

Prisoner of War Diplomacy: Australian Prisoners of War in Italy and Australian Foreign Policy, 1939-1947

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Thesis

*Submitted to Flinders University
for the degree of*

Doctor of Philosophy

College of Humanities, Arts and Social Sciences

11 July 2023

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ABSTRACT

Often called our “forgotten soldiers”, thousands of Australian soldiers were captured between 1940 and 1942 in North Africa and the Mediterranean and transferred to prisoners of war camps in Italy and other parts of Europe during the Second World War. As the number of prisoners grew, belligerent governments, including the Australian government, were presented with a number of diplomatic and political challenges. At the beginning of the war, the Australian government relied on British prisoner of war policy and international law to ensure the proper treatment of its captured soldiers. However, the prisoner of war issue proved to be complex given that the management of POWs was not just a military, but also a political and diplomatic issue. One of the risks that arose when dealing with prisoners of war was the abandonment of the observation of international law and a descent into a series of tit-for-tat reprisals. Consequently, a foreign policy problem for states at war was how to protect their POWs being held by belligerent powers with which no direct international relations were maintained. Therefore, the challenge was to ensure the proper treatment of prisoners of war despite the heightened risk to their well-being.

This thesis, by examining whether Australia’s response was driven by its international responsibilities under the Geneva Convention, the practicalities of war or national interest, seeks to explain the Australian government’s response to the captivity of thousands of Australians in Italy and the even greater number of Italian prisoners of war detained in Australia. Furthermore, by exploring Australia’s relationship with Britain, this research positions the prisoner of war problem within international diplomatic and foreign policy debates, particularly in relation to the question of whether Australia demonstrated a growing level of independence in foreign policy through its interventions in prisoner of war matters.

Through the examination of archival material in Australia and the United Kingdom, this research adds to the current debates in international history regarding Australia and its wartime relations with the United Kingdom. It presents a new way of exploring the prisoner of war narrative and makes clearer the Australian government’s response to the issue of prisoners of war in an international context.

DECLARATION

I certify that this thesis does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university; and the research within will not be submitted for any other future degree or diploma without the permission of Flinders University; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Signed:

Date: 31 January 2023

ACKNOWLEDGEMENTS

This thesis was inspired by my grandad Ivan Shammall and his brothers Enslie, Malcolm, and Colin, who all served in the AIF during the Second World War, as well as by William Byrth, 2/3 Machine Gun Battalion, who was reported as a prisoner of war by Japanese radio in August 1942, and was killed when the ship he was being transported on was sunk. Their service sparked my interest in Australia's military history, particularly the Second World War.

I have been very fortunate to be supervised by Professor Peter Monteath and Professor Matthew Fitzpatrick. I would especially like to thank my primary supervisor Peter for his patience, support, knowledge, and guidance. His words of wisdom, "don't go down rabbit holes" and "keep it simple", I have followed throughout my candidature.

I was also lucky to have a supportive and collaborative colleague and friend in the office. Sandra was always happy to bounce ideas around and have a cup of tea as we worked through thesis problems on the whiteboard.

Importantly this thesis would not have happened without the support of my family, particularly my husband, Ashley and son Liam. My husband Ashley encouraged me to apply and has supported me throughout the journey. He came on a research trip to Melbourne, driving me to and from the archives so I didn't have to drive in Melbourne.

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GLOSSARY OF TERMS AND ABBREVIATIONS

Terms and Abbreviations	Meaning
AAMC	Australian Army Medical Corps
<i>Afrika Korps</i>	German expeditionary force in North Africa (part of the Wehrmacht or German Army)
AIF	Australian Imperial Force
AMF	Australian Military Force
<i>Anschluß</i>	German annexation of Austria
BBC	British Broadcasting Commission
BCOF	British Commonwealth Occupation Force
Big Three	Refers to the central Allied powers, the United Kingdom, the United States, and the Soviet Union.
<i>Blitzkrieg</i>	Lightning War
<i>Carabinieri</i>	Italian paramilitary police
CO	Colonial Office (United Kingdom)
Cpl	Corporal
DO	Dominion Office (United Kingdom)
DPW	Directorate of Prisoners of War (United Kingdom)
DWPI	Directorate of Prisoners of War and Internees (Australia)
FO	Foreign Office (United Kingdom)
<i>Gefangenenlagers</i>	German prisoner camps
HMAS	His Majesty's Australian Ship
ICRC	International Committee of the Red Cross
IPOW	Italian Prisoner of War
IPWC or IPOWC	Imperial Prisoner of War Committee
<i>Kriegsbrauch im Landkriege</i>	German War Customs in Land Wars
Luftwaffe	German Air Force
MP	Member of Parliament
NCO	Non-Commissioned Officer
OHL - <i>Oberste Heeresleitung</i>	German Army Supreme Command
OKW - <i>Oberkommando der Wehrmacht</i>	German High Command
ORs	Other Ranks
POW or PW	Prisoner of War
RAF	Royal Air Force
RAAF	Royal Australian Air Force
RSM	Regimental Sergeant Major
Sgt	Sergeant
SNCO	Senior Non-Commissioned Officer
WO	War Office (United Kingdom)

INTRODUCTION: PRISONER OF WAR DIPLOMACY

Introduction

The first Australian soldiers embarked for North Africa in early 1940, where they would be involved in military campaigns against the Italians and Germany's *Afrika Korps*. Between 1940 and 1942, thousands of Australian soldiers were taken prisoner in North Africa and the Mediterranean. While many became prisoners of the Italians during the North African campaigns, a small number were captured during the Greece and Crete campaigns also found their way into Italian camps, however, the majority of the Australians captured in Greece or Crete were detained in the German Reich. Often overlooked in favour of those detained by the Japanese, the Australian prisoners of war (POWs) in Europe are often described as our "forgotten soldiers", largely because the number of Australians detained in Italian and German camps was under 10,000 compared to the over 20,000 held captive by the Japanese. However, for the Australian soldiers detained in Italy from 1940 until 1943, their captivity was no less significant. At the same time, Allied and Australian forces captured upward of 100,000 Italian troops during the campaigns in North Africa, with the Italian losses at Sidi Barrani, Tobruk, Derna, Benghazi, and Giarabub being the most significant. Due to the large number of Italian soldiers taken prisoner, it would not be possible to keep them detained in camps in North Africa; they would need to be transferred to detention in Britain and countries throughout the empire.

The armistice in September 1943 brought with it the change in Italy's status to co-belligerent, and the subsequent division of Italy altered the situation of the Australian POWs in Italy. It also provided a challenge for the Australian government, which needed to make difficult decisions about how to protect the interests of Australian POWs. Decisions regarding the terms of the armistice and arrangements for POWs in its wake were managed by Britain and the United States; Australia had very little to do with the process but awaited the result. Unfortunately, the armistice agreement and associated instrument of surrender did not prevent Australia's POWs from being transferred to further detention in the Reich. The period after the armistice to 1947 also presented some difficulties in POW policy for the Australian government.¹ Even though the war with Italy was over, but hostilities continued with Germany. Once the war ended in Europe, in accordance with the Geneva Convention, the post-war repatriation of the European POWs could begin.

¹ This thesis research covers Australia's involvement from the start of the war in 1939 and includes the signing of the official peace treaty with Italy in 1947, which was also the time by which most of the remaining Italian POWs had been repatriated from Australia.

The wartime management of prisoners of war was not only a military matter; governments had responsibilities and obligations toward enemy POWs under the *1929 Geneva Convention Relevant to the Treatment of Prisoners of War*. Nonetheless, despite the existence of the convention and the fact that Australia, Italy, and many other belligerent powers were signatories to it, the POW problem was a complex and multi-faceted one requiring diplomatic attention at many levels and in many forms. The challenge was to ensure the proper treatment of POWs despite the heightened risk to their well-being. Ensuring appropriate treatment for POWs in enemy captivity was especially complex when the formal obligations of a belligerent state were disregarded, which had the potential to develop into a series of tit-for-tat reprisals. Another enduring foreign policy problem for all states at war was how to protect their POWs held by belligerent powers with whom no direct international relations were maintained. The challenge for the Australian government, which entered the war with a “one-voice” approach to foreign policy, was ensuring appropriate treatment for its POWs while remaining intrinsically linked to Britain and empire policy.

The problem for the Australian government in the early stages of the Second World War, as it was during the First World War, was what Geoffrey Blainey describes as the “tyranny of distance.” Australia was so far away from the war in Europe and North Africa.² Consequently, Australian authorities initially relied on the British government to negotiate all prisoner of war matters on its behalf, which was generally negotiated in Britain’s national interest. Unfortunately, this would not always be in the best interests of the Australian prisoners or in Australia’s national interest. As a result, Australia’s relationship with Britain would be tested throughout the war, particularly with regard to POW policy. However, when the war in the Pacific commenced, the Australian government’s attitude toward POW matters changed, taking a more pragmatic approach as it began to consider POW policy through a Pacific lens.

International Diplomacy and Prisoners of War

There is an extensive body of literature discussing the Second World War and Australia’s role in it. The literature covers topics ranging widely from the military, politics, society on the home front, and the prisoner of war experience. Currently, works discussing the battlefield and prisoners of war on the one hand, and those examining wartime diplomacy and foreign policy on the other treat these two domains separately. Apart from a couple of key authors who examine prisoner of war diplomacy predominantly from the British perspective, the intersection of prisoners of war and wartime diplomacy has been largely overlooked. In an effort to overcome this division, this thesis will position the POW problem

² Geoffrey Blainey, *The Tyranny of Distance: How distance shaped Australia’s history* (Melbourne: Sun Books, 1966).

within international diplomatic and foreign policy debates, particularly those concerning how and under what circumstances the Australian government demonstrated a level of independence in foreign policy through its interventions in POW matters.

Much of the literature examining Australian POWs during the Second World War centres on the lived experience of the men and women taken prisoner, and numerous studies have a particular emphasis on the experiences of the men and women captured by Japanese forces and held in Japanese captivity until 1945.³ In contrast, there is much less research examining the Australian experience of detention in Europe.⁴ Smaller still is the volume of historiography specifically discussing Australian POW captivity in Italy.⁵ Most commonly, these works detail the POWs' daily lives in the camps. These are compelling narratives written by former POWs or historians who have reconstructed their experiences based on oral histories or appropriate documentary sources. Such studies provide valuable context for this thesis, and frequently the personal stories of Australian POWs in Italy offer a more thorough understanding of the political and diplomatic response to the POW situation. Rarely, however, does the literature explore how and when the political and diplomatic dimensions of the POW experience intersect. This thesis, in contrast, shifts beyond the individual soldier's experience to the broader political and foreign policy dimensions of the phenomenon of Australians in Italian captivity.

Australian POW literature generally examines the personal experiences of the POWs detained in prison camps or the adventures of the prisoners who managed to escape.⁶ Author Patsy Adam-Smith

³ See especially Peter Brune, *Descent into Hell: The Fall of Singapore - Pudu and Changi - the Thai Burma Railway* (Sydney Allen & Unwin, 2014), Cameron Forbes, *Hellfire: the Story of Australia, Japan and the Prisoners of War* (Sydney: Pan MacMillan Australia, 2005), Sarah Kovner, *Prisoners of the Empire: Inside Japanese POW Camps* (Cambridge: Harvard University Press, 2020), Gavan Daws, *Prisoners of the Japanese: POWs of World War II in the Pacific*. Rev. ed (Carlton North, Vic: Scribe, 2008), Rohan Rivett, and E. E. Dunlop, *Behind Bamboo: Hell on the Burma Railway* (Melbourne, Victoria: Penguin Group Australia, 2015).

⁴ For POW literature discussing Australians in German captivity, see, Jack Champ and Colin Burgess, *The Diggers of Colditz* (Kenthurst: Kangaroo Press, 1985), Peter Monteath, *POW Australian Prisoners of war in Hitler's Reich* (Sydney: Pan Macmillan Australia Pty Limited, 2011), and Charles Robinson, *Journey to Captivity* (Canberra: Australian War Memorial, 1991).

⁵ For literature discussing Australian POWs in Italian captivity, see, Bill Bunbury, *Rabbits and spaghetti: captives and comrades Australians, Italians and the war 1939-1945* (Fremantle: Fremantle Arts Centre Press, 1995), Katrina Kittel, *Shooting Through: Campo 106 escaped POWs after the Italian armistice* (West Geelong: Echo Books, 2019), Peter Monteath, *Escape Artist the incredible Second World War of Johnny Peck* (Sydney: NewSouth Publishing, 2017).

⁶ E. Broomhead, 1944 *Barbed Wire in the Sunset*. (Melbourne: Book Depot, 1944), Personal Diary of G.W.E. Clarke NX1058 captured trying to evacuate from Greece 1941., and Malcolm Webster, *An Italian experience* (Victoria: M. R. Webster, 1995). For secondary sources including biographies, see Roger Absalom, "Another crack at Jerry?": Australian prisoners of war in Italy 1941-1945, *Journal of the Australian War Memorial* 14 (1989): 24-32., Roger Absalom, *A strange alliance: aspects of escape and survival in Italy 1943-45* (Florence: Leo S. Olschki Editore, 1991), Bunbury, *Rabbits and spaghetti*, Hugh Clarke and Colin Burgess *Barbed wire and bamboo: Australian POWs in Europe, North Africa, Singapore, Thailand and Japan* (New South Wales: Allen & Unwin Pty Ltd, 1992), Peter Ewer, *Forgotten Anzacs: the campaign in Greece 1941* (Carlton North: Scribe Publications Pty Ltd, 2008), Alan Fitzgerald, *The Italian Farming Soldiers: Prisoners of War in Australia 1941-1947* (Melbourne: Melbourne University Press, 1981), Adrian Gilbert, *POW Allied prisoners in Europe, 1939-1945* (London: John Murray Publishers, 2006), M. Johnston, *An Australian Band of Brothers, Don Company, Second 43rd Battalion, 9th Division* (Sydney: NewSouth Publishing, 2018), Katrina Kittel, 'Hymns and Hints: A prisoner of war's notebook in Italy,' *Sabretache*, LVI no. 4 (2013): 4-12., J. B. Mills, *Gap in the wire: tales of escape and survival in Italy during World War II* (Sydney: Owl Press, AM Design Pty Limited, 1998),

was one of the first to write specifically about the Australian POW experience. Relying heavily on oral history, personal letters and diaries, her work discusses Australian captivity from the viewpoint of the soldiers, sailors, and airmen from the First World War to Korea. The work provides some background to military events but does not debate the political aspects of the POW problem or provide any analysis of government policy.⁷ Other well-researched histories investigating the POW issue in Italy and Europe also focus on the former POWs' descriptions of events, including works by Margaret Barter and Karl James.⁸ Both authors approach the issue of POWs through the personal experiences of the soldiers in captivity, but their reconstruction of the POW experience does not examine POW policy.

Histories investigating the captivity of Australian POWs in Italy are limited. Notably, Bill Bunbury's *Rabbits and Spaghetti* provides insight into the detention of both Australian and Italian POWs. Bunbury focuses on the experiences of Australian and Italian POWs employed as POW labour but does not address the international laws or policies regarding prisoner labour.⁹ Alan Fitzgerald's *The Italian Farming Soldiers* presents firsthand accounts of the Italian POWs in Australia. The works primarily discuss the Italian POWs' work on farms in rural Australia, which goes some way into discussing the manpower problem in domestic terms faced by the Australian government, but the work does not debate the outcomes of the political decision making.¹⁰ A more recent study by Peter Monteath recounts the experience of an Australian soldier in Italy. The story follows one man's journey through the war from a military and personal viewpoint, describing his experience in Italian and German captivity. It covers a range of themes, including manpower problems in Italy, the use of Australian POWs as labour, the treatment of prisoners within the camps, and escape. However, even though the work discusses the Italian experience, it only marginally touches on questions of Australian foreign policy relating to the POW issue.¹¹

Peter Monteath, *Escape Artist*, and *P.O.W.*, Allan Morehead, *The Desert War: The North Africa Campaign 1940-43* (Victoria: Penguin Group, 2009)., Charles Rollings, *Prisoners of War, Voices from Behind the Wire in the Second World War* (United Kingdom: Ebury Publishing, 2007)., Tom Trumble, *Tomorrow we escape: one man's extraordinary story of courage and survival from Tobruk to the prison camps of occupied Europe* (Australia: Penguin Books, 2014)., and Chester Wilmot *Tobruk 1941* (Camberwell: Penguin Group, 2007).

⁷ Patsy Adam-Smith, *Australian prisoners of war* (Victoria: The Five Mile Press Pty Ltd, 2014).

⁸ Margaret Barter, *Far above battle: the experience and memory of Australian soldiers in war 1939-1945* (New South Wales: Allen & Unwin Pty Ltd, 1994)., and Karl James "I hope you are not too ashamed of me", Prisoners in the siege of Tobruk, 1941,' in *Beyond Surrender: Australian prisoners of war in the twentieth century*, ed. J. Beaumont, L. Grant and A. Pegram (Melbourne: Melbourne University Press, 2015): 96-115., also see Michael Caufield, *War behind the wire: Australian prisoners of war*, ed. (Sydney: Hachette Australia, 2008)., Katrina Kittel "Hymns and Hints: A prisoner of war's notebook in Italy", *Sabretache LVI*, No. 4 (December 2013): 4-12., Katrina Kittel "Two to two thousand"., Bob Moore and Kent Fedorowich, *Prisoners of War and their captors in World War II* (Oxford: Berg, 1996)., Peter Monteath *P.O.W.*, Peter Monteath, *Escape Artist*.

⁹ Bunbury, *Rabbits and spaghetti*.

¹⁰ Fitzgerald, *The Italian Farming Soldiers*.

¹¹ Monteath, *Escape Artist*.

A substantial body of literature has studied the development of Australian foreign policy in the twentieth century. Much of the historiography focuses on Australia's political, diplomatic, and military position during the interwar years.¹² A fundamental component of that history was the changing relationship between Australia and Britain, and Australia's reliance on Britain's foreign and defence policy.¹³ A principal point of contention is the extent to which Australia was able to develop a degree of independence from Britain during the period before the Second World War. Some level of autonomy would become increasingly necessary for the Australian government during the Second World War regarding how they managed to direct POW policy in the best interest of captured Australians. This literature examining intricacies of Australian foreign policy debates during the interwar years, though not the sole focus of this thesis, provides an essential understanding of how Australia's relationship with Britain was managed.

The First World War cast a long shadow over Britain and its empire. As a result, during the interwar years, Australia began to debate the issue of independence in foreign policy and its relationship with Britain. Gavin Souter's research summarises Australia's relationship with Britain and how that relationship functioned. He also considers the importance of the Imperial Conferences held in 1917, 1926, 1929 and 1930 and the discussion surrounding the status of the Dominions in relation to Great Britain and each other.¹⁴ Souter concentrates on the 1931 Statute of Westminster, which addressed the Dominion governments' lack of independence in foreign policy and suggested that the statute did not

¹² E. M. Andrews. *Isolationism and appeasement in Australia: reactions to the European crises, 1935-1939* (Canberra: Australian National University Press, 1970)., Joan Beaumont *The evolution of Australian foreign policy, 1901-1945* (Melbourne: The Australian Institute of International Affairs, 1989)., Joan Beaumont *Australian defence: sources and statistics* (Melbourne: Oxford University Press, 2001)., Carl Bridge *Munich to Vietnam: Australia's relations with Britain and the United States since the 1930s* (Melbourne: Melbourne University Press, 1991)., Carl Bridge "Appeasement and After: Towards a Re-assessment of the Lyons and Menzies Governments' Defence and Foreign Policies, 1931-1941", *Australian Journal of Politics and History* 51, No.3 (2005): 372-379., David Day *The great betrayal: Britain, Australia and the onset of the Pacific War 1939-42* (New South Wales: Angus and Robertson Publishers, 1988)., Peter Geoffrey Edwards *Prime Ministers and Diplomats: The Making of Australian Foreign Policy, 1901-1949* (Melbourne, Oxford University Press, 1983)., A. Henry *Independent Nation: The evolution of Australian foreign policy 1901-1946, Australia, the British Empire and the origins of Australian-Indonesian relations* (Darwin: Charles Darwin University Press, 2010)., William Hudson and Martin Sharp *Australian Independence, colony to reluctant kingdom* (Melbourne: Melbourne University Press, 1988)., Gavin Souter, *Lion and Kangaroo: the initiation of Australia* (Melbourne: The Text Publishing Company, 2000)., Christopher Waters, *Australia and appeasement Imperial Foreign Policy and the origins of World War II* (London: Tauris & Co Ltd, 2012).

¹³ Carl Bridge and Bernard Attard, ed., *Between Empire and Nation Australia's External Relations from Federation to the Second World War* (Kew: Australian Scholarly Publishing, 2000)., Allan Gyngell. *Fear of Abandonment: Australia in the World since 1942* (Carlton: La Trobe University in conjunction with Black Inc, 2017)., T. B Millar *Australia in Peace and War: External Relations since 1788*, 2nd ed. (New South Wales: Maxwell Macmillan Publishing Australia Pty Ltd, 1991)., and J. D. B Miller, ed., *Australians & British: Social and Political Connections* (North Ryde: Methuen Australia Pty Ltd, 1987)., for more information about Australia's Defence policy during the interwar period see, E. M Andrews, "The Broken Promise – Britain's Failure to consult its Commonwealth on Defence in 1934, and the Implications for Australian Foreign and Defence Policy". *Australian Journal of Defence Studies* 2, no. 11 (1978): 102-113., Day *The great betrayal*., and Honae H. Cuffe, "The 'Near North': Issues of Empire, Emerging Independence and Regionalism in Australian Foreign and Defence Policy, 1921-1937." *The Flinders Journal of History and Politics* 31 (2015): 49-75.

¹⁴ Souter, *Lion and Kangaroo*.

apply to Australia, because the government did not choose to adopt the statute in full.¹⁵ Several other studies have similarly dwelt on the level of independence Australia gained or chose to implement through the 1931 Statute of Westminster.¹⁶ The one dissenting work, by William Hudson and Martin Sharp, makes the case that regardless of when Australia decided to enact the remaining sections of the statute (as it did in 1942), independence was granted in 1931 when the statute was accepted by the British Parliament and given Royal Assent.¹⁷ This, however, leaves the question of the extent to which the Australian government was willing and able to exercise the independence the statute provided largely unanswered. This thesis takes up this question, evaluating the ramifications of Australia's stance on the adoption of the Statute of Westminster and offers additional insight for this research when considering the ability to develop independent policy during the Second World War.

Australia's defence policy similarly addresses Australia's relationship with Britain, which is also a significant point of analysis within the literature relating to the interwar period. Carl Bridge's *Munich to Vietnam: Australia's relations with Britain and the United States since the 1930s*, in particular, analyses Australia's interactions with Britain as part of broader international politics during the interwar years and in the lead-up to the Second World War.¹⁸ Similarly, David Day's *The Great Betrayal* also emphasises the deficiencies of having a foreign and defence policy largely dependent on the United Kingdom. As the title of his book suggests, Day's study is highly critical of Australia's lack of independent defence and foreign policy and of the British government's treatment of Australia, especially the disregard for Australia's security and other military needs.¹⁹

Due to the problems that arose during the First World War concerning POWs, the interwar period was notable because of the July 1929 Geneva Convention, at which Britain, Australia and other Empire governments were represented. The Geneva Conference established the principles for the treatment and management of POWs in the *1929 Geneva Convention Relative to the Treatment of Prisoners of War*. At the same time, the *1929 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)* that provided the guidelines for captured sick and wounded troops and protected personnel captured by the enemy was revised. Accordingly, the Geneva Convention would be included in Australia's 1941 Manual of Military Law and become the cornerstone

¹⁵ Souter, *Lion and Kangaroo*.

¹⁶ David Clark, 'Cautious constitutionalism: Commonwealth Legislative Independence and the Statute of Westminster 1931-1942,' *Macquarie Law Journal* 16 (2016): 41-66., also see Bridge, *Munich to Vietnam*., Hudson and Sharp *Australian Independence*., David Lee "States rights and Australia's adoption of the Statute of Westminster, 1931-1942". *History Australia* 13, no. 2 (2016): 258-274., Andrew Stewart, *Empire Lost: Britain, the Dominions and the Second World War* (London: Continuum UK, 2008)., Souter, *Lion and Kangaroo*., and K. C Wheare, *The Statute of Westminster and Dominion status*, 5th ed (Oxford: Oxford University Press, 1953).

¹⁷ Hudson and Sharp, *Australian Independence*.

¹⁸ Bridge *Munich to Vietnam*.

¹⁹ Day *The great betrayal*., also see Beaumont, *Australian defence: sources and statistics*., Tom Keneally, *Australians, Flappers to Vietnam* (Crows Nest: Allen & Unwin, 2014).

of Australian POW policy. Nonetheless, belligerent governments, at times during the Second World War, totally disregarded the international laws agreed to during the interwar years; however, this was when the implementation of the laws became most important. Understandably, the convention and its implications have been examined by both historians and legal scholars, who have debated its construction, its meaning, and how it was applied and misapplied. In addition, historians such as Adam Roberts and Richard Guelff, Leon Friedman, Allan Rossa, and William Hull have studied the development of international laws regarding prisoners of war and how they were the laws were used.²⁰ Alexander Gillespie's work to examines the history of the development of the laws of war, particularly analysing the need for the Geneva Convention.²¹ However, his work does not specifically investigate the use of the convention in practice and the ongoing need for belligerents to negotiate reciprocal agreements generally with their national interest in mind, especially when the terms of the convention were not met.

The research covering Australian politics during the Second World War has commonly taken the shape of biographies of the wartime prime ministers and other parliamentary figures. There are numerous works that describe the life and political role of Robert Menzies, John Curtin, Arthur Fadden, and Herbert Evatt; however, these works dwell mainly on their political struggles with their own parties and the government, explanations of the development of Australian foreign policy generally centre on the government debates of the interwar years.²² However, other studies of Australian foreign policy look beyond the interwar years to consider the importance of the war itself. For example, Christopher Baxter, Andrew Stewart, David Day, David Goldsworthy, and David Horner

²⁰A. Roberts and R. Guelff, *Documents on the laws of war*, 3rd ed (Oxford: Oxford University Press, 2010), also see de Beer, L., *Hague conventions, a completion of documents* (Netherlands: Legal Publishers, 2011), L. Friedman, *The law of war, a documentary history, volume 1* (New York: Random House Inc., 1972), W. I. Hull, *The two Hague Conferences and their contribution to international Law* (USA: Kraus Reprint Co, 1970), Allan Rosas, *The legal status of prisoners of war: a study in international humanitarian law applicable in armed conflicts* (Helsinki: Suomalainen Tiedeakatemia, 1976), and E. M. Tileubergenov., S. I. Pelvin., A. A. Vasiliev and E. I. Danilyanc, 'Political and legal defining the Regulations of War in the Hague Convention of 1907,' *Journal of Advanced Research in Law and Economics*, 3, no. 17 (2016):672–688.

²¹ A. Gillespie, *A History of the Laws of War Volume 1, the customs and laws of war with regards to combatants and captives* (Oxford: Hart Publishing Ltd, 2011).

²² A. W. Martin, *Robert Menzies A life, volume 1 1894-1943* (Melbourne: Melbourne University Press, 1993), and A. W. Martin, *Robert Menzies a life, volume 2 1944-1978* (Melbourne: Melbourne University Press, 1999), also see David Day, *Menzies and Churchill at war* (Australia: Angus and Robertson Publishers, 1986), A. Henderson, *Menzies at war* (Sydney: NewSouth Publishing, 2014), A. W. Martin and P. Hardy *Dark and Hurrying Days: Menzies' 1941 Diary* (Canberra: National Library of Australia, 1993), biography's about Curtin's wartime experience see J. Curran, *Curtin's Empire* (Melbourne: Cambridge University Press, 2011), John Edwards, *John Curtin's War. Volume 1* (Melbourne: Penguin Random House Australia, 2017), and John Edwards, *John Curtin's war. Volume 2* (Melbourne: Penguin Random House Australia, 2018), also see David Black, *In his own words: John Curtin's speeches and writings* (Bentley: Paradigm Books, 1995), C. Lloyd and R. Hall, *Backroom briefings – John Curtin's war* (Canberra: National Library of Australia, 1997), and Arthur Fadden see, T. M. Arklay, *Arthur Fadden, a political silhouette* (North Melbourne: Australian Scholarly Publishing Pty Ltd, 2014), Evatt includes J. Murray, *Evatt: a life* (Sydney: NewSouth Publishing, 2016).

all provide detailed examinations of the diplomatic situation during the war and debate how the relationship with Britain dominated Australia's diplomatic interactions.²³

Research discussing prisoners of war, specifically intertwined with the political aspects of the POW policy and international law and diplomacy, remains uncommon in the literature. Historians Bob Moore and Kent Fedorowich, however, do connect politics and POWs in *The British Empire and its Italian Prisoners of War 1940-1947*. They examine the British government's policy regarding enemy POWs, emphasising the Dominions' role in managing a large number of captured Italians.²⁴ This work is distinctive, as Moore and Fedorowich raise the problem of political decision-making regarding Italian prisoners of war detained in Britain and the empire without personal narratives. The specific POW issues facing Australian authorities, for example, as part of the Asia-Pacific region, are largely overlooked.²⁵ Similarly, historian Neville Wylie's *Barbed Wire Diplomacy: Britain, Germany, and the politics of prisoners of war, 1939-1945*, thoroughly examines the vast range of problems facing the British government involving prisoners of war. While the work does include the Dominions, Wylie emphasises how the British government managed the prisoner of war issues with Germany. Italy and Japan are both mentioned, an analysis of their management was clearly not the primary focus, and the specific problems faced by Dominion governments such as Australia are not closely examined. Even so, Wylie's research does highlight the evident shift in Australian political thinking regarding POW matters in Europe in 1942. In his view, the change in attitude was based on the need to avoid a policy that could affect the safety of Australians in Japanese hands.²⁶ This thesis pursues a discernibly different subject. It specifically examines the Australian government's position and response to the POW issue without focusing on the micro-historical level of the lived experiences of the POWs. Rather, it foregrounds the particular circumstances in which Australia found itself negotiating with Britain on matters relevant to Australian national interests.

As mentioned above, POW issues are, by nature, complex and dynamic. Specific issues relating to POW policy are addressed in the existing literature, including punishment and reprisals, labour, exchange, and repatriation. In this work, the particular challenges posed by reprisals against POWs have

²³ Christopher Baxter and Andrew Stewart, *Diplomats at war: British and Commonwealth Diplomacy in wartime* (Netherlands: IDC Publishers, 2008), also see David Day, 'Loosening the Bonds Britain, Australia and the Second World War,' *History Today* (Feb 1988):11-17., David Day, *The Politics of War: Australia at War 1939-45, From Churchill to MacArthur* (Sydney: Harper Collins Publishers Pty Limited, 2003), David Goldsworthy, *Losing the blanket Australia and the end of Britain's Empire* (Melbourne: Melbourne University Press, 2002), David Horner, *Inside the war cabinet: Directing Australia's war effort 1939-45* (St Leonards: Allen & Unwin Pty Ltd, 1996).

²⁴ Bob Moore and Kent Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947* (New York: Palgrave, 2002).

²⁵ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 126.

²⁶ Neville Wylie, *Barbed wire diplomacy*, 144., also see S. P. Mackenzie, "The treatment of prisoners of war in World War II," *Journal of Modern History* 66, no. 3 (1994): 487-520., S. P. Mackenzie, "The shackling crisis: a case study in the dynamics of prisoner of war diplomacy in the Second World War," *The International History Review* 17, no. 1 (1995): 78-98., and Johnathan Vance, "Men in manacles: the shackling of prisoners of war, 1942-1943," *The Journal of Military History* 59, no. 3 (1995): 483.

emerged as being of critical importance, as Neville Wylie has shown.²⁷ Accordingly, this thesis explores how the Australian government considered the problem of retaliation, and how it affected POW policy. The literature does not commonly deal with the crucial difference between reprisals and punishment, however, the difference between the two will be examined in this thesis. The examples of the punishment of prisoners in Italy and the shackling of prisoners of war in Germany are used to highlight the difference between the two. Some historians have already researched in general terms the shackling crisis with Germany between 1942 and 1943, which became one of the most well-known instances of political reprisal inflicted on POWs during the Second World War.²⁸ Still, very few mention Australian POWs' involvement in the matter, and only one remarks on the Australian government's response. The shackling incident currently considers the relationship between Britain and the Dominions regarding the question of POW reprisal policy, but primarily from a British perspective.²⁹ Johnathan Vance examines the event from a Canadian perspective but does mention Australia's response to the problem, while Simon Mackenzie considers the shackling of the prisoners from the viewpoint of the British government.³⁰ Only Adrian Gilbert has discussed Australian POWs caught up in reprisals, noting that they were extended special approval for unshackling by their German captors but refused the offer.³¹ This thesis will deepen the Australian perspective on the shackling situation with a particular view to considering whether Australian authorities sought to adopt responses following the Geneva Convention or national interest different from those pursued by British authorities regarding punishment and reprisals.

On another historiographical front, the study of Australia's manpower crisis during the war has previously been framed as a problem of domestic economic policy. For example, the official histories by Paul Hasluck, Sydney Butlin and Carl Schedvin provide insight into the Australian government's political issues concerning manpower throughout the war. These volumes focus on POWs as a potential solution to a domestic labour crisis in agricultural and related industries.³² However, these works largely overlook the international dimensions of the issue, mainly how the principle of reciprocity was applied in the use of POW labour, are largely overlooked. A chapter written by Bob

²⁷ Neville Wylie, The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime. In *Prisoners in war*, ed. S. Scheipers (Oxford: Oxford University Press, 2010): 96-97.

²⁸ Gilbert, *POW Allied prisoners in Europe, 1939-1945.*, Mackenzie, "The treatment of prisoners of war in World War II.", S. P Mackenzie, "The shackling crisis", Rollings, *Prisoners of War, Voices from Behind the Wire in the Second World War.*, Vance, "Men in manacles", and Wylie, *Barbed wire diplomacy.*

²⁹ Gilbert, *POW Allied prisoners in Europe, 1939-1945.*, also see Peter Monteath *P.O.W.*

³⁰ Vance, "Men in manacle", and Mackenzie, "The shackling crisis".

³¹ Gilbert, *POW Allied prisoners in Europe, 1939-1945*, 205.

³² S. J. Butlin, *War Economy 1939-1942* (Canberra: Australian War Memorial, 1955)., also see S. J. Butlin and C. B Schedvin, *War Economy 1942-1945* (Canberra: Australian War Memorial, 1977)., Paul Hasluck, *The Government and the People 1939-1941* (Canberra: Australian War Memorial, 1952)., and Paul Hasluck, *The Government and the People 1942-1945* (Canberra: Australian War Memorial, 1970).

Moore and Kent Fedorowich in their book *The British Empire and its Italian Prisoners of War, 1940-1970*, is devoted to the examination of the Australian government's use of Italian POWs as part of its agriculture employment scheme.³³ The work does not describe the lived experience of the POWs, only discussing the political aspects of the Australian government's use of Italian POWs. It examines communications between Britain and Australia requesting that Australia receive Italian POWs. It also considers the security services screening of prisoners.³⁴ Fedorowich's *The 'Forgotten' Diggers: Australian POWs in Europe, 1939-1945*, goes further to explain that Australian POWs were used as labour in Europe, becoming part of the war economies of Italy and Germany.³⁵ Equally, Fedorowich explains that Australia received Italian POWs transferred from Britain and North Africa, who could be employed in non-war-related industries to fill deep gaps in Australia's wartime labour force.³⁶ The lack of domestic labour was a problem throughout the war, and this thesis will explore how the Australian government applied international treaties and other arrangements to Australian domestic policy to try to solve Australia's labour crisis. With its focus on the international political dimensions of the POW problem in Italy, this thesis contends that labour issues must be accorded greater prominence in explanations of government policy.

The armistice with Italy in September 1943 was a turning point in the war, and considerable literature is devoted to the events leading to it and its consequences. Marshal Pietro Badoglio, appointed Prime Minister of the new Italian government after the fall of Mussolini, participated in armistice negotiations. Writing from a firsthand Italian viewpoint, his memoirs explain the armistice's impact on Italy and its changed relationship with the Allied powers.³⁷ In terms of secondary literature, C. R. S Harris has described the armistice from a British perspective discussing the Allied Military Administration of Italy between 1943 and 1945, and the military and political situation between Italy and the Allied governments – specifically Britain and the United States. In addition, Harris explains the issue of establishing administration and Allied-occupied zones in Italy in 1943.³⁸ Although Badoglio and

³³ Moore, and Fedorowich. *The British Empire and its Italian Prisoners of War 1940-1947*.

³⁴ Moore, and Fedorowich. *The British Empire and its Italian Prisoners of War 1940-1947*.

³⁵ Kent Fedorowich, *The 'Forgotten' Diggers: Australian POWs in Europe, 1939-1945* (Bologna: Società editrice il Mulino, 2002), 552.

³⁶ Hasluck, *The Government and the People 1942-1945*, 422., and Bob Moore, "Enforced Diaspora: the fate of Italian prisoners of war during the Second World War," *War in History* 22, No. 2 (2015):174., also see Paul Hasluck, *The Government and the People 1939-1941* (Canberra: Australian War Memorial, 1952)., Butlin and Schedvin, *War Economy 1942-1945*., Commonwealth of Australia, *Manual of National Security Legislation being the National Security Act 1939-1940 and Regulations and Certain Orders, Etc., Made thereunder and in force on 1st April 1941* (Canberra: L. F. Johnston, Commonwealth Government Printer, 1941)., also see Horner, *Inside the war cabinet.*, K. S. Isles, Some notes on the man-power problem and the rationalization of industry (Adelaide: Hassell Press, 1942)., Peter Monteath, *Captured Lives: Australia's wartime internment camps* (Canberra: National Library of Australia, 2018).

³⁷ Pietro Badoglio, *Italy and the Second World War: memories and documents*, translated by Muriel Currey (London: Oxford University Press, 1948).

³⁸ C. R. S Harris. *Allied Military Administration of Italy 1943-1945* (London: Her Majesty's Stationery Office, 1957)., also see Kent Fedorowich and Bob Moore 'Co-belligerency and prisoners of war: Britain and Italy, 1943-1945'. *The International History Review* vol. 18, No. 1 (1996), 28-47., United Nations: Italian Military Armistice. *The American Journal of International*

Harris provide interesting insights into the armistice and its outcomes, they do not approach the POW problem in any depth, nor do they explore the implications for the Australian government in its ongoing efforts to protect the interests of Australian POWs in Italy.

The Italian surrender in September 1943 created a series of problems for POWs and those responsible for their well-being. Senior British officers in camps in northern Italy had received orders to remain in their camps and await the approaching Allied forces. Unfortunately, rather than the Allies, German troops in the north arrived first to detain them. Nonetheless, others managed to abscond from the many unguarded camps and were able to make their escape.³⁹ This story is often repeated and has become the central theme in various personal accounts of those in the camps. A detailed description of the effects of the so-called “Stay Put” order is included in works by historian Roger Absalom, *A Strange Alliance: aspects of escape and survival in Italy 1943-45*, and historians Michael Foot and James Langley *MI9: the British secret service that fostered escape and evasion 1939-1945 and its American counterpart*.⁴⁰ The order was meant to prevent the POWs from wandering the countryside in an attempt to make contact with Allied forces, which could hinder the invasion of Italy. However, the “Stay Put” order was applied inconsistently within the camps, and Absalom, Foot and Langley contend that it added to the confusion of the situation.⁴¹ Their work does not, however, consider Australian authorities’ response to the problem, or how the order impacted the lives of Australian POWs known to be located in significant numbers in northern Italy in particular. Given the lack of literature concerning the Australian government’s reaction to the armistice and the following events, this thesis examines how the Australian government responded to the armistice with Italy and any differences in policy between Australia and Britain, including the “Stay Put” order on Australian POWs.

The repatriation or exchange of POWs during wartime was relatively rare; however, when it did happen, it required a significant level of diplomacy. Limited research has been conducted into the repatriation of Australia’s sick and wounded, and even less regarding protected prisoners during the Second World War. Apart from Field in the official history, only Seumas Spark discusses the two Anglo-Italian repatriations involving Australian POWs in 1942 and 1943, however, Spark argues that the two Anglo-Italian exchanges were not significant enough to influence Australian government

Law, vol. 40. No. 1, Supplement: Official documents (1946), 1-21., and *Documents relating to the Conditions of an Armistice with Italy* (September-November 1943). London: His Majesty’s Stationery Office, 1945.

³⁹ Roger Absalom, ‘Allied Escapers and the *contadini* in occupied Italy (1943-45),’ *Journal of Modern Italian Studies* 10, no.4 (2005):413-425.

⁴⁰ Absalom, *A strange alliance.*, and Michael Foot, and James Langley, *MI9: the British secret service that fostered escape and evasion 1939-1945 and its American counterpart* (London: Bodley Head Ltd, 1979).

⁴¹ Absalom, *A Strange Alliance.*, also see Roger Absalom, ‘Hiding History: The Allies, the Resistance and the others in occupied Italy 1943-1945,’ *The Historical Journal* 38, no. 1 (1995): 111-131., and M. R. D. Foot and J. M. Langley, *MI9*.

policy, and for that reason, he focuses on the Anglo-German exchanges.⁴² A study by Bob Moore, though centred on the reciprocity in the negotiation of the exchange process, particularly in regard to the Anglo-German rather than Anglo-Italian repatriations, affords a valuable understanding of the political issues belligerent governments confronted, by analysing the ICRC's role in repatriation negotiations and the diplomatic role required by all involved. Moore provides the example that the Germans demanded numerical equality, which was in breach of the Geneva Convention and would require significant negotiation by the British through the protecting powers and ICRC to overcome the problem. Yet, Moore argues that the Italians had what was thought to be the usual attitude of letting things take their own course.⁴³ While still from a British government perspective, Moore's latest work further examines the Anglo-Italian exchanges that took place in 1942 and 1943 in greater detail. He explains negotiations with the Italians went smoother than those with German authorities and details the process of the exchanges.⁴⁴ Jonathan Vance also examines wartime repatriations; in contrast, Vance's analysis focuses on the repatriation of Canadian POWs in German captivity, the Canadian government's position, and its relationship with Britain and the United States.⁴⁵ This thesis will study the Anglo-Italian exchange and repatriation of prisoners and contend that the exchanges afford an understanding of the extent of the belligerents' diplomatic role and the use of neutral third parties to facilitate the negotiations, including the Australian government's role in the exchange process and the use of international laws and agreements. The thesis not only discusses the sick and wounded exchanges, which provide an insight into the workings of the mixed medical commissions but also considers the lesser-known long-term prisoner exchange negotiations and the issues that occurred in the repatriation of protected personnel.

For the POWs and POW policy, peace came with its own challenges of how and when to repatriate the prisoners in Australia and those Australians waiting to return home. Article 75 of the Geneva Convention explained that prisoners of war were to be repatriated as soon as possible once peace was declared.⁴⁶ However, the descriptions in works such as *Captured Lives, Rabbit and Spaghetti*, and *The Italian Farming Soldiers* argue that repatriation at the end of the war was not a simple process. They explain the issues facing Australian authorities, noting that many Italians did not want to return to

⁴² Seumas Spark, 'Dishonourable Men? The Australian Army, Prisoners of War and Anglo-German POW Repatriations in the Second World War.' *Australian Historical Studies* 45, no. 2 (2014): 242-265., also see Seumas Spark, Australian prisoners of war in Italy in World War II: Public and private histories. In *Beyond Surrender: Australian prisoners of war in the twentieth century* edited by J. Beaumont, L. Grant, and A. Pegram, 135-152 (Melbourne: Melbourne University Press, 2015).

⁴³ Bob Moore, "The treatment of Prisoners of War in the Western European theatre of war, 1939-1945," In *Prisoners in war* edited by S. Scheipers, 111-125 (Oxford: Oxford University Press, 2010), 112.

⁴⁴ Bob Moore, *Prisoners of War Europe: 1939-1956* (Oxford: Oxford University Press, 2022), 143-144.

⁴⁵ Jonathan Vance, The Trouble with Allies: Canada and the Negotiation of Prisoner of War Exchanges. In *Prisoners of War and their Captors in World War II* edited by Bob Moore and Kent Fedorowich, 69-85 (Oxford: Berg, 1996).

⁴⁶ Geneva Convention, Prisoners of War, Convention of July 27, *Relative to the Treatment of Prisoners of War*, 1929.

Italy.⁴⁷ However, less significance in the existing literature has been placed on the broader international context of repatriation at the end of the war, particularly when the liberated POWs did not want to return to their homeland.

This thesis explores how Australia managed the POW issue throughout the Second World War and the immediate post-war period through an investigation of archival material and secondary literature. It examines how the Australian government responded to the captivity of thousands of Australians in Italy and the detention of an even greater number of Italians in Australia. The war, it finds, created a series of diplomatic and political challenges for belligerent governments, including Australia. With this in mind, this thesis contends that Australia's response was guided not only by its international obligations under the Geneva Convention, but at times it was also governed by other pragmatic considerations such as reciprocity, the practicalities of war and, importantly, national interest. The Australian government was not the only one to manage its POW policy in this way. By exploring the Australian government's relationship with Britain as part of the British Empire, this research clarifies under what circumstances and to what extent Australia sought to assert a level of independence in pursuing its national interest, even when that approach did not align with British policy.

Methodology

Understanding that single national studies are insufficient for complex diplomatic histories; this thesis brings together events in Britain, Australia and, to some extent, Italy and Canada within a single analytical frame in order to highlight the international nature of the difficulties faced in POW policy and diplomacy. This research does not explore Italian POW policy in depth unless it is required to better understand how it affected the treatment and management of Australian prisoners of war in Italy, and the Italian POWs detained in Australia, and the diplomatic negotiations undertaken between belligerent governments. The United States contributed to the international context of POW diplomacy once they entered the war; even so, the United States contribution to POW policymaking is not investigated in this thesis, because Australia was part of the British Empire and was following British wartime policy. It is the relationship between Australia and Britain and the Australian government's ability to assert influence on empire policy that is the primary subject of this research.

With a strong emphasis on the conduct of international political and diplomatic relations, Australian prisoners of war in Italy are presented as the focus for this research, highlighting government policy and practice during the Second World War, this is primarily a research project centred on archival materials. It examines records in a number of archival repositories and discusses

⁴⁷ Montearth, *Captured lives.*, Bunbury, *Rabbits and spaghetti.*, and Fitzgerald, *The Italian Farming Soldiers.*

materials such as Australian War Cabinet records, Department of External Affairs reports, Department of Defence communications, and parliamentary Hansards. Speeches delivered to parliament by prime ministers Menzies and Curtin, along with their correspondence with the British Prime Minister, Australia's High Commissioner, and other government departments in London, provide this thesis with an insight into the government's position regarding POW policy. In addition, the Directorate for Prisoner of War and Internees records, the International Committee of the Red Cross (ICRC), protecting power, and Vatican reports reveal the Australian government's relationship with non-government organisations. However, this research does not directly investigate the ICRC or the United States archives as protecting power or the Italian archive in relation to the activities in the Italian POW camps. Swiss archives were accessed and containing camp reports from Italy; copies of these documents are also accessible in Australian archives. As this is primarily an Australian story discussing Australia's relationship with Britain regarding prisoner of war policy and diplomacy, the thesis draws above all from recourses held in Australian and British archive repositories.

The most important British repository for the purpose of this thesis is The National Archives (TNA) in Kew. TNA contains an extensive collection of documents discussing POW issues mainly from the British viewpoint; however, within the collection, there are detailed records concerning the treatment and condition of Australian POWs in Europe, predominantly in the War Office, Foreign Office and Dominion Office documents. The minutes of the Imperial Prisoners of War Committee and its two subcommittees were essential to the research; however, because those entities had limited meetings throughout the war, the War Cabinet, Foreign Office and Dominion Office records actually provide greater detail on POW policy. Other sources of information discussing POW policy and management include the House of Commons and Lords debates accessible through the United Kingdom parliament's historic Hansards. The thesis also draws on other primary sources, such as newspaper articles and magazine commentary on the political situation at the time and stories of Australians taken prisoner. Even though personal memoirs and diaries are not a focus of the thesis, they are included in this research to provide context and an overall understanding of the POW situation in Italy and how government policy affected prisoners of war.

Structure

Chapter 1: Prisoners of War in Law, War and Foreign Policy, introduces the broader historical and legal context of POW politics. The chapter provides an understanding of the POW issues during the First World War, highlighting the failings of the *Laws and Customs of War on Land (Hague, IV, 1907)* regarding the management and treatment of POWs. This chapter illustrates that the First World War stands out as an example of how belligerent states engaged in wartime diplomacy, particularly regarding POWs.

The deficiencies in international law highlighted by the First World War would lead to the drafting of the *1929 Geneva Convention Relative to the Treatment of Prisoners of War* and the revision of the *1929 Geneva Convention Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*, which would prove to be fundamental in the management of POWs during the Second World War.

During the interwar years, Australia at times asserted its independence on the international stage. However, Australia was part of the British Empire and, as such, was tied to British policy, for that reason, the interwar years were significant for Australia concerning foreign and defence policy. In addition, Australia's relationship with Britain and the empire provided the framework for the sometimes tricky political position the Australian government would need to negotiate during the Second World War. As a result, the relationship between Australia and Britain during the interwar years is explored.

Chapter 2: Going 'In the Bag' explains that the capture of enemy troops during the Second World War was a significant military and political issue. Although there were international laws in place before the beginning of the war, there was little in the way of government policy. While Britain understood that there was a military and political advantage to capturing enemy forces, it had little idea about what it would do with them once it had them in custody. As a result, in the early stages of the war, Britain and the empire, including Australia, had little in the way of POW policy other than the already established Geneva Convention and an understanding of the issues from their experiences during the First World War. With the parallel capture of troops, it is essential to recognise how international laws were applied by belligerents and the influence of reciprocity on belligerent behaviour. For that reason, the chapter discusses the context concerning the war in North Africa, how Australian POWs entered Italian captivity and, similarly, the circumstance of the capture of Italian troops.

Chapter 3: Prisoners of War in International Politics, 1939-1942, concentrates on international politics and diplomatic relations concerning prisoners of war. Before the Second World War and in the early years of the war, Australia's most significant international relationship was with Britain. For that reason, the chapter will consider how the Australian government managed its relationship with Britain regarding POW policy matters from the beginning of the war until the fall of Singapore in February 1942. Although the United States entered the war in 1941, the chapter does not discuss Australia's relationship with the United States in any detail outside their role as protecting power. Both Australia and Italy were signatories to the Geneva Convention, and as a result, they had an obligation to ensure proper treatment of the enemy POWs they had detained. As such, Australia also had to manage its

relationship with Italy, even if it was conducted indirectly through Britain. In this, neutral governments and non-government organisations such as the ICRC and protecting powers played an important role.

Once the prisoners were in the hands of the enemy, they would need a place of more permanent detention. With this in mind, *Chapter 4: Detention* will examine the Australian government's recognition of its role as a detaining power and the problems that arose from the detention of Australian POWs in Italy. Once in POW camps, belligerents had an obligation under the Geneva Convention to provide proper treatment for the prisoners in their hands. This chapter will explain that belligerent governments, regardless of international law, also required a level of reciprocity in the treatment of POWs that would need to be negotiated. As a result, neutral countries and non-government organisations played a crucial role in POW detention. Their role as a third-party intermediary was also significant when breaches or violations were reported in the camps. Generally, they conducted camp visits to ensure that the prisoners were treated appropriately, hearing complaints from prisoners and providing a report of their visits to belligerents.

Chapter 5: Punishing the Prisoners – Reprisals, Manipulation, Manacles, and Maltreatment examines the use of punishment and reprisals by belligerent authorities. The practice of reprisals and punishment was a problem in the First World War and continued to be an ongoing issue throughout the Second World War. This chapter explores the British government's attitude toward the matter of reprisals and its response to the problem. More importantly, the chapter considers the Australian government's reaction to the issue of reprisals and the adoption of an attitude that put Australia's national interest at the forefront of decisions, even if it conflicted with that of Britain. Belligerent governments employed retaliation in particular instances as a way of managing the behaviour of the enemy government. For that reason, the political reprisal in 1942-1943 known as the "shackling crisis", is studied to further explain how an alleged violation of the rules of war on the battlefield had ramifications for POWs detained in POW camps. In contrast, the instances of punishments in Italy that resulted from assumed infringements by prisoners in the camps were dealt with by Italian authorities in the camps. These are compared to highlight the difference between political reprisal and camp punishment.

The issue of manpower and the need for labour during the war was not a problem that was exclusive to Australia. As men and women joined the armed forces, belligerent governments struggled with a lack of domestic labour. Therefore, *Chapter 6: Employing the Enemy – Prisoner of War Labour*, will examine the use of POW labour in an international context and discuss the Australian government's employment of Italian POWs in the agricultural and other related industries to solve Australia's domestic labour problems in its national interest. The study of the labour crisis in Australia during the

war has been examined in the context of a domestic economic policy, however, the employment of POWs as a method of alleviating the problem elevated the issue to an international matter. In addition, the chapter explains the challenges that arose from the armistice with Italy in September 1943. Labour was still a significant problem in Australia and throughout the empire but Italy's status change to co-belligerent had the potential to shift the position of Italian POWs and end this source of labour.

Chapter 7: Wartime Exchange and Repatriation discusses the rarely examined Anglo-Italian repatriations that took place between April 1942 and September 1943. The chapter explains that a significant degree of diplomacy was required between belligerents and neutral third parties for the repatriations to occur, even when following international laws and agreements that guided negotiations. Importantly, this chapter not only discusses the repatriation of sick and wounded prisoners but also considers the diplomatic role of belligerents and neutral actors in negotiating the exchange and repatriation of long-term prisoners. The chapter explains the debate and political challenges for the Australian government regarding a possible reciprocal agreement to repatriate long-term prisoners and its role in ensuring Australian POWs would meet the criteria for repatriation. In addition, the chapter discusses the lesser-known repatriation of protected personnel and that wartime repatriations involved the use of two international conventions. The Geneva Convention was the foundation for the repatriation of sick and wounded and long-term prisoners; however, the *Amelioration of the Condition of the Wounded and Sick of Armies in the Field*, known as the Red Cross Convention, described belligerent obligations for the repatriation of protected personnel. During the exchange and repatriation process, the two conventions became interlinked; for that reason, the chapter addresses the problems of having two separate conventions that govern different groups for repatriation and how this affected the repatriation process.

Chapter 8: The Beginning of the End – Armistice to Peace provides some background to events leading to the armistice with Italy in September 1943 and its immediate aftermath. The armistice was a turning point in the war, which changed the status of Italy from enemy to co-belligerent. The enforcement of the armistice agreement and instrument of surrender played a vital role in the debate among the British, United States and Italian governments concerning the status of the Italian POWs in Allied detention. Although these negotiations did not directly involve the Australian government, it was interested in the outcome, because it would essentially affect the management of Italian POWs in Australia and what would happen to Australian POWs in Italy. This chapter explains that although Britain did seek the Australian government's opinion about the negotiations with the Italian government concerning changes to the status and policy of Italian POWs, Britain still wanted a united empire policy.

This chapter will also examine the planning for and implementation of post-war repatriation policy for prisoners in Europe. British authorities began planning early in the war, which included specific considerations for Australian POWs. The chapter explains that the Australian government also began planning for the post-war repatriation of its prisoners early in the war and ensured that Britain understood that Australian authorities would take the lead in repatriation matters concerning the Australians. However, the post-war repatriation of POWs presented a number of unanticipated challenges. Britain wanted to retain as many Italian POWs as possible in line with its domestic labour problems; in contrast, Australia was keen to return the Italian POWs to their homeland. Still, many Italian prisoners did not think there would be much left to return home to and applied to stay in Australia. Nonetheless, the Australian government would continue to repatriate the Italians under the Geneva Convention into late 1947 and beyond.

Finally, having discussed in broadly chronological fashion the course of Australian policy and practice in relation to both Australian POWs in Italy and Italian POWs in Australia, the *Conclusion* will seek to provide definitive answers to the key questions raised in the thesis. In particular, it will look to determine the guiding factors in the ways in which the Australian government approached the POW issue, and the extent to which, over time, it was willing and able to assert distinctively Australian interests on a global stage, even within the context of a British Empire at war.

CHAPTER 1: PRISONERS OF WAR IN LAW, WAR AND FOREIGN POLICY

Introduction

International laws that oversaw belligerent activities during wartime were not new, however, regulations drafted specifically detailing the treatment and belligerent obligations toward prisoners of war were relatively new to states in the twentieth century. In the first part of the twentieth century, the First World War stands out as the primary example of how states managed wartime diplomacy while engaged with the problem of prisoners of war. This chapter provides an overview of the limited inclusion of prisoners of war in international laws before the First World War, including the *Laws and Customs of War on Land (Hague, IV, 1907)* that was in place at the beginning of the war. The 1907 Hague Convention governed not only the behaviour of belligerents on the battlefield but also their treatment of prisoners of war. Still, at times throughout the war, belligerent governments found the need to negotiate reciprocal agreements regarding the treatment of their prisoners of war. For that reason, this chapter explores the themes of reciprocity and reprisals within the framework of the management of enemy prisoners of war. Furthermore, the First World War affords a means of considering how this new legal framework was applied in international relations and how belligerents responded to the POW issues during wartime.

With a number of recognised failings in the management of prisoners of war during the First World War, governments realised that the international laws already in place were insufficient to manage matters regarding prisoners of war. As a result, the 1929 Geneva Conference oversaw the development of specific regulations governing the treatment and management of prisoners of war, the *1929 Geneva Convention Relative to the Treatment of Prisoners of War* (hereafter Geneva Convention). The establishment of a body of international law that solely dealt with prisoners of war was unique. This chapter explains the international legal context and its development through the first decades of the twentieth century that resulted in the 1929 Geneva Convention, which, though untested prior to the Second World War, would become the foundation for POW diplomacy during the Second World War.

During the interwar period of Australian history, Australia's association with Britain remained its primary relationship. While Australia occasionally asserted itself as an independent voice on the global stage, Australia was still subject to a united empire foreign policy. Throughout the 1920s, the Australian government sought recognition from Britain regarding its position in the empire and the consultation regarding Imperial foreign policymaking and international events. The Australian government continued exploring possibilities for greater foreign policy independence in the 1930s.

With this in mind, this chapter will discuss the ongoing debate concerning independence in Australian foreign policy during the interwar years.

Development of International Law and POW Policy

Before the First World War, the first significant piece of legislation that specifically referenced POWs was the *Declaration of Paris of 1856*, which signalled the end of the Crimean War (1853-1856).¹ While it did not recognise the status of POWs or how they should be treated during the conflict, the treaty did identify what should happen to the prisoners of war at the end of the war, stating, “Prisoners of War shall be immediately given up on either side.”² During the nineteenth century and in the years after the Declaration of Paris of 1856, a significant number of international conventions were revised or developed.³ Three years after the end of the Franco-Prussian War (1870-1871), the Brussels Conference was assembled in 1874.⁴ The conference produced the first international code of land warfare, which set down twelve basic rules governing the treatment of prisoners of war.⁵ Article 23 most importantly stated, “They must be humanely treated”.⁶ It was the first time that the humane treatment of prisoners of war was documented in international law. The *Laws and Customs of War on Land (Hague, II)* followed in 1899, which provided greater detail regarding the treatment and management; as a result, prisoners of war continued to be recognised.⁷

In the twentieth century, international laws continued to be revised and developed. While the *Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field* was improved in 1906, the most significant pre-war convention regarding prisoners of war would be the *Laws and*

¹ James Garner. *International Law and the World War, vol.1* (London: Longmans, Green and Co, 1920), 12.

² Treaty of Paris 1856, Article 6. <http://content.ecf.org.il> accessed 22 June 2021. The Declaration was drafted and signed between the warring monarchs of Great Britain, France, the Ottoman Empire, Sardinia and Russia.

³ International laws revised or developed between 1856 and 1874 include, *Instructions for the Government of Armies of the United States in the Field, Lieber Code*, 24 April 1863. <http://ihl-databases.icrc.org> accessed 22 June 2021., *Convention for the Amelioration of the Condition of the Wounded in Armies in the Field*. Geneva, 22 August 1864 <https://ihl-databases.icrc.org/ihl/INTRO/120> accessed 30 September 2022., *Additional Articles relating to the Condition of the Wounded in War*. Geneva, 20 October 1868. <https://ihl-databases.icrc.org/ihl/INTRO/125> accessed 30 September 2022., *Declaration Renouncing the use, in time of war, of explosive projectiles under 400 grammes weight*. St Petersburg, 29 November to 11 December 1868. <http://ihl-databases.icrc.org> accessed 22 June 2021. The Declaration forbid the use of specific explosive projectiles with the aim of fixing the technical limits the necessities of war ought to yield., *Laws and Customs of War on Land (Hague, II)* 29 July 1899. Treaty Series 403, 1899., International Declaration concerning the Laws and Customs of War., Brussels, 27 August 1874 <https://ihl-databases.icrc.org/ihl/INTRO/135> accessed 4 October 2022.

⁴ Tracey Leigh Dowdeswell. “The Brussels Peace Conference of 1874” and the Modern Laws of Belligerent Qualification”. *Osgoode Hall Law Journal* 54, no. 3 (2017): 805.

⁵ Dowdeswell, “The Brussels Peace Conference of 1874”, 806.

⁶ Project of an International Declaration concerning the Laws and Customs of War. Brussels, 27 August 1874. <http://ihl-databases.icrc.org> accessed 22 June 2021.

⁷ *Laws and Customs of War on Land (Hague, II)* 29 July 1899. Treaty Series 403, 1899., *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907.

Customs of War on Land (Hague IV) 18 October 1907.⁸ Consequently, when the First World War broke out, there was a pre-existing body of international laws in place that specifically governed how hostilities should be conducted, and how prisoners of war ought to be treated. These early international laws, particularly those governing prisoners of war, would be hugely influential during the First World War. As belligerent governments began to expose the deficiencies in the Hague Convention as it related to prisoners of war, further to the Hague Convention, reciprocal agreements would also be negotiated to ensure decent treatment of the POWs.

The Conventions in Practice – POWs and the First World War

The 1907 Hague Convention would be significant in the management and treatment of prisoners of war during the First World War. Still, it was evident that other factors throughout the war, such as reciprocal agreements and reprisals, would also shape how POWs would be treated. In practice, belligerent governments used reprisals and reciprocity of treatment when handling prisoners of war to manage and manipulate the way the enemy government dealt with the POWs in their hands. However, reprisals against prisoners were not a new practice or unique to the First World War. With limited but significant international laws regarding prisoners of war, particularly before the First World War, Heather Jones suggests that activities of reprisals had been standard practice in previous European conflicts.⁹

Capture

During war, soldiers faced the possibility of surrender and capture. The Hague Convention though limited, had some guidelines regarding the capture of prisoners. Article 23 (c) of the Convention explains, “it is especially forbidden to kill or wound an enemy who, having laid down his arms, or having no longer the means of defence, has surrendered at discretion.”¹⁰ Section (d) of Article 23 is also relevant, stating, “it is especially forbidden to declare that no quarter will be given.”¹¹ Germany and Britain did not only rely on the Hague Convention; they also had manuals of military law that contained sections that specifically discussed the treatment of prisoners of war. The two manuals had quite different interpretations of what was considered acceptable behaviour in the treatment of enemy POWs, in particular, reprisals and the killing of soldiers that had surrendered. The German manual *Kriegsbrauch im Landkriege* was limited in its description. It did not condone inhumane acts of violence

⁸ *Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field*. Geneva, 6 July 1906. <https://ihl-databases.icrc.org/ihl/INTRO/180> accessed 30 September 2022., *Laws and Customs of War on Land (Hague IV)* 18 October 1907.

⁹ Heather Jones. *Violence against Prisoners of War in the First World War: Britain, France and Germany, 1914-1920* (Cambridge: Cambridge University Press, 2011), 134.

¹⁰ *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907. Article 23 (c), 648.

¹¹ *Laws and Customs of War on Land (Hague IV)* 18 October 1907, Article 23 (d), 648.

against “the wounded or prisoners who are no longer capable of offering resistance” or “the refusal of quarter to soldiers who have laid down their arms and allowed themselves to be captured.”¹² The British manual under which the Australian Army operated went into much greater detail and appeared unambiguously opposed to the idea of killing surrendering soldiers,

It is forbidden to declare no quarter will be given. Furthermore, it is forbidden to kill or wound an enemy who, having laid down his arms or having no longer means of defence, has surrendered at discretion. This prohibition is clear and distinct; there is no question of the moment up to which acts of violence may be continued without disintitling the enemy to ultimately admitted to the benefit of quarter. War is for the purpose of overcoming armed resistance, and no vengeance can be taken because an individual has done his duty to the last but escaped injury.¹³

The *British Manual of Military Law* further explained the rules regarding surrendered soldiers,

A commander may not put his prisoner to death because their presence retards his movement or diminishes his means of resistance by necessitating a large guard, or by reason of their consuming his supplies, or because it appears certain that they will regain their liberty through an impending success of their own army.¹⁴

Seemingly contradicting its statement regarding acts of violence toward the wounded or prisoners, the German *Kriegsbrauch im Landkriege* was not quite so strict regarding the killing of captured or surrendered soldiers, noting,

Prisoners, they can be put to death in the case of overwhelming necessity, when other means of precaution do not exist and the existence of prisoners becomes a danger to one’s own existence... It must not be overlooked that here also the necessity of war, and the safety of the State are the first consideration, and no regard for the unconditional freedom of the prisoners from molestation.¹⁵

There is no doubt that all belligerent armies shot POWs during the war, but as Robert Jackson suggests, this mainly occurred because of individual acts of violence soon after capture rather than belligerent policy.¹⁶ It was not surprising then that soldiers on the Western Front had good reason to be unwilling to surrender. It was not just the fear of possible disciplinary action for not fighting to the last, it was also dangerous. Indeed, for much of the war, many soldiers believed that the risk they ran by surrendering was greater than the risk they ran by fighting on.¹⁷ Niall Ferguson explains this was because soldiers were killed not only as they tried to surrender but after they had surrendered. The reports of these murders of captured troops served as a warning for soldiers against laying down their

¹² *The War Book of the German General Staff: Being “The Usages of War on Land” Issued by the Great General Staff of the German Army.* Translated by J. H. Morgan (New York: McBride, Nast and Company, 1915), 86.

¹³ War Office. *Manual of Military Law*, 6th ed (London: His Majesty’s Stationary Office, 1914), 244.

¹⁴ War Office, *Manual of Military Law*, 248.

¹⁵ *The War Book of the German General Staff*, 97- 98.

