a German asset abroad. It will receive the same disposition as the other assets covered by Law No. 5 of the Control Council.
- (ii) Material utilized by the Army and brought into a neutral country by German troops who retreated into that country and were disarmed there, or German planes which, in the course of war operations landed on neutral territory. This equipment is to be considered in the same way as war material found in Germany during operations, i.e., it will be turned over purely and simply to the Allied Powers either for destruction or for allocation, as has been provided for in CORC/P(45)160 Final, paragraph 5,

"b. In the first instance, the material not having been put in service by the German Army, retains the character of goods included in the definition of German assets abroad, as described in Article X (b) of Law No. 5. These have been entrusted to GEPC by the Control Council and the Commission has jurisdiction on this matter.

"c. In the second instance, the material **put into** service in accordance with its military purpose has **lost** the character of merchandise and acquired the special character of **armaments** used for war purposes, which is not property in the sense of Law No. 5. The GEPC should not be declared **competent** on this subject, which is the responsibility of the Military Directorates : War, Air and Naval."

3. On 26 July, the Allied Secretariat requested the Military Directorate to consider the German External Property Commission's proposal (extract in Para 2 above), in consultation with Naval and Air Directorates.

4. At its 34th Meeting on 16 August 1946 the Military Directorate agreed to inform the Coordinating Committee that the Military, Naval and Air Directorates have all agreed:

- (a) that the service directorates feel they have insufficient information available to make recommendations as to whether the German External Property Commission should be relieved of the responsibility for inventorying German war material in neutral countries. However, in their opinion the service directorates themselves are not suitable agencies to deal direct with neutral countries regarding the inventory of German war materials located therein.
- (b) that relative to the principle of distinguishing between two categories of German war materials in neutral countries (para 2 (a) above), the service directorates believe such a division might result in two or more agencies of the Allied Control Authority dealing with neutral countries on the subject of war materials. Such a condition would be unsatisfactory.
- (c) that, based on the terms of reference and primary responsibilities of the service directorates, they should act only in an advisory capacity to whatever agency the Coordinating Committee may designate, relative to the inventory of German war material in neutral countries. However, they will not be in a position to make recommendations as to disposition until such time as they have information on the quantity, type, and condition of the material. This information has been requested and is now being awaited.

5. The Coordinating Committee is requested to give a decision regarding the agency to be held responsible for the listing of this war material.

6. This paper is circulated for consideration of the Coordinating Committee at its 78th Meeting. \*)

K. G. EXHAM, Brigadier

J. L. BAUDIER, Consul. General

M. M. IDASHKIN, Major

H. A. GERHARDT, Colonel

Allied Secretariat

CORC/P(46) 298

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\*) see page 104

18 September 1946

CORC/M(46)49

COORDINATING COMMITTEE

MINUTES

(Meeting of 17 Sept 1946)

521. INVENTORY OF GERMAN WAR MATERIAL IN NEUTRAL COUNTRIES.

The Meeting considered CORC/P(46)298.

THE MEETING:

(521) instructed the Political Directorate, in consultation with the G.E.P.C. and the three Service Directorates, to obtain the **required** information from neutral countries by means of diplomatic channels.

COORDINATING COMMITTEEDesign for Permanent Uniform Postage Stamps

(Mote by the Allied Secretariat)

