DISCUSSIONS RELATING TO THE ESTABLISHMENT OF AN INTERNATIONAL REGIME FOR THE ADMINISTRATION OF EUROPEAN INLAND WATERWAYS

840.70/5–545

Memorandum by the Acting Chairman of the State–War–Navy Coordinating Committee (Matthews) to the Secretary of State

WASHINGTON, 5 May, 1945.

The Joint Chiefs of Staff have considered the letter from the Department of State to the Secretaries of War and the Navy, dated 30 April 1945 [1] and its enclosed "Agreement Concerning a Provisional Organization for European Inland Transport" and "Draft Agreement Concerning the Establishment of an European Central Inland Transport Organization" together with the "Annex Relating to Traffic on Inland Waterways." [2]

It is the opinion of the Joint Chiefs of Staff that there is no military objection to the organization as proposed, and in fact, it would be of value by making it possible for the military authorities to divest themselves of the responsibility for transportation at an earlier date than would otherwise be possible.

They consider, however, that in order to make it clear that the term "Allied Commanders in Chief" is meant to include not only commanders designated by a combination of the powers named, but also commanders designated by any one of the powers, paragraph 9 of Article XIV of the draft agreement should be rewritten as follows:

"9. The term 'Allied Commanders in Chief' shall mean any Commander in Chief designated for commands on the Continent of Europe by the appropriate authorities of any of the following: the French Republic, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America."

It must be pointed out, however, that in the carrying out of the operation of the organization the U.S. representative on the European central inland transport organization should be instructed to safeguard the interests of the U.S. military authorities with particular reference to the matters outlined in the letter from the Combined Chiefs of Staff to the Department of State and the Foreign Office, dated 2 September 1944.[1]

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[1] Not printed.
[2] None printed.

The Secretaries of War and the Navy concur in the views of the Joint Chiefs of Staff expressed above.

For the State–War–Navy Coordinating Committee:

H. FREEMAN MATTHEWS

740.00119 Control (Germany)/8–445 : Telegram

The Secretary of State to the United States Political Adviser for Germany (Murphy), at Berlin

WASHINGTON, August 13, 1945—5 p. m.

274. Your 255 Aug 4.[3] Question of organization of international waterway regimes was considered at the Potsdam Conference[4] and it was agreed that these matters would be referred to the Council of Foreign Ministers in London.[5] Consequently, plans for Interim Navigation Agency and the re-establishment of permanent agency will be considered by that group rather than Control Council.

Dept believes interim waterway agency should be established and that it is premature to consider re-establishment of former river commission and to define its responsibilities and voting control.

While Dept would welcome views and suggestions of the US group CC relating to interim or permanent river commissions no agreements or decisions on these questions should be made by the control authorities which would prejudice the work of the Council of Foreign Ministers. The immediate problems of coordinating traffic on the Rhine could be handled through the Combined Transport Board (your despatch 581 July 7[3]) and ECITO.

BYRNES

840.811/8–2845

Memorandum of Conversation, by the Assistant Secretary of State (Dunn)

[WASHINGTON,] August 28, 1945.

Mr. Balfour[6] came in this afternoon and handed to me two memoranda, copies of which are attached.[7] The first memorandum deals with the subject of discussion on inland waterways, which is to take place at the forthcoming meeting of the Council of Foreign Ministers

[3] Not printed.

[4] See *Foreign Relations*, The Conference of Berlin (The Potsdam Conference) vol. II, index entries under European questions, general: Inland waterways, p. 1612.

[5] For documentation relating to the Council of Foreign Ministers in London, September 11–October 2, 1945, see pp. 99 ff.

[6] J. Balfour, British Chargé.

[7] The first memorandum not printed; for text of the second memorandum, which dealt with the Turkish Straits, see vol. VIII, first section under Turkey.

at London, and makes certain inquiries as to how we expect to deal with this question. He also asked whether the matter of the Black Sea straits would be dealt with within the framework of our proposals on inland waterways or whether it would be dealt with as a separate subject. Mr. Balfour said that his Government had noted that the United States delegation at Potsdam had mentioned specifically the Rhine and the Danube,[8] but the British felt that the same kind of international commission or regime should be applied not only to those rivers but to the Oder and Elbe as well, and also to the Kiel Canal.

I told Mr. Balfour that the reason for the mention of the Rhine and the Danube at Potsdam was that the United States proposal contemplated an interim commission for those two rivers in which the United States would participate because of our responsibilities during the occupation period. However, it was our idea that in addition to a discussion of an interim commission for those two rivers that we would ask for general agreement as to principles we established with respect to unrestricted navigation generally on the international waterways in Europe with a view to having permanent commissions set up or existing reorganized for the future with respect to the Rhine, the Danube, the Elbe, the Oder, and applying also, if possible, to the Kiel Canal. I further said that the President had always included mention of the Black Sea straits in his discussion at Potsdam of the unrestricted use of inland waterways, but my own personal opinion was that the United States should be prepared to have discussion of the Dardanelles separated from the other waterways if there seemed to be general disposition to do so.

JAMES CLEMENT DUNN

740.00119 Control (Germany)/8–3045 : Telegram

The Secretary of State to the United States Political Adviser for Germany (Murphy), at Berlin

WASHINGTON, August 31, 1945—8 p. m.

385. Reurtel 394 August 30.[9] As stated in Dept's 274 August 13, negotiations for interim agency for Rhine and Danube and the reestablishment of permanent agencies for international waterways will be considered by the Council of Foreign Ministers in London. In order not to prejudice these discussions, no agreement for a provisional organization should be reached by the US, British and French transport divisions of the Control Council and the problem should not be referred under any circumstances to the quadripartite trans-

[8] See *Conference of Berlin (Potsdam)*, vol. II, pp. 313, 453, 654.
[9] Not printed.

port directorate or other riparian states. Current problems relating to resumption of traffic movement and navigation may however be worked out informally by the Control Council in cooperation with the Provisional Organization for European Inland Transport.[10]

BYRNES

740.00119 Council/9–2645 : Telegram

The Ambassador in the United Kingdom (Winant) to the Acting Secretary of State

LONDON, September 26, 1945—5 p. m.
[Received 5 : 08 p. m.]

