



DEPARTMENT OF STATE INSTRUCTION

1356  
CONFIDENTIAL

TGC file  
1184  
WF  
D  
R-1  
A-5

1184

SI 51d

ORIGIN: NO. CA-1564 August 15, 1958

INFO SUBJECT: Further Interim Distribution of Gold by Tripartite Commission for the Restitution of Monetary Gold

DCL  
REP  
EUR  
HEA  
IRC  
L  
CF

TO: ATHENS, BELGRADE, BRUSSELS, THE HAGUE, LONDON, LUXEMBOURG, PARIS, PRAGUE, ROME, VIENNA, WARSAW

AIR  
ARMY  
CIA  
COMM  
FRB  
NAVY  
OSD  
TR

Part III of the Paris Agreement on Reparation from Germany, signed on January 14, 1946, provided for the establishment of a Tripartite Commission for the Restitution of Monetary Gold to distribute to claimant countries looted gold, found in Germany by the occupying powers or secured from neutral governments in negotiations by the Governments of the U.S., U.K. and France. Signatory governments presented to the Commission for adjudication their claims to monetary gold which had been looted or wrongfully removed from their countries by Nazi Germany. These claims totalled some 721 tons. A total of almost 332 tons of gold, valued at over \$73 million, was collected by the three Governments, and it is possible that an additional 4 tons of gold may still be made available to the Gold Pool as a result of negotiations with Portugal.

The Commission completed its adjudication of the claims presented to it a few years ago, but transmittal to claimant governments of the adjudications, and final distribution of the Gold Pool, has been delayed by a number of complicating factors. The U.S. has refused to permit a further distribution of gold to Czechoslovakia until we receive some satisfaction from the Czechs on our claims to properties nationalized by the Czech Government, and on several other types of claims, and has refused to agree to the Commission's award to Czechoslovakia. At British behest, the U.S. and France agreed in 1951 that any gold due Albania should be delivered to the U.K. and/or Italy in satisfaction of claims they had against Albania. The Netherlands claimed the same gold both from the Gold Pool and directly from Italy under the Conciliation Commission established under the Italian Peace Treaty. The three Governments have agreed to block delivery of gold looted from the Bank of Danzig until a final settlement of the status of Danzig.

Early this year the three Governments finally agreed to a further interim distribution of gold, excluding Czechoslovakia, Albania and Danzig. It was also agreed that the Commission's decisions on each country's claims (except the unagreed Czech award) should be distributed to that Government, but pending agreement on the Czech claim, the British refused to permit publication of the decisions. The Commissioners of the three Governments on the TGC signed the adjudications (except

CONFIDENTIAL

DRAFTED BY:

APPROVED BY:

OFF:FN: JGLOBENSTINE:meh: 8/12/58

OFF:FN - John Parke Young

CLEARANCES:

WE  
BNA

EE  
L/E - Mr. Czyzak (in substance)

CONFIDENTIAL  
(Security Classification)

(except that for Czechoslovakia, which was signed by the British and French Commissioners only) on June 9. Letters of notification to representatives of the claimant countries were sent on June 11 and 12, enclosing copies of the TGC adjudications in all cases except Czechoslovakia, informing the Governments of the further interim allocation of gold, and requesting certain information necessary for the preparation of the actual gold delivery orders. Delivery has already been effected, according to information thus far available to the Department, to France,\* Austria and Italy. The Netherlands has protested the decision in its case, and requested that distribution of gold be suspended (request denied). So far as the Department has been informed, Greece and Yugoslavia have not yet taken delivery of the amounts due them.

In all probability Greece will protest the rejection of 99 percent of its claim (as being claims to nonmonetary gold).

Poland has already protested the decision in its case--the entire Polish claim was denied, as none of it was for monetary gold. Poland also protested the decision to withhold from it pending a final peace treaty the gold looted from the Bank of Danzig. A protest on withholding its gold may also be received from Albania, although it was the only country whose claim was recognized in its entirety by the Commission.

The following table summarizes the amounts of monetary gold which have just been distributed, or which the Commission is authorized to deliver to the claimant countries. Presumably these amounts will be added to monetary reserves of the countries concerned. Additional data on the Gold Pool are enclosed for the information of the Embassies. All figures are given in kilograms of fine gold (one metric ton, or 1,000 kilograms, of fine gold is valued by the U.S. Treasury at \$1,25,276).

<u>Claimant Country</u>	<u>Kilograms</u>	<u>Value in U.S. \$</u>
Austria	6,150	\$ 6,920,147
(Belgium	11,600	13,053,202)
(Luxembourg	750	813,957)
both delivered to France	12,350	13,897,159
Greece	50	56,264
Italy	12,750	11,347,269
Netherlands	4,100	4,613,632
Yugoslavia	1,750	1,969,233

Enclosure:

Table of Claims.

HERTZ, ACTING

\*Under agreements of October 1944 and February-March 1946 between the Bank of France and the National Bank of Belgium and the Savings Bank of Luxembourg, respectively, the Bank of France reconstituted the preinvasion gold deposits with it by the other two banks, receiving in turn an assignment to such gold as Belgium and Luxembourg might recover through the Gold Commission.

CONFIDENTIAL  
(Security Classification)

TOC - COUNTRY CLAIMS TO LOOTED MONETARY GOLD

(Figures in kilograms of fine gold)

Country	Total Claim Presented <u>a/</u>	Claim Recognized by TOC <u>b/</u>	64.1316% of Recognized Claim <u>c/</u>	Amounts Already Delivered <u>d/</u>	Amount of Current Delivery
Albania <u>e/</u>	2,454.8745	2,454.8745 <u>e/</u>	1,574.3503	<u>e/</u>	<u>e/</u>
Austria	91,256.9156	78,267.1478	50,193.9742	44,031.8249	6,150.
Belgium	204,868.0736	198,433.8417	127,258.7976	115,650.9277 <u>f/</u>	11,600. <u>f/</u>
Czechoslovakia	45,008.2784	43,999.3638 <u>b/</u>	28,217.4960 <u>b/</u>	9,784.0225 <u>d/</u>	
Danzig	4,726.0000	3,858.8835	2,474.7637	<u>g/</u>	<u>g/</u>
Greece	7,441.7344	83.7330	53.6993	<u>h/</u>	50.
Italy	73,138.8292	69,320.6709	44,456.4554	31,667.5131	12,750.
Luxembourg	4,317.2028	4,223.7040	2,708.7289	1,929.4999 <u>f/</u>	750. <u>f/</u>
Netherlands	145,650.0000	110,174.6296	70,656.7528	66,539.0068	4,100.
Poland	138,718.5309				
Yugoslavia	3,407.4442	3,243.4422	2,080.0714	317.4256	1,750.
Totals	721,287.8836	514,060.2910	329,675.0896	269,920.2205 <u>d/</u>	37,150.
Reserve			1,990.3877		
Total of Gold Pool			331,665.4773		
Possible further addition from Portugal			3,998.7410		
Potential maximum of Gold Pool			335,664.2183		

Notes:

- a/ As revised (i.e., after deduction of claims presented but subsequently withdrawn by Albania, Greece, and Yugoslavia).
- b/ The U.S. has not agreed to the award to Czechoslovakia.
- c/ The final apportionment will be somewhat higher than 64.1316%, as there will probably remain for distribution at some future date another 5.5 tons or more of gold.
- d/ Including a direct recovery by Czechoslovakia of 3,710.0148 kilograms.
- e/ No delivery is to be made to Albania, in view of British and Italian counterclaims.
- f/ Delivered to France. See footnote page 2.
- g/ Withheld pending final peace settlement.
- h/ An earlier proffered delivery to Greece was never completed as the Greek Government did not sign the required waiver of claims.

Department of State FORM DS-4 1-3-55	<b>TRANSMITTAL SLIP</b>	CLASSIFICATION <b>OFFICIAL USE ONLY</b>
TO		DATE <b>April 13, 1961</b>
FROM <b>Ambassy Brussels</b>		For the Attention of <b>U.S. Commissioner TGC</b>
TO THE FOREIGN SERVICE		TO THE DEPARTMENT
<input type="checkbox"/> For Transmittal to Addressee at the Discretion of Post	<input type="checkbox"/> Post Information Only	<input type="checkbox"/> Dept. Information Only
<input type="checkbox"/> Transmit to Foreign Office	<input type="checkbox"/> Submit Report	<input type="checkbox"/> CERP Publications
<input type="checkbox"/> Reply to the Individual	<input type="checkbox"/> Reply to the Individual	<input type="checkbox"/> Enclosure to Previous Despatch
<input type="checkbox"/> Transmit to:	<input type="checkbox"/> Inform:	(U.S. Agency)
REFERENCE		
Despatch 1181 of February 21, 1961, from Embassy Paris, copy sent to Brussels by Department.		
ITEMS/REMARKS		
<p>Transmitted herewith is a copy of the enclosure to the reference despatch, viz. a note dated January 18, 1961, from the Albanian Ministry of Foreign Affairs to the French Legation in Tirana, which was transmitted to the American Embassy in Paris by the French Foreign Office on February 16, 1961. An English translation is also attached. This document relates to the Albanian gold claim before the Tripartite Gold Commission.</p> <p>Reference is made also to Brussels despatches 690 of January 26, 1961, and 704 of January 31, 1961, on the same subject.</p>		
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE		
FILE NO.	SIGNATURE <i>[Signature]</i>	
CLASSIFICATION <b>OFFICIAL USE ONLY</b>	OFFICE <b>Charles M. Carré</b>	

DO NOT WRITE IN THESE SPACES

*TGC file*  
*200-1241 Sub/*  
*ARC / 2-21-61*  
*EMC*

February 21, 1961  
DATE

*L-2 rep. c*  
*10 Brussels*

1961, addressed by Government through the French Foreign cover of a note

Albanian Government Tripartite Commission 1946. It will be used, at British request, to the United Kingdom against Albania. In that the enclosed is identical to the document in Tirana and documents.

Documents should be reviewed and proposed. We would appreciate your reply should be

Affaire, a.i.:

Financial Attaché

Copy to AmEmbassy, London.

FIN/DJMcGrew/msw  
REPORTER

**OFFICIAL USE ONLY**

**ACTION COPY — DEPARTMENT OF STATE**

The action office must return this permanent record copy to RM/R files with an endorsement of action taken.

Tirana.

DATE

REFERENCE SLIP

April 13, 1961

NAME OR TITLE	ORGAN. SYMBOL	ROOM NO.	BLDG.	INITIALS	DATE
1. Mr. [Name]	L/S	6420			
2. Mr. [Name]	RE	5220			
3. Mr. [Name]	RE	5226			
4.					
5.					

<input type="checkbox"/> APPROVAL	NOTE AND FORWARD
<input type="checkbox"/> AS REQUESTED	NOTE AND RETURN
<input checked="" type="checkbox"/> COMMENT	PER CONVERSATION
<input checked="" type="checkbox"/> FOR YOUR INFORMATION	PREPARE REPLY
<input type="checkbox"/> INITIAL FOR CLEARANCE	SEE ME
<input type="checkbox"/> NECESSARY ACTION	SIGNATURE

REMARKS OR ADDITIONAL ROUTING GPO 874556

Attached is a copy of a note dated January 18, 1961, from the Albanian Ministry of Foreign Affairs to the French Legation in Tirana, which was transmitted to the American Embassy in Paris by the French Foreign Office on February 16, 1961, and received by the Department as an enclosure to Paris despatch 1181 of February 21, 1961. An English translation is also attached.

The attached document relates to the Albanian gold claim before the Tripartite Gold Commission, and a copy is being sent to the U. S. Commissioner in Brussels.

Your attention is called also to Brussels despatches 690 of January 26, 1961, and 704 of January 31, 1961, on the same subject.

FROM (NAME AND ORGANIZATION)	ROOM NO. AND BLDG.
C. N. Carré - CND/TE	4320
SIGNATURE	PHONE NO.
	2272

TGC file  
200-6241 sub/12-2165  
ARC  
February 21, 1961  
DATE  
FEB 21 1961  
CNC  
L-2 rep.  
10 Brussels

1961, addressed by Government through the French Foreign cover of a note.

Albanian Government tripartite Commission 946. It will be used, at British request, to the United Kingdom against Albania. In that the enclosed is identical to the documents in Tirana and Brussels.

Documents should be reviewed and proposed. It would appreciate if a reply should be sent.

Affaire, a.i.:

*[Handwritten signature]*

Financial Attaché

Copy to AmEmbassy, London.

FIN/DJMcGrew/msw  
REPORTER

OFFICIAL USE ONLY

ACTION COPY - DEPARTMENT OF STATE

The action office must return this permanent record copy to RM/R files with an endorsement of action taken.

Tirana.

GPO 890644

209168

OFFICIAL USE ONLY  
(Security Classification)

FOREIGN SERVICE DESPATCH

206-1241/104/2-21/61  
TGC file  
FRC  
DATE  
FEB 21 1961  
OIC-7

AmEmbassy, Paris

1181  
DESP. NO.

TO THE DEPARTMENT OF STATE, WASHINGTON.

February 21, 1961

REF

ONLY EN COPY

2 For Dept. Use Only	ACTION	DEPT.			
	REC'D	IN F OTHER			
	2-23	0	RM/R-2	EUR-5	INR-7 L-2 sup.
			RE-3	OAD-3	CL-10 Brussels

SUBJECT: Albanian Looted Gold Claim

The Embassy encloses a note dated January 18, 1961, addressed by the Albanian Ministry of Foreign Affairs to the U. S. Government through the intermediary of the French Legation at Tirana and the French Foreign Office. This note was forwarded to the Embassy under cover of a note from the French Foreign Office dated February 16, 1961.

The Albanian note relates to the claim of the Albanian Government for a share in the monetary gold distributed by the Tripartite Commission established under the Paris Reparations Agreement of 1946. It will be recalled that in 1951 the United States and France agreed, at British behest, that any gold due Albania should be delivered to the United Kingdom and/or Italy in satisfaction of claims they had against Albania. In its transmittal note the French Foreign Office states that the enclosed note from the Albanian Government to the United States is identical to two other notes also delivered to the French Legation in Tirana and intended respectively for the French and British Governments.

The Foreign Office suggests that the three Governments should undertake a study of the answer to be made to these notes and proposes that this could be done in Washington. The Embassy would appreciate receiving the Department's instructions concerning what reply should be made to the Foreign Office.

Enclosure.

For the Chargé d'Affaire, a.i.:

Donald J. McGrew  
Financial Attaché

Copy to AmEmbassy, London.

FIN/DJMcGrew/msw  
REPORTER

OFFICIAL USE ONLY

ACTION COPY — DEPARTMENT OF STATE

The action office must return this permanent record copy to RM/R files with an endorsement of action taken.

Tirana.

GPO 690644

209169

Enclosure to Despatch #1181 of Feb. 21, 1961,  
from Paris

Le Ministère des Affaires Etrangères de la République Populaire d'Albanie présente ses compliments à la Légation de France et a l'honneur de la prier de bien vouloir assurer, par les bons soins du Gouvernement français, la transmission au Gouvernement des Etats Unis d'Amérique du texte de la note ci-après:

Le Gouvernement de la République Populaire d'Albanie a l'honneur d'exposer ce qui suit au Gouvernement des Etats Unis d'Amérique:

Par ses décisions du 16 février et du 30 juin 1948, la Commission Tripartite pour la Restitution de l'Or Monétaire, reconnaissant que le Gouvernement albanais avait pleinement établi le bien-fondé de sa demande de 2.454.8745 kgs. d'or fin, pillé par l'Allemagne nazie, a attribué à la République Populaire d'Albanie une part, calculée au prorata de la quantité perdue, de la masse d'or monétaire constituée conformément à la Partie III de l'Accord de Paris du 16 janvier 1946, dont la République Populaire d'Albanie est partie. Après avoir, sous des prétextes nullement justifiables, ajourné pour une longue période l'exécution de ces décisions, la Commission Tripartite, par sa dernière décision, en date du 9 juin 1958, a confirmé les décisions antérieures, reconnaissant ainsi une fois de plus le droit de propriété de la République Populaire d'Albanie sur la quantité d'or en question. Mais par cette dernière décision également, s'appuyant sur un nouveau prétexte non fondé

./..

A LA LEGATION DE FRANCE

T I R A N A

Tirana.

selon lequel elle aurait été informée que la quantité d'or attribuable à l'Albanie "est revendiquée par des tierces parties et que le litige à ce sujet est en cours de règlement", la Commission a confié provisoirement cette quantité d'or à la garde des Gouvernements des Etats Unis d'Amérique, de la France et du Royaume Uni, en attendant qu'une décision soit prise au sujet de sa livraison.

Le Gouvernement des Etats Unis d'Amérique ne saurait ne pas reconnaître qu'une telle manière d'agir de la Commission Tripartite est infondée, contraire à l'esprit et aux dispositions de l'Accord de Paris et du Statut même de la Commission et, partant, arbitraire.

Bien qu'une période de plus de deux ans se soit déjà écoulée depuis la décision du 9 juin 1958 et malgré les demandes du Gouvernement albanais adressées à cette Commission, la République Populaire d'Albanie n'a pas encore été mise en possession de la quantité d'or qui lui appartient.

Le Gouvernement de la République Populaire d'Albanie s'adresse aux Gouvernements des Etats Unis d'Amérique, de la France et du Royaume Uni et leur demande instamment de prendre les dispositions nécessaires afin que la Commission Tripartite soit à même de remplir régulièrement la tâche qui lui incombe sur cette question, d'exécuter ses décisions réitérées sur la quantité d'or revenant à l'Albanie, en procédant, sans autre retard, au transfert de cette quantité d'or au Gouvernement de la République Populaire d'Albanie.

Le Gouvernement albanais estime que ce faisant, les trois Gouvernements agiront conformément aux dispositions de l'Accord de Paris, justifiant ainsi la confiance témoignée à leur égard par les Etats signataires de cet Accord, dont la République Populaire d'Albanie, lors de la formation de la Commission Tripartite pour la Restitution de l'Or Monétaire.

Le Ministère des Affaires Etrangères de la République Populaire d'Albanie remercie d'avance la Légation de France et saisit cette occasion pour lui renouveler les assurances de sa haute considération.

Tirana, le 18 janvier 1961

Tirana.

this,

GPO 890644

209171

DEPARTMENT OF STATE  
DIVISION OF LANGUAGE SERVICES

(TRANSLATION)

LS NO. 9997  
T-62/R-XVIII  
French

PEOPLE'S REPUBLIC OF ALBANIA

MINISTRY OF FOREIGN AFFAIRS

No. 7104

Enclosure to Despatch #1181

Dated Feb. 21, 1961

From Paris

The Ministry of Foreign Affairs of the People's Republic of Albania presents its compliments to the Legation of France and has the honor to request that it transmit, through the French Government, to the Government of the United States of America the text of the following note:

The Government of the People's Republic of Albania has the honor to inform the Government of the United States of America as follows:

By its decisions of February 16 and June 30, 1948, the Tripartite Commission for the Restitution of Monetary Gold, recognizing that the Albanian Government's request for 2,454.8745 kgs. of fine gold looted by Nazi Germany was fully justified, allocated to the People's Republic of Albania a part, computed on the basis of the amount lost, of the pool of monetary gold established in accordance with Part III of the Paris Agreement of January 16, 1946, to which the People's Republic of Albania is a party. After postponing, on the flimsiest of pretexts, the implementation of these decisions for a long time, the Tripartite Commission, by its latest decision, dated June 9, 1958, confirmed the previous decisions, thereby recognizing once more

the right

French Legation,

Tirana.

GPO 890644

209172

the right of ownership of the People's Republic of Albania to the amount of gold in question. But also by this last decision, on another flimsy pretext that it was informed that the amount of gold due Albania "is claimed by third parties, and that the dispute on this matter is being settled," the Commission entrusted this gold temporarily to the Governments of the United States of America, France, and the United Kingdom for safekeeping pending a decision regarding its delivery.

The Government of the United States of America cannot but recognize that such a procedure by the Tripartite Commission is without basis, is contrary to the spirit and provisions of the Paris Agreement and the terms of reference of the Commission, and is, therefore, arbitrary.

Although more than two years have already passed since the decision of June 9, 1958, despite the requests of the Albanian Government to the Commission, the People's Republic of Albania has not yet been given the amount of gold to which it is entitled.

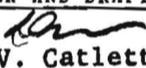
The Government of the People's Republic of Albania urgently requests that the Government of the United States of America, France, and the United Kingdom adopt the necessary decisions to enable the Tripartite Commission to discharge its duty on this matter in a regular manner, implement its repeated decisions regarding the amount of gold accruing to Albania, and proceed without further delay to transfer this amount of gold to the Government of the People's Republic of Albania.

The Albanian Government considers that by doing  
this,

this, the three Governments will be acting in accordance with the provisions of the Paris Agreement, thereby justifying the trust placed in them by the States signatory to that Agreement, including the People's Republic of Albania, when the Tripartite Commission for the Restitution of Monetary Gold was established.

The Ministry of Foreign Affairs of the People's Republic of Albania thanks the Legation of France in advance and avails itself of the occasion to renew to it the assurances of its high consideration.

Tirana, January 18, 1961

Department of State FORM DS-4 1-3-55 <b>TRANSMITTAL SLIP</b>		CLASSIFICATION <b>OFFICIAL USE ONLY</b>	
		DATE January 12, 1961	
TO Department of State		For the Attention of Chester Carre, Esq.	
FROM Amembassy BRUSSELS			
TO THE FOREIGN SERVICE		TO THE DEPARTMENT	
<input type="checkbox"/> For Transmittal to Addressee at the Discretion of Post		<input type="checkbox"/> Dept. Information Only	
<input type="checkbox"/> Post Information Only		<input type="checkbox"/> CERP Publications	
<input type="checkbox"/> Transmit to Foreign Office		<input type="checkbox"/> Enclosure to Previous Despatch	
<input type="checkbox"/> Submit Report		<input type="checkbox"/> Reply to Dept. Request	
<input type="checkbox"/> Reply to the Individual			
<input type="checkbox"/> Transmit to: <input type="checkbox"/> Inform:		(U.S. Agency)	
REFERENCE INT-3617 dtd January 9, 1961 transmitting copies of letters from Bank of England showing Commission's instructions carried out.			
ITEMS/REMARKS For your information.			
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE			
FILE NO.	SIGNATURE  Don V. Catlett		
CLASSIFICATION OFFICIAL USE ONLY	OFFICE U.S. TGC Commissioner		

1192

R

9 January 1961.

WT  
CME

recounts.

FIVE 12.30/D.A. (D. & A.)  
 1961, received from the  
 instructions given in the  
 NY and G/NE/ea-1000, both  
 material's INT-3617 of  
 out.

11.0013 five kilograms.

(sgd) J.A. WATSON

information.  
 information.

22-

21

WF  
GHC

1192  
R

AT- 117  
G/BE/ea

XXXXXXXXXXXX  
XXXXXXXXXXXX

9 January 1961.

Copy to : The Accountants.

Photocopies of letters Ref. FE 13.25/DA.4 (D. & A.) and OOO/493.77, both dated 6 January 1961, received from the Bank of England, showing that the instructions given in the Commission's letters Ref. G/BE/ea-1007 and G/BE/ea-1008, both dated 28 December 1960 (vide the Secretariat's INT-2606 of 28 December 1960) have been carried out.

Wgt : 164,305.991 fine ounces = 5,111.9815 fine kilograms.

(sgd) J.A. WATSON

information.  
information.

END.

PRIVATE & CONFIDENTIAL

Telegraphic Address:  
Ingotism, London.

Please address reply to  
The Chief Cashier (D. & A.)  
and quote the reference

FE.13.25/DA.4

BANK OF ENGLAND,  
LONDON, E.C. 2.

6th January 1961.

The Tripartite Commission for the  
Restitution of Monetary Gold,  
50, Avenue des Arts,  
Brussels.

Gentlemen,

With reference to the Bank's letter (FE.13.25/DA.4) of the 4th January, I write to confirm that the account of Her Majesty's Treasury on account of the Governments of the United States, United Kingdom and France has to-day been credited with the sum of £10,270:10: 2 in respect of the sale of two bars (bars numbered J 28654 and J 28655) containing 808.272 fine ounces of gold.

As a result of this transaction the total of bar gold held by the Bank of England for account of Her Majesty's Treasury on account of the Governments of the United States, United Kingdom and France as at the close of business to-day amounted to 164,353.991, say, One hundred and sixty four thousand three hundred and fifty three decimal nine nine one, fine ounces.

I am, Gentlemen,  
Your obedient Servant,

  
for Chief Cashier.

REPRODUCED AT THE NATIONAL ARCHIVE

graphic Address:  
Agotism, London.

Please address reply to  
The Chief Cashier  
and quote the reference

CCO/493.27

BANK OF ENGLAND,  
LONDON, E.C. 2.

6th January 1961.

The Tripartite Commission for the  
Restitution of Monetary Gold,  
50, Avenue des Arts,  
Brussels.

Gentlemen,

Account: H.M. Treasury o/a The Governments of  
the Unites States, the United Kingdom and France

I write to acknowledge your letter (C/BE/ca-4008) of  
28th December 1960, and to say that in accordance with your  
instructions the sum of £10,000 has to-day been transferred from  
the above-mentioned Account to the Morgan Guaranty Trust Company of  
New York, London, for account of The Tripartite Commission for the  
Restitution of Monetary Gold at their Brussels Office.

I am, Gentlemen,  
Your obedient Servant,

  
Chief Cashier.

209178

WF  
CME

1193  
R

Department of State FORM DS-4 1-3-55 <b>TRANSMITTAL SLIP</b>		CLASSIFICATION <b>OFFICIAL USE ONLY</b> DATE Jan. 11, 1961	
TO Department of State		For the Attention of Chester Carre, Esq.	
FROM Amembassy BRUSSELS			
TO THE FOREIGN SERVICE		TO THE DEPARTMENT	
<input type="checkbox"/> For Transmittal to Addressee at the Discretion of Post <input type="checkbox"/> Post Information Only <input type="checkbox"/> Transmit to Foreign Office <input type="checkbox"/> Submit Report <input type="checkbox"/> Reply to the Individual		<input type="checkbox"/> Dept. Information Only <input type="checkbox"/> CBRP Publications <input type="checkbox"/> Enclosure to Previous Despatch <input type="checkbox"/> Reply to Dept. Request	
<input type="checkbox"/> Transmit to: <input type="checkbox"/> Inform:		(U.S. Agency)	
REFERENCE INT-3614 dtd January 6, 1961 transmitting copy of letter from Bank of England concerning the sale of two gold bars.			
ITEMS/REMARKS For your information.			
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE			
FILE NO.		SIGNATURE  Don V. Catlett	
CLASSIFICATION OFFICIAL USE ONLY		OFFICE U.S. TGC Commissioner	

4 January 1961.

F. FE 13.25/DA.4, dated Bank of England, concerning

Information  
Information

(sgd) J. A. WATSON

100.

WF  
etc

1193  
R

NY- 3614  
G/RE/ea

XXXXXXXXXXXX  
XXXXXXXXXXXX

4 January 1961.

Photocopy of a letter ref. FE 13.32/DA.4, dated  
4 January 1961, received from the Bank of England, concerning  
the sale of two gold bars.

information  
information

(sgd) J.A. WATSON

END.

graphia Address  
ingotism, London.

Please address reply to  
The Chief Cashier (D.&A.)  
and quote the reference

FE 13.25/DA.4

BANK OF ENGLAND.

LONDON. E.C. 2.

4th January 1961.

Tripartite Commission for the  
Restitution of Monetary Gold,  
50, Avenue des Arts,  
Brussels.

Gentlemen,

I have to refer to your letter (C/BE/ca-4007) of the  
28th December 1960 and to inform you that in accordance with your  
instructions the Bank have sold to-day on your behalf for settlement  
on the 6th January two bars containing 808.272 fine ounces of gold.

The proceeds of this sale, namely £10,270:10: 2 will be  
credited under advice to the account of H.M.Treasury o/a the  
Governments of the United States, the United Kingdom and France, as  
shown in detail below.

I am, Gentlemen,  
Your obedient Servant,

*R. J. Hall*  
Chief Cashier

2 bars containing 808.272 fine ounces  
of gold @ 254s.2d. per fine ounce

£10,271:15:10

Less 1/8 per mille commission

1: 5: 8

£10,270:10: 2

DEPARTMENT OF STATE

FOR THE PRESS

MAY 1, 1951

NO. 337

File  
Albania - Italy  
63  
R

**CAUTION  
FUTURE RELEASE  
NOTE DATE**

FOR RELEASE AT 6:00 A.M., E.D.S.T., WEDNESDAY, MAY 2, 1951.  
NOT TO BE PREVIOUSLY PUBLISHED, QUOTED FROM OR  
USED IN ANY WAY.

Representatives of the Governments of France, Great Britain and the United States met in Washington in March to seek a solution of the problem with regard to the distribution of certain looted gold, claim to which has been made by both Albania and Italy. The Gold Commission established by the Tripartite Governments to distribute from the pool recovered gold previously looted by Germany had been unable to reach a conclusion in this particular complicated case.

At the Washington discussions the three Governments signed the attached "Agreement" which is thought to set forth a just and appropriate procedure for the solution of the case. The attached "Statement" explains the circumstances surrounding the two competitive claims and also a connected British claim to the same gold. The latter claim goes back to the Corfu Channel incident.

The State Department is requesting the President of the International Court at The Hague to designate an arbitrator as provided for by the "Agreement".

STATEMENT CONCERNING THE AGREEMENT BETWEEN THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA FOR THE SUBMISSION TO AN ARBITRATOR OF CERTAIN CLAIMS WITH RESPECT TO GOLD LOOTED BY THE GERMANS FROM ROME IN 1943

The Governments of the French Republic, the United Kingdom and the United States, who have under Part III of the Final Act of the Paris Conference on Reparation the duty of distributing monetary gold from the pool formed by the gold found in Germany by the allied forces and recovered from third countries, have found themselves unable at the present time to reach a conclusion with regard to a certain quantity of gold to which claims have been made, both by Albania and by Italy, under paragraph C of Part III of the Paris Act. The three Governments have therefore decided to submit this question to an arbitrator to be selected by the President of the International Court of Justice and to obtain from the arbitrator an opinion whether Albania or Italy, or neither of them, have established a claim to this amount of gold under Part III of this Act. The three Governments have signed an agreement, providing for this reference to an arbitrator, the agreement providing that the arbitrator, before he considers his opinion, shall afford a full opportunity to Albania, to Italy, and to each of the three Governments to submit to him such evidence and legal arguments as they may desire to do. The three Governments will accept the opinion of the arbitrator as decisive on the question of the claims made under Part III of the Paris Act.

If the

-2-

If the opinion of the arbitrator should state that Albania has established a claim under Part III of the Act, the three powers are confronted by another question because both the United Kingdom on the one hand and Italy on the other hand maintain for different reasons that the gold which on this hypothesis falls to Albania under Part III of the Paris Act should be delivered to them.

The United Kingdom maintains that the gold should be delivered to it because it has obtained in the International Court of Justice a judgment against Albania for £843,947 in respect of the deaths of and injuries to members of the British Navy and the loss of and damage to British warships in the Corfu Channel, as a result of an undisclosed mine field, for which the Court held that Albania had a responsibility. This judgment has remained completely unsatisfied, and although discussions have taken place between the British and Albanian agents in the case, Albania has not offered anything more than a token sum in satisfaction of this judgment, and accordingly the discussions between the two agents have been broken off. The United Kingdom contends that in the circumstances, if Albania establishes a claim to the gold under Part III of the Paris Act, it should be delivered to the United Kingdom in partial satisfaction of the judgment of the International Court of Justice against Albania.

Italy also has asserted a claim to the gold involved here, which arises from a matter not covered by Part III, namely, the Albanian Law of January 13, 1945 whereby Albania confiscated without any compensation the assets of the National Bank of Albania, the shares in which were for the most part held by the Italian Government. The gold in question constituted an important asset of the said Bank outside of Albania, and Italy contends that under international law no extra-territorial effect should be given the Albanian Government's confiscation and the gold should be delivered to Italy. In addition Italy asserts a claim to this specific gold based on the provisions of the Italian Peace Treaty. Finally, the effect of the Italian Peace Treaty as regards the respective rights of the interested parties would have to be considered.

The three Governments have agreed that, if the opinion of the arbitrator is that Albania has established a claim under Part III of the Paris Act to 2338.7565 kilograms of monetary gold looted by Germany, they will deliver the gold to the United Kingdom in partial satisfaction of the judgment in the Corfu Channel case unless within 90 days from the date of the communication of the arbitrator's opinion to Italy and Albania either (a) Albania makes an application to the International Court of Justice for the determination of the question whether it is proper that the gold, to which Albania has established a claim under Part III, should be delivered to the United Kingdom in partial satisfaction of the Corfu Channel judgment; or (b) Italy makes an application to the International Court of Justice for the determination of the question, whether by reason of any right which she claims to possess as a result of the Albanian Law of January 13, 1945 or under the provisions of the Italian Peace Treaty, the gold should be delivered to Italy rather than to Albania and agrees to accept the jurisdiction of the Court to determine the question whether the claim of the United Kingdom or of Italy to receive the gold should have priority, if this issue should arise.

The

-3-

The Governments of the French Republic, the United Kingdom and the United States declare that they will accept as defendants the jurisdiction of the Court for the purpose of the determination of such applications by Italy or by Albania or by both.

The three Governments agree to conform in the matter of the delivery of gold with any decisions of the International Court of Justice given as the result of such applications by Italy or by Albania.

-----

AGREEMENT BETWEEN THE GOVERNMENTS OF THE FRENCH REPUBLIC,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE UNITED STATES OF AMERICA FOR THE SUBMISSION TO AN  
ARBITRATOR OF CERTAIN CLAIMS WITH RESPECT TO GOLD LOOTED  
BY THE GERMANS FROM ROME IN 1943.

The Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America (hereinafter referred to as the three Governments),

Whereas Part III of the Final Act of the Paris Conference on Reparation provides:

"A. All the monetary gold found in Germany by the Allied Forces and that referred to in paragraph G below (including gold coins, except those of numismatic or historical value, which shall be restored directly if identifiable) shall be pooled for distribution as restitution among the countries participating in the pool in proportion to their respective losses of gold through looting or by wrongful removal to Germany.

"B. Without prejudice to claims by way of reparation for unrestored gold, the portion of monetary gold thus accruing to each country participating in the pool shall be accepted by that country in full satisfaction of all claims against Germany for restitution of monetary gold.

"C. A proportional share of the gold shall be allocated to each country concerned which adheres to this arrangement for the restitution of monetary gold and which can establish that a definite amount of monetary gold belonging to it was looted by Germany or, at any time after March 12th, 1938, was wrongfully removed into German territory.

"D. The question of the eventual participation of countries not represented at the Conference (other than Germany but including Austria and Italy) in the above-mentioned distribution shall be reserved, and the equivalent of the total shares which these countries would receive, if they were eventually admitted to participate, shall be set aside to be disposed of at a later date in such manner as may be decided by the Allied Governments concerned.

"E. The

209184

"E. The various countries participating in the pool shall supply to the Governments of the United States of America, France and the United Kingdom, as the occupying Powers concerned, detailed and verifiable data regarding the gold losses suffered through looting by, or removal to, Germany.

"F. The Governments of the United States of America, France and the United Kingdom shall take appropriate steps within the Zones of Germany occupied by them respectively to implement distribution in accordance with the foregoing provisions.

"G. Any monetary gold which may be recovered from a third country to which it was transferred from Germany shall be distributed in accordance with this arrangement for the restitution of monetary gold."

Whereas for the purpose of fulfilling their duties under the aforesaid Part III the three Governments established a Commission designated as the Tripartite Commission for the Restitution of Monetary Gold and invited all Governments which desired to make claims under Part III of the Final Act of the Paris Conference on Reparation for a proportionate share of the gold pool to submit their claims to the said Commission;

Whereas in 1943 Germany looted, or wrongfully removed from Rome to German territory, 2338.7565 kilograms of gold;

Whereas Albania claims that the said amount of gold was monetary gold belonging to Albania within the meaning of the aforementioned paragraph C and that in consequence, under the aforesaid paragraph A, Albania should receive a proportionate part of the gold pool referred to in that paragraph;

Whereas Italy claims that the aforesaid amount of gold was monetary gold belonging to Italy within the meaning of the aforesaid paragraph C and that in consequence, under paragraph A, Italy should receive a proportionate amount of the gold pool referred to in that paragraph;

Whereas the Governments of Italy and Albania submitted claims to the Commission as above recited;

Whereas the said Commission considered that the competitive claims of Albania and of Italy involved disputed questions which the Commission felt itself incompetent to determine and accordingly revoked its previous provisional decision on the matter (which previous decision shall now be regarded as a nullity) and referred the said claims to the three Governments for decision; and

Whereas the three Governments consider that the aforesaid claims of Albania and Italy involve disputed questions of law and fact and, in order that they may, in the exercise of their duty under Part III of the Paris Act, carry out the distribution provided for in that Part correctly, they should be assisted by the opinion of an impartial and highly qualified jurist;

Have agreed as follows:

(1) The three Governments request the President of the International Court of Justice to designate as an arbitrator an eminent and impartial jurist, to advise them as to the decision which they should adopt with regard to the aforementioned claims of Albania and of Italy. The emoluments and expenses of

the

the arbitrator shall be defrayed by the Tripartite Gold Commission as a proper charge against the gold pool.

