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COPY NO. 52S E C R E TSWNCC 2445 January 1946Pages 1 - 31, incl.*Quilley**907*STATE-WAR-NAVY COORDINATING COMMITTEETREATIES OF PEACE WITH RUMANIA, BULGARIA AND HUNGARYReferences: a. SWNCC 155/1
b. JCS 1509/3Note by the Secretaries

The enclosure, the report of the ad hoc Committee to draft articles for the treaties of peace with Rumania, Bulgaria, and Hungary on the above subject, is circulated for consideration by the Committee.

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S E C R E TE N C L O S U R ETREATIES OF PEACE WITH RUMANIA, BULGARIA, AND HUNGARYReport of ad hoc Committee on Military, Naval, and Air ClausesTHE PROBLEM

1. To draft military, naval and air clauses for the Treaties of Peace with Rumania, Bulgaria and Hungary which fulfill the objectives of the United States from the military and political points of view.

FACTS BEARING ON THE PROBLEM

2. See Appendix "A".

DISCUSSION

3. See Appendix "B".

CONCLUSIONS

4. The armed forces of Rumania, Bulgaria and Hungary will not in themselves represent a threat to the security of the United States, and these three states are expected to assume the obligations as well as the privileges of membership in the United Nations. Specific ceiling restrictions on their armed forces need not be included in the respective peace treaties but these forces should be limited, during the period prior to the admission of these states to the United Nations, to the following specified defensive purposes: (1) the maintenance of internal order and security, (2) the guarding of the frontiers against acts of aggression of a local character, and (3) the contribution of such military contingents, if any, in addition to the foregoing as may be required by the Security Council.

5. The rehabilitation and operation of armament industries and military training in Rumania, Bulgaria and Hungary should be limited to the same purposes to which the armed forces are restricted.

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6. In view of the known difficulties which would make effective operation of international control bodies in these states doubtful, the American interest in the enforcement of the military clauses of the treaties would be best served by provision for a general right of inspection and, in concert with other Allied signatories, of intervention in the event of their violation.

RECOMMENDATIONS

7. That the drafts of the military, naval, and air clauses, attached hereto as Appendices "C", "D" and "E" be approved for incorporation into the American proposals for treaties of peace with Rumania, Bulgaria and Hungary respectively.

S E C R E TAPPENDIX "A"FACTS BEARING ON THE PROBLEM

1. Rumania and Hungary entered the war on the side of Germany against the Soviet Union in June 1941. Rumania, Bulgaria and Hungary declared war on the United States and Great Britain in December 1941. Hungary had previously associated itself with German aggression against Czechoslovakia and Yugoslavia and had acquired territory of those two states. Bulgaria had associated itself with German aggression against Yugoslavia and Greece and had acquired territory of those two states.

2. The association of Rumania, Bulgaria and Hungary with Germany in the war took place while those states had pro-Nazi regimes and were under a greater or less degree of German domination. When President Roosevelt finally sent a message to Congress on June 2, 1942, requesting declarations of war by the United States on those three countries, he stated: "I realize that the three Governments took this action not upon their own initiative or in response to the wishes of their own peoples but as the instruments of Hitler."

3. With the Russian advance into the Balkans in August and September 1944 Rumania and Bulgaria surrendered to the United Nations simultaneously overthrowing their pro-Nazi governments. Rumania and Bulgaria signed armistice terms on September 12 and October 28 respectively. After the invasion of Hungary by the Soviet Army, a provisional government set up in the Soviet-occupied part of the country signed armistice terms with the United Nations on January 20, 1945.

4. The armistice terms signed by the three states in question were roughly similar in nature. They did not provide for unconditional surrender or complete occupation. These states were not, however, recognized as co-belligerents of the United Nations,

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although their armies, in accordance with the armistice terms, took part in the war against Germany. The Rumanian and Bulgarian Armies made an effective contribution to the military campaign against Germany. The war ended before Hungary was able to put an army into the field.

5. Rumania, Bulgaria and Hungary, after their surrender, continued to be regarded, technically, as enemy states. However, there has been no inclination on the part of the principal Allied Powers to place them in the same category as Germany and Japan. They are regarded more or less in the same light as Italy, that is as nations which had been misled by their leaders and have been given the opportunity to work their passage home and eventually regain a status of equality in the international community.

6. Rumania broke relations with Japan on October 31, 1944, and Bulgaria did the same on November 9. The Provisional Government of Hungary never maintained diplomatic relations with any Axis states, and thus took no steps with regard to Japan; it did, however declare war on Germany on December 26, 1944.

