


Developing International Law through Wartime Diplomacy:
Anglo-German Negotiations surrounding Prisoners during World War I

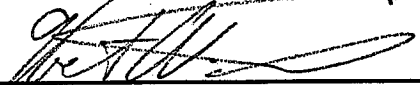
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**Developing International Law through Wartime Diplomacy:
Anglo-German Negotiations surrounding Prisoners during World War I**

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INTRODUCTION

An estimated 6,637,000 prisoners of war and an additional hundred thousand civilian internees were held captive by all of the belligerents during World War I.¹ During the course of the war, prisoners of war and civilian internees were the topic of a flurry of diplomatic negotiations, but since, the topic has been forgotten, mainly because more recent wars have presented much more serious questions regarding humane treatment of prisoners during wartime. However, the lack of intense scholarly research on prisoners in World War I is important in itself because it stems from the fact there were so few large scale flagrant human rights violations during this period. Effective diplomacy and the budding ideas of international humanitarian law worked to insulate the Western Front from atrocities, though isolated incidents did occur. Therefore, this study will look to the successes of prisoner of war negotiations in World War I, a remnant of the idea of the nineteenth century's gentleman wars for honor, and analyze how neutral powers and belligerents cooperated to ensure humane treatment, even when existing codified standards were often incomplete.

The insights we can gain from looking at the prisoner of war situation in World War I are numerous and important, dealing with a variety of topics, from the nature of the war itself, to the role of neutral powers in wartime diplomacy, to the ways that ad hoc solutions can become standard practices. This analysis pays special attention to the role of neutral powers in prisoner of war diplomacy, as both belligerents and neutral powers cooperated to establish wartime practices that ensured existing international standards were maintained. By examining important developments in international law in the century prior to World War I as well as the actual circumstances in which prisoners were captured and held during the war, the negotiations that

¹ Richard B. Speed, *Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity* (New York: Greenwood, 1990), pp. 195, 216.

relate to prisoners can be elucidated. We can glean important lessons for present day wartime diplomatic negotiations. Equally important, this study illuminates ways that neutral powers can aid belligerents in upholding international standards and ways that powers can establish new humanitarian practices to ensure humane treatment of prisoners during the course of an international conflict. Finally, because new practices originally developed during World War I became written into the Geneva Convention of 1929 following the war, this study allows readers to understand how ad hoc practices developed in response to concrete problems during the war actually became codified and standardized for future conflicts.

This analysis focuses on a case study between Germany and Great Britain for several reasons. The first is simply logistical. Each set of belligerent nations – Germany and Great Britain, Germany and France, Austria-Hungary and Great Britain, Germany and Russia, Austria-Hungary and Russia, Great Britain and the Ottoman Empire, the United States and Germany, and so on and so forth – settled diplomatic issues surrounding prisoners of war primarily in a bilateral manner. There were no multilateral agreements between sets of nations to establish uniform policies. This is mainly a product of the realist political power theories that were present at the turn of the twentieth century, which will be discussed in Chapter 1. Therefore, studying one or more bilateral relationships is most helpful in elucidating trends in negotiations and neutral power diplomacy.

Because of the limited scope of this study and the availability of English-language sources, focusing on the single bilateral relationship of Great Britain and Germany is the most effective way to delve deeply into several issues relating to prisoners of war. Initially, the numbers of British and German prisoners held in the opposing nation were quite close to being equal. Even though Germany held many more British prisoners of war by the end of the

hostilities, the United Kingdom held many times the number of German civilians as Germany held British civilians. This creates parity in the analysis of the bilateral relationship that does not exist in most of the bilateral pairings from World War I. Finally, this particular bilateral relationship lends itself to a study that includes civilian internees, since the issue of civilian internment was so significant to these nations. This issue merits attention as it cannot be separated from a study of prisoners of war, if only because the belligerents during the war itself considered civilian internees and prisoners of war to be closely related (negotiations often dealt with both matters at once and often civilians and prisoners of war were kept in the same camps).

Several key issues relevant to general prisoner of war relations were also of primary importance in the Anglo-German relations during World War I. The most significant are the ideas of reciprocity and retaliation. For any type of exchange or humane treatment agreement regarding prisoners of war to work, both sides have to commit to the principle of equality through reciprocal treatment. For example, one nation is highly unlikely to exchange one thousand enemy prisoners in exchange for only two hundred of its own; such an agreement would put that party at a disadvantage. A similar situation occurs with conditions of internment camps: one nation is unlikely to provide prisoners in its custody with special amenities that its own prisoners do not receive when held abroad. Although intuitive, the idea of exchanging prisoners and holding them for their exchange value did not develop until relatively late. In these exchanges and other types of negotiations, reciprocity is vital. Related to the idea of reciprocity is that of retaliation: when one belligerent mistreats another nation's prisoners of war, the other nation often mistreats that nation's prisoners of war in return. This can lead to cycles of needless retaliations that cause the quality of life for wartime captives to decrease significantly.

To ensure reciprocity and to prevent retaliation, the free flow of information is crucial. Belligerents are inclined to treat prisoners best when a free flow of information occurs because they can ensure that their prisoners are receiving reciprocal treatment and needless retaliations do not occur. However, nations at war with one another sever their diplomatic ties, which can lead to the blockage of information flow about camp conditions between the parties. This lack of official diplomatic relations leads to difficulties in negotiations over prisoner of war exchanges and repatriation. Therefore, it is common for a nation to select a neutral power to protect all of its interests relating to the enemy, and this power is commonly referred to as a “protective power.”

Neutral protective powers aid in these situations by providing information that protects the interests of prisoners of war when direct sharing between belligerent powers cannot occur because they have severed official diplomatic relations. For example, if one country hears from reports, often unverifiable, that its soldiers imprisoned in another country are fed no meat in their diets, it may immediately remove meat from the other country’s prisoners that it holds. However, if a third nation can verify the actual situation and report accurate information, unfounded retaliatory actions will not occur. Similarly the neutral country can send threats of retaliation back and forth, which gives the country with lower standards a chance to improve conditions before their prisoners of war living abroad are punished. This flow of information in modern wars is invaluable to the assurance of humane treatment for prisoners. Prison camp inspection schemes, agreements for repatriation of certain classes of prisoners, and the neutral internment of sick and wounded prisoners are three prime examples of the ways that neutral powers were able to render their services to prisoners of war and civilian internees. This study examines the ways ad hoc solutions were created during the war, often in cooperation and

written into international law and standard wartime practice either during the war or in later international agreements.

Despite the abundance of primary sources from the British Foreign Office, German Ministry of Foreign Affairs, and the American State Department regarding the aforementioned negotiations, surprisingly little has been written in English about the 6.5 million prisoners of war and the hundred thousand civilian internees held captive as well as the diplomacy that accompanied their captivity. One of the only works that explores the military-diplomatic relationship of captives during this war is Richard B. Speed's 1990 work Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity. According to Speed, every nation involved, with the exception of Russia, did all it could to treat its prisoners as well as possible in light of the wartime conditions and with general compliance to the Hague Conventions of 1899 and 1907.²

My argument is similar to Speed's, but I focus on a more longitudinal approach, looking first at the existing international laws, then to the solutions created by wartime diplomacy, and finally to the codification of those solutions in bilateral agreements and the 1929 Geneva Conventions. In addition, my analysis is focused solely on the Anglo-German relationship while Speed devotes equal attention to multiple bilateral relationships. The other main difference is my attention to the period in which the Netherlands served as the main intermediary power; most of Speed's analysis surrounds the United States as the chief intermediary. He writes little of the Anglo-German relationship after America's entry into the war, and instead he focuses on the new German-American dimension to prisoner of war issues. Although my argument relates to Speed's and builds off of his work, the special focus on a single bilateral relationship while

² Speed, Prisoners, Diplomats, and Captivity.

bringing together multiple dimensions – international law, neutrality, diplomacy, and captivity – adds to Speed's contributions rather than simply repeating his analysis.

Matthew Stibbe is the other contemporary scholar who focuses on diplomacy and captivity in World War I. Stibbe's primary research focuses on civilian internment during the war, and as a British historian, he also looks closely at Anglo-German relations. He has written widely on the German civilian internment camp at Ruhleben and on other issues relating to British civilians interned in Germany during the war. One of Stibbe's main research foci is the relationship between internment and the home front, and he argues that the German internment of British civilians was a way to uplift morale at home and a manifestation of "the government's growing frustration at the failure to achieve victory in the opening months of the war."³ These insights are very relevant, but questions about the home front, propaganda, and public relations were simply beyond the scope of my research. Further studies looking into the relationship between diplomacy, captivity, and the home front would contribute significantly to the secondary source literature on internment during World War I.

The other most significant secondary sources relate to the role of two neutral powers, the Netherlands and Norway, during the war. Maartje M. Abbenhuis, a Dutch historian, recently wrote about the Netherlands' neutrality while John Thiesen, a Norwegian historian, recently wrote about neutral internment in Norway. Both authors focus mainly on their own nation's role during the war rather than on the broader connections. Each work contributes interestingly to what Abbenhuis describes as "the paradox of neutrality" and being caught "between the devil and the deep blue sea," or the difficult position of the smaller neutral powers in standing up for their

³ Matthew Stibbe, "A Question of Retaliation? The Internment of British Civilians in Germany in November 1914," *Immigration & Minorities* 23:1 (2005), p. 1.

rights versus acquiescing to their more powerful belligerent neighbors.⁴ Though Thiesen focuses more on prisoners than Abbenhuis, his analysis is more economic and logistical than the diplomatic focus of this study.⁵

Despite the relative lack of secondary sources, there are an abundance of primary sources, mainly diplomatic but also including news sources and accounts of interned soldiers and civilians. In this work, I reference many documents from the British War Office's Prisoners of War Department Files that are currently housed in the British National Archives in the FO 383 files. These files contain the British documents, as well as original copies of German and intermediary memoranda sent back and forth. In addition, several such files that were sent to the British Houses of Parliament were published as Miscellaneous papers; many of these are also referenced. Also, many of the key diplomatic players wrote memoirs that offer valuable insights into the relations among nations with regards to prisoners of war; notable among these are those of American Ambassador in Berlin James W. Gerard, Head of the British Prisoners of War Department Lord Vansittart, Controller of the British Prisoners of War Department Lord Newton, and American camp inspection medic Daniel J. McCarthy.

It is important to note that most of these primary sources have a pro-British bias. Because of the author's limited translation ability, German-language primary sources could not be used to an ideal extent. There is an anti-German bias in many of the English-language sources. This is especially evident in British government records and memoirs of the British diplomats, but also in American sources. As American Ambassador to Germany James W. Gerard wrote, "it is much easier for us [Americans] to live in a world where the English are

⁴ Maartje M. Abbenhuis, The Art of Staying Neutral: The Netherlands in the First World War, 1914-1918 (Amsterdam: Amsterdam University Press, 2006), p. 261.

⁵ John Thiesen, Prisoners of War and Internees in Norway in World War I, 1914-1919, A Postal History Study of the Norwegian War and Field Post Society (Oslo: War and Philabooks Ltd AS, 2006).

powerful than in a world dominated by either the French or the Germans or the Russians.”⁶ Because many American camp inspectors had a similar pro-British bias as they carried out their duties, many primary documents had an anti-German and pro-British flair that had to be taken into account during the research process. Daniel McCarthy was especially scathing towards German prisoner of war camps in the book he published upon his return to the United States. Many other materials published during the war, from officially government-sponsored accounts of prison camp life to books published by escaped prisoners and repatriated civilians, served not simply as factual accounts, but also as propaganda pieces to stir up emotions on the home front. Despite the bias of many sources, they still contain valuable factual information, and when read critically, contribute significantly to our understanding of how diplomatic processes can be effectively carried out in wartime using bilateral relations regarding prisoners of war as a model.

This study seeks to fill the gap between the abundance of primary sources and the lack of secondary sources studying the intersection of captivity and diplomacy during the First World War. By referencing the diplomatic correspondences as well as the inner workings of relevant governments and international treaties, this study can contribute a historical narrative of World War I and an analysis of the development of international humanitarian law during the critical wartime period. It is the intersection of captivity, diplomacy, neutrality, and international law that is the center of this study. Its insights have the potential to complement existing scholarship by combining multiple foci and looking at the links between them.

The first chapter explores the specific developments in international law surrounding prisoners of war that occurred in the three-quarters of a century before World War I, looking specifically at the Hague and Geneva Conventions that were in place in 1914 at the war's commencement. The second chapter takes a closer look at the way that neutral powers were able

⁶ James W. Gerard, *My First Eighty-Three Years in America* (Garden City, NY: Country Life, 1951), p. 349.

to facilitate the application of this international law during the war by enabling communication amongst belligerents without diplomatic relations. This chapter will focus on the specific events of the war with relation to prisoners of war and interned civilians, paying close attention to the general successes and failures of these neutral protective powers in providing solutions to the problems that arose amongst Great Britain and Germany during the war.

The next three chapters take a closer look at the three issues in which neutral powers had the greatest impact in providing humane treatment for prisoners of war on the Western Front in World War I: prison camp inspection, internment of prisoners in neutral countries, and the creation of bilateral international agreements. These chapters focus on the ways in which neutral powers were instrumental in the rise of these practices, many of which eventually became coded into standard international humanitarian practice in the 1929 Geneva Conventions, which is a significant part of the Conclusion. Based primarily on lessons learned from the First World War, the 1929 Geneva Conventions demonstrate the way that war affects the evolving nature of international humanitarian standards and law.

CHAPTER 1: THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

Although there were existing sources of international law which established standards of treatment for prisoners of war, including the 1856 Declaration of Paris, the 1864 Geneva Convention, the 1899 Hague Conventions, the 1906 Geneva Convention, and the 1907 Hague Conventions, these proved to be of insufficient detail in the actual course of World War I. This is because unexpected and unprecedented problems, such as the length of the war and the sheer volume of prisoners, arose during the course of the war. Since the idea of international behavioral standards was still in a developmental stage, the aforementioned treaties and conventions were significantly less comprehensive than subsequent agreements, such as the 1929 Geneva Conventions that resulted from World War I and the 1949 Geneva Conventions that resulted from World War II.

Because of these deficiencies in the existing treaties, the belligerents came to their own agreements during the war in order to establish more order than the current international standards provided. According to Richard B. Speed, “without setting out to do so, the nations at work effectively rewrote the prisoner of war sections of the Hague Conventions with a series of bilateral agreements that filled in their omissions and clarified their ambiguities...[which] was a remarkable diplomatic achievement for nations that were striving to destroy one another on the battlefield.”⁷ Critical to this “remarkable diplomatic achievement” were neutral powers, which sent drafts of potential agreements back and forth between belligerents with no official diplomatic relations and which also actually presided over face-to-face negotiations between belligerents.

⁷ Richard B. Speed, *Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity* (New York: Greenwood, 1990), p. 33.

Origins of Prisoner of War Laws

The body of law surrounding prisoners of war is one of the earliest forms of international law, as prisoners of war have been a constant issue throughout human warfare.⁸ Prisoners of war are combatants captured during the course of a war, disarmed, and kept in captivity. They have a different status than civilians in occupied territory and civilians interned during military conflicts. Wartime prisoners present a problem for both the captor nation and their home nation. Prisoners have often been mistreated or killed brutally for little more than sport; however, there have also been cases in which prisoners of war have been relatively well treated. The treatment of prisoners of war has varied significantly throughout the ages; so much so that one can make very few generalizations across space and time. Similarly, often in a single war, the treatment of prisoners differed greatly; the most famous example of this is Nazi Germany's extermination of millions of Soviet prisoners of war while America treated the prisoners it captured during World War II with the highest standards of care ever to be seen, according to Krammer.⁹

Most prisoners were killed by the nation that captured them up until the time of Ancient Greece and Ancient Rome. These societies discovered that they could use prisoners of war as slaves to the capturing nations' economic advantage – and sometimes, as in the case of the Roman gladiators, entertainment value. During the Middle Ages, prisoners of war were still mostly either killed or became slaves.¹⁰ However, during this period, armies began to realize the economic value of politically important prisoners, such as English King Richard II who was captured during the Third Crusade or Moorish Prince Boabdil who was captured during the Christian reconquest of Spain. Both of these important figures were kept rather than killed and

⁸ Michael Newton, interview by Lauren Ross, October 12, 2009, Vanderbilt University Law School.

⁹ Arnold Krammer, *Prisoners of War: A Reference Handbook* (London: Praeger, 2008), p. 1-20.

¹⁰ A. J. Barker, *Prisoners of War* (New York: Universe, 1975), p. 6.

exchanged for exorbitant sums of money and enemy prisoners.¹¹ In the seventeenth century, governments began exchanging not only heads of state but also important generals for large sums of money. The practice of exchange expanded, both for economic and humanitarian reasons as Europe entered the Enlightenment, and it eventually grew common for complex exchange agreements based on soldier-by-soldier exchange according to rank. Unfortunately, these agreements had a tendency to fall apart if one side did not follow the agreed upon terms exactly.¹²

Even though laws had delineated the place of prisoners of war in society for centuries, the first real attempt at creating international humanitarian law to protect prisoners did not come until the Enlightenment when Dutch humanist Hugo Grotius put forth a set of guidelines for the humane treatment of captives in his 1625 *On the Law of War and Peace*.¹³ Although these guidelines revolutionized the way that contemporaries viewed international law as the law between nations, they were not actually used at the time. However, Grotius' work did draw attention to the issue of prisoners and serve as a cornerstone for future efforts.¹⁴

Several decades later, the Treaty of Westphalia, which ended the Thirty Years War in 1648, was also was a significant step in the development of international law surrounding prisoners: it provided for the mutual exchange of all prisoners of war without ransom at the war's conclusion.¹⁵ The Enlightenment, the American and French Revolutions, and the abolition of slavery and serfdom in the United States and Russia also contributed to the growing consensus that clear guidelines were necessary to ensure the humane treatment of prisoners of war.¹⁶

¹¹ Krammer, *Prisoners of War*, pp. 12-13.

¹² Barker, *Prisoners of War*, pp. 7-8.

¹³ Stephen C Neff, *War and the Law of Nations: A General History* (Cambridge: Cambridge University Press, 2005), p. 85.

¹⁴ Barker, *Prisoners of War*, p. 6 and Neff, *War and the law of Nations*, p. 85.

¹⁵ Barker, *Prisoners of War*, p.7.

¹⁶ Krammer, *Prisoners of War*, pp. 18-20.

The Quest to Make Warfare Humane

During the period that led up to World War I, international law was closely tied to the idea of the nation-state, which had developed throughout the seventeenth and eighteenth centuries. This period led to a revolution in the way that contemporaries viewed international law. Laws were seen as rules that governed interactions between nations, created by man and for man, differing from previous notions of natural law. All international agreements were thought of as treaties that set terms between states and were “crafted by the states themselves wholly for their own use.” War itself was even a method of international dispute resolution that was considered perfectly acceptable according to existing international standards, which were based on either explicit treaties or implicit customary law. At the time, the Hobbesian view of the dominance of sovereign power was accepted, as exemplified by the Treaty of Westphalia. The interests, goals, and objectives of the state completely dominated the international political order, with each state vying for its own survival in a battle against other states. Therefore, war became simply one of many tools in the battle for superiority between nation-states and empires.¹⁷

At the turn of the twentieth century, this outlook on war and sovereign power that dominated Europe throughout the nineteenth century was beginning to give way to other humanitarian ideals whose aim was to make war more humane. In the second half of the nineteenth century, multiple movements, including abolitionist and peace movements, came together to spur the codification of international humanitarian laws and conduct of war laws.¹⁸ The first part of this chapter looks at several specific agreements aimed at making warfare more dignified, orderly, and humane by establishing conduct standards to which all parties who signed the agreement would be held in the event of a future conflict. These agreements were drafted at

¹⁷ Neff, *War and the Law of Nations*, pp. 85-6, 161-2.

¹⁸ Francisco Forrest Martin et. al., *International Human Rights and Humanitarian Law: Treaties, Cases, and Analysis* (Cambridge: Cambridge University Press, 2006), p. 3.

multinational conventions at which participating parties negotiated terms. In addition to the parties present at the conventions as original signatories, other nations often acceded to the treaty afterwards, also agreeing to adhere by the rules and norms set forth.

Earliest Efforts in International Law and the Establishment of the Red Cross

The Declaration of Paris, signed on April 16, 1856, set out to regulate international relations surrounding wartime maritime issues. Though very basic, this treaty was the first in a series of documents that sought to regulate various aspects of belligerents' wartime behavior by creating international standards and norms to which nations who signed the declaration would be held accountable. The impetus for this treaty was the Treaty of Paris, signed on March 30, 1856, which concluded the Crimean War. During the Crimean War itself, France and Britain had agreed to terms similar to those actually codified into the Treaty of Paris. After the war's conclusion, a group of diplomats met to embed those ideas into the framework of international wartime relations.¹⁹ This is an important model to note, as it followed through and was also practiced later in World War I. During World War I, many belligerents established bilateral frameworks for wartime policies, and these rules were later written into international law in the 1929 Geneva Conventions. Therefore, the Treaty of Paris of 1856 to the Crimean War can be viewed as analogous to the Geneva Conventions of 1929 to World War I.

The Treaty of Paris, which had seven original signatories and to which any state could later accede (forty-eight eventually did so), consisted of but four basic principles: the abolition of privateering, the safety of enemy goods on neutral vessels (excluding the contraband of war), the safety of neutral goods on enemy vessels (excluding again the contraband of war), and the assertion that blockades should be "effective" in that they must be "maintained by a force

¹⁹ International Committee of the Red Cross, "Declaration Respecting Maritime Law," Paris, 16 April 1856, <http://www.icrc.org/IHL.nsf/INTRO/105?OpenDocument>.

sufficient really to prevent access to the coast of the enemy.” It is notable that most of the future World War I belligerents, including Turkey, France, the United Kingdom, Russia, Austria, and Prussia were the original signatories (the seventh was Sardinia). Many Central and South American countries, Japan, and many other European states (including many of the states of the German Confederation) also later became signatories, making this a truly global agreement. The United States never was party to this agreement, though at the outset of the Civil War in 1861 and again during the Spanish-American War in 1898, the United States announced that it would follow the Declaration of Paris guidelines for wartime maritime conduct.²⁰

Less than a decade after the Declaration of Paris, the international humanitarian movement continued to move ahead, quickly gaining speed. A leader in the movement was Henry Dunant, a Swiss spurred to action to improve medical care during wartime after he witnessed the 1859 Battle of Solferino, a clash between Franco-Sardinian Forces and Austria-Hungary during Italian Unification. At the conclusion of combat, thousands died on the battlefield because there was insufficient medical care for the wounded. Several years afterwards, Dunant published *A Memory of Solferino*, in which he suggested that “peace relief societies” could be established around the world and that international agreements could be used to protect medics and wounded soldiers. Dunant’s ideas became the subject of much interest across Europe and as a result, the Geneva Society of Public Welfare set up a committee with the goal of recruiting extra healthcare workers during times of war. This committee, called the “International Relief Committee for Injured Combatants” and chaired by General G. H. Dufour, was the forerunner to the modern Red Cross, an international humanitarian organization that

²⁰ International Committee of the Red Cross, “Declaration Respecting Maritime Law,” Paris, 16 April 1856.

continues to foster the international humanitarian movement. Its name officially changed to the International Committee of the Red Cross in 1875.²¹

In 1863, Dunant's committee convened the Geneva International Conference, which met between October 26 and October 29. The sixteen states in attendance adopted Dunant's proposals about establishing national committees for wartime medical care and also recommended that governments fund improved military healthcare, such as more doctors, hospitals, and ambulances. The conference participants also decided on the universal symbol of the red cross on a white background for medical workers during conflicts.²²

Following the 1863 Geneva International Conference's success, the Swiss Federal Council and Dunant's Committee began preparations for another conference to be held in Geneva regarding the treatment of wounded soldiers during wartime. The conference was held between August 8 and August 22, 1864, with sixteen European and American states in attendance. At the conclusion of the diplomatic conference on August 22, 1864, the participants signed an agreement, known as the Geneva Convention, which was to enter into effect on June 22, 1865. This agreement, like that which came out of the previous year's conference in Geneva, was the brainchild of Dunant and his Committee.²³

This watershed agreement was one of the first international humanitarian law agreements to be based solely on human rights and compassion; each of the states had little direct military interest in the agreement, but they signed it in the belief that in the modern world, states should do whatever they can to make war as humane as possible. The main ideas of the treaty include

²¹ International Committee of the Red Cross, "Resolutions of the Geneva International Conference," Geneva, 26-29 October 1863, <http://www.icrc.org/IHL.nsf/INTRO/115?OpenDocument>.