(2) The arbitrator, after taking into account all the facts and all the legal considerations which it is proper for the three Governments to take into account under Part III and bearing in mind that his advice should be consistent with decisions already made in other cases by the Tripartite Gold Commission, is requested to advise the three Governments whether

- (1) Albania has established that 2338.7565 kilograms of monetary gold, which were looted by Germany from Rome in 1943, belonged to Albania, or
- (11) Italy has established that 2338.7565 kilograms of monetary gold, which were looted by Germany from Rome in 1943, belonged to Italy, or
- (111) neither Albania nor Italy has established that 2338.7565 kilograms of monetary gold, which were looted by Germany from Rome in 1943, belonged to either of them.

The arbitrator is requested to furnish his advice in the form of a fully reasoned opinion.

(3) Before submitting his opinion, the arbitrator shall afford to the Governments of Albania and of Italy and to each of the three Governments an opportunity of submitting to him any material, evidence and arguments relating to the questions submitted to the arbitrator which they may respectively desire to submit.

(4) Save as provided in the two preceding Articles, the arbitrator shall determine all questions of procedure, including the manner and the time limits within which evidence and observations may be submitted to him by any Government entitled to do so. Before determining any questions of procedure, he shall convoke a meeting at Brussels of the Agents of all the Governments entitled to submit evidence and arguments to him, and shall hear their views with regard to all questions of procedure. If any Government entitled to do so does not, within thirty days of being invited to do so by the arbitrator, inform the arbitrator of its intention to appoint an Agent and to submit evidence or observations, that Government shall be deemed to have renounced its right to do so.

(5) The three Governments, in exercising their duty under Part III of the Final Act of the Paris Conference on Reparation, will accept the advice given by the arbitrator on the question whether Albania, or Italy, or neither has established a claim to the aforesaid amount of gold.

In witness whereof the undersigned representatives of the three Governments, being duly authorized thereto, have signed the present Agreement.

Done this 25th day of April 1951 at Washington in English and French, both texts being equally authentic, in a single copy which will remain deposited in the archives of the Government of the United States, of which certified copies shall be transmitted by the Government of the United States to the Governments of the French Republic, the United Kingdom, Albania and Italy.

For the Government of the French Republic:  
HENRI BONNET

For the Government of the United Kingdom  
of Great Britain and Northern Ireland:  
OLIVER S. FRANKS

For the Government of the United States  
of America:  
DEAN ACHESON

\* \* \*

Departmental Announcement 650

(Classification DR-CR 1.520)

7-28-47

63  
R

The responsibility for policy-formulation on recovery of looted gold, including directives to the Gold Commission, restitution of looted securities, and special and monetary and banking problems in connection therewith, was transferred to the Division of Financial Affairs (FN).

DECLASSIFIED  
Authority NND 968106  
By TJ NARA Date 5/21/89

Dept

58

DMT-3556  
4/

12 January 1960.

From : The Secretary General

CONFIDENTIAL

To : The Commissioner of the Government of the United States of America

The Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland

(Our telephone conversation of 7 January 1960)

The Commissioner of the Government of the French Republic.

Tables showing the position of the Gold Pool have been circulated, from time to time, in the past, to the Commissioners, for information.

The French Commissioner having asked that such a table should be prepared, to include the recent Portuguese delivery, this work has now been completed, as at 12 January 1960, and copies are enclosed herewith, for the French Commissioner, in accordance with his request, and for the British and American Commissioners, for information.

(sgd) J. A. WATSON.

J. A. WATSON,  
Secretary General.

*copy 1/18/60*

RG 59  
TGC  
NN 3-59-96-59  
Lot 620115  
Box 4  
Folder : TGC  
Position of Gold Pool

Department of State FORM DS-4 1-3-55	<b>TRANSMITTAL SLIP</b>	CLASSIFICATION <b>CONFIDENTIAL</b>
TO Department of State		DATE Jan. 12, 1960
FROM Amembassy BRUSSELS		For the Attention of Chester Carre, Esq.
TO THE FOREIGN SERVICE		TO THE DEPARTMENT
<input type="checkbox"/> For Transmittal to Addressee at the Discretion of Post <input type="checkbox"/> Post Information Only <input type="checkbox"/> Transmit to Foreign Office <input type="checkbox"/> Submit Report <input type="checkbox"/> Reply to the Individual		<input type="checkbox"/> Dept. Information Only <input type="checkbox"/> CBRP Publications <input type="checkbox"/> Enclosure to Previous Despatch <input type="checkbox"/> Reply to Dept. Request
<input type="checkbox"/> Transmit to: _____ (U.S. Agency) <input type="checkbox"/> Inform: _____		
REFERENCE INT-3556 dtd. Jan. 12, 1960 - Tables showing position of the Gold Pool.		
ITEMS/REMARKS  For your information.		
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE		
FILE NO.	SIGNATURE <i>Richard B. Freund</i> Richard B. Freund	
CLASSIFICATION CONFIDENTIAL	OFFICE US TGC Commissioner	

FORM DS-14 4-1-55	DEPARTMENT OF STATE WASHINGTON	DATE 3/31/60
INTERDEPARTMENTAL REFERENCE		
REFERRED TO	Miss Ruth Wenamaker Office of the General Counsel Treasury Department	
RE:	Tripartite Commission for the Restitution of Monetary Gold	
WRITER <input type="checkbox"/> HAS <input checked="" type="checkbox"/> HAS NOT BEEN INFORMED OF THIS REFERENCE		
COMMENTS: Attached for your information are copies of TGC document INT-3556 of January 12, 1960, and enclosure, from the Secretary General to the three Commissioners.  The enclosure is a new table showing the position of the Gold Pool as of January 12, 1960.		
SIGNATURE  Chester M. Carre!		
OFFICE OR DIVISION Chief, Foreign Exch Control Branch International Finance Division		

FORM DS-10 4-1-55	DEPARTMENT OF STATE REFERENCE SLIP	DATE 3/31/60			
TO:	NAME OR TITLE	ORGN. SYMBOL	ROOM NO.	BLOC.	INITIALS
1.	Mr. Maurer	L/E	6420M	NS/E	
2.					
3.					
4.					
5.					
	APPROVAL	NOTE AND FORWARD			
	AS REQUESTED	NOTE AND RETURN			
	COMMENT	PER CONVERSATION			
	<input checked="" type="checkbox"/> FOR YOUR INFORMATION	PREPARE REPLY			
	INITIAL FOR CLEARANCE	SEE ME			
	NECESSARY ACTION	SIGNATURE			
REMARKS OR ADDITIONAL ROUTING  Attached are copies of TGC document INT-3556 of January 12, 1960, and enclosure. The latter is a new table showing the position of the Gold Pool as of that date.  Copies of the attached documents are being sent also to the Treasury Department.					
FROM (NAME AND ORGANIZATION) Chester M. Carre! OED:FN				ROOM NO. AND BLDG. 4820-C NS/E	
SIGNATURE <i>Chester M. Carre!</i>				PHONE NO. 2272	

DECLASSIFIED  
 Authority: NND 98106  
 by: TS NARA Date: 5/21/18  
 201602

Origine de l'Or	Lieu du Dépôt								Total en onces	Total en kilogrammes
	Allemagne - Autriche		Federal Reserve Bank		Bank of England		Banque de France			
	Lingots	Monnaies	Lingots	Monnaies	Lingots	Monnaies	Lingots	Monnaies		
	onces	onces	onces	onces	onces	onces	onces	onces		
<b>Allemagne - Zones :</b>										
(a) américaine	3.783.413,606	3.771.492,0753							7.554.905,6813	234.983,8668
(b) britannique	2.742.642	74.225,193							76.967,835	2.393,9676
(c) française	0,620	121,794							122,414	3,8075
<b>Autriche</b>	2.731,687	135.991,774		3.149,812	2.903,063	647,329			145.423,665	4.523,1822
<b>Bulgarie</b>			644,531	40,107	3.267,271				3.951,909	122,9181
<b>Israël</b>			4.815,541						4.815,541	149,7801
<b>Portugal</b>				1.174,864	128.562,491				129.737,355	4.035,2834
<b>Roumanie</b>					578.700,153				578.700,153	17.999,5893
<b>Grèce</b>			422.953,549						422.953,549	13.193,3278
<b>Belgique</b>			1.659.121,321						1.659.121,321	51.604,4488
<b>Inde</b>					120.243,777				120.243,777	3.740,0001
(B.R.I.)										
<b>Transferts d'Allemagne</b>	3.788.888,555	3.981.830,8363	2.087.534,942	4.364,783	833.676,755	647,329	-	-	10.696.943,2003	332.712,1717
<b>Revente de monnaies en lingots</b>	2.025.657,053	2.222.655,163	18.514,852	2.282,457	2.005.894,380	2.146.022,912	1.247,821	74.349,794	-	-
					4.346,812	- 4.346,812				
<b>TOTAL GENERAL</b>	<b>1.763.231,582</b>	<b>1.759.175,6733</b>	<b>2.106.049,794</b>	<b>6.647,240</b>	<b>2.843.917,947</b>	<b>2.142.323,429</b>	<b>1.247,821</b>	<b>74.349,794</b>	<b>10.696.943,2003</b>	<b>332.712,1717</b>
<b>MONTANT DES LIVRAISONS</b>										
<b>Autriche</b>	2.731,687	135.991,774	396.851,415		556.159,853	521.646,869			1.613.381,598	50.181,7842
<b>Belgique (livré à la France)</b>	1.240.742,109	1.145.325,760	624.878,626		716.243,217	288.530,284	1.247,821	74.243,591	4.091.211,408	127.250,9170
<b>Grèce</b>					815,508	792,022			1.607,530	49,9998
<b>Italie (livré à la France)</b>					463.664,343				463.664,343	14.421,5752
" à l'Italie					424.838,791	269.710,696			694.549,487	21.602,9069
" à la Yougoslavie						269.841,059			269.841,059	8.392,9963
<b>Luxembourg (livré à la France)</b>	26.409,444	24.378,492	11.246,918		16.391,292	7.721,753			86.147,899	2.679,4995
<b>Pays-Bas</b>	491.294,953	453.479,6473	434.256,757		450.110,403	310.136,679			2.139.278,4393	66.539,0068
<b>Tchécoslovaquie</b>			195.289,854						195.289,854	6.074,0077
<b>Yougoslavie</b>	1.656,130				40.162,937	24.650,190			66.469,257	2.067,4252
<b>Divers</b>										
Ventes d'or	369,333		17.243,774		6.640,042				24.253,149	754,3574
Droits garde & manutention					1.852,951			104,508	1.957,459	60,8838
Fonte et essai			14,546		843,650			1,242	859,438	26,7316
Perte à la fusion	27,846				173,380				201,226	6,2588
Achat sacs et divers					54,258				54,258	1,6876
Pièces faussées						5,652		0,453	6,105	0,1899
	<b>1.763.231,502</b>	<b>1.759.175,6733</b>	<b>1.679.775,890</b>	<b>-</b>	<b>2.677.950,625</b>	<b>1.693.035,204</b>	<b>1.247,821</b>	<b>74.349,794</b>	<b>9.648.766,5093</b>	<b>300.110,2277</b>
<b>Saldo au 12 janvier 1960</b>	<b>-</b>	<b>-</b>	<b>426.273,904</b>	<b>6.647,240</b>	<b>165.967,322</b>	<b>449.288,225</b>	<b>-</b>	<b>-</b>	<b>1.048.176,691</b>	<b>32.601,9440</b>

DECLASSIFIED  
Authority: NND 968106  
By: T.J. NARA Date: 5/21/15

001602

DECLASSIFIED  
Authority NND 968106 CONFIDENTIAL  
By TJ NARA Date 5/21/89

6/27/55  
73  
E  
B-1  
A-5

MEMORANDUM

Subject: Remaining Problems in Connection with the Tripartite Gold Commission

I Background

In the Paris Reparations Agreement the Governments of the U.S., France and the U.K. undertook to pool for distribution on a pro rata basis among the victimized countries monetary gold found in Germany or recovered from third countries. In implementation of the relevant provisions of the Paris Agreement, the Three Governments established in Brussels in September, 1946, a Commission known as the Tripartite Commission for the Restitution of Monetary Gold (TGC), whose work is guided by the Terms of Reference published in the Gazettes of the U.K. and France and in the State Department Bulletin of September 27, 1946. All the gold seized by the Three Governments in Germany and Austria plus the gold recovered from third countries was turned over to the pool [which thus obtained an amount of about \$360 million.] This includes gold recovered from Switzerland, Sweden, Rumania, Spain and the Bank for International Settlements. An impending final arrangement with Portugal, depending on an understanding between Portugal and Germany, should yield [an additional \$4½ million in gold which would bring the pool up to about \$365 million.]

B-1  
A-5

Eleven countries have submitted claims [totaling about \$800 million.] After elaborate study of a tremendous amount of documentary evidence and after holding numerous hearings, the Commission has about concluded its deliberations and has submitted suggested draft texts of awards

CONFIDENTIAL

RG 59  
TGC  
NND-59-96-59  
Lot 620 115  
Box 4  
Folder: TGC  
Basic Document

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/21/89

CONFIDENTIAL

awards to the Three Governments for review. [ On the basis of the Commission's recommendations, an amount of about \$550 million in claims (out of the about \$800 million) would be validated. On previous occasions advances were paid out to obviously successful claimants in the amount of about \$290 million which would leave in the neighborhood of \$70 million for final distribution and establishment of reserves for future expenses and legal contingencies. Thus successful claimants will have received about 64 percent on their validated claims. (This quota will be increased later by another two percent when the reserves can be distributed.) ]

B-1  
A-5

II Remaining Problems

The Three Governments are agreed on the desirability of an early liquidation of the looted gold program and the Gold Commission. There remain, however, a few problems which would have to be settled before the final adjudications can be announced and the Commission be liquidated.

These problems are:

[ a) The only remaining recovery outstanding which can be reasonably expected to accrue to the pool is from the Portuguese Accord; every effort should be made to bring the Accord into effect and secure the gold thereunder before the issuance of the individual awards and the final distribution, in order to avoid the need for a second distribution which would entail a considerable amount of work. ]

B-1  
A-5

[ b) Another prerequisite to the liquidation of the Commission is reaching full agreement on the exact text of the adjudications. Such an exact text is formally to be arrived at within the Commission itself. In reality, however, agreement

B-1  
A-5

must be

CONFIDENTIAL

DECLASSIFIED

CONFIDENTIAL

Authority NND 968106By TJ NARA Date 5/21/89

- 3 -

must be reached on a government level since agreed drafts of all adjudications have been submitted to the Three Governments for review and final authorization to their respective Commissioners to proceed with the issuance of the adjudications. While the U.S. Government was prepared to start reviewing the adjudications the French Commissioner, on instruction of his Government, made at the Commission level a number of suggestions as to changes, part of which seem to have been withdrawn since. The remaining changes, as far as can be concluded from unofficial reports from Brussels, still amount to eight different items, of which four concern the various Czech claims and four the Yugoslav claims. The suggested changes touch on questions of basic jurisprudence of the Commission and, moneywise, amount to about \$10 million worth of gold. Since the Commission two years ago went on record that it reached agreement on the adjudications and submitted them for review and approval to the Three Governments, it seems that changes, if any, ought to be agreed upon at government level. The U.S. Government therefore would prefer to receive a definite statement from the French Government as to which of the changes suggested by its Commissioner are still requested by the French Government in order to be able to consider as final the texts of adjudications submitted or to make the necessary changes, if and when agreed upon. The sooner such statement is received from the French Government, the sooner will the Department be able to complete its review of the adjudications and to send the necessary instructions to its Commissioner in Brussels.

B-1

A-5

c) The

CONFIDENTIAL

DECLASSIFIED

Authority NND 968106 CONFIDENTIALBy TJ NARA Date 5/21/89

- 4 -

c) The third prerequisite is, as already indicated to the British and French Embassies in Washington, the reaching of complete agreement with respect to the wording of a paragraph in the "Announcement" explaining the delay in the issuance of the Czech adjudication.

B-1  
A-5

III Issuance of "Announcement", Adjudications and Other Essential Documents by the Tripartite Gold Commission

After the problems listed in II above have been solved, the following steps would have to be taken:

(1) The documents listed below would have to be formally agreed upon by the Three Governments:

a) The "Announcement". The text transmitted in the British Embassy Aide Memoire of July 5, 1954, appears acceptable to the U.S. Government subject to reaching complete understanding on the paragraph on Czechoslovakia.

B-1  
A-5

DECLASSIFIED

CONFIDENTIAL

Authority NND 968106  
By TJ NARA Date 5/21/77

- 5 -

composition of the pool and the sources where the gold came from including an account of negotiations with neutrals. It is understood that a "Statement on the Negotiations with Neutrals" is being prepared by Mr. Abbott, formerly with the British Government. The Department is of the opinion that this statement should rather be called a "Statement of the Sources of the Pool" and not be too elaborate in its narration of our negotiations with the neutrals, in order to avoid unnecessary irritation of nations which are now associated with the Three Governments in vital international organizations. It should not contain any criticism of either Germany or the neutral countries. An exception might be warranted in the case of Portugal if, contrary to expectation, we do not reach a settlement by the time the "Announcement" is made. It may be therefore advisable to suggest to Mr. Abbott to revise his story accordingly.

(2) Publication of the "Announcement", but not the text of the adjudications, in the London Gazette, Journal Officiel de la Republique Francaise and in the State Department Bulletin would be advisable. It is felt that there is no need, for the reasons mentioned above to issue a press release in addition to the official publications of the "Announcement."

(3) When complete agreement is reached on the text of the documents listed above, the Three Governments would simultaneously instruct their Commissioners to go ahead immediately with the issuance of these documents, with the delivery of the gold balances to the recipient

governments,

CONFIDENTIAL

DECLASSIFIED

Authority NND 968106

CONFIDENTIAL

By TJ NARA Date 5/21/89

governments, and with setting aside those shares which will remain in the custody of the Three Governments pending final settlement, that is, the shares of Albania, Danzig and Czechoslovakia.

IV Liquidation of the Commission and Post-Liquidation Provisions

After completion of the work described in Section III the Commission could be dissolved since the remaining activities could be performed by a liquidator designated by the Three Governments. The liquidator would receive his instructions from the Three Governments which would act through their designated representatives, which could be the economic counselors of the Embassies at Brussels of the Three Governments or officers of the three respective Foreign Offices acting vis-a-vis the liquidator as a body. The activities of this body would consist only of disposing of the three "shelved" cases (Albania, Danzig and Czechoslovakia) and a tail-end distribution of reserves when no longer needed plus possible accruals such as from a belated Portuguese settlement. The recent Swedish accrual should be distributed at the impending main distribution.

B-1  
A-5

The only difficulty which might theoretically speak against the liquidation of the Commission might be the unfinished case of Czechoslovakia. This difficulty could possibly be overcome by having the Commission meet after the distribution to agree on the Czech claims and send the adjudication they have formally arrived at to the Three Governments for review and issuance in due time.

Clearance:                    L/E                    EE                    WE

OPD:FN:OFFletcher:uay  
June 27, 1955

CONFIDENTIAL

*File TGC acct with B.O.E 175*  
*Platcher*  
200.6241- Gold  
/11-354

Air Mail  
PRIORITY

LIMITED OFFICIAL USE  
(Security Classification)

DO NOT TYPE IN THESE SPACES

FOREIGN SERVICE DESPATCH

FROM : U.S. Commissioner, TGC  
AmEmbassy BRUSSELS

**CONFIDENTIAL**

TO : THE DEPARTMENT OF STATE, WASHINGTON.

November 2, 1954 <sup>5</sup>

REF : Department's Instruction A-6, July 9, 1954; Embassy despatch  
125, August 11, 1954

For Dept. Use Only 23	ACTION	INFORMATION	<b>DENY</b>
	REC'D	OTHER	
	<i>11-8</i>	<i>CC/R-2 EUR-5-4-2 ONI-6</i> <i>CIH-5 TR-3</i>	

SUBJECT: Current Account to be Opened with Bank of England for use of Tripartite Commission for the Restitution of Monetary Gold

It will be recalled that last July the Department expressed its preference that the next sale of gold bars necessitated by the lack of funds at the disposal of the Gold Commission, for operating expenditures, should take place in London from the deposit with the Bank of England. The U.S. Gold Commissioner took up this subject with the Secretary General of the Tripartite Commission in August and the results of this discussion were reported in my despatch No. 125. Since that time the Secretary General has pursued this matter and, having laid the necessary groundwork in London, is now instructing the Bank of England on behalf of the three Commissioners to open a current account in the Bank of England which will permit in the future, when necessary, the sale of gold bars from the account of the three Governments in London and the use of those funds by the Commission.

There is enclosed a copy of the Secretary General's letter of October 30 (INT-2810) regarding this matter, together with an instruction addressed to the Chief Cashier of the Bank of England. I signed this instruction as Commissioner of the Government of the United States of America today.

DEPARTMENT OF STATE A/GDC/MR

REVIEWED BY *N. Smith* DATE *7/9/86*  
*Upgraded to Conf., OADR*

RDS  or XREF EXT. DATE \_\_\_\_\_  
 TS AUTH. *MSD* REASON(S) \_\_\_\_\_  
 ENDORSE EXISTING MARKINGS   
 DECLASSIFIED  RELEASABLE   
 RELEASE DENIED  (A-1), (A-3.5)  
 PA or FOI EXEMPTIONS \_\_\_\_\_

*[Signature]*  
 Charles W. Adair, Jr.  
 United States Commissioner  
 Tripartite Commission for the  
 Restitution of Monetary Gold

Enclosure:  
 Letter from Gold Commission  
 (INT-2810), dated 10/30/54  
 w/1 enclosure (Copy).

**CONFIDENTIAL**

CWAadair/gw

LIMITED OFFICIAL USE

*RG 59*  
*TGC*  
*Lot 62015*  
*Box 5*

209137

RG 59 General Records of the  
Department of State

Office of Financial Operations (E/OFE/FN)

RECORDS RELATING TO THE TRIPARTITE  
COMMISSION FOR THE RESTITUTION OF  
MONETARY GOLD 1942-1962

Accounts Established - Minutes of the  
Gold Commission

NN3-59-6-59 Lot 62D115 Box 5

91M

of

LIMITED OFFICIAL USE  
(Classification)

Page 1 of  
Encl. No. 1  
Disp. No. 393  
From BRUSSELS

COPY

COMMISSION TRIPARTITE  
POUR LA RESTITUTION DE L'OR MONETAIRE  
TRIPARTITE COMMISSION  
FOR THE RESTITUTION OF MONETARY GOLD  
50, Avenue des Arts  
Bruxelles

CONFIDENTIAL

INT-2810  
C/BE-ca.

30 October 1954.

From: The Secretary General

To: The Commissioner of the Government  
of the United States of America

The Commissioner of the Government  
of the United Kingdom of Great  
Britain and Northern Ireland

The Commissioner of the Government  
of the French Republic.

Copy to: Monsieur A. Zipcy.

The American Commissioner has suggested, at the request of his Government, that some, at least, of the Commission's administrative expenditure, which has, hitherto, been drawn from the Federal Reserve Bank of New York, should be drawn from the Bank of England.

I spoke to the Chairman about this matter when I visited him recently in London and he has arranged for Her Majesty's Treasury to send a letter to the Bank of England requesting the Bank to open a current account in the name of the three Governments.

I enclose copy of a letter to the Bank of England, which I have drawn up in agreement with the Bank, containing the necessary confirmation and instructions, which I propose to submit to the Commissioners for signature.

The original of this letter is enclosed, in the first instance, in the envelope addressed to the Chairman, for his

CONFIDENTIAL

LIMITED OFFICIAL USE

RG 59  
TGC  
Lut 62A 115  
1307 5

209199

No. \_\_\_\_\_ of \_\_\_\_\_

LIMITED OFFICIAL USE  
(Classification)

Page 2 of  
Encl. No. 1  
Disp. No. 393  
From Brussels

**CONFIDENTIAL**

signature, if approved and it will then be submitted to the American and French Commissioners, for their signatures, if approved.

J. A. WATSON,  
Secretary General.

enc.  
JAW/as.

**CONFIDENTIAL**

[Redacted]

RG. 59  
TGC  
Lot 620115  
Box 5

209200

No. \_\_\_\_\_

LIMITED OFFICIAL USE  
(Classification)

Page 3 ofEncl. No. 1Desp. No. 393From BrusselsCOPY

C/BE-ca

**CONFIDENTIAL**

The Chief Cashier,  
The Bank of England,  
Threadneedle Street, London, E.C.2.

Sir,

We have the honour to refer to the letter reference Of/46/209/013, which was addressed to the Governor and Deputy Governor of the Bank, on 6 October 1954, by the Lords Commissioners of Her Majesty's Treasury, requesting that a current account should be opened in the name of Her Majesty's Treasury on account of the Governments of the United States, the United Kingdom and France.

We hereby confirm this request and we should be obliged if the Bank would kindly sell, at current London market rates, about 800 (eight hundred) Troy ounces of bar gold from the three Governments' bar gold account with the Bank and credit the proceeds of this sale to the above-mentioned current account.

The general conditions governing the operation of the latter account are laid down in the letter from the Lords Commissioners of Her Majesty's Treasury.

We propose to withdraw a lump sum from this account, about every three months, for the purpose of meeting the Commission's administrative expenditure, in Belgian francs, in Brussels.

We may also find it necessary, subject to the Bank having no objection, to draw directly on this account for the purpose of meeting exceptional expenditure but this would be a rare occurrence and we foresee no such expenditure for the moment.

We hereby authorize the Bank to debit to this account, should it desire to do so, all charges, including safe-custody charges, due under standing arrangements between the Bank and the Commission, which are at present met by draws from the three Governments' bar gold account.

**CONFIDENTIAL**

LIMITED OFFICIAL USE

RG 59  
TGC  
Lot 620 115  
Box 5

209201

LIMITED OFFICIAL USE

(Classification)

Page 4 of  
Encl. No. I  
Desp. No. 393  
From Brussels

**CONFIDENTIAL**

The account will be fed by means of sales of gold, as and when necessary, from the bar gold account of the three Governments.

We have the honour to be,  
Sir,

Commissioner  
of the Government  
of the United States  
of America.

Commissioner  
of the Government  
of the United  
Kingdom of Great  
Britain and  
Northern Ireland.

Commissioner  
of the Government  
of the French  
Republic.

JAW/as.

**CONFIDENTIAL**

CONFIDENTIAL

RG 59  
TGC  
Lot 020115  
Box 5

209202

T6 Case B.O.S

Air Rouch

LIMITED OFFICIAL USE  
(Security Classification)

DO NOT TYPE IN THIS SPACE

FOREIGN SERVICE DESPATCH

U.S. Commissioner,  
AmEmbassy BRUSSELS

CONFIDENTIAL

EXCISE

1-1754

179

FROM : U.S. Commissioner,  
AmEmbassy BRUSSELS

TO : THE DEPARTMENT OF STATE, WASHINGTON.

REF : Department's Instruction A-6, July 9, 1954.

August 11, 1954

DEPARTMENT OF STATE A/CDC/MR

67 For Dept. Use Only	ACTION	DEPT.
	REC'D	OTHER
	E-4	CIA-2, EUR-5, L-2, OLT-6
	6/14	CIA-5, TR-3

REVIEWED BY *[Signature]* DATE 7/9/86

TS AUTH. *[Signature]* REASON (3)

ENDORSE EXISTING MARKINGS

DECLASSIFIED  RELEASE

RELEASE DENIED  IN PART

PA or FOI EXEMPTIONS (b-1) (A-3,5)

SUBJECT: Sale of Gold Bars for Account of the ~~United States~~ Gold Commission.

1. In the reference instruction, the Department indicated there was no objection to the sale of two gold bars if and when additional funds were needed. The Department suggested that the British and French Commissioners' signatures to the sale order be obtained first in order to enable the undersigned to look into the subject personally upon arrival in Brussels. The Department further stated a preference that the next sale of bars necessitated by lack of funds take place in London from the deposit with the Bank of England. In conversation with Mr. Otto FLETCHER, I agreed to explore the feasibility of the latter with the Secretary General of the Gold Commission.

2. Upon arrival in Brussels I received an urgent call from Colonel WATSON informing me that the Commission's drawing account was nearly depleted. In order to restore the customary operating balance, the sale of the gold bars was now a matter of urgency, although the situation had not been pressing on June 16 when the first request was made. In the meantime Colonel Watson had obtained the signatures of the British and French Commissioners to the sale order.

3. I raised with Colonel Watson the question of gold sales from the Bank of England deposit, pointing out that all previous sales had been from the deposit with the Federal Reserve Bank, with the result that the discrepancy between gold deposits in the three banks was increasing. Colonel Watson indicated that this question had not been raised before but that he personally saw no objection in principle. He believed, however, that certain problems would be presented, e.g. the Commission had no account in the Bank of England corresponding to its dollar account in the Federal Reserve Bank. He expressed complete willingness to explore the matter with the Chairman of the Commission and the Bank of England. He requested, on the other hand, that the United States not insist on the change in locale of gold sales at this particular time when funds were badly needed, because the change would almost certainly involve

CWADAIR/gwr

LIMITED OFFICIAL USE

CONFIDENTIAL

INFORMATION COPY

Retain in divisional files or destroy in accordance with security regulations.

RA 59  
TAC  
Lot 62015  
Box 5

209203

**LIMITED OFFICIAL USE**

(Classification)

Page \_\_\_\_\_ of \_\_\_\_\_

Encl. No. \_\_\_\_\_

Desp. No. \_\_\_\_\_

From \_\_\_\_\_

The period of time to effect.

**CONFIDENTIAL**

In view of the foregoing and the fact that the question of the London deposit was not raised with Colonel Watson at the time the United States suggested that signatures on the sale order first be obtained from the British and French commissioners, I felt it advisable to approve the sale of two gold bars without further delay. Copies of the Secretary General's letters to the Federal Reserve Bank of New York are enclosed herewith.

5. Colonel Watson has since raised the question of selling from the Commission's gold deposit in London with the Chairman of the Tripartite Commission. There is enclosed a copy of a letter, dated August 7, 1954, which I have received from Colonel Watson pertaining to the Chairman's reply.

*Charles W. Adair, Jr.*  
 Charles W. Adair, Jr.  
 United States Commissioner  
 Tripartite Commission for the  
 Restitution of Monetary Gold

**Enclosures:**

1. Copy of ltr to  
Federal Reserve Bank,  
8/3/54. (C/FRB-2587)
2. Copy of ltr to  
Federal Reserve Bank,  
8/3/54. (C/FRB-2588)
3. Copy of ltr fr  
Col. Watson, 8/7/54.  
(INT- C/BE-)

**CONFIDENTIAL****LIMITED OFFICIAL USE**

RG 59  
 TGC  
 64-620 115  
 Box 5

209204

UNCLASSIFIED  
(Classification)

Page 1 of 1  
Encl. No. 1  
Desp. No. 125  
From Brussels

**CONFIDENTIAL**

3 August 1954.

Federal Reserve Bank of New York,  
Federal Reserve P.O. Station,  
New York 45, N.Y. - U.S.A.

Gentlemen,

Kindly select two bars, of medium weight, among the gold bars which you are holding for the Commission's account, sell these two bars at current rates and credit the proceeds of the sale to the Commission's dollar account with you.

Yours faithfully,

(s) ADAIR

(s) R. WINGATE

(s) LANSON

The Commissioner  
of the Government  
of the United States  
of America

The Commissioner  
of the Government of  
the United Kingdom of  
Great Britain and  
Northern Ireland

Deputy Commissioner  
of the Government  
of the French  
Republic

(A)(1), (a)(3)

**CONFIDENTIAL**

[Redacted box]

RA 59  
TAC  
Lot 620 115  
Box 5

209205

**UNCLASSIFIED**

(Classification)

Page 1 of 1

Encl. No. 1

Disp. No. 125

From Brussels

**CONFIDENTIAL**

3 August 1954

Federal Reserve Bank of New York  
Federal Reserve P.O. Station,  
New York 15, N.Y., U.S.A.

Gentlemen,

Please transfer the nearest equivalent in dollars to 1,000,000 (one million) Belgian Francs to the Commission's account at the Guaranty Trust Company of New York in Brussels.

Yours faithfully,

(A)(1)(1)(3)

(s) ADAIR

Commissioner of  
the Government of  
the United States  
of America.

(s) WINGATE

Commissioner of  
the Government of  
the United Kingdom  
of Great Britain  
and Northern Ireland.

(s) LANSON

Deputy Commissioner  
of the Government  
of the French  
Republic.

Copy to: The Guaranty Trust Company of New York,  
27, Avenue des Arts, Brussels, Belgium.

JAW/JD

**CONFIDENTIAL**

RA 59  
TGC  
Lot 62015  
3085

209206

CONFIDENTIAL

COMMISSION TRIPARTITE  
POUR LA RESTITUTION DE L'OR MONETAIRETRIPARTITE COMMISSION  
FOR THE RESTITUTION OF MONETARY GOLD50, Avenue des Arts  
BruxellesINT-  
C/BE-

7 August 1954.

Mr. Charles W. Adair, Jr.,  
Economic Counsellor,  
American Embassy,  
Brussels.

Dear Mr. Adair,

I am writing, informally, to say that I have heard from the Chairman regarding the matter we discussed last Monday.

He says that the point you raised is a somewhat difficult one and requires a very careful examination which he will undertake, personally, with the Treasury and appropriate authorities, on his return from Ireland about the 24th of this month.

He points out that all the gold, wherever it is, with the exception of the administrative "first charge", is destined for other persons. Directly the announcement is made, the gold accounts will be reduced to nothing more than the reserve for certain cases and a very minute amount for administration. It is the Bank of England, as the largest holder, which will be drawn upon. Therefore, if the announcement is made soon, the problem will not arise.

In the second place, the gold account at the Bank of England is on an altogether different footing to the gold account at the Federal Reserve Bank of New York. The former is in the name of the three Governments, the latter is in the name of the Commission.

CONFIDENTIAL

RG 59

TGC

Lot 620 115

Box 5

209207

[Redacted Box]

(Classification)

Page 2 of 3  
Encl. No. 3  
Desp. No. 125  
From Brussels

**CONFIDENTIAL**

... the third place, the actual Metropolitan regulations  
... the sale of gold in the United Kingdom and the transfer  
... the proceeds to Brussels need examination.

Yours sincerely,

J. A. WATSON

J. A. WATSON,  
Secretary General.

(Handwritten signature/initials)

JAW/JD

RG 57  
TAC  
Lot 620115  
Box 5

209208

FOREIGN SERVICE DESPATCH

EXCISE

200/6241-Gold/7-2953

FROM: US COMMISSIONER, TGC  
AMEMBASSY, BRUSSELS  
TO: THE DEPARTMENT OF STATE, WASHINGTON. - MN  
REF:

For Dept. Use Only	ACTION <b>E</b>	DEPT. I N F O	REP EUR - CER OLI L
Use Only	REC'D	OTHER	TR OAP
Use Only	<b>AUG 3</b>		

SUBJECT: 129th Meeting, TGC for the Restitution of Monetary Gold

12  
181

JULY 29, 1953  
DATE  
DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *ADK Smith* DATE *7/30/53*

RDS  or XDS  TEXT DATE  
TS AUTH. *Moore* REASON(S)

ENDORSE EXISTING MARKINGS

DECLASSIFIED  RELEASABLE  *in part*

RELEASE DENIED  IN PART

PA or FOI EXEMPTIONS *b(1), (3), (5)*

There is attached hereto a copy of the Agenda for the 129th meeting of the Tripartite Gold Commission held July 24, there being present the U.K. Commissioner (Chairman), Sir Ronald Wingate; the French Commissioner, M. Henry Spitzmuller, and Alternate Delegate Jacques Lanson; and U.S. Commissioner, Mr. Homer S. Fox. The minutes of the meeting will be transmitted as soon as prepared and approved. In the meantime, one or two comments may be of interest to the Department.

With regard to the Salzburg Gold, it was agreed to instruct the Secretary General to make the appropriate bookkeeping adjustments to show this gold as having been added to the Pool and restituted to Austria as part payment on the final accounting. This, of course, is in accordance with the decision on the matter reached at the Tripartite Gold Meeting in Washington in January (Document MGA D-4, January 27, 1953.)

On the Yugoslav claims, the Commission's adjudication on the claim for 117.55263 Kgs. of fine gold was approved. As regards the so-called "Bor Mines Gold", the French Commissioner stated that he still had no final word from his Government regarding their attitude as to the portion which had been looted in France and for which no compensation had been received by the Bor Mines Company. However, it was agreed that the Chairman and the Secretary General would proceed to draft an adjudication approving all three sections of this claim.

There was considerable discussion of the position of the Commission regarding the claims of Albania and Italy to the gold looted in Rome from the Bank of Albania, in the light of the arbitrator's opinion and also incidentally in the light of the reference by Italy to the International Court. The Chairman expressed the view that it was in the exclusive jurisdiction of the Commission to allocate the gold and that his Government was in agreement with this point of view. While the arbitrator appointed by the three Governments had rendered an opinion, neither he nor the Governments, according to the Chairman's view, could proceed with the allocation of the gold. As regards the reference by Italy to the International Court, this was not an appeal against the opinion of the arbitrator, but was rather an appeal against the agreement of the three Governments to deliver the gold to the U.K. It was a request for a determination that Italy had a prior claim (to that of the U.K.) to the gold, and whatever the opinion of the International Court, it would not affect the conclusions of the arbitrator. It was the Chairman's opinion, therefore, that the Commission should proceed with the drawing up of the adjudication which would, in the light of the decision of the three Governments, be to accept the arbitrator's conclusions, awarding the gold to Albania. The U.S. Delegate raised some questions

HSFox:Set REPORTER

CONFIDENTIAL  
SECURITY INFORMATION

INFORMATION COPY  
Retain in divisional files or destroy in accordance with security regulations.  
THE ABOVE INSTRUCTION APPLIES TO THE DEPARTMENT ONLY

*all 8/6*

*RG 59  
TGC  
Lot 620115  
Box 5*

209209

Page \_\_\_\_\_ of  
Desp. No. 412  
From BRUSSELS

~~CONFIDENTIAL~~  
~~SECURITY INFORMATION~~  
(Classification)

Page \_\_\_\_\_ of  
Encl. No. \_\_\_\_\_  
Desp. No. \_\_\_\_\_  
From \_\_\_\_\_

as to whether the Commission had not turned over all of its jurisdiction in this case to the three Governments and as to whether it could recover any jurisdiction in the matter except on specific instructions from the Governments. Without finally settling the point it was agreed that the Chairman and Secretary General should proceed to draw up a draft adjudication on the basis of the arbitrator's award. The Department's views on this matter would be greatly appreciated. (A)(1)(4)(5)

The Chairman had opened the meeting by pointing out that the whole area of reparations, including gold problems, was being rapidly closed out, particularly with the development of events in Germany. He thought that every effort should be made to close out the work of the Commission at the earliest possible date.

