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C.M. (46)

45th Conclusions.

CABINET 45 (46).*CONCLUSIONS of a Meeting of the Cabinet held at 10 Downing Street, S.W. 1, on Monday, 13th May, 1946, at 11 a.m.***Present :**The Right Hon. C. R. ATTLEE, M.P., Prime Minister (*in the Chair*).

The Right Hon. ARTHUR GREENWOOD, M.P., Lord Privy Seal.

The Right Hon. HUGH DALTON, M.P., Chancellor of the Exchequer.

The Right Hon. LORD JOWITT, Lord Chancellor.

The Right Hon. VISCOUNT ADDISON, Secretary of State for Dominion Affairs.

The Right Hon. G. H. HALL, M.P., Secretary of State for the Colonies.

The Right Hon. J. WESTWOOD, M.P., Secretary of State for Scotland.

The Right Hon. G. A. ISAACS, M.P., Minister of Labour and National Service.

The Right Hon. E. SHINWELL, M.P. Minister of Fuel and Power.

The Right Hon. ELLEN WILKINSON, M.P., Minister of Education.

The Right Hon. ANEURIN BEVAN, M.P., Minister of Health.

The Right Hon. T. WILLIAMS, M.P., Minister of Agriculture and Fisheries.

The following were also present :

The Right Hon. P. J. NOEL-BAKER, M.P., Minister of State (*Items 1-9*).*Secretariat :*

Sir EDWARD BRIDGES.

Sir NORMAN BROOK.

Mr. W. S. MURRIE.

Mr. C. G. EASTWOOD.

CABINET 45 (46).

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Council of
Foreign
Ministers.
(Previous
Reference:
C.M. (46) 44th
Conclusions,
Minute 7.)
Peace
Conference
and Future
of Trieste.

1. *The Prime Minister* said that on the previous day he had had a long consultation with the Foreign Secretary about the stage reached in the discussions at the Council of Foreign Ministers in Paris.

Towards the end of the previous week there had been indications that the earlier deadlock might be resolved. The Soviet Delegation appeared to have withdrawn their claim for the trusteeship of Tripolitania, and seemed to be ready to accept the French proposal that the Colonies should be handed back to Italy in due course. The Foreign Secretary had, therefore, thought it wise to assert a claim to Cyrenaica, especially in view of our pledge to the Senussi that they should not be put back under Italian rule. So far as concerned the Italian colonies, the way might now be open for further constructive discussion. The two main questions on which a deadlock was still likely were the future of Trieste and the basis for summoning the Peace Conference. The Soviet Delegation were strongly supporting the Yugoslav claim to Trieste; and the Foreign Secretary considered that this claim should be resisted, both on general political and economic grounds, and also because it would be difficult to persuade an Italian Government to accept a Peace Treaty providing for the cession of Trieste to Yugoslavia. On the second point, the Soviet Delegation were likely to insist on their narrow interpretation of the Moscow decision, which would prevent the Peace Conference being held until the Council of Foreign Ministers had reached final agreement on the draft Treaties. Acceptance of this interpretation would not only delay the holding of the Conference, but would imply that its purpose was merely to endorse agreements already reached by the Governments represented on the Council of Foreign Ministers. It would not, therefore, be welcomed by Governments, including the Dominion Governments, which were not represented on the Council. At the same time, the Foreign Secretary was reluctant to see this second meeting of the Council break down, as had the first in London, on a point of procedure—particularly as on this occasion the Soviet Delegation were on firm ground on a strict and literal interpretation of the Moscow decision. The Foreign Secretary therefore proposed to proceed on the basis that, if the Paris meeting was to break down, it should break down on the question of Trieste rather than on the basis for convening the Peace Conference. In the further discussions on Trieste he proposed to indicate that we were willing to agree to the partition of Venezia Giulia on the basis either of the proposals of the French Delegation or of the United States members of the Boundary Commission. If the French Delegation suggested putting Trieste under some form of international régime and the Soviet Delegation were willing to consider such a solution, he would suggest that the matter should be referred for consideration by the Deputies.

