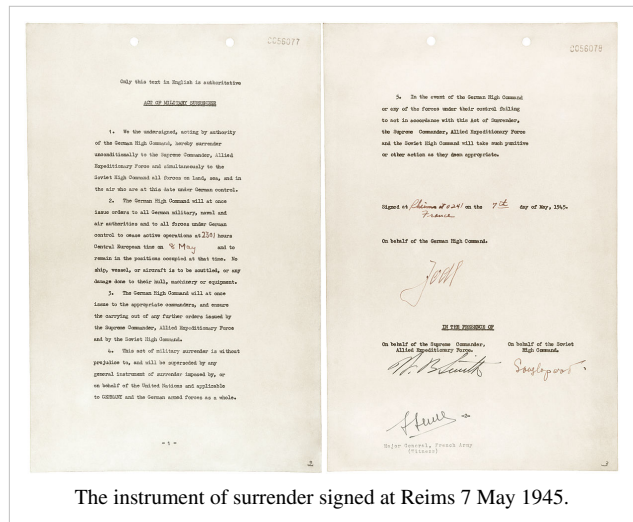


# German Instrument of Surrender

The **German Instrument of Surrender** was the legal instrument that established the armistice ending World War II in Europe. It was signed by representatives of the Oberkommando der Wehrmacht (OKW) and the Allied Expeditionary Force together with the Soviet High Command, French representative signing as witness on 7 May, and signed again by representatives of the three armed services of the OKW and the Allied Expeditionary Force together with the Supreme High Command of the Red Army, French and US representatives signing as witnesses (see: Allies of World War II) on 8 May 1945. The date is known in the West as Victory in Europe Day, whereas in post-Soviet states the Victory Day is celebrated on 9 May. In Germany, it is known as the *Day of Capitulation* (*Tag der Kapitulation*).<sup>[1]</sup>



The instrument of surrender signed at Reims 7 May 1945.

There were three language versions of the surrender document. The English and Russian versions were the only authoritative ones.

## Background

Preparations of the text of the instrument of surrender began by US, Soviet and British representatives at the European Advisory Commission (EAC) throughout 1944. By the 3rd of January 1944 the Working Security Committee in the EAC proposed

that the capitulation of Germany should be recorded in a single document of unconditional surrender.<sup>[2]</sup>

The committee further suggested that the instrument of surrender be signed by representatives of the German High Command. The considerations behind this recommendation were to prevent the repetition of the stab-in-the-back legend, created in Germany following defeat in the First World War, since the act of surrender in November 1918 was signed by representatives of the German government and the militarist circles later claimed that the High Command was not responsible for that defeat.

Not everyone agreed with the Working Security Committee's predictions regarding the war's end. Lord William Strang, 1st Baron Strang, British representative at the EAC, claimed as follows:

It is impossible at present to foresee in what circumstances hostilities with Germany may in the end be suspended. We cannot tell, therefore, what mode of procedure would be most suitable; whether, for example, it will be found best to have a full and detailed armistice; or a shorter armistice conferring general powers; or possibly no armistice at all, but a series of local capitulations by enemy commanders.<sup>[3]</sup>

The surrender terms for Germany were first discussed at the first EAC meeting on 14th January 1944.

On 14th March 1945 the EAC held a meeting with the representatives of Czechoslovakia, the Netherlands, Belgium, Luxembourg, Norway, Yugoslavia and Greece on the issue of the instrument of surrender. The Czech government proposed the document shall include a paragraph against acquisition of territories by force and would mention the responsibility of the German state to the war. The governments of Belgium, Netherlands and Luxembourg, concerned with their positions as small Allied nations, recommended that the instrument of surrender shall include a specific acknowledgement of the part to be played by the small countries in the control of Germany. The Norwegian

government requested the document to include specific reference to the demand of surrender of the German troops in Norway. The Yugoslav government declared its intention to refrain from any specific recommendations until an agreement on unity government was reached between Josip Broz Tito and Prime Minister Ivan Šubašić. The Greek government requested to include in the document a demand to all German forces that may remain on Greek territory at the moment of surrender to surrender their military equipment to the Greek Royal government.<sup>[4]</sup>

## Surrender ceremony

### Surrender in Rheims

The first instrument of Surrender was signed at Rheims, France, at 02:41 hours on 7 May 1945. The signing took place in a red brick schoolhouse that served as the Supreme Headquarters Allied Expeditionary Force (SHAEF).<sup>[5]</sup> It was to take effect at 2301 hours Central European time on 8 May 1945.<sup>[6]</sup>

The unconditional surrender of the German armed forces was signed by *Generaloberst* Alfred Jodl, on behalf of the *Oberkommando der Wehrmacht* (German language: High Command of armed forces) and as the representative for the new Reich President, Grand Admiral Karl Dönitz. Walter Bedell Smith signed on behalf of the Western Allies, and Ivan Susloparov on behalf of the Soviets. French major general François Sevez signed as the official witness.