²² International Committee of the Red Cross, Resolutions of the Geneva International Conference, Geneva, 26-29 October 1863.

²³ International Committee of the Red Cross, "Convention for the Amelioration for the Condition of the Wounded in Armies in the Field," Geneva, 22 August 1864, <http://www.icrc.org/IHL.nsf/INTRO/120?OpenDocument>.

the designation of medical facilities, equipment, and medical personnel as neutral; the creation of civilian units to care for wounded soldiers should remain unpunished; the establishment of universal care for wounded and sick soldiers, regardless of their nationality; and repatriation of wounded and sick prisoners if they became unfit for future service.²⁴

By 1882, when the United States ratified the treaty, most European states, with the notable exception of the newly unified Germany, which ratified the 1864 Geneva Convention at the same time it ratified the 1907 Hague Conventions (it is important to note, however, that many of the individual German states, including Prussia, had been parties to the Geneva Convention). By the time that hostilities in World War I erupted, the 1864 Geneva Convention was unquestioned, established international law, though it had been incorporated into and superseded by subsequent international agreements.²⁵

However, the Geneva Convention provided broad ideas for conduct, but few details, other than how the neutrality of hospitals would be marked (with the red cross), to actually support the enactment of its provision protecting the wounded. An agreement, such as this, that does not outline specifics for belligerent conduct during wartime, is of little practical value during the war, since different nations may deem different measures appropriate to ensure “humane” treatment of wounded prisoners. Unless specific measures can be agreed upon, the international agreement is beneficial in name only. Because of this deficiency, specific agreements were created during World War I which provided details for how belligerents would bilaterally care for, intern neutrally, and repatriate sick and wounded prisoners. The more specific developed in World War I, therefore, were extremely important in moving international

²⁴ International Committee of the Red Cross, “Convention for the Amelioration for the Condition of the Wounded in Armies in the Field,” Geneva, 22 August 1864.

²⁵ International Committee of the Red Cross, “Convention for the Amelioration for the Condition of the Wounded in Armies in the Field,” Geneva, 22 August 1864.

humanitarian law forward by making treaties more concrete rather than abstract terms with multiple interpretations.

Four years after the Geneva Conventions were created, a follow-up conference was held in Geneva to clarify the 1864 Convention and to add sections regarding hospital ships and maritime conduct. These provisions, though followed during the Franco-German War of 1870-71 and the Spanish-American War of 1898, were never ratified by any nation. Many of the principles contained in these 1868 addenda to the 1864 Geneva Convention were incorporated into the Hague Conventions of 1899.²⁶ This demonstrates the fluid process of the development of international humanitarian law during this period. Laws from prior international agreements and treaties were continually re-codified into new agreements creating a steady forward-moving progression as ideas developed in one treaty were expounded upon in future agreements instead of being simply forgotten or replaced.

Continuing Efforts

Later in 1868, diplomats met once again, this time in St. Petersburg, Russia, in order to discuss a more specific wartime matter, still within the vein of improving the conditions on the field for soldiers by making warfare more humane. Its goal was a ban on a specific type of bullet, nicknamed the dum-dum bullet, created by the Russian military that was considered to be especially cruel to soldiers in the field. The type of bullet that was banned exploded on contact with soft surfaces, including human flesh. The effects of its destruction on the human body were considered inhumane. As a result, the Russian military did not want to use this bullet in war, nor was it willing to let its destructive powers fall into enemy hands. They therefore set up an international conference that ratified an agreement to prohibit the use of the bullet. The

²⁶ International Committee of the Red Cross, "Additional Articles relating to the Condition of the Wounded in War," Geneva, 20 October 1868, <http://www.icrc.org/IHL.nsf/INTRO/125?OpenDocument>.

prohibition of this bullet was affirmed in later Hague Agreements as well, another example of existing laws going through a re-codification process.²⁷

Though it seems minor, this human rights agreement is important because it affirms that international law can be an effective way to control what weapons armies can and cannot use in a multinational conflict. A similar approach was used after World War I with regards to poisonous gas, which was banned from warfare by an international treaty in 1925.²⁸ It is important to note that even in binding armaments-control agreements, as in other international agreements, it is ultimately the decision of the individual state whether to follow the agreed-upon terms. The ban on these so-called dum-dum bullets during World War I at least, was quite effective. There were repeated claims that enemies were using the banned bullets, but very few were able to be verified.²⁹ These bullets, however, have been used in several subsequent conflicts, proving that so-called binding international law is not always binding.

Russia again initiated a diplomatic conference, this time in Brussels. Russia was very active in instigating human rights discussions during wartime during this period because of her fear of an aggressive, unbridled, and expanding Prussia to her West.³⁰ Fifteen European states came together in July 1874 to look at a Russian draft “concerning the laws and customs of war.” The fifty-six articles of the declaration covered many of the issues that would eventually emerge during World War I, including the relation of the military to private citizens, the condition of

²⁷ International Committee of the Red Cross, “Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight,” St. Petersburg, 29 November 1868 / 11 December 1868, <http://www.icrc.org/IHL.nsf/INTRO/130?OpenDocument>.

²⁸ International Committee of the Red Cross, “Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,” Geneva, 17 June 1925, <http://www.icrc.org/IHL.nsf/INTRO/130?OpenDocument>.

²⁹ Julius Stone, Legal Controls of International Conflict: A Treatise on the Dynamics of Disputes- and War-Law (Sydney: Maitland, 1954), p. 552.

³⁰ Karma Nabulsi, Traditions of War: Occupation, Resistance, and the Law, (Oxford: Oxford University Press, 1999), p. 5.

sick and wounded soldiers, sieges and bombardments, armistices, and interned belligerents and wounded cared for by neutrals.³¹

One of the largest sections of the document deals with prisoners of war, outlining where prisoners could be interned, the type of work they could perform while in captivity (non-war-related), and proper punishments for escaped prisoners. The text also affirms the idea of “reciprocity” for the treatment of prisoners, encouraging a bilateral agreement between belligerents establishing reciprocal conditions for prisoners or, in cases where such an agreement does not exist, the treatment of prisoners should be “on the same footing as the troops of the Government which captured them.”³² Such a provision is more specific than previous statements about the treatment of prisoners of war because it creates a standard – the treatment of the belligerents’ own troops – that can actually be measured and compared. However, there are still logistical problems with such a standard for measuring treatment of prisoners of war, because belligerents’ own armies’ conditions may vary greatly. Despite this obvious deficiency, the defining of “reciprocity” in such a way still represented forward progress because it established more specificity than was present in previous agreements.

The 1874 draft agreement was an important step in the international humanitarian movement that eventually led to the Hague Conventions; however, many of the countries’ governments were not willing to ratify the agreement and make it completely binding. It did, however, serve as an impetus for the Institute of International Law to appoint a committee to

³¹ International Committee of the Red Cross, “Project of an International Declaration concerning the Laws and Customs of War.” Brussels, 27 August 1874, <http://www.icrc.org/IHL.nsf/INTRO/135?OpenDocument>.

³² International Committee of the Red Cross, “Project of an International Declaration concerning the Laws and Customs of War,” Brussels, 27 August 1874.

study the Brussels Declaration (the un-ratified document that emerged from the conference) and make new proposals on the humanization of warfare.³³

The aforementioned committee meeting of the Institute of International Law following the 1874 Brussels Conference led to the publication of the Oxford Manual of the Laws and Customs of War in 1880.³⁴ This document was created by the Institute of International Law, specifically Gustave Moynier, with the goal of “aid[ing] the growth of international law by endeavouring to state the general principles of the science of international law and by giving assistance to the gradual and progressive codification of international law,” according to the International Committee of the Red Cross. The preface to this document focuses on the ideals that characterized the quest to make warfare humane: “restrain[ing] the destructive force of war, while recognizing its inexorable necessities” in a world of modern, civilized nations whose governments have “good intentions.” Its eighty-six articles cover a variety of wartime issues, but this document was a theoretical, academic work, not an actual treaty with the power of international law behind it. However, the Oxford Manual does mention new ideas previously left out of wartime conduct discussions, including the concept of reprisals and an expansion of the idea of neutral internment. Furthermore, it is important because many of its critical points were incorporated into the agreement signed at the first Hague Convention, which occurred nearly two decades after the Oxford Manual was published.³⁵

³³ International Committee of the Red Cross, “Project of an International Declaration concerning the Laws and Customs of War,” Brussels, 27 August 1874.

³⁴ International Committee of the Red Cross, “Project of an International Declaration concerning the Laws and Customs of War,” Brussels, 27 August 1874.

³⁵ International Committee of the Red Cross, “The Laws of War on Land.” Oxford, 9 September 1880, <http://www.icrc.org/IHL.nsf/INTRO/140?OpenDocument>.

*The Final Developments:
The Hague Conventions of 1899 and 1907 and the Geneva Convention of 1906*

The most significant leap in the codification of international humanitarian law regarding wartime conduct were the 1899 Hague Conventions, which grew out of the aforementioned efforts to make modern warfare more humane. In fact, the proposals of the Brussels Conference of 1874 and the subsequent Oxford Manual of 1880 formed the core of this (and the later) Hague Agreement.³⁶ As in 1868 and 1874, Russia initiated another discussion of human rights, warfare, and armaments reductions. A conference to continue the international humanitarian efforts of the past half century was attended by twenty-six states, including almost every European nation, China, Iran, Japan, Mexico, Thailand, Turkey, and the United States, at The Hague between May and July of 1899. An agreement on the reduction of armaments was never achieved, but three Conventions were passed dealing with human rights issues in warfare. Additionally, the Hague Conference of 1899 stipulated that another Conference would convene to continue the humanitarian discussion of warfare. This occurred in 1907, and the resulting agreement replaced the 1899 Hague Conventions for all the states who ratified it.³⁷

The 1899 Hague Conference led to the ratification of three conventions as well as three declarations. The first of the conventions dealt with “the peaceful adjustment of international differences,” the second with “the laws and customs of war on land,” and the third affirmed and added to the 1864 Geneva Convention’s provisions regarding maritime warfare. In addition, the three declarations that resulted from the conference prohibited “the launching of projectiles and explosives from balloons or by other similar new methods,” “the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases,” and “the use of bullets

³⁶ International Committee of the Red Cross, “Project of an International Declaration concerning the Laws and Customs of War,” Brussels, 27 August 1874.

³⁷ International Committee of the Red Cross, “Final Act of the International Peace Conference,” The Hague, 29 July 1899, <http://www.icrc.org/IHL.nsf/INTRO/145?OpenDocument>.

which expand or flatten easily in the human body.”³⁸ Each of these prohibitions against weapons considered inhumane is of a similar vein as the 1868 St. Petersburg Conference that banned small projectile bullets that exploded upon contact with soft materials and future bans on poisonous gas being used as a wartime weapon.

The 1906 Geneva Convention was a follow-up to the 1864 Geneva Convention regarding the Amelioration of the Condition of the Wounded and Sick in Armies in the Field and the 1899 Hague Conventions. The new Convention was spurred by the International Committee to the Red Cross after several of the international Red Cross committees urged that the 1864 terms be revised. Therefore, the Swiss government held a conference, attended by thirty-five governments’ diplomats, in Geneva in June and July of 1906. The 1906 Convention replaced the 1864 Convention for all states that ratified the new and much more comprehensive and specific document. Almost all of the World War I belligerents were signatories to this agreement, which made it binding during the war.³⁹ Though this version of the standards of care for sick and wounded prisoners had more detail than the previous agreement, it still left many issues up to bilateral agreements between powers during wartime, which will be discussed in the final chapter.

Only a year after the Geneva Convention was revised, the Second Hague Conference, which took place between June and October of 1907, was held as a follow-up to the 1899 Hague Conference in order to revise the Conventions that came out of the earlier international meeting. These Conventions are much more complete and thorough than the previous agreement, as they contain twelve separate conventions and two declarations. The Conventions detail everything

³⁸ International Committee of the Red Cross, “Final Act of the International Peace Conference,” The Hague, 29 July 1899.

³⁹ International Committee of the Red Cross, “Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field,” Geneva, 6 July 1906, <http://www.icrc.org/IHL.nsf/INTRO/180?OpenDocument>.

from “the opening of hostilities” to the “creation of an International Prize Court” with multiple substantive issues, such as the role of merchant and military vessels, the “rights and duties of neutral powers,” and clarifications and additions to previous statements of the rules of war on land and at sea.⁴⁰

Most of the provisions dealing with the treatment of prisoners of war are similar to, if not the same as, those codified in earlier international agreements, although some provisions were added, such as the freedom of worship for interned civilians and soldiers and guidelines for proper burial of deceased prisoners. However, detail is still missing from this agreement; for example, it says that “after the conclusion of peace the repatriation of prisoners of war shall be carried out as quickly as possible.” This sentence affirms an admirable principle, but it gives no specific instructions for how the nations should do it.⁴¹ Similarly, it is important to note that the Hague Conventions of 1907 were mainly a codification of all previous laws written, and added little new to the actual humanitarian standards of international law.⁴² However, having a single document in the Hague Conventions was helpful in delineating exactly what the established international laws were when the global war broke out in 1914.

New Laws at Play during the War

A main problem in the actual administration of international law in World War I was that all of the relevant belligerents were not signatories to the 1907 Hague Conventions, which, according to the agreement’s terms, rendered it inoperative. Thus the less restrictive 1899 Conventions were still technically in place, since the 1907 Conventions stipulated that powers

⁴⁰ International Committee of the Red Cross, “Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field,” Geneva, 6 July 1906.

⁴¹ International Committee of the Red Cross, “Final Act of the Second Peace Conference,” The Hague, 18 October 1907, <http://www.icrc.org/IHL.nsf/INTRO/185?OpenDocument>.

⁴² G. I. A. D. Draper, “The Development of International Humanitarian Law,” in International Dimensions of Humanitarian Law (Paris: UNESCO, 1988), p 76.

who were its signatories could revert back to the 1899 terms with nations who had signed the first but not the second of the Hague Conventions. Great Britain was not a signatory to the 1907 Conventions, but was a signatory of the 1899 Conventions; therefore the 1899 Conventions applied between the UK and Germany.⁴³ In practice, however, almost everybody accepted that the Hague rules represented nothing more and nothing less than a declaration of international law on the subject, and the British Government decided to follow the terms of the unratified 1907 Conventions. On this basis, therefore, they were generally observed.”⁴⁴

McCarthy notes during the war that “these regulations neither go far enough or are they sufficiently specific in a general way or in detail to insure for the prisoner of war a treatment consistent with the present status of civilization.”⁴⁵ One example of this is that the Hague Conventions did not mention reprisals at all.⁴⁶ This is very important, since countries were not bound by international law to refrain from retaliating against the prisoners that they held for another nations’ mistreatment of their own prisoners. Another example is that neither of the Hague Conventions covered issues of prisoner of war exchange or repatriation in detail.⁴⁷ The Hague Conventions of 1899 says only “After the conclusion of peace, repatriation will take place as speedily as possible” and that repatriated prisoners and seamen cannot resume military activities.⁴⁸ The Hague Conventions of 1907 only added that the information offices for prisoners of war to be established in each belligerent and applicable neutral protective powers

⁴³Daniel J. McCarthy, The Prisoner of War in Germany: The Care and Treatment of the Prisoner of War with a History of the Development of the Principle of Neutral Inspection and Control, (New York: Moffat, Yard, & Co, 1918), pp. 227-228.

⁴⁴ Barker, Prisoners of War, p. 16.

⁴⁵ McCarthy, The Prisoner of War in Germany, p. 234.

⁴⁶ Speed, Prisoners, Diplomats, and the Great War, p. 38.

⁴⁷ International Committee of the Red Cross, Final Act of the International Peace Conference, The Hague, 29 July 1899.

⁴⁸ International Committee of the Red Cross, Final Act of the International Peace Conference, The Hague, 29 July 1899.

must keep track of prisoners to be exchanged.⁴⁹ Ironically, politicians were aware of the insufficiencies of the Conventions at the time, and another Hague Conference was being planned in 1914. It, however, was postponed fifteen years due to the war and its aftermath.⁵⁰

In order to solve controversies that arose during the war due to the aforementioned deficiencies, new agreements had to be made during the course of the war itself. Some of these agreements took place in rather casual correspondence, carried between belligerents by intermediaries. This type of correspondence dealt with a myriad of issues – from whether newspaper was an adequate toilet paper in prison camps to questions regarding the deaths of specific interned prisoners. Several other important developments, such as the practice of interning civilians in neutral countries and the practice of neutral prison camp inspections also developed through intermediaries acting as go-betweens in negotiations among belligerents.

It is important to note that even if the treaties in place at the time had been more comprehensive, there would still have been a need for some type of communication between belligerents in order to set up specific terms to fulfill the agreement. For example, if there is a detailed agreement that specifies repatriation shall occur within a time frame after the war, the warring nations still must communicate in order to establish the logistics of the transfer of prisoners, such as the transportation routes, funding, the order in which prisoners shall be transferred, et cetera. Cooperation would have therefore been needed in any event, but it was even more important in World War I because of the fledgling state of international law – everything was up for discussion rather than simply logistical matters involving the carrying out of existing norms.

⁴⁹ International Committee of the Red Cross, Final Act of the Second Peace Conference, The Hague, 18 October 1907.

⁵⁰ Barker, Prisoners of War, p. 16.

To deal with more complex matters, many bilateral treaties – between Germany and France, Germany and Great Britain, Great Britain and the Ottoman Empire, Germany and the United States, etc. – were drafted during the war in actual meetings between the warring nations. Some of these agreements were never even ratified during or after the war (including the Anglo-German Agreement concluded at the Hague in 1918). “Nevertheless,” as Barker writes, “these agreements had a considerable effect on subsequent efforts to develop the rules of war concerning POWS.”⁵¹

Conclusion

Laws regarding wartime captivity have existed for centuries, though it was not until the nineteenth century that the humanization of warfare began as a movement. This movement was led by both altruists, such as Dunant, who created the International Committee of the Red Cross, and pragmatists, such as the Russian Government, which wanted to ban certain inhumane military inventions in order to make sure their enemies could not use them after Russia stopped. Although a combination of self-interest and pure humanitarian instinct to help soldiers marked this movement, its results truly positively impacted the conditions for soldiers during World War I, as will be expounded upon in the upcoming chapters. The next chapter will focus more directly on the conditions for captives and the diplomacy that took place during the war itself.

Beginning this study with an overview of the diplomatic conferences and international law agreements of the seventy-five years preceding the initiation of World War I is important because it gives a context for analysis of specific problems in Anglo-German bilateral relations related to prisoners of war. From this basic look at the developing international humanitarian agreements, it is evident that there was a growing movement that attempted to make modern

⁵¹ Barker, *Prisoners of War*, p. 16.

warfare more humane by establishing rules and regulations during armed conflicts. Previous laws were codified into new agreements, and the international order was becoming increasingly organized when the chaos of World War I emerged. How effective these new international laws were in actually upholding humane treatment of prisoners will be the focus of the later chapters.

As is evident from the overview of international humanitarian standards in this chapter and will become evident in later analysis, the existing standards at the time of World War I, the Geneva Convention of 1906 and the Hague Conventions of 1907, proved to be worthy guidelines upon which belligerents could model their relations. These agreements, of which the Hague Conventions were not even legally binding, however, were woefully inadequate because they lacked sufficient detail and clarity regarding specific issues. As a result of this deficiency, belligerents had to continue to develop new and clarify existing provisions in order that captives were treated in a manner as civilized and benevolent as possible. Neutral powers played a key role in facilitating these specific negotiations, which established clearer and more specific rules for a variety of circumstances, including the repatriation of interned civilians and the neutral internment of sick and wounded prisoners of war.

CHAPTER 2: WORLD WAR I: PRISONERS OF WAR AND DIPLOMACY

During the summer of 1914, a regional conflict in the Balkans turned rapidly into an international conflagration. Austro-Hungarian heir apparent Archduke Franz Ferdinand was assassinated on June 28, 1914 by the Serbian-sponsored terrorist group the Black Hand; thirty-seven days later, the major European powers, including their overseas colonies and dominions, were at war, squared off into two major alliances in what would come to be known as the Great War or the “war to end all wars.” After a second world war occurred in 1939-1945, the conflict that lasted from 1914 to 1918 became referred to as World War I.⁵² Great Britain, France, Russia, and Serbia, the Allied Powers of Europe, battled Germany, Austria-Hungary, Bulgaria, and the Ottoman Empire, the Central Powers, in a quest for dominance over the continent. Later, other powers joined the war, notably the United States of America and Italy on the side of the Allies.

The conflict that began in late July 1914 was supposed to be “over by Christmas” of that year.⁵³ Although there were several military strategists, including Chief of the German General Staff Moltke the Younger, British Field Marshal Herbert Kitchener, and British Field Marshal Sir Douglas Haig, who looked to the Boer War and the American Civil War and concluded that such a European war would become a drawn-out conflict, the belligerents’ governments, by and large, assumed that the war would be short.⁵⁴ This idea was encouraged by the relative shortness of all European conflicts that had occurred since the Napoleonic Wars. Germany’s Schlieffen Plan, which assumed a short war on the grounds that a long war would not be fiscally feasible, also contributed to the assumption that a European war would only last a few months. This plan

⁵² Michael Howard, *The First World War* (Oxford: Oxford University Press, 2002), pp. 17, 31.

⁵³ Geoffrey Russell Searle, *A New England?: Peace and War, 1886-1918* (Oxford: Oxford University Press, 2004), p. 664.