7. In the Crimea Declaration on Liberated Europe, issued on February 12, 1945, the Governments of the Union of Soviet Socialist Republics, the United Kingdom, and the United States agreed to concert their policies in assisting the peoples of the former Axis satellite states in Europe to solve by democratic means their pressing political and economic problems, and in particular to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people. The United States Government has taken the view that Rumania and Bulgaria do not have such broadly representative interim governments,

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8. In the Potsdam communique of August 2, 1945 the Governments of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America stated that they considered it desirable "that the present anomalous position of ... Bulgaria, ... Hungary and Rumania should be terminated by the conclusion of peace treaties," and that the conclusion of such treaties with recognized democratic governments would enable the three Allied Governments to support the applications of those states for membership in the United Nations.

9. The developments outlined in the preceding paragraphs indicate that the principal United Nations have not had the intention of imposing primarily punitive peace terms on the former Axis satellite states. The Department of State has indicated its view that these treaties should in general follow the principles and pattern of the proposed treaty of peace with Italy. The military, naval and air clauses recommended for inclusion in the latter treaty (Appendix "B", SWNCC 155/1 and Decision Amending SWNCC 155/1) having been approved by the Joint Chiefs of Staff from the military point of view (JCS 1509/3), the corresponding clauses for the treaties in question should be in general accord.

10. At the Council of Foreign Ministers in London (September 1945) the United States Delegation submitted memoranda on the subject of the peace treaties with Rumania and Bulgaria, in which it was proposed that the military establishments of those two states should be limited to the following defensive purposes: (a) maintenance of internal order; (b) local frontier defense; (c) such military contingents, if any, in addition to the foregoing as might be required by the Security Council. The Soviet Delegation proposed that no restrictions be placed on the armed forces of Rumania and Bulgaria. The United Kingdom Delegation

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proposed that specific ceiling limitations be imposed and that provision be made for an inspectorate to enforce them. After some discussion the Council adopted the United States proposals as the basis for detailed study by the Deputies. The latter were also to study the question of enforcement machinery.

No proposals were made concerning Hungary.

11. At the Moscow Conference of Foreign Ministers (December 1945) it was decided that the American, British and Soviet Deputies should undertake immediately in London the preparation of draft peace treaties for Rumania, Bulgaria and Hungary for submission to a conference to be convoked by the Council of Foreign Ministers not later than May 1, 1946, for the purpose of considering the treaties of peace. It was also decided at Moscow that measures would be taken for the reorganization of the governments of Rumania and Bulgaria, and that the completion of this agreed procedure would be followed by the recognition of the Rumanian and Bulgarian Governments by the United States and United Kingdom, a step which would make possible the conclusion of peace treaties with Rumania, Bulgaria and Hungary as envisaged by the Berlin agreement of August 2, 1945.

S E C R E TAPPENDIX "B"DISCUSSION

1. The principal American objective is to prevent Rumania, Bulgaria and Hungary from again being drawn into war against the United States. A related objective is to ensure that, should they become aligned with a power hostile to the United States, they would not be in a position to add appreciably to the military strength of that power. It is important also to prevent local disputes in central and southeastern Europe from developing into conflicts between the larger powers. The provisions of the peace treaties with these three states, in so far as they can serve these objectives, should be drafted with them in view.

2. It is to the interest of the United States to see established in the Danubian-Balkan area peaceful and stable relations among all states, the three ex-satellites as well as the Allied states. It is also to our interest that the states of this region should maintain friendly relations with the Union of Soviet Socialist Republics, but that they should not be subjected to Soviet domination or exclusive influence. These interests would appear to be best served by peace treaties which do not stimulate or perpetuate traditional conflicts and antagonisms or contribute to the formation of blocs among these nations in such a form as would impair stability within the Danubian-Balkan region or threaten the security of other states.

3. Rumania, Bulgaria and Hungary should be brought into the United Nations as soon as is feasible. It is believed that the general American objectives mentioned above can be more readily attained within the framework and through the instrumentalities of the United Nations than by the peace treaties themselves. Since the proposals of this Government for the

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political and economic clauses of the treaties will be drafted on that general basis, it is believed that the military, naval and air clauses should not be punitive or unduly restrictive but should lay down certain general limitations to remain effective until the states in question are admitted to the United Nations and thus become subject to the duties and obligations, with respect to armed forces and armaments, of member states. It would be consistent with the political attitude which the United States has adopted toward the three ex-satellite states if the peace treaties were to avoid branding them as past or potential aggressors and would open the way for them to return to the community of nations on a footing of equality.

