

3123-40

File No.

Part

Department of External Affairs

GENERAL

Part _____

File No. 3123 -40

From 5-1-41

To 4-6-43

Subject:

ESTABLISHMENT OF A COMMITTEE TO CO-ORDINATE
POLICY RE THE TREATMENT OF CANADIAN NATIONALS
IN ENEMY TERRITORY & ENEMY ALIENS IN CANADA
--PROPOSALS RE

PAC

References to Related Files

File No.	Subject
855-M-39	Revision of P.C. 4121 re "Maintenance of Discipline & Treatment re P/W."
5970-40	Intergovernmental Committee on Civilian Interests in Enemy Countries and Enemy Interests in British Countries -- Establishment of and Reports.

PUBLIC ARCHIVES RECORDS CENTRE
DEPOT DES ARCHIVES PUBLIQUES
OTTAWA

PUBLIC ARCHIVES RECORDS CENTRE
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File No.

Part

ADVISORY COMMITTEE
ON THE PROTECTION OF
CANADIAN INTERESTS IN
ENEMY TERRITORY AND THE TREATMENT
OF ENEMY INTERESTS IN CANADA

Mr. Price

file
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3. Memo on Committee on Assistance to Distressed Nationals in Enemy Territories.

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MEMORANDUM. ESTABLISHMENT OF AN ADVISORY
COMMITTEE ON THE PROTECTION OF CANADIAN
INTERESTS IN ENEMY TERRITORY AND THE
TREATMENT OF ENEMY INTERESTS IN CANADA.

1. The following considerations indicate the need for the establishment of a committee to deal with these matters:
 - (a) The departments and agencies of the Canadian Government which are concerned with the protection of Canadian interests in enemy territories and those which are concerned with the treatment of enemy interests in Canada have co-ordinated their respective activities. The responsibility for co-ordinating action taken for protection of Canadian interests in enemy territories with the treatment of enemy interests in Canada has been dealt with by the Department of External Affairs. It has not always been possible to secure complete co-ordination in advance of action taken in the treatment of enemy interests in Canada with action taken for the protection of Canadian interests in enemy territories and vice versa.
 - (b) It is expedient, in dealing with matters affecting prisoners of war, internees, enemy aliens and enemy interests generally in Canada, to give
2. The committee of the committee, as regards the protection of Canadian interests in enemy territories and enemy interests generally in Canada, to give
3. The committee of the committee, as regards the protection of Canadian interests in enemy territories and enemy interests generally in Canada, to give

full consideration to possible repercussions affecting the treatment of Canadians whether prisoners of war, internees, or civilians and Canadian interests generally in enemy territories.

- (c) It is also expedient, in taking action for the protection of Canadian prisoners of war, internees, civilians and Canadian interests generally in enemy territories, to give full consideration to the effect upon the treatment of enemy prisoners of war, internees, civilians and enemy interests generally in Canada, and to action which the enemy may request the Protecting Power to take with regard to enemy nationals and enemy interests in Canada.
- (d) It is expedient to co-ordinate the policy of the Canadian Government in these matters with the policy of the United Kingdom and other parts of the British Commonwealth.

2. Accordingly, an advisory committee should be established to be called "Interdepartmental Advisory Committee on the Protection of Canadian Interests in enemy Territory and the Treatment of Enemy Interests in Canada".

3. The competence of the committee, as regards the protection of Canadian interests in enemy territories, should extend to all enemy-occupied territories and countries or territories under the control of the enemy, or where as a result of the conditions of war Canadians and Canadian interests may be affected.

4. The functions of the committee should be as follows:

- (a) To consider matters affecting the co-ordination of policy with regard to the treatment of prisoners of war, enemy aliens, whether interned or at liberty, and enemy interests generally in Canada, with action taken for the protection of prisoners of war of the Canadian forces, Canadian civilians, interned or at liberty, and of Canadian interests generally in enemy territories.
- (b) To consider questions arising out of the interpretation and application of the Prisoner of War Convention of 1929 and other relevant Conventions and of International Law and practice generally.
- (c) To advise the departments and agencies of the Canadian Government concerned with the protection of Canadian interests in enemy territories, and the departments and agencies of the Canadian Government concerned with the treatment of enemy interests in Canada, with a view to securing the proper co-ordination of their activities and policy.
- (d) To consider relevant matters which may be submitted by the High Commissioner for Canada in the United Kingdom as Canadian representative on the Inter-Governmental Committee to

Co-ordinate Policy with regard to Prisoners of War, and through him to co-ordinate action taken by the Canadian Government in matters affecting the protection of Canadian interests in enemy territories or the treatment of enemy interests in Canada, with action taken by the United Kingdom and other parts of the British Commonwealth.

- (e) To consider measures affecting the welfare of Canadians whether combatants or civilians, in enemy territories as well as measures for their repatriation or exchange, and measures affecting Canadian interests in enemy territories generally.
- (f) To consider measures affecting the treatment of enemy nationals and enemy interests in Canada in relation to the position of Canadian nationals and Canadian interests in enemy territories.

5. The committee should be composed of:-

The Legal Adviser of the Department of External Affairs.

The Head of the Special Section of the Department of External Affairs.

The Under-Secretary of State of Canada.

The Adjutant General, Canadian Army.

INTERNATIONAL RED CROSS REPRESENTATIVE AND
JAPANESE NATIONALS

(International Y.M.C.A. Prisoners' Com.)

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It is understood that the Delegate in the United States of the International Red Cross is already arranging to visit
TREATMENT OF JAPANESE EVACUATED FROM
DEFENCE AREAS.
evacuated Japanese in the

The Delegate in Canada of the International Red Cross Committee informed us that the International Red Cross Committee will assume responsibility for inspecting camps where evacuated Japanese subjects are located and for looking after their welfare generally subject to the approval of the Canadian authorities. We have agreed to this on two grounds.