9977. Delsec[11] 63, for Acheson, Clayton[12] and Radius from the Secretary.[13] It is suggested that an Interim German Rhine Control Organization be established at the earliest possible moment by the Control Council or by arrangement among the zonal commanders concerned with the German portion of the Rhine River.

The powers and functions of this organization should include:

1. Joint operations for the clearance of the Rhine River system in German territory.
2. Initiation of the movement of traffic, including entering into any necessary arrangements with representatives of riparian states on technical and operating matters.
3. Exercising river police powers in German territory.
4. Planning and executing necessary engineering projects for maintaining navigation and the flow of water.

This should include building docks, revetments, bridges, dredging, blasting, lighting and buoying, etc.

5. Entering into arrangements with any provisional international Rhine commission which may be set up to regulate navigation on the river as a whole and ECITO (European Central Inland Transportation Organization).

The jurisdiction of the Interim German Rhine Control Organization should extend to the height of land delimiting the Rhine Basin in Germany, including connecting canals and navigable tributaries.[14]

Sent Murphy USPolAd, Berlin,[15] repeated to Department.

WINANT

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[10] For documentation on this subject, see pp. 1389 ff.

[11] Designation for telegrams from the United States delegation to the Council of Foreign Ministers.

[12] William L. Clayton, Assistant Secretary of State for Economic Affairs.

[13] The Secretary was in London for the meeting of the Council of Foreign Ministers.

[14] On October 9, 1945, Secretary Byrnes sent telegram 174 to Mr. John Erhardt, United States Political Adviser for Austrian Affairs, suggesting that an interim Austrian Danube Control Organization be established with powers and functions similar to ones outlined for the Interim German Rhine Control Organization (840.811/10–945). Telegram 174 was repeated to Berlin as telegram 634.

[15] As telegram 140.

840.811/9–2745

Memorandum by Mr. Norman J. Padelford, Special Adviser to the Secretary of State, to the Secretary of State [16]

[LONDON,] September 27, 1945.

At an informal meeting held on September 26 in London representatives of the Governments of the United Kingdom, France, Belgium and the Netherlands expressed the desire that the United States participate in an Interim Rhine Commission which it is hoped may be assembled at an early date.

This commission will be a provisional form of the Central Rhine Commission which has existed since 1868. Its functions will be to regulate navigation, and to draw up engineering plans for the improvement of the river.

The commission will be composed of representatives of the United Kingdom, France, the Netherlands, Belgium, Switzerland, and it is hoped, the United States.

It has not yet been decided in what manner Germany, or rather the Allied Commanders-in-Chief in Germany will be represented. The French have urged that the British, French and United States zonal commanders on the Rhine appoint liaison officers to sit with the commission but not vote.

I believe, as do the American and British representatives on the Transport Directorate of the Control Council in Berlin, that this is not an appropriate solution. The Control Council has ultimate authority over all transportation *in Germany*. Therefore it should not only know what is going on in the Rhine Commission but should have a distinct representation and vote in the commission. The representative of the Control Council might be a British, French or American officer, as the Council would determine. He would speak for the Council and for German interests.

It is recommended that the United States be represented on the Interim Rhine Commission in its own capacity. Large quantities of military supplies will have to be transported on the Rhine to our armed forces during the period of occupation. The Rhine will also be used extensively for the transportation of relief supplies sent from the United States. Therefore, the United States will have a direct interest in navigation regulations. Moreover, the United States at the Council of Foreign Ministers has expressed its interest in the establishment of international organizations for all of the main European waterways, as a constructive step toward political stability and the improvement of economic conditions in Europe.[17] It should

[16] Both the Secretary and Mr. Padelford were in London attending the Foreign Ministers Conference.

[17] See memorandum by the U.S. delegation to the Council of Foreign Ministers, CFM (45) 1, September 12, p. 132.

support such agencies by its own voice, at least during the transition period.

The United States would have one representative on the Commission. He might be accompanied by such technical experts as the Government may see fit to attach to him. Decisions of the Commission will be taken by a majority vote, with each country having an equal voice in the decisions.

No figure has been fixed for the expenses of the Interim Rhine Commission. Based upon the pre-war expenses of the Commission, the total budget should not exceed $25,000 a year. Each participating government will bear an equal share of the expenses. Contributions from the United States would therefore probably not exceed $3,500 a year. In addition, the United States would bear the expenses of its own representatives.

It is anticipated that the Interim Rhine Commission will enter into arrangements with the European Central Inland Transport Organization which has just been established for the coordination of the movement of traffic and the allocation of any shipping captured from the enemy which may be made available for this purpose by the military authorities. The Commission will also be expected to be brought into relationship with the Economic and Social Council of the United Nations in accordance with the terms of the Charter.

The Interim Rhine Commission will remain in existence until the interested governments conclude a convention establishing a permanent regime.

It is recommended that the United States participate on a basis of full equality in this Commission. This will be a definite step in the direction urged by the United States at the Council of Foreign Ministers. The position of the United States with respect to participation in any permanent commission may be reserved for later decision.

840.811/10–1445 : Telegram

The United States Political Adviser for Germany (Murphy) to the Secretary of State

BERLIN, October 14, 1945—6 p. m.
[Received 8:40 p. m.]

782. Reference your 634, October 9, 5 p. m., to Vienna repeated Berlin.[18] It is suggested that no action be taken by US representative Austrian Control Council to propose interim Austrian Danube

[18] See footnote 14, p. 1367.

Control Organization until Rainey [20] and Neff [21] have discussed current German situation with US representatives Austrian Control Council in Vienna this week.

In view of Soviet attitude on International Waterways Commissions expressed at Council of Foreign Ministers and counter proposal submitted by Soviet Delegation at that time, I agree with General Appleton [22] that US objectives will not be advanced by further US proposals to the Quadripartite Transport Directorate in regard to control of the Rhine. I understand these objectives to be (*a*) coordination of action to initiate traffic movement on the Rhine and (*b*) insofar as possible to develop some form of international cooperation in the control of European waterways.

