

# Archives of the Allied High Commission for Germany and Connected Tripartite Agencies

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THE Department of State has recently published as number 3036 in its series of *Treaties and Other International Acts* the text of an agreement between the United States, Great Britain, and France governing the storage of, access to, and release of information from the records of the Allied High Commission for Germany and certain related agencies. The agreement was signed at Bonn on June 30, 1954, and took effect immediately.

The problems involved in the preservation and use of records jointly created by several powers have been frequently discussed by archivists and scholars, as well as by officials of international organizations. The arrangements made with respect to the records of the Allied High Commission for Germany and related agencies appear, therefore, to merit publication in the *American Archivist*. The text of the agreement proper and the annex thereto are reproduced below.

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the French Republic, desiring to provide for the storage of, access to, and release of information from the tripartite archives of the Allied High Commission and connected agencies, have agreed as follows.

## Article 1

The tripartite archives of the Allied High Commission and connected agencies shall be disposed of in accordance with the arrangements made by the Governments of the United Kingdom, France, and the United States and set forth in the annex to the present Agreement.

## Article 2

The archives shall be kept intact in a place chosen by the Government having custody of them, which Government shall bear the cost of their maintenance and security.

## Article 3

Free access to the archives shall be afforded at any time to official representatives of the Contracting Governments.

## Article 4

Requests from any of the Contracting Governments for information from the archives, or for original documents or copies thereof, shall be fulfilled. Costs of reproduction and postal charges shall be paid by the Government making the request. Any original document thus released shall be returned when no longer needed.

## Article 5

The Government having custody of the archives shall designate the agency responsible for authorizing access to the archives and the issue of information, original documents, and copies therefrom.

## Article 6

Except as provided in the present Agreement, no Contracting Government shall, without the consent of the other two, publish any document from the archives or release any information therefrom, unless the document or information concerned is unclassified. If a Government intends to publish, or to release information from, an unclassified document it shall inform the other two Governments of such intention.

## Article 7

The present Agreement shall enter into force on the date of its signature and shall continue in force until terminated by agreement between the Contracting Governments.

The present Agreement shall be reviewed at the end of ten years from the date of its entry into force, or earlier at the request of two of the Contracting Governments.

## ANNEX

## 1. ALLIED HIGH COMMISSION ARCHIVES

The tripartite archives of the Allied High Commission shall be left intact and stored in France in the custody of the French Government. All original documents shall be retained in the Allied General Secretariat's tripartite archives until the Allied High Commission ceases to exist, at which time they shall pass into the custody of the French Government. Photostatic copies of these originals shall be made forthwith and given to the competent authorities of the UK and US Governments.

## 2. MILITARY SECURITY BOARD ARCHIVES

The tripartite archives of the Military Security Board shall be left intact and stored in France in the custody of the French Government. The competent authorities of the UK and US Governments shall be provided with microfilm copies of such valuable data as they require.

### 3. COMBINED COAL CONTROL GROUP ARCHIVES

The tripartite archives of the Combined Coal Control Group fall into two categories: i) those concerning Allied High Commission Law No. 27; and ii) all others.

The archives in the first category shall be transferred to the Combined Coal Control Group's successor agency if it is established. Such successor agency shall keep them separate from its new archives and shall transfer them, as soon as they are no longer needed, to the custody of the French Government. Should there be no successor agency to the Combined Coal Control Group, the archives in this category shall be transferred directly to the custody of the French Government.

The archives in the second category shall be left intact and deposited, together with those of the North German Coal Control Group and those of the Bipartite Coal Control Group, in the United Kingdom in the custody of the United Kingdom Government.

### 4. COMBINED STEEL GROUP ARCHIVES

The tripartite archives of the Combined Steel Group shall be transferred to the Combined Steel Group's successor agency if it is established. Such successor agency shall keep them separate from its new archives and shall transfer them, as soon as they are no longer needed, to the custody of the French Government.

Should there be no successor agency to the Combined Steel Group, the archives shall be transferred directly to the custody of the French Government.

### 5. CIVIL AVIATION BOARD ARCHIVES

As soon as the Civil Aviation Board no longer needs its tripartite archives, they shall be stored intact in France in the custody of the French Government.

