

CONTROL MACHINERY IN AUSTRIA: ALLIED COMMISSION

Agreement signed at Vienna June 28, 1946, with annex

Entered into force June 28, 1946

*Terminated July 27, 1955, upon entry into force of Austrian State
Treaty of May 15, 1955*¹

62 Stat. 4036; Treaties and Other
International Acts Series 2097

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA, THE UNION OF SOVIET SOCIALIST REPUB- LICS AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON THE MA- CHINERY OF CONTROL IN AUSTRIA

The Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of Soviet Socialist Republics and the Government of the French Republic (hereinafter called the Four Powers);

In view of the declaration issued at Moscow on 1st November, 1943,² in the name of the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, whereby the three Governments announced their agreement that Austria should be liberated from German domination, and declared that they wished to see reestablished a free and independent Austria, and in view of the subsequent declaration issued at Algiers on 16th November, 1943 by the French Committee of National Liberation concerning the independence of Austria;

Considering it necessary, in view of the establishment, as a result of free elections held in Austria on 25th November, 1945, of an Austrian Government recognized by the Four Powers, to redefine the nature and extent of the authority of the Austrian Government and of the functions of the Allied organization and forces in Austria and thereby to give effect to Article 14 of the Agreement signed in the European Advisory Commission on 4th July, 1945;³ Have agreed as follows:

¹ 6 UST 2369; TIAS 3298.

² *Ante*, vol. 3, p. 827.

³ *Ante*, vol. 3, p. 1199.

Article 1

The authority of the Austrian Government shall extend fully throughout Austria, subject only to the following reservations:

(a) The Austrian Government and all subordinate Austrian authorities shall carry out such directions as they may receive from the Allied Commission;

(b) In regard to the matters specified in Article 5 below neither the Austrian Government nor any subordinate Austrian authority shall take action without the prior written consent of the Allied Commission.

Article 2

- (a) The Allied organization in Austria shall consist of
- (i) an Allied Council, consisting of four High Commissioners, one appointed by each of the Four Powers;
 - (ii) an Executive Committee, consisting of one high ranking representative of each of the High Commissioners;
 - (iii) Staffs appointed respectively by the Four Powers, the whole organization being known as the Allied Commission for Austria.
- (b) (i) The authority of the Allied Commission in matters affecting Austria as a whole shall be exercised by the Allied Council or the Executive Committee or the Staffs appointed by the Four Powers when acting jointly.
- (ii) The High Commissioners shall within their respective zones ensure the execution of the decisions of the Allied Commission and supervise the execution of the directions of the central Austrian authorities.
- (iii) The High Commissioners shall also ensure within their respective zones that the actions of the Austrian provincial authorities deriving from their autonomous functions do not conflict with the policy of the Allied Commission.
- (c) The Allied Commission shall act only through the Austrian Government or other appropriate Austrian authorities except:
- (i) to maintain law and order if the Austrian authorities are unable to do so;
 - (ii) if the Austrian Government or other appropriate Austrian authorities do not carry out directions received from the Allied Commission;
 - (iii) where, in the case of any of the subjects detailed in Article 5 below, the Allied Commission acts directly.
- (d) In the absence of action by the Allied Council, the four several High Commissioners may act independently in their respective zones in any

matter covered by subparagraphs (i) and (ii) of paragraph (c) of this Article and by Article 5, and in any matter in respect of which power is conferred on them by the agreement to be made under Article 8 (a) of this agreement.

(e) Forces of occupation furnished by the Four Powers will be stationed in the respective zones of occupation in Austria and Vienna as defined in the Agreement on Zones of Occupation in Austria and the administration of the City of Vienna, signed in the European Advisory Commission on 9th July, 1945.⁴ Decisions of the Allied Council which require implementation by the forces of occupation will be implemented by the latter in accordance with instructions from their respective High Commissioners.

Article 3

The primary tasks of the Allied Commission for Austria shall be:

(a) To ensure the enforcement in Austria of the provisions of the Declaration on the Defeat of Germany signed at Berlin on 5th June, 1945.⁵

(b) To complete the separation of Austria from Germany, and to maintain the independent existence and integrity of the Austrian State, and pending the final definition of its frontiers to ensure respect for them as they were on 31st December, 1937;

(c) To assist the Austrian Government to recreate a sound and democratic national life based on an efficient administration, stable economic and financial conditions and respect for law and order;

(d) To assist the freely elected Government of Austria to assume as quickly as possible full control of the affairs of state in Austria;

(e) To ensure the institution of a progressive long-term educational program designed to eradicate all traces of Nazi ideology and to instill into Austrian youth democratic principles.