1. At their Seventy-Third Meeting on 28 August 1946, the Coordinating Committee approved certain recommendations of the Directorate of Internal Affairs and Communications concerning the limitation of the period of validity of the temporary uniform postage stamps and of zonal stamps issued during the occupation. By paragraph 4 (b) of CORC/P(46)176 (Revise), the Directorate pointed out that the date of issue (sale) of the permanent postage stamps may not be set until the designs submitted will have been accepted by the Coordinating Committee.
2. At their Forty-First Meeting on 4 September 1946, the Directorate of Internal Affairs and Communications approved the five designs for permanent uniform postage stamps for use in the Soviet, U.S. and British Zones of Germany and decided to forward them for the approval of the Coordinating Committee.
3. As the French Delegate, acting under instructions of his Government, could not accept any date for discontinuance of sale of zonal postage stamps, the stamps peculiar to the French Zone are maintained.
4. The Directorate also decided to inform the Coordinating Committee that recommendations concerning the date on which the permanent uniform postage stamps, if approved, would be brought into use in the U.S., Soviet and British Zones of Occupation, would be submitted later.
5. The Coordinating Committee is requested to approve the five designs for permanent uniform postage stamps. A complete set of the five designs in question is held by each National Element.
6. This paper is circulated for consideration by the Coordinating Committee at its Seventy-Eighth Meeting.\*)

B. G. EXHAM, Brigadier

J. L. BAUDIER, Consul General

M. M. IDASHKIN, Major

H. A. GERHARDT, Colonel

Allied Secretariat,

\*) see page 106

18 September 1946

CORC/M(46)49

COORDINATING COMMITTEE  
MINUTES  
(Meeting of 17 September 1946)

523. DESIGN FOR PER ANENT UNIFORM POSTAGE STAMPS

The Meeting considered CORC/P(46)300.

THE MEETING:

- (523) agreed (a) to approve the **five designs** for permanent uniform postage **stamps** for **use in the Soviet, US,** and British **Zones** of Germany;
- (b) to intrust to the Internal Affairs and Communications Directorate the selection of the date on which the stamps should be brought into **use.**

CONTROL COUNCIL

Report by the Coordinating Committee on Matters of Procedure in  
Connection with the Consideration of the Sentences of the International  
Military Tribunal by the Control Council and the Execution of the  
Condemned Men

Note by the Allied Secretariat

1. The Coordinating Committee at its Seventy-eighth Meeting on 17 September 1946, agreed to submit the following report to the Control Council.

2. The Coordinating Committee recommended:

- (i) that the Control Council should give priority to consideration of Petitions for Clemency filed by the men condemned to death.
- (ii) that the Control Council should hold a Special Meeting or Meetings as soon as practicable after receipt of copies of the Petitions, the Indictment and the Judgment of the Tribunal and should summon their Legal Advisers to attend the said Meeting or Meetings to give such assistance as might be required of them.
- (iii) that the Press should not be allowed to be present at the carrying out of the death sentences and that no photographs should be taken of the executions by any of those present thereat.
- (iv) that, for the purpose of creating a historical record, arrangements should be made for taking official photographs of the bodies of the condemned men after their execution which should be published only with the authority and under the conditions decided by the Control Council.
- (v) that the number and class of persons permitted to witness the execution should be determined by the Quadripartite Commission and should include Medical experts to certify the due carrying out of the Sentences, and that the Quadripartite Commission should issue an agreed brief official communique forthwith after the executions.

(vi) that **the** Quadripartite Commission of four Military Commanders referred to in paragraph 4 of the Directive should be nominated and appointed immediately.

3. The names of the officers designated as members of the Quadripartite Commission referred to in paragraph 2 (vi) are as follows:

British - Brigadier PATON WALSH  
French - Brigadier General MOREL  
Soviet - Major General SIDNEV  
US - Brigadier General Roy V. RICKARD

4. The question of prior examination of pleas of Clemency by the Coordinating Committee in order to prepare recommendations for the action to be taken by the Control Council was also discussed, but the Coordinating Committee agreed that the decision on this point should be left to the Control Council itself,

5. This report is submitted for the consideration of the Control Council at its Fortieth Meeting to be held on 20 September 1946.

