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DRAFT INSTRUMENT OF SURRENDER FOR GERMANY

CANADIAN VIEWS

MINUTE BY SIR WILLIAM STRANG

Copy received in Dominions Office, 4th July, 1944.

SECRET

Mr Ritchie of the Canadian High Commissioner's office called on me by appointment this morning and spoke of the Canadian attitude to the draft Instrument of Surrender for Germany. We took as common ground telegram No.106 from Ottawa and the reply which has just been sent to it, and the memorandum left with the Secretary of State by Mr. Massey a day or two ago.

Mr. Ritchie briefly outlined the attitude of the Canadian Government as described in Mr. Massey's memorandum and said he would be grateful for any background information I could give him.

I said that, so far as the Preamble of the draft Instrument was concerned, we had tried to get it agreed that the Allied Representatives would act "on behalf of the United Nations". The U.S. Representative had, however, argued that as it would probably be impossible to secure the formal assent of all the United Nations, it would be safer to say "in the interests of the United Nations". We accordingly agreed to this, but only on the understanding that the use of these words would in fact be justified by an adequate consultation of the Governments chiefly concerned, namely the European Allied Governments, including the French Committee.

We contemplated three stages. In the first place, we were trying to secure that the Commission should now approach the European Allied Governments asking them for any views they wished to express about the terms of surrender, but, for security reasons, not communicating to them the text at this stage. When we had these views, we might, if necessary, amend the draft Instrument.

At some later stage, to be decided on by the three Governments, the actual text would be communicated to the European Allied Governments for their formal assent to its terms. This, of course, would be before it was communicated to the Germans.

Finally, the other United Nations would be given an opportunity to see the text before it was given to the Germans, but their assent would not necessarily be asked for.

The Dominions were, of course, being given special treatment in that they already had the text.

I was now working very hard in the Commission to secure the adoption of the first step, namely the addressing of the communication by the Commission to the European Allied Governments. The U.S. Delegation were fully supporting us in this, and we had already managed to move the Russians a little, though I was not yet sure that we could get our proposal through. The Russians had hitherto thought it undesirable to make any such approach.

I said that if the Allied Governments, when sending the Commission their comments, asked for an opportunity to state their views before the Commission, our own view was that this should be agreed to. It was also our view that the formal assent of the European Allied Governments should be obtained not only to the draft Instrument of Surrender but also to the basic Orders to be issued by the Allied Representatives immediately or shortly after the signature.

Mr. Ritchie