Discussion showed that the Cabinet attached the greatest importance to avoiding the acceptance of an interpretation of the Moscow decision which would prevent the Peace Conference from being held until final agreement had been reached on all points by the Council of Foreign Ministers. The issue here involved was whether the nations which had made a substantial contribution to the victory should be enabled to play an effective part in the negotiation of the Peace Treaties. This was an issue on which Dominion Governments held strong views and were entitled to the support of His Majesty's Government. It was, in fact, a point of principle rather than procedure; and, if the present meeting of the Council broke down on this issue, it could not reasonably be said that it had again failed to reach agreement on a minor point of procedure.

It was also the view of the Cabinet that it would not be expedient to allow the present meeting to break down because of British insistence that Italy should retain the sovereignty of Trieste. There was, after all, some substance in the Yugoslav claim, and at an earlier stage at least one of the Dominion Governments had favoured that claim. So long as suitable safeguards were applied to

secure the free passage of international trade through Trieste to Central and South-East Europe, it need not be a matter of primary concern to us whether sovereignty over Trieste was exercised by Italy or by Yugoslavia. There was in fact a strong case for putting the port and the city of Trieste on an international basis.

The Cabinet—

- (1) Invited the Prime Minister to communicate to the Foreign Secretary, for his guidance in the further discussions in Paris, the views expressed by the Cabinet on the relative importance of the two main issues still outstanding, viz., the future of Trieste and the arrangements for the convening of a Peace Conference, the Cabinet's broad conclusion being that, while they would prefer a solution under which the port and city of Trieste would be put on an international basis, they did not attach overriding importance to the rejection of the Yugoslav claim to Trieste: on the other hand, they did regard it as essential that His Majesty's Government should not acquiesce in a decision which implied that the main belligerent Powers not represented on the Council of Foreign Ministers would be denied an opportunity for playing an effective part in the negotiation of the Peace Treaties.

Germany:
United States
Draft Treaty.
(Previous
Reference:
C.M. (46)36th
Conclusions,
Minute 3.)

The Prime Minister said that the United States Secretary of State had expressed disappointment at our reception of his proposal for a Four-Power Treaty providing for the disarmament and demilitarisation of Germany. As the draft treaty had been communicated to us in the strictest confidence, the Foreign Secretary had been taken by surprise when the United States Secretary of State referred to it without warning at the Council of Foreign Ministers. To remedy this situation, the Foreign Secretary had suggested that an early announcement might be made in Parliament which would show that we welcomed this proposal of the United States Government.

The Cabinet—

- (2) Took note that the Prime Minister would make a statement, in reply to a Question in the House of Commons on the 16th May, welcoming the proposal of the United States Government for a Four-Power Treaty for the disarmament and demilitarisation of Germany.

Manchuria.

The United States Secretary of State intended to suggest that China should be invited to send a representative to the meeting of the Council of Foreign Ministers in Paris, as he wished to raise questions about Manchuria and, under the Moscow decision, these could not be considered by the Council unless China were represented. The United States Government were concerned, in particular, to call in question the extent to which the Soviet authorities were removing plant and equipment from Manchuria as booty.

Italy:
Reparations.

The Foreign Secretary had reported that the Soviet Delegation appeared to regard it as a matter of principle that the Peace Treaty with Italy should include provision for reparations, since similar provision had been made in the other Treaties with ex-enemy satellite States in Europe.

The Foreign Secretary proposed to maintain the line that the payment of reparations by Italy must not be allowed to take priority over payments in compensation for relief supplied by Allied Governments to Italy.

The Cabinet—

- (3) Took note of this account of the proceedings at the meeting of the Council of Foreign Ministers in Paris.

Germany.

(Previous
Reference:
C.M. (46) 43rd
Conclusions,
Minute 1.)