1. Because we wish the International Red Cross Committee to exercise its influence to secure favourable treatment for Canadian nationals in enemy territory who have been required to move from their usual places of residence and to live in certain restricted areas. It was, therefore, necessary to agree to the International Red Cross in Canada extending its work to cover evacuated Japanese.

2. Because we have found that the Delegate of the International Red Cross exercises a beneficial influence on enemy aliens in maintaining contact with them and answering their complaints and in looking after their welfare. This in turn makes it easier for the Canadian authorities.

The Delegate's original suggestion was made orally in January. At that time it was felt that it was too early for him to make any visits of inspection and while therefore the agreement was given to his proposal, it was indicated that he should await advice from us before undertaking a trip of inspection.

I would recommend that the Department suggest to the Delegate that he should make an early visit to the evacuated Japanese in Canada in order that a report may be in the hands of the International Committee at Geneva as soon as possible. This^I believed would help us in our efforts to secure favourable treatment for Canadian civilians detained by the Japanese.

It is understood that the Delegate in the United States of the International Red Cross is already arranging to visit evacuated Japanese in that country.

A further reason for suggesting to the International Red Cross Delegate that he should undertake this visit as soon as possible is that the representative of the Prisoners of War Aid of the World Y.M.C.A. is anxious to do the same. As the Prisoners of War Aid is only authorized to do supplementary work to meet the spiritual and recreational needs of prisoners of war and internees, I do not think that they have any authority to visit Japanese subjects who are not interned. Further, the Prisoners of War Aid is not concerned with general questions of housing and treatment of internees. It ~~might~~^{would}, however, be difficult to ~~refuse~~^{grant} permission to the World Y.M.C.A. to visit evacuated Japanese nationals unless the International Red Cross had already set its own machinery in motion.

A.V.R.

July 9, 1942.
REC/DG

REPATRIATION OF CANADIAN CIVILIANS FROM THE FAR EAST

Almost immediately after the outbreak of war negotiations were begun for the exchange of diplomatic and official personnel with Japan. It was understood that Great Britain and the United States were attempting to arrange for a joint scheme which would provide transportation to a neutral exchange point for Allied officials in Japanese controlled territory, but it soon became evident that two separate exchange agreements were being made one covering the British Empire and the other the various countries in North and South America. After due consideration it was decided that on grounds of practical convenience Canada should fall in with the American plan. London and Washington were so informed on February 25 (see telegram No. 363 to the High Commissioner) and this was formally confirmed in a note of March 25 from the State Department, Washington (see Legation despatch No. 728 of March 28).

Meanwhile the Japanese Government had proposed early in January that non official civilians be included in the exchange. In the agreement with Japan negotiated by the United States "non civilians" included two general categories:

1. Non permanent residents (students, missionaries, business representatives, etc.).
2. Wives and children of permanent residents (see teletype No. WA-183 of March 6 from Washington).

Having requested to be included in the general exchange agreement Canada was automatically included in this agreement for the exchange of non official civilians, and we have been requested several times to provide an estimate of the numbers of Japanese in Canada who might wish to return under this arrangement.

PRIORITY IN THE REPATRIATION OF NON OFFICIAL CIVILIANS

As the space on the exchange vessels is limited and must be apportioned between the various countries in North and South America several trips will presumably be necessary before all the non official civilians desiring to return from the Far East can be accommodated. The general agreement places no restriction upon the order in which persons within the categories mentioned may return and the question of priority is for the decision of each Government concerned.

(a) Canadian Instructions

The only instructions so far given by Canada to the Protecting Power are that priority should be given to women and children. (see telegram No. 87 of June 18 to the British Minister at Berne). The Protecting Power was at the same time requested to inform all Canadians in the Far East that any refusing to return would not be eligible for further financial assistance through official channels unless they were physically unable to travel.

(b) United States Instructions

Excerpt from memorandum of March 13 by the State Department, Washington:

"The United States Government does not desire to indicate and degree of priority for the repatriation of the nationals as between individuals. It would, however, desire that, after all officials of the United States, the other American Republics, and Canada, all pressmen, together with members of their families, and all Red Cross personnel, together with members of their families, have been embarked, priority be given among the unofficial Americans to be repatriated:

(a) to those persons whose presence appears to be objectionable to the Japanese authorities as evidenced by their having been arrested or interned.

(b) to persons from Thailand, Indochine and Hong Kong and from the areas under Japanese control which are more remote from Tokyo and Shanghai as, for example, Dairen, Harbin, Mukden, Hankow, Nanking, Hainan, Tainan, Keijo, Tsingtao, Amoy, Swatow and Chefoo. Among these persons, women, children, and the aged and infirm should be given priority.

After these categories have been taken care of priority among the Americans to be repatriated from the remaining centers should be accorded as follows:

(c) Women and children dependents of non permanent residents listed (f) below.

(d) Women and children dependents of permanent residents according to the urgency of their cases.

(e) Quasi-officials (officers and employees of the Municipal Council of the Shanghai International Settlement; officers and employees of the Chinese Maritime Customs, Chinese Postal Administration, Chinese Salt Gabelle; and advisers to the Chinese Government) and their dependents.

(f) Officers and employees of American organizations (commercial, religious, philanthropic, etc.) sent out from the United States by such organizations.

It is desired that the selection of persons to be repatriated under the categories set forth above shall be made by the Swiss representatives and it is expected that these will, in cases of doubt, be afforded facilities for conferring with the officials of this Government..It is further expected that the Japanese Government will in every way facilitate communication between the Swiss representatives and American nationals in order that the latter may be fully apprised of the opportunity for their repatriation and the conditions which have been laid down in the agreement for the exchange."