The U.S. Commissioner agreed that as far as reparations were concerned, events in Germany would probably bring about a fairly early conclusion. However, in the case of the Gold Commission, there were certain pending legal actions, etc. which might well prevent any early finalizing of the Commission's work, although there was no reason why the drawing up of the remaining adjudications, etc. should not be proceeded with as rapidly as possible. In this connection, the Department's attention is invited to the fact that a number of adjudications originally considered as "final" have been redrafted to a greater or less degree, partly to correct errors and inconsistencies and partly merely as a matter of improved drafting. The Chairman and the Secretary General have taken advantage of the rather long delay in reaching a final conclusion on some points to improve the adjudications in these respects. Consequently, there are a number of adjudications which have not been reviewed by the Department in their present form, although for the most part, there has been no material change from the drafts which the Department has seen. This is a point which the Department may, at the appropriate time, wish to consider as to whether there should be a cut-off date beyond which no further changes should be made and, second, whether the Department wishes to make a final review of the adjudications before the Commission's announcement is made. Any guidance which the U.S. Commissioner may receive on this point will be most helpful.

*Homer S. Fox*

Homer S. Fox  
United States Commissioner  
Tripartite Commission for the  
Restitution of Monetary Gold.

Enclosure:

Copy of Agenda for 129th  
Meeting of Commission.

RG 59 |  
TGC  
Lot 620115  
Box 5

209210

~~CONFIDENTIAL~~  
~~SECURITY INFORMATION~~

~~CONFIDENTIAL~~  
~~SECURITY INFORMATION~~

COPY

AGENDA

TRIPARTITE COMMISSION FOR THE  
RESOLUTION OF MONETARY GOLD

129th Meeting

to be held in the Commission's Committee Room  
on 23 or 24 July 1953, immediately after the  
Meeting of the Inter-Allied Reparation Agency

1. Review of the situation concerning :

- a) The Commission's adjudication on the claim of the Government of Austria :  
Salzburg gold :  
INT-2544 - 25 March 1953.  
128th Meeting - Item 2.  
INT-2559 - 21 April 1953  
INT-2565 - 5 May 1953  
INT-2566 - 5 May 1953  
INT-2567 - 5 May 1953  
INT-2572 - 11 May 1953
- b) The Commission's adjudication on the claim of the Government of Yugoslavia :  
INT-2526 - 4 March 1953
- c) The claims of the Governments of Italy and Albania before the Commission, the arbitral opinion regarding the competing claims of these two Governments to the gold which was looted from Rome in 1943 and the action by Italy against the three Governments, pending before the International Court.
- d) The Minister of Albania's letter (connected with c). above), dated 14th March 1953 :  
INT-2547 - 30 March 1953.

(1), (a) (5)

2. Consideration of the present situation in regard to the "Dollfus  
Mieg Bares"

126th Meeting - Min. 6

3. Statement regarding gold from Portugal

4. Other points (among which may figure the question of the reply to be  
addressed to a private claimant resident in Belgium).

INT-2594 - 7 July 1953

INT-2597 - 3 July 1953

~~CONFIDENTIAL~~  
~~SECURITY INFORMATION~~

RG 59  
TGC  
Lot 620115  
Box 5

209211

187  
R

## CONFIDENTIAL SECURITY INFORMATION

EMBASSY

MADRID

Subject: German Embassy Gold

As you will recall, there are in the custody of the representatives in Madrid of the Tripartite Governments a) 322 miscellaneous gold coins seized from the German Embassy at Madrid at the time Germany's surrender, and b) 20 kgs. of gold deposited with the U. S. Embassy in Madrid on March 14, 1946 by the German firm "Carbones de Tenerife S. A." The Department has been informed by the British Embassy in Washington that the latter gold seems to be also German Government property sent to Spain for finances and supplies for German ships during the war under the auspices of the German Naval Attache.

After protracted conversations, the British have accepted our suggestion, supported by the French, that the gold in question should be turned over to the Tripartite Gold Commission in accordance with the Paris Reparation Agreement, Part III. According to the British, the Spanish authorities do not know about this gold and consequently the gold should be dispatched in a discreet manner.

You are requested to make ready the aforementioned two lots of gold for shipment to the Department from where they will be transmitted to the Federal Reserve Bank, New York for the account of the Tripartite Gold Commission there.

To that effect you are informed that the material should be addressed to "Chief, Diplomatic Mail and Courier Branch, DC/P, Department of State, Washington, D. C." and dispatched by courier pouch.

The Embassy is also requested to inform the Department by Wiro of registration numbers, pouch and invoice numbers upon dispatch.

OPD:MH:OFFletcher:ib 4/4/52

ME - Mr. Tesoro  
DC/P - Mr. S. E. Louie  
Treas. - (in substance)

CONFIDENTIAL SECURITY INFORMATION

RQ 59  
TGC  
Lot 620115  
Box 5

209212

CONFIDENTIAL

~~Mr. [unclear]~~ 188  
OFF PB  
Nov. 13-1951

Ricog, FRANKFORT 2958  
Ambassy BRUSSELS for FOX 691

Re: UNTEL 9824 JUN 5, DEPTTEL 8477 JUN 13, 176 to Brussels,  
rpt Frankfort 932, AUG 6.

Desire about \$1.5 million monetary gold collected AMER zone be made ready  
for early shipment FED RES NY ACCT TGC.

FED RES NY prepared accept gold deposit after receipt from TGC INSTES to  
accept shipment with full description of gold, namely NR of bags, NR of bars  
and/or coins contained in each bag, AMT of fine ounces total, means of trans-  
portation to be used, date of arrival and statement as to payment of freight  
and coverage of insurance (whether from door to door), and whether gold is to  
be earmarked as is or melted into standard bars; finally authorization from  
TGC to debit their ACCT for necessary expenditures.

You are requested furnish TGC above data soonest so as to enable them send  
necessary INSTES FED RES NY.

(Suting)

OPD:RE:OFFletcher:lb 11/13/51

Otto F. Fletcher

GEA  
Treasury

CONFIDENTIAL

RG 59  
TGC  
Lot 620.115  
Box 5

209213

194  
R

October 5, 1951

E - Mr. Williard L. Therp

OPD - L. D. Stinebower

Tripartite Gold Commission establishment of an account with the Bank of France.

The Tripartite Gold Commission is holding the bulk of its undistributed gold at the Bank of England and a smaller portion at the Federal Reserve Bank of New York. Upon recent request by the French Government, the US and UK Governments agreed to have an impending accrual to the gold pool, namely <sup>A 2.6 million</sup> gold, recovered in the British Occupation Zone in Germany, delivered to the Bank of France. To that effect a new account in the name of the Tripartite Governments has to be established at that bank.

For technical reasons, mainly to secure quasi-extraterritorial rights for this account, the French Embassy suggests that a document with the signature of the competent authority and with an official seal be made available to the Bank of France to confirm the establishment of this official deposit and to name an accredited agent for it.

It is recommended that you sign the note attached to the third person note of reply and initial the original of the third person note.

Enclosures: As stated above.

DEPARTMENT OF STATE	
RECEIVED BY <u>EC</u>	DATE <u>3/27/85</u>
FILE <input type="checkbox"/> or XERO <input type="checkbox"/> EXT. DATE _____	REASON(S) _____
EXEMPT FROM INDEXING <input type="checkbox"/>	MARKINGS <input type="checkbox"/>
DECLASSIFIED <input checked="" type="checkbox"/>	RELEASABLE <input checked="" type="checkbox"/>
RELEASE DENIED <input type="checkbox"/>	
PA or FOI EXEMPTIONS _____	

OPD:MN:OFFletcher:ib 10/5/51

L/E WE L/T

RG 59  
TGC  
Lot 62015 209214  
Box 5

Oct. 11-1951

Excellency:

In conformity with the agreements reached between the Govern-  
 ment of the United States of America, the Government of the United  
 Kingdom of Great Britain and Northern Ireland, and the Government  
 of the French Republic, my Government has the honor to confirm to  
 you, for its part, its approval and authorization of the deposit in  
 the Bank of France of certain amounts of gold collected in applica-  
 tion of the provisions of Part III of the Paris Agreement on  
 Reparation from Germany, the Establishment of an Inter-Allied  
 Reparation Agency, and the Restitution of Monetary Gold, signed at  
 Paris on January 14, 1946.

The deposit is to be made to an account entitled:

"Government

His Excellency

Henri Bonnet

Ambassador of the French Republic

RG 59  
TGC  
RG 620115

But 3

209215

- 2 -

"Government of the United States of America, Government of the United Kingdom of Great Britain and Northern Ireland, Government of the French Republic, jointly and indivisibly (Agreement of January 14, 1946 and French Ministerial Arrêté of September 27, 1946)."

The authorized agent of the Government of the United States of America accredited to the Bank of France for all matters concerning this account, including the signatures of all documents in the name of that Government, will be Mr. Homer S. Fox, a certified specimen of whose signature will be transmitted to the Bank of France through the appropriate channels.

I should appreciate it if you would see that these instructions are transmitted through your Government to the Governor of the Bank of France.

Accept, Excellency, the assurances of my highest consideration.

For the Secretary of State:

OFD:MM:OFFletcher:ib

10/5/51

L/E

MB

L/T

209216

RG 59  
TGC  
Lot 62015  
Box 5

Return 077  
Room 615  
JA-7

Oct. 11 - 51

The Department of State acknowledges the receipt of note No. 524 dated September 20, 1951 from the Embassy of the French Republic regarding the establishment of a gold deposit in the name of the Tripartite Governments in the Bank of France at Paris.

In accordance with the request made in the aforementioned note, the Department transmits a note in the exact language of the text suggested by the Embassy's note. The seal of the Department has been affixed to a copy of the note for the use of the Bank of France. It is hoped that this document will serve the particular purpose of the Bank.

Enclosures:

Documents.

Department of State,

Washington,

209217

RG 59  
TGC  
Lot 62015  
Box 5

019 0  
195  
R

DEPARTMENT OF STATE  
DIVISION OF LANGUAGE SERVICES

(TRANSLATION)

TC NO. 42017  
T-3/R-XV  
FRENCH

EMBASSY OF FRANCE  
IN THE UNITED STATES

PF/ChB

Washington, September 20, 1951

No. 524

The Embassy of France in the United States presents its compliments to the Department of State and has the honor to inform it of the following:

On August 10, the Department of State was good enough to notify this Embassy of the agreement of the Government of the United States of America to the deposit in the Bank of France at Paris of 2,350 kg. of gold recovered in the British Occupation Zone in Germany.

As the British Government had likewise given its approval to this procedure, the French Government did not hesitate to take steps with the Bank of France for the deposit of gold. But the latter stated that these instructions are based only on verbal agreements the text of which it would be unable to present in case of need. If they remained in that form, they would run the risk of being insufficient to give the deposit the quasi extraterritorial character which is necessary to safeguard it from any judicial remedy. The deposit would without doubt be more effectively safeguarded if the Bank of France received an original written order from each of the three Governments concerned and thus possessed the authentic

legal

Department of State,  
Washington, D.C.

RG 59  
TGC  
Lot 620115  
Box 5

209218

legal documents explicitly and unquestionably establishing the exact nature of the account opened in the name of the three Governments.

The Embassy of France would consequently be grateful if the Department of State would send it the document in question, which might be worded as suggested in the enclosure.

Furthermore, it would be well if this document, which, of course, should be personal in form, bore the official seal of the Government in question, together with the signature of the highest competent authority.

Upon its receipt, this Embassy will see that it is transmitted to the French Government, for the Bank of France.

The Embassy avails itself of the occasion of the present note to renew to the Department of State the assurances of its very high consideration.

[Initialed]

[Stamp of Embassy]

1 encl.

RG 59  
TGC  
Lot 620 115  
Box 5

209219

/ChB

[Enclosure]

Mr. Ambassador;

In conformity with the agreements reached between the Government of the United States of America, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the French Republic, my Government has the honor to confirm to you, <sup>for its part,</sup> its approval and authorization of the deposit in the Bank of France of certain amounts of gold collected in application of the provisions of Part III of the Paris Agreement on Reparation from Germany, the Establishment of an Inter-allied Reparation Agency, and the Restitution of Monetary Gold, signed at Paris on January 14, 1946.

The deposit is to be made to an account entitled:

"Government of the United States of America, Government of the United Kingdom of Great Britain and Northern Ireland, Government of the French Republic, jointly and indivisibly (agreement of January 14, 1946 and Ministerial arrete of September 27, 1946.)"

The authorized agent of the Government of the United States of America accredited to the Bank of France for all matters concerning this account, including the signatures of all documents in the name of that Government, will be Mr....., a certified specimen of whose signature will be transmitted to the Bank of France through the appropriate channels.

I should appreciate it if you would see that these instructions are transmitted through your Government to the Governor of the Bank of France.

RG 59  
TGC  
Lot 62015  
Box 5209220

Excellency:

In conformity with the agreements reached between the Government of the United States of America, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the French Republic, my Government has the honor to confirm to you, for its part, its approval and authorization of the deposit in the Bank of France of certain amounts of gold collected in application of the provisions of Part III of the Paris Agreement on Reparation from Germany, the Establishment of an Inter-Allied Reparation Agency, and the Restitution of Monetary Gold, signed at Paris on January 14, 1946.

The deposit is to be made to an account entitled:

"Government of the United States of America, ~~Government~~ of the United Kingdom of Great Britain and Northern Ireland, Government of the French Republic, jointly and ~~indivisibly~~ <sup>separately</sup> (Agreement of January 14, 1946 and French Ministerial Arrête of September 27, 1946)."

The authorized agent of the Government of the United States of America accredited to the Bank of France for all matters concerning this account, including the signatures of all documents in the name of that Government, will be Mr. Homer S. Fox, a certified specimen of whose signature will be transmitted to the Bank of France through the appropriate channels.

I should appreciate it if you would see that these instructions are transmitted through your Government to the Governor of the Bank of France.

Accept, Excellency, the assurances of my highest consideration.

For the Secretary of State:

His Excellency

2 Henri Bonnet

~~French Ambassador~~

*Ambassador of the French Republic*

OFD:MN:OFFletcher:ib 10/4/51

*L/B W/L L/C*

RG 59  
TGC  
Lot 620115  
209221 Box 5

The Department of State ~~(presents its compliments to the Embassy~~  
~~of France and has the honor to acknowledge the receipt of the~~  
 Embassy's note No. 924 dated September 20, 1951 regarding <sup>from the Embassy of the French Republic</sup> establishment  
 of a gold deposit in the name of the Tripartite Governments in the  
 Bank of France at Paris.

In accordance with the request made in the aforementioned note,  
 the Department transmits a <sup>note</sup> letter addressed to ~~His Excellency the~~  
~~French Ambassador signed by the Assistant Secretary, Mr. William L.~~  
~~Demp.~~ <sup>omit</sup> Having in mind the particular technical purpose of this  
~~letter,~~ <sup>in</sup> the most language of the text suggested by the Embassy's  
 note, ~~(has been used)~~ <sup>has been</sup> the seal of the Department affixed to ~~(an)~~  
~~(authenticated)~~ <sup>of the note</sup> copy for the use of the Bank of France. It is

hoped that this document will serve the  
 particular purpose of the Bank.

Enclosures:

Documents.

Department of State,

Washington,

OFD:SH:OFFletcher:ib 10/5/51

GM  
L/E WE

RG 59  
TGC  
Lot 620115  
209222 Box 5

TRI-PARTITE COMMISSION  
FOR THE  
RESTITUTION OF MONETARY GOLD

*JH*  
**DENY**  
206  
D  
*(A) (U)*  
*(N)*

~~CONFIDENTIAL~~  
**SECRET**

RESTRICTED

Brussels, Belgium

February 8, 1949

No. 506

The Honorable  
The Secretary of State,  
Washington, D. C.

Sir:

I have the honor to enclose for the information of the Division of Financial Affairs, the Economic Property Policy Division, and other appropriate officers of the Department copies of letters despatched by the Tripartite Commission for the Restitution of Monetary Gold to the Governments of Austria, Belgium, Luxembourg and Yugoslavia informing them of the Commission's inability to find valid certain of their claims and inviting them to send a representative to Brussels to present any further evidence or arguments they consider as tending to show the validity of the claims before a final decision is taken.

Re 010  
Feb 16

ACTION  
CDD

INFO  
FOR  
EUR  
L  
OLI  
O

respectfully yours,

Alex B. Daspit  
United States Commissioner  
Tripartite Commission for the  
Restitution of Monetary Gold

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <i>J. Smith</i>	DATE <i>7/12/85</i>
<i>upgraded to <del>confidential</del> Secret, OADR</i>	
RDS <input type="checkbox"/> or XDS <input type="checkbox"/> EXT. DATE _____	REASON(S) _____
TS AUTH. _____	ENDORSE EXISTING MARKINGS <input type="checkbox"/>
DECLASSIFIED <input type="checkbox"/> RELEASABLE <input type="checkbox"/>	RELEASE DENIED <input checked="" type="checkbox"/>
PA or FOI EXEMPTIONS <i>(B-1), (A-3.5)</i>	

Enclosures:

Copies of letters sent to Austria, Belgium, Luxembourg, and Yugoslavia dated February 7, 1949.

Original and copies to Department

AD:as:tb/kar

~~CONFIDENTIAL~~  
**SECRET**

RG 59  
TGC  
Lot 620115  
209223 : Box 5

506 2/6

~~SECRET~~  
**SECRET**  
~~CONFIDENTIAL~~

7. February 49  
*Austrian*

Mr. Lother Wimmer,  
Extraordinary and Minister Plenipotentiary,  
Representative of the Government of Austria in Brussels,  
111, Boulevard Saint-Michel, Brussels.

Your Excellency,

The Tripartite Commission for the Restitution of Monetary Gold begs to refer to the Protocol entered into in London on the 4th of November, 1947, between the Government of Austria on the one hand and the Governments of the United States, United Kingdom and France on the other, whereby the Government of Austria was admitted to participation in the pool of monetary gold established by Part III of the Paris Agreement on Reparation of the 14th January, 1946; and to recall to the Government of Austria the memorandum addressed to it by the three Governments on the day the Protocol was signed, concerning the so-called "Salzburg Gold".

In the memorandum referred to above, the three Governments pointed out to the Austrian Government that this Commission might wish to "consider whether the gold discovered at Salzburg and turned over to the Austrian Government by the American Occupation Authorities in Austria should be taken into account in connection with any claim submitted by the Austrian Government for a share in the gold distributed pursuant to the Paris Agreement".

The Commission, having regard to the provision of paragraph A of Part III of the Paris Agreement which stipulates that "all the monetary gold shall be pooled for distribution as restitution among the countries participating in the pool in proportion to their respective losses of gold through looting by or wrongful removal to, Germany" has, in fact, felt it necessary to consider whether the receipt by Austria of the gold in question should not reduce the total amount of the Austrian claim valid for restitution purposes.

Having examined the information given by the Austrian Government regarding this matter in its "Memorandum on the Restitution of Monetary Gold", dated 15th August, 1947, the Commission requested further information by letters dated 5th and 20th August, 1947, 12th November, 1947 and 30th January, 1948. The Austrian Government, in reply to these various letters, furnished further information incorporated in several memoranda dated, respectively, 15th September 1947, 15th December, 1947 and 18th March, 1948.

**SECRET**

~~CONFIDENTIAL~~

4/.....

RG 59  
TGC  
Lot 620115  
Box 5

209224

**SECRET**

The Commission, after careful study, is of the opinion that the evidence before it indicates that the 4,544,785 kilograms in question had been recovered by Austria from Germany. In the absence of evidence additional to that so far presented, the Commission considers that its obligations under Part III of the Paris Agreement on Reparation require it to reduce by the amount of the said 4,544,785 kgs of gold the amount of the Austrian claim which it approves as valid for restitution purposes.

Before taking a final decision on the matter, however, the Commission desires to extend to the Government of Austria an opportunity of presenting to it, in Brussels, through an accredited representative or representatives, any further evidence or arguments which the Government of Austria may see fit to put forward as bearing upon the case.

Should the Government of Austria wish to avail itself of this offer, the Commission would appreciate receiving notification to this effect at your early convenience, together with the name or names of the representative or representatives designated to appear before the Commission in this matter, and a suggestion for a date for the hearing which would have to take place before 15th March, 1949, latest date compatible with the Commission's programme of work.

Failing a reply to this communication by 28th February, 1949, the Commission will assume that the Government of Austria does not wish to avail itself of this offer and will proceed to its findings accordingly.

We have the honour to be,  
Your Excellency,

Alex B. Daspi  
Commissioner of the  
Government of the United  
States of America.

Henri Spitzmuller,  
Deputy Commissioner of  
the Government of the  
French Republic.

R.E.L. Wingate  
Deputy Commissioner  
of the Government of  
the United Kingdom of  
Great Britain and  
Northern Ireland.

**SECRET**~~CONFIDENTIAL~~

/D

209225

 RA 59  
 TGC  
 Lot 620113  
 Box 5

**SECRET**

Belgium

752

~~CONFIDENTIAL~~

7 February, 1949.

The delegate of Belgium to the  
Inter-Allied Reparation Agency,  
1, Place des Barriaudes,  
Brussels.

Sir,

The Tripartite Commission for the Restitution of Monetary Gold begs to inform you that having given full consideration to the evidence lodged with it to date by the Government of Belgium, relating to the claim for a restitution of monetary gold on account of an alleged loss of gold by that Government amounting to 6,434,2319 fine kilograms, regrets that it has been unable to find this claim valid in accordance with the terms of Part III of the Paris Agreement on Reparation of the 14th January, 1946, and the terms of reference of the Commission.

The Commission desires to recall that this claim was lodged in respect of gold purchased by the "Banque d'Indosin" from private persons and transferred to the Reichsbank. It is referred to in the "Banque d'Indosin's" memorandum forwarded by the Minister of Finance of Belgium by letter dated 5th June, 1947. Supplementary information was requested by the Commission in its letter dated 18th February, 1948, and 26th May, 1948. The Commission's investigations were finally pursued on 12th May, 1948, and 20th May, 1948, at the Office of the Liquidator of the "Banque d'Indosin" by arrangement with the Belgian Government.

Having studied the documentation submitted by the Government of Belgium and the report drawn up by its representatives, after their examination of the "Banque d'Indosin's" accounts in consultation with the Liquidator, the Commission has been unable to find that the 6,434,2319 kgf of gold referred to above did, in fact, "belong" to Belgium within the meaning of paragraph C, Part III of the Paris Agreement and that it was carried in the accounts of a monetary authority as part of Belgium's monetary reserve as stipulated in the definition of monetary gold set forth in the questionnaire on gold sent out on 15th March, 1947.

Before taking a final decision in the matter, the Commission will be glad to give the Government of Belgium an opportunity of presenting to it, through an accredited representative or representatives, any further arguments or observations which the Government of Belgium may see fit to put forward in support of the claim concerned.

**SECRET**

~~CONFIDENTIAL~~

RG 59  
TGC  
Lot 620 115  
Box 5

209226

**SECRET**~~CONFIDENTIAL~~

Should the Government of Belgium wish to avail itself of this offer, the Commission would appreciate receiving notification to this effect at your early convenience, together with the name or names of the representatives or representatives designated to appear before the Commission in this matter, and a suggestion for a date for the hearing which would have to take place before 15th March, 1949, latest date compatible with the Commission's programme of work.

Failing a reply to this communication by 25th February, 1949, the Commission will assume that the Government of Belgium does not wish to avail itself of this offer and will proceed to its findings accordingly.

We have the honor to be,  
Sirs,

**ALAN B. HARTY****WYTHOLIN****R.E.L. VERRALL**

Commissioner of the  
Government of the  
United States of America

Deputy Commissioner of  
the Government of the  
French Republic

Deputy Commissioner of the  
Government of the United Kingdom  
of Great Britain and Northern  
Ireland

~~CONFIDENTIAL~~**SECRET**

RG 59  
TGC  
Lot 620115  
Box 5

209227

**SECRET***Luxembourg*

7th February, 1948.

EX. 751

The Delegate of Luxembourg to the  
Inter-Allied Reparation Agency,  
73, Avenue de Cortenberg,  
BRUSSELS

~~CONFIDENTIAL~~

Sir,

The Tripartite Commission for the Restitution of Monetary Gold begs to inform you that, having given full consideration to the evidence lodged with it to date by the Government of Luxembourg, relating to the claim for a restitution of monetary gold on account of an alleged loss of gold by that Government amounting to 25,4988 kilograms, regrets that it has been unable to find this claim valid in accordance with the terms of Part III of the Paris Agreement on Reparation of the 14th January, 1946, and the terms of reference of the Commission.

The Commission desires to recall that this claim was lodged in respect of gold belonging to the J.P. Paschere Foundation and comprised in the total amount deposited by the "Caisse d'Epargne du Grand Duché de Luxembourg" with the National Bank of Belgium. Supplementary information was requested by the Commission in its letter dated 23rd August, 1947, and furnished by the Government of Luxembourg in a memorandum dated 25th September, 1947.

The weight of evidence which has come before the Commission is such as to lead to the conclusion that the 25,4988 kilograms of gold in question were held by the "Caisse d'Epargne de Luxembourg" on deposit for a private Institution. The Commission has been unable to find that the gold did, in fact, "belong" to Luxembourg within the meaning of paragraph C, Part III of the Paris Agreement and that it was carried in the accounts of a monetary authority as part of Luxembourg's monetary reserve as stipulated in the definition of monetary gold set forth in the Questionnaire sent out on 17th March, 1947.

Before taking a final decision in the matter, the Commission will be glad to give the Government of Luxembourg an opportunity of presenting to it through an accredited representative or representatives, any further arguments or observations which the Government of Luxembourg may see fit to put forward in support of the claim concerned.

Should the Government of Luxembourg wish to avail itself of this offer, the Commission would appreciate receiving notification to this effect at your early convenience, together with the name or

**SECRET**~~CONFIDENTIAL~~

RG 59  
TGC  
209228 Lt 620115  
BOS

**SECRET**

the representative or representatives designated to appear before the Commission in this matter, and a suggestion for a date for a hearing which would have to take place before the 15th March, 1949, the latest date compatible with the Commission's programme of work.

Failing a reply to this communication by 28th February, 1949, the Commission will assume that the Government of Luxembourg does not wish to avail itself of this offer and will proceed to its findings accordingly.

We have the honour to be,  
Sir,

Alex B. Daspit,  
Commissioner of the  
Government of the United  
States of America.

Henri Spitzmuller,  
Deputy Commissioner of  
the Government of the  
French Republic.

R.E.L. Wingate,  
Deputy Commissioner of  
the Government of the  
United Kingdom of Great  
Britain and Northern  
Ireland.

**SECRET**

209229

RG 59  
TGC  
Lot G20115  
B055

**SECRET**

OG. 754

7th February, 1949.

The Delegate of the Government of the  
Federated Peoples Republic of Yugoslavia  
to the Inter-Allied Reparation Agency,  
29, Avenue de la Couronne,  
BRUSSELS.

~~CONFIDENTIAL~~

ir,

The Tripartite Commission for the Restitution of Monetary Gold begs to inform you that having given full consideration to the evidence lodged with it to date by the Government of the Federated Peoples Republic of Yugoslavia, relating to the claim for a restitution of monetary gold on account of an alleged loss of gold by that Government amounting to 2,094,597 fine kilograms, regrets that it has been unable to find this claim valid in accordance with the terms of Part III of the Paris Agreement on Reparation of the 14th January, 1946, and the terms of reference of the Commission.

The Commission desires to recall that this claim was referred to in a memorandum from the Ministry of Foreign Affairs of Yugoslavia, dated 8th May, 1947, forwarding formula IA (1) of the questionnaire on gold, transmitted by you to the Commission on 14th May, 1947. The letter requested further information by letter dated 28th August, 1947, and this was furnished by the National Bank of Yugoslavia by letter dated 29th September, 1947, transmitted by you to the Commission on 17th October, 1947. The claim was in respect of 1,649,026 kilograms estimated to have been extracted from the blister copper shipped from Yugoslavia to Germany during the Occupation and a further amount of 445,571 kilograms from the same source, which at the time of its removal was in the form of bar gold.

The Commission has been unable to find that the 2,094,597 kilograms of gold in question did, in fact "belong" to Yugoslavia within the meaning of paragraph C, Part III of the Paris Agreement and that it was carried in the accounts of a monetary authority as part of Yugoslavia's monetary reserve as stipulated in the definition of monetary gold set forth in the questionnaire sent out on 13th March, 1947.

Before taking a final decision in the matter, the Commission will be glad to give the Government of Yugoslavia an opportunity of presenting to it through an accredited representative or representatives, any further arguments or observations which the Government of Yugoslavia may see fit to put forward in support of the claim concerned.

**SECRET**

~~CONFIDENTIAL~~

RG 59  
TGC  
Lot 620115  
Box 5 209230

**SECRET**

~~SECRET~~ ~~CONFIDENTIAL~~

Should the Government of Yugoslavia wish to avail itself of this offer, the Commission would appreciate receiving notification in effect at your early convenience, together with the name of the representative or representatives designated to appear before the Commission in this matter, and a suggestion for a date for the hearing which would have to take place before 15th March, 1949, latest date compatible with the Commission's programme of work.

Failing a reply to this communication by 28th February, 1949, the Commission will assume that the Government of Yugoslavia does not wish to avail itself of this offer and will proceed to its findings accordingly.

We have the honour to be,  
Sir,

Alex B. Daspit  
Commissioner of the  
Government of the United  
States of America.

Henri Spitzmuller,  
Deputy Commissioner  
of the Government of the  
French Republic.

R.H.L. Wingate,  
Deputy Commissioner of  
the Government of the  
United Kingdom of  
Great Britain and  
Northern Ireland.

**SECRET**

~~SECRET~~ ~~CONFIDENTIAL~~

RG 59  
TGC 209231  
Lot 620115  
Box 5

SECRET

~~CONFIDENTIAL~~

7th February, 1949

CC/TUC. 755

The Delegate of the Government of the  
Federated Peoples Republic of Yugoslavia  
to the Inter-Allied Reparation Agency,  
29, Avenue de la Couronne,  
BRUSSELS.

*Yugo*  
*Overstake*

Sir,

The Tripartite Commission for the Restitution of Monetary Gold begs to inform you that, having given full consideration to the evidence lodged with it to date by the Government of the Federated Peoples Republic of Yugoslavia, relating to the claim for a restitution of monetary gold on account of a loss of gold by that Government amounting to 117,526 fine kilograms taken by the Gestapo and alleged to have been transferred to Germany, it reports that it has been unable to find this claim valid in accordance with the terms of Part XII of the Paris Agreement on Reparation of 14th January, 1946, and the terms of reference of the Commission.

The Commission desires to recall that your Government's original claim in respect of this alleged transfer to Germany was set forth in a memorandum transmitted by you to the Commission by letter dated 14th May, 1947. The National Bank of Yugoslavia furnished supplementary information on this matter by a letter dated 27th March, 1948, forwarded by you to the Commission on the 13th May, 1948, in reply to two letters from the Commission dated respectively 21st January, 1948, and 10th March, 1948.

The evidence which has come before the Commission shows that the 117,526 kilograms of gold referred to above were in fact taken by the Gestapo, but the Commission has been unable to find that the gold in question was "looted by Germany... or wrongfully removed to German Territory" within the meaning of paragraph 6 of Part XII of the Paris Agreement.

Before taking a final decision in the matter, the Commission will be glad to give the Government of Yugoslavia an opportunity of presenting to it through an accredited representative or representatives any further arguments or observations which the Government of Yugoslavia may see fit to put forward in support of the claim concerned.

Should the Government of Yugoslavia wish to avail itself of this offer, the Commission would appreciate receiving notification to this effect at your early convenience, together with the name or names of the representative or representatives designated to appear

SECRET

~~CONFIDENTIAL~~

209232

RG 59  
TGC  
Lot 62015  
Box 5

~~CONFIDENTIAL~~  
before the Commission in this matter, and a suggestion for a date for the hearing which would have to take place before the 15th March, 1949, latest date compatible with the Commission's programme of work.

Failing a reply to this communication by 20th February, 1949, the Commission will assume that the Government of Yugoslavia does not wish to avail itself of this offer and will proceed to its findings accordingly.

We have the honour to be,  
Sir,

Alex B. Daspit,  
Commissioner of the  
Government of the  
United States of America.

Henri Spitzmuller,  
Deputy Commissioner  
of the Government of the  
French Republic.

R.E.L. Wingate  
Deputy Commissioner  
of the Government of the  
United Kingdom of  
Great Britain and  
Northern Ireland.

~~CONFIDENTIAL~~

**SECRET**

RG 59  
TGC  
Lot 620 115  
Box 5  
209233

239 R

Treasury Department

Office of the General Counsel

Exchange Stabilization

June 6, 1947

Federal Reserve Bank

New York, New York

We understand that Bank Nationale Suisse, Berne, in its cable No. 4 dated May 31, 1947 has instructed you to release from its Account "G" with you and hold at the disposal of the Tripartite Gold Commission at your bank not less than 1,659,119.140 fine ounces of gold. You, as fiscal agent of the United States, are hereby authorized and instructed to open and maintain on your books an account, consisting of a dollar account and a gold custody account, for and in the name of "Tripartite Commission for the Restitution of Monetary Gold", and to transfer to such account 4,931 bars containing 1,659,121.321 ounces of fine gold from Account "G" on your books in the name of Bank Nationale Suisse. Pending the receipt by you of the formal documents relative to the establishment and operation of such account in the name of the Commission instructions relative to the operation of such account will be given to you by the Treasury Department.

American representative on Tripartite Commission was requested to sign and to have signed by the other commissioners letter exhibit "A" attached to Tiebout's memorandum to Fletcher and to forward to State Department signed letter for transmittal to Federal Reserve Bank.

(Signed) E.H. Foley, Jr.

Acting Secretary of the Treasury

CRMcNeill:rs 6/5/47

209234

RG 59  
TGC  
LT 620115  
Box 5

CDE 10B.5-40M-2-47  
FEDERAL RESERVE BANK OF NEW YORK

CABLEGRAM-SERIAL NO. 3374

RECEIVED ON JUNE 2, 1947 8:47 AM

BERNE 5/31/47 1210

FEDERAL RESERVE BANK OF NEW YORK  
NEW YORK  
NO. 4

PLEASE RELEASE FROM OUR ACCOUNT G WITH YOU AND HOLD  
AT THE DISPOSAL OF THE TRIPARTITE GOLD COMMISSION WITH YOUR  
GOOD INSTITUTION BY ORDER AND FOR ACCOUNT OF THE SWISS GOVERN-  
MENT IF POSSIBLE EXACTLY BUT NOT LESS THAN 1,659,119.140 FINE  
OUNCES GOLD AS PAYMENT AGREED TO BETWEEN THE ALLIED GOVERNMENTS  
CONCERNED AND SWITZERLAND UNDER THE WASHINGTON AGREEMENT OF  
1946. FOR AN EVENTUAL DIFFERENCE IN EXCESS OF THE ABOVE AMOUNT  
KINDLY CREDIT OUR ZURICH OFFICE DOLLAR ACCOUNT UNDER  
CABLE ADVICE TO US. PLEASE ADVISE THE SAID COMMISSION AND  
CABLE US EXECUTION. MANY THANKS

BANQUE NATIONALE SUISSE

NOTE: 1ST LETTER OF 56TH WORD WRONG.

RG 59  
TGC  
Lot 62D115  
Box 5

209235

*Gold Com - 254  
R*

Mr. Charles O'Flaherty,  
Federal Reserve Bank, New York.  
Otto F. Fletcher - ES

April 17, 1947

**Definition Monetary Gold**

In compliance with your telephone request I am glad to furnish for your notes the text of the "Definition of Monetary Gold".

**DEFINITION OF MONETARY GOLD:** "All gold which, at the time of its looting or wrongful removal, was carried as a part of the claimant country's monetary reserve, either in the accounts of the claimant Government itself or in the accounts of the claimant country's central bank or other monetary authority at home or abroad."

ES:OFFletcher:ths  
4-17-47

RG 59  
TGC  
Lot 520115  
Box 5  
209236

71c Accounts Established with Federal Reserve since year with Bank of England + France 1947-1953

209236A

DECLASSIFIED  
Authority NND 968106  
By T J NARA Date 5/26/99

RG 59  
TGC  
605 620115  
Box 5

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

*Fletcher*

27

SECURITY : RESTRICTED

PRIORITY: AIR FOUGH

200.6241-Gold/10-1850

For Dept. use only.

TO : Department of State - MN

3 enclosures

R  
E  
C  
D  
24

FROM : US COMMISSIONER, TGC, AMEMBASSY, BRUSSELS - 181 - October 18, 1950.

REF : No previous.

A  
C  
T  
I  
O  
N  
E\*

SUBJECT : Minutes of the 97th Meeting of the Tripartite Commission for the Restitution of Monetary Gold.