Article 4

(a) In order to facilitate the full exercise of the Austrian Government's authority equally in all zones and to promote the economic unity of Austria, the Allied Council will from the date of signature of this Agreement ensure the removal of all remaining restrictions on the movement within Austria of persons, goods, or other traffic, except such as may be specifically prescribed by the Allied Council or required in frontier areas for the maintenance of effective control of international movements. The zonal boundaries will then have no other effect than as boundaries of the spheres of authority and

⁴ TIAS 1600, vol. 3, p. 1201.

⁵ TIAS 1520, vol. 3, p. 1140.

responsibility of the respective High Commissioners and the location of occupation troops.

(b) The Austrian Government may organize a customs and frontier administration, and the Allied Commission will take steps as soon as practicable to transfer to its customs and travel control functions concerning Austria which do not interfere with the military needs of the occupation forces.

Article 5

The following are the matters in regard to which the Allied Commission may act directly as provided in Article 2(c) (iii) above:

- (i) Demilitarization and disarmament (military, economic, industrial, technical, and scientific);
- (ii) The protection and security of the Allied forces in Austria, and the fulfilment of their military needs in accordance with the Agreement to be negotiated under Article 8(a).
- (iii) The protection, care, and restitution of property belonging to the Governments of any of the United Nations or their nationals;
- (iv) The disposal of German property in accordance with the existing agreements between the Allies.
- (v) The care and evacuation of, and exercise of judicial authority over prisoners of war and displaced persons:
- (vi) The control of travel into and out of Austria until Austrian travel controls can be established.
- (vii) (a) The tracing, arrest, and handing-over of any person wanted by one of the Four Powers or by the International Court for War Crimes and Crimes against Humanity.
(b) The tracing, arrest, and handing-over of any person wanted by other United Nations for the crimes specified in the preceding paragraph and included in the lists of the United Nations Commission for War Crimes.

The Austrian Government will remain competent to try any other person accused of such crimes and coming within its jurisdiction, subject to the Allied Council's right of control over prosecution and punishment for such crimes.

Article 6

(a) All legislative measures, as defined by the Allied Council, and international agreements which the Austrian Government wishes to make except agreements with one of the 4 Powers, shall, before they take effect or are published in the State Gazette be submitted by the Austrian Government to the Allied Council. In the case of constitutional laws, the written approval of the Allied Council is required, before any such law may be published

and put into effect. In the case of all other legislative measures and international agreements it may be assumed that the Allied Council has given its approval if within thirty-one days of the time of receipt by the Allied Commission it has not informed the Austrian Government that it objects to a legislative measure or an international agreement. Such legislative measure or international agreement may then be published and put into effect. The Austrian Government will inform the Allied Council of all international agreements entered into with one or more of the 4 Powers.

(b) The Allied Council may at any time inform the Austrian Government or the appropriate Austrian authority of its disapproval of any of the Legislative measures or administrative actions of the Government or of such authority, and may direct that the action in question shall be cancelled or amended.

Article 7

The Austrian Government is free to establish diplomatic and consular relations with the Governments of the United Nations. The establishment of diplomatic and consular relations with other Governments shall be subject to the prior approval of the Allied Council. Diplomatic Missions in Vienna shall have the right to communicate directly with the Allied Council. Military Missions accredited to the Allied Council shall be withdrawn as soon as their respective Governments establish diplomatic relations with the Austrian Government, and in any case within two months of the signature of this agreement.

Article 8

(a) A further agreement between the four Powers shall be drawn up and communicated to the Austrian Government as soon as possible, and within three months of this day's date defining the immunities of the members of the Allied Commission and of the forces in Austria of the Four Powers and the rights they shall enjoy to ensure their security and protection and the fulfilment of their military needs:

(b) Pending the conclusion of the further agreement required by Article 8(a) the existing rights and immunities of members of the Allied Commission and of the forces in Austria of the Four Powers, deriving either from the Declaration on the Defeat of Germany or from the powers of a Commander-in-Chief in the field, shall remain unimpaired.

Article 9

(a) Members of the Allied Council, the Executive Committee and other staffs appointed by each of the Four Powers as part of the Allied Commission may be either civilian or military.