An informal Rhine Committee for Traffic Control has been established at Duisburg with British, US, French, Dutch, Belgian, and Swiss participation. British and US controlled engineering organizations are located at Bonn and Wiesbaden. These existing organizations can be integrated and coordinated by arrangement among the US British and French Zone Commanders to fulfill the functions of the Interim Control Organization for the Rhine as recommended in your cable of September 26 (London's 140 [23]). This action would be in accordance with your alternate recommendation to establish such an organization by arrangement among the Zone Commanders having jurisdiction on the German portion of the Rhine rather than by the Quadripartite Transport Directorate of the Control Council. Soviet participation in control of the Rhine would not facilitate movement of traffic on that waterway and, therefore, would not contribute to the immediate objective of initiating traffic.

In meetings of the Quadripartite Transport Directorate, Germany, all proposals have been submitted by the US, French and British representatives, none by the Soviet. In all transport matters the western Allies, therefore, have been in position of supplicants while the USSR has continued in a position to accept or reject these proposals. Under these circumstances we believe that the US position will be weakened by additional US proposals to the Quadripartite Transport Directorate and that nothing substantial will be gained toward achieving international cooperation on other waterways. The movement of captured Danube vessels into the US zone, Germany and additional actions of this kind, which may be determined after discussions be-

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[20] Froelich G. Rainey, senior economic analyst on the staff of the U.S. Political Adviser for Germany.

[21] Lt. Col. Daniel R. Neff, Chief of Waterway Division, Transport Directorate, AMG Berlin.

[22] Brig. Gen. John Adams Appleton, Director, Transport Division, Office of Military Government for Germany (U.S.), and U.S. Representative to the Transport Directorate, Allied Control Authority.

[23] See footnote 15, p. 1367.

tween German and Austrian Control Council representatives, may create more favorable situation on the Danube. I suggest that the most effective approach to the problem of international waterway control at this time is to maintain the *status quo* on the Rhine and to attempt to develop a situation in which the Soviet Government will find it advantageous to initiate proposals in regard to the Danube.

The opinion of the Department in regard to this matter is urgently requested.

Sent to Department as 782, repeated to Vienna as 16 and as 107 to London.

MURPHY

840.811/10–1445

Memorandum by the Assistant Secretary of State for Economic Affairs (Clayton) to the Secretary of State

[WASHINGTON,] October 17, 1945.

The attached outgoing telegram [24] agreeing to US participation in the Central Commission of the Rhine takes the position (paragraph 3) that Germany be represented by the Allied Control Council. The alternative that only the Allied military authorities controlling German riparian territory should be represented on the Commission by liaison officers is rejected. The former position is consistent with the proposal submitted by the US delegation to the Council of Foreign Ministers.

In his telegram 782 October 14 from Berlin, Murphy takes the position that the proposal for establishing an Interim German Rhine Control Organization should be by arrangement among the zone commanders having jurisdiction over the German portion of the Rhine rather than by a quadripartite Transport Directorate or the Control Council. Such an arrangement was the second alternative set forth in the attached cable 9977 of September 26 sent to Murphy from London and repeated to the Department.

The basic issue which needs immediate decision is whether this government should press for Control Council representation on the Rhine or some form of representation or liaison only by the authorities in riparian zones. The arguments in favor of Control Council representation are:

1. The Potsdam Declaration provided for centralized control of transportation in Germany.[25]

2. The US proposals at the Council of Foreign Ministers for the establishment of emergency regimes for the European waterways put

[24] Not attached to file copy of memorandum.

[25] *Conference of Berlin (Potsdam)*, vol. II, p. 1503.

forth the principle that the four signatory powers (US, UK, USSR and France) should be represented in international commissions for the Rhine, Elbe, Oder and Danube Rivers and the Kiel Canal together with the riparian states and Germany or Austria as represented by the respective Control Councils.[26]

3. The abandonment at this time of the position of Control Council representation on the Rhine Commission would prejudice the question of Control Council representation with respect to the Elbe and Oder as far as Germany was concerned and the Danube in so far as Austria is concerned since the Oder is solely in the Soviet Zone, the Elbe in the Soviet and British Zones and the Danube in the US Zone in Germany and the US and Soviet Zones in Austria.

4. The adoption of riparian zone representation would eliminate indirect US participation in the other German waterways and French and British indirect participation in the Austrian section of the Danube and might be interpreted as an abandonment of the principles set forth in the memorandum submitted by the US delegation to the Council of Foreign Ministers.

5. In view of the failure to reach agreement on the broad principles of four-power representation on all rivers, the question is raised whether we should at this time give up the principle of four-power Control Council representation for the enemy states as well, since such a procedure would provide for at least a foothold by the major non-riparian powers in waterways other than the Rhine.

The arguments against Control Council representation are:

1. Soviet action in the Control Council could delay or impede action on the Commission through the exercise of a veto. It has been pointed out, however, that, on matters affecting only the Western Zone, the Soviets have not so used this power to impede action.

2. The French have objected to Control Council representation on the Rhine primarily because of their desire to avoid centralized control of German transportation and the "interference" of the USSR in Rhine affairs. (In discussing this question recently with Berard of the French Embassy, he emphasized this position. However, he had not followed this position through in so far as it would affect the French position on the Danube and promised to secure further views of his government on that question.)

3. Close working relationships between the three Western Zone authorities and the other riparian states might be more readily established without delay since it would be necessary to get French approval of action through the Control Council.

In view of the above considerations, it would appear necessary for the Department to reach a definite decision on the question of Control Council representation not only with respect to the Rhine but also with respect to other occupied territories with a clear understanding of the possible implications of such a decision to the President's proposal at Potsdam and London.

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[26] See memorandum by the United States delegation, CFM (45) 1, September 12, p. 132.

740.00119 Council/10–2245

Memorandum by Mr. Norman J. Padelford, Special Adviser to the Secretary of State, to the Secretary of State

[WASHINGTON,] October 22, 1945.