⁵⁴ Hew Strachan, *The First World War: To Arms* (Oxford: Oxford University Press, 2001), pp. 1006-9.

theorized German success in a two-front war through the rapid defeat of France before Russia's outdated army could successfully mobilize. After this, Germany could turn all of her attention to defeating Russia.⁵⁵

The strategists' and politicians' short war, however, turned into a long and violent one. By early 1915, it became apparent that this European conflict would be a war of attrition, characterized by the immobility of trench warfare. Because a short war had been universally expected, the belligerents did not plan adequately for a war of attrition; this led to the creation of ad hoc solutions during the course of the war itself. Examples of these developments include military innovations, such as poisonous gas, tanks, and aerial warfare, and the building of stronger bureaucracies with increased responsibilities. The First Baron Vansittart, a British diplomat, described this phenomenon of adaptation in his memoirs: "The war grew less and less like the one that we had expected, and we adapted ourselves to it..."⁵⁶

The issues surrounding prisoners of war are one exceptional example of wartime adaptations. The capture of prisoners of war presented a problem that no belligerent power was prepared to handle, as no power planned for this before the war or in the early days of battle. As historian Peter Pastor writes, "When Europe went to war in August 1914, few contemplated the cataclysmic consequences of the conflict. Neither governments nor peoples were prepared to fight a long and bloody war. They expected quick victory, peace, and the swift return of captives," as had happened to the hundred thousand French prisoners that the Germans had captured in the Franco-German War of 1870-1871.⁵⁷ This, however, was not the case, and most prisoners had to spend months if not years in captivity. By mid-1917, Germany alone had three

⁵⁵ Howard, *The First World War*, pp. 22, 28.

⁵⁶ Lord Robert Gilbert Vansittart, *The Mist Procession* (London: Hutchinson, 1958), p. 155.

⁵⁷ Peter Pasator, Introduction to *Essays on World War I: Origins and Prisoners of War*, ed. Samuel R. Williamson, Jr., and Peter Pastor, (New York: Columbia University Press, 1983), p. 113; Edgar Feuchtwanger, *Imperial Germany, 1850-1918* (London: Routledge, 2001), p. 55.

million prisoners on their soil whose presence had been unexpected and unplanned.⁵⁸ Each of the Allied Powers also had thousands of unexpected prisoners of war to deal with. Therefore, prisoners obviously became a long-term matter worthy of serious attention from multiple levels of the government and serious diplomatic action between and among belligerents.

However, all of the warring nations, with the possible exception of Russia, were successful in creating solutions to the problems that arose, including those surrounding prisoners of war and other wartime captives. These solutions were often haphazard, such as Germany's rapid construction of prisoner of war camps as the need arose during the war. For example, Ruhleben was a racecourse on the outskirts of Berlin that was converted to the infamous civilian internment camp in the early days of the war.⁵⁹

What is important and will be the main focus of this and the following three chapters is that these nations did attempt to resolve problems and create workable solutions. At the turning point between Europe's long nineteenth century and short twentieth century, World War I juxtaposes the former, marked by the ideas of aristocratic diplomacy and honorable warfare, with the modernity characteristic of the coming twentieth century. Wartime diplomacy captures this perfectly, showing a desire for civility and negotiation yet amidst frightening technological developments in warfare and in total war, which mobilized nations' entire populations and economies. The problems encountered by war of attrition fought in the trenches were completely new, yet they were dealt with successfully by the old-fashioned diplomatic correspondences and conferences of the nineteenth century. Many of the diplomatic courtesies seen in the prisoner of war relations in World War I disappeared before World War II and other

⁵⁸ Newton, *The Mist Procession*, p. 239.

⁵⁹ Martin Gilbert, *The First World War: A Complete History* (New York: Henry Holt, 2004), p. 46.

modern wars. However, the desire to problem-solve and create workable solutions was present, and the belligerents largely cooperated on issues surrounding captivity during the war.

One avenue for the resolution of the problematic situations, like that of wartime captivity, for which the belligerents were unprepared was through diplomacy and international law. The following chapters seeks to analyze the ways in which international practices and humanitarian law relating to wartime captivity developed during World War I. Many innovative practices, now considered standard, such as prison camp inspections and neutral wartime internment, are products of the unexpected situation during World War I. Due to the cooperation of belligerents and the involvement of neutral powers as intermediary negotiators, many prisoner of war issues were successfully dealt with and conditions for captives were dramatically improved. This analysis will pay special attention to the role of neutral powers in the prisoner of war diplomacy and the ways in which the practices that developed in World War I became codified into international law.

Prisoners in World War I

As the war began, prisoners quickly accumulated. After less than two full months of war, according to statistics collected on September 25, 1914, there were already 253,600 Allied prisoners held by the Germans. In addition, the German army held in captivity close to 5,000 Allied officers by that time. It is important to note that this early in the war, the vast majority of prisoners were French and Russians; of the almost 280,000 enlisted men held by the Germans in October, 1914, only 8,641 were British.⁶⁰

⁶⁰ Richard B. Speed, *Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity* (New York: Greenwood, 1990), pp. 16, 194.

During the winter of 1914-1915, at a time when trench warfare was solidifying, on the Western Front, the rate at which prisoners were captured increased even more.⁶¹ By February 1, 1915, Germany held 652,000 Allied prisoners, but only 18,000 of these were British. The United Kingdom held about 15,000 Germans at this point in the war. As a reminder, because the numbers of soldiers interned in Britain and Germany are roughly equal, this relationship lends itself to a bilateral analysis, more so than other countries, whose numbers of prisoners were vastly unequal and were subject to massive fluctuations as the tides of the war turned. For example, at this time, almost half of all soldiers in captivity were Russian (600,000 of the approximately 1,300,000 prisoners held by all the major belligerents), while Russia held barely any German and about 300,000 Austro-Hungarian prisoners because she had been on the defensive the entire war. In a similar but not quite as extreme situation, this early in the war, Germany held five times as many French prisoners as France held captured Germans.⁶²

During the big battles of 1916 and 1917, hundreds of thousands of prisoners of war were captured by both sides, as greater numbers of prisoners were slaughtered in the horrors of trench warfare. Vansittart described British prisoners being captured “galore” during this period. In battles such as Messines and Ypres, the British took tens of thousands of prisoners of war in a matter of months. This number may be small compared to the overall number of interned soldiers, however it was a significant increase in the total number of prisoners held by Great Britain, the Western Front nation who captured the least prisoners. On the Eastern Front, even more prisoners were captured. Brusilov’s offensive led to the Russians taking 200,000 prisoners

⁶¹ Gilbert, The First World War, p. 100 and Speed, Prisoners, Diplomats, and the Great War, p. 16.

⁶² Speed, Prisoners, Diplomats, and the Great War, pp.16, 194.

of war in three days.⁶³ This pattern continued throughout the middle years of the war, as the number of men held in captivity in Europe skyrocketed.

When the German prisoners from Russia were released following the Treaty of Brest-Litovsk, they were treated as active soldiers and sent immediately to bolster the German army on the Western Front. This shows that the way that repatriation of prisoners of war can affect the way that a war is actually fought. Many of these released men were actually recaptured during the offensives in 1918 that eventually led to the war's end. These offensives led to massive takings that strained the prisoner of war system even more than previously as the belligerents struggled to find resources for the continuation of the war efforts, to feed those on the home front, and to manage increasing numbers of prisoners. In the German Offensive of early 1918, the Germans captured 90,000 British prisoners of war. Similarly, the British took 77,000 prisoners, mostly German, in August 1918 during the Allied counter-offensive.⁶⁴ By the end of the war in November, 1918, Germany held approximately 2,500,000 prisoners, while the United Kingdom held 328,000. Almost all of Britain's prisoners were German, while the majority of Germany's were French and Russian. For comparison, at their maximum rates, Russia held 2,250,000 prisoners and Austria-Hungary held about 916,000. France held but 350,000 at the war's conclusion while the latecomer United States held about 43,000 enemy prisoners.⁶⁵

Soldiers captured during battles were not the only men held in internment camps across Europe; most belligerents also imprisoned enemy civilians who found themselves on the wrong side of the border at the start of the hostilities. In late 1914, as it became apparent that the war would drag on, the internment of foreign civilian populations began. This occurred because the warring nations began conscripting soldiers from their civilian populations to join the war efforts

⁶³ Vansittart, *The Mist Procession*, pp. 157, 163, 171, 158.

⁶⁴ Vansittart, *The Mist Procession*, pp. 170, 182, 185.

⁶⁵ Speed, *Prisoners, Diplomats, and the Great War*, p. 195.

as already enlisted soldiers were killed and wounded in battles. In a war of attrition, manpower is one of the most important resources. If the male German civilians in Great Britain, were allowed to travel back to Germany, they would have been conscripted and forced to fight against Great Britain. To prevent such a scenario, Britain interned all of the male German civilians living in Britain. Germany retaliated by doing the same to British civilians living in Germany in November 1914. Stibbe argues that the German internment of British civilians was a response to the failure of a rapid victory in war; the government seemed to be taking a hard stance against the enemy and made news headlines by imprisoning thousands of British civilians.⁶⁶ Such civilian interments occurred all over Europe, as belligerents imprisoned enemy civilians. Civilian internment was a significant propaganda issue throughout the war, and would later be the subject of early repatriation discussions.

Bureaucracy surrounding Prisoners in Germany and Great Britain

European governments were woefully unprepared “in an administrative and logistical sense” to handle the significant amounts of soldiers and civilians that were captured and imprisoned during the war.⁶⁷ At the outset of the war, the belligerent powers had no governmental framework to handle the situation, so one had to be created during the course of the war itself. This included countries adding entire prisoner of war departments as well as creating new governmental positions for those who oversaw the prison camp system. It is but the first example of the warring nations creating ad hoc solutions to problems that they had not considered before the war.

⁶⁶Matthew Stibbe, “A Question of Retaliation? The Internment of British Civilians in Germany in November 1914,” *Immigration & Minorities* 23:1 (2005), pp. 1-29.

⁶⁷Speed, *Prisoners, Diplomats, and the Great War*, p. 7.

As the war continued and the prisoner of war situation became more permanent, the belligerents established prisoner of war bureaus and departments in order to comply with Articles 14 and 16 of the 1907 Hague Conventions, which describe “inquiry office[s]” to deal with information regarding prisoners.⁶⁸ These divisions were designed mainly as information conduits and were most often attached to the War Ministries of the belligerents. This enabled lists of the names of captured prisoners to be sent from the Prisoners Information Bureau in either Germany or the United Kingdom to its Foreign Office, then to the Embassy of a protective neutral power, who could then forward the information on to the appropriate country. This was a slow process that often took several weeks from the initial capture to the reception by the Embassy. Sometimes prisoner of war names and details were left off lists, most notably when the Germans held British Fleet prisoners “who might have information desirable to be concealed and prisoners from the mercantile marine taken after sea raids.”⁶⁹ This was one example of a breach of the Hague Conventions of 1899; however, overall, these bureaus facilitated the exchange of information about prisoners and aided the home nations in informing family members the status of their loved ones.

The United Kingdom established Prisoner of War Information Bureau in late August, 1914. This was the first of its kind, but other countries, including Germany, soon followed suit.⁷⁰ Lord Robert Gilbert Vansittart was the Head of the British Prisoners of War Department, a position which he never truly desired.⁷¹ The Prisoner of War Department was overseen by Lord Thomas Legh Newton, Assistant Under-Secretary of State for Foreign Affairs. Unlike

⁶⁸ International Committee of the Red Cross, “Final Act of the Second Peace Conference,” The Hague, 18 October 1907. <http://www.icrc.org/IHL.nsf/INTRO/185?OpenDocument>.

⁶⁹ Daniel J. McCarthy, The Prisoner of War in Germany: The Care and Treatment of the Prisoner of War with a History of the Development of the Principle of Neutral Inspection and Control, (New York: Moffat, Yard, & Co, 1918), pp. 244-5.

⁷⁰ Speed, Prisoners, Diplomats, and the Great War, p. 17.

⁷¹ Vansittart, The Mist Procession, pp. 154.

Vansittart, Newton was quite excited about this position.⁷² Major General Friedrich headed the German Prisoners of War Department. Newton later said of Friedrich: “he meant well and...was less arrogant than most German staff officers.”⁷³ Coming from the very critical Newton, this was actually quite a compliment and Friedrich was later involved in successful negotiations of bilateral treaties between Germany and France and Germany and Great Britain.

These prisoner departments worked in connection with the War Offices and Foreign Offices in order to exchange information and create real solutions to problems through negotiations. Often, however, their functions were multifaceted and complex. In the United Kingdom, for example, multiple offices claimed some oversight for the Prisoners of War Department, including the Foreign Office, War Office, Admiralty, Home Office, and Colonial Office. As a result, disputes of governmental jurisdiction had to be settled by the Cabinet and Lord Newton as Controller.⁷⁴ Examples of this include British soldiers from the colonies who were fighting around the globe; when such soldiers were captured, their home government corresponded through the Colonial Office to the Foreign Office and then to the War Office; transportation of such prisoners occurred through the Admiralty. Departments created in the time of war itself are but one manifestation of the ways that previous international law was successful, though by no means flawless, when carried out in World War I. This evidence supports the reasoning that international humanitarian laws are effective when they are detailed and carried out by both parties.

The German Ministry of War took the lead on prisoner of war issues in Germany, though it worked in conjunction with the Foreign Office to communicate with other nations. Germany followed Great Britain and established its own prisoners of war department in mid-September,

⁷² Lord P. C. Newton, Retrospection (London: John Murray, 1941), pp. 218-9.

⁷³ Newton, Retrospection, pp. 230, 263.

⁷⁴ Newton, Retrospection, p. 219.

1914. Germany's 165 prison camps, some of which held officers, some of which held enlisted men, and some of which held both, were administered in a decentralized manner. Different camps were managed by each of the twenty-one military districts connected to army corps regions.⁷⁵

When Falkenhayn, Minister of War, was appointed Chief of Staff of the Germany Army early in the war, the offices of Chief of Staff and the War Ministry essentially became one. Throughout 1915, the General Staff gained greater and greater influence over political-military affairs until it again broke away from the Ministry of War. Throughout the rest of the war, they were separate entities, but the military figures continued to dominate, especially between 1916 and 1918, at which point Hindenburg and Ludendorff had almost complete control of the government and the General Staff was the most powerful government entity. It began to work more closely and frequently with the Foreign Office and even set up a political department to facilitate communication between the General Staff and the Foreign Office on a variety of issues.⁷⁶

It is also important to look the situations of the Prisoner of War Departments in domestic and international contexts. For example, the British Government fell during the war. Sir Edward Grey stepped down as Foreign Secretary and was replaced by Lord Balfour. This change of government affected diplomatic relations and decision-making. Similarly, there was often infighting within a department. For example, Lord Vansittart wanted to take harsher retaliatory matters against German mistreatment of British prisoners of war than did his superiors.

"Arguments began in the Prisoners of War Department," Vansittart remembered, "and I was the loser. I no longer thought protests adequate against organized unkindness. Not all prisoners'

⁷⁵ Speed, *Prisoners, Diplomats, and the Great War*, pp. 72, 17, 75.

⁷⁶ Walter Goerlitz, *History of the German General Staff, 1657-1945*, trans. Brian Battershaw, (New York: Praeger, 1957), pp. 167, 173, 182.

camps were bad, but there was so much German sadism that it seemed impossible to accept it without action.”⁷⁷ Harsh retaliatory actions, however, did not occur because Newton was moderate and reasonable and kept the British Prisoners of War Department from going down that path. It is important to remember that individual actors could significantly influence the diplomacy that surrounds prisoners of war.

Similarly, the situation of the German government changed significantly during the war. Chancellor Bethmann-Hollweg was ousted from power in 1917. During the final years of the war, military leaders gained increasing control of the government, creating an even more militarized society than existed at the outset of the war. By 1916, Hindenburg and Ludendorff’s power over Germany reached almost dictatorial levels. The German monarchy fell in late 1918 and was replaced by a short-lived democracy; however, this situation had little effect on the prisoners of war situation during the war itself (though, of course, the new government affected the postwar repatriation of prisoners of war, which is beyond the scope of this study).⁷⁸

Multiple changes in the military leadership affected the administration of the war, since the Chief of the General Staff was such a powerful position in the militaristic imperialist society. For example, Moltke, the original Chief of Staff, was replaced by Falkenhayn shortly after the start of the war, and Hindenburg eventually replaced Falkenhayn in this role.⁷⁹ These changes, though significant to the overall management of the war, actually had little effect over day-to-day prisoner of war relations for the individual German camp commandants had almost complete control over their camps with little national supervision. However, it should be noted that as the war went on and more camp officers had spent time at the front and in the trenches, the

⁷⁷ Vansittart, *The Mist Procession*, pp. 157-8.

⁷⁸ Martin Kitchen, *A History of Modern Germany, 1800-2000* (Oxford: Blackwell, 2006), pp. 208-9, 212-13.

⁷⁹ Goerlitz, *History of the German General Staff*, pp. 163, 178.

administration of many camps actually softened since these officers were more in touch with the plight of the soldiers imprisoned in the camp.

Prison Camp Life

A British propaganda booklet entitled "German Prisoners in Great Britain," contains hundreds of pictures taken of six British prisoner of war camps by the Royal Flying Corps Photographic Section, gives insight into the actual lives of prisoners of war. Of course, since this is a propaganda booklet, the evidence must be taken critically. This publication, however, shows that many German prisoners, especially officers, who were universally treated better than common soldiers at this time, were actually treated quite well. Many British camps were located in unused palaces and estates, such as Donington Hall, Alexandra Palace, and Lofthouse Park. At these camps and several others, there were large halls in which prisoners slept in simple beds or cots. Many of the camps had gardens where the prisoners were allowed to work and gardens in which imprisoned officers were allowed to have their own plots, and fields where the prisoners played soccer. Some camps even operated amateur theatres, open-air swimming baths, and fresh milk and butter from cows kept on the compound. At Alexandra Palace, prisoners built model ships and raced them on the nearby pond and prisoners were allowed to keep birds and rabbits as pets. The featured camps had amenities within them such as a kitchen and dining hall, mail office, tailor's shop, hospitals, canteens to buy things, English classes, game and billiard rooms, library, and barber's shop.⁸⁰

It is worth noting, of course, that the British government selected the best-equipped camps to be featured in this propaganda publication.⁸¹ By looking critically at this source in

⁸⁰ Royal Flying Corps Photographic Section, German Prisoners in Great Britain (London: Tillotson & Son Ltd. Printers, 1916), pp. 5-62.

⁸¹ Royal Flying Corps Photographic Section, German Prisoners in Great Britain, pp. 5-62.

conjunction with camp inspection reports of other British internment camps, it becomes apparent that there was actually a wide range of conditions for German soldiers interned in the United Kingdom. Other descriptions of British camps are much less favorable than those in the “German Prisoners in Great Britain” publication. Lord Newton described Stratford, one of the British camps for civilian internees, as a “deplorable old building, dark and inconvenient” and the Knockaloe Camp, which held over 20,000 prisoners on the Isle of Man, was commonly regarded as having inhumane conditions.⁸²

There was also a wide variation in conditions in German internment camps. Interviews conducted by Lord Newton with several escaped British officers in April, 1917, including Captain Campbell and Captain Godsall, show that conditions in many of the German camps were quite good and improved considerably throughout the war. Captain Campbell suggested that some of the improvement was due to an increase in the number of prison camp commandants who had served time at the front; these officers who had seen the horrors of trench warfare first hand were more lenient towards prisoners. These officers even added that many British prisoners were completely uninterested in being transferred to neutral powers, such as Switzerland, for internment and were, contrary to popular belief in Britain, happy to remain in captivity in Germany.⁸³

This, however, was often not the case. Unfortunately for many prisoners interned in Germany, the quality of life varied widely from camp to camp, and there was little continuity across the administrative system. Thus the individual camp commandants had significant power and the conditions and treatment of prisoners varied. In some camps, malnutrition and

⁸² Newton, Retrospection, p. 222; Great Britain, United States Legation, “Reports of Visits of Inspection made by Officials of the United States Embassy to Various Internment Camps in the United Kingdom,” Miscellaneous no. 30, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916), p. 19.

⁸³ Newton, Retrospection, p. 234.

overcrowding were significant problems; disease plagued other camps, including a serious typhoid fever epidemic at Wittenberg in 1915.

It is also important to realize that there were very few British prisoners in German camps compared with the numbers of other prisoners there. For example, in early 1915, at a typical German camp, such as Gardelagen, there were 11,000 prisoners kept in captivity. There were 6,000 Frenchmen, 4,000 Russians, 700 Belgians, and 230 British prisoners. The Germans were dealing with prisoners from a multitude of belligerents, of which the 185,329 British prisoners made up only 7.6% of the total prisoner population, whereas almost all of the prisoners in the United Kingdom were from Germany.⁸⁴

Prisoner of War Negotiations in World War I

As World War I dragged on, “most countries were prepared to accept some form of diplomatic limitation on warfare,” even if they had earlier in the war or in other sectors violated international law.⁸⁵ On negotiations, Lord Newton later wrote, “In dealing with the Germans there were only two alternatives: one to negotiate, the other to retaliate. In all my experience I cannot remember a single officer or man who had been a prisoner advocating retaliation.”⁸⁶ On the whole, both Germany and Great Britain were quite willing to work together to try to ameliorate the conditions for their own prisoners held in captivity abroad.

There were, however, limits to this willingness to cooperate. The Head of the British Prisoner of War Department Lord Vansittart later commented that because the Germans had captured many more British prisoners than the British had Germans, it made it more difficult for negotiations to occur. Ironically, the opposite was the case with civilian internees, since about

⁸⁴ Speed, *Prisoners, Diplomats, and the Great War*, pp. 66, 76.

⁸⁵ Speed, *Prisoners, Diplomats, and the Great War*, p. 41.

⁸⁶ Newton, *Retrospection*, pp. 255-6.

six times as many Germans were interned in the United Kingdom as Britons were in Germany. Vansittart wrote, “The Germans had all too many of our men; our smaller holding of theirs was one of our handicaps in stipulating decency.” He continued in his memoirs with an anti-German flourish, saying, “The Germans would always have outmatched rigours with cruelties irrespective of our holdings.” The German use of Irish prisoners of war to stimulate the Irish Easter Rising in 1916 further strained the relationship between the Prisoner of War Departments in Berlin and London.⁸⁷

During the early war years, the United States served as the chief diplomatic intermediary between the belligerents of Europe. Daniel J. McCarthy, an American doctor who visited many prisoner of war camps during World War I, wrote that the United States “State Department elaborated and carried out an important piece of work which received scant notice in the public prints. To our various embassies were delegated the care of the prisoners of war in Russia, Germany, Austria, France and Great Britain.”⁸⁸ The United States did just this, serving as a neutral protective power to multiple countries during the war. The United States was a logical choice for many countries because it was far removed from the conflict in Europe, large, powerful, and well-respected. The United States dealt with a wide array of issues specific to the various belligerents. One example is the United States’ brokering of an agreement between Austria-Hungary and the United Kingdom which led to the repatriation of Austro-Hungarian civilian prisoners held in India.⁸⁹

⁸⁷ Vansittart, *The Mist Procession*, pp. 154, 157, 155.

⁸⁸ Daniel J. McCarthy, Preface.