K. G. EXHAM, Brigadier

J. L. BAUDIER, Consul General

M. M. IDASHKIN, Major

H. A. GERHARDT, Colonel

Allied Secretariat

CONL/P(46)65

\*) see page 109



20 September 1946

CONL/M(46)25

CONTROL COUNCILMINUTES

(Meeting of 20 Sept 1946)

109. MATTERS OF PROCEDURE IN CONNECTION WITH THE CONSIDERATION OF THE SENTENCES OF THE INTERNATIONAL MILITARY TRIBUNAL BY THE CONTROL COUNCIL AND THE EXECUTION OF THE CONDEMNED MEN

The Meeting considered CONL/P(46)65.

T . MEETING:

- (109) (a) approved paragraphs 2 and 3 of the paper;
- (b) agreed that the Control Council should examine in the first instance the sentences and any pleas for clemency forwarded by the Secretariat of the International Military Tribunal.

COORDINATING COMMITTEE

Additional Report of the Committee of Coal Experts on the Principles  
of Allocation of German Coal

(Note by the Allied Secretariat)

1. The Coordinating Committee, at its 76th Extraordinary Meeting on 9 September 1946, considered the Preliminary Report of the Committee of Coal Experts on the Measures to increase Coal Production and the Principles of Allocation of German Coal, CORC/P(46)289.

By Conclusion (509) (e) of CORC/M(46)47 the Meeting agreed:  
"to instruct the Committee of Coal Experts to study again the principles of allocation and to report to the Coordinating Committee what differences of principle, if any, exist between the various Delegations, To recommend to the Control Council that the Council of Foreign Ministers be informed that efforts are still being made to obtain agreement on allocation".

2. The Control Council, at its 39th Meeting on 10th September 1946, considered the "Report of the Coordinating Committee on the Preliminary Report of the Committee of Coal Experts" and by Conclusion (105) (b) of CONL/M(46)24 the Meeting agreed:

"to instruct the Committee of Coal Experts to submit practical proposals for allocation referred to in paragraph 2 (e) of CONL/P(46)62\* and to expedite the submission of this report."

3. In accordance with the instructions referred to in paras 1 and 2 above the Committee of Coal Experts met on 17th and 18th September and endeavoured to reconcile the divergent views on the principles of the allocation of German coal as set out in the Special Minutes of the 22nd Meeting of the Committee of Coal Experts at Appendix "E" (1) Part (i) and "E" (2) to Appendix II of CORC/P(46)289.

4. Unanimous agreement was reached on a revised wording of the second sentence of para. 2 of the Appendices referred to.

5. AS regards para. 3 of the Appendices referred to, the four representatives made every effort to arrive at a wording which would be acceptable to all four delegations. Definite progress was made, but unanimous agreement could not be reached on the sub-paragraph which related to the allocation of coal for German industry.

Having failed to arrive at a common text for this paragraph, the representatives discarded all compromise proposals and, at the suggestion of the Soviet representative, agreed to revert to the text

\* ) see page 94

of the two original proposals previously submitted, The Committee considered that these proposals expressed the differences of principle more clearly. In addition the representatives made statements defining the existing differences of principle, These statements are given in Appendix "B" attached to this paper.

6. The two original proposals on the principles of allocation of coal APPENDICES E (1)Part (i) and "E" (2) referred to in para. 3 above have for convenience been amalgamated and are attached at APPENDIX "A" to this paper. APPENDIX "A" contains the revised wording of para, 2 and sets out side by side the two versions of para. 3 as proposed by the British, French and U.S. representatives on the one hand, and by the Soviet representative on the other,

7. In view of failure to reach agreement on the principles of allocation of coal the Committee is unable to submit practical proposals for allocation as it was instructed in Conclusion (105) (b) of CONL/M(46)24.