REPORT OF US DELEGATION, COUNCIL OF FOREIGN MINISTERS, CONCERNING EUROPEAN INLAND WATERWAYS

1. *Original Plan—A Declaration of Principles.*

When the United States delegation left for London, the original plan was to propose first of all the adoption of a Declaration of General Principles applicable to European waterways of international concern. (Annex I).[27] This was based upon the proposal made by President Truman at the Potsdam Conference.[28]

The purpose of this Declaration was to commit all interested parties to a common policy regarding the basic treatment of European waterways. Principles embodied in the draft Declaration were based upon treaties and conventions which had been in force among many states prior to 1939. If agreement could be reached upon the Declaration, it was then planned to propose the establishment of a series of interim commissions for each of the major waterways.

2. *Decision to propose emergency arrangement.*

Discussion in the delegation brought out the fact that at the present moment all of the European rivers are blocked to through navigation and that relief supplies have not been reaching needy peoples in Central and Eastern Europe in sufficient quantities to avert famine and suffering. In order to meet this situation, it was agreed that something more effective than a Declaration of Principles was needed. Accordingly, it was decided to press first for agreement upon an emergency regime which would involve the establishment of provisional commissions, leaving until later the presentation of the draft Declaration of General Principles. The plan for an emergency arrangement was laid before the Council of Foreign Ministers at its first meeting by the Secretary of State. (Annex II).[29]

3. *Information received from United States Representatives on Berlin Control Council.*

The United States delegation was assisted at London by three members of the US Group on the Control Council in Berlin who came to London at the request of the Secretary of State. These officers included General John A. Appleton, Chief, US Group, Transport Directorate; Lt. Col. Daniel Neff, Chief, US Group, Waterways Section,

[27] Not printed.
[28] See *Conference of Berlin (Potsdam)*, vol. II, pp. 304 and 656.
[29] For text of Draft Agreement Establishing Emergency Regime, see p. 132.

Transport Directorate; and Lt. Col. Froelich G. Rainey, Assistant to Ambassador Murphy. These officers provided the delegation with a large amount of factual information concerning present conditions on the European waterways. Abstracts of this information are attached. (Annexes III and IV).[30]

These officers urged amendment of the emergency agreement presented to the Council by the United States in order to make provision for the representation of Germany on the several commissions through the instrumentality of the Control Council. They pointed out that, under the terms of the Potsdam Agreement, the Control Council was not only given complete authority over all German transportation but was also charged with conserving German economic interests.

4. *Amendment of United States Proposal.*

In view of the observations made by the US representatives on the Control Council and the fear which it was reported some states held concerning the duration of the emergency regime, the delegation decided to submit two amendments to the document originally laid before the Council. These were circulated on September 22. (Annex V).[31] The amendment to Article Two was designed to give "Germany" representation on the commissions through the Control Council. The second amendment involved the addition of a new article (Article Ten) providing for a conference to draft permanent conventions.

5. *Discussion of Waterways in connection with Bulgarian Treaty.*

The first discussion of waterways arose in the Council in connection with the UK memorandum concerning the Bulgarian Peace Treaty. This proposed the insertion of an article requiring Bulgaria to accept any regime for the Danube agreed upon by the powers.

Mr. Bevin[32] (UK) pointed out that a similar provision had been inserted in the treaties of peace at the end of the last war[33] and would be desirable in order to prevent the defeated states from blocking attempts to create an international regime for the Danube. He added that he thought a mistake had been made in 1919 when Russia was excluded from the Danube and that a mistake had been made in 1940 when Britain was excluded from the Danube Commission by the Soviet Union and Germany and he asked for a righting of both errors. Mr. Byrnes (US) supported the proposal.

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[30] Neither printed.

[31] Not printed.

[32] Ernest Bevin, British Secretary of State for Foreign Affairs.

[33] See *Treaties, Conventions, etc., Between the United States of America and Other Powers*, 1910–1923 (Washington, Government Printing Office, 1923), vol. III, Peace Treaty with Germany, Article 349, p. 3493; Peace Treaty with Austria, Article 304, p. 3271; Peace Treaty with Hungary, Article 288, p. 3669; *British and Foreign State Papers*, vol. CXII, Peace Treaty with Bulgaria, Article 232, p. 873.

Mr. Molotov [34] (USSR) stated he was not ready to discuss the Danube regime in connection with the treaty as this involved more than one state.

The Council was unable to reach agreement on this point and proceeded to other matters.

6. *Discussion of United States proposal, September 22, 1945.*

a. Mr. Byrnes' Presentation. The Secretary pointed out the serious problem in getting food, fuel and relief supplies to the nations of continental Europe due to the breakdown of rail transportation and the blockage of the principal waterways. He noted that little improvement could be expected in the rail situation for some time to come. The Rhine, Elbe, Oder, Danube and Kiel Canal have always played an important part in European transportation—before the war carrying as much as 150,000,000 tons of shipping a year. If they could be cleared so that shipping could move freely, material improvement would be made in the transportation situation. The Secretary said that he believed the situation required emergency measures before winter set in. This necessitated international cooperation. It was in this spirit that the United States proposed a provisional commission.

The Secretary added that if such an agreement could be reached, the United States was prepared to consider arrangements for making shipping located in its zone of control available for use and also to move quantities of fertilizers to the agricultural regions in need of this if free navigation could be established.

b. Soviet Reply. Mr. Molotov professed confusion whether the Council was to consider one of the proposals that President Truman presented at Potsdam or the present one noting some differences in the waterways mentioned in these documents. He also said that there might be some discussion of what constituted an international waterway. He noted that only European waterways were to be discussed and that temporary rather than permanent arrangements were being considered.

A counter proposal was presented which he asked the Council to take as the basis of discussion in place of the American draft. (Annex VI).[35] This proposal he said was designed to cover only the occupation period and was submitted with a view to facilitating action.

An examination of the Soviet proposal revealed that it would bring about no change in the present situation on the rivers as it would leave each of them subject to the control of the local military command. The sole change which the Soviet proposal would make in the present

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[34] Vyacheslav Mikhailovich Molotov, People's Commissar for Foreign Affairs of the Soviet Union.

[35] For text, see p. 324.

situation would be to place the Kiel Canal under the Berlin Control Council instead of the British military rule. The right to navigate would be limited to the four powers and the riparian states. Other non-riparian states would have no right of navigation. Thus, Belgian vessels might be excluded from the Rhine and Greek vessels which have been active on the Danube from participation in the traffic of that waterway.