⁸⁹ Great Britain. Foreign Office; United States. Legation in Great Britain. “Correspondence with the United States Ambassador Respecting the Safety of Alien Enemies Repatriated from India on the S.S. ‘Golconda’.” *Miscellaneous* no. 4, 1916. Presented to both Houses of Parliament in January 1916. London: H. M. Stationery Office, Harrison and Sons Printers, 1916.

James A. Gerard, American Ambassador to Germany was a critical figure in the diplomatic advocacy for the humane treatment of captives in World War I. He is emblematic of the role of the United States in brokering deals and arrangements between countries at war. McCarthy describes him as having a “fine sense of justice and fair dealing,” a “keen, almost automatic analysis of complicated situations,” and having “open indignation of anything that savored of unjust or inhumane treatment,” which made him “the ideal custodian of the rights of the Prisoner of War.” McCarthy, who spent time inspecting camps in Germany, continues, “The German officials were somewhat afraid of him because ‘they did not understand him,’ and they did not understand him for the simple reason that he was not the usual type of diplomat...He acted directly and without circumlocution or useless verbiage, demanding rather than requesting a correction of evils in reference to the Prisoner of War situation.”⁹⁰

Although simply because of her size and status in the world, the United States was one of the most important countries which served as an intermediary between belligerents during World War I, she was by no means the only neutral power to be influential in brokering negotiations between belligerents without official bilateral relations and representation. When the United States broke off diplomatic relations with Germany on February 3, 1917, as a result of Germany’s resumption of unrestricted submarine warfare, all of the states whom the United States had diplomatically represented had to look for another neutral power to protect their interests.⁹¹ After the United States entered the war, the Netherlands and Switzerland became the main negotiators in the British-German bilateral relationship. Spain served as a neutral

⁹⁰ Daniel J. McCarthy, Preface to The Prisoner of War in Germany: The Care and Treatment of the Prisoner of War with a History of the Development of the Principle of Neutral Inspection and Control (New York: Moffat, Yard, & Co, 1918).

⁹¹ Sir A. Johnstone, Telegram to British Foreign Office, February 4, 1917, in Foreign Office 383 Files, British National Archives (Document 27809, February 5, 1917).

intermediary; it negotiated French, Russian, and Belgian interests in Germany after America severed diplomatic relations with Germany.⁹²

Both before and even more so after America's entry into World War I, European intermediaries also played an important role in the diplomatic process. These neutral intermediaries include the Netherlands, Norway, Spain, Sweden, and Switzerland. Most of these countries, it should be noted, are small or medium-sized European states with less influence than the United States. However, all were successful in shuttling letters and other correspondences back and forth. Switzerland and the Netherlands held multiple conferences between belligerent nations that hammered out details of bilateral international agreements at Berne and The Hague, respectively. Similarly, camp inspectors and doctors from Spain, the Netherlands, and Switzerland routinely made rounds in various countries. Finally, the Netherlands, Norway, and Switzerland actually housed wounded and sick prisoners of war and interned civilians to try to provide more humane conditions than could be provided by the belligerents in a state of war.⁹³

Conclusion

Speed argues that all of the belligerents on the Western Front did the best that they could to ensure the humane treatment of prisoners of war in World War I. After all, World War I was free of many of the prisoner of war problems that occurred during World War II and the Vietnam War. Though there were isolated incidents of mistreatment, there were no mass killings and the torture or starvation of prisoners of war and civilian internees was very rare. Most of the tragedies of the war occurred on the Eastern Front. Possibly the worst example was the case of

⁹²Matthew Stibbe. "The Internment of Civilians by Belligerent States during the First World War and the Response of the International Committee of the Red Cross," *Journal of Contemporary History* 41:1 (2006), pp. 5-21.

⁹³Maartje M. Abbenhuis, *The Art of Staying Neutral: The Netherlands in the First World War, 1914-1918* (Amsterdam: Amsterdam University Press, 2006); John Thiesen, *Prisoners of War and Internees in Norway in World War I, 1914-1919, A Postal History Study of the Norwegian War and Field Post Society* (Oslo: War and Philabooks Ltd AS, 2006).

Austro-Hungarian prisoners held in Serbia. Of 70,000 captured during the war, only 17,000 were still alive at the end of 1918.⁹⁴

McCarthy, writing during the war from a very pro-Allied stance, argued that Germany did not uphold the provisions of the Hague Convention.⁹⁵ American Red Cross official Carl P. Dennett wrote shortly after the war: “Germany...notoriously failed to even provide prisoners with the necessities of life, and it is a fact beyond dispute that the ravages of disease, including tuberculosis, due to malnutrition, and even starvation...killed tens of thousands of people.”⁹⁶ I, however, think the evidence supports Speed’s conclusion rather than those of the contemporary observers. Certainly, it is clear that neither side treated their prisoners perfectly and that the unexpected prisoner situation was ideal for neither party. Both sides were, however, willing to work with neutral powers, such as the United States and the Netherlands, in order to ensure reciprocity of treatment. Spiraling retaliations were avoided through solid communication amongst the belligerents and neutral protective powers.

On the Western Front, no tragedies like that of the Serbian prisoners of war occurred. In fact, a flurry of diplomatic correspondence surrounds many of the individual instances in which maltreatment of prisoners occurred.⁹⁷ This clearly indicates that these cases were isolated enough to receive serious attention and that both Germany and Great Britain took specific reports of flagrant human rights violations seriously. This has not been the case in many future conflicts, so it is significant that atrocities were the exception rather than the norm.

⁹⁴ Newton, *Retrospection*, p. 245.

⁹⁵ McCarthy, *The Prisoner of War in Germany*, p. 234.

⁹⁶ Speed, *Prisoners, Diplomats, and the Great War*, pp. 66-68.

⁹⁷ Great Britain, Foreign Office, “Correspondence with the German Government respecting the Death by Burning of J.P. Genower, able seaman, when prisoner of war at Brandenburg Camp,” *Miscellaneous* no. 6, 1918 (London: H. M. Stationery Office, Harrison and Sons Printers, 1918); and Great Britain, Foreign Office, “Further Correspondence with the German Government respecting the Incidents alleged to have attended the sinking of a German submarine and its crew by His Majesty’s Auxiliary Cruiser “Baralong” on August 19, 1915,” *Miscellaneous* no. 7, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916).

Another indication that life was in the camps was relatively benign is the nature of the complaints. Very few prisoner complaints were about torture or mistreatment; most were about a lack of amenities. Even Lord Newton admits that while later talking to British prisoners moved to neutral countries for internment, he was “rather surprised to find a good many men who made little or no complaint about their treatment in Germany.” Many of the complaints from both Germans interned in Britain and Britons interned in Germany were about relatively petty things, such as the food being “too ‘foreign.’”⁹⁸ This clearly demonstrates that while camp conditions may not have been ideal, they were relatively humane, especially when viewed within a larger context of twentieth century atrocities. This makes World War I an important case study in diplomacy, and especially neutral power diplomacy. Important lessons for modern day diplomats and policymakers can therefore be gleaned from the neutral power-led diplomacy that ensured parity in treatment of captives on the Western Front.

⁹⁸ Newton, Retrospection, p. 231.

CHAPTER 3: THE PRISON CAMP INSPECTION SCHEME

One of the most effective ways that neutral powers facilitated the humane treatment of prisoners and internees was the prison camp inspection system that developed during the war. In this ad hoc system, spearheaded in its early days by the American delegations posted in Europe, inspectors from neutral powers and nongovernmental organizations, such as the Red Cross, would travel to visit various internment camps and report on their conditions. The information that camp inspections provided was valuable both for the belligerents and for neutral powers as diplomatic intermediaries. In addition, these visits were critical in reducing the potential for one belligerent to retaliate against another following reports of poor conditions in the latter's camps. Sometimes, a belligerent threatened to treat the prisoners of a certain nationality that it held in captivity more harshly due to rumors of similar conditions in an enemy camp. However, camp inspection reports could verify these rumors before the threats of retaliation were actually enacted.

When neutral inspectors visited the camps, they could verify whether alleged mistreatment or poor conditions, often a focus of the media, actually existed, which prevented a spiral of worsening conditions for prisoners and interned civilians as belligerents retaliated against prisoners in their custody. The simple exchange of information that the prison camp inspection system made possible was truly effective in eliminating misunderstandings before they escalated and ensuring reciprocity among belligerents.

Throughout World War I, many dozens of diplomats' main role was to travel around Europe inspecting prisoner of war and civilian internment camps. This chapter will look at how this traveling inspection scheme developed, looking first at the origins of the idea of camp inspections, and then at the role of America in the actual creation of such a system in World War

I. Ten to twenty Americans working at the American Embassy in Paris did most of the inspections of French camps for German and Austro-Hungarian prisoners of war. American diplomats also inspected camps in Great Britain, Germany, Serbia, Austria-Hungary, the Ottoman Empire, and Russia, as well as several places outside of Europe, including Japan, Canada, and overseas colonies of belligerents.⁹⁹

Though this system began somewhat haphazardly as a solution to prevent unnecessary retaliatory practices, it eventually developed into a highly organized process, as illustrated through examples of prison camp inspection reports from American officials. This chapter also looks at the role of nongovernmental organizations in the camp inspections. Finally, the chapter concludes with an analysis of the overall effectiveness of camp inspection schemes. Later, in the Conclusion, we see how inspection schemes were subsequently codified into international law and became standard wartime humanitarian practices.

The Creation Prison Camp Inspection Scheme

The evolution of an inspection scheme for prison camps occurred as a result of the belligerents' attempts to follow the provisions set forth by the 1906 Geneva and 1907 Hague Conventions. Because information was one of the most important requirements in ensuring equal, humane treatment for prisoners held in different countries, some way had to be established to ensure that belligerents had information about the state of their prisoners held in captivity abroad. Rumors flew around in various tabloids and newspapers, which confused the situation and led to many threats of reprisals. Examples of this include stories that British prisoners in Germany were not allowed to use toilet paper (they were actually given newspaper in many camps) and complaints that parcels were not being delivered properly (this actually did happen

⁹⁹ Richard B Speed, *Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity* (New York: Greenwood, 1990), p. 15.

sometimes). The United States, acting as a neutral protector of so many of the belligerents' interests, realized that it had to find a way to ensure a flow of accurate information about the conditions in the camps that were hastily built across Europe in late 1914 and early 1915.¹⁰⁰

The idea for neutral power camp inspections came from relief work that was already occurring. One of the first ways that the United States handled the prisoner of war issue across Europe was through direct relief efforts carried out by neutral governments on the behalf of the belligerents who they represented, and such efforts naturally led to camp visits in order for American diplomats to deliver supplies and food to various internment camps. In the first six months of the war, the American Embassy in Germany provided and distributed 9,200 pieces of clothing to British prisoners held in Germany. These relief items were either paid for by the British government or donated by British families, but it was their neutral protective power's responsibility to deliver the concrete goods to the prisoners since the British government could obviously not send a delegation to visit a country with which Great Britain was at war.¹⁰¹

As American diplomats visited camps both to deliver supplies and to assess what needed to be purchased, they began to get a good idea about the conditions in various camps. When belligerents then asked their protective neutral power for information about the conditions in a certain camp, often due to otherwise unverifiable rumors floating around in the press, the United States could give an unofficial report on what was going on in that camp because of its visits in relief efforts. This often occurred with Americans visiting German camps and reporting back to the government of the United Kingdom, but it also occurred with American relief efforts in other countries. It is important to note that at this early stage, there was no formalized system for the

¹⁰⁰ Speed, Prisoners, Diplomats, and the Great War, pp. 19-20, 23.

¹⁰¹ Speed, Prisoners, Diplomats, and the Great War, pp. 20-23.

visitation of camps by American diplomats. Impromptu visits were simply occurring in the context of relief efforts.¹⁰²

A formalized system took time to develop because there was no precedent for the behavior of the United States as a neutral protective power to so many nations. The United States State Department had no guidelines, and so the Ambassador in each belligerent capital had a tremendous amount of leeway in carrying out operations within that country. The American Delegation in Germany pioneered the efforts that eventually led to a formalized system. James W. Gerard, American Ambassador to Germany until 1917, was instrumental in the creation of an inspection system in order to ensure the humane treatment of prisoners. He began visiting camps on August 20, 1914, and continued to do so throughout his tenure as the head of the American Mission in Germany.¹⁰³ McCarthy writes of Gerard: "Without his support the efforts of the inspection of the Embassy for the Prisoner of War would have been futile and barren of results, and the principles of neutral control would not have been developed to a principle of international usage."¹⁰⁴

American Embassies in other belligerent nations began the inspection process more slowly than the American Embassy in Berlin; the French would not let Myron T. Herrick, American Ambassador to France, visit camps until Germany allowed Spanish diplomats entrusted with French interests in Germany visit camps as well. The State Department requested that Frederick T. Marye in Petrograd and Walter Hines Page in London also visit camps after

¹⁰² Speed, Prisoners, Diplomats, and the Great War, pp. 20-21.

¹⁰³ James W. Gerard, My Four Years in Germany (New York: Grosset & Dunlap, 1917), p. 118.

¹⁰⁴ Daniel J. McCarthy. Preface to The Prisoner of War in Germany: The Care and Treatment of the Prisoner of War with a History of the Development of the Principle of Neutral Inspection and Control (New York: Moffat, Yard, & Co., 1918).

Germany complained about the conditions of its soldiers interned in those countries, especially in Russia.¹⁰⁵

Other diplomats thought along similar lines to Gerard and suggested inspections in some form or another in the autumn of 1914 as well. The American Consul General in Berlin, Julius G. Lay, then suggested that a formalized system for inspections be created in order to exchange information in an orderly and equitable manner among the belligerents. His suggestion rested on the idea that inspections would facilitate the exchange of information among belligerents and that this would decrease the chance of reprisals occurring due to misinformation.¹⁰⁶

Chandler P. Anderson, special legal advisor at the American Embassy in London, suggested that he travel to Berlin to meet face-to-face with American diplomats stationed in Germany in order to prevent “confusion and misunderstanding.” He worried that if he and other diplomats did not effectively solve prisoner of war issues that “a great deal of unnecessary suffering will ensue and it will later appear that the United States failed to do all that could be done.” As a part of this visit to Germany, he proposed exchanging information on the conditions in prisoner of war camps, by having him inspect several British camps and report to Germany, and then inspect German camps and report back to the United Kingdom. This trip occurred in November, 1914, and was relatively successful; Anderson reported to Germans about the general conditions of their prisoners held in Britain after visiting several camps.¹⁰⁷ Because of the advocacy of Anderson and Lay, as well as Gerard, of course, the bilateral camp inspection system began first between the United Kingdom and Germany.

After some delay due to diplomatic roadblocks that will be discussed later, a representative from the American Embassy in Berlin, John B. Jackson, of whom Gerard, the

¹⁰⁵ Speed, Prisoners, Diplomats, and the Great War, p. 21.

¹⁰⁶ Speed, Prisoners, Diplomats, and the Great War, p. 21.

¹⁰⁷ Speed, Prisoners, Diplomats, and the Great War, pp.21-22.

Germans, and the British approved, traveled to the United Kingdom for the purpose of camp inspections like those performed by Anderson in Germany. He visited twenty-two camps, including several makeshift camp ships. He found that prisoners of war complained little, while civilian internees complained a lot about their conditions. This visit was actually critical in assuaging German worries and in maintaining the United States as a fair neutral power in the eyes of the Central Powers.¹⁰⁸

In December 1914, as the first visits of Anderson and Jackson were occurring in Germany and the United Kingdom, respectively, Anderson wrote a report to the United States government that suggested formalizing the activities that were already developing spontaneously. Page supported such a plan, saying that it would be a “historic act of humanity and neutral kindness” setting “a new standard for the treatment of war prisoners.” William Phillips, the third assistant secretary of state, said the proposal would put “on a business and practical footing the work which we have been attempting to perform in an unsatisfactory and piecemeal way.”¹⁰⁹

Secretary of State William Jennings Bryan accepted Anderson’s plan on January 15, 1915, under three conditions: that warring nations create written regulations for their internment camps, that belligerents allow American inspectors to speak with and collect written statements from prisoners, and that all powers understood that the United States was only responsible for the transmission of information and not for the actual amelioration of conditions. Britain accepted the plan immediately; the Germans accepted in mid-March. This plan was also offered to, and utilized by many, other belligerents, including France and Austria-Hungary; it was, however ineffective on the Eastern Front due to Russia’s rejection of the plan for several reasons,

¹⁰⁸ Speed, *Prisoners, Diplomats, and the Great War*, p.23.

¹⁰⁹ Speed, *Prisoners, Diplomats, and the Great War*, pp. 23-24.

including reluctance from the Russian monarchy and the fact that Spain was the protective power of Russian interests in Austria-Hungary. Russia was hesitant to have American officials instead of Spanish officials inspecting Russian camps and reporting on the status of Russian prisoners in Austria-Hungary. Eventually, however, after pleading by Ambassador Marye, Tsar Nicholas II even came around to this agreement as long as reciprocity would be granted by Austria-Hungary.¹¹⁰

Camp inspections actually began in Germany in late March, 1915, and in Britain in mid-April, 1915. The entire system was up and running by September, 1915. Inspectors had permission to speak with prisoners alone, but could only speak about their desires and complaints. In writing reports, inspectors were expected to be fair and unbiased, avoiding criticism and inflammatory language. The system was highly successful, with inspections often occurring due to specific complaints, such as missing parcels or a lack of availability of toilet paper. American inspectors visited two hundred German camps in 1916 alone.¹¹¹

These developments show the ways in which a process that begins spontaneously to protect the human rights of a population can slowly formalize in practice and then become built into the body of international law. Camp visits were initiated in order to facilitate the physical delivery of humanitarian assistance items, but they soon developed into organized visits with orderly reports that could be sent back and forth to belligerents. This system was the first of its kind and has been replicated in many subsequent wars, including World War II.

Ways in which Information was Collected

Information about the prison camps located all over the European continent and British Isles was collected in a variety of ways. In addition to the official diplomatic reports

¹¹⁰ Speed, *Prisoners, Diplomats, and the Great War*, pp. 24-5.

¹¹¹ Speed, *Prisoners, Diplomats, and the Great War*, pp. 25-26, 15.

created by embassy officers who visited camps in France, Germany, the United Kingdom, Austria-Hungary, and Russia, there were also other modes that the belligerents used to collect and publish information about the prison camp life, including reports commissioned by the belligerents on their own camps. This section will deal mainly with photographic records of camp life, information provided by the prisoner of war information bureaus, and camp reports themselves, since these were, after all the main way that belligerents communicated about camp conditions.

Camp Inspection Reports

The most important way that information was kept and transmitted in an orderly fashion regarding belligerents' camps was through official reports of neutral diplomatic camp inspectors. These reports contained the names of the diplomats who visited the camps, the date or dates of the visit, as well as the observations of the inspectors. Most reports were divided into detailed sections describing the lodging, food, medical facilities, and other pertinent information about the camp that the power whose men were held as prisoners there would be interested in having.

Gerard wrote: "My first and most pressing concern was my responsibility toward those prisoners of war, both civilian and military, who were citizens of the nations I represented in Germany." When writing about World War I in his memoirs, Gerard describes the Germans as only "grudgingly" allowing him permission to visit prisoner of war camps.¹¹² This, however, varied greatly from camp to camp and depended on the decisions of individual camp commandants.

Gerard's and his team's visits to camps in Germany were highly successful at achieving concrete results. For example, Gerard was bothered by the presence of watch dogs both in and

¹¹² James W. Gerard, *My First Eighty-Three Years in America* (Garden City, NY: Doubleday, 1951), p. 207-8.

surrounding the internment camp at Wittenberg. Gerard criticized these dogs as inhumane during a meeting with German Foreign Minister Jagow, for the dogs had attacked and injured multiple prisoners. Gerard wrote in his memoirs that “soon after the dogs disappeared from the camp.” Some problems, however, could not be solved as easily; when Gerard tried to improve conditions at the infamous civilian detention camp Ruhleben, he had to contact General Friedrich of the Prisoners of War Department, the Ruhleben Camp Commandant, and the German Foreign Office multiple times in order to instigate changes to the living conditions of the British civilians interned there. Nevertheless, after multiple tries, he found a sympathetic voice in the German military who was willing to work with Gerard.¹¹³

Although American Ambassador to Germany James W. Gerard is more famous for his involvement with prisoners of war, American Ambassador to the United Kingdom Walter Hines Page was also a part of the inspection system. American officials visited internment camps in the United Kingdom and reported on their conditions; most of these officials came from the German Division within the American Legation in Great Britain. The main inspector affiliated with the American Embassy in London was Boylston A. Beal, a special attaché assigned to the legation. Occasionally Leland H. Littlefield and W. H. Buckler would accompany Beal on prison camp inspections. The head of the German Division of the American Embassy, E. G. Lowry, would also occasionally inspect British internment camps. For the most part, similar documents were sent by Page to his contacts in the United Kingdom’s Foreign Office and forwarded to Berlin.¹¹⁴

¹¹³ Gerard, *My Four Years in Germany*, pp. 130, 132.

¹¹⁴ Great Britain, United States Legation, “Reports of Visits of Inspection made by Officials of the United States Embassy to Various Internment Camps in the United Kingdom,” *Miscellaneous* no. 30, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916).

Between March 10 and July 10, 1916, Americans compiled 23 reports on British camps, including the camps at Leigh, Cornwallis, Shrewsbury, Drffryn Aled, Frongoch, Handforth, Eastcote, Jersey, Stobs, Douglas (Isle of Man), Knockaloe (Isle of Man), Alexandra Palace, Feltham, Wakefield, Holyport, Stratford, Libury Hall, Shirley Rank, Bevois Mount, Dorchester, Donington Hall, Lower Southern Hospital for wounded prisoners of war at Dartford, and Oldcastle. Each of the reports contains information about the camp's commandants, the number and types of prisoners (nationalities, military branches), the sleeping accommodations, sanitary arrangements (showers, toilets, and their conditions), infirmary, kitchen, work for prisoners, exercise, and complaints by prisoners. If any deaths had occurred, the inspection reports also included information about the causes of death (including specific ailments).¹¹⁵

Even though prisoners had the power to complain to camp inspectors, the camps also had the power to refute such statements. Complaints by prisoners were allowed to be explained and rebutted by the camp commandant. For example, at the camp at Leigh, there were repeated reports that the camp was improperly heated, and the camp commandant explained to Beal during the inspection that a "Lancashire boiler" was installed to heat the buildings and provide additional hot water for showers. After these details, the American inspectors then made general observations gauging the amount of criticism of a camp compared to others. Often the requests made during camp visits were minor in nature; compared to serious injuries and hardships associated with prisoners in many wars, these seem especially petty. For example, the only two complaints reported by Beal in his visit to the internment camp at Dyffryn Aled, Abergele, North

¹¹⁵ Great Britain, United States Legation, "Reports of Visits of Inspection made by Officials of the United States Embassy to Various Internment Camps in the United Kingdom," p. 21.