(b) British Instructions

Under the present plan, priority is to be given to the following four categories, none of which ranks before another:

1. (a) Persons imprisoned by the Japanese.
(b) Persons compelled to stay on in the national interests and so not previously evacuated, including Quasi officials.
2. Persons whose return is in the national interest (experts, technicians, etc. with their wives and families.
3. Missionaries with their wives and families.
4. Other women and children.

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA
THE HIGH COMMISSIONER FOR CANADA IN THE UNITED KINGDOM, LONDON

363

OTTAWA, February 25, 1942.

Your telegram No. 473 of February 20th. Appreciate information set forth in your telegram under reference and in telegrams Nos. 40, February 20th, and Circular D. 97, February 21st, from Secretary of State for Dominion Affairs on exchange of diplomatic and consular officials with Japan.

On grounds of practical convenience both in arranging for transport of Japanese personnel to Lourenco Marques and in repatriation of Canadian personnel from that port, we feel it would be desirable to fall in with United States plan. Accordingly and in order to avoid any misunderstanding, I am telegraphing as follows to the Canadian Minister in Washington:-Begins: Please advise State Department that Canadian Government appreciate their having made provision for inclusion of Canada in their plan for reciprocal exchange and that they desire to take advantage of this arrangement, on the assumption that Japanese Government are prepared to accept inclusion of Canada in United States plan. Please enquire at the same time whether State Department are advised by Japanese Government that they have accepted inclusion of Canada, adding that, if any difficulties are foreseen in this respect, we would, of course, desire to take advantage of British Empire plan and to advise British Government accordingly before plans are too far advanced. It is important, therefore, from our point of view, that question of acceptance by Japanese Government of inclusion of Canada in United States plan be cleared up as soon as possible. Ends.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS

CANADIAN LEGATION
WASHINGTON

March 28, 1942.

. 728

Sir,

I have the honour to state that, following the reception of your immediate teletype no. EX.110 marked "Secret" and dated March 3, 1942 the Legation approached the Department of State to express the desire of the Canadian Government to take advantage of the arrangements made for the exchange of official personnel between the governments of the American including Canada and the Japanese Government.

2. The text of our note number 158 to the Department of State in regard to this matter dated March 5, 1942 was sent to you in my teletype WA.184 of March 6, 1942.

3. A reply has now been received dated March 25, 1942, and copies of it are attached. It will be seen from the concluding paragraph of the reply that the United States Government also wishes to indicate its agreement to the inclusion in the arrangements for the exchange of official personnel, on the basis of equality with American non-official nationals, of non-official Canadian nationals in Japan and Japanese-occupied territory whose repatriation may be agreed to by the Japanese Government on the basis of reciprocity and subject to the capacity of the exchange vessel to accommodate such non-official persons after all official persons have been accommodated.

4. It was indicated in my WA. 183 of March 6 1942 that the Department of State had informed the Legation that it was their intention to bring back a certain number of non-officials on the exchange vessel provided there would be places to accommodate them and in this connection a request was made to secure as soon as possible the approximate number of persons in Canada of Japanese nationality for whom accommodation would have to be made on the United States vessel taking Japanese

Officials back to Japan from a United States port. At the same time a request was made to obtain information as to the approximate number of non-official Canadian nationals in Japan and the Far East who could be accommodated at the same time as Canadian officials returning from Japan. Any information which could be made available would I am sure be useful.

5. I note in paragraph 7 of your EX.332 of March 26, 1942 that you are taking steps to secure approximate number of persons in the two categories mentioned in the foregoing paragraph. The other points raised in your EX. 332 of March 26, 1942, are being cleared with the Special Division and a teletype will be sent as soon as possible.

I have the honour to be,
With the Highest respect,
Sir,
Your most obedient
humble servant,

For the Minister.

This Government also wishes to indicate its agreement of the Canadian Government in arrangements for the exchange of officials, personnel, on the basis of equality with Germany

March 25, 1942.

Sir,

I have the honour to acknowledge the receipt of your note no. 158 of March 5, 1942 referring to informal discussions between Mr. Allard and officers of the Department and formally expressing the desire of the Canadian Government to participate in the exchange of official personnel between the Governments in this hemisphere and the Japanese Government.

The United States Government is pleased that the Canadian Government will be associated with it and the Governments of the other American Republics in these arrangements. The Japanese Government has been informed that facilities arranged for the exchange of United States and Japanese personnel are to be open on an equal basis to Canada.

The Japanese Government has agreed that the Canadian officials in Japan and Japanese-occupied territory to be exchanged for Japanese officials in Canada will be embarked on Japanese vessels which will proceed to Lourenco Marques where the exchange will take place. This Government will be glad to accommodate the Japanese officials in Canada on board the vessel which will leave from a United States port to carry Japanese officials to Lourenco Marques and, likewise, to accommodate the aforementioned Canadian officials on board the same vessel on its return voyage to the United States. The Legation will be informed in ample time of the date of sailing of the exchange vessel from the United States in order that arrangements may be made to transport the Japanese officials in Canada to the embarkation port.

This Government also wishes to indicate its agreement to the inclusion in arrangements for the exchange of official personnel, on the basis of equality with American

on-official nationals, of non-official Canadian nationals in Japan and Japanese-occupied territory whose repatriation may be agreed to by the Japanese Government and, on the basis of equality with non-official Japanese nationals in the United States, of non-official Japanese nationals in Canada whose repatriation may be agreed to by the Canadian Government, subject to the capacity of the exchange vessel to accommodate such non-official persons after all official persons have been accommodated.

Accept, sir, the renewed assurances of my
highest consideration.

For the Secretary of State:

Breckinridge Long

COPY

TELEGRAM

CANADIAN MINISTER IN THE UNITED STATES
SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

WASHINGTON, March 6th, 1942.

TELETYPE

-183

WA-183. Your EX-110, secret, return of United States and Canadian officials from Japan.

