

C247825

SECRET.

Memorandum on the Draft Instrument of
Surrender for Germany

The Canadian Government have set forth in their telegram No. 106 of June 16th to the Dominions Office their views with regard to the Draft Instrument of Surrender for Germany which is now under consideration by the European Advisory Commission. As will be seen from the terms of this telegram, a copy of which is attached for convenience of reference, the Canadian Government see objection to the language used in the preamble of the Draft Instrument of Surrender whereby Germany would surrender unconditionally to the Supreme Commands of the three Great Powers "acting by the authority of their respective Governments and in the interests of the United Nations". They also see strong objection to Article 12(a) by which the Soviet Union, the United Kingdom and the United States "shall possess supreme authority with respect to Germany".

With regard to the first of these points the Canadian Government have suggested that a solution to the difficulties involved might be found if the Supreme Commanders had received formal authority from the Governments concerned to exercise command over the forces from the various countries comprising their Commands. The Instrument could then properly be signed by the Supreme Allied Commanders as the conclusion of the Instrument of Surrender could clearly be regarded as part of their exercise of that authority. It would in the Canadian view certainly be desirable that such at least of the Allies as have placed forces under the Supreme Commanders should be consulted in advance of the Terms of Surrender, and it is noted that the United Kingdom Government share this view.

It is felt by the Canadian Government that this gives a new importance to the question of the formal recognition of the position of the Supreme Commanders which was raised in the recent exchange of telegrams between the Prime Minister of the United Kingdom and the Prime Minister of Canada dealing with this subject.

So far as Article 12(a) of the Draft Instrument is concerned, the Canadian Government are of the view that this