Wales on March 30, 1916 was that the officers wished to be allowed to take escorted walks in the surrounding countryside and that religious services be held more often.¹¹⁶

Sometimes reported difficulties could be solved relatively quickly by the inspectors using their authority to influence camp commandants. For example, several sanitary complaints were reported to Beal during his visit to Handforth in Cheshire, United Kingdom on April 1, 1916. According to Beal, "This matter was taken personally, and I was informed that the improvements now being made in these arrangements would obviate the difficulties complained of." With camp inspections, often simply reporting the problem was enough to draw enough attention to it in order to have it easily solved. Not all complaints were solved, however. For example, several prisoners lost belongings when they were transferred between Alexandra palace and Eastcote, and the belongings were never returned.¹¹⁷ Still, the importance is that the camp inspections were overall quite successful.

Camp inspections also had the ability to help governments concretely improve camp conditions. For example, Beal and Buckler reported after visiting the Lofthouse Park camp in Wakefield, United Kingdom on June 8, 1916, that the conditions were much improved in comparison with a visit several months earlier on March, 16, 1916. About the second visit, Beal and Buckler wrote, "The interned men seemed much happier than when we saw them last, and there were fewer complaints of all kinds... We found the relations between the interned men and the officers of the guard much better than they were at the time of our last visit." On the next visit, the inspectors wrote, "The men seemed much happier and more contented than at the time of our last visit." A similar phenomenon was reported after a visit on June 9, 1916 to Donington

¹¹⁶ Great Britain, United States Legation, "Reports of Visits of Inspection made by Officials of the United States Embassy to Various Internment Camps in the United Kingdom," pp. 3, 8.

¹¹⁷ Great Britain, United States Legation, "Reports of Visits of Inspection made by Officials of the United States Embassy to Various Internment Camps in the United Kingdom," pp. 11, 13.

Hall in the United Kingdom. Also, the number of prisoners at Stratford, which had been overcrowded, was reduced after negative feedback from camp inspection reports in 1916. On a subsequent visit, Beal reported that the conditions were improved due to this change.¹¹⁸

These reports by American inspectors are typical of all such reports, and for brevity's sake, similar reports by American inspectors in Germany are not referenced here. In the following section, I use examples of medical reports from American inspectors in Germany in order to create parity in the analysis.

Medical Reports

In addition to diplomatic camp inspectors, neutral doctors visited camps to write reports on the health conditions. Multiple American doctors were sent to help Gerard with camp inspections in Germany, including Dr. Daniel J. McCarthy, Dr. Alonzo Taylor, and Dr. Jerome Webster, three noted American physicians.¹¹⁹ These doctors traveled to various camps and wrote reports of their visits, similar to those composed by diplomatic camp inspectors. The main difference between the medical camp inspection reports and those written by members of the diplomatic corps is that the doctors' reports focus much more heavily on health-related issues, such as the nutritional makeup of the food provided to prisoners, care for sick soldiers, and the medical facilities at various camps.

Major Priestley, Captain Vidal, and Captain Lauder of the British Royal Army Medical Corps were sent to the Wittenberg camp as British medics during a typhus epidemic in 1915. Upon their return, reported to the British government's Committee on the Treatment of the Enemy of British Prisoners of War on the conditions at the Wittenberg internment camp during a

¹¹⁸ Great Britain, United States Legation. "Reports of Visits of Inspection made by Officials of the United States Embassy to Various Internment Camps in the United Kingdom," pp. 28, 38, 30.

¹¹⁹ Gerard, *My First Eighty-Three Years in America*, p. 206.

typhus epidemic in the winter of 1915. Based upon their testimony, the Committee was able to draw up a report that described the conditions at Wittenberg in great detail during the period in question. The report calls the actions of the German camp officials in question, asking why so many prisoners died during the epidemic and ultimately blaming the epidemic on poor conditions, including a "hopeless diet." During the height of the epidemic, there were 1,000 cases in the camp at a given time, with fifty new cases daily. Most of the cases were Russians and Frenchmen, but there were 150 British cases. It cannot be said, however, that the Germans did nothing, though conditions in the camp were indeed harsh. During the epidemic, the Germans built extra hospital bungalows and a clothes sterilizer to try to improve the conditions at the camp. Many of these improvements were directly attributed by British diplomats to visits by camp inspectors.¹²⁰

Doctor A. E. Taylor also visited prison camps in Germany and reported back on the medical and dietary conditions in the camps to the British Government through the intermediary system of American Ambassadors Page and Gerard. Taylor visited the camp for a period of ten days in spring 1916 to get an extended picture of the health conditions, especially nutritional conditions, at Germany's most infamous civilian internment camp, Ruhleben. In his reports, he includes tables of details on the food rationed to camp inmates, measuring the grams of various types of food provided and their nutritional make up (protein, fat, carbohydrates, calories).¹²¹ These values were really valuable for comparing the food given to prisoners of different nationalities in different camps in different countries.

¹²⁰ Great Britain, Government Committee on Treatment by the Enemy of British Prisoners of War, "Report by the Government Committee on the Treatment by the Enemy of British Prisoners of War regarding the Conditions Obtaining at Wittenberg Camp during the Typhus Epidemic of 1915," Miscellaneous no. 10, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916).

¹²¹ Alonzo Engelbert Taylor, "Report by Doctor A. E. Taylor on the Conditions of Diet and Nutrition at the Internment Camp at Ruhleben received through the United States Ambassador," Miscellaneous no. 18, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916).

Photographic Records

In addition to written reports and medical reports, photographic records were taken of camp life in order to have documentation to send back to opposing countries. Gerard requested the photographic section of the Royal Flying Corps to take photographs of prisoners. The prisoners had the choice of whether or not to be photographed, but most allowed themselves to be photographed. The report states that “it is significant of the readiness with which the prisoners allowed themselves to be photographed that repeated requests were received by the authorities that copies of the photographs should be placed on sale in the camps.” Photographs from six of the biggest POW camps in the UK – Donington Hall, Alexandra Palace, Dorchester, Handforth, Lofthouse Park, Eastcote – provided valuable insight into life in the camps in the United Kingdom, both during the war and today.¹²²

Often, however, these commissioned photographic records were included in booklets distributed more as propaganda than as official reports. The booklet titled “German Prisoners in Great Britain” was used to show “the excellence of the conditions under which the prisoners live [in the United Kingdom] are in striking contrast with the regime which obtains in many of the prisoners’ camps in Germany.” The same publication contains the following line: “It is only necessary to recall the horrors of a Wittenberg or a Gardelegen to appreciate the admirable organisation of the prisoners’ camps in Great Britain.”¹²³

Nongovernmental Entities

Nongovernmental organizations, such as the Red Cross and the Young Men’s Christian Association (YMCA) were also important in protecting the rights of those held in captivity

¹²² Royal Flying Corps Photographic Section, German Prisoners in Great Britain (London: Tillotson & Son Ltd. Printers, 1916), p. 3.

¹²³ Royal Flying Corps Photographic Section, German Prisoners in Great Britain, p. 3.

during the war. The International YMCA “was given permission to visit the parent camps and while some difficulties arose from time to time, it may be said as far as this Society was concerned, in reference to camps, the letter of this regulation was observed, even if the spirit of it was at times violated.” While it was not specifically stated in the Hague Conventions, only delegations from neutral members were allowed to visit camps, and so the British Red Cross could not visit POW camps in Germany. “Neither delegations nor representatives of the many French and British Societies were permitted to visit these camps and under the conditions this was hardly to be expected.”¹²⁴

Nongovernmental organizations, notably the International Red Cross, which had formed a half-century before the outbreak of the war, were still influential and conducted prison camp visits and inspections of their own and facilitated in the information-sharing process through their own chapters and societies. Even though belligerent Red Cross societies could not send delegations to visit camps, as stated above, neutral countries could. As a result, Gustave Ador, president of the International Committee of the Red Cross during World War I, ensured that Swiss medics and professionals visited prisoner of war camps in order to “stop reprisals against prisoners of war...and improve their material conditions.” According to Red Cross historians, conditions were quite likely to improve in internment camps following visits of Red Cross officials.¹²⁵

Sometimes, however, these organizations were not as effective as the actual neutral powers. Though neither had actual enforcement power, the United States government had more clout than nongovernmental organizations. The Red Cross’s role in World War I elevated its international standing significantly, but still not to an equal level with the government of a

¹²⁴ McCarthy, The Prisoner of War in Germany, p. 246.

¹²⁵ David P. Forsythe and Barbara Ann J. Rieffer-Flanagan, The International Committee of the Red Cross: A Neutral Humanitarian Actor (London: Routledge, 2007), pp. 11-12.

nation-state.¹²⁶ Although the International Committee of the Red Cross could send delegates to inspect camps across Europe, it had few enforcement mechanisms other than the sheer goodwill and humanitarian impulses of the belligerents. The United States had additional clout due to its powerful economic status. However, it is important to remember that one of the most important functions of the prison camp visits was to ensure a flow of information about actual conditions between belligerents, and the Red Cross was able to provide such information just as effectively as a neutral protective power; the only difference was that only a neutral state power could serve as an intermediary in a back-and-forth diplomatic discussion, such as those that occurred on issues of the amelioration of specific conditions or on the logistics of repatriation of prisoners.

One of the reasons that the Red Cross was not seen as an equal to neutral states during World War I was because at the beginning of the war, the Red Cross was merely viewed as an agency to provide medical aid to wounded soldiers rather than as an entity with the power to visit detainees. After all, when the war had broken out in the summer of 1914, the International Committee of the Red Cross had not a single administrative staff member. The lack of clout of the Red Cross can be illustrated by the fact that neutral powers were guaranteed the right to visit belligerents' internment camps in the 1929 Geneva Conventions directly after World War I, but it was not until the 1949 Geneva Conventions that followed World War II that the International Committee of the Red Cross gained official visitation privileges.¹²⁷

In addition to inspections, the Red Cross was also involved in keeping and cataloging data on prisoners of war. This, as well as actual camp visits, was important in the free flow of information between belligerents. The Red Cross' various bureaus had their own information departments, which "often proved to be the quickest source of information." This was true both

¹²⁶ David P Forsythe, The Humanitarians: The International Committee of the Red Cross (Cambridge: Cambridge University Press, 2005), p. 33.

¹²⁷ Forsythe, The Humanitarians, pp. 31-33.

for captured prisoners of war and those that died while interned. National governments, according to international law, also had their own information bureaus, and these were of varying quality in the information sharing game. Sometimes, however, the Red Cross Information Bureaus were used for the purpose of “concealing information and shifting responsibility.” Governments sometimes referred requests for information to these bureaus in lieu of answering questions on the status of particular prisoners themselves. The German Government was notorious for doing this; it “contended that the Red Cross bureau was official and part of their army service.” Therefore the Germans themselves provided less information to other belligerents about captured POWs, because they asserted that it was the responsibility of the Red Cross.¹²⁸ I suspect this is because Germany held prisoners from the most enemies and due to sheer numbers and their decentralized prison camp system, it was much more difficult for Germany to therefore provide information.

During the war, the International Red Cross’s headquarters in Geneva responded to two million requests for information on the status of prisoners of war from various countries throughout Europe. It is important to note, however, that although the Red Cross kept its own lists of prisoners, it was constantly referring back to Prisoner Information Bureaus in the various belligerent countries to answer these inquires. In addition to handling requests, the Red Cross also distributed humanitarian aid packages to prisoners throughout Europe. This relief work was similar to that which was conducted by neutral protective powers. Although the Red Cross played a very important role in increasing humanitarian awareness for prisoners and providing information and relief aid to prisoners, for which it was awarded the 1917 Nobel Peace Prize, it

¹²⁸ McCarthy, The Prisoner of War in Germany, p. 245.

could not replace what neutral governments were doing for lack of resources and international pull.¹²⁹

An Imperfect System

There were significant problems with the camp inspection system in World War I, including limited funding and irregularities in the schedule of camps that were visited. For example, some German camps were visited six times before another was visited for the first time. Another significant problem was the belligerents' fear of the neutral diplomats with whom they had no familiarity. For example, when Chandler P. Anderson, an American diplomat in London suggested that he visit both British and German prisoner of war camps and send reports back and forth in late 1914, the Germans viewed the situation with skepticism. They gave him permission to inspect German camps but requested that someone from the American Embassy in Berlin, with whom they were familiar, do camp inspections in the United Kingdom, France, and Russia in order to ensure unbiased information.¹³⁰

The demand for total reciprocity in camp inspections also contributed to several disagreements between the belligerents. For example, the Germans were unhappy that Gerard himself visited camps in Germany but that Walter Hines Page, Gerard's counterpart in the United Kingdom, did not generally make similar camp inspection visits in the early days of the war before any system was formalized. Inspectors also had limited powers in their actual inspections. Initially, German camp heads limited the rights of inspectors, even though the actual German government had approved of America's neutral inspection scheme.¹³¹ The

¹²⁹ Forsythe and Rieffer-Flanagan, *The International Committee of the Red Cross*, p. 12.

¹³⁰ Speed, *Prisoners, Diplomats, and the Great War*, p. 22.

¹³¹ Speed, *Prisoners, Diplomats, and the Great War*, p. 22, 28.

different standards in various German camps were due to the decentralized camp administration system in Germany that was discussed in Chapter 2.

Sometimes, the “opportunity was given to the men to talk to [camp inspectors] in private, but few availed themselves of it,” as Beal wrote regarding a visit to Dorchester on June 1, 1916.¹³² If inspections were taking place, but prisoners were not taking advantage of the opportunity to voice their opinions to the inspectors, the real validity of the information of the reports can be called into question as the accuracy of the reports depends on the information provided by the prisoners to the inspectors as well as general observations that they were able to make about physical conditions during a brief visit.

Despite everything that neutral powers did in order to help prisoners, sometimes they too were ultimately at fault for problems in the system. For example, in mid-November, 1914, the United States Department of State issued a circular to its representatives in Western European belligerents asking that they stop inspecting prison camps because visits to camps were “futile and might afford opportunity to one belligerent or another to charge the American Government with partiality or prejudice.” This decree actually backfired because it made the United States look very biased in Germany’s eyes; Anderson had already officially visited German camps with the condition that a representative from the American delegation in Berlin be allowed to visit camps that held Germans in the United Kingdom. By halting visits at this time, the American government actually created a situation partial to the United Kingdom. In response to this incident, Gerard took action, complaining to the State Department that not allowing an American stationed in Berlin to visit the United Kingdom for camp inspections would undermine the entire future of a prison camp inspection scheme. The State Department leadership finally acquiesced,

¹³² Great Britain, United States Legation. “Reports of Visits of Inspection made by Officials of the United States Embassy to Various Internment Camps in the United Kingdom,” p. 36.

rescinding this ban on camp inspection. Had Gerard not stepped in to advocate for the reciprocity of visits early on, the history of camp inspections in World War I might have been drastically different.¹³³ Because of the American involvement, a system was established that continued. Even if significant changes did not occur, the monitoring ensured that camp life would not become seriously degraded as the war continued and the practice became solidified in future conflicts. Slight changes often occurred due to the inspections, such as the adjustment of food rations, and even though major changes often did not happen, information flowed between belligerents and camp conditions did not worsen significantly even as the strain of total war increased pressure on belligerents.

Conclusion

The development of the inspection scheme as described above demonstrated the ingenuity of the belligerents and the neutral powers in cooperating to create solutions to prisoner of war issues and to ensure that international law and standards were being upheld on the ground in the warring nations. The haphazard conditions that often ensued because belligerents (and neutral powers for that matter) had not planned for a long war led to a situation in which no power was truly prepared to take prisoners and hold them for years at a time. Because the powers had not planned on where to put or how to care for prisoners, neutral powers and camp inspections became an important part of the haphazard system created to ensure equality and humane standards for those in captivity in Europe. These ad hoc measures taken in World War I then became part of planned systems in subsequent armed conflicts.

This system was so revolutionary because, although the idea had been previously proposed, large-scale and semi-systematic camp inspections had never occurred before World

¹³³ Speed, *Prisoners, Diplomats, and the Great War*, 22.

War I. As Speed writes, camp inspectors were “pioneers.” This experiment, an answer to the way in which the unforeseen problem of the treatment of prisoners in a long, drawn-out war was dealt with, was highly successful. Furthermore, it changed the body of international practice regarding prisoners, as camp inspections are quite common in modern international conflicts and the practice of inspections by neutral protective powers was written into the 1929 Geneva Conventions in Part VIII, Section II, Article 86.¹³⁴

Even though neutral camp inspection had been suggested in some international law documents prior to and during the war, the development of an actual working system was certainly not inevitable. The United States, and especially the advocacy of James W. Gerard, was critical in this. For example, Speed writes that had the United States not allowed the first camp inspections in Britain in early 1915, “the development of neutral inspection of prison camps as an accepted feature of international diplomacy might have been greatly delayed.”¹³⁵ It was truly an ad hoc international effort, spurred by neutral intermediary powers that actually conducted inspections and shuttled information back and forth. The positive development of camp inspections actually improved conditions in many camps by ensuring oversight and providing a flow of information that prevented retaliatory practices. The cooperative nature of camp inspections eventually led to even greater collaboration between belligerents regarding wartime standards and policies, especially regarding repatriation of prisoners of war and civilians, which will be discussed in the final chapter.

¹³⁴ International Committee of the Red Cross, “Convention relative to the Treatment of Prisoners of War,” Geneva, 27 July 1929, <http://www.icrc.org/IHL.nsf/INTRO/305?OpenDocument>. And Speed, Prisoners, Diplomats, and the Great War, p. 15.

¹³⁵ Speed, Prisoners, Diplomats, and the Great War, p. 23.

CHAPTER 4: NEUTRAL INTERNMENT OF BELLIGERENT PRISONERS

One of the most concrete ways that neutral powers actually contributed to humanitarian treatment of captives during World War I was by housing captives on their own soil. The idea of neutral internment, though it had not been common in practice, was already established in international law by the beginning of World War I. In fact, Chapter I, Article 2 of the 1906 Geneva Convention had a provision that said sick and wounded prisoners who were too healthy for complete repatriation should be interned in a third-party neutral power until the conclusion of hostilities.¹³⁶ Though the Geneva Convention suggested that neutral internment was possible, there was no guarantee that such a scheme would actually come about during the war.

From the beginning of the war, there were calls, notably from the Red Cross, who documented the harsh conditions of captivity, to intern sick and wounded prisoners in third-party neutral countries. Many of the belligerents created wartime schemes for the neutral internment of some captives, particularly sick and wounded prisoners, relatively early in the war. Despite the success of the diplomatic negotiations between belligerents and led by neutral powers, many of the actual instances of prisoners being interned were not as successful as was hoped. This was due not to a lack of humanitarian will, but a lack of resources for the transport, feeding, clothing, and lodging of prisoners on the part of the neutral powers, many of whom were under serious wartime strain themselves. Nevertheless, neutral internment in third-party countries is still an important example of the ways that belligerents negotiated through neutrals and that neutrals showed humanitarian compassion in the upholding of existing international standards during the war.

¹³⁶ International Committee of the Red Cross, "Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field," Geneva, 6 July 1906, <http://www.icrc.org/IHL.nsf/INTRO/180?OpenDocument>.

This chapter will look closely at the 1916 agreement negotiated between Germany, Britain, and Switzerland with the United States serving as an intermediary in order for British and German wounded and sick combatant prisoners of war to be interned in Switzerland. The agreement was designed to keep them the most vulnerable prisoners safe and relieve stress on the existing camp systems in both nations. The final portion of the chapter will explore the role of other countries, notably Norway and the Netherlands, that interned belligerent captives in a neutral setting.

Internment of Sick and Wounded Prisoners in Switzerland

In World War I, tuberculosis and typhus were significant problems in many of the internment camps, and campwide epidemics were not infrequent. Due to strict rationing and substandard hospital conditions, many prisoners of war died from outbreaks of disease. Often, the sick had to live in poorly-ventilated barracks alongside the healthy, which only caused disease to spread, especially in the case of respiratory disease. Many cases that would have otherwise been curable ended in fatality because of the conditions. This was generally recognized as inhumane at the time, but there was little that could be done to quickly improve camp conditions. In the first two years of the war, by the beginning of August 1916, 29,297 deaths had occurred among prisoners held in Germany: 6,032 were from tuberculosis; 4,201 from typhus fever; 6,270 from wounds; and 6,260 from other causes.¹³⁷

Many of the aforementioned deaths were due to a lack of proper medical care, especially in the case of wounded and sick prisoners. Specific camp conditions, such as overcrowding in the British camps on the Isle of Man or the infamous typhoid fever epidemic at the German camp

¹³⁷ Daniel J. McCarthy, The Prisoner of War in Germany: The Care and Treatment of the Prisoner of War with a History of the Development of the Principle of Neutral Inspection and Control (New York: Moffat, Yard, & Co, 1918), pp. 255, 257.

Wittenberg in 1915, brought the sick and wounded to the attention of the international community. Thus the wounded and sick were some of the first prisoners for whom repatriation and neutral internment was considered. Allied and Central Powers signed several bilateral agreements for the internment of wounded and sick prisoners in neutral Switzerland, as well as other agreements for neutral internment in other nations.

These agreements were based upon existing international humanitarian law. Treaties in effect during World War I contained special clauses for sick and wounded prisoners of war, as is still the case today. Special consideration for sick and wounded prisoners was made in the Geneva Convention of 1864, as well as the Hague Conventions of 1899.¹³⁸ The Hague Conventions of 1907 reaffirmed the standards for treatment of sick and wounded prisoners of war contained in the Geneva Convention.¹³⁹ The Second Geneva Convention's Chapter I, Article 2 delineated special conditions for "the sick and wounded of an army who fall into the power of the other belligerent."¹⁴⁰ These soldiers were still considered prisoners of war; however, the convention specifically stipulated that the belligerents could make special agreements, such as the mutual return of sick and wounded left on the field after battle, the repatriation of recovered sick and wounded prisoners, and sending the sick and wounded enemy prisoners to a neutral state where they will be interned until hostilities cease.¹⁴¹ The British and Germans opted for the third of these options and extensive negotiations occurred, with the United States acting as an intermediary between Great Britain and Germany, in order to come to

¹³⁸ McCarthy, *The Prisoner of War in Germany*, p. 234.

¹³⁹ International Committee of the Red Cross, "Final Act of the Second Peace Conference," The Hague, 18 October 1907, <http://www.icrc.org/IHL.nsf/INTRO/185?OpenDocument>.

¹⁴⁰ International Committee of the Red Cross, "Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field," Geneva, 6 July 1906.

¹⁴¹ McCarthy, *The Prisoner of War in Germany*, p. 252.

an agreement. These specific negotiations were made much easier by the fact that the French and Germans already had such an agreement.

In October 1914, the International Committee of the Red Cross suggested that prisoners of war who were no longer fit for battle due to injury or illness should be exchanged by Germany and France. Switzerland volunteered to serve as an intermediary in this issue by facilitating such exchanges through its territory. Both Germany and France supported the idea, but it was difficult to reach a concrete agreement quickly. An agreement actually occurred in February 1915 in which France and Germany consented to begin the exchange of invalid prisoners of war immediately. Exchanges began on March 2, 1915 and continued throughout the war. By November 1915, 2,343 German and 8,668 French invalid prisoners of war were repatriated, based upon the overall percentage of enemy prisoners held in each nation. This agreement, however, only applied to those who were very seriously wounded and so humanitarians continued to focus on other categories of wounded and sick prisoners of war.¹⁴²

The President of the International Committee of the Red Cross, Ador, proposed the exchange of less seriously wounded or ill prisoners of war in January 1915. France and Germany, however, were worried that the exchanged prisoners would serve in military positions once they recovered, since their injuries were not so serious as to render them permanently unfit for military service. In order to avoid this possibility, Ador suggested with the approval of the French government that prisoners in certain categories be sent to Switzerland for internment under the stipulation that they would not contribute to the war in any form.¹⁴³ The humanitarian principles behind such a scheme focused on the fact that it would allow the recovery of a greater

¹⁴² Richard B Speed, Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity, (New York: Greenwood, 1990), pp. 33-4.