General Alfred Jodl signing the capitulation papers in Rheims.

### Surrender in Berlin

Since the Rheims ceremony was arranged by the Western Allies without agreement with the Soviet Command, shortly after the surrender had been signed the latter announced that the Soviet representative in Rheims, General Susloparov, had no authority to sign this document.<sup>[7]</sup> In addition, it had been found that the document signed in Rheims was different from the draft prepared earlier, which had been approved by the Big Three.<sup>[7]</sup> Importantly, a part of *Wehrmacht* refused to lay down their arms and continued to fight in Czechoslovakia; it has been stated in a German radio broadcast that the Germans made peace with the Western Allies, but not with the Soviets.<sup>[7]</sup>

The Soviets also argued that the surrender should be arranged as the most important history event and not on the conqueror's territory, but in the place German aggression sprang from: in Berlin.<sup>[7]</sup> The Soviet side insisted that the act of surrender signed in Rheims should be considered "a preliminary protocol of surrender",<sup>[8]</sup> so the Allies agreed that another surrender ceremony should take place in Berlin.<sup>[8]</sup> A second Act of Military Surrender was signed shortly before midnight on 8 May<sup>[9]</sup> at the seat of the Soviet Military Administration in Berlin-Karlshorst, now the location of the German-Russian Museum Berlin-Karlshorst.

Representatives:



Marshal Georgy Zhukov reading the German capitulation in Berlin. Seated on his right is Air Chief Marshal Arthur Tedder.



Field Marshal Wilhelm Keitel signing the ratified surrender terms for the German military in Berlin.

- Soviet Union: Marshal Georgy Zhukov on behalf of the Supreme High Command of the Red Army
- United Kingdom: Air Chief Marshal Arthur William Tedder, as Deputy Supreme Commander of the Allied Expeditionary Force,
- United States: General Carl Spaatz, Commanding United States Strategic Air Forces, as witness
- France: General Jean de Lattre de Tassigny, Commanding First French Army, as witness
- Germany:
  - Field Marshal Wilhelm Keitel as the Chief of Staff of the German Armed Forces and as representative of the army (*Oberkommando der Wehrmacht*)
  - Admiral Hans-Georg von Friedeburg as Commander-in-Chief of the navy (Kriegsmarine)
  - Colonel-General Hans-Jürgen Stumpff as the representative of the air force (Luftwaffe)

## Footnotes

- [1] *Grosshistorischer Weltatlas*, 1965 edition See end of World War II map
- [2] Memorandum by the Working Security Committee, 3rd January 1944, *Foreign Relations of the United States 1944*, vol I, p. 101
- [3] Memorandum by Lord Strang, 15th January 1944, *Foreign Relations of the United States 1944*, vol. I, p. 113
- [4] Report of the Allied Consultation Committee to the European Advisory Commission, 14th March 1945 *Foreign Relations of the United States 1945*, vol. III, pp. 191–198
- [5] *I remember the German surrender* (<http://news.bbc.co.uk/1/hi/world/europe/4497947.stm>), Kathryn Westcott, BBC News, 4 May 2005.
- [6] *Act of Military Surrender Signed at Rheims at 0241 on the 7th day of May 1945* ([http://avalon.law.yale.edu/subject\\_menus/gsmenu.asp](http://avalon.law.yale.edu/subject_menus/gsmenu.asp)), The Avalon Project, Yale University Law School, © 1996–2007, The Lillian Goldman Law Library in Memory of Sol Goldman.
- [7] Pinkus, p. 501-3
- [8] Chaney p. 328
- [9] Earl F. Ziemke References CHAPTER XV: The Victory Sealed ([http://www.globalsecurity.org/military/library/report/other/us-army\\_germany\\_1944-46\\_ch15.htm#b3](http://www.globalsecurity.org/military/library/report/other/us-army_germany_1944-46_ch15.htm#b3)) Page 258 second last paragraph

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## Further reading

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