### 6. TRIPARTITE I. G. FARBEN CONTROL GROUP ARCHIVES

Those tripartite archives of the Tripartite I. G. Farben Control Group retained by the French representative in the Group shall be deposited with the agency responsible for the maintenance of the Allied High Commission tripartite archives in France.

Those tripartite archives of the Tripartite I. G. Farben Control Group retained by the US and UK representatives shall be left to the disposition of the US and UK Governments respectively.

It is agreed that no further tripartite instruction is necessary regarding the Tripartite I. G. Farben Control Group's tripartite archives on the understanding that the seized records of I. G. Farben and affiliated enterprises (contracts and agreements, general correspondence files, accounting records, books, etc.) are being disposed of by the Tripartite I. G. Farben Control Group in accordance with instructions given by each High Commission to each national element of the Group.

## 7. COMBINED TRAVEL BOARD ARCHIVES

It is agreed that no further tripartite instruction is necessary regarding the Combined Travel Board's tripartite archives on the understanding that:

a) the microfilming of the Combined Travel Board policy files shall be completed and the competent authorities of the UK and French Governments shall each receive a set of the microfilms;

b) the original Combined Travel Board policy and security files shall be kept accessible for use by the competent authorities of the three Governments as at present until the closing of the Mehlem tripartite office of the Combined Travel Board (as distinguished from the Allied Travel Liaison Office in Bonn); on the closing of this office, the policy files shall be stored in the United States in the custody of the United States Government, and the security files shall be stored under the supervision of the US Supervisory Consul General in Germany, presently situated at Mehlem, and shall come under the terms of the present Agreement;

c) the French element agrees to use its former interzonal travel staff at Baden-Baden to screen the unclassified entry-exit case files for original documents which appear likely to be of value to the owners (such as birth certificates, old passports, et cetera), which documents shall be transmitted to the Federal Government for return to the owners, and all other contents of these files shall be destroyed;

d) the general correspondence files shall be kept accessible for use by the competent authorities of the three Governments until the closing of the Mehlem tripartite office, at which time they shall be destroyed; and

e) upon their liquidation, Permit Offices shall extract from their files information of value for integration with the headquarters files and destroy the rest.

## 8. JOINT EXPORT-IMPORT AGENCY ARCHIVES

It is agreed that the tripartite archives of the Joint Export-Import Agency shall be stored in France under the supervision of the French Government in accordance with the agreement concluded between the Allied High Commission and the French Government on 22 August 1953. It is understood that the screening party presently at work is disposing of some of the archives in accordance with unilateral instructions from the three Governments.

## 9. GENERAL

It is agreed that the Governments not having custody of particular groups of archives shall receive a comprehensive index to each such group of archives. These indices shall be prepared by the agencies concerned before the archives are transferred to the custodial Governments; if possible, these indices shall be recorded on microfilm.

It is agreed that French agencies shall undertake the removal of the archives to France for storage in the Metz area in so far as the expenses involved can be met from occupation costs, which are also intended to cover end items such as off-loading. It is also agreed that these expenses shall be shared by one-

third payments from the DM occupation costs funds available to the three Governments. To facilitate this, the French authorities undertake to keep the US and UK authorities currently informed concerning expenditures. All three Governments reserve, for the time being, their positions concerning any expenditures which cannot be met from occupation costs funds. These provisions concerning costs do not apply to the disposal of the Joint Export-Import Agency archives inasmuch as the costs of the latter are provided for in the agreement of 22 August 1953 concluded between the Allied High Commission and the French Government.

It is agreed that the National Secretaries shall be charged with the supervision of the implementation of these measures to dispose of tripartite archives, which shall be begun without delay and concluded as soon as is practicable taking into consideration the essential needs of the agencies concerned. The National Secretaries shall submit progress reports to the AHC Working Party on Political Affairs and the General Committee. Estimates of the costs involved should be included in the first report. The availability of funds and the extent to which occupation costs funds, if not actually paid out before the entry into force of the Bonn Conventions, can be committed before that date must be coordinated with the appropriate budgetary authorities and with the Occupation Requirements and Charges Subcommittee.