(b) Each of the Four Powers may appoint as its High Commissioner either the Commander-in-Chief of its forces in Austria or its diplomatic or political representative in Austria or such other official as it may care to nominate.

(c) Each High Commissioner may appoint a deputy to act for him in his absence.

(d) A High Commissioner may be assisted in the Allied Council by a political adviser and/or a military adviser who may be respectively the diplomatic or political representative of his Government in Vienna or the Commander-in-Chief of the forces in Austria of his Government.

(e) The Allied Council shall meet at least twice in each month or at the request of any member.

Article 10

(a) Members of the Executive Committee, shall, when necessary, attend meetings of the Allied Council;

(b) The Executive Committee shall act on behalf of the Allied Council in matters delegated to it by the Council;

(c) The Executive Committee shall ensure that the decisions of the Allied Council and its own decisions are carried out;

(d) The Executive Committee shall coordinate the activities of the Staffs of the Allied Commission.

Article 11

(a) The staffs of the Allied Commission in Vienna shall be organized in Divisions matching one or more of the Austrian Ministries or Departments with the addition of certain Divisions not corresponding to any Austrian Ministry or Department. The List of Divisions is given in Annex I to this Agreement; this organization may be changed at any time by the Allied Council;

(b) The Divisions shall maintain contact with the appropriate Departments of the Austrian Government and shall take such action and issue such directions as are within the policy approved by the Allied Council or the Executive Committee;

(c) The Divisions shall report as necessary to the Executive Committee;

(d) At the Head of each Division there shall be four Directors, one from each of the Four Powers, to be collectively known as the Directorate of that Division. Directors of Divisions or their representatives may attend meetings of the Allied Council or of the Executive Committee in which matters affecting the work of their Divisions are being discussed. The four officials acting as the head of each Division may appoint such temporary subcommittees as they deem desirable.

Article 12

The decisions of the Allied Council, Executive Committee, and other constituted bodies of the Allied Commission shall be unanimous.

The Chairmanship of the Allied Council, Executive Committee and Directorates shall be held in rotation.

Article 13

The existing Inter-Allied Command in Vienna, formerly known as the Kommandatura, shall continue to act as the instrument of the Allied Commission for affairs concerning Vienna as a whole until its functions in connection with civil administration can be handed over to the Vienna Municipality. These will be handed over progressively and as rapidly as possible. The form of supervision which will then be applied will be decided by the Allied Council. Meanwhile the Vienna Inter-Allied Command shall have the same relation to the Municipal Administration of Vienna as the Allied Commission has to the Austrian Government.

Article 14

The present Agreement shall come into operation as from this day's date and shall remain in force until it is revised or abrogated by agreement between the Four Powers. On the coming into effect of the present Agreement the Agreement signed in the European Advisory Commission on 4th July 1945, shall be abrogated. The Four Powers shall consult together not more than six months from this day's date with a view to its revision.

In witness whereof the present Agreement has been signed on behalf of each of the Four Powers by its High Commissioner in Austria.

Done this twenty eighth day of June 1946 at Vienna in quadruplicate in English, in French and in Russian each text being equally authentic. A translation into German shall be agreed between the four High Commissioners and communicated by them as soon as possible to the Austrian Government.

For the Government of the United
Kingdom

Lieutenant General
J. S. STEELE

For the Government of the United States
of America

General
MARK W. CLARK

For the Government of the Union of
Soviet Socialist Republics

Colonel General
V. KURASOV

For the Government of the French
Republic

General de Corps d'Armee
M. BÉTHOUART

ANNEX 1 TO THE AGREEMENT ON MACHINERY OF CONTROL IN AUSTRIA

List of the Divisions of the Allied Commission (See Article 11(a))

(a) Divisions each matching one or more Ministries or Departments of the Austrian Government:—

<u>Division</u>	<u>Austrian Departments</u>
1. Internal Affairs	(Interior (Chancery (except Foreign Department) Chancery (Foreign Department) Law and Justice Finance Public Education and Religious Affairs Social Administration (Economic Planning and Property Control (Commerce and Reconstruction (Food (Agriculture and Forestry (Electrification and Power Transportation
2. Political	
3. Legal	
4. Finance	
5. Education	
6. Social Administration	
7. Economic	
8. Transport and Communications	
(b) Divisions not matching any Austrian Ministry or Department:—	
9. Reparations, Deliveries and Restitution	
10. Prisoners of War and Displaced Persons	
11. Naval	
12. Military	
13. Air.	