

R

DOCUMENT ID: 21783105
INQNO: DOC17D 00367138
DOCNO: TEL 000091 91
PRODUCER: BRUSSELS
AGENCY: STATE
DOCTYPE: IN
DOR: 19910103
TOR: 125819
DOCPREC: R
ORIGDATE: 199101031636
MHFNO: 91 2562601
DOCCLASS: C

CDS
C 45776BRUSSELS 000910031755ZSCR 91-2562601 C
MIDB

S
UPID

/ /

CONFIDENTIAL

FRP: , , 3 , , , , ,

ACTION: NONE INFO: DONOVA, FBIS6, IRL, NIO/ECON, ODPB, ODPD, ODPS,
OPCTR/EWE, STATDICT, FILE, EUR/BCI, EUR/BNL, EUR/F, EUR/G-2, EUR/RR,
ICS/HC/EU, NIO/EUR, SE/RR/NA (10/W)

91 2562601 SCR

PAGE 001
TOR: 031755Z JAN 91

NC 2562601
BRUSSE 00091

HEADER
RR RUEAIIB
ZNY CCCCC ZOC STATE ZZH
MSI8727
RR RUEHC
DE RUEHBS #0091/01 0031636
ZNY CCCCC ZZH
R 031636Z JAN 91
FM AMEMBASSY BRUSSELS
TO RUEHC/SECSTATE WASHDC 4155
INFO RUFHLD/AMEMBASSY LONDON 0760
RUFHFR/AMEMBASSY PARIS 3427
RUFHOL/AMEMBASSY BONN 8594
BT

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2001 2007

NAZI WAR CRIMES DISCLOSURE ACT

CONTROLS
C O N F I D E N T I A L BRUSSELS 00091

E.O. 12356: DECL: OADR

TEXT

TAGS: TGC, EFIN, GE, UK, FR, BE

COMBINE: COMPLETE

SUBJECT: TRIPARTITE GOLD COMMISSION: MISSING GOLD BARS

REFS: (A) 88 BONN 12674 NOTAL (B) 88 BRUSSELS 08333 NOTAL
(C) 88 BRUSSELS 08586 NOTAL (D) 88 BONN 41389 NOTAL (E)
MAURER/SCHEMERHORN LETTER OF 10/28/86 (F) 88 STATE 081182
NOTAL

1. CONFIDENTIAL - ENTIRE TEXT.
2. SUMMARY. THE SECRETARY GENERAL OF THE TRIPARTITE GOLD COMMISSION (TGC), THE THREE-GOVERNMENT BODY SET UP AFTER WWII TO RECOVER AND DISTRIBUTE GOLD WRONGFULLY TAKEN BY THE NAZIS, RECENTLY ASKED THE USG TGC REPRESENTATIVE IN BRUSSELS WHETHER THE THREE MEMBER GOVERNMENTS WANT TO COMPLETE A TRANSFER OF TWO GOLD BARS FROM THE GERMAN BUNDESBANK TO THE TGC PENDING SINCE 1988. APPARENTLY THE U.K. GOVERNMENT IN 1988 HAD CONCERNS ABOUT THE LEGALITY AND/OR PRECEDENTIAL VALUE OF THE THREE ALLIED GOVERNMENTS GIVING THE BUNDESBANK A WAIVER FROM CLAIMS BY THIRD PARTIES. A PENDING U.K. CLAIM AGAINST ALBANIA MAY BE A COMPLICATING FACTOR. EMBASSY BRUSSELS REQUESTS GUIDANCE FROM WASHINGTON ON WHAT IF ANY FURTHER STEPS TO TAKE. END SUMMARY.
3. COLIN HARRIS, THE SECRETARY GENERAL OF THE TGC, RECENTLY ASKED THE ECONOMIC COUNSELOR, WHO IS ALSO THE USG REPRESENTATIVE TO THE TGC, WHETHER THE USG AND THE GOVERNMENTS OF THE U.K AND FRANCE MIGHT WANT TO PUSH TO COMPLETE THE LONG-DELAYED TRANSFER OF TWO GOLD BRICKS FROM THE GERMAN BUNDESBANK TO THE TGC. IN 1983, ALISTAIR BRETT, A REPORTER FOR THE LONDON TIMES, BROUGHT TO THE ATTENTION OF THE TGC THE FACT THAT TWO GOLD BARS FOUND IN GERMANY AFTER WWII BY U.S. MILITARY AUTHORITIES HAD APPARENTLY NOT GONE INTO THE TGC'S GOLD POOL AS THEY SHOULD HAVE. THE TWO GOLD BARS WERE DERIVED (I.E., SMELTED) FROM GOLD BARS WRONGFULLY TAKEN BY THE NAZIS FROM THE BANK OF FRANCE, WHICH HAD BEEN HOLDING THE GOLD BARS FOR THE NATIONAL BANK OF BELGIUM. THE BUNDESBANK REFUSED TO PROVIDE MR. BRETT WITH ANY INFORMATION ABOUT THE DISPOSITION OF THE GOLD BARS. SUBSEQUENTLY, THE U.S. LEGAL OFFICE IN BONN WAS INSTRUCTED TO RAISE THE MATTER WITH THE BUNDESBANK, WHICH REPLIED THAT AFTER A SEARCH IT HAD FOUND THE TWO MISSING GOLD BARS IN A SPECIAL ACCOUNT. AFTER FURTHER CONSULTATIONS, THE BUNDESBANK SAID THAT IT WAS PREPARED TO TURN OVER THE TWO GOLD BARS PROVIDED THAT IT RECEIVED RELEASES OF CLAIMS FROM POTENTIAL CLAIMANTS, INCLUDING THE UNITED STATES, U.K., FRANCE, THE TRIPARTITE GOLD POOL, THE BANK OF FRANCE AND THE NATIONAL BANK OF BELGIUM.