I  
N  
D  
C  
R  
F  
E  
U  
R  
O  
G  
E  
R

There are transmitted herewith the final Minutes of the 97th Meeting of the Tripartite Commission for the Restitution of Monetary Gold held on August 21, 1950 at 10:30 a.m.

In transmitting these Minutes, the Secretary General notes that they are circulated as final having been "slightly modified in accordance with requests received from the Commissioners". These slight modifications occur on page 4 at the end of the summarization by the Chairman of the views of the Commission regarding the Czech claim (23,087,3040 kgs.). The two following paragraphs indicating the views of the Commissioners of France and the United States have been substituted for somewhat similar statements contained in the earlier draft. This modification arises from the fact that before the Minutes were approved, the French Commissioner raised certain questions regarding the treatment of this Czech claim and particularly with regard to the method of dealing with the deduction to be made in respect of the items of 3,397,7842 kgs. representing a recovery by Czechoslovakia. The principle change suggested by the French Commissioner is that this deduction might perhaps be applied to that portion of the Czech claim (12,768,9601 kgs.) which had been sold back to the Reichsbank against free r.m. He apparently feels that this might subject the award to less criticism than if this deduction were applied, as had previously been tentatively agreed by the Commission, as the final step in the adjudication on this particular claim.

There is enclosed for the information of the Department an informal note summarizing the views of the French Commissioner in this respect. In transmitting this note, he states that if the other Commissioners do not share his concern in regard to the points raised, he would not insist that the Commission should change the provisional decision already taken.

My own inclination is to maintain the earlier decision. It seems to me that the French suggestion is incorrect, both substantively and arithmetically. Unless otherwise instructed by the Department, I shall maintain support of the decision already taken.

Normally, I would not have approved of bringing into the Minutes of the 97th Meeting, any mention of a subsequent proposal. In this particular case, however, it seemed that an exception might appropriately be made, first, because there had already been some modification of the same kind of the Minutes of that particular meeting and, second, because it seems desirable not to complicate further any more than is absolutely necessary, the summarization of this case as made by the Chairman.

*Homer S. Fox*

Homer S. Fox

United States Commissioner  
Tripartite Commission for the

Enclosures:

209237

As stated above. THIS IS NOT A PERMANENT RECORD COPY. Retain in office files or destroy in accordance with security regulations. Reproduction of this message is not authorized.

to which (the Chairman) then asked the Commissioner of France if he had any comments to make, etc. He (the Chairman) asked the Commissioner of France for his views.  
The Commissioner of France recalled the terms of the various memoranda which he had caused to be circulated. He had originally held and expressed the opinion that the Italian thesis was difficult to refute. He had rallied to an intermediary point of view, that of his colleagues, in order not to delay the Commission's work unduly. He could not help feeling, however, that there was much to be said in favour of his original standpoint and recent developments had only strengthened his opinion in this respect.

DECLASSIFIED  
Authority NND 968106  
By T. NARA Date 5/16/99

2-Brussels 181

RG 59  
TG-C  
Lot 620  
Box 5

COMMISSION TRIPARTITE  
POUR LA RESTITUTION DE L'OR MONÉTAIRE  
155, rue de la Loi,  
Bruxelles.

Bruxelles, le 12 octobre 1950  
60, rue Ravenstein.

Le Commissaire français

Mon Cher Collègue et Ami,

J'ai l'honneur de vous adresser ci-joint, à toutes fins utiles, une note résumant les observations que m'ont suggérées un nouvel examen de la demande tchécoslovaque de 23 tonnes.

Il s'agit uniquement d'un scrupule de cohérence et, si vous ne partagez pas mon inquiétude, je n'insiste nullement pour que la Commission revienne sur la décision qu'elle a prise.

Croyez, mon Cher Collègue et Ami, à mes sentiments les plus dévoués.

(s) SPITZMULLER

- 1 p.j. -

Monsieur le Commissaire des Etats-Unis  
à la Commission tripartite pour la  
Restitution de l'Or monétaire,  
60, rue Ravenstein,  
BRUXELLES.

COPIED: USDEL: gsv  
10/18/50

209238

...in this long and difficult case, particular reference  
to the question of consideration and to the extent, in terms of a percentage,  
to which (the Chairman) Milton asked the Commissioner of France if he  
had any comments to make on. He (the Chairman) asked the Commissioner of France  
for his view.  
The Commissioner of France recalled the terms of the various  
memoranda which he had caused to be circulated. He had originally held and  
expressed the opinion that the Italian thesis was difficult to refute.  
He had rallied to an intermediary point of view, that of his colleagues,  
in order not to delay the Commission's work unduly. He could not help  
feeling, however, that there was much to be said in favour of his original  
standpoint and recent developments had only strengthened his opinion in  
this respect.

DECLASSIFIED  
Authority NND 968 106  
By J. NARA Date 5/16/99

3-Brussels 181

DEMANDE TCHEQUE

23.087 Kgs

En 1939, une quantité de 23.087,3060 Kgs d'or fin est transféré de Londres à Berlin, où la Reichsbank la dépose au nom de la Banque Nationale de Tchécoslovaquie.

Durant l'occupation de la Tchécoslovaquie, la Banque de Tchécoslovaquie cède à la Reichsbank, contre Reichsmark libras, un poids de 12.768,9601 Kgs.

Grâce à ces RM. libras, la Tchécoslovaquie peut procéder à certains achats d'or ou de marchandises.

La Commission a admis qu'elle avait pu obtenir en Suisse 3.397,7842 Kgs d'or dont elle a retrouvé la libre disposition en 1945. Les achats de marchandises ne peuvent donc avoir été opérés qu'avec le surplus, soit:

$$12.768,9601 - 3.397,7842 = 9.371,1759.$$

Si la Commission admet que 40 % des marchandises achetées ont servi à des besoins exclusivement allemands et que, par conséquent, la quantité d'or correspondante doit être considérée comme spoliée, la spoliation à retenir sur la partie de la demande s'élevant à 12.768,9601 Kgs est de:

$$\frac{40}{100} \times 9.371,1759 = 3.748,47036.$$

Comme, d'autre part, la partie des 23 tonnes non cédée contre des RM. libras, c'est-à-dire 10.318,3439 Kgs, a été retrouvée à l'identique dans la masse, il ne fait aucun doute qu'elle doit être considérée comme spoliée.

Au total, la demande de 23 tonnes devraient donc être admise pour:

$$\begin{array}{r} 3.748,47036 \\ + 10.318,3439 \\ \hline 14.066,81426 \end{array}$$

au lieu de 12.027,5597 Kgs, comme l'envisage actuellement la Commission.

209239

to the question of consideration and to the extent, in terms of a percentage, to which (the Chairman) then asked the Commissioner of France if he had any comments to make. He (the Chairman) asked the Commissioner of France for his views.

The Commissioner of France recalled the terms of the various memoranda which he had caused to be circulated. He had originally held and expressed the opinion that the Italian thesis was difficult to refute. He had rallied to an intermediary point of view, that of his colleagues, in order not to delay the Commission's work unduly. He could not help feeling, however, that there was much to be said in favour of his original standpoint and recent developments had only strengthened his opinion in this respect.

DECLASSIFIED  
Authority **NND 9128106**  
By **TJ NARA** Date **5/26/97**

Brussels 181

RG 59  
TGC  
Lot 620115  
Box 5

Enfin, il convient de signaler que la Tchécoslovaquie a pu retrouver en Suisse, après la libération, non pas seulement 3.397,7842 Kgs d'or, mais 7.017,44172 Kgs, obtenus pendant l'occupation grâce à diverses transactions commerciales.

Les experts de la Commission ont été amenés, avant que celle-ci n'ait décidé que certaines opérations commerciales constituaient une spoliation, à ne retenir comme récupération qu'une quantité de 3.397,7842 Kgs, soit 3.709,65752, la même proportion de 40 % ne devrait pas être acceptée.

Ces considérations soulignent le caractère délicat et arbitraire de l'adoption d'un pourcentage de cette nature. Sans doute, la Commission a-t-elle pris sa décision dans un esprit d'équité hautement appréciable, mais il n'en reste pas moins qu'une telle décision prête le flanc à la critique alors qu'un refus absolu fondé sur l'absence - réelle et constatée - de toute justification concrète, serait absolument inattaquable selon les termes de référence de la Commission./.

12 Octobre 1950

COPIED BY USHRL/gav  
10/18/50

209240

...the work of the Commission in arriving at a decision in this long and difficult case, particular reference to the question of consideration and to the extent, in terms of a parcel to which (the Chairman) then asked the Commissioner of France if he had any comments to make. He (the Chairman) asked the Commissioner of France for his view.

The Commissioner of France recalled the terms of the various memoranda which he had caused to be circulated. He had originally held and expressed the opinion that the Italian thesis was difficult to refute. He had rallied to an intermediary point of view, that of his colleagues, in order not to delay the Commission's work unduly. He could not help feeling, however, that there was much to be said in favour of his original standpoint and recent developments had only strengthened his opinion in this respect.

RESTRICTED

Free Translation by:  
HSFex:SatTRIPARTITE COMMISSION  
FOR THE RESTITUTION OF MONETARY GOLD

No. 9050

Brussels, 12 October 1950  
60, Rue Ravenstein

The French Commissioner

CZECH CLAIM  
23,087 kgs.

In 1939, a sum of 23,087,3040 kgs of fine gold was transferred from London to Berlin and deposited in the Reichsbank in the name of the National Bank of Czechoslovakia.

During the occupation of Czechoslovakia, the Bank of Czechoslovakia sold to the Reichsbank against free r.m. a quantity of 12,768,9601 kgs.

With these free r.m., Czechoslovakia was able to proceed to make certain purchases of gold or of merchandise.

The Commission has admitted that Czechoslovakia had been able to obtain in Switzerland, 3,397,7842 kgs. of gold placed at its free disposition in 1945. Purchases of merchandise could be made only with the remainder namely:

$$12,768.9601 - 3,397.7842 = 9,371.1759.$$

If the Commission agrees that 40% of the merchandise thus purchased were used exclusively for German requirements and that consequently a corresponding quantity of gold may be considered as having been looted, then the amount to be restituted in respect to the claim 12,768,9601 kgs. would be arrived at as follows:

$$\frac{40}{100} \times 9,371.1759 = 3,748.47036.$$

As on the other hand, the part of the 23 tons which was not sold against free r.m., that is to say 10,318,3439 kgs., has been found in the segregated depot, there is no doubt whatever that it should be considered as having been looted.

The total then, the claim for 23 tons should be admitted as follows:

$$\begin{array}{r} 3,748.47036 \\ 10,318.3439 \\ \hline 14,066.81426 \end{array}$$

in place of 12,027,5597 kgs. as at present contemplated by the Commission.

209241

arriving at a decision in this long and difficult case, particular reference to the question of consideration and to the extent, in terms of a percentage, to which (the Chairman) then asked the Commissioner of France if he had any comments to make. He (the Chairman) asked the Commissioner of France for his views.

The Commissioner of France recalled the terms of the various memoranda which he had caused to be circulated. He had originally held and expressed the opinion that the Italian thesis was difficult to refute. He had rallied to an intermediary point of view, that of his colleagues, in order not to delay the Commission's work unduly. He could not help feeling, however, that there was much to be said in favour of his original standpoint and recent developments had only strengthened his opinion in this respect.

RESTRICTED

6-Brussels 181

Finally, it seems appropriate to indicate that Czechoslovakia was able to recover in Switzerland, after the liberation, not merely 3,397.7842 kgs. of gold but 7,107.44172 kgs accrued during the occupation as a result of various commercial transactions.

The Commission's experts had come to the conclusion, before the Commission had decided that certain commercial operations constituted looting, that only a quantity of 3,397.7842 kgs. should be considered as having been recovered.

It would perhaps be appropriate to check as to whether this opinion should not now be revised and whether the same portion of 40% should not be applied to the difference existing between 7,107.44172 and 3,397.7842 or 3,709.65752.

The above considerations emphasize the delicate and arbitrary character of the adoption of a percentage of this kind. Without doubt, the Commission has taken its decision in a most worthy spirit of equity but, nevertheless, such a decision does leave an opening for criticism while an absolute refusal founded on the absence -- real or stated -- of any concrete justification would be absolutely unattackable under the Terms of Reference of the Commission.

12 October, 1950.

Free Translation by:  
HSFox:scf

RG 59  
TGC  
Lot 620115  
Box 5

209242

arriving at a decision in this long and difficult particular reference to the question of consideration and to the extent, in terms of a percentage, to which (the Chairman) then asked the Commissioner of France if he had any comments to make. He (the Chairman) asked the Commissioner of France for his reply.

The Commissioner of France recalled the terms of the various memoranda which he had caused to be circulated. He had originally held and expressed the opinion that the Italian thesis was difficult to refute. He had rallied to an intermediary point of view, that of his colleagues, in order not to delay the Commission's work unduly. He could not help feeling, however, that there was much to be said in favour of his original standpoint and recent developments had only strengthened his opinion in this respect.

DECLASSIFIED  
Authority NND 968106  
By T. NARA Date 5/16/99

FINAL MINUTES

RG 59  
TGC  
Lot 62011  
Box 5

TRIPARTITE COMMISSION FOR THE  
RESTITUTION OF MONETARY GOLD.

97th Meeting

21st August, 1950 - 10.30 a.m.

Present :

- H.E. Colonel R.E.L. WINGATE - Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland - Chairman
- Mr. Homer S. FOX - Commissioner of the Government of the United States of America
- R.E. Monsieur Henry SPITZMULLER - Deputy Commissioner of the Government of the French Republic
- Dr. Otto F. Fletcher - Adviser to the United States Commissioner
- Monsieur J. Lensen - Assistant to the French Commissioner

Secretariat

- Colonel J.A. Watson - Secretary General
- Mrs. H.M. Tompkins
- Miss A. Salter

1. Further consideration of the Italo-Albanian case : (96th Meeting-Min. 1)  
 2,538.7565 kgs (gold of the Bank of Albania, Rome)  
 78.4865 kgs (gold of the Bank of Albania, Tirana)

The Chairman summed up the contents of letter No. 2485, of 25th July, 1950, and enclosures, received from the Chargé d'Affaires of Italy (relevant document No. 7 on the Agenda) with particular reference to the terms of the Albanian submission claiming the gold, to those of the Conference in Paris which preceded the signature of the Treaty of Peace with Italy and to those of Articles 74 and 75 of the Treaty itself. He said that the clearing up of the particular point raised as to whether there was a connection between the compensation payable to Albania under Article 74 of the Treaty and the Albanian claim for compensation for gold of the Bank of Albania figuring in Document GP (IT/EG) Document 14, which appeared to have been presented to the Conference of Paris preceding the Treaty of Peace with Italy, would certainly facilitate the task of the Commission in arriving at a decision in this long and difficult case.

He (the Chairman) then asked the Commissioner of France if he had any comments to make.

The Commissioner of France recalled the terms of the various memoranda which he had caused to be circulated. He had originally held and expressed the opinion that the Italian thesis was difficult to refute. He had rallied to an intermediary point of view, that of his colleagues, in order not to delay the Commission's work unduly. He could not help feeling, however, that there was much to be said in favour of his original standpoint and recent developments had only strengthened his opinion in this respect.

2/...

RG 5  
TGC  
L07620  
Box 5

At this point, there was an exchange of views between the Commissioners as to whether the particular point under discussion in the terms set forth in the Italian Chargé d'Affaires' letter and enclosures was new to the Commission and had never been submitted to it before.

The Commissioners unanimously agreed that the point as presented was new.

The Chairman then asked the Commissioner of the United States for his comments.

The Commissioner of the United States said that he would prefer not to comment at that stage and expressed the view that, before the Commission could proceed further with the case, full information would have to be obtained from the competent authority as to the precise implications of the Peace Treaty, with particular reference to the latest point raised by the Italian Government.

The Chairman stated that he had already taken this matter up with the competent Departments of his own Government and he enquired whether his colleagues would take similar action.

A short exchange of views showed that the Commissioner of France was best placed to obtain the information required, as his Government was the depository of the Minutes of the Peace Conference, of the Peace Treaty with Italy and of all the documentation appertaining thereto. The Commissioner of France undertook to make immediate enquiries.

It was decided :

- i. that the Commissioner of France would ascertain whether there was any actual proof that Albania's claim in respect of the gold of the Bank of Albania as set forth in document CP (IT/BU) Doc 14 of the 31st August, 1946, had been regarded as being met by Italy under the arrangements made for the payment of an indemnity of \$5,000,000 to Albania, or, failing this, whether there was any documentation tending to this conclusion. It was further agreed that the Commissioner of France would obtain any other information on this subject likely to be of interest to the Commission;
  - ii. that the Chairman would pursue the enquiries which he had already instigated.
2. Further consideration of the following claim of the Czech Government  
12,768.9601 kgs. (gold sold to the Reichsbank)

The Chairman recalled that the latest position, as outlined in the Minutes of the 96th Meeting, was that each of the Commissioners had been weighing up the merits of the claim with particular reference to the question of consideration and to the extent, in terms of a percentage, to which consideration had been received by Czechoslovakia. The question was a very difficult one. He (the Chairman) asked the Commissioner of France for his views.

3/.....

The Commissioner of France said that, although, as he would explain later, he did not favour such drastic action, it would not be difficult, in his opinion, to make out a case for rejecting the claim in its entirety. Detailed and verifiable evidence, which would have enabled the Commission to examine the claim with full knowledge of the facts, was lacking, despite all the opportunities which had been given to Czechoslovakia to furnish such evidence. He read out a passage from one of the latest replies received from the Czech Government to requests from the Commission for further information in which the Czech Government itself admitted, by implication, that genuine consideration had been received in respect of some of the gold claimed and admitted, also, that it was unable to furnish data which would enable the Commission to determine the scope and extent of such consideration. He felt, however, judging the claim on its merits, that consideration could not have been received in respect of the entire amount claimed and that it would be both embarrassing and unjust to reject the claim in its entirety. He was therefore inclined, in view of the circumstances, to favour a decision in equity and would be prepared to agree to an arbitrary figure of - say 40% - being applied to determine the percentage of the claim to be provisionally allowed, provided satisfactory justification could be found, from a procedural point of view, for taking such action and the interests of the Commission were not placed in jeopardy.

The Commissioner of the United States spoke next and a further and lengthy exchange of views ensued.

The Chairman then summed up the unanimous views of the Commission as he saw them, as follows :

The claim referred to was that portion of the Czech claim relating to 23,087.3040 kgs of fine gold which were held by the Czech National Bank with the Bank of England through the B.I.S. After carefully considering all the facts as disclosed in the evidence submitted by the Czech Government and in the supplementary evidence which the Commission had secured through its own channels, as well as the analyses made by the Commission's experts, the Commission had, tentatively, reached the following decision :

The portion of the Czech claim (23,087.3040 kgs) referred to above was provisionally admitted up to 12,027.5597 kgs. This figure had been arrived at in the following manner :

an amount of ..... 10,318.3439 kgs

had been found to the credit of the Bank of Bohemia and Moravia at the time of the German surrender. Czechoslovakia had received in respect of its gold in England an equivalent amount of gold with the Reichsbank in Berlin. A number of transactions had taken place between May, 1939 and April, 1948, between the Reichsbank and the Bank of Bohemia and Moravia in connection with the gold which, as explained above, had been substituted for that which Czechoslovakia had originally held in England and these transactions left a balance of... 10,318.3439 kgs in Czechoslovakia's gold account.

The Commission was satisfied that the Bank of Bohemia and Moravia did, in fact, receive genuine consideration (unlike the Netherlands who received only paper money) in respect of ..... 12,768.9601 kgs (Namely the difference between 23,087.3040 kgs and the amount of 10,318.3439 kgs referred to in the preceding paragraph) in the form of hard currencies such as Swiss Francs, Dutch Gulden, Pounds Sterling, Dollars and Free Reichsmarks. The Commission was also satisfied that Free Reichsmarks could be used at that time and were, in fact, used by the Bank of Bohemia and Moravia for the purpose of acquiring any of the above mentioned hard currencies as well as gold. This being so, the Commission would, at this stage in its deliberations, have been completely justified in disallowing the balance (amounting to 12,768.9601 kgs) of this claim.

✓.....

DECLASSIFIED  
 Authority NND 9128106  
 By T. KARA Date 5/26/97

RG 59  
 TGC  
 Lot 620115  
 Box 5

However, the Commission felt that it could not completely disregard an argument which had been put forward by Czechoslovakia, but which had not been substantiated although the burden of proof rested with the claimant, to the effect that the Czech Government had not been completely free in the disposal or use of the consideration it had received for the gold sold to the Reichsbank. On weighing up the relevant data available to it, the Commission had arrived at the conclusion that more than half - possibly 60% - of the imports purchased with the currencies received for the gold did, in fact, benefit the Czech economy proper, in particular insofar as imports of semi-processed products, entirely processed products and foodstuffs were concerned. Consequently, whilst willing to admit the principle that there had been certain restrictions, although the allegations of Czechoslovakia in this respect had not been substantiated, the Commission adjudicating on a basis of equity, felt that not more than 40% of the amount of 12,768,988<sup>1</sup> kgs involved could be retained as valid, in round figures ..... 5,107 kgs

This brought the amount of the Czech claim under discussion admitted up to that stage to ..... 15,425,3439 kgs

In this connection, the Commission, however, had also felt obliged to take into consideration certain gold transactions of the Bank of Slovakia related to the above, the effect of which had been to deprive the Bank of Slovakia of gold of which the National Bank of Czechoslovakia had now regained possession. There were two main transactions - one in respect of 3,397.7842 kgs and one in respect of some 2,000 kgs. The latter was an acquisition of gold by the Bank of Slovakia as the outcome of a number of trade transactions with Switzerland, which would probably have taken place, in any event, without any assistance or intervention by the Reichsbank. The Commission, therefore, did not consider this acquisition of gold as a recovery. In the case of the acquisition of 3,397.7842 kgs, however, the acquisition took place in direct relationship to the Reichsbank and the Commission had, consequently, felt itself obliged to consider this acquisition as a recovery and to deduct the amount of 3,397.7842 kgs from the amount of 15,425.3439 kgs admitted as valid up to that stage, leaving the claim under discussion valid, provisionally, up to ..... 12,027.5597 kgs.

The Commissioner of France stated that he concurred in principle, but that he thought that the Commission should, at some later date, perhaps with the assistance of an expert, make a final review of the figures and reasoning, and also consider whether improvements could not be made in the order of presentation.

The Commissioner of the United States also concurred in principle, but reserved his final decision pending completion of the review suggested by the French Commissioner.

The Chairman said that he was in agreement with the sentiments expressed by his two colleagues.

It was decided :

that the line of action agreed upon and the reasoning upon which it had been based, as set forth above, superseded, insofar as they differed from them, the decisions and reasoning concerning this claim set forth in previous approved Minutes - particularly the Minutes of the 94th Meeting - but that they would themselves be subject to possible revision, in conformity with the French Commissioner's suggestion, before incorporation of the relevant details in the Commission's Schedule of Claims.

An exchange of views followed as to the necessity for summoning the Czechs to a hearing before the Commission in relation to the provisional decisions made by the Commission on the various claims before it. With reference to the general question of summoning representatives of claimant Governments to a hearing the Chairman pointed out that the Commission was not bound by any strict rules. It created its own procedure, and it had been the custom to summon representatives of a claimant country to a hearing when the Commission had made a provisional decision disallowing a claim to see if any further evidence in support of the claim could be produced. However, the Commission's decision on the Czech claim for 23,087.3040 kgs of gold had not been a negative one, and it did not seem that a letter to summon the Czechs to a hearing would be necessary in this case.

DECLASSIFIED

Authority NND 968106

By T. MARA Date 5/16/99 - 5 -

RG 59  
TGC  
Lut 620115  
Box 5It was decided :

- i. that the question of whether it was necessary to write to the Czechs summoning them to a hearing in regard to the claim for 25,087,3040 kgs should be left in abeyance;
- ii. that, with regard to the Skoda works gold claim, the Secretary General should draft a letter to the Czechs offering them an opportunity of presenting to the Commission, through an accredited Representative or Representatives, any further arguments or observations which the Government of Czechoslovakia might see fit to put forward in support of the claim concerned.

3. Status of the Commission :

The Chairman stated that he had given further consideration to this matter and that he had been in consultation with the competent officials of his Government.

He had, unfortunately, not been able to complete his enquiries in time for the Meeting and was, therefore, not prepared to express a definite opinion at that stage. Tentatively, however, his view was that, subject to his two colleagues and their Governments being in agreement, a joint démarche to the Belgian Government by the Ambassadors of the three Powers represented on the Commission should be made since the Commission itself had not been able to obtain satisfaction from the Belgian Government and could not accept to remain in the situation in which the Belgian Government's attitude had placed it. The Commission might prepare the draft of a suggested note for submission by the three Ambassadors formally notifying the existence of the Commission, expressing regret that this formality had not been carried out sooner and explaining that it had been thought that the Commission's own original notification would have been sufficient. The Commission would then submit the draft of the suggested note to each of the three Governments by means of three letters, each of which would be signed by the three Commissioners, explaining the position in detail. The Chairman thought that this procedure would be quite in order and that the action he suggested might lead up to a settlement of the question of the Commission's status and of that of the Secretary General.

He (the Chairman) then asked the Commissioner of France for his views.

The Commissioner of France agreed that a joint démarche by the three Ambassadors should be made if this could be arranged and said that, for his part, he was prepared to take the matter up with his Government. A mere notification, with regrets for the delay, would not, however, in his opinion, be sufficient. Such a notification had already been made by the Commission itself and the Belgian Government had not only accepted it but had confirmed on two different occasions in very clear terms that it would extend to the Commission all the privileges which it had afforded to the Inter-Allied Reparation Agency. A notification on the lines suggested by the Chairman would not alter the situation as outlined above. What was required of the Belgian Government was that it should implement the undertakings which it had given. Not only had it not done so but it had, in reply to a request by the Secretary General for implementation insofar as he was concerned, conveyed that it did not recognize the existence, *qualitate qua*, of the Commission. The note to be delivered to the Belgian Government should, in the opinion of the Commissioner of France, not only notify on a Governmental level the existence of the Commission, but it should, also, refer to the contradictions in the Belgian Government's notes, draw its attention to the terms of the Act of Paris, of which it was a signatory, and to the implications arising out of the Act, lay stress on the situation in which the Belgian Government's attitude had placed the Commission and point out that this attitude was likely to preclude the Commission from issuing the final announcement of its findings, thus placing the restitution of gold in jeopardy to the detriment not only of the Belgian Government itself but of all the other signatories of the Act of Paris. The Commissioner of France further laid stress on the time factor and pointed out that the Commission's work was so far advanced as to render it essential that the question of its status should be cleared up unequivocally and without delay.

6/.....

209247

The Commissioner of the United States indicated that he would defer to the wishes of his colleagues of the United Kingdom and of France and that he was prepared to seek the agreement of his Government to the despatch of a note.

The Chairman agreed that a note would have to be drafted combining the various points made.

The Commissioner of France indicated that, although he appreciated that a *démarcbe* on behalf of the Commission should, normally, be made by the Chairman, he (the French Commissioner) was well placed to approach the competent officials of the Belgian Government on an informal basis if his colleagues so desired, in a last attempt to clear up this matter.

This offer was gratefully accepted by the Chairman and the Commissioner of the United States and the Commissioner of France was given *carte blanche* to proceed on the lines of his suggestions, on the understanding that, in the meantime, the drafting of the note would be proceeded with.

It was decided :

that the Chairman would, in consultation with his colleagues, proceed to draft a note to the Belgian Government and a covering letter to the three Governments on the lines which had been agreed upon.

4. Consideration of two questions which have arisen in connection with the deliveries made to the Royal Netherlands Government in 1947 and 1949.

(87th Meeting - Min. 1)

- (a) Approval of a letter to be addressed to the Minister of Finance of the Netherlands.
- (b) Consideration of a request by the Minister of Finance of the Netherlands for reimbursement of melting charges amounting to  $\text{fl. } 881.86$ .

The Chairman requested the Secretary General to explain the position.

The Secretary General explained that certain discrepancies in weights had come to light. In the case of the deliveries made by the Commission's Banks the latter, as often happened, had been unable, for technical reasons, to make up the exact amount indicated in the delivery orders and the Netherlands Government had received a certain number of fine ounces of gold less than its entitlement. In the case of the deliveries made at Frankfurt, which comprised a certain number of Prussian Mint bars which were not good delivery, the quantity of fine gold which had, in fact, been delivered was discovered, after verification to be slightly in excess of the Netherlands Government's entitlement. The net result was a balance of some 87 fine ounces in favour of the Commission to which, pursuant to the obligations it had entered into under an exchange of declarations at the time of the Frankfurt deliveries, the Netherlands Government had duly drawn the Commission's attention. A similar position had arisen in the past in respect of the deliveries effected to the Government of France, but in the case of France the net results had shown that the French Government had received less than its entitlement and the difference had been delivered by the Commission to the French Government in order to complete the exact amount mentioned in the receipts signed by the French Ambassador and, what was more important, in the waivers. The validity of the waivers was not in question in the case of the Netherlands since the Netherlands Government had received more than its entitlement and all that appeared to be necessary was that the exact amount delivered should be formally agreed between the Netherlands and the Commission and the entries in the Commission's books adjusted accordingly. A suggested letter to the Minister of Finance of the Netherlands, drafted by the Secretary General in consultation with the Commission's Chief Accountant, was now before the Commission.

7/.....

It set forth the position in detail, requested the Minister's agreement to the figures quoted therein and informed him that, when the amounts available for distribution to the various claimant countries were announced, in accordance with the Commission's terms of reference, it would be indicated that, of the amount shown as being available for restitution to the Netherlands, the latter had already received 2,439,274.416 fine ounces of gold (namely the amount referred to in the exchange of letters envisaged).

There was a second question in respect of which a decision was required by the Commission. The Netherlands Government had indicated that melting charges in respect of the Prussian Mint bars had amounted to  $\text{fl.} 881.86$ . The Commission in the exchange of declarations referred to above had undertaken to make good any discrepancies which might be disclosed by the assays of the Prussian Mint bars, but no reference had been made to melting charges. On the other hand, melting charges had been paid to France, with which country similar declarations had been exchanged, and all the Prussian Mint bars delivered to the Bank of England had been converted into good delivery bars at the expense of the gold pool.

It was a point for consideration whether the melting charges amounting to  $\text{fl.} 881.86$  should or should not be refunded to the Netherlands.

After a short exchange of views

It was decided :

- i. that the letter to the Minister of Finance of the Netherlands, submitted by the Secretary General, should be signed by the latter and despatched;
- ii. that the melting charges, amounting to  $\text{fl.} 881.86$  should be refunded to the Netherlands Government and that the Secretary General should take action accordingly.

5. Other points for discussion :

(a) Hearing of the Polish Representatives :

The Chairman requested the Secretary General to explain the question.

The Secretary General explained that the Polish Minister had asked if the hearing could be held subsequently to the 25th August (which was the tentative date indicated in the Commission's letter offering the hearing) - as the Polish Representatives would not be ready by that time. The Chairman, who had been consulted in the absence of the Secretary General, had taken upon himself to agree to a postponement until some date in September. As the Polish Authorities had already on one occasion called their experts to Brussels without consulting the Commission and, later, expressed surprise when the Secretariat declined to discuss the Polish claims with the latter, the Secretary General felt that arrangements for the eventual hearing should be made in writing to avoid any misunderstanding.

The Chairman consulted his colleagues as to their movements in September.

It was agreed :

- i. that all three Commissioners would be available in Brussels for a hearing of the Polish Representatives from 1st to 6th September inclusive;
- ii. that subsequently to that date they would require some notice and that the Polish Minister should be requested not to call the Representatives of his Government from Warsaw for the purpose of being heard by the Commission without first consulting the Secretary General and coordinating the arrangements with him.

DECLASSIFIED  
Authority NND 968106  
By TJ MARRA Date 5/16/99

20591  
TGC  
Lot 62015  
Box 5

- 8 -

(b) Drafting of the Commission's adjudications in their final form.

The advisability of beginning to prepare drafts of the Commission's adjudications in their final form was discussed.

Decision :

The Secretary General was directed to proceed with the preparation of these drafts in consultation, in the first instance, with the Chairman, for ultimate submission to the Commission.

The Meeting was adjourned at 1 p.m.

JAC minutes  
 Final Minutes  
 Box 5

TRIPARTITE COMMISSION FOR THE  
 RESOLUTION OF MONETARY GOLD.

5th Meeting.

18th July, 1950 - 10.30 a.m.

Present :

H.E. Colonel R.H.L. WINGATE

- Deputy Commissioner of the Government  
 of the United Kingdom of Great Britain  
 and Northern Ireland - Chairman

Mr. Homer S. FOX

- Commissioner of the Government of the  
 United States of America

H.E. Monsieur Henry SPITZMULLER

- Deputy Commissioner of the Government  
 of the French Republic

Dr. Otto F. Fletcher

- Advisor to the United States  
 Commissioner

Monsieur de Payster

- Secretary General to the French  
 Delegation

Secretariat

Colonel J.A. Watson  
 Mrs. N.M. Tompkins.

- Secretary General

2. Reconsideration in the light of the French Commissioner's memorandum  
 circulated under REF INT-1601, dated 24th May, 1950, of the claim of  
 Belgium in respect of the gold of the Banque d'Emission.

The Chairman declared the Meeting open and proceeded to summarise  
 briefly the salient points in the past history of the case.

The original claim of the Belgian Government in respect of the gold  
 of the Banque d'Emission was, in the first instance, placed in the provisionally  
 rejected column of the Commission's schedule of claims and, in accordance with  
 the Commission's usual practice, the Representative of Belgium was summoned to a  
 hearing which was lengthy and in which the Belgian Representative was cross  
 questioned at length by the Commissioners.

As a result of this, the Commission made a further profound study of  
 the case and, at the 85th Meeting, recorded a unanimous decision that the claim  
 should be provisionally admitted. This followed on a lengthy discussion of the  
 case at the 84th Meeting at which the French Commissioner was not present. The  
 Chairman particularly referred his colleagues to Item 2 of the Minutes of the  
 84th Meeting and to Item 2 of the Minutes of the 85th Meeting. The French  
 Commissioner had now produced a memorandum in which he suggested that the case  
 should be re-examined. He was in order in doing so as the previous conclusion  
 was only provisional and had not been announced.

As he (the Chairman) understood the French memorandum, it made two  
 main points :

1. That the gold or some of it was not surrendered to the Banque  
 d'Emission voluntarily by the Belgians or owners of the gold in Belgium.
2. That the owners of the gold, or some owners, were foreign nationals  
 or Jews and did not receive compensation in Belgian francs but in blocked accounts.

Commissioner) drew the conclusion that some gold was, in fact, received by the Bank not from the owners but from the Devisenankommando, that is from the German occupying power and that the original owners of the gold retained rights over it, some, indeed, having refused to accept the compensation provided for.

The Chairman pointed out that the Commission must try and establish what actually happened when the gold was delivered by the owners to the Bank. Page 4 of the original memorandum submitted by the Belgian Government in reply to the Commission's original letter and questionnaire showed that the German decree of 17th June, 1940, obliged holders of gold to declare it to the authorized Reichskreditkassen. Further, in the judgment rendered by the Belgian Courts on the Banque d'Emission case, there figured a passage which said "whereas, it is true, the gold in question generally speaking was held to a certain extent in the power of the enemy owing to the fact that they had already discovered it in banking establishments ...". It seemed reasonable to him (the Chairman) to draw the conclusion that declarations to the Reichskreditkassen and delivery of the gold to the Banque d'Emission were separate matters. He (the Chairman) said that he would very much like his French colleagues to explain how and on what evidence he connected the delivery of gold to the Banque d'Emission with German duress.

The Chairman further referred to the annex to Monsieur Hirigoyen's note of 1st June, 1946, in which he gave a detailed statement of the accounting system in the Banque d'Emission for purchases of gold. He asked his French colleague if he would explain his memorandum in relation to the description of gold transactions given in this annex.

The Commissioner of France pointed out that his intervention was not based upon a desire to come back upon the decision previously taken nor had the fact that French interests happened, to a certain extent, to be concerned, anything to do with it. He was intervening as Commissioner because certain facts which had come to light and happened to have been made known to him had rendered it absolutely essential, in his opinion, that he should draw his colleagues' attention to them and to the conclusions which might be drawn therefrom.

He proposed to analyse, first of all, the arguments upon which the Commission and the Commissioner of France had based, in the first instance, their decision, taken prior to the hearing of the Belgian Delegate, to reject the claim. He would follow this up with an exposé of the circumstances in which, after the hearing, the Commission had converted its previous decision into one of provisional admittance and he would finally state why, in his opinion, the new facts which had come to light should lead the Commission to again modify its decision.

The Commissioner of France then proceeded to make an exhaustive study of the question "Was the Banque d'Emission a monetary authority of the claimant country?" His conclusions were that it could not from any angle or in any way be described as such. The Belgian Government had, in any event, themselves given the answer to the question. They had taken proceedings in the Belgian Courts against the Banque d'Emission for collaboration with the enemy before even lodging their claim with the Commission. It stood to reason that they would not have done this had they considered the Bank as a monetary authority existing from themselves.

The Commissioner of France then proceeded to examine in detail what happened during and after the hearing of the Belgian Delegate. The latter had made certain positive statements which had not convinced him, for a number of reasons which he gave. His two colleagues, however, had been impressed and, for a number of reasons, which they gave, were of the opinion, subsequently to the hearing, that the weight of evidence was such as to justify a provisional decision of admittance. He (the French Commissioner), as a measure of conciliation and in order not to delay the execution of the Commission's programme, had rallied to his two colleagues' views.