4. The above policy would be consistent with the United States policy on the peace treaty for Italy.

5. The actual or potential military power of Rumania, Bulgaria and Hungary represents no serious threat to the security of this country. Their limitations in manpower, resources and industrial strength should effectively prevent any aggressive action on the part of these states which, in itself, would endanger the security or the vital interests of the United States. Even if the military strength of one or more of these states were added to that of a great power hostile to the United States, it is not believed that this would represent a vitally important accretion of strength to such a power, although it must be admitted that control over strategic points within these states and over their resources would represent an important addition to the war potential of an adjacent great power. In all likelihood there would be a greater chance of avoiding such an eventuality through pursuit of the general objectives set forth in paragraphs 1, 2 and 3 rather than by an attempt to use the peace treaties to reduce Rumania, Bulgaria and Hungary to military impotence.

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6. The attainment of our objectives, from the military point of view, in Rumania, Bulgaria and Hungary depends in large measure upon the relations between the United States and the Union of Soviet Socialist Republics with respect to the Danubian-Balkan region. It is not likely that peace treaty provisions respecting the armed forces of these states or arrangements for the enforcement of such provisions can be made effective without the cooperation of the Union of Soviet Socialist Republics. It is accordingly considered inadvisable to press for the adoption of military, naval and air clauses which would be resisted by the Union of Soviet Socialist Republics and which could not be enforced, especially if, as it appears, American objectives could be just as well served by provisions which have some chance of obtaining Soviet agreement.

7. With respect to the military, naval and air clauses the peace treaties should limit the armed forces of Rumania, Bulgaria and Hungary, for the period between the entry into force of the respective treaties and the admission of those states to the United Nations, to defensive purposes, specifically to (1) the maintenance of internal order and security, (2) the protection of the frontiers against acts of aggression of a local character, and (3) the contribution of such military contingents, if any, in addition to the foregoing as may be required by the Security Council.

8. As in the case of the Armed Forces, the armaments and war industries of each state--Rumania, Bulgaria and Hungary--should be similarly restricted to the same purposes. Either the manufacture or the importation by these states of armaments disproportionate to their respective national forces and discordant with the general purposes for which armed forces are permitted, would be inconsistent with the approach of these countries to membership in the UNO and the maintenance of stable conditions, pending their admission, conducive to peace and prosperity in Southeastern Europe.

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9. Ceiling limitations on the armaments and armed forces of Rumania, Bulgaria and Hungary and restrictions on military training are considered inadvisable for the reasons adduced above.

In addition, such provisions would create status of inferiority for these three states vis-a-vis neighboring states not so restricted and would thus promote insecurity and reduce the chances of friendly cooperation among all states of the Danubian-Balkan region. However, if it becomes expedient during the preparatory treaty discussions the United States should be prepared to suggest the approximate maximum strength which would be regarded as legitimate for the purposes specified in paragraph 7 above.

10. Following the approach taken for the United States alternative military naval and air clauses for the Italian Peace Treaty, the minimum requirements for the purposes to which it is proposed military establishments be restricted should be taken as the ceiling limitations. Opinion as to the minimum requirements of each of these countries varies considerably. A compromise of all factors involved--political, military, economic and geographic--indicates a ratio of 3:2:2 for Rumania, Bulgaria and Hungary, respectively. Such a ratio would apply to the ground and air forces only, including, in the case of Hungary, the Hungarian River Forces which have in the past been incorporated in the Army. In view of the considerations set forth in paragraph 15 no ceiling limitations respecting the naval forces of Rumania and Bulgaria are considered necessary.

a. Utilizing Rumania as the standard, appropriate minimum requirements appear to be:

Ground	100,000
Air	<u>4,000</u>
Total	104,000

To retain a defensive character to such forces, the Air Force should be restricted to the organization and equipment of a Tactical Air Force only as opposed to a Strategic Air Force (no bombardment aircraft).

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b. Application of the 3:2:2 ratio would then indicate the following strength for the three countries:

	<u>Ground</u>	<u>Air</u>
Rumania	100,000	4,000
Bulgaria	66,000	2,600
Hungary	66,000	2,600

11. The demilitarization of certain areas, particularly the Black Sea coasts of Rumania and Bulgaria, have been considered but set aside because of the inequality which such action would entail unless other neighboring countries were similarly compelled to decrease their defenses. Likewise, demilitarization by limiting the size and types of armaments, fortifications and air facilities and air fields is not considered of sufficient practical value to warrant inclusion. Further, there is the question of enforcement machinery to insure compliance which as indicated below is considered inadvisable.

12. The peace treaty with Hungary obviously need contain no naval clauses. Neither of the other two ex-satellite states has sufficient resources to build a naval force of any significance; accordingly no specific limitations on tonnage or naval construction need be included in the peace treaties. After Rumania's surrender in August 1944 Rumanian naval vessels at first took part in operations against the Germans under Soviet command, but were later retained under full Soviet control and operation as "war trophies". The Soviet Government has returned some of the less serviceable units to Rumania. It is not considered that the Armistice terms provide a legal justification for the Soviet action. While the disposition of the Rumanian warships may be discussed in connection with the peace terms it is not necessary at this time to include specific provisions in the draft clauses on this subject. If they are retained by the U.S.S.R. their value should properly be credited to Rumania's reparation obligation under the Armistice Agreement.