~~CONFIDENTIAL~~

4. IN REF E, L OPINED THAT IT SAW NO OBSTACLE TO THE U.S., U.K. AND FRENCH GOVERNMENTS GIVING SUCH RELEASES. IN PARA TWO OF REF F, L ENVISAGED A TURNOVER OF THE GOLD BARS BY FRG AUTHORITIES TO REPRESENTATIVES OF THE THREE TGC GOVERNMENTS (U.K., FRANCE AND U.S.) IN BONN. THE U.K. WOULD THEN PROCEED TO TRANSMIT THE GOLD BARS TO THE BANK OF ENGLAND AS THE DEPOSITORY OF THE TGC.

5. IN APRIL 1988, PER REF A, THE U.S. LEGAL ADVISER IN BONN MET WITH U.K. AND FRENCH EMBASSY REPRESENTATIVES TO COMPLETE A DIPLOMATIC NOTE REQUESTING THE FRG TO TURN OVER THE TWO MISSING GOLD BARS. THE NOTE WAS NOT COMPLETED BECAUSE THE U.K. REPRESENTATIVE QUESTIONED THE LEGAL AUTHORITY UNDER WHICH THE ALLIES PURPORTED TO RELEASE THE FRG AND THE BUNDESBANK FROM CLAIMS BY, INTER ALIA, THE BANK OF FRANCE AND THE NATIONAL BANK OF BELGIUM.

6. ON MAY 20, 1988, THE TGC REPRESENTATIVES AUTHORIZED THE BANK OF ENGLAND TO RECEIVE THE GOLD BARS ON BEHALF OF THE TGC, BUT THE TRANSFER WAS NOT COMPLETED.

7. ACCORDING TO PARA 3 OF REF B, THE U.K. LEGAL ATTACHE IN BONN IN JUNE 1988 EXPRESSED CONCERNS TO THE U.S. REPRESENTATIVE IN BONN ABOUT THE PROPOSED WAIVER FOR THE TWO GOLD BARS PROVIDING A PRECEDENT FOR THE U.K.'S PENDING CLAIM AGAINST ALBANIA FOR TWO DESTROYERS MINED IN 1946.

8. PARA ONE OF REF D, DATED DECEMBER 8, 1988, STATES THAT THE U.K EMBASSY LEGAL ADVISER TOLD THE U.S. EMBASSY IN

BONN THAT LONDON DID NOT AGREE WITH THE U.S. POSITION THAT THE THREE ALLIED GOVERNMENTS ON THE TGC HAD THE AUTHORITY TO ISSUE A WAIVER RELEASING THE FRG AND THE BUNDESBANK FROM CLAIMS BY THIRD PARTIES. THE U.K. REPRESENTATIVE SAID THAT THIS DECISION WAS MADE BY THE U.K. FOREIGN OFFICE LEGAL ADVISER AND WAS NOT LIKELY TO BE REVERSED. REF D ASKED FOR WASHINGTON CONCURRENCE TO PROCEED WITH ALTERNATIVE OPTIONS, INCLUDING APPROACHING THE BUNDESBANK TO DETERMINE HOW STRONGLY IT FELT ABOUT A WAIVER AS A CONDITION FOR RELEASING THE GOLD. EMBASSY BRUSSELS' FILES DO NOT CONTAIN ANY SUBSEQUENT REFERENCES TO THE TWO MISSING GOLD BARS. WE DO NOT KNOW IF THERE HAS BEEN ANY SUBSEQUENT ACTION ON THE CASE.

9. ACTION REQUESTED: EMBASSY REQUESTS WASHINGTON GUIDANCE ON WHAT IF ANYTHING WE SHOULD DO TO FACILITATE THE TRANSFER OF THE GOLD BARS. MR. HARRIS EXPRESSED CONCERNS TO US THAT THE LONG DELAY IN TRANSFERRING THE GOLD BARS COULD BECOME PUBLIC KNOWLEDGE SOME DAY. MCCONNELL

ADMTN
END OF MESSAGE

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~