¹⁶ Robert Jackson. *The Prisoners, 1914-18* (London: Routledge, 1989), 6-7.

¹⁷ Niall Ferguson. *The Pity of War* (London: Penguin Group, 1998), 368.

arms.¹⁸ The shooting of men upon capture was not only an abuse of the humane treatment of surrendering soldiers but also a violation of the Hague Convention.

Reprisals and Maltreatment

Reprisals were not only implemented to have an adverse effect on the lives of prisoners of war, they were used to control the behaviour of belligerents on the battlefield or to ensure better conditions for men in POW camps.¹⁹ However, in the early years of the First World War, reprisals were often minor, including denying prisoners access to their mail or confiscating Christmas parcels.²⁰ Yet, in 1915, Germany stopped all privileges to its British prisoners due to the “alleged brutal treatment by the British government of German civilians in England.”²¹ Furthermore, a Turkish reprisal was also imposed in 1915 in response to complaints of British mistreatment of Turkish prisoners in Egypt, which affected most of the Gallipoli prisoners in Constantinople.²² The reprisals changed in 1916, taking on a new and very different form. Prisoners were forced to carry out specific kinds of extremely demanding manual labour on what were described as survival rations and under shellfire. This, Heather Jones argues, was a considerable escalation in the mistreatment of POWs.²³ The extreme change in reprisals, Jones suggests, was representative of a power struggle over POW policy in Germany. There was disagreement over the use of reprisals between the German Foreign Office, which opposed harsh collective retaliation against prisoners, and the Prussian Ministry for War, which pushed for tougher measures on behalf of the *Oberste Heeresleitung* (OHL), the German Army Supreme Command.²⁴

During the war in Europe, the Australians and other Allied soldiers taken prisoner were usually transferred to one of the 167 *Gefangenenlager* (prisoner camps) and accompanying work camps in Germany.²⁵ Once in POW camps away from the frontline, the prisoners’ situation typically improved. Nonetheless, conditions in the camps differed according to location, the attitude of the camp commander, and the number of prisoners held in the camp.²⁶ Moreover, the Hague Convention had protocols prohibiting prisoners of war from working on tasks related to the enemy’s war effort. Article 6 of the Hague Convention addressed the use of prisoner of war labour, stating, “the State may utilise

¹⁸ Ferguson, *The Pity of War*, 369.

¹⁹ Jennifer Lawless, *Kismet: The story of the Gallipoli prisoners of war* (North Melbourne: Australian Scholarly Publishing Pty Ltd, 2015), 62.

²⁰ Jones, *Violence against Prisoners of War in the First World War*, 134.

²¹ Lawless, *Kismet*, 62.

²² Lawless, *Kismet*, 62.

²³ Jones, *Violence against Prisoners of War in the First World War*, 134-135.

²⁴ Jones, *Violence against Prisoners of War in the First World War*, 135.

²⁵ Joan Beaumont, *Broken Nation: Australians in the Great War* (Crow's Nest: Allen & Unwin, 2013), 305.

²⁶ Beaumont, *Broken Nation*, 305.

the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operation of the war.”²⁷

In 1917 British authorities began employing enemy prisoners on work close to the frontline.²⁸ As a result, soldiers captured by the Germans during the Battle of Bullecourt were used as a tool for retaliation in response to allegations of Allied mistreatment of German soldiers.²⁹ German authorities enforced the reprisal to persuade the British government to remove all German prisoners to what they considered a safe distance of 30 kilometres from forward areas. While German authorities assumed that the prisoners would be safer 30 kilometres away from the frontline, they also believed that the distance would improve conditions for German prisoners in Allied captivity.³⁰ As a result, both sides exploited the vulnerable position of the POWs to aid their military operations while knowingly exposing the prisoners to shellfire from their own artillery.³¹ Until the issue was resolved, the 1,550 Australians captured at Noreuil, Bullecourt and Lagnicourt throughout April 1917, unlike most Australian prisoners of war captured on the Western Front, would remain in France and worked as forced labourers behind the German lines.³² There the Australian POWs were employed on jobs related to the operations of the war, with many Australians forced to bury German dead or build roads and ammunition dumps.³³ As Aaron Pegram suggests, it was because of the inadequacies of the Hague Convention that belligerents on both sides were able to abuse the labour of prisoners to help continue the war effort.³⁴ More significantly, the treatment of the Australian soldiers captured at the Battle of Bullecourt in April 1917 was a defining moment of how reprisals would be employed in the future. This was the first time a belligerent state plainly applied a policy of reprisal to manipulate an enemy government.³⁵

Unfortunately, even with the Hague Convention and manuals of military law, events in April 1917 showed that POWs remained a significant political and military problem. In June 1917, the Australian government was informed that a delegation would proceed to the Hague for an Anglo-German Conference. Set for 28 June, the British and German representatives would discuss issues involving prisoners of war, including repatriation, reprisals, delays in reporting the capture of soldiers,

²⁷ *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Article 6, 644.

²⁸ David Coombes, *Crossing the Wire: The untold stories of Australian POWs in battle and captivity during WWI* (Newport: Big Sky Publishing, 2011), 209.

²⁹ Aaron Pegram, “A Life of Torture and Hell: Australian Prisoners of War on the Western Front and the German Reprisals of 1917.” *Sabretache* 58, no. 2 (2017): 7.

³⁰ Pegram, “A Life of Torture and Hell”, 7.

³¹ Coombes, *Crossing the Wire*, 209.

³² Pegram. “A Life of Torture and Hell”, 4.

³³ Beaumont, *Broken Nation*, 304.

³⁴ Aaron Pegram, *Surviving the Great War: Australian Prisoners of War on the Western Front, 1916-1918* (Cambridge: Cambridge University Press, 2020), 43.

³⁵ Pegram, “A Life of Torture and Hell”, 7.

and internment in neutral Switzerland.³⁶ During the negotiations, a document was drafted that would strengthen earlier agreements on captivity and exchange.³⁷ The Anglo-German Conference produced a newly negotiated agreement titled, *An Agreement between the British and German Governments concerning Combatant and Civilian Prisoners of War*, which clarified several issues that had complicated prisoner treatment between the two states.³⁸ The new prisoner of war agreement with Germany was sent to the Australian Prime Minister on 28 July 1917. Significantly point 9 addressed the matter of reprisals between the belligerents,

That all reprisals against individuals shall be at once cancelled. No further reprisals shall take place except on four weeks' notice, and the execution of all sentences for offences committed by combatants or civilians between the date of capture and 1 August shall stand over till the conclusion of peace ends.³⁹

The same day, a second telegram informed the Australian government that the “agreement arrived at respecting prisoners of war has been accepted by His Majesty’s Government, and Government of Germany.”⁴⁰

During the war, Australia predominantly interned civilians categorised as “enemy aliens.” However, due to the capture of German forces occupying New Guinea in 1914 and sailors from the vessel *Emden*, some German prisoners of war were also detained in Australia.⁴¹ While there were ongoing issues involving a number of Australian prisoners of war overseas, the German POWs in Australia received visits from the Swiss Consul as the protecting power to ensure they were adequately treated.⁴² However, in 1918 Patrick Lynch MP received complaints about the relaxed treatment of German prisoners of war in Berrima, NSW. Lynch responded in a statement, explaining that the Australian government was aware of its obligations toward enemy POWs and the consequences if it did not treat the German prisoners humanely,

³⁶ NAA: A2 1919/67 Prisoner of War Agreement with Germany. Telegram Secretary of State for the Colonies to the Prime Minister, 30 June 1917.

³⁷ Richard Speed III, *Prisoners, Diplomats and the Great War: A Study in the Diplomacy of Captivity* (Connecticut: Greenwood Press, 1990), 37.

³⁸ NAA: A2 1919/67 An Agreement between the British and German Governments concerning Combatant and Civilian Prisoners of War, July 1917.

³⁹ NAA: A2 1919/67 Telegram Secretary of State for the Colonies to the Prime Minister – new prisoners of war agreement with Germany, 28 July 1917.

⁴⁰ NAA: A2 1919/67 Telegram Secretary of State for the Colonies to the Prime Minister – agreement re prisoners of war, 28 July 1917.

⁴¹ Report by the Minister of State for Defence on the Military Occupation of the German New Guinea Possessions (Melbourne: Albert J. Mullett, Government Printer, 1921), and S. Mackenzie, *The Australians at Rabaul: The Capture and Administration of the German Possessions in the Southern Pacific*. 5th ed. Official History of Australia in the War of 1914-1918; v. 10 (Sydney: Angus & Robertson, 1938), 74.

⁴² NAA A2 1917/271 Prisoners of War – Treatment in Australia. Memo C567/3/1064, 61-62. The correspondence discusses the relaxed treatment of German POWs in Berrima, NSW and the complaints from locals that they were restricted from using the waterways around the camp because they were reserved for the German POWs. It goes on to point out the need for such ‘privileged’ liberty.

It must be remembered that drastic curtailment of privileges here will be liable to lead to reprisals being instituted against our own men in Germany...At the same time, it must be understood that the treatment of our own prisoners of war in Germany depends on a large extent on the treatment accorded to their prisoners of war here, and there is not the slightest doubt but that the favourable reports on the Concentration Camp at Berrima have been responsible for lightening the lot of many of our men in Germany.⁴³

Although aware of their obligations under the Hague Convention, throughout the war, the Australian government did not develop its own prisoner of war policy; instead, Australia followed imperial policy. As a result, the Australian government left the questions of management and treatment of prisoners of war to be resolved by Britain. In contrast, after the war, Australian Prime Minister William Hughes ensured that Australia played a significant independent political role on the world stage at the Paris Peace Conference in 1919.

The 1929 Geneva Convention for Prisoners of War

A vital lesson taken from the First World War and the Russian Revolution was that the Hague Convention was inadequate to deal with POW matters and needed to be revised.⁴⁴ This recognition would ultimately lead to the 1929 Geneva Conference and the formation of a specific convention concerning the treatment and management of prisoners of war, known as the *1929 Geneva Convention Relative to the Treatment of Prisoners of War*.⁴⁵

Preparations for a new and improved convention began in Geneva in 1921, and the International Committee of the Red Cross wrote the draft convention in 1923.⁴⁶ The draft code was circulated to participating countries shortly before the conference, and governments made numerous recommendations for the amendment of the POW regulations. Considering the willingness of belligerents to participate in reprisals during the war, the draft document provoked surprisingly little conversation.⁴⁷ The British government did propose that states be allowed to apply reprisals under certain circumstances, however, as Neville Wylie explains, the British proposal found little support and the matter was never put to the vote.⁴⁸ What was less clear was whether or not those present at the conference honestly believed in the possibility of abolishing reprisals under a new prisoner of war law.⁴⁹ The 1923 draft was reviewed at the Geneva Diplomatic Conference of 1929. The outcome of the 1929

⁴³ NAA A2 1917/271. Memo C567/3/1064, 61-62.

⁴⁴ A. Gillespie, *A History of the Laws of War Volume 1, the customs and laws of war with regards to combatants and captives* (Oxford: Hart Publishing Ltd, 2011), 180.

⁴⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929.

⁴⁶ Allan Rosas, *The legal status of prisoners of war: a study in international humanitarian law applicable in armed conflicts* (Helsinki: Suomalainen Tiedeakatemia, 1976), 76.

⁴⁷ Neville Wylie. The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime. In S. Scheipers (eds) *Prisoners in war*, pp. 91-108 (Oxford: Oxford University Press, 2010), 98.

⁴⁸ Wylie, The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime, 98.

⁴⁹ Wylie, The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime, 98.

Conference was a document with new regulations explicitly relating to the treatment of prisoners of war.⁵⁰ The 1929 *Geneva Convention Relative to the Treatment of Prisoners of War*, with over 90 articles specifically aimed at the treatment and management of prisoners of war, did not replace the Hague Convention.⁵¹ The latter provided only 17 articles concerning prisoners of war while covering other aspects of conduct in war that were not included in the Geneva Convention.

For the first time, a convention provided POWs with the right to have representatives within the camps and regulations concerning judicial and disciplinary proceedings. Critically it outlined the role of the protecting powers and what authority the protecting powers would be provided to safeguard the interests of POWs. Finally, it described the humanitarian role of the ICRC, which was considerably different from that of the protecting powers.⁵² However, Allan Rosas suggests that perhaps the most insightful development of the 1929 Geneva Convention was the prohibition placed on reprisals and collective punishments.⁵³ Reprisals, especially during the First World War, were considered a political means of curtailing the behaviour of belligerent governments during war.⁵⁴ Given the usefulness and the political advantages gained through reprisals, and some countries' feelings on the issue, the ICRC's ability to secure an agreement for the total abolition of such activities was especially notable.⁵⁵

The prisoner of war issue was not the only international matter examined at the conference in Geneva. The 1906 *Amelioration of the Condition of the Wounded and Sick of Armies in the Field*, known as the Red Cross Convention, was also revised. The convention described the responsibility of belligerents regarding sick, wounded, and protected personnel taken prisoner.⁵⁶ Sir Horace Rumbold, the British Ambassador to Berlin (1928-1933), attended the Geneva Conference and explained in his report dated 31 July 1929 the work of the commission appointed to deal with the revision of the Red Cross Convention of 1906,

It is very gratifying that the revision of this important Convention regulating the treatment of the wounded and sick in warfare, which in many respects had shown need of modification, has been brought to what appears so satisfactory a conclusion. Much labour had been expended beforehand in committee here in framing a version in accordance with our views and those of the Dominions and India, and the adjustment of that version against those of the great number of States (47) which took part in the Conference, involved, as the present despatch shows, delicate handling to bring about a revision of the 1906 Convention in a way which, while acceptable to those States, meets so largely our own views.⁵⁷

⁵⁰ Rosas, *The legal status of prisoners of war*, 76.

⁵¹ Gillespie, *A History of the Laws of War Volume 1*, 180.

⁵² Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 86, 87 and 88, 957-958.

⁵³ Rosa, *The legal status of prisoners of war*, 77.

⁵⁴ Wylie, *The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime*, 97.

⁵⁵ Wylie, *The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime*, 98.

⁵⁶ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*. Geneva Treaty series 847, 1929.

⁵⁷ TNA: FO 372/2551 T9201 Letter. Red Cross Conference: Revision of Geneva Red Cross Convention from Sir H. Rumbold, 31 July 1929.

Members of the Australian parliament recognised the importance of the Geneva Conference. Richard Crouch, MP for Corangamite (Vic), asked Prime Minister James Scullin (1929-1932) during a sitting of parliament in November 1929 if Australia was represented at the Conference in Geneva,

Has the High Commissioner for Australia visited Geneva at any time during 1929 on any conference relating to military affairs? Has there been any conference at Geneva during 1929 at which the attendance of an Australian military officer was necessary?⁵⁸

Prime Minister Scullin responded by informing the parliament that Major-General Sir Granville Rylie and Major-General Julius Bruche represented the Australian Commonwealth at the Geneva Conference.⁵⁹ As a result, representatives of the Australian government signed both conventions independently on 27 July 1929.⁶⁰ The Australian government's ratification of the Convention was announced in the Commonwealth of Australia Gazette on 12 March 1931.⁶¹ The Convention then entered into force in Australia on 23 December 1931.⁶²

The Interwar Years and the Road to War

Australian foreign policy in the twentieth century began with a simple problem. In the first decade of the century, it was commonly agreed in Australia and Britain that the newly federated nation, the Commonwealth of Australia, neither should nor could prosecute an independent foreign policy. As a result, international affairs were left to the British government in London.⁶³ However, before the end of the First World War, the Australian government had started discussing the potential for an independent foreign policy.⁶⁴ Australia had learned during the war that it needed to act internationally and sign treaties independently of Britain. Consequently, Australia and the other Dominions had started to pressure Britain for greater control over their relationships and interactions with other countries.⁶⁵

Australia's participation at the Paris Peace Conference allowed it to take a more independent international role in diplomatic relationships, which began new debates around independence in foreign

⁵⁸ Hansard, House of Representatives, No. 47 Twelfth Parliament, First Session – First Period. 21 November 1929, 72.

⁵⁹ Hansard, House of Representatives, 21 November 1929, 72.

⁶⁰ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, 934.

⁶¹ Commonwealth of Australia Gazette. *Ratification of the Geneva Red Cross Convention 1929, and the Prisoners of War Convention 1929*, Canberra, Thursday, 12 March 1931.

⁶² ICRC, Australia – Historical Documents, ICRC. <http://www.ihl-databases.icrc.org> accessed online 19 May 2021., and Australian Treaty Series, Department of Foreign Affairs and Trade Canberra, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Field

<http://www.austlii.edu.au/au/other/dfat/treaties/1931/6.html> accessed 25 June 2021., Australian Treaty Series, Department of Foreign Affairs and Trade Canberra, Convention relative to the Treatment of Prisoners of War <http://www.austlii.edu.au/au/other/dfat/treaties/1931/7.html> accessed 25 June 2021.

⁶³ Peter Edwards. *Prime Ministers and Diplomats: The Making of Australian Foreign Policy, 1901-1949* (Melbourne: Oxford University Press, 1983), 1.

⁶⁴ Christopher Waters, *Australia and appeasement Imperial foreign policy and the origins of World War II* (London: I. B. Tauris & Co Ltd, 2012), 7.

⁶⁵ Allan Gyngell. *Fear of Abandonment: Australia in the World since 1942* (Carlton: La Trobe University in conjunction with Black Inc, 2017), 15.

policy.⁶⁶ Despite this, Australia still viewed the world through Whitehall and maintained its international relationships through the Dominion Office in London.⁶⁷ Global events in the 1920s and 1930s had Australia questioning imperial foreign policy. In the 1920s, there was increased uncertainty in Australia over the security promises it had received from Britain.⁶⁸ This uncertainty intensified throughout the 1930s, forcing Australian policymakers to have reservations about its dependence on Britain's defence and foreign policies designed for the empire.⁶⁹ As a result, some in parliament advocated for a more independent voice in foreign policy throughout the interwar years.

Australian Politics in the 1920s

After the destruction of the Great War, the Australian government wanted to make it clear to London under what circumstances an Australian government would be willing to commit troops in the event of hostilities. Therefore, as Carl Bridge suggests, by the 1920s, any idea of unhesitatingly pledging troops to the empire, which could have possibly led to Australia committing forces to overseas service, was gone, exchanged with vigilant self-interest.⁷⁰ As a result, the Australian government considered four key areas that would decide Australia's defence. First, the international situation; second, responsibilities to the League of Nations; third, the importance of obligation to the British Empire; and finally, Australia's unique circumstances as a European nation on the edge of Asia.⁷¹ Still, Hughes understood Australia's responsibility as a member of the British Empire, stating, "we cannot leave to Great Britain and the British Navy the sole task of defending an Empire, upon whose stability our very existence depends."⁷² However, as a so-called white outpost in Asia, the Australian government thought it was necessary for Australia to take an interest in imperial defence, particularly concerning the Pacific.⁷³

In contrast to his statements about defence, when Governor-General Sir Ronald Craufurd Munro-Ferguson received a cable on 21 September 1920 regarding Australian support for the British government's crisis in Mesopotamia (current day Iraq), Hughes was not inclined to assist. As a result, Munro-Ferguson informed the Secretary of State for the Colonies, Viscount Alfred Milner, on 24 September, "My Prime Minister came to see me regarding your telegram of 19 September. For various reasons which he gave me in detail, he feels it impossible to take any action in this matter."⁷⁴ Hughes imagined that Australia's involvement in the wider defence of the empire would have Australia taking

⁶⁶ Gyngell, *Fear of Abandonment*, 15.

⁶⁷ Waters, *Australia and appeasement Imperial foreign policy and the origins of World War II*, 7.

⁶⁸ Honae Cuffe "The 'Near North': Issues of Empire, Emerging Independence and Regionalism in Australian Foreign and Defence Policy, 1921-1937". *Flinders Journal of History and Politics* 31(2015): 50.

⁶⁹ Cuffe "The 'Near North'", 50.

⁷⁰ Carl Bridge, "Australia's refusal to send troops to Mesopotamia, September 1920: A note". *Australian Studies* 5, no. 9 (1981), 71.

⁷¹ Bridge, "Australia's refusal to send troops to Mesopotamia", 72.

⁷² Bridge, "Australia's refusal to send troops to Mesopotamia", 72.

⁷³ Bridge, "Australia's refusal to send troops to Mesopotamia", 72.

⁷⁴ Bridge, "Australia's refusal to send troops to Mesopotamia", 74.

regional responsibility for the empire's security in the Pacific, not sending military forces to an imperial skirmish in faraway Mesopotamia.⁷⁵

In 1921 Prime Minister Hughes attended the Imperial Conference in London. After a lack of agreement between Australia and Britain over the Mesopotamia issue in 1920, he was confident that United Kingdom Ministers would now understand the need for consultation with the Dominions.⁷⁶ Hughes assumed British Prime Minister David Lloyd George meant it when he told the House of Commons that, in the past, there had been a United Kingdom foreign policy; now, there would be an empire foreign policy.⁷⁷ The idea of consultation in foreign policy decisions suited Hughes; he wanted Australian policymakers to have an influence over the design and function of the empire's foreign policy.⁷⁸ Therefore, Hughes was outraged in September 1922 when he learned that United Kingdom ministers were not as genuinely willing as he had thought to discuss policy issues with Dominion governments.⁷⁹

The lack of consultation was evident to Hughes and the other Dominion Prime Ministers when they received a cable from Lloyd George asking for troops to support British forces at Chanak, which was under threat from Kemalists (Turkish nationalists forces). The Kemalists were determined to take back the Dardanelles and Constantinople, which had been internationalised under the Treaty of Sèvres.⁸⁰ Canada refused, and South Africa did not reply. It was only New Zealand that responded positively to the request.⁸¹ Hughes replied, stating, "your telegram conveying the information that the British Cabinet had decided to take prompt action against the Kemalists came as a bolt from the blue."⁸² Lloyd George knew that Hughes held firmly to the view that the membership of a united empire would best secure Australia's future. He was also aware that after the disagreement with Hughes over Mesopotamia, he would need to have his hand forced. For that reason, Lloyd George emphasised in his correspondence to Hughes the possible fate of ANZAC graves at Gallipoli if the region was not defended.⁸³ However, the treaty between Turkey and Britain included a specific clause regarding the Allied war graves that expressly stated,

⁷⁵ Bridge, "Australia's refusal to send troops to Mesopotamia", 75.

⁷⁶ William Hudson and Martin Sharp. *Australian Independence, colony to reluctant kingdom* (Melbourne: Melbourne University Press, 1988), 69-70.

⁷⁷ Hudson and Sharp, *Australian Independence*, 69-70.

⁷⁸ Hudson and Sharp, *Australian Independence*, 70.

⁷⁹ NAA: A981 TUR4 Turkey – Near East Cables (1922) copies of cable to Lloyd George from William Morris (Billy) Hughes protesting action being undertaken by His Britannic Majesty's Government against Kemal Ataturk. Telegram Mr Hughes to Lloyd George, 1922., The Parliament of the Commonwealth of Australia. *Treaty of Peace between The Allied Powers and Turkey, signed at Sèvres, 10 August 1920* (Victoria: Albert J. Mullett, Government Printer, 1920).

⁸⁰ NAA: A981 TUR4 Telegram Mr Hughes to Lloyd George, 1922.

⁸¹ Hudson and Sharp, *Australian Independence*, 70.

⁸² NAA: A981 TUR4 Telegram Mr Hughes to Lloyd George, 1922.

⁸³ NAA: A981 TUR4 Telegram Mr Hughes to Lloyd George, 1922.

Without prejudice to the other provisions of this Section, the Allied Governments and the Turkish Government will cause to be respected and maintained the graves of soldiers and sailors buried in their respective territories, including any territories for which they may hold a mandate in conformity with the Covenant of the League of Nations.⁸⁴

While Hughes felt that publicly he had no option but to join New Zealand in supporting Britain, privately, he expressed his outrage in a telegram to London.⁸⁵ He informed Lloyd George that “the Dominions ought to be consulted before any action is taken or irrevocable decision made by Britain.” Hughes declared that rather than being pushed into a war by Britain, Australia must be able to decide based on the facts, stating, “in a good cause, we are prepared to venture our all; in a bad one, not a single man.”⁸⁶ Whilst called on by Britain to fight the Turks, in August 1922 Britain did not feel the need to invite the Dominions to the talks at Lausanne to replace the Treaty of Sèvres with something more acceptable to Turkey.⁸⁷ Consequently, Hughes again found cause to express his opinion about the lack of consultation afforded to the Australian government by Britain. Hughes voiced his frustration in a short yet irritated telegram,

This habit of asking Australia to agree to things when they are done and cannot be undone...if persisted in [it] will wreck the Empire. You have already seen Canada and South Africa standing aloof on the plea that they had not been consulted...I can only say that it is most unsatisfactory.⁸⁸

Australia’s negative response to the Mesopotamia incident could explain Lloyd George’s actions in tying Hughes’ hands over the Chanak issue before he had a chance to say no.⁸⁹ Therefore, Hudson and Sharp suggest that Chanak was long remembered in Australian political circles.⁹⁰

Although Hughes lost the next election in February 1923 to Stanley Bruce (1923-1929), Bruce fully supported Hughes’ response to the Chanak issue and agreed with Hughes’s insistence on consultation regarding foreign policy. Bruce also shared Hughes’s viewpoint that Australia could not survive alone without the security of a united empire.⁹¹ The Australian government’s position on the need for consultation in foreign policymaking was supported in 1926 by Lord Arthur Balfour, when he remarked on the importance of consultation in foreign affairs,

⁸⁴ The Parliament of the Commonwealth of Australia. *Treaty of Peace between The Allied Powers and Turkey, signed at Sèvres, 10 August 1920. Part VI Prisoners of war and graves section II – Graves, Article 224* (Victoria: Albert J. Mullett, Government Printer, 1920), 30

⁸⁵ Hudson and Sharp, *Australian Independence*, 70.

⁸⁶ NAA: A981 TUR4 Telegram Mr Hughes to Lloyd George, 1922.

⁸⁷ Hudson and Sharp, *Australian Independence*, 71.

⁸⁸ NAA: A981 TUR4 Cablegram Secretary of State for the Colonies from Hughes, 1 November 1922.

⁸⁹ Bridge, “Australia’s refusal to send troops to Mesopotamia”, 76.

⁹⁰ Hudson and Sharp, *Australian Independence*, 71-72.

⁹¹ Hudson and Sharp, *Australian Independence*, 71-72.

The principles determining the general direction of Foreign Affairs may be, and ought to be, the product of consultation: and it will be among our chief duties to make that consultation more continuous and more effective.⁹²

Even after Lord Balfour's statement, the matter of consultation with the British government regarding foreign policy would remain a problem throughout the interwar years.⁹³

Australian Politics in the 1930s

Through a succession of imperial conferences, issues such as defence and foreign policy were discussed. In 1930 Prime Minister Scullin attended the Imperial Conference in London, this meeting would be significant to the independence of the Dominions, because the outcome of the conference was the 1931 Statute of Westminster. The statute granted the Dominions a new status in law and the freedom to make their own foreign policy and international diplomatic decisions.⁹⁴ In principle, the statute allowed for almost complete independence of the Dominions. As a result, Dominion laws would no longer be subject to rejection because they conflicted with United Kingdom policy.⁹⁵ However, once the Statute of Westminster was put into effect, it would change the constitutional framework of the British Empire.⁹⁶ In addition, the principal clauses would make the *Colonial Laws Validity Act 1865* unenforceable in the Dominions; the Act gave Dominion governments the freedom to act in their own national interest, enact laws different to those of Britain, and abolish or modify any Act passed in the British parliament relating to them.⁹⁷

The Australian parliament needed to consider if it would adopt the statute, consequently, the topic was fiercely debated. The debate began on 3 July and resumed on 17 July.⁹⁸ The Right Honourable William Hughes, now in opposition and MP for North Sydney, was concerned about the effect on the Australian constitution and the states,

The legislative ambit of the Commonwealth is determined by the Constitution. By an amendment of the Constitution, that legislative ambit might be widened. If we pass this statute and do not limit the Imperial Parliament in regard to State legislation, we shall possibly expose to Imperial legislation the wider sphere created by any amendment of the Constitution.⁹⁹

Hughes, though an advocate for consultation regarding foreign policy in the 1920s, was not a supporter of the idea of independence from the British Parliament and continued to make his feeling known,

⁹² E. M. Andrews, "The Broken Promise – Britain's Failure to consult its Commonwealth on Defence in 1934, and the Implications for Australian Foreign and Defence Policy". *Australian Journal of Defence Studies* 2, no. 11 (1978): 102.

⁹³ Hudson and Sharp, *Australian Independence*, 71-72.

⁹⁴ David Day, *The great betrayal: Australia and the onset of the Pacific War 1939-42* (New South Wales: Angus and Robinson Publishers, 1988), 3.

⁹⁵ Day, *The great betrayal*, 3.

⁹⁶ Day, *The great betrayal*, 3.

⁹⁷ Hudson and Sharp, *Australian Independence*, 122.

⁹⁸ Hansard, House of Representatives, No. 27, Twelfth Parliament, First Session – Fourth Period, 3 July 1931.

⁹⁹ Hansard, House of Representatives, No. 29 Twelfth Parliament, First Session – Fourth Period, 17 July 1931, 4066.

[Mr Latham] ...marks the arrival of a new era in the history of the constitutional relations of the dominions and Britain, and is of immense importance to Australia and to the Empire. I disagree entirely with the principles underlying the motion. To attempt to crystallise Empire relations in a legal formula is an act of supreme folly. They rest upon two principles which are antagonistic: the complete autonomy of the parts, and the unity of the whole.¹⁰⁰

Hughes had his supporters, such as Richard Crouch, who stated, “I agree with the right honourable member for North Sydney [Mr Hughes] that, to attempt to legalise by statute the relations of the Empire would be an act of extreme folly”.¹⁰¹ Nevertheless, Crouch remained enthusiastic about discussing the issue when it was again raised in parliament on 28 July,

I have on two or three occasions asked the right honourable Prime Minister (Mr Scullin) when the House would have an opportunity to discuss this statute, which I regard as of vital importance to the Commonwealth because it affects so materially the basis of all our legislation. Indeed it would not be wide of the truth to say that this is the most important matter with which the Commonwealth Parliament has been called upon to deal since its inception. The general impression seems to be that the Colonial Laws Validity Act limits our constitutional rights. There could be no greater mistake than to assume the correctness of that belief.¹⁰²

David Lee argues that there was bipartisan agreement at the federal level about the need to maintain uniformity throughout the empire, and therefore the Statute of Westminster had to be supported. At the state level, however, reservations emerged.¹⁰³ The adoption of the Statute was delayed due to the Commonwealth’s relationship with the states and Western Australia’s desire to separate from the rest of the country.¹⁰⁴ It was agreed in July 1931 at a federal level that there would be support for the Statute if there were safeguards for the states. Still, Queensland, South Australia, Tasmania and Western Australia lodged protests with the British Government about the suggested measure. Western Australia opposed the legislation; its government particularly objected to the provision of the draft bill that prohibited British legislation for the Dominions.¹⁰⁵ It was suggested that amendments be made explaining that the law of the Dominions should relate solely to the Commonwealth and not include the law of any states.¹⁰⁶ The result was that the Statute would have a section specifically relating to Australia. Section 9, which included the British amendment of October 1931, made clear that the Commonwealth could not legislate on matters within the authority of the states. It furthermore determined that the states could defer to British legislation on matters that concerned the states without interference from the Commonwealth.¹⁰⁷ Furthermore, Lee explains that as the Statute did not apply to

¹⁰⁰ Hansard, House of Representatives, 17 July 1931, 4071.

¹⁰¹ Hansard, House of Representatives, 17 July 1931, 4076.

¹⁰² Hansard, House of Representatives, No. 31 Twelfth Parliament, First Session – Fourth Period, 28 July 1931, 4482.

¹⁰³ David Lee. “States rights and Australia’s adoption of the Statute of Westminster, 1931-1942”. *History Australia* 13, no. 2 (2016): 259.

¹⁰⁴ Lee. “States rights and Australia’s adoption of the Statute of Westminster, 1931-1942”, 259.

¹⁰⁵ Lee. “States rights and Australia’s adoption of the Statute of Westminster, 1931-1942”, 261.

¹⁰⁶ Lee. “States rights and Australia’s adoption of the Statute of Westminster, 1931-1942”, 262.

¹⁰⁷ K. C. Wheare. *The Statute of Westminster and Dominion Status*, 5th ed. (Oxford: Oxford University Press, 1953), 318.

the states, they maintained their colonial status even after the Commonwealth adopted the remaining sections of the Statute in 1942.¹⁰⁸

The global economic disaster of the Great Depression compounded the political uncertainty facing the Scullin Labor Government. Many in the Australian parliament feared that the political problems faced by the government due to the depression and the objections voiced by the states, the Statute of Westminster could jeopardise the unity of the empire. For that reason, it passed legislation stating that the Statute would not apply to Australia until it was explicitly adopted by parliament.¹⁰⁹ Consequently, Australia, along with New Zealand and Newfoundland, postponed adopting the enabling legislation of the Statute of Westminster.¹¹⁰ As a result, the statute's provisions allowing an independent foreign policy would not apply to Australia until the Federal Parliament adopted the statute, and parliament was in no hurry to do so.¹¹¹ Therefore, Australia would remain linked to Britain as it had been, and, the Australian government would continue to conduct foreign policy within the existing Imperial framework.

After James Scullin's election loss in November 1931, Joseph Lyons (1932-1939) formed a government with Robert Menzies as Attorney-General in January 1932.¹¹² Lyons and Menzies both believed in the unity of policy and action in international affairs throughout the British Empire.¹¹³ So when Benito Mussolini attacked Abyssinia (now Ethiopia) in early 1935, the Australian government was presented with a complex international situation.¹¹⁴ Being part of the British Empire, the Australian government understood that it had to adhere to its responsibilities toward Britain and the empire while recognising that it was a separate and independent signatory to the League of Nations Covenant.¹¹⁵ Consequently, Lyons expressly acknowledged Australia's obligations to the League of Nations in parliament on 23 September 1935,

The Government is gravely concerned by the Italo-Abyssinian Dispute and has given the most careful consideration to the position of Australia in relation thereto in the light of our obligations under the Covenant of the League of Nations and the various agreements for the settlement of international disputes by peaceful means.¹¹⁶

¹⁰⁸ Lee. "States rights and Australia's adoption of the Statute of Westminster, 1931-1942", 264.

¹⁰⁹ Gynge, *Fear of Abandonment*, 16.

¹¹⁰ Day, *The great betrayal*, 3. For the full quote as reference by Day see John Robertson. *J. H. Scullin: A Political Biography* (Adelaide: The Griffin Press, 1974), 276.

¹¹¹ Souter, *Lion and Kangaroo*, 407.

¹¹² Australian Prime Ministers, Joseph Lyons <https://primeministers.moadoph.gov.au/prime-ministers/joseph-lyons> accessed 19 May 2022.

¹¹³ Andrews, *Isolationism and appeasement in Australia*, 74.

¹¹⁴ Andrews, *Isolationism and appeasement in Australia*, 29.

¹¹⁵ Andrews, *Isolationism and appeasement in Australia*, 29.

¹¹⁶ Hansard, House of Representatives, No. 39 Fourteenth Parliament, First Session – Third Period. 23 September 1935, 30-31., and NAA A981 ABY26 Abyssinia – Hansards Extracts of Debates, 1935.

Unfortunately, the Abyssinian crisis led to a further decline in faith in the League of Nations as a source of security. The Australian government acknowledged then that with the deterioration in the effectiveness of the League of Nations, it must become engaged with national security matters. As a result, the Australian government decided that imperial isolationism, slow rearmament, and appeasement would be the order of the day.¹¹⁷

As the decade progressed, the debate concerning the merits of adopting the Statute of Westminster was raised in parliament again in April 1936. Prime Minister Joseph Lyons explained the steps taken by the government regarding the proposed adoption of the Statute of Westminster,

Cabinet has approved the adoption of the Statute but has decided that the draft bill shall be circulated among the governments of the States before its introduction to the Commonwealth Parliament. A reply is being awaited from four of the States. The measure will be introduced into this House after the return to Australia of the Attorney-General (Mr Menzies).¹¹⁸

Then in December 1936, Attorney-General Robert Menzies put forward a Bill in parliament to accept the remaining sections of the statute, however, the Bill lapsed when parliament was dissolved.¹¹⁹ The Bill was put to parliament again eight months later, and in his speech regarding the second reading of the bill on 25 August 1937, Menzies emphasised,

The purpose of the Bill now before the House is to adopt for all Australian purposes, sections 2 to 6 inclusive of the Statute of Westminster. This legislation is introduced here because it was expressly provided in the Statute that these sections were not to apply to Australia, New Zealand, or Newfoundland unless they were adopted by the relevant parliaments, although, in fact, the Statute automatically applies, without any further adoption, to the Dominion of Canada, the Union of South Africa, and the Irish Free State. I refer to this matter now because one submission which I shall make later is that uniformity on matters of such fundamental importance should be achieved, and one method of achieving it is for the dominions, which have not yet adopted these sections, to adopt them now, and thus come into complete alignment with the other dominions.¹²⁰

Menzies explained that the statute was already in full force in Canada, South Africa, and the Irish Free State (now the Republic of Ireland). As a result, Menzies thought it was important for Australian policymaking to have consistency among the Dominions.¹²¹ Despite the debate, no adoption legislation regarding the Statute of Westminster was passed. Parliament was dissolved a month later, in September 1937, and the Bill lapsed once again.¹²²

¹¹⁷ Andrews, *Isolationism and appeasement in Australia*, 74.

¹¹⁸ Hansard, House of Representatives, No. 18, Fourteenth Parliament, First Session – Fourth Period. 30 April 1936, 1042.

¹¹⁹ Lee, “States rights and Australia’s adoption of the Statute of Westminster, 1931-1942,” 270.

¹²⁰ Hansard, House of Representatives, No. 34 Fourteenth Parliament, Second Session-Second Period. 25 August 1937, 85.

¹²¹ Lee, “States rights and Australia’s adoption of the Statute of Westminster, 1931-1942,” 270.

¹²² David Clark, “Cautious Constitutionalism: Commonwealth Legislative Independence and the Statute of Westminster 1931-1942”. *Macquarie Law Journal* 16 (2016), 58.

In May 1937, the Imperial Conference commenced, however, the bleak reality that Britain could no longer protect its empire was exposed during the conference.¹²³ This added to Australia's feeling of insecurity as the threat of war in the region intensified. It was thought that the danger for Australia was that Japan would push south, nearer to Australian territory, while Britain was preoccupied with European matters.¹²⁴ Japan's invasion of China in 1937 seriously troubled the Australian government and Australia's defence planners, who were painfully aware of the vulnerable state of the nation's defences.¹²⁵ Yet, the Australian government could see little option but to trust British power in the region to appease Japan.¹²⁶ At the same time that Japan was invading China, international hostilities threatened to explode into war in Europe, which had Australia's strategic planners overwhelmed by the knowledge that Australia had insufficient defences in the face of an increasingly aggressive and expansionist Japan. Events in Europe could cause significant security problems, especially if Britain was totally preoccupied with European issues and the United States remained neutral.¹²⁷ Europe became increasingly unsettled, and in 1937 attention turned to the threatening problem of Nazi Germany dismantling the 1919 Treaty of Versailles.¹²⁸ These events marked the Lyons government's willingness to unreservedly embrace the policy of appeasement. In so doing, it was once again endorsing British policy, but, if anything, Australia was more enthusiastic about appeasing Germany than British Prime Minister Neville Chamberlain.¹²⁹ When the Austrian *Anschluss* came in March 1938, the Lyons government expressed its eagerness for Chamberlain to work toward a solution.¹³⁰ However, things changed quickly, and by April 1938, the crisis shifted; Hitler now wanted Czechoslovakia's Sudetenland, and the situation in Europe continued to deteriorate.¹³¹

By May 1938, the situation in Europe had worsened, and there was discussion about increasing Jewish migration to Australia. Throughout the empire, immigration was considered a domestic issue, and the Dominion Office recognised that any debate about immigration should remain a matter for the Australian government.¹³² However, due to the Jewish refugee crisis, the British and Australian governments found themselves in an unexpected and unusual situation. The Dominion Office knew far better than the Foreign Office ever would that the Dominions framed and exercised their domestic

¹²³ Cuffe, "The 'Near North'", 72.

¹²⁴ Cuffe, "The 'Near North'", 72.

¹²⁵ Andrew May, 'Fortress Australia'. In *Between Empire and Nation Australia's External Relations from Federation to the Second World War*, edited by Carl Bridge and Bernard Attard, 12: 168-187 (Kew: Australian Scholarly Publishing, 2000), 178.

¹²⁶ Beaumont, *The evolution of Australian foreign policy*, 17.

¹²⁷ P. Twomey, "Munich". In *Munich to Vietnam: Australia's relations with Britain and the United States since the 1930s*, ed. Carl Bridge (Carlton: Melbourne University Press, 1991), 14.

¹²⁸ Beaumont, *The evolution of Australian foreign policy*, 20.

¹²⁹ Beaumont, *The evolution of Australian foreign policy*, 20.

¹³⁰ Waters, *Australia and appeasement*, 50.

¹³¹ Beaumont, *The evolution of Australian foreign policy*, 20.

¹³² P. R. Bartrop, *Australia and the Holocaust 1933-45* (Melbourne: Australian Scholarly Publishing, 1994), 49.

policies independently from Britain.¹³³ The Dominions Office was well aware that while the Australian government sought and usually followed the British lead in foreign affairs, any British involvement in domestic matters could be regarded as interference and an unwarranted intrusion on Australia's sovereignty.¹³⁴ At the same time, Europe had a refugee crisis that required global attention. And so, the British government's policy of leaving Australia and the other Dominions to decide their domestic immigration policy would be tested, and not just by Britain.¹³⁵

As a result of the refugee crisis in Europe, the President of the United States Franklin Roosevelt called for an international conference, which would be held at Évian-les-Bains in France.¹³⁶ The so-called Évian Conference aimed to help persecuted Jews, Protestants and Catholics from Germany and oppressed minorities in Russia, Italy and Spain.¹³⁷ Still, Roosevelt and the United States government were quite aware that accepting refugees from Europe could result in negative public opinion at home. For that reason, when the conference was officially announced, it was confirmed that it "should be understood that no country would be expected or asked to receive a greater number of immigrants than is permitted by its existing legislation."¹³⁸ The Australian government accepted the invitation to participate in the conference, with Australia's Minister for Trade and Customs, Thomas White representing the government. On the second day, Australia had the opportunity to address the gathering, giving a speech that largely followed the same tone as the other country's representatives.¹³⁹ White explained that although the Australian government recognised the desperate plight of Jews in Germany and Austria, Jewish refugees would be only admitted on a pro-rata basis in the same category as non-British immigrants, which Australia believed to be equal to any other country,

Under the circumstances, Australia cannot do more, for it will be appreciated that in a young country, manpower from the sources from which most of its citizens have come is preferred, while undue privileges cannot be given to one particular class of non-British subject without injustice to others. It will no doubt be appreciated also that, as we have no real racial problems, we are not desirous of importing one by encouraging any scheme of large-scale foreign migration.¹⁴⁰

White emphasised that Australia was unwilling to ease its immigration processes or policy to assist Jewish refugees, with his speech effectively closing the door on Jewish immigration.¹⁴¹ His comments

¹³³ Bartrop, *Australia and the Holocaust 1933-45*, 66-67.

¹³⁴ Bartrop, *Australia and the Holocaust*, 67.

¹³⁵ David Benjamin, "Australia and the Evian Conference." *Australian Jewish Historical Society Journal and Proceedings* 5, no. 5 (1961): 217.

¹³⁶ Benjamin, "Australia and the Evian Conference", 217.

¹³⁷ Benjamin, "Australia and the Evian Conference", 217.

¹³⁸ Benjamin, "Australia and the Evian Conference." 217.

¹³⁹ Benjamin, "Australia and the Evian Conference." 219.

¹⁴⁰ Benjamin, "Australia and the Evian Conference." 219.

¹⁴¹ P.R, Bartrop, "Australia's Participation and Performance at the Evian Conference: Integrity or Shame." *Vestnik MGIMO-Universiteta* 4, no. 61 (2018): 160.

greatly disappointed and frustrated Jewish observers and delegates of different Jewish organisations assembled at Évian.¹⁴² Australia basically informed the international community that it had neither the interest nor the desire to help solve the refugee problem; even so, Australia's record at Évian stood equal to that of the other nations represented.¹⁴³

As the international community discussed Europe's refugee problem, Hitler still had his sights set on Czechoslovakia. Consequently, British Prime Minister Neville Chamberlain sought to implement a plan to appease Hitler and avoid war by forcing a solution to the Czechoslovakia matter. It was agreed in Munich on 29 September 1938 that the only way of preventing war would be with the immediate handover of the Sudetenland.¹⁴⁴ In his speech, Chamberlain laid out the only three options he thought were open to him. Commit to a war, remain isolated from events in Europe, or the only course that he thought could be taken, appeasement of Germany with the surrender of the Sudetenland.¹⁴⁵ In parliament, Chamberlain reportedly announced, "I feel convinced that by my action I did avert war. I feel perfectly sure that I was right in doing so."¹⁴⁶ London advised the Australian government of the ultimatum regarding the Sudetenland it had presented to Hitler. Australia was told Hitler had announced that if the Czechoslovakian government failed to agree to his demands that involved the withdrawal of Czech forces from the Sudeten areas by 1 October, Hitler intended to take over the region by force.¹⁴⁷ Events in Munich saw Prime Minister Lyons make a much-delayed statement on the international situation to the parliament on 28 September 1938. It was Lyons' concluding words that best reflected the attitude of the Australian government,

It will be seen... that what the government of Great Britain has been doing, with the support of the government of Australia, has been to make every effort to preserve the world's peace... If war is to come to the world, it will not come by reason of anything that any British nation had done or failed to do. Our hands are clean. We have no selfish interest to serve. Even as the clouds gather about us, we still hope that peace may be preserved.¹⁴⁸

The Australian government had clarified that it would not risk war over the Sudetenland; consequently, Prime Minister Lyons backed the Munich Agreement.¹⁴⁹ A short telegram sent by the Australian High Commissioner Stanley Bruce on behalf of the Australian government to Chamberlain made Australia's

¹⁴² Bartrop, "Australia's Participation and Performance at the Evian Conference", 160.

¹⁴³ Bartrop, "Australia's Participation and Performance at the Evian Conference", 164-165.

¹⁴⁴ Robert Paxton and Julie Hessler. *Europe in the Twentieth Century*. 5th ed (Boston: Wadsworth, 2012), 343.

¹⁴⁵ NAA: AA1972/341 95 Copies of Letters Nos 86 (7 October 1938), 87 (12 October 1938) and 88 (14 October 1938) from Alfred Stirling, External Affairs Liaison Officer in London to Secretary Hodgson of Department of External Affairs, Canberra reporting on reaction in Britain to the Munich Agreement including the debate in British Parliament. Cablegram 7 Oct 1938 from Alfred Stirling to Mr Hodgson, 1938.

¹⁴⁶ NAA: AA1972/341 95 Cablegram 7 Oct 1938 from Alfred Stirling to Mr Hodgson, 1938.

¹⁴⁷ Alan Watt. *The Evolution of Australian Foreign Policy 1938-1965* (Cambridge: Cambridge University Press, 1967), 1.

¹⁴⁸ Hansard, House of Representatives, No. 39, Fifteenth Parliament, First Session – Second Period, 28 September 1938, 312.

¹⁴⁹ Twomey, "Munich", 31.

position plain, “Parliament and country clearly support Prime Minister.”¹⁵⁰ While Lyons and other conservative ministers offered their admiration for Chamberlain and his diplomatic achievement, Hughes anticipated that “in a little while the clouds will gather again.”¹⁵¹ Opposition leader John Curtin and the Labor Party continued in parliament to reaffirm their position to remain removed from European problems.¹⁵² In so doing, Curtin accused the government in parliament on 5 October 1938 of not having a policy on foreign affairs. He argued,

That the government had no policy on foreign affairs, that it was silent as to any contribution it might have made to the discussion of any of these matters, and that, above all, it had made certain commitments gravely affecting the future of the Australian people and had said nothing about them.¹⁵³

To this, Robert Menzies replied,

It is a very simple thing to say that any British dominion ought to have a foreign policy, and explaining it to the world is a sign of great mental activity, of clearness, and of knowledge. I say to adopt such a line of conduct would be suicidal, not only for us, but also for the British Empire as a whole. But that means that that policy in relation to any individual matter has to be expressed to the Government of the United Kingdom.¹⁵⁴

At the same time, Menzies continued to address the position of the Australian government in the event of another war in Europe,

My doctrine in relation to the position of Australia has been stated over and over again...that so long as the British Empire is constituted as it is today, it is not possible for Australia to be neutral in a British war. Some people disagree with this view...But the extent to which Australia may participate in a war, the means by which she may participate, and the question whether Australian soldiers shall fight on Australian territory or on foreign soil are matters for determination by Australia or, may I say, of the enemy. Sometimes the enemy may settle the argument for us without more ado.¹⁵⁵

Hitler ignored the Munich agreement and, in early 1939, invaded Czechoslovakia. This led to a change in British policy in response to the German invasion of what remained of Czechoslovakia in March, consequently, the Australian government abandoned the idea of appeasement.¹⁵⁶ Britain then rapidly offered guarantees to Poland, Romania, and Greece in the following month.¹⁵⁷ Yet the Australian government believed that a pledge of war by the British Empire to a European conflict would have brought unacceptable risks for Australia in the Pacific.¹⁵⁸ However, unlike the Dominions that had already adopted the Statute of Westminster, the Australian government remained tied to British policy in 1939. As a result, Australian policymakers found themselves with little room to move as the threat of

¹⁵⁰ NAA: AA1972/341 95 Cablegram 7 Oct 1938 from Alfred Stirling to Mr Hodgson, 1938.

¹⁵¹ Edwards, *Prime Ministers and Diplomats*, 101.

¹⁵² Hansard, House of Representatives, No. 40, Fifteenth Parliament, First Session – Second Period, 5 October 1938.

¹⁵³ Hansard, House of Representatives, 5 October 1938, 429.

¹⁵⁴ Hansard, House of Representatives, 5 October 1938, 429.

¹⁵⁵ Hansard, House of Representatives, 5 October 1938, 431.

¹⁵⁶ Beaumont, *The evolution of Australian foreign policy*, 20.

¹⁵⁷ Beaumont, *The evolution of Australian foreign policy*, 20-21.

¹⁵⁸ Cuffe, “The ‘Near North’”, 62.

war came closer.¹⁵⁹ The view of some in parliament that Australia should have an independent foreign policy and autonomous international relationships would continue to be an issue for the Australian government into the Second World War.

Conclusion

The First World War exposed a number of deficiencies in international law regarding the treatment of prisoners of war; therefore, the war was the catalyst for the formation of a convention specifically governing the management and treatment of prisoners. As this chapter has explained, the end of the war saw the development of the *1929 Geneva Convention Relative to the Treatment of Prisoners of War* and the revision of the *Amelioration of the Condition of the Wounded and Sick of Armies in the Field* that provided belligerents with regulations to ensure the proper treatment of prisoners during wartime.

Toward the end of the First World War and early interwar years, the Australian government demonstrated a desire for consultation in the making of foreign policy and a more independent approach to foreign affairs. As a result, Prime Minister Hughes pressed the British government for a greater voice in international diplomatic relationships and significantly more consultation in empire foreign policymaking. Problems with having an empire foreign policy were evident during the 1920 Mesopotamia issue and the Chanak crisis in 1922. These events further highlighted the problem of following a one-size-fits-all British foreign policy created with limited consultation. By the 1930s, the British government had finally recognised that most Dominions wanted independent foreign policies separate from Britain. Accordingly, in 1931, the Statute of Westminster was given Royal Assent, which provided Dominion governments independence in policy. However, with the dire economic crisis caused by the Great Depression, the Australian government decided it was not the time to exert its independence. Australia remained dependent on Britain for foreign and defence policy, resulting in the Australian government continuing into the Second World War with a unified approach toward foreign policy.

Chapter 2 will examine some of the consequences of that approach as attention now turns to the conduct of foreign policy after the outbreak of the war the Australian government had been so eager to avoid. It will explain the circumstances of the capture of Australian troops by the Italian forces, and of Italian soldiers by Australian forces, in North Africa. It will also describe the equally important response to the capture of their troops by the Australian, British and Italian governments. Moreover, this chapter will explore the importance of the Geneva Convention articles regarding the

¹⁵⁹ Twomey, "Munich", 37.

capture of prisoners of war, which would be essential to the proper treatment of the newly captured troops. Additionally, the chapter will also consider British and empire policy toward captured troops, and how policy and treatment of enemy soldiers would shape the treatment of British and empire soldiers in captivity.

CHAPTER 2: GOING ‘IN THE BAG’

Introduction

From the moment the first combatants were captured by enemy forces, prisoners of war became a significant military and political issue during the Second World War. Although international rules, including the 1929 *Geneva Convention Relative to the Treatment of Prisoners of War* and the 1907 *Laws and Customs of War on Land (Hague IV)*, were in place at the beginning of the war, there was limited government policy regarding the management of enemy prisoners. There was also little discussion between Britain and the Dominions regarding the expectation of what would happen to Allied POWs in enemy hands. Similarly, the issue of what to do with enemy soldiers upon capture, including the matter of where to detain them, became a significant problem for Australia, as it did for Britain and the other Dominions.

This chapter outlines how Australians entered Italian captivity in significant numbers in 1941 and 1942. In doing so, it also considers the entry into Australian captivity of Italian POWs during a similar period. This parallel movement into captivity provides an essential context for understanding the policies of capture, because it raises the possibility that the behaviour of governments was influenced, at least in some part, by the operation of the principle of reciprocity. In other words, the intention here is to explore the idea that the treatment of POWs at the time of capture by belligerents was influenced by the treatment the enemy afforded their own POWs. To explore this further, this chapter sets the military background and the context of the capture of troops, specifically during the campaign in North Africa. This will provide an understanding of how POW issues became a significant subject of international politics and diplomacy.

Capture – Legal and Military Dimensions

Upon capture, soldiers were commonly confronted with some variation of the statement, “For you, the war is over.” These words resonated with many prisoners long after their formal surrender, although, in reality, for many of them, a new type of war was just beginning.¹ Once taken prisoner, they had little control over their fate and were faced with the fear of the unknown. Joanna Bourke argues that the fear felt by soldiers on the battlefield was linked less to the need for survival and more to the loss of individual command over their situation.² This argument is significant in the story of capture and captivity. It illustrates the soldiers’ position once they became POWs and highlights the prisoners’

¹ Margaret Barter, *Far above battle: the experience and memory of Australian soldiers in war 1939-1945* (New South Wales: Allen & Unwin Pty Ltd, 1994), 141.

² Joanna Bourke, *Fear: A Cultural History* (Great Britain: Virgo Press, 2005), 208).

inability to have any real influence over events once captured. From that point, their fate would be determined mainly by the policies and practices of the detaining power and military authorities.

International Law

The 1929 Geneva Convention had some articles concerning the treatment of prisoners of war from the moment of capture. However, the article that was central to the treatment of enemy troops at the time of capture and during captivity was Article 2,

Prisoners of war are in the power of the hostile Power, but not of the individual or corps who have captured them. They must at all times be humanely treated and protected, particularly against acts of violence, insults and public curiosity. Measures of reprisals against them are prohibited.³

While Article 2 had implications for the treatment of prisoners throughout their captivity, Articles 5 and 6 specifically concerned what should happen to these troops immediately upon capture. These two articles would be relied on to provide the foundation for what was expected directly after capture.

Article 5 explained that once captured, prisoners were required only to state their name, rank, and service number when interrogated. Significantly, the convention did not detail specific rules for each rank, instead saying that if they did not comply with the laws, they were likely to have any privileges provided to prisoners of that rank restricted.⁴ Additionally, no coercion could be used to gain information concerning the prisoners' army or state, and prisoners who refused to answer any questions other than what was required by the convention were not to be mistreated in any way.⁵

Article 6 describes what personal belongings the prisoners were permitted to keep on their person at the time of capture, including money, identification documents, rank insignia, decorations and objects of value were allowed. At the same time, weapons, horses, military equipment, and papers would be confiscated.⁶

The earlier Hague Convention had similar directions regarding the capture of enemy soldiers. These were still relevant during the Second World War, because belligerents that were not signatories of the Geneva Convention were still required to follow the prisoner of war articles in the Hague Convention.⁷ However, Joanna Bourke suggests that although the Geneva Convention or, by default, the Hague Convention, was in force, the "ordinary soldier" was given scarcely any information about the rules of engagement, including capture.⁸ Bourke argues the Allied soldiers knew that under the

³ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 2, 938.

⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 5, 939.

⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 5, 939.

⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 6, 939.

⁷ ICRC, *Treaties, State Parties and Commentaries* <https://ihl-databases.icrc.org/> accessed online 24 February 2022.

⁸ Joanna Bourke. *An Intimate History of Killing: Face-to-Face Killing in Twentieth-Century Warfare* (London: Granta Publications, 1999), 201.

Geneva Convention, they were required to provide their name, rank, and service number if captured. Yet, they had little idea that enemy personnel taken prisoners were subject to similar treaty obligations.⁹

During the war, most Australian soldiers who became prisoners of war did so amid the chaos of the battlefield, such as the headlong retreats in North Africa, Greece and Crete or the inconceivable chaos of Singapore's final days. Adrian Gilbert suggests that such scenes of confusion and the emotion of battle sometimes led to the killing of surrendering men.¹⁰ Although such violence was in breach of the Hague and Geneva Conventions, it was the reality of combat. Nonetheless, the most abhorrent behaviour was the shooting of men who had formally surrendered, especially once some time had passed since capture.¹¹ On this point, the Geneva Convention and the Hague Convention intersected concerning the rules of killing surrendering men. The Hague Convention explained it was especially forbidden "to kill or wound an enemy, who having laid down his arms, or having no longer the means of defence, has surrendered at discretion."¹² Burke suggests that many soldiers were uneasy about killing prisoners. She gives the example of a soldier who defied the orders of a superior officer and refused to kill a number of Italians taken prisoner in North Africa; instead, "he drove them eighty miles into the desert and then abandoned them with sufficient food and water to enable them to reach their own lines."¹³ Taking prisoners during a battle could be chaotic and problematic, nonetheless, belligerents saw the potential benefit of captured enemy forces.¹⁴ To a victorious army, prisoners were a visual representation of their military success, which robbed the enemy of critical manpower and could provide a potential intelligence and economic resource. On the other hand, prisoners presented a logistical and administrative problem because it was impossible to predict how many men would be captured and how long they would need to be detained.¹⁵

The War in North Africa

Italy entered the Second World War on 10 June 1940.¹⁶ Mussolini, driven by opportunism, immediately focused on North Africa. He believed that conquest in Africa would enhance his popularity at home, increase his standing with Hitler, and justify Italy to itself and the world.¹⁷ However, his main aim was to expand Italian interests in North Africa by taking land from British and French-controlled territory.¹⁸

⁹ Bourke, *An Intimate History of Killing*, 201.

¹⁰ Adrian Gilbert, *POW Allied Prisoners in Europe, 1939-1945* (Great Britain: John Murray, 2007), 4.

¹¹ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 4.

¹² *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907. Article 23 (c), 648.

¹³ Bourke, *An Intimate History of Killing*, 210.

¹⁴ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 65.

¹⁵ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 65.

¹⁶ Joan Beaumont, *Australian defence: sources and statistics* (Melbourne: Oxford University Press, 2001), 286.

¹⁷ Allan Morehead, *The Desert War: The North Africa Campaign 1940-43* (Penguin Group: Victoria, 2009), 17.

¹⁸ Peter Rees, *Desert Boys: Australians at war from Beersheba to Tobruk and El Alamein* (Sydney: Allen & Unwin, 2011), 337.

Moreover, with the success of Hitler and the German Army's *Blitzkrieg*, Mussolini did not think the war would last long or that Italy would have to do much fighting. Above all, he wanted to be at the negotiating table once Nazi Germany had claimed victory in the war.¹⁹ To accomplish Mussolini's goal of an empire in North Africa, the Italians had to capture the Suez Canal. This meant that the Italian forces in Libya would need to link up with their military forces in Italian East Africa, yet Mussolini's commanders in Libya were reluctant.²⁰ Eventually, Colonel Rodolfo Graziani followed Mussolini's orders, and the Italians commenced their Libyan campaign on 13 September 1940.²¹ They aimed to push eastwards across Egypt towards Alexandria and Cairo to fulfil Mussolini's desire for an Italian Empire that would extend down the East African coast.²²

The Capture of Australians by Italian Forces

The 2nd AIF played a significant part in the North Africa campaign from 1941 until 1942. Most Australians captured in North Africa would end up in the hands of the Italians. The Axis powers regarded the North African theatre as an Italian-led campaign in pursuit of Italian objectives. For that reason, when the Germans took prisoners, they were almost immediately handed over to the Italians.²³ A. E. Field writes in the official history that the first Australian soldier of the Second World War taken prisoner was captured in Libya. Sergeant Kenneth William Walsh (NX556) was captured by Italians at Giarabub in Libya, not far from the Egyptian border, on 26 December 1940.²⁴ A further twenty-one Australians were captured before the end of March 1941, but much larger numbers would soon follow. Between 1941 and 1942, in North Africa and the Mediterranean, 7,116 Australians were taken prisoner. Of the 7,116 Australians captured, 1,942 became POWs during the North African campaigns, including the siege of Tobruk.²⁵ In addition, a small number of soldiers attempting to escape Greece and Crete during those campaigns were simultaneously rescued and captured by the Italian Navy and then deposited in Italian camps in Italy. However, most of the 2,065 Australians taken prisoner in Greece and the 3,109 soldiers captured in Crete were imprisoned in Germany's Reich.²⁶

¹⁹ Rees, *Desert Boys*, 337.

²⁰ Rees, *Desert Boys*, 338.

²¹ Rees, *Desert Boys*, 338.

²² Peter Monteath. *P.O.W. Australian prisoners of war in Hitler's Reich* (Sydney: Pan Macmillan Australia Pty Limited, 2011), 46.

²³ A. E. Field, Appendix 1 Prisoners of the Germans and Italians. In *Tobruk and El Alamein* by B. Maughan (Canberra: Australian War Memorial, 1966), 756.

²⁴ Field, Appendix 1 Prisoners of the Germans and Italians, 756.

²⁵ Field, Appendix 1 Prisoners of the Germans, and Italians, 755.

²⁶ Field, Appendix 1 Prisoners of the Germans, and Italians, 755.

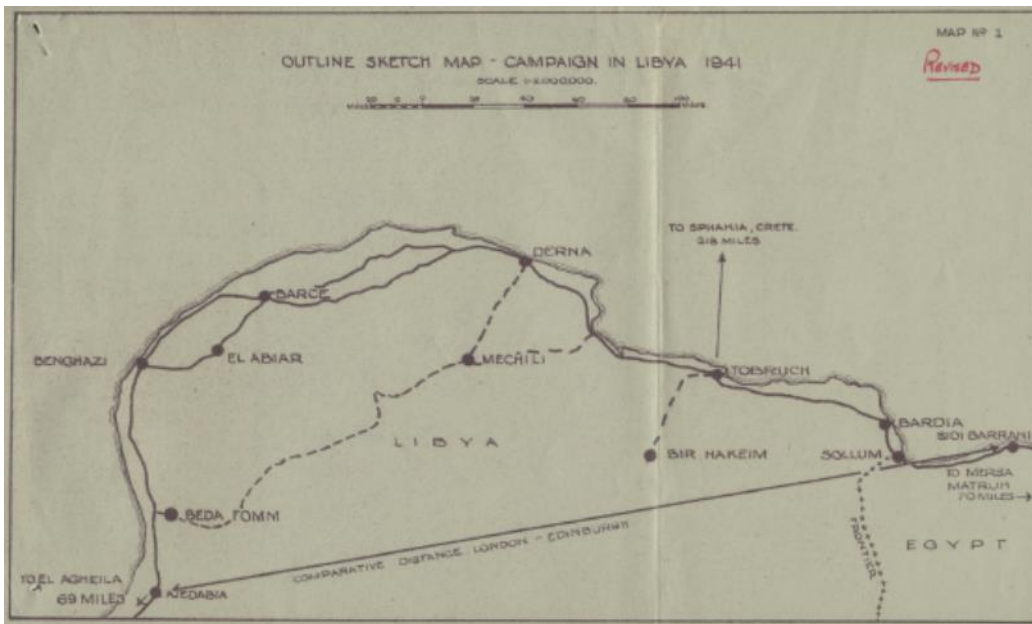


Figure 2 Map Australian campaign in Libya, 1941.²⁷

The Australian 6th Division took part in the first British offensive, capturing the Libyan coastal town of Bardia in December 1940. Then in January and February 1941, they continued on to Tobruk, Derna, and Benghazi. These actions resulted in a number of Australian soldiers becoming prisoners of war.²⁸ Taking prisoners turned out to be a complicated business; even so, soldiers generally understood the difference between the images of the enemy shown during training and what they encountered on the battlefield.²⁹ In reality, one soldier's experience, knowledge or perceived image of the other could determine their attitude towards the enemy upon capture. As a result, once captured, what actually confronted the troops was usually different and often commented on by the captured troops.³⁰ In North Africa, Mark Johnston suggests that the Italians developed a reputation as “treacherous scum” among some Australians, pretending to surrender then shooting their would-be capturers.³¹ Therefore, it was unsurprising that some Italian prisoners were afforded rough treatment.³²

On the other hand, Italian soldiers, while waiting for the assault on Bardia, had reportedly been scared by Italian radio broadcasts about “Australian barbarians.”³³ For that reason, it was understandable that an Australian captured at Bardia later wrote that the Italians had stared at him as if he were an “exotic zoo animal.”³⁴ As a result of the Italian propaganda, Hugh Clarke and Colin Burgess

²⁷ AWM: 55 519/6/41 Draft of a booklet “What the Aust Army Has Done”. Campaigns in Greece and Syria, with accompanying maps, 1941.

²⁸ Rees, *Desert Boys*, 394.

²⁹ Bourke, *An Intimate History of Killing*, 165.

³⁰ Bourke, *An Intimate History of Killing*, 165.

³¹ Mark Johnston. *Fighting the Enemy: Australian Soldiers and their Adversaries in World War II* (Cambridge: Cambridge University Press, 2000), 17.

³² Johnston, *Fighting the Enemy*, 17.

³³ Johnston, *Fighting the Enemy*, 17.