Acting under your instructions a note has been sent today to the Secretary of State of the United States advising him that the Canadian Government is desirous to take advantage of the arrangements which have been made. Text of this note is given in my immediately following teletype.

With regard to the points raised in connection with arrangements for return of nationals not having official status to be arranged at a later date, it is the present intention of the Department of State to include, if possible, with the exchange of officials between Japan and the American countries, non-permanent residents for which there would in the neighbourhood of five hundred places on the United States boat going from a United States port to Lourenco Marques. About the same number of places would be available for the trip back from Lourenco Marques to a United States port.

Non-permanent residents are described as:

(a) Prefectural and municipal officials; quasi officials, those despatched by public organizations; press correspondents, members and employees in United States of business firms and banks of Japan, and those in Japan, Manchoukuo and occupied areas of China of firms and banks of United States, religionists, scholars, students and research fellows despatched by respective Governments and their dependents and servants.

TELEGRAM

- 2 -

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA

TO: HIS BRITANNIC MAJESTY'S MINISTER AT BERNE, SWITZERLAND

NO. 12 (d) Permanent residents: women and children desiring to return home, and persons who have special reasons to be included in exchange. Those belonging to (c) and (d) categories are to be included in exchange without regard to number or to usefulness or otherwise, in future prosecution of the war.

Labelling (c) and (d) appear in a memorandum from Spanish Embassy to Department of State dated January 16, 1942, and is being retained here for future reference.

In order to enable the Department of State to ascertain whether it would be possible to accommodate some of the Canadian nationals who might come under the afore-stated categories in the Far East, could you supply the Legation as soon as possible with the approximate number of such persons who might be included? Could you at the same time indicate the approximate number of Japanese which would fall under such categories who are now in Canada and who would want to return home?

It is the intention of the United States authorities to proceed at once following return of officials with arrangements for exchange of nationals not having official status and their families who will not have been included in the official exchange.

be required to get their references. CANADIAN MINISTER

requested that Swiss representatives report by telegram persons to whom repatriation facilities have been offered and names of any who have accepted or refused to take advantage.

As previously stated, priority should be given to women with children.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS

TELEGRAM

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA
TO: HIS BRITANNIC MAJESTY'S MINISTER AT BERNE, SWITZERLAND
NO. 87

Ottawa, June 18, 1942

Please request Swiss Foreign Office instruct their representatives in charge Canadian interests in Japanese Empire and Japanese occupied territories to inform all Canadians that they should take advantage of any opportunity for their evacuation. They should be warned that the Canadian Government will not continue payment of financial assistance ^{to} any who refuse to take advantage of facilities for repatriation offered by representatives of the Protecting Power.

The Canadian Government will only recognize exceptions because of serious ill health or extreme old age. In such cases Swiss representative should satisfy himself by competent independent medical advice and should secure medical certificate to the effect that such persons should not undertake the voyage. So far as possible Swiss representatives should inform Canadians in writing of possibility of repatriation, and persons refusing should be required to put their refusals in writing. It is requested that Swiss representatives report by telegram persons to whom repatriation facilities have been offered and names of any who have accepted or refused to take advantage.

As previously stated, priority should be given to women with children.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS

POSITION OF PERSONS WHO HAVE BECOME
NATURALIZED BRITISH SUBJECTS SINCE
THE FIRST DAY OF SEPTEMBER 1922

PT/EG
April 25, 1942.

POSITION OF PERSONS WHO HAVE BECOME NATURALIZED
BRITISH SUBJECTS SINCE THE FIRST DAY OF SEPTEMBER 1922.

.. The question of the position of persons naturalized British subjects since the 1st of September 1922, has now been raised. This matter came up when consideration was being given to aiding members of this group to find ~~out~~ employment after their having been released from internment. As it is quite clear that the Department of External Affairs is concerned with the treatment of enemy aliens but not of Canadian nationals, it is important that a decision be reached as to whether this category of persons should be considered as British subjects or enemy aliens. If it is decided that they are to be treated as enemy aliens this Department may then concern itself with their treatment.

2. The legal position of this group of persons is that they may be treated as enemy aliens under the Defence of Canada Regulations and made subject mutatis mutandis to the provisions of the Enemy Aliens Regulations e.g. arrested and detained.

The Registrar General may, however, issue a certificate exempting any such persons from the operation of the Enemy Aliens Regulations. This exemption amounts to consider them as ordinary British Subjects.

3. In order to help the Committee reach a decision in this matter a possible course of action might be indicated.

The calling, by any such persons, of the Protecting Power for aid might be considered a sufficient ground to believe that this person wishes to be treated as an enemy alien. The authorities could, in this case, provide for an immediate cancellation of her certificate of naturalization and, in the meantime, she would be given the same treatment as that granted to an enemy alien.

On the other hand, the mere fact that a question raised by the Delegate of the International Red Cross Committee with regard to such a person should not be treated as a ground for cancellation of her naturalization certificate. The Delegate might be allowed to render his good offices even if the person in question is considered as a British subject.

As for the specific issue of allowing these persons to seek employment, there are probably good reasons to believe that it would be undesirable to put any difficulties in the way of their finding ~~out~~ employment. It may be a bad policy to make unnecessary discrimination against persons on racial grounds.

TAKEN BY ADVISORY COMMITTEE ON ENEMY AND CANADIAN

INTERESTS, JUNE 24th, 1942.

ion of Persons who have become naturalized British
subjects since the 1st of September, 1922.

It was agreed that if a naturalized Canadian applies for assistance to the representative of a Protecting Power in charge of Enemy Interests in Canada, this would constitute a sufficient ground to call for an investigation by the Royal Canadian Mounted Police with a view to the possible cancellation of this person's certificate.

