

Charter of the Allied High Commission for Germany (Paris, 20 June 1949)

Caption: On 12 May 1949 in Bonn, General Pierre Koenig, Military Governor and Commander-in-Chief of the French Zone of Germany, General Lucius D. Clay, Military Governor and Commander-in-Chief of the United States Zone of Germany, and General Sir Brian Hubert Robertson, Military Governor and Commander-in-Chief of the British Zone of Germany, adopt the Charter of the Allied High Commission for Germany for the exercise, from 21 September 1949, of Supreme Allied Authority in the Federal Republic of Germany under the leadership of three High Commissioners (André François-Poncet, John McCloy and Sir Brian Hubert Robertson).

Source: Archives Nationales du Luxembourg, Luxembourg. Deuxième Guerre mondiale. Question allemande. Charte de la Haute Commission alliée en Allemagne 1949, AE 4212.

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I. Establishment of Allied High Commission and transfer of control

1. An Allied High Commission (hereinafter referred to as the High Commission) is hereby established for the exercise of Supreme Allied Authority in the Federal Republic of Germany. The High Commission shall be headed by three High Commissioners, one designated by each of the three powers signatory hereto.
2. As from the date of the entry into force of the Occupation Statute all authority with respect to the control of Germany or over any governmental authority thereof, vested in or exercised by the respective Commanders-in-Chief of the forces of occupation of the three powers in Germany, from whatever source derived and however exercised, will be transferred to the three High Commissioners respectively, to be exercised in accordance with the provisions hereof and of the Occupation Statute.
3. The forces of occupation of the three powers in Germany shall remain stationed in their respective zones of occupation. Command of the forces of occupation in each zone and control of their related military establishments shall remain with the respective Commanders of the forces of occupation in such zones.
4. Legislation of the occupation authorities enacted before the effective date of the Occupation Statute shall remain in force until repealed or amended or otherwise replaced as provided in the Occupation Statute.

II. Functions of the High Commission

1. The High Commission shall exercise control over the Federal Government and the Governments of its constituent Laender as provided in the Occupation Statute. In the exercise of the powers reserved to the occupation authorities under said Statute, the High Commission shall reach its decisions in accordance with the provisions of the "Agreement as to Tripartite Controls" among the Three Powers dated 8 April 1949 and attached hereto and made a part of this instrument as Annex A. These decisions shall constitute a joint exercise of the authority of all of the three High Commissioners.
2. The High Commission shall act only through the Federal or appropriate Land Government except where direct action or legislation by the High Commission is necessary or appropriate for the due exercise of any of the powers reserved to the occupation authorities under the Occupation Statute.
3. The Headquarters of the High Commission shall be at the seat of the German Federal Government which, together with a surrounding area to be defined, will constitute a special area directly under the High Commission and excluded from any individual zone of occupation. The necessary special arrangements in connection with the definition and administration of this area in as far as they concern the Allies will be determined subsequently by the High Commission.

III. Organization of the High Commission

1. The organization of the High Commission at its headquarters shall be tripartite in character and shall consist of:

A. An Allied Council (hereinafter referred to as "The Council") composed of the three High Commissioners. Each High Commissioner shall nominate a Deputy or permanent representative who will take his place on the Council in his absence. The Deputies or permanent representatives of the respective High Commissioners acting together may function as an Executive Committee of the Council if the Council so decides;

B. Such committees or bodies as the Council may from time to time establish. These committees and bodies shall advise the Council in their respective spheres and shall exercise such executive functions as the Council may delegate to them. The number, functions, and organization of such committees or bodies may be changed, adjusted, or eliminated entirely by the Council in light of experience. Subject to the above, in order to ensure continuity of operation, the Council initially shall be assisted by Committees respectively for Political Affairs, Foreign Trade and Exchange, Finance, Economics, Law and by the Military Security Board. Each Committee shall be assisted by such associated staff as it may require and as the Council approves.

C. Allied General Secretariat.

2. The Council

A. The Council shall constitute the supreme authority of the High Commission. The Council shall meet as frequently as it considers necessary and at any time upon the request of any of its members. The Chairmanship of the Council and its various committees shall be held in monthly rotation by each of its members. The Council shall fix the time and place of its meetings and shall establish appropriate rules and procedures for the conduct of its business. Decisions of the Council shall be reached in accordance with Annex A hereof.

3. Committees

The composition of each Committee and its terms of reference shall be fixed by the Council. Initially, such Committees, together with their respective terms of reference, shall be as follows:

A. The Political Affairs Committee, consisting of the three Political Advisers to the respective High Commissioners will be concerned with all political and foreign affairs of the German Federal and Land Governments coming within the competence of the Council.

B. A Foreign Trade and Exchange Committee consisting of the respective Economic and Finance Advisers of each of the High Commissioners.