³⁴ Johnston, *Fighting the Enemy*, 22.

argue that it was relatively common for British and Commonwealth prisoners to receive some particularly harsh treatment at the hands of the Italians, particularly during the early stage of the war.³⁵ Yet considering the vast numbers of Italians held prisoner by the British, Clarke and Burgess suggest the Italians took unwarranted delight in having their own captive enemy troops to bully and push around.³⁶

As the Allies retreated toward Tobruk in April 1941, with the advance of Erwin Rommel's *Afrika Korps*, any troops taken prisoner were quickly removed from the frontline, however, there were exceptions. For two days after being taken prisoner, along with the sick and wounded already in their care, forty-two men of the 2/8th Field Ambulance remained in the frontline area to care for the British and German wounded.³⁷ Finally, on 8 April, the prisoners from the 2/8th Field Ambulance that had stayed behind were taken to Derna.³⁸ There they were immediately granted permission from the Germans to operate a hospital for the wounded men, which catered mainly for wounded Germans from Tobruk. Although initially captured by the Germans, they soon became prisoners of the Italians.³⁹ The Allied soldiers held at Derna were packed into temporary accommodations at an old stone fort. The fortunate ones who were unable to be held at the fort were driven off into the high-walled grounds of a nearby graveyard. After that, conditions were slightly better, but the men were now able to observe the Axis powers' so-called barbarous attitude.⁴⁰ Clarke and Burgess assert that the root of all evil at Derna was the prison commandant, described by some Australians as a short, fat Italian captain who stamped and screamed hysterically; they recalled he not only abused the Allied prisoners but his own men as well.⁴¹

While committed to the fight in North Africa, Churchill had been impatient to aid Greece since late October 1940 when Italy, not Germany, declared war on Greece. Australian forces would now be fighting not only in North Africa but also in Greece and Crete.⁴² The 9th Division and the 18th Brigade

³⁵ Hugh Clarke and Colin Burgess. *Barbed Wire and Bamboo: Australian POWs in Europe, North Africa, Singapore, Thailand and Japan* (St Leonards: Allen & Unwin, 1992), 33.

³⁶ Clarke and Burgess, *Barbed Wire and Bamboo*, 33.

³⁷ Field, Appendix 1 Prisoners of the Germans and Italians, 756.

³⁸ Allan Walker and Australian War Memorial. *Middle East and Far East*. Australia and the War of 1939-1945. Series 5, Medical; v.2 (Canberra: Australian War Memorial, 1962), 400.

³⁹ Walker and Australian War Memorial, *Middle East and Far East*, 400.

⁴⁰ Clarke and Burgess, *Barbed Wire and Bamboo*, 33.

⁴¹ Clarke and Burgess, *Barbed Wire and Bamboo*, 33.

⁴² Peter Ewer. *Forgotten ANZACs: The Campaign in Greece, 1941* (Carlton North: Scribe Publications, 2008), 64. For further information regarding the Greece and Crete campaigns see, A. Beevor, *Crete: the battle and the resistance* (London: John Murray (Publishers) Ltd, 1991), Chris Coulthard-Clark. *The Encyclopaedia of Australia's Battles* (Crows Nest: Allen & Unwin, 2001), Anthony Eden, *The Eden Memoirs: The Reckoning* (London: Cassell and Company Ltd, 1965), Ewer. *Forgotten ANZACs*, Maria Hill, *Diggers and Greeks: the Australian campaigns in Greece and Crete* (Sydney: University of New South Wales Press Ltd, 2010), Gavin Long and Australian War Memorial. *Greece, Crete and Syria*. Australia in the War of 1939-1945. Series 1, Army; v. 2. (Canberra: Australian War Memorial, 1953). Ministry of Information for the War Office, *The Campaign in Greece and Crete*

of the 7th Division remained in North Africa to fight the German *Afrika Korps* and drive back the Italian army's advance in March and April 1941. The Australian Divisions retreated to Tobruk, where they adopted William Joyce's moniker "the rats of Tobruk."⁴³ At the same time, the 6th Australian Division was redeployed to Greece.⁴⁴ Most Australians taken prisoner during the Greece and Crete campaigns through April and May 1941 were transported to German POW camps. Despite this, there were some rare examples of Australians from those campaigns being taken into Italian captivity. This group of prisoners were mainly men who had tried to evade and escape the Germans. One example of the capture of Australian soldiers by the Italians during the events of the Greece and Crete campaigns was the sinking of *HMS Hereward*.⁴⁵ Private William Irvine was among the prisoners being evacuated from Crete on *HMS Hereward* when it was sunk on 29 May 1941. The escapees on board the sinking vessel were rescued and simultaneously captured by the Italian Navy, who transported the stricken prisoners to Italy via Rhodes and then taken to POW camps in Italy.⁴⁶ A report of the sinking and subsequent capture of those on board was relayed to the Deputy Commander-in-Chief, Middle East Headquarters, Australian Imperial Force by Admiral Andrew Cunningham, Office of Commander-in-Chief Mediterranean Station, via Captain Clifford Coates of the Royal Marines,

Warrant Officer Bartlett of the AIF and 139 other ranks of the Army and Royal Marines were taken prisoner when *HMS Hereward* was sunk. Two officers are in the Campo di Concentramento, Sulmona, Provincia di Aquila, Italy, but the whereabouts of the other ranks are not known.⁴⁷

After the disaster of Greece and Crete, what remained of Australia's 6th and 7th Divisions returned to North Africa. However, when Japan entered the war in December 1941, the 6th and 7th Divisions would be withdrawn from North Africa and return to Australia to fight the Japanese in the Pacific war. However, the 9th Division would again remain and play a vital role in the decisive battle of El Alamein in October 1942.⁴⁸

(London: His Majesty's Stationary Office, 1942)., Peter Monteath, *Battle of 42nd Street: war in Crete and the Anzac's bloody last stand* (Sydney: NewSouth Publishing, 2019)., New Zealand. Dept. of Internal Affairs. War History Branch. *Documents Relating to New Zealand's Participation in the Second World War, 1939-45*. Official History of New Zealand in the Second World War 1939-45 vol 1 (Wellington: Dept. of Internal Affairs, 1949).

⁴³ Beaumont, *Australian defence*, 287. William Joyce was also well known as Lord Haw-Haw.

⁴⁴ Long, and Australian War Memorial, *Greece, Crete and Syria*, 23.

⁴⁵ AWM: 63 175/500/24 Advice from C-in-C Mediterranean Station to Deputy C-in-C AIF Middle East, re prisoners of war taken following the sinking of *HMS Hereward*, 13 August 1941.

⁴⁶ AWM: 54 781/6/6 [Prisoners of war statements – Europe], File containing material (Statistics, Citations, escapes etc.) prepared by L Parker at Central Army Records Office for use of Official War Historian, in preparation of section dealing with Australian Prisoners of War (Army) taken in the Middle East, Greece and Crete and held in camps in Germany and Italy. Australian Military Forces. Award of Military Medal NX 5322 Private William Ross Irvine 2/4 Australian Infantry Battalion. Authority London Gazette 36961 of 1 March 1945.

⁴⁷ AWM: 63 175/500/24 Advice from C-in-C Mediterranean Station to Deputy C-in-C AIF Middle East, re prisoners of war taken following the sinking of *HMS Hereward*, 13 August 1941.

⁴⁸ Beaumont, *Australian defence, sources and statistics*, 287. For further information regarding the campaigns in North Africa see, P. Badman, *North Africa 1940-1942 the desert war* (North Sydney: Time-life Books Australia Pty Ltd, 1988)., Coulthard-Clark *The Encyclopaedia of Australia's Battles.*, W. G. F. Jackson, *The North Africa Campaign 1940-1943* (London: B. T. Batsford Ltd, 1975)., Johnston, *An Australian band of brothers.*, Gavin Long, and Australian War Memorial. *To Benghazi*. Australia in the War of 1939-1945. Series 1, Army; v. 1 (Canberra: Australian War Memorial, 1952)., Barton Maughan, and Australian War

In July 1942, the Australians were part of a tragic action at the appropriately named Ruin Ridge, western Egypt. Under General Erwin Rommel's command, the Italians attacked the Allies in the first battle of El Alamein.⁴⁹ As a result of the Allies' failure, 489 Australians were quickly rounded up and marched behind German lines through the artillery fire still raining down from British guns.⁵⁰ During the fighting at El Alamein, the poor treatment of newly captured prisoners by the German *Afrika Korps* and the transfer of prisoners from German to Italian hands were collaborated in a statement by Lieutenant Harrod of the 2/28 Infantry Battalion in 1944. He explained that after his capture on 27 July 1942 at El Alamein by the Germans, he was not supplied with any food for the first 36 hours. After a short time in German hands, Harrod explained he was handed to the Italians at Mersa Matruh, where he received the daily Italian ration of Italian bully beef and biscuits.⁵¹

At the time of the fourth Libyan campaign, approximately one-third of the Australians initially thought to be missing were notified by Geneva as prisoners of war in Italy.⁵² Between 23 October and 4 November 1942, the Australian division's losses in the Battle of El Alamein totalled 2,694, including 620 dead, 1,944 wounded, and 130 taken prisoner. For the whole period of the El Alamein operation from 7 July, Australian losses were 5,809, including 1,225 dead, 3,638 wounded, and 946 taken prisoner.⁵³ In a press release in May 1943, Minister for Army Francis Forde announced the figures of AIF casualties in the Middle East campaign. He stated that "in the final breakthrough at El Alamein in which the 9th Division was one of the spearheads, Australia casualties totalled 5,794."⁵⁴ Modified from figures in a press release, Table 2 details the Australian casualties in the North Africa campaign.

Memorial. *Tobruk and El Alamein*. Australia in the War of 1939-1945. Series 1, Army; v. 3 (Canberra: Australian War Memorial, 1966)., Ward A. Miller, *The 9th Australian Division Versus the Africa Corps: An Infantry Division against Tanks - Tobruk, Libya, 1941*, 1986. Morehead, *The Desert War*., Rees, *Desert Boys*., Wilmot, *Tobruk 1941*.

⁴⁹ Coulthard-Clark. *The Encyclopaedia of Australia's Battles*, 221-222.

⁵⁰ Coulthard-Clark, *The Encyclopaedia of Australia's Battles*, 221-222.

⁵¹ AWM: 54 781/6/6 Prisoners of war statements – Europe. Australian Military Forces – Report by WX11017 Lieut E. C. Harrod 2/28 Infantry Battalion, escaped prisoner of war from Italy. Interviewed by Major G. Mullenger, 8 August 1944.

⁵² NAA: A981 TRE 780 Treaties – Prisoners of War. Reports on Italian Internment Camps. Cablegram from High Commissioners Office, London and Prime Ministers Department, 7 October 1942.

⁵³ Gavin Long, *The six years war: a concise history of Australia in the 1939-45 war* (Canberra: The Australian War Memorial and Australian Government Publishing Service, 1973), 284.

⁵⁴ NAA: A5954 529/9 Operations in the Middle East. Allied offensive in North Africa, October 1942 (AIF casualties in ME campaigns). Department of Army – AIF casualties in Middle East Campaign, 21 May 1943.

Table 2 Numbers of Australian casualties in the Middle East campaign.⁵⁵

Location (campaign)	Killed in Action and Died of Wounds	Wounded in Action	Missing	Prisoner	Total
1st Libyan	264	932	9	24	1,229
Tobruk	726	2,057	61	951	3,795
2nd Libyan	50	55	4	3	112
Syria	441	1,144	2	0	1,557
Palestine	1	6	0	0	7
El Alamein	1,177	3,629	193	795	5,794
Total	2,659	7,823	269	1,773	12,524

To Italy

Once taken prisoner by the Axis forces, and before heading across the Mediterranean to Italy, prisoners spent varying periods of time in transit camps in Libya.⁵⁶ The line of evacuation out of North Africa was generally via Derna to Benghazi or Tripoli, with embarkation for the sea voyage to Italy at either Benghazi or Tripoli.⁵⁷ Transit camps in North Africa, while considered by some prisoners as poorly organised, were nonetheless necessary under Article 7 of the Geneva Convention. The transit camps would be regarded as essential for the safety of the POWs,

Prisoners shall be evacuated within the shortest possible period after their capture, to depots located in a region far enough from the zone of combat for them to be out of danger. Only prisoners who, because of wounds or sickness, would run greater risks by being evacuated than by remaining where they are, maybe temporarily kept in a dangerous zone. Prisoners shall not be needlessly exposed to danger while awaiting their evacuation from the combat zone. Evacuation of prisoners on foot may normally only be by stages of 20 kilometres a day, unless the necessity of reaching water and food depots requires longer stages.⁵⁸

The prisoners needed to be accommodated away from the frontline while awaiting transport to permanent camps in Italy. Although Article 7 could work well in keeping the prisoners in the transit camps reasonably safe away from the battlefield on land, it would be ineffective in safeguarding the prisoners as they were transported from North Africa to Italy by sea.

There was no agreement among belligerents regarding the recognition of ships used for the transportation of prisoners of war, which for the International Committee of the Red Cross was thought to be the most noticeable deficiency in the Geneva Convention.⁵⁹ By 1941 the war was not

⁵⁵ NAA: A5954 529/9. Department of Army – AIF Casualties in Middle East Campaign, 21 May 1943.

⁵⁶ Peter Dennis., Jeffrey Grey., Ewan Morris., Robin Prior and Joan Beaumont (edit) *The Oxford Companion to Australian Military History* 2nd edition (South Melbourne: Oxford University Press, 2008), 429.

⁵⁷ Dennis., Grey., Morris., Prior and Beaumont, *The Oxford Companion to Australian Military History*, 429.

⁵⁸ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 7, 939.

⁵⁹ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War (September 1, 1939 – June 30, 1947) vol. 1 General Activities* (Geneva: ICRC, 1948), 319.

only being fought in Europe; the distance that had to be crossed to access the various theatres of war left belligerents, as already mentioned, needing to transport prisoners of war by sea.⁶⁰ Moreover, the ICRC recognised that due to the improvement in aircraft and naval technology throughout the war, there was a substantial increase in the use of aircraft and submarines, and it believed this would increase the likelihood of the ships used to transport prisoners being bombed or torpedoed.⁶¹ It also suggested that the lack of agreement concerning this matter had the potential to encourage the deliberately cruel targeting of ships and significant losses amongst the prisoners being transported, who were now unable to take any part in the war.⁶² Even though the ICRC worked to find a solution to what they considered an “imperfection” in the Geneva Convention, they suggested that interested parties negotiate to make an agreement that generally appealed to the principle of reciprocity.⁶³ Although the German government in 1942 signalled it would support a reciprocal arrangement under articles 1, 2 and 3 of the 1907 *Convention (X) for the Adaption to Maritime Warfare for the Principles of the Geneva Convention*, as the rules for the safe transport of prisoners of war, this was rejected.⁶⁴

The absence of any agreement between the Allied and the Axis powers concerning the identification of vessels carrying POWs made the voyages increasingly dangerous.⁶⁵ Wounded prisoners were generally transported on hospital ships, which had a degree of protection; however, the use of other vessels for the transport of the other prisoners ran the risk of being attacked by Allied and Axis submarines that scoured the Mediterranean for enemy ships.⁶⁶ On 17 August 1942, the Italian freighter *Nino Bixio* carrying around 2,000 Allied prisoners of war, was torpedoed by a British submarine.⁶⁷ It was reported to British authorities that no survivors were rescued at the time it was hit by the torpedoes, and that the other Italian ships in the convoy continued on.⁶⁸ The torpedoing resulted in the loss of 37 of the 201 Australians on board.⁶⁹ New Zealand’s official history records an account of a survivor who

⁶⁰ International Committee of the Red Cross, *Report of the International Committee of the Red Cross on its activities during the Second World War*, 319.

⁶¹ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 319.

⁶² International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 319.

⁶³ NAA: A989 1944/925/1/139 Treaties: Red Cross. Prisoners of War and Civil Internees Safe Transport by sea. International Red Cross Committee – Protection of Prisoners of War Transported by Sea, March 1944.

⁶⁴ NAA: A989 1944/925/1/139 Treaties: Red Cross. Prisoners of War and Civil Internees Safe Transport by sea. International Red Cross Committee – Protection of Prisoners of War Transported by Sea, March 1944., *Convention (X) for the Adaption to Maritime Warfare of the Principles of the Geneva Convention*, The Hague, 18 October 1907. <https://ihl-databases.icrc.org> accessed 17 March 2022.

⁶⁵ Dennis., Grey., Morris., Prior and Beaumont *The Oxford Companion to Australian Military History*, 429.

⁶⁶ Bob Moore, *Prisoners of War Europe: 1939-1956* (Oxford: Oxford University Press, 2022), 137.

⁶⁷ Peter Monteath, “Behind the Colditz Myth Australian experiences of German captivity in World War II.” In *Beyond Surrender Australian Prisoners of War in the Twentieth Century*, ed by Joan Beaumont, Lachlan Grant and Aaron Pegram (Melbourne: Melbourne University Press, 2015), 121.

⁶⁸ TNA: WO 361/133 Casualties at sea: Middle East; Italian vessels carrying British prisoners of war – *Nino Bixio*. Interrogation by Middle East of Exchanged British Prisoners of War, April 1943.

⁶⁹ Dennis., Grey., Morris., Prior and Beaumont *The Oxford Companion to Australian Military History*, 429.

was eventually picked up after the ship was torpedoed. He explained that though the ship was torpedoed twice, it did not sink but was towed by an Italian destroyer to Navarino in southern Greece.⁷⁰ The prisoners who were fit enough were transported to Campo PG 75 at Bari, which was used as the main transit camp for those transferred from North Africa.⁷¹ In December 1943, further inquiries were made through the protecting power concerning the fate of prisoners on the *Nino Bixio*. Still, they were not hopeful of gaining any more information “on account [of the] internal chaos in Italy.”⁷² The *Nino Bixio* was among a number of Allied and Axis prisoner transport ships that were torpedoed, bombed, or sunk during the war. Later that same year, on 14 November 1942, an Italian merchant vessel was sunk in the Mediterranean while carrying 780 British prisoners. While the sinking was reported to Australian authorities, no information was provided regarding any Australians on board.⁷³ Even after a significant number of lives were lost in the sinking of prisoner of war transport ships, belligerent governments still had not agreed on a resolution regarding the shipping problem in 1944.⁷⁴ The Imperial Prisoners of War Committee met in November 1944 to discuss the proposals put forward by the ICRC concerning the transport of POWs by ship, however, it was not considered practical to take any special measures to distinguish ships carrying prisoners of war.⁷⁵

Once captured, the Australian POWs did not enter imprisonment as whole units or squadrons. Instead, they would mostly find themselves “in the bag” with soldiers and airmen from Britain, New Zealand, Canada, South Africa, India, and later the United States.⁷⁶ Even though Australian soldiers liked to see themselves as distinct from their British and other Commonwealth counterparts, they were not kept separate from them in POW camps in Italy.⁷⁷ Like the German military authorities, Italian authorities tended to view the Australians as inseparable from other British and Dominion forces. Due to the German and Italian idea that empire troops would be considered British, separations carried out were not along the lines of nationality but rather by rank, so officers from a very early point were held separately from the Other Ranks.⁷⁸ As Table 2.1 indicates, the number of Other Ranks far outweighed

⁷⁰ Walter Wynne Mason and New Zealand Department of Internal Affairs War History Branch. *Prisoners of War Official History of New Zealand in the Second World War 1939-45* (Wellington: War History Branch Department of Internal Affairs, 1954), 202-203.

⁷¹ Wynne Mason and New Zealand Department of Internal Affairs War History Branch, *Prisoners of War*, 202-203.

⁷² NAA: A5954 670/7. Prisoners of War in Italy – transfer to Germany and escape to Switzerland consequent upon Italian capitulation 1943-1945. Cablegram from High Commissioners Office, London to Prime Ministers Department, 18 December 1943.

⁷³ NAA: A1608 A20/1/1 Part 2. POW – General 1942-1943. Cablegram from High Commissioner’s Office, London to Prime Ministers Department, 28 November 1942.

⁷⁴ NAA: A989 1944/925/1/139 Memorandum for the Ministers, 29 November 1944.

⁷⁵ NAA: A989 1944/925/1/139 Memorandum for the Ministers, 29 November 1944.

⁷⁶ Michael Caulfield, and Australians at War Film Archive. *War Behind the Wire: Australian Prisoners of War* (Sydney: Hachette Australia, 2008), 25.

⁷⁷ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 203.

⁷⁸ AWM: 54 781/6/6 [Prisoners of War Statements – Europe], File containing material (Statistics, Citations, escapes, etc) prepared by L Parker at Central Army Records Office for the use of Official War Historian, in preparation of section

the number of officers in Italian captivity in the Australian case. It is important to note that this reflects the military structure; there were considerably more Other Ranks than officers.

Table 2.1 Australian POWs in North Africa. From 31 December 1941 to 31 August 1944.⁷⁹

Camp Location	Numbers as of 31 December 1941		Numbers as of 30 June 1942		Numbers as of 31 December 1943		Numbers as of 31 August 1944	
	Officers	Other Ranks	Officers	Other Ranks	Officers	Other Ranks	Officers	Other Ranks
Camp 59 Gargaresc, Tripoli	0	1	0	86	0	10	0	0
Benghazi	0	9	2	5	0	0	0	0
Derna	0	58	0	5	0	0	0	0

The Capture of Italians by Australian Forces

Italian soldiers became prisoners of the Australian and other Allied forces from 10 December 1940. After hard fighting, particularly in the coastal zone, Sidi Barrani was captured, leaving the majority of the Italian force there in disarray.⁸⁰ Allied tanks then pursued the Italians' northern division. The pursuit led to two Italian and two Libyan divisions being almost completely overpowered and 38,000 prisoners, including four generals, captured along with 237 guns and 73 tanks.⁸¹ By the end of 4 January 1941, the Australian 16th Brigade had surrounded the town of Bardia and effectively cut the Italian position in two. Then on 5 January, the 19th Brigade moved in from the south and rounded up what remained of the Italian garrison.⁸² Prime Minister Menzies received a summary of the action that took place on 5 January 1941,

Before nightfall yesterday evening Italian troops occupying the whole of the northern sector of the defences of Bardia were forced to surrender. Our patrols have penetrated into Bardia itself and the enemy's resistance is now confined to a restricted area in the north east zone of the Perimeter defences. More than 15,000 prisoners have now been captured and operations to mop up the remaining centres of resistance are continuing satisfactorily.⁸³

The next day further correspondence informed Menzies, "All resistance at Bardia is reported to have ceased, prisoners may exceed 25,000 including definitely two Corps Commanders and four Divisional Commanders."⁸⁴ Reports continued to be dispatched discussing the Allied position, including the rising number of Axis prisoners. On 7 January 1941, General Archibald Wavell reported that recent captures

dealing with Australian Prisoners of War (Army) taken in the Middle East, Greece and Crete and held in camps in Germany and Italy.

⁷⁹ AWM: 54 781/6/6 Australian Prisoners of War in Europe – Numbers in Enemy P.W Camps, North Africa.

⁸⁰ Long, *The six years war*, 53.

⁸¹ Long, *The six years war*, 53.

⁸² Coulthard-Clark, *The Encyclopaedia of Australia's Battles*, 177.

⁸³ NAA: A5954 528/6 Australian Forces – communiques of military operations in North Africa, Greece, Crete. Cablegram from The Secretary of State for Dominion Affairs, London to Prime Ministers Department, 5 January 1941.

⁸⁴ NAA: A5954 528/6 Cablegram from The Secretary of State for Dominion Affairs, London to Prime Ministers Department, 6 January 1941.

totalled around 59,000 Italians and 14,000 Libyans.⁸⁵ However, the immense numbers presented a significant problem. Even after the prisoners were evacuated to holding camps in the rear, the detention of prisoners in North Africa became increasingly difficult as the Italians continued to surrender. It was reported that the holding camp at Tobruk held more than 20,000 men at stages during January.⁸⁶ While it was understood that the removal of the prisoners was necessary under Article 7 of the convention, it was also vital because they placed an incredible strain on the Allies' limited water supplies, notably the wells around Buq Buq and Sidi Barrani.⁸⁷ Even so, Australian forces continued to capture Italian troops, with regular updates from the General Officer Commanding Middle East reported to the Department of Army in Melbourne,

Yet another Blackshirt General who absented himself just before the capture of Bardia has been retrieved while trying to escape on foot towards Tobruk. Italian casualties in Bardia killed and captured amount to 2041 officers and 42,827 men.⁸⁸

Although Bardia was believed to be important to Mussolini, confirmation of the town's significance was revealed in a document captured from General Annibale Bergonsoli's headquarters, "I am aware of the honour, and I have repeated to my troops simply and unequivocally. In Bardia, we are and here we stay."⁸⁹ Unfortunately for Bergonsoli, his statement to his troops did not mirror the outcome of the Bardia campaign for the Italian Army.

Then in late January 1941, the battle for the important port town of Tobruk commenced.⁹⁰ Just twenty-nine hours after the first Australian troops broke through the Italian perimeter, the town of Tobruk fell.⁹¹ The Allied victory produced a significant number of prisoners and war materiel, shown in Table 2.2, which would have been considered enormous for the Australians if it had not followed the volume captured at Sidi Barrani and Bardia.⁹²

⁸⁵ Bob Moore, and Kent Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947* (New York: Palgrave, 2002), 20.

⁸⁶ Moore, and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 20.

⁸⁷ Moore, and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 20.

⁸⁸ NAA: A5954 528/6 Communique GOC Middle East to Army, Melbourne, 11 January 1941.

⁸⁹ NAA: A5954 528/6 Department of Defence Mr Shedden to the Prime Minister, 15 January 1941.

⁹⁰ Coulthard-Clark, *The Encyclopaedia of Australia's Battles*, 177.

⁹¹ Wilmot, *Tobruk 1941*, 56.

⁹² Wilmot, *Tobruk 1941*, 59.

Table 2.2 Comparison of prisoners, guns and tanks captured in the four major battles, North Africa.⁹³

Captured Materiel and Men	Sidi Barrani	Bardia	Tobruk	Beda Fomm
Men (captured enemy soldiers)	38,000	45,000	25,000	20,000
Field and Medium Guns	214	223	208	110
Medium Tanks	28	13	23	120
Vehicles	1,000	700	200	600

In January 1941, the daily Army message sent from North Africa that reported on the progress of Australian forces showed that the list of enemy prisoners, mostly Italians, continued to grow in all areas of the North Africa campaign.⁹⁴ The pattern of the increasing numbers of Italian prisoners continued to be recorded throughout the early part of 1941.⁹⁵ By early February 1941, British and Commonwealth troops had cleared the Italians from Cyrenaica, capturing 133,000 prisoners and an extensive amount of war materiel.⁹⁶

The capture of enemy prisoners was continuous and a significant part of the story of the North Africa campaign. By January 1942, the daily dispatch between Middle East Command in Cairo and Army Headquarters in Melbourne had informed Australian authorities about the large numbers of Italian and German prisoners of war captured in the Halfaya area in Syria. 26,000 enemy forces had been captured and had reached camps and hospitals, including 7,000 Germans and nearly 19,000 Italians, with more enemy troops deserting and making their way to Australian lines.⁹⁷ In May 1943, Prime Minister John Curtin received information regarding Australia's single remaining division in North Africa. The message discussed the 9th Division's role in the surrender of Axis troops in Tunisia, stating, "Axis emphasis on 'Last Man Last Round' defence was not true."⁹⁸ The number of prisoners estimated to have been taken during the El Alamein campaign included 140,000 Germans (figure includes some Luftwaffe) and 150,000 Italian totalling 290,000 Axis prisoners in Allied hands.⁹⁹ However, as previously stated, the captured Axis prisoners could not remain in North Africa. Just as

⁹³ Wilmot, *Tobruk 1941*, 59.

⁹⁴ NAA: A5954 528/6 Australian Forces – communiques of military operations in North Africa, Greece, Crete. Cablegrams and telegrams from 1 January 1941 send numbers of prisoners captured by Australian forces.

⁹⁵ NAA: A5954 528/6 Australian Forces – communiques of military operations in North Africa, Greece, Crete.

⁹⁶ Moore, and Fedorowich *The British Empire and its Italian Prisoners of War 1940-1947*, 19.

⁹⁷ NAA: A5954 528/6 War Communique 11 January 1942.

⁹⁸ NAA: A5954 529/10 Operations. Allied offensive in North Africa, 1942-1943 (Morocco, Algeria, Tunisia). Cablegram from Secretary of State for Dominion Affairs, London to Prime Ministers Department, 24 May 1943.

⁹⁹ NAA: A5954 529/10 Cablegram from Secretary of State for Dominion Affairs, London to Prime Ministers Department, 24 May 1943.

Allied prisoners were transported to Italy, the Axis prisoners were shipped to permanent camps in Britain and the empire, including Australia, after varying periods in transit camps in Egypt.

Bound for Australia

During the North Africa campaigns, the Italian prisoners were mainly captured in Libya, particularly Bardia, Tobruk, Derna and Benghazi. The captured Italians included conscripts, regular army, Blackshirts militia, naval officers, airmen, and merchant seamen.¹⁰⁰ Peter Monteath explains after years of fascist propaganda, the Italians were conditioned to believe the worst, the Australians, they had been told, were barbarians. For that reason, it would be natural that the Italians had some anxiety regarding their captors, yet many were pleasantly surprised by their treatment.¹⁰¹

As discussed above, the movement of prisoners from North Africa presented problems. In addition to the lack of available shipping, transporting prisoners through the Mediterranean was hazardous. Like the Australian prisoners being shipped to Italy, the Italian prisoners faced the same risk, making it through the Mediterranean unscathed to a permanent camp in an Allied country. By 1944 the ICRC had received reports concerning the loss of approximately 10,000 prisoners of war and civilian internees due to attacks on the vessels transporting them. The information they explained was gathered from a number of sources, but most information came from articles in the press.¹⁰² For example, the *Singleton Argus* reported in February 1941 that many Italian prisoners had lost their lives while being evacuated on a merchant ship from the Libyan coast; they were attacked by what was reported to be German aircraft.¹⁰³ Then in September 1942, the British vessel *Laconia* was torpedoed off the coast of Dakar in West Africa and sunk, with approximately half of the 1,800 Italian prisoners of war onboard killed.¹⁰⁴ However, without any international agreement regarding prisoner transportation, belligerents were limited in what recourse could be demanded in the case of prisoner losses.

For the Allies in North Africa, the number of Italian prisoners held in transit camps presented considerable problems; they would need to be relocated to a permanent facility. The Australian government initially agreed to take 50,000 Germans and Italians on behalf of the British government.¹⁰⁵

¹⁰⁰ Alan Fitzgerald, *The Italian Farming Soldiers: Prisoners of War in Australia 1941-1947* (Melbourne: Melbourne University Press, 1981), 1.

¹⁰¹ Peter Monteath. *Captured Lives: Australia's wartime internment camps* (Canberra: National Library of Australia, 2018), 179.

¹⁰² NAA: A989 1944/925/1/139 International Red Cross Committee – Protection of Prisoners of War by Sea, March 1944.

¹⁰³ “Ship Carrying Italian Prisoners Bombed,” *Singleton Argus*, 5 February 1941.

¹⁰⁴ NAA: A989 1944/925/1/139 International Red Cross Committee – Protection of Prisoners of War by Sea, March 1944.

¹⁰⁵ NAA: A7711 Volume 1 History: Report of the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne, 1939-1951, 101.

Even so, the availability of transport would determine the rates at which prisoners were removed from the Middle East. For that reason, the total number of prisoners was somewhat less than first thought, with Australia receiving only 6,000 German and Italian prisoners. Table 2.3 outlines the Italians' arrival via six shipments during 1941.¹⁰⁶

Table 2.3 Numbers of Italian POWs from the Middle East arriving in Australia in 1941.¹⁰⁷

Schedule of shipment of Italian Prisoners of War from the Middle East				
Shipment No.	Date of Arrival	Officers	Other Ranks	Total
1	28 May 1941	6	2,000	2,006
2	15 Aug 1941	405	412	817
3	23 Aug 1941	2	15	17
4	13 Oct 1941	110	879	989
5	15 Oct 1941	25	923	948
6	15 Dec 1941	13	167	180
Total		561	4,396	4,957

Table 2.4 shows that by the end of the war, Australia held 18,432 Italian prisoners of war that came either directly from the Middle East or via India. Interestingly, most arrived in Australia from India after the Italian armistice of September 1943. The number of Italians detained in Australia until their final repatriation in 1946 is summarised in Table 2.5.

Table 2.4 Summary of Italian prisoners of war held in Australia.¹⁰⁸

Italian Prisoners of War Summary	
Location	Numbers
From the Middle East	4,957
From India	13,207
Transferred from Internee to Merchant Seamen	268
Total	18,432

¹⁰⁶ NAA: A7711 Volume 1 History: Report of the Directorate of Prisoners of War and Internees, 101.

¹⁰⁷ AWM: 54 780/1/6A Volume 1. Part 2. History – Report on Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne 1939-1951 – Volume 1, Part 2 Enemy Prisoners of War, 101.

¹⁰⁸ NAA: A7711 Volume 1 History – Report on the Directorate of Prisoners of War and Internees, 106.

Table 2.5 Number of Italian prisoners of war by year detained in Australia between 1939-145.¹⁰⁹

Numbers held by the Australian Military Forces in Australia 1939-1946	
As of 31 December	Numbers of Italian prisoners of war
1940	0
1941	5,159
1942	5,217
1943	6,617
1944	15,701
1945	17,022
1946	4,634

In summary, it is important to note that from 1941 there were significant numbers of Australian POWs detained by Italian authorities, but there were even greater numbers of Italian POWs detained by Australian authorities. That remained the case until 1943, when, as chapter 7 discusses, the political context shifted considerably with the Italian armistice. In the meantime, the presence of considerable numbers of POWs in the power of the enemy state delivered the prospect that an element of reciprocity might at least shape the way both Australia and Italy treated each other's prisoners.

Political Response

It could be argued that the capture, treatment and management of prisoners of war was a military exercise. The military had a significant role in capturing enemy forces, and they also played a substantial role in their treatment and management. However, the issue of prisoners of war did not simply begin and end with the military. The political aspect of government policy, international relationships and diplomacy, and the observance of international laws and agreements, were all key to the treatment and management of POWs from the time of capture. In addition, reciprocity in agreements, national interest and reprisals were also used by belligerent governments in the management and treatment of POWs.¹¹⁰ For governments, reciprocity became an increasingly important dimension in the treatment of POWs, irrespective of international agreements. In situations where belligerent powers detained each other's fighting forces, the resort of reciprocity had the capacity to affect the treatment of the prisoners from capture right through to repatriation. The potential difference in treatment when powers choose to invoke the principle of reciprocity rather than following international legal requirements is evident in relation to capture. Nowhere in the Geneva or Hague Conventions was there an article that placed capture and the reciprocal treatment of prisoners together. For that reason, the Australian government needed to consider its position regarding reciprocity and the value Australia would place on reciprocity

¹⁰⁹ AWM: 54 780/1/6 History – Report on the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne 1939-1951, Volume 1 Part 3, 212.

¹¹⁰ Robert Art and Robert Jervis, *International Politics, Enduring Concepts and Contemporary Issues*, 10th ed. (United States: Pearson Education, Inc, 2011), 87.

in the treatment of POWs, even at the time of capture. The use of reciprocity by belligerents continued to be an issue that intensified as the war went on and will be further detailed in later chapters.

Australia's Response to Capture

Even in the transit camps in North Africa, according to international law, prisoners were to be treated following the Geneva Convention, to which Italy and Australia were both signatories. As Australian soldiers were captured during the campaigns in North Africa, the treatment of Australians at the time of capture and while in captivity became a topic for discussion in the Australian Parliament throughout 1941. The Australian government expressed concerns about the treatment of prisoners held in transit camps in North Africa. Of particular concern was if Australian prisoners were afforded treatment equal to the treatment they understood was provided to the Italians detained by Australian forces.¹¹¹ Then in June 1941, with the number of men taken prisoner increasing, the Australian government further discussed the reciprocity of treatment toward prisoners of war and the need for a coordinated approach regarding enemy prisoners with Britain,

We have so far, no guidance as to the attitude of the Italian Government, but the principles should remain the same and owing to the large numbers of their prisoners which we hold, we are in [a] much stronger position...The action of any one Government of the British Empire in [the] treatment of prisoners of war in their charge may therefore react upon prisoners of war from some other part of the Empire. It is for this reason that in order to ensure proper treatment for all British prisoners of war, we are most anxious to secure complete coordination in the treatment of prisoners of war throughout the Empire and equally well-coordinated representations regarding treatment of all British prisoners of war in enemy countries.¹¹²

From the reports received from the Dominion Office, the Australian government understood that breaches of the convention were occurring in the transit camps in North Africa and the permanent camps in Italy. As a result of the reports, the Australian government began to voice its concerns about Australian prisoners not being treated in a reciprocal and acceptable manner. On 18 September 1941, the Australian parliament discussed the reports received from overseas concerning conditions in enemy POW camps. In a statement to parliament, the Minister for Army Percy Spender announced,

I have been most concerned that all possible action should be taken to ensure that Australians who are prisoners of war should receive the best possible treatment, and the utmost support and assistance that we can give them...The reports received from overseas, many of them by cable, concerning conditions in enemy prisoners of war camps are carefully examined, and action is taken on representations made in all cases where the interests of our men are affected...The Commonwealth Government regards the welfare of Australian prisoners of war

¹¹¹ NAA: A1608 A20/1/1/Part 1 War 1939 Prisoners of War – General Part 1 1939-1942. Cablegram Secretary of State for Dominion Affairs, London to Prime Minister's Department, 3 June 1941.

¹¹² NAA: A1608 A20/1/1/ Part 1 Cablegram Secretary of State for Dominion Affairs, London to Prime Minister's Department, 3 June 1941.

as of the greatest importance, and is giving constant consideration to all matters affecting their interests.¹¹³

Two months later, the new Minister for Army, Francis Forde, made a statement to parliament about the Italians' poor treatment of their Australian prisoners in Benghazi,

The Australian Government is taking action to ensure that proper treatment is accorded to Australian prisoners of war in North Africa. Press cables have reported that British soldiers who have escaped from Benghazi have stated that Australian prisoners of war were given wretchedly inferior food, made to work excessively hard, given inadequate medical attention and compelled to work when not physically fit. Cables have been sent to the Middle East British Army Headquarters seeking further information. The International Red Cross has been asked to arrange for a representative to report upon conditions for prisoners of war in North Africa. If the allegations are sustained, an immediate approach will be made to the protecting powers for remedial action. The Government is in possession of information which indicates that batches of Australian prisoners recently arrived in Italy from North Africa.¹¹⁴

It was not just the treatment of Australian prisoners that concerned Australian authorities. The formal notification of holding prisoners of war was increasingly problematic for the Australian government. They were not satisfied with the release of information regarding the Australians taken prisoner in North Africa. Exacerbating the delays, before the Australian government received the reports, the Australian High Commissioner's Office in London received all the news about Australian prisoners of war from the ICRC and protecting power by way of British authorities. A report dated 4 October 1941 from the Australian High Commissioner in London stated that as of 27 September, the official number of AIF prisoners of war was 3489, with 3290 still considered missing.¹¹⁵ The Australian government believed this information was an improvement on what they had previously received; however, they considered it far from satisfactory. As a result, the Australian government requested the ICRC place pressure on the German and Italian governments for the immediate release of information.¹¹⁶

With the matter regarding tardy notification becoming such an issue, the problem was discussed at the first meeting of the Imperial Prisoners of War Committee in November 1941. Notably, Australia's representative Major Wheeler explained that the Australian government was seriously disturbed because over 3,000 Australians were still unaccounted for. It was also made clear during the meeting by Wheeler and Mr Burdekin of New Zealand that their governments "both wished the

¹¹³ Hansard, House of Representatives, No. 38. Sixteenth Parliament, First Session – Fourth Period, 18 September 1941, 357-358.

¹¹⁴ Commonwealth Government. Digest of Decisions and Announcements and Important Speeches by the Prime Minister (The Hon. John Curtin). No. 5, 6 November 1941 to 12 November 1941. *Prisoners of War Australians in North Africa* (Canberra: Commonwealth Government Printer, 1941), 13

¹¹⁵ NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III. Cablegram High Commissioner, London to Prime Minister's Department, 4 October 1941.

¹¹⁶ NAA: A816 67/301/16 Cablegram High Commissioner, London to Prime Minister's Department, 4 October 1941.

cablings of names from Geneva to Cairo to continue.”¹¹⁷ In December 1941, problems concerning the notification of prisoners continued. However, that month the High Commissioner’s Office in London notified the Australian government about the outcome of recent talks with ICRC delegates in Geneva concerning the swift notification of the Australian soldiers taken prisoner to the Australian government.¹¹⁸ Australia’s representative raised the issue of obtaining earlier information regarding its prisoners in Germany and Italy. He was advised during the meeting that it would be “embarrassing” for the Red Cross to exert too much pressure on German and Italian authorities regarding the notification of prisoners, especially Italy, considering there were many Italian prisoners in Australia whose capture had not yet been reported to the Italian authorities.¹¹⁹ For its part, following the rules of the Geneva Convention, Italy had established a Prisoner of War Information Bureau designed to resolve the issues regarding correspondence.¹²⁰ Despite this, in 1941 there was a problem with the despatch of prisoner of war capture cards. The cards were only sent after three weeks, which delayed notification of the prisoners’ capture to the countries’ prisoner of war authorities. Things did improve but were never considered satisfactory, and the issue of notification remained a problem.¹²¹

The matter of notification was again raised in October 1942. An approach was made to the Swiss protecting power to hasten, if possible, the notification of the names of imperial prisoners under Article 8 of the Geneva Convention, which states, “Belligerents are bound mutually to notify each other of their capture of prisoners within the shortest period possible, through the intermediary of the information bureaus.”¹²² Even though Australian authorities wanted swift information regarding their POWs, transit camp numbers were thought to be of little use because most prisoners would have been transferred before any information was received.¹²³ On the other hand, Australian authorities did require notification at the earliest possible moment of prisoners’ transfer to permanent camps under Article 77.¹²⁴ It states,

Within the shortest possible period, each of the belligerent Powers shall inform its information bureau of every capture of prisoners affected by its armies, giving it all the information regarding identity which it has, allowing it quickly to advise the families concerned...The

¹¹⁷ TNA: WO 163/152 Imperial Prisoner of War Committee – War Office and Ministry of Defence and Predecessors 1 November 1941 – 28 February 1943. Imperial Prisoners of War Committee First Meeting, 5 November 1941, 9.

¹¹⁸ NAA: A981/4 TRE 760 Part 1 External Affairs Department Treaties – Red Cross Prisoners of War transported to Australia 1940-1942. Cablegram from High Commissioner’s Office, London to Prime Ministers Department, 11 December 1941.

¹¹⁹ NAA: A981/4 TRE 760 Part 1 Cablegram from High Commissioner’s Office, London to Prime Ministers Department, 11 December 1941.

¹²⁰ Harold Satow and J. Sée. *The Work of the Prisoners of War Department during the Second World War* (London: Foreign Office, 1950), 39.

¹²¹ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 39.

¹²² Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 8, 940.

¹²³ NAA: A981 TRE 780 Cablegram from High Commissioner’s Office, London to Prime Minister’s Department, 7 October 1942.

¹²⁴ NAA: A981 TRE 780 Cablegram from High Commissioner’s Office, London to Prime Minister’s Department, 7 October 1942.

information bureau shall immediately forward all this information to the interested Powers, through the intervention, on one hand, of the protecting powers and, on the other, of the central agency provided for in Article 79.¹²⁵

Even with the number of troops captured in the early stages of the war, it was not until January 1943 that the Imperial Prisoners of War Committee discussed the significance of Article 2 of the Geneva Convention to the capture of enemy prisoners throughout the empire.¹²⁶ It was agreed during the meeting,

Where prisoners of war are captured by a force acting under United Kingdom command, they must under Article 2 be considered to be the prisoners of the United Kingdom government, irrespective of the claims of the governments whose armed forces may, in fact, have been responsible for their capture. The joint nature of the Empire war effort would, it is suggested, justify the view that enemy prisoners of war wherever and whenever captured by British Forces under British Command are “Empire” prisoners of war and are held by the Empire.¹²⁷

Italians in Australia

In April 1941, the Australian War Cabinet discussed the request from Britain to accept 2,000 Italian prisoners of war. Approval was granted in May by War Cabinet to transfer Italian prisoners to Australia from Egypt. From that time onwards, 1,000 prisoners of war were to be expected each month.¹²⁸ However, as previously explained, Britain asked if the Commonwealth government could accept up to 50,000 in the coming six months if large-scale transport was possible.¹²⁹ The Prime Minister’s Department informed the High Commissioner in London of its decision,

The acceptance of prisoners by Australia we made with full realisation of the above [Australia held to the Prisoner of War Convention], and we feel that the enemy would not regard this country as an “agent” of the United Kingdom for carrying out the terms of the Convention signed by Australia on the basis of equal status with all other signatory powers. No difficulty is foreseen in the handling of prisoners of war in Australia provided that the United Kingdom keeps the Commonwealth Government fully informed from time to time of all relevant factors.¹³⁰

After the Australian government’s agreement to accept Italian prisoners of war in May 1941, the Australian press started to report on the pending arrival of Italian prisoners of war to Australia. For example, the *Tweed Daily* announced,

Prisoners of war now on their way to Australia would be housed in tents while they build their own huts, the Minister for Army (Mr Spender) said today. The camps would be established at Cowra (New South Wales), Loveday (South Australia) and Murchison (Victoria). Camps in

¹²⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Article 77, 955.

¹²⁶ TNA: CO 980/99 Imperial Prisoners of War Committee – Colonial Office 1942-1943. Imperial Prisoners of War Committee Memorandum by the War Office, 28 January 1943.

¹²⁷ TNA: CO 980/99 Imperial Prisoners of War Committee Memorandum by the War Office, 28 January 1943.

¹²⁸ NAA: MP 729/6 63/402/41 Internment of Italian Prisoners of War. War Cabinet Minutes 2 April 1941.

¹²⁹ NAA: A1308/1 712/1/54 Internment of Italian prisoners of war in Australia 1941. War Cabinet Agendum 122/1941, 30 April 1941.

¹³⁰ NAA: A1608 A20/1/1 Part 1 Cablegram Prime Ministers Department to High Commissioner, London, 30 May 1941.

other States probably would be provided when the full numbers of prisoners being sent here were definitely known.¹³¹

Discussions between Britain and the Dominions were in full swing regarding the arrangements for POWs held on behalf of the British Commonwealth. By June 1941, immediate action was required because the overwhelming number of Italian prisoners from North Africa needed to be relocated.¹³² As a result, urgent inquiries were made in Australia, Canada, Ceylon (now Sri Lanka), India, Jamaica, Kenya, Mauritius, and South Africa. When the Australian War Cabinet met on 23 July 1941 to discuss the distribution of Italian prisoners of war, the debate surrounded the 7,000 prisoners of war that had been expected to arrive from the Middle East by the end of May.¹³³ As for those prisoners who remained in the Middle East, the Commander-in-Chief Middle East advised that shipment at the rate of 5,000 per month could be anticipated, but this number depended on the shipping availability.¹³⁴ However, once Japan entered the war, further transfers of POWs to Australia were suspended by the government, only having received 6,500 prisoners, because, at this time, the Australian government was faced with the new problem of accommodating additional civilian internees.¹³⁵

As a result of the Australian government's agreement with Britain to accept POWs from Britain, North Africa and later India, it would be necessary for Britain and the Dominions, including Australia, to have a united prisoner of war policy. Reflecting this, in May 1942, Australia's High Commissioner sent a request to the Australian government asking if Australia would be willing to receive a Liaison Officer from the Directorate of the Prisoners of War in London.¹³⁶ The Liaison Officer would advise Australian authorities about the management of prisoners of war in Australia with the expectation that Australian policy would reflect British policy.¹³⁷ The British government insisted that as the Italian prisoners of war were detained in Australia on behalf of His Majesty's government, a united policy regarding all aspects of POW treatment and management should be expected. While the idea of one empire, one policy may have been seen by Britain as a practical response to the POW matter, the one-size-fits-all approach ignored the needs of Australia and the other Dominions supporting primarily Britain's national interest, but it would be shown in many cases to neglect the national interest of the Dominion governments.

¹³¹ "Italian Prisoners of War Here Soon," *Tweed Daily* (Murwillumbah), 21 May 1941.

¹³² NAA: A1308/1 712/1/54 Internment of Italian prisoners of war in Australia 1941. War Cabinet Minute, 23 July 1941.

¹³³ NAA: A1308/1 712/1/54 War Cabinet Minute, 23 July 1941.

¹³⁴ NAA: A1308/1 712/1/54 War Cabinet Minute, 23 July 1941.

¹³⁵ NAA: A373 11638B Italian prisoners of war and escapees. War Cabinet Agendum no. 170/1943, December 1943.

¹³⁶ NAA: A1608 A20/1/1/ Part 1 Cablegram High Commissioner, London to Prime Ministers Department, 30 May 1941.

¹³⁷ NAA: A1608 A20/1/1/ Part 1 Cablegram High Commissioner, London to Prime Ministers Department, 30 May 1941.

Conclusion

Capturing soldiers during battle could be considered a purely military operation, however, the rules that governed what happened at the time of capture and thereafter were political matters. As a result, taking prisoners was complex and, at times, chaotic and problematic. While belligerent governments might follow the international laws of capture to ensure the proper treatment of prisoners upon capture, reciprocity of treatment and national interests might also be considered.

Many Australian and Italian POWs were captured in North Africa, with some Allied POWs considering the transit camps wholly inadequate. The vast number of soldiers taken prisoner in North Africa also placed pressure on the Allies' supplies, which meant they had to be transferred to permanent camps. As a result, the British government made urgent enquiries to its empire governments, asking them to assist in accommodating the Italians from transit camps in North Africa or those who had already been in Britain. This meant that the Italian prisoners, like the Allied prisoners on their way to Italy, would need to be transported by sea. Yet, as this chapter has shown, despite the need to transport the prisoners, belligerent governments were unable to reach an agreement regarding the recognition of the ships carrying prisoners of war. Consequently, the transport of prisoners, in this case, from North Africa across the Mediterranean and beyond, was a perilous enterprise.

The chapter has also outlined the principles governing the Australian government's agreement to accept POWs from Britain and North Africa. The prisoners would be detained on behalf of His Majesty's government, and it was expected by Britain that a united empire POW policy would be followed regardless of national interest. The expectation of the British government regarding prisoner of war policy, and the lack of independence in policy afforded the Australian government regarding its own prisoners, reflected a relationship between Britain and Australia that would become strained and particularly tricky at times throughout the war.

Chapter 3 will examine the importance of the Geneva Convention in the administration of prisoners of war, particularly with respect to the reciprocity of treatment and national interest. Of special importance for the Australian government was its relationship with Britain and its ability to consider independence in POW policy issues. At the same time, the Australian government relied on the protecting power, ICRC, and other neutral organisations to provide not only comforts for the prisoners but, more importantly, Australian authorities also relied on the information that these organisations provided regarding Australian prisoners of war.

CHAPTER 3: PRISONERS OF WAR IN INTERNATIONAL POLITICS, 1939-1942

Introduction

Chapter 2 established the military context in which Australian forces entered Italian captivity and, similarly, Italian forces entered Australian captivity. In contrast, this chapter focuses on international politics and diplomacy related to these POWs. For the Australian government, the most important international relationship in the management of the war prior to the fall of Singapore was with Britain. Accordingly, the chapter maps how the Australian government negotiated with the British government over POW issues from the beginning of the war until the fall of Singapore in February 1942 and, in particular, highlights the degree of change, if any, that resulted from these events. In doing so, it considers the alignment of interests between the British and Australian governments within the broader framework of an imperial foreign policy during wartime and the changes in Australia's attitude towards POW policy once the war in the Pacific began. Understanding that the United States had a significant bearing on wartime diplomacy, particularly after December 1941, this chapter and this thesis more broadly does not detail Australia and Britain's relationship with the United States. Instead, Australia's relationship with Britain remains the focus as the principal international relationship during this period. In addition, the captivity of Australians in Italy and Italians in Australia meant that the Australian government had to manage its relations with Italy, whether directly or indirectly, even when the conduct of relations was confined to little more than the POW issue.

The formation of international diplomacy as it related to POWs, particularly the obligations of belligerents under the *1929 Geneva Convention Relative to the Treatment of Prisoners of War* – to which both Australia and Italy were signatories – determined international negotiations in relation to POW matters. In addition, the enforcement of the convention would also involve other states and non-state actors, including the protecting powers and the International Committee of the Red Cross.¹ For that reason, identifying what factors determined the direction of Australia's POW policy includes an investigation of the extent to which the Australian government understood the need to pursue policies and practices that might have been at odds with those of Britain or even with Australia's broader international treaty obligations.

¹ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War (September 1, 1939 – June 30, 1947) vol. 1 General Activities* (Geneva: ICRC, 1948).

Australia and Britain

Since colonisation and well after Federation, Australia had remained dependent on Britain. Even so, from colonial times Australian interests did not always coincide with those of Britain, particularly in major policy areas that brought Australia into the wider global community, such as trade, immigration, defence and Pacific policy. At the time of Federation, Australia was not prepared to place its interests below those of Britain and allow its economic and defence resources to be disposed of by the British Imperial Parliament.² Nonetheless, prior to the Second World War, Australia relied on Britain for protection, security, and foreign policy. For its part, in the First World War, Britain relied on Australia to provide military forces and supply Britain with domestic goods. Although the current relationship was seemingly working in both countries' national interests, Neville Meaney argues that the ANZAC experience gave Australia a sense of distinctiveness from the rest of the empire. Billy Hughes' fight for separate representation at the Paris Peace Conference and in the League of Nations thrust Australia's nationhood into the international arena. Then, after the fall of Singapore in 1942, another wartime Labor government, now led by John Curtin, would become more assertive in its attitude toward protecting national interest in the conduct of foreign policy.³

The Second World War was a challenging time for this evolving relationship between Australia and Britain. Though part of the empire, Australia had limited input in imperial policymaking, and as Australia attempted to become more independent in the international political arena during the Second World War, the relationship became increasingly strained. At the same time, the Australian government went into the war with a "one voice theory" of foreign policy and a desire to maintain a united policy, which included POW policy.⁴ This approach would cause some friction in the relationship with Britain.⁵ The dynamics of the empire and Australia's role within it during the war are crucial to understanding the political dimensions of the POW question, specifically as the problem received growing attention during the war.

When Prime Minister Robert Menzies announced on 3 September 1939 that Australia was at war, he did so because he believed it was unthinkable that Australia should remain neutral.⁶ More importantly, the government felt that most Australians wanted the declaration of war to be immediate and clear, not only because of sentimental ties but also because they were conscious that Australia was

² Neville Meaney, "Britishness and Australian identity: The problem of nationalism in Australian history and historiography," *Australian Historical Studies*, 32, no. 116 (2001): 85.

³ Meaney, "Britishness and Australian identity: The problem of nationalism in Australian history and historiography," 77.

⁴ Christopher Waters, "Australia, the British Empire and the Second World War," *War & Society*, 19, no. 1 (2001): 93.

⁵ Robert Art and Robert Jervis, *International Politics, Enduring Concepts and Contemporary Issues*, 10th ed. (United States: Pearson Education, Inc, 2011), 48-49.

⁶ Joan Beaumont, "Australia's War: Europe and the Middle East". In *Australia's War, 1939-1945*, edited by Joan Beaumont, 1-25 (St Leonards: Allen & Unwin Ltd, 1996), 2.

part of the British Empire, a status that carried certain responsibilities.⁷ Along with his broadcast declaring Australia was at war, Menzies also announced to the Australian people in September 1939, “One of the real tasks of the Government will be to do nothing which will diminish the security of Australia itself, while, at the same time, enabling Australia to play its part in the security of the Empire as a whole.”⁸

As soon as war was declared, the Australian Parliament was recalled. One of its first actions was to pass a National Security Act, about which Menzies stated,

Everybody will agree that in an emergency of this kind, large powers must be taken, and particularly in circumstances where we cannot clearly foretell the future...Consequently, in this bill, the government asks Parliament to grant wide powers to the Executive.⁹

The second and third readings of the Act took place on 7 September, and it was finally agreed to in the early hours of 9 September 1939.¹⁰ The first National Security Act aimed “to make provision for the safety and defence of the Commonwealth and its territories during the present state of war.”¹¹

The original act had no provisions for the management of POWs; the second manual, dated 1 April 1941, only offered regulations regarding civilian internment camps, not POW camps. On the recommendation of the Department of Army, however, the Australian government circulated a set of National Security Regulations that interpreted and implemented the requirements of the *1929 Geneva Convention Relative to Prisoners of War*. This made the convention the basis for the administration of prisoners of war in Australia. Even though it led to some degree of inflexibility in the management of POWs, the advantage was that it established a uniform and comprehensive policy.¹² As a result, in 1942, the National Security Act finally included provisions relating to the management of POWs. The requirements relating to prisoners of war continued from 1942 until after the end of the war.¹³ In addition, in 1941, Australia produced its own Manual of Military Law that detailed how the Australian

⁷ Gavin Long. *The six years war: a concise history of Australia in the 1939-45 war* (Canberra: The Australian War Memorial and Australian Government Publishing Service, 1973), 12.

⁸ NAA: M1416 98 [Personal Papers of Prime Minister Curtin] Broadcasts by Prime Minister Robert G Menzies, copies and drafts. Draft statement by the Rt. Hon. Broadcast to the Australian people from the Prime Minister, 1939, 4.

⁹ Hansard, House of Representatives, No. 36, Fifteenth Parliament, First Session – Fourth Period, 7 September 1939.

¹⁰ Hansard, House of Representatives, 7 September 1939., Hansard, House of Representatives, No. 36, Fifteenth Parliament, First Session – Fourth Period, 8 September 1939.

¹¹ National Security Act, No. 15 of 1939.

¹² AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951 Vol. 1. Preface.

¹³ National Security Act No. 15 of 1939., Statutory Rules No 290, 1940., Commonwealth of Australia, *Manual of National Security Legislation, Being the National Security Act 1939-1940, and Regulations and Certain Orders, Etc., Made Thereunder and in Force on the 1st April 1941* (Canberra: Commonwealth Government. Printer, 1941)., Commonwealth of Australia, *Manual of National Security Legislation, Being the National Security Act 1939-1940, and Regulations and Certain Orders, Etc., Made Thereunder and in Force on the 1st April 1942* (Canberra: Commonwealth Government. Printer, 1942)., Commonwealth of Australia, *Manual of National Security Legislation, Being the National Security Act 1939-1940, and Regulations and Certain Orders, Etc., Made Thereunder and in Force on the 15th November 1943* (Canberra: Commonwealth Government. Printer, 1943)., Commonwealth of Australia, *Manual of National Security Legislation, As in Force on 1st August 1944* (Canberra: Commonwealth Government. Printer, 1944)., Commonwealth of Australia, *Manual of National Security Legislation, As in Force on 2nd September 1945* (Canberra: Commonwealth Government. Printer, 1945).

military was expected to treat and manage enemy prisoners of war. The new Australian manual followed both the Hague and Geneva Conventions and replaced the 1929 British Manual that Australia had been operating under during the earlier stages of the war.¹⁴

By 1941, Australia's forces were engaged in the fighting in North Africa, nevertheless, the Australian government remained concerned with the threat of war in the Pacific. Accordingly, Prime Minister Menzies sought to discuss the situation directly with the British government. Consequently, he decided to travel to Britain with the Secretary of the Australian War Cabinet, Sir Frederick Shedden, to meet with British Prime Minister Winston Churchill and urge the British government to strengthen the defences in Singapore.¹⁵ However, when Menzies flew out of Australia on 24 January 1941, he received the news that the Allied forces had captured Tobruk, and by the time he reached his stopover in the Middle East, Benghazi had fallen.¹⁶

With the early success of Allied forces in North Africa, the issue of prisoners of war arose. There were some differences in attitude toward the issue of POWs. Even with the different perspectives relating to prisoners of war expressed by some in Britain, the Australian government would have to work with the United Kingdom and the other Dominions to achieve positive outcomes for their captured men. Yet, experience had shown the British government that the enemy was eager to exploit any differences in treatment between Britain and the Dominions because it was seen as an opportunity to raise difficulties or carry out reprisals.¹⁷ As a result, policy discussions among Britain, Australia, and the other Dominions about the welfare of their POWs would continue throughout the war.

British POW Policy

On the eve of war, the British policy toward prisoners of war was undeveloped, apart from Britain's commitment to the Geneva Convention.¹⁸ However, five months before becoming Prime Minister, Churchill made his views on POWs clear in his communication to the Military Branch on 15 October 1939,

It is our policy to capture and hold as prisoner the largest number of able-bodied enemy aliens capable of military service whom we can catch upon the seas. We must accumulate a substantial stock of German prisoners in case we may need to inflict reprisals because of German barbarity

¹⁴ *Australian Edition of Manual of Military Law* (Canberra: L. F. Johnston, Commonwealth Government Printer, 1941), The War Office, *Manual of Military Law 1929* (London: His Majesty's Stationery Office, 1929).

¹⁵ Peter Rees. *Desert Boys: Australians at war from Beersheba to Tobruk and El Alamein*. (Sydney: Allen & Unwin, 2011), 414

¹⁶ Rees, *Desert Boys*, 418.

¹⁷ AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees, Vol.1, 110.

¹⁸ Bob Moore. The treatment of prisoners of war in the Western European theatre of war, 1939-45. In S. Scheipers (eds) *Prisoners in war*, pp. 111-125 (Oxford: Oxford University Press, 2010), 118.

to our own prisoners of war. This will probably not be necessary, but I took great pains in the last war to catch as many as possible because the Germans always behave much better when you have more of their men in your hands than they have of yours. And after all, we want to help them to behave better.¹⁹

While Britain, Australia and the Dominions clearly understood they were required to abide by the terms of the Geneva Convention, for the most part, the departments concerned with prisoner of war management relied on the precedent set during the Great War.²⁰ During the early stages of the war, or the so-called “Phoney War”, there were very few prisoners of war; as a result, the subject did not really attract any particular discussion in Whitehall.²¹ While POW well-being was governed by both political and humanitarian concerns, the approach to managing their welfare was inconsistent. Sir Harold Satow, who was the head of the Foreign Office’s POW Department at different times during the war, later remarked,

It would have made the task easier...if from the outset, it had been realised, both in the Foreign Office and in the War Office, that the protection of prisoners of war was a matter which would require continuous effort. But the War Office, like the Foreign Office, was lacking in imagination.²²

Satow’s predecessor, Sir Francis Sheppard, confirmed the lack of urgency over POW matters in the early stages of the war. In February 1940, Sheppard commented after reading the Belfield Report that discussed similar prisoner of war experiences between 1914 and 1918, “history seems to be repeating itself.”²³ This has led Neville Wylie to suggest that Britain’s policy towards POWs before mid-1940 appeared not one of strong common sense but rather disturbing neglect.²⁴

To solve this problem, a dedicated section was created within the Adjutant General’s Department under the Director of Personnel Services. Its job was to deal with enemy POWs and the welfare of British POWs. The department was run by the Secretary of State for War, Leslie Hore Belisha, however, the office was quite makeshift and lacked any real power. However, it was noted that the need for stronger guidance in the administration of enemy prisoners was becoming increasingly critical, and the British government needed to consider the fate of its soldiers in enemy hands more closely.²⁵ Despite this, neither the Air Ministry nor the Admiralty deemed the matter critical enough at

¹⁹ Martin Gilbert. *The Churchill War Papers, vol. 1 At the Admiralty September 1939-May 1940* (London: Heinemann, 1993), 242-243.

²⁰ Moore, The treatment of prisoners of war in the Western European theatre of war, 1939-45, 118.

²¹ David Rolf, ‘Blind Bureaucracy’: The British Government and POWs in German Captivity, 1939-45. In B. Moore and K. Fedorowich (eds) *Prisoners of War and their captors in World War II*, pp. 47-67(Oxford: Berg, 1996), 48.

²² Rolf, ‘Blind Bureaucracy’, 48.

²³ Rolf, ‘Blind Bureaucracy’, 48.

²⁴ Neville Wylie, *Barbed Wire Diplomacy: Britain, Germany, and the Politics of Prisoner of War, 1939-1945* (Oxford: Oxford University Press, 2010), 66.

²⁵ Rolf, ‘Blind Bureaucracy’, 48.

the time to justify focusing their resources on dealing with the issue of POWs, leaving the responsibility for the management of POWs to the War Office. This proved to be a challenge for the War Office, with at least four of its departments wanting a say on the POW problem; as a result, policymaking was, at best, hectic and disorganised.²⁶ Because of these issues, the War Office finally created the Directorate of Prisoners of War (DPW) on 25 May 1940. The Directorate had total charge over the administration of enemy POWs in the United Kingdom and the general welfare of all British prisoners in enemy hands, particularly safeguarding the prisoners' rights under the Geneva Conventions.²⁷ Following some upheaval in early 1941, Major-General Ernest Gepp (retired) assumed the Directorship of the DPW, and it was re-organised into two sections, PW1 and PW2. PW1 dealt with the administration of enemy prisoners in British hands, while PW2 was concerned with the welfare of British POWs. For PW2, policy questions regarding the treatment of enemy prisoners were fundamentally important, including all questions pertaining to reciprocity.²⁸

Throughout the war, British Members of Parliament, private citizens, and public groups who believed POW matters were not receiving the attention they deserved pressed the government to set up an inter-departmental committee under the Foreign Office.²⁹ Even with the newly created Directorate of Prisoners of War in the War Office, it was recognised that the Foreign Office would be required to play a role in all POW negotiations with the enemy.³⁰ However, James Crossland suggests that the establishment of the two seemingly separate branches of POW administration reflected Whitehall's ad hoc attempt to become better organised.³¹ Nonetheless, two different departments were set up, with the Foreign Office initially concerned with coordinating departments and communicating with other organisations involved with the management and treatment of POWs. In its role, the Foreign Office dealt with most POW matters through the Consular (War) Department, eventually becoming the Prisoner of War Department.³² Though the War Office and Foreign Office worked well together on POW matters, disputes regarding authority would arise between them, especially in the face of public criticism as to who would be held responsible for a particular action that had been taken.³³ One main problem that both departments could agree on was the constant input or interference from other

²⁶ Wylie, *Barbed Wire Diplomacy*, 66-67.

²⁷ Arieh Kochavi, *Confronting Captivity: Britain and the United States and Their POWs in Nazi Germany* (United States of America: The University of North Carolina Press, 2005), 18.

