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CABINET.

REPATRIATION OF GERMANS TO GERMANY FROM THE UNION
OF SOUTH AFRICA AND THE MANDATED TERRITORY OF
SOUTH-WEST AFRICA.

MEMORANDUM BY THE SECRETARY OF STATE FOR DOMINION AFFAIRS.

1. On the 3rd September the High Commissioner for the Union of South Africa informed me that the Union Government felt strongly that they could not allow their country once again to be exposed to the dangers shown by experience to be inherent in the existence of a large German community in South-West Africa and of individual Germans in the Union who would stop at nothing to advance the interests of Germany. Before, however, formulating their policy, the Union Government asked for the comments of the United Kingdom Government as to the possibility of repatriating such Germans to Germany.

2. In reply to my request for an estimate of the number involved, the High Commissioner sent me the information at Annex I, which indicates that upwards of 7,000 Germans would be involved, consisting of 6,000 persons, with dependants, out of a total of 10,000 Germans in South-West Africa, and over 1,000 German residents from the Union (this latter figure excludes dependants).

3. As the High Commissioner pressed for an indication of the practical possibilities of shipping these numbers, I informed him, after consultation with the Ministry of War Transport, that, political questions apart, there was no chance of it being practicable before the middle of 1946 to make available the necessary shipping and that, even then, the feasibility of doing so would need to be considered in relation to the other calls at the time on our shipping resources. I added that important political issues might be involved in the Union Government's proposal and that we counted on them not to take any decisions, without hearing further from us, which would have repercussions for the United Kingdom Government.

4. I have now received from the High Commissioner the letter of the 11th October at Annex II in which he emphasises that the Union Government do not wish to repatriate all Germans in South-West Africa and the Union but only those who are inimical to the safety of the Mandated Territory and the Union. He presses that the United Kingdom Government should—

- (a) arrange for the repatriation from South Africa during the next few months of a few individuals who may be regarded as particularly undesirable;
- (b) agree to give facilities for large-scale repatriation during the middle of 1946.

He also urges that—

- (c) the Union Government should be in a position to make a public announcement that undesirable German elements will be repatriated at a not too distant date.

5. In the meantime it has been reported in the press that, as a result of discussions between the Union Government and a delegation from South-West Africa, a commission is to be appointed by the Union Government to weed out undesirables, who would be classified as prohibited immigrants and repatriates; also that former German citizens of South-West Africa claiming dual nationality, who were away from the territory at the outbreak of war, will not be permitted to return.

6. The United Kingdom High Commissioner in South Africa has reported that there is widespread feeling in the Union that all Germans in the territory should be repatriated, but that repatriation of large farmers would raise economic difficulties and also the question of compensation. He comments, further, that the Nationalist party in the Union would oppose compulsory repatriation and that, as this party polled some 40 per cent. of the votes at the general election (albeit without winning a single seat) the political aspect in the Union cannot be ignored.

7. I should mention that the South African Delegation at the San Francisco Conference gave notice of the Union Government's intention to raise later the question of terminating the mandate and incorporating South-West Africa in the Union. The Union Government have not yet taken any further formal step, and their intention need not affect the decision on their present proposal to repatriate Germans.

8. The question of the Germans in South-West Africa has given trouble intermittently between the wars, mainly over their nationality (see Annex III), but I understand that all those whom the Union Government now desire to repatriate are regarded by them as enemy nationals and have ceased to possess British or South African nationality if they ever had it. In any case, if we agree to the principle of transfer, we can stipulate that nobody should be transferred who can establish a claim to British or South African nationality.

9. The South African proposal may at first sight be repugnant, and seem unduly hard on settlers who have been established in the mandated territory for upwards of a generation. But it is undeniable that they have intrigued against the Union, and the Union Government should have little difficulty in justifying to world opinion a policy of large-scale repatriation. Having acquiesced, as we did in subscribing to the Potsdam decision (Annex IV), in a policy of transfer from Poland, Czechoslovakia and Hungary, we should be on weak ground in resisting the application of the same policy to the Germans in South and South-West Africa.

10. I realise that the military authorities in the Western zones of Germany are already confronted with a difficult problem in securing accommodation for the refugees from Eastern Germany, and I should not wish to support any proposal which would aggravate their difficulties. But I understand that the number liable to transfer under the Potsdam Declaration is of the order of 14 millions and that the present influx into the British zone is at the rate of 5,000 a week. It could hardly be contended that another 7,000 would make the position very much worse. The exact dates of transfer and the detailed arrangements generally should of course be worked out between the Union authorities and the British military authorities concerned. Transfer would be facilitated if it were to the British zone in the first place, since sea transport could be used all the way to Hamburg, and arrangements could be made much more easily between the South African and British authorities direct, than if the United States and French (and possibly Soviet) authorities also had to be brought in.