8. This paper is submitted for the consideration of the Coordinating Committee at its 79th Meeting on 23 September 1946.\*)

A.G. EXHAM, Brigadier

J.L. BAUDIER, Consul General

M.M. IDASHKIN, Major

H.A. GERHARDT, Colonel

Allied Secretariat

CORC/P(46)307

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\*) see page 119

21 September 1946Appendix 'A' to  
CORC/P(46)307COMMITTEE OF COAL EXPERTSPRINCIPLES OF THE ALLOCATION OF GERMANCOAL

1. Under the terms of reference approved by the Allied Control Council the Committee of Coal Experts was instructed to study the principles of coal allocation according to which the coal produced in Germany should be distributed between internal consumption and export.

2. For the purposes of this study the term "export" shall include all solid fuel (coal and coke.) exported outside the boundaries of Germany, including bunker coal supplied to non-German shipping. The Electric power and gas exported beyond the boundaries of Germany, and the coal consumed in the generation thereof, shall be given immediate study in relation to the allocation of coal as between internal consumption and export.

3. British, French and U.S.  
Proposal

Under the terms of the Potsdam agreement, the following principles should govern the computation of the quantities of coal to be retained in Germany and to be exported.

a. German requirements and availabilities of solid fuel will be presented by zones, and the resulting totals will then be considered for Germany as a whole and a common policy adopted in connection With the figures presented.

b. Sufficient coal shall be allocated to Germany, bearing in mind the provisions of para 3 c. below:

(i) to assure the needs of the occupying forces. For the purposes of Allocation the direct needs of occupational forces shall not be regarded as part of German internal requirements nor as export.

Soviet Proposal

After detailed examination, the Committee of Coal Experts considered it necessary to recommend for further use the following basic principles of allocation of German coal for internal consumption and export:

The necessary quantity of coal must be left in Germany:-

a) To assure the needs of the occupying forces and authorities as presented by the Zonal Commander.

NOTE: In allocating solid fuel the direct needs of the occupying forces and authorities shall not be regarded as part of German internal requirements nor as export.

(ii) to maintain in Germany essential industries at the level required:

- (a) to maintain and operate transport
- (b) to enlarge coal production
- (c) to maximise agricultural output
- (d) to permit the reduced standard of living provided for the German people under the Potsdam Agreement
- (e) to produce goods required for export to balance essential imports.

c. In calculating the quantity of coal to be allocated to export, regard should be paid to the urgent need of finding sufficient coal to meet the dependency of other countries on these exports and to the necessity of developing an export program of at least 45,000,000 tons for 1949, provided coal production in Germany reaches 155,000,000 tons hard coal equivalent.

b) to assure the requirements of industry, electric power stations, transport, and agriculture, basing the calculations on existing requirements of these branches of industry for each allocation period,

c) To assure the requirements of public services (schools, hospitals, laundries, etc.) and also the requirements of the German population in accordance with the reduced standard of living.

d) The Committee considers that, in calculating the quantity of coal to be allocated to export, regard should be paid to the urgent need of finding sufficient coal to meet the dependence of other countries on these exports, and to the necessity of developing an export program of at least 45,000,000 for 1949, provided coal production in Germany reaches 155,000,000 tons in hard coal equivalent.

4. The distribution established for 1949 in the Level of Industry Plan - 155,000,000 tons minimum production and 45,000,000 tons minimum export - should be accepted as the eventual goal to be reached under the principles established by the Committee.

5. The principles to be adopted will be based on the assumption that a steady and substantial increase in German coal production will result from their application. Should this assumption prove erroneous, it will be necessary to reconsider the principles.

6. Since the effective implementation of **any** principles agreed upon is directly dependent upon the accuracy of the calculation of the available tonnage, in the future **a31** availabilities are to be calculated on the same basis for **all** zones, and expressed in hard coal equivalent.

7. For the successful application of the agreed principles of coal allocation, each zone shall submit its production forecast, tonnage available for allocation, requirement schedules and consumption figures; calculations to be made on the same basis for **all** zones.

8. In order to implement the recommendations which have been made in this report which are intended to stimulate the production of coal in all zones of Germany, it is imperative that a larger quantity of coal be made available to those industries of Germany which contribute particularly to the needs of the Coal Industry.