(1) The Committee shall observe the economic, financial and foreign trade policies of the German authorities and shall advise the Council if such policies or any action taken or proposed to be taken pursuant thereto is likely to have such adverse effect on the foreign trade or foreign exchange resources of the German Government as is likely to increase its need for external assistance.

(2) The members of the Committee shall automatically be members of the Board of Directors of the Joint Export-Import Agency (hereinafter referred to as "JEIA") and in conjunction with the other Directors shall be charged with the orderly liquidation of JEIA at the earliest practicable date. The Committee shall assume any control functions presently exercised by JEIA as may warrant retention when the liquidation of JEIA is

completed.

(3) It is understood that the German Federal Republic will become party to the convention for European Economic Cooperation and will execute a bilateral agreement with the Government of the United States. It is further understood that thereafter the functions of the High Commission in respect of the matters referred to in (I) will be appropriately modified.

C. The Economics Committee, consisting of the three Economics Advisers to the respective High Commissioners, shall observe the general economic policies of the German authorities and shall advise the Council as to the exercise of its powers in this connection reserved under the Occupation Statute. The Committee shall advise the Council on all matters relating to the Decartelization and Deconcentration of German industry.

D. The Finance Committee, consisting of the three Finance Advisers to the respective High Commissioners, shall observe the general financial policies of the German authorities, and shall advise the Council as to the exercise of its powers in this connection reserved under the Occupation Statute. To the extent necessary within the limits of the provisions of the Occupation Statute the Finance Committee shall succeed to and shall assume the functions heretofore exercised by the Allied Bank Commission.

E. The Law Committee, consisting of the Legal Advisers to the respective High Commissioners, shall advise the Council and its committees on all legal and judicial affairs arising out of the work of the High Commission.

F. The Military Security Board shall deal with all matters of demilitarization, disarmament, industrial prohibitions and limitations, and scientific research, in accordance with its existing terms of reference.

4. Committee Staffs and Subordinate Groups

A. Within numerical limitations established by the Council, each of the committees designated pursuant to paragraph 3 of this Article III shall establish such tripartite subordinate committees or other groups as may be necessary to the performance of its functions and as the Council may approve.

B. Except as specifically otherwise provided in subparagraph C of this paragraph 4, personnel for such subordinate committees or groups shall be appointed by each of the High Commissioners on a basis of parity among the three Allied nations. They may include military personnel. The number, functions and organization of such subordinate committees or groups may be changed, adjusted or eliminated entirely by the Council in the light of experience. Each subordinate committee or group shall be answerable to the committee responsible for its creation and shall report to the Council through such committee. Each subordinate agency shall be physically located at the headquarters of the High Commission except as may be otherwise determined by the Council.

C. The subordinate committees and groups established pursuant to subparagraph A of this paragraph 4 shall include:

(1) Joint Export-Import Agency which, until liquidated as provided in subparagraph B of paragraph 3 hereof, shall function under its existing terms of reference with an integrated staff and shall report to the Committee on Foreign Trade and Exchange through its Director General who, together with the Deputy Directors-General, shall be members of the Board of Directors of JEIA.

(2) The Decartelization and Industrial Deconcentration Group, the Coal Control Group and the Steel Control Group, all of which shall report through the Economics Committee.

- (3) The Combined Travel Board which shall report through the Political Affairs Committee.
- (4) Civil Aviation Board which shall report as determined by the Council.
- (5) Information and Cultural Affairs Subcommittee which shall report through the Political Affairs Committee.
- (6) A subcommittee on foreign interests which shall report as determined by the Council.

5. *Allied General Secretariat*

The High Commission shall be served by a Tripartite General Secretariat. The Secretariat will receive and dispatch all communications to or from the High Commission, prepare the agenda and materials for the meetings of the Council and shall keep the minutes of their meetings. The Secretariat or its appropriate branches shall act as the channel of communication between the High Commission and the agencies of the Federal Government, and between the Council and the several Land Commissioners with respect to matters affecting said Land Governments. The Secretariat shall maintain the records of the High Commission and be responsible for such other tasks as the Council may decide.

IV. Land commissioners

- 1. All powers of the High Commission shall be uniformly exercised in the constituent Laender of the Federal Republic, in accordance with tripartite policies and the directions of the Council.
- 2. To achieve uniformity in the exercise of its powers, the High Commission shall be represented at the seat of government of each of the constituent Laender by an Allied Land Commissioner who shall be solely responsible to the Council for ensuring due compliance on the part of the Land authorities with the Council's decisions and directives. The Land Commissioner shall report and be solely responsible to the Council for all matters of tripartite concern in the Land and shall be the exclusive channel of communication and liaison between the Council and the Land Government with respect to such matters.
- 3. In particular, each Land Commissioner shall be responsible to the Council for:
 - A. Initial consideration and prompt transmittal to the Council of Land legislation, together with his recommendations thereon;
 - B. observing and ensuring due compliance on the part of the Land Government with the provisions of the Federal and Land constitutions, the Occupation Statute and the laws of the occupation authorities in force;
 - C. providing information as required by the Military Security Board and giving all necessary assistance to the inspectorate of the Military Security Board and such other bodies as may be authorized by the Council;
 - D. the preparation of such periodic or special reports as the Council may request.
- 4. Each Land Commissioner and the members of his staff shall be nationals of the Power in whose zone the Land is situated, and shall be appointed by and administratively responsible to the High Commissioner

designated by such Power. Each Land Commissioner shall be accountable exclusively to his High Commissioner and shall be his channel of communication and liaison with the Land Government with respect to:

- A. All matters which are listed in Article V, paragraph 2;
 - B. conduct of all relationships between the forces of occupation stationed in the Land and the governmental agencies thereof except to the extent that direct communications and relations may be authorized by him.
5. Each High Commissioner shall designate an observer together with a small personal staff to be agreed in each case by the High Commissioners concerned, to each of the Land Commissioners outside of his own Zone for purposes of consultation and information.

V. Individual Responsibilities of the High Commissioners

1. Each High Commissioner shall maintain at the seat of government of each of the Laender in his zone a Land Commissioner with the minimum staff and facilities required for the purposes set forth in Articles IV and V hereof. He shall ensure the due implementation by each of said Land Commissioners of the decisions and directions of the Council. He shall also ensure that all powers of the High Commission are uniformly exercised within said Laender in accordance with tripartite policy and the decisions of the Council.

2. Each High Commissioner shall be responsible to his government with respect to the Laender of his zone for the matters in fields reserved to the occupation authorities listed below. Nevertheless, so far as possible, he shall coordinate the general policies which he may pursue in these fields with those of the other High Commissioners and exercise these powers in accordance with such tripartite legislation or policies as the Council may adopt.

- A. Maintenance of law and order if the responsible German authorities are unable to do so;
 - B. ensuring the protection, prestige, security and immunities of the Allied forces of occupation, of the Allied occupation authorities, their dependents, employees and official representatives;
 - C. the delivery of reparations and restitutable property;
 - D. care and administration of displaced persons;
 - E. the disposition of war criminals;
 - F. administration of justice in cases falling within the jurisdiction of Allied courts;
 - G. control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the occupation authorities, over the carrying out of sentences imposed on them and over question of amnesty, pardon or release in relation to them.
3. Each High Commissioner shall be individually responsible for the formulation annually in accordance with tripartite policies and criteria, of a budget of occupation costs and other requirements within his zone. Such budget shall be formulated and submitted to the Council on a date to be determined by it for

consideration and approval by the Council and for consolidation in a total budget of the occupation authorities for transmission to the German Government. Each High Commissioner shall be responsible to the Council for control of the approved budget for his zone in accordance with accounting standards and procedures established by the Council.

VI. Decisions of the Council

1. Formal decisions and directions of the Council affecting the Federal Government or any agency thereof shall be in writing and shall be communicated to the Chancellor by or on behalf of the Council.
2. Formal communications involving matters of lesser import or of a routine character may be addressed to the Minister concerned by the appropriate organ of the Council.
3. Formal decisions or directions of the Council affecting a Land Government or any agency thereof shall be in writing and shall be communicated to its Minister President through the Land Commissioner, in the name of the Council.
4. Formal decisions of the Council shall be recorded in an official gazette maintained by the High Commission at the Allied seat of control in Germany, which shall be published in the English, French, and German languages. Publication of any such decision in the official gazette of the High Commission shall be conclusive evidence that the recorded action or decision was taken pursuant to the powers vested in the occupation authorities under the Occupation Statute.

VII. International Authority for the Ruhr

The High Commission shall take all necessary steps to give effect to Article XXII of the agreement establishing the International Authority for the Ruhr of April 28, 1949.

VIII. Foreign Ministers in Germany

The necessary liaison with the governments of other nations especially interested will be ensured by the appointment by such governments of appropriate missions to the Council of the High Commission having access, by procedures to be determined, to its subordinate bodies and to the German Government.

IX. United Nations Organizations in Germany

United Nations organizations and specialized agencies may operate in the Federal Republic of Germany on such terms as may be agreed by the Council.

X. Official Languages

The official languages of the High Commission shall be English and French. Authoritative German texts of documents shall be provided as necessary.

IN WITNESS WHEREOF the foregoing agreement has been duly executed by the respective representatives thereunto duly authorized of the Governments of the United Kingdom of Great Britain, the United States of America and the Republic of France, in triplicate in the French and English languages, each text being equally authentic and shall come into effect on the date of the entry into force of the Occupation Statute.

PARIS

20th June, 1949.

[Signed at Paris by Secretary of State Acheson, Foreign Minister Bevin, and Foreign Minister Schuman on behalf of their governments.]