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13. While the proscription of compulsory military training would be desirable as a deterrent to the diversion of the human and economic resources of these states, it cannot consistently be proposed when the United States itself has found it necessary to consider such a peacetime measure to provide more adequately for national security.

14. Administrative provisions as to repatriation of prisoners of war are required for inclusion in the treaty for the rectification of the prisoner of war matters arising out of the prosecution of the war between the United Nations signatories and each of these states.

15. Provisions for Graves and War Dead matters are required to cover the interests of the United Nations having graves or remains of war dead in these countries. It would be desirable to provide for such arrangements by separate bilateral agreements between each of the United Nations concerned and each of these states, if suitable arrangements can be established and concluded prior to the conclusion of the treaty. Otherwise, general provisions for multilateral application must be included.

16. There should be no provision for the maintenance of military or economic controls, or for automatic action in case of apparent violation of the treaty obligations. The relevant clauses should, however, be phrased so that the signatory United Nations would, on the basis of the treaties, be justified in taking corrective or preventive action if in their judgment, after consultation and mutual agreement, the states in question were creating military, naval or air establishments or taking military measures not primarily defensive in character or were threatening the peace and security of other states. For such purposes the right of inspection should be reserved for the signatories by agreement among themselves to inspect and

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examine each of these countries and their respective armies, navies and air forces for compliance with the military, naval and air clauses of the several treaties. This right of inspection would be effective pending the establishment of the general system for the regulation of armaments with the United Nations Organization at which time it would be transferred to the Security Council.

S E C R E TAPPENDIX "C"MILITARY, NAVAL, AND AIR CLAUSES RUMANIA

Article 21

Rumania hereby declares its attachment to the principles, set forth in the Charter of the United Nations, that international disputes shall be settled by peaceful means in such manner that international peace, security and justice are not endangered, and that force shall not be threatened or used against the territorial integrity or independence of any state. Rumania also recognizes the overriding necessity, in the interest of the early rehabilitation of the devastated areas of Europe, that there be a minimum diversion of manpower and economic resources to armed forces and to armaments.

Rumania accordingly subscribes to the principle of the regulation of armaments and proposes to rely primarily for its security upon the arrangements for the maintenance of international peace and security provided under the Charter of the United Nations.

Article 22

For the purpose of regulating the level of its armaments until the general system for the regulation of armaments to be formulated under Article 26 of the Charter of the United Nations becomes operative, Rumania agrees that its armed forces shall be organized to serve the purposes, primarily defensive in character, specified in Article 23 of this treaty. The size, distribution, training, armament and equipment for its armed forces shall be such as are appropriate for these purposes. Rumania undertakes to direct her future production and acquisition of armaments to the provision of the armed forces required for the purposes set forth in Article 23.

Article 23

1. Rumania undertakes, pending the admission of Rumania into the United Nations, to direct the activities of its ground forces

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to (a) maintaining internal order, (b) taking reasonable measures to guard the frontiers of Rumania against local violations and (c) furnishing for the support of the purposes of the United Nations such military contingents as may be required by the Security Council.

2. Rumania undertakes, pending the admission of Rumania into the United Nations, to direct the future activities of Rumanian naval forces to (a) maintaining internal order, (b) taking reasonable measures to guard the sea and river frontiers of Rumania against local violations, (c) furnishing for the support of the purposes of the United Nations such naval forces as may be required by the Security Council.

3. Rumania undertakes, pending the admission of Rumania into the United Nations, to direct the activities of its air force to (a) employment in air defense and in coordination with the ground forces in pursuance of any of the purposes specified in this Article, (b) furnishing military air transport of a type and on a scale in keeping with the size and composition of the Rumanian armed forces, and (c) furnishing for the support of the purposes of the United Nations such air forces as may be required by the Security Council.

Article 24

1. The repatriation of Rumanian prisoners of war shall take place as soon as possible after the coming into force of the present Treaty, and shall be carried out with the greatest possible expedition, considering all governing factors.

2. The Government of each of the contracting United Nations agrees to move individuals, who are being repatriated from their places of detention to ports of embarkation and from there to provide the transportation necessary to transport them for delivery to Rumanian authorities at designated places for exchange. The

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Government of each of the contracting United Nations further agrees to transport to ports of entry into Rumania any and all persons subject to repatriation from their custody on the continent of Europe.