2. *The Prime Minister* said that it had been represented to him by the Foreign Secretary that much harm was being done by articles in the United States Press suggesting that in the British and United States zones of Germany full effect was not being given to the demilitarisation clauses of the Armistice. From his conversations in Paris the Foreign Secretary had derived the impression that the United States Government might themselves be doubtful whether we were giving full effect to these clauses in the British Zone. He had therefore suggested that a special mission should be sent out, consisting of representatives of the Chiefs of Staff, to make an investigation in the British Zone and submit a report to the Prime Minister.

The Cabinet—

Invited the Prime Minister to arrange for a special mission of investigation to be sent to report, as a matter of urgency, on the extent to which the demilitarisation clauses of the Armistice were being carried out in the British Zone of Germany.

Egypt.

(Previous
Reference:
C.M. (46) 42nd
Conclusions,
Minute 1.)

3. *The Prime Minister* said that according to reports which had been received by the Foreign Secretary there was some danger of a revolutionary movement in Egypt which, while it was not originally directed against the British, could be turned against us by the Wafd or made to involve us. To avert this situation, it was important that British troops should be withdrawn from Cairo as quickly as possible.

The Cabinet—

Took note that the Prime Minister would represent to the Chiefs of Staff, and to our local representatives in Egypt, the urgent necessity for reducing as quickly as possible the numbers of British troops in Cairo.

**United States
Request for
Bases in the
Pacific.**

(Previous
Reference:
C.M. (46) 42nd
Conclusions,
Minute 2.)

4. *The Prime Minister* said that the Foreign Secretary had reported that the United States Government were disappointed at the reception of their request for bases in the Pacific. As a result, they now seemed disposed to transfer the centre of their Pacific strategy further north, where they could rely on bases in their own territory or in territory under their control. Even though this might not be their final decision on the strategic issue, it seemed clear that they were not for the present prepared to continue discussions with His Majesty's Governments about military bases in the Pacific. The Foreign Secretary recommended that this question should be allowed to lapse for the moment.

The Cabinet—

Took note of the Foreign Secretary's views.

Palestine.

Report of
the Anglo-
American
Committee.

(Previous
Reference:
C.M. (46) 44th
Conclusions,
Minute 10.)

5. *The Prime Minister* said that he had now discussed with the Foreign Secretary the message from President Truman regarding the next steps to be taken by the two Governments on the report of the Anglo-American Committee on Palestine. The Foreign Secretary had also had a preliminary discussion with the United States Secretary of State.

The Prime Minister now proposed to reply to the President's message on the following lines. To start consultations with Arabs and Jews at this moment would prejudice the Egyptian negotiations and might cause an uproar in the Middle East. It would be well that these consultations should be deferred for a few days; in any event it would be difficult to complete them within a fortnight. At some stage, preferably before the consultations with Jews and Arabs, experts of the United Kingdom and United States Governments should examine the financial and military implications of

carrying out the Committee's recommendations. After the consultations with Jews and Arabs there should be a conference of all interested parties, including Jewish and Arab representatives.

The Prime Minister said that he also proposed to see the British members of the Anglo-American Committee and to discuss their report with them.

The Cabinet—

- (1) Took note with approval of the lines on which the Prime Minister proposed to reply to President Truman's message.

Immigration.
(Previous
Reference:
C.M. (46) 1st
Conclusions,
Minute 3.)

The Secretary of State for the Colonies informed the Cabinet that he had received information that the s.s. *Smyrna* had sailed from Constanza, carrying at least 1,200 "illegal immigrants" to Palestine. The permitted immigration was at present at the rate of 1,500 a month; but the balance of the quota for the month ending the 15th May and most of that for the subsequent month would be filled by the Jews who were shortly to arrive in Palestine from Spezia. A definite promise of immigration certificates had been given to these, and it would be necessary to give them preference over the party from Constanza. It would not therefore be possible to allow all of the passengers on the s.s. *Smyrna* to enter Palestine as immigrants within the permitted monthly quota and the balance would have to be detained until the 15th June, when they could be released as immigrants under the June-July quota.

In discussion the view was expressed that it was very desirable to avoid any measure which would attract undue publicity at the moment.

The Cabinet—

- (2) Took note with approval of the course of action proposed by the Secretary of State for the Colonies.

Sarawak.