The Commissioner of France, finally, discussed and analysed, at great length, the new facts which had come to light and which should, in his opinion, lead the Commission to reverse its last decision which was that this claim should be provisionally admitted.

N.....

DECLASSIFIED

Authority NND 9108106  
By T. NARA Date 5/16/99

representative, in his anxiety to prove his claim, had facts which may not, in his opinion, have been of view in the light of all that has happened and had been said up to then and in view, also, of the stipulation of Part III of the Act of Paris, were of capital importance insofar as the Commission was concerned. He had not mentioned the circumstances in which the gold was collected nor the role played by the Banca Nazionale and the Société Française. The new facts which had come to light proved, without doubt (although, in view of their source, no mention could be made of them in any documents which the Commission might, eventually, publicly issue), that there had been duress of such a nature that it could not be ignored. It could no longer be held that the Belgian public had voluntarily or legally surrendered the gold nor that the Bank had acquired it in circumstances which might make it monetary gold. Indeed, a portion of it had been taken not from the Belgian public but from foreigners in the country, many of whom had retained their rights to this gold. More important still, a comparatively large portion of the gold had been seized by the German Authorities from the safes of private persons and transferred direct to the Reichsbank via the Banque d'Emission who had not even kept the sums paid by the Reichsbank for the gold but had transferred them to other banks, one being a German Bank, in the country for distribution.

The American Commissioner then spoke,

He had approached the problem perhaps from a slightly different angle. Like the Chairman, he had reviewed the past history of the case and the decisions previously taken both in this case and in other cases - the Polish cases in particular. It seemed to him that the essential issue in this case was the question of whether or not this gold was monetary gold, within the Commission's definition. There had been a tendency, in the past, to give this definition a somewhat more extensive interpretation, with a subsequent tendency to return to a somewhat more orthodox interpretation. He had, therefore, reviewed previous decisions in the light of this question, in an attempt to determine what additional evidence offered by the Commissioner of France was, in fact, required in order to arrive at a decision supporting one or the other previous decisions of the Commission.

The original provisional decision of the Commission had been, briefly, that the gold in question did not, in fact, belong to Belgium in the sense of paragraph C of Part III of the Paris Agreement. At the 85th Meeting, after the hearing of the Belgian Delegate, the Commission reversed its decision and decided provisionally that the claim of the Belgian Government should be allowed on the ground that the Banque d'Emission, at the time of the illegal transfer, was the owner of the gold and that the gold could, therefore, be claimed as part of the Belgian monetary reserve.

In reviewing the evidence from this point of view, that is to say, as to whether it was monetary gold, it seemed to him (the American Commissioner) that the character of this gold as monetary gold had not been established and that, therefore, the claim should not be allowed on the basis of the evidence already before the Commission. The main points leading the Commissioner to this conclusion were:

1. That the gold in question was not, prior to its sale to the Banque d'Emission, included in the monetary reserve of Belgium, nor were private holders of this gold required by Belgian pre-occupation Foreign Exchange regulations to declare or offer this gold.

2. The gold did not become part of the monetary reserve of Belgium after its acquisition by the Banque d'Emission because this Bank was not part of the true successor of the central Bank of Belgium. It was established and controlled by the German Occupants. Besides, the Bank was not permitted or obliged to hold gold as reserves against note issues.

3. Gold which was directly collected from Belgian residents or gathered from German seizures from private owners, was regularly sent to the Reichsbank in Berlin on German orders. The pertinent German order was issued simultaneously or prior to the publication of the German decree of June 27, 1940, requiring the offering of such gold by private owners to the Banque d'Emission. Consequently, the gold in question was received by the Banque d'Emission as an agent of the Reichsbank.

✓

209253

RG 59  
TGC  
W 620 115  
Box 5

*Part 1*  
For all these reasons, he (the American Commissioner) was of the opinion that the claim should be disallowed. He assumed that, as far as the Belgian Government was concerned, if the provisional decision of the Commission should be to reject the claim, the Belgian Government could still, in the ordinary procedure of the Commission, have an opportunity to appear before it.

There was a consequential consideration which arose from this conclusion and, in part, from the French memorandum. It was particularly important that the decisions of the Commission in cases which were at all comparable should be consistent. He had, therefore, examined whether a rejection of the Belgian claim would be likely to affect other decisions taken by the Commission such as those in respect of the gold of the Nederlandsche Bank and of the Austrian National Bank. His conclusion was that these would not be affected. The Banks, in the latter two cases, were unquestionably the Central Banks of the countries concerned and the purchase had been made in good faith. The gold had been entered in the accounts of the respective Banks and it served as cover for part of the monetary issue of the country.

The Chairman then spoke.

He did not feel able to share all the opinions expressed by his American colleagues in regard to the past. His own view was that the case had been all along a border line case and that the Commission had been right in first inclining to reject the claim, and equally right, after the detailed explanations of the Belgian Delegate, in inclining to accept the claim. The Commission had always, and in his view rightly, given every opportunity to claimants to establish a case which the Commission could consider as being able to be brought within their established standards for favourable adjudication. Now new facts had come to light, which he himself could not dispute, which entailed a detailed re-examination of the file of the case. He himself had made this re-examination and, on such re-examination he had now no hesitation in agreeing with his colleagues that the claim should be classed in the provisionally rejected category.

A discussion ensued between the Commissioners as to whether the Belgian Representative should be heard once. It was finally agreed that this was not necessary.

It was decided :

- i. that the claim should now be classified as provisionally rejected ;
- ii. that it would not be necessary to hear the Belgian Representative again ;
- iii. that the statements of the French and American Commissioners should be circulated.

The meeting adjourned at 12.30.

RG 59  
TGC  
Lot 620 115  
Box 5

DECLASSIFIED

Authority **NND 9108106**  
By **TJ MARRA** Date **5/26/99**

COMMISSION TRIPARTITE  
COMMISSION DE L'OR MONETAIRE

TRIPARTITE COMMISSION  
FOR THE RESTITUTION OF MONETARY GOLD

155, RUE DE LA LOI  
BRUXELLES  
TELEPHONE 34.98.00

269  
*Lt - E M*  
*pl. return*  
*MN - OFF*  
*files*

INT 1643  
C/MTG-94.

24th July, 1950.

Dr. Otto Fletcher,  
Adviser to the United States Commissioner  
on the Tripartite Commission for the  
Restitution of Monetary Gold,  
60, rue Ravenstein,  
Brussels.

*Poland*  
*from p. 7*

Dear Dr. Fletcher,

About the draft minutes of the 94th Meeting, I should be most grateful if you could see your way to examining with particular attention the passage about the Czech claims and to letting me have your expert advice regarding the presentation of the situation as at July 12, 1950.

As I explained to you, most of the decisions were taken before my time and I have always been somewhat puzzled at the way in which some of them were recorded. The explanation probably is that our predecessors did not perhaps quite realise that others would be continuing their good work and lost sight of the necessity for setting forth the facts in such a way that they should be absolutely clear to eventual newcomers.

I am never as happy when dealing with ancient history in which I was not concerned as I am when dealing with matters which I have handled myself from the very beginning.

Thanking you in anticipation and apologising for troubling you with this matter.

Yours sincerely,

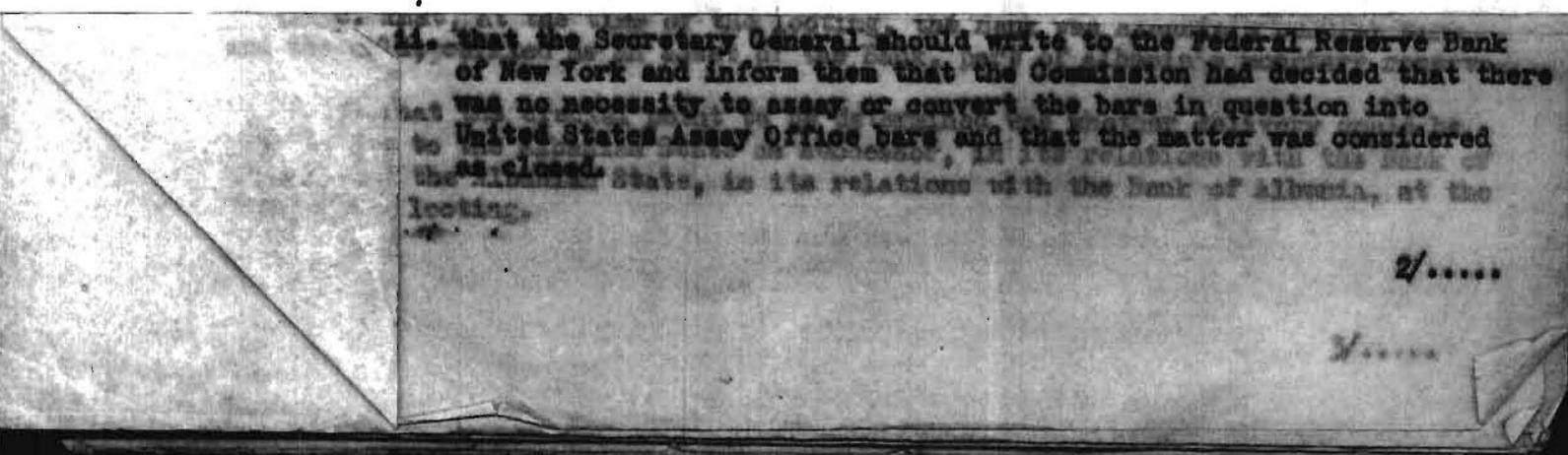
*J.A. Watson*

J.A. WATSON,  
Secretary General.

*RG 59*  
*TGC*  
*LOS 620115*  
*Box 5*

JAW/fac.

209255



... that the Secretary General should write to the Federal Reserve Bank of New York and inform them that the Commission had decided that there was no necessity to assay or convert the bars in question into United States Assay Office bars and that the matter was considered as closed.

2/.....

DECLASSIFIED  
Authority **NND 968 106**  
By **T. NARA** Date **5/6/99**

RC 57  
TGC  
605620  
Box 5

ON TRIPARTITE  
POUR LA RESTITUTION DE L'OR MONETAIRE  
TRIPARTITE COMMISSION  
FOR THE RESTITUTION OF MONETARY GOLD

155, RUE DE LA LOI  
BRUXELLES  
TELEPHONE 34. 98. 00

INT 1642  
SA/RTG

24th July, 1950.

FROM: The Secretary General  
TO: The Commissioner of the Government of the United States of America.  
The Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland.  
The Commissioner of the Government of the French Republic.

The documents listed hereunder :  
Les documents ci-dessous énumérés :

**Draft Minutes of the 94th Meeting of the Commission held on 11th and 12th July, 1950.**

are forwarded for approval or observations please  
sont transmis pour approbation ou observations s.v.pl.



J. A. WATSON,  
Secretary General,  
Tripartite Commission for the  
Restitution of Monetary Gold.

DRAFT MINUTES

TRIPARTITE COMMISSION FOR THE  
RESTITUTION OF MONETARY GOLD.

1642

92nd Meeting.

11th July, 1950 - 10.30 a.m.  
12th July, 1950 - 10.30 a.m.  
12th July, 1950 - 3.30 p.m.

Present :

- |                                 |  |
|---------------------------------|--|
| H.E. Colonel R.E.L. WINGATE     | - Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland - Chairman |
| Mr. Homer S. FOX                | - Commissioner of the Government of the United States of America   |
| H.E. Monsieur Henry SPITZMULLER | - Deputy Commissioner of the Government of the French Republic   |
| Mr. Otto F. Fletcher            | - Adviser to the United States Commissioner  |
| Monsieur de Fayster             | - Secretary General to the French Delegation   |
| Monsieur M. Hirigoyen           | - Deputy Adviser to the Commission (present on 12th July only).  |

Secretariat

- |                     |                     |
|---------------------|---------------------|
| Colonel J.A. Watson | - Secretary General |
| Mrs. H.M. Tompkins. |                     |

1. Consideration of the position in regard to the gold delivered by Sweden to the Commission's account at the Federal Reserve Bank of New York.

(92nd Meeting, Min. 3)

The Chairman summed up the contents of the Secretary General's report, circulated under cover of the Secretariat's INT-1632, dated 3rd July, 1950.

After a short exchange of views, the Commission decided that there was sufficient justification for treating the "said to contain" credit, amounting to 230,049.065 Troy ounces of fine gold, given by the Federal Reserve Bank of New York as a firm credit for the purposes of the Commission's accounting and eventual deliveries.

It was decided :

- i. that the Secretary General should place this decision on record and give appropriate instructions to the Commission's accountants, and
- ii. that the Secretary General should write to the Federal Reserve Bank of New York and inform them that the Commission had decided that there was no necessity to assay or convert the bars in question into United States Assay Office bars and that the matter was considered as closed.

2/.....

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/16/99

RG 59 - -  
 TGC  
 Lot 620115  
 B or S

- 2 -

2. Further consideration of the Italo-Albanian case. Statement by the Chairman.

(93rd Meeting, Min. 1)

The Chairman recalled that he had undertaken to make known, at this Meeting, his views on the memoranda by the Commissioners of the United States and of France which had been circulated by the Secretary General under cover of his INT-1626 dated 26th June, 1950, and INT-1622, dated 22nd June, 1950.

The Chairman proceeded to make a carefully considered statement reviewing the position and possibilities, as he saw them, in the light of his two colleagues' memoranda.

Whilst he still held the view that the Commission's original decision on the Albanian claim should be maintained, he had endeavoured to determine how the opinions expressed by his two colleagues could be implemented.

Put very briefly, for reasons which he gave in detail, he (the Chairman) held the view :

1. That, in general, the Gold Commission were acting as arbiters to distribute equitably the gold pool amongst Governments claiming to share in it. No claim, as the term was commonly used, could lie against the gold pool. The essential element of a successful application for a share was that the gold claimed was "monetary gold".

The Commission could not diminish or assign any part of the gold pool except on the grounds that such portion was monetary gold restitutable under Part III of the Act of Paris and it would seem to follow, therefore, that the Commission could not decide that a request for the restitution of monetary gold from the gold pool could be decided by another Court, for there was no other Court and no law governing such restitution.

2. Consequently, it would appear to be doubtful whether his American colleague's purely tentative suggestion that the share of an unknown country X should be deposited with the International Court at the Hague and that the matter could be referred to that Court could be adopted.

3. That all three members of the Commission were agreed on the following points :

- (a) that the looting of the gold by the Germans was established.
- (b) that Albania, alone, could have put forward the request for restitution under Part III of the Act of Paris.
- (c) That Italy, as a country or Government, had failed to establish its right to restitution of the gold referred to under Part III.

4. That the three members of the Commission were not in agreement regarding the right of the Albanian Government of to-day to have delivered to it the share of the gold pool represented by the loss of the Bank of Albania.

5. That it was doubtful whether his two colleagues' arguments, tending to demonstrate that the powers of the Albanian State over the Bank were so circumscribed as to render its control over the Bank nugatory, affected the issue.

6. That, at the time of the looting, the Bank was Albania's central Bank and the gold, carried as an asset of the Bank, part of Albania's monetary reserve.

7. That the crucial point to be determined was whether delivery could be made direct to the Albanian State as successor, in its relations with the Bank of Albania, of the Albanian State, in its relations with the Bank of Albania, at the time of the looting.

3/.....

209258

8. That the doubts of his two colleagues as to whether unrestricted delivery could be made in the circumstances must be examined and that the Commission were entitled, under their terms of reference, to tender advice to the three Governments in respect of delivery.

9. That, presumably, in the case of the gold of the Bank of Danzig, the Commission would enter a portion of this gold as restitutable under Part III, say that Poland had claimed it, but that it was beyond the competence of the Commission to determine the succession of the Free State of Danzig and direct that the gold be delivered to Poland in the event of this being established in favour of Poland, but, in the event of this not being established, direct that the gold revert to the pool to be distributed pro rata to the other successful claimants.

10. That, in view of all that precedes, all that the Commission could say was that the Albanian State, at the time of the looting, lost monetary gold and that, also within the meaning of Part III, such gold, if the Albanian State of to-day is established as being able to receive a share of the gold pool, should be restituted to Albania.

11. That, consequently, as in the case of the gold of the Bank of Danzig, it might be possible to say that a share of the gold pool could be allocated in this respect with the proviso, generally, in these terms :-

"This share in the gold pool has been claimed by the Albanian Government. The provisions of Article 30 of the Banking Convention of March 15, 1923, and the Albanian Decree of January 15, 1945, are contradictory and the Commission is not competent to decide whether the latter can be considered as superseding the former. In the absence of a "pertinent agreement" in the form of a binding decision, amicable, judicial or otherwise, determining, unequivocally, the relationship, past and present, of the Albanian Government with the Bank of Albania, which decision the Commission is not competent to bring about or render, the Commission is unable to determine whether this share of the gold pool should be delivered to Albania. In the event of the right of Albania to receive this share being (agreed) or (established) this share will be delivered to Albania otherwise it will revert to the general pool of gold available for distribution to the other countries figuring in the Commission's final award."

The chairman added that he still considered that the maintenance of the Commission's original award in favour of Albania in its entirety with all that was thereby implied, would be justified under the terms of reference of the Commission; nevertheless, he could not fail to see the point of view of his colleagues regarding unrestricted delivery to Albania. He had endeavoured to show what was, in his opinion, a possible way of implementing his colleagues' views if the Commission should decide in this sense. It remained for his colleagues to convince him.

Contd...

*presented his writing of the decision as tentative, and requested his colleagues to make suggestions as to improvements and/or amendments.*

The Chairman asked his two colleagues if they had any comments to make at that stage.

The Commissioner of the United States said that he required time to study the Chairman's statement, but enquired whether the rival claimants should not be heard.

The Chairman replied that, in his opinion, the Commission would first have to arrive at a tentative decision on the case and that, assuming, as he presumed would be the case, that the Italian submission was rejected, insofar as the Commission was concerned, the Italian representative would have to be written to, informed that the "Commission had been unable to find ..... etc", in accordance with the Commission's usual procedure, and invited to appear, if he thought fit, before the Commission to present any arguments he might wish to put forward in support of the Italian submission. After that, the Albanian Delegate would probably have to be heard, but at some later stage as much would depend on what the hearing of the Italian representative would bring forth.

The Commissioner of France said that he required time to study the Chairman's statement.

It was decided :-

- i. that the verbatim report of the Chairman's statement would be circulated by the Secretary General;
- ii. that the Commissioners of the United States and of France would let the Secretary General know when they were ready to continue the discussion.
3. Consideration of the following claims of the Czech Government :
  - a) 12,768.9601 kgs (Gold sold to the Reichsbank)
  - b) 3,397.7842 kgs (Acquisition of German gold from Switzerland)

(93rd Meeting, Min. 2)

The Chairman said that he understood that the Commissioner of the United States had some questions to put to the Commission's expert, Monsieur Kirigayen, who had been specially called from Paris at the Commissioner's request.

The Commissioner of the United States caused a number of questions to be put to the expert.

The expert's answers to the first series of questions showed that the position in regard to Czech claims, considered in their entirety, was, at the end of this Meeting, as follows :-

Contd...

RG 59  
TGC  
404 620115  
Box 5

209260

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/16/99

Total of the Czech claims.....45,008.2784 Kgs.  
 made up as follows :

A.	Gold held with the B. I. S. and B. N. S. at Bernes and through B. I. S. at Brussels .....	14,536.2010 Kgs.	
B.	Gold administered by Skodaworks.....	1,008.9146 Kgs.	
C.	Gold held at Bank of England through B. I. S. ...	23,087.3040 Kgs.	
D.	Gold coins held in Czechoslovakia, <i>by the Central Bank</i> .....	6,375.8588 Kgs.	
		<u>45,008.2784 Kgs.</u>	<u>45,008.2784 Kgs.</u>

The answers to the Questionnaire disclosed the fact that there had been a recovery by Czechoslovakia from Switzerland of..... 3,397.7842 Kgs.

Decisions taken :

<u>Admissions</u>	<u>Rejections</u>	<u>Deductions</u>	<u>Reserved for further Consideration</u>	<u>Observations.</u>
A. 14,536.2010				Gold transferred to the Germans when the Sudeten notes were withdrawn from circulation. This admission is provisional
B.	1,008.9146			This rejection is provisional.
C. <i>part of 10,318.3439</i>		3,397.7842		This can properly be described as an admission of 10,318.3439 Kgs. reduced to 6,920.5597 Kgs. by a deduction of 3,397.7842 Kgs. recovered direct from Switzerland by Czechoslovakia.
D. part of			12,768.9601	No decision as yet.
D. 6,375.8588				This was a definite decision.
14,536.2010 + 1,008.9146 + 10,318.3439 + 12,768.9601 + 6,375.8588 = 45,008.2784 Kg				

An exchange of views and questions and answers showed :

- a) That the Commission was not satisfied that Czechoslovakian economy, as a whole, had not benefitted by the operations in respect of which Czechoslovakia was claiming 12,768.9601 Kgs. and
- b) that, apart from enabling the Commission to arrive at the opinion described in (a) above, the answers by the Czechs to the Questionnaire and to the Commission's numerous requests for clarification of the position, had thrown no positive light on the subject.

A further discussion led the Commission to conclude that all that could be done to clarify the position had been done and that no useful purpose would be served by putting further questions to the Government of Czechoslovakia at that stage.

RG 59  
 TGC  
 Lt 620115  
 Box 5  
 209261

The Commission was, therefore, left with the choice of either rejecting the whole of the claim for 12,768,9601 kgs. on the grounds that detailed and verifiable evidence which would have enabled the Commission to determine the true position was lacking or, of attempting to weigh up the probable true losses and benefits and of making a decision in equity on the basis of the figures thus arrived at.

Although the members of the Commission were not prepared to commit themselves at that stage their opinion, generally, appeared to be that the first solution would not be a satisfactory one and that the possibilities inherent in the second solution would have to be thoroughly explored.

A. It was decided :

1. That the part amounting to 12,768,9601 kgs of the Czech claim designated as "G" above, should be brought up for further consideration at the next meeting.
2. That, with regard to the other portion of this same claim "G", namely 10,318.3439 kgs. an explanation should be placed on record as to why only 6,920.5597 kgs. had up to then, been admitted. This was that in the normal course of events the Commission would have accepted the claim up to 10,318.3439 kgs. which was the amount which had been found intact by the United States' Forces in Germany, but that it had considered that an amount of 3,397.7842 kgs., which the replies to the questionnaire had disclosed as having been recovered direct from Switzerland by Czechoslovakia, might have to be deducted from the total Czech claims and that the deduction might appropriately be charged against the 10, 318.3439 kgs. It had consequently accepted the 10,318.3439 up to 6,920.5597 kgs. and set aside an amount equivalent to the deduction envisaged, namely 3, 397.7842 kgs., for further consideration.

B. The Commission further decided :

1. That the recovery of 3,397.7842 kgs. referred to above, should definitely be deducted.
2. That the deduction should be made from the 10,318.3439 kgs. also referred to above, and that the whole operation should be described in the Commission's records as an admission of 10,318.3439 kgs. reduced to 6,920.5597 by deduction of a recovery of 3,397.7842 made direct by Czechoslovakia from Switzerland.
4. Reconsideration of the Commission's provisional decision in regard to the following Czech claim - 1,008.9146 kgf. (Skodawork's gold)  
(93rd Meeting - Min. 5)

The Chairman recalled that this claim had originally been rejected on the grounds that it could not be considered that the gold in question had formed part of Czechoslovakia's monetary reserve within the meaning of Part III of the Act of Paris.

At the 85th Meeting the Commissioner of the United States had requested that the claim should be re-examined with a view of determining whether the original decision was consistent with certain other decisions taken on other claims by the Commission. The Secretary General had been directed to make a series of analyses of the claim in the light of the decisions already taken in the case of the claim of Yugoslavia, in respect of the Ber mine gold and of the claims of Austria and Belgium, in respect of gold collected by the Austrian National Bank and the Banque d'Emission respectively. The last two analyses were now before the Commission.

The Chairman asked the Commissioner of the United States for his views.

RG 59 209262  
TGC  
604 620115  
Box 5

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/26/99

RG 59  
 TGC  
 62-620115  
 Box 5

The Commissioner of the United States expressed the opinion that there was no justification for altering the original decision taken in this case. The gold was not monetary gold when it came into the possession of the Skoda Works; it had been used by them for their own purposes and its status had not changed in any way whilst the gold was in their possession, the circumstances in which it had passed through the National Bank on its way to the Reichsbank, were such, that it could not be considered as having been entered or carried in the books of the Bank as part of the monetary reserve of Czechoslovakia and, the fact that it was held by the Skodawerks under licence and subject to certain declarations and control could not be said to have conferred upon it the status of monetary gold.

The Commissioner of France expressed the same opinion. The circumstances which he described at some length, in which the gold was held and disposed of by Skodawerks, made it clear that the gold was not monetary gold within the meaning of Part III of the Act of Paris.

The Chairman concurred.

It was decided :

that the claim should figure in the provisionally rejected column of the Commission's schedule of claims.

8. Exchange of views regarding the Polish submissions. (93rd Meeting - Min. 4)

It transpired that all the Commissioners were ready to discuss the Polish claims.

There had been a considerable amount of correspondence with Poland since the original claims had been received. The documentation submitted was very incomplete and there had been errors in calculations on the part of Poland. The Polish Government had been given exceptional opportunities of completing its documentation. The errors in calculation had been rectified and the following textual quotation from the Polish Minister's letter of the 17th Feb. 1950, gave the final complete list and amounts of the claims of Poland. The figures and designation of the claims had been checked and found correct by the Commission's expert, Monsieur Hirigoyen :

A. Purchases made by the Reichskreditkassen and the Emmissionsbank.....	Kgf 1,654.2011
B. Transfers made by the Deutschebank, Cracovie.....	91.8980
Purchases made by the Landesgenossenschaft, Bromberg.....	10.6652
C. Purchases made by the Reichsbank, Poznan	260.3000
Purchases made by the other branches of the Reichsbank (estimation).....	3,553.8988
Purchases made by the Reichsbank, Lodz..	466.1012
D. Seizures effected in the safes of the Postal Savings Bank.....	260.0489
Seizures effected in the safe of a Polish Citizen in Amsterdam.....	69.2150
E. Losses of gold declared by the Polish people.....	4,877.2047
Estimation of other losses from declaration of value.....	27,515.0000

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/26/99

RG 59  
 TGC  
 Lot 62015  
 Box 5

F. Estimation of the weight of the gold taken  
 from the victims of concentration camps..... 100,000,0000  
158,738,5309

The three Commissioners were unanimous in their opinion that all these claims should be rejected for the following reasons "inter alia":

With regard to claim "A" proof had been provided regarding the transfer to the Reichsbank of all the gold referred to under "A". The documentation produced led to the inevitable conclusion that the Reichskreditkassen and Reissionsbank were monetary authorities set up by the occupying power and subject to a direct control by it, that they were not authorized to retain the gold among their own assets as cover for the note issue, that, in fact, the gold purchased by them was purchased on Reichsbank account and they were no more than intermediaries for centralising in Berlin the gold assets of private persons. Poland could not be said to have established that a definite amount of monetary gold belonging to it had been looted by or wrongfully removed to Germany.

With regard to claim "B", the quantities of gold referred to were transferred directly to the Reichsbank by the two "credit banks" concerned. These banks were private German banks. There was no proof that they acquired gold from Polish citizens. The transfer to the Reichsbank of gold assets of German banks could not justify a claim by the Polish Government. The latter could not establish that it suffered or that a monetary authority of the country had suffered a loss of gold on these grounds, nor even that the gold transferred had ever belonged to Polish citizens. It was not and never had been monetary gold of Poland within the meaning of Part III of the Act of Paris. Detailed and verifiable evidence was lacking and Poland could not be said to have established that a definite amount of monetary gold belonging to it had been looted by or wrongfully removed to Germany.

With regard to claim "C", the Commission held evidence regarding the purchase of a small portion of this gold by the Reichsbank. No evidence was forthcoming regarding the major portion. The Branches of the Reichsbank set up in Poland were<sup>not</sup> autonomous. They were merely branches of the German Reichsbank. They were authorized to purchase and sell gold. The gold purchased was included among the assets of the Reichsbank as cover for the notes issued by the Reichsbank. German Decrees, dated 7th October, 1939, and 17th November, 1939, imposed upon Polish citizens an obligation to offer gold for purchase to these branches. The branches of the Reichsbank in Poland could in no way be regarded as monetary authorities of Poland. They were only branches of the Bank of Issue of the Reich. The gold acquired from Polish nationals or from the German authorities who had seized it (in particular the Gestapo) was immediately transferred to the reserves of the Reichsbank without passing through any intermediary.

Detailed and verifiable evidence was, in great part, lacking and Poland could not be said to have established that a definite amount of monetary gold belonging to it had been looted or wrongfully removed to Germany.

With regard to claim "D", the seizure of this gold by the Germans was proved, but in each of the two cases included under "D", the gold was taken by the Germans from Polish nationals without the intervention of any banking institution. It was not, and had not been at any time, monetary gold of Poland within the meaning of Part III of the Act of Paris. Poland could not be said to have established that a definite quantity of monetary gold belonging to it was looted by or wrongfully removed to Germany.

209264

DECLASSIFIED

Authority NND 948106

By T. J. NARA Date 5/26/99

RG 59  
TGC  
Lot 62D.115  
Box 5

With regard to claims "E" and "F", these were obviously in respect of gold looted from private persons. Detailed and verifiable data had not been produced. Seizure by the Germans and transfer to Germany had not been proved. The gold described could not possibly be regarded in any way as monetary gold.

Detailed and verifiable data was lacking, and Poland could not be said to have established that a definite amount of monetary gold belonging to it was looted by or wrongfully removed to Germany.

The Commission observed that in addition to the fluctuations in the gold stocks of the Bank of Poland the answer to Question III of the questionnaire indicated, in the Polish monetary reserve, an acquisition designated as follows :

"Acquisitions from residents in the country of gold nationalized by the Decree Law of the President of the Republic of 2nd September, 1939, the subsequent realization of which was paralyzed by the German invasion and, in fact, carried out by the occupying power.

The figure of 138,738 kgf <sup>above</sup> under this heading was exactly the same as the total amount of all the Polish claims.

This amounted, in fact, to saying that the decree of 2nd September, 1939, which, in any event was never applied, would have provided for the incorporation in the monetary gold reserve of the country of watches, chains, rings and "teeth", taken into consideration in estimating, after very rough calculations, the most important Polish losses (100,000 kgs taken from victims of concentration camps - 27,515 kgs. represented the value in gold of precious objects stated to have been lost by Polish citizens).

This lead to the following conclusions :-

1. Like Greece, and contrary to all the other claimant countries, Poland suffered no loss by German action of gold which had figured among the assets of its central bank.
2. All the gold removed from Poland by the Germans belonged to Polish citizens who lost it as a result of seizure by the Germans or forced sales to banking institutions.
3. Like the Greek Government, the Polish Government referred to a decree (of 2nd September, 1939) which "imposed on individuals and corporations an obligation to declare and to submit for purchase to institutions indicated by the Government their gold in coin and in bar".

In the case of Greece, the text quoted dated from 1936 and made it possible to register in the name of the State 7,358 kgf.

Contd...

In the case of Poland, the decree of 2nd September, 1939, was never put into force, since, as the Polish Government itself admitted, the events of the war prevented it from promulgating the text which would have laid down methods of implementation. In these circumstances, the Polish Government could not claim that this inoperative decree resulted in increasing the monetary reserves of the country. It was also incapable of "estimating" the acquisitions of gold which would have resulted from the decree had it been applied. Nothing authorized it to indicate, as it did under unrealized acquisitions, the total of the quantities of gold which it "estimated" as having been lost by its nationals as a result of the purchase or seizure not only of coin and bars, but also of precious objects of all kinds, including the "teeth" of victims of concentration camps".

The Commission decided that the Polish representative would have to be offered a hearing in accordance with the Commission's usual practice.

The representative had already been heard at the 11th Meeting, on 6th October, 1947, but this was merely in order that he should give certain explanations. He was not, at that time, commenting upon proposed rejections.

The Commission, after that hearing, had directed that of the total claimed by Poland 132,380 Kgs. should be ignored when calculating the percentage to be used as a basis for the "preliminary distribution" of gold.

It was decided :

- i. That the Polish claims in their entirety should be provisionally rejected;
- ii. That the Secretary General should draft and circulate a letter to the Polish Minister informing him that the Commission "had been unable to find.....etc." and offering the Minister a hearing about the 20th August, in accordance with the Commission's usual practice.

6. Further exchanges of views regarding gold at the Bank of England with reference to the Dollfus Meig case. (93rd Meeting, Min. 7)

The Chairman stated that he had had further conversations with his Government on this subject. The general view of his Government was now that the whole of the gold held at the Bank of England was unidentifiable - that no claim could be sustained against it in the Bank of England and that there was, therefore, no need for any transfer. He was expecting to receive the complete views of his Government in writing. He believed that they were in touch with the other two Governments regarding this question. He suggested that the question should be shelved pending receipt of the detailed advice he was expecting from London.

It was decided :

that the question should be shelved.

7. Other points for discussion.

a) The Commission's status :

<sup>Chairman</sup>  
The ~~Commissioner~~ recalled that the Belgian Minister for Foreign Affairs, had on 20th May, 1947, in reply to a letter from the French Commissioner, stated in writing that there was no objection on the part of his Government to the establishment of the Commission in Brussels and that his Government would afford to the staff of the Secretariat of the Commission, the same treatment as it had afforded to the Secretariat of the Inter-Allied Reparation Agency.

They had not done so and the Chairman (at that time Mr. Daspit) of the Commission had called upon a senior member of the Ministry and, later, written to the Ministry on the subject. In reply to repeated reminders the Ministry had finally confirmed, over the signature of the Secretary General of the Ministry, on 5th May, 1949, that the Convention on the Immunities and Privileges of the United Nations had been ratified by the Belgian Parliament and would be extended to apply to the Commission's staff in the same way as it had been to the Inter-Allied Reparation Agency.

They had, however, failed to comply with a request from the Secretary General of the Commission that the appropriate clauses of the Convention should be applied to himself and had, indeed, written to him on 9th March, 1950, stating that the "question presented certain difficulties, particularly in view of the absence of any legislative text establishing, in relation to Belgium, the existence *qualitate qua* of the Commission".

Nothing had happened since then and it was evident that, as things stood, a deadlock had been reached.

The Secretary General's object in applying, in conformity with the Convention, for a blue card similar to those issued to members of the Diplomatic Corps and, identical with those which had been issued to the Secretary General of the Inter-Allied Reparation Agency and his two deputies, was to cover the Commission, in his person, as the Commission's chief executive, against any claims, proceedings or actions which can normally be brought against private persons or organisations under Belgian Law.

The Ministry's reply showed that the Secretary General as chief executive of the Commission was not covered against such an eventuality and that there was a distinct possibility that the Commissioners were not either - although, of course, they were in possession of appropriate Belgian documents in respect of other functions which they happened to be carrying out. These, however, might come to an end before the Commission did and, in any event, possibly only covered the Commissioners in respect of the functions having regard to which they had been issued. The Commission had reached a stage where it was most subject to attack, not only by discontented Governments, but also by private persons and the situation was a very serious one.

As the Chairman, subject to anything that might transpire as a result of enquiries, he was making, was of the opinion that though the Act of Paris, which had created the Inter-Allied Reparations Agency, had international force, the Commission was a creation of the three Governments to implement restitution of gold in accordance with certain obligations undertaken by the three Governments towards the signatories of the Paris Act. The wording of Section F of Part III of the Paris Act and of the Official Gazette of the three Governments seemed to make it a body which had similar authority and functions as between the three occupying powers and Governments claiming against the gold pool, as the Military Governors (now the High Commissioners) in Germany had as between the three occupying powers and Governments claiming restitution of various material, etc. in Germany. The Commission was a high organ of the three Governments undertaking a special mission. As such, it would seem to have to look to the three Governments for protection rather than to the Belgian Government which happened to be the Commission's host purely accidentally and as a matter of convenience.

What might well have happened when the Commission was first set up was that the three Governments by simultaneous notes through their Ambassadors in Brussels or by a joint note presented by the three Embassies, would have informed the Belgian Government that a special Commission consisting of X, Y and Z would be set up by the three powers to implement Part III of the Act of Paris, of which the Belgian Government was a signatory, and would, for obvious reasons of convenience, if the Belgian Government had no objection, operate in Brussels. The three Governments would then have asked the Belgian Government, if it agreed, to grant to the Commissioners and the Commission's chief executive officer, such immunities and privileges as were appropriate.

He (the Chairman) was of the opinion that a "démarche" of this nature would be appropriate even at this late stage, in view of the Commission's very delicate position and that, furthermore, as a preliminary measure, steps should be taken to ascertain whether the Government of the United Kingdom could provide the Secretary General, who happened to be a British subject, with documents which would improve his position "vis-à-vis" the Belgian Government.

The Chairman asked for his colleagues' opinions as in view of their great experience he felt that they were far more qualified than he was to suggest an appropriate remedy.

It was decided :

- i. that the Chairman would take up the question of protection for the Secretary General with the Government of the United Kingdom.
- ii. that the Commissioners of the United States and of France would let the Chairman have their views in writing.

(b) Letter in reply to a request from a private person for information on the situation in regard to Polish claims.

The Commission, after taking cognizance of the Secretary General's note INT-1637, dated 14th July, 1950, approved the Secretary General's reply to the effect that the Commission only communicated with Governments.

The Meeting adjourned at 5.00 p.m.

DECLASSIFIED  
Authority NND 968 106  
By T. NARA Date 5/26/99

RG 59  
TGC  
Lot 62015  
Box 5

**State of the Commission : (24th Meeting, Min 7a)**

The Chairman, referring to the views he had expressed at some length at the 24th Meeting on this subject and to his two colleagues promises that they would let him have their observations, stated that he had received views from both the Commissioner of the United States and the Commissioner of France.