Article 25

1. The cost of the movement of prisoners of war being repatriated from their places of detention, wherever situated, to ports of embarkation, in cases where water transportation is utilized, will be borne by the detaining Government, but the cost of movement from the port of embarkation or from places of detention in neutral or other territories to the Rumanian ports of entry, in cases where land transportation is utilized, will be borne by the Rumanian Government.

2. Repatriated prisoners of war will be transported to their homes by the Rumanian authorities as soon as possible after they are turned over to them by the Government of any of the contracting United Nations.

3. The Rumanian Government and the respective Governments of the contracting United Nations undertake to make appropriate provisions for the return in kind of personal articles, foreign moneys, foreign securities, and documents which belong to individuals who have been held in their custody and which have not previously been returned. Nevertheless, the return of currencies to persons held by any of the contracting United Nations shall be subject to United Nations policy in Rumania. This may affect the time of such return and the type of currency in which the return is made. The Rumanian Government undertakes to make reparation in satisfaction of claims for personal property and money taken from personnel of any of the contracting United Nations, who were in the custody of the Rumanian Government, in any case where such property has not been returned.

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4. The Rumanian Government confirms and approves the methods adopted by the Governments of the contracting United Nations in the payment of wages earned by Rumanian prisoners of war while in captivity and undertakes to make restitution for accrued unpaid wages owed to United Nations prisoners of war formerly held by Rumania. Each Government agrees to reimburse the detaining Government for sums accrued or disbursed as pay by the latter to officers of the armed forces of the former while in captivity.

5. The Governments of the contracting United Nations reserve the right to withhold from repatriation Rumanian prisoners of war who are suspected war criminals. The Governments of the contracting United Nations agree to try such prisoners as soon as may be possible and to repatriate them immediately after trial if acquitted. Prisoners of war who may be wanted as witnesses at such trials will be withheld from repatriation only if the trial at which they are required is to take place within the very near future; otherwise, they will be repatriated in the normal fashion, subject to an obligation on the part of the Rumanian Government to allow them to be returned to the scene of the trial at which they are required. If they are brought back from Rumania for this purpose, the expenses of their transportation from Rumania and their return to Rumania will be borne by the Government which makes use of their services, which Government likewise undertakes to transport the witness from and to Rumania as expeditiously as possible.

6. The Governments of the contracting United Nations reserve the right to withhold from repatriation prisoners of war under sentence of imprisonment by a duly constituted court, until such sentence has been fully served. The same right likewise applies to prisoners of war serving sentences after conviction for a war crime.

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Article 26

The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the contracting United Nations and/or were serving in the Armed Forces of the contracting United Nations and are now buried in Rumania or any possession or territory now or hereafter subject to the control of the Rumanian Government.

1. The contracting United Nations, through their duly designated representatives, shall have the following rights, privileges and prerogatives:

a. The Government of each of the contracting United Nations shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons subject to its control and to make exhumations therefrom for repatriation or concentration into permanent cemeteries abroad, including movement of bodies from other countries into Rumania and its territories and possessions.

b. The Government of each of the contracting United Nations shall be exempt from all national, local or other laws and/or regulations relating to the securing of permits for disinterments; sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health; and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of permanent graves.

c. The Government of each of the contracting United Nations shall have the right of free entrance and exit for all personnel, supplies, transportation (air, motor and water) serving or belonging to such United Nations and the use of port facilities, warehousing, rail and water transportation and the right to employ labor in Rumania, its territories and possessions, essential to the accomplishment of its mission upon payment of just compensation therefor.

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d. The Government of each of the contracting United Nations shall have the unrestricted right of search for the remains of members of its Armed Forces, and/or its citizens.

e. The Government of each of the contracting United Nations shall have the unrestricted right to examine and copy all records, military or civilian, which may be of assistance in locating the graves, or identifying the remains of its deceased military or civilian personnel.

f. The Government of each of the contracting United Nations shall have the right to question and examine citizens of Rumania and to take affidavits in furtherance of its search for, and identification of remains of members of its Armed Forces, and/or its citizens.

2. The Government of Rumania will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the contracting United Nations.

3. If in the future the Government of any one of the contracting United Nations wishes to establish permanent cemeteries or erect memorials in Rumania, the Rumanian Government will exercise its power of eminent domain to acquire title to such sites and grant to such United Nation the right to use therein in perpetuity upon payment by such United Nation of just compensation therefor. Any sites acquired including improvements thereto and buildings constructed thereon shall be exempt from any and all form of taxation, direct or indirect.