BROADCASTING OF GERMAN PRISONERS OF WAR

REPATRIATION OF CIVILIAN INTERNEES
FROM EUROPE

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The competence of the committee, as regards the protection of Canadian interests in enemy territories, should extend to all enemy-occupied territories and countries or territories under the control of the enemy, or where as a result of the conditions of war Canadians and Canadian interests may be affected.

4. The functions of the committee should be as follows:

- (a) To consider matters affecting the co-ordination of policy with regard to the treatment of prisoners of war, enemy aliens, whether interned or at liberty, and enemy interests generally in Canada, with action taken for the protection of prisoners of war of the Canadian forces, Canadian civilians, interned or at liberty, and of Canadian interests generally in enemy territories.
- (b) To consider questions arising out of the interpretation and application of the Prisoner of War Convention of 1929 and other relevant Conventions and of International Law and practice generally.
- (c) To advise the departments and agencies of the Canadian Government concerned with the protection of Canadian interests in enemy territories, and the departments and agencies of the Canadian Government concerned with the treatment of enemy interests in Canada, with a view to securing the proper co-ordination of their activities and policy.
- (d) To consider relevant matters which may be submitted by the High Commissioner for Canada in the United Kingdom as Canadian representative on the Inter-Governmental Committee to

Co-ordinate Policy with regard to Prisoners of War, and through him to co-ordinate action taken by the Canadian Government in matters affecting the protection of Canadian interests in enemy territories or the treatment of enemy interests in Canada, with action taken by the United Kingdom and other parts of the British Commonwealth.

- (e) To consider measures affecting the welfare of Canadians whether combatants or civilians, in enemy territories as well as measures for their repatriation or exchange, and measures affecting Canadian interests in enemy territories generally.
- (f) To consider measures affecting the treatment of enemy nationals and enemy interests in Canada in relation to the position of Canadian nationals and Canadian interests in enemy territories.

5. The committee should be composed of:-

The Legal Adviser of the Department of External Affairs.

The Head of the Special Section of the Department of External Affairs.

The Under-Secretary of State of Canada.

The Adjutant General, Canadian Army.



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EXTERNAL AFFAIRS RECORD	
File No.	3123-40
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TO

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The undersigned, the Secretary of State for External Affairs, with the concurrence of the Secretary of State and the Minister of National Defence, has the honour to report:-

That the Departments and Agencies concerned with the protection of Canadian interests in enemy territories have succeeded in co-ordinating their activities in this field;

That the Departments and Agencies concerned with the treatment of enemy interests in Canada have similarly affected the co-ordination of their activities in this field;

That the Department of External Affairs has had the sole responsibility for co-ordinating action taken on the one hand with regard to the protection of Canadian interests in enemy territories, and on the other with regard to the treatment of enemy interests in Canada;

That as a result it has not always been possible to secure complete co-ordination of action taken in the treatment of enemy interests in Canada with action taken for the protection of Canadian interests in enemy territories and vice versa;

That it is expedient in dealing with matters affecting prisoners of war, internees, enemy aliens and enemy interests generally in Canada, to give full consideration to possible repercussions affecting the treatment of Canadians - prisoners of war, internees and civilians - and Canadian interests in enemy territories;

That conversely it is expedient, in taking action for the protection of Canadian prisoners of war, internees, civilians and Canadian interests generally in enemy territories, to give full consideration to its effect upon the treatment of enemy prisoners of war, internees, civilians and enemy interests generally in Canada, and to action which the enemy may request the Protecting Power to take with regard to enemy nationals and enemy interests in Canada;

That it is expedient to co-ordinate the policy of the Canadian Government in these matters with the policy of the United Kingdom and other parts of the British Commonwealth.

The under-signed, therefore, with the concurrence of the aforesaid, has the honour to recommend:-

That an Advisory Committee should be created, to be called "Interdepartmental [Advisory] Committee on the Protection of Canadian Interests in Enemy Territory and the Treatment of Enemy Interests in Canada";

That, as regards the protection of Canadian interests in enemy territories, the competence of the Committee should extend to all enemy-occupied territories and countries or territories under the control of the enemy, or where as a result of the conditions of war Canadian nationals and Canadian interests may be affected;

That, as regards the protection of Canadian nationals, the competence of the Committee should extend to matters affecting the protection of members of the

Canadian forces or Canadian civilians held prisoner or detained in neutral countries;

That the functions of the Committee shall be as follows:-

(a) To consider matters affecting the co-ordination of policy with regard to the treatment of prisoners of war, enemy aliens, whether interned or at liberty, and enemy interests generally in Canada, with action taken for the protection of prisoners of war of the Canadian forces, Canadian civilians, interned or at liberty, and of Canadian interests generally in enemy territories;

(b) To consider questions arising out of the interpretation and application of the Prisoner of War Convention of 1929 and other relevant Conventions and of International Law generally;

(c) To advise alike the Departments and Agencies of the Canadian Government concerned with the protection of Canadian interests in enemy territories, and the Departments and Agencies concerned with the treatment of enemy interests in Canada, with a view to securing the proper co-ordination of their activities and policy;

(d) To consider relevant matters which may be submitted by the High Commissioner for Canada in the United Kingdom as Canadian representative on the Intergovernmental Committee, to co-ordinate policy with regard to prisoners of war, and through him to co-ordinate action taken by the Canadian Government in matters affecting the protection of Canadian interests in enemy territories or the treatment of enemy interests in Canada, with action taken by the United Kingdom and other parts of the British Commonwealth;

(e) To consider measures affecting the welfare of Canadian nationals, whether combatants or civilians, in enemy hands as well as measures for their exchange and repatriation, and measures affecting Canadian interests in enemy territories generally;

(f) To consider measures affecting the treatment of enemy nationals and enemy interests in Canada in relation to the position of Canadian nationals and Canadian interests in enemy territories.