Discussion of the Soviet proposal was adjourned pending study.

c. French Memorandum. A memorandum commenting on the U.S. proposal was laid before the Council by the French delegation on September 19. (Annex VII).[36] This urged that existing river organizations be utilized wherever possible. Special reference was made to the Rhine Commission in which the French wished to have the presidency.

The French memorandum did not figure in the discussions during the Council meetings.

7. *Final discussion of Waterways question, September 24, 1945.*

a. Soviet Position—Need for Military Control. Mr. Molotov stressed that, during the occupation period, the needs of the occupying forces must be kept clearly in mind. Lines of communications must be secured and there must be no competing authorities. In as much as the military commanders would know best what was required in their zones, sole control of the rivers should be left in their hands. International commissions could only lead to conflicts of jurisdiction. This was the fault of the United States proposal which made it unacceptable.

The Soviet Foreign Minister insisted that the Soviet stand was no different from that which would be assumed by any nation in the same position as it is and faced with the same responsibilities. The Soviet attitude he believed corresponded with that of all Allied nations concerned with the improvement of navigation and he insisted that his draft be taken as the basis for discussion.

b. United States Statement Regarding Soviet Proposals. Mr. Byrnes emphasized that under the Soviet proposal different sets of regulations would prevail on different parts of the same river; that one body of rules would apply at one place and another at another. Navigation might be interrupted, delayed or submitted to various regulations by any military officer acting in the name of the Commander-in-Chief on the excuse that military considerations called for it. Under such circumstances, navigators would never know what requirements they would be required to meet. This would discourage and hamper shipping as had already been the case in some places.

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[36] *Ante*, p. 261.

The Secretary stated that the United States believed that the fairest manner of dealing with these waterways of international concern was by means of international commissions in which all interested parties might be represented. The United States was sincere in its belief that this would provide the most effective means of improving conditions and it had no selfish interest in connection with these waterways.

The United States had no objection to fixing a time limit for the provisional commissions and it believed that, under the terms of Articles Two and Eight of the draft agreement, adequate provision would be made for military representation on the commissions and close relations with the occupying authorities so that no contest of jurisdiction would occur.

c. Soviet Rejoinder. Mr. Molotov said that the United States proposal did not provide an acceptable basis of discussion. He asserted that no complaints had been received from any of the riparian states about the present situation and that there was no need of changing the present arrangement during the occupation period. He insisted that the American plan would lead to dual authority and that this could not be tolerated.

d. British Conference Suggestion. Mr. Bevin said the British wished to maintain the principle of international collaboration on these waterways. To this end, he inquired whether the Council could agree upon calling a Conference of all interested states to draw up agreements for a series of provisional commissions with the United States draft as a basis for discussion.

Mr. Byrnes was ready to accept this if a report might be made at the next Council meeting and if nothing better could be agreed upon.

Mr. Molotov failed to see how a conference could agree if the Council of Foreign Ministers could not do so. Any conference proceeding upon the American proposal would only come out with a scheme which would have the same flaw—dual authorities on the rivers. The Soviets could not accept that. It was suggested that the whole matter be postponed until all the Ministers agreed there should be a Conference.

e. Final United States Statement. Mr. Byrnes stated that the United States delegation keenly regretted that no action could be taken by the Council when starvation and famine conditions were approaching in many parts of Europe. He emphasized that the waterways of Europe are not entities in themselves nor the concern of the riparian states alone. They are part of a whole vital network and essential to the livelihood of the Continent. Distressed people could not wait for months of leisurely debate among statesmen. They must have food, fuel, clothing, medicine at once.

The Secretary affirmed that some arrangement could be found whereby the military commanders and the commissions could cooperate so that military security would not be undermined while at the same time relief could be brought to the distressed areas.

This completed the discussion of waterways at the Council. It was not referred to the deputies for further consideration.

8. *Further treatment of subject.*

a. Possibility of agreement on emergency regime. It is clear that the Soviet Government is not prepared to agree upon international commissions involving non-riparian states for the Danube, Elbe and Oder Rivers during the occupation period. Until the Soviet Government feels secure in Central and Eastern Europe and has related the economy of this region more closely to its own, there appears little likelihood that it will release its present controls in the direction of anything resembling the prewar commissions.

Nothing will be gained by reviewing the American proposal until the overall political situation has been clarified. The problem of cooperation on the rivers must be resolved in harmony with larger issues. Nothing will be gained by recriminations against the Soviet State.

The United States must be careful not to appear desirous of endangering Soviet security in the Eastern Zone or of attempting to force institutions upon them undermining their authority or calling into question their good faith. With some patience and careful manipulation of this question in company with others, a reasonable solution may ultimately be possible.

b. Establishment of Provisional Agencies for Waterways in the Western Zone. Although it would be preferable to set up agencies for all of the waterways at the same time in order that the same principles may be applied to each of them, it would seem better to go ahead with arrangements for waterways in the Western Zone rather than leaving them subject to localized military control until agreement can be reached with the Soviet Government for the eastern waterways.

1. *Rhine River.* Conversations have taken place in London and in Berlin looking toward the early creation of a provisional Rhine agency including the riparian states together with Britain and the United States.

The re-creation of the prewar Rhine Commission would appear to be an acceptable solution for the regulation of the Rhine River. In this way, use can be made of existing treaties and accumulated experience. This also affords a way of bringing Switzerland into the arrangement without raising political questions relating to the war.

No particular fears need be entertained regarding the compatibility of the Commission and the military authorities. The Commission

can only recommend rules of navigation and engineering works. Local authorities are responsible for enforcing regulations and for engaging in blasting, dredging and bridge work.

If the Central Rhine Commission is re-established on a provisional basis, it is important the agreement be obtained for equality of representation and voting. Prior to 1939, France had five votes, Germany four, while Belgium, the Netherlands, Britain and Italy had two votes each. The French position with respect to shipping and traffic on the River never warranted this disparity in voting power. It is understood in London that the French are prepared to accept equality of representation and voting if they are allowed to retain presidency of the Commission. This might be accepted, although it would be more democratic if the presidency were to rotate among all parties.