Briefly, all three Commissioners were in agreement that the present position could not be allowed to continue and that steps would have to be taken to obtain complete immunity not only for the Secretary General, to whom the Belgian Authorities, despite his requests, had not issued any satisfactory documents, but also for the three Commissioners who were only covered in their capacities as Delegates to the Inter-allied Reparation Agency. There were doubts as to whether their present immunities covered their functions as Commissioners of the Cold Commission and in any event the former functions might come to an end before the latter did.

The final announcement of the Commission's findings would be bound to cause some discontent amongst unsuccessful claimant countries. There was a risk that they might attempt to take proceedings against the Commission in the person of the Secretary General and/or the Commissioners in Belgium and there was a similar risk in regard to private claimants. There were doubts among the Commissioners as to whether they would feel able to issue their final findings until the question of the Commission's status had been clarified and until the Commission, the Commissioners and their chief executive, the Secretary General, had been fully and completely covered from the point of view of immunities against any such eventualities.

The Chairman said that, in his opinion, all that could be done vis-a-vis the Belgian Government had been done and that no useful purpose would be served by making further representations, at this stage, in this direction. He suggested that the time had come when the matter should be taken up with the three Governments with a view to ascertaining what could and should be done to regularise the situation. He, for his part, was prepared to discuss not only the general question but, also, that of suitable documents for the Secretary General, who was a British subject, with his Government.

The Commissioner of the United States asked that the necessity for ascertaining what status the Commission itself had should not be lost sight of.

**It was decided :**

- i. that the Chairman would take action as suggested by him and inform his colleagues of the results of his enquiries;
- ii. that the Commissioners of the United States and of France would, for their part, make such enquiries as they might consider desirable;
- iii. that all three Commissioners would co-operate to the fullest extent with a view to bringing about a joint démarche of the three Governments to the Belgian Government if such a step were found practicable and desirable.

The Meeting adjourned at 7 p.m.

See p 10

*This is attached to Bureau no 145*

**TRIPARTITE COMMISSION FOR THE INSTITUTION OF MONETARY GOLD.**

**24th Meeting**

11th July, 1950 - 10.30 a.m.  
12th July, 1950 - 10.30 a.m.  
12th July, 1950 - 3.30 p.m.

**Members :**

- H.E. Colonel R.E.L. Fingate - Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland - Chairman.
- Mr. Homer S. Fox - Commissioner of the Government of the United States of America.
- M. M. Monsieur Henry SPIEGELER - Deputy Commissioner of the Government of the French Republic.
- Mr. Otto F. Fletcher - Adviser to the United States Commissioner.
- Monsieur de Fugère - Secretary General to the French Delegation
- Monsieur M. Hirigoyen - Deputy Adviser to the Commission (present on 12th July only).

**Secretariat**

- Colonel J.A. Watson - Secretary General
- Mrs. H. E. Tompkins

**1. Consideration of the position in regard to the gold delivered by Sweden to the Commission's account at the Federal Reserve Bank of New York.**

(92nd Meeting, Min. 5)

The Chairman summed up the contents of the Secretary General's report, circulated under cover of the Secretariat's INT 1632, dated 3rd July, 1950.

After a short exchange of views, the Commission decided that there was sufficient justification for treating the "said to contain" credit, amounting to 230,049,065 troy ounces of fine gold, given by the Federal Reserve Bank of New York as a firm credit for the purposes of the Commission's accounting and eventual deliveries.

**It was decided :**

1. that the Secretary General should place this decision on record and give appropriate instructions to the Commission's accountants, and
2. that the Secretary General should write to the Federal Reserve Bank of New York and inform them that the Commission had decided that there was no necessity to assay or convert the bars in question into United States Army Office bars and that the matter was considered as closed.

2. Further consideration of the Italo-Albanian case. Statement by the Chairman.

(93rd Meeting, Via. 1)

The Chairman recalled that he had undertaken to make known, at this Meeting, his views on the memoranda by the Commissioners of the United States and of France which had been circulated by the Secretary General under cover of his INT-1626, dated 26th June, 1950 and INT-1622, dated 22nd June, 1950.

The Chairman proceeded to make a carefully considered statement reviewing the position and possibilities, as he saw them, in the light of his two colleagues' memoranda.

Whilst he still held the view that the Commission's original decision on the Albanian claim should be maintained, he had endeavoured to determine how the opinions expressed by his two colleagues could be implemented.

Put very briefly, for reasons which he gave in detail, he (the Chairman) held the view :

1. That, in general, the Gold Commission were acting as arbiters to distribute equitably the gold pool amongst Governments claiming to share in it. No claim, as the term was commonly used, could lie against the gold pool. The essential element of a successful application for a share was that the gold claimed was "monetary gold".

The Commission could not diminish or assign any part of the gold pool except on the grounds that such portion was monetary gold restitutable under Part III of the Act of Paris and it would seem to follow, therefore, that the Commission could not decide that a request for the restitution of monetary gold from the gold pool could be decided by another Court, for there was no other Court and no law governing such restitution.

2. Consequently, it would appear to be doubtful whether his American colleague's purely tentative suggestion that the share of an unknown country X should be deposited with the International Court at The Hague and that the matter could be referred to that Court could be adopted.

3. That all three members of the Commission were agreed on the following points :

- (a) that the looting of the gold by the Germans was established;
- (b) that Albania, alone, could have put forward the request for restitution under Part III of the Act of Paris;
- (c) that Italy, as a country or Government, had failed to establish its right to restitution of the gold referred to under Part III.

4. That the three members of the Commission were not in agreement regard the right of the Albanian Government of to-day to have delivered to it the share of the gold pool represented by the loss of the Bank of Albania.

5. That it was doubtful whether his two colleagues' arguments, tending to demonstrate that the powers of the Albanian State over the Bank were so circumscribed as to render its control over the Bank nugatory, affected the issue.

6. That, at the time of the looting, the Bank was Albania's central Bank and the gold, carried as an asset of the Bank, part of Albania's monetary reserves.

7. That the crucial point to be determined was whether delivery could be made direct to the Albanian State as successor, in its relations with the Bank of Albania, of the Albanian State, in its relations with the Bank of Albania, at the time of the looting.

✓.....

8. That the doubts of his two colleagues as to whether unrestricted delivery could be made in the circumstances must be examined and that the Commission were entitled, under their terms of reference, to tender advice to the three Governments in respect of delivery.

9. That, presumably, in the case of the gold of the Bank of Danzig, the Commission would enter a portion of this gold as restitutable under Part III, say that Poland had claimed it, but that it was beyond the competence of the Commission to determine the succession of the Free State of Danzig and direct that the gold be delivered to Poland in the event of this being established in favour of Poland, but, in the event of this not being established, direct that the gold revert to the pool to be distributed pro rata to the other successful claimants.

10. That, in view of all that precedes, all that the Commission could say was that the Albanian State, at the time of the looting, lost monetary gold and that, also within the meaning of Part III, such gold, if the Albanian State of to-day is established as being able to receive a share of the gold pool should be restituted to Albania.

11. That, consequently, as in the case of the gold of the Bank of Danzig, it might be possible to say that a share of the gold pool could be allocated in this respect with the proviso, generally, in these terms:-

"This share in the gold pool has been claimed by the Albanian Government. The provisions of Article 50 of the Banking Convention of March 15, 1923, and the Albanian Decree of January 15, 1945, are contradictory and the Commission is not competent to decide whether the latter can be considered as superseding the former. In the absence of a "pertinent agreement" in the form of a binding decision, amicable, judicial or otherwise, determining, unequivocally, the relationship, past and present of the Albanian Government with the Bank of Albania, which decision the Commission is not competent to bring about or render, the Commission is unable to determine whether this share of the gold pool should be delivered to Albania. In the event of the right of Albania to receive this share being (agreed) or (established) this share will be delivered to Albania otherwise it will revert to the general pool of gold available for distribution to the other countries figuring in the Commission's final award."

The Chairman added that he still considered that the maintenance of the Commission's original award in favour of Albania in its entirety with all that was thereby implied, would be justified under the terms of reference of the Commission; nevertheless, he could not fail to see the point of view of his colleagues regarding unrestricted delivery to Albania. He had endeavoured to show what was, in his opinion, a possible way of implementing his colleagues' views if the Commission should decide in this sense. It remained for his colleagues to convince him. In concluding, the Chairman emphasised that the above was only a tentative suggestion and might not even be correct or suitable. He had only put it forward to underline what were, in his view, some of the essential elements in the case.

✓.....

The Chairman asked his two colleagues if they had any comments to make at that stage.

The Commissioner of the United States said that he required time to study the Chairman's statement, but enquired whether the rival claims should not be heard.

The Chairman replied that, in his opinion, the Commission would first have to arrive at a tentative decision on the case and that, assuming, as he presumed would be the case, that the Italian submission was rejected, insofar as the Commission was concerned, the Italian representative would have to be written to, informed that the "Commission had been unable to find..... etc", in accordance with the Commission's usual procedure, and invited to appear, if he thought fit, before the Commission to present any arguments he might wish to put forward in support of the Italian submission. After that, the Albanian Delegate would probably have to be heard, but at some later stage as much would depend on what the hearing of the Italian representative would bring forth.

The Commissioner of France said that he required time to study the Chairman's statement.

It was decided :

- i. that the verbatim report of the Chairman's statement would be circulated by the Secretary General;
  - ii. that the Commissioners of the United States and of France would let the Secretary General know when they were ready to continue the discussion.
3. Consideration of the following claims of the Czech Government :
- a) 12,768,901 kgs (Gold sold to the Reichsbank)
  - b) 3,397,784 kgs (Acquisition of German gold from Switzerland)

(93rd Meeting, para. 8)

The Chairman said that he understood that the Commissioner of the United States had some questions to put to the Commission's expert, Monsieur Hirigoyen, who had been specially called from Paris at the Commissioner's request.

The Commissioner of the United States caused a number of questions to be put to the expert.

The expert's answers to the first series of questions showed that the position in regard to Czech claims, considered in their entirety, was, at the end of this meeting, as follows :-

2/11/1946

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/16/97

RG 59  
 TGC  
 Lot 62015  
 Box 5

Total of the Czech claim..... 45,008,2784 Kgs  
 made up as follows:

A. Gold held with the B.I.S. and B.N.S. at Bern and through B.I.S. at Brussels.....	14,536,2010 Kgs	
B. Gold administered by Skodaworks.....	1,008,9146 Kgs	
C. Gold held at Bank of England through B.I.S.....	10,318,3439 Kgs	
D. Gold coins held in Czechoslovakia.....	6,375,8588 Kgs	
	45,008,2784 Kgs	45,008,2784 Kgs

The answers to the questionnaire disclosed the fact that there had been a recovery by Czechoslovakia from Switzerland of..... 3,367,7842 Kgs.

Decisions taken:

<u>Admissions</u>	<u>Rejections</u>	<u>Deductions</u>	<u>Reserved for further consideration</u>	<u>Observations</u>
A. 14,536,2010				Gold transferred to the Germans when the Sudeten notes were withdrawn from circulation. This admission is provisional.
B.	1,008,9146			This rejection is provisional
C. part of 10,318,3439		3,367,7842		This can properly be described as an admission of 10,318,3439 Kgs. reduced to 6,950,5597 Kgs by a deduction of 3,367,7842 Kgs recovered direct from Switzerland by Czechoslovakia.
G. part of			12,768,9601	No decision as yet.
D. 6,375,8588				This was a definite decision.
<p>14,536,2010 + 1,008,9146 + 10,318,3439 + 12,768,9601 + 6,375,8588 = 45,008,2784 Kgs.</p>				

An Exchange of views and questions and answers showed:

- a) that the Commission was not satisfied that Czechoslovakian economy, as a whole, had not benefitted by the operations in respect of which Czechoslovakia was claiming 12,768,9601 Kgs and
- b) that, apart from enabling the Commission to arrive at the opinion described in (a) above, the answers by the Czechs to the questionnaire and to the Commission's numerous requests for clarification of the position, had thrown no positive light on the subject.

A further discussion led the Commission to conclude that all that could be done to clarify the position had been done and that no useful purpose would be served by putting further questions to the Government of Czechoslovakia at that stage.

4/.....

DECLASSIFIED  
Authority NND 968106  
By T. NARA Date 5/16/99

RG 59  
TGC  
Lot 620115  
Box 5

The Commission, was, therefore, left with the choice of either rejecting the whole of the claim for 12,768,9601 kgs. on the grounds that detailed and verifiable evidence which would have enabled the Commission to determine the true position was lacking or, of attempting to weigh up the probable true losses and benefits and of making a decision in equity on the basis of the figures thus arrived at.

Although the members of the Commission were not prepared to commit themselves at that stage their opinion, generally, appeared to be that the first solution would not be a satisfactory one and that the possibilities inherent in the second solution would have to be thoroughly explored.

A. It was decided :

1. That the part amounting to 12,768,9601 kgs of the Czech claim designated as "C" above, should be brought up for further consideration at the next meeting.
2. That, with regard to the other portion of this same claim "C", namely 10,318,3439 kgs. an explanation should be placed on record as to why only 6,920,5597 kgs. had up to then, been admitted. This was that in the normal course of events the Commission would have accepted the claim up to 10,318,3439 kgs. which was the amount which had been found intact by the United States' Forces in Germany, but that it had considered that an amount of 3,397,7842 kgs., which the replies to the questionnaire had disclosed as having been recovered direct from Switzerland by Czechoslovakia, might have to be deducted from the total Czech claims and that the deduction might appropriately be charged against the 10,318,3439 kgs. It had consequently accepted the 10,318,3439 up to 6,920,5597 kgs. and set aside an amount equivalent to the deduction envisaged, namely 3,397,7842 kgs., for further consideration.

B. The Commission further decided :

1. That the recovery of 3,397,7842 kgs. referred to above, should definitely be deducted.
2. That the deduction should be made from the 10,318,3439 kgs. also referred to above, and that the whole operation should be described in the Commission's records as an admission of 10,318,3439 kgs. reduced to 6,920,5597 by deduction of a recovery of 3,397,7842 made direct by Czechoslovakia from Switzerland.

C. Reconsideration of the Commission's provisional decision in regard to the following Czech claim - 1,008,9146 kgf. (Skodawork's gold) (93rd Meeting - Min.3)

The Chairman recalled that this claim had originally been rejected on the grounds that it could not be considered that the gold in question formed part of Czechoslovakia's monetary reserve within the meaning of " " of the Act of Paris.

At the 85th Meeting the Commissioner of the United States had r that the claim should be re-examined with a view of determining whether original decision was consistent with certain other decisions taken claims by the Commission. The Secretary General had been directed series of analyses of the claim in the light of the decisions already the case of the claim of Yugoslavia, in respect of the Bor mine of the claims of Austria and Belgium, in respect of gold collected by National Bank and the Banque d'Commission respectively. The last now before the Commission.

The Chairman asked the Commissioner of the United States :

DECLASSIFIED  
 Authority NND 968106  
 By T. NARA Date 5/16/99

RG 59  
 TCC  
 Lot 620  
 Box 5

The Commissioner of the United States expressed the opinion that there was no justification for altering the original decision taken in this case. The gold was not monetary when it came into the possession of the Skoda Works; it had been used by them for their own purposes and its status had not changed in any way whilst the gold was in their possession, the circumstances in which it had passed through the National Bank on its way to the Reichsbank, were such, that it could not be considered as having been entered or carried in the books of the Bank as part of the monetary reserve of Czechoslovakia and, the fact that it was held by the Skodaworks under licence and subject to certain declarations and control could not be said to have conferred upon it the status of monetary gold.

The Commissioner of France expressed the same opinion. The circumstances which he described at some length, in which the gold was held and disposed of by Skodaworks, made it clear that the gold was not monetary gold within the meaning of Part III of the Act of Paris.

The Chairman concurred.

It was decided:

that the claim should figure in the provisionally rejected column of the Commission's schedule of claims.

5. Exchange of views regarding the Polish submissions. (93rd Meeting - Min.4)

It transpired that all three Commissioners were ready to discuss the Polish claims.

There had been a considerable amount of correspondence with Poland since the original claims had been received. The documentation submitted was very incomplete and there had been errors in calculations on the part of Poland. The Polish Government had been given exceptional opportunities of completing its documentation. The errors in calculation had been rectified and the following textual quotations from the Polish Minister's letter of the 17th Feb. 1950, gave the final complete list and amounts of the claims of Poland. The figures and designation of the claims had been checked and found correct by the Commission's expert, Monsieur Hirigoyen:

A. Purchases made by the Reichskreditkassen and the Emissionsbank .....	Kgf 1,654.2011
B. Transfers made by the Deutschebank, Cracovie .....	92,8980
Purchases made by the Landesgenossenschaft, Bresnberg .....	10.6652
C. Purchases made by the Reichsbank, Poznan	260.3000
Purchases made by the Reichsbank, Lodz..	466.1012
Purchases made by the other branches of the Reichsbank (estimation).....	3,533.8988
D. Seizures effected in the safes of the Postal Savings Bank .....	260.0489
Seizures effected in the safe of a Polish Citizen in Amsterdam .....	69.2130
E. Losses of gold declared by the Polish people .....	4,877.2047
Estimation of other losses from declaration of value .....	27,515.0000

/....

DECLASSIFIED  
Authority NND 968106  
By T. MARA Date 5/6/99

RG 59  
TGC  
Lot 620 15  
Box 5

F. Estimation of the weight of the gold taken from the victims of concentration camps ..... 138,000,0000

138,738,5309.

The three Commissioners were unanimous in their opinion that all these claims should be rejected for the following reasons "inter alia" :

With regard to claim "A" proof had been provided regarding the transfer to the Reichsbank of all the gold referred to under "A". The documentation produced led to the inevitable conclusion that the Reichskreditkassen and Reichsbank were monetary authorities set up by the occupying power and subject to a direct control by it, that they were not authorized to retain the gold among their own assets as cover for the note issue, that, in fact, the gold purchased by them was purchased on Reichsbank account, and they were no more than intermediaries for centralising in Berlin the gold assets of private persons. Poland could not be said to have established that a definite amount of monetary gold belonging to it had been looted by or wrongfully removed to Germany.

With regard to claim "B", the quantities of gold referred to were transferred directly to the Reichsbank by the two "credit banks" concerned. These banks were private German banks. There was no proof that they acquired gold from Polish citizens. The transfer to the Reichsbank of gold assets of German banks could not justify a claim by the Polish Government. The latter could not establish that it suffered or that a monetary authority of the country had suffered a loss of gold on these grounds, nor even that the gold transferred had ever belonged to Polish citizens. It was not and never had been monetary gold of Poland within the meaning of Part III of the Act of Paris. Detailed and verifiable evidence was lacking and Poland could not be said to have established that a definite amount of monetary gold belonging to it had been looted by or wrongfully removed to Germany.

With regard to claim "C", the Commission held evidence regarding the purchase of a small portion of this gold by the Reichsbank. No evidence was forthcoming regarding the major portion. The branches of the Reichsbank set up in Poland were not autonomous. They were merely branches of the German Reichsbank. They were authorized to purchase and sell gold. The gold purchased was included among the assets of the Reichsbank as cover for the notes issued by the Reichsbank. German Decrees, dated 7th October, 1939, and 17th November, 1939, imposed upon Polish citizens an obligation to offer gold for purchase to these branches. The branches of the Reichsbank in Poland could in no way be regarded as monetary authorities of Poland. They were only branches of the Bank of Issue of the Reich. The gold acquired from Polish nationals or from the German authorities who had seized it (in particular the Gestapo) was immediately transferred to the reserves of the Reichsbank without passing through any intermediary.

Detailed and verifiable evidence was, in great part, lacking and Poland could not be said to have established that a definite amount of monetary gold belonging to it had been looted or wrongfully removed to Germany.

With regard to claim "D", the seizure of this gold by the Germans was proved, but in each of the two cases included under "D", the gold was taken by the Germans from Polish nationals without the intervention of any banking institution. It was not, and had not been at any time, monetary gold of Poland within the meaning of Part III of the Act of Paris. Poland could not be said to have established that a definite quantity of monetary gold belonging to it was looted by or wrongfully removed to Germany.

9/.....

With regard to claims "E" and "F", these were obviously in respect of gold looted from private persons. Detailed and verifiable data had not been produced. Seizure by the Germans and transfer to Germany had not been proved. The gold described could not possibly be regarded in any way as monetary gold.

Detailed and verifiable data was lacking, and Poland could not be said to have established that a definite amount of monetary gold belonging to it was looted by or wrongfully removed to Germany.

The Commission observed that, in addition to the fluctuations in the gold stocks of the Bank of Poland, the answer to Question III of the Questionnaire indicated, in the Polish monetary reserve, an acquisition designated as follows :

"Acquisitions from residents in the country of gold nationalised by the Decree Law of the President of the Republic of 2nd September, 1939, the subsequent realization of which was paralysed by the German invasion and, in fact, carried out by "the occupying power".

The figure of 136,736 kgf given under this heading was exactly the same as the total amount of all the Polish claims.

This amounted, in fact, to saying that the Decree of 2nd September, 1939, which, in any event, was never applied, would have provided for the incorporation in the monetary gold reserve of the country of watches, chains, rings and "teeth", taken into consideration in estimating, after very rough calculations, the most important Polish losses (100,000 kgs taken from victims of concentration camps + 27,515 kgs represented the value in gold of precious objects stated to have been lost by Polish citizens).

This lead to the following conclusions :

1. Like Greece, and contrary to all the other claimant countries, Poland suffered no loss by German action of gold which had figured among the assets of its central bank.
2. All the gold removed from Poland by the Germans belonged to Polish citizens who lost it as a result of seizure by the Germans or forced sales to banking institutions.
3. Like the Greek Government, the Polish Government referred to a Decree (of 2nd September, 1939) which "imposed on individuals and corporations an obligation to declare and to submit for purchase to institutions indicated by the Government their gold in coin and in bar".

In the case of Greece, the text quoted dated from 1936 and made it possible to register in the name of the State 7,358 kgf.

In the case of Poland, the decree of 2nd September, 1939, was never put into force, since, as the Polish Government itself admitted, the events of the war prevented it from promulgating the text which would have laid down methods of implementation. In these circumstances, the Polish Government could not claim that this imperative decree resulted in increasing the monetary reserves of the country. It was also incapable of "estimating" the acquisitions of gold which would have resulted from the decree had it been applied. Nothing authorized it to indicate, as it did under unrealized acquisitions, the total of the quantities of gold which it "estimated" as having been lost by its nationals as a result of the purchase or seizure not only of coin and bars, but also of precious objects of all kinds, including the "sheath of victims of concentration camps".

The Commission decided that the Polish representative would have to be offered a hearing in accordance with the Commission's usual practice.

The representative had already been heard at the 11th meeting, on 6th October, 1947, but this was merely in order that he should give certain explanations. He was not, at that time, commenting upon proposed rejections.

The Commission, after that hearing, had directed that of the total claimed by Poland 132,380 kgs. should be ignored when calculating the percentage to be used as a basis for the "preliminary distribution" of gold.

**It was decided :**

1. That the Polish claims in their entirety should be provisionally rejected.
2. That the Secretary General should draft and circulate a letter to the Polish Minister informing him that the Commission "had been unable to find.....etc." and offering the Minister a hearing about the 20th August, in accordance with the Commission's usual practice.
3. Further exchanges of views regarding gold at the Bank of England with reference to the Polish claim case: (3rd meeting, Min. ?)

The Chairman stated that he had had further conversations with his Government on this subject. The general view of his Government was now that the whole of the gold held at the Bank of England was unidentifiable - that no claim could be sustained against it in the Bank of England and that there was, therefore, no need for any transfer. He was expecting to receive the complete views of his Government in writing. He believed that they were in touch with the other two Governments regarding this question. He suggested that the question should be shelved pending receipt of the detailed advice he was expecting from London.

**It was decided :**

that the question should be shelved.

7. Other points for discussion:

- a) The Commission's status :

The Chairman recalled that the Belgian Minister for Foreign Affairs, had on 30th May, 1947, in reply to a letter from the French Commissioner, stated in writing that there was no objection on the part of his Government to the establishment of the Commission in Brussels and that his Government would afford in the staff of the Secretariat of the Commission, the same treatment as it had afforded to the Secretariat of the Inter-Allied Reparation Agency.

They had not done so and the Chairman (at that time Mr. Daspit) of the Commission had called upon a senior member of the Ministry and, later, written to the Ministry on the subject. In reply to repeated reminders, the Ministry had finally confirmed, over the signature of the Secretary General of the Ministry, on 5th May, 1949, that the Convention on the Immunities and Privileges of the United Nations had been ratified by the Belgian Parliament and would be extended to apply to the Commission's staff in the same way as it had been to the Inter-Allied Reparation Agency.

They had, however, failed to comply with a request from the Secretary General of the Commission that the appropriate clauses of the Convention should be applied to himself and had, indeed, written to him on 9th March, 1950, stating that the "question presented certain difficulties, particularly in view of the absence of any legislative text establishing, in relation to Belgian Law, the existence *qualitate qua* of the Commission".

Nothing had happened since then and it was evident that, as things stood, a deadlock had been reached.

The Secretary General's object in applying, in conformity with the Convention, for a blue card similar to those issued to members of the Diplomatic Corps and identical with those which had been issued to the Secretary General of the Inter-Allied Reparation Agency and his two deputies, was to cover the Commission, in his person, as the Commission's chief executive, against any claims, proceedings or actions which can normally be brought against private persons or organisations under Belgian Law.

The Ministry's reply showed that the Secretary General as chief executive of the Commission was not covered against such an eventuality and that there was a distinct possibility that the Commissioners were not either - although, of course, they were in possession of appropriate Belgian documents in respect of other functions which they happened to be carrying out. These, however, might come to an end before the Commission did and, in any event, possibly only covered the Commissioners in respect of the functions having regard to which they had been issued. The Commission had reached a stage where it was most subject to attack, not only by discontented Governments, but also by private persons and the situation was a very serious one.

So, the Chairman, subject to anything that might transpire as a result of enquiries, he was making, was of the opinion that though the Act of Paris, which had created the Inter-Allied Reparation Agency, had international force, the Commission was a creation of the three Governments to implement restitution of gold in accordance with certain obligations undertaken by the three Governments towards the signatories of the Paris Act. The wording of Section F of Part III of the Paris Act and of the Official Gazette of the three Governments seemed to make it a body which had similar authority and functions as between the three occupying powers and Governments claiming against the gold pool as the Military Governors (now the High Commissioners) in Germany had as between the three occupying powers and Governments claiming restitution of various material, etc ... in Germany. The Commission was a high organ of the three Governments undertaking a special mission. As such, it would seem to have to look to the three Governments for protection rather than to the Belgian Government which happened to be the Commission's host purely accidentally and as a matter of convenience.

What might well have happened when the Commission was first set up was that the three Governments, by simultaneous notes through their Ambassadors in Brussels or by a joint note presented by the three Embassies, would have informed the Belgian Government that a special Commission consisting of X, Y and Z would be set up by the three powers to implement Part III of the Act of Paris, of which the Belgian Government was a signatory, and would, for obvious reasons of convenience, if the Belgian Government had no objection, operate in Brussels. The three Governments would then have asked the Belgian Government, if it agreed, to grant to the Commissioners and the Commission's chief executive Officer, such immunities and privileges as were appropriate.

He (the Chairman) was of the opinion that a "démarche" of this nature could be appropriate even at this late stage, in view of the Commission's very delicate position and that, furthermore, as a preliminary measure, steps should be taken to ascertain whether the Government of the United Kingdom could provide the Secretary General, who happened to be a British subject, with documents which would improve his position "vis-à-vis" the Belgian Government.

The Chairman asked for his colleagues' opinions as in view of their great experience he felt that they were far more qualified than he was to suggest an appropriate remedy.

It was decided:

1. that the Chairman would take up the question of protection for the Secretary General with the Government of the United Kingdom.
  11. that the Commissioners of the United States and of France would let the Chairman have their views in writing.
- (b) Letter in reply to a request from a private person for information on the situation in regard to Polish claims.

The Commission, after taking cognizance of the Secretary General's note DE-1617, dated 14th July, 1950, approved the Secretary General's reply to the effect that the Commission only communicated with Governments.

The meeting adjourned at 2:00 p.m.

DECLASSIFIED  
 Authority NND 9408106  
 By T. ANARA Date 5/16/99

RG 59  
 TGC:  
 Lot 620115  
 Box 5

August 29, 1950

L/E - Mr. Maurer

In confirmation of our telephone conversation today you may wish to revise your message to London along the following lines:

"DEPT willing join BRIT and FR (EMBTTEL 241, AUG 14, 1950 and EMBDESP 150, AUG 6, 1950) in approach BELG GOVT to accord Tripartite Gold COMM, its members and SYG privileges and immunities accorded under P.L. 291, 79th Congress, to INTERNATL ORGS. If ORG similar to COMM had HDQRS in US, DEPT WLD be willing sponsor request for EXEC order granting privileges and immunities of P.L. 291, specifically immunity from suit and legal process relating to acts performed in official capacity and certain tax and customs privileges. WLD not be in position to grant diplomatic privileges and immunities nor could privileges be granted under Convention on Immunities and Privileges of UN which US has not yet ratified."

For your further information regarding Public Law 291 the following regulations were outlined on February 20, 1946:

"A public international organization, which desires to be considered by the Secretary of State as entitled to the privileges conferred by the aforesaid Act, should address an application to The Honorable the Secretary of State, Washington, D. C. Each applicant organization should be able to satisfy the following requirements:

1. The applicant organization, and its officers and employees, must be doing sufficient business in the United States to warrant granting them the privileges of the legislation, and their activities must be such as reasonably to require the said privileges. In general, this will mean that the organization must have an office and staff located within the United States.

The

209282

2. The Government of the United States must be a participating member in the applicant organization.
3. The participation of the Government of the United States must be pursuant to a treaty or under the authority of an Act of Congress authorizing such participation or making an appropriation for such participation.
4. The applicant organization must be composed principally of governments, as distinguished from private organizations, as members.
5. The applicant organization must not be scheduled for liquidation in the immediate future.

"Each applicant organization should supply such information as might enable the Secretary of State to determine whether the organization satisfies the above-mentioned requirements. Data regarding the method and date of its establishment; its membership and functions; principal officers, number of employees, location of offices, and any other pertinent information, should accompany the application."

RFSanz

S/S-PR:RFSanz:mor

DECLASSIFIED

Authority **NND 968106**  
By **TJ** NARA Date **5/16/99**

Enclosure to Despatch  
Brussels, April 18, 1950.

*Memorandum*

*J.F. on 2  
Brussels  
c 14, 50*

271

INT 1562  
C/INT/50

4th April, 1950.

**Mr. Alex B. Dupit,  
Paris.**

**Final Minutes of the 8th Meeting of the Commission,  
held on 24th February, 1950.**

**REF:**

The draft of these Minutes was circulated under cover  
of my INT 1517, dated 7th March, 1950.

A French translation will be circulated as soon as  
possible.

(sgd) J. A. WATSON.

**Information.**

RG 59  
TGC  
Lot 62 D 115  
Box 5

209284

**FINAL MEMBERS****TRIPARTITE COMMISSION FOR THE  
 RESTITUTION OF MONETARY GOLD.****85th Meeting**

**24th February, 1950 - 10.30 a.m.  
 3.30 p.m.**

**Members:-****H.E. Colonel R.E.L. VINCENT**

- Deputy Commissioner of the Government  
 of the United Kingdom of Great Britain  
 and Northern Ireland - Chairman

**Mr. Alex B. DUFFY**

- Commissioner of the Government of the  
 United States of America

**H.E. Monsieur Henry SPITZMULLER**

- Deputy Commissioner of the Government  
 of the French Republic

**Monsieur J. Lousen**

- Assistant to the French Commissioner

**Secretariat****Colonel J.A. Watson**

- Secretary General

**Miss E.D. Hayes**

The Chairman, before passing to the discussion of the Agenda, reviewed the position of the Commission's work from various angles.

He also established a comparison between the respective values of reparations and of the monetary gold in course of restitution, and stressed the importance of the task with which the Commission had been entrusted.

Referring to the resolution voted at the 85th Meeting that, temporarily, the Commission's decisions, whether of admittance or of rejection, would be recorded as provisional, he stated that, in order to avoid possible misunderstanding in circles which were not familiar with the Commission's activities, he was of the opinion that the reasons for the adoption of this policy should be placed on record. It was, in fact, not a new policy but a continuation of an old one. All claims to restitution of monetary gold were received within a few months of the setting up of the Commission, and it had been found necessary, for administrative purposes, to make a rough classification of these claims in the light of a summary general review. The Commission's "Schedule of Claims" had been used for this purpose, comprising a number of columns. Only the last of these was used for recording definite decisions. The intermediate columns were used for recording various degrees of provisional decisions and claims were moved from one column to another as and when the Commission progressed with its work in the light of supplementary information received or of facts which had come to light, the ultimate object being to transfer all these claims to the "definite decisions" column, but only when the Commission was convinced that such a step could safely be taken. Consistency was essential, and it might well be that some of the adjudications might

DECLASSIFIED  
 Authority NND 9108106  
 By TJ MARRA Date 5/16/97

- 2 -

RG 59  
 TGC  
 Lot 62015  
 Box 5

have to be reviewed in the light of the very last decision taken by the Commission; hence the necessity for recording many of the decisions as "provisional" and for occasional transfers from one "provisional" column to another according to the merits of the respective claims in the light of circumstances at the time of the periodical reviews made by the Commission. The Commission had been able to adopt this method because, according to its terms of reference, its definite decisions were to be announced only after all claims had been received and adju-  
 cated upon.

1. Further consideration of the following claims of the Greek Government:

a) 7,358,0000 kgs - gold registered in the name of the State.

b) 0.9198 kgs - Balance des Depots et Consignations en Depot for private persons.

(85th Meeting, Min. 3)

The Commission's policy, as publicly announced, in particular to representatives of claimant countries who had appeared before the Commission, had always been to endeavour to find claims valid within the framework of Part III of the Act of Paris and of the Commission's terms of reference, not to seek ways and means of rejecting them.

This fact was particularly stressed by all three Commissioners when approaching the claims of the Greek Government which, in many respects, were unique.

A considerable amount of gold had undoubtedly been stolen from the Greek population, Greece had received particularly harsh treatment from the Germans, her administration and economic system had been almost completely disorganised, and she had destroyed most of her archives and records to prevent them from falling into the hands of the Germans. The Greek Delegate to the Paris Conference had drawn attention to the fact that his country would, as a result of this, be handicapped in presenting its claims.

A lengthy discussion took place between the three Commissioners, and the claims of Greece were examined from every possible angle.

With regard to (a) 7,358,0000 kgs, gold registered in the name of the State, four points were discussed:

i. It was agreed that, in view of the special circumstances, it could be admitted, although the evidence produced was somewhat scanty, that 7,358,0000 kgs of gold had in fact been "registered in the name of the State".

ii. The Chairman was of the opinion that, in the circumstances described, a case might perhaps be made out for holding that these 7,358 kgs "formed part of the monetary reserve" of Greece. His two colleagues, however, dissented on the grounds that (a) the evidence showed that no consideration had been given for the above quantity of gold which was, in fact, left in the hands of its private owners, and (b) that no legal text had been produced which might furnish justification for considering that "all the gold in the country belonged to Greece" (see point iv below), although Greece had been afforded every opportunity of producing such texts if any existed.

Furthermore, the Commissioner of France pointed out that, whilst the Delegate of Greece at the Conference of Paris had been told that facilities would be afforded to his Government in the matter of justifications, having regard to the difficult situation in which it was placed, nevertheless the Commission could not receive these claims in the absence of any kind of real proof. Whilst it

is impossible to cast doubt upon the assertions of a Sovereign Government, a decision founded on assertions alone would create a precedent which might be invoked by all countries which are fairly convinced that their claims are well founded but, nevertheless, cannot furnish adequate justification.

- iii. All three Commissioners were of the opinion that there was no proof whatsoever that any fraction of the gold mentioned at (i) and (ii) had, in fact, been looted. It was quite impossible to tell from the evidence produced whether any part of this gold was or was not comprised in the quantities of gold which had been looted from the Greek population as a whole. Evidence, which might possibly be accepted, had been produced that some gold, amounting to approximately 772 kgs, had in fact been looted from Greek private persons.
- iv. A very careful examination of the laws, decrees and regulations, which Greece had been afforded every opportunity of producing, had failed to disclose any proof that compulsory surrender, by the population as a whole, of gold to the State was imposed by law, or that it was illegal to hold gold except in the limited case of members of the Stock Exchange, brokers, money changers, lenders and private banks, who were not allowed to hold gold, and were compelled to sell it to the Bank of Greece before August 28th, 1936 (this gold was, no doubt, incorporated in the reserves of the Bank of Greece which were saved). Private persons, other than those listed above, were allowed to hold gold, but they had to declare it to the Bank of Greece before November 30th, 1936, if it was held in a safe. It was not, however, acquired by the Bank of Greece and the owners, even if they were lessees of safes, were allowed to retain the gold. No one could, however, dispose of gold except to the Bank of Greece. Considering the question from the widest possible angle, it could not in any event, in view of the fact that there was no general obligation to surrender gold to the State, be held that all the gold in the country "belonged" to the State (which was the Greek contention), and that, as 7,358 kgs had been "registered in the name of the State" and the estimated amount of gold looted from private persons amounted to more than this, restitution of 7,358 kgs should be allowed on these grounds.