²⁸ Rolf, 'Blind Bureaucracy', 54.

²⁹ Kochavi, *Confronting Captivity*, 18.

³⁰ Harold Satow and J Sée, *The Work of the Prisoners of War Department during the Second World War* (London: Foreign Office, 1950), 6.

³¹ James Crossland, *Britain and the International Committee of the Red Cross, 1939-1945* (New York: Palgrave Macmillan, 2014), 62.

³² Bob Moore, and Kent Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947* (New York: Palgrave, 2002), 16.

³³ Kochavi, *Confronting Captivity*, 18.

government departments, which slowed down their productivity when an increase was most needed.³⁴ Although not especially interested in POW matters initially, as the war progressed, other departments, including the Admiralty and the Air Ministry, found it necessary to create specific sections or appoint special officials to deal with questions regarding their prisoners of war.³⁵

The prisoner of war problem was not only a matter that concerned the War and Foreign Offices; the issue of Italian prisoners of war was raised in the House of Commons. In July 1941, the discussion initially involved the movement of Italian prisoners from Britain to other parts of the empire. The Secretary of State for War, Viscount Henry Margesson, reiterated to the House the policy regarding prisoners captured in North Africa, announcing that the policy was “to remove these prisoners from the zone of operations as soon as possible. Under this policy, they are sent to various parts of the British Commonwealth, including India.”³⁶ Later in July, the conversation continued to include differences in treatment between Italian and German prisoners. Sir Geoffrey Mander asked Viscount Margesson whether he would give assurances regarding the equality of treatment between the enemy prisoners of war. He particularly noted the treatment of Italian prisoners of war such as Prince Amedeo, Duke of Aosta and other generals. Mander wanted confirmation that they were being treated strictly under international regulations and were not afforded any provisions other than those already existing for German prisoners. The Financial Secretary to the War Office, Duncan Sandys, responded, “Yes, Sir. There are, of course, minor differences in treatment between German and Italian prisoners. But these depend on the privileges allowed to our prisoners in Germany and Italy.”³⁷

The Dominions

As the number of military forces from across the empire grew and more imperial troops were captured, the Dominion governments and colonial authorities took a strong interest in the welfare of their POWs. As a result, the need for consultation and unity of action regarding prisoners of war also increased.³⁸ In April 1940, the British War Cabinet discussed the level of consultation it had with the Dominions. It recognised that improvements needed to be made to meet the needs of the current military situation.³⁹ For that reason, the Dominion governments were invited to send a Minister to London for consultation. Even though the meeting with the Ministers was successful, direct contact with the Prime Ministers was considered to be even more beneficial.⁴⁰ The Dominion governments

³⁴ Crossland, *Britain and the International Committee of the Red Cross, 1939-1945*, 63.

³⁵ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 167.

³⁶ Hansard, House of Commons, Volume 373, 8 July 1941.

³⁷ Hansard, House of Commons, Volume 373, 29 July 1941.

³⁸ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 7.

³⁹ TNA: DO 35/998/12, Dominion Collaboration in the war effort. War Cabinet, Consultation with the Dominions, 2 April 1940.

⁴⁰ TNA: DO 35/998/12, War Cabinet, Consultation with the Dominions, 2 April 1940.

wanted equal representation at any committee established as a joint decision-making body. Any suggestion that the power of decision should be entrusted solely to the British War Cabinet, where one or possibly two Dominion members were added, presented constitutional difficulties and a sense of favouring one Dominion over another.⁴¹ The issue of Dominion involvement in the war effort was discussed in the House of Lords on 16 October 1940, where Lord Davis argued,

Before the collapse of France there was the Supreme Allied War Council directing the Allied war effort, but when the Vichy Government capitulated these proceedings of course came to an end and the British Commonwealth was left to carry on the struggle alone. One would have thought that at that moment, or at any rate immediately afterwards, the time was opportune, and that our self-governing Dominions and India would be invited to participate directly in the prosecution of the war and in formulating our policy and strategy. If we are incapable of devising machinery at this critical juncture how can we ever bring about the growth and the consolidation of the British Commonwealth so that in [the] future it may always speak with one voice and always pursue a common policy... People cannot understand why it is that representatives of our Dominions do not sit alongside representatives of this county in the Supreme War Council or War Cabinet.⁴²

On 23 October, Prime Minister Menzies, in conversation with the British High Commission to Australia, Sir Geoffrey Whiskard, suggested that an occasional conference at which all the Dominion Prime Ministers were present would be valuable. Menzies explained that being in London full-time would not be an option. He also informed Whiskard that there was the feeling in Australia that Britain was keeping the Dominions at arm's length in the conduct of the war policy, and a meeting of the Prime Ministers would be well received. Such a meeting, Menzies suggested, would also convey the solidarity of the empire.⁴³ It was not possible for the Australian Prime Minister always to be in London to ensure Australia's interests were understood but Australia's High Commissioner and former Prime Minister, Stanley Bruce, became a member of the British War Cabinet in June 1942. However, Bruce was not invited to all meetings, because Churchill consistently made it clear that the last people he wished to share any decision-making with were representatives of the Dominions.⁴⁴

In October 1940, the Dominion governments, including Australia, did not show any interest in taking responsibility for their men in enemy hands. However, considering only a handful of Dominion servicemen and none from Australia had been captured by that time, and with most serving under British command, there was a clear argument for allowing the War Office to act on their behalf.⁴⁵ Yet

⁴¹ TNA: DO 35/998/12, Memorandum from Sir Cosmo Parkinson, Permanent Under-Secretary of State for the Dominions, 18 March 1940.

⁴² TNA: DO 35/998/12, House of Lords, Wednesday, 16 October 1940, Supreme War Council, Lord Davis, 500-501.

⁴³ TNA: DO 35/998/12, Telegram from United Kingdom High Commissioner in the Commonwealth of Australia, 23 October 1940.

⁴⁴ Peter Geoffrey Edwards, *Prime Ministers and Diplomats: The Making of Australian Foreign Policy, 1901-1949* (Melbourne: Oxford University Press, 1983), 115-116.

⁴⁵ Wylie, *Barbed Wire Diplomacy*, 191.

as the war moved on and more Dominion troops were captured, the Dominions began putting pressure on the British government for a greater voice in policymaking regarding their prisoners.

As previously mentioned, British authorities believed that the solution to solving any problems relating to the united POW policy would be to appoint Liaison Officers from the Directorate of Prisoners of War. They would be located in the Dominions to be a personal contact between Britain and the Dominion governments.⁴⁶ It was thought that a Liaison Officer would achieve better coordination of POW policy rather than a cabled set of uniform rules, which had the potential to be interpreted differently depending on the Dominion government's national interest.⁴⁷ However, in 1941 it became increasingly evident that better coordination between government departments involved in the management of POWs was required. As a result, on 30 April 1941, the Inter-Governmental Prisoners of War Committee was set up.⁴⁸ In May 1941, the terms of reference for the two sub-committees of the committee were discussed. Sub-Committee A would "consider such questions affecting policy and general administration of prisoners of war, as concerned more than one government within the Empire, with a view to avoiding undesirable difference of treatment."⁴⁹ On the other hand, Sub-Committee B was to work through the financial questions regarding the administration of prisoners of war.⁵⁰ Nonetheless, it was 24 June 1941 before the first meeting was held. During the meeting, it was agreed that a monthly summary discussing the situation of POWs should be distributed to members for the benefit of the Dominion governments. It was also decided that a meeting of the committee would be held monthly or as required.⁵¹ By the end of 1941, the committee's name was changed to the Imperial Prisoners of War Committee (IPWC).⁵² Members of the IPWC included the United Kingdom Secretary of State for War, Viscount Henry Margesson as Chairman, the High Commissioners of Australia (Stanley Bruce), New Zealand (William Jordan), Canada (Vincent Massey) and South Africa (Sidney Waterson), and a representative of the Secretary of State for India (Leo Amery).⁵³

The first meeting of the newly named IPWC took place on 5 November 1941. At the meeting, the chairman reminded the committee that "the treatment of POWs was always likely to assume

⁴⁶ TNA: DO 35/997/10 Prisoners of War and the Red Cross, 1940-1942. Minutes of Correspondence Held in Hobart House, 15 January 1941.

⁴⁷ TNA: DO 35/997/10 Minutes of Correspondence Held in Hobart House, 15 January 1941.

⁴⁸ Kochavi, *Confronting Captivity*, 18-19.

⁴⁹ TNA: DO 35/997/10 Inter-Governmental Committee, 31 May 1941.

⁵⁰ TNA: DO 35/997/10 Inter-Governmental Committee, 31 May 1941.

⁵¹ NAA: A981 TRE 745 Treaties Red Cross – Inter-Governmental Committee 1941. Memorandum from Australia House, London to Prime Minister's Department, 23 July 1941.

⁵² TNA: DO 35/997/10 Inter-Governmental Committee, 31 May 1941.

⁵³ AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951 Vol. 2 Part IV. Australian Prisoners of War, 281.

political importance and cause a great deal of feeling if things went wrong.”⁵⁴ In his view, the committee could perform an essential administrative function regarding prisoners of war by discussing the broader questions of policy. Despite Churchill’s objections to involving the Dominions in wartime policy decisions, it was necessary for the British government and the High Commissioners to remain in close contact on all questions of policy concerning POWs to ensure that particular standards of uniformity were preserved throughout the empire.⁵⁵ During the meeting, Major Wheeler representing Australia’s High Commissioner raised the need for close cooperation between Dominion governments and the Foreign Office.⁵⁶ Wheeler continued that the High Commissioner’s Office often found it difficult to establish contact with the right person at the War Office. He suggested that the High Commissioners’ representatives be provided with a document that indicated the War Office departments they would be dealing with and the officials in charge of those sections.⁵⁷ Although Australia had a representative on the committee along with the other Dominions, having a representative did not necessarily guarantee that Australia would have any influence over POW policy. However, the committee did agree at the end of the first meeting that it would be helpful to hold meetings from time to time to ensure that the governments concerned were kept in close touch on the broader issue of policy matters relating to prisoners of war.⁵⁸ Increasingly, however, Australian representatives of the IPWC took a back seat in debates on European issues, preferring to reserve their efforts for questions relating to their interests and events closer to home.⁵⁹

Unfortunately for the POWs and the prisoner of war departments, Churchill seemed to enjoy the tit-for-tat battles with Hitler over POW matters.⁶⁰ As a result of Churchill’s attitude, the British government took a tough position and was generally reluctant to compromise on matters relating to POWs, which at times affected how well the IPOWC system was able to operate. It was evident from Britain’s attitude that Australia would need to take a greater interest in the specifics of the POW policy currently being employed. For that reason, any proposals originated by the committee were referred to the Australian government through the Australian High Commissioner’s Office in London for approval.⁶¹ Consequently, any changes to the ‘joint’ principle would rely on the Dominion governments being persuaded to grant their representatives on the IPOWC the necessary authority to make changes

⁵⁴ TNA: WO 163/152 Imperial Prisoner of War Committee – War Office and Ministry of Defence and Predecessors 1 November 1941 – 28 February 1943. First Committee Meeting 5 November 1941.

⁵⁵ TNA: WO 163/152 First Committee Meeting 5 November 1941.

⁵⁶ TNA: WO 163/152 First Committee Meeting 5 November 1941.

⁵⁷ TNA: WO 163/152 First Committee Meeting 5 November 1941.

⁵⁸ TNA: WO 163/152 First Committee Meeting 5 November 1941, 10.

⁵⁹ Wylie, *Barbed Wire Diplomacy*, 195-196.

⁶⁰ Wylie, *Barbed Wire Diplomacy*, 208.

⁶¹ AWM: 54 780/1/6 Vol. 2 Part IV. Australian Prisoners of War, 281.

on behalf of their government to the POW policymaking procedure to allow the system to work.⁶² This was considered one of the main weaknesses of the committee by the Prisoners of War Department, as some Dominion representatives were never given sufficient authority to act by their governments. As in Australia's case, they had to refer matters to their government, which at times was slow to reply, seriously delaying any progress.⁶³ However, Crossland argues, because the committee only met three times during the war, the IPOWC "was a complete flop", and in reality, the handling of any matters relating to POWs remained firmly with the War and Foreign Offices.⁶⁴

Australia and its International Obligations

As an independent signatory to the Geneva Convention, Australia was accountable under the convention for the treatment and safe detention of enemy prisoners. While Australia and the other Dominions adopted Britain's POW policy to create a sense of unity, the Prime Minister and the War Cabinet recognised they had a specific duty to safeguard the interests of Australian prisoners of war, and a broader obligation to take an interest in general policy matters in connection with POWs.⁶⁵ In accordance with this acknowledgement, a number of departments were made responsible for various administrative actions required by the government regarding prisoners of war. For example, the Department of External Affairs became the main point of communication between the Commonwealth government, the British government, and the other Dominion governments and Allied nations. For their part, the Navy, Army and Air Force Departments dealt with any problems concerning prisoners of war from their own service, with the Department of Army overseeing any necessary coordination.⁶⁶

Early in the war, even before the first Australian had been captured in North Africa, the Australian government agreed at a War Cabinet meeting in June 1940 to receive internees and POWs that were currently detained in Britain.⁶⁷ However, once Australian troops began to be taken as prisoners of war, Neville Wylie argues, Australian authorities came to hold a more watchful eye over POW policymaking, particularly once Australia actually began to receive prisoners of war. This was partly because of Australia's misgivings over Whitehall's handling of POW matters and, to some extent, out of a desire to develop their own distinct humanitarian agenda.⁶⁸ Consequently, the question regarding foreign policy raised in parliament in November 1940 by William McCall MP was even more

⁶² Wylie, *Barbed Wire Diplomacy*, 208.

⁶³ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 168.

⁶⁴ Crossland, *Britain and the International Committee of the Red Cross, 1939-1945*, 79.

⁶⁵ AMW: 54 779/1/23 Australia Prisoners of War – Government Responsibilities, 1944-45.

⁶⁶ AMW: 54 779/1/23 Australia Prisoners of War – Government Responsibilities, 1944-45.

⁶⁷ NAA: MP 729/6 63/402/41. Internment of Italian Prisoners of War. War Cabinet Agendum, 157/1940, 4 July 1940.

⁶⁸ Wylie, *Barbed Wire Diplomacy*, 5.

significant. He asked if Australia was exerting enough influence on empire foreign policy or whether the government was “merely endorsing decisions made by Downing Street?”⁶⁹ This question introduced to parliament for the first time the issue of independence in Australian wartime policy that would continue to be a point of discussion throughout the war, especially regarding Australia’s ability to influence POW policy.

To help manage the POW issue, the Australian government established the Directorate of Prisoners of War and Internees (DWPI). Until July 1941, the directorate operated in two sections, one for prisoners of war and the other for civilian internees. Then, in June 1942, it was suggested that the Prisoner of War section be re-organised and separated into two distinct groups to administer the prisoners of war – one dealing with Australian prisoners of war and the other for enemy POWs.⁷⁰ Part of the directorate’s responsibilities was to liaise with the Department of External Affairs, other Commonwealth Departments, and the British government departments involved with POW management.⁷¹ The DWPI was aware of the issues faced by the United Kingdom during World War I, so it was decided early in the war that it would be responsible for protecting the welfare and interests of Australian prisoners of war held by the enemy. The directorate also recognised that belligerents were inclined to impose retaliation measures against prisoners in their hands. As such, when framing the rules for the treatment of enemy prisoners of war, it was deemed necessary to consider how the enforcement of policy might affect Australian prisoners of war.⁷²

While the Australian government wanted greater input into the POW policy being developed in the United Kingdom, it informed British authorities in July 1941 that it did not predict any difference of opinion regarding policy matters. Australia fully understood the advantage of having a standard approach to the treatment of enemy POWs throughout Britain and the Dominions. Nonetheless, it informed Britain that Australia “must necessarily retain [the] right to a final decision in these matters if the interests of Australian prisoners of war are likely to be directly and adversely affected.”⁷³ Notwithstanding this caveat, Australia was keen to ensure that any differences would be limited. As a result, the Australian government authorised Britain to make Australia a party to any reciprocal arrangements made by Britain in the future with enemy governments, meaning that the British

⁶⁹ Hansard, House of Representatives, No. 47, Sixteenth Parliament, First Session – First Period, 21 November 1940.

⁷⁰ NAA: A7711 History: Report on the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne, 1939-1951: Volume 1 and Volume 2. Introduction, Responsibilities and Organisation of the Directorate of Prisoners of War and Internees, 3.

⁷¹ AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951. Vol 1.

⁷² AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees, Vol. 1 Introduction.

⁷³ NAA: A1608 A20/1/1 Part 1 Cablegram Prime Minister’s Department to High Commissioner’s Office London, 22 July 1941.

government was placed in the position of acting as an authorised agent for Australia in all POW matters. At the same time, Britain did formally recognise Australia's status as a signatory to the Geneva Convention and all it represented.⁷⁴ With Britain acting on behalf of the Australian government on issues relating to its prisoners of war, Minister for Army Percy Spender sought to reassure the Australian parliament in September 1941 that "the Commonwealth Government regards the welfare of Australian prisoners of war as of the greatest importance, and is giving constant consideration to all matters affecting their interests."⁷⁵

The Curtin Era

The Menzies Coalition Government won the Federal election held in September 1940 with a two-seat majority, but due to tensions within his party, Menzies stepped down in August 1941.⁷⁶ As a result, Country Party leader Arthur Fadden became Prime Minister, however, he soon lost control of the House.⁷⁷ Due to the issues within the Coalition, Labor leader John Curtin was sworn in as Prime Minister on October 7, 1941.⁷⁸ Australia now had a government with a different attitude toward its role in the war. Under a Labor government, Australia was prepared to take a more independent approach than its conservative predecessors. As David Day explains, the change to a more Australia first government was more ready to recognise the distinction between Australian and British interests.⁷⁹ As a result, throughout 1941, Australia's strategic and political thinking was increasingly governed by a preoccupation with the looming danger of Japan. Although Axis forces had already captured many Australians in Europe and North Africa, Canberra always considered POW issues in relation to events much closer to home.⁸⁰ Consequently, as Neville Wylie suggests, the opening of the war in the Pacific strengthened Canberra's attitudes and independence on the issue of captivity.⁸¹

When the conscription issue was raised again in December 1941, *The Bulletin* reported that Australia and the Curtin government stood firm, making Australia the only allied country refusing to compel men to fight outside its territory.⁸² Curtin had a history of opposing conscription; he stood against conscription during the First World War, was recruited by the national executive of the trade

⁷⁴ NAA: A1608 A20/1/1 Part 1 Cablegram Prime Minister's Department to High Commissioner's Office London, 22 July 1941.

⁷⁵ Hansard, House of Representatives, No. 38, Sixteenth Parliament, First Session – Fourth Period, 18 September 1941, 358.

⁷⁶ Parliament of Australia, Federal Election Results, 1901-2016 <https://www.aph.gov.au/> accessed online 6 April 2022.

⁷⁷ Parliament of Australia, Federal Election Results, 1901-2016 <https://www.aph.gov.au/> accessed online 6 April 2022.

⁷⁸ Geoffrey Serle, 'Curtin, John (1885-1945)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <https://abd.anu.edu.au/biography/curtin-john-9885/text17495>, published first in hardcopy 1993, accessed online 28 March 2022.

⁷⁹ David Day, "Loosening the Bonds Britain, Australia and the Second World War". *History Today* (Feb 1988):13.

⁸⁰ Wylie, *Barbed Wire Diplomacy*, 195.

⁸¹ Wylie, *Barbed Wire Diplomacy*, 195.

⁸² "Conscription the Issue," *The Bulletin*, 3 December 1941.



Figure 3 All out of step but Jack, “Britain, the U.S.S.R, the U.S.A and Maoriland have conscripted, and Britain is about to call up all able-bodied men and women for war work.”⁸³

union anti-conscription committee in 1916 and refused to register for military training.⁸⁴ The bitter referendum during the First World War split the Labor Party and caused significant divisions within Australian society; therefore, the only option for the Australian government was to limit the forces sent overseas to volunteers.⁸⁵ As a result, Australia maintained two armies the Australian Imperial Force, an all volunteer force raised for service anywhere, and the Citizen Military Forces, a part-time militia of civilian volunteers only for home defence, which included the Australian territory of Papua.⁸⁶ The issue itself did not have any international diplomatic implications that would affect Australia’s relationship with belligerent governments or directly affect Australian POW policy. However, it illustrated Curtin’s attitude toward national security, implementing a policy in the national interest, even at the risk of upsetting the relationship between Britain, Australia, and the other Allies.

Curtin’s more independent position regarding the Japanese threat in the Pacific posed a problem for Britain, because it had the potential to undermine Churchill’s ‘defeat Hitler first’ policy by

⁸³ “All out of step but Jack, Britain, the U.S.S.R, the U.S.A and Maoriland have conscripted, and Britain is about to call up all able-bodied men and women for war work” *The Bulletin*, 3 December 1941.

⁸⁴ John Edwards, *John Curtin’s War, Vol. 1* (Melbourne: Penguin Random House Australia, 2017), 23.

⁸⁵ Joan Beaumont, “Australia’s war: Europe and the Middle East,” in *Australia’s War 1939-1945*, ed Joan Beaumont (St Leonards: Allen & Unwin, 1996), 5.

⁸⁶ Frank Bongiorno, *Dreamers and Schemers: A political history of Australia* (Collingwood: La Trobe University Press, 2022), 190.

diverting the United States' attention away from the war in Europe.⁸⁷ As a result of the worsening relationship with the United Kingdom, the evident failure of the arrangements of imperial defence and the risk posed by the rapidly advancing Japanese, Curtin spoke openly of Australia's need to reposition its relationship with the United States.⁸⁸ On 27 December, Curtin addressed a New Year's message to the Australian people. Titled "The Task Ahead," the precisely worded statement ensured that it would be heard far from Australian shores. The article stated, "Australia looks to America, free of any pangs as to our traditional links or kinship with the United Kingdom."⁸⁹ Churchill was in Washington when he received news of Curtin's message. Not surprisingly, he reacted furiously.⁹⁰ While London felt Australia was overdramatising the threat in the Pacific, Day argues that the Australian government had come to the shocking realisation that London saw Australia as an expendable outpost.⁹¹ It was clear that even though it was part of the empire, which Australia thought would protect it, in reality, the alliance would not secure the safety of Australia as the Japanese rapidly moved through Asia. In this context, looking to the United States for security was hardly surprising.⁹²



Figure 3.1 "Long-Distance Thinking."⁹³

Curtin repeatedly called for a more even-handed approach to the organisation of the war effort and a greater allocation of resources to the Pacific. Churchill, however, thought these requests were

⁸⁷ Richard Campbell, "Australia's Second World War Strategic Alliances", *Australian Defence Force Journal*, no. 170 (2006): 41.

⁸⁸ Campbell, "Australia's Second World War Strategic Alliances", 41.

⁸⁹ John Curtin, "The Task Ahead," *The Herald* (Melbourne), December 27, 1941.

⁹⁰ Day, "Loosening the Bonds Britain", 16.

⁹¹ Day, "Loosening the Bonds Britain", 16.

⁹² John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, Inc, 2014), 33.

⁹³ "Long-Distance Thinking," *The Daily Telegraph* (NSW), 12 February 1942.

disproportionate to the threat being faced by Australia.⁹⁴ When the Japanese swept down the Malay Peninsula, capturing Singapore on 15 February 1942, as David Lowe argues, it was difficult to overestimate the shock in Australia.⁹⁵ Newspapers around the country reported that Curtin had described the fall of Singapore as “Australia’s Dunkirk”, opening the “Battle for Australia” in the same way that the evacuation of Dunkirk preceded the Battle of Britain.⁹⁶ The fall of Singapore highlighted to the Australian government the consequences of relying on Britain for its security and exposed Britain’s attitude toward the Japanese threat to Australia. It also revealed the issues in following British wartime policies that would have an effect on Australia’s security and Australia’s ability to act independently of Britain in Australia’s national interest.⁹⁷

With the fall of Singapore, the war in the Pacific intensified, and Australia had become the main Allied base for the war against Japan.⁹⁸ Understandably, the expansion of the war into the Far East forced the problem of POW captivity higher up Australia’s political agenda. The Australian government not only wanted greater control over general war matters but it also wanted a greater voice in the management of prisoners of war. Due to events in the Pacific in 1942, there was a rapid shift in the attitude of the Australian and New Zealand governments regarding POW matters in Europe. The change in view was framed by the need to influence policy that might affect the safety of their nationals in Japanese hands.⁹⁹ As a result, Whitehall could no longer presume it would automatically receive the same level of support for its actions concerning prisoners of war as before. Understanding that the Australian government was now focused on the war in the Pacific, in 1942, the War Office, too, changed its approach toward POW policy. It expressed the need for the Dominion governments to adhere to British policy regarding any matters of prisoner of war treatment, because any actions taken against enemy prisoners in the Dominions were likely to have repercussions on British prisoners of war.¹⁰⁰

The War Office clearly understood that even though the Dominion governments were signatories to the Geneva Convention, the enemy governments would hold Britain responsible for the treatment of enemy prisoners of war evacuated by Britain to the Dominions and not the Dominion

⁹⁴ Campbell, “Australia’s Second World War Strategic Alliances”, 41.

⁹⁵ David Lowe, *Australia and the world*. In Joan Beaumont (eds) *Australia’s War, 1939-1945*, pp. 162–186 (St Leonards: Allen & Unwin Ltd, 1996), 165.

⁹⁶ “Singapore, “Australia’s Dunkirk,” *Sydney Morning Herald*, February 17, 1942., “Australia’s Dunkirk,” *Daily Examiner*, Grafton, February 17, 1942. There are a number of examples of newspapers across the country that reported the story.

⁹⁷ David Day, *The great betrayal: Britain, Australia and the onset of the Pacific War 1939-42* (New South Wales: Angus and Robertson Publishers, 1988), 47.

⁹⁸ T. B. Millar, *Australia in peace and war: external relations since 1788* (2nd ed) (New South Wales: Maxwell Macmillan Publishing Australia Pty Ltd, 1991), 110.

⁹⁹ Wylie, *Barbed Wire Diplomacy*, 126.

¹⁰⁰ TNA: DO 35/996/3, Dominions Office and Commonwealth Relations Office: Original correspondence, 1940-1942. Travel and nationality. Internees and prisoners of war Australia. Letter from War Office, from G Roseway to John Moylan, 30 January 1942.

governments. Any cause for complaint from prisoners in Dominion-managed POW camps may lead to reprisals against British prisoners in enemy hands.¹⁰¹ The War Office was also anxious that enemy governments would not be in a position to play any part of the British Commonwealth off against the other. On the other hand, it also recognised that the Dominions were independent and separate signatories to the POW convention. From that viewpoint, the Dominion governments should take responsibility for any decisions regarding POWs,

...I think the position might therefore be fairly described as follows. Whilst recognising the right of a Dominion Government to decide its obligations under the International Conventions signed by it, the United Kingdom Government cannot divest itself of responsibility vis-à-vis the enemy Governments, for the treatment of enemy prisoners of war sent by that government to the Dominions. It, therefore, expects its views regarding the treatment of prisoners sent to a Dominion/Government, unless for very serious reasons the latter government was constrained to do otherwise. The War Office for its part would not expect any difficulty to arise where friendly discussion would not produce agreement. I may say that our experience confirms this expectation...¹⁰²

Even though Australia wanted greater input in relation to policymaking, the Curtin and Chifley governments did not want to end Australia's imperial bond with Britain. Instead, as Christopher Waters argues, they wanted the relationship redefined.¹⁰³ The relationship between Britain, Australia, and the other Dominions was vitally important to the overall running of the war and the issues that arose regarding prisoners of war. As a result, the Curtin government set about repairing the relationship with Britain after the strain of early 1942. Australia had left the 9th division in the Middle East, and members of the Air Force remained part of the offensive over Europe.¹⁰⁴ Frank Bongiorno explains that although the disagreements between Britain and Australia have become part of Australia's memory, in reality, the supposed break with the empire in 1942 was not what it seemed, and Australia still considered the United Kingdom as more than just a partner but as Dr Herbert Evatt wrote in *The Times* members of the same family.¹⁰⁵ Nonetheless, for Australia to become more independent in policymaking, the Australian government would need to pass the remaining articles of the 1931 Statute of Westminster. By adopting the last remaining articles, any British legislation that applied to Australia could be abolished or altered (see Chapter 1), including that pertaining to POW policy.

While the Lyons government had raised the issue during the interwar period, the Bill had not passed parliament, and thereafter there had been no clear urgency to re-examine the matter until 1942.¹⁰⁶ The issue for the Australian government was whether it could exercise legislative power within

¹⁰¹ TNA: DO 35/996/3, Letter from War Office, from G Roseway to John Moylan, 30 January 1942.

¹⁰² TNA: DO 35/996/3, Letter from War Office, from G Roseway to John Moylan, 30 January 1942.

¹⁰³ Waters, "Australia, the British Empire and the Second World War," 101.

¹⁰⁴ Frank Bongiorno, *Dreamers and Schemers: A political history of Australia* (Collingwood: La Trobe University Press, 2022), 192.

¹⁰⁵ Bongiorno, *Dreamers and Schemers*, 192.

¹⁰⁶ Gavin Souter, *Lion and Kangaroo: the initiation of Australia* (Melbourne: The Text Publishing Company, 2000), 407.

Australia free from external control.¹⁰⁷ While Australia was able to assert its position regarding matters of wartime policy, it remained dependent on the authority of British parliament.¹⁰⁸ With wartime pressures in the background, Attorney-General and Minister for External Affairs Dr Evatt successfully introduced the adoption bill for the Statute of Westminster in October 1942.¹⁰⁹ Although there was intense debate surrounding the adoption of the statute, it was passed by the Senate on 9 October. It was then returned to the House of Representatives unchanged by the Senate and was ratified by the Australian Parliament on 9 October 1942.¹¹⁰ Crucially, the statute was backdated to September 1939, which meant that any wartime policies from that date would now not apply to Australia unless it chose to support it.¹¹¹ Although the Statute of Westminster did not mention the word ‘independence’ within the document,¹¹² the adoption and ratification of the Statute of Westminster established beyond doubt that Australia could pursue independent international diplomacy and would be able to act as a sovereign nation distinctly separate from Britain. As Allan Gyngell argues, it was in 1942 that the story of enduring Australian independence really began.¹¹³ At the same time, Christopher Waters asserts that the word “independence” can only be applied in a strict legal sense rather than in relation to Australian society more broadly, where an allegiance to the British Empire continued.¹¹⁴

Under the Menzies government, Australia’s military and economic resources were initially focused on the war in Europe. However, a change in government and the escalation of the war in the Pacific meant that Australia’s independent position relating to the fate of its prisoners of war developed as the Australian government grew increasingly concerned about atrocities against Australian POWs when they fell into Japanese hands.¹¹⁵ Even though Australia had gained independence from British policymaking through the adoption of the Statute of Westminster, the war for the Dominions was still ostensibly managed under the umbrella of the United Kingdom. A completely different POW policy would risk undermining the united front displayed by Britain, Australia, and the Dominions, which could affect the treatment of Australia’s POWs in enemy hands. Australia, nonetheless, demanded

¹⁰⁷ David Clark, “Cautious Constitutionalism: Commonwealth legislative independence and the Statute of Westminster 1931-1942,” *Macquarie Law Journal*, 16 (2016): 43.

¹⁰⁸ Clark, “Cautious Constitutionalism: Commonwealth legislative independence and the Statute of Westminster 1931-1942,” 43.

¹⁰⁹ Hansard, House of Representatives, No. 40, Sixteenth Parliament, First Session – Seventh Period, 1 October 1942.

¹¹⁰ Hansard, Senate, No. 41, Sixteenth Parliament, First Session – Seventh Period, 9 October 1942, 1551-1569., Hansard, House of Representatives, No. 41, Sixteenth Parliament, First Session – Seventh Period, 9 October 1942, 1611.

¹¹¹ Allan Gyngell, *Fear of Abandonment: Australia in the World since 1942* (Carlton: La Trobe University in conjunction with Black Inc, 2017), 10.

¹¹² Statue of Westminster 1931 www.legislation.gov.uk cited 8 May 2023.

¹¹³ Gyngell, *Fear of Abandonment*, 10.

¹¹⁴ Christopher Waters, “Conflict with Britain in the 1940s,” in *Australia and the end of empires: The impact of decolonisation in Australia's Near North, 1945-65*, ed David Lowe (Geelong: Deakin University Press, 1996), 72.

¹¹⁵ Wylie, *Barbed Wire Diplomacy*, 195.

greater consultation regarding its prisoners of war, and it would exercise that demand increasingly as the war continued.

Relationship with Italy

Australia's wartime relationship with Italy was largely managed by British authorities, and this extended to discussions regarding the treatment of Australian prisoners of war. However, to better understand Australia's evolving relationship with Italy during the war, it is necessary to realise that the bilateral relationship between the two countries was a long-standing one that predated Australian Federation. Between 1883 and 1940, Italian migrants' rights were legally categorised as equivalent to those of British subjects in Australia, whether naturalised or not. Under international law, the Italians in Australia were protected by *The Treaty of Commerce and Navigation between the United Kingdom of Great Britain and Ireland and Italy, and Protocol*, Rome 15 June 1883.¹¹⁶ Catherine Dewhurst argues that the treaty officially lasted until 1947, despite some confusion about whether it was in operation during the Second World War.¹¹⁷ There was no confusion about the treaty issue in parliament in November 1941. Dr Herbert Evatt, responding to questions regarding the treaty asked by Maurice Blackburn, which made Australia's position regarding the treaty quite clear, stating,

After the outbreak of war with Italy the Treaty ceased to be effective. Whether it is annulled or merely suspended is a question of international law on which opinions may possibly differ... In any event, the Treaty has no operation during the war and the Commonwealth Government will take care to see that in the Treaty of peace, the interests of Australian citizens are fully safeguarded in relation to the Treaty.¹¹⁸

The treaty remained suspended for the entirety of the war and was formally ended six months after the 1947 Peace Treaty because the Chifley government decided not to reinstate it.¹¹⁹

During the interwar years, the Italian government operated under the principle that Australia was an independent sovereign country for diplomatic purposes.¹²⁰ The Italian Consul-General in Australia, Antonio Grossardi, believed Australia's connection with the United Kingdom to be conditional and approached his diplomatic relationship with Australia with this in mind.¹²¹ Grossardi's theory provided the Italian government with the possibility of connecting with Australia without British

¹¹⁶ Catherine Dewhurst, "The Anglo-Italian Treaty: Australia's imperial obligations to Italian migrants, 1883–1940." Gianfranco Cresciani and Bruno Mascitelli (eds) *Italy and Australia: an asymmetrical relationship*, pp. 81–113 (Ballarat: Connor Court Publishing Pty Ltd, 2014), 81., Australian Treaty Series, Department of Foreign Affairs and Trade Canberra, Treaty of Commerce and Navigation between the United Kingdom of Great Britain and Ireland and Italy, and Protocol, Rome, 15 June 1883 <http://www.austlii.edu.au/au/other/dfat/treaties/1901/65.html> accessed 22 March 2022.

¹¹⁷ Dewhurst, "The Anglo-Italian Treaty", 86.

¹¹⁸ Hansard, House of Representatives, No. 47, Sixteenth Parliament, First Session – Fifth Period, 21 November 1941, 769.

¹¹⁹ Dewhurst, "The Anglo-Italian Treaty", 86.

¹²⁰ Gerardo Papalia. "Mussolini's Australian Campaign of 1935-1936." Gianfranco Cresciani and Bruno Mascitelli (eds) *Italy and Australia: an asymmetrical relationship*, pp. 145–175 (Ballarat: Connor Court Publishing Pty Ltd, 2014), 150.

¹²¹ Papalia, "Mussolini's Australian Campaign of 1935-1936", 150.

interference. This approach could have been considered hostile by Whitehall, and yet at the same time, it showed an acute understanding that Australian and British interests did not automatically align. Gerardo Papalia has argued that this approach to the diplomatic relationship placed Australia in the still new position of explaining its policy decisions to the Italian government without hiding behind British policy decisions.¹²²

In early 1935 Mussolini joined the Stresa Front along with Britain and France to stand against German rearmament.¹²³ However, later in October 1935, Italy violated the League of Nations Covenant with its invasion of Abyssinia, which led Australia to pass the 1935 Sanctions Act in November.¹²⁴ In doing so, the Australian government followed the advice of the League of Nations and placed trade sanctions on Italy, however, the sanctions Australia put in place were relatively soft and were in place for less than a year.¹²⁵ Then in 1938, Italy sought acknowledgement from Britain on the subject of the Anglo-Italian Agreement and its status in Abyssinia. Secretary of State for Foreign Affairs, Viscount Halifax, Edward Wood informed Cabinet on 21 October 1938,

The longer the Anglo-Italian Agreement remains inoperative, the more closely Rome becomes bound to Berlin...It is probably our last chance of bringing the Agreement into force and resuming our former relationship with Italy. If we fail to take this change, Signor Mussolini will argue that we do not mean business and will probably be forced into a military alliance with Germany, thus finding himself condemned to complete vassalage.¹²⁶

Once the Australian government understood the position of the British government, Prime Minister Lyons communicated the outcome of the British Cabinet meeting to Parliament in November 1938,

The United Kingdom proposed to take the necessary steps to bring into operation the Anglo-Italian Agreement, which was signed last April. I also stated that the Commonwealth Government had been in touch with the British government on this subject and had expressed the view that the sooner the agreement was implemented the better it would be for both Great Britain and Italy, and probably for the general peace of the world...this government has now received advice that the British Ambassador at Rome, Lord Perth, will today hand to the Italian Foreign Minister, Count Ciano, new letters of credence accrediting the Ambassador to the King of Italy, Emperor of Ethiopia...So far as the Commonwealth of Australia is concerned, the British Ambassador has been requested to inform the Italian government that the Commonwealth Government will accord *de jure* recognition of the incorporation of Abyssinia into the Royal Italian Empire.¹²⁷

In 1938, Italy produced a document titled the *Italian War and Neutrality Laws*. A copy was translated and sent to Viscount Halifax at the Foreign Office by the British Ambassador in Rome, the

¹²² Papalia, "Mussolini's Australian Campaign of 1935-1936", 150.

¹²³ Richard Thurlow, *Fascism* (Cambridge: Cambridge University Press, 2000), 34.

¹²⁴ Hansard, House of Representatives, No. 45, Fourteenth Parliament, First Session – Third Period, 7 November 1935.

¹²⁵ Dewhurst, "The Anglo-Italian Treaty", 86.

¹²⁶ TNA: CAB 24/279/31 Cabinet, The Anglo-Italian Agreement, 21 October 1938.

¹²⁷ Hansard, House of Representatives, No. 46, Fifteenth Parliament, First Session – Second Period, 16 November 1938.

Earl of Perth James Drummond.¹²⁸ Among other issues, the document discussed the role Italy would take in a time of war and its position on neutrality. It also made specific reference to the matter of prisoners of war, adopting the expression “prisoners of war: hostages,” which led to the suspicion that Italy would consider prisoners of war and hostages to be the same in any future hostilities.¹²⁹ On the other hand, the document suggested that the Italian government was ready to treat prisoners following the Geneva Convention, “Prisoners of war will be treated in accordance with the relative international conventions.”¹³⁰ More importantly, Article 101 explained,

A measure will be issued by the Head of the Government containing the regulations regarding the formation and function of offices to provide assistance and information for prisoners of war and to regulate relations between prisoners and foreign countries.¹³¹

Despite attempting to ease the strained relationship between Hitler, Britain and most European countries, Mussolini signed the Pact of Steel with Hitler in 1939.¹³² Australia was thereafter quite aware that Italy would side against the Allies if it entered the war. Accordingly, Australia considered measures to neutralise the possible military danger Italians in Australia might pose.¹³³ Given the Australian and Italian interwar drift into separate camps, even before Italy joined the war in 1940, the relationship between Italy and Australia had become difficult.¹³⁴ Consequently, when Italy did enter the war, there was an instant change in Australian-Italy relations.¹³⁵ By the end of June 1940, all the Italian consular staff had left Australia for Japan.¹³⁶

A month after Italy entered the war, Lord Halifax communicated to Rome Britain’s position concerning the Geneva Convention. Though Britain was aware that Italy had acknowledged the use of relevant conventions in the *Italian War and Neutrality Laws*, Britain still sought formal agreement. Yet, it was December 1940 before Britain, and as a result, Australia received notification of Italy’s intentions toward the Geneva Convention.¹³⁷ This was because the Italian government had reservations regarding several articles of the convention, with Italian authorities instructing the United States Embassy in Rome to inform Britain that they required a number of articles to be negotiated and would await the

¹²⁸ TNA: FO 916/2597/4 Foreign Office: Consular (War) Department, later Prisoners of War Department. Welfare of Australians in Italy. Translation of Italian War and Neutrality Laws, 31 December 1938.

¹²⁹ TNA: FO 916/2597/4 Translation of Italian War and Neutrality Laws, 31 December 1938, Article 99, 46.

¹³⁰ TNA: FO 916/2597/4 Translation of Italian War and Neutrality Laws, 31 December 1938, Article 101, 46.

¹³¹ TNA: FO 916/2597/4 Translation of Italian War and Neutrality Laws, 31 December 1938, Article 101, 46.

¹³² Thurlow, *Fascism*, 33.

¹³³ Gianfranco Cresciani, *Fascism, Anti-Fascism and Italians in Australia 1922-1945* (Canberra: Australian National University Press, 1980), 84-85.

¹³⁴ Cresciani, *Fascism, Anti-Fascism and Italians in Australia 1922-1945*, 84.

¹³⁵ Bruno Mascitelli, “Italy and Australia: different origins – different strategies.” Gianfranco Cresciani and Bruno Mascitelli (eds) *Italy and Australia: an asymmetrical relationship*, pp. 1–38 (Ballarat: Connor Court Publishing Pty Ltd, 2014), 9.

¹³⁶ Dewhurst, “The Anglo-Italian Treaty”, 86.

¹³⁷ NAA: A1608 A20/1/1/Part 1 American Embassy Rome to Anthony Eden Foreign Office, London, 30 December 1940.

British response before they would consider the 1929 Convention to be in force.¹³⁸ There was, for example, disagreement with the Italian government regarding Article 86, which recognised that the protecting powers would be “charged with safeguarding the interests of belligerents.”¹³⁹ Furthermore, Italy did not agree to the protecting power taking a predominant role in POW matters; instead, it favoured the Red Cross.¹⁴⁰ However, the United States, which was acting as protecting power for Britain and the Dominions, was not happy with being refused the opportunity to complete its responsibilities under the convention. As a result, they suggested that such refusal could have embarrassing repercussions for all concerned, including Italian prisoners of war held in Britain.¹⁴¹

In December 1940, the United States Embassy in Rome wrote to Anthony Eden at the Foreign Office. Included in the communication was Rome’s response to Lord Halifax’s earlier correspondence from 1 July 1940 regarding the 1929 Geneva Convention. The Italian government replied, “Italian Government considers in force [the] International Convention relative to [the] treatment of prisoners of war, signed at Geneva July 27th, 1929, without prejudice.”¹⁴² The War Office noted that while the Italian government considered the Geneva Convention in force, Italy’s comment seemed to be contradicted by their need to have reciprocal arrangements for specific articles within the convention.¹⁴³ Nevertheless, the Italian government complied with Article 77 by authorising a prisoner of war information bureau to be established by the Italian Red Cross. However, it was suggested by the Prisoners of War Department in London that the Italian Red Cross only considered its responsibilities towards the International Red Cross Committee while seeming to ignore its obligations towards the protecting power. As a result, it was late 1940 before lists of prisoners were sent to the United States Embassy in Rome.¹⁴⁴

In 1941 there was a great deal of correspondence between the Italian and British governments via the United States Embassy in Rome.¹⁴⁵ The Italian Ministry of Foreign Affairs discussed in detail the articles of the convention for which they wanted to negotiate a reciprocal arrangement, including issues of pay, especially for officers, clothing, and the number of letters that would be allowed to be sent by prisoners.¹⁴⁶ In addition, an Italian instruction pamphlet titled *Instructions re enemy prisoners of war*, dated 29

¹³⁸ TNA: FO 916/161 Italian and British Prisoners of War – reciprocal treatment, 1941. Translation from the Italian Ministry of Foreign Affairs to the United States Embassy, Rome, 10 December 1940.

¹³⁹ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 86, 957.

¹⁴⁰ TNA: FO 916/161 Letter from American Embassy, London to the Foreign Office, 7 January 1941.

¹⁴¹ TNA: FO 916/161 Letter from American Embassy, London to the Foreign Office, 7 January 1941.

¹⁴² NAA: A1608 A20/1/1/Part 1 American Embassy Rome to Anthony Eden Foreign Office, London, 30 December 1940.

¹⁴³ TNA: FO 916/161 War Office to the Foreign Office, 26 February 1941.

¹⁴⁴ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 70.

¹⁴⁵ TNA: FO 916/161 Italian and British Prisoners of War – reciprocal treatment 1941.

¹⁴⁶ TNA: FO 916/161 Italian and British Prisoners of War – reciprocal treatment 1941.

April 1941, was captured in Libya and distributed by the British government to Australia via Australia House. The pamphlet provided Italian forces with information on what was required in the treatment of prisoners of war, including protected personnel, pay, rations, clothing, laundry, and tobacco. The captured document gave the Allies an insight into how their troops would be treated if captured by the Italians.¹⁴⁷ Government censors found in mid-1942 that the Italian government was sending propaganda postcards to its prisoners in India and Australia. While the postcards were considered offensive, the British government did not contemplate any representation because it thought it might lead to reprisals on any Allied letters bearing slogans.¹⁴⁸ Nonetheless, the Controller of Postal and Telegraph Censorship recommended that this information be referred to “A” Branch and the protecting power or another appropriate channel to inform the Italian authorities that inscriptions and cards bearing inappropriate propaganda images would likely be stopped or destroyed.¹⁴⁹

While Australia and Italy had a long-standing relationship, Italy’s invasion of Abyssinia and the Australian government’s status as a signatory to the League of Nations Covenant showed that Australia would step away from the pre-Federation treaty with Italy and observe its obligations under international agreements. Furthermore, Italy’s declaration of war in June 1940 found the two countries officially on opposite sides, and with the Italian Ambassador and his staff leaving for safety in Japan, Australia would have to manage any relationship through Britain, the protecting power, the ICRC and other neutral non-government organisations.

Protecting Powers, The Vatican, and The International Committee of the Red Cross

Protecting Powers

Historical precedent and international law, in particular the 1929 Geneva Convention, anticipated that wartime negotiations over POW issues would be conducted with the involvement of protecting powers, neutral governments, and non-governmental organisations such as the International Red Cross. The role of these neutral organisations was to oversee the treatment of prisoners and ensure their humane treatment.¹⁵⁰ The Geneva Convention envisaged that the protecting power would be the primary inspector of POW camps, collector of information, and reporter of any breaches and

¹⁴⁷ AWM: 54 779/4/21 [Prisoners of War and Internees – Treatment by Enemy:] Reports by International Red Cross and Protecting Powers on conditions existing in Prisoner Of War Camps in Germany and Italy 1941-1945. Memorandum for Department of Army, Melbourne from Australia House, 22 April 1943.

¹⁴⁸ NAA: MP 508/1 255/719/146 Italian propaganda on cards to Italian prisoners of war 1942. Message Troopers London to Landforces Melbourne, 23 July 1942.

¹⁴⁹ NAA: MP 508/1 255/719/146 Minute from Controller of Postal and Telegraph Censorship, 6 June 1942.

¹⁵⁰ Moore, and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 16.

violations. Article 86 lays out the role and responsibilities of the protecting power regarding the safeguarding prisoners of war,

Representatives of the protecting power or its accepted delegates shall be permitted to go to any place, without exception, where prisoners of war are interned. They shall have access to all places occupied by prisoners and may interview them, as a general rule without witnesses, personally or through interpreters.¹⁵¹

Britain, though not particularly supportive of the practice of neutrality, acknowledged at a War Cabinet meeting in November 1939 the value of neutral governments in managing prisoners of war. The Cabinet concluded that it would be necessary to engage neutral states to act on Britain's behalf to gain information about their prisoners in enemy camps, and as a way of ensuring the treatment was humane and reciprocal, stating,

His Majesty's Government would be willing to give facilities for the accredited representatives of a Neutral Power to visit enemy prisoners of war in this country, while expressing the hope, at the same time, that the Neutral Power concerned would request the German government for similar facilities to visit British prisoners of war in Germany.¹⁵²

Even so, during the early years of the war, Britain and the Dominion governments enlisted the United States as their protecting power, however, Canada was the only Dominion to communicate directly with Washington on any problems relating to prisoners.¹⁵³ Neville Wylie suggests that the other Dominions were happy to direct any inquiries regarding their POWs through Britain using the POW Information Bureau in London, although similar bureaus were opened in their own countries in order to fulfil their obligations under the convention.¹⁵⁴

In August 1941, Australian Military authorities suggested that the protecting power be asked to obtain directly from the Italian Prisoners of War Information Bureau comprehensive lists of all Australian prisoners of war in Italian hands to be cabled straight to Australia.¹⁵⁵ This alternative method of receiving the required information rather than through British authorities was consistent with Article 77 of the convention,

The information bureau, shall immediately forward all this information to the interested Powers, through the intervention, on one hand, of the protecting powers and, on the other, of the central agency provided for in Article 79.¹⁵⁶

This innovation did not go unnoticed. Communication between the High Commissioner in London and the Prime Minister's Department highlighted that a direct approach to the protecting power was

¹⁵¹ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 86, 957.

¹⁵² TNA: CAB 65/2/24 War Cabinet, 21 November 1939.

¹⁵³ Wylie, *Barbed Wire Diplomacy*, 191.

¹⁵⁴ Wylie, *Barbed Wire Diplomacy*, 191.

¹⁵⁵ NAA: MP 508/1 255/750/187 Australian Prisoners of War in Italy, 1941-1942. Cablegram from High Commissioner's Office London to Prime Minister Department, 20 August 1941.

¹⁵⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 77, 955.

“not in accordance with the method of approach agreed to...[on] 15 July and must lead to confusion and unnecessary duplication.”¹⁵⁷ In fact, when it was suggested that the Australian legation in Washington requested the delivery of information relating to reports on POW camps in Italy directly to them, it created quite an uproar.¹⁵⁸ Even with the issues raised concerning correspondence, from 1 September 1941, the number of cables received by the Prisoners of War Information Bureau in Melbourne from the protecting power was zero. In contrast, the ICRC had sent seventy-five cables that reported 3268 names, 2,128 in Germany, 910 in Italy and 230 from North Africa now in Italy.¹⁵⁹

Against the background of shifting Australian expectations, channels of communication between the Dominion governments and the protecting power were discussed at the Imperial Prisoners of War Committee meeting in November 1941. Mr Duncan Sandys, the Financial Secretary of the War Office, was in the chair. He suggested to the committee that each Dominion would need to decide what method of communication would be in its best interests while emphasising that the British government would prefer that all representations to the protecting powers from the empire go through the same channel – Britain.¹⁶⁰ Sandys also pointed out that they could not expect the protecting powers to make themselves responsible for coordinating representations from different parts of the empire.¹⁶¹

A month after entering the war, Italy informed Britain of its nominated protecting power. Italy’s protecting power for those held captive in Australia was Japan and, in the United Kingdom, Brazil.¹⁶² Gavin Long suggests that nominating Japan as a protecting power was interesting, particularly as Japan did not proclaim itself “neutral” but instead “independent.”¹⁶³ However, when Japan entered the war in December 1941, it could no longer act as Italy’s protecting power. The Italian government needed another neutral country to act on their behalf and ensure their POWs were treated appropriately. As a result, there was a short delay before Italy engaged the Swiss Consul General (for Italian Interests) in Australia to ensure the welfare of its prisoners. The Australian government understood the delay in acquiring a new protecting power, however, it was keen to maintain its responsibilities regarding notification of the arrival of POWs. Consequently, the Department of Army

¹⁵⁷ NAA: MP 508/1 255/750/187 Cablegram from High Commissioner’s Office London to Prime Minister’s Department, 12 September 1941.

¹⁵⁸ NAA: MP 508/1 255/750/187 Cablegram Prime Minister’s Department to High Commission, London, 19 September 1941.

¹⁵⁹ NAA: MP 508/1 255/750/187 Memorandum Prisoners of War Information Bureau, Melbourne, 14 October 1941.

¹⁶⁰ TNA: WO 163/152 First Committee Meeting 5 November 1941, 7-8.

¹⁶¹ TNA: WO 163/152 First Committee Meeting 5 November 1941, 7-8.

¹⁶² NAA: A1608 A20/1/1 Part 1 Memorandum to Officer in Charge, Prisoners of War Information Bureau, 30 July 1940.

¹⁶³ Gavin Long, and Australian War Memorial. *To Benghazi*. Australia in the War of 1939-1945. Series 1, Army; v. 1 (Canberra: Australian War Memorial, 1952), 37.

informed the Department of External Affairs that any information concerning the Italian POWs should now be forwarded to the “representative in Australia for the protecting power for Italian interests (when a new appointee vice Japan has been appointed) advising him of the arrival of a party of Italian Prisoners of War who have been transferred from the Middle East.”¹⁶⁴ Equally, after the United States joined the war, it was unable to remain as protecting power for the Allies. For that reason, like the Axis powers, the Allies nominated Switzerland as their protecting power. Once Switzerland became the protecting power for the Allies, the Australian government debated whether it should be requested to arrange for lists of Australian POWs in Italian hands to be sent to Melbourne. However, it was decided that since the ICRC had already informed Melbourne and Cairo, it would be an additional burden on the protecting power that would serve no real purpose.¹⁶⁵

Visits to POW camps by the protecting power were made about once every three months. During these visits, prisoners could make complaints through the prisoner representative.¹⁶⁶ After the camp visits, reports were sent to London regarding the conditions in the POW camps in Italy. Through them, it was possible for Australian authorities to lodge a number of protests concerning the conditions, including lack of facilities and poor accommodation.¹⁶⁷ In 1942, a continuous stream of protests were made to the protecting power. Due to the number of issues raised, the British government divided the requests for intervention into urgent and less urgent matters. While bad conditions and ill-treatment were always prioritised, the protecting power noted and investigated the less serious complaints at the next camp visit.¹⁶⁸ The British government acknowledged that the protecting power was doing all it could but lacked the means of physically enforcing the terms of the Geneva Convention.¹⁶⁹ As a result, it was suggested that reprisals might be applied to enemy prisoners in British and Dominion hands. However, the Australian government felt such tactics would not improve but worsen the situation for its prisoners detained in Europe.¹⁷⁰

¹⁶⁴ NAA: A981/4 TRE 760 Part 1 Memorandum for The Secretary, Department of External Affairs from Department of Army, 23 December 1941.

¹⁶⁵ NAA: MP 508/1 255/750/187 Cablegram from High Commissioner’s Office, London to Prime Ministers Department, 8 January 1942.

¹⁶⁶ AWM 54 780/1/6A Vol. 2 Part. 4 Visits of Protecting Power Representatives, 5.

¹⁶⁷ AMW 54 779/1/23 Australia Prisoners of War – Government Responsibilities, 1944-45. Visits of protecting power representatives, 21.

¹⁶⁸ AWM: 54 779/4/21 [Prisoners of War and Internees – Treatment by Enemy:] Reports by International Red Cross and Protecting Powers on conditions existing in Prisoner Of War Camps in Germany and Italy 1941-1945. Australian Prisoners of War in Europe, Extract from Cable 4245 Dated 11 May 1942 from High Commissioner’s Office, London.

¹⁶⁹ AWM: 54 779/4/21 Australian Prisoners of War in Europe, Extract from Cable 4245 Dated 11 May 1942 from High Commissioner’s Office, London.

¹⁷⁰ AWM: 54 779/4/21 Australian Prisoners of War in Europe, Extract from Cable 4245 Dated 11 May 1942 from High Commissioner’s Office, London.

International Committee of the Red Cross

As part of its role to humanise war and ease the suffering of soldiers, the Red Cross became intimately involved in monitoring the fate of POWs.¹⁷¹ At the outset of the war, the ICRC considered its role to be a liaison between national Red Cross Societies and governments.¹⁷² Following Article 79 of the Geneva Convention, the ICRC would establish a central information agency in a neutral country. The purpose of the agency was to provide a centralised location for all information regarding prisoners of war and transmit it as quickly as possible to the prisoner's home country.¹⁷³ At the beginning of the Second World War, the ICRC started several missions. These missions were concerned with ensuring the re-establishment of a functioning Central Agency for Prisoners of War.¹⁷⁴ The ICRC considered its wartime role to have two specific categories. First, safeguarding the use of the Geneva Convention and the exchange of news and information; second, ensuring the delivery of appropriate assistance to different kinds of war victims.¹⁷⁵

Although the ICRC was separate from other neutrals, it continued to undertake humanitarian work concerning prisoners of war. For example, like the protecting power, it conducted camp visits to ensure the prisoners were treated according to the Geneva Convention. It also made sure that prisoners received their highly coveted mail and Red Cross parcels that, in many cases, provided crucial sustenance as the war went on.¹⁷⁶ Yet, in the early stages of the war, the ICRC's main achievement was instituting regular inspections of POW camps. The inspections were made possible through the reciprocal agreement of belligerents. The visits ensured that prisoners had some contact outside the POW camps, nevertheless, the ICRC did not consider the visits comprehensive and felt it could do more.¹⁷⁷ While the camps in Italy were inspected regularly by the ICRC's Rome Delegation, parcels were not always getting through, with many stolen by guards of the POW camps or considered lost in Italy's chaotic transport system.¹⁷⁸

In Australia, the International Red Cross delegate was authorised to visit camps to observe conditions and report on the state of the camps and the POWs to the ICRC in Geneva.¹⁷⁹ The problem for the ICRC was that the Vatican was also sending out lists of prisoners of war. As mentioned above,

¹⁷¹ Gerald Steinacher, *Humanitarians at War: The Red Cross in the shadow of the Holocaust* (Oxford: Oxford University Press, 2017), 8.

¹⁷² International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War (September 1, 1939 – June 30, 1947) vol. 1 General Activities* (Geneva: ICRC, 1948), 67.

¹⁷³ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 79, 956.

¹⁷⁴ Jean-Claude Favez, *The Red Cross and the Holocaust* (Cambridge: Cambridge University Press, 1999), 27.

¹⁷⁵ Favez, *The Red Cross and the Holocaust*, 27.

¹⁷⁶ NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III.

¹⁷⁷ Crossland, *Britain and the International Committee of the Red Cross, 1939-1945*, 68.

¹⁷⁸ Crossland, *Britain and the International Committee of the Red Cross, 1939-1945*, 84.

¹⁷⁹ AWM 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951 Vol. 3, appendix 3, 3.

the protecting power by October 1941 had sent no information regarding the numbers of Australian POWs in camps, and the Red Cross had sent 3,268 names. However, prior to that report, in August 1941, the Australian government was concerned that it was receiving unofficial lists of POWs from the Vatican that had sent out a list of 200 names, while the Red Cross information contained only seventy-four names. As a result of this issue, the Australian government asked the High Commissioner to make strong and urgent representations through the appropriate channels to obtain immediately from the ICRC its complete list.¹⁸⁰ After that, on 23 August 1941, the Australian government was advised that the War Office had requested information from the ICRC. The request included information regarding the source from which the names of Australian prisoners of war in Italy were obtained, the method of informing Australia, and finally, the number of names notified.¹⁸¹ Then in 1942, the ICRC delegate sought Australia's agreement regarding the issue of a card of capture for Italian prisoners of war.¹⁸² There was, however, as mentioned in chapter 2, a delay in the dispatch of capture cards; Australian authorities were informed that the cards were already in use in the United Kingdom. The Australian authorities were also advised that the cards would be used to transmit any future transfers of Italian prisoners to the hospital or another camp through Geneva.¹⁸³

The Vatican

During the war, there were a number of neutral non-government agencies that also provided support for POWs. The Vatican was one such organisation that provided relief for POWs, particularly Allied POWs in Italy and, similarly, Italian prisoners in Australia. As a result of the outbreak of war in September 1939, the Vatican sought confirmation from the Italian government concerning the 1929 Lateran Treaty. The Vatican wanted to understand if the treaty between the Vatican and the Italian government would be upheld if Italy were to join the war.¹⁸⁴ Being located inside the Italian border placed the Vatican in a difficult situation, however, retaining its neutrality was viewed by the Vatican as particularly important.¹⁸⁵ For that reason, the recognition of the Lateran Treaty was viewed as essential to this neutrality, because Article 24 specifically confirmed that the Vatican would retain its sovereignty in international matters. The article declared that the Holy See would take no part in any temporal rivalries between other States nor take part in any conferences gathered to settle such matters unless specifically requested. Having given this undertaking, Fascist Italy had conceded that “the Vatican shall,

¹⁸⁰ NAA: MP 508/1 255/750/187 Cablegram from Prime Minister's Department to High Commissioner's Office, London, 15 August 1941.

¹⁸¹ NAA: MP 508/1 255/750/187 Cablegram from High Commissioner's Office, London to Prime Ministers Department, 23 August 1941.

¹⁸² NAA: A1608 A20/1/1 Part 2 Prisoners of War – General Part 2, 1942-1943. Cablegram Prime Ministers Department to High Commissioner's Office, London, 24 April 1942.

¹⁸³ NAA: A1608 A20/1/1 Part 2 Cablegram Prime Ministers Department to High Commissioner's Office, London, 24 April 1942.

¹⁸⁴ Owen Chadwick, *Britain and the Vatican during the Second World War* (Cambridge: Cambridge University Press, 1986), 116.

¹⁸⁵ Chadwick, *Britain and the Vatican during the Second World War*, 199.

therefore, be invariably and in every event considered as neutral and inviolable territory.”¹⁸⁶ To preserve this agreement, from June 1940, Pope Pius XII adopted a strict policy of neutrality. The Vatican’s neutral status would offer it the opportunity to work on such matters as prisoners of war, the safety of foreign envoys, and other aspects of its wartime activities.¹⁸⁷

By September 1940, the Vatican had also set up a prisoner of war information bureau. The bureau was under the direction of the Most Reverend Alexander Evereinoff, Bishop in Rome for the Byzantine Rite, and Right Reverend Monsignor Giovanni Battista Montini, Under-Secretary of State. The bureau was considered a clearinghouse for POW information where families could gain information about their prisoners of war.¹⁸⁸ Because of this work, the Vatican wrote to Britain in September, saying it would be grateful if information regarding prisoners of war in British hands already supplied to the Red Cross could be forwarded to the Apostolic delegate.¹⁸⁹ For his part, the Apostolic delegate in Australia in October 1940 requested permission to transmit information via the Vatican regarding the welfare of prisoners in POW camps, mainly Italians in Australia. Although the ICRC had already set up a communication service, the Vatican suggested its service would complement the one already in use, but any official matters would continue to be referred to the protecting powers and ICRC.¹⁹⁰

While the Vatican seemingly intended to provide families with information about their prisoners of war, it also created problems. By June 1941, the Vatican’s activities had come to the attention of the Inter-Governmental Committee on Prisoners of War. Its Sub-Committee A discussed the Vatican, advising that instructions had been sent to East Africa, the Middle East and Pretoria regarding the status of the Apostolic Delegate.¹⁹¹ The committee agreed that the Apostolic Delegate should be given full facilities to exercise pastoral functions but, crucially, was not permitted to act as an agent of the Prisoners of War Information Bureau.¹⁹² In order to conduct these activities, in July 1941, the Vatican was still requesting that it be supplied with complete and continuous information regarding prisoners of war so it could respond to requests for information from relatives. However, the British government was not convinced that another network for information was required. Consequently, it

¹⁸⁶ *The Lateran Treaty*, 11 February 1929, Rome, Article 29. <http://pdf-archive.com> accessed 25 March 2022.

¹⁸⁷ Chadwick, *Britain and the Vatican during the Second World War*, 121.

¹⁸⁸ “Decrees and Decisions,” *Jurist* 2, no. 2 (April 1942): 183.

¹⁸⁹ TNA: DO 35/996/3 Dominions Office and Commonwealth Relations Office: Original correspondence. Travel and nationality. Internees and prisoners of war Australia, 1940-1942. Telegram from Mr Kelly, Berne, 30 September 1940.

¹⁹⁰ TNA: DO 35/996/3 Telegram from External Affairs, Canberra, 1 October 1940.

¹⁹¹ NAA: A981 TRE 745 Treaties Red Cross – Inter-Governmental Committee 1941. Intergovernmental Committee on Prisoners of War Sub-Committee A, Summary of Action Taken in Matters Relating to Prisoners of War in June 1941, 21 July 1941.

¹⁹² NAA: A981 TRE 745 Intergovernmental Committee on Prisoners of War Sub-Committee A, Summary of Action Taken in Matters Relating to Prisoners of War in June 1941, 21 July 1941.

agreed that while Vatican representatives could visit camps, their activities would be limited to providing pastoral care.¹⁹³

Despite the limitations imposed on the Vatican's activities regarding prisoners of war, the Vatican proved a useful source of information for Australian authorities. Unfortunately, the information the Vatican was transmitting about the prisoners of war to Australia was considered unofficial; even so, it was received in Australia before the official advice was received from ICRC, which caused occasional problems. As a result, Britain instructed the Commonwealth government that it could not accept lists of POWs from the Vatican. This meant that Australia's prisoner of war department could not authorise the despatch of letters and parcels until it received the official information from the ICRC.¹⁹⁴ Another problem came to the attention of the Minister for Army, Percy Spender, who was notified in August 1941 that letters addressed to members of the AIF listed by the Vatican as prisoners of war had been returned to the senders by the censors. Letters had not been posted in the usual way and did not conform to official prisoner of war communication requirements, possibly because they had not been officially recognised as POWs, which meant that the families were unaware of the rules.¹⁹⁵

The War Office was anxious that the information provided by the ICRC reach Australia before that of the Vatican. As a result, in September 1941, the War Office believed that if the ICRC information was not received in Australia before that of the Vatican, the Vatican might press for permission for its delegates to collect lists of names in the detaining country.¹⁹⁶ In October 1941, the Australian Prisoners of War Bureau received cables from the ICRC regarding the names of prisoners detained in Italy. The list appeared to match an unofficial list that had been obtained from the Apostolic Delegate in Australia. In some cases, however, the camp addresses advised by the Apostolic Delegate were undoubtedly later than the official advice received from Geneva. As a result of the discrepancy, the information Australia received regarding the location of its prisoners had to be verified by either the protecting power or the ICRC.¹⁹⁷

¹⁹³ TNA: DO 35/996/3 Telegram from Dominions Office to Governments of the Dominions, 4 July 1941.