It is imperative that adequate provision be made for representation of the Control Council on the Rhine Commission. Only in this way can correlation be achieved between the military authorities and the civilian commission and assurance be given that commission recommendations will be carried out throughout German territory. Likewise, only in this way can German interests be adequately represented.

The French Government is seeking to prevent the Control Council from being represented on the Commission. It favors a Commission composed of Britain, France, United States, Belgium, the Netherlands and Switzerland plus liaison officers from the local zonal commanders along the river. It desires to see Germany divided into local units, economically and politically, and is fearful of any possibility of bringing Russia into Rhineland affairs. The French plan runs directly counter to the Potsdam Agreement. Section (B) (14)[37] stipulates that action shall be taken by the powers in such a way as to preserve Germany as an economic unit. Moreover, the Agreement gives the Control Council supreme authority over transportation in Germany and an overruling voice over the actions of local commanders. The United States policy with respect to the Rhine Commission should be in accord with the Potsdam Agreement. The United States is in a position to insist upon this in as much as it has control of a great deal of tonnage and petroleum which the French would like to obtain.

In view of the facts that the bulk of Rhine traffic always moves in the German stretch of the River, that the German fleet has been the second largest and that the German portion of the River is the longest in point of mileage, it is only fair that German interests should be represented as such in the Rhine Commission and that throughout the occupation period this be through the Control Commission which is the conservator of German interests and the coordinator of local actions.

[37] *Conference of Berlin (Potsdam)*, vol. II, p. 1452.

The French Government is also requesting that the seat of the Commission remain at Strasbourg. There is no economic justification for such a location. Concession might be made, in this case, however, if this will assure cooperation on the part of the French.

The center of traffic on the Rhine is located in the Ruhr-Cologne area. Theoretically, the seat of the Commission should be located in this neighborhood.

It would be desirable from the theoretical point of view to extend the jurisdiction of the Rhine Commission over the Scheldt River up to the port of Antwerp. For many years Belgium has been trying to develop this port as a Rhine port. It has had considerable success in this as is evidenced by the fact that Antwerp ranked after Rotterdam and the Ruhr ports in total Rhine traffic. It must be recognized, however, that Belgium would accede to international regulation of the Scheldt only under duress. It is questionable whether at the present moment the end will justify the means that have to be employed.

2. *Kiel Canal.* The Kiel Canal at the present time is being operated by German personnel under British occupation forces. Merchant vessels of all nations are apparently free to use the Canal and so far as can be learned the regular navigation rules are applied.

If other waterways are placed under provisional commissions, it would appear right and proper that the Kiel Canal should be treated in a similar manner. From conversations held in London, it appears that the British are willing to consider this. If the Danube, Elbe and Oder are not placed under commissions, there would appear to be no need of pressing the British for such a concession on the Kiel Canal at the present time. The question can be reserved until permanent arrangements are being discussed unless some other factors make reconsideration desirable.

9. *Permanent regimes.*

Attitude of Western Powers. Informal conversations held in London with representatives of Britain and France indicated that these states will be ready to discuss permanent arrangements for the European waterways at any time. Both governments are particularly anxious to have a part in the Danube regime. They are less concerned with the Elbe and the Oder and would perhaps be ready to waive participation in commissions for those rivers.

These governments are thinking in terms of international agencies for the rivers modeled after the prewar commissions with riparian and non-riparian members. Both fear that if the commissions are restricted to riparian states discriminatory practices may arise against the vessels and nationals of non-riparian states.

Attitude of Soviet Union. At the Council of Foreign Ministers, Mr. Molotov drew a clear distinction between temporary arrangements

for the occupation period and permanent regimes to apply thereafter. In this way he implied that the Soviet Government might have something different in mind than it proposed for the occupation period. He said, "We can talk about the permanent regimes at a later time."

This statement might be taken to mean that the Soviet Government is not wholly averse to an international regime, or to discussion of the arrangements in company with the United States, Britain and France. It is, however, so indefinite no commitment other than that of discussion can be predicated upon it.

Private conversations with a member of the Soviet Delegation at the London Council (Mr. S. A. Golunsky) [38] after the close of the meetings elicited one notable comment. With respect to the prewar regime of the Danube he remarked: "Of course you recognize that those arrangements were made when Russia was a defeated Power. In 1856 we were a defeated state. In 1919 we were not asked to be present when the Danube was being discussed. Now we are a victorious Power. It may be that matters should be arranged somewhat differently now. To us the Danube is very important."

The implication of this remark is that new treaties should be concluded and that the Soviet Union must occupy a different position than it has in the past. It could be understood as inferring that the whole conception of international regulation be altered. In this connection, it may be noted that in the Council meeting Mr. Molotov made no reply to a plea by Mr. Bevin that the mistakes of 1919 (exclusion of Russia from the Danube) and of 1940 (exclusion of Britain and France) should be righted. It is conceivable that the Soviet position is to ignore the Western Powers in establishing a new regime.

10. *Recommendations.*

Declaration of principles. There is a danger that the Soviet Government may conclude conventions with the states bordering on the Elbe, Oder and Danube without consulting the United States, Britain and France, and omitting provision for free navigation by the vessels of all nations and for participation by non-riparian states in new commissions.

It is recommended therefore that some occasion be found at an early date on which the United States may appropriately announce the basic principles which it believes should be applied to the European waterways. These principles are at hand in the Draft Declaration of Principles Applicable to European Waterways of International Concern which were prepared with a view to use at the Council of Foreign Ministers.

The time to set forth these principles is before the Russians take any irrevocable step rather than afterward. In this way, we may

[38] Sergey Alexandrovich Golunsky, Expert Consultant, People's Commissariat for Foreign Affairs of the Soviet Union.

stand some chance of gaining acceptance of our views. We would stand virtually none afterward. And a protest after the fact would only add a further measure of irritation between the two governments.