S E C R E TAPPENDIX "D"MILITARY, NAVAL AND AIR CLAUSES BULGARIA

Article 21

Bulgaria hereby declares its attachment to the principles, set forth in the Charter of the United Nations, that international disputes shall be settled by peaceful means in such manner that international peace, and security and justice are not endangered, and that force shall not be threatened or used against the territorial integrity or independence of any state. Bulgaria also recognizes the overriding necessity, in the interest of the early rehabilitation of the devastated areas of Europe, that there be a minimum diversion of manpower and economic resources to armed forces and to armaments. Bulgaria accordingly subscribes to the principle of the regulation of armaments and proposes to rely primarily for its security upon the arrangements for the maintenance of international peace and security provided under the Charter of the United Nations.

Article 22

For the purpose of regulating the level of its armaments until the general system for the regulation of armaments to be formulated under Article 26 of the Charter of the United Nations becomes operative, Bulgaria agrees that its armed forces shall be organized to serve the purposes, primarily defensive in character, specified in Article 23 of this treaty. The size, distribution, training, armament and equipment for its armed forces shall be such as are appropriate for these purposes. Bulgaria undertakes to direct her future production and acquisition of armaments to the provision of the armed forces required for the purposes set forth in Article 23.

Article 23

1. Bulgaria undertakes, pending the admission of Bulgaria into the United Nations, to direct the activities of its ground

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forces to (a) maintaining internal order; (b) taking reasonable measures to guard the frontiers of Bulgaria against local violations; and (c) furnishing for the support of the purposes of the United Nations such contingents as may be required by the Security Council.

2. Bulgaria undertakes, pending the admission of Bulgaria into the United Nations, to direct the future activities of Bulgarian naval forces to (a) maintaining internal order, (b) taking reasonable measures to guard the sea and river frontiers of Bulgaria against local violations, (c) furnishing for the support of the purposes of the United Nations such naval forces as may be required by the Security Council.

3. Bulgaria undertakes, pending the admission of Bulgaria into the United Nations, to direct the activities of its air force to (a) employment in air defense and in coordination with the ground forces in pursuance of any of the purposes specified in this Article, (b) furnishing military air transport of a type and on a scale in keeping with the size and composition of the Bulgarian armed forces, and (c) furnishing for the support of the purposes of the United Nations such air forces as may be required by the Security Council.

Article 24

1. The repatriation of Bulgarian prisoners of war shall take place as soon as possible after the coming into force of the present Treaty, and shall be carried out with the greatest possible expedition, considering all governing factors.

2. The Government of each of the contracting United Nations agrees to move individuals, who are being repatriated from their places of detention to ports of embarkation and from there to provide the transportation necessary to transport them for delivery to Bulgarian authorities at designated places for exchange. The Government of each of the contracting United Nations further agrees to transport to ports of entry into Bul-

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garia any and all persons subject to repatriation from their custody on the continent of Europe.

Article 25

1. The cost of the movement of prisoners of war being repatriated from their places of detention, wherever situated, to ports of embarkation, in cases where water transportation is utilized, will be borne by the detaining Government, but the cost of movement from the port of embarkation or from places of detention in neutral or other territories to the Bulgarian ports of entry, in cases where land transportation is utilized, will be borne by the Bulgarian Government.

2. Repatriated prisoners of war will be transported to their homes by the Bulgarian authorities as soon as possible after they are turned over to them by the Government of any of the contracting United Nations.

3. The Bulgarian Government and the respective Governments of the contracting United Nations undertake to make appropriate provisions for the return in kind of personal articles, foreign moneys, foreign securities, and documents which belong to individuals who have been held in their custody and which have not previously been returned. Nevertheless, the return of currencies to persons held by any of the contracting United Nations shall be subject to United Nations policy in Bulgaria. This may effect the time of such return and the type of currency in which the return is made. The Bulgarian Government undertakes to make reparation in satisfaction of claims for personal property and money taken from personnel of any of the contracting United Nations, who were in the custody of the Bulgarian Government, in any case where such property has not been returned.

4. The Bulgarian Government confirms and approves the methods adopted by the Governments of the contracting United Nations in the payment of wages earned by Bulgarian prisoners of war while in captivity and undertakes to make restitution for

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accrued unpaid wages owed to United Nations prisoners of war formerly held by Bulgaria. Each Government agrees to reimburse the detaining Government for sums accrued or disbursed as pay by the latter to officers of armed forces of the former while in captivity.

5. The Governments of the contracting United Nations reserve the right to withhold from repatriation Bulgarian prisoners of war who are suspected war criminals. The Governments of the contracting United Nations agree to try such prisoners as soon as may be possible and to repatriate them immediately after trial if acquitted. Prisoners of war who may be wanted as witnesses at such trials will be withheld from repatriation only if the trial at which they are required is to take place within the very near future; otherwise, they will be repatriated in the normal fashion, subject to an obligation on the part of the Bulgarian Government to allow them to be returned to the scene of the trial at which they are required. If they are brought back from Bulgaria for this purpose, the expenses of their transportation from Bulgaria and their return to Bulgaria will be borne by the Government which makes use of their services, which Government likewise undertakes to transport the witness from and to Bulgaria as expeditiously as possible.