¹⁹⁴ NAA: MP 508/1 255/750/187 Cablegram from Prime Ministers Department to High Commissioner's Office, London, 15 August 1941.

¹⁹⁵ NAA: MP 508/1 255/750/187 Department of Army Minute, 19 August 1941.

¹⁹⁶ NAA: MP 508/1 255/750/187 Cablegram from High Commissioner's Office, London to Prime Ministers Department, 12 September 1941.

¹⁹⁷ NAA: MP 508/1 255/750/187 Cablegram from Prime Ministers Department to High Commissioners, London, 4 October 1941.

Conclusion

This chapter has explained the political and diplomatic issues surrounding prisoners of war, particularly in the early stages of the war, when belligerent governments were considering what to do about the problem. While the Geneva Convention provided belligerent governments with guidelines for the management and treatment of prisoners of war, reciprocal arrangements would still need to be negotiated. The relationship between Britain, Australia, and the other Dominions was vitally important to the overall running of the war and the issues that arose regarding prisoners of war. At the beginning of the war, the Australian government had produced its own National Security Act and later a Manual of Military Law with provisions for the treatment and management of prisoners of war, nonetheless, Australia initially presented a unified policy front by following Britain's POW policy. A change in government, however, saw a shift in Australia's attitude towards its role in the war, which led to Australia seeking a greater voice in POW matters that reflected its national interests, particularly in relation to the war in the Pacific. However, even the formation of the Imperial Prisoner of War Committee in November 1941 that was established to provide Australia and the other Dominion governments with representation regarding prisoner of war matters. Unfortunately, being a member of the Committee did not guarantee a greater say in policy direction, with policy continuing to be dictated by Whitehall.

This chapter has also shown that the relationships between the Allies and the protecting powers, the Vatican, and ICRC were essential to the well-being of Australia's POWs in Italy and the Italian prisoners in Australia. These parties played a vital role in overseeing the implementation of the Geneva Convention and other negotiated arrangements between the belligerents. The neutral organisations endeavour to contribute to the well-being of the POWs, much of their work, especially in the reporting of prisoner's names overlapped. Of particular concern was the notification of the names of troops taken prisoner and the lack of what was considered to be official information from the protecting power and, at times, the ICRC. The Vatican, possibly believing it would help the families, also sent names, which confused matters, especially if prisoners had not been recorded by official channels as having been transferred or even reported as captured. This overlap of information and the discrepancies in the location of the prisoners would cause problems for those in government tasked with managing the list of prisoners and other POW matters.

Once captured, POWs were, after varying lengths of time, transferred to a more permanent place of detention. Chapter 4 will examine the international laws and agreements behind the detention of enemy troops. When Australia began receiving POWs on behalf of His Majesty's government early in the war, it effectively became a detaining power. As a result, it is important to understand how the

detention of Australian POWs in Italy and Italians in Australia shaped the Australian government's attitude toward detention in an international context.

CHAPTER 4: DETENTION

Introduction

For many soldiers who survived capture, any relief that might have been felt would have been short-lived. The prisoners now faced a new, troubling change in circumstances that posed different risks to those on the battlefield. Now in the hands and control of the enemy, detention presented captured men with a new set of wartime circumstances to deal with. The prisoners were guarded by military personnel and managed day-to-day by military regulations and administrations. At the same time, the regime of military detention was overseen by prisoner of war departments established by state authorities, and it was subjected to a range of , government policies, international conventions and reciprocal agreements.

Chapter 3 examined the importance of the *1929 Geneva Convention Relative to the Treatment of Prisoners of War* in establishing POW policy. This international convention was also significant in shaping detention policy specifically. To better understand what happened in POW detention, it is important to first understand the principles that informed detention policy. Accordingly, this chapter examines the detention of Australian prisoners of war in prison camps in Italy and, similarly, Italian prisoners of war in Australia, including the role of the Australian and, to a lesser extent, the Italian governments as detaining powers. Although some reciprocal agreements between belligerents were in place regarding POWs, in the instance of detention, belligerents also followed the Geneva Convention articles that concerned detention.

As a detaining power under the Geneva Convention, the Australian government had to provide adequate treatment for the prisoners held in Australia. Australian authorities understood that by following the convention and providing proper treatment for the POWs detained in Australia, Australian prisoners in Italy should expect to be treated in a reciprocal fashion. For this reason, the Australian government wanted to manage its detention under international law so that it could serve the interests of Australian POWs and its national interest. Although this was Australia's intention, the Australian government also had to contend with a united empire POW policy created by the British government and its prisoner of war departments. Unfortunately, this united policy was not always in Australia's national interest, so at times the Australian government would consider taking independent action separate from Britain in the treatment and management of the POWs detained in Australia and equally to ensure the wellbeing of Australian POWs in Italy.

Neutral countries and non-government organisations were also significant in POW detention. This chapter explains how they monitored the application of the rules of international conventions and agreements and the provision of adequate facilities and treatment were provided to prisoners of war. When required, these bodies were also engaged as third-party intermediaries, especially when any breaches or violations in the camps were reported by governments, the prisoners themselves, or discovered during their humanitarian camp visits and inspections.

Rules of Detention

The earlier rules described in the Hague Convention 1907 were inadequate for use in the Second World War. The Hague Convention had only one article that discussed the obligations of belligerents towards captivity and detention.¹ As a whole, the Hague Convention lacked detail concerning the detention of POWs; as a result, it allowed for significant latitude in interpretation by belligerents. Nevertheless, the Hague Convention could be considered the starting point for the regulations outlined in the Geneva Convention.

The Geneva Convention, like in other aspects of POW matters, provided regulations for belligerents regarding the proper detention of prisoners of war in POW camps. The articles within the convention cover issues from the installation of camps, food and clothing, and sanitary services in camps to the “intellectual and moral needs of prisoners of war,” internal discipline and much more.² Significantly, Article 9 defines where and how prisoners could be detained,

Prisoners of war may be interned in a town, fortress, or other place, and bound not to go beyond certain fixed limits. They may also be interned in enclosed camps; they may not be confined or imprisoned except as an indispensable measure of safety or sanitation, and only while the circumstances which necessitate the measure continue to exist. . . . No prisoner may, at any time, be sent into a region where he might be exposed to the fire of the combat zone, nor used to give protection from bombardment to certain points or certain regions by his presence.³

The convention also followed military formality by maintaining the military and social distinction between the ranks, including a special provision regarding officers and others of equivalent status. Article 21 required belligerents to communicate at the beginning of hostilities the titles and ranks that would be in use in their respective armies “with a view to assuring equality of treatment between corresponding ranks of officers and persons of equivalent status.” Furthermore, “officers and persons of equivalent status who are prisoners of war shall be treated with the regard due their rank and age.”⁴

¹ *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907, Article 5, 644.

² Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929, Articles 9 – 22, 940-943.

³ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 9, 940.

⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 21, 942-944.

However, as will be explored below, the existence of the conventions did not guarantee the consistent treatment of POWs during the Second World War because where there was an unspoken reciprocity principle, the better negotiating position was held by the power holding the greater number of enemy prisoners⁵

Political Policy of Detention

Belligerents that became detaining powers and had ratified the Geneva Convention had a responsibility to conduct the management and treatment of enemy prisoners of war in captivity by following the convention. If they had not ratified the convention, they would remain under the 1907 Hague Convention. Nonetheless, most countries had policies concerning the detention of enemy POWs, which were based on the convention, however, as discussed in chapter 3, at times, particularly in the early stages of the war, belligerents still required a number of articles in the convention to be negotiated and agreed upon based on the principle of reciprocity.

Britain and Australia

After a request from Britain, the Australian government made the decision to accept POWs from Britain, and so, by May 1940, Australia had effectively become a detaining power. The Australian government had agreed to take 10,000 prisoners of war or so-called category A prisoners who were prisoners of war or internees that were to remain in captivity. However, when British authorities at the Home Office discovered there were not enough prisoners in that category to be shipped to Australia, they tried to send Class B and C prisoners, prisoners that were considered to be low risk or for release, but the Australian government “put a stop to it.”⁶

Australian authorities knew the incoming prisoners would need to be managed and treated according to international agreements. As previously mentioned, as part of its management of a united POW policy, the British government, in May 1941, sent a request asking the Australian government to consider receiving a Liaison Officer from the Directorate of Prisoners of War to facilitate the function of a united POW policy.⁷ The idea of a united POW policy was of such importance that Sub-Committee A of the Inter-Governmental Committee on Prisoners of War discussed the principle of the Liaison Officer at its first meeting in June 1941. It was suggested that the role of the Liaison Officer was to ease the minor difficulties that could arise from any differences in the interpretation of the

⁵ Walter Wynne Mason, and New Zealand Department of Internal Affairs War History Branch. *Prisoners of War* Official History of New Zealand in the Second World War 1939-45 (Wellington: War History Branch Department of Internal Affairs, 1954), 52.

⁶ Hansard, House of Commons, Volume 364, 22 August 1940 – Mr. Wedgwood speaking.

⁷ NAA: A1608 A20/1/1/Part 1 War 1939 Prisoners of War – General Part 1 1939-1942. Cablegram High Commissioner, London to Prime Ministers Department, 30 May 1941.

Geneva Convention and the empire POW policy by individual Dominions.⁸ However, after six months, the War Office decided that the Liaison Officer was no longer required in Australia and would return to the United Kingdom in December 1941.⁹

The consequences and responsibility related to the use of a united POW policy were also raised by the Inter-Governmental Committee for Prisoners of War meeting in June 1941. It was explained that belligerent governments considered the prisoners of war held by the British Commonwealth as an empire responsibility, and as such, the enemy would hold the whole empire accountable for any breach of the convention.¹⁰ This meant that the treatment of British and Dominion prisoners in enemy camps was intrinsically linked with the treatment of enemy prisoners in British and Dominion POW camps, regardless of the country in which the prisoners were detained.¹¹ Three main points were considered, which were vital to the treatment of British and Dominion prisoners detained by the enemy. First, it was agreed that the treatment of enemy prisoners of war needed to be uniform throughout the empire. Second, the British government that had acted as spokesman for the empire to ensure proper treatment of all British and Dominion prisoners needed to be able to offer enemy governments reciprocity of treatment throughout the empire. Finally, and most importantly, reciprocity and the prevention of reprisals in treatment would require uniform policy implementation throughout the empire.¹²

Although the Committee followed the “Joint Principles” theory, meaning it was intended that prisoners of war would be regarded as being captured by the “Armed Forces of the Crown” or “Empire.”¹³ The fact remained that the country that held these prisoners had a separate obligation to the enemy as a detaining power, which could be considered problematic.¹⁴ Stanley Bruce raised this issue again at the Imperial Prisoner of War Committee meeting in February 1943.¹⁵ Bruce suggested that all parts of the empire should work together, but he believed the main question over prisoners of war in the custody of individual Dominions was the responsibility of each Dominion that was a separate signatory of the Geneva Convention.¹⁶ Australia, particularly in the early war years, was in favour of centralised communication and action with enemy countries over the common question of major policy. Yet the chairman, the Secretary of State for War, Sir James Grigg, agreed that when local

⁸ TNA: CO 980/99 Imperial Prisoners of War Committee – Colonial Office 1942-1943. Imperial Prisoners of War Committee – Responsibility of His Majesty’s Governments to each other and to the enemy governments in regard to the treatment of enemy prisoners of war detained in the British Empire, Memorandum from the War Office, 28 January 1943.

⁹ NAA: A7711 History: Report on the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne, 1939-1951: Volume 1 and Volume 2. Chapter 3, 111.

¹⁰ TNA: CO 980/99 Memorandum from the War Office, 28 January 1943.

¹¹ TNA: CO 980/99 Memorandum from the War Office, 28 January 1943.

¹² TNA: CO 980/99 Memorandum from the War Office, 28 January 1943.

¹³ TNA: CO 980/99 Memorandum from the War Office, 28 January 1943.

¹⁴ TNA: CO 980/99 Memorandum from the War Office, 28 January 1943.

¹⁵ TNA: CO 980/99 Minutes of Third meeting, 3 February 1943.

¹⁶ TNA: CO 980/99 Minutes of Third meeting, 3 February 1943.

issues arose out of the custody of individual enemy prisoners, the Dominion should be at liberty to deal directly with the protecting powers.¹⁷

At the start of the war, Australia legislated its National Security Act. Initially, the regulations did not mention prisoners of war or the treatment of enemy prisoners. Nevertheless, in September 1941, the Department of Army informed the External Affairs Department that it had distributed a copy of the 1941 National Security (POW) Regulations to a number of interested parties. The document containing Australia's regulations was forwarded to the Minister for Japan in Australia, who was the protecting power for Italy, the Swiss Consul General in Australia, protecting power for Germany, the International Red Cross delegate in Australia and Commonwealth officials stationed overseas.¹⁸ These interested parties may have been sent the regulations in September in an attempt to prove that Australia was following the rules regarding the safe detention and treatment of enemy prisoners of war in its hands. Still, the National Security Act that came into force on 1 April 1941 did not provide any specific regulations for prisoners of war. Instead, the rules covered National Security (Internment Camps) Regulations, which explained that an internee was not a prisoner of war. Even so, the National Security Act regulations that covered internment camps stated the Act would follow the Geneva Convention for prisoners of war and used the Prisoner of War Information Bureau to provide information regarding detainees.¹⁹ At this stage in the war, with Australia detaining a number of "enemy aliens" and only a relatively small number of prisoners of war, the Department of Army might have been using the same regulations to cover both categories of prisoners. However, in 1942, the number of prisoners of war arriving in Australia began to increase, and as a result, the 1942 National Security Act was amended to include separate regulations for prisoners of war.²⁰

The Australian parliament remained anxious to ensure that Australians detained by the enemy were treated appropriately. The Minister for the Army, Percy Spender, explained,

Under the international convention relative to prisoners of war, certain standards of accommodation and treatment are required to be observed by the belligerents. Many of the early reports that we received concerning the treatment of British prisoners of war were not satisfactory, but recent advice indicates that their conditions and treatment have considerably improved, and that our enemies recognised the obligations imposed upon them by the

¹⁷ TNA: CO 980/99 Minutes of Third meeting, 3 February 1943.

¹⁸ NAA: A981/4 TRE 760 Part 1 External Affairs Department Treaties – Red Cross Prisoners of War transported to Australia 1940-1942. Memorandum from Department of Army to The Secretary, Department of External Affairs, 3 September 1941.

¹⁹ Commonwealth of Australia. *Manual of National Security Legislation being The National Security Act 1939-1940 and Regulations and Certain Orders, Etc., Made thereunder and in force on the 1st April 1941* (Canberra: L. F. Johnston, Commonwealth Government Printer, 1941). National Security (Internment Camps) Regulations, 222-234.

²⁰ Commonwealth of Australia, *Manual of National Security Legislation, Being the National Security Act 1939-1940, and Regulations and Certain Orders, Etc., Made Thereunder and in Force on the 1st April 1942*. Regulations, Administered by the Department of Army, 568-589.

convention...The reports received from overseas, many of them by cable, concerning conditions in enemy prisoner of war camps are carefully examined, and action is taken on representations made in all cases where the interests of our men are affected.²¹

While Australia was keen to know about the condition of its prisoners of war, it was unclear to Australian authorities how this information could be of any use, considering the enemy authorities did not distinguish between British, Australian and other empire prisoners of war.²² For that reason, British authorities suggested a monthly transmission of lists of the strength of each prisoner of war camp to be sent directly between belligerents on a reciprocal basis.²³ Although the enemy may not have distinguished between the British and other empire prisoners, the protecting power and ICRC reports did and listed the number of each country's prisoners detained in each camp in their reports.²⁴ Once these reports began to be received in Australia, the government would have a better understanding of the situation of the Australian prisoners detained in Italy and other parts of Europe.

The treatment of prisoners of war in Australia was always the subject of interest and criticism by the public and the press, and often formed the basis for lively political discussion. Consequently, the Directorate of Prisoners of War and Internees made it clear that there was no room for laziness on the part of the administering authority in implementing POW policy.²⁵ Furthermore, the Directorate explained that the Australian government, in agreement with empire practice, made sure that no effort was spared in ensuring the proper treatment of enemy prisoners of war in Australia.²⁶ In return, the Australian government expected that Australian prisoners of war would be reciprocally treated, and if not, strong representation would be made to belligerent governments. As a result, the directorate was tasked with closely monitoring conditions in POW camps overseas, noting any breaches of the convention and instigating any action that may be required.²⁷ In addition, the Red Cross, protecting power representatives, and other welfare organisations took an active interest in the prisoners of war held in Australia, and they were provided with the necessary access to assess the well-being of the prisoners.

²¹ Hansard, House of Representative, Sixteenth Parliament, First Session – Fourth Period, 18 September 1941, 357-358.

²² NAA: A816 54/301/191 British and Australian Prisoners of War in Germany and Italy reports – File II. Cablegram Prime Minister Department to High Commission London, 13 September 1941.

²³ NAA: A816 54/301/191 Cablegram Prime Minister Department to High Commission London, 13 September 1941.

²⁴ NAA: A816 67/301/70 Reports on Prisoners of War and internees camps in Germany, France and Italy. File No. IV 4 Reports received from International Red Cross, Geneva (visits made from December 1941 – January-February 1944).

²⁵ NAA: A7711 History: Report on the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne, 1939-1951: Volume 1 and Volume 2. Chapter 2, 109.

²⁶ AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951 Vol. 2 Part IV. Part IV Australian Prisoners of War, 282-283.

²⁷ AWM: 54 780/1/6 Vol. 2 Part IV Australian Prisoners of War, 282-283.

Italy

Italy became a detaining power after it joined the war in June 1940. As discussed in chapter 2, the troops captured in North Africa, prisoners captured by the Germans, were mainly handed over to the Italians for more permanent detention. Australian forces captured in North Africa did not enter Italian captivity until December 1940.²⁸ Italy, like Australia, produced a document explaining the expectation regarding the treatment of prisoners of war. Though less comprehensive than Australia's National Security Act, the 1938 Italian War and Neutrality Laws, as previously discussed, established that Italy would follow the relevant conventions regarding prisoners of war, particularly concerning the capture, detention, and management of enemy POWs. Article 106 of the Italian document states, "they may not be interned in places which are exposed to enemy fire or are unhealthy."²⁹ It could be expected then that Italy would follow the Geneva Convention and its own War and Neutrality Laws. In addition, the discovery of an instruction pamphlet titled "Instructions re enemy prisoners of war," dated 29 April 1941, captured in Libya, could also be considered to be in use. Both Italian documents indicated that Allied POWs, including Australians, would be treated according to international rules.³⁰ Apart from the protecting power and ICRC camp reports discussing Italian POW camps, Australian and British documents provide no evidence of a specific Italian policy explaining how the Italians were running their POW camps on a day-to-day basis. Adrian Gilbert suggests that the organisational system in Italy was similar to that of their German counterparts, though he explains that the Italian commandants seem to have had less freedom of action.³¹ Gilbert contends that this was because the system was run from Rome on rigorous and inflexible lines until the armistice in September 1943.³²

Detention

Survival in the POW camps depended on detaining powers supplying adequate facilities such as accommodation, hygienic conditions, food, and clothing, among other everyday necessities for the prisoners' continued existence and overall well-being. Importantly, Article 10 of the Geneva Convention explained where prisoners of war could be accommodated, stating, "prisoners of war shall be lodged in buildings or in barracks affording all possible guarantees of hygiene and healthfulness."³³

²⁸ A. E. Field, 'Appendix 1 Prisoners of the Germans and Italians'. In *Tobruk and El Alamein* by B. Maughan (Canberra: Australian War Memorial, 1966), 756.

²⁹ TNA: FO 916/2597/4 Foreign Office: Consular (War) Department, later Prisoners of War Department. Welfare of Australians in Italy, 1940. Italian War and Neutrality Laws 1938, Article 106 item 2, 48.

³⁰ AWM: 54 779/4/21 [Prisoners of War and Internees – Treatment by Enemy:] Reports by International Red Cross and Protecting Powers on conditions existing in Prisoner Of War Camps in Germany and Italy 1941-1945. Memorandum for Department of Army, Melbourne from Australia House, 22 April 1943.

³¹ Adrian Gilbert. *POW Allied Prisoners in Europe, 1939-1945* (Great Britain: John Murray, 2007), 67.

³² Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 74-75.

³³ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 10, 940.

Italy

The Australian prisoners who arrived in Italy from North Africa commented favourably on their new camp arrangements, alleging that they were “half-starved, half-clothed and overworked under German control.”³⁴ However, it was not only the German authorities that kept Allied prisoners in less than adequate conditions. While in North Africa, at least 30,000 Allied POWs were detained by the Italians for five to six months and exposed to “primitive and over-crowded camps.”³⁵



Figure 4 Map of the main Prisoner of War Camps in Italy detaining Australians.³⁶

Camps in Italy

The Italian authorities were unprepared for the number of British POWs landing on their shores in November and December 1941.³⁷ When they first arrived in Italy, prisoners usually spent time in disinfection and isolation camps before moving to a permanent camp.³⁸ Despite the Italian authorities' intentions, there was a lack of isolation camps and disinfection centres. Moreover, the disinfection centres that were available were initially established to cater for returning Italian troops, not shiploads of Allied prisoners of war from North Africa. As a result, the disinfection and other temporary camps became completely overloaded because of the shortage of permanent camps. In addition, the lack of permanent camps meant the prisoners arriving from North Africa would spend a significant period of

³⁴ NAA: A981 TRE780 Treaties – Prisoners of War Reports on Italian Internment camps. Cablegram High Commissioners Office London to Prime Ministers Department 15 July 1942.

³⁵ Harold Satow and J Sée. *The Work of the Prisoners of War Department during the Second World War* (London: Foreign Office, 1950), 12.

³⁶ AWM: Map of the main Prisoner of War camps in Italy <https://www.awm.gov.au/> accessed 13 August 2021.

³⁷ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 17.

³⁸ NAA: A981 TRE780 Report of Inspection of British prisoners of war at the disinfection and isolation camps at Capua, Italy, 12 June 1941 from Lieutenant-Colonel General Staff Military Attaché Norman Fiske, American Embassy, Rome. 14 June 1941.

time accommodated in tents.³⁹ The British, too, kept some Italian prisoners in tents, however, this ended in October 1942, and Britain expected Italian authorities also to abolish the use of tents in its POW camps.⁴⁰

The Australian and other Allied prisoners of war in Italy were interned in camps of various descriptions. Australian prisoners were initially detained throughout Italy. However, they were progressively concentrated in certain camps, such as Sulmona (Campo 78) in central Italy, where most of Australia's officers were accommodated, and Grupignano (Campo 57) in the northeast at the foot of the Italian Alps that detained the majority of Australia's other ranks (ORs).⁴¹ Living conditions in the camps were generally tolerable, though much depended on the attitude of the camp administration, and the nature of the camp commandant, which could vary from obstructive to inefficient.⁴² Italy's POW camps generally maintained military tradition and the requirements of the Geneva Convention, with prisoners separated into camps according to their rank, and Australian authorities were keen that the separation of rank be observed. When the Prisoner of War Information Bureau received notification that two Australian officers and a number of ORs were detained at a camp in Sulmona in July 1941, it was suggested that inquiries be made in order to confirm that the Italian government was providing separate camps for officers.⁴³ In 1942, Italy introduced a series of work camps mainly situated in the north of Italy. The Australian government was informed in August 1943 that a considerable number of Australians from Grupignano had been transferred to a group of work camps located at Vercelli earlier in April.⁴⁴ The prisoners who had either volunteered or were assigned to the work camps were typically sent to work away from the standard POW camps, commonly employed in rural industry (see chapter 6).

Central Army Records compiled a comprehensive report that recorded the number of Australian prisoners of war in Europe between 31 December 1941 and 31 August 1944. The complete records show the number of Australians in Italian and German camps. Table 4 is adapted from the full archive record and indicates only the Italian POW camps that detained the majority of Australia's officers and ORs.

³⁹ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 17.

⁴⁰ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 17.

⁴¹ Peter Dennis., Jeffrey Grey., Ewan Morris., Robin Prior and Joan Beaumont (edit) *The Oxford Companion to Australian Military History* 2nd edition (South Melbourne: Oxford University Press, 2008), 429.

⁴² Dennis., Grey., Morris., Prior and Beaumont *The Oxford Companion to Australian Military History*, 429.

⁴³ NAA: A981 TRE780 Memorandum for Department of External Affairs from Department of Army, 4 July 1941.

⁴⁴ AWM: 243 803 Repatriation of Australian POWs in Italy. Cablegram Prime Ministers Department from High Commissioner's Office London, 28 August 1943.

Table 4 Sample of the number of Australian POWs in Italy, 31 December 1941 to 31 August 1944.⁴⁵

Camp Location	Numbers as of 31 December 1941		Numbers as of 30 June 1942		Numbers as of 31 December 1943		Numbers as of 31 August 1944	
	Officers	Other Ranks	Officers	Other Ranks	Officers	Other Ranks	Officers	Other Ranks
Campo Prato, Isacro	0	472	0	22	0	0	0	0
Campo 57 Grupignano	0	234	2	27	0	521	0	5
Caserta Hospital	0	26	1	6	0	0	0	0
Campo 19 Bologna	0	0	0	0	9	11	0	0
Campo 78 Sulmona	0	7	12	9	0	8	0	0
Campo 106 Vercelli	0	0	0	0	0	351	0	95
Campo 66 Capua	0	15	0	6	0	18	0	0
Campo 52 Chiavari	0	0	0	2	0	7	0	3

Management and Treatment

In Europe, the POW camps were managed by the commandant, his staff of officers and senior NCOs; serving under them were the guards.⁴⁶ The commandant usually had a deputy and several camp officers to undertake general administrative duties. However, the security officer was distinct from the other camp staff and responsible for stopping escapes and other acts of resistance or sabotage.⁴⁷ In Italy, security officers came from the ranks of the *Carabinieri*, a paramilitary police force with a reputation for thoroughness. As a result of their role within the camps, many POWs described the security officers as radical fascists and snoopers.⁴⁸ The behaviour of the camp staff in Italy was generally good; even so, complaints were made to the protecting power and ICRC during the camp visits. Australian prisoners in Italian camps would not have had direct contact with the camp commandant, however, the prisoners did have to deal with the rules and regulations.⁴⁹ At Grupignano, a particularly harsh and petty

⁴⁵ AWM: 54 781/6/6 [Prisoners of War Statements – Europe], File containing material (Statistics, Citations, escapes etc) prepared by L Parker at Central Army Records Office for the use of Official War Historian, in preparation of section dealing with Australian Prisoners of War (Army) taken in the Middle East, Greece and Crete and held in camps in Germany and Italy. Australian Prisoners of War in Europe – Numbers in Enemy P.W Camps, Italy.

⁴⁶ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 67.

⁴⁷ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 67.

⁴⁸ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 67.

⁴⁹ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 67.

disciplinary regime was enforced by fascist commandant Colonel Vittorio Calcaterra, resulting in several fatal shootings, including one Australian.⁵⁰ While Calcaterra was a dominant presence in the camp, not all commandants were quite so hands-on, choosing instead to let subordinates such as the security staff or camp officers take a more active role in POW affairs.⁵¹ A camp welfare committee was set up at Grupignano under Article 43 of the Geneva Convention to deal with any issue relating to prisoner well-being, but it was disbanded in February 1941 by Calcaterra, who would only deal with the senior British NCO. He also refused to allow camp visits by any neutral organisations in the first months of that year.⁵² Fortunately for Australian POWs, committed fascists such as Calcaterra remained in the minority. Although individual guards might have been friendly, the stereotypical image of the Italians as good-natured inefficient soldiers was often not the reality.⁵³ The Australian Directorate of Prisoners of War and Internees believed that Australian prisoners were particularly disliked in the Italian POW camps because the guards were generally afraid of them. As a result of the supposed fear of the Italian guards, the treatment of Australian POWs was at times reported to be awful.⁵⁴

By December 1941, a number of articles had been written in Australian newspapers about the treatment of the Australians held in Italian captivity. The reports suggested that the Australians were being treated well by their Italian captors and that all was being done to ensure that the prisoners received everything they needed.⁵⁵ The *Border Morning Mail* (Albury) explained that positive information about the condition of Australian prisoners in Italian POW camps had been broadcast to the Australian public in the Pope's Christmas message transmitted by the Vatican station in Italy.⁵⁶ However, more negative reports of Australian POWs in Italy began to emerge in the press by June 1942. In particular, the condition of Australian officers detained in Campo 78 was a source of concern. The condition of the Australians in this camp was described by Colonel Buckley, who had recently returned from Italy with diplomats from the Australian Legation. Buckley explained that the men were exhausted from the lack of nourishment and also suffered from a lack of letters and Red Cross parcels.⁵⁷ After that, the account of conditions at Campo PG 5 at Gavi that emerged that same month is slightly less surprising. Campo PG 5 was known as the "officers' punishment camp or bad boy camp."⁵⁸ For their part, Italian

⁵⁰ Dennis, Grey, Morris, Prior and Beaumont *The Oxford Companion to Australian Military History*, 429.

⁵¹ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 74-75.

⁵² Wynne Mason, and New Zealand Department of Internal Affairs War History Branch. *Prisoners of War*, 122-123.

⁵³ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 74-75.

⁵⁴ AWM: 54 780/1/6 Vol.2 Part IV, 297.

⁵⁵ "A.I.F Prisoners in Italy", *The Argus*, Melbourne, 20 March 1941., "A.I.F Prisoners in Italy, Conditions Good", *The Herald*, (Melbourne), 2 June 1941.

⁵⁶ "Well Looked After, A.I.F War Prisoners in Italy", *Border Morning Mail*, Albury, NSW, 29 December 1941.

⁵⁷ "News of Australians in Italy", *Queensland Times* (Ipswich), 24 June 1942.

⁵⁸ Wynne Mason, and New Zealand Department of Internal Affairs War History Branch. *Prisoners of War*, 212.

military authorities would only admit that *pericolosi* (dangerous) prisoners were sent there, claiming the only difference between Camp 5 and other camps was it was more difficult to escape.⁵⁹

Before the end of hostilities with Italy, some former prisoners of war began returning to Australia. As a result, the Australian government started receiving firsthand information about their time in Italian camps, most significantly, details about their treatment. Australian authorities were beginning to learn that the statements made by the repatriated prisoners did not always match the camp reports being transmitted by the ICRC or protecting powers through London. For example, an ICRC report from a camp visit to Grupignano in October 1942 by Dr de Salis painted a rosy picture of camp life.⁶⁰ In contrast, the statement taken from returned medical officer, Captain James Ryan, captured by an Italian submarine crew while escaping Crete, did not mirror the information presented by the ICRC representative.⁶¹ Captain Ryan was initially held in a camp at Taranto, then transferred to camps at Sulmona, Grupignano, and Piacenza. His statement recalls his time in Sulmona and Grupignano,

There were some disgraceful individual incidents, but on the whole, the behaviour of the camp staff was quite good. Two soldiers were shot at Sulmona by drunken guards at Christmas time. One was killed. At another time at Grupignano, a soldier was shot in the nose while walking near the wire. At other times the guards would shoot at shadows...At Grupignano, if a man did not salute an Italian officer, he was put in gaol for a fortnight. On the whole, the Italians made a reasonable attempt to carry out the provisions of the Geneva Convention.⁶²

Captain Ryan's report highlighted some of the poor behaviour displayed by the Italians in the POW camps, however, some soldiers' reports were even more damning, particularly those describing conditions and treatment at Grupignano. As a result, by July 1943, the Australian government was already requesting the removal of the camp commandant, "As indicated, 24 July Italian government were asked through protecting power to investigate allegations...and remove Calcaterra from command [of] this camp if allegations proved correct."⁶³

Australia

Camps in Australia

The Italian POWs arriving in Australia found that the POW camps also kept the military tradition of a division between officers and ORs.⁶⁴ However, the Department of Army Military Board suggested that the separation of Officers and ORs was for security purposes, with communication between the

⁵⁹ Wynne Mason, and New Zealand Department of Internal Affairs War History Branch. *Prisoners of War*, 212.

⁶⁰ AWM: 54 779/4/21 [Prisoners of War and Internees – Treatment by Enemy:] Reports by International Red Cross and Protecting Powers on conditions existing in Prisoner Of War Camps in Germany and Italy 1941-1945. Australian Prisoners of War in Europe – Prisoners of War Camp No. 57 – Grupignano – Italy, 2 June 1943.

⁶¹ AWM: 54 781/6/6 Statement by Captain James Ryan QX 6083, 4 June 1942.

⁶² AWM: 54 781/6/6 Statement by Captain James Ryan QX 6083, 4 June 1942.

⁶³ NAA: A989 1943/925/1/17 Treaties Red Cross prisoners of war reports on Italian camps 1943-1944. Cablegram Prime Ministers Department to High Commissioner's Office, London – Prisoners of War, 8 September 1943.

⁶⁴ Peter Monteath. *Captured Lives: Australia's wartime internment camps* (Canberra: National Library of Australia, 2018), 191.

officers and OR camps not permitted except for exceptional circumstances and only with the expressed approval of the Camp Commandants.⁶⁵ Camps and their compounds were also separated when possible on the grounds of nationality or race, rank, language, and rank under punishment described in Articles 9, 21, 22 and 49 of the convention. In addition, the directorate explained the need to include in its policy Article 13 of the 1929 *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)* regarding the detention of protected personnel.⁶⁶ The article explained that belligerents were to provide protected personnel with accommodation equivalent to that of corresponding ranks of their own armies.⁶⁷

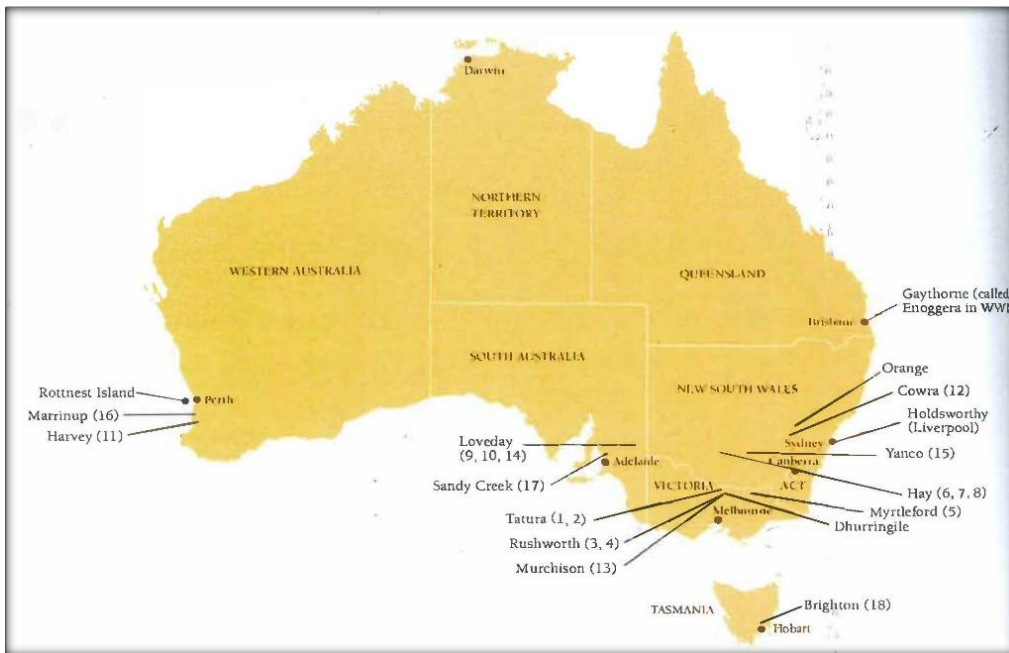


Figure 4.1 Map of POW camps in Australia during the Second World War.⁶⁸

POW camps in Australia were initially constructed to accommodate 11,000 prisoners of war in addition to the 2,000 prisoners already held at the facility at Hay, New South Wales.⁶⁹ However, once the Australian government agreed to accept POWs already detained in Britain, accommodation was prepared to accommodate a further 9,000 in line with the number of 5,000 per month.⁷⁰ Table 4.1 shows the capacity of camps and their present position in New South Wales, Victoria and South Australia in July 1941.

⁶⁵ NAA: B3856 788/2/13 Instructions re Enemy Prisoners of War held in Australia 1943-1945. Department of Army – Military Board, 31 December 1941.

⁶⁶ AWM: 54 780/1/6A History Directorate of Prisoners of War and Internees 1939-1951 Vol.1 Part. 2. Chapter 7, 125.

⁶⁷ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*. Geneva Treaty series 847, 1929. Article 13, 973.

⁶⁸ Monteath, *Captured Lives*, 104.

⁶⁹ NAA: A1308 712/1/54 Internment of Italian prisoners of war in Australia 1941. War Cabinet Minute, 23 July 1941.

⁷⁰ NAA: A1308 712/1/54 War Cabinet Minute, 23 July 1941.

Table 4.1 Camps in Australia July 1941.⁷¹

Location	Capacity	Present Position (July 1941)
Hay, New South Wales	3,000	Already completed and now occupied by 2,000 POWs. Two camps were tented for conversion into permanent camps later.
Cowra, New South Wales	2,000	In the course of construction, with permanent facilities for 2,000
Murchison, Victoria	3,000	In the course of construction, with permanent facilities for 3,000. Three camps were tented for conversion into permanent camps.
Loveday, South Australia	3,000	In the course of construction, with permanent facilities for 3,000. In addition, two permanent camps not currently in use are to be extended by tentage to accommodate 750 officers and 250 other ranks.
	11,000	

However, with the increasing number of prisoners of war being detained in Australia, questions about the cost of detaining enemy POWs were raised in parliament in November 1941. Minister for Army Francis Forde explained that all expenses incurred from the accommodation and maintenance of prisoners of war transferred to Australia were to be shouldered by the British government with no cost of their maintenance to be paid by the Australian government.⁷² In July 1943, the Australian War Cabinet met to discuss the Minister for Army's recommendation that he be authorised to approve the construction of additional camps for prisoners of war up to the maximum cost of £2,500,000. The War Cabinet agreed, and the suggestion was approved. Furthermore, as the British government financed the camps, it was decided that they would be kept informed regarding the progress of the additional accommodation.⁷³

Treatment and Management

In Australia, the responsibility for administering the detention of enemy prisoners of war fell to the Enemy Prisoners of War Section of the Directorate of Prisoners of War and Internees.⁷⁴ The directorate was expected to follow the international convention and the National Security Act, and to ensure coordination of the treatment of POWs throughout the empire. As a result, it was necessary for the directorate to liaise with British authorities and the other Dominions on matters of policy.⁷⁵ Australia not only had an obligation to provide safe detention under the Geneva Convention. It was

⁷¹ NAA: A1308 712/1/54 War Cabinet Minute, 23 July 1941.

⁷² Hansard, House of Representatives, No. 48, Sixteenth Parliament, First Session – Fifth Period, 26 November 1941, 1017.

⁷³ NAA: A2670 122/1941 War Cabinet Agendum – No 122/1941 and supplements 1-3 internment of prisoners of war – employment – accommodation. War Cabinet minute 23 July 1941.

⁷⁴ NAA: A7711 Volume 1 and Volume 2, Chapter 2, 108.

⁷⁵ NAA: A7711 Volume 1 and Volume 2, Chapter 2, 108.

also required to notify the protecting power and ICRC about the arrival of the Italian POWs.⁷⁶ A memorandum from the Department of External Affairs was distributed, providing instructions regarding Australia's responsibility to inform the protecting power about the arrival of the Italian POWs.⁷⁷ As a result, it was common practice in Australia throughout the war to advise the protecting power and ICRC once the prisoners had been settled in their permanent camps. The Department of External Affairs would issue the initial notification of their arrival, and then the Prisoners of War Information Bureau in Melbourne would forward the details of the prisoners' names and locations.⁷⁸

Shipments of Italian POWs had been arriving in Australia since May 1941.⁷⁹ To help manage the arrival of POWs in Australia, the Directorate of Prisoners of War and Internees POW section, when appropriate, issued a number of instructions regarding the arrival, movement, and distribution of prisoners to camps in Australia to support the departments managing the prisoners of war. To facilitate this, standard instructions were issued stating:

PW should be sent to permanent camps containing PW of the same nationality and status, if such accommodation was available within the Command area.

Temporary accommodation, with appropriate provision for maintenance, clothing, etc., should be made available if necessary, pending transfer to permanent camps.

Movement from temporary accommodation to permanent camps were to be made under instructions from Army Headquarters.⁸⁰

The directorate also issued standard instructions regarding the type of permanent camps the enemy POWs should be sent to, including camps containing prisoners of the same status, and if such accommodation was available in the area, they were to be detained within their national groups under Article 9 of the convention.⁸¹

Australian authorities were also required to coordinate with neutral and non-government organisations regarding the enemy POWs. Representatives of the protecting powers, ICRC, different religious denominations and other philanthropic organisations visited the camps.⁸² Under the Geneva Convention and the National Security Act, the camp commander was expected to make provisions to permit these groups to visit and speak with the prisoners.⁸³ For that reason, it was agreed by Australian authorities that the protecting power, the Vatican Apostolic delegate, ICRC representatives, and

⁷⁶ NAA: MP 729/6 63/401/666 Transfer of Prisoners of War from India for Employment in Australia (1st Shipment). Memorandum Department of External Affairs, 16 June 1943.

⁷⁷ NAA: MP 729/6 63/401/666 Memorandum Department of External Affairs, 16 June 1943.

⁷⁸ NAA: MP 729/6 63/401/666 Memorandum Department of External Affairs, 16 June 1943.

⁷⁹ AWM: 54 780/1/6A Volume 1, Part 2 Enemy Prisoners of War, 101.

⁸⁰ NAA: A7711 Volume 1 and 2. Chapter 13, 144.

⁸¹ NAA: A7711 Volume 1 and Volume 2. Chapter 13, 144.

⁸² NAA: A7711 Volume 1 and Volume 2. Chapter 12, 141.

⁸³ NAA: A7711 Volume 1 and Volume 2. Chapter 12, 141.

representatives of other philanthropic organisations, such as the YMCA, would have direct contact with the Director of the Directorate of Prisoners of War and Internees.⁸⁴ However, not all representatives had equal authority when visiting the POW camps. The protecting power and ICRC were given equal access because they produced reports that would be forwarded to belligerent authorities. While afforded access to the POWs, religious representatives such as Vatican delegates were only permitted to enter the camps to provide pastoral care.⁸⁵ The Italian POWs, as a rule, received decent treatment during their time as prisoners in Australia; unfortunately, they received very little assistance from Italian authorities or the non-government organisation in Italy.⁸⁶ In fact, throughout the war, the Italian Red Cross made only one shipment of reading materials in 1944, which consisted of old novels and postcards. As a result, Allan Fitzgerald suggests, they felt like forgotten men.⁸⁷

Humanitarian Work in Practice – Neutral and Non-Government Organisations’ Role in Detention

Belligerent governments wanted to safeguard their prisoners, and they found it necessary to make reciprocal agreements, which required the intervention of a neutral third party, such as the protecting power, to help facilitate the negotiation process. This third party would also visit camps and make representation to one belligerent on behalf of the other regarding the treatment of the prisoners of war. Agents of the neutral countries acting as protecting powers under Article 86 of the Geneva Convention were permitted to go wherever POWs were detained,

Representatives of the protecting power or its accepted delegates shall be permitted to go to any place, without exception, where prisoners of war are interned. They shall have access to all places occupied by prisoners and may interview them, as a general rule without witnesses, personally or through interpreters.⁸⁸

The ICRC’s role was not defined in the same way by the Geneva Convention as the protecting powers; even so, their humanitarian work was considered essential. Article 88 recognised the ICRC’s contribution to the well-being of POWs in enemy captivity, stating “the foregoing provision are not an obstacle to the humanitarian activity which the International Committee of the Red Cross may use for the protection of prisoners of war, with the consent of the interested belligerents.”⁸⁹

⁸⁴ NAA: A7711 Volume 1 and Volume 2. Chapter 2, 109.

⁸⁵ NAA: A7711 Volume 1 and Volume 2. Chapter 12, 141.

⁸⁶ Alan Fitzgerald, *The Italian Farming Soldiers: Prisoners of War in Australia 1941-1947* (Melbourne: Melbourne University Press, 1981), 21.

⁸⁷ Fitzgerald, *The Italian Farming Soldiers*, 21.

⁸⁸ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 86, 958.

⁸⁹ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 88, 958.

Protecting Power and ICRC

The Italian government had some reservations regarding Article 86 of the Geneva Convention, which explicitly separated the protecting power's responsibilities from those of the ICRC. As a result, in December 1940, the Italian Ministry of Foreign Affairs advised the United States Embassy in Rome that the "Italian government are of the opinion that the facilities accorded by this article to the protecting power in regard to visiting prisoners be normally exercised by the International Committee of the Red Cross."⁹⁰ As detailed in chapter 3, the United States Foreign Service communicated with British authorities in January 1941 regarding the problematic attitude of the Italians towards Article 86, documenting that the Italian government would prefer the ICRC to conduct the camp visits rather than the United States as protecting power. The United States, concerned by the Italian refusal to allow them to visit Allied prisoners in its capacity as protecting power, considered the action a breach of Article 86, because that article did not state that protecting power activities could be replaced by those of the ICRC.⁹¹ However, the ICRC believed it was in a unique situation, particularly in the early stages of the war, suggesting that because the protecting powers were at this stage from different nations, the ICRC was the only organisation with the right to visit the camps of all belligerents simultaneously. Consequently, it could make a more precise assessment of the situation of all POWs in the camps and intervene on behalf of the POWs based on the principle of reciprocity.⁹² Inspections of POW camps became one of the most essential activities of the ICRC's work during the war. First, camp visits allowed them to provide information to the governments concerned about any problems involving their prisoners of war. Second, the ICRC could inform belligerents of any measures taken to improve the conditions of the prisoners at the time of the visit or any intervention made from Geneva. Finally, the inspections allowed the ICRC to understand the needs of the prisoners and, most importantly, ensure the distribution of relief parcels within the camps.⁹³

The war in North Africa was thought by the Prisoners of War Department in the Foreign Office to present challenges. The department believed that neither the protecting power nor the ICRC was permitted to conduct camp visits, even though, in many cases, the department repeatedly pressed for representatives of the protecting power to go to North Africa.⁹⁴ Yet despite every effort, they were not permitted to do so.⁹⁵ Despite this, in March 1941, the Australian Department of External Affairs

⁹⁰ TNA: FO 916/161 Italian and British Prisoners of War – reciprocal treatment, 1941. Note Verbale Italian Ministry of Foreign Affairs to The Embassy of the United States, Rome, 10 December 1940.

⁹¹ TNA: FO 916/161 Letter from United States Embassy, London to The Foreign Office, 7 January 1941.

⁹² International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War (September 1, 1939 – June 30, 1947) vol. 1 General Activities* (Geneva: ICRC, 1948), 228.

⁹³ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 228.

⁹⁴ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 13.

⁹⁵ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 13.

received word from the Office of the War Cabinet in London that the ICRC had visited a series of camps in Egypt.⁹⁶ Furthermore, the Australian High Commissioner's Office in London had received news that Mr P. Lambert, a representative of the ICRC, had visited Gargaresc POW camp in Tripolitania, Libya, where 119 Australians were held captive in August 1941.⁹⁷ However, the Foreign Office had clearly not received a copy of the camp reports forwarded to Australian authorities regarding ICRC visits to camps in North Africa. Conceivably those particular reports sent to the Australian government regarding its POWs in North Africa were collected by the Prisoner of War Information Bureau in London or the Prisoners of War Department in the War Office and not shared with the Foreign Office.

The Foreign Office in January 1942 stated to the Swiss, at this time the new protecting power for Britain and the Dominions, "the United Kingdom and the Dominions attach great importance to visits by representatives of the Protecting Power to camps and hospitals in which Imperial prisoners of war were detained."⁹⁸ It was suggested to the Swiss that camps be visited every six weeks or sooner, expressing that His Majesty's government would do all it could to support the protecting power representatives in their task.⁹⁹ Nevertheless, things did not always go as smoothly as they might with the protecting powers. For example, after receiving a report in July 1942 by a repatriated Australian medical officer regarding the conditions in Italian camps 78 (Sulmona) and 57 (Grupignano), the Australian government requested that the British send urgent representation through the protecting power to the Italian government regarding the inadequate conditions reported in these camps.¹⁰⁰ Although it is difficult to assess the impact these complaints had in Italy, in repatriation interviews with intelligence officers in 1943, some POWs explained that any representation through the protecting powers might have been a waste of time. In the opinion of the returned prisoners, complaints referred to the protecting power representatives "fell on deaf ears."¹⁰¹

Australian authorities controlling the management of enemy POWs in Australia understood they had a responsibility under the Geneva Convention to notify the protecting power and ICRC of the

⁹⁶ NAA: A981 TRE780 Offices of the War Cabinet, Whitehall, London to Department of External Affairs, Canberra, 21 March 1941.

⁹⁷ NAA: A981 TRE780 Cablegram Prime Ministers Department to High Commissioner's Office, London 19 December 1941.

⁹⁸ NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III. Foreign Office memorandum, 21 January 1942.

⁹⁹ NAA: A816 67/301/16 Memorandum from the Foreign Office 21 January 1942, to Prime Minister of the Commonwealth of Australia from the Dominion Office, 30 January 1942.

¹⁰⁰ AWM: 54 781/6/6 Australian Military Forces Prisoners of War – Europe, copy of cable despatched 23 July 1942 Prime Ministers Department from Department of Army.

¹⁰¹ NAA: MP 385 53/101/72 Prisoner of War and Internment Camps – Treatment of Australian Prisoners of War in Italy and Germany. Department of Army Minute, 27 July 1943.

prisoners' arrival. In return, it was also considered the responsibility of the enemy governments to honour the reciprocal arrangement of the exchange of information. However, as discussed in chapter 3, in October 1941, the Australian government found the need to communicate with the ICRC regarding the lack of information about Australian prisoners of war in Germany and Italy,

As at the 27th September the number of official AIF prisoners of war was 3489 and the number still missing 3290. This position although improved is still far from satisfactory, and I should be glad if you would arrange for forceful representations to be made to the German and Italian Governments for the immediate release to the International Red Cross of information regarding all of the Australian prisoners of war whom they hold and for the immediate release also of Australian fatalities in so far as these can be ascertained.¹⁰²

The receipt of the reports, particularly in Australia, was significantly delayed. The archival materials reveal a gap between the camps being visited and the reports being obtained. For example, a prisoner of war report was received from the High Commissioner's Office in London on 2 August 1942. It describes a camp visit to Grupignano on 9 December 1941, with the ICRC only sending the report on 12 March 1942. Such a lapse in time would not allow the Australian government to promptly make any necessary representation regarding the condition of the Australian prisoners.¹⁰³ In January 1942, the Australian government submitted a complaint to the ICRC, which resulted in the Central Prisoner of War Agency in Geneva addressing the matter directly with the Australian government.¹⁰⁴ After the Australian government's submission, Australian authorities were provided with the information they wanted about the state of Australian prisoners in Italy. The ICRC delegate explained in correspondence that he "had already had occasion to talk directly with the proper authorities concerning several points which appeared to him to merit special remarks at Campo 57."¹⁰⁵ Although the Australian government was aware that the ICRC had intervened on the POWs' behalf, it was still concerned in July 1942 when it received an extract of a letter from an Australian prisoner of war was obtained regarding his treatment at Grupignano. The letter, dated 21 February 1942, stated, "things are not good as we are like a lot of rabbits if we show [ourselves] outside of our door the Dagoes have pot-shots at us. There have been several shots now for no reason and you can understand what sort of a life one leads."¹⁰⁶

The Dominions acknowledged that there was a delay in receiving the information from the ICRC and protecting powers. In order to understand the problems in obtaining the camp reports, the matter was discussed at the Imperial Prisoner of War Committee meeting in November 1941. George Ignatieff, representing the Canadian High Commissioner, enquired how the POW camp reports were

¹⁰² NAA: A816 67/301/16 Cablegram Prime Minister's Department to High Commissioner, London, 4 October 1941.

¹⁰³ NAA: A981 TRE 780 Cablegram Prime Ministers Department from High Commissioner's Office, London, 2 August 1942.

¹⁰⁴ NAA: A816 67/301/16 Letter Central Prisoners of War Agency, Geneva, 21 January 1942.

¹⁰⁵ NAA: A816 67/301/16 Letter Central Prisoners of War Agency, Geneva, 21 January 1942.

¹⁰⁶ NAA: A981 TRE 780 Cablegram Prime Ministers Department to High Commissioner's Office, London, 28 July 1942.

distributed to the Dominions. While it is thought that camp reports sent by the ICRC to Australian authorities would be sent directly to Australia, the reports describing the conditions of the camps in Germany and Italy were not sent directly to the Dominions concerned by the protecting power or ICRC without first being passed through the relevant country's High Commissioner's Office in London.¹⁰⁷ Even though it was expected that the information being sent to the detaining countries would be up-to-date, exceptions were made when delegates were in "distant countries", because the reports forwarded from the ICRC representative went via Geneva and could take several months. Understanding the issue, the ICRC explained that reports took time. Despite the lengthy timeframe, reports were still sent to Geneva from Australia before being distributed, though considered a "distant country". Once the report was examined in Geneva, it was acknowledged, and then the ICRC representative in Australia was instructed to pass it on to the Australian government. However, this was considered preliminary information until the official text was sent to all the relevant powers.¹⁰⁸ Yet, even with the reciprocal agreements and international regulations, the timely notification of Australians taken prisoner to the Australian government remained a problem throughout much of the war.

The Vatican

Prisoners of war not only received visits from protecting powers and the ICRC; Vatican representatives also visited POW camps. In January 1941, the Vatican informed British authorities that its representatives had visited camps in Italy, supplying food, tobacco and cigarettes, money and a special souvenir from the Pope.¹⁰⁹ By February 1941, the Vatican had sent a number of applications to the Foreign Office for permission to allow its Apostolic Delegates or their representatives to visit camps detaining German and Italian prisoners of war in Britain, the Dominions and India.¹¹⁰ Chapter 3 has explained the Vatican's request for lists of prisoner names, but its activities, especially gathering lists of prisoners, was also significant in terms of the notification of detained prisoners. In collecting lists of names and any information regarding their welfare, the Vatican believed it could provide a service to the families of the captured men. The Foreign Office did not see the need to provide prisoner lists to the Vatican. It informed the Vatican that lists of prisoners were already supplied to the protecting powers and the ICRC. As a result, no list would be provided to the Vatican or any of its representatives, but applications for information regarding individual prisoners could be submitted.¹¹¹ At the same time, the Apostolic Delegates and the Roman Catholic hierarchy were allowed to visit camps in Italy and Italian territories, including the Middle East. In June 1941, the War Office placed

¹⁰⁷ TNA: WO 163/152 Minutes of first meeting, the War Office, 5 November 1941.

¹⁰⁸ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 240.

¹⁰⁹ TNA: DO 35/996/3 Telegram from Mr. Kelly, Bern Departmental No. 2, 6 January 1941.

¹¹⁰ TNA: DO 35/996/3 Telegram from Foreign Office to Mr. Kelly, Bern, 27 February 1941.

¹¹¹ TNA: DO 35/996/3 Telegram from Foreign Office to Mr. Kelly, Bern, 27 February 1941.

restrictions on their activities when visiting British and empire POWs in enemy camps and camps in Britain and, subsequently, the empire. Visits would be permitted only for pastoral purposes, not to collect names and transmit messages. Furthermore, the War Office advised the relevant prisoner of war departments that lists of names should only be sent to the protecting power and ICRC, not to the Apostolic Delegates.¹¹² Even with the restrictions placed on their activities by the War Office, the Apostolic Delegates were able to visit camps in Australia, Canada, and Britain.¹¹³ However, Vatican representatives were not permitted to visit camps in Germany, German-occupied territory or the Soviet Union.¹¹⁴

Nonetheless, Vatican representatives collected a list of prisoners' names when they visited POWs camps. In October 1942, the Australian government was informed of the British policy regarding the Vatican prisoner lists. The list was to be considered only a means of receiving information for the next of kin, and even though the lists were from a reliable they were not to be regarded as an official source.¹¹⁵ That same month, Dr Herbert Evatt received information from the Apostolic Delegation in Sydney regarding the POW camps in Italy. The Apostolic Nuncio representative, Archbishop Borgonini Duca, visited four camps on behalf of the Pope. The information sent by Archbishop Duca was dated up to August 1941, so it was quite out-of-date at the time of receipt in October 1942. Nevertheless, it was noted that all the camp commandants provided the Archbishop with full liberty to speak with the prisoners.¹¹⁶

The neutral countries and non-government organisations such as the protecting powers, ICRC and the Vatican provided a valuable service to the belligerent governments and, equally, the prisoners of war. Britain, Australia, the other Dominions, and Italy changed the protecting power representation throughout the war because of a change in their protecting power neutral status. Nevertheless, the British and Australian governments continued to rely on protecting power and ICRC reports for information, which helped inform the discussion about how to best manage the detention of POWs. While the ICRC and the Vatican also conducted camp visits and provided reports to governments, they were mainly relied upon to provide the prisoners with comforts.

¹¹² TNA: DO 35/996/3 Telegram from The War Office to GOC East Africa, 18 June 1941.

¹¹³ TNA: DO 35/996/3 Telegram from The War Office to GOC East Africa, 18 June 1941.

¹¹⁴ Owen Chadwick, *Britain and the Vatican during the Second World War* (Cambridge: Cambridge University Press, 1986), 196.

¹¹⁵ NAA: A981 TRE 780 Cablegram from High Commissioner's Office, London to Prime Ministers Department, 7 October 1942.

¹¹⁶ NAA: A981 TRE 780 Letter Apostolic Delegation, Sydney to Herbert Evatt, Minister for External Affairs, 31 October 1942.

Conclusion

The management and treatment of POWs in detention generally involved international laws and reciprocity of treatment between belligerents. This chapter explains the role of international law in the detention of prisoners of war. Australian soldiers captured in North Africa went through a series of transit and temporary camps before reaching a permanent place of imprisonment in Italy. Italy, like other belligerents, was not prepared for the number of enemy troops that would be captured and then transferred for detention on the Italian mainland, which mainly in the early years caused problems within the workings of their camps system. Similarly, the Italians taken prisoner in North Africa were detained in POW camps throughout the empire, including Australia. As a detaining power, the Australian government had an obligation under the Geneva Convention to ensure that the Italian POWs were provided proper treatment that the Australian government believed would ensure that Australian POWs in Italy would be afforded reciprocal treatment.

Neutral countries and non-government organisations not only provided comforts for the prisoners of war, but they also conducted camp visits. The protecting power and ICRC visits ensured that the Geneva Convention was employed and provided official information about the conditions and treatment of the prisoners. It was agreed by the Australian government that protecting powers, ICRC, Vatican representatives and other philanthropic organisations involved in providing comforts to Italian and other POWs in Australia would have access to POW camps around the country. The protecting power and ICRC were given preference because they produced the camp reports that would record the treatment and conditions provided by Australian authorities. Italian POWs were visited by their protecting power, initially Japan until December 1941 and then the Swiss Consul-General in Australia, to ensure they received proper treatment. The Australian prisoners of war in Italy were visited by representatives of the ICRC, Vatican, and protecting power, at the outset, the United States and later Swiss government diplomats. The correspondence containing camp reports forwarded to Australia was significantly delayed due to the process of having to be sent to Geneva and then London, which resulted in the information likely being out of date upon receipt. Even so, camp visits and communication with prisoners of war would be vital, especially when violations of the convention or other reciprocal agreements occurred.

Chapter 5 discusses what happened when belligerent authorities breached the Geneva Convention and other reciprocal agreements in the treatment of prisoners in the camps. Not all violations or punishments of international conventions and agreements resulted from events within the camps but instead could constitute politically motivated reprisals. The chapter differentiates between the punishment of POWs that resulted from incidents in the prison camp and political reprisals

instigated by belligerent governments, generally in their national interest, in response to supposed violations on the battlefield and generally used to manipulate government policy.

CHAPTER 5: PUNISHING THE PRISONERS – REPRISALS, MANIPULATION, MANACLES, AND MALTREATMENT

Introduction

Chapter 1 established that there was a practice of reciprocity through reprisals and maltreatment undertaken by belligerents against prisoners of war during the First World War, which led to reprisals being prohibited in the newly developed *1929 Geneva Convention Relative to the Treatment of Prisoners of War*. This chapter contends that despite the prohibition, the use of reciprocity of treatment in the form of reprisals remained a significant practice applied by belligerent states in the Second World War. It examines how the persistence of reciprocity in the Second World War impacted prisoners' lives and establishes the British government's attitude toward prisoner of war reprisals. More importantly, it investigates the Australian government's perspective, as it sought to adopt a different response to the reprisal issue from that pursued by British authorities. While Italian prisoners detained in Australia were punished for infringements in the camps and were subject to camp rules and discipline, they were managed primarily under the Geneva Convention. The chapter does not examine specific instances of punishment involving POWs in Australia but rather considers the Australian government's response to the treatment of Australian POWs during instances of reprisals and punishment, and how such events influenced Australian policy and attitudes toward the issue.

The examination of official protecting power and ICRC reports, soldiers' repatriation reports, and accounts in personal memoirs make it possible to understand the lesser-known punishments taken against Australian and Allied soldiers in Italian POW camps. These events, along with the shackling punishment in November 1941 endured by Australian soldiers in Italy, resulted from incidents within the POW camps. Such instances of punishment will be compared with the most well-known incident of political reprisal, the so-called shackling crisis of 1942-1943. Investigating how this happened, this chapter will explain the difference between the two shackling incidents.

Both these events impacted men already detained in POW camps who could no longer defend themselves; in this regard the actions in Italy and those during the shackling crisis were comparable. However, during the shackling crisis, Britain and Germany used the POWs as political pawns in a game of manipulation, turning the shackling episode into a political weapon of war. The shackling crisis has previously been discussed in the historical literature from a British and Canadian viewpoint. While Australia is sometimes mentioned, Australia's response to the incident has not been the focus of previous research and has largely been overlooked. To address this gap, this chapter will consider the shackling crisis from an Australian government perspective, showing how it differed from the British position.

War, Power, and Prisoners of War

Belligerent states during the Second World War referred to the Geneva Convention for guidance on what constituted the humane treatment of men in captivity.¹ At times of maltreatment and reprisal, belligerents drew in particular on Article 2 of the convention, which stated, “measures of reprisal against them [i.e., POWs] are prohibited.”² Crucially, the convention did not provide details about what constituted maltreatment or reprisal or the penalties for enforcing such measures. Nonetheless, Article 2 Section 2 would continue to be referred to when reprisal measures were undertaken, stating, “They must at all times be humanely treated and protected, particularly against acts of violence.”³ However, this did not prevent belligerent governments from resorting to reprisals throughout the war in an attempt to manipulate the behaviour and policy of the enemy government. As Ian Clark suggests, there was an advantage in detaining enemy soldiers if the humane treatment described in the Geneva Convention was upheld, but no benefit in mistreating the prisoners.⁴ As far back as Carl von Clausewitz, it was understood that any violent behaviour perpetrated under executive orders could fuel the need for retaliation.⁵ In order to mete out reprisals against POWs, it helped if prisoners were thought to be beneath those guarding them. This mindset reduced any reservations about committing acts of violence.⁶ As suggested by Marie-Luisa Frick, the dehumanisation of POWs reinforced the legitimacy of the reprisal action taken against the prisoners, allowing belligerents the justification they needed to undertake reprisals on their own part while attributing blame to the enemy.⁷

Early in the war, German authorities adopted reprisals against prisoners from Britain and the Dominions in response to what they considered poor conditions in a camp in Canada.⁸ As a result of the German action, it was understood as early as June 1941 that one empire government’s treatment of prisoners of war could have consequences for POWs from another part of the empire. This left the Australian government anxious to ensure that there was complete coordination in the treatment of prisoners of war throughout the empire.⁹ However, it was not only the British and Australian

¹ Roger Deacon. “Clausewitz and Foucault: War and Power,” *Scientia Militaria* 31, no. 1 (2003): 41.

² Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 2, 938.

³ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 2, 938.

⁴ Ian Clark. *Waging War: A Philosophical Introduction* (Oxford: Oxford University Press, 1990), 26.

⁵ Carl von Clausewitz. *On War*, trans and ed. Michael Howard and Peter Paret (New Jersey: Princeton University Press, 1976), 138.

⁶ David Livingstone Smith. *Less than Human: Why we Dehumanize, Enslave, and Exterminate Others* (New York: St Martin’s Press, 2011), 264.

⁷ Marie-Luisa Frick. “Dehumanisation and Human Rights”. In *The Routledge Handbook of Dehumanization*, edited by Maria Kronfeldner, 12: 187-200 (New York: Routledge Handbooks in Philosophy Series, 2021), 192.

⁸ NAA: A1608/1 A20/1/1/Part 1 Cablegram from Prime Minister’s Department to Secretary of State for Dominion Affairs, London, 3 June 1941.

⁹ NAA: A1608/1 A20/1/1/Part 1 Cablegram from Prime Minister’s Department to Secretary of State for Dominion Affairs, London, 3 June 1941.

governments that alleged poor treatment of its prisoners of war. The treatment of Italian prisoners of war became the topic of debate in the House of Commons on 8 December 1942. The discussion was in response to the allegations of poor treatment of Italian POWs by British troops, announced in a recent broadcast from Mussolini. The Secretary of State for War, Sir James Grigg, responded,

All complaints made by prisoners of war or by the Italian government through the Protecting Power are fully investigated whenever sufficient details are given in the complaint to enable this to be done, and a full answer is invariably sent. As no details were given, it has been impossible to inquire into the allegations made in Mussolini's recent broadcast. No such complaints have been received from the Italian government, and I should be very surprised if there were anything in the allegations made except propaganda. Our treatment of prisoners of war is based on the scrupulous observance of the Geneva Convention, and I do not consider any statement on the subject is necessary.¹⁰

The maltreatment and reciprocal reprisals were not only an issue in the early stages of the war; they continued throughout the war. Even in the last days of the war, the Office of the High Commissioner for the United Kingdom in Canberra expressed its concerns regarding reprisal action,

The High Commissioner directs me to say that he has been asked to invite the attention of the Commonwealth authorities to the fact that a report has appeared in a Swiss newspaper and was cabled to the United Kingdom from Switzerland on 14 March to the effect that the Germans are contemplating reprisals on Allied prisoners of war for the recent bombing of certain German cities.¹¹

These are examples of the reprisal action undertaken throughout the war. They varied in type and length depending on the supposed wrongdoing or breach by the enemy. However, some were more severe than others. Fortunately, in the western European theatre, the Geneva Convention was mostly upheld, violations and cases of ill-treatment, including death among prisoners, were considered the exception rather than the norm.¹²

POW Reprisals and Punishments – Australians in Italy

The experience of captivity in Italy was varied and largely depended on the attitude of the camp commandants. When Australian prisoners of war arrived on the Italian mainland, they were transferred to several different camps, and most Australian soldiers from the other ranks were detained at Grupignano (Campo 57).¹³ The Camp Commandant was a Sicilian Colonel named Vittorio Calcaterra, a fervent fascist previously in charge of an Italian Police District. To the POWs, he proved to be a particularly strict and ruthless disciplinarian, his attitude caused the violation of the Geneva Convention

¹⁰ Hansard, House of Commons, Volume 385, 8 December 1942.