The Committee shall be composed of:-

The Legal Adviser of the Department of External Affairs;

Head
The Officer in Charge of the Special Section
Chief

(for Canadian and enemy interests) of the Department of External Affairs;

The Under-Secretary of State of Canada;

The Adjutant General, Canadian Army.

All of which is respectfully submitted.

Secretary of State
for External Affairs.

March 5, 1942.

INTERESTS, APRIL 10.

EXTERNAL AFFAIRS RECORDS

File No. 3123-40

Sub. 5 Chron. 6 Filed

1. Internment of German women in Canada.

In the specific case of Mrs. Kulessa, it was agreed that an attempt should be made to find some solution other than internment. Those suggested were:

- (a) Release, if security considerations are not vital.
- (b) Prosecution in a regular court.
- (c) Repatriation.

It was recommended that Dr. Coleman discuss this matter personally with the Department of Justice.

2. Prisoner of War status for merchant seamen.

(a) The United Kingdom authorities should be informed that the Canadian Government is agreeable to giving merchant seamen the status of combatant prisoners of war under the Geneva Convention.

(b) A report should be obtained from London regarding the implication of this change of status with respect to such matters as pay in Camp, allowance, pensions, etc. The question of what action should be taken regarding this consequence of the change of status will then be referred to the appropriate Canadian authorities.

3. Handcuffing of officer prisoners of war.

Although it was recognized that there would be considerable difficulty in limiting the activity of the civil police with regard to the treatment of escaped prisoners of war, it was decided that the Swiss Consul General should be supplied with an official statement for transmission to the German authorities which would go as far as possible in satisfying the German sensibilities regarding the dignity of officer prisoners. The wording of this reply was left to the Department of External Affairs.

4. The anti-Nazis at Fort Henry.

No definite action was recommended, as the question of the disposition of these men is still under consideration by the Commissioner of Refugee Camps. The Commissioner has interviewed the internees at Fort Henry and selected thirty-five for transfer to refugee status, but found that there might be serious objections on the part of those who are now in the refugee camps.

5. Temporary detention of five officer prisoners at Fort Henry.

It was agreed that because of possible repercussions in Germany, care should be taken in the future that no combatant prisoners of war are sent to this camp for any reason. It was recommended that the Swiss Consul General be informed that in the present case, there was no question of "transfer" of the five prisoners, but that they were temporarily detained at Fort William owing to the absence of a proper detention hut at Bowmanville, this hut being in the process of construction at the time their sentence was handed down.

6. Visits to evacuated Japanese.

It was agreed that the International Red Cross Delegate should be given facilities to visit the detention points where evacuated Japanese are now located, and that care should be taken that the representatives of the International Red Cross, Y.M.C.A. or other similar organizations should not be given such facilities until after the International Red Cross Delegate had an opportunity to make his visit.

However, it was decided that Mr. Maag's visit should be delayed until the Department of Labour reports that the camps are sufficiently organized to merit an inspection tour.

EXTERNAL AFFAIRS RECORDS		
File No.	3123-42 full	
Sub.	Chron.	Filed

AVR/ff
April 1, 1942.

MEMORANDUM FOR MR. ROBERTSON --

My Visit with Colonel Clarke

Colonel Clarke wishes an appointment with you today. I understand that the following are the subjects that he either wants to discuss with you or to inform you of action taken:

(1) Suppression of press accounts of atrocities in the Far East. Colonel Clarke is disturbed about an Associated Press story which was in the papers yesterday morning relating the tying up and shooting of soldiers at Hong Kong. It appears that this story was released in the United States. I have told Colonel Clarke that we have taken up through the Legation the question of coordinating the press censorship at Ottawa and Washington with regard to atrocity stories and that I shall be glad to send a further enquiry to Washington. I am asking the File Room to get out the file on this.

(2) Committee on Welfare and Protection of Prisoners of War of the Canadian Forces in Enemy Hands. Colonel Clarke is going ahead with arrangements to call this Committee together. He suggests representatives of each of the three Defence Departments, Transport, National War Services and this Department. I have suggested that he add Pensions and National Health, and I have mentioned the name of Dr. Ross Millar who, I believe, would be a very useful addition to the Committee.

(3) Committee on Protection of Canadian Interests in Enemy Territories and Treatment of Enemy Interests in Canada. The letter from Col. DesRosiers appointing Colonel Clarke to this Committee in place of the Adjutant-General was a mistake. The Adjutant-General has asked me to return the original letter to him, as he thinks the best way of dealing with this is to wash out that letter and let the original letter stand. The Adjutant-General will be the titular member, for the Defence Departments, of this Committee, but he may bring or send Colonel Clarke when questions in which Clarke is interested are on the agenda.

I am most anxious to get this Committee together, as both Mr. Maag and Mr. Jaccard were here yesterday and raised questions which, I think, can only be dealt with by this Committee.

(4) Representative at Ottawa of the Canadian Red Cross. Colonel Clarke understands that you will write to Dodds, suggesting that he and Clarke get together to discuss the possibility of the Red Cross appointing a representative at Ottawa who would have authority to commit the Red Cross on urgent questions which may arise and which require immediate settlement. The present impossibility of getting any quick and binding decision by the Canadian Red Cross, partly because their headquarters are at Toronto and partly because the various members of the Executive are not always of one mind, has caused serious embarrassment and will make more difficulties in the future unless a senior executive member of the Red Cross can be stationed permanently in Ottawa.

A V R

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March 28, 1942

Mr. Jackson Dodds, O.B.E.
Chairman, Central Council
The Canadian Red Cross Society
c/o Bank of Montreal
Montreal, Que.

EXTERNAL AFFAIRS RECORDS
File No. 3123-40
Sub 14 Chron 14 Filed

Dear Mr. Dodds:

The government have appointed committees with representation from the various service departments interested to deal with our prisoners of war in enemy custody, and enemy prisoners of war in our custody.