It is worthwhile making an effort to secure adoption of these principles for their acceptance would be helpful in promoting general economic improvement in Europe and equality of opportunity for all. There is a chance the Soviet Government may be willing to accept them as the general political atmosphere improves. If not, nothing has been lost, and one more effort will have been made to avoid the organization of Eastern Europe into an exclusive bloc. If we must retire to acceptance of such an organization in the end we may do so, but it should not be done until every effort has been made in a friendly fashion to avert it.

US Participation in Negotiations. The United States should participate in any negotiations which are held for the establishment of permanent regimes for any or all of the European waterways. Only in this way can our influence and the principles for which we stand be brought to bear to the fullest advantage.

Serious consideration should be given to any invitation to become a member of any of the permanent regimes. Although the United States will not have vessels moving on these waterways, with the exception of the Kiel Canal, its presence would be a token of interest in the economic development of Europe. It might be able to exercise a helpful role as mediator and counselor. Participation would also have the advantage of affording an additional means of gaining information on significant economic and political trends there in the years to come.

A careful watch should be kept on the temper of political relations with a view to raising the question of permanent regimes when the climate may seem propitious. This might be done through the Council of Foreign Ministers, ECITO, or some other channel.

Conference or Special Mission. It is possible that the British Government may raise again the proposal it made at the Council of Foreign Ministers that a special Waterways Conference be called. Such a conference might serve a useful purpose in bringing together all interested parties. It would not stand much chance of success at the present moment until the overall political relations of the Four Powers have been improved on larger issues in Europe. When that has occurred the United States might lend its support to such a proposal.

If no tangible progress has been made on waterways matters within a few months, it is recommended that a special mission be sent to Europe to discuss the problem in detail with experts there with a view to promoting further action.

840.811/10–1445 : Telegram

The Secretary of State to the United States Political Adviser for Germany (Murphy), at Berlin

WASHINGTON, November 1, 1945—8 p. m.

785. Reur 782 Oct 14 repeated to Vienna. Original conception of an interim Rhine Control Organization recommended in London's 140 of Sept 26 [39] was to establish a single agency to act for Germany in control of traffic and enforcement of navigation regulations in German sections of Rhine. Informal Rhine Committee for traffic control at Duisburg appears from your cable to have power to regulate traffic throughout entire Rhine. Dept needs full information regarding terms of reference and activities of this Committee. Functions of this Committee appear closely related to those agreed upon for ECITO. It is desirable that Duisburg Committee and ECITO collaborate in control and coordination of international traffic.

Negotiations are proceeding for early establishment of Central Rhine Commission on provisional basis with US participation and riparian zones in Germany represented by liaison officers. This will be continuation of prewar Commission to maintain principles of free navigation and international cooperation in regulation and development of river.[40] The functions and work of this Commission are fully described in part (6) Dept's Rhine River memorandum handed Rainey by Padelford.[41] These include:

1. Examining complaints regarding application treaty provisions;
2. Reviewing treaties and navigation regulations with a view to recommending necessary changes;
3. Hearing appeals from national navigation tribunals regarding infractions navigation regulations;
4. Surveying river conditions making recommendations to riparian authorities for correction or improvement;
5. Gathering and publishing information concerning river traffic and problems.

Activities Central Rhine Commission will cover matters other than those relating to traffic control which are within scope of Duisburg Committee and ECITO. These two types of functions are separate, therefore there should be no conflict or overlapping jurisdiction between Central Commission on one hand and ECITO and Duisburg Committee on the other.

Erhardt's unnumbered Oct 26 re Danube situation just received.[42]

Sent to Berlin repeated to London and Vienna.[43]

BYRNES

[39] See footnote 15, p. 1367.

[40] For details regarding composition and jurisdiction of this Commission, see *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, pp. 669–678.

[41] Presumably the memorandum of October 22, p. 1373.

[42] Not printed.

[43] As telegrams 9643 and 231, respectively.

740.00119 Council/12–1445 : Telegram

The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)

WASHINGTON, December 14, 1945—8 p. m.

2527. Secdel [44] 7. For the Secretary. Following suggestions for your consideration.

I. *Problems Regarding Danube.* At Potsdam President Truman urged immediate steps to establish provisional international commissions for principal European waterways.[45] US offered similar proposal at Council of Foreign Ministers meeting in London.[46]

Principal purpose of such provisional commissions would be to facilitate cooperation and clearance of rivers to permit vessels to circulate freely to provide for essential traffic movements and stimulate reconstruction. At present obstacles such as destroyed bridges and sunken barges prevent normal movement of vessels. Different regulations with respect to movement of vessels and crews discourage freedom of circulation of vessels. Questions of restitution and reparations as well as ownership and control of watercraft discourage free movement between areas of different political and military jurisdiction.

To meet urgent transportation needs in Danubian area, it is essential that all watercraft available for use be put into operation to extent permitted by river conditions and that arrangements be made which will insure most efficient use of vessels and crews by permitting boats to circulate freely without danger of seizure or diversion. A provisional Danube Commission should be established to insure such freedom of movement of vessels without prejudice to questions of reparations, restitution, and title which can be worked out at a subsequent time by other authorities. Provisional commission should be composed of representatives of competent Allied authorities in riparian states under Allied occupation or armistice control and Czechoslovakia and Yugoslavia.

Provisional Danube commission could be established along lines similar to present provisional Rhine Commission which has jurisdiction only over regulations and technical works and does not go into matters of allocation of vessels and control of cargoes. Vessels would remain under control of military authorities or under control of states in which they were registered. Objective of Commission would be to assure that when vessels under control of one authority moved

[44] Designation of telegrams from the Department to the United States delegation to the Conference of Foreign Ministers meeting in Moscow, December 16–26, 1945.

[45] See *Conference of Berlin (Potsdam)*, vol. II, pp. 304 and 654.