The Commission ultimately decided:-

- i. that the above claim should be maintained in the "provisionally disallowed" column of the Commission's Schedule of Claims, but that,
- ii. the Secretary General, in consultation with the Chairman, should investigate the position in regard to the 772 kgs (incorporated in the 7,358 kgs claimed), in the light of the Commission's policy as outlined in the preamble of the present Minute, and submit to the Commission, for consideration at its next Meeting, a report as to whether this amount of gold could, in any way, be considered as restitutable within the meaning of Part III of the Act of Paris and the Commission's terms of reference.

With regard to (b) 0.9198 kgs, "Caisse des Depots et Consignations", on deposit for private persons.

It was clear from the evidence produced that this gold was held on deposit for private persons by the "Caisse des Depots et Consignations", a para-statal institution. It was only at the termination of the safe deposit contracts that the "Caisse des Depots et Consignations" was compelled to sell the gold to the Bank of Greece, at the same time paying to the depositors the equivalent value to their gold in drachma notes.

DECLASSIFIED
Authority <b>NND 968106</b>
By <b>TJ NARA</b> Date <b>5/16/99</b>

RG 51  
TGC  
Lot 620115  
Box 5

- 4 -

At the time of its looting, this gold was still on deposit in the name of private persons.

The Commission decided:-

that this claim would be maintained in the "provisionally disallowed" column of the Commission's Schedule of Claims pending submission of the Secretary General's report regarding the 772 kgs referred to at (a) above, when it would be examined anew at the same time as the above mentioned report.

2. Reply to be given to the Yugoslav Delegate on a specific point raised in his letter No. 5090/49, dated 9th November, 1949, addressed to the Commission.

The Chairman referred to the Secretary General's reports, circulated under cover of his INT 1404, dated 10th December, 1949, and INT 1409, dated 12th December, 1949, of his conversations with the Yugoslav Minister and Mr. Orlic of the Yugoslav Delegation to the Inter-Allied Reparation Agency.

Briefly, the Yugoslav Government was anxious to know what decision, if any, the Commission had taken in regard to the claim in respect of the Bor Mines' gold. This was understandable, but it was against the Commission's policy, and contrary to its terms of reference to make known any of its decisions until "all claims had been adjudicated upon". (Paragraph 5 (d) of the Commission's terms of reference). The Secretary General had explained that he was not in a position to give information regarding decisions of the Commission, but, as the Yugoslav Minister had insisted and as Mr. Orlic had drawn attention to a passage in his letter No. 5090/49, dated 9th November, 1949, which according to him was intended to elicit the information required, the Secretary General had agreed to bring the matter to the notice of the Commission.

The Commissioner of France pointed out that the passage in Mr. Orlic's letter referred to merely expressed the hope that the Commission would take a definite decision.

The Chairman agreed, but said that, in view of the circumstances, he felt that a reply should be given. He was of the opinion that detailed reasons or explanations should not be entered into and that the reply should merely state that the Commission was unable, in the present state of its work, to satisfy the Yugoslav Government's demand.

The Commission decided:-

that the Secretary General should draft and circulate, for approval or observations, a reply on the lines suggested by the Chairman.

3. Reconsideration of the following claim of the Czech Government:

1,008,9146 kgs - Sledavice's gold.

(85th Meeting, Min. 5)

The Chairman recalled that this was a claim which was brought up for re-examination pursuant to a suggestion made by the Commissioner of the United States at the 85th Meeting of the Commission, after a provisional decision had been taken in favour of Yugoslavia in respect of gold which had been looted from the Bor Mines. The Secretary General had examined the Sledavice's gold claim in the light of the latter decision and circulated an analysis under cover of his INT 1496, dated 10th February, 1950.

DECLASSIFIED  
 Authority NND 968 106  
 By J. NARA Date 5/26/99

- 5 -

RG 59  
 TGC  
 Lot: 62015  
 Box 5

There was a lengthy exchange of views between the Commissioners, who arrived at the conclusion that there were no points in common between the two claims, and that, as matters stood, the Skodaworks' gold claim was quite properly classified in the "provisionally disallowed" column of the Commission's Schedule of Claims.

On the suggestion of the Commissioner of the United States,

The Commission decided:-

that the Secretary General should draw up and circulate two further analyses of the Skodaworks' gold claim in the light of the decisions taken by the Commission in regard to the gold collected by the Austrian National Bank and the Belgian Banque d'Emission respectively.

4. OTHER POINTS FOR DISCUSSION.

The Chairman referred to a letter reference "C. G. O.", dated 21st February, 1950, addressed by the Chief Cashier of the Bank of England to the Secretary General apologising for the disposal by the Bank of England of thirteen of the sixty four gold bars (now subject of claims before the English Courts by the Société Dollfus Mieg) which the Bank of England had agreed to segregate in reply to a letter written to them on 16th July, 1948, by the Secretary General, on instructions from the Commission, asking if the Bank could see its way, providing such action did not present insuperable technical or administrative difficulties, to setting these bars aside on their arrival from Frankfurt, pending receipt of a further communication from the Commission. The Chief Cashier further stated that the error which had been committed in no way affected the credit of the account operated by the three Commissioners, which, as at the close of business on 20th February, 1950, showed a credit identical to that which had been notified in the Bank's last statement on 6th January, 1950.

The Chairman enquired whether his colleagues were of the opinion that some communication should be addressed by the Commission to the three Governments regarding this letter. The Commissioners of the United States and France felt that no such communication was necessary.

The Chairman then consulted the Commission as to the terms of the reply to be sent to the Bank of England.

The Commission decided:-

that the Secretary General should draft and circulate for approval or observations, an acknowledgement of receipt of the Chief Cashier's letter, recalling the terms of his original request to the Bank and stating that he had brought the contents of the Chief Cashier's letter and the position of the account operated by the three Commissioners, on behalf of their respective Governments, to the notice of the Commission.

The Meeting adjourned at 5 p.m.

DECLASSIFIED

Authority **NND 968106**  
By **TJ** NARA Date **5/16/99**

*minutes JHC*

*276*

TRIPARTITE COMMISSION  
FOR THE  
RESTITUTION OF MONETARY GOLD

Brussels, Belgium

October 26, 1949.

No. 652

RESTRICTED

REC'D  
NOV 1

The Honorable

ACTION  
OFD

The Secretary of State,

Washington 25, D. C.

~~RECEIVED~~

Sir:

~~RECEIVED~~

INFO  
PCR

I have the honor to enclose for the information of the Division of Financial Affairs, the Economic Property Policy Division, and other appropriate officers of the Department a copy of the final Minutes of the 84th Meeting of the Commission.

Respectfully yours,

*N*

Nat B. King  
Deputy Commissioner  
Tripartite Commission for the  
Restitution of Monetary Gold.

Enclosure:

Minutes of the  
84th Meeting.

*11/1/49*  
*11/1/49*

*EBL*

*RG 59  
TGC  
Lot 620115  
Box 5*

209290

DECLASSIFIED

Authority **NND 9428106**  
By **TJ NARA** Date **5/16/99****TRIPARTITE COMMISSION  
FOR THE  
RESTITUTION OF MONETARY GOLD**

Brussels, Belgium

October 26, 1949.

No. 652

**RESTRICTED**

The Honorable

The Secretary of State,  
Washington 25, D. C.

Sir:

I have the honor to enclose for the information of the Division of Financial Affairs, the Economic Property Policy Division, and other appropriate Officers of the Department a copy of the final Minutes of the 84th Meeting of the Commission.

Respectfully yours,

*UBK*Nat B. King  
Deputy Commissioner  
Tripartite Commission for the  
Restitution of Monetary Gold.

Enclosure:

Minutes of the  
84th Meeting.RG 59  
TGC  
Lot 620115  
Box 5

209291

TRIPARTITE COMMISSION FOR THE  
RESOLUTION OF HUNGARY QUES.

5th Meeting

19th September, 1949 - 3.30 p.m.

Members:

- H.R. Colonel R.S.L. WINDHAM** - Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland - Chairman
- Mr. Alan B. DUFFY** - Commissioner of the Government of the United States of America
- Mr. Ed B. King** - Deputy Commissioner of the Government of the United States of America
- Monsieur J. Lanson** - Assistant to the Commissioner of the Government of the French Republic acting as Observer on behalf of the Commission.

Secretariat

- Colonel J.A. Wilson** - Secretary General
- Miss S.S. Hughes**

The Chairman stated that he had received a letter from the Commissioner of France informing him that he was unable to attend the Meeting and that the Deputy Commissioner of France, absent from Brussels, would also be unable to attend. He (the Commissioner of France) had designated Monsieur J. Lanson, his Assistant, to attend as an observer on his behalf. The latter would send him an account of the proceedings and he (the Commissioner of France) would let the Chairman have such observations in writing as he might consider necessary to facilitate the taking of final decisions at the next Meeting.

The Chairman explained that he had not felt it possible to postpone the Meeting as the time factor had rendered it necessary that one should be held. Furthermore, his colleagues of the United States had made arrangements to attend and had come specially from Paris for this purpose. He (the Chairman) felt that, if his colleagues of the United States and himself found themselves in agreement on some of the points on the Agenda, a useful step would have been made towards the taking of final decisions at the next Meeting when the Commissioner of France, who would have been advised of the position in the meantime, would be present.

1. Approval of the Minutes of the 4th Meeting

The Chairman had already signified his approval of the above Minutes as drafted.

The Commissioner of the United States concurred with the draft.

The Secretary General stated that he had just been informed by Monsieur

209292  
RG 59  
TAC  
Lot 620115  
Box 5

DECLASSIFIED

 Authority NND 9168106  
 By TJ NARA Date 5/16/99

- 2 -

known that the Commissioner of France was also in agreement.

It was decided:-

that the Minutes of the 63rd Meeting, as drafted, should be considered as final.

2. Consideration of the arguments presented at the 72nd Meeting of the Commission by the Representative of the Belgian Government in support of the claim of his Government in respect of the gold of the Banque d'Emmission (G.A.N. 2312 B.N.). (63rd Meeting, Min. 4)  
A possible final decision on this claim.

The Chairman referred to an internal memorandum, dated 10th September, 1949, containing the views of the Commissioner of the United States, which had been circulated under cover of the Secretary General's Minute reference INT 1316, dated 14th September, 1949.

Briefly, the Commissioner of the United States was of the opinion that this claim should be admitted on the grounds that:-

- a) At the time of its wrongful removal, the gold was the property of the Banque d'Emmission by virtue of bona fide purchases for which value was given.
- b) The Banque d'Emmission was a recognized monetary authority of Belgium, hence the gold "belonged" to Belgium within the meaning of the Paris Agreement.
- c) Adequate proof existed that the gold was taken by the Germans without compensation.

The Chairman stated that he had made a very comprehensive study of the voluminous documentation submitted, and that he was inclined to be of the same opinion as the Commissioner of the United States. Like the Commissioner of the United States, he had based his consideration on a certain number of points as follows:-

- a) Was the title of the Belgian State, as a claimant, established?
- b) Was the gold, which was the subject of the claim, in the possession of the Banque d'Emmission in Belgium?
- c) Was the gold wrongfully removed to Germany?
- d) What status did the gold possess in the Banque d'Emmission (as a monetary authority of the Belgian State) in relation to the Belgian State?

It was decided:-

that the claim should be brought up on the Agenda of the next Meeting, when the Commissioner of France would be present, for a final decision.

3. Consideration of the arguments presented at the 61st Meeting of the Commission by the Representative of the Greek Government in support of the two following claims of his Government: 9,7195 kg (gold held by the "Caisse des Depots et Consignations" on behalf of private persons), 7,321,000 kg (gold registered in the name of the State). (61st Meeting - Min. 5)

A comprehensive exchange of views between the Chairman and the Commissioner of the United States showed:-

209293

 RG 59  
 TGC  
 Lot 62015  
 Box 5

DECLASSIFIED  
Authority NND 9108106  
By T. MARA Date 5/16/97

- a) That, on each occasion when representatives of claimant countries had appeared before the Commission to develop their country's arguments in support of claims in regard to which the Commission had found the evidence and documentation insufficient, the Chairman, in welcoming them, had made it clear that the Commission, up to the time of their appearance, had been unable to find that the requirements of Part III of the Paris Agreement had been met, and had invited them to appear before it for such further arguments and documentary evidence as they might be able to produce for establishing the validity of those claims.
- b) That the claims of the Government of Greece, as submitted, were weak and the documentation incomplete.
- c) That discrepancies between the statements of the Greek Minister when he was heard at the 51st Meeting of the Commission, and those same statements as subsequently corrected at the Greek Legation, had confirmed the necessity for making further enquiries.
- d) That, in particular, a copy of the ruling of the Higher Commission for Financial Defense on the interpretation to be given to laws Nos. 33 and 357, which was referred to on several occasions by the Greek Minister in his statement, had never been produced.
- e) That no satisfactory documentation had been produced tying up the gold which was in private safes with the 7,350 kilograms alleged to have been registered in the name of the State and proving that this identical gold was looted.

It was decided:-

- i) that the Greek Government should be given a last opportunity of completing its documentation before the next Meeting of the Commission;
- ii) that the Secretary General would draft and circulate for approval an official request to the Greek Minister for a copy of the ruling of the Higher Commission for Financial Defense and for certain explanations which the Commissioner of France had suggested should be obtained regarding the Greek term which had been translated as "registered in the name of the State";
- iii) that the Secretary General would ask the Greek Minister, verbally, if there was any further documentation of any description which he could produce in support of his Government's claims.

In reply to a question of the Secretary General, the two members of the Commission present indicated that the above action could be taken immediately as it could be assumed that the Commissioner of France would undoubtedly concur.

2. (a) Decision on the attitude to be adopted by the Commission with regard to claims Nos. 1701, 1702 and 1703, presented direct by the Yugoslav Military Mission to the Foreign Exchange Depository at Frankfurt and transferred by that organization to the Commission.

The Chairman recalled that the Secretary General had, on the 3th June, 1949, received a telephone call from Mr. Frank J. Roberts, of the Foreign Exchange Depository at Frankfurt, informing him that the authorities of the United States Zone of Occupation had received from the Yugoslav Military Mission in Germany certain claims for restitution of gold, and that he (Mr. Roberts) was in possession of some information on these claims.

Both the Secretary General and Mr. Roberts had felt that it would be in the interest of their respective organizations that the Commission

209294  
RG 59  
TGC  
4-+G20115  
Box 5

DECLASSIFIED

 Authority NND 968106  
 By TJ NARA Date 5/16/99

should be afforded an opportunity of perusing these claims, together with the information, and the documents had accordingly been sent to the Secretary General who had circulated them to the Commission.

These were found to be applications, numbered 1701, 1702, 1703 and 1704, for direct restitution, submitted to the United States Military Authority by the Yugoslav Military Mission in the Zone of Occupation, presumably in accordance with the statutes and regulations in force in the Zone and in the form presented there.

Some of the information, particularly that relating to gold originating from Bor Mine copper, had proved of interest to the Commission.

The Chairman was of the opinion that these claims did not fall within the jurisdiction of the Commission and that they should be returned to Mr. Roberts of the Foreign Exchange Depository with a letter of thanks for the opportunity afforded to the Commission to peruse them, and an indication of the Commission's reasons for returning them. He felt, furthermore, that Mr. Roberts should be informed that the whole of the Bor Mine gold formed the subject of a claim for restitution of monetary gold which had been before the Commission since 1947 and was on the point of being adjudicated upon.

The Commissioner of the United States concurred.

It was decided:-

That the Secretary General would draft a letter accordingly and circulate it for the approval of the three Commissioners.

4.(b) Summary of views on the three following claims of the Yugoslav Government now before the Commission:-

117.5526 kgs	(gold seized by the Ustaehis)
445.5710 kgs	(gold in bar form looted from the Bor Mines)
1,642.0260 kgs	(estimated gold content of the gold extracted from the blister copper removed from the Bor Mines)

(73rd Meeting, Min. 4 a & b)

The Chairman suggested that consideration of the claim for 117.5526 kilograms (gold seized by the Ustaehis) should be left aside for the moment.

With regard to the claim for 445.5710 kilograms (gold in bar form looted from the Bor Mines) he quoted from the informal memorandum which the Commissioner of the United States had had circulated.

The latter was of the opinion that this claim might be admitted. His views were that the Commission should not lose sight of the fact that bars containing Bor Mine gold are now known by the Yugoslavs to have been included in the gold deposit assembled at Frankfurt and subsequently transferred to the Bank of England. The Commission also knew that Yugoslavia had made enquiries to the Military Governor concerning these bars and that the Military Governor had referred them to the Commission. A decision to invalidate a claim for gold, which had been held "monetary" for purposes of inclusion in the pool, on the ground that it was not monetary for purposes of restitution, would obviously be difficult to justify.

But even not taking into account the above considerations, there seemed to the Commissioner of the United States, to be adequate basis for approving the claim. It was definitely established that, under legislation enacted in Yugoslavia as early as 1936, the Bor Mines were required to sell all gold produced from its copper deposits to the State, such gold being covered into the monetary reserve. The legislation in question was implemented by the Terms of Contract between the Yugoslav Government and the Bor Mines under which the Bor Mines undertook to deliver to the Government all gold extracted from the blister copper.

209295

RG 59

TGC

Lot 62D 115

Box 5

DECLASSIFIED  
 Authority NND 9108106  
 By TJ NARA Date 5/16/99

- 5 -

This legislation was in force at the time of the German invasion and was never repealed. The Serbian National Bank, which became the recognized monetary authority of the area, continued to demand delivery of this gold from the Serb Mines and, according to certain evidence produced by the Yugoslavs, actually kept an account of the amounts of gold due to it (according to the Commission's experts, this evidence was not entirely satisfactory but the Commissioner of the United States did not, however, feel that this was essential to the argument). The fact that the gold was not delivered to the Serbian National Bank was the direct result of German interference.

A disallowance of the claim, therefore, on the ground that the gold had not formally come within the possession of the Yugoslav Government and been entered in its account, would be, in effect, to sanction an illegal act on the part of the Germans and to punish their victims.

The Commissioner of the United States felt, therefore, that the claim should be admitted.

The Chairman concurred with the Commissioner of the United States' reasoning and was also of the opinion that the claim should be admitted.

With regard to the claim for 1,649,000 kilograms alleged to have been extracted from the blister copper removed to Germany, the Chairman felt that this matter would have to be given the most careful consideration, particularly having regard to the information received by the Commission from the Foreign Exchange Depository.

As the claim stood, the looting appeared to be more in the nature of a looting of a quantity of copper ore than a looting of monetary gold.

The Commissioner of the United States pointed out that, if gold had, in fact, been extracted and set aside for return to Yugoslavia or actually despatched to Yugoslavia pursuant to the laws and regulations in force in that country, the position would be somewhat different and that the claim would have to be considered from a different angle.

The Chairman said that he shared this opinion.

It was decided:-

- i) that the views of the Chairman and the Commissioner of the United States that the claim for 445,5710 kilograms in minted form taken from the Serb Mines should be admitted, should be placed on record;
- ii) with regard to the claim for 1,649,000 kilograms, that the Secretary General should draft and circulate letters addressed to the appropriate authorities directed towards obtaining as complete information as possible on the point raised by the Commissioner of the United States;
- iii) that all these claims under 4(b) should be brought up on the Agenda of the next Meeting, when the Commissioner of France would be present, for final decisions or further exchanges of views.

B. Exchange of views on the following claims of the Czech Government.

- (a) 14,536,2010 kgs (Sudeten notes case)
  - (b) 12,768,9601 kgs (gold sold to the Reichsbank)
  - (c) 3,397,7342 kgs (acquisitions of German gold in Switzerland)
- (a) 14,536,2010 kgs (Sudeten notes case) (76th Meeting, Min. 5 b)

With regard to (a) the Chairman quoted from the informal memorandum

209296  
 RG 59  
 TGC  
 Lot 620115  
 Box 5

DECLASSIFIED  
 Authority NND 9128106  
 By T. NARA Date 5/16/97

- 6 -

which the Commissioner of the United States had had circulated.

The latter had indicated that he could not see any basis for disallowing this claim for gold surrendered in exchange for Sulsten notes.

It was clear that the gold had been surrendered.

It was also clear that it had been surrendered under duress and, in the judgement of the Commissioner of the United States, he could not see how the return to the Czechs of Czech notes, which they had the legal power to cancel by simple unilateral action, could be considered as the receipt by the Czechs of equivalent value. So, in view of the fact that wrongful removal had been clearly established (it was wrongful removal in the sense that the Czechs had surrendered these notes under duress) and in view of the fact that they had not received any effective countervalue, it seemed to him that there was no question but that the claim was sound.

The Chairman said that he would like to have the Commissioner of France present before proceeding further with this matter, and he requested the French Commissioner's observer to inform the Commissioner that it was proposed to bring this claim up for discussion on the Agenda of the next Meeting.

The Commissioner of the United States handed to the Secretary General a formal statement on the above case, which he requested him to have circulated to his two colleagues before the next Meeting.

(b) 12,752,950 kg. (gold sold to the Reichsbank) (21st Meeting, Min. 3)

With regard to (b) the Chairman said that he was not averse to a consideration of the thesis put forward by the Commissioner of the United States in his recent memorandum, dated 10th September, and in the previous one dated 24th January, both of which have been circulated by the Secretary General under cover of his DFF 1316, dated 20th September, 1949, and DFF 1004, dated 25th January, 1949. He asked the Commissioner of the United States if he would be good enough to develop his practical application of that thesis for the benefit of the Meeting.

The Commissioner of the United States then addressed the Meeting on the lines of his memorandum dated 10th September, 1949. In the course of this exposé it came to light that further enquiries would have to be made from Czechoslovakia before the calculations resulting from a practical application of the thesis could be made. There was some doubt, in the state of the Commission's documentation, as to what precisely the figures given on the Czech Foreign Exchange holdings indicated. On the one hand they might be interpreted as revealing a substantial diminution in the Foreign Exchange holdings; on the other hand there was another interpretation possible which would hold that Czechoslovakia actually gained foreign exchange. Enquiries, or the results thereof, would in no way affect the thesis put forward.

A consultation ensued between the Chairman and the Commissioner of the United States which showed:-

- (a) That, in regard to the Sulsten notes case (14,536,2010 kg) the Commissioner of the United States was in favour of accepting the claim, whereas the Chairman had reserved his decision as he wished to give the matter further consideration and suspend further action until the Commissioner of France could be present.
- (b) That, in regard to the claim in respect of gold sold to the Reichsbank (12,752,950 kg), the Chairman agreed that the thesis put forward by the Commissioner of the United States should be examined, but reserved his final decision until he had had an opportunity of studying the results of a practical application of the thesis which could not, in any event, be completed until further enquiries had been made from the Czech Delegates.

209297

RG 57  
 TGC  
 Lot 620115  
 Box 5

- (c) That, in regard to these questions, the Chairman and the Commissioner of the United States were in agreement that the most appropriate time and place to make them would be when writing the letter which would have to be sent to the Delegate of Czechoslovakia informing him of the position in regard to those of his country's claims which the Commission might be inclined to reject or to reduce, and inviting Czechoslovakia to designate representatives to appear before the Commission to develop their country's arguments in support of these claims.
- (4) That the Commissioner of the United States considered that the claim in regard to the Sudetenland gold (1,000,9140 lbs), previously classified as provisionally disallowed, should be reopened and that the Chairman was in agreement with the Commissioner of the United States on this point.

It was decided:-

that these various claims should be brought up on the Agenda of the next Meeting.

OTHER POINTS FOR DISCUSSION

- (a) Shipment of silver derived from Prussian Mint alloy bars.  
(75th Meeting, Min. 5(c))

The Secretary General reported that the order signed on 18th February, 1949, by the Commission for the delivery of this silver to Italy and sent to the Office of the Military Government (U.S.) for onward transmission to Italy, about which no further news had been received, had been traced by the Italian authorities. It had been seized in transit between various Italian Government Departments. It would seem to be presented by Italy to the Bank of England.

- (b) Italian Gold. (80th Meeting, Min. 5)

The Commissioner of the United States explained the position as it stood. His statement showed that the United States Government's ruling regarding the dollars found in the ex-German Consulate at Washington would probably not be made known for some time.

- (c) Security Arrangements.

The Secretary General's proposed security arrangements, as outlined in his Secret INF 1307, dated 8th September, 1949, were approved and the expenses involved, amounting to 5,025 francs, were authorized. (The French Observer stated that he had been directed by the French Commissioner to signify the Commissioner's approval).

- (d) Appointment of Mr. Nat B. King as Deputy Commissioner.

The arrangements for the formal notification to the Bank of England and the Federal Reserve Bank of New York of the upgrading of Mr. Alex B. Daspit to Commissioner and of the appointment of Mr. Nat B. King in his place as Deputy Commissioner were completed and the letters to the banks were signed.

It was decided:-

that the Secretary General would send to the Chairman and to the Commissioner of France a complete set of the documentation for such notifications to their respective Governments as they might consider appropriate.

209298  
RG 57  
TGC  
Lot 62015  
Box 5

DECLASSIFIED

Authority NND 948106  
By TJ NARA Date 5/26/99

- 8 -

**(e) Index**

The Chairman took note of the preamble of the United States Commissioner's memorandum of the 10th September, 1949, in which he set forth certain observations on the policy and general considerations which, in his opinion, should govern the Commission's work and findings.

**(f) Directions to the Secretary General**

The Commissioner of the United States referred to certain points which the Secretary General had made in the past regarding the Commission's form of waiver and its enforcement. He requested that the Secretary General be directed to resume his views and recommendations on this subject in the form of a memorandum, and to circulate it. He also requested that the Secretary General should be directed to examine the list of claimants before the Commission and to circulate any comments which he might consider appropriate in the light of the United States Commissioner's observations referred to at (e) above.

**Decision:-**

The Secretary General was directed accordingly.

**(g) Next Meeting****It was decided:-**

having regard to the necessity for expediting the work of the Commission, that the most convenient date and place for the next Meeting would be October 14, 1949, in Paris.

The Meeting adjourned at 6.30 p.m.

209299

RG 59

TGC

Lot 620119

Box 5

284

Brussels, Belgium  
December 8, 1948.

RESTRICTED

No. 457

The Honorable

The Secretary of State,  
Washington 25, D.C.

Sir:

I have the honor to enclose for the information of the Division of Financial Affairs, the Economic Property Policy Division, and other appropriate officers of the Department a copy of the statements of account as called for at the 73rd Meeting, and a copy of the final Minutes of the 73rd Meeting of the Commission.

Respectfully yours,

Alex B. Daspit  
United States Delegate  
Inter-Allied Reparation Agency

Enclosures:

Copy of statements of account  
dated 15 November 1948.

Copy of final Minutes of the  
73rd Meeting.

COPY

209300  
RGS?  
TGC  
Lot 620115  
Box 5

DECLASSIFIED  
 Authority NND 948 106  
 By TJ NARA Date 5/16/99

GOLD ACCOUNT

15th November, 1948.

	<u>Gold deposited in the Pool</u>	<u>Deliveries</u>	<u>Sales of Gold and charges</u>	<u>Balance Available</u>
	<u>Fine ounces of gold</u>	<u>Fine ounces of gold</u>	<u>Fine ounces of gold.</u>	<u>Fine ounces of gold.</u>
<b>1. <u>Frankfurt gold delivered on the spot</u></b>	<u>3,381,560.7233</u>			
Delivered to France (1)		<u>2,436,855.805</u>		
Delivered to the Netherlands		<u>944,704.9183</u>		
<b>Total:</b>	<u>3,381,560.7233</u>	<u>3,381,560.7233</u>		<u>Nil</u>
<b>2. <u>Federal Reserve Bank of New York</u></b>				
Deposited by the National Bank of Switzerland (Swiss Gold)	<u>1,659,121.321</u>			
Delivered to Austria		<u>396,851.415</u>		
Delivered to France (2)		<u>539,675.638</u>		
Delivered to the Netherlands		<u>209,201.609</u>		
Delivered to Czechoslovakia		<u>195,283.854</u>		
Sales of Gold (See Table II)			<u>9,423.616</u>	
<b>Total:</b>	<u>1,659,121.321</u>	<u>1,341,012.516</u>	<u>9,423.616</u>	<u>308,687.189</u>
<b>3. <u>Bank of England</u></b>				
Deposited by the National Bank of Switzerland (Rumanian Gold)	<u>578,700.153</u>			
Deposited by the R.I.S.	<u>120,225.145</u>			
Received from Frankfurt	<u>4,151,917.292</u>			
Delivered to Austria		<u>880,080.967</u>		
Delivered to France (3)		<u>463,664.343</u>		
Delivered to Italy		<u>281,628.640</u>		
Delivered to Yugoslavia (4)		<u>276,760.751</u>		
(Melting and refining charges)			<u>704.365</u>	
(Assay charges)			<u>179.104</u>	
(Handling charges)			<u>1,212.709</u>	
(Safe custody charges)			<u>2,024.731</u>	
(Sale of gold samples and silver residue)			<u>4,120.909</u>	
<b>Total:</b>	<u>4,850,842.590</u>	<u>1,905,144.701</u>	<u>4,050.988</u>	<u>2,941,627.805</u>
<b>Sum Total:</b>	<u>9,891,521.633</u>	<u>6,627,759.943</u>	<u>13,503.700</u>	<u>3,250,314.994</u>

- (1) allocation of 2,386,068.022 to Belgium assigned to France  
 " " 50,787.936 to Luxembourg assigned to France  
 Total : 2,436,855.958 (See Int 915 dated 18th November, 1948)
- (2) allocation of 528,391.513 to Belgium assigned to France  
 " " 11,246.918 to Luxembourg assigned to France  
 Total: 539,638.431 (See Int 915 dated 18th November, 1948)
- (3) Exact amount assigned by Italy to France
- (4) of which 269,841.177 was assigned by Italy to Yugoslavia.

DECLASSIFIED  
Authority NND 968106  
By TJ NARA Date 5/16/97

TABLE III

15th November, 1948.

TABLE II

Dollar account (Federal Reserve Bank of New York)

	<u>DEBIT</u>	<u>CREDIT</u>	<u>Balance available</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Result of the sale of 9,423.616</u> <u>fine ounces of gold</u>	<u>309,002</u>		
<u>Gold charges</u> (Handling charges Transport and Insurance charges (Frankfurt and Russian gold))		<u>560.45</u> <u>201,007.52</u>	
		<u>201,567.97</u>	
<u>Administration</u> (Postal charges charges (Transfers to I.A.R.A. (see Table III))		<u>8.85</u> <u>7,289.25</u>	
	<u>309,002</u>	<u>278,866.07</u>	<u>50,135.93</u>

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/16/99

15th November, 1948.

TABLE III

Belgian Franc account (I.A.R.A.)

	Credit	Debit	Balance Available
	<u>B. francs</u>	<u>B. francs</u>	<u>B. francs</u>
Result of the conversion of \$74,289.25	3,244,825.90		
Personnel per month		2,005,191.10	
Personnel per hour lent by I.A.R.A.		125,922.50	
Indemnities and travelling expenses of M. Gargem, Technical Adviser to the Commission		165,132.00	
Indemnities and travelling expenses to Frankfurt of Mr. Schierke, U.S. Mint Official		52,533.10	
Indemnities paid to the French Technicians sent to Frankfurt in November, 1947.		8,792.00	
Expenses of official visits (Mr. O'Flaherty and Mr. Despit to Frankfurt - M. Mirigoyen to Paris Col. Watson to London)		18,003.05	
Travelling expenses of foreign personnel (Arrivals, departures, annual leaves)		129,113.75	
Rent, Heating, Light, Payments to I.A.R.A. for general services.		320,500.00	
Office equipment (Door notices, stamps, etc.)		5,323.70	
Stationery		45,072.10	
Postage - telegrams - trunk telephone calls.		25,630.85	
Miscellaneous		3,230.50	
Interest (Balance due to I.A.R.A. after settlement between the debit interest on advances from I.A.R.A. and credit in interest on the balance available in our favour)		1,286.10	
Petty Cash		1,500.00	
	<u>3,244,825.90</u>	<u>2,905,230.75</u>	<u>339,595.15</u>

209303

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/16/99

TRIPARTITE COMMISSION FOR THE  
 RESTITUTION OF MILITARY GOLD.

FINAL MINUTES.

7th Meeting

5th November, 1948 - 3.30 p.m.

Members:-

Mr. Alan R. DASFIT	- Deputy Commissioner of the Government of the United States of America - Chairman
H.E. Sir Desmond HORTON	- Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland
Monsieur Jacques BUEFF	- Commissioner of the Government of the French Republic
H.E. Colonel R.E.L. Wingate	- Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland
Monsieur M. Birigyou	- Deputy Advisor to the Commission

Secretariat

Colonel J.A. Watson	- Secretary General
Miss S.R. Hayes	

1. Discussion of the latest development concerning the insurance claim in respect of lost gold bar No. 862 D. (70th Mtg - Min 5)

The Chairman referred to a memorandum which had been circulated by the Secretary General. The form of assignment of interest in bar 862 D, which had been submitted by the insurers and which would eventually be delivered to them against payment of compensation in respect of the lost bar, included a declaration to the effect that the Commission was the absolute, sole and unconditional owner of the bar. He felt that the Commission could hardly sign such a statement, but that it would be quite justified, in the circumstances, in saying that it had the sole and unconditional right to dispose of the bar in question.

The Chairman agreed with the view which was expressed by the United Kingdom Commissioner that the Commission, in this case, was acting as agent for the three Governments, but as the Commissioners, each in their individual capacity, had full authority and instructions to take all necessary steps to move the gold from Frankfurt to London, this obviously implied that they would be fully justified, in the circumstances, in taking such steps as might be necessary to collect compensation in respect of a lost bar and pay it into the pool. The name of the Commission figured both on the insurance policy and on the form of assignment, and there could be no objection to the Commission signing the form of assignment in its capacity as agent for the Governments save the joint insurer, the Military Governor, United States Zone of Occupation, Germany, had signified his approval and authorized the Commission to act on his behalf.

DECLASSIFIED
Authority <b>NND 908106</b>
By <b>TJ NARA</b> Date <b>5/16/99</b>

2 -

The Chairman further explained that it appeared that the assignment would have to be executed in the presence of an appropriate official who would, in this case, be the Consul of the United States in Brussels. He would be happy, should the Commission so desire, and grant him the necessary powers, to take whatever action would be necessary.

After an exchange of views,

**It was decided:-**

- a) that the Commission unanimously granted Mr. Alex B. Daspit, United States Commissioner, full powers and authority to sign the form of assignment of interest in gold bar 862 D on its behalf and to take such action and sign such other documents as might be necessary for the purpose of collecting and paying into the account of the three Governments the compensation in respect of the loss of this bar, amounting to \$ 12,926.66;
- b) that the last paragraph, page 2, of the form of assignment would be amended to read "have the absolute, sole and unconditional right to dispose of .... etc," and that the preamble would be completed as in (a) above;
- c) that the Secretary General would prepare and despatch to the insurers, through Pan American Airways, a letter submitting the form as amended and completed to them for approval;
- d) that the Secretary General would ascertain from the Federal Reserve Bank of New York whether they would be prepared to hold the assignment once executed, and exchange it in due course for the compensation to be paid into the Commission's dollar account.

**2. Discussion of the question of the transfer to the Bank of England of the gold restituted by Spain.**

The Chairman recalled that he had circulated through the Secretary General the draft of a letter which it was proposed should be despatched to the Allied Representatives in Madrid authorizing them to transfer the gold to be received from Spain to the account open in the name of His Majesty's Treasury c/o of the Governments of the United States, the United Kingdom and France at the Bank of England.

The United Kingdom Commissioner stated that he had received a communication from his Government on the subject. His Government had drawn attention to the necessity for making it quite clear that the members of the Commission were each acting, in this case, in their individual capacities as representatives of their respective Governments, specially authorized by the letter to act on their behalf.

The draft letter was reconsidered and amended in the light of the above statement.

**It was decided:-**

- a) that a fair copy, as amended, would be typed and circulated by the Secretary General for immediate signature in view of the Chairman's impending departure for a short visit to the United States;
- b) that this letter would be despatched as soon as the French Commissioner had received a confirmation of agreement to its despatch from his Government and advised the Secretary General.

3. Discussion of the question of the disposal of the silver residue from the Prussian Mint alloy bars and decision as to the allocation of charges. (72nd Meeting, Min. 3a)

It had already been decided that the handling and safe custody charges were a proper charge against the eventual beneficiary of the silver. The Bank of England had agreed to leave these in abeyance pending receipt of disposal instructions.

The Commission now discussed the question of the melting, refining and assay charges. These had been charged to the gold pool by the Bank of England.

The advisability of sending the Military Governor, United States Zone of Occupation, Germany, a communication informing him of the respective gold and silver content of the 141 Prussian Mint alloy bars was also discussed.

It was decided:-

- a) that the melting, refining and assay charges would be accepted as a proper charge against the gold pool;
- b) that the Secretary General would prepare and despatch a letter to the Finance Adviser to the Military Governor, informing him of the respective gold and silver content of the bars in question and of the Commission's views in regard to the allocation of charges.

4. Discussion of the question of receipting for the Frankfurt gold.

The Chairman referred to the note just circulated by the Secretary General which showed that the total fine gold content of the consignments from Frankfurt had been found to amount to 150.645 fine ounces more than had been declared by the Military Governor for purposes of insurance and despatch. This did not take into account the value of the missing gold bar 862 D, namely 368.333 fine ounces (or £ 12,926.66) which would, therefore, eventually have to be added to the above amount. This would facilitate the question of receipting. In this connection he recalled that two questions were in suspense.

A communication was awaited from the Military Governor assigning to the Commission all interests whatsoever in lost gold bar 862 D and conferring upon it full powers to act on his behalf, if necessary, in assigning interest to the insurers and collecting compensation.

The Chairman was dealing with this matter.