11. The Union Government are entitled, under the mandate, to administer South-West Africa as an integral part of the Union, and, if they decide to expel undesirable Germans, we cannot, in the last resort, prevent their taking and announcing such a decision. We could, if we wished to do so, at the cost of friction with the Union Government, refuse to facilitate the transfer, by withholding the shipping which is under our control. This would, I think, be unjustifiable. On the contrary, the removal of undesirable Germans from South-West Africa and the Union, once it has been effected, should not only strengthen the hands of the Union Government against potential hostile intrigue, but would also remove one focus of anti-British feeling; and, if we facilitate their removal, we shall strengthen those in South Africa who support the British connection.

12. I therefore ask my colleagues to authorise me—

(1) to inform the Union Government that the United Kingdom Government agree in principle to (a), (b) and (c) in paragraph 4 above on the understanding that—

- (i) (in the words of the Potsdam Declaration) any transfers that take place should be effected in an orderly and humane manner;
- (ii) nobody should be transferred who can establish a claim to British or South African nationality;

- (iii) the detailed arrangements should be worked out by the Union authorities in consultation with the Minister of War Transport, as to shipping, and the British Military authorities, as to reception and accommodation in Germany.

A.

*Dominions Office, Whitehall, S.W. 1,
20th October, 1945.*

ANNEX I.

EXTRACT FROM LETTER FROM THE HIGH COMMISSIONER FOR THE UNION OF SOUTH AFRICA TO THE SECRETARY OF STATE FOR DOMINION AFFAIRS, 14TH SEPTEMBER, 1945.

THE position in South-West Africa is that out of a total of nearly 10,000 German nationals, the number interned or under control with their dependants is nearly 6,000. In South Africa, according to the figures we have, it was necessary to intern during the war nearly 1,500 German residents (this figure excludes dependants).

In South-West Africa the Germans constitute a homogeneous community which has in the past been powerfully organised in an attempt to form almost a State within a State. If war had broken out in 1938 for instance, there is little doubt that the German community would at that time have been well placed to seize control of the Mandated Territory and it was only afterwards that measures were taken by the Government (the despatch of a special police contingent, &c.) to prevent the execution of the *coup* which the Germans had been planning. Similarly in the Union, the presence of a fairly substantial German population has for years been a serious embarrassment to the Government. Naturally, numbers of them before the war engaged in espionage and endeavoured to foment disaffection between the English and Afrikaans-speaking sections of the population. Should they remain in the Union their presence will inevitably continue to be a source of friction between the two sections of the population and therefore a potential danger to the State should circumstances similar to those obtaining in 1939 recur. Indeed their treatment is already becoming a subject of considerable political controversy and it is for this reason that my Government are anxious to have the views of the United Kingdom Government on the *practical* aspects as distinct from the political aspects of their repatriation.

On the political side I appreciate that as the United Kingdom Government have for instance called upon the Czechoslovak Government to stop the repatriation of Sudeten Deutsch into an overcrowded and ill-nourished Germany, it would be difficult for them to consent to provide facilities for the repatriation at this stage of Germans from South Africa. I shall not fail to represent such considerations to my Government but before doing so I should like to have a statement on the practical difficulties involved.

ANNEX II.

LETTER FROM HIGH COMMISSIONER FOR THE UNION OF SOUTH AFRICA TO THE SECRETARY OF STATE FOR DOMINION AFFAIRS, 11TH OCTOBER, 1945.

My dear Secretary of State,

Repatriation of Germans from the Union and South-West Africa.

I telegraphed to my Government the views expressed in your letter of the 5th October, and also conveyed a clear indication of the political considerations which would make it difficult for the United Kingdom Government (in view, for instance, of the strong protests they have made against deportation of Germans from territories under Polish and Czech administration) to provide facilities for the repatriation of Germans from the Union and South-West Africa.

2. My Government have now stated, however, that they cannot agree that Eastern European countries, for example, should have a stronger claim to deport Germans than have countries of the British Commonwealth, simply because the

former are more vocal in their demands, and sometimes show a tendency to unilateral action.

3. My Government cannot view with equanimity the possibility of a future recrudescence of the troubles of the immediate pre-war and war period engendered by the presence in South-West Africa of a strong German pro-Nazi element representing approximately one-third of the total European population. We have no desire to repatriate all Germans in South-West Africa, many of whom can no doubt still be made good citizens, but we must in the interests and safety both of the Mandated Territory and of the Union itself, insist upon arrangements being made for the deportation of those elements which are inimical to that safety. And what has been said of undesirable elements in South-West Africa applies with equal force to similar but fewer elements in the Union.