[46] For text of this proposal of September 12, see Draft Agreement Establishing Emergency Regime for European Inland Waterways, p. 132.

into other areas of river they would be subject to uniform rules and regulations and not be in danger of seizure or diversion. They would remain subject to direction of military authorities or nationals under whose control they originally rested. Such an arrangement should meet objections raised by Soviets to United States proposals in London.[47]

As long range objectives Dept believes following principles should govern use of all European waterways:

1. These waterways should be regulated by treaty in interest of all concerned.
2. Navigation should be free and open on terms of entire equality to nationals, vessels of commerce and goods of all members of United Nations.
3. Regulation of matters affecting waterway must be equitable and designed to promote, not burden, navigation.
4. No tolls should be levied on any naturally navigable waterway.
5. No obstacle to navigation should be placed in channel of an international waterway.
6. Any international disputes relating to regulation or use of waterway of international concern should, if not settled directly between parties concerned, be submitted for settlement in accordance with provisions of United Nations Charter.
7. International administrative agencies should be set up for each of these waterways composed of all states having an interest in their use and development; and
8. In dealing with these waterways, all parties should endeavor to promote world economic and social progress in conformity with Charter of United Nations.

[The remainder of this telegram, dealing with lend-lease material sent to the Soviet Union, is printed in volume V, page 1050.]

ACHESON

840.811/12–2245 : Telegram

The Ambassador in France (Caffery) to the Secretary of State

PARIS, December 22, 1945—6 p. m.
[Received December 23—4 : 05 p. m.]

7321. For Radius from Merchant and Russell. Following text of proposed International Rhine Navigation Administration agreed at ECITO meeting in London December 18:

1. Taking advantage of existing machinery on the Rhine and with the purpose of enabling it fully to cope with problems concerning traffic of common concern on that river and on the adjoining waterways, in particular the coordination of traffic and the allocation of trade and inspired by the desire to set an example for efficient cooper-

[47] See pp. 316, 324, and 345.

ation within the framework of ECITO the Executive Board puts forward the following proposals:

2. The Rhine Interim Working Committees at present working under the direction of the headquarters of the British Army of the Rhine with delegates of the other armies of occupation and of the Belgian, French and The Netherlands Mission taking part in its meetings, shall be recognized and given an official international status with the title of the International Rhine Navigation Administration and its bases broadened so as:

(*a*) To insure full and equal representation to the Govts and authorities referred to in paragraph 4.
(*b*) To extend the geographical sphere of authority of the committee so as to make it substantially co-extensive with that traffic of common concern which centers around the Rhine.
(*c*) To expand its functions so as to enable it to deal more adequately with all essential technical problems concerning that traffic.

3. This International Rhine Navigation Administration, hereinafter outlined and called the Administration, shall deal, as long as present emergency circumstances make it necessary with the coordination of traffic and the allocation of craft as well as with all the other matters affecting navigation of common concern to the Rhine and adjoining waterways, referring for guidance, advice and assistance to ECITO and/or the Central Rhine Commission as may be appropriate.

4. The administration shall consist of a board and a permanent secretariat. The board shall be composed of one representative of each of the Governments of Belgium, France, The Netherlands, and Switzerland; and of the British, US and French authorities in Germany; and shall appoint a chairman with the necessary technical qualifications.

5. ECITO and the Central Rhine Commission shall have one representative each with the board to act as advisers without the right of vote.

6. Decisions shall be taken by majority vote but except upon matters of internal administration shall not be binding on any government or authority represented on the board whose representative gives notice to that effect at the time that the decision is taken. All such cases shall then be referred to ECITO and/or the Central Rhine Commission, as may be appropriate. Each member of the board, including each zone representative, shall have one vote, and the chairman a casting vote only.

7. The chairman and permanent secretariat shall be international in character. The latter shall consist of a secretary appointed by the board and of a staff appointed by the chairman. As far as circum-

stances permit the services of members of the permanent secretariat of the Rhine Interim Working Committee as at present constituted shall be retained, additional technical and administrative personnel being appointed as required from time to time. The records of the Rhine Interim Working Committee shall pass to the administration.

8. The chairman shall convene the board whenever necessary. The board will appoint two permanent subagencies to be known as the International Rhine Traffic Committee and the International Rhine Conservancy Committee to deal with traffic and conservancy problems respectively. The chairmanship of these two bodies will be decided upon by the board.

9. The salary of the chairman and the expenses of the secretariat shall be agreed by the board and covered by equal contributions from the governments and authorities represented in the administration. These funds will be administered by the board.

10. The traffic and conservancy functions of the administration shall include:

(1) Coordination of river conservancy (including bank training, dredging, salvage, marking and buoying of channels), flood prediction service and ice protection;
(2) Coordination of engineering resources, such as plant, equipment, repair facilities, materials and labor;
(3) Development of telecommunications;
(4) Navigation and pilotage regulations;
(5) Registration and survey of craft;
(6) River police;
(7) Coordination of plans for development of river traffic;
(8) Assessment of traffic capacity of waterways within its jurisdiction;
(9) Allocation of traffic and if necessary of craft among operating groups;
(10) Responsibility for ensuring the execution of traffic programs;
(11) Issue of coordinated operating rules;
(12) Establishment of rates, charges and dues, and determination of conditions of carriage, with due regard to other forms of transport;
(13) Determination of requirements and of priorities in repairs to craft and coordination of repair facilities;
(14) Arrangements for procurement of requirements of fuel, lubricants, stores and provisions;
(15) Assistance on currency and other clearing arrangements;
(16) Organization of social and medical services for shipping and shore personnel, establishment of safe conducts, et cetera.

11. The functions remaining the direct responsibility of ECITO shall include:

(1) Restitution of Allied craft;
(2) Temporary allocation of enemy craft without prejudice to ultimate ownership;
(3) Census of craft;

The administration shall be required to give advice and assistance on the execution of these functions.

12. The scope of the administration shall be;

(1) For conservancy the Rhine from the upper limit of the port of Basle (km 1.9) to Goriuchem and to Krimpen, respectively, the navigable parts of the Neckar and of the Main, and the Rhine–Herne and Wesel–Datteln Canals.

(2) For traffic: all traffic on the above waterways and international traffic between any points thereon, on the one hand, and the seaports handling the above traffic, on the other.

Sent Dept 7321; repeated Berlin for Murphy from Rainey [48] as 270 and London 887. [Merchant and Russell.]

CAFFERY

[48] Froelich G. Rainey, Senior Economic Analyst, Office of the Political Adviser for Germany, on the staff of the U.S. Representative to the International Commission of the Rhine.