It is recommended that:

a. The allocation of coal for export be reduced commensurately over a limited period of time, sufficient however, to permit increased production of coal, particularly in those zones where production is not increasing,

b. when an agreed level of production has been reached; any increase in production over and above this level shall be shared between Germany and export in a rising proportion to export, so that when production reaches 155,000,000 tons, at least 45,000,000 tons will go to export,

The above mentioned level of coal production and the ratios between internal consumption and export will be determined in the final report.

21 September 1946

APPENDIX "B", to  
CORC/P(46)307

A. Statement by the British, French and U.S. Representatives

The British, French and U.S. representatives consider it necessary to adhere to the original tripartite proposal for the wording of para.3 for the following reasons:-

(1) It is necessary that the principles of allocation should conform with Section III B (Economic Principles) of the Potsdam Agreement, the level of Industry Plan for 1949 and the treatment of Germany as an economic whole.

While there was general agreement between all four delegations that the level of Industry Plan should be adopted for the allocation of coal in 1949, it is felt that the allocation of coal for the intervening period should be governed by Section III B of the Potsdam Agreement and the industrial relationships indicated in the Level of Industry Plan.

(2) Since all four representatives had previously agreed on the terms of paras. 6 and 7 the British, French and U.S. representatives do not see how the principles in these paras. can be put into effect on a basis common to the four zones without at the same time accepting, by agreement, a common approach to the level of industrial production for Germany as a whole, which should be adopted as a means of assessing needs and requirements. They cannot agree that industrial production in Germany should be allowed to develop without some generally agreed limitations, and relationships being adopted, which should be those laid down in the Plan.

It is recognized that it is necessary to provide for the continued operation and development of German industry, but at the same time it is felt that the supply of fuel to industry should not exceed its recognized needs within the limits laid down by the Allied Control Authority, such production being necessary to the economic life of Germany as a whole.

(3) It is considered essential to stipulate that fuel availabilities, as well as requirements, should be presented by the Zones and the totals considered for Germany as a whole. All German coal resources must be pooled for the purposes of allocation, if Germany is to be considered as an economic whole in accordance with the provisions of the Potsdam Agreement.

While agreeing that all German coal production should be taken into account when applying any common plan of allocation, the British, French and U.S. representatives consider that the principles of allocation concern the distribution of available tonnage in any given period, and are neither directly related to, nor dependent on, a production plan,

B. Statement by the Soviet Representative.

(1) The Soviet Representative has sought to obtain unanimous agreement in the Committee of Coal Experts on the principles of allocation of German coal, but all his endeavours in this direction have failed.

The Soviet Representative is therefore compelled to maintain his original proposal, as contained in Appendix E (TI) to the Special Minutes of the 22nd meeting of the Committee of Coal Experts (CEC/M(46)22).

(2) The proposed principles of allocation of German coal, as formulated by the Soviet delegation, are drawn up to comply with the decisions of the Potsdam Conference and are based on the consideration of Germany as one economic whole, as regards both the planning of coal production and its allocation.

(3) The French, U.S. and British Representatives, while considering Germany as one economic whole in respect of the allocation of coal, do not recognize her as one economic whole in respect of the planning of coal production, since they have rejected the repeated proposals of the Soviet Representative for the establishment of coal production plants for Germany as a whole and for each zone separately by agencies of the Allied Control Authority,

Thus, three Representatives evade considering Germany as one economic whole in respect of the basic question, that of coal production, on which, it may be added, depends the allocation of coal,

(4) The Soviet Representative once more draws attention to the fact that coal production is the main basis of coal allocation, and that the principles of allocation are determined by the production level reached.