These committees will be consulting with one another, at times on short notice.

As these committees may wish to consult with the Canadian Red Cross on the subject of prisoners of war quite frequently, we feel that it would be a great advantage if the Canadian Red Cross Society would appoint a senior executive, with authority to make decisions, to be resident in Ottawa.

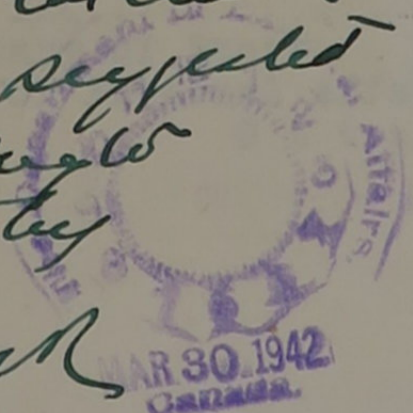
I have asked Lieutenant-Colonel F. W. Clarke

to call and discuss this matter with you.

Yours sincerely,

Minister of National Defence

has seen
Revised from what Clarke
The Minister has suggested
that the letter might
better be written by
Mr. Robertson
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DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

EXTERNAL AFFAIRS RECORDS		
File No.	3123-40	
Sub.	Chron.	Filed

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Ottawa, March 28, 1942.

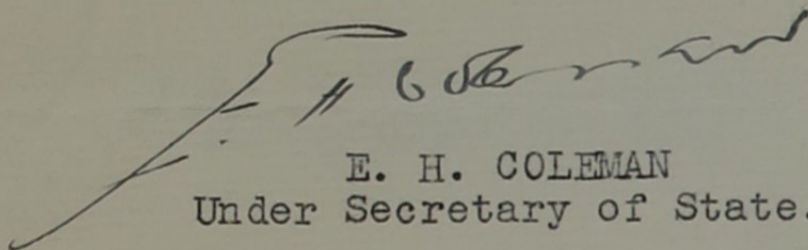
Dear Sir,-

Your file 3123-40

On my return from the Pacific Coast I received your letter of March 12th, concerning the proposed Interdepartmental Committee on the protection of Canadian interests in enemy territory and the treatment of enemy interests in Canada. I now have your further letter of the 26th.

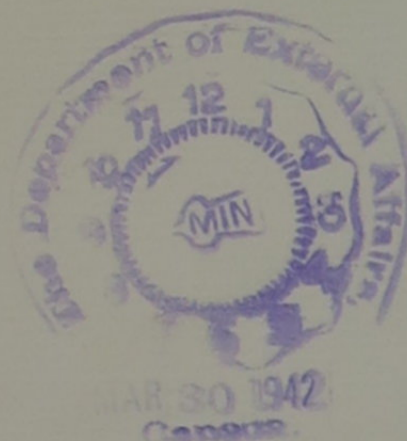
I concur generally with the terms of your memorandum and hope to be able to attend a meeting of the proposed committee when it is found convenient to convene it.

Yours sincerely,



E. H. COLEMAN
Under Secretary of State.

N. A. Robertson, Esq.,
Under Secretary of State
for External Affairs,
O t t a w a .



B

Mr. Rine
Secy. Gen.

File
AR

Ottawa, January 23, 1942.

Dear Dr. Coleman:

From time to time it becomes necessary for this Department to secure a decision on policy relating to the treatment of enemy aliens in Canada whether Prisoners of War or civilians, or on action to be taken for the protection of Canadian nationals, Prisoners of War or civilians in enemy or enemy-occupied territory. Our chief difficulty has been that this is the only Department in which action taken for the protection of Canadian nationals in enemy hands can be related to action by the enemy for the protection of enemy nationals in Canada, yet this Department is not always consulted at a sufficiently early stage when decisions are taken by officers of the Government whose competence extends only to the protection of Canadian nationals in enemy hands or on the other side to the treatment of enemy nationals in Canada. I have, therefore, come to the conclusion that it would be a great help to this Department and to all other departments concerned if a small Committee on policy could be set up whose competence would extend to the inter-relation of Canadian interests in enemy and enemy-occupied territories and enemy interests in Canada. Such a Committee should be qualified to give opinions on the interpretation and application of the relevant International Conventions.

As you are aware, a similar problem of determining policy and co-ordinating action taken by the Foreign Office for the protection of British interests in enemy territories and by the War and Home Offices for the treatment of enemy nationals in the United Kingdom became acute in London towards the end of 1940. As a result a Committee was set up, in which all departments concerned were represented, to take decisions on policy. It was found necessary later to divide this Committee into a number of sub-Committees and to set up a further policy Committee on which the High Commissioners of the various dominions represent their Governments.

Dr. E.H. Coleman,
Under-Secretary of State of Canada,
O t t a w a.

The Agenda and minutes on meetings of this new Inter-Governmental Committee are regularly transmitted to Canada by the Canadian High Commissioner in London with a request for instructions on various questions affecting Canada which may be on the Agenda of the next meeting or which have been raised at the previous meeting. Again the absence of a similar Committee on policy in Canada sometimes makes it difficult for this Department to draft instructions to the Canadian High Commissioner committing the Canadian authorities.

I have in mind a Committee sufficiently small to be workable yet with sufficient authority to be able to take decisions on policy which will be acted upon. It should also represent those departments concerned with the protection of Canadian interests abroad and with enemy interests in Canada.