¹⁴³ Speed, Prisoners, Diplomats, and the Great War, p. 34.

number of wounded and sick prisoners of war who were at the time not receiving proper treatment in camps due to a lack of resources and poor sanitation.

Spain served as the neutral intermediary in the negotiation of an agreement between France and Germany that did just this. Even the Vatican became involved in the negotiations as Pope Benedict XV advocated for better conditions for wounded and sick prisoners. In February, 1915, France sent a proposal to Germany, which was rejected in May, 1915. One of the main grounds of this controversy was the fear that prisoners who returned to full health while in Switzerland would return to their motherland and resume military service. Because this fear was mutual, both sides agreed that they would return to Switzerland any escapees who made it back to their homeland. Another issue was how to select prisoners for this internment. The Swiss Army Medical Corps agreed to serve in commissions to visit camps in France and Germany and to select those eligible and then to reevaluate prisoners at the gateway cities of Lyons and Konstanz. After the experimental exchange of 100 wounded and sick prisoners of war from each of the belligerents in January 1916, larger scale exchanges occurred. Within the first month, there were over 1,000 internees in Switzerland, 833 French and 364 Germans.¹⁴⁴

Great Britain and Germany Forge an Agreement for Internment of Sick and Wounded Prisoners of War in Neutral Switzerland

In response to the success of the earlier agreement between France and Germany, Britain and Germany followed suit, and took steps to start a neutral internment regime of their own. In March 1916, the British wrote to Page, stating that they were “anxious” to come to an agreement with the Germans to transfer British and German wounded and sick prisoners of war to Switzerland in a similar fashion as the agreement that had already been concluded between France and Germany. The British government requested Page to transmit a request to the

¹⁴⁴ Speed, *Prisoners, Diplomats, and the Great War*, pp. 34-35.

Germans for an agreement for neutral internment of sick and wounded prisoners of war who were not yet invalid and could thus not be considered for repatriation to the prisoners' home country. Page forwarded a memorandum to Gerard for transfer to the German government on March 25, 1916. The British request was based upon the assumption that prisoners who fell into applicable categories of a set "schedule of maladies," which could be revised at any time by the agreement of both governments, would be eligible for internment. A commission of doctors, two Swiss and one of the holding country, were to travel to internment camps and prisoner hospitals, where any prisoner could request to be examined. Those selected by the commission for internment in Switzerland would be assembled for final judgment by a "supreme Commission" which would be two-thirds Swiss. In such an agreement, both Great Britain and Germany would bear the costs of the internment of their soldiers in Switzerland and both nations agreed to return to Switzerland any of its nationals who attempt to return home.¹⁴⁵

The German government had not replied as of April 19, 1916, and so Grey sent a new schedule of maladies through Page and Gerard to the German government. The British government was unhappy with the Germans' slow response; they could not go to the Swiss government asking for their cooperation in such a scheme without talking to the Germans first. This issue, however, was too important to the British to let it simply die for lack of a prompt German response to their initial proposals, which shows the importance of prisoner of war diplomacy to the Foreign Office. The British government waited until they received a German response on May 1, agreeing to the same terms as the preexisting agreement with the French, suggesting that transfers begin on May 17, and that German prisoners in British hands be transferred to Switzerland through France with guaranteed safety of transfer. The British

¹⁴⁵ Great Britain, Foreign Office, "Correspondence with the United States Government respecting the Transfer to Switzerland of British and German Wounded and Sick Combatant Prisoners of War," Miscellaneous no. 17, 1916. (London: H. M. Stationery Office, Harrison and Sons Printers, 1916), p. 1.

responded by proposing May 25, 1916 as the start date for the program of neutral internment in Switzerland.¹⁴⁶

The twenty maladies covered in the schedule included tuberculosis of any organ, chronic diseases (malaria, diabetes, lead/mercury poisoning), chronic respiratory illness (emphysema, bronchitis, asthma), chronic circulatory infections (heart disease, aneurism, etc.), digestive diseases for which prisoners needed a special diet, chronic central nervous system diseases (epilepsy, paralysis, etc.), chronic infections of the urinary and sexual organs, chronic eye and ear infections, deafness in both ears, chronic skin diseases, blindness in one eye if the remaining eye had poor vision, gout and visible deformities, tumors “with marked functional troubles,” general disability, syphilis in late stages, loss of a limb in an officer or non-commissioned officer, stiffness of important joints, false joints, shortening of limbs, atrophy of muscles, and paralysis due to gunshot wounds that would take a long time to heal. Any other diseases which made someone unfit for military service for at least a year could also be included, as well as cases not mentioned above but deemed appropriate by the commissions. Certain conditions were also excluded: serious nervous or mental affections that require treatment in a special facility, alcoholism, communicable diseases within their infectious period (including STDs).¹⁴⁷

The simple list of maladies from this agreement gives insight into the conditions of the prison camps during this period. First, it is important to note that several of these conditions are war-related injuries, such as the loss of a limb and wounds related to gunshot wounds. Most of the prisoners interned in camps across Europe during the war had already faced battle and had the physical and emotional scars that accompanied the war. This is significant because it is a

¹⁴⁶ Great Britain, Foreign Office, “Correspondence with the United States Government respecting the Transfer to Switzerland of British and German Wounded and Sick Combatant Prisoners of War,” pp. 2-6.

¹⁴⁷ Great Britain, Foreign Office, “Correspondence with the United States Government respecting the Transfer to Switzerland of British and German Wounded and Sick Combatant Prisoners of War,” pp. 5-6.

constant reminder that even though these camps were removed from the battle lines, the war and its wounds were a constant consideration for inmates and camp commandants alike. The second thing to note from the list of maladies is that several of the illnesses, such as malaria and tuberculosis are communicable diseases that are spread easily. Because of the close living quarters of the camps, such diseases could easily turn from a slight problem into a campwide medical emergency. Because medical inspectors came to camps looking for inmates with such communicable diseases and they could be removed from the overcrowded camps to another location, this agreement for neutral internment of prisoners had the potential to lead to closer monitoring of these diseases in the camps. However, typhus, the most common epidemic disease in the camps during the early stages of the war, is not on the list; this demonstrates a fear on the part of the neutral countries that the dreaded disease would spread to their homeland.

The Aftermath of the Agreement

According to the agreement, a Commission of Swiss and the captor country's physicians visited the camps. Prisoners received advanced warnings and could "apply for examination" if they thought they qualified for neutral internment. Unfortunately, this did not always occur as it was supposed to, and the ability of the Commissions to examine prisoners was based largely upon the cooperation of the camp commandant. Doctors at the camps could also refer prisoners to the Commission for examination. Commissions generally did not accept mental illness and advanced tuberculosis cases. The British who were chosen for internment in Switzerland were sent to Konstanz, Germany, where they were examined by a second commission of Swiss medical staff officers at the Swiss border. Only infrequently were prisoners selected by the traveling commissions rejected at the border; in this case, they were sent to special camps with lighter workloads. The first British wounded and sick prisoners of war were transferred to

Switzerland on May 28, 1916, travelling from Konstanz, Germany, to Montreaux, Switzerland. The British who were interned in Switzerland were kept in Chateau D'Oux, a summer resort town. They lived quite well there, with conditions equal to or better than officer camps in Germany. Prisoners interned in Switzerland were largely unguarded as few escape attempts were made and both countries had agreed to return escapees from Switzerland.¹⁴⁸

At the conclusion of 1916, the internment of sick and wounded prisoners of war from France, Great Britain, and Germany in neutral Switzerland was considered a huge success. At this time, Swiss medical commissions had made twenty trips to Germany and examined 82,439 French prisoners, marking about one-quarter (20,677) for transport to Switzerland. They had also made eighteen trips to France, examining 46,339 prisoners and selecting 14% (6,522). By the end of the year, there were 26,990 prisoners of war interned in Switzerland, about 55% were French, 31% German, and the rest British and Belgian. The lower numbers of British are indicative of the fact that smaller number of British soldiers were involved in the war and the fact that Great Britain and Germany came to their agreement in May 1916 whereas France and Germany came to an agreement in February 1916. These numbers changed little throughout the war; at the close of 1917, Switzerland contained 27,077 internees and at the war's end there were 25,614 internees there.¹⁴⁹ This was simply due to the capacity of Switzerland to hold belligerent soldiers; there were limited resources and so the number of prisoners interned could not be continually increased. Even though the numbers did not rise significantly during the war, the number of prisoners who stayed in Switzerland is still a significant humanitarian feat.

McCarthy, a medic who visited German internment camps during the war, criticizes the scheme by saying it could have been significantly more effective. He writes that "only a small

¹⁴⁸ McCarthy, The Prisoner of War in Germany, pp. 259-60, 253, 261-62; Speed, Prisoners, Diplomats, and the Great War, pp. 35-36.

¹⁴⁹ Speed, Prisoners, Diplomats, and the Great War, pp. 35-6.

number of men and officers” were actually helped by this agreement’s terms. “Large numbers of [British] prisoners suffering from tuberculosis even in the advanced stages” and mental illness were refused repatriation by Germany on the basis that they might recover and then be of military value.¹⁵⁰ This critique, however, is invalid as an attack on Germany, since the neutral Swiss Army Medical Corps came up with the idea that advanced stage tuberculosis patients should not be sent to Switzerland for fear of spreading disease and the unlikelihood of their survival throughout the long transport period.¹⁵¹

The agreement for neutral internment of sick and wounded prisoners of war shows, like some of the issues of the preceding chapter, the way in which belligerents and neutrals worked together to create humanitarian solutions to uphold international standards during the war itself. The problem of wounded and sick prisoners of war was not considered extensively before the war, as is seen by the fact that basic suggestions for neutral internment existed prior to the war, but that no concrete plans were laid out prior to the commencement of serious hostilities. Furthermore, this issue truly came to the forefront during World War I because of the extensive weaponry innovations that were occurring and causing new injuries. Wide scale use of relatively new weapons, such as machine guns, tanks, and poisonous gas left soldiers with more serious injuries than in previous international conflicts. Thus, care for soldiers wounded by the new classes of advanced weapons became a major prisoner of war issue that the belligerent powers had to deal with through innovative diplomatic practices. Sending several thousand prisoners from each side to Switzerland was one concrete way that the belligerents and neutral powers remedied the problems presented by the new and unexpected situation.

¹⁵⁰ McCarthy, *The Prisoner of War in Germany*, pp. 254-255.

¹⁵¹ Speed, *Prisoners, Diplomats, and the Great War*, p. 34.

These agreements between the Allies and Germany for the neutral internment of injured and ill prisoners of war in Switzerland were “an innovation unique to World War I” according to Speed.¹⁵² Although McCarthy had valid contemporary criticisms that not enough prisoners were helped by such a scheme, well over 30,000 prisoners actually benefitted, many of whom might have died in captivity in traditional prisoner of war camps due to not receiving proper medical care. The Hague and Geneva Conventions mentioned that neutral internment in a third country was a possibility for sick and wounded prisoners of war, but such a scheme was not guaranteed by international law and had never before been put into practice. The agreements for neutral internment therefore went above and beyond what was required by international standards at the time, demonstrating the power to positively add to existing international law frameworks during a time of war.

This truly was one of the great humanitarian triumphs of the war and shows the role of neutral intermediaries and nongovernmental organizations in helping the belligerents reach such an agreement. After the International Committee of the Red Cross suggested internment for injured and ill prisoners of war in Switzerland, Spain and the United States worked with France and Britain, respectively, to come to agreements with Germany, while the Swiss Army Medical Corps examined over 100,000 prisoners and the Swiss government and population actually welcomed thousands of soldiers. Most important, according to Speed, “the success of this experiment helped enable the belligerents to take further diplomatic steps to protect the prisoners who remained in captivity.”¹⁵³

¹⁵² Speed, Prisoners, Diplomats, and the Great War, p. 37.

¹⁵³ Speed, Prisoners, Diplomats, and the Great War, p. 37.

Other Examples of Neutral Internment

The Netherlands and Internment

The Netherlands was the primary country, besides Switzerland, that held prisoners of war for the belligerent powers during the war. In addition, the Netherlands allowed Germany and Great Britain to exchange prisoners of war across its own land. During the war, the Netherlands interned many soldiers in its neutral territory. Most came to the Netherlands as they fled the lines of battle, since they would rather be interned in a neutral country than become prisoners of war. One-sixth of the Belgian army, for example, fled to the Netherlands as the German Army laid siege to Antwerp. By the end of the war, the Netherlands housed 33,105 Belgian internees, 1,751 British internees, 1,461 German internees, 8 French internees, and 4 American internees. In addition, the Netherlands took 6,000 British and 4,500 Germans in scheduled neutral internment as part of official prisoner of war exchanges.¹⁵⁴

In February 1915, Britain and Germany “agreed to exchange sick and wounded prisoners of war via the Netherlands.” Wounded German prisoners of war traveled to port cities Vlissingen and Hoek van Holland, where they boarded trains to return to Germany. Injured Allied war prisoners also traveled to these cities, where they boarded the ships for the United Kingdom. In total, 7,800 wounded German prisoners were returned to Germany from Britain through the Netherlands and 4,700 British soldiers were returned to Britain from Germany through the Netherlands between December 1915 and the end of the war. These exchanges were monitored by Dutch military and were paid for by the Netherlands (which differs significantly

¹⁵⁴Maartje M. Abbenhuis, *The Art of Staying Neutral: The Netherlands in the First World War, 1914-1918* (Amsterdam: Amsterdam University Press, 2006), pp. 96, 102, 106.

from neutral internment in the Netherlands, which was paid for by the prisoners' home countries).¹⁵⁵

Norway and Internment

Although Switzerland and the Netherlands were the main locations for neutral internment of soldiers during the war, other countries were also involved in this humanitarian endeavor, namely the neutral Scandinavian nations. John Thiesen, a Norwegian historian, has studied closely the role of the Scandinavian neutral powers of Norway, Denmark, and Sweden during the War. In spring 1916, each of these countries began negotiations with belligerents regarding internment of sick and wounded prisoners of war in the Scandinavian neutral nations. Thiesen has been unable to discover whether the Scandinavian countries or the belligerents or some other neutral power initiated these discussions, but it is clear that each of these countries looked favorably on the humanitarian assistance they could provide by housing wounded prisoners of war in the same manner Switzerland was doing at the time. Russia, Germany, and Austria-Hungary were interested in agreements with these nations, but the negotiations fell through when Sweden pulled out in the summer of 1916 due to governmental opposition to the plan.¹⁵⁶

Norway, however, decided to go ahead with its plans to intern prisoners of war on their neutral soil. In September 1916 the Norwegian government set up a committee chaired by Colonel H. Daae to deal with these issues. The manager of the Norwegian Red Cross and the State Hospital director were also committee members. The committee faced diplomatic challenges, but an agreement was finally reached between Russia and Germany and Austria-Hungary, based on the following ideas: Norway would intern an equal number of injured and

¹⁵⁵ Abbenhuis, *The Art of Staying Neutral*, p. 109.

¹⁵⁶ John Thiesen, *Prisoners of War and Internees in Norway in World War I, 1914-1919, A Postal History Study of the Norwegian War and Field Post Society* (Oslo: War and Philabooks Ltd AS, 2006), p. 16.

sick prisoners of war from both sides, the belligerents paid some of the costs of internment, prisoners of war who tried to escape would be returned to the country that originally held them, and Norwegian representatives had a role in the selection of soldiers for internment.¹⁵⁷

Initially 300 prisoners of war from both sides were transferred. The soldiers were to be housed in hotels, boarding houses, and hospitals that existed rather than camps, and these locations were to be managed by the Norwegian Red Cross and the Army Sanitary troops. Sick and wounded prisoners were interned in Norway from mid-April 1917 to July 1918. The agreement was eventually undermined by conditions of the Russian Revolution. The prisoners of war interned in Norway were transported through Sweden, which was also involved in the direct repatriation of many very sick prisoners of war. Between August 12, 1915 and late January 1918, the Swedish Red Cross worked hard to transport sick and wounded prisoners of war. 63,162 prisoners eventually crossed through Sweden as they were repatriated.¹⁵⁸

Conclusion

Despite overwhelming evidence that neutral powers worked to promote internment in their homelands, the question of why neutral powers acted in such a way remains. The idea of neutral internment, contained in the Second Geneva Convention, was elaborated upon by Swiss journalist Louis de Tscharner in articles in the Berner Tageblatt in 1913. He suggested that Switzerland offer to care for equal numbers of wounded prisoners of war from both sides of an international European conflict in exchange for other nations' promises to uphold Swiss neutrality. Here, we already see an incentive for neutral powers to help the belligerents in order that the belligerent powers respect their neutrality.¹⁵⁹

¹⁵⁷ Thiesen, Prisoners of War and Internees in Norway, p. 16.

¹⁵⁸ Thiesen, Prisoners of War and Internees in Norway, p. 16.

¹⁵⁹ Speed, Prisoners, Diplomats, and the Great War, p. 33.

Dutch historian Maartje M. Abbenhuis raises the excellent question, why the Netherlands and other neutral nations, such as Denmark, Switzerland, and Norway, took internees and facilitated exchanges, often at a great cost to themselves. She then answers this question by simply saying that it was a way for the neutral powers to make “themselves look humanitarian and useful.” This made the neutrality of small countries useful to belligerents, who needed such countries to facilitate exchanges and to house wounded prisoners. Maintaining goodwill on both sides was essential to maintaining neutrality and facilitating prisoner of war interactions was one way to achieve this goal.¹⁶⁰

Neutral states, such as Switzerland, Norway, and the Netherlands chose to provide humanitarian services to the belligerents for a variety of reasons, both out of self-interest and in support of the Enlightenment ideals of justice. Of the services that the neutral European states provided to belligerents, the most taxing was the provision of accommodations for imprisoned soldiers who were interned on neutral soil. Nevertheless, the neutral states worked with the belligerents, first by negotiating a series of complex agreements to provide the terms and logistics for the transfer and internment of prisoners, then by actually providing lodging, food, and medical care for the soldiers interned in their territory. This shows a genuine interest in the charitable ideals espoused by Ador and other humanitarians and enshrined in the Geneva Convention of 1906, which provided for neutral internment for sick and wounded prisoners. By cooperation among belligerents and neutrals, the existing international standards were upheld and even expanded upon.

Another important aspect of the provision for neutral internment of injured and sick prisoners was that it was a completely new program that fulfilled existing international humanitarian standards, codified into law through the Geneva and Hague Conventions in place

¹⁶⁰ Abbenhuis, *The Art of Staying Neutral*, p. 110.

during World War I. Despite the fact that these international agreements suggested that neutral internment take place, it had never been implemented in a large-scale conflict. The guidelines for neutral internment in the existing treaties were very vague and so diplomatic negotiations had to take place through neutral power-facilitated correspondences between belligerents. Neutral powers not only kept belligerent soldiers in their territory, but they also were critical in the actual drafting of the specific wartime provisions. This therefore represents dramatic cooperation between belligerents and neutral powers in order to protect soldiers and civilians held in captivity.

**CHAPTER 5:
AGREEMENTS FACILITATING EXCHANGE AND REPATRIATION
OF PRISONERS OF WAR AND CIVILIAN INTERNEES**

The exchange of prisoners, which began in the Middle Ages, has been an important issue in wartime captivity since the Enlightenment. World War I was no different. In fact, Lord Newton declared that “the exchange of prisoners was one of the most important questions which occupied the Prisoners-of-War Department.” At the beginning of the war, many of the Anglo-German exchange negotiations dealt with individual exchanges of those with “social or political ‘pull’.” There were drawbacks to this system, including the complexity of negotiations that occurred for the exchange of just a few important individuals and the underlying questions of fairness and equality. Lord Newton eventually ended all individual exchanges in an attempt to focus on mass prisoner of war exchanges between Britain and Germany.¹⁶¹

Another significant issue in these negotiations was the complex intermingling of offices involved. Multiple times on the British side, the Prisoners of War Department and Foreign Office would be in favor of an exchange, but the War Office and Admiralty would obstruct negotiations because they had different tactical goals than the most direct return of prisoners. In Fall, 1916, Foreign Secretary Grey even threatened to completely withdraw the Foreign Office from all prisoner of war issues if the War Office and Admiralty did not cooperate in certain exchanges that were under negotiation. The agreement that was reached was that the Foreign Office would handle working with neutral intermediaries, while the War Office would have the ultimate authority in prisoner of war negotiations for the British Government.¹⁶²

The specific issue of prisoner of war and civilian internee exchange and repatriation is one of the best examples of neutral involvement in the development of international law to solve

¹⁶¹ Lord P. C. Newton, Retrospection (London: John Murray, 1941), p. 220.

¹⁶² Newton, Retrospection, pp. 227-9.

the unforeseen prisoner of war problem in World War I. Almost all of the main neutral intermediaries – Switzerland, the Netherlands, the United States, and Spain – were involved in facilitating these processes during the war. This chapter will examine several examples of bilateral agreements between Great Britain and Germany that involved exchange and repatriation of prisoners in order to elucidate how the nations formed new international law standards during the war itself and the role of the neutral powers in both making and upholding these agreements.

Release of Interned Civilians

After the successes of negotiations for neutral internment in Switzerland and other neutral powers, negotiations surrounding prisoners of war continued. The next major humanitarian concern of the British and German governments as well as the international community was the questions of interned civilians. These negotiations proved significantly more difficult than those concerning sick and wounded prisoners of war for several reasons. First, interned civilians were a huge propaganda source for both sides. Ruhleben, Germany's most infamous civilian internment camp, was constantly the subject of British parliamentary debates and newspaper articles. Released internees, such as Israel Cohen, often wrote and published memoirs during the war itself, which described inhumane conditions and further fueled the media's interest in the topic.¹⁶³ As a result of this perceived public pressure, both sides were more reluctant to make key concessions in an agreement for the release of interned civilians.

The second factor that made the issue of civilian internees contentious between Germany and Great Britain was the disparity in the size of the internee populations: Great Britain held six-and-a-half times more German civilians than Germany held British civilians. There were 26,000

¹⁶³ Israel Cohen. The Ruhleben Prison Camp: A Record of Nineteen Months' Internment (New York: Dodd, Mead and Co., 1917).