(5) The Soviet Representative considers that the attempts of the British, U.S. and French Representatives to impose upon the zones the fixing of a definite level of production by means of a corresponding allocation of coal are wrong. Such an approach to this problem places it beyond the competence of the Committee of Coal Experts,



It is the duty of the Committee of Coal Experts to work out such principles of coal allocation as would ensure coal supplies for branches of economy in the zones to meet their existing requirements as determined in accordance with the volume of production fixed by the Zone Commanders.

The Zone Commanders are responsible for the volume of production fixed by them for the various industries, and for conforming this volume to the decisions of the Allied Control Council, and the Committee of Coal Experts must not prescribe the fixing of this or that level of production to the Zone Commanders.

(6) The Soviet representative, particularly, considers the proposal of the British, American and French representatives for the allocation of coal in 1946, 1947 and 1948 for the needs of German industry in accordance with the level of industry plan for 1949 to be both incorrect in principle and completely inapplicable in practice.

No definite level for German industry has been established by the Allied Control Council for the years before 1949, and in these years only the Zone Commanders can determine the necessary volume of production and, consequently, coal requirements.

The problem of the Committee of Coal Experts consists in finding principles of coal allocation which would ensure the fulfilment by the various branches of economy of the tasks set to them by the Zone Commanders.

(7) The Soviet representative, seeking to obtain a unanimous decision, moved the following compromise proposal on the only disputed question (reference Appendix A paragraph 3) concerning the volume of coal supplies to the branches of German economy:

"In each allocation period it is necessary to supply a sufficient quantity of coal for Germany in order to:

- (b) make it possible for German industry to continue to operate and to develop, in particular, transport, electric power and gas production, coal production, agriculture, iron, steel and chemicals production, and other essential industries,

Allocation of coal to the various branches of industry and economy before 1949 will be made on the basis of the fuel requirements for industrial production permitted by the Allied Control Authorities, and as from 1949 on the basis of the established level of industry plan."

The British and U.S. Representatives originally agreed to this proposal, but owing to the objections of the French representative the Committee of Coal Experts could not reach an agreement and was compelled to bring this disagreement before the Coordinating Committee for a decision,

Following this, the British and U.S. representatives rejected this compromise proposal and reverted to their initial position. Nevertheless, the Soviet proposal covered entirely sub-para (a), (b), (c) and (e) of para 3 (b)-2 of the original proposal of the British, U.S. and French representatives and para 3 (b) of the original Soviet proposal, thus giving the Committee of Coal Experts the opportunity to reach unanimous agreement on the principles of allocation of German coal as a whole,

(8) As regards the wording of sub-para (d) of para 3-b-2 of the British, U.S. and French proposal, it is the opinion of the Soviet representative that this is too limited in scope, as it overlooks the requirements of the population in regard to public services (schools, hospitals, laundries, etc.).

The Soviet representative considers the wording of para 3 (c) of his proposal more suitable, as it takes those requirements into account.

24 September 1946

CORC/M(46)50

COORDINATING COMMITTEEMINUTES

(Meeting of 23 Spt 1946)

531. FURTHER REPORT OF THE COMMITTEE OF COAL EXPERTS ON THE PRINCIPLES OF ALLOCATION OF GERMAN COAL.

The Meeting considered CORC/P(46)307.

THE MEETING.

- (531) (a) instructed the Allied Secretariat to forward to the Council of Foreign Ministers
- (i) CORC/P(46)307, together with Appendix "A" and Appendix "B" attached thereto;
  - (ii) the confirmed Minutes of the Coordinating Committee's discussion and conclusions on CORC/P(46)307;
- (b) agreed to submit a report; embodying a record of its action to the Control Council for consideration at its next Meeting.

CONTROL COUNCILDirective No.37LIMITATION OF CHARACTERISTICS OF SHIPS OTHER THAN FISHING  
AND PLEASURE CRAFT LEFT TO THE PEACE ECONOMY OF GERMANY

The Control Council directs as follows:-

1. The following limitations of the characteristics of coastal shipping and inland waterway craft shall apply to all replacements for ships allocated to the German peace economy. The Control Council will decide how far these limitations shall apply to ships already so allocated.