6. The Governments of the contracting United Nations reserve the right to withhold from repatriation prisoners of war under sentence of imprisonment by a duly constituted court, until such sentence has been fully served. The same right likewise applies to prisoners of war serving sentences after conviction for a war crime.

Article 26

The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the contracting United Nations and/or were serving in the Armed Forces of the contracting United Nations and are now buried in Bulgaria or any possession or territory now or hereafter subject to the control

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of the Bulgarian Government.

1. The contracting United Nations, through their duly designated representatives, shall have the following rights, privileges and prerogatives:

a. The Government of each of the contracting United Nations shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons subject to its control and to make exhumations therefrom for repatriation or concentration into permanent cemeteries abroad, including movement of bodies from other countries into Bulgaria and its territories and possessions.

b. The Government of each of the contracting United Nations shall be exempt from all national, local or other laws and/or regulations relating to the securing of permits for disinterments; sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health; and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of permanent graves.

c. The Government of each of the contracting United Nations shall have the right of free entrance and exit for all personnel, supplies, transportation (air, motor and water) serving or belonging to such United Nations and the use of port facilities, warehousing, rail and water transportation and the right to employ labor in Bulgaria, its territories and possessions, essential to the accomplishment of its mission upon payment of just compensation therefor.

d. The Government of each of the contracting United Nations shall have the unrestricted right of search for the remains of members of its Armed Forces, and/or its citizens.

e. The Government of each of the contracting United

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Nations shall have the unrestricted right to examine and copy all records, military or civilian, which may be of assistance in locating the graves, or identifying the remains of its deceased military or civilian personnel.

f. The Government of each of the contracting United Nations shall have the right to question and examine citizens of Bulgaria and to take affidavits in furtherance of its search for, and identification of remains of members of its Armed Forces, and/or its citizens.

2. The Government of Bulgaria will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the contracting United Nations.

3. If in the future the Government of any one of the contracting United Nations wishes to establish permanent cemeteries or erect memorials in Bulgaria, the Bulgarian Government will exercise its power of eminent domain to acquire title to such sites and grant to such United Nation the right to use therein in perpetuity upon payment by such United Nation of just compensation therefor. Any sites acquired including improvements thereto and buildings constructed thereon shall be exempt from any and all form of taxation, direct or indirect.

S E C R E TAPPENDIX "E"MILITARY, NAVAL, AND AIR CLAUSES HUNGARY

Article 21

Hungary hereby declares its attachment to the principles, set forth in the Charter of the United Nations, that international disputes shall be settled by peaceful means in such manner that international peace, security and justice are not endangered, and that force shall not be threatened or used against the territorial integrity or independence of any state. Hungary also recognizes the overriding necessity, in the interest of the early rehabilitation of the devastated areas of Europe, that there be a minimum diversion of manpower and economic resources to armed forces and to armaments. Hungary accordingly subscribes to the principle of the regulation of armaments and proposes to rely primarily for its security upon the arrangements for the maintenance of international peace and security provided under the Charter of the United Nations.

Article 22

For the purpose of regulating the level of its armaments until the general system for the regulation of armaments to be formulated under Article 26 of the Charter of the United Nations becomes operative, Hungary agrees that its armed forces shall be organized to serve the purposes, primarily defensive in character, specified in Article 23 of this treaty. The size, distribution, training, armament and equipment for its armed forces shall be such as are appropriate for these purposes. Hungary undertakes to direct her future production and acquisition of armaments to the provision of the armed forces required for the purposes set forth in Article 23.

Article 23

1. Hungary undertakes, pending the admission of Hungary into the United Nations, to direct the activities of its ground

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forces to (a) maintaining internal order (b) taking reasonable measures to guard the frontiers of Hungary against local violations and (c) furnishing for the support of the purposes of the United Nations such military contingents as may be required by the Security Council.

2. Hungary undertakes, pending the admission of Hungary into the United Nations, to direct the activities of its air force to (a) employment in air defense and in coordination with the ground forces in pursuance of any of the purposes specified in this Article, (b) furnishing military air transport of a type and on a scale in keeping with the size and composition of the Hungarian armed forces, and (c) furnishing for the support of the purposes of the United Nations such air forces as may be required by the Security Council.

Article 24

1. The repatriation of Hungarian prisoners of war shall take place as soon as possible after the coming into force of the present Treaty, and shall be carried out with the greatest possible expedition, considering all governing factors.