¹¹ NAA: A1066 IC45/6/2/15 Office of the High Commissioner for the United Kingdom, Canberra, 20 March 1945.

¹² David Rolf. 'Blind Bureaucracy': The British Government and POWs in German Captivity, 1939-45. In B. Moore and K. Fedorowich (eds) *Prisoners of War and their captors in World War II*, pp. 47-67(Oxford: Berg, 1996), 56.

¹³ Tom Trumble, *Tomorrow we escape: one man's extraordinary story of courage and survival from Tobruk to the prison camps of occupied Europe* (Australia: Penguin Books, 2014), 107.

on many occasions.¹⁴ Harsh and arbitrary sentences of imprisonment were common at Grupignano. However, not all Italian camps were like Grupignano. The environment was different at the Officers' camp at Sulmona (Campo 78) in southern Italy and Prato all'Iscaro (Campo 118) near Bolzano in northern Italy.¹⁵ One POW described the commandant at Prato all'Iscaro as "a good old bloke in many ways, and the boys had nothing against him. He used to let us go for walks two or three miles from the camp, and we always got our Red Cross parcels and fags."¹⁶

Among the incidents of maltreatment of the prisoners at Grupignano, the most significant was the so-called hair-cutting episode described by a number of Australian POWs in their repatriation interviews with Army Intelligence. One such report was made by Corporal Claude Day. During his repatriation interview, he said, "I did 31 days in cells in Grupignano being [a] collective punishment".¹⁷ A more detailed account regarding the incident was sent to the High Commissioner in London. In his statement, Day describes Calcaterra's order of close clipping,

Each man who refused to submit to hair clipping was removed from ranks and handcuffed. After about 22 had been so handcuffed, Camp Leader Sgt. Maj. Cotman Australian prisoner of war who had been temporarily absent from the compound...upheld protests whereupon he was handcuffed and forcibly hair cropped in front of the whole parade amid derisive laughter from Calcaterra and his officers.¹⁸

During the incident, the Australian prisoners voiced their support for their camp leader Sergeant-Major Cotman, calling out, "good luck to you Cotty." Calcaterra claimed that they called him a dog in Italian, resulting in every fifth man, thirty in all, including Cpl Day, being handcuffed along with the twenty-two already in handcuffs for refusing a haircut.¹⁹ In his interview, Day complained of Calcaterra's injustice during his time at Grupignano.²⁰ Day was not the only prisoner to record the shackling event at Grupignano; other prisoners corroborated his account.²¹ Malcolm Webster described the event in considerable detail in his memoir,

During November 1941, the Colonel mounted his far-reaching edict dubbed the 'hair raid'. All prisoners were ordered to have their hair removed. On principle, we protested against this order. Our argument being the effect of the cold from the fast-approaching winter would be

¹⁴ Peter Stanley, R. Reid, J. Moremon, and N. Anderson. *Stolen years: Australian prisoners of war* (Canberra: Commonwealth of Australia, 2002), 14-15.

¹⁵ Stanley, Reid, Moremon, and Anderson, *Stolen years*, 14-15.

¹⁶ Stanley, Reid, Moremon, and Anderson, *Stolen years*, 15.

¹⁷ NAA: B833 NX8889 Day Claude Frederick.

¹⁸ AMW 54 779/4/2 Australian Prisoners of War in Europe, 15 July 1943., also see AWM: 54 779/3/116. Statement by NX8889 Cpl C. F. Day – AASC 18 Bde, 10 July 1943., NAA: A989 1943/925/1/17. Cablegram Prime Minister's Office to High Commissioner's Office, London, 15 July 1943.

¹⁹ AWM: 54 779/4/21 [Prisoners of War and Internees – Treatment by Enemy:] Reports by International Red Cross and Protecting Powers on conditions existing in Prisoner Of War Camps in Germany and Italy 1941-1945. Department of External Affairs to Department of Army, 15 July 1943.

²⁰ NAA: B833 NX8889 Day, Claude Frederick.

²¹ NAA: A989/1/1943/925/1/17 Treaties Red Cross prisoners of war reports on Italian camps 1943-1944. Cablegram Prime Ministers Department to High Commissioner's Office London, 15 July 1943.

most harmful. Most of the prisoners at that time did not possess headgear, such as a hat or balaclava...Next day, our refusal to have all our hair cut off prompted the Colonel to react angrily. He quickly called a full parade and descended on us with squads of military guards and Carabinieri. Machine guns were set up...The Colonel and his Command, on one hand, needing to enforce their authority and we stubborn Australians trying to stick to our guns. Twenty-two pairs of handcuffs were wheeled in on a handcart...Following further refusal, the first twenty-one prisoners in our group were handcuffed. They were marched off to have their hair shorn off by the camp barber. The POW camp leader, SNCO Regimental Sergeant Major Arthur Cotman, who was not in the area at the time of the incident, when returned to the parade ground, was told to order the prisoners to have their hair removed. Knowing full well of the prisoners' attitude to this order, he naturally refused. He was handcuffed, and his hair removed forcibly in front of the parade...RSM Cotman was escorted from the compound to join the other twenty-one already in the 'inner boob.'²²

Webster's account explains the outcome of the hair-cutting episode,

We were all handcuffed to the rope. This forced us to remain in a standing position for many hours each day for almost three weeks. Conditions were quite grim and very uncomfortable. Every morning we were escorted, in pairs, by the guards, to a wash house. Five minutes only was allowed to wash our hands and faces. As the window shutters were kept closed, the goal interior was dark and gloomy. No exercise was permitted outside the goal...Father Cotta, who was originally at Prato all'Isarco, visited the 'boob.' He was appalled at the inhuman conditions prevailing at the goal and immediately declared he would have things improved by reporting to the authorities in Geneva, Switzerland. Shortly afterwards, a Swiss Delegation arrived, and after their inspection, conditions improved for the inmates.²³

During the punishment taken against the prisoners for refusing to cut their hair, an agent from the protecting power frequently visited, while the ICRC only visited twice.²⁴ During the visit from the ICRC representative Dr Lambert, Colonel Calcaterra chose to inform him that the reprisal was the fault of the prisoners. Calcaterra consequently complained to the ICRC representative on his own behalf about the hair-cutting situation, protesting against the prisoners' resistance to the order to have their hair shaved.²⁵ Lambert, in his report, explained that twenty prisoners had been confined in a special hut serving as a prison. He further detailed that the prisoners were allowed out of the hut to walk in the small outdoor space provided; apart from that, they were treated the same as the other prisoners.²⁶ Despite what Lambert's camp report records, it does not correspond with the repatriation reports or personal memories of the prisoners in the camp. Furthermore, it does not mention handcuffs or the extra prisoners punished for allegedly calling Calcaterra a dog. The inaccuracy of the ICRC report, not known at the time by the Australian government, could later be called into question.

The Australian government was slowly gaining information regarding the treatment of POWs in Italy. By July 1943, Australian authorities had received several reports from the protecting powers,

²² Malcolm Webster. *An Italian experience* (Victoria: M. R. Webster, 1995), 78.

²³ Webster, *An Italian experience*, 79.

²⁴ NAA: A989/1/1943/925/1/17 Prime Ministers Department to High Commissioner's Office London, 1 July 1943.

²⁵ NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III. ICRC camp report Grupignano Camp visited on 9 December 1941, P Lambert, 5.

²⁶ NAA: A816 67/301/16 ICRC camp report Grupignano Camp visited on 9 December 1941, P Lambert, 5.

ICRC and an advanced party of repatriated Australian POWs from Italy, describing the conditions and activities of mistreatment, especially at Grupignano, noting,

The chief cause of complaint in the camp was the brutal attitude of Camp Commandant Colonel Calcaterra. Calcaterra was formerly in charge of a police district in central Italy. Men were awarded thirty-day detention, which was both minimum and maximum for minor offences such as failure to salute an officer and failing to stand to attention at retreat even though they may not hear the bugle call. The order read on parade stated all offences would be treated as severe and subject thirty days sentences. Men are frequently handcuffed in detention for up to four hours a day, and as they must exist on Italian rations are in very weakened condition at the end of thirty days. Finally, was the desire for every possible effort to be made to have Calcaterra removed from control of this camp and placed on a blacklist.²⁷

Additionally, in July, the Department of External Affairs received a report that contained a statement from Major Raymond Binns, an Australian medical officer, who described the handcuffing at Grupignano. The report stated that the leading cause of complaint at the camp was the brutal attitude of the camp commandant, Calcaterra. Binns explained, “Men [are] frequently handcuffed in detention for up to four hours a day and, as they must exist on Italian rations, are in very weakened condition at the end of thirty days.”²⁸ Captain Gordon Gilbert, also a medical officer, made a statement regarding the harsh treatment of POWs and the ruthless attitude of Calcaterra. He explained that though he did not witness the shackling of the prisoners during the hair-cutting incident because he did not arrive at the camp until 6 November 1941, the incident was reported to him on his arrival. Included in his statement, Gilbert provided an appraisal of Calcaterra, stating he was “harsh, overbearing and arrogant”.²⁹ Prior to the early repatriation of some sick and wounded prisoners and protected personnel, it would have been difficult for the Australian government to establish a clear understanding of what was happening in Italy due to the already established slow receipt and possibly inaccurate camp reporting described in chapter 4. Despite this mistreatment of Australian prisoners at Grupignano, Captain James Ryan of the 11th Field Ambulance explained in his report to Army Headquarters, once repatriated, that during his time at the camps between 1 December 1941 and 16 February 1942, the morale of the Australian prisoners was excellent, recalling that “One was proudest of being an Australian in a prison camp.”³⁰

Not all punishments in Italy were major events like the haircutting incident. One specific act of reprisal was the irritating and vindictive seizing of tins of coffee. Italian authorities instigated this reprisal against Allied prisoners because Italian POWs were not being provided coffee, only tea, in

²⁷ AWM 54 779/4/21 Secretary Department of External Affairs to Secretary Department of Army, 1 July 1943.

²⁸ AWM 54 779/4/2 Australian Prisoners of War in Europe. Secretary, Department of External Affairs, 1 July 43.

²⁹ AWM 54 779/4/19 Statement by Captain Gordon Gilbert SX 5894 – Brutal Treatment of PW in Italian Camps.

³⁰ AWM 54 781/6/6 [Prisoners of war statements – Europe] File containing material (Statistics citations, escapes, etc) prepared by L Parker at Central Army Records Office for use of Official War Historian, in the preparation of section dealing with Australian Prisoners of War (Army) taken in the Middle East, Greece and Crete and held in Camps in Germany and Italy. Prisoners of War in Europe – Report on Italian prison camps by QX 6083 Capt., J. J Ryan, MC, AAMC.

camps in Australia, Britain and India.³¹ Most incidents in Italy were punishments for alleged wrongdoings by prisoners in the camps, and some had devastating consequences. Information sent to the Australian government from the High Commissioner's Office in London provided extracts of camp reports, information from censorship documents, and prisoners' letters that described events at Grupignano between December 1942 and September 1943. The document reported an incident regarding Corporal Arthur Richardson WX380, who, on 15 December 1942, was shot through the chest by a sentry for failing to obey the sentry's orders. Fortunately, Corporal Richardson had recovered from his wounds before the report was received.³² Sadly, Corporal Edward Symonds was not as fortunate. During a cricket match in June 1943 between New Zealand and Australia, a fellow prisoner who witnessed the event stated that Corporal Symonds attended the game and, while cheering on the Australian team, told an Italian guard to move off the field. For this, the guard approached to take Symonds to the cells, Symonds refused to go and was shot by the guard; although he was rushed to the camp hospital, he later died.³³

The British Prisoner of War Department had a different viewpoint on what was happening in the Italian camps. Possibly because the incidents reported to Australian authorities mainly took place at Grupignano, which detained prominently Australian and New Zealand prisoners. The Italians' breaches of the Geneva Convention, affecting British POWs, according to the Prisoner of War Department, were likely due to what the Prisoner of War Department described as inefficiency rather than deliberate cruelty.³⁴ The only mention of handcuffing in Italy by the department was an episode that occurred while transporting prisoners from Venice to Sulmona.³⁵

The Shackling Crisis 1942-1943

The Catalyst – Dieppe and Sark

During the war, belligerents employed a policy of reprisals and maltreatment against prisoners of war to curb enemy behaviour in the general war effort and on the battlefield. Berlin had a catalogue of complaints about British conduct on the battlefield.³⁶ Previously German accusations of wrongdoing had met with protests of innocence and efforts to appease for the sake of the prisoners on behalf of the British. However, there was a considerable number of incidents resulting in complaints from the

³¹ Webster, *An Italian experience*, 98.

³² NAA: A989 1943/925/1/17 Cablegram Prime Minister's Department from the High Commissioner's Office, London, 8 September 1943.

³³ AMW: 54 779/4/2 Australian Military Forces, Prisoner of War – Europe, document not dated.

³⁴ Harold Satow and J Sée. *The Work of the Prisoners of War Department during the Second World War* (London: Foreign Office, 1950), 12-13.

³⁵ Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 12-13.

³⁶ Bob Moore. The treatment of prisoners of war in the Western European theatre of war, 1939-45. In S. Scheipers (eds) *Prisoners in war*, pp. 111-125 (Oxford: Oxford University Press, 2010), 114.

Germans dating back to the previous year, and the willingness on behalf of the British to back down was waning. Simon Mackenzie argues that this was the first time there was a significant danger of retaliation, considering the impossible time limit imposed by German authorities for a public apology; as a result, the war cabinet became directly involved in prisoner of war diplomacy.³⁷ In June 1942, German soldiers captured in the Middle East claiming they were not allowed to sleep or provided food, drink or other comforts until after they had been interrogated.³⁸ This caused the German High Command to issue orders denying Allied soldiers food or drink until the British rescinded the order. Fortunately, communication with the protecting power resolved the issue before the reprisal took place.³⁹ Still, at no other time throughout the war was the issue of reciprocity as significant as it was in the case of the shackling crisis. German prisoners captured and handcuffed during the raid at Dieppe and later during the British commando raid on the Channel Island of Sark were the catalyst for what became the most well-known example of political reprisal during the Second World War.

For over two years, Churchill had been prodding the chiefs of staff for aggressive action against the enemy across the Channel on mainland Europe.⁴⁰ Finally, Churchill got his way, and the attack took place at Dieppe, a seaport on the coast of northern France, on 19 August 1942. The operation was an amphibious landing of 6,000 British, Canadian, American and Free French troops.⁴¹ The only Australian involved in the operation was Air Commodore Adrian Cole of the Royal Australian Air Force, who was on the destroyer *Calpe* coordinating the air support.⁴² The failure of the raid at Dieppe placed considerable strain on the relationship between Britain and its Allies, particularly Canada, but also the United States and the Soviet Union.⁴³

Events at Dieppe were not the only incident recognised as a contravention of the rules of war by German authorities. By August 1942, the treatment and conditions German Officers on board *SS Pasteur* endured *en route* from Egypt to South Africa earlier in the year had reached Berlin; as a result of their treatment, British Officers in Oflag IXA at Spangenberg were stripped of soap, razors, and other personal items by German authorities in response to the events on *Pasteur* until an apology and reparations for the German Officers were received from British authorities.⁴⁴ Operation Basalt, the

³⁷ Mackenzie, "The Shackling Crisis: A Case-Study in the Dynamics of Prisoner-of-War Diplomacy in the Second World War," 85.

³⁸ NAA: A2671 210/1943 Manacling of Prisoners of War. High Commissioner's Office, London to Prime Minister's Department, 9 February 1943.

³⁹ NAA: A2671 210/1943 High Commissioner's Office, London to Prime Minister's Department, 9 February 1943.

⁴⁰ M. R. D. Foot "Dieppe: Triumph out of Disaster." *History Today* 42 (August 1992): 10.

⁴¹ Chris Coulthard-Clark, *The Encyclopaedia of Australia's Battles* (Crows Nest: Allen & Unwin, 2001), 227.

⁴² Coulthard-Clark, *The Encyclopaedia of Australia's Battles*, 227.

⁴³ David Ian Hall, "The German View of the Dieppe Raid." *Canadian Military History* 21 no. 4 (2015): 3.

⁴⁴ S. P. Mackenzie, "The Shackling Crisis: A Case-Study in the Dynamics of Prisoner-of-War Diplomacy in the Second World War." *International History Review* 17, no. 1 (1995): 84.

British commando raid on the Channel Island of Sark on 3 October, was considered the final straw in a number of violations by the British and Allies that resulted in Germany taking action not on the battlefield but against Allied POWs in its hands.⁴⁵ The “butcher and bolt” raids like the one on Sark aimed to gather prisoners and terrorise the enemy in an effort to force the Germans to waste men and resources, strengthening defences in a place of no real strategic value, increasing local resistance and, most importantly, raising morale at home.⁴⁶ However, German authorities decided that handcuffing German soldiers captured on the battlefield during the two operations violated the Geneva Convention. In response, German authorities adopted a policy of handcuffing in POW camps throughout the Reich, for twelve hours a day, of more than 1,000 British POWs (Canadian and other Allies).⁴⁷

Britain and the Shackling Crisis

The complaint the German authorities raised in August 1942 regarding the tying of hands on the battlefield during events on the battlefield at Dieppe would directly impact the treatment of Allied POWs in German POW camps. On 2 September, the *Oberkommando der Wehrmacht* (OKW) announced that 2,000 prisoners picked up after the raid on Dieppe would be placed in chains and remain bound until London gave assurances that its commandos would no longer use hand ties on the battlefield.⁴⁸ An official German announcement stated that orders were given by the British in the Dieppe operations that prisoners’ hands should be tied to prevent them from destroying their papers.⁴⁹ British authorities firmly denied that any German had his hands tied. However, the German High Command had evidence of British wrongdoing in the form of reports from captured German soldiers that confirmed they were indeed restrained, “Kurt Huber says that he was captured near the Dieppe Casino. Not only he but also another NCO Mueller, who was slightly wounded, were fettered as well as other soldiers.”⁵⁰ Despite the soldiers’ statements, German authorities did not expect British authorities to take their word for it, so, it was agreed that the protecting power would directly clarify the reports.⁵¹ At the same time, the British government released a statement announcing that “it is categorically denied

⁴⁵ Eric Lee, *Operation Basalt: The British raid on Sark and Hitler’s Commando Order* (Gloucestershire: The History Press, 2016), 1.

⁴⁶ Lee, *Operation Basalt*, 68.

⁴⁷ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War (September 1, 1939 – June 30, 1947) vol. 1 General Activities* (Geneva: ICRC, 1948), 368.

⁴⁸ Neville Wylie, *Barbed Wire Diplomacy: Britain, Germany, and the Politics of Prisoner of War, 1939-1945* (Oxford: Oxford University Press, 2010), 135.

⁴⁹ TNA: PREM 3/363/2 Shackling of Prisoners of War, 01 October 1942 – 31 December 1943. Quotations from the British Government Statement of 19th October. Quotations from British War Office Statement of 7th October, 16 October 1942.

⁵⁰ TNA: PREM 3/363/2 Quotations from the British Government Statement of 19th October. Quotations from British War Office Statement of 7th October, 16 October 1942.

⁵¹ TNA: PREM 3/363/2 Quotations from the British Government Statement of 19th October. Quotations from British War Office Statement of 7th October, 16 October 1942.

that any German has his hands tied. Any such order if it was issued will be cancelled.”⁵² Britain’s swift response to German demands prevented the reprisal measures from being enforced.⁵³ Although the British government denied using handcuffs on the battlefield at Dieppe, on 8 September, Mr Allen from the Department of Defence Military Intelligence was tasked with reviewing the operation and making recommendations regarding planning for future operations.⁵⁴ The alleged ill-treatment of German POWs was also under discussion, with particular reference to the instructions that their hands should be tied. These specific questions were passed to the Joint Intelligence Sub-Committee for further investigation.⁵⁵

After the supposed breaches at Dieppe, the discovery of some German soldiers killed with their hands tied after the British commando raid on Sark in October was considered by German authorities the opportunity they needed to escalate the matter.⁵⁶ It was the second such reported episode of handcuffing of German prisoners in the field. Accounts from British Officers involved in the raid explain that German soldiers’ hands were tied when they were taken prisoner.⁵⁷ The commando’s actions of hand-tying at Sark led to German reprisals and tit-for-tat responses by the British.⁵⁸ Still, in an attempt to defuse the situation, the British published another official statement by 9 October 1942 announcing, “His Majesty’s Government repeat that declaration that they do not and will not countenance any orders for the tying of the hands of prisoners of war taken in the field.”⁵⁹ Nonetheless, the binding of prisoners’ hands during the raids on Dieppe and later the Channel Island of Sark had already occurred and only confirmed German suspicions about Britain’s highhanded attitude towards the prisoners in its charge.⁶⁰

While the opinion at home and in the Dominions was critical about the reprisal action, the mood of the British War Cabinet was quietly confident when it convened on 12 October to prepare a public statement for the House of Commons.⁶¹ However, during the meeting, it was clear that Churchill was not happy with the response from the Dominions regarding the reprisal action taken.⁶² Churchill told his colleagues that the “Dominions are soft. If we are defeated on this ill-treatment of prisoners, it

⁵² TNA: CAB 66/33/4 Official Statements by His Majesty’s Government on Shackling of Prisoners of War, 2 September 1942.

⁵³ Wylie, *Barbed Wire Diplomacy*, 135.

⁵⁴ TNA: CAB 79/24 War Cabinet – Joint Intelligence Sub-Committee, Operation “Jubilee” – Security, 5 December 1942.

⁵⁵ TNA: CAB 79/24 War Cabinet – Joint Intelligence Sub-Committee, Operation “Jubilee” – Security, 5 December 1942.

⁵⁶ Bob Moore, *Prisoners of War Europe: 1939-1956* (Oxford: Oxford University Press, 2022), 133.

⁵⁷ Lee, *Operation Basalt*, 101.

⁵⁸ Moore, *The treatment of prisoners of war in the Western European theatre of war, 1939-45*, 114.

⁵⁹ TNA: CAB 66/33/4 Official Statements by His Majesty’s Government on Shackling of Prisoners of War, 9 October 1942.

⁶⁰ Wylie, *Barbed Wire Diplomacy*, 134.

⁶¹ Wylie, *Barbed Wire Diplomacy*, 142.

⁶² TNA: CAB 195/1/42 War Cabinet Meeting, 12 October 1942.

will be used as black-mailed tactics.”⁶³ Considering the public and Dominions’ criticism regarding the crisis, the Secretary for Dominions was concerned with ending the reprisal, “Public anxiety, how are you getting out of this? Welcome Swiss help if it affords a way out. What is [the] alternative?” Yet, some ministers saw the advantages of playing the long game; the Lord Privy Seal Sir Stafford Cripps responded, “[It will] go on till both sides are bored.”⁶⁴ It would be another seven weeks before the cabinet finally gave in and agreed to seek a solution to the crisis through Swiss channels. Before the British government came to the decision to utilise the Swiss government, the pressure to alter British POW policy regarding the current reprisals became particularly intense.⁶⁵ For Churchill, however, the prospect of doing battle with the Führer was met with great enthusiasm.⁶⁶ As a result, Churchill continually argued in favour of policies likely to rebound on the well-being of British and Dominion prisoners in German hands and had no hesitation in embarking on reprisals if they served Britain’s wider interests.⁶⁷ What Churchill and the British War Cabinet did not discuss was the majority of German prisoners had been transferred to Canada, with only 200 remaining in the United Kingdom; as a result, they would have to rely heavily on the Dominions, particularly Canada, to undertake the reprisal measures put forward by Britain.⁶⁸ Considering Churchill’s attitude, the British government still issued a statement regarding the actions of the German government on 12 October, “the German government have, however, themselves taken action to tie the hands of prisoners of war in their custody, and far removed from the battlefield, as an act of reprisal. Acts of reprisal against prisoners of war are specifically forbidden by the Geneva Convention.”⁶⁹ Following the War Cabinet meeting, Churchill made a speech to the House of Commons on 13 October 1942 regarding the shackling of prisoners,

The Geneva Convention upon the treatment of prisoners of war does not attempt to regulate what happens in the actual fighting. It is confined solely to the treatment of prisoners who have been securely captured and are in the responsible charge of the hostile Government. Both His Majesty’s Government and the German Government are bound by this Convention. The German Government, by throwing into chains 1370 British prisoners of war for whose proper treatment they are responsible, have violated Article 2 of the aforesaid Convention. They are thus attempting to use prisoners of war as if they were hostages upon whom reprisals can be taken for occurrences on the field of battle with which the said prisoners can have had nothing to do. This action of the German Government affronts the sanctity of the Geneva Convention, which His Majesty’s Government have always been anxious to observe punctiliously.⁷⁰

⁶³ TNA: CAB 195/1/42 War Cabinet Meeting, 12 October 1942.

⁶⁴ TNA: CAB 195/1/42 War Cabinet Meeting, 12 October 1942.

⁶⁵ Wylie, *Barbed Wire Diplomacy*, 143.

⁶⁶ Wylie, *Barbed Wire Diplomacy*, 140.

⁶⁷ Wylie, *Barbed Wire Diplomacy*, 141.

⁶⁸ Moore, *Prisoners of War Europe*, 162.

⁶⁹ TNA: CAB 66/33/4 Official Statements by His Majesty’s Government on Shackling of Prisoners of War, 12 October 1942.

⁷⁰ Hansard, House of Commons, Volume 383, 13 October 1942.

At the same time, the German foreign minister, Joachim von Ribbentrop, was eager to obtain support for the shackling of Allied prisoners from Germany's Axis partners. Unfortunately for Germany, he discovered that their main allies were reluctant to support further action.⁷¹ Nonetheless, by the second week of October 1942, von Ribbentrop had contacted the German ambassador in Rome about the possibility of a joint Axis policy on the shackling issue.⁷² The aim was to make the British concede defeat when faced with a general threat to prisoners of war in Axis hands and allow Germany to declare a moral victory, but the Italian government saw things differently.⁷³ With 260,000 Italian prisoners detained by Britain and the Allies and far fewer British prisoners in Italian hands, Italy would be at a distinct disadvantage if involved in reprisals. As a result, the German ambassador was informed that Italy would be able to do nothing.⁷⁴

Jonathan Vance explains that the reprisal began on the morning of 8 October 1942 at a number of camps around Germany. At Oflag VIIIB, Eichstätt, Canadian Officers captured at Dieppe were taken from the main camp to a fortress overlooking the town where their hands were bound with thick rope. Initially, the shackling involved all the Canadian prisoners at Eichstätt; however, by day three, the guards randomly selected twenty prisoners to be placed in iron shackles each day. At Stalag VIIIIB Lamsdorf, the Canadian prisoners were told that because of British practices in handling prisoners, Germany was forced to take reprisals. Unaware of the diplomatic exchanges taking place, the prisoners expected to be executed; it would have been some relief to find German guards instead holding lengths of rope that would eventually be replaced by shackles, which would be used to tie the Canadian POW's hands.⁷⁵ The prisoners involved in the shackling made it difficult for the guards; many found ways to discard their bonds, forcing a significant number of guards to most of the day to tie their hands. At the same time as the British government were unaware of the prisoners' response to the reprisal, the government's own response was swift, announcing to the German government that it would begin retaliatory shackling if Berlin did not bring an end to the shackling.⁷⁶

As the shackling continued into November, it became increasingly evident that not everyone in British political circles supported the reprisal. Major Quintin Hogg MP wrote to Churchill to "express in the strongest possible terms my disapproval of the Government's policy on the chaining of German

⁷¹ S. P. Mackenzie, "The Shackling Crisis: A Case-Study in the Dynamics of Prisoner-of-War Diplomacy in the Second World War." *International History Review* 17, no. 1 (1995): 88.

⁷² Mackenzie, "The Shackling Crisis", 88.

⁷³ Mackenzie, "The Shackling Crisis", 88.

⁷⁴ Mackenzie, "The Shackling Crisis", 88.

⁷⁵ Jonathan Vance, "Men in Manacles: The Shackling of Prisoners of War, 1942-1943." *The Journal of Military History* 59, no. 3 (1995): 484.

⁷⁶ Vance, "Men in Manacles: The Shackling of Prisoners of War, 1942-1943," 485.

prisoners.”⁷⁷ Hogg continued that he believed this tactic would fail, fearing that the Germans intended to use British prisoners as hostages, and he implored Churchill to reverse the War Office’s policy.⁷⁸ The Archbishop of York and the Archbishop of Canterbury also involved themselves in the reprisal debate. They acknowledged the protests by British authorities to the German government about the reprisal; however, they made it clear to the British government that they opposed any reprisals against innocent prisoners of war.⁷⁹ In addition, Churchill received letters from the parents of the affected POWs. Notably, one letter summarised by Churchill’s Private Secretary Anthony Bevir explained, “while loyally supporting you, [they] are very anxious about reprisals which they regard as a mistake.”⁸⁰ The opposition did not sway Churchill, and as the shackling continued, so did resistance to the action. The British Prisoners of War Relatives Association also expressed their disapproval of the reprisals, which they had opposed since the beginning, writing to Churchill’s Private Secretary in order to draw attention to letters sent by British POWs. The prisoners reported that their German guards disliked carrying out the order to handcuff the prisoners, so they suggested it could be “an opportunity for calling the thing off. If both sides are averse to it, it would make it much easier to do.”⁸¹ Letters received from British officers in German camps in November 1942 described the shackling of prisoners. One such letter noted the number of prisoners in the camp suffering from the reprisal action, “besides the Canadians in the same barracks as we, think there are 232 other officers handcuffed including the colonies.”⁸²

The political reprisal of shackling prisoners caused the British authorities to examine their policies and reading of the Geneva Conventions.⁸³ In 1943, the British government attempted to differentiate between the treatment of POWs on the battlefield and their treatment once they were officially detained in POW camps. They maintained that the principles of the Geneva Convention had no bearing on the battlefield.⁸⁴ The British government based their argument on Article 1, Section 2, which they believed allowed for certain exceptions to the treaty regulations.⁸⁵ The relevant article states, “the present Convention shall apply without prejudice” and continues to explain “to all persons

⁷⁷ TNA: PREM 4/98/2 Shackling of Prisoners of War, 01 October 1942 – 31 December 1943. Letter to Prime Minister Churchill from Major Quintin Hogg, MP, 7 November 1942.

⁷⁸ TNA: PREM 4/98/2 Letter to Prime Minister Churchill from Major Quintin Hogg, MP, 7 November 1942.

⁷⁹ TNA: PREM 4/98/2 Bishopthorpe, York to Prime Minister, 15 October 1942., letter Canterbury to Prime Minister, 2 November 1942.

⁸⁰ TNA: PREM 4/98/2 Note for Prime Minister, 22 November 1942.

⁸¹ TNA: PREM 4/98/2 British Prisoners of War Relatives Association to Private Secretary of the Prime Minister Anthony Bevir, 20 November 1942.

⁸² TNA: PREM 4/98/2 Note for Prime Minister, 22 November 1942.

⁸³ Moore, *The treatment of prisoners of war in the Western European theatre of war, 1939-45*, 114.

⁸⁴ TNA: CAB 66/33/38 War Cabinet – Shackling of Prisoners of War Draft telegram to Berne. Draft telegram to Mr. Norton, 24 January 1943.

⁸⁵ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 368.

belonging to the armed forces of belligerent parties, captured by the enemy in the course of military operations at sea or in the air, except for such derogations as might be rendered inevitable by the conditions of capture.”⁸⁶ Although the article allowed for the relaxation of the rules under certain circumstances and could be used to support the British viewpoint, it could be argued that Britain’s attempt to justify its actions through the use of Article 1 was not valid because the Geneva Convention provided articles relating to the capture of enemy troops (see chapter 2). Communication between Britain’s Minister at Bern, Sir Clifford Norton, and Anthony Eden, dated 16 April 1943, discusses the application of Article 2 and the shackling of prisoners during operations,

The Geneva Convention lays down generally that prisoners of war must be humanely treated, and the point at issue between His Majesty’s Government and the German Government is what constitutes such treatment. The Geneva Convention gives very little guidance on this question and lays down no rule about the shackling or binding of prisoners during operations...His Majesty’s Government have and will continue scrupulously to observe not only the terms but also the spirit of the Geneva Convention, Article 2 of which lays down that prisoners of war shall “at all times be humanely treated and protected”. I should perhaps add that that article of the Convention of which Germany was a signatory also provides that “measures of reprisal against them are forbidden”.⁸⁷

At the same time, the British War Cabinet in April 1943 continued to push for the removal of the reprisal measures while still maintaining the need for restraint on the battlefield under certain circumstances,

I believe my colleagues are generally agreed that we must maintain our present position and continue to press for the removal of the reprisal measures. The disadvantage of this course is that, if it is adopted, there is no present prospect of our prisoners of war being unshackled; on the other hand, to accept without reservation the German demand would involve the prohibition of certain measures of restraint which are not only in our view consistent with a true interpretation of the provisions of the Geneva Convention but have hitherto been regarded as necessary for the efficient conduct of military operations.⁸⁸

However, while the British government was attempting to end the reprisal, the War Cabinet acknowledged the point of contention that caused the breakdown in negotiations with their German counterparts,

The German government had asked for an assurance that the shackling of German prisoners in any circumstances whatsoever would be forbidden, but that we had maintained that in certain circumstances on the field of battle, binding of prisoners was permissible and that it was on this point that negotiations had broken down.⁸⁹

By July 1943, the shackling of prisoners was in its ninth month, and Churchill took steps to communicate with the President of the United States and Canadian Prime Minister William Mackenzie King regarding the British government’s position,

⁸⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 1, Section 2, 938.

⁸⁷ TNA: CAB 66/36/8 War Cabinet – Shackling of Prisoners of War Proposed Statement, Annex 2, 16 April 1943.

⁸⁸ TNA: CAB 66/36/8 Shackling of Prisoners of War Proposed Statement, 16 April 1943.

⁸⁹ TNA: CAB 65/34/10 War Cabinet Meeting, 19 April 1943.

Although His Majesty's Government have now captured far more German prisoners of war than the enemy, the inhumane and insulting shackling of British and Canadian prisoners of war still continues, upwards of four thousand officers and men being daily subjected to this barbarous reprisal abhorrent to the customs of war. His Majesty's Government have decided not to inflict similar retaliation during the war upon the German prisoners in their hands.⁹⁰

The Swiss Foreign Minister notified the British government in August 1943 that both von Ribbentrop and Field Marshal Wilhelm Keitel had expressed they were in favour of abolishing the shackling and intended to approach Hitler about the issue.⁹¹ The shackling of prisoners in POW camps became a very public battle of wills between Churchill and Hitler. It was an excellent example of the power of reciprocity in the treatment of prisoners of war.

Australia and the Dominions Response

During the shackling crisis, the United States publicly disassociated itself from British reprisals. Similarly, Canadian Prime Minister Mackenzie King made it clear privately to Churchill that he was not willing to risk the welfare of Commonwealth prisoners any further.⁹² Nonetheless, Churchill stubbornly defended the shackling, even with hostile comments concerning this form of reprisal made in the British press by the Canadian High Commissioner in London.⁹³ Indeed, the High Commissioner's remarks did not prevent the British government from asking the Canadian government that German POWs detained in Canada be shackled to match the German response to Dieppe and Sark. As London had already made its position public, Ottawa agreed to the British request, but it was clear that it was not happy with how the crisis was handled.⁹⁴ Mackenzie King noted in his diary of 10 October 1942,

The Germans are now threatening to retaliate three to one. Received an important wire from England urging us to adopt additional measures. The British have bungled the whole business terribly, trying to conceal certain orders given at the time of the Dieppe reconnaissance, which they could not conceal, because [it was] known to the Germans. Instead of repudiating their orders they have made matters worse by deception concerning them. The whole business is very involved, and full of very dangerous possibilities.⁹⁵

Then later in the day, he recorded the discussion about the shackling situation he had with the Canadian War Cabinet,

All present were unanimous in the view that we should not seek to compete with the Germans in their brutalities; also that we should ask Britain to seek mediation of protecting powers and Red Cross to end what has taken place. We agreed not to attempt any three to one fettering as

⁹⁰ TNA: CAB 66/39/48 War Cabinet, Shackling of Prisoners of War, Note by the Prime Minister, 30 July 1943.

⁹¹ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 10 August 1943.

⁹² S. P. Mackenzie, "The Treatment of Prisoners of War in World War II." *The Journal of Modern History* 66, no. 3 (1994): 492-493.

⁹³ Rolf, 'Blind Bureaucracy', 58.

⁹⁴ Mackenzie, "The Shackling Crisis", 87.

⁹⁵ MG26-J13, 19638 WLM King Mackenzie King diary entry, 10 October 1942.

an unwise policy of retaliation and one which the Allies were certain to get the worse off in the end. But, above all, to give time to ascertain what the real motives of the Germans were, &c.⁹⁶

The shackling crisis had severely damaged the Canadian government's confidence in the united POW policy that had now resulted in a system of reprisals. Churchill's attitude toward the reprisal that was affecting not only British but other Dominion prisoners caused a serious decline in the Canadian authority's confidence in the united policy. They began to question the idea of a united policy that put the fate of Canadian prisoners in the hands of a determined British Prime Minister whose judgment was notoriously inconsistent.⁹⁷ Knowing the position of Mackenzie King and the Canadian government, Churchill attempted to sound reassuring in his communication, stating his earnest hope "that you will stand by us in this anxious business in which we both have much at stake." He advised, "I am sure it will be of short duration." In this, he was wrong.⁹⁸

In Australia, Robert Menzies, now a member of the opposition backbench, wrote to Churchill to record the Australian government's unwillingness to participate in the reprisal, urging him to agree to the offer of mediation by the protecting power and the ICRC.⁹⁹ At the same time, the Australian government informed the Dominion Office in London of its concerns regarding the issue, explaining that "the matter is one of such general concern and potential danger to a large number of Australians now in the hands of the Japanese."¹⁰⁰ The government went further, stating,

We have little faith in the value of reprisals, especially in cases where the burden falls on helpless captives on both sides and where competition in cruelty can be carried on indefinitely with far more embarrassment to us than to the enemy. We are gravely concerned at the consequences to prisoners held by [the] Japanese.

There seems to be a valid distinction between prisoners detained during the actual progress of operations and those who are in secure custody. The validity of this distinction is clearly in dispute between belligerents within the meaning of Article 87 of the Convention. Therefore, a Conference should be suggested under Article 87, and the German government asked in the meantime to withdraw its order for manacling of Dieppe prisoners.

Before your decision is announced, we desire to be informed of it, also of the view of other Dominions, so that we can determine our position.¹⁰¹

On 15 October 1942, there was additional communication between the Secretary of the Department of Defence, Frederick Shedden, and the Australian Government Accredited Representative in London. In it, the Australian government once again confirmed its position on the policy of reprisals,

⁹⁶ MG26-J13, 19638 WLM King Mackenzie King diary entry, 10 October 1942.

⁹⁷ Mackenzie, "The Shackling Crisis", 89.

⁹⁸ Mackenzie, "The Shackling Crisis", 89.

⁹⁹ Mackenzie, "The Shackling Crisis", 89.

¹⁰⁰ NAA: A981/4 TRE 742 External Affairs Department, Treaties Red Cross – Chaining of Prisoners of War. Cablegram from The Prime Minister's Department to The Secretary of State for Dominion Affairs, London, 11 October 1942.

¹⁰¹ NAA: A981/4 TRE 742 Cablegram from The Prime Minister's Department to The Secretary of State for Dominion Affairs, London, 11 October 1942.

Contrary to express provisions of the Geneva Convention.

Repugnant to deep-seated humanitarian instincts.

Quite ineffective as a deterrent to German barbarism.

Likely to involve cruelty to prisoners in Japanese hands.¹⁰²

At the same time, the Australian government was communicating its concern at the reprisal action being taken in Europe; the Canadian government wrote to the Australian government stating its position regarding the shackling of prisoners,

We are in full accord with the views expressed in your telegram to the Secretary of State for Dominion Affairs on reprisals against prisoners of war, and we have already notified the United Kingdom government to this effect. We have a special interest in the question since nearly all the Dieppe prisoners were Canadians, and since so few German prisoners are held in the United Kingdom that must handcuff a large number of German prisoners transferred to Canada if the policy announced by the United Kingdom is to be carried out.¹⁰³

Opposition in the Dominions towards the shackling of POWs continued to grow. Despite that, Britain had not recognised the depth of the Dominions' sensitivity over the fate of their prisoners and continued to insist on a collaborative policy that was not fit for the purpose.¹⁰⁴ As a result, by November 1942, the High Commissioners from the Dominions had made representations to Churchill regarding the situation. They were adamant that the current state of affairs be considered unsatisfactory, however, they recognised the difference between the course taken by Britain and that of the Canadian government.¹⁰⁵ While moves were being made in London to break the stalemate, Mackenzie King noted in his diary on 3 November that he spent time drafting a letter to Churchill about the shackling issue along with a message to the Dominion Office.¹⁰⁶ In the telegram, the Canadian government informed Britain that it was worried about the tying up of prisoners of war. It was also made clear that the governments of South Africa, Australia and the United States were of the same opinion.¹⁰⁷ However, like the other Dominions, Canada had, since the beginning of the war, agreed that the welfare of the empire's POWs in enemy hands should be managed by the Foreign Office and a branch of the War Office in London (the Imperial Prisoners of War Committee).¹⁰⁸ Even so, it quickly became evident in London that the Dominion governments were worried that the crisis might escalate to the point where

¹⁰² NAA: A981/4 TRE 742 Cablegram from Mr. Shedden to Commonwealth Government Accredited Representative, London 15 October 1942.

¹⁰³ NAA: A981/4 TRE 742 Cablegram from Mr. Shedden to Commonwealth Government Accredited Representative, London 15 October 1942.

¹⁰⁴ Wylie, *Barbed Wire Diplomacy*, 211.

¹⁰⁵ TNA: PREM 3/363/2 Prime Minister – Chaining of Prisoners, 27 November 1942.

¹⁰⁶ MG26-J13, 12725 WLM King, Mackenzie King diary entry, 3 November 1942.

¹⁰⁷ TNA: PREM 3/363/2 Telegram from Canadian government to the Dominion Office, 3 November 1942.

¹⁰⁸ TNA: PREM 3/363/2 Telegram from Canadian government to the Dominion Office, 3 November 1942.

it would adversely affect more and more prisoners. Consequently, within days of the first round of shackling, they informed London of their strong desire for a negotiated solution.¹⁰⁹

In December 1942, the War Committee of the Canadian Cabinet told the British government that the “War Cabinet feel Canada is compelled to take independent action with a view to effecting the unshackling of prisoners of war.”¹¹⁰ It was considering two options. The first was approaching the Swiss government directly through the Swiss Consul General in Canada. The second was fixing a date on which shackling of prisoners of war in Canada would cease regardless of the action taken by the British or German governments.¹¹¹ This course of action did not sit well with the British War Cabinet. It was thought that if the Canadian government acted independently of Britain, the result would be unfortunate since “it was essential that we should act in step.”¹¹² Due to the problems Churchill had in gaining the support of the Dominions, he faced questions in parliament about the amount of consultation, if any, Churchill had with the Dominions in relation to the shackling issue. Mr Stokes asked Churchill if the Prime Minister of Canada was consulted before the decision was taken to manacle prisoners. Churchill responded, “on account of the urgency, it was not possible to consult any of the Dominion Governments upon the counter-measures to the German shackling which were deemed necessary in October by His Majesty’s Government.”¹¹³ Canada’s initial involvement in the shackling of prisoners found Canada’s High Commissioner in Canberra on the receiving end of an angry outburst from the Australian Minister for External Affairs, Dr Herbert Evatt. However, Prime Minister John Curtin elected for a calmer reproach, writing to Mackenzie King of his fear that such reprisals might rebound against Australians in enemy hands. His concerns were likely fuelled by reports from Berlin that any ill-treatment of German prisoners would have to be made good by the whole body of Allied POWs.¹¹⁴

By mid-December 1942, the British government intimated to the Dominions that it had cancelled the order to take handcuffs into battle, if such an order existed. Britain found no difficulty confirming to the Dominion governments that it could assure the German government that British and Canadian troops had orders not to shackle captured enemy soldiers or take handcuffs into battle for

¹⁰⁹ TNA: PREM 3/363/2 Telegram from Canadian government to the Dominion Office, 3 November 1942.

¹¹⁰ TNA: PREM 3/363/2 Telegram from Canadian High Commissioner in London to Dominions Office, 2 December 1942.

¹¹¹ TNA: PREM 3/363/2 Telegram from Canadian High Commissioner in London to Dominions Office, 2 December 1942.

¹¹² TNA: PREM 3/363/2 War Cabinet 164, 3 December 1942. Telegram from Dominion Office to Australian and other Dominion government, 3 December 1942.

¹¹³ Hansard, House of Commons, Volume 385, 8 December 1942 – Chained Prisoners of War.

¹¹⁴ Vance, “Men in Manacles: The Shackling of Prisoners of War, 1942-1943,” 487.

that purpose, which would be considered a breach of discipline.¹¹⁵ Still, with Churchill's cavalier attitude toward the reprisal action, the concern felt by the Dominion government for POWs continued to increase. The Dominion Office understood the Dominions needed reassurance, for that reason, by the end of December 1942, Australia and the other Dominion governments were informed that it had always been the policy of the British government to rigorously observe the letter and spirit of the Geneva Convention. Additionally, it explained that it was committed to continuing to strictly adhere to the principles of the convention.¹¹⁶ The information would have been reassuring for the Australian government had Australian troops been involved in the missions at Dieppe or Sark, which caused the unusual form of retaliation. Still, the Australian government clearly understood that the action of one Dominion could affect another. Nonetheless, the Australian government had no particular reason to think that it would be caught up in current events, especially since the shackling was initially applied to the Dieppe prisoners. However, Australian POWs were included in the political reprisal when the handcuffing was later extended to other prisoners.

The Directorate of Prisoners of War and Internees explained that the Australian government had been closely watching the negotiations from the outset of the shackling crisis.¹¹⁷ However, once the government learned that Australian prisoners were among those shackled, Canberra began to look even more closely at the affair.¹¹⁸ It was not until January 1943 that Australian censors started to see a pattern emerging in the letters written from the POWs to their families around October 1942. The letters contained information that Australian prisoners were now included in the reprisal.¹¹⁹ For example, Lieutenant William Bates in Oflag VIIB wrote to his sister, "at the present moment things are a bit restricted, especially at the wrists – Don't tell mum or dad as they'd only worry, but I was caught up in the backlash of the Dieppe business. There's no harm in it, and it's really only boring".¹²⁰ Lieutenant Anthony Alder, also in Oflag VIIB, wrote, "things at the moment have been happening in the POW world. I am now one of the select band in what are popularly called shackles, otherwise handcuffs, for 12 hours a day, and I can assure you it's a most interesting experience..." He ends, "the whole affair seems to be very childish."¹²¹ The Foreign Office had already notified Bern in January that the Australian government was now quite aware of the shackling reprisal being undertaken at Oflag VIIB and that Australian officers were part of the reprisal from letters sent home by Australian officers. As a

¹¹⁵ NAA: A981/4 TRE 742 Cablegram from Secretary of State for Dominion Affairs to Prime Minister's Department, 19 December 1942.

¹¹⁶ TNA: PREM 3/363/2 Shackling of Prisoners of War, 01 October 1942 – 31 December 1943.

¹¹⁷ AWM 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951 Vol. 2 Part IV. Chapter 5, 339

¹¹⁸ Wylie, *Barbed Wire Diplomacy*, 196.

¹¹⁹ NAA: MP 742/1 255/9/219 Shackling of POWs. Department of Army minute – manacling of prisoners of war 11 February 1943.

¹²⁰ NAA: MP 742/1 255/9/219 Department of Army minute – manacling of prisoners of war 11 February 1943.

¹²¹ NAA: MP 742/1 255/9/219 Department of Army minute – manacling of prisoners of war 11 February 1943.

result, the Australian government asked if the Swiss, as protecting power, could confirm the information and provide any particulars about the situation.¹²² By February, Australia had not received official confirmation regarding the issue, however, there was little doubt that Australians were affected because it had been firmly established in the contents of prisoner's letters received in Australia.¹²³ By the time the Australian War Cabinet met in February 1943, they had received information from Britain explaining its position regarding the treatment of prisoners on the battlefield. The message stated that it might be necessary to adopt special measures of restraint while still on the battlefield, which would only be adopted in the instance of operational necessity, but no orders were to be issued condoning shackling.¹²⁴ Appropriately, the Australian government explained that they were concerned about the issue for two reasons. First, Australian prisoners of war had been among those upon whom reprisals had been inflicted in German camps. Second, the Australian government also found it concerning that it was implied that all His Majesty's governments follow the same procedures regarding the treatment of prisoners of war in the field.¹²⁵

An ICRC visit to Stalag VIIIB on 4 March 1943 confirmed that 1,838 prisoners remained shackled, a slightly lower number than the 2,300 recorded in November 1942. The numbers included 1,183 captured at Dieppe, including 100 Canadians, 259 NCOs, 295 Royal Air Force, and 101 Jewish prisoners.¹²⁶ That same month the Australian government was informed that "by special order of OKW 87 Australians were freed from shackles March 1st," but did not mention the camp location.¹²⁷ Although some Australian POWs had been released from their manacles, the Australian government continued receiving information confirming their involvement in the shackling. Mr Fearnley from Happy Valley in Brisbane wrote to the honourable Josiah Francis about the handcuffing of POWs based on a letter he had received from his son. The letter dated 10 April from Oflag VIIIB stated, "the parcel of tobacco and ping-pong balls arrived yesterday, unfortunately until the handcuffing stops, we are unable to use the latter."¹²⁸

Despite the mounting backlash from the Dominions regarding the reprisal, Britain still wanted unity on the handcuffing order that started the whole affair, suggesting that Australia should also issue a

¹²² TNA: PREM 3/363/2 Telegram from the Foreign Office to Berne, 19 January 1943.

¹²³ NAA: A2670 210/1943 War Cabinet Agendum – No 210/1943 – Manacling of Prisoners of War. Cablegram Australian War Cabinet to Secretary of State for Dominion Affairs, Prime Minister of Canada and Prime Minister of New Zealand, 18 February 1943.

¹²⁴ NAA: A2670 210/1943 War Cabinet Agendum – No 210/1943 – Manacling of Prisoners of War. Agendum no 210/1943.

¹²⁵ NAA: A2670 210/1943 War Cabinet Agendum – No 210/1943 – Manacling of Prisoners of War. Agendum no 210/1943.

¹²⁶ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 20 March 1943.

¹²⁷ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 20 March 1943.

¹²⁸ NAA: M1416 66 Personal Papers of Prime Minister Curtin, Prisoners of War, Handcuffing – re Australian prisoners in Germany. Letter from Mr. Fearnley to Mr Francis, 30 June 1943.

similar order.¹²⁹ The Directorate of Prisoners of War and Internees advised the Australian government that the tying of hands or feet on the battlefield should be considered a matter purely for the European theatre. No such order should be issued to Australian forces in the Pacific in order to prevent the Japanese from using such an order to their advantage.¹³⁰ Even so, the Australian government put Britain's suggestion to the Commander-in-Chief of the Australian Military Forces, General Thomas Blamey. Blamey recognised that there were two distinct parts to the question, first, the reprisal itself, and second, the question of orders to be issued to Allied troops taking part in operations. He suggested that each theatre of war should be subject to separate decisions.¹³¹ He also pointed out that, as all Australian military operational forces had been withdrawn from the European and Middle Eastern theatres, orders issued to the British Army there did not apply to Australian forces.¹³² Blamey argued that the matter was one affecting only the European theatre of war,

I consider that the orders issued to the British Army, no matter how secretly promulgated, if repeated in the South-West Pacific theatre, would be immediately grasped by the Japanese to cover up their atrocities committed in the past and provide them with propaganda and excuses for any sort of inhuman action to our prisoners of war which we know from past experiences they have no hesitation in carrying out.¹³³

With no end in sight, the Australian War Cabinet continued to discuss the manacling of prisoners of war, outlining the problems facing the Australian government regarding the reprisal in July 1943,

As a reprisal for action taken by the British in the Dieppe Raid in October last, the German government manacled a number of British prisoners of war, including some Australians. The German government further stated that reprisals would be continued until the British government has issued to its troops an entirely categorical and general order forbidding, under any severe penalties, the binding of prisoners of war and also the possession of bounds for this purpose.¹³⁴

At the same time, like the British Association, the Australian Prisoners of War Relatives Association also protested the reprisal, suggesting to the Secretary of the Army, Mr Sinclair, on behalf of the families who were affected by the shackling of Australian POWs in German camps,

Both enquirers be informed that strong protests have been made to the German government concerning the manacling of British Prisoners of War but have not been successful, although advice has been received that the manacling has become less rigorous and in one camp at least Australians were freed of their manacles. It might be added that in the interests of the prisoners

¹²⁹ AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951 Vol. 2 Part IV.

¹³⁰ AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees 1939-1951 Vol. 2 Part IV.

¹³¹ NAA: A2670 210/1943 War Cabinet Agendum – No 210/1943 – Manacling of Prisoners of War. Appendix C General Blamey, 8 April 1943.

¹³² NAA: A2670 210/1943 Appendix C General Blamey, 8 April 1943.

¹³³ AWM: 54 779/4/2 Australian Prisoners of War in Europe, Letter from General Blamey Commander-in-Chief Australian Military Forces, 8 April 1943.

¹³⁴ NAA: A1608/1 K41/1/1 War Section – Enemy Atrocities, War Cabinet Agendum No. 210/1943 Manacling Prisoners of War.

of war still being managed, public reference to the matter is considered undesirable owing to the delicacy of the negotiations required to secure termination of manacling by Germany.¹³⁵

Later that month, Curtin's private secretary Mr Tonkin communicated with the Prisoners of War Relatives Association informing them that strong protests had been made to the German government regarding the shackling of POWs, but so far, these protests had been unsuccessful. Despite that, the Australian government had received advice that the shackling was now less rigorous, and the Australian prisoners had been freed in at least one camp.¹³⁶

By September 1943, the Australian government had received information advising it of the number of POWs shackled in German camps. The number had risen from the initial 1374 to 4128, distributed across five camps.¹³⁷ During the inspection of the camps by representatives of neutral agencies, the prisoners asked that the utmost discretion be used in dealing with the Germans because their position was at this stage bearable, and they were anxious that any further steps and representations might have an unfortunate effect.¹³⁸ Although there were Australian POWs in each of the camps, Table 5, adapted from the figures in the cablegram dated 18 September 1943, shows the number was not divided into specific Dominions, just rank and camp.

Table 5 Number of Officers and Other Ranks shackled in September 1943.¹³⁹

Camp	Number of Officers	Number of Other Ranks
Oflag VIII B Eichstätt, Bavaria	321	60
Stalag 383 Hohenfels, Bavaria	0	1,853
Stalag VIII B Lamsdorf, Silesia	0	1,838
Stalag IX C Bad Sulza, Thuringia	0	29
Marlag Milag Nord Westertimke, Lower Saxony	0	27
Total	321	3,807

In December 1943, the Australian government was notified that the German Foreign Office had officially reported to the Swiss government that the shackling had ceased on 22 November 1943. It was also mentioned that publicly announcing the end of the reprisal would be undesirable, and it was suggested to the Dominions that it was essential not to run the risk of reinstating the reprisal, and considering Hitler's reaction to public comment was unpredictable, the absence of publicity would be the safest course.¹⁴⁰ Dr Marti and the ICRC delegation inspected all the camps where British and

¹³⁵ NAA: M1416 66 Memorandum from Mr. Sinclair for The Secretary, Prime Ministers Department, Canberra, 1 July 1943.

¹³⁶ NAA: M1416 66 Letter – Private Secretary Tonkin to Mr. Smith Australian Prisoner of War Relatives Association, 13 July 1943.

¹³⁷ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 18 September 1943.

¹³⁸ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 18 September 1943.

¹³⁹ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 18 September 1943.

¹⁴⁰ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 17 December 1943.

Dominion prisoners had been shackled and confirmed that the reprisals were suspended from Monday, 22 November 1943.¹⁴¹

The use of shackling in the context of reprisals showed that Churchill had clearly misjudged the mood in the Dominions regarding how far they were prepared to present a united front when the humane treatment of their captive countrymen was at risk. London's refusal to consult, or even forewarn, the Dominion governments before committing them to a policy of reprisals undoubtedly annoyed.¹⁴² In the end, the opinion of the Dominion governments, including Australia, proved decisive in shaping British decision-making throughout the crisis. Despite that, with more forethought, the British government might have avoided the problems it caused with the Dominion governments by engaging in mass reprisals against POWs.¹⁴³

ICRC, Protecting Power and Other Neutrals

In its role as the protecting power for both Britain and Germany, the Swiss government communicated with the belligerents involved in the shackling issue in September 1942. They suggested that in order not to inflict any further suffering on the POWs and ensure reciprocal respect for the prisoners' welfare, the reprisals under which British, Canadian and German soldiers were suffering be brought to an end.¹⁴⁴ However, it was at the point where the dispute seemed unsolvable that the ICRC also decided to intervene. In a telegram addressed to all the governments concerned, dated 9 October 1942,

Official press reports refer to reprisals against prisoners, measures contrary to Article 2, Section 3 of the Geneva Convention of 1929. In the view of the ICRC, such a measure might gravely prejudice the whole question of PW and affect the work of the Red Cross. The ICRC offers its good offices for all mediation in the situation requires.¹⁴⁵

Due to the apparent stalemate in negotiations, the ICRC and the protecting power were drawn into the dispute under Article 87 of the Geneva Convention. Article 87 explains, "in case of disagreement between the belligerents as to the application of the provisions of the present Convention, the protecting power must, in so far as possible, lend their good offices for the purpose of settling the difference."¹⁴⁶

¹⁴¹ NAA: A2684 1091 Manacling of Prisoners of War. Cablegram Dominion Affairs to Prime Ministers Department, 6 December 1943.

¹⁴² Wylie, *Barbed Wire Diplomacy*, 144.

¹⁴³ Rolf, 'Blind Bureaucracy', 56.

¹⁴⁴ NAA: A981/4 TRE 742 Cablegram from Secretary of State for Dominion Affairs to Prime Ministers Department, 8 September 1942.

¹⁴⁵ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 369.

¹⁴⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 87, 958.

The British government, Neville Wylie suggests, were extremely hesitant to engage in any external intervention. While at the same time, German authorities looked favourably on the Swiss and ICRC's offers of help to bring the crisis to an end and publicise Germany's complaints.¹⁴⁷ By late October 1942, possibly after receiving the ICRC's letter, the British government began to look more positively at the offers of intervention. After discussions with the Swiss, the British government approved the unshackling of all German prisoners by Christmas. In contrast, the German High Command never openly agreed to end the reprisal and the shackling continued.¹⁴⁸ However, in December, the Swiss Foreign Minister Marcel Pilet Golaz informed the British government that the German government now declared that "it will act at once if the cause of its reprisal is removed."¹⁴⁹ In his ICRC report of Oflag VIIIB dated 2 November, Rudolf Burckhardt revealed that there were 350 handcuffed officers and orderlies but did not provide the nationality of the prisoners concerned. He also explained that "the handcuffed officers and orderlies make it a point of honour not to show how deeply they resent this treatment."¹⁵⁰ The later protecting power report discussing visits to the camp from 6 January to 17 March 1943 explained that the handcuffed officers were not kept completely separate from the other prisoners.¹⁵¹

By the European summer of 1943, the Swiss government, in its role as protecting power, indicated that it seemed to be the right time for a new initiative to bring the crisis to an end. And so, after receiving a message from Marcel Pilet-Golaz in July, the Swiss Foreign Minister in Berlin spoke with the German Foreign Office about the shackling issue.¹⁵² Unfortunately, despite the Swiss Minister in Berlin's frequent representations to the German authorities, there was no question of releasing shackled prisoners, because Hitler personally insisted on this action, and von Ribbentrop, despite his previously mentioned declaration that the shackling should end, supported him.¹⁵³ Accordingly, on 17 August, the Swiss ambassador in Berlin contacted the German foreign office with what was described as an "unofficial suggestion" from Marcel Pilet-Golaz. It was explained that an end to the shackling would benefit prisoners of war on both sides and enable talks regarding exchange.¹⁵⁴ There need not be an official statement indicating any loss of face, but the Swiss minister could report to London, through Bern, that the shackling had ceased.¹⁵⁵ In mid-November 1943, ICRC representative Carl Burckhardt

¹⁴⁷ Wylie, *Barbed Wire Diplomacy*, 149.

¹⁴⁸ Mackenzie, "The Treatment of Prisoners of War in World War II", 493.

¹⁴⁹ TNA: PREM 3/363/2 Diplomatic Bag from Berne to Foreign Office, 13 December 1942.

¹⁵⁰ AWM: 54 779/4/21 Prisoners of War and Internees – Treatment by Enemy. Australian Military Forces PW in Europe, Oflag VIIIB – Eichstedt visited by ICRC 2 November 1942.

¹⁵¹ AWM: 54 779/4/21 Prisoners of War and Internees – Treatment by Enemy. Australian Prisoners of War in Europe, Oflag VIIIB, Protecting Power visits to camp 6 January to 17 March 1943.

¹⁵² TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 19 July 1943.

¹⁵³ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 10 July 1943.

¹⁵⁴ Mackenzie, "The Shackling Crisis", 93.

¹⁵⁵ Mackenzie, "The Shackling Crisis", 93.

went to Berlin to see von Ribbentrop, and together they formed a plan. First, it was agreed that the handcuffs would be removed from prisoners held in Germany.¹⁵⁶ Thereafter, a report would be sent advising the British and Canadian governments that this had happened. The information would be distributed in confidence and not for publication. Finally, on 21 November, all handcuffs were officially removed for good.¹⁵⁷ The Secretary of State for Dominion Affairs informed the Australian War Cabinet on 30 November 1943 that Professor Burckhardt had returned to Bern from Berlin and sent a personal message to Anthony Eden, stating that from 22 November the Germans had agreed to remove the handcuffs.¹⁵⁸ Even so, the order would not be officially withdrawn but would merely not be carried out any longer. In addition, the Australian government was informed that the ICRC representative in Berlin would immediately start visiting camps to confirm that German authorities were following the withdrawal of handcuffs, with the reports to be sent to the British government. However, Burckhardt specially asked that no publicity be given to the unshackling of the prisoners.¹⁵⁹

By the end of the war, Max Huber, president of the International Red Cross, had come to the conclusion that “practical success depends not only on legal reciprocity but also on one national interest balanced with the other.”¹⁶⁰ Under these conditions, an international convention agreed to in peacetime was shown to be a poor defence against the pressure of total war. The shackling reprisal was a political fight that served to remind both sides of what could happen if the mutual-hostage factor were ignored.¹⁶¹ In the context of the British Empire, however, it strained the relationship between London and the Dominions, particularly Australia and Canada.

Conclusion

Reprisals and maltreatment of prisoners of war came in different forms and were not limited to one belligerent state. The concept of reciprocity and reprisals in POW policy was relevant throughout the war. Prisoners suffered from political reprisals because governments wanted to gain an advantage and manipulate the behaviour of the other. However, there was a difference between political reprisals and prison camp punishments, and this chapter has highlighted the difference between reprisal and punishment. The camp authorities dealt with punishments resulting from an incident within the prisoner of war camp. On the other hand, belligerent governments initiated political reprisals because

¹⁵⁶ Caroline Moorehead, *Dunant's Dream: War, Switzerland and the History of the Red Cross* (New York: Carroll & Graf Publishers, Inc, 1999), 402-403.

¹⁵⁷ Moorehead, *Dunant's Dream: War*, 402-403.

¹⁵⁸ NAA: A2684 1091 Cablegram from Secretary of State for Dominion Affairs, London to War Cabinet, 30 November 1943.

¹⁵⁹ NAA: A2684 1091 Cablegram from Secretary of State for Dominion Affairs, London to War Cabinet, 30 November 1943.

¹⁶⁰ Mackenzie, “The Shackling Crisis”, 98.

¹⁶¹ Mackenzie, “The Shackling Crisis”, 97.

of events outside the camps on the battlefield. The example of punishment examined in this chapter was the shackling punishment inflicted on POWs at Grupignano in Italy. While still a violation of the Geneva Convention, it resulted from what the camp's commandant considered to be the resistance of prisoners to follow orders. Notwithstanding the dubiousness of the commandant's orders, it was an incident properly labelled as "punishment," occurring within the prison camp and initiated by camp officials.

In contrast, the reprisal shackling of prisoners of war undertaken by Germany, Britain and the Dominions between 1942 and 1943 resulted from the handcuffing of German POWs on the battlefield. As a broader phenomenon originating beyond any one camp, it was very different to the shackling at Grupignano. The shackles, in this instance, became a political weapon and a visual representation of a specific method of reprisal used to influence future battlefield behaviour. This event resulted in over a year of political retaliation inflicted on POWs by belligerent governments, and as a result, the shackling crisis became the most well-known political reprisal of the war. It is an excellent example of the power of reciprocity and national interest in the treatment of prisoners of war. The shackling at Grupignano occurred in November 1941, eleven months before the so-called shackling crisis of 1942-1943, and there is no evidence to suggest that the German authorities chose handcuffs because the Italians had previously used this method. On the contrary, it was clear that handcuffs were used in German camps during the shackling crisis because they were used on the battlefield by British and other Allied soldiers once they had taken prisoners.

Importantly, unlike previous literature focusing on the British and Canadian viewpoints, this chapter has examined the shackling situation from the perspective of the Australian government in an attempt to ascertain whether Australian authorities sought to adopt a response different to that pursued by Britain. The issue of Australia following the British POW policy was particularly significant in this chapter. As events unfolded, Australia was openly unhappy with Britain's handling of the reprisal situation, and was particularly concerned about how events in Europe would adversely affect Australian POWs in the Pacific. However, Australia was not alone in its stance, and it communicated this not only to the British but also to the Canadians in an attempt to exert pressure on Churchill. Though externally it wanted to present a united front within the context of war, Australia consistently communicated its concerns regarding the situation and how it would affect those in Europe and possibly those in the hands of the Japanese.