2. The following limitations shall not apply to fishing vessels or pleasure craft of all kinds the limitations of whose characteristics will be the subject of a separate directive.

3. (a) Limitations to be applied to Inland Waterway craft:-

<u>Characteristics</u>	<u>Passenger</u>	<u>Tugs</u>		<u>Motor</u>	<u>Barges</u>	<u>Exceptions</u>
	<u>Boats</u>	<u>Paddle</u>	<u>Screw</u>	<u>Vessels</u>		
Speed - knots	10	30	10	10	-	See Note (i)
Capacity of lifting gear-working load (tons)	2	2	2	2	2	Salvage and lifting craft
Electric power (K.W.)	20	15	15	15	-	See note (ii)
Freeboard amidships fully loaded in metres	1.2	1.5	1.2	0.3	0.3	See note (iii)

NOTES: (i) Pilot craft and fire-fighting craft will conform to the characteristics prescribed for inland waterway craft except that those under 15 gross registered tons shall be permitted a speed not in excess of 18 knots,

(ii) Refrigerator craft., dredgers, salvage craft, lifting craft and floating cranes shall not be limited with respect to electric power,

- (iii) **Dredgers, floating cranes, river salvage craft and special craft for river craft maintenance shall not be limited with respect to freeboard,**

(b) **Limitations to be applied to Coastal Shipping:-**

<u>Characteristics</u>	<u>Limitations</u>	<u>Exceptions</u>
Speed	12 knots maximum	See note (i)
Radius of Action	2,000 miles at economical speed	
Capacity of lifting gear Working load (Tons)	3	
Electric Power (K.W.)	20	See note (ii)
Gross registered tons	1,500	
Machinery. Ships of 110 ft. or over in length (33.5 metres)	Steam reciprocating engines (Exhaust turbines may be permitted). Fuel to be coal.	
Ships under 110 feet in length (33.5 metres)	May be permitted diesel engines.	

NOTES: (i) Pilot craft and fire-fighting craft will conform to the characteristics prescribed for coastal shipping except that those under 15 gross registered tons shall be permitted a speed not in excess of 18 knots,

(ii) Refrigerator craft, dredgers, salvage craft, lifting craft and floating cranes shall not be limited with respect to electrical power.

4. Frontier Control, Police, Customs and Fishery Protection craft are limited in accordance with Control Council Directive No. 33.

5. When a limitation to speed is laid down in this Directive it shall refer to a ship fully manned, fuelled, stored and provisioned for sea but without cargo.

6. The following installations are prohibited in all ships:-

- (a) Fittings and reinforcements lending themselves to the fitting of armament (i.e. artillery, machine guns, etc.) or of military equipment.

- (b) All installations relative to aircraft handling (**i.e.** derricks, ramp, workshops, catapult, etc.)
  - (c) Special installations permitting the landing on a beach of personnel **or** material
  - (d) Special installations permitting the use of the **vessel** as a supply ship, base ship **or** repair ship, but certain ships of this type for the assistance **of** the fishing fleet **may** be permitted if specifically authorized by the Economic Directorate,
7. The construction of "keel type" barges and **of** tugs of longitudinal structure for inland waterways, capable of **resistance** to open sea conditions is prohibited.
8. The design and **plans** of all craft to be either bought, chartered or acquired for the benefit of the **German** peace economy **shall** be examined and approved by **the** competent Directorate of the Allied Control Authority before they **are** accepted.
9. Research into all matters connected with merchant **ship** design and construction **shall** be subject to the Control Council Law on scientific research.

Done at BERLIN on the 26th day of September 1946.

B.H. ROBERTSON  
Lieutenant General

R. NOIRET  
General de Division

P.A. KUROCHKIN  
Colonel General

LUCIUS D. CLAY  
Lieutenant General

CORC/P(46)306(Final)

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