

see note
page 4

G/AT

June 13th, 1944.

SECRET

MEMORANDUM FOR THE PRIME MINISTER

C247810

DRAFT INSTRUMENT OF SURRENDER FOR GERMANY

1. We have just received Dominions Office Circular despatch D.75 of June 9th (copy attached) forwarding a draft instrument of surrender for Germany, together with an explanatory memorandum. This document has been drawn up after negotiations conducted in the European Advisory Commission in London and represents the points reached on May 25th. It has not been formally adopted by the Commission or by the United Kingdom Government and is still liable to modification.

2. The Instrument consists of eleven military articles and of one general article giving the Allied representatives supreme authority to present additional requirements which Germany is bound to accept. It is intended to fill out the terms by a series of directives, the terms of which are under discussion in the European Advisory Commission. It is not the purpose of this memorandum to consider the terms in themselves but to draw attention to an important question of form on which representations were made last March to the United Kingdom Government.

3. These points relate to the Preamble and Article 12(a) of the draft. The Preamble reads as follows:

The German Government and the German High Command, recognizing and acknowledging the complete defeat of the German armed forces on land, at sea and in the air, hereby announce Germany's unconditional surrender to the Supreme Commands of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America acting by authority of their respective Governments and in the interests of the United Nations, hereinafter called the "Allied Representatives".

Article 12(a) reads as follows:

The Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall possess supreme authority with respect to Germany. In the exercise of such authority they will take such steps, including the complete disarmament and demilitarization of Germany, as they deem requisite for future peace and security.