Information was required from the Bank of England as to the extent to which it could, without undue inconvenience, meet the Military Governor's wishes in regard to a detailed inventory, bag by bag, of the gold received.

It was decided:-

- a) that the Secretary General would obtain the information required from the Bank of England;
- b) that the question of receipting would be left in abeyance pending receipt of the communication from the Military Governor and the information from the Bank of England.

5. Discussion of the Secretary General's proposals regarding the control and verification of the Commission's expenditures and gold accounts.

The Chairman called upon the Secretary General for comments.

DECLASSIFIED

 Authority **NND 968106**  
 By **TJ NARA** Date **5/16/99**

The Secretary General gave a brief review of the situation. He felt that the administrative expenditures account of the Commission should be controlled and verified by a third party, independent of the Secretariat, say a reputable firm of chartered accountants, and that certified statements of this account should be circulated periodically to the Commissioners and that a certified recapitulation should eventually be included in the historical account of the Commission.

Furthermore, although there could be no question of controlling the Commission's decisions as the latter was a sovereign body, he felt that the various gold accounts and the calculations and entries made pursuant to and in execution of the Commission's decisions, might with advantage be controlled and verified in the same manner.

The French Commissioner drew attention to the highly confidential, official and international nature of the gold accounts. He felt that any verification or control should be made by officials of the three Governments and that the best moment would be prior to the last distribution.

The United Kingdom Commissioner agreed with the French Commissioner, but felt that all the Commission's expenditure proper, as distinct from deliveries to successful claimant countries, should be controlled and verified. This would include charges directly connected with gold such as refining, melting, assaying, handling and safe custody charges.

The Chairman concurred.

The Secretary General pointed out that it would probably be difficult for the chartered accountants chosen to control the last category of charges mentioned (operations directly connected with gold) without checking bank balances, which would mean including deliveries in the examination. Furthermore, if an eventual governmental control were envisaged, he suggested that this should not be too long delayed. Although it was most improbable that the necessity for making adjustments would arise, it was desirable that any such adjustments should be made at a time when the quantity of gold available was still comparatively important.

It was decided:-

- a) that the Secretary General would contact Messrs. Price Waterhouse of Brussels and ascertain in what conditions and upon what terms the "expenses of the Commission incident to the carrying out of its functions" and the additional charges against the gold pool in respect of melting, refining, handling, safe custody of gold and other similar charges could be controlled and verified. He would make a report to the Commission on this matter;
- b) that the Secretary General would prepare and circulate to the Commissioners statements of these two accounts to date. Furthermore, as the exact extent of the gold pool as presently constituted was now known, he would add a statement showing in detail how the pool was made up and the amounts charged against it in respect of the above two categories of charges and of deliveries effected to successful claimant countries;
- c) that, although the Commission, being a sovereign body, there could be no question of any control or verification of the Commission's decisions regarding the validity of claims for restitution, it might be considered desirable at some later date that a Tripartite Governmental control and verification be effected of the calculations and entries made pursuant to and in execution of these decisions. The matter would be considered again at some future date.

6. Discussion of the question of Mr. Colson's fees.

There was an exchange of views between the Commissioners and,

It was decided:-

that the Secretary General would pursue his investigations with a view to ascertaining what could be considered as a reasonable figure and report in due course to the Commission.

7. Decision as to the reply, if any, to be given to letter No. 2013, dated 21st October, 1948, from the Italian Ambassador concerning the Istombi gold. (71st Meeting, Min 2)

The matter was discussed and,

It was decided:-

that there was no necessity to reply to the Ambassador's letter.

8. Discussion of the policy to be adopted in regard to notifications of rejections. (66th Meeting, Min 4)

The Chairman proposed that the Commission should give a formal notification to claimant countries, one or more of whose claims it proposed to disallow, of the weaknesses which had been found in their claim, or claims, and invite those countries to appear before the Commission, should they so desire, for a final hearing.

The Commissioners of the United Kingdom and of France concurred.

It was decided:-

that the Chairman's proposal should be adopted.

9. Any other points for discussion.

Receipts for the Bank for International Settlements' gold.

The Chairman stated that he had heard from his Government whose views were that an unconditional receipt should be given to the Bank for International Settlements for the 3,740 kilograms of gold delivered to the Bank of England.

The Commissioner of the United Kingdom said that he had no objection and reminded the Commission that the Commissioners, in this case, would be acting in their individual capacities as representatives of their Governments, duly and specially authorized by the latter, and that three separate but identical receipts would have to be sent to the Bank for International Settlements. He saw no reason why the receipt should not stipulate that it constituted a full and final discharge of the obligations entered into by the Bank for International Settlements at Washington.

The Commissioner of France concurred.

It was decided:-

that the Secretary General would draft an appropriate form of receipt and submit it to the Commissioners, together with all relevant information.

The Meeting adjourned at 5.30 p.m.

DECLASSIFIED

Authority NND 968106  
By TJ NARA Date 5/16/99UNITED STATES DELEGATION  
TO THE  
INTER-ALLIED REPARATION AGENCY

288

ROOM 433  
SHELL BUILDING  
BRUSSELS

July 27, 1948

Dr. Otto F. Fletcher  
Acting Special Assistant  
Division of Financial Affairs,  
Department of State,  
Washington, D. C.

DIVISION OF FINANCIAL AFFAIRS

AUG 5 1948

Dear Dr. Fletcher:

DEPARTMENT OF STATE

Your letter of July 13 to Russ finds us in rather a reduced state of manpower both in this office and in the Commission's Secretariat. Consequently I have not been able to prepare for you the data you requested in exactly the form you specified. I am, however, attaching to this letter three annexes which I believe provide all the material necessary to make the calculations in which you are interested and which have the advantage of distinguishing between what is known and what is assumed in these calculations. These annexes are as follows:

- A. The pool of monetary gold (actual and potential)
- B. Status of claims at June 30.
- C. Allocations made and amounts of fine gold delivered at June 30.

You will note that the total gold pool, including a potential 7,311 kg from Sweden and 3,900 kg from Portugal, will amount to approximately 318,661 kgs. The total of all claims valid and possibly valid is 565,172 kgs. Assuming that the receipts of Swedish and Portuguese gold are as indicated, that there will be no further additions to the pool and that all claims now classified as possibly valid will be ultimately approved, the amount allowable on each valid claim will be approximately 56.3%. To determine amounts still to be paid to any country all that is necessary is to take 56.3% of its valid claim (as set forth in Annex A) and from the figure thus derived subtract the amount already paid (as set forth in Annex C). Thus in the case of the Netherlands the total valid claim is 145,650 kg on which total payment on the above assumptions will amount to 81,998 kg. The total already delivered is 35,890 kg and an additional 30,646 kg has been notified but not yet paid. Thus, in addition to the amount already paid the Netherlands can expect to receive 46,108 kg and in addition to the amount notified, 15,462 kg.

209309

RG 59  
TGC  
Lot 620115  
Box 5

I hope you will find these data adequate for your purposes and that the task of applying them is not too onerous.

I am also complying with your request to make good an omission of long standing by completing your set of minutes of the Commissions meetings. According to our files we sent you copies of certain of these minutes as follows:

Minutes 1, 2, 3 - Despatch #145, June 2, 1947.  
Minutes 4 - Despatch #153, June 12, 1947.  
Minutes 6, 7 - Despatch #189, September 3, 1947.

I am enclosing a file containing all minutes up to the 68th Meeting, with the exception of those noted above, of which, unfortunately, we do not have extra copies. However, if the copies despatched have been misplaced let us know and we will have duplicates made for you.

Sincerely yours,



Alex B. Daspit  
Alternate United States Delegate  
Inter-Allied Reparation Agency

Enclosure

DECLASSIFIED
Authority <b>NND 9108106</b>
By <b>TJ</b> NARA Date <b>5/16/99</b>

ANNEX A

1. Distributed from Frankfurt:	TOTAL: 105,178.3101 fine kilograms
2. Delivered from Frankfurt to Bank of England (Approx)	129,134.395 " "
3. Balance remaining Federal Reserve Bank 20th July 1948	9,601.2461 " "
4. Deliveries from the Federal Reserve Bank	41,710.095 " "
5. Roumanian Gold	17,984.3839 " "
6. B.I.S. Gold (Approx)	3,740.0000 " "
7. Spanish Gold (not yet received)	101.6000 " "
8. Portuguese (their offer)	3,900.000 " "
9. Swedish (Stockholm's 850, July 19 to Dept.)	7,311.000 " "
	<hr/>
	TOTAL: 318,661. — fine kilograms

DECLASSIFIED  
Authority NND 968106  
By TJ NARA Date 5/16/99

RG 59 TGC Lot 62015 Box 5

Final Minutes

295

TRI-PARTITE COMMISSION FOR THE  
RESOLUTION OF MONETARY GOLD

62nd Meeting

10th May, 1948 - 3.30 p.m.

**Present:**

- H.E. Mr Russell Dear
- Mr Alan B. Sargent
- H.E. Sir Desmond Morton
- Monsieur Jacques Rueff
- Monsieur M. Hirigoyen

- Commissioner of the Government of United States of America, Chairman.
- Deputy Commissioner of the Government of the United States of America
- Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland
- Commissioner of the Government of the French Republic
- Deputy Adviser to the Commission

**Secretariat**

- Colonel J.A. Watson
- Mrs M.B. Allen

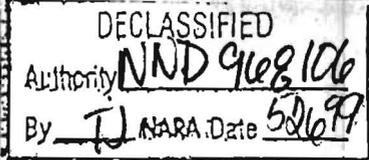
- Secretary General
- Assistant Secretary General.

**1. Consideration of draft agreement with the U.S. Military Government.**

The Chairman referred to the draft agreement drawn up by O.M.G.U.S. and circulated to the Specimenists under cover of the Secretariat's LHM-517, dated 8th May, 1948, and called for comments.

The United Kingdom Commissioner stated that he was in agreement with the basic principle underlying this document which was that the Commission would only sign for the gold once it had been checked and inventoried at the Bank of England. He was not happy however about the form in which it was drawn up. The juridical phraseology employed and the fact that the document had been drawn up in the form of a very formal and official agreement would render it necessary to examine the draft from the same very official and juridical angle. Considered from this angle, the document would not be acceptable to the Government of the United Kingdom; for instance, the Government of the United Kingdom held the view that the pool of monetary gold was administered by the Governments not by the Commission. This distinction would have to be taken into consideration and the designation of the contracting parties modified accordingly. The United Kingdom Commissioner mentioned certain other points of a similar nature. He was of the opinion that in view of the circumstances and of the status of the organisations and their members concerned in this transaction, the problem might well have been approached from a less formal angle and that an exchange of letters would have been more suitable. Independently of the question of form, it appeared that the document had been drafted by someone who was not familiar with the circumstances governing the proposed operation. There could be no question, for instance, of assaying by "a mutually agreed assayer". One of the main objects of the transfer was to have the gold assayed by the Bank of England and the assay would have to be made by that Bank. There were a number of other points such as the question of a "mutually satisfactory insurance" and a "jointly selected transportation agent" which, in view of the fact that the Commission was virtually already under obligation in this respect, might raise considerable difficulties. The Commission's responsibility would have to be entire and untrammelled either with Frankfurt as a starting point or else limited to the signature of a receipt after verification by the Bank of England.

...../.....



- 2 -

The Chairman, although he did not entirely follow the United Kingdom Commissioner on the question of form, was in agreement with him on many points and he particularly stressed the disadvantages resulting from joint responsibility during the transport from Frankfurt to London. He was also apprehensive about the length of time which it would take to arrive at a joint decision on the various phases of the operation. He mentioned, as an instance, the length of time which had elapsed between the despatch of the draft document under discussion and its receipt by his Secretariat.

The French Commission stated that he was prepared to sign anything within reason to bring about the transport without delay. He was under the impression that, provided that a receipt was only signed after the Bank of England had rendered its report on the quantity of gold involved, the Commission's responsibility would not be unduly engaged by the signature of an agreement such as was proposed. He thought that a reserve making this clear could be inserted above the Commissioners' signatures.

The Chairman again stressed the fact that it seemed clear from the document that it was intended that the Commission's responsibility should be engaged jointly with that of O.N.G.U.S. during the transport.

A general discussion ensued in the course of which Mr Gargas's proposal to send a team from the Bank of France with the necessary paraphernalia to effect a check and draw up an inventory at Frankfurt in order that the Commission might sign a receipt as from Frankfurt was examined.

It was decided:

1. That action on the basis of Mr Gargas's proposal was not practicable as it would involve considerable expense which could not be justified in view of the fact that in any event practically similar charges would have to be faced in respect of the various tests, checks and inventories to be made by the Bank of England.
  2. That the Chairman would communicate by telephone with O.N.G.U.S. and endeavour to obtain that a responsible official of that organisation fully empowered to make decisions should come to Brussels to appear before the Commission with a view to clearing up the various points in suspense at the earliest possible moment.
2. Claims - Gold taken from Institutions which had acquired it from Private Persons. (61st Mtg Min. 10)

According to a decision taken at the 61st meeting, the Commission considered, in the light of the first four criteria laid down by M. Niboyet, all the claims involving gold taken from Institutions, which had acquired it from private persons during the occupation.

However, the French Commissioner stressed the difficulties which would be met with if the Commissioners were to insist on receiving strictly equivalent justifications in respect of claims differing considerably one from the other.

But his apprehension not having been shared by his colleagues, he would, insofar as the decisions which were about to be taken were concerned, vote in the same manner as the majority of the Commission, in order to delay the Commission's operations.

AUSTRIA - 12.500.000 kg.

(43rd Mtg, Min. 1a)

Three of the four criteria were met and the United Kingdom Commissioner said that, in his opinion, the fourth criterion should also be regarded as met, since despite a German order of earlier date, the Austrian National Bank did continue to function in effect as a monetary authority up to April 25th, 1945, as shown in the evidence tendered by the Austrian Government and this covered the period during which the purchases from private persons were made.

It was decided:

to formally allow this claim for the next distribution.

...../.....

209313

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA/Dze 5/26/99

- 3 -

**FRANCE - 6.43.512 kg**

(43rd Meeting, Min 1b)

The Commission noted the points raised by Monsieur Geyss in his memorandum that there were no documents to show whether this gold had been purchased by the Bank of France in Brussels and whether the gold appeared on the books of the Bank of France as part of the monetary reserve of the country. In view of the above,

**It was decided:-**

- a) to request Monsieur Hrigoyen and the Secretary General to arrange an interview with the officials of the Bank of France in order to procure copies of the 'ordonnance de non lieu' which terminated the proceedings against the Bank of France and information as regards two points raised by the United Kingdom Commission;
- b) to reserve action on this claim pending receipt of this information.

**FRANCE - 1.000.000 kg**

(44th Meeting, Min 2a)

The Chairman recalled that during a previous discussion of this claim it had been decided to request further data which was not yet to hand, the letter only having been despatched on the 5th May, 1948.

**It was decided:-**

- to defer action on this claim pending receipt of supplementary data.

**FRANCE - 25.000 kg**

(44th Meeting, Min 2b)

According to an analysis by Monsieur Geyss and Monsieur Hrigoyen the four questions were answered in the affirmative and there was no doubt as to the fact that this gold was carried on the books of the monetary authority of the country.

**The Commission decided:-**

- to finally allow this claim for the next distribution.

**FRANCE**

(44th Meeting, Min 2c)

**A. - 1.000 kg**

As in the case of the 4,500 kg, the Polish Government had not submitted sufficient detailed and verifiable data and

**It was decided:-**

- to defer action on this claim for the time being.

**B. - 4.500 kg**

As regards 4,000 kg there was no detailed or verifiable data available to the Commission at the present time and, from documents available, it was shown that this amount was based on a vague estimate. Neither was there any detailed or verifiable data as regards the balance, i.e. 500 kg held at the Warsaw Branch of the Reichsbank. However, if and when Poland was admitted to participate in the pool of monetary gold, detailed and verifiable data could be requested at that time.

DECLASSIFIED  
 Authority NND 968106  
 By TJ NARA Date 5/16/99

It was decided:-

to classify this claim as provisionally disallowed.

A. - 102

This gold belonged to German Banks in Poland and the Chairman pointed out that there was no question that this gold was being held by a monetary authority in Poland and therefore it did not form part of the monetary reserve.

It was decided:-

to classify this claim as invalid.

A. - 103

It was shown that this gold was held in the Post Office Savings Bank at Warsaw and the Dutch Bank of Amsterdam in the names of private persons and therefore did not constitute part of the monetary reserve of the country.

It was decided:-

to classify this claim as invalid.

YUGOSLAVIA - 112.6167

Monsieur Hiriogyan recalled that a letter had been despatched to the Yugoslav Government on the 27th February, requesting data regarding the ownership of the gold which was transferred to Germany, to which no reply had yet been received.

It was decided:-

to instruct the Secretary General to despatch a reminder to the Yugoslav Government.

The Meeting adjourned at 1800 hours.

TRIBUTIVE COMMISSION FOR THE  
REGISTRATION OF MONSIEUR GOLD.

1st Meeting

3rd May, 1948 - 10.30 a.m.

MEMBERS:

H.E. Mr. Russell H. DORR

- Commissioner of the Government of the United States of America - Chairman (Afternoon session.)

Mr. Alex B. DASPIT

- Deputy Commissioner of the Government of the United States of America - Chairman (Morning session).

H.E. Sir Desmond MORTON

- Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland.

Colonel Ronald WINGATE

- Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland.

H.E. M. Henry BIEMULLER

- Deputy Commissioner of the Government of the French Republic.

Monsieur A. Birigayon

- Deputy Advisor to the Commission.

Also Present:

H.E. Monsieur Celestin SIAU

- Envoy Extraordinary and Minister Plenipotentiary at Brussels.

Secretariat

Colonel J.A. Watson  
Mrs M.B. Allen

- Secretary General  
- Assistant Secretary General.

Notes: Mr. Russell Dorr was only present during the afternoon session when he took over the chair from Mr. Daspit. H.E. Monsieur Celestin Siau was only present during the formalities arising out of item 1.

1. Delivery to the Minister of Czechoslovakia of an order on the Federal Reserve Bank of New York for 3,074.1564 kgs of fine gold and signature by him of the normal form of receipt and invoice.

The Chairman welcomed H.E. Mr. Celestin Siau, Envoy Extraordinary and Minister Plenipotentiary at Brussels.

The Commissioners of the United States, United Kingdom and French Governments then signed the order on the Federal Reserve Bank for 3,074.1564 kgs of fine gold which was handed to the Czech Minister who in his turn,

2/...

RG 59  
TGC  
Lot 620115  
Box 5

209316

DECLASSIFIED
Authority <u>NND 9408106</u>
By <u>TJ</u> NARA Date <u>5/16/97</u>

- 3 -

signed a receipt for this order and the usual form of waiver required by the Commission.

The Secretary General handed to the Czech Minister a letter explaining that the Federal Reserve Bank might not be able to make up the exact amount of fine gold ordered and that the Commission was aware of this possibility and would keep an account and settle, when it made its final allocations, any slight differences which might come to light in the course of its operations. The Czech Minister then left the room.

2. Signatures of letters:

Letters Ref 395 dated 3rd May, 1948 to the Bank of England, Ref 396 dated 3rd May to the Austrian Minister, Ref 398 and Ref 397 dated 5th May to Mr. Spruill of the Federal Reserve Bank and Mr. O'Flaherty respectively were signed by the three Commissioners.

3. Frankfurt Gold-Transport

(60th Mtg - Min 3)

a) General considerations.

The Chairman read out a cable he had received from COMUS containing a summary statement of the position in regard to the Frankfurt Gold Transport and indications as to what COMUS were prepared to do. This cable announced, furthermore, that documents connected with the projected operation were on their way to the United States Commissioner's office.

b) The Charter Contract.

The Chairman reminded his colleagues that copies of the final draft of this contract, as agreed between the Commission's legal Adviser and that of Pan American Airways had been circulated to them. The Commissioners of the United Kingdom and of France stated that they had no comments to make.

c) The Insurance policy.

The Chairman referred to the documents forwarded to the Commissioners under cover of the Secretariat's INT 489 dated 30th April, and called upon the Secretary General to make a statement concerning a further document which had been received too late to be circulated to the Commissioners.

The Secretary General explained that the documents he had sent out on 30th April were a copy of the original signed policy TIG 100, incorporating war risks clauses, prepared by Pan American Airways Insurers in New York, together with copies of letters from Pan American Airways Head Office, New York, and their Insurance Officer, containing certain documents and information regarding this policy. The position was that the Secretariat, in consultation with Mr. Daspit, had originally given up the idea of using policy TIG 100 in view of criticism levelled against it by its insurance advisers in Brussels. On investigating the matter further, however, it had been discovered that insurance charges quoted in Brussels were considerably higher than those quoted by Pan American Airways insurers in New York and that, for a number of reasons, one being that the New York insurers were the same group which would eventually insure the risks proper to Pan American Airways it would be more satisfactory to have recourse to the Pan American Airways insurers. Various comments suggested by the Commission's insurance advisers had thereupon been sent to these insurers and they had been requested to state whether they would take these into consideration and re-activate policy TIG 100. The documents sent out on 30th April by the Secretary General showed that the insurers were prepared to re-activate the policy but were reluctant to effect any major alterations. They had stated, however, that they would examine

3/...

209317

DECLASSIFIED

 Authority **NND 948106**  
 By **TJ NARA** Date **5/16/99**

the position and endeavour to meet some of the Commission's requirements. As a result of this, a revised draft policy, TFC 101, had been forwarded to the Secretariat too late to be circulated before the meeting. An examination of all the information received and a thorough investigation of the question had shown that whereas, considered from the angle of Belgian Law and insurance customs, policy TFC 100 might, at first sight, appear to be unsatisfactory in certain respects, there was little doubt left in the minds of Mr. Dupit and the Secretary General, who had dealt with the question, that this policy would provide ample and satisfactory coverage for the Commission, considered from the angle of United States law and usage. Sufficient proof of this was found in the fact that this policy was identical in all respects with that normally accepted for similar operations by the Federal Reserve Bank. Policy TFC 101 was identical with the exception that certain additions had been made to comply with the Commission's requests and that a number of irrelevant clauses, mainly marine clauses, had been left out. The Secretary General gave details of these alterations.

Decisions:

It was decided:

with regard to a) to await the arrival of the documents from Berlin and that these would be circulated to the Commissioners as soon as they arrived.

b) that the final draft of the Charter Contract was acceptable to the Commission.

c) that either policy TFC 100 or policy TFC 101 could be used depending on whichever of the two could be activated the sooner. That the Secretary General would inform Mr. Kelly of Pan American Airways of the decision and arrange for an appropriate cable to be sent to New York on the subject.

4. Consideration of request received for payment of Monsieur Riboyet's fees

The Chairman called for comments.

The United Kingdom Commissioner stated that his view was that the Commission should not be called upon to pay the fee of Monsieur Riboyet. Whereas M. Riboyet's contribution was of interest and worthy of the deep consideration which the Commission would undoubtedly give to it, it appeared to him that M. Riboyet was in fact employed by the French Commissioner in his individual capacity in order to advise him on certain problems. M. Riboyet's contribution, therefore, differed fundamentally from any services rendered to the Commission by an expert such as Mr. Collon, who was formally employed by the whole of the Commission as such, and the consent of all three Commissioners having been obtained before hand.

The Chairman expressed views to the same effect.

The French Commissioner stated that in his opinion, a misunderstanding had arisen in regard to the employment of M. Riboyet. Neither Mr. Ruff nor himself had expressed a desire to consult M. Riboyet. If the French Government decided to have a memorandum drawn up by one of its high officials, it did not pay him any special fee for this service. If either the French Government or the French Commissioner had intended to consult M. Riboyet, he would have been appointed by decree as a special adviser to the French Commissioner who would then have been able to dispose of his services. The French Commissioner was under the impression that what had happened was that Monsieur Cargan, as the Commission's special adviser, had offered in the course of one of the meetings of the Commission to consult, not on his own

behalf, but on the behalf of the Commission, an expert in international law on the question of the Belgian claim. As a result of the misunderstanding which had apparently arisen, M. Gargan in entire good faith had consulted M. Riboyet and forwarded the Bank of France's request for payment of M. Riboyet's fees to the French Commissioner. If these fees were not paid by the Commission a delicate situation would arise, as the Bank of France could not pay them and the necessary vote has not been passed to the Minister of Finance. The French Commissioner then asked the Secretary General if the latter could produce relevant minutes or any documents likely to throw any light on this subject. A summary inspection of the files was made at the meeting by the Secretary General, but as it was evident that a complete investigation as to how M. Riboyet came to be employed, would take some time,

It was decided:

that the Secretary General would make a thorough search after the meeting and submit a memorandum on this question to the Commission in due course.

5. Consideration of letter dated 18th April received from the Czechoslovak Minister and decisions as to reply to be given.

- a) Request that certain coins be considered as numismatic.
- b) Request that other identified coins be included in the next distribution.

An exchange of views took place between the Commissioners as to the terms of the reply to be given to the Czechoslovak Government and certain explanations were given by Monsieur Hirigoyen.

The Chairman was of the opinion that the composition of the pool and the coins included in it was not a matter for the decision of the Commission and that in the event of there being any coins of a genuine numismatic value, this matter fell to be dealt with between the Czechoslovak Government and the United States Military Authorities. With regard to the inclusion, in some future delivery to the Czech Government of identified Czech coins, he saw no great objection to this, provided it did not involve the Commission in undue complications or expense.

The United Kingdom Commissioner was of the opinion that it was quite impossible to consider any of the coins referred to in M. Hirigoyen's report for special restitution outside the gold pool to Czechoslovakia on the grounds that they were of historic or numismatic value. With regard to the second part of the Czechoslovakia Government's request that identified Czech coins should be included in some future delivery, he shared the Chairman's views. A further discussion ensued and

It was decided:

that this matter would be examined again at a future meeting and that a reply to the Czechoslovak Minister's letter would be postponed until then.

6. Consideration of Monsieur Gargan's memorandum and recommendations, dated 17th April, 1948, regarding the Czechoslovak Government's claim for 12,027 kgs of gold. (26th Mtg. Para A 1.)

Monsieur Gargan's memorandum was considered.

It was decided:

that a letter would be sent by the Secretary General to the Czechoslovak Minister on the lines of Monsieur Gargan's recommendations.

DECLASSIFIED  
 Authority NND 968106  
 By T. NARA Date 5/16/99

- 5 -

7. Considerations of the Secretary General's report and recommendations on the proposed principles governing the allocation of charges as between the gold pool and recipients (33rd Mtg. Min 4.)

The United Kingdom Commissioner referred to the memorandum by the United States Commissioner which the latter had produced and circulated in the course of the 49th Meeting. He was in agreement with the views expressed by the United States Commissioner in that memorandum.

The French Commissioner was also in agreement.

It was decided:

that charges should be allocated between the gold pool and recipients as laid down in the United States Commissioner's memorandum.

8. Substance of information on the question of the Italian Alloy Bars. (36th Mtg. Min 5)

The Chairman recalled that the Commissioners had agreed to consult their respective Governments with regard to the disposition of the silver content of the Italian Alloy Bars and as to how the charges for remelting and refining of these bars should be allocated. He asked his colleagues if they had anything to report on this subject. The French Commissioner stated that he had received no further information and that he would send a reminder to his Government.

The United Kingdom Commissioner informed the meeting that the views of the British Government remained as already stated, namely, that interpreting the Act of Paris legalistically, the Commission was dealing with monetary gold. Monetary silver was not included in this definition and any silver therefore found among the bars, legalistically speaking, should, once extracted, be returned to Germany. As to the practical position, this would depend on the quantity of silver found in the bars. According to the British mint a negligible quantity of valuable mineral remaining after the refining of pure gold became a prerequisite of the refining body. When large quantities remained, the matter was referred to the owners of the original bars. The United Kingdom Commissioner was under the impression that this would be the position with which the Commission would be faced. The first question that would arise, would be whether the quantity of metal remaining would be valuable enough to justify retransporting it to Germany, he thought that a decision could only be taken once the actual amount of silver contained in the bars was made known.

The Chairman stated that in the opinion of his Government, the allocation of charges should be on a basis of the proportionate value of the gold and silver recovered.

The French Commissioner stated that although he had not yet received the opinion of his Government, he was under the impression that they would share the views expressed by the Chairman. He pointed out, however, that his Government would probably not be in favour of returning the silver to Germany proper and would probably wish to see it placed at the disposal of the Central Refugee Organisation or some similar body. He thought that the costs of remelting the bars could reasonably be charged against the silver content as it was precisely on account of this silver content that the remelting had to be done.

The Chairman pointed out when he used the expression "returned to Germany" this was only a geographical expression and that if the silver were returned, it would go back to the American Military Government and the disposal of the metal in question would be determined on the basis of the various international agreements covering the disposal of non monetary gold and other minerals and materials.

4/...

209320

DECLASSIFIED

Authority NND 9168 106  
By TJ NARA Date 5/16/99

- 6 -

It was decided:

to await the receipt of further information and discuss this matter again at a later date.

The meeting adjourned at 12.45 p.m. and was resumed at 3.30 p.m. same day.

9. Bank of England: (49th Mtg. Min. 1 (a).)United Kingdom Commissioner's letter of 1/1/39.

The Commission considered the above letter and noted that the Bank of England would not undertake the custody of the sealed boxes of gold set aside for Italy.

The United Kingdom Commissioner's proposal to have the bars, all of which were Prussian Mint, melted down and recast in good delivery form was considered by the Commission. The final arrangements between the Yugoslav and Italian Governments were not yet completed for the delivery to Yugoslavia of the amount set aside in sealed boxes out of the Frankfurt deposit, therefore, delivery would not have to be made immediately.

It was decided:

to accept the United Kingdom Commissioner's proposal and instruct the Bank of England to, remelt the Prussian Mint Bars, contained in the sealed boxes, for recasting in good delivery form.

10. Purchases from Private Persons - (50th Mtg. Min. 2)Principles laid down in the Niboyet Report.

After considering a note by the Secretary General summarizing the points laid down by M. Niboyet in his report and the French Commissioner's proposal to seek the advice of an outside Legal Expert,

It was agreed:

- a) that the yard sticks to be used for the examination of the claims by the Commission would be the first four criteria set out in Mr. Niboyet's report.
- b) that these criteria would be used in examining each of the claims in turn, taking into consideration the language of the Paris Agreement and the purpose within which the definition was adopted; and,
- c) that the Commission would examine these claims at its next meeting.

11. Claim of Czechoslovakia - Cover for Sudeten Notes. (56th Mtg. Min. A. 8)

A discussion took place on the summary by the United Kingdom Commissioner outlining the opinion of the King's Council in respect of the legal consideration on the transfer to Germany by Czechoslovakia on 10th March, 1938 of a part of the Czech National Gold Reserve in exchange for the delivery to Czechoslovakia by Germany of Czech Crown notes collected by Germany in the Sudetenland.

The Commission recognised that it was necessary to elicit further data from the Czechoslovak Government as to whether this transfer had been made under duress, and, in view of the withdrawal by the Chairman of his objections to the despatch of the draft proposed by the French Commissioner on 15th February

7/...

209321

DECLASSIFIED  
Authority NND 968106  
By TJ NARA Date 5/16/99

- 7 -

It was decided:

to instruct the Secretary General to prepare this draft in final form for despatch to the Czech Government, as it contained all the questions required to be answered by the Commission.

The meeting adjourned at 5.45 p.m.

FAC.

209322

MINAL MEETING

298

TRUSTEES CLAIMS IN THE  
REQUIREMENTS OF MONETARY G.O.L.59th Meeting

7th April, 1948 - 4.30 p.m.

8th April, 1948 - 5.30 p.m.

Present:

U.S. Mr. Russell H. DORR	- Commissioner of the Government of the United States of America - Chairman
U.S. Colonel Ronald WINGFIELD	- Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland
U.S. Monsieur Henry H. THOMAS	- Deputy Commissioner of the Government of the French Republic
Mr. Alex B. Daspit	- Deputy Commissioner of the Government of the United States of America
Monsieur Pol Gargan	- Special Assistant to the Commission
Monsieur E. Hirigoyen	- Deputy Adviser to the Commission

Secretariat

Colonel J.A. Watson	- Secretary General
Miss E.M. Payne	

1. Letter 529/48, dated 13th February, 1948, from the Albanian Delegate.

The Commission considered the above letter, received following certain representations made to Albania by the Commission's expert, Monsieur Hirigoyen. Note was taken of the withdrawal by Albania of its claim in respect of 125.0278 kgs of fine gold.

It was decided:-

that this claim should be recorded as withdrawn and carried in the "classified as invalid column" of the Commission's schedule with an appropriate note in the "observations" column.

2. Claims for restitution of gold taken from institutions which had acquired it from private persons. (48th Meeting, Min 3)

Views were exchanged, at some length, between the Commissioners on the advisory opinion given by Monsieur Hiboyet on 26th January 1948, on Monsieur Gargan's report dated 1st March 1948 on the application, to individual claims, of the principles put forward by Monsieur Hiboyet, and on Mr. O'Flaherty's memorandum entitled "Claims for the Restitution of gold acquired by Monetary Authorities from the Public", dated 30th January 1948.

It was decided:-

- i. that the verbatim transcript of the debate should, exceptionally in this case, be circulated to the Commissioners;
- ii. that the Secretary General should be instructed to prepare a report setting out the various points at issue in connection with the Hitzel report.

The Meeting adjourned at 6.45 p.m. and was resumed on 8th April at 3.30 p.m.

3. Claims for restitution of gold taken from institutions which had received it from various sources. (Cont)

A certain number of the claims analysed in Monsieur Gerges's report of the 1st March 1948 were considered in detail.

It was decided:-

- i. that the Secretary General should be instructed to obtain as soon as possible, from the Belgian Authorities, a reply to the Commission's letter reference CG/REL 243, dated 18th February 1948, particularly as regards the present state of the lawsuit against the Banque d'Industrie;
- ii. that Monsieur Gerges would prepare the draft of a letter to be despatched by the Secretary General to the Czechoslovak Government requesting further information on their claim in respect of 1008,946 kgm. (Czechoslovak gold)
4. Notification to the Italian Government that its claim in respect of 60,726,727 kgm of fine gold has been admitted. (50th Meeting, Min 3)

The Chairman raised this question which did not figure on the Agenda but had been left over from the last Meeting.

After an exchange of views,

It was decided:-

- i. that the Italian Government should be notified that the above claim had been allowed;
- ii. that the Secretary General should be instructed to submit at 12 a.m. on the 9th April alternative drafts, in the light of the debate, of a letter for despatch to the Italian Ambassador.
5. Statement by the Chairman on the transfer of the Russian gold from Switzerland to London. (50th Meeting, Min 4)

The Chairman stated that he had been advised that the gold deposited in Switzerland by Russia was available for transfer to the Commission's account and that arrangements were in hand between the United States Ministry at Bern and the Swiss National Bank with a view to the eventual shipment of this gold to London at the Commission's expense. The gold was in the name of the United States Minister at Bern. The Swiss Government had declined to transfer by account.

It was decided:-

1. that the Chairman would make the necessary arrangements for the gold to be transferred as soon as possible;
11. that the Commission would give him a letter to this effect.

6. Statement by the Chairman regarding supplementary gold held by the United States Authorities in Austria for the order of the Commission.

The Chairman reported that he had been informed that the United States Authorities in Austria were holding about £ 90,000 worth of gold at the disposal of the Commission.

It was decided:-

that the question of the disposal of this gold would be discussed at a subsequent Meeting.

7. Other points for discussion.

A draft letter to the Greek Delegate, prepared by the Secretary General, fixing a time limit for the submission of detailed and verifiable data on the Greek Government's claim mentioned in their letter of 15th September 1947 was considered.

It was decided:-

that the letter should be amended slightly and submitted for signature by the Commissioners at 12 a.m. on the 9th April, 1948.

The Meeting adjourned at 6.45 p.m.

Distribution:

United States Commissioner (2)  
United Kingdom Commissioner (2)  
French Commissioner (1)  
Secretariat files.

JAW/SMB.

TRIPARTITE COMMISSION FOR THE  
RESTITUTION OF MONETARY GOLD.

299

58th Meeting.

2nd April, 1948 - 10.30 a.m.

2nd April, 1948 - 3.30 p.m.

Present:

H.E. Mr. Russell H. DORR	- Commissioner of the Government of the United States of America - Chairman
H.E. Colonel Ronald WINGATE	- Deputy Commissioner of the Government of the United Kingdom of Great Britain and Northern Ireland
H.E. Monsieur Henry SPITZMULLER	- Deputy Commissioner of the Government of the French Republic
Monsieur M. Hirigoyen	- Deputy Adviser to the Commission

Secretariat

Colonel J.A. Watson	- Secretary General
Miss S.R. Mayne	

1. Yugoslav letter dated 22nd March, 1948.

The Chairman stated that the first item for discussion was the above letter received from the Yugoslav Delegate. He drew attention to a report which had been circulated by the Secretary General on a conversation Monsieur Hirigoyen and himself had had with the Delegate subsequently to the receipt of the letter.

He suggested that the draft reply to the above letter which he had circulated should be used as a basis for discussion.

The Deputy Commissioner of the United Kingdom stated that he had not received the draft of the suggested reply.

Discussion was thereupon adjourned.

2. Frankfurt Gold - Transfer.

(55th Meeting, Min 2)

The Chairman explained that he had proposed to the United States Military Government that a new set of documents be adopted. These followed, in the main, those which the Commission had already approved, but were based on the principle of the Commission sending a written request to the United States Military Government to pack certain gold. If the United States Military Government should acknowledge that it had complied with this request, then the Chairman thought that the difficulty which had been confronting the Commission up to that time would have been surmounted.

RG 59  
TGC  
Lot 62015  
Box 5

209326