4. In view of the considerations stressed above, I should be grateful if you would examine the possibilities of—

- (a) arranging for the repatriation from South Africa during the next few months of a few individuals who may be regarded as particularly undesirable.
- (b) agreeing that facilities would be given for the large-scale repatriation desired by my Government during the summer of 1946.

5. In the latter connection I understand the difficulty of giving a specific undertaking at this stage to provide the shipping that would be necessary. On the other hand it seems desirable that my Government should be in a position to make a public announcement that undesirable German elements will be repatriated at a not too distant date which, for practical reasons, should not I think be later than the summer of 1946.

Yours sincerely,

G. HEATON NICHOLLS.

ANNEX III.

NATIONALITY OF GERMANS IN SOUTH-WEST AFRICA.

THE former German colony of German South-West Africa surrendered to South African forces in 1915 and was assigned to the Union of South Africa as a "C" Mandate in 1920. This Mandate permitted the administration of the territory as an integral part of the Union and it has been so administered.

2. In 1921 the Union Government announced their decision to legislate so that the Germans in South-West Africa would automatically receive British nationality unless they opted to the contrary. This led to considerable discussion with the Permanent Mandates Commission of the League of Nations, and the Council of the League, but eventually, in 1923, the Council adopted a resolution which took note of the Union Government's intention and, in view of the special circumstances, raised no objection.

3. The question was settled as between the Union and Germany by an exchange of letters between General Smuts and representatives of the German Government in October 1923 (Treaty Series (1924), No. 27). Under this it was agreed that "the policy of the Union Government is to accept the Germans of South-West Africa as part of the people, with the same privileges and the same responsibilities as the other citizens." In return the German Government, "recognising that the future of South-West Africa is now bound up with the Union of South Africa and that it would be a wise policy for the German nationals in that Territory to throw in their lot with South Africans," undertook to use their influence to induce their nationals to accept Union citizenship under a general naturalisation law of the Union and not to opt out of such citizenship. Under this agreement, the Union Government agreed upon certain privileges for the Germans in South-West Africa, including the free use of the German language and financial assistance for a period to German schools. The agreement provided that Germans in South-West Africa and their children would not be liable in any circumstances for military service against the Reich for a period of 30 years.

4. As a result of this agreement the Union in 1924 passed a law (No. 30 of 1924) whereby Germans in South-West Africa who did not opt to retain German nationality were to be deemed to have become naturalised British subjects

and entitled in the Union or South-West Africa to the privileges of British subjects, as well as being subject to their obligations. (This Act was not regarded as conferring British nationality upon the persons concerned outside the Union or South-West Africa).

5. Until the rise of Hitlerism in Germany it appeared that a fair proportion of the German population had become reconciled to South African rule but, as Hitler's power and propaganda increased, the majority of the local Germans developed a more exclusive and arrogant demeanour towards all other races. Genuine efforts were made by the Afrikaans population and the local Administration to break down this social and racial exclusiveness, but this policy failed. The Germans insisted on having their own schools throughout the Territory and even forbade their children to play with non-Germans. Shortly before the outbreak of war the German Consul at Windhoek organised what was practically a Gestapo, warning any Germans who showed loyalty to the Administration that it would be the worse for their families and relatives in Germany if they did not swear allegiance to the Nazi cause. In September 1939 the Union Government sent into the Territory police and armed forces, who seized the German Consulate and discovered an elaborate organisation of military character throughout the German community provided with weapons, either locally made or smuggled into the country. As a result over 1,400 South-West African Germans were interned. In 1942 an Act was passed by the Union Parliament (No. 35 of 1942) cancelling the naturalisation conferred on the Germans by the legislation described in the previous paragraph.

Dominions Office, 19th October, 1945.

ANNEX IV.

POTSDAM AGREEMENT OF 2ND AUGUST, 1945, ON ORDERLY TRANSFERS OF GERMAN POPULATIONS.

THE Conference reached the following agreement on the removal of Germans from Poland, Czechoslovakia and Hungary :—

The Three Governments, having considered the question in all its aspects, recognise that the transfer to Germany of German populations, or elements thereof, remaining in Poland, Czechoslovakia, and Hungary will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner.

Since the influx of a large number of Germans into Germany would increase the burden already resting on the occupying authorities, they consider that the Allied Control Council in Germany should in the first instance examine the problem with special regard to the question of the equitable distribution of these Germans among the several zones of occupation. They are accordingly instructing their respective representatives on the Control Council to report to their Governments as soon as possible the extent to which such persons have already entered Germany from Poland, Czechoslovakia and Hungary, and to submit an estimate of the time and rate at which further transfers could be carried out, having regard to the present situation in Germany.

The Czechoslovak Government, the Polish Provisional Government and the Control Council in Hungary are at the same time being informed of the above, and are being requested meanwhile to suspend further expulsions pending the examination by the Governments concerned of the report from their representatives on the Control Council.