German civilians in the United Kingdom but only 4,000 British civilians in Germany.¹⁶⁴ These numbers made the negotiations difficult simply because Britain held so many more Germans. Therefore, if the sides exchanged equal numbers of civilians, Britain would have still held 22,000 German civilians, while Germany would have repatriated all of its British citizens. Similarly, if they had agreed to repatriate all civilians, Britain would have returned over 20,000 more Germans, and it was feared that many of these returned civilians of proper age for military service would be conscripted, even if there was an agreement promising that this would not occur.¹⁶⁵

A final factor that made these negotiations difficult was the internal fighting of various parties within the British government. The Foreign Office was very much in favor of the exchange of civilian internees while the War Office tried to obstruct such exchanges because of a possible military advantage Germany could gain by conscripting repatriated prisoners of war. Lord Newton described the War Office as trying to “wreck” the negotiations for civilian internees.” In essence, this Office and the Admiralty considered “every released civilian as an addition to the German army.”¹⁶⁶

In June 1916, the British government went through American intermediaries to inquire about the diet of British prisoners at Ruhleben and request the release of interned civilians. The Germans dismissed the British claim that the British provided better food to German civilian internees than the Germans did for the British. The Germans further threatened to retaliate by withdrawing parcel service and by imposing further regulations to bring their camps' standards

¹⁶⁴ Cohen 221.

¹⁶⁵ Matthew Stibbe, “A Question of Retaliation? The Internment of British Citizens in Germany in November 1914,” *Immigration & Minorities* 23:1 (2005).

¹⁶⁶ Newton, *Retrospection*, pp. 230, 227.

down to the British level if the British choose to retaliate against the Germans for food.¹⁶⁷ This example illustrates perfectly the way that reprisals and retaliation can occur endlessly if information like this does not pass between belligerents so that they can stop the cycle that will only create less humane conditions for their nations' prisoners of war. It is obvious that this issue was a priority for the British government because Foreign Minister Grey dealt with the matter personally rather than delegating it to Newton or Vansittart, who typically dealt with routine prisoner of war issues and inquiries. For an issue to merit the attention of the Foreign Minister in a time of war, it had to be very important.

In the same correspondence thread with the British Foreign Office, the German government declared that it was not opposed to the release of all interned British civilians, but that the British would only release an equal number of German civilians and that this would be unfair to the German internees that are kept in captivity and to the German government for making them choose between their citizens. The German government declared that it would only agree to repatriation of interned civilians if all prisoners in both countries would be released.¹⁶⁸

The British government replied, as was expected, that the German proposal would entail the release of 26,000 Germans for 4,000 British. According to Grey, this simply was not possible. Grey requested that Gerard ask the Germans whether they would be able to come to an agreement about the repatriation of some categories of interned civilians, including those over the age of 50 and those between the ages of forty-five and fifty who were unfit for military service. The British also proposed that each side be able to retain up to twenty people for

¹⁶⁷ Great Britain, Foreign Office, "Further Correspondence respecting the Conditions of Diet and Nutrition in the Internment Camp at Ruhleben and the Proposed Release of Interned Civilians," Miscellaneous no. 25, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916), pp. 1-2.

¹⁶⁸ Great Britain, Foreign Office, "Further Correspondence respecting the Conditions of Diet and Nutrition in the Internment Camp at Ruhleben and the Proposed Release of Interned Civilians," p. 2.

military reasons. These twenty internees, presumably men in important military positions, would not be repatriated during the course of the war because they were of significant military value to the enemy. The second part of the British proposal asked that Germany intern the remainder of British civilians, including merchant seamen not in the navy, in a neutral country in exchange for the British interning an equal number of German civilians in a neutral country.¹⁶⁹

To this proposal, the German Foreign Office replied that “its original proposition to release all British subjects over forty-five years of age in return for release of all Germans of same age throughout the British Empire has never been withdrawn, and it would be glad to learn if British Government – having declared that proposition – is now prepared to accept it.” The British said they will agree to the German proposal with the following conditions: retired naval and military officers who are not paid and British merchant seaman and ship officers would be considered civilians and “the remaining British civilians interned in Germany shall be exchanged against an equal number of German civilians interned here.” Grey knew that their proposal for an equal exchange of those under forty-five from Britain and Germany had little chance of acceptance, so he was willing to drop it if the Germans accepted the first condition.¹⁷⁰

Germany then asked that both countries agree that released prisoners would not enter the armed forces and that German merchant seaman and retired officers also be considered civilians. The Germans also wished to add that as civilians reach the age of forty-five they would continue to be released. Germany also asked that no persons be retained for military reasons because they were worried that Germans would be detained on “untenable grounds.” Weeks into the

¹⁶⁹ Great Britain, Foreign Office, “Further Correspondence respecting the Conditions of Diet and Nutrition in the Internment Camp at Ruhleben and the Proposed Release of Interned Civilians,” pp. 2-3.

¹⁷⁰ Great Britain, Foreign Office, “Further Correspondence respecting the Conditions of Diet and Nutrition in the Internment Camp at Ruhleben and the Proposed Release of Interned Civilians,” p. 2.

negotiations, the Germans were still asking for a release of all civilian prisoners on both sides, even though this obviously would not happen.¹⁷¹

The German *note verbale* response to Britain was that the “German Government keenly regret from the point of view of humanity that the British Government have not seen their way to acquiesce in the German proposal for the release of all civilian prisoners, despite the fact that by renouncing the right of enrolling these men in the army the sole object of their detention would disappear. They likewise regret that the British Government have not at least agreed to exchange of all civilian prisoners above the age of forty-five years without exception. To avoid wrecking the agreement, however, they did “not withhold their consent to an exchange on the lines of the proposal put forward by the British Government.”¹⁷² Again, this quotation from the diplomatic correspondence shows how both nations felt that “humanity” and the ideals of international law served their own particular purposes.

Finally, an agreement was concluded between the British and German governments via telegrams and letters sent through the American Ambassadors in London and Berlin. The fact that an agreement to exchange some categories of civilians at all shows the ways in which belligerents and neutral powers cooperated to uphold international standards, even when vague and ill-defined, and to ensure as humane treatment as possible. The negotiations that led to this agreement, however, were not easy; they began in September of 1916 and lasted until the agreement entered into effect on December 22, 1916. During this timeframe, Balfour replaced Grey as British Foreign Minister.¹⁷³

¹⁷¹ Great Britain, Foreign Office, “Further Correspondence respecting the Conditions of Diet and Nutrition in the Internment Camp at Ruhleben and the Proposed Release of Interned Civilians,” p. 4.

¹⁷² Great Britain, Foreign Office, “Further Correspondence respecting the Proposed Release of Civilians Interned in the British and German Empires,” *Miscellaneous* no. 1, 1917, (London: H. M. Stationery Office, Harrison and Sons Printers, 1917), p. 3.

¹⁷³ Great Britain, Foreign Office, “Further Correspondence respecting the Proposed Release of Civilians Interned in the British and German Empires,” pp. 4-5.

The agreement favored German to British civilians at a rate of nine to one and both sides declared principles of humanity as guiding their efforts. Marked for repatriation were all civilians over forty-five interned in Germany, Britain, and the British colonies. Both nations had the right to retain up to twenty civilians on military grounds whose names would be communicated prior to the exchange. Neither nation had the right to compel their citizens to return home. The final exchange of civilian internee agreement included the following terms: nationals have a choice of whether to be repatriated, the repatriation costs are borne by the individual or their national government, repatriation from British overseas colonies and possessions may take more time than from Europe itself but will occur as quickly as possible, and retired officers, ship's officers, and merchant seamen are to be considered ordinary civilians and were thus eligible for this scheme. In addition, the Germans requested that this agreement would apply prospectively to new prisoners, but the British were hesitant make such a commitment at that time.¹⁷⁴

The actual logistics of carrying out the agreed upon exchanges also proved to be complicated. The Germans requested that the exchange take place simultaneously in three groups of equal numbers of prisoners. The British, however, were reluctant to agree to this because Great Britain had to charter a boat to cross from the Netherlands to the United Kingdom, which would make a simultaneous exchange difficult and expensive. The British countered with the suggestion that the Germans transfer the number of British civilian internees that would fit on the chartered boat to the designated port town in the Netherlands, and as a shipment of German civilians arrived from Britain, British civilians could board the boat returning home.¹⁷⁵

¹⁷⁴ Great Britain, Foreign Office, "Further Correspondence respecting the Proposed Release of Civilians Interned in the British and German Empires," pp. 4-5.

¹⁷⁵ Great Britain, Foreign Office, "Further Correspondence respecting the Proposed Release of Civilians Interned in the British and German Empires," p. 4.

Issues of civilian repatriation were not unique to the Anglo-German relationship; concurrently, the British government was also negotiating with the Austro-Hungarians for a reciprocal agreement that would return civilians interned on both sides that were fifty-one years of age and older and those that were between forty-five and fifty-one years of age and unfit for military service. The British government stipulated that they would only repatriate people with no military reasons for their detention. This request met with the questions from Vienna about the definition of military reasons.¹⁷⁶

It is important to note that the question of civilian internment was such an important question because of the length and the seriousness of the war. Because World War I became a total war that mobilized the entire nation's population in either direct combat or in an economic role (either industry or agriculture) that supported the war, every citizen counted as a resource. The British initially interned all of the German civilian males because if they had been allowed to return to Germany, they would have almost certainly been conscripted into the armed forces and thus been able to fight against Great Britain in the war. Towards the end of the war, a lack of manpower was one of Germany's serious disadvantages, and by keeping German civilians in Great Britain, Britain was exacerbating an existing problem. In a former war, the civilian population would not have been as significant, but in the modern warfare epitomized by World War I, every man mattered, especially later in the war as millions of men in the army had already been killed and thus more and more men had to be conscripted into the armed forces.

The Hague Conferences of 1917 and 1918

The Hague Conferences of 1917 and 1918 were critical turning points in the negotiations between belligerents regarding prisoners of war. Earlier negotiations that occurred between

¹⁷⁶ Great Britain, Foreign Office, "Further Correspondence respecting the Proposed Release of Civilians Interned in the British and German Empires," p. 1.

Britain and Germany in diplomatic correspondences through intermediaries were limited to discussing and resolving single issues. For example, in the aforementioned negotiations, a single issue, such as agreeing to intern invalid prisoners of war in neutral Switzerland, was the main (and oftentimes only) issue of the correspondence. These conferences were unique in their efficiency in that in a matter of days rather than months, the diplomatic teams representing each side had the ability to discuss a range of issues, from repatriation of civilian internees to parcel delivery.¹⁷⁷

These conferences were necessary because previous international agreements were inadequate in dealing with the actual problems that arose regarding prisoners of war. The face-to-face conferences between the Allied powers and Germany show the wartime need for powers to think on their feet and create innovative, even if unconventional, solutions, as live conferences between powers with no official diplomatic relations are. The agreement that eventually evolved from the conference of 1917 “broadened and reinforced previous internment and exchange agreements” and “clarified several issues that had complicated prisoner relations between the two states.”¹⁷⁸ The two Anglo-German conferences at the Hague were, overall, quite successful.

Historical Background to the Conferences

The German government was the first to suggest a conference on prisoner of war issues. In late April, 1915, German military authorities, Foreign Minister Gottlieb von Jagow, and Deputy Foreign Minister Arthur Zimmerman proposed that American and Spanish diplomats hold a conference for all belligerents in which prisoner of war issues, including treatment and exchanges, could be discussed. The Germans wished that the Americans would actually propose

¹⁷⁷ Great Britain, “An Agreement between the British and German Governments concerning Combatant and Civilian Prisoners of War,” *Miscellaneous* no. 12, 1917 (London: H. M. Stationery Office, Harrison and Sons Printers, 1917).

¹⁷⁸ Speed, *Prisoners, Diplomats, and the Great War*, p. 37.

the idea under the assumption that it would be better received in Britain if it came from the United States rather than Germany. Although Bryan and State Department Counselor Lansing thought it was a good idea, they felt that that Germany should propose the conference. According to Speed, however, “the proposal died an untimely death,” which was unfortunate because “such a conference, including all the major belligerents and the world’s major neutral power, potentially could have simultaneously resolved problems that were the subject of protracted bilateral negotiations during the next three years.”¹⁷⁹

German and French representatives set up a face-to-face conference in Berne in order to discuss prisoner of war issues in more detail and hopefully reach breakthroughs similar to that of the neutral internment scheme for sick and wounded prisoners of war in Switzerland. At the end of the month, the nations signed an agreement that contained many provisions for prisoner of war exchanges and placed civilian internees in the same legal category as prisoners of war, which gave them more international rights. The treaty coordinated the exchange of officers over 55 years of age who had been in captivity for at least a year-and-a-half and for noncommissioned officers and men over 48 years old. After this, prisoners would be exchanged at agreed-upon intervals in equal numbers and ranks.¹⁸⁰ This agreement was critical to Anglo-German relations in that it formed the basis for later discussions between English and German diplomats and encouraged a live meeting between these powers to discuss prisoner of war issues. It similarly showed, as did later agreements between the United Kingdom and Germany, that international law and standards could evolve and be amended due to specific wartime circumstances.

Discussions about a similar conference in Berne or the Hague between Germany and Great Britain floated around in diplomatic circles as early as December, 1916, in a letter from

¹⁷⁹ Speed, *Prisoners, Diplomats, and the Great War*, pp. 25-6.

¹⁸⁰ Speed, *Prisoners, Diplomats, and the Great War*, p. 37.

General Friedrich. In June, 1917, a conference at the Hague between delegates from Britain and Germany finally materialized. Of this, Lord Newton later wrote: “in new of continual delays, disputes and threats of retaliation on both sides, [I] was much disposed to try the experiment of personal contact.” And an experiment it was; it is quite a rarity for representatives from countries that have severed diplomatic relations to meet in person. To show how unusual it is, remember that Friedrich and Newton met in person at the Hague but never even directly corresponded without going through an intermediary. Ironically, this face-to-face meeting at the Hague met with strong French resistance, even though the French had already concluded their own prisoner of war agreement with Germany in Berne.¹⁸¹

The Anglo-German Conferences at the Hague

The British delegation consisted of Thomas Wodehouse, Lord Newton, Lt. General Belfield, and Justice Sir Robert Younger. Belfield was particularly well-versed in Prisoner of War issues, and Newton attributes much of the Conference’s success to his expertise.¹⁸² Younger was the Chairman of Great Britain’s Committee on the Treatment by the Enemy of British Prisoners of War.¹⁸³ The German delegation consisted of Major General Friedrich (who had led the German delegation in the earlier French conference), Army Major Droudt, and Dr. Eckhardt. A Dutch diplomat, Jonkheer van Vredenburg, headed the Conference, acting as an intermediary to help the negotiations between the belligerents. Vredenburg had previously been an inspector for German prisoner of war camps, and although he had a reputation in London as being pro-German, Lord Newton described him as “fair and impartial” and “a humane and

¹⁸¹ Newton, *Retrospection*, pp. 230, 236.

¹⁸² Speed, *Prisoners, Diplomats, and the Great War*, p. 37; Newton, *Retrospection*, p. 242.

¹⁸³ Great Britain, Government Committee on Treatment by the Enemy of British Prisoners of War, “Report by the Government Committee on the Treatment by the Enemy of British Prisoners of War regarding the Conditions Obtaining at Wittenberg Camp during the Typhus Epidemic of 1915,” *Miscellaneous* no. 10, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916).

sensible man.” The conference, which lasted from June 25 to July 2, 1917, aroused “great interest,” as indicated by the fact that the Dutch Foreign Minister Loudon attended certain plenary meetings and the delegates even each had a session with the Queen of the Netherlands.¹⁸⁴

The actual conference took place around a big table, with the three delegates and three assistants on each side and Vredenburg at the head of the table. Each delegation used their own language, and Vredenburg’s language abilities were helpful in clarifying the parts that were difficult for one of the parties to understand. French was used for such misunderstandings. Newton describes the conference as having rather tense beginnings, as the parties could not agree upon which British ports should be used for prisoner exchanges. However, after the second day, the conference became more relaxed. On this day, the parties agreed to rebuke retaliatory actions and unnecessarily strict punishments for prisoners. Lord Newton commented on General Friedrich’s “prolix and oleaginous speeches in favour of humanity.”¹⁸⁵ For being such an usual affair, the conference ran smoothly after its rocky start. In less than two weeks, the parties had agreed upon terms to send to their nations’ governments for ratification.¹⁸⁶

The Agreement of 1917, however, proved insufficient to serve as the principal terms for the remainder of the war, as prisoners continued to accumulate during the spring offensives of 1918. “In the spring of 1918, difficulties in connection with prisoner-of-war questions began to accumulate,” according to Lord Newton. As a result, both the British and Germans were ready to meet again. In fact, the Germans and French had just signed an agreement to exchange between 150,000 and 200,000 prisoners of war on each side. A second conference therefore occurred beginning on June 8, 1918 at the Hague. This time, both parties had more delegates

¹⁸⁴ Speed, Prisoners, Diplomats, and the Great War, p. 37; Newton, Retrospection, p. 237-40.

¹⁸⁵ Newton 238.

¹⁸⁶ Great Britain, Foreign Office, “Draft of an Agreement between the British and German Governments concerning Combatant and Civilian Prisoners of War,” The Hague, July 2, 1917, in Foreign Office 383 Files, British National Archives (Document 136557, July 10, 1917).

than before, but Newton and Friedrich still headed their respective delegations as before. Vredenburg again chaired the conference.¹⁸⁷

Terms of the Hague Agreements

Although Lord Newton described the terms of the Agreement of 1917 as “nothing spectacular or sensational,” the agreement was still effective in facilitating the discussion of prisoner of war issues and coming to agreements on several issues in a matter of days rather than the weeks or months it would have taken for dozens of correspondences to be transported back and forth through London, the Hague, and Berlin. Newton wrote years later: “the fact remained that in ten days’ personal contact we had achieved as much as nearly three years’ interchange of Notes.” Similarly, some of the most important parts of the agreements were the less concrete aspects, which later became entrenched principles in international humanitarian law, namely the banning of retaliation.¹⁸⁸

The Anglo-German Agreement on Prisoners of War of 1917 first addressed the neutral internment scheme for sick and wounded prisoners of war. It added new categories, such as “barbed wire disease” (depression in those who had been held captive for over a year-and-a-half) and all officers who had been imprisoned for over a year-and-a-half, as eligible for internment in Switzerland. They also agreed to repatriate prisoners who would take a long time to recover from Switzerland so that new prisoners could be interned there as well as all medical personnel.¹⁸⁹

The agreement also provided for specific transfer mechanisms for prisoner of war exchanges and neutral internment in the Netherlands. It “allowed up to 16,000 prisoners of war

¹⁸⁷ Newton, *Retrospection*, pp. 255, 253, 257.

¹⁸⁸ Newton, *Retrospection*, pp. 240-1.

¹⁸⁹ Speed, *Prisoners, Diplomats, and the Great War*, p. 38.

to be interned” in the Netherlands. “The Dutch Minister of Foreign Affairs signed the agreement, confirming his government’s cooperation in the exchanges and commitment to the internment process.” The German and British prisoners of war were held in “private lodgings, hotels, or special barracks” and were treated more nicely than refugees because their trip to the Netherlands was involuntary. British internment camps were at or near Scheveningen, Leeuwarden, and Nijmegen and German internment camps were at Rotterdam, Dieren, Wolfheze, Hattem, Arnhem, and Noordwijk. The Dutch also allowed civilian internees in Britain or Germany to move to the Netherlands, where they were not interned and could live like other refugees.¹⁹⁰

In addition to issues of repatriation and exchange, the agreement also covered the treatment of prisoners of war. In the remaining sections of the agreement, Britain and Germany clarified ambiguities in the Hague Conventions for matters such as punishment for escape attempts, notification of impending reprisals, parcel delivery, and the sharing of captured prisoners’ names.¹⁹¹ It is important to note that this agreement built upon existing international law agreements rather than altering them. When provisions from the 1906 Geneva Convention or the 1907 Hague Conventions were unclear or open to varying interpretations, it was possible for the belligerents to meet in conference to determine an agreed-upon meaning and create specific mechanisms to carry out the broad concepts already outlined in international treaties.

The second agreement from July 1918 has two parts, the first focusing on exchange and repatriation and the second focusing on treatment of prisoners, which looked closely at issues of prisoner employment not covered in the Hague agreements including suitable hours of work a week, distance of camps from the front, nutritional issues, and accommodations for prisoners

¹⁹⁰ Maartje M. Abbenhuis, The Art of Staying Neutral: The Netherlands in the First World War, 1914-1918, (Amsterdam: Amsterdam University Press, 2006), pp. 109-10.

¹⁹¹ Speed, Prisoners, Diplomats, and the Great War, p. 38.

held at camps.¹⁹² Because this agreement was never actually ratified by the belligerents and thus never passed into law, this study will not go into extensive detail about its contents.

Results of the Agreements

The 1917 Agreement was met with enthusiasm from both the British Parliament and public; this enthusiasm soon dissipated, however, when immediate radical changes did not take place in the German system. Similarly, the enactment of the internment of prisoners of war in the Netherlands was held up by difficulties in the belligerents' agreements on ports of embarkation in the United Kingdom, an issue which the parties had been unable to resolve in the Hague.¹⁹³

Only 4,500 German and 6,000 British prisoners of war were actually interned in the Netherlands, which is significantly lower than the 16,000 person maximum stated in the Anglo-German Prisoner of War Agreement of 1917. The maximum was not reached because of the dangers of sea crossings from the United Kingdom to the Netherlands during a time of unrestricted submarine warfare and the blockade of Germany. The blockades also limited the amount of food in the Netherlands, which was carefully rationed, and there were concerns about having to feed thousands of extra prisoners of war when civilians were already barely getting enough food during the 1917-1918 winter. When the Dutch cut the ration for prisoners of war interned there to the same levels that Dutch citizens had, the British government complained and internees actually rioted in Hardewijk. This left the Dutch public unenthusiastic about supporting the transfer of more foreign prisoners into the Netherlands.¹⁹⁴

¹⁹² Speed, *Prisoners, Diplomats, and the Great War*, pp. 39-41.

¹⁹³ Newton, *Retrospection*, p. 241.

¹⁹⁴ Abbenhuis, *The Art of Staying Neutral*, pp. 110-111.

The Hague Agreement of 1918 was never ratified by either Germany or the United Kingdom, so it never officially entered into international law. In early October, 1918, each government sent the other ultimatums regarding the agreement; however, by this time, it had become apparent that the war was quickly approaching a conclusion, and so there was little impetus for further negotiations on prisoner of war issues.¹⁹⁵

Although the agreements did create clearer international law standards for treatment and repatriation and neutral internment of prisoners of war, there were still controversies and issues in actually carrying out the terms of the agreement. Specifically there was a controversy as to the ports that were to be used for exchanges. The 1918 agreement was not ratified before the end of the war, and so it had little or no effect on the actual situation of prisoners of war. These agreements happened relatively late in the war and had only a limited effect, but they still show the power of diplomatic relations in solving real wartime problems effectively through keeping open communications with the facilitation of neutral power intermediaries.

Other Successful Bilateral Agreements

The success of the first agreement is supported by the fact that French and German delegates met again in spring 1918 and British and German delegates met again in summer 1918. Both groups drafted even more extensive codified agreements for prisoners of war, again with similar themes. To show how important this matter was, the Anglo-German conference at the Hague lasted over one month, from June 8 to July 14, 1918. These treaties “established uniformity of treatment where the Hague Convention had permitted variation.”¹⁹⁶ This again shows the ways that belligerents met to adjust international law in the setting of the war itself with the help of neutral intermediaries.

