

The “Koblenz Decisions” of the West German Minister Presidents (July 10, 1948)

Abstract

From July 8–10, 1948, the minister presidents of the West German *Länder* [federal states] held a conference in Koblenz, where they agreed in principle to the Allied directives laid down in the London Documents (also known as the Frankfurt Documents). To make clear the provisional character of the West German constituent state and to emphasize ongoing restrictions on German sovereignty, however, the minister presidents advanced their own counterproposals: a parliamentary council was to be elected instead of a “constituent assembly” and a preliminary basic law was to be drafted instead of a constitution. Additionally, the minister presidents requested that the rights of the Allies be spelled out in a detailed occupation statute. The German requests for changes meet with opposition from the Americans and the British.

Source

Comments of the Minister Presidents’ Conference regarding Document I

1. The Minister Presidents will assume the powers delegated to them on 1 July 1948 by the Military Governors of the American, British and French Zones.
2. The convening of a German National Assembly^[1] and the preparation of a German constitution shall be postponed until a solution for all of Germany is possible and until German sovereignty has been sufficiently restored.
3. The Minister Presidents will recommend to the *Landtage* [state parliaments] of the three Zones that they elect a representative body (Parliamentary Council) which will have the task of:
 - a) Drafting a basic law for the uniform administration of the Occupation Zones for the Western Powers;
 - b) Enacting an electoral law for a popular representation based upon general and direct elections.

The participation of the *Land* [state] governments in the deliberations of the Parliamentary Council must be assured.

The representation shall be formed in accordance with the figures proposed in Document No. I and shall convene not later than 1 September 1948. Each *Land* shall put up at least one delegate; for a remaining fraction of at least 200,000 votes a further delegate shall be appointed.

4. The elections for the popular representation shall be carried out during the year 1948.
5. The basic law must provide, in addition to a popular representation elected directly by the people, for *Länder* representation to take part in Legislation.
6. As soon as the delegates elected by the *Landtage* have accomplished their task (para. 2), the Minister Presidents, after consultation with the *Landtage*, will submit the basic law, with their comments, to the Military Governors and ask them to authorize the Minister Presidents to promulgate the law.
7. The representative body shall fulfill all functions to which a democratically elected parliament is

entitled.

8. The common executive organ envisaged for the occupation area of the Western Powers shall be appointed under the provisions of the basic law.

Comments of the Minister Presidents' Conference regarding Document II

The Minister Presidents agree with the Military Governors that a re-examination of the German *Länder* boundaries is appropriate.

They are, however, of the opinion that this question requires careful examination which cannot be accomplished within a short time.

Under these circumstances the Minister Presidents cannot at present propose a general solution. They are, however, of the opinion that a revision of the boundaries of the southwestern *Länder* is urgently required. The Parliamentary Council should debate these revisions and submit proposals to the Minister Presidents.

The right of the *Länder* concerned to arrive themselves at a solution remains unaffected.

Comments of the Minister Presidents' Conference regarding Document III:

Basic Principles for an Occupation Statute

I

1. In order to realize the economic and administrative unity of all German territory falling under the Occupation Authority of Great Britain, France and the United States, this territory should be combined into a united area, with the organization of which the Occupying Powers should charge the population.

2. German legislative, administrative and judicial powers should be limited only by those powers of the Occupation Authorities which are directly defined in the text of the occupation statute.

In case of doubt, the competence should rest with the German organs.

3. The Occupying Authorities reserve the right to take action only in so far as is necessary to realize the purposes of the occupation.

4. These measures may consist of:

a) Direct administration by organs of the occupation;

b) Control:

c) Supervision;

d) Observation, advice and assistance.

5. The purposes of the occupation are to:

a) Ensure the security of occupying troops;

b) Ensure continuing democratic order in Germany;

c) Ensure the demilitarization of Germany;

d) Ensure the fulfillment of Germany's treaty (*vertraglichen*) obligations.

6. Direct administration will be exercised by the Occupying Authorities for the temporary conduct of foreign affairs; nevertheless, German representation abroad for the protection of economic and trade interests will be permitted. The heads of such German offices abroad have a legal status corresponding to that of a Consul.

7. Measures to be taken by the Occupying Authorities are in principle limited to general supervision of the activity of German organs. In regard to German foreign trade the right of control may be exercised, but only in so far as there is reason to fear that the obligations which the Occupying Powers have undertaken in relation to Germany are not being observed, or that the means placed at Germany's disposal are not being used in an appropriate manner. Such control shall not extend to deciding whether German measures are technically correct and appropriate.

Furthermore, such control may be concerned with the safeguarding of German reparations obligations still in force, for observing the regulations defining the level of German industry, for carrying out decartelization, for disarmament and demilitarization and for scrutinizing such activities of scientific research as served the German war economy.

The powers of an International Ruhr Authority are not the subject of this statute.

8. Instructions within the framework of the above provisions will be issued only by the highest organs of the Occupying Authorities and only to the highest German territorial authority.

9. The right of veto shall only be brought to bear against a duly enacted German law if it is likely to endanger the realization of the purpose of the occupation. Unless within twenty-one days of the enactment of law the Military Governors acting together do not object to it, the law enters into force.

10. In the sphere of democratization of political and social life, and of education, the Occupying Authorities will limit themselves to observation, advice and assistance.

11. The independence as well as the territorial and material universality (*territoriale und sachliche Universalität*) of German judicature is acknowledged.

12. The jurisdiction of occupation courts is limited to:

a) Non-German members of the Occupying Forces and the occupation administration and members of their families;

b) Crimes and offences against the security of property of the Occupying Powers or against their personnel.

13. For litigation between Germans and members of the Occupation Powers mixed courts shall be established.

II.

Universal human rights as well as civil rights and freedoms shall be guaranteed to the German population, also in its relations with the organs of the Occupying Powers.

III.

1. Material and personal services shall be demanded only on such a scale as is necessary to satisfy the requirements of the forces and administration of the Occupying Powers. They must be in proportion to

the resources of the country.

2. The nature and scope of material and personal services to be rendered and the way in which they are to be paid for will be determined by the Military Governors acting together. A special procedure for the making and meeting of such demands will be established, in the execution of which German authorities are to take part.

3. Occupation costs shall be established for one year in advance. All German services described in the previous two sub-paragraphs are to be included. Occupation costs shall be a fixed sum and may not exceed a fixed percentage of the regular expenditure under the normal budget. They shall be determined in consultation with the competent German authorities.

IV.

A special procedure shall be provided for to guarantee the payment of reparations and the advance claims on such German reparation obligations as have not yet been fixed. The same applies to restitutions. Such a procedure shall provide for the effective participation of German organs.

V.

Arbitration and conciliation authorities shall be established for settling differences of opinion on the interpretation and application of the occupation statute.

VI.

Should the Military Governors regard it necessary to resume the exercise of their full powers they will do so only as an emergency measure and as a result of a decision taken in common, and only if an emergency situation threatens security or it appears necessary to enforce observance of the constitution and the occupation statute.

NOTES

[1] i.e., the Constituent Assembly referred to in the London Documents.

Source: Decisions of the Conference of Minister Presidents in Koblenz (July 10, 1948), in *Foreign Relations of the United States*, Volume II, *Germany and Austria*. United States Government Printing Office: Washington, DC, 1973, pp. 388–92.

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