2. The Government of each of the contracting United Nations agrees to move individuals, who are being repatriated from their places of detention to ports of embarkation and from there to provide the transportation necessary to transport them for delivery to Hungarian authorities at designated places for exchange. The Government of each of the contracting United Nations further agrees to transport to ports of entry into Hungary any and all persons subject to repatriation from their custody on the continent of Europe.

Article 25

1. The cost of the movement of prisoners of war being repatriated from their places of detention, wherever situated, to ports of embarkation, in cases where water transportation is utilized, will be borne by the detaining Government, but the cost

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of movement from the port of embarkation or from places of detention in neutral or other territories to the Hungarian ports of entry, in cases where land transportation is utilized, will be borne by the Hungarian Government.

2. Repatriated prisoners of war will be transported to their homes by the Hungarian authorities as soon as possible after they are turned over to them by the Government of any of the contracting United Nations.

3. The Hungarian Government and the respective Governments of the contracting United Nations undertake to make appropriate provisions for the return in kind of personal articles, foreign moneys, foreign securities, and documents which belong to individuals who have been held in their custody and which have not previously been returned. Nevertheless, the return of currencies to persons held by any of the contracting United Nations shall be subject to United Nations policy in Hungary. This may affect the time of such return and the type of currency in which the return is made. The Hungarian Government undertakes to make reparation in satisfaction of claims for personal property and money taken from personnel of any of the contracting United Nations, who were in the custody of the Hungarian Government, in any case where such property has not been returned.

4. The Hungarian Government confirms and approves the methods adopted by the Governments of the contracting United Nations in the payment of wages earned by Hungarian prisoners of war while in captivity and undertakes to make restitution for accrued unpaid wages owed to United Nations prisoners of war formerly held by Hungary. Each Government agrees to reimburse the detaining Government for sums accrued or disbursed as pay by the latter to officers of the armed forces of the former while in captivity.

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5. The Governments of the contracting United Nations reserve the right to withhold from repatriation Hungarian prisoners of war who are suspected war criminals. The Governments of the contracting United Nations agree to try such prisoners as soon as may be possible and to repatriate them immediately after trial if acquitted. Prisoners of war who may be wanted as witnesses at such trials will be withheld from repatriation only if the trial at which they are required is to take place within the very near future; otherwise, they will be repatriated in the normal fashion, subject to an obligation on the part of the Hungarian Government to allow them to be returned to the scene of the trial at which they are required. If they are brought back from Hungary for this purpose, the expenses of their transportation from Hungary and their return to Hungary will be borne by the Government which makes use of their services, which Government likewise undertakes to transport the witness from and to Hungary as expeditiously as possible.

6. The Governments of the contracting United Nations reserve the right to withhold from repatriation prisoners of war under sentence of imprisonment by a duly constituted court, until such sentence has been fully served. The same right likewise applies to prisoners of war serving sentences after conviction for a war crime.

Article 26

The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the contracting United Nations and/or were serving in the Armed Forces of the contracting United Nations and are now buried in Hungary or any possession or territory now or hereafter subject to the control of the Hungarian Government.

1. The contracting United Nations, through their duly designated representatives, shall have the following rights, privileges and prerogatives:

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a. The Government of each of the contracting United Nations shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons, subject to its control and to make exhumations therefrom for repatriation or concentration into permanent cemeteries abroad, including movement of bodies from other countries into Hungary and its territories and possessions.

b. The Government of each of the contracting United Nations shall be exempt from all national, local or other laws and/or regulations relating to the securing of permits for disinterments; sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health; and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of permanent graves.

c. The Government of each of the contracting United Nations shall have the right of free entrance and exit for all personnel, supplies, transportation (air, motor and water) serving or belonging to such United Nations and the use of port facilities, warehousing, rail and water transportation and the right to employ labor in Hungary, its territories and possessions, essential to the accomplishment of its mission upon payment of just compensation therefor.

d. The Government of each of the contracting United Nations shall have the unrestricted right of search for the remains of members of its Armed Forces, and/or its citizens.

e. The Government of each of the contracting United Nations shall have the unrestricted right to examine and copy all records, military or civilian, which may be of assistance in locating the graves, or identifying the remains of its deceased military or civilian personnel.

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f. The Government of each of the contracting United Nations shall have the right to question and examine citizens of Hungary and to take affidavits in furtherance of its search for, and identification of remains of members of its Armed Forces, and/or its citizens.

2. The Government of Hungary will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the contracting United Nations.

3. If in the future the Government of any one of the contracting United Nations wishes to establish permanent cemeteries or erect memorials in Hungary, the Hungarian Government will exercise its power of eminent domain to acquire title to such sites and grant to such United Nation the right to use therein in perpetuity upon payment by such United Nation of just compensation therefor. Any sites acquired including improvements thereto and buildings constructed thereon shall be exempt from any and all form of taxation, direct or indirect.