¹⁹⁵ Newton, *Retrospection*, p. 263.

¹⁹⁶ Speed, *Prisoners, Diplomats, and the Great War*, p. 38.

Similar agreements between Britain and Germany and other belligerents also occurred, adding more to the body of prisoner of war international humanitarian law. The British conducted a similar agreement with the Ottoman Empire on prisoners of war and civilian internees.¹⁹⁷ Throughout December 1917, British and Turkish delegates met at Berne in hopes of concluding a similar agreement. In this case, the Swiss acted as intermediaries and the negotiations moved more slowly. Lord Newton ended up having to bribe the Turkish officials because he realized that he had no assurances that anything the Turks signed would be carried out. Of this under-the-table agreement, Lord Newton said, "I therefore felt no hesitation in giving confidential assurances that financial rewards would be forthcoming if exchanges and better treatment were effected. It seemed to me that money could not be better spent than in saving the lives of these unfortunate prisoners." The official agreement was ratified by the Turks in April, 1918, much to the surprise of the British.¹⁹⁸

This agreement was concluded after British (Ador, Newton, Belfield, A de Pury) and Turkish (Moukhtar, Halil, Aziz, Y. Zta, and Izzet) representatives met in Berne in December 1917 to discuss prisoner of war issues. The meetings were presided over by the Chief of the Swiss Political Department and assisted by the Chief of the Department for the Representation of Foreign Interests and Internment of Switzerland. The agreement deals with issues like the repatriation of invalid prisoners of war (and the medical commissions that would select them), repatriation of medical personnel, repatriation of civilians, as well as exactly how these people will be transported and the order in which they will be transported. In addition the agreement looked to the treatment of prisoners of war, including camp visits, Camp Help Committees,

¹⁹⁷ Great Britain, Foreign Office, "Agreement between the British and Ottoman Governments Respecting Prisoners of War and Civilians," Miscellaneous no. 10, 1918 (London: H. M. Stationery Office, Harrison and Sons Printers, 1918).

¹⁹⁸ Newton, Retrospection, pp. 245, 248, 253.

lodging and sanitary conditions in the camps, parcel delivery, religious services, punishment for escape attempts, trials, and reprisals. The Anglo-Turkish Agreement also includes clauses on the sharing of information, such as lists of prisoners, death certificates, and specific inquiries.¹⁹⁹

The Germans and Americans drafted a similar agreement, which was the most comprehensive, at the very end of the war. The eventual Geneva Convention of 1929, which updated the previous Geneva and Hague Conventions, which had been in effect during the war, contain many similarities to these documents, proving that wartime negotiation of treaties was an important way of creating new, effective international laws.²⁰⁰

Conclusion

Because there were so many unexpected prisoners on each country's soil, prisoner and civilian repatriation eventually became the next logical step for the improvement of humanitarian standards for the prisoners. First in agreements that were done solely by correspondences passed back and forth by neutral powers, namely the Netherlands in the case of Germany and the United Kingdom, these countries worked together to create reasonable solutions with which each country could be satisfied. Later, the revolutionary step of face-to-face meetings between belligerents with no diplomatic relations occurred at the Hague, fostered again by the government of the Netherlands. Such meetings during a time of war are very rare and demonstrate an actual desire on the part of both the neutrals and the belligerents to work together to fix the existing problems of wartime captivity.

Although there were many bumps in the negotiations and the agreements were not always perfectly enforced during the course of the war, it is important to note that they formed the

¹⁹⁹ Great Britain, Foreign Office, "Agreement between the British and Ottoman Governments Respecting Prisoners of War and Civilians,"

²⁰⁰ A. J. Barker, *Prisoners of War* (New York: Universe, 1975), p. 16.

foundations for later developments in international law, which will be discussed in the Conclusion, and that they represented a genuine step forward in the quest for humane, modern warfare that occurred around the turn of the twentieth century. Many of the practices either created or envisioned in the repatriation agreements for civilians and in the Anglo-German Hague Agreements later became mainstays of international humanitarian standards during times of war.

These agreements, such as the Hague, but also agreements for neutral internment discussed in the previous chapter, represent the most extreme forms of belligerent cooperation to create and uphold international humanitarian standards of captivity during World War I. Neutral powers were critical in this, as they served as intermediaries in the exchange of diplomatic letters containing agreement provisions, as hosts of conferences between belligerents, and as sites of alternative internment. The various agreements in this chapter show innovative solutions to problems caused by the war of attrition and demonstrate how critical neutral powers were for the success of these idealistic goals to improve wartime conditions.

CONCLUSION

In August 1914, belligerents had no idea what lay ahead. As troops marched eagerly towards a war that would almost certainly be “over by Christmas,” their leaders were frighteningly unprepared for the different type of struggle that emerged. As World War I stretched into a multipower war of attrition, the inadequate planning from the war’s outset became apparent. One example of this was the prisoner of war situation: millions of prisoners were taken captive from the initial offensives through the period of stalemate and trench warfare through the war’s final bitter offensives and counter-offensives. The captors, however, were for the most part, unprepared to deal with this new duty, which quickly became a burden. Prisoner of war issues were but one of the many dimensions of this unpreparedness, but they have the power to demonstrate the vastly different predictions and outcomes of the First World War.

Despite the lack of foresight in dealing with prisoner of war issues, World War I saw prisoners of war and civilian internees being treated relatively well in comparison to previous and subsequent wars. There were many isolated incidents of cruelty and violence against prisoners; however, neither systematic torture nor widespread executions occurred during World War I as it did in World War II and during later conflicts, such as the Vietnam War or America’s occupation of Iraq. In fact, historian Richard B. Speed argues that all of the Western powers did everything in their power to treat prisoners to the best of their ability during the war, including providing them with adequate food and shelter. Several observers during the war, such as American camp inspector Daniel J. McCarthy and civilian internee Israel Cohen, heavily criticize the German government for its treatment of prisoners of war as inhumane and not meeting international standards. In light of more recent tragic events concerning prisoners of

war, however, the conditions in which most prisoners lived in World War I seem relatively benign.

A large aspect of the positive treatment of prisoners of war by the belligerents, notably Germany and the United Kingdom in this study, was the role of neutral powers. Neutral powers, such as the United States (until February 1917), the Netherlands, Spain, and the Scandinavian countries all played a role in negotiations between belligerents, who officially had no diplomatic relations and thus could not speak directly. By shuttling memoranda and *notes verbale* back and forth between countries that had few other ways of really communicating, the neutral powers facilitated a mighty exchange of information that improved the treatment of prisoners of war. These communications enabled the powers to try to coordinate treatment so that it was as reciprocal as possible and ensured that rumors of mistreatment in one country did not cause the other to retaliate needlessly by worsening conditions for the prisoners under its domain.

The fact that the international laws in place at the time of the war – the 1899 Hague Conventions, the 1906 Geneva Convention, and, to a lesser extent, the 1907 Hague Conventions (it had been ratified by some but not all belligerents, so it was inoperative; however, most countries chose to follow its guidelines) – were ill-defined and often vague makes the overall positive treatment of prisoners even more amazing. It was not because of the specific codified laws in place at the time that prisoners were treated well; instead, it was because of the efforts of neutral-power diplomats such as Gerard and Vredenburg and the cooperation of the belligerents themselves that the developing notions of international humanitarian standards were maintained and even strengthened.

Because the standards of international law at the time were inadequate due to insufficient detail, new standards and systems had to be created during the war to ensure fair treatment of

prisoners. Belligerents could have simply ignored the existing Hague and Geneva Conventions with regards to prisoners of war, but they chose not to in order to protect their own prisoners, for they realized that if one belligerent did not adhere to the guidelines, an enemy holding their own prisoners captive could do the same. Therefore, the countries chose cooperation instead of risking cyclical reprisals, and several solutions to problems that arose from the lack of planning for prisoners were created in an ad hoc manner during the course of the war. Some of these methods for maintaining reciprocity and preventing reprisals included camp inspection schemes, bilateral treaties between belligerents creating higher standards than those codified in the Hague Conventions of 1907, repatriation of civilian internees, and the internment of sick and wounded prisoners in neutral third countries. Neutral powers were critical to each of these developments out of both practical, selfish reasons and a true desire for humanitarian aid to the war torn parts of Europe.

Even more remarkable than the fact that humanitarian policies were created to ameliorate the conditions of prisoners during the war is the fact that these practices became standard procedures after the war. Many of the provisions from the various schemes and agreements created during the war, such as the Anglo-German Treaties composed at The Hague in 1917 and 1918, were later written into the Geneva Convention of 1929. In fact, the treaty signed by Germany and the United States on November 11, 1918, which mimics the Second Hague Agreement between Britain and Germany, “bears a striking resemblance to the Geneva Convention of 1929,” which was drafted a decade after the war in order to improve upon the existing multinational legal system in place from the previous Geneva Conventions.

In 1929, representatives from all the world’s major powers, excluding the newly formed Soviet Union and Japan, met in Geneva to “frame a treaty which could supersede the Hague

Conventions” and to “make International Law...not just to draft a summary of rules based on existing international law.”²⁰¹ The treaty that emerged was signed by forty-seven nations on July 27, 1929 in a spirit of hope and an attempt to create a world where warfare truly was humane.²⁰² No one knew that only a decade later, World War II would ravage Europe and the Pacific, creating a far greater challenge for these humanitarian ideals than even World War I had posed.

From the 1929 diplomatic conference at Geneva, two conventions revising the Geneva Conventions of 1864 and 1906 emerged. The first relates to the “Amelioration of the Condition of the Wounded and Sick in Armies in the Field,” and the second regards the “Treatment of Prisoners of War.”²⁰³ Importantly, many of the issues addressed in this analysis that were solved in an ad hoc manner during World War I actually were written into the 1929 Geneva Convention on the Treatment of Prisoners of War. The Convention prescribes that medical inspections for prisoners occur on a monthly basis in Section II, Chapter 1, Article 15.

An entire section – Part IV, Section 1 – of the Convention on the Treatment of Prisoners of War deals with “Direct Repatriation and Accommodation in a Neutral Country,” the subject of the final two chapters of this study. The treaty states that seriously ill or wounded soldiers must be repatriated to their homeland and it encourages countries to create bilateral agreements, like those created by Germany and Great Britain during World War I, to provide for the specifics of direct repatriation and neutral internment of healthy prisoners.²⁰⁴ The fact that many of the ad hoc diplomatic developments surrounding prisoners of war during World War I actually became codified into international law via the Geneva Conventions of 1929 demonstrate the growing

²⁰¹ A. J. Barker, *Prisoners of War* (New York: Universe, 1975), pp. 16-17.

²⁰² International Committee of the Red Cross, “Final Act of the Diplomatic Conference,” Geneva, 27 July 1929, <http://www.icrc.org/IHL.nsf/FULL/295?OpenDocument>.

²⁰³ International Committee of the Red Cross, “Final Act of the Diplomatic Conference,” Geneva, 27 July 1929.

²⁰⁴ International Committee of the Red Cross, “Convention Relative to the Treatment of Prisoners of War,” Geneva, 27 July 1929, <http://www.icrc.org/IHL.nsf/FULL/305?OpenDocument>.

power of international law as a result of World War I as well as the fact that diplomats eagerly looked to the relative success of the treatment of prisoners of war during World War I when they were creating treatment standards to be used in future conflicts. The provisions of the 1929 Conventions, though far from perfect, do provide much more clear and specific guidelines than the Geneva and Hague Conventions in place during World War I.

Another important difference between the Hague Conventions of 1899 and 1907 and the Geneva Conventions of 1929, besides the specificity of the latter, is that the latter is bilaterally binding. This means that any two states that have signed the treaty are obligated to follow it in relations with each other, even if other parties in the war have not ratified the treaty. Therefore, for example, in World War II, Germany and the United Kingdom, as powers at war, were obligated to follow its terms even if the relations between Germany and the Soviet Union, a nonsignatory, were not governed by the Convention (whether or not its terms were actually followed is an entirely different matter).²⁰⁵ This is an example of a problem from the past (not all the belligerents in World War I had ratified the Hague Conventions of 1907 and thus the entire Convention was inoperative) that was effectively solved for future conflicts by the terms upon which a future treaty was drafted. This clearly demonstrates how the lessons learned from World War I could be fixed in future conflicts by codifying solutions into international agreements.

The preservation of the lessons learned in the humane treatment of prisoners of war makes this case study particularly relevant. This analysis serves as a window into the evolution of international humanitarian law in its early stages, from the beginnings of an international legal order dealing with wartime issues into a war itself in which the underpinnings of the system were discovered to be inadequate. During the war itself, new standards emerged and belligerents,

²⁰⁵ Barker, *Prisoners of War*, pp. 16-17.

aided by neutral powers, composed bilateral agreements and treaties to standardize treatment of prisoners of war and provide for neutral interment and repatriation. The terms of these agreements were later used in the creation of future, detailed conventions which governed the treatment of prisoners in later international conflicts. The unexpected situation for prisoners created by the war of attrition in World War I actually thus had positive effects on the long-term progression of international humanitarian standards.

The codification into international law of the lessons learned from the belligerents' unpreparedness for prisoners is but one of the many ways that an analysis of Anglo-German prisoner of war diplomacy in World War I is pertinent. This study also sheds light on a myriad of other issues relevant to this pivotal period in European history and the development of wartime negotiations.

World War I marks the transition from the so-called "long nineteenth century" to the "short twentieth century" in European history. Prisoners of war and the negotiations surrounding them are thus a window into this period, in which Europe was torn between the aristocratic gentleman's civility of the nineteenth century's Concert of Europe and the modern world that emerged in the twentieth century. World War I itself represented a drastic change from previous wars of the nineteenth century, such as the wars during the periods of German and Italian unification, which were short conflicts in which one entity could easily overpower another. Instead of being "over by Christmas," World War I broke this pattern and became a war of attrition marked by innovative weapons, stalemate, and trench warfare. This fact is clearly evidenced by the prisoner of war situation, in which millions of prisoners accumulated on the war's multiple fronts and negotiations dealing with prisoners were necessary. The fact that most diplomatic agreements surrounding prisoners did not occur until the period 1916-1918 is

relevant, as it shows how the diplomacy of agreement-making during wartime was not an instinctual habit for the belligerents. Intense negotiations and ad hoc solutions came about only as the warring nations realized that war had changed.

Yet, there is still a distinct connection to the nineteenth century in these negotiations. One can hardly image Josef Stalin and Adolph Hitler sitting down, face-to-face, after Hitler disregarded the Soviet-German Treaty of Non-Aggression in the summer of 1941. Nor can one imagine American President Franklin D. Roosevelt sitting down, face-to-face, with Emperor Hirohito after the Japanese attack on Pearl Harbor in December, 1941. Yet bilateral treaty negotiations at Berne and The Hague during World War I featured face-to-face negotiations between very important representatives of belligerent governments. This is a distinct remnant of the civility and old-fashioned diplomacy that was a feature of the balance of power system in Europe during the nineteenth century.

This civility is also evident in the fact that all of the nations did their best, even when under immense economic strain from the total warfare that mobilized countries' entire economies and populations, to uphold humanitarian standards. Such standards were completely disregarded in future conflicts, such as World War II, which saw the Bataan Death March and the death of millions of Soviet prisoners of war. Tragedies and atrocities did exist with prisoners of war during World War I, but these incidents were relatively few. Rarely are there reports of prison camp inmates being killed by guards, and when such reports did exist, their detailed nature and the thoroughness of the investigations surrounding the incidents prove their rarity.²⁰⁶

²⁰⁶ Great Britain, Foreign Office, "Correspondence with the German Government respecting the Death by Burning of J.P. Genower, able seaman, when prisoner of war at Brandenburg Camp," *Miscellaneous* no. 6, 1918 (London: H. M. Stationery Office, Harrison and Sons Printers, 1918); and Great Britain, Foreign Office, "Further Correspondence with the German Government respecting the Incidents alleged to have attended the sinking of a German submarine and its crew by His Majesty's Auxiliary Cruiser "Baralong" on August 19, 1915," *Miscellaneous* no. 7, 1916 (London: H. M. Stationery Office, Harrison and Sons Printers, 1916).

Although modern warfare had arrived, with the introduction of machine guns, tanks, and poisonous gas, remnants of the notions of honor, nobility, and civility can still be seen in the prisoner of war situation and negotiations from World War I.

In addition to general insights on the development of international law and this transitional period of European history, this study sheds important light on the development of diplomacy through neutral powers and newly developed non-governmental entities. As reiterated throughout this study, neutral powers were instrumental in creating successful diplomatic outcomes in World War I. For both selfish and purely humanitarian reasons, the neutral powers came to the aid of the belligerents and their prisoners by providing internment locations, hosting conferences for belligerents, and acting as couriers for correspondences between countries with ruptured diplomatic relations. By serving as a protective power of a belligerent nation's interests, the neutral power took on a great deal of responsibility and put great efforts into negotiations. This is a practice that was not new during World War I, but one that greatly developed during this period, as can be seen by the progression of neutral power involvement during the war – from simply passing letters to inspecting camps to actually interning prisoners in their homeland. Today, neutral powers are still incredibly important in disputes between nations without official diplomatic relations, when neutral countries like Sweden act for American interests in countries with which America has severed official relations, such as Iran and North Korea.

International nongovernmental entities also developed during prisoner of war negotiations in World War I, gaining strength to eventually become more significant figures in wartime diplomacy and international humanitarian law. The Red Cross is the primary example of this, as it grew exponentially and worked to solidify the foundational elements of international

humanitarian treatment of prisoners and wounded soldiers during the conflict. The strengthened status of the Red Cross is evident from the fact that the Red Cross is actually mentioned several times in the Geneva Conventions of 1929 in the context of the establishment of central information agencies regarding prisoners of war, in governing a conference between belligerents to settle disputes, and in establishing the official red cross symbol for armed forces' medical services. Article 88 of the Convention on the Treatment of Prisoners of War even states: "The foregoing provisions do not constitute any obstacle to the humanitarian work which the International Red Cross Committee may perform for the protection of prisoners..."²⁰⁷ By specifically stating that the humanitarian work of the Red Cross are not restricted, the 1929 Geneva Conventions accorded much greater power to the Red Cross in future conflicts than it had previously, based upon its successful humanitarian work during World War I.

The prisoner of war situation and the diplomacy that surrounded it are a lens that can be used to examine greater developments surrounding international law, diplomatic relations, and Europe's transition between the long nineteenth century and the short twentieth century. Furthermore, the intersection of diplomacy, neutrality, and international humanitarian law in the context of Anglo-German prisoner of war negotiations paints a picture of diplomatic success that can hopefully serve as a model in present day situations. Wartime diplomacy can be effective, but as is shown in this study, belligerents and neutral powers (as well as non-governmental organizations) must respect existing international standards and cooperate to form solutions to unexpected problems, and then work to make those solutions permanent.

²⁰⁷ International Committee of the Red Cross, "Convention Relative to the Treatment of Prisoners of War," Geneva, 27 July 1929.

WORKS CITED

Primary

Cohen, Israel. The Ruhleben Prison Camp: A Record of Nineteen Months' Internment. New York: Dodd, Mead and Co., 1917.

Great Britain, Foreign Office. Foreign Office 383 Files. British National Archives.

Gerard, James W. My First Eighty-Three Years in America. Garden City: Doubleday, 1951.

Gerard, James W. My Four Years in Germany. New York: Grosset & Dunlap, 1917.

Great Britain, Foreign Office. Miscellaneous Papers, 1915-1918. London: H. M. Stationery Office, Harrison and Sons Printers, 1915-1918.

International Committee of the Red Cross. "International Humanitarian Law: Treaties & Documents." <http://www.icrc.org/IHL.nsf/>.

McCarthy, Daniel J. The Prisoner of War in Germany: The Care and Treatment of the Prisoner of War with a History of the Development of the Principle of Neutral Inspection and Control. New York: Moffat, Yard, & Co., 1918.

Newton, Lord P. C. Retrospection. London: John Murray, 1941.

Royal Flying Corps Photographic Section. German Prisoners in Great Britain. London: Tillotson & Son Ltd. Printers, 1916.

Vansittart, Lord Robert Gilbert. The Mist Procession. London: Hutchinson, 1958.

Secondary

Abbenhuis, Maartje M. The Art of Staying Neutral: The Netherlands in the First World War, 1914-1918. Amsterdam: Amsterdam University Press, 2006.

Barker, A. J. Prisoners of War. New York: Universe, 1975.

Draper, G. I. A. D. "The Development of International Humanitarian Law." In International Dimensions of Humanitarian Law, 67-90. Paris: UNESCO, 1988.

Feuchtwanger, Edgar. Imperial Germany, 1850-1918. London: Routledge, 2001.

Forsythe, David P. The Humanitarians: The International Committee of the Red Cross. Cambridge: Cambridge University Press, 2005.

- Forsythe, David P., and Rieffer-Flanagan, Barbara Ann J. The International Committee of the Red Cross: A Neutral Humanitarian Actor. London: Routledge, 2007.
- Gilbert, Martin. The First World War: A Complete History. New York: Henry Holt, 2004.
- Goerlitz, Walter. History of the German General Staff, 1657-1945. Trans. Brian Battershaw. York: Praeger, 1957.
- Howard, Michael. The First World War. Oxford: Oxford University Press, 2002.
- Kitchen, Martin. A History of Modern Germany, 1800-2000. Oxford: Blackwell, 2006.
- Krammer, Arnold. Prisoners of War: A Reference Handbook. London: Praeger, 2008.
- Martin, Francisco Forrest, Stephen J. Schnably, Richard Wilson, Jonathan Simon, and Mark Tushnet. International Human Rights and Humanitarian Law: Treaties, Cases, and Analysis. Cambridge: Cambridge University Press, 2006.
- Nabulsi, Karma. Traditions of War: Occupation, Resistance, and the Law. Oxford: Oxford University Press, 1999.
- Neff, Stephen C. War and the Law of Nations: A General History. Cambridge: Cambridge University Press, 2005.
- Newton, Michael. Interview by Lauren Ross. October 12, 2009. Vanderbilt University Law School.
- Pastor, Peter. Introduction to Essays on World War I: Origins and Prisoners of War, edited by Samuel R. Williamson, Jr., and Peter Pastor, 113-117. New York: Columbia University Press, 1983.
- Searle, Geoffrey Russell. A New England?: Peace and War, 1886-1918. Oxford: Oxford University Press, 2004.
- Speed, Richard B. Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity. New York: Greenwood, 1990.
- Stibbe, Matthew. "The Internment of Civilians by Belligerent States during the First World War and the Response of the International Committee of the Red Cross." Journal of Contemporary History 41:1 (2006): 5-21.
- Stibbe, Matthew. "A Question of Retaliation? The Internment of British Civilians in Germany in November 1914." Immigration & Minorities 23:1 (2005): 1-29.
- Stone, Julius. Legal Controls of International Conflict: A Treatise on the Dynamics of Disputes and War-Law. Sydney: Maitland, 1954.

Strachan, Hew. The First World War: To Arms. Oxford: Oxford University Press, 2001.

Thiesen, John. Prisoners of War and Internees in Norway in World War I, 1914-1919. A Postal History Study. Norwegian War and Field Post Society. Oslo: War and Philabooks Ltd AS, 2006.