(Previous
Reference:
C.M. (46) 29th
Conclusions,
Minute 6.)

6. *The Secretary of State for the Colonies* recalled that there had been pressure in Parliament that the Government should satisfy themselves by independent enquiry that the cession of Sarawak to His Majesty would be in accordance with the wishes of the people of the country. It had therefore been arranged that Lieutenant-Colonel Rees-Williams, M.P., and Captain Gammans, M.P., should visit Sarawak and make an independent enquiry. Their report had now been received. They considered that, while a minority would oppose cession, the great majority of the people were either positively in favour of it or were prepared to accept the Rajah's judgment. They therefore recommended that there should be no postponement of the arrangements to complete the cession.

The Cabinet—

Invited the Secretary of State for the Colonies to inform Rajah Brooke that the cession of his territory would be acceptable to His Majesty's Government if the State Councils of Sarawak decided in favour of cession.

India.

Constitutional
Position.
(Previous
Reference:
C.M. (46) 44th
Conclusions,
Minute 6.)

7. *The Prime Minister* informed the Cabinet that, since the conference at Simla had not been able to reach agreement, the Cabinet Mission to India proposed to issue a statement within the course of the next few days.

As soon as the draft of this statement was available, a special meeting of the Cabinet would be held to consider it.

South-West
Africa.
Previous
Reference:
C.M. (46) 37th
Conclusions,
Minute 3.)

8. *The Secretary of State for Dominion Affairs* said that he had discussed with Field-Marshal Smuts and his advisers the South African proposal to seek the incorporation of South-West Africa in the Union. Field-Marshal Smuts would be glad to have an assurance that in putting his proposal to the United Nations he would have the support of the United Kingdom and of some at least of the Dominions.

The Secretary of State recalled that after the last war the Governments of the United Kingdom, Australia and New Zealand had favoured the incorporation of this territory in the Union, but it had been placed under mandate because President Wilson had been opposed in principle to the annexation of ex-enemy territory. The mandate provided, however, that it should be administered as an integral part of the Union. The native administration in the territory had not been subject to the criticism directed against the native policy within the Union itself. A large part of the territory was reserved for the natives, and councils of chiefs had been established which were working satisfactorily. The Union Government had recently sought to obtain the views of the natives on the proposal to incorporate the territory in the Union. The Herrero tribe opposed it, but most of the rest of the natives appeared to favour it. Of the European population, two-thirds were citizens of the Union.

There had been opposition to the proposal from the neighbouring Protectorate of Bechuanaland; and Tshekedi, Paramount Chief of the Bamangwato tribe, was intending to come to this country to make representations against it, chiefly on the ground that it would set a precedent for the subsequent incorporation in the Union of Bechuanaland and the other South African High Commission territories.

The Secretary of State said that, despite this opposition, it seemed to him that the balance of the arguments was in favour of incorporation. There was the further consideration that our support of Field-Marshal Smuts in this matter would strengthen his hand against the secessionists in South Africa, whose activities were causing him considerable difficulty. The Secretary of State therefore recommended that Field-Marshal Smuts should be told that the United Kingdom Government would support his application to the United Nations and would also be glad to arrange for him to discuss his proposal at a meeting of Dominion Prime Ministers.

The Secretary of State for the Colonies, while he admitted the force of the arguments adduced by the Secretary of State for Dominion Affairs, thought that there were also strong reasons why the United Kingdom Government should not commit themselves to support this proposal. There was much concern not only in Bechuanaland and the other High Commission territories but throughout Africa, against the native policy of the Union Government, and there was likely to be strong opposition to any measure which would give the Union a greater control over the welfare of Africans. Nor would this opposition be confined to Africa. There was considerable feeling on the subject in this country, in some of the Dominions and elsewhere. South Africa would have to obtain a two-thirds majority in the United Nations Assembly and might not succeed in obtaining it. India might well object to the proposal, on account of her troubles with South Africa. There were also indications that the Soviet Government would oppose it.