Chapter 6 will demonstrate that even though there was a united POW policy, this creeping separation from British leadership was experienced in other domains as well. The war had caused a

domestic labour shortage in Australia and the Australian government, regardless of the agreed upon empire-wide approach, improvised its own solutions to manage the problem. Despite the British government's negative response to the employment of POWs, the Australian government, in this instance, would seek to put its national interests above those of Britain. Furthermore, the chapter will explain that the reciprocal employment of prisoners in Italy and Australia suggests that reciprocity and national interests though not sanctioned by international conventions, were influential in the policy concerning the working life of prisoners of war.

CHAPTER 6: EMPLOYING THE ENEMY – PRISONER OF WAR LABOUR

Introduction

During the war, belligerent governments across the world suffered a domestic labour crisis Britain, Australia, and the Empire were no different. As men and women signed up to join the armed forces, governments had to replace the lost labour. However, once belligerents began to capture enemy troops, they potentially had access to a new source of manpower. How that resource was used changed over time as different states adopted differing approaches and interpretations of the Geneva Convention's articles concerning POW labour.

The study of Australia's manpower crisis during the war has often been framed in the literature as a problem of domestic economic policy. However, in the context of war, the solution to the problem was largely international, as, like, other countries, Australia and Britain worked to resolve their domestic labour issues. By investigating the international dimensions of the use of POW labour, this chapter examines not only the circumstances under which the prisoners were employed in Britain, Australia, and Italy but also how they were interrelated. The chapter also addresses how the Geneva Convention and other reciprocal agreements were applied to enable the use of POW labour as a method of solving a domestic economic problem of labour, particularly in Australia.

While the armistice with Italy in September 1943 would prove to be a challenge for POW policy in general, its effect on the issue of labour was a particular problem. The change in the political situation in Italy and its new role as co-belligerent also meant a shift in the status of Italian POWs. Contrastingly, in Italy, the situation regarding Allied prisoners of war was chaotic. For many Australian and other Allied POWs in Italy their circumstances did not change; many Italian camp commandants continued to treat the Australians as prisoners while other commandants released the detained soldiers. Despite what was happening in Italy, it was in Australia's national interest to maintain the use of Italian POW labour. However, the continued use of Italian POW labour needed to be negotiated. As this chapter shows, Britain, and to a lesser extent, Australia, did attempt to navigate the matter within the boundaries of international law to maintain the use of their Italian POW labour. Yet, this chapter also shows that both Britain and Australia, to some extent, manipulated and even set aside the convention to suit their national interests.

POW Labour, International Laws and Agreements

During the Second World War, there was a potential military and economic advantage in capturing enemy forces. Capturing enemy troops reduced the strength of the available fighting forces, however, if enemy troops were put to work, they could provide a possible benefit to the economy.¹ In addition, POW labour could be a significant advantage by providing industries that had lost labour when a large portion of the population joined the armed forces or had transferred into some kind of war-related work a new source of labour.² Nonetheless, international laws were in place to govern the use of POW labour. The 1907 Hague Convention included the conditions for prisoner of war labour in Article 6.³

In comparison, the more recent Geneva Convention laid out eight articles relating to prisoner of war labour, which provided greater detail regarding belligerent obligations, including generalities, labour organisation, prohibited labour, labour detachments, and wages.⁴ Article 27 of the Geneva Convention explains, “belligerents may utilise the labour of able prisoners of war, according to their rank and aptitude, officers and persons of equivalent status excepted”. However, if those exempt from work wanted to work, it was permitted.⁵ At the same time, the 1929 *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)* explained belligerent responsibilities concerning the employment of protected personnel.⁶ Unless retained under a reciprocal agreement, the protected personnel were to be returned to their own forces, but while waiting to be returned, they would be required to continue to work in their professional capacity.⁷

Prisoner of War Labour

Italy and POW labour

As established in chapter 5, Italian authorities were undoubtedly aware that they had fewer Allied prisoners than Italians in Britain and Australia. They realised that any adverse actions or breach of agreements could have serious repercussions for their soldiers in captivity.⁸ The 1938 Italian War and Neutrality Laws stipulated the regulations for the employment of enemy prisoners of war. Article 106 showed that Italian authorities recognised the importance of proper employment of POW labour. The article explains, “they may not be employed on work that is excessive or not in keeping with their rank,

¹ Gerald Davis, “Prisoners of War in Twentieth-Century War Economics”, *Journal of Contemporary History*, 12 (1977), 624.

² Gerald, “Prisoners of War in Twentieth-Century War Economics”, 624.

³ *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907. Article 6, 644.

⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929.

⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 27, 944.

⁶ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*. Geneva Treaty series 847, 1929.

⁷ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*, Article 12, 973.

⁸ Bob Moore, “Turning Liabilities into Assets: British Government Policy towards German and Italian Prisoners of War during the Second World War,” *Journal of Contemporary History* 32 No. 1 (1997): 128.

or which may entail participation in operations of war” and “they must be equitably recompensed for work on which they are employed, without prejudice to deductions for the expense of their maintenance.”⁹ Still, during the first two years of the war, Adrian Gilbert suggests the Italian economy was unprepared for the introduction of foreign labour, and so Italian authorities had made few demands on British, Australian and other Allied prisoners.¹⁰ Not unlike Italian prisoners detained in Allied countries, the work initially available for POWs in Italy tended to be at farms close to the prison camp. Gilbert explains that Italian authorities did not make work compulsory for any POWs, although incentives such as double rations were offered for those who chose to work.¹¹

On 11 June 1941, the American Military Attaché in Rome, Norman Fiske, inspected the POW camp at Castello di Rezzanello, where a small group of Australian officers and soldiers were detained. Fiske noted that no work was immediately available for prisoners, however, following Article 27 of the Geneva Convention, the Italian authorities arranged remunerative employment for the prisoners who desired it.¹² The next day, he inspected the military hospital at Caserta. The report mentioned that the medical personnel and chaplains were working in their professional capacity, which was in line with the Red Cross Convention,

Medical personnel treated as prisoners of war:

Medical officers and other medical personnel detained at prisoners of war camps are being utilised in their professional capacity. The matter of whether their detention must be voluntary or may be required by the detaining power is as yet unsettled. A number of non-commissioned officers and soldiers claimed to be medical personnel but were without identification as such.
Chaplains:

So far, there is only one chaplain among the prisoners of war. He is remaining voluntarily at present.¹³

Yet medical officers and other medical personnel detained at Rezzanello stated during the camp inspection on 26 July 1941 that they objected to their detention because it contravened Articles 9, 12 and 13 of the Red Cross Convention. However, the report also noted that the detention of the medical officers and chaplains was currently under discussion between Britain and Italy, so it was assumed that an agreement would soon be reached.¹⁴

⁹ TNA: FO 916/2597/4 Foreign Office: Consular (War) Department, later Prisoners of War Department. Welfare of Australians in Italy, 1940. Italian War and Neutrality Laws, 13 December 1938, Article 106, 48.

¹⁰ Adrian Gilbert. *POW Allied prisoners in Europe, 1939-1945* (London: John Murray Publishers, 2006), 145.

¹¹ Gilbert, *POW Allied prisoners in Europe, 1939-1945*, 145.

¹² NAA: A816 54/301/172 Australian and British Prisoners of War interned in Germany, Italy and France – Reports on Camps. Camp report Castello di Rezzanello, 11 June 1941, Norman Fiske, Military Attaché American Embassy, Rome, 14 June 1941.

¹³ NAA: A816 54/301/172 Hospital visit Caserta, 12 June 1941, Norman Fiske, Military Attaché American Embassy, Rome, 14 June 1941.

¹⁴ NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III. Report of Inspection of British prisoners of war detained at Castello di Rezzanello, Italy, 26 July 1941.

Although Italian authorities were already using POW labour regularly in North Africa, Adrian Gilbert suggests that in 1942 Italian policy regarding the employment of POWs began to change. Even though he does not provide any specific details regarding the policy change, Australian archive documents support the suggestion that Italian policy regarding the use of POW labour began to shift in 1942. Like Gilbert, British and Australian archival materials and the secondary literature do not account for why Italian policy changed. Nonetheless, it could be assumed that Italian authorities modified the policy to suit the economic situation in Italy or, according to the principle of reciprocity, because Britain and Australia were employing Italian POWs in regular work, opening up the possibility of using regular POW labour in Italy. Due to the shift in policy, some work had become compulsory by the summer of 1942. This resulted in the construction of separate work camps, mainly in the north of Italy, with prisoners engaged in agriculture or construction.¹⁵ Communication between the Australian High Commissioner's Office in London and the Prime Minister's Department demonstrated that the Australian government was aware in May 1942 that POW labour was being used in Italy though it was not confirmed if Australian POWs were obliged to work.¹⁶ Prisoners repatriated from Italy confirmed that by July 1942, there were changes in the mentality of Italian authorities regarding the employment of prisoners, explaining that 167 prisoners at Sulmona were engaged in manual work.¹⁷

When Australian POWs were offered the opportunity to work outside the camps, there was no shortage of volunteers, particularly in camps such as Grupignano. Conditions at Grupignano, as described in chapter 5, were considered harsh and even brutal at times, and the opportunity to escape the uncertainty and anxiety of camp life was taken up enthusiastically.¹⁸ In March 1943, Italian authorities dispatched work parties to farms in the Vercelli region, which provided an opportunity for hundreds of Australian prisoners to move away from Grupignano.¹⁹ Malcolm Webster, an Australian POW who was transferred to Vercelli, described the environment in which they were placed. He recalled being transferred from Grupignano as part of a fifty-man squad. They were required to walk 18 kilometres from Vercelli to the farm where they would live with an Italian family.²⁰ The Australians worked farming wheat, maize, hay, and the main crop, rice. Webster does not mention the hours they were required to work or any pay they received, but he does discuss the increase in food rations.²¹ Around the same time that Webster and his fellow prisoners were transferred to labour camps, the

¹⁵ Gilbert, *POW Allied prisoners in Europe, 1939-1945*, 145.

¹⁶ NAA: A981 TRE 780 Treaties – Prisoners of War. Reports on Italian Internment Camps. Cablegram Prime Ministers Department from High Commissioner's Office London, 6 May 1942., and 15 May 1942.

¹⁷ NAA: A981 TRE 780 Cablegram Prime Ministers Department from High Commissioner's Office London, 30 July 1942.

¹⁸ Kent Fedorowich, *The 'Forgotten' Diggers: Australian POWs in Europe, 1939-1945* (Bologna: Società editrice il Mulino, 2002), 559.

¹⁹ Katrina Kittel, "Hymns and Hints: A Prisoner of War's Notebook in Italy," *Sabretache* LIV, no. 2 (2013): 8.

²⁰ Malcolm Webster, *An Italian Experience* (Melbourne: self-published, 1995), 128.

²¹ Webster, *An Italian Experience*, 128.

Department of Army received information from Australia House in London stating that Australian POWs in Italy were employed in farming, land reclamation, roadmaking and general building work.²²

Life improved for the Australian POWs that volunteered to be part of the work detachments.²³ Apart from the demands of physical labour, which many found beneficial, work detachments also provided POWs with a chance to improve their mental well-being. For many, the benefits of working outside the camp far outweighed any risks.²⁴ The prisoners received increased rations and access to a greater variety of food. In addition, they could also participate in trade and some very satisfying sabotage.²⁵ In the days prior to the armistice, Webster observed that the workload on the farm was reduced as they awaited the Allies' advance. When Italy surrendered in September 1943, some Australian soldiers were released from their POW camps by the guards, and some took the chance to escape from work camps around Italy.²⁶ However, those who remained in the work camps were transferred to German custody. The prisoner transfers were confirmed by the War Office in their examination of the prisoner lists. The High Commissioner's Office informed the Australian government of the presumption made by the War Office in its analysis of the prisoner list. The War Office believed that the prisoner lists revealed that "all transferees are other ranks, comparatively few being NCOs. Inference is that purpose for transfer was to obtain workers for Germany."²⁷ However, all prisoners were eventually transferred to German detention.

Britain

During October and early November 1939, there was some debate in Britain about whether enemy prisoners should be used as labour. The uncertainty within government departments resulted in a document outlining how prisoners had been employed during the First World War being circulated. Still, the information did not consider the changes brought about by the Geneva Convention.²⁸ In the first few months of the war, Bob Moore suggests, pressure for labour mainly came from the Ministry of Agriculture and Fisheries and the Ministry of Supply (Forestry).²⁹ Even so, requests for POWs to be allocated to labour projects were rejected by the Army Council and the Ministry of Labour and National Service, because there was still significant unemployment among Britain's unskilled workers.

²² NAA: MP 742/1 255/13/109 Prisoners of War. Employment of enemy prisoners of war 1943. Australia House, London to Department of Army, Melbourne, 10 March 1943.

²³ Bill Bunbury, *Rabbits and Spaghetti: captives and comrades Australians, Italians and the war 1939-1945* (Fremantle: Fremantle Arts Centre Press, 1995), 126.

²⁴ Fedorowich, *The 'Forgotten' Diggers*, 559.

²⁵ Gilbert, *POW Allied prisoners in Europe, 1939-1945*, 154.

²⁶ Webster, *An Italian Experience*, 134.

²⁷ NAA: A989 1943/753/1013/1/5 PWR – Armistice and preparations for peace Armistice with Italy – position of prisoners of war under Armistice 1943-1945. Cablegram from High Commissioner's Office, London to the Prime Ministers Department, 10 September 1943.

²⁸ Moore, "Turning Liabilities into Assets", 119.

²⁹ Moore, "Turning Liabilities into Assets", 119.

Moreover, any such move to employ enemy prisoners was considered politically reckless and likely to face strong opposition from trade unions.³⁰ On the other hand, the War Office was mindful that the situation was likely to change quickly and proposed holding an inter-departmental meeting to discuss the matter,

The Minister recognises that as the war proceeds, unemployment will diminish and the labour of prisoners of war may be usefully turned to account, and he sees no objection to preliminary plans being discussed departmentally in advance of such time on the understanding that there should be no (public) indication that the scheme is in contemplation.³¹

At the first meeting of the Inter-Departmental Committee in November 1939, it was decided that holding regular meetings would be pointless until the labour situation was in a position to justify the use of prisoners of war, or POWs would be available in sufficient numbers, and the question of policy relating to the employment of prisoners was settled.³² Military authorities in Britain supported the idea of employing POWs, suggesting that prisoners such as mechanics and other workmen thought to be reasonably common among the Italians could be used to free up British labour for military service. Churchill accepted the proposal had merit and recommended it to Cabinet; he had decided it was much safer to use the “docile Italian prisoners” as a source of labour rather than the “disaffected Irish.”³³

Negotiations regarding the convention and POW wages with Italy began once they entered the war in June 1940. Unlike the other articles regarding POW labour, Article 34 stated that wages would be negotiated between belligerents with negotiations undertaken through the protecting power.³⁴ However, while negotiations were in progress, belligerents were to follow the convention with prisoners paid according to Article 34, that is, “work done for the State shall be paid for in accordance with the rates in force for soldiers in the national army doing the same work, or, if none exists, according to a rate in harmony with the work performed.”³⁵ The United States Embassy in Rome, acting as protecting power for British and empire interests, navigated the issue of POW wages. In June 1940, the Italian authorities agreed that prisoners would be paid 0.45 lire per hour for work outside the camps; however, not exceeding 3.60 lire per day for qualified workers, and unqualified would receive 1.80 lire a day.³⁶ Finally, in July 1940, the British government settled the wages for Italian prisoners

³⁰ Moore, “Turning Liabilities into Assets”, 119.

³¹ Moore, “Turning Liabilities into Assets”, 119.

³² TNA: MAF 47/54 Employment of prisoners of war in agriculture. Meeting Inter-Departmental Committee, 22 November 1939.

³³ Bob Moore “British Perceptions of Italian Prisoners of War, 1940-7, in *Prisoners of War, Prisoners of Peace: Captivity, Homecoming and Memory in World War II* ed. Barbara Hatley-Broad and Bob Moore (London: Bloomsbury Publishing Plc, 2005), 29.

³⁴ TNA: FO 916/161 Italian and British Prisoners of War – reciprocal treatment 1941. War Office to the Foreign Office, 12 June 1941. Minister of Foreign Affairs from the Embassy of the United States, Rome, 5 July 1940.

³⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 34, 946.

³⁶ TNA: FO 916/161 War Office to the Foreign Office, 12 June 1941. Minister of Foreign Affairs from the Embassy of the United States, Rome, 5 July 1940.

working outside the camp. They would be paid 1 ½ d (penny) an hour with a limit of 1s (shilling) a day for skilled labour or unskilled ¾ d an hour with a maximum of 6d a day.³⁷

The Secretary of the Ministry of Agriculture and Fisheries met with Adjutant-General Sir Colville Wemyss and Major-General Sir Alan Hunter from the Department of Prisoners of War to discuss using POW labour in the agricultural sector in April 1941.³⁸ General Hunter argued that the allocation of small parties of POWs under guard would be expensive, so he suggested that guards could be dispensed with altogether.³⁹ Hunter pointed out that the prisoners would be Italians from Northern Italy and regular army, not soldiers from Blackshirt battalions. He also believed they would speak little English and were likely happy to work and unlikely to cause trouble, so for that reason, they could be housed in hostels rather than detained in camps.⁴⁰ As British authorities debated the best and most economical method of using Italian labour in Britain, there were violations of the convention in North Africa. The breaches had been mainly against Allied POWs captured at Tobruk, who were being used for work on aerodromes unloading and loading ammunition.⁴¹ In addition, the Italians used the prisoners for other prohibited war-related work, such as unloading and transporting guns, rifles, and ammunition in Tobruk harbour. The breaches not only concerned British prisoners; the reported violations also included Australian POWs.⁴² On 15 July 1941, the Foreign Office requested the protecting power arrange to visit camps in North Africa, because there was reason to believe that prisoners were also improperly employed at camps in Derna.⁴³ A month after confirmation was received about a breach of the convention against British and empire POWs in North Africa, the British government announced in parliament the use of Italian POW labour, stating, “the first 2,000 Italian prisoners of war for employment on the land have now arrived in this country and will shortly be distributed to working camps.”⁴⁴ The most economical method of employing the newly arrived prisoner of war was raised at the Imperial Prisoners of War Committee meeting in October 1941. The committee was informed that the British government had given permission for Italian prisoners of war to be employed in agriculture or forestry without guards.⁴⁵

³⁷ TNA: FO 916/161 War Office to the Foreign Office, 12 June 1941. Minister of Foreign Affairs from the Embassy of the United States, Rome, 5 July 1940.

³⁸ TNA: MAF 47/54 Draft letter from Department of Agriculture and Fisheries, 11 April 1941.

³⁹ TNA: MAF 47/54 Draft letter from Department of Agriculture and Fisheries, 11 April 1941.

⁴⁰ TNA: MAF 47/54 Draft letter from Department of Agriculture and Fisheries, 11 April 1941.

⁴¹ Harold Satow and J. Sée. *The Work of the Prisoners of War Department during the Second World War* (London: Foreign Office, 1950), 36.

⁴² Satow and Sée, *The Work of the Prisoners of War Department during the Second World War*, 36.

⁴³ NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III. Cablegram from the High Commissioner’s Office London to the Prime Ministers Department, 1 November 1941.

⁴⁴ Hansard, House of Commons, Volume 373, 7 August 1941.

⁴⁵ NAA: MP 729/8 44/431/105 Summaries of action taken by British government concerning prisoners of war 1941. Imperial Prisoners of War Committee – Summary of action taken in matters relating to prisoners of war in October 1941. Memorandum by the War Office, 25 November 1941.

As the war continued, Italian prisoners of war continued to be transferred to Britain and used as a source of labour. However, the next main challenge for Britain's labour policy would come in September 1943, when Italy surrendered. The armistice left the British War Cabinet with quite a political problem,

Our whole policy in this matter clearly needs to be reviewed in the light of the Italian surrender. If we are going to have to return all the Italian prisoners of war to Italy, we ought to cancel at once all arrangements for bringing any more from North Africa. If, on the other hand, there is a prospect of our being able to keep any prisoners whom we can usefully employ, there is no reason why we should not continue to supplement our manpower resources by increasing the number of Italians employed in the United Kingdom.⁴⁶

Britain's War Cabinet revealed that at the time of the armistice, 74,900 Italian prisoners were working in Britain, with arrangements already made for a further 11,000 to be brought into the country before the end of 1943.⁴⁷ With the need for labour in Britain so acute, it did not take much for Britain's Ministry of Agriculture to convince the War Office that the Italian prisoners represented a considerable part of the labour in Britain. Moreover, it was suggested that losing the labour would be very awkward, especially when the Allies planned the invasion of continental Europe, which would require maximum effort.⁴⁸ For that reason, the news that there was no plan to repatriate the Italian POWs was an enormous relief to the government ministries that depended on the labour.⁴⁹ Unfortunately for the Italian prisoners, they were told plainly that they would not be repatriated for the time being. Instead, it was explained that "by helping to increase our food supplies, they will be hastening the date of Germany's defeat and thus the date on which they can expect to return home."⁵⁰

The lengthy debate regarding the possible options for the continued employment of Italian POWs delivered no practical answer that met British needs.⁵¹ Discussions took place between the United States and Britain to decide on a solution that would meet the legal requirements and practical needs of the Allied governments. Some thought was given to employing the Italian prisoners as civilian labourers. This was not considered a viable option, because it would involve the demobilisation of the Italian military personnel and would give the Allies little or no control over the Italians in the camps. Employing them in Allied units was also considered out of the question, because they would have to be treated the same as British soldiers, which would be unacceptable.⁵² The United States' position that the prisoners should no longer be treated as prisoners of war but enlisted in military units under the

⁴⁶ TNA: CAB 66/40/42 War Cabinet, Employment of Italian Prisoners of War in the United Kingdom, 10 September 1943.

⁴⁷ TNA: CAB 66/40/42 War Cabinet, Employment of Italian Prisoners of War in the United Kingdom, 10 September 1943.

⁴⁸ Kent Fedorowich, "Propaganda and political warfare: The Foreign Office, Italian POWs and the Free Italy Movement 1940-3," in *Prisoners of War and their Captors in World War II*, ed. Bob Moore and Kent Fedorowich (Oxford: Berg, 1996), 210

⁴⁹ TNA: CAB 66/40/42 War Cabinet, Employment of Italian Prisoners of War in the United Kingdom, 10 September 1943.

⁵⁰ Kent Fedorowich, "Propaganda and political warfare", 210.

⁵¹ Moore, "Turning Liabilities into Assets", 133.

⁵² Bob Moore and Kent Fedorowich, *The British Empire and its Italian prisoners of war* (New York: Palgrave, 2002), 140.

overall command of either the United States or United Kingdom better reflected their new status as co-belligerents. The United States believed that the benefit of keeping the Italians as POWs were outweighed by the advantage that they would no longer be protected by the Geneva Convention. This would allow the Allies more flexibility in how the Italians would be employed.⁵³

Negotiations with the Badoglio government in Italy had been unsuccessful. This led the British government to adopt a unilateral position and negotiate an agreement that would safeguard and, if possible, increase its Italian POW labour force.⁵⁴ Unfortunately, Italy's government was unable to fulfil the conditions of the armistice agreement (chapter 7) and repatriate Britain's POWs. As a result, Britain took the attitude that best served its national interest. Regardless of the Geneva Convention, Britain decided that, due to Italy's failure, it had every right to recoup the loss of labour by continuing to use Italian POWs in whatever way it thought best.⁵⁵ Still, British authorities did acknowledge that because of the armistice, the treatment of the Italian POWs should be modified.⁵⁶ At the time of the armistice, the transfer of Italian prisoners from North Africa was halted until the question of the prisoners' status had been resolved.⁵⁷ However, it was not due to the changing political situation in Italy but rather the lack of shipping that delayed the transfer of the remaining Italian prisoners waiting to be transported to Britain at the end of September 1943.⁵⁸ Also, the armistice did not stop the War Cabinet from deciding to bring a further 8,000 Italian prisoners from North Africa to Britain in September 1943.⁵⁹ Despite all of Britain's intentions, even when shipping became available, the transfer of prisoners still required negotiation with the Badoglio government.⁶⁰

In 1944 well after the armistice, Italian POWs were still being transported to Britain. Due to Italy's change in status from enemy to co-belligerent, British authorities introduced the categories of co-operator and non-cooperator for their Italian prisoners. Enticed by more freedom and better conditions, just over 100,000 Italian prisoners had volunteered for employment under the scheme by November 1944.⁶¹ British authorities thought the change in status from prisoner of war to co-operator would allow them to employ the Italians without following the Geneva Convention and use the Italians in work directly connected with the war effort. In contrast, those who chose to be non-cooperators

⁵³ Moore and Fedorowich, *The British Empire and its Italian prisoners of war*, 140.

⁵⁴ Moore, "Turning Liabilities into Assets", 133.

⁵⁵ Moore, "Turning Liabilities into Assets", 133.

⁵⁶ Moore, "Turning Liabilities into Assets", 133.

⁵⁷ Kent Fedorowich and Bob Moore, "Co-belligerency and prisoners of war: Britain and Italy, 1943-1954." *The International History Review* 18 no. 1 (1996): 37.

⁵⁸ TNA: MAF 47/54 Employment of prisoners of war in agriculture. Draft letter, 15 October 1943.

⁵⁹ TNA: CAB 127/264 Status of Italian POWs following the armistice agreement with Italy 1 September 1943-31 January 1944. Prime Minister, Prisoners of War, your minute C.42/3, 28 October 1943.

⁶⁰ TNA: MAF 47/54 Draft letter, 15 October 1943.

⁶¹ TNA: CAB 66/58/36 War Cabinet, Employment of Italian Prisoners of War, 24 November 1944.

remained under the Geneva Convention and were more restricted in the areas of employment.⁶² It was understood by the Department of Agriculture and Fisheries that under the new category system, it would have to take a percentage of the non-cooperators, with a significant number of co-operators allocated to Departments of Military Services.⁶³ The need for labour meant that throughout the United Kingdom, there were over 140,000 Italian prisoners employed, of whom 60,000 had been transferred to Britain in November 1944.⁶⁴

At the end of the war, Article 75 of the Geneva Convention required all POWs to be repatriated “with the least possible delay”, but it did not explicitly explain what the end of hostilities meant, which left the timing of POW repatriation open to interpretation and manipulation.⁶⁵ Britain still needed Italian labour, especially on farms. Immediately after the end of the war, Britain remained unable to replace the Italians with British workers that were slowly returning from service or medically discharged and unable to perform manual work.⁶⁶ By this point, morale amongst the Italian POWs was seriously declining, because by June 1945, nearly two years after the armistice and a month after the end of the war, they still had not been told when they would return home. British authorities thought an announcement stating they would return home after the harvest would not settle the unrest.⁶⁷ Though not in keeping with the spirit of the convention, Britain was not keen to repatriate the approximately 30,000 Italians working on various agricultural activities, which were considered to be of national importance. Even though the war in Europe was over, there were approximately 70,000 Italian co-operators in India with special qualifications whose labour would be required until the end of the war with Japan.⁶⁸ A progress report in October 1945 showed that 152,714 Italian POWs remained in Britain.⁶⁹ Of that group, 131,000 Italian POWs were working as part of the British economy.⁷⁰

Australia’s Response and POW Labour Policy

At the start of the war, the Menzies government introduced the National Security Act governing not only prisoners of war but also Australia’s manpower regulations. The Act discussed who was subject to the manpower regulations and who could apply for an exemption based on the Reserved Occupation

⁶² TNA: CAB 66/58/36 War Cabinet, Employment of Italian Prisoners of War, 24 November 1944.

⁶³ TNA: MAF 47/54 Prisoners of War, 9 June 1944. The change in the status of Italian POWs will be discussed in chapter 8.

⁶⁴ TNA: MAF 47/54 Draft message, 20 June 1945.

⁶⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 75, 954.

⁶⁶ TNA: MAF 47/54 Draft message, 20 June 1945.

⁶⁷ TNA: MAF 47/54 Draft message, 20 June 1945.

⁶⁸ TNA: FO 371/49862 Repatriation of Italian prisoners of war and internees abroad. Code 22 file 157 (papers 3818-4453), 1945. Foreign Office Minute, 7 August 1945.

⁶⁹ TNA: FO 371/49865 Repatriation of Italian prisoners of war and internees abroad. Code 22 file 157 (papers 5470-5898), 1945. Progress report No. 9 on work along Italian prisoners – for period 1-31 October 1945.

⁷⁰ Alan Milward, *War, Economy and Society 1939-1945* (Los Angeles: University of California Press, 1979), 229.

List.⁷¹ Due to the reserved occupations and the needs of the military, Australia's domestic labour problems began to grow; for that reason, when Australia started to receive Italian POWs from Britain and North Africa, the government pursued ways to employ them. By July 1941, the Australian government had approved the employment of POWs in Australia under the articles of the Geneva Convention.⁷²

Menzies pointed out in a meeting with the War Office in 1941 that Australia was moving toward the manpower position already reached in Britain.⁷³ However, despite the growing labour problem, the Australian government only considered using Italian rather than German POWs. It was thought that many German prisoners still held strong Nazi views and were not regarded as suitable candidates for rural work among Australian families.⁷⁴ The Australian War Cabinet took the attitude that if active fascists were excluded from any of the government's labour plans, the remaining Italian prisoners could be gainfully employed, as they were thought to be relatively passive and had the potential to be good workers.⁷⁵ As explained in chapter 2, the Australian War Cabinet decided in April 1941 to accept up to 50,000 prisoners of war from the Middle East, but due to the shortage of shipping, only 6,000 arrived.⁷⁶ At the same time, the information from the Dominion Office regarding the conditions under which prisoners of war should be employed was discussed.⁷⁷ The document indicated that POWs employed on various projects be afforded uniform treatment in all empire countries to avoid any differences in the treatment being exploited by the enemy.⁷⁸ By May, the Australian government had received notification from the High Commissioner in London about the treatment of the Allied POWs employed by the enemy. The correspondence stated that Germany generally complied with the convention; in contrast, Italy was not known to be employing prisoners of war at the time.⁷⁹

⁷¹ Paul Hasluck, *The Government and the People 1939-1941* (Canberra: Australian War Memorial, 1952), 394. Note: The Reserved Occupation List was updated throughout the war and included industries such as dock workers and some manufacturing industries.

⁷² NAA: A2684 432 Employment of Prisoners of War. War Cabinet Minute 11 July 1941, Agendum No. 122/1941 – Supplement No. 2 – Prisoners of War – Employment.

⁷³ Hasluck, *The Government and the People 1939-1941*, 350.

⁷⁴ Bunbury, *Rabbits and Spaghetti*, 54.

⁷⁵ Peter Monteath. *Captured Lives: Australia's wartime internment camps* (Canberra: National Library of Australia, 2018), 198.

⁷⁶ NAA: A2684 432 Memorandum Defence Secretary to Department of Army and Department of Labour and National Service, 2 August 1941.

⁷⁷ NAA: MP 508/1 225/721/84 Employment of prisoner of war labour detachment 1941. War Cabinet Agendum – Prisoners of War – Employment, Supplement No. 2 to Agendum No. 122/1941, 30 April 1941.

⁷⁸ NAA: MP 508/1 225/721/84 War Cabinet Agendum – Prisoners of War – Employment, Supplement No. 2 to Agendum No. 122/1941, 30 April 1941.

⁷⁹ NAA: A1608 F20/1/1 Part 1 POW and Internees. Employment during Internment, Policy. Cablegram from High Commissioner's Office London to Prime Ministers Department, 19 May 1941.

Before Britain officially announced in August 1941 that it would be employing Italian POWs, Australia's War Cabinet had already authorised the employment of POWs held in Australia in July 1941.⁸⁰ War Cabinet concluded that the prisoners could be engaged in government, private and camp work, including maintenance and construction.⁸¹ Importantly for Australia, the British government would accept financial responsibility for prisoners of war transferred to Australia and detained on their behalf. As a result, it was possible for Australia to accept more Italian prisoners of war with the expectation of employing them in rural industries.⁸² In August 1941, during the Advisory War Council meeting, the opposition representative and member for Hindmarsh, South Australia, Norman Makin, expressed concern about the employment of enemy prisoners of war. Accordingly, the Minister for Army Percy Spender explained the POW employment policy that had the prisoners separated into three categories A, B, and C. Category A was for prisoners working within the camp on camp maintenance, category B had prisoners involved in construction, and improvement and repair of camps, and category C allowed prisoners to work outside the camp on government projects, and for private employers. In addition, Spender also clarified that POW labour could only be used as long as there was no disruption to or replacement of Australian workers.⁸³ As discussed above, Britain and Italy had come to an agreement early in the war concerning the pay for POW labour. In this, the Australian government was ready to act under the provisions of the Geneva Convention and follow its wage policy, which meant that Australia would pay the enemy prisoners detained in Australia the same rate as Australian workers.⁸⁴ However, the British Military Board was keen to avoid any differences in treatment between Britain and the Dominions that the Axis powers could exploit. It was feared that a disjointed Allied policy might well lead to some form of retaliation against British or Dominion POWs held by the enemy.⁸⁵ To avoid this, there were a number of conversations with London debating the rate of pay prisoners would receive for their work in Australia.⁸⁶ The outcome was that the Australian government approved a rate of pay for enemy prisoners in November 1941 at 7 ½ d per day for unskilled and 1s 3d per day for skilled work. The wages would be paid in Australian currency but remained equivalent to the British pay rate; as a result, the rate was kept consistent throughout the empire.⁸⁷

⁸⁰ NAA: A2684 432 War Cabinet Minute 11 July 1941, Agendum No. 122/1941 – Supplement No. 2 – Prisoners of War – Employment.

⁸¹ NAA: A2684 432 War Cabinet Minute 11 July 1941, Agendum No. 122/1941 – Supplement No. 2 – Prisoners of War – Employment.

⁸² NAA: A2684 432 War Cabinet Minute 11 July 1941, Agendum No. 122/1941 – Supplement No. 2 – Prisoners of War – Employment.

⁸³ NAA: A2684 432 Memorandum Defence Secretary to Department of Army and Department of Labour and National Service, 2 August 1941.

⁸⁴ Bob Moore and Kent Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947* (New York: Palgrave, 2002), 81.

⁸⁵ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 81.

⁸⁶ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 81.

⁸⁷ NAA: MP 60/1 149/25 War Cabinet – minutes – employment of prisoners of war Part 1, 1941. Employment of Prisoners of War, 3 November 1941.

While the Australian government had laid out the requirements and conditions for the employment of Italian POWs in Australia, the government remained unclear about the employment conditions of Australian POWs in Italy despite the Swiss and Red Cross reports.⁸⁸ Without any clear understanding of what was happening in Italy, the Australian government, like the British government, focused on solving its labour problems in the national interest. Consequently, talk surrounding POW labour focused on enemy prisoners detained in Australia. The idea of using POW labour had the potential to cause concern in the Australian community, so Canberra set about reassuring the Australian public that the policy of employing prisoners of war would not lead to the erosion of hard-won conditions of employment in Australia.⁸⁹ An article in the *News* (Adelaide), 31 October 1941, assured the Australian public that the government would observe the international convention governing the employment of prisoners of war and that prisoners would be required to be paid the full award rate of normal employment in Australia.⁹⁰ In turn, the Australian media did not neglect to report on the poor working conditions in some POW camps in North Africa. The *News* (Adelaide) 7 November 1941 published information from escaped British soldiers suggesting Australian prisoners were given inferior food and worked excessively hard.⁹¹ The next day, the *Canberra Times* reported on the ill-treatment of Australian POWs being used as labour in North Africa. It stated that the International Committee of the Red Cross had been asked to investigate the treatment of Australian prisoners of war held by the Italians in Benghazi, who allegedly worked 14 hours a day loading ships.⁹² Upon reading the newspaper articles, members of parliament, including Hubert Anthony, began to question the Minister for Army, Francis Forde, about the employment conditions of Australian POWs in North Africa, asking if he was aware that they

...were compelled to work long hours on the harbour, road and other works, and that other Australian prisoners of war were similarly compelled to work under Germans and Italians? Has the Minister yet determined whether Italian and other prisoners of war in this country shall be required to work for their maintenance, or are the short manpower resources of this country to be depleted for the purposes of guarding and feeding those prisoners?⁹³

Forde responded to Anthony's demand for reciprocity in the employment and treatment of prisoners of war, stating,

I did see the reports in the press, and I had an immediate investigation made as to their truthfulness. Up to the present, I have not been able to substantiate what appeared in the newspapers. If Australian or other prisoners of war were used in the way stated, their

⁸⁸ NAA: A1608 F20/1/1 Part 1 Employment during Internment, Policy. Cablegram from High Commissioner's Office London to Prime Ministers Department, 5 September 1941.

⁸⁹ NAA: A1608 F20/1/1 Part 1 Employment during Internment, Policy. Cablegram from High Commissioner's Office London to Prime Ministers Department, 5 September 1941.

⁹⁰ "Employment of Prisoners of War," *News*, Adelaide, 31 October 1941.

⁹¹ "Details of Prisoners' Conditions Sought," *News*, Adelaide, 7 November 1941.

⁹² "War Prisoners Inquiries into Alleged Ill-treatment," *Canberra Times*, 8 November 1941.

⁹³ Hansard, House of Representatives, No.46, Sixteenth Parliament, First Session – Fifth Period, 12 November 1941, 281-282.

employment contravened the Hague Convention. The question of using prisoners of war to carry out work in this country is not new; on two occasions it was before the previous government of which the honourable member for Richmond was a member, and that government decided not to use prisoners of war...the whole question will be fully considered by this government when it has an opportunity to do so.⁹⁴

There were further discussions in the Senate regarding the employment of Australian POWs in Italy and Germany. Senator Hattil Foll asked the Minister representing the Prime Minister, Senator Joseph Collings,

Is it a fact that Australian prisoners of war in Germany and Italy are compelled to do hard work, whereas German and Italian prisoners in Australia are given a life of leisure? Is it the intention of the government to utilise the labour of prisoners of war to the extent permitted by international conventions?⁹⁵

Senator Collings explained that the Prime Minister had supplied the following answer,

Under the provisions of the Geneva International Convention, prisoners of war may be required to work during captivity. No definite information is yet available to the Commonwealth Government in respect of the conditions of employment of Australian prisoners of war in Germany and Italy but reports on that subject have been requested from the appropriate authorities overseas, particularly with reference to recent published statements that Australian prisoners of war are being employed under harsh conditions at Benghazi.⁹⁶

The Prime Minister made it quite clear in his response to questions regarding the treatment of German and Italian prisoners presented to him by the Senate that the German and Italian prisoners of war were not to be given “a life of leisure at their camps in Australia.”⁹⁷ Significant numbers of POWs were required to work on a variety of projects in connexion with the maintenance and development of their camps.⁹⁸ On the other hand, by mid-November 1941, there was still no clear information about the conditions Australian POWs were labouring under in Italy. Limited information was being sent from Italy regarding the employment of Australian POWs. At the end of 1941, however, the Australian government received reports from the ICRC explaining that Australian officers were being used for work at Tripoli’s Gargaresc camp. The camp at the time was in German hands, and this practice was in breach of Article 31 of the Convention – prohibited labour.⁹⁹ Although the ICRC report stated that the men were working voluntarily and compensated for their work, the delegates protested against the work. The ICRC delegates also verified that the officers involved in the prohibited labour had protested about the work through the protecting power.¹⁰⁰

⁹⁴ Hansard, House of Representatives, 12 November 1941, 281-282.

⁹⁵ Hansard, Senate, No. 47, Sixteenth Parliament, First Session – Fifth Period, 19 November 1941, 517. Senator Hattil Foll to the Minister representing Prime Minister in the Senate.

⁹⁶ Hansard, Senate, 19 November 1941, 517.

⁹⁷ Hansard, Senate, 19 November 1941, 517.

⁹⁸ Hansard, Senate, 19 November 1941, 517.

⁹⁹ NAA: A981 TRE 780 Treaties: Prisoners of War. Reports on Italian Internment Camps. Cablegram from High Commissioner London to Prime Minister’s Department, 31 December 1941.

¹⁰⁰ NAA: A981 TRE 780 Cablegram from High Commissioner London to Prime Minister’s Department, 31 December 1941.

A report commissioned for the War Commitments Committee in 1942 concerning the labour situation in Australia revealed, “it has become absolutely clear that the manpower pool is in fact exhausted (at least regarding males).”¹⁰¹ The men available for work were either fully engaged in the workforce or had signed up for military service. This left the remaining unemployable in the industry required, including men over seventy and under fourteen years of age or men with disabilities not suited to labouring work.¹⁰² Australia’s labour problem was not improving, so on 20 January War Cabinet again confirmed the policy of employing POW labour for non-military work.¹⁰³ Not all the Italian POWs that came to Australia were engaged in agricultural industries. Approximately 300 Italian POWs were set to work on the Trans-Australian Railway, with 100 POWs required on the project for the duration of the war.¹⁰⁴ Work began on 9 April 1942 and covered 450 kilometres from Port Pirie Junction in South Australia.¹⁰⁵ The POWs were employed resleepering the railway tracks; however, because of the vast distance involved in the work, six separate camps were established to accommodate the prisoners working in labour detachments.¹⁰⁶ The *Age* (Melbourne) reported in July 1942 that after lengthy negotiations, the Commonwealth Railways would employ Italian POWs for track maintenance. The Minister of the Interior, Joseph Collings and Minister of Labour, Edward Ward, confirmed they supported the use of POW labour, stating that prisoners of war should be employed on essential works.¹⁰⁷

At the end of 1942, Melbourne hosted an inter-departmental conference to debate the employment of prisoners of war. The discussion included the health risks of employing prisoners and the possibility of the transmission of diseases to the civilian population.¹⁰⁸ Significantly, the conference also debated the employment of POWs without guards. It was suggested that the prisoners could be employed within a forty-kilometre radius of a Prisoner of War Control Centre that would be established in each Army area.¹⁰⁹ The policy of employing Italian POWs without guards had already been discussed in the United Kingdom in April 1941. Although the employment of Italian POWs

¹⁰¹ NAA: A1196 12/501/145 War Commitments Committee (to report on important Manpower problems involving Defence Issues) Part 2, 1942.

¹⁰² NAA: A1196 12/501/145 War Commitments Committee (to report on important Manpower problems involving Defence Issues) Part 2, 1942.

¹⁰³ NAA: A2671 118/1943 War Cabinet Agendum No. 118/1943 – Employment of prisoners of war without guards in rural industry. Attachment to Notes on War Cabinet Agendum No. 118/1943, Employment of Prisoners of War without guards in rural industry.

¹⁰⁴ NAA: B300 8247 Part 2 Employment of Prisoners of War Italians 1942-1943, Letter Port Augusta, Commonwealth Railways, 29 September 1942.

¹⁰⁵ Alan Fitzgerald, *The Italian Farming Soldiers: Prisoners of War in Australia 1941-1947* (Melbourne: Melbourne University Press, 1981), 14.

¹⁰⁶ NAA: B300 8247 Part 2 Letter Port Augusta, Commonwealth Railways, 29 September 1942.

¹⁰⁷ “Work for War Prisoners”, *Age*, Melbourne, 22 July 1942.

¹⁰⁸ NAA: A2671 118/1943 War Cabinet Agendum 14 March 1943 and Appendix A 11 January 1943.

¹⁰⁹ NAA: A2671 118/1943 War Cabinet Agendum 14 March 1943 and Appendix A 11 January 1943.

without guards was considered a fiscally sound domestic labour policy, there is no evidence of any reciprocal international agreement between belligerent governments regarding this policy.

Labour shortages continued into 1943, and by February 1943, the lack of labour in Australia was again highlighted in Parliament, where Rowland James stated,

In view of the facts that there is a grave shortage of labour in Australia, and our soldiers when taken prisoners by the enemy are used on construction works does not the Minister for the Army think that prisoners of war held in this country, instead of being allowed to spend their time digging tunnels in attempts to escape, should be put to some useful work, such as clearing land, so that our fighting men, when they return, may have farms ready for them?

The response from Francis Forde explained,

There are not nearly so many prisoners of war in this country as some people believe, and I [have] been assured by the Adjunct-General that those who are here are fully occupied in the vicinity of their camps in cutting firewood and performing other duties of the kind.¹¹⁰

Even though significant numbers of prisoners of war were employed in labour detachments away from the usual camp system, as shown in Table 6, in March 1943, the majority remained employed at or near their camps because of the number of soldiers required to guard them.¹¹¹ Nevertheless, it was agreed that the use of prisoners of war for projects of important or urgent national interest should be explored immediately.¹¹²

Table 6 Italian Labour detachments March 1943.¹¹³

Labour detachment number	Location	Number of Italian POWs	Employment type
3	Cook, South Australia	300	Maintenance East-West Railway (Trans-Australian Railway).
4	Yanco, New South Wales	300	Vegetable production for the Department of Supply and Shipping, 50 Producing firewood.
5	Moorook, South Australia	200	Firewood production, River Murray pumping station.
6	Nagambie, Victoria	250	Firewood production.

By May, the War Cabinet had charged the Director-General of Manpower, John Dedman, with arranging the employment of prisoners on farms and other non-war-related work with the same work hours as those that operated in that industry.¹¹⁴ This was consistent with Article 30 of the Geneva Convention, which stated that “the length of the day’s work of prisoners of war, including therein the

¹¹⁰ Hansard, House of Representatives, No. 7, Sixteenth Parliament, First Session – Eighth Period, 18 February 1943, 888-889.

¹¹¹ NAA: MP 729/6 63/401/666 Transfer of Prisoners of War from India for Employment in Australia (1st Shipment). War Cabinet Agendum No. 118/1943, 14 March 1943.

¹¹² NAA: MP729/6 63/401/666 War Cabinet Agendum 170/43 supplement no. 2, 30 April 1943.

¹¹³ NAA: MP729/6 63/401/666 Transfer of Prisoners of War from India for Employment in Australia (1st Shipment).

¹¹⁴ Paul Hasluck, *The Government and the People 1942-1945* (Canberra: Australian War Memorial, 1970), 422.

trip going and returning, shall not be excessive and must not, in any case, exceed that allowed for the civilian workers in the region employed at the same work.”¹¹⁵

Once the armistice had been declared, Australia received a message from Britain regarding the status of Italian POWs. Although Italy was now considered a co-belligerent, Italian prisoners would not be released but continued to be held as POWs; therefore, they were available to continue to work as required.¹¹⁶ Shortly after the Armistice, on 15 September 1943, Frederick Shedden suggested “that the proposed employment of Italian prisoners of war in Australia should be reviewed in the light of circumstances resulting from the Armistice with Italy.”¹¹⁷ Then on 18 September, Shedden explained that the matter regarding the Italian POWs was political and involved international policy, particularly given the recent armistice with Italy. For that reason, he suggested any specific reference to any change in the Italians’ status because of the armistice terms would primarily be an issue for the War Cabinet.¹¹⁸ In his view, the cessation of hostilities with Italy did not make any difference under international law to the status of Italians in captivity – they would remain prisoners of war.¹¹⁹ On 25 September, the Australian government received information from High Commissioner Stanley Bruce in London. He explained that because of the change in the status of the Italian prisoners, the British War Cabinet had advised its camp commandants to treat the Italian POWs with respect and consideration, however, discipline had to be maintained, and orders obeyed.¹²⁰

While the British government had separated its Italian POWs into co-operators and non-cooperators, the Australian government did not employ the same policy. Instead, the Italians in Australia, without any agreement between Britain and Italy that would have an impact on the management of them, would remain POWs. In parliament on 28 September, Joseph Clark questioned the Minister for Army Francis Forde about the continued employment of Italian prisoners of war currently in Australia,

Can the Minister for the Army say how many Italian prisoners of war are held in Australia, and what is now to be done with them, having regard to the fact that an armistice has been signed with the Italian government? What action is being taken to utilise their services in the production of food?¹²¹

¹¹⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 30, 945.

¹¹⁶ Fitzgerald, *The Italian Farming Soldiers*, 45.

¹¹⁷ Fitzgerald, *The Italian Farming Soldiers*, 47.

¹¹⁸ Fitzgerald, *The Italian Farming Soldiers*, 47.

¹¹⁹ Fitzgerald, *The Italian Farming Soldiers*, 47.

¹²⁰ Fitzgerald, *The Italian Farming Soldiers*, 48.

¹²¹ Hansard, House of Representatives, No. 39, Seventeenth Parliament, First Session – First Period, 28 September 1943, 74.

Although Forde could not say what would happen to the Italian prisoners, he did state that they were currently fully employed in public works and primary industries.¹²² The policy of employing Italian POWs on farms throughout Australia had proved successful, but demand for labour far exceeded availability, which left Australian authorities unable to fill the continual flow of applications from graziers, wheat, dairy, fruit, and vegetable growers all wanting extra labour.¹²³ As a result, War Cabinet endorsed the plan that all Italian POWs would provide a pool of labour that would be on hand for distribution to rural industry.¹²⁴ It was decided that steps should be taken in October 1943 to continue to transfer large numbers of POWs from overseas to fill the vacant positions in primary production.¹²⁵ By November, provisions were put in place by the Directorate of Manpower to place Italian POWs into essential work in primary production. However, because the government had increased the amount of POW labour available for primary industry, it was necessary to make arrangements to increase the number of POWs being shipped to Australia.¹²⁶ Still, thousands of Italian prisoners were already in Australia, with many working on farms. Italian POW I. Di Gorce, waiting in Gaythorne for transfer to Standthorpe, wrote to fellow prisoner Dilio Di Battista at Cowra, explaining that he was sad to be so far away from Italy, but he was very well and living with a family, and he had “plenty of everything.”¹²⁷ Table 6.1 indicates the number of Italian POWs transported to Australia after the armistice from October 1943 to February 1944.

Table 6.1 Italian POWs shipped to Australia between 1943-1944.¹²⁸

Shipment No.	Date of Arrival	Officers	Other Ranks	Total
1	4 October 1943	2	1,012	1,014
2	1 November 1943	1	506	507
3	16 November 1943	1	506	507
4	20 December 1943	1	506	507
5	16 January 1944	1	506	507
6	5 February 1944	2	1,012	1,014
7	22 February 1944	4	2,024	2,028
8	26 April 1944	8	4,046	4,056
Total		20	10,120	10,140

¹²² Hansard, House of Representatives, 28 September 1943, 74.

¹²³ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 193.

¹²⁴ Fitzgerald, *The Italian Farming Soldiers*, 48.

¹²⁵ NAA: A2670 379/1943 War Cabinet Agendum No. 379/1943 – General coordination of manpower reviews, 15 September 1943. War Cabinet Minute (3065), Canberra, 1 October 1943.

¹²⁶ NAA: A1608 F20/1/1 Part 1 Employment during Internment, Policy. Letter Director General Directorate of Manpower to The Secretary Prime Minister’s Department, 22 December 1943.

¹²⁷ NAA: A373 11638A Italian prisoners of war and escapees. Commonwealth of Australia Security Service, Brisbane, 23 November 1943.

¹²⁸ NAA: A7711 History: Report on the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne, 1939-1951: Volume 1 and Volume 2.

Later, in 1944, the War Commitments Committee recommended the further employment of POWs in rural industries.¹²⁹ Table 6.2 shows the 9,600 Italian POWs allotted to rural work and the industry in which they were employed.¹³⁰

Table 6.2 Italian POW labour by rural industry, 1944.¹³¹

Industry	Number of POWs at work
Dairying	2,290
Fruit and Vegetables	2,733
Meat	603
Poultry	156
Wheat, Cereal, Fodder	1,171
Wool	291
Pineapples	168
Mixed farming	1,063
Recently allotted (industrial classification not available)	1,125
Total	9,600

Consequently, in January 1944, at the War Cabinet meeting, it was decided to abandon the earlier approval of 2,500 German prisoners of war and ask for the Germans to be replaced by an equivalent number of Italians.¹³² The Minister for the Army's recommendation that 7,500 German POWs be transferred from the Middle East was refused. The meeting concluded that no further German prisoners of war would be accepted for transfer to Australia.¹³³ In April 1944, the Dominion Office informed the Australian government that negotiations with the Badoglio government had broken down regarding the employment of Italian POWs. Although Badoglio had given verbal approval to General Eisenhower that Italian prisoners could be employed on war-related work, he refused to sign a formal agreement. However, the British government decided that Article 31 of the Geneva Convention describing prohibited work was not in its national interest and terminated its use. Britain defended its actions to the Australian government, explaining that the article was designed to prevent the detaining power from compelling prisoners to work against their own country but not to prevent soldiers from a co-belligerent state from assisting the common war effort.¹³⁴ This would be good news for the Australian government, fitting comfortably with its national interest and need for the continued use of Italian labour. By August 1944, there were 14,720 Italians and 1,585 German

¹²⁹ NAA: A1196 12/501/145 War Commitments Committee (to report on important Manpower problems involving Defence Issues) Part 3, 1944.

¹³⁰ NAA: A1196 12/501/145 War Commitments Committee (to report on important Manpower problems involving Defence Issues) Part 3, 1944.

¹³¹ NAA: A1196 12/501/145 War Commitments Committee (to report on important Manpower problems involving Defence Issues) Part 3, 1944.

¹³² Fitzgerald, *The Italian Farming Soldiers*, 58.

¹³³ Fitzgerald, *The Italian Farming Soldiers*, 58.

¹³⁴ NAA: A373 6221 Employment of Italian Prisoners of War. Cablegram from The Secretary of State for Dominion Affairs, London to the Department of External Affairs, 21 April 1944.

prisoners in Australia, with 10,200 Italian other ranks and 200 officers who volunteered for farm work that needed to be employed.¹³⁵ With the arrival of a further 991 Italian other ranks, there were approximately 14,244 Italian POWs in Australia by December 1944, 12,654 of whom would possibly be available for work. They were followed on 12 February 1945 by 2,076 Italians that disembarked in Australia; no officers were part of the contingents.¹³⁶

From India to Australia

In early 1941 the Indian government responded quickly to General Archibald Wavell's anxious appeal to accommodate Italian POWs from North Africa. The Indian government agreed to accept 16,000, however, the number soon rose to 68,000 by mid-March.¹³⁷ While shipping availability controlled the rate at which the POWs arrived in India, by the end of May, 4,867 officers and 26,993 other ranks were distributed in POW camps throughout the subcontinent.¹³⁸ With such a large group of POWs in India, the Department of the Army in India contacted Landforces Command, Melbourne, in February 1943, claiming that it was impossible to employ over 50,000 Italian prisoners of war in India because of local political factors. However, these men might be useful to Australia if shipping were available.¹³⁹ The question of what to do with Italian prisoners in Australia had already been raised, but due to the cable from India asking Australia to consider taking up to 50,000 Italian POWs, War Cabinet again discussed the matter.¹⁴⁰ In response to India's request, the Minister for the Army advised War Cabinet that accepting large numbers of additional prisoners could not be considered owing to the impracticality of the thousands of extra army personnel required to guard the prisoners. Nonetheless, the idea warranted considerable attention because it offered a method of easing the existing labour shortage.¹⁴¹

The Directorate of Prisoners of War and Internees explained that reports had been received that a group of about 7,000 alleged fascists were available in India if Australia was happy to have them.¹⁴² Experience with the 14,000 Italian POWs already in Australia had been that the extreme fascists were uncooperative, but the others were entirely satisfactory workers. As a result, it was recommended to War Cabinet that approval be given for suitable Italian prisoners to be selected from the group in India.¹⁴³ Once authorised, an Army officer and an officer of the Security Services were

¹³⁵ Hasluck, *The Government and the People 1942-1945*, 422.

¹³⁶ NAA: A7711 History: Report on the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne, 1939-1951: Volume 1 and Volume 2.

¹³⁷ Fedorowich, "Propaganda and political warfare", 125.

¹³⁸ Fedorowich, "Propaganda and political warfare", 125.

¹³⁹ NAA: MP 729/6 63/401/666 Army Message to Landforces Command, Melbourne from Department of Army, India, 17 February 1943.

¹⁴⁰ Fitzgerald, *The Italian Farming Soldiers*, 29.

¹⁴¹ Fitzgerald, *The Italian Farming Soldiers*:30.

¹⁴² NAA: A7711 Volume 1 and Volume 2. Prisoners of War Held in Australia.

¹⁴³ NAA: A7711 Volume 1 and Volume 2. Prisoners of War Held in Australia.

dispatched to India to consult with the appropriate military authorities regarding the selection of the Italian prisoners.¹⁴⁴ Many of the Italians had been in India for about three years, during which time they had not been engaged in work of any kind other than small maintenance tasks within their compounds. Consequently, assessing the POWs' suitability for rural labour in Australia was essential; unfit and unsuitable prisoners were noted for rejection.¹⁴⁵ However, once the POWs were in Australia, it was realised that excellent results could be gained by placing them on farms rather than in hostels,

- a. In hostels, where large numbers would be together for any length of time, it was probable that Fascist ideals would be maintained, and some would assert themselves as leaders.
- b. Placement of the PW on farms immediately on arrival in Australia would prevent them from establishing any organised influence among themselves. Moreover, without ready contact with their confederates, any Fascist tendencies they might have would, in most instances, fade away.
- c. The opportunity would be available to segregate them entirely from non-Fascists by placing together only members of this particular group on the farm.¹⁴⁶

Although protected personnel are discussed in greater detail in chapter 7, correspondence between Britain and Australia in May 1943 indicates that protected personnel were to be part of the contingent arriving from India.¹⁴⁷ They would be dispatched under the reciprocal agreement negotiated under the Geneva and Red Cross Conventions between Britain and Italy regarding the numbers able to be retained in their professional capacity, "following the basis per 1,000 PW, two medical officers, ten medical orderlies, two dental officers, two dental orderlies, two chaplains."¹⁴⁸ Although it had been negotiated that a number of protected personnel would remain with their fellow prisoners, Article 9 of the Red Cross Convention stipulates that protected personnel should not be treated as prisoners of war.¹⁴⁹ Yet, it was not stated in the communication between Australia and Britain if the Italian chaplains or medical and dental personnel had volunteered to stay with the Italian prisoners. Despite that, these men were unlikely to be repatriated due to the lack of shipping and other regional security concerns. Under the circumstances, it was considered acceptable for them to continue to perform their work under Article 12 of the Red Cross Convention.

The War Office announced they were hoping for an initial consignment of 450 Italians from Bombay (now Mumbai) to be sent to Australia around 11 August 1943. The initial suggestion of taking 10,000 prisoners from India became nearly impossible due to limited shipping.¹⁵⁰ Although the War

¹⁴⁴ NAA: A7711 Volume 1 and Volume 2. Prisoners of War Held in Australia.

¹⁴⁵ NAA: A7711 Volume 1 and Volume 2. Prisoners of War Held in Australia.

¹⁴⁶ NAA: A7711 Volume 1 and Volume 2. Prisoners of War Held in Australia.

¹⁴⁷ NAA: MP 729/6 63/401/666 Cable from Landforces Melbourne to Detarminia rptd troopers London, 19 May 1943.

¹⁴⁸ NAA: MP 729/6 63/401/666 Cable from Landforces Melbourne to Detarminia rptd troopers London, 19 May 1943.

¹⁴⁹ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*, Article 9, 972.

¹⁵⁰ NAA: MP 729/6 63/401/666 Cablegram From High Commissioners Office London, 3 August 1943.

Office advised the Australian government that it was not opposed to the transfer of the Italian POWs from India, it was made clear by the British government that it was unwilling to incur any new cost in the way of accommodation.¹⁵¹ Accordingly, the new Italian POWs would arrive under the same conditions regarding maintenance as the other prisoners already held in Australia on behalf of Britain, and so it was suggested that any further costs should fall to the Australian government.¹⁵²

As a result of the armistice, the Australian High Commissioner in London sought advice regarding the 10,000 Italian prisoners of war in India awaiting transport to Australia.¹⁵³ While Stanley Bruce was taking advice in Britain, information circulated by the Department of Army on 16 September 1943 also discussed the transport of Italian POWs from overseas. It responded to the question of whether the terms of the armistice would affect the use of Italian POWs as a labour force.¹⁵⁴ It confirmed that the prisoners of war were not to be released and could still perform work as required. Furthermore, it was also stated that should the situation develop where it was agreed that Italian prisoners of war would be released, the British government would not authorise the prisoners' transfer from India to Australia.¹⁵⁵ Until the position of the Italian POWs was resolved, Australia would only receive 5,000 Italians from India rather than the 10,000 previously agreed.¹⁵⁶ The Italian and British governments were still arguing over Italy's new status as co-belligerents rather than Allies and what it meant for the future status of Italian POWs in mid-1944.¹⁵⁷ This frustrated Australia's carefully laid out plans for expanding its POW labour policy. As Australia's labour problems continued, Prime Minister John Curtin wrote to the Minister for Labour and National Service, Edward Holloway,

I desire to refer to Item 7 of the Summary of War Cabinet No. 161. Reference is made therein to the transfer to, and employment in Australia of, prisoners of war, and it is noted that War Cabinet approved for the transfer of 10,000 Italian prisoners of war from India for employment in Australia.¹⁵⁸

Fortunately for the Australian government, negotiations regarding the armistice were seemingly resolved in the Allies' favour because it had no intention of restricting its rural employment scheme. In fact, it was to be extended with the arrival of more Italian POWs from India.¹⁵⁹ This did not break with British attitudes toward using Italian POW labour, since Britain also had plans to continue to use Italian labour. This was fortunate, given that the Australian government made it clear to Britain that the

¹⁵¹ NAA: MP 729/6 63/401/666 Cablegram From High Commissioners Office London, 5 August 1943.

¹⁵² NAA: MP 729/6 63/401/666 Cablegram From High Commissioners Office London, 5 August 1943.

¹⁵³ Fitzgerald, *The Italian Farming Soldiers*, 45.

¹⁵⁴ NAA: MP 729/6 63/401/666 Department of Army Minute Paper, 16 September 1943.

¹⁵⁵ NAA: MP 729/6 63/401/666 Minute Department of Army, 16 September 1943.

¹⁵⁶ NAA: MP 729/6 63/401/666 Cablegram From High Commissioners Office London, 30 November 1943.

¹⁵⁷ NAA: A2676 3548 War Cabinet Minute No. 3548 – Manpower reviews – Limitation on use of prisoners of war. Letter PM Curtin to Hon Holloway, 20 July 1944.

¹⁵⁸ NAA: A2676 3548 Letter PM Curtin to Hon Holloway, 20 July 1944.

¹⁵⁹ Fitzgerald, *The Italian Farming Soldiers*, 70.

employment scheme underway in Australia would continue regardless of their position because it was in the country's national interest.

The Australian government's attitude toward the employment of Italian POWs meant that they continued to work on projects throughout Australia. In February 1945, with the end of the war in Europe looming, the Secretary of State for Dominion Affairs informed the Australian government that under the instrument of surrender, the European Advisory Commission advised that the Allies would not, after the signature of surrender, be bound by the precise terms of the Geneva Convention. However, Australia would be obliged to ensure that the treatment of prisoners of war remained satisfactory and humane in accordance with the general standards of international law.¹⁶⁰

Conclusion

Labour issues were considered a domestic matter within the sphere of wartime imperial policy, as discussed in chapter 3. Accordingly, Britain should not have been involved in the domestic affairs of the Dominions. As a result, the Australian government did not feel compelled to follow a united empire policy regarding POW labour, although it did refer to the information received from the British government. Instead, the Australian government expected Britain to manage the wider international POW policy and communications with the protecting powers and ICRC regarding any violations of the convention that occurred concerning POW labour. At the same time, the Australian government managed its domestic labour crisis in its national interests, generally within the context of international law. During the war, the Australian government was willing to operate under the terms of the Geneva Convention regarding the use of POW labour, and this caused a problem for the British government in its negotiations regarding wages. Still, it was in the Australian government's interest to follow a united empire policy regarding wages for POW labour to prevent the enemy from exploiting any difference in policy between empire countries.

There is limited evidence in the Australian and British archives regarding the employment of Australian POWs in Italy. Even so, Australian Hansards reveal that Italian authorities were employing Australian POWs during the war, in North Africa, notably in Tobruk, Derna and Tripoli. This resulted in a number of violations of the convention, including employment on war-related work. Red Cross and protecting power reports from camp visits in North Africa informed the Australian government about the employment condition of the Australian POWs. Articles in Australian newspapers also described the terrible employment conditions of Australian prisoners of war, which triggered questions

¹⁶⁰ NAA: MP 729/8 44/431/3 Prisoners of War – Transfer to and employment in Australia, 1944-1945. Cablegram Secretary of State for Dominion Affairs to Department of External Affairs, 6 February 1945.

in parliament regarding the legal employment of the Australians captured in North Africa and what the government was doing to solve the problem. The chapter has also revealed the attitude of some in parliament who were convinced that because Italy was using Australian POWs in North Africa, Australia should reciprocally employ Italian POWs in Australia. In contrast to North Africa, however, Australian prisoners already in camps on the Italian mainland were not known to be employed outside the camps on a regular basis before 1942. While there was clearly a shift in Italian employment policy concerning prisoners of war, there is no evidence in Australian or British records explaining the change in Italian policy in 1942.

The armistice raised the greatest challenge for POW labour policy in Australia. The armistice could have perhaps seen the end of Italian POW labour in Australia and throughout the empire. However, due to the armistice conditions and its interpretation of Article 75 of the Geneva Convention, Australia felt it was entitled to maintain its Italian POW labour. Furthermore, Australian documents suggest that the Australian government did not believe that the Italian POWs should remain POWs simply because of Italy's inability (because of German interference) to hand over Allied POWs to Allied forces. Simply put, the war was not over, and peace had not been declared. For that reason, the Australian government maintained that Italian POWs were to remain working in Australia under the terms of the Geneva Convention, which provided them with a certain level of protection until peace was declared.

Australia and Britain, particularly after the armistice, had different ideas concerning the status of the Italians, with Britain introducing two new categories of co-operators and non-cooperators. Australia did not adopt this type of separation between the Italians. Instead, the Australian government decided it was in its national interest to continue to treat them as POWs under the convention, with Italian POWs continuing to be shipped to Australia even into 1945. The armistice also presented issues for the Australian POWs working in labour camps in Italy, although their situation was quite different. The Australian POWs' status was confused because of the collapse of the Italian government. While still considered POWs by some camp commandants and Allies by others, Italy's capitulation saw camps abandoned by the guards and left the prisoners to ponder whether to remain or escape. Many of the Australians that remained in captivity at the time of the armistice were handed over to the Germans.

Chapter 7 explores the policy and level of diplomatic negotiations encompassing the reciprocal repatriation of sick and wounded via mixed medical commissions throughout the war, and the lesser examined repatriation of long-term prisoners and protected personnel. The chapter also explains the

involvement of protecting powers and ICRC in the repatriation negotiations during the war as belligerents continued to do what was in their national interest.