The sort of Committee I have in mind might consist of yourself, as head of the department which embraces both Internment Operations and the Office of the Custodian as well as various matters relating to enemy aliens in Canada; Mr. Read, Legal Adviser of this Department, competent to give opinions on questions of International Law and particularly the application of the Prisoners of War and the Sick and Wounded Conventions; Mr. Rive, of this Department, as head of the section handling correspondence with the Protecting Powers for Canadian interests on one hand and with the Protecting Powers for enemy interests on the other; the Adjutant General representing on the one hand the three Defence Departments who are interested in the protection of Canadian Prisoners of War in enemy hands and on the other hand sharing responsibility for the manning and provisioning of Internment Camps in Canada. I think this would make a reasonably well balanced Committee which would be fully competent for its task, but would be agreeable to increasing it to five members should you think it desirable that the Department of Justice should be represented.

In any case, I should be glad to have an expression of your views at your earliest convenience. A number of pressing questions of policy have recently arisen on which decisions should be taken as soon as

feasible. If you agree with this proposal I should like to have the Committee set up as soon as possible.

Yours sincerely,

DECISIONS AS TO POLICY WITH REGARD TO THE PRISONERS OF WAR,
APPLICATION OF THE RELEVANT CONVENTIONS, EXCHANGE OF COM-
BATANTS AND CIVILIANS AND REPRESENTATION OF CANADIAN AND
ENEMY INTERESTS GENERALLY.

found
Ever since taking over the work of my section just over a year ago, I have continued difficulties in getting decisions on policy particularly with regard to the application of the 1929 Convention. One chief difficulty has been that this is the only Department in which action taken for the protection of our interests and the interests of our nationals in enemy hands can be related to enemy action for the protection of enemy interests and enemy nationals in Canada.

In the consideration of policy in this field it has to be remembered that every action must be based on reciprocity between ourselves and the enemy. Even the smallest action taken by the Commandant of an Internment Camp in Canada may effect the treatment of Canadian and British prisoners of war in Germany. Any attempt to secure special treatment for a distressed Canadian national in Germany will promptly result in requests for similar treatment for German nationals in Canada.

This problem became acute in the United Kingdom towards the end of last year and in January a Committee on prisoner of war policy was set up in London. This Committee has since been expanded and divided and a main Committee of representatives of the High Commissioner's Office in London now exists for the co-ordination of Empire policy in all matters relating to enemy interests in Empire countries and British and Dominion interests in enemy countries.

There is no Committee in Canada which has authority to consider general policy in this field. The existing Committees are a large and unwieldy Committee on Internment Operations of which the Under Secretary of State is chairman and on which the representative of this Department is the only person concerned with the other side of the picture, i.e., the interests of Canadian nationals in enemy hands; a small interdepartmental Committee of representatives of the exchange Control Board, the Custodian's Office, Immigration and this Department of which I am the chairman, meets when necessary and takes occasional decisions on the treatment of distressed Canadian nationals in enemy hands. Here again the representative of the Department of External Affairs, myself, is the only person concerned with the other side of the picture, i.e., the treatment of enemy nationals in Canada. A third Committee concerned with censorship on which Mr. Stone is the departmental representative also at times discusses questions relating to prisoner of war mail, Red Cross parcels and communications between civilians in Canada and civilians in enemy and enemy occupied territory.

The desirability of setting up a Committee on general matters of policy which would see both sides of all these questions was discussed when the re-organization of internment operations was under consideration and Colonel Stethem, I think without authority, did in fact call a meeting which made no progress as none of the persons who attended other than the representative of this Department were concerned with the protection of Canadian interests in enemy occupied territories. However, this meeting suffered the same handicap as the Committee on Internment Operations. It was far too large to be workable.

In my opinion, it is impossible to have a workable Committee of representatives of all the Departments concerned which are interested either in the protection of Canadian interests in enemy territories or the protection of enemy interests in Canada. The Departments and Bureaus represented on the Under Secretary of States Committee and I think at the meeting called by Colonel Stethem are:

- (1) Secretary of State of Canada- Under Secretary and Commissioner of Internment Operations;
- (2) External Affairs - Mr. Read and Mr. Rive
- (3) National Defence for Army, Navy and Air - representatives of the Deputy Ministers and one or two Intelligence Officers;
- (4) Justice - Mr. MacNeill, R.C.M.P. - Commissioner Wood
- (5) Labour - Mr. Hereford
- (6) Immigration - Mr. Blair.

The Departments and Bureaus concerned with the protection of Canadian interests on the other side of the picture in enemy territory are the Department of External Affairs - Mr. Rive (as concerns protection of Canadian nationals and prisoners of war,) Mr. Stone (Censorship and Export) Mr. Read as Legal Adviser;

- (2) Custodian's Office - Mr. Mathieu;
- (3) Foreign Exchange Control Board- Mr. Turk and Mr. Mathews;
- (4) Postal Censorship - Mr. Jolliffe and Mr. Gagnon;
- (5) Telegraph Censor - Major Yuill;
- (6) Immigration Treasury - Mr. McPhail;
- (7) National War Services - General LaFleche and Mr. Collins (prisoners of war);
- (8) Transport (seamen) Captain Kerr;
- (9) National Defence for Army, Air, Navy - representatives of the Deputy Ministers.

It will be seen that it would be absurd to attempt to bring together a policy making Committee of representatives of all the Departments concerned. Further that most of these Departments and Bureaus are not concerned with policy and the list can be whittled down by excluding such officials as Mr. Hereford who is concerned with relief to needy German families and Mr. McPhail who is concerned with money owed to the Government for advances made to distressed nationals. But even with the elimination of such as these, there remain the three Departments of National Defence, the Custodian, Foreign Exchange Control Board, Justice and State, as well as the Department of External Affairs, clearly an unwieldy group.

I think, therefore, the solution is to give up the idea of a Committee representing Departments and to set up a small Advisory Committee (consisting of the Legal Adviser and one other representative of External Affairs, the Advocate General representing the three Defence Departments and the Secretary of State Department) to whom we can refer questions of general policy and who will advise on the co-ordination of Canadian policy with the policy of the United Kingdom and other Dominions in any matters where decisions of principle must be taken.

Repeal Rule