The Secretary of State therefore recommended that the United Kingdom Government should not commit themselves to support the proposal, at least until United Kingdom Ministers had discussed the matter further with Field-Marshal Smuts and possibly also with the other Dominion Ministers now in London.

The Minister of State said that the South African Government had had difficulties with the Herreros in the early days of their administration of the territory. The action they had then taken had occasioned much adverse comment, and when it became known that the Herreros were opposing the policy now proposed, this

would no doubt influence public opinion against it. The Foreign Secretary thought that the case against the proposal was very strong, and it was his view that the United Kingdom Government should not commit themselves at this stage to support it.

In discussion it was recalled that when the matter had last been before the Cabinet it had been considered that it would be reasonable to support the incorporation of South-West Africa in the Union if the consent of the native as well as the European inhabitants had been sought and obtained by methods agreeable to the United Nations. The view of the Cabinet was that this decision should be maintained. If Field-Marshal Smuts wished to ascertain the views of the United Kingdom Government before the matter was discussed at a meeting of Dominion Prime Ministers, he could be told that this was the line which this Government would take at such a meeting.

The Cabinet—

Invited the Secretary of State for Dominion Affairs to inform Field-Marshal Smuts that the United Kingdom Government would support the incorporation of South-West Africa in the Union if the consent of the native as well as the European inhabitants had been sought and obtained by methods agreeable to the United Nations.

**Financial
Agreement
with the
United States.**

(Previous
Reference:
C.M. (46) 44th
Conclusions,
Minute 9.)

9. *The Chancellor of the Exchequer* said that the Loan Agreement had now been approved by the United States Senate. It had still to pass the House of Representatives; and opinions differed on the question whether the opposition there would be greater or less than in the Senate. The Senate's approval had, however, had a good effect on the United States Administration, and he thought that within 10 days or so it would be possible to see how quickly progress would be made in the House of Representatives.

The Cabinet—

Took note of the Chancellor's statement.

Divorce.

(Previous
Reference:
C.M. (45) 34th
Conclusions,
Minute 2.)

10. The Cabinet considered a memorandum by the Lord Chancellor (C.P. (46) 191) covering a report by the Committee on Reform of Legal Procedure recommending that a departmental committee should be appointed to enquire into the costs and delays involved in divorce proceedings and into certain other aspects of divorce procedure.

The Lord Chancellor explained that the Committee had considered three separate schemes for the reform of the administration of the divorce law, submitted respectively by the President of the Divorce Division, the Legal and Judicial Group of the Parliamentary Labour Party and the Haldane Committee. They were unable to recommend the adoption of any one of these schemes, and they were satisfied that before any action was taken there should be an enquiry by a departmental committee. The terms of reference of this committee should be narrowly drawn in order to restrict it in the main to matters of procedure, though the scope of the enquiry should be wide enough to cover the provision of machinery for reconciliation, in view of the stress laid on this point in the schemes submitted by the President of the Divorce Division and the Legal and Judicial Group of the Parliamentary Labour Party. The members of the Committee should be preponderantly legal and expert.

Points in discussion were :—

(a) For the purposes in mind a departmental committee would be preferable to a Royal Commission. The committee should deliberate and hear evidence in private, though the minutes of evidence might be published after the enquiry had been completed.

(b) The Lord Chancellor might consider whether the draft terms of reference given in paragraph 8 (i) of C.P. (46) 191 should not be revised to bring out more clearly that the committee would be concerned primarily with reforms designed to expedite and cheapen the procedure, and also that it was within their competence to consider whether the jurisdiction should be exercised by the High Court or by the County Court.

(c) The proposed membership of the committee should be slightly enlarged in order to include more women. It would also be desirable to include one or two solicitors among the lawyers appointed to the committee.

The Cabinet—

Subject to the points noted in paragraphs (b) and (c) above, invited the Lord Chancellor, in consultation with the Home Secretary, to arrange for the appointment of a departmental committee, on the lines proposed in C.P. (46) 191, to enquire into the costs and delays involved in divorce proceedings and into certain other aspects of divorce procedure.

*Cabinet Office, S.W. 1,
13th May, 1946.*