CHAPTER 7: WARTIME EXCHANGE AND REPATRIATION

Introduction

The Anglo-Italian exchanges took place between April 1942 and September 1943 and included POWs from Italy, Britain and its empire. The reciprocal repatriations involved sick and wounded prisoners of war who had been assessed and passed medically unfit by a mixed medical commission appointed to examine the prisoners in POW camps. Wartime repatriations were rare; however, when they did happen, the exchanges required significant negotiation by belligerent governments through the protecting power. The Australian government was not directly part of the repatriation negotiations, but as an independent signatory and detaining power, Australia ensured it met international obligations concerning repatriation under the *1929 Geneva Convention Relative to the Treatment of Prisoners of War* and the *1929 Amelioration of the Condition of the Wounded and Sick of Armies in the Field*, known as the Red Cross Convention. This chapter will discuss the diplomatic role of belligerents during the Anglo-Italian exchanges explaining that the repatriations were driven mainly by international law but also, to some extent, by national interest. Furthermore, the chapter discusses the process of repatriation and exchange of prisoners within a global context. It also explores the problems encountered by belligerents and the negotiations and reciprocal agreements facilitated by the nominated protecting powers and the International Committee of the Red Cross to ensure that repatriations were undertaken in accordance with the Geneva Conventions.

The wartime repatriation of Allied and Axis POWs throughout the Second World War involved two international conventions. The Geneva Convention contained articles concerning the repatriation of sick and wounded, mixed medical commissions, and long-term prisoners. This chapter explains how mixed medical commissions were negotiated and employed under international law and the issues associated with their use in the examination of sick and wounded POWs in Australia, Britain, and Italy. It also describes the debate and political challenges regarding a possible reciprocal agreement to repatriate long-term prisoners, and the Australian government's attempts to have Australian POWs included in the long-term prisoner exchange. Also included in the repatriations were protected personnel such as medical staff and chaplains who, under the *1929 Amelioration of the Condition of the Wounded and Sick of Armies in the Field*, were not considered prisoners of war, and because they were not to be detained as prisoners there were no articles relating to protected personnel in the Geneva Convention. Nonetheless, this group, including medical and dental staff, chaplains, and chemists could be retained if it was considered necessary for the care of their fellow prisoners under the Red Cross Convention. As a result, negotiating the repatriation of this group was even more challenging because

there was a certain advantage to retaining their services. Importantly, this chapter will show how the two conventions intersected and how that affected the repatriation of protected personnel.

International Law and Repatriation

The concept of repatriation during wartime was not new. During the First World War, Britain negotiated agreements with Turkey and Germany in the best interest of itself and the empire.¹ Many of the repatriation principles developed at the Anglo-German Conference at the Hague in July 1917 were debated later at the Geneva Conference in 1929. Some of the regulations negotiated in 1917 became part of the Geneva Convention and the revised Red Cross Convention.² The development of the Conventions during the inter-war years, as discussed in chapter 1, would be significant to the repatriation of POWs throughout the Second World War.

Belligerents navigated talks concerning the repatriation and exchange of POWs through the protecting power and, in some instances, the ICRC. The Geneva Convention had articles specifically relating to the repatriation of POWs during hostilities. For example, under Article 68 of the convention, “belligerents are bound to send back to their own country, regardless of rank or number, seriously sick and seriously injured prisoners of war, after having brought them to a condition where they can be transported.”³ Other articles significant to the wartime repatriation of prisoners included setting up mixed medical commissions to assess the sick and wounded for repatriation purposes, and the repatriation of POWs out of humane consideration due to long periods in captivity.⁴ Specifically, Article 72 of the convention explained that prisoners of war that had been detained for a long period could be repatriated if belligerents could reach a reciprocal agreement; it stated,

Throughout the duration of the hostilities and for humane considerations, belligerents may conclude agreements with a view to the direct repatriation or hospitalisation in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.⁵

The convention also explains that prisoners repatriated under these articles could not be redeployed on active military service.⁶

¹ NAA: A11803 1918/89/217 Prisoners of War – conference of British and Turkish delegates. Agreement between the British and Ottoman Governments respecting Prisoners of War and Civilians, Swiss Political Department, Berne, 28 December 1917., and NAA: A2 1919/67 Prisoner of War Agreement with Germany. An Agreement between the British and German Governments concerning Combatant Prisoners of War and Civilians, The Hague 2 July 1917.

² TNA: FO 372/2551 T9201 Letter. Red Cross Conference: Revision of Geneva Red Cross Convention from Sir H. Rumbold, 31 July 1929.

³ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 68, 953.

⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Articles 69 and 72 953-954.

⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 72, 954.

⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 74, 954.

In contrast, the Red Cross Convention established how captured sick or wounded troops should be treated, the requirements of belligerents when dealing with enemy sick and wounded, and their change in status to POWs.⁷ The management of protected personnel also differed from that of other POWs. These protected personnel included medical staff and chaplains who were not considered POWs under Article 9 of the Red Cross Convention.⁸ As they were not considered POWs, belligerents had different responsibilities toward them and requirements for repatriation. Article 12 states,

The persons described in Articles 9, 10 and 11 may not be detained after they have fallen into the power of the adversary. Unless there is an agreement to the contrary, they shall be sent back to the belligerent to whose service they are attached as soon as a way is open for their return and military exigencies permit.⁹

Article 12 also explains that protected personnel could be retained if a reciprocal agreement was in place. At this point, the two conventions interconnect, both referring to a successfully negotiated reciprocal agreement regarding the retention of protected personnel. Significantly, Article 12 of the Red Cross Convention echoed with Article 14 in the Geneva Convention, which explains, “it shall be lawful for belligerents reciprocally to authorise, by means of private arrangement, the retention in the camps of physicians and attendants to care for prisoners of their own country.”¹⁰ Therefore, the agreement negotiated to retain a specific number of protected personnel between Britain and Italy traversed Article 12 of the Red Cross Convention and Article 14 of the Geneva Convention. However, this is the only link between the two conventions regarding repatriation. As such, it was possible for belligerent governments to negotiate via the stipulations of the two different conventions separately rather than together, which could cause problems during the negotiation process.

Diplomacy and the Anglo-Italian Exchanges

From the outbreak of the war, the repatriation of seriously sick and wounded POWs would form part of the ICRC’s main activities.¹¹ As the number of POWs grew, the ICRC took the initiative in July 1940 to begin negotiations with the German and British governments regarding a transportation service to run between the two countries in order to repatriate sick and wounded prisoners.¹² In July 1941, with talks ongoing, the United States Ambassador William Phillips (1936-1941) informed the British

⁷ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*. Geneva Treaty series 847, 1929. Article 1 and Article 2, 971.

⁸ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*, Article 9, 972.

⁹ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*, Article 12, 973.

¹⁰ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 14, 941.

¹¹ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War (September 1, 1939 – June 30, 1947) vol. 1 General Activities* (Geneva: ICRC, 1948), 373.

¹² International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 374.

government of the Italian response regarding the proposed means of repatriation. The Italians noted that the intended repatriation method for sick and wounded prisoners suggested by the British government had serious drawbacks.¹³ The Italians thought it would take time to procure a neutral hospital ship and select staff and crew that would be agreeable to both governments. Consequently, the Italian government proposed that each country provide a hospital ship to repatriate its own sick and wounded, which should take place in a neutral port either in the Mediterranean or Portugal.¹⁴ The final arrangements for the first repatriation was sent by the British to the Italian government via the United States Embassy in September 1941,

Sick and wounded prisoners shall be repatriated only after examination by, and on the recommendation of, a mixed medical commission. His Majesty's Government are not aware whether such a commission has yet begun to operate in Italy. All that is known is that the Italian Government had nominated as its neutral members the Swiss doctors, Greuter and Burckhard, persons who are acceptable to His Majesty's Government. As regards a mixed medical commission to operate in the Middle East, the International Red Cross Committee have suggested the names of two Swiss doctors, Messrs. Alfred Escher and Eric Zimmerli, who are acceptable to His Majesty's Government. The latter are now waiting to learn that they are also acceptable to the Italian Government.¹⁵

Mr Eden also concluded that the repatriation of the prisoners would be most effective through a Turkish port such as Adalie if the Italian government agreed.¹⁶ The Australian government was informed that an agreement had been reached in January 1942 with the Italian government to repatriate seriously ill and seriously wounded prisoners of war.¹⁷ Furthermore, it was advised that the mixed medical commission in Italy inspecting enemy sick and wounded POWs under Article 69 of the Geneva Convention had completed its inspection, and fifty-nine British prisoners were considered eligible for repatriation.¹⁸ At the same time, the Italian Foreign Minister Galeazzo Ciano asked that the British government inform them of the number of Italian POWs in Britain and the empire that had been assessed and passed for repatriation. Italy also confirmed through the Swiss Legation that it agreed with the exchange location, Port of Adalia, Turkey.¹⁹

In March 1942, the British and Italian governments informed the ICRC that the first exchange of sick and wounded would take place on 7 April at Smyrna in Turkey. They requested that the ICRC arrange for one of its delegates to accompany each hospital ship assigned to carry the repatriated

¹³ NAA: MP 508/1 282/703/24 Telegram from his Majesty's Minister at Berne to Foreign Office regarding negotiations for an agreement with the Italian government in relation to disregarding part B of the annex to the prisoners of war Convention 1929 and arrangements for the transportation of sick and wounded prisoners of war. Embassy of the United States of America, London 5 July 1941.

¹⁴ NAA: MP 508/1 282/703/24 Embassy of the United States of America, London 5 July 1941.

¹⁵ NAA: MP 508/1 282/703/24 Foreign Office to His Majesty's Minister, Berne, 11 September 1941.

¹⁶ NAA: MP 508/1 282/703/24 Foreign Office to His Majesty's Minister, Berne, 11 September 1941.

¹⁷ NAA: MP 508/1 282/703/24 Telegram From His Majesty's Minister at Berne to Foreign Office, 8 January 1942.

¹⁸ NAA: MP 508/1 282/703/24 Telegram From His Majesty's Minister at Berne to Foreign Office, 8 January 1942.

¹⁹ NAA: MP 508/1 282/703/24 Telegram From His Majesty's Minister at Berne to Foreign Office, 8 January 1942.

prisoners.²⁰ The belligerents were anxious about the exchange and thought that a representative of a neutral agency would ensure the operation on both sides was carried out as arranged and under appropriate conditions, including the agreement of the nominal rolls of prisoners being repatriated.²¹ Negotiations continued into April 1942 through the protecting power regarding the repatriation of sick and wounded British and empire POWs from Italy and the Middle East.²² As A. E Field explained, the first exchange with Italy occurred in April 1942. Hospital ships took the prisoners to Smyrna in Turkey; onboard were 340 Italians sick and wounded, and 579 protected personnel were exchanged with sixty British sick and wounded, sixty-nine protected personnel, eleven of whom were said to be Australians, would travel to Australia via Egypt.²³ However, Francis Forde announced in parliament on 6 May 1942 that no exchange had taken place with Italy that included Australian POWs, only British prisoners.²⁴ Archival documents confirm the first exchange between Italy and Britain to include Australian POWs took place in April 1943, with a further exchange involving Australians expected the following month.²⁵

Communication between the High Commissioner in London and the Australian government in March 1943 stated that two British hospital ships would travel between Alexandria and Smyrna, with approximately 6,300 Italians to be repatriated, of whom 2,240 were sick and wounded.²⁶ As a result of the successful negotiations with Italy, the British government suggested that the prisoners scheduled for repatriation assemble in the Middle East by April 1943.²⁷ This would include all Italian prisoners to be exchanged from Australia, India and South and East Africa, who would be required to gather in the Middle East by April for exchange through Smyrna.²⁸ As part of the April 1943 exchange, Australian authorities repatriated thirty-eight Italian officers and thirty-seven other ranks, mainly from Cowra in New South Wales. The Italians embarked on *Oranje* along with a number of protected personnel they collected in the Middle East.²⁹ The exchange took place partly in Smyrna and partly in Lisbon, Portugal.

²⁰ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 378.

²¹ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 378.

²² AWM: 54 780/1/6A History Directorate of Prisoners of War and Internees, 1939-1951 Vol. 1 Part 2. Chapter 23 Disposal of Prisoners of War, 188.

²³ A. E Field, "Prisoners of the Germans and Italians". In Maughan, Barton., and Australian War Memorial. *Tobruk and El Alamein*. Australia in the War of 1939-1945. Series 1, Army; v. 3 (Canberra: Australian War Memorial, 1966), 772.

²⁴ Hansard, House of Representatives, No. 19, Sixteenth Parliament, First Session – Sixth Period, 8 May 1942, 967.

²⁵ NAA: A5954 670/5 Prisoners of War – Exchanges with Germany and Italy 1942-1945. Cablegram Prime Minister's Department from High Commissioner's Office, London, 12 April 1943.

²⁶ NAA: MP 742/1 255/18/57 Australian Prisoners of War being repatriated – exchange with Italy 1943. Cablegram from High Commissioner's Office, London to Prime Ministers Department, 27 March 1943.

²⁷ AWM: 54 780/1/6A History Directorate of Prisoners of War and Internees, 1939-1951 Vol. 1 Part 2. Chapter 23 Disposal of Prisoners of War, 189.

²⁸ NAA: A5954 670/5 Cablegram Prime Minister's Department from High Commissioner's Office, London, 22 January 1943.

²⁹ NAA: A7711 History: Report on the Directorate of Prisoners of War and Internees at Army Headquarters, Melbourne, 1939-1951: Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 244.

Neutral delegates accompanied the convoys from Egypt to Turkey, Britain to Lisbon, and from Italy to the exchange points.³⁰ Italian POWs left Britain on the *Jedda*; however, restrictions were placed on the British once they entered Turkish waters. While there was no problem with the British wearing their uniforms on the ship, once they were within 5 kilometres of the Turkish limit, civilian clothing had to be worn by all ranks, and no British troops would be allowed to disembark in Turkey.³¹

The Australian High Commissioner's Office in London confirmed that the repatriation included twenty-six Australians that had arrived in Alexandria on 23 April 1943 as part of the exchange with Italy.³² It was reported in the Australian press on 29 April 1943 that "AIF who were prisoners of war in the hands of the Italians, have arrived in Egypt with other British prisoners as a result of an exchange of prisoners between the British and Italian Governments."³³ The repatriation in April was quickly followed by another in May that was discussed in the House of Commons on 11 May 1943. It was announced that once complete, at least 700 British and 2,370 Italian sick and wounded would have been repatriated, along with at least 940 British and 4,370 Italian protected personnel.³⁴ It was also acknowledged that the success of the repatriations carried out to date was primarily due to the Portuguese and Turkish governments, the Portuguese Red Cross, and the Turkish Red Crescent.³⁵

Correspondence between the Australian Prime Minister's Department and the High Commissioner's Office in May explained that Australian POWs accepted for repatriation had left Smyrna on 8 May 1943 and should reach Alexandria by about 12 May.³⁶ According to the list provided by the protecting power, twenty-one Australian medical commission cases were listed for repatriation. The government were also notified that 300 protected personnel were on board but had no advice on whether any were Australian.³⁷ By the next day, the protecting power confirmed that twenty-eight Australian protected personnel were part of the group.³⁸

Following the Axis defeat in North Africa, Italy and Germany made fresh proposals for the immediate repatriation of their sick and wounded from North Africa.³⁹ Barcelona was suggested as the

³⁰ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 378.

³¹ TNA: WO 201/2415 Exchange of and repatriation of prisoners of war from Italy, October 1942 – March 1944. Ministry Office, 5 March 1943.

³² NAA: MP 742/1 255/18/57 Cablegram from High Commissioner's Office, London to Prime Ministers Department, 26 April 1943.

³³ "A.I.F Men in Prisoner of War Exchange," *Northern Star* (Lismore, NSW), 29 April 1943, 5.

³⁴ Hansard, House of Commons, Volume 389, 11 May 1943.

³⁵ Hansard, House of Commons, 11 May 1943.

³⁶ NAA: A5954 670/5 Cablegram Prime Minister's Department from High Commissioner's Office, London, 7 May 1943.

³⁷ NAA: A5954 670/5 Cablegram Prime Minister's Department from High Commissioner's Office, London, 7 May 1943.

³⁸ NAA: A5954 670/5 Cablegram Prime Minister's Department from High Commissioner's Office, London, 8 May 1943.

³⁹ NAA: A433 1945/2/6262 Australian prisoners of war. Exchange 1941-1943. Cablegram High Commissioner's Office, London to Prime Minister's Department, 21 May 1943.

port of exchange if the United Nations were unwilling to allow Axis hospital ships to enter North African waters for the direct repatriation of POWs.⁴⁰ The proposal of exchange received from the Italian government was considered less urgent than the one presented by Germany because, at that point, there had been no opportunity for POWs to be recovered from German POW camps.⁴¹ Nonetheless, exchanges with Italy continued. The following two exchanges with Italy did not include any Australians, the fourth on 2 June 1943 involved eighty Australian POWs, forty-four seriously wounded and thirty-six protected personnel.⁴² However, there were some concerns regarding the repatriations with Italy. The Prisoners of War Department at the Foreign Office informed the War Office in June 1943 that the Italian government had failed to repatriate sick and wounded POWs in accordance with the Geneva Convention.⁴³ Considering the issues regarding the organisation in Italy and problems with mixed medical assessments, the Prisoner of War Department suggested that any further repatriation exchanges be suspended until guarantees were secured from the Italian or Swiss governments that the Geneva Convention was being followed.⁴⁴ Then, in July 1943, His Majesty's Minister in Berne informed the Foreign Office that the Italians had been in communication with the Swiss government regarding its desire to discuss a third exchange of sick and wounded in the Autumn.⁴⁵ The Italian authorities suggested it include Italian prisoners passed by the mixed medical commission not included in the previous exchange and Italian protected personnel.⁴⁶

The Italian government advised the protecting power that visits by the mixed medical commission in Italy had begun in June and were expected to be completed by August 1943, as a result, the Italian government were keen to proceed to a third exchange. At the same time, the Italian government also requested that the third exchange include Italian prisoners from all parts of the empire.⁴⁷ The Italian government confirmed that it had made all the necessary arrangements for the exchange of the Italian and British sick and wounded to take place in Lisbon on 13 September.⁴⁸ Unfortunately for the prisoners included in the third, or what the ICRC called the fifth repatriation

⁴⁰ NAA: A433 1945/2/6262 Cablegram High Commissioner's Office, London to Prime Minister's Department, 21 May 1943.

⁴¹ AWM: 54 780/1/6A Vol. 1 Part 2. Chapter 23 Disposal of Prisoners of War, 190.

⁴² Field. "Prisoners of the Germans and Italians", 772.

⁴³ TNA: WO 32/10753 Prisoners of War: Repatriation (code 91 (F)): Repatriation and exchange with British and Commonwealth prisoners of war of German and Italian soldiers from North Italy, 1943. Prisoners of War Department, Foreign Office to War Office, 3 July 1943.

⁴⁴ TNA: WO 32/10753 Prisoners of War Department, Foreign Office to War Office, 3 July 1943.

⁴⁵ TNA: WO 32/10753 Berne to Foreign Office, 8 July 1943.

⁴⁶ TNA: WO 32/10753 Berne to Foreign Office, 8 July 1943.

⁴⁷ TNA: WO 32/10753 Berne to Foreign Office, 8 July 1943.

⁴⁸ TNA: MT 9/3825 Repatriations (Code 115): Prisoners of War – Instructions at transit camps in Italy and on board ships in event of wholesale repatriation of prisoners of war from Italy (with attached file code numbers 115), 1943-1944. Telegram Bern to Foreign Office, 6 September 1943.

exchange between Italy and Britain, it was interrupted by the armistice in September 1943.⁴⁹ There was an inevitable breakdown in the POW exchange between Italy and Britain in September 1943 due to the armistice. As a result of the halt in the repatriation process, the Foreign Office informed His Majesty's Minister in Berne that the British government had arranged for the repatriated Italian prisoners to be sent to Sicily, which was now under the Allies' control.⁵⁰ It was requested that the Minister approach the Swiss government to ask for their help regarding the British POW stranded at Bergamo and Lecco in Italy, with the aim of organising transportation to Switzerland until they could be repatriated.⁵¹

Repatriation Policy

Italy

Although Italian authorities were involved in the negotiations of wartime repatriations under the Geneva and Red Cross Conventions, the 1938 Italian War and Neutrality Laws also explained in their general provisions the repatriation of sick and wounded troops. They would be permitted to transit through neutral territory provided they “do not include either personnel or material not belonging to the medical service.”⁵² Six items regulated by international conventions relating to sick and wounded prisoners were listed in Article 90, which Italy considered necessary to respect.⁵³ The regulations regarding sick and wounded POWs were clarified in Article 93, “enemy wounded and sick receive the same attention as accorded to national troops.”⁵⁴ In addition, the document explained, “protection will equally be accorded to military medical personnel, and also to ministers of religion attached to the armed forces, provided that they do not commit hostile acts.”⁵⁵ Although the Italian War and Neutrality Laws discussed the issues regulated by international conventions, it did not unequivocally state that medical personnel and chaplains were not considered POWs, just that they would be afforded protection. Nor did it directly refer to wartime exchange and repatriation detailed in Article 68 of the Geneva Convention.

Britain

The diplomatic process regarding the exchange of prisoners of war began early. The initial focus was a possible exchange with Germany. For that reason, questions were asked in the House of Commons in

⁴⁹ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 379.

⁵⁰ TNA: MT 9/3825 Telegram Foreign Office to Berne, 14 September 1943.

⁵¹ TNA: MT 9/3825 Telegram Foreign Office to Berne, 14 September 1943.

⁵² TNA: FO 916/2597/4 Foreign Office: Consular (War) Department, later Prisoners of War Department. Welfare of Australians in Italy, 1940. Italian War and Neutrality Laws, Translation 2 February 1939. Neutrality Law, Chapter 1 Article 3, 123.

⁵³ TNA: FO 916/2597/4 Italian War and Neutrality Laws, Translation, 2 February 1939. Article 90, 44.

⁵⁴ TNA: FO 916/2597/4 Italian War and Neutrality Laws, Translation, 2 February 1939. Article 93, 45.

⁵⁵ TNA: FO 916/2597/4 Italian War and Neutrality Laws, Translation, 2 February 1939. Article 95, 45.

January 1941 about the steps that had been taken to secure an exchange.⁵⁶ As the Commons debated the prospect of exchange with Germany, the United States Embassy in Rome received information from the Italian Ministry of Foreign Affairs in February 1941. Italian authorities explained that it would accept the British proposal of direct repatriation of sick and wounded prisoners rather than hospitalisation in a neutral country.⁵⁷ Lord Maurice Hankey, also keen to see the repatriation of POWs, wrote to Secretary of State for Foreign Affairs Anthony Eden on 10 February 1941. Lord Hankey suggested that Britain consider a plan to instigate an exchange involving the Italian POWs in Abyssinia,

Would it not be a good plan to offer to exchange the prisoners of war against British prisoners of war in German as well as Italian hands? I expect the Germans will refuse, but it would put them in a very nasty position vis-à-vis their partner in the Axis. The Italian people would want their menfolk back and could have them if the Germans would return ours.⁵⁸

The Under-Secretary of State for the Foreign Office, Sir Alexander Cadogan, responded that Hankey's proposal was attractive because it would, without a doubt, embarrass the Axis powers and would be to Britain's advantage if it resulted in an exchange. Additionally, it could be a possible propaganda coup for the British government to return a number of discontented Italian troops who had been well-treated as POWs in Britain.⁵⁹

Negotiations for the repatriation of sick and wounded British POWs continued through the protecting power throughout 1941 and 1942, the priority for the British government was repatriation with Germany.⁶⁰ With the Allied invasion of Sicily approaching, the British government began to consider its policy position in the event of Italy's collapse.⁶¹ It agreed in July 1943 that if the Italian government asked the Allies for an agreement regarding the exchange of its POWs in the immediate future, it would not be considered necessary because, upon the collapse of Italy, all British and empire POWs should be immediately recovered.⁶² However, the Prisoner of War Department was concerned that German authorities would pressure the Italians to hand over their Allied POWs to Germany. It also acknowledged that the transfer of British and empire POWs to Germany would be against the

⁵⁶ Hansard, House of Commons, Volume 368, 21 January 1941.

⁵⁷ NAA: MP 508/1 282/703/24 Note Verbale Italian Ministry of Foreign Affairs to Embassy of the United States of America, Rome, 9 February 1941.

⁵⁸ TNA: FO 916/161 Italian and British Prisoners of War – reciprocal treatment 1941. Letter Lord Hankey to Sir Anthony Eden, 10 February 1941.

⁵⁹ TNA: FO 916/161 Draft letter Sir Alexander Cadogan to Lord Maurice Hankey, 1 March 1941.

⁶⁰ Hansard, House of Commons, Volume 374, 7 October 1941., Hansard, House of Lords, Volume 120, 15 October 1941.

⁶¹ Chris Coulthard-Clarke, *The Encyclopaedia of Australian Battles* (Allen & Unwin: Crows Nest, 2001), 240. NOTE: The invasion of Sicily known as Operation Huskey took place between 9 and 10 July 1943.

⁶² TNA: WO 32/10753 Prisoners of War: Repatriation (code 91 (F)): Repatriation and exchange with British and Commonwealth prisoners of war of German and Italian soldiers from North Italy, 1943. Prisoners of War Department, Foreign Office to War Office, 3 July 1943.

interests of their governments. As a result, the department was in favour of recovering as many British and empire POWs from Italy as soon as possible.⁶³

As repatriated POWs returned to Britain in 1943, British authorities needed to address a more pressing issue. Questions were asked in the House of Commons if those returning would be required to remain in the armed forces or be eligible for discharge. Article 74 of the Geneva Convention distinctly states that “no repatriated person may be utilised in active military service.”⁶⁴ Yet the convention did not say that returned troops had to be discharged. Consequently, the Secretary of State for War, Sir James Grigg, announced to parliament that it was likely that most would be discharged. However, those found to be fit for further service and could be employed in a position permitted by the Geneva Convention would be retained.⁶⁵ In response to Grigg’s statement, the MP for Westhoughton, Rhys Davies, asked, “are we to understand that these men, who have suffered so much, will not be entitled to their discharge if the War Office decides to retain them?” The response from Grigg was terse, “Honourable Members can understand exactly what I said, namely, that if their medical condition justifies it, they will be discharged and that most of them will be. Those who are fit will be retained for such service as the Geneva Convention permits.”⁶⁶

In May 1944, the further employment of former POWs was again discussed in the House of Commons. It was explained that the Geneva Convention did not restrict further employment of protected personnel, such as chaplains and medical or dental personnel who had fallen into enemy hands.⁶⁷ Other POWs not affected by the further active military employment regulation were those recovered by other means, such as escaped prisoners or POWs who had been liberated by His Majesty’s forces or forces of any Allied or associated power.⁶⁸ The debate regarding the discharge of repatriated prisoners on their return also continued. Sir James Grigg again acknowledged that most seriously wounded repatriated prisoners would be discharged from the army on medical grounds. However, if returned POWs were not discharged, it was decided that they could be employed in administrative, training, or other non-operational units within Britain. Likewise, those repatriated sick could be used for overseas service, provided they were not engaged in a combatant capacity.⁶⁹ After the armistice, the British parliament took a different position regarding the POWs repatriated from Italy. It maintained the view that the surrender of Italy, and its later declaration of war on Germany, rendered

⁶³ TNA: WO 32/10753 Prisoners of War Department, Foreign Office to War Office, 3 July 1943.

⁶⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 74, 954.

⁶⁵ Hansard, House of Commons, Volume 393, 23 November 1943.

⁶⁶ Hansard, House of Commons, 23 November 1943.

⁶⁷ Hansard, House of Commons, Volume 400, 24 May 1944.

⁶⁸ Hansard, House of Commons, 24 May 1944.

⁶⁹ Hansard, House of Commons, 24 May 1944.

the restrictions regarding sick and wounded POWs repatriated from Italy irrelevant, with the men who were medically fit able to be employed in any capacity.⁷⁰

Australia

In the context of wartime repatriation, the Australian government generally followed British policy. However, it was mindful of its responsibilities under the Geneva Convention toward the POWs it had detained in the country and the possible impacts of its decisions on Australian POWs in Europe. In April 1942, the Australian parliament discussed the exchange and repatriation of Australian prisoners of war in Italy. Arthur Beck, the member for Denison, Tasmania, was interested in the criteria for repatriation, inquiring, “was the state of health of the prisoners taken into account or was it length of service the determining factor?” Beck continued by asking, “upon whose recommendation the release of Australians was made and what was the reason in each case?”⁷¹ Minister for Army Francis Forde responded to Beck’s question in parliament on 6 May 1942,

I inform the honourable member that there is no question of an exchange of prisoners of war with Italy. The recent repatriation of parties of British and Italian prisoners of war was affected in accordance with the terms of the Prisoners of War Convention, which provides for the examination of sick and wounded prisoners of war by mixed medical commission to be appointed by each of the belligerent powers. The mixed medical commissions recommend which prisoners of war should be repatriated. It is understood that a limited number of medical personnel were also repatriated in accordance with the terms of the sick and wounded convention.⁷²

In July 1942, the matter of re-employing repatriated POWs was discussed in parliament. With the war raging in the Pacific, the Australian government made it clear that the whole of Australia’s armed forces were viewed as being on active service.⁷³ The Australian government confirmed that it understood Britain’s decision to re-employ repatriated sick and wounded in the armed forces in a non-combatant role, even overseas.⁷⁴ Nevertheless, the Australian government did not embrace the British government’s position. It instructed departments managing the repatriated sick and wounded POWs that no repatriated member of Australia’s armed forces would be employed in a military capacity, and action would be taken to discharge them upon return.⁷⁵ In contrast, repatriated medical and other protected personnel were not considered POWs under the Geneva Convention, and Article 74, which prevented any further active military service, did not apply to them.⁷⁶

⁷⁰ Hansard, House of Commons, 24 May 1944.

⁷¹ Hansard, House of Representatives, No. 18 Sixteenth Parliament, First Session – Sixth Period, 29 April 1942, 605.

⁷² Hansard, House of Representatives, No. 19 Sixteenth Parliament, First Session – Sixth Period, 8 May 1942, 967.

⁷³ NAA: MP 508/1 255/702/1934 Repatriated Prisoners of War 1942-1943. Milbase Brisbane to Landforces Melbourne, 17 July 1942.

⁷⁴ NAA: MP 508/1 255/702/1934 Milbase Brisbane to Landforces Melbourne, 17 July 1942.

⁷⁵ NAA: MP 508/1 255/702/1934 Milbase Brisbane to Landforces Melbourne, 17 July 1942.

⁷⁶ NAA: MP 508/1 255/702/1934 Milbase Brisbane to Landforces Melbourne, 17 July 1942.

The Australian government maintained its position regarding Article 74 of the Geneva Convention preventing any further active military service even after the armistice with Italy in September 1943. The Australian government circulated in parliament its answers regarding the employment of repatriated POWs in the armed forces in December 1944,

Repatriated prisoners of war (i.e., prisoners sent back by the enemy on the decision of a mixed medical commission because of serious illness or serious wounds) will not be employed in any expeditionary force or in any operational zone, and will not, under any circumstances, be posted to or proceed to the Northern Territory, New Guinea, or any operational areas outside Australia. For the reasons for which they were repatriated it will be appreciated that the great majority of this class are discharged from the Army when they return to Australia.⁷⁷

At the same time, parliament explained that there were no restrictions regarding further military employment of protected personnel or returned escaped prisoners under the Geneva Convention. Consequently, if this group were passed medically fit for military service, they could be redeployed for other duties.⁷⁸

Sick and Wounded, Mixed Medical Commission and Long-Term Prisoners

Sick and Wounded and Mixed Medical

Early in the war, the ICRC ensured that belligerent states were aware of the provision in the Geneva Convention for the repatriation of sick and wounded prisoners.⁷⁹ Even so, before sick and wounded prisoners could be repatriated, belligerent governments would need to form a mixed medical commission to determine which POWs were suitable for repatriation. The mixed medical commissions were established following Article 69 of the Geneva Convention,

Upon the outbreak of hostilities, belligerents shall come to an agreement to name mixed medical commissions. These commissions shall be composed of three members, two of them belonging to a neutral country and one appointed by the detaining power; one of the physicians of the neutral country shall preside. These mixed medical commissions shall proceed to the examination of sick or wounded prisoners and shall make all due decisions regarding them. Decisions of these commissions shall be by majority and carried out with the least possible delay.⁸⁰

Six months after Italy entered the war, the British government was advised by Italian authorities that they were prepared to adopt a modified agreement of Article 69 of the Geneva Convention. However, Italy favoured the ICRC rather than the protecting powers and permitted the ICRC to appoint neutral members for the mixed medical commission.⁸¹ To expedite the possible repatriation of sick and

⁷⁷ Hansard, House of Representatives, No. 48, Seventeenth Parliament, Second Session – First Period, 1 December 1944, 2636-2637.

⁷⁸ Hansard, House of Representatives, 1 December 1944, 2637.

⁷⁹ Field, "Prisoners of the Germans and Italians", 771.

⁸⁰ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 69, 953.

⁸¹ TNA: FO 916/161 Royal Ministry of Foreign Affairs via The Embassy of the United States of America, Rome to the Foreign Office, London Note Verbale, 10 December 1940.

wounded POWs, the British Foreign Office communicated with the United States Chargé d'Affairs in February 1941. The Secretary of State for Foreign Affairs, Anthony Eden, requested the idea be put to the Italian government that seriously sick or wounded Italians in Britain could be examined by the mixed medical commission currently employed to assess German prisoners.⁸² The Italian Foreign Office responded to the British government about the formation of a mixed medical commission in April 1941. It acknowledged it was in favour of the appointment of Swiss doctors Rast and Schzoeler, who would examine the Italian sick and wounded in Britain. Additionally, Italy announced that it had taken steps to appoint its neutral members, two Swiss doctors, Greuter and Burckhard.⁸³ The Italian government also recognised that the majority of its prisoners were detained in locations outside Britain, and so it suggested that a commission would need to be established in each locality, as it would be difficult for the commission in Britain to reach empire countries.⁸⁴

While the British government was organising the mixed medical commission in Britain, in March, they also contacted the United States Ambassador on behalf of the Australian and New Zealand governments. Both countries asked that any mixed medical commission agreement with the German and Italian governments to examine sick and wounded British POWs for possible repatriation be extended to Australian and New Zealand prisoners.⁸⁵ The Italian Royal Ministry of Foreign Affairs replied to the Foreign Office in June 1941, stating that there would be no issue in extending the mixed medical commission working in Italy to include prisoners who were subjects of the British Empire.⁸⁶

The Director of Prisoners of War at the War Office disclosed the status of mixed medical commissions in the Dominions, India, Africa and the Middle East to the Foreign Office in June 1941.⁸⁷ The Director explained that a mixed medical commission was being set up in Egypt that would also be used in Palestine, East Africa, and Sudan, and the commission in India would be shared with Ceylon (Sri Lanka).⁸⁸ In addition, the Australian government had already enquired about establishing a commission. Canada, at that time, had no Italian POWs, but if it did receive Italian prisoners, they would be examined by the commission already established to deal with the German prisoners.⁸⁹ In July 1941, the Director of Prisoners of War at the War Office and the Prisoner of War Department at the

⁸² TNA: FO 916/162 Mixed Medical Commission in Italy, 1941. Letter Foreign Office to United States Chargé d'Affairs, 13 February 1941.

⁸³ TNA: FO 916/162 Note Verbale, 23 April 1941.

⁸⁴ TNA: FO 916/162 Note Verbale, 23 April 1941.

⁸⁵ TNA: DO 35/997/10 Prisoners of War and the Red Cross, 1940-1942. Foreign Office to Dominion Office, 31 March 1941.

⁸⁶ TNA: FO 916/162 Note Verbale, 23 April 1941.

⁸⁷ TNA: FO 916/162 Note Verbale, Director of Prisoners of War to Foreign Office, 28 June 1941.

⁸⁸ TNA: FO 916/162 Note Verbale, Director of Prisoners of War to Foreign Office, 28 June 1941.

⁸⁹ TNA: FO 916/162 Note Verbale, Director of Prisoners of War to Foreign Office, 28 June 1941.

Foreign Office reviewed Article 69 of the Geneva Convention. During the review, it was noted that the wording of the convention did not explicitly state that the doctors appointed to the mixed medical commission needed to be approved by belligerents. However, it was thought to be important for practical reasons that such approval be obtained,

While the Italian Government have agreed to the selection of neutral members of the Commission by the International Red Cross Committee, the German Government have not done so, if the Commissions also to examine German prisoners of war, it is important that the names of the doctors nominated by the International Red Cross Committee should be approved by the German as well as by the Italian Government.⁹⁰

Britain had found no evidence by August 1941 to suggest that the mixed medical commission in Italy had begun work. As such, the Foreign Office recommended, to avoid any unnecessary delay and, provided there were no objections to the two neutral doctors, Greuter and Burckhard, that the doctors suggested for employment by the mixed medical commission be approved to allow the commission to start its work.⁹¹ However, a camp report from the United States Military Attaché in Rome dated 6 August 1941 indicates that the mixed medical commission had already begun its work in Italy.⁹² It also revealed that the prisoners at Sulmona were not impressed by the process stating, “the mixed medical commission has been very slow to act on the obvious cases in which repatriation is indicated.”⁹³ Given that the mixed medical commission in Italy was underway, the Italian Royal Ministry of Foreign Affairs asked the United States Embassy to exert pressure on British authorities to have the mixed medical commissions already established in the United Kingdom, Egypt and Palestine, and India to begin their work.⁹⁴

In April, Italian authorities suggested that countries outside of Britain detaining Italian prisoners set up mixed medical commissions. The request was again submitted to the British government in September 1941 that mixed medical commissions in Australia, South Africa, and other territories of the empire where Italian prisoners were detained be appointed.⁹⁵ A month later, in October 1941, the Imperial Prisoners of War Committee addressed the matter. The outcome of the meeting was that

⁹⁰ TNA: FO 916/365 British Interests in Italy – work of protecting power, 1942. Memorandum, Director of Prisoners of War, War Office to Foreign Office, 22 July 1941.

⁹¹ TNA: FO 916/365 Memorandum from the Foreign Office, 6 August 1941.

⁹² NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III. Lieutenant-Colonel General Staff Military Attaché in Rome Norman Fiske. Report of Inspection of British and French prisoners of war camp at the Prisoners of War Camp at Sulmona, Italy, 6 August 1941.

⁹³ NAA: A816 67/301/16 Lieutenant-Colonel General Staff Military Attaché in Rome Norman Fiske. Report of Inspection of British and French prisoners of war camp at the Prisoners of War Camp at Sulmona, Italy, 6 August 1941.

⁹⁴ TNA: FO 916/365 Note Verbale, Ministry of Foreign Affairs, Rome to the Embassy of the United States of America, Rome, 29 September 1941.

⁹⁵ TNA: FO 916/365 Note Verbale, Ministry of Foreign Affairs, Rome to the Embassy of the United States of America, Rome, 29 September 1941.

Australia, South Africa, and East Africa were to each appoint a mixed medical commission.⁹⁶ The Directorate of Prisoners of War and Internees confirmed that at the suggestion of British authorities, Australia would establish a mixed medical commission in 1941.⁹⁷ The recommendation was acted upon immediately, because it was thought any failure to set up the commission could prevent Australian prisoners from accessing the commissions in Italy.⁹⁸

Once the decision was made to set up a commission in Australia, the Australian government needed to gain the services of two neutral medical practitioners living in the country. Bob Moore explains that the British found it difficult to find neutral doctors in its Dominions prepared to do the work required of the mixed medical commission.⁹⁹ However, in Australia the United States Consul-General Nelson Johnson did recommend two American doctors, but their appointment was considered impossible once the United States joined the war. Nonetheless, the Australian government needed to find other doctors to work on the mixed medical commission. To help solve the issue, the Australian government sought the assistance of Britain.¹⁰⁰ It was suggested that a commission managed entirely by Australian doctors be established. The Australian government proposed that the members of the mixed medical commission come from the Australian Army Medical Corps (AAMC).¹⁰¹ The three doctors selected included Chairman Lieutenant-Colonel S. Cowen, Honorary Colonel P. Fiaschi and Lieutenant-Colonel A. Walker.¹⁰² The commission was set up pending approval by the Swiss Consul-General, the protecting power for Italian interests in Australia since 1942. As Italy's representative, the Swiss Consul-General Hans Georg Hedinger cabled the names for the approval of the Italian government.¹⁰³ The Italian government agreed to Australia's proposal for a mixed medical commission staffed only by Australian doctors.¹⁰⁴

Although British POWs had begun to return in 1942, it was after June 1943 that the Directorate of Prisoners of War at the War Office began conducting interviews with the ex-prisoners. The aim was

⁹⁶ NAA: MP 729/8 44/431/105 Summaries of action taken by British government concerning prisoners of war 1941. Imperial Prisoners of War Committee – Summary of action taken in matters relating to prisoners of war in October 1941, Memorandum by the War Office, 25 November 1941.

⁹⁷ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 240.

⁹⁸ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 240.

⁹⁹ Bob Moore, *Prisoners of War Europe: 1939-1956* (Oxford: Oxford University Press, 2022), 141.

¹⁰⁰ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 240.

¹⁰¹ NAA: A433 1945/2/6262 Cablegram Prime Minister's Department to the High Commissioner's Office, London, 1 April 1942.

¹⁰² NAA: A433 1945/2/6262 Cablegram Prime Minister's Department to the High Commissioner's Office, London, 1 April 1942.

¹⁰³ NAA: A433 1945/2/6262 Cablegram Prime Minister's Department to the High Commissioner's Office, London, 1 April 1942.

¹⁰⁴ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 240.

to gain information regarding any breach of Article 70 of the Geneva Convention.¹⁰⁵ The convention described under what circumstances prisoners were able to be assessed by the mixed medical commission,

Besides those who are designated by the camp physician, the following prisoners of war shall be inspected by the mixed medical commission mentioned in Article 69, with a view to their direct repatriation or their hospitalisation in a neutral country:

- (a) Prisoners who make such a request directly of the camp physician;
- (b) Prisoners who are presented by agents provided for in Article 43, acting on their own initiative or at the request of the prisoners themselves;
- (c) Prisoners who have been proposed by the Power in whose armies they have served or by an aid society duly recognised and authorised by that Power.¹⁰⁶

The ex-POWs confirmed that the mixed medical commission arrived at the Italian camps with a list of prisoners it was to examine. The commission refused to consider any POW whose name was not listed, with no attention paid to the camp medical officer's requests, individual prisoners, or camp leaders.¹⁰⁷ Significantly the directorate announced that it had no knowledge about how the Italian authorities compiled the list of prisoners for examination. It was thought that only the names the British government provided to the Italian authorities were added.¹⁰⁸ British authorities did not find this process satisfactory, and before any further exchanges could occur, the British government required the Italian government to resolve its issues under Article 70 of the convention.¹⁰⁹

Like their British counterparts, a group of Australian repatriated prisoners, mainly protected personnel from Italy, were interviewed upon their return home. They informed authorities that the mixed medical commission at Grupignano was faulty.¹¹⁰ Those recently returned sick and wounded were examined in May 1942, but since that time, another sixty possible cases that were not considered in connection with the recent repatriation should have been assessed. Once the Australian government received this information, it asked that steps be taken to press for immediate action by the Italian mixed medical commission at the camp.¹¹¹ Major Binns, the senior Australian medical officer at Grupignano,

¹⁰⁵ TNA: WO 32/10753 Directorate of Prisoners of War, War Office minutes of the tenth meeting of Repatriation Committee, 21 June 1943.

¹⁰⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 70, 953.

¹⁰⁷ TNA: WO 32/10753 Directorate of Prisoners of War, War Office minutes of the tenth meeting of Repatriation Committee, 21 June 1943.

¹⁰⁸ TNA: WO 32/10753 Directorate of Prisoners of War, War Office minutes of the tenth meeting of Repatriation Committee, 21 June 1943.

¹⁰⁹ TNA: WO 32/10753 Directorate of Prisoners of War, War Office minutes of the tenth meeting of Repatriation Committee, 21 June 1943.

¹¹⁰ NAA: A989 1943/925/1/17 Treaties Red Cross prisoners of war reports on Italian camps 1943-1944. Cablegram Prime Ministers Department to High Commissioner's Office, London, 1 July 1943.

¹¹¹ NAA: A989 1943/925/1/17 Cablegram Prime Ministers Department to High Commissioner's Office, London, 1 July 1943.

reported on the state of the hospitals available to Australian POWs in Italy and also the mixed medical commission. Binns explained that the Australians did not appear to be correctly informed about their right to present to the mixed medical commission, alleging that English medical officers decided who would be presented to the commission.¹¹²

In January 1944, the British government decided that the examination of Italian prisoners of war by the mixed medical commission would be discontinued throughout the empire.¹¹³ However, just as Britain decided to end the commissions, the Australian government, in May 1944, found it necessary to appoint a new mixed medical commission.¹¹⁴ The commission would operate in Western Australia as approximately 1,500 Italian prisoners were held in the state, with more expected to arrive under the rural employment scheme.¹¹⁵ The mixed medical commission in Australia conducted a number of examinations shown in Table 7.

Table 7 Number of German and Italian POWs examined by the Mixed Medical Commission in Australia.¹¹⁶

Nationality	Number examined	Number recommended for repatriation
German prisoners of war	982	87
Italian prisoners of war	1400	242

The Australian government received information in July 1944 that a joint Allied approach was made through the protecting power for a further exchange between Britain and Germany of seriously sick and wounded prisoners and surplus protected personnel.¹¹⁷ The British government believed the mixed medical commission working in German camps had passed at least 2,000 imperial POWs for repatriation in May in addition to the 160 already nominated but then excluded from the first and second repatriation exchanges.¹¹⁸ Given that information and in agreement with the empire governments, British authorities made a specific request for the repatriation of the prisoners, especially those transferred from Italy to Germany, in September 1943.¹¹⁹

¹¹² AWM: 54 779/4/21 [Prisoners of War and Internees – Treatment by Enemy:] Reports by International Red Cross and protecting powers on conditions existing in Prisoner of War camps in Germany and Italy 1941-1945. Secretary, Department of External Affairs, Secretary, Department of Army, 1 July 1943.

¹¹³ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 244.

¹¹⁴ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 240.

¹¹⁵ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 240.

¹¹⁶ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 244.

¹¹⁷ NAA: A5954 670/5 Prisoners of War – Exchanges with Germany and Italy 1942-1945. Cablegram Department of External Affairs from The High Commissioner's Office, London, 14 July 1944.

¹¹⁸ NAA: A5954 670/5 Cablegram Department of External Affairs from The High Commissioner's Office, London, 14 July 1944.

¹¹⁹ NAA: A5954 670/5 Cablegram Department of External Affairs from The High Commissioner's Office, London, 14 July 1944.

As a result of Germany's defeat in May 1945, the Australian government proposed that the examination of German POWs should cease.¹²⁰ Consequently, it was decided that the repatriation of the remaining Italian and German prisoners passed by the mixed medical commission would now have to wait until it was most practical for Australian authorities, and this would primarily rest on the accessibility of shipping.¹²¹ With the decision to repatriate the remaining prisoners passed by the mixed medical commission now part of the end of war repatriations, the activities of the mixed medical commission in Australia were concluded. Nonetheless, Australian authorities agreed that even with the change in repatriation policy, the Italian prisoners passed by the mixed medical commission for repatriation would be included in the first shipments when general repatriations began in July 1946.¹²²

Long-term Prisoners

The ICRC sent a proposal to belligerent governments regarding POWs that had been detained for an extended period in October 1943, hoping that an agreement might be reached between the German and Allied governments.¹²³ It proposed the accommodation of specific classes of prisoners in neutral countries who had been subjected to a long period of captivity.¹²⁴ The British government did not see the point in repatriating men for accommodation in a neutral country, because eligible men would simply be repatriated home under the convention.¹²⁵ Still, the British government decided to consider the option of accommodating long-term POWs in a neutral country and debated submitting a proposal to the German government.¹²⁶ During the initial discussions in October 1943, Italian POWs were excluded from any correspondence regarding the long-term prisoner repatriation scheme.¹²⁷ It could be argued that the Italians were not initially considered for the exchange because of the armistice in September 1943, which resulted in an ongoing debate about their status as POWs. Furthermore, Italian POWs remained detained throughout the empire, while Allied prisoners of war who were previously detained in Italy were transferred to Germany, which limited Italy's bargaining power since negotiations would need to be with the German government.

¹²⁰ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 244-245.

¹²¹ NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 244-245.

¹²² NAA: A7711 Volume 1 and Volume 2. Vol. 2, Chapter 3 Mixed Medical Commissions, 244-245.

¹²³ NAA: B3856 144/11/2 Repatriation of Prisoners of War includes Nominal Rolls of Prisoners of War in German and Italian hands of aged and long-period prisoners for exchange with the Germans. Cablegram Prime Minister's Department from High Commissioner's Office, London, 22 October 1943.

¹²⁴ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 384-385.

¹²⁵ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 384-385.

¹²⁶ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 384-385.

¹²⁷ NAA: B3856 144/11/2 Cablegram Prime Minister's Department from High Commissioner's Office, London, 22 October 1943.

The early negotiations in October 1943 between the German and British governments limited eligibility to long-term prisoners over forty-eight years old. The issue for the Australian government and the Australian POWs was that the maximum age for enlistment into the Australian Military Force (AMF) was forty, which meant access to the scheme by Australian POWs was limited. Furthermore, due to the maximum enlistment age, AMF records would not indicate if any overaged persons had enlisted and later become POWs.¹²⁸ Nonetheless, the Australian government needed to supply the number of Australian prisoners in Germany over forty-eight years old who had been POWs since 1 July 1940.¹²⁹ It was also requested that the Australian authorities forward the same information regarding the German prisoners detained in Australia and, importantly, if it was in support of the ICRC proposal. London also recommended sending separate figures for the Australians who were previously detained in Italy and transferred to Germany.¹³⁰ Regardless of the parameters provided, Australian authorities suggested roughly 5,031 Australians detained in Germany, and 978 in Italy before the armistice who could be included in the numbers.¹³¹

Once it was established that there was a real possibility of long-term prisoners being repatriated, the AMF began communicating with the Australian Military Records Offices at locations around the country. In December 1943, Military Records were asked to look through the POW files to see if anyone met the criteria for repatriation under Article 72. However, further negotiations saw the requirements for repatriation shift.¹³² It was now necessary to provide lists of prisoners over forty-two years old as of 1 January 1944 and captured before 1 July 1942.¹³³ However, talks between Germany and Britain continued into 1944, and in March, the Imperial Prisoners of War Committee met and agreed to submit a date of 1 March 1944. The aim was to include prisoners aged forty-two on 1 March who had been in captivity for eighteen months or more, rather than the earlier suggestion of forty-two years on 1 January 1944. This was because Canada's representative explained the previous recommendation excluded the majority of Canadian prisoners captured at Dieppe.¹³⁴ Table 7.1 indicates the number of Australian POWs captured between 1940 and 1941 eligible to be submitted for possible exchange under the long-term prisoner proposal. Interestingly, these numbers did not include an age range.

¹²⁸ NAA: B3856 144/11/2 Cablegram Prime Minister's Department from High Commissioner's Office, London, 22 October 1943.

¹²⁹ NAA: B3856 144/11/2 Cablegram Prime Minister's Department from High Commissioner's Office, London, 22 October 1943.

¹³⁰ NAA: B3856 144/11/2 Cablegram Prime Minister's Department from High Commissioner's Office, London, 22 October 1943.

¹³¹ NAA: B3856 144/11/2 Directorate of Prisoners of War and Internees memo, 5 November 1943.

¹³² NAA: B3856 144/11/2 Australian Military Forces – Vic L of C Area to Records Office, Melbourne, 24 December 1943.

¹³³ NAA: B3856 144/11/2 Australian Military Forces – Vic L of C Area to Records Office, Melbourne, 24 December 1943.

¹³⁴ NAA: B3856 144/11/2 Department of External Affairs from High Commissioner's Office, London, 27 March 1944.

Table 7.1 Number of AMF personnel captured 1940-1941 for the purpose of possible long-term POW exchange.¹³⁵

AMF Captured by the enemy 1940-1941	
Date	Number
July – December 1940	3
January – March 1941	21
April – June 1941	5944
July – September 1941	38
October – December 1941	3
Total	6009

In September 1944, the Italian government asked that its Merchant Seaman and all other Italian prisoners, in three particular categories, be considered for repatriation under the long-term prisoner scheme.¹³⁶ This included prisoners over sixty, over fifty and under sixty who had been in captivity for two years or more, and others on compassionate grounds regardless of age.¹³⁷ The British government agreed to the Italian government's proposal, and the Imperial Prisoners of War Committee recommended that all empire detaining countries accept the policy.¹³⁸ When the Australian government received the request from Italy for the repatriation of its POWs on compassionate grounds in September 1944, the Italian authorities expected the proposal would be closely considered.¹³⁹ The number of Italian POWs in Australia deemed suitable for repatriation under the agreed categories is shown in Table 7.2.

Table 7.2 Number of Italians repatriated under the negotiated categories in August 1945.¹⁴⁰

Embarked on the <i>ANDES</i>	
Category	Number
Over 60 years	8
Over 50 and under 60	103
Mixed Medical Cases	150
Medically Unfit	389
Compassionate cases	58
Italian Government	10
Total	718

¹³⁵ NAA: B3856 144/11/2 Repatriation of Prisoners of War includes Nominal Rolls of Prisoners of War in German and Italian hands of aged and long-period prisoners for exchange with the Germans.

¹³⁶ NAA: B3856 778/2/28 Repatriation of Italian Prisoners of War correspondence re categories of Prisoners of War, 1944. Cablegram High Commissioner's Office, London to Department of External Affairs, 28 September 1944.

¹³⁷ NAA: B3856 778/2/28 Cablegram High Commissioner's Office, London to Department of External Affairs, 28 September 1944.

¹³⁸ NAA: B3856 778/2/28 Cablegram High Commissioner's Office, London to Department of External Affairs, 28 September 1944.

¹³⁹ NAA: B3856 778/2/28 Cablegram High Commissioner's Office, London to Department of External Affairs, 28 September 1944.

¹⁴⁰ AWM: 54 780/1/6A History Directorate of Prisoners of War and Internees, 1939-1951 Vol. 1 Part 2. Chapter 23 Disposal of Prisoners of War, 191.

The British War Cabinet recognised that due to the repatriation of the sick and wounded prisoners, further pressure would be placed upon them by the public regarding POWs that had been detained over a long period. The public knew proposals had been made for prisoners of war to be detained in a neutral country, which had not met with any German government response.¹⁴¹ Up to mid-1943, the British government had found it impossible to reach an agreement with German authorities regarding the repatriation of sick and wounded. Raising with the German government the question of repatriation of long-term able-bodied prisoners, whose release could only be secured by mutual agreement, seemed ridiculous and a waste of time.¹⁴² Nonetheless, an approach was made to the German government in April 1944 concerning the exchange of long-term prisoners to a neutral country.¹⁴³

In January 1945, camp leaders reported that many empire prisoners had been held in German captivity for more than four and a half years. These prisoners were now seriously affected mentally and possibly physically, but they did not necessarily meet the level that would qualify them for repatriation under the mixed medical commission rules.¹⁴⁴ Not surprisingly, the British government was anxious that as many men as possible of this category be repatriated even at the expense of returning physically fit Germans captured since El Alamein.¹⁴⁵ However, the Australian government realised that should Australia and the other Dominion governments approve Britain's proposal, Australian POWs may not benefit from the scheme except for very few merchant seamen captured before mid-1940.¹⁴⁶ In March 1945, the Australian Department of External Affairs received information concerning the ongoing negotiation affecting the repatriation of POWs under Article 72. The Australian government was informed that Britain had come to an agreement with German authorities that 5,000 prisoners of war in good health from both sides would be repatriated at the earliest possible date,

British Commonwealth Prisoners of War and merchant seamen in good health shall be eligible irrespective of service or part of [the] British Commonwealth to which they belong. They shall be selected from longest in captivity and far as possible those captured before 1 July 1940. The

¹⁴¹ TNA: CAB 66/60/50 War Cabinet Repatriation of Able-Bodied Long-Term Prisoners of War from the British Commonwealth and Germany, 15 January 1945.

¹⁴² TNA: CAB 66/60/50 War Cabinet Repatriation of Able-Bodied Long-Term Prisoners of War from the British Commonwealth and Germany, 15 January 1945.

¹⁴³ TNA: CAB 66/60/50 War Cabinet Repatriation of Able-Bodied Long-Term Prisoners of War from the British Commonwealth and Germany, 15 January 1945.

¹⁴⁴ NAA: B3856 144/11/2 Cablegram Department of External Affairs from High Commissioner's Office, London, 25 January 1945.

¹⁴⁵ NAA: B3856 144/11/2 Cablegram Department of External Affairs from High Commissioner's Office, London, 25 January 1945.

¹⁴⁶ NAA: B3856 144/11/2 Cablegram Department of External Affairs from High Commissioner's Office, London, 25 January 1945.

German complement will be selected [on a] similar basis from those held in the United Kingdom. No age limit will apply.¹⁴⁷

The exchange was to take place at the port town of Gothenburg in Sweden on 27 March 1945.¹⁴⁸

Protected Personnel

Protected personnel not categorised as POWs under the Geneva Convention presented a different challenge for belligerent governments negotiating wartime repatriation. Protected personnel were classified under the *Amelioration of the Condition of the Wounded and Sick of Armies in the Field* Red Cross Convention. Article 9 explains who was considered protected personnel, stating,

The personnel charged exclusively with the removal, transportation, and treatment of the wounded and sick, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies...Military personnel which has received special instructions to be used when necessary as auxiliary attendants or litter bearers in the removal, transportation and treatment of the wounded and sick, and bearing identification document, shall benefit by the same condition as the permanent sanitary personnel.¹⁴⁹

Although the Red Cross Convention directed the management of protected personnel, early in 1941, Anthony Eden was interested to learn the War Council's opinion about Italy's attitude towards Article 14 of the Geneva Convention. The article referred to the reciprocal agreements that could be arranged between belligerents to retain medical personnel.¹⁵⁰ Article 14 of the Geneva Convention states, "it shall be lawful for belligerents reciprocally to authorise, by means of private arrangements, the retention in the camps of physicians and attendants to care for prisoners of their own country."¹⁵¹ Significantly, it is at this point that the two conventions interconnect. Article 12 of the Red Cross Convention enables agreements to be negotiated regarding the retention of protected personnel, which would be conducted following Article 14 of the Geneva Convention. Belligerent governments needed to consider what would be in the greater national interest, to have the doctors, other medical staff and chaplains returned home or have them stay with their captured countrymen in the knowledge that they would receive proper care. Eden could see the advantage in British Medical staff being allowed to remain with wounded British soldiers and vice versa.¹⁵² Even considering the possible benefits of protected personnel remaining with the prisoners, in February 1941, the War Office stated it could not come to an agreement regarding Article 14, which could lead to doctors and nurses being detained against their

¹⁴⁷ NAA: B3856 144/11/2 Cablegram Department of External Affairs from High Commissioner's Office, London, 7 March 1945.

¹⁴⁸ NAA: B3856 144/11/2 Cablegram Department of External Affairs from High Commissioner's Office, London, 7 March 1945.

¹⁴⁹ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field* (Red Cross Conventions), Article 9, 972-973.

¹⁵⁰ TNA: FO 916/161 Foreign Office to the Under-Secretary of State, War Office, 2 January 1941.

¹⁵¹ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 14, 941.

¹⁵² TNA: FO 916/161 Foreign Office to the Under-Secretary of State, War Office, 2 January 1941.

will.¹⁵³ For that reason, the British government was willing to negotiate with the Italian government on a reciprocal basis for the repatriation of protected personnel as soon as they could put together satisfactory terms under the Red Cross Convention.¹⁵⁴

At this early stage of the war, Britain expected the Italian government to repatriate British medical personnel who were not occupied caring for British POWs. Considering there were such small numbers of British POWs in Italian hands, it was thought the Italian government would be able to adequately manage the medical needs of the British prisoners in their hands.¹⁵⁵ However, four months later, on 26 July 1941, the United States Military Attaché in Rome, Norman Fiske, visited British POWs detained at Castello di Rezzanello. During the visit, Fiske received complaints from seven medical officers, one dental officer and two quarter-masters who voiced their objections to their detention.¹⁵⁶ As previously discussed in chapter 6, they explained they were being detained contrary to Articles 9, 12 and 13 of the Red Cross Convention. In his report, Fiske documented that there had been correspondence with Italy regarding the compulsory detention of medical officers and chaplains, and so he believed the matter would soon be resolved.¹⁵⁷

In June 1942, negotiations were underway for further repatriations between Britain and Italy. Information received by the British government indicated that Italy had withheld a significant number of protected personnel from repatriation. As a result, the British government proposed a reciprocal arrangement limiting the number of protected personnel that could be retained. As described in chapter 6, Britain suggested that the number of protected personnel to be retained should not exceed two doctors, ten medical orderlies, two chaplains, two dental officers and two dental orderlies per 1,000 prisoners of war.¹⁵⁸ In order to present a united imperial policy, the Australian government agreed to the number of protected personnel to be detained.¹⁵⁹ As a result of the reciprocal agreement between Italy and Britain negotiated on behalf of the empire, a number of protected personnel would stay in Italy and work in their professional capacity, while simultaneously, Italian protected personnel would remain within the POW camps in Australia, as illustrated in Table 7.3.¹⁶⁰

¹⁵³ TNA: FO 916/161 The War Office, London to Under Secretary of State for the Foreign Office, 26 February 1941.

¹⁵⁴ TNA: FO 916/161 The War Office, London to Under Secretary of State for the Foreign Office, 26 February 1941.

¹⁵⁵ NAA: MP508/1 282/703/24 Foreign Office to His Majesty's Minister, Berne, 11 September 1941.

¹⁵⁶ NAA: A816 67/301/16 Lieutenant-Colonel General Staff Military Attaché in Rome Norman Fiske. Report of Inspection of British prisoners of war detained at Castello di Rezzanello, 25 kilometres southeast of Piacenza, Italy, July 26, 1941.

¹⁵⁷ NAA: A816 67/301/16 Lieutenant-Colonel General Staff Military Attaché in Rome Norman Fiske. Report of Inspection of British prisoners of war detained at Castello di Rezzanello, 25 kilometres southeast of Piacenza, Italy, July 26, 1941.

¹⁵⁸ AWM: 54 780/1/6 History Directorate of Prisoners of War and Internees, 1939-1951, Vol. 1 Part 3, Chapter 23, 188.

¹⁵⁹ AWM: 54 780/1/6 Vol. 1 Part 3, Chapter 17, 163.

¹⁶⁰ AWM: 54 780/1/6 Vol. 1 Part 3, Chapter 17, 163.

Table 7.3 Number of protected personnel required to remain in Australia for essential duties.¹⁶¹

Protected Personnel Category	Numbers
Doctors	10
Medical Orderlies	50
Chaplains	6
Dental Officers	2
Dental Orderlies	1
Total	69

There were 622 Italian protected personnel in Australia; 93 would remain in Australia, with 529 Italians eligible for repatriation. However, among the 93 remaining were one war correspondent and twenty-three chemists not considered for urgent repatriation who do not appear as part of the reciprocal repatriation agreement.¹⁶² For that reason, the Directorate of Prisoners of War and Internees advised the government that the repatriation of protected personnel in Australia required careful handling.¹⁶³ In March 1943, there was an opportunity for an exchange with Italy that would include protected personnel. During this exchange, all surplus Italian protected personnel in Australia were to be repatriated with numbers exceeding the original estimate. Ninety-two officers and 455 other ranks were shipped out, leaving seventy-five protected personnel remaining in the country. Those who did remain were eventually repatriated in August 1945.¹⁶⁴

In July 1943, the British government was concerned that Italian authorities were not following the convention regarding the repatriation of protected personnel.¹⁶⁵ The Foreign Office noted there was considerable evidence, despite the reciprocal agreement between the two governments, that preference for repatriation of protected personnel was not given on the length of captivity.¹⁶⁶ Consequently, Italian authorities had repatriated most of the senior British medical officers, even though many had been prisoners for less than a year but retained the doctors captured as early as April 1941. And according to Foreign Office calculations, there were still too many British military doctors in Italian camps, even with the negotiated agreement in place regarding the numbers allowed to be retained.¹⁶⁷ Furthermore, the British realised that the Italian government had carried out its responsibilities regarding protected personnel under the Geneva Convention rather than the Red Cross Convention, which governed belligerent obligations regarding protected personnel, not just the sick and wounded.¹⁶⁸

¹⁶¹ AWM: 54 780/1/6 Vol. 1 Part 3, Chapter 17, 163.

¹⁶² AWM: 54 780/1/6 Vol. 1 Part 3, Chapter 17, 163.

¹⁶³ AWM: 54 780/1/6 Vol. 1 Part 3, Chapter 17, 163.

¹⁶⁴ AWM: 54 780/1/6 Vol. 1 Part 3, Chapter 17, 163.

¹⁶⁵ TNA: WO 201/2415 Foreign Office to Berne, 19 July 1943.

¹⁶⁶ TNA: WO 201/2415 Foreign Office to Berne, 19 July 1943.

¹⁶⁷ TNA: WO 201/2415 Foreign Office to Berne, 19 July 1943.

¹⁶⁸ TNA: WO 32/10753 Prisoners of War Department, Foreign Office to War Office, 3 July 1943.

Conclusion

The Anglo-Italian exchanges that took place during the war involved significant diplomatic negotiations through the protecting power that resulted in reciprocal agreements guided by the Geneva and Red Cross Conventions. This chapter has shown that while the British government negotiated with Italy on behalf of the empire, the Australian government recognised its responsibility as a detaining power and independent signatory to the Geneva Convention. The Australian government ensured that Italian POWs were provided with the opportunity for repatriation because it was in the interest of its POWs. It did not want to stop Australian POWs from being included in any repatriations. However, the Anglo-Italian exchanges came to a halt once the armistice with Italy was declared, which left some British and Dominion POWs who had already started the repatriation journey stranded in Italian ports. While British authorities made an effort to ensure the repatriated Italian POWs made it to Italy, they were compelled to make every effort through the protecting power to ensure the safe return of their stranded POWs.

The armistice had implications for the prisoners who had been assessed and considered suitable for repatriation under the mixed medical requirements but were still awaiting repatriation. Rather than being repatriated home, they were transferred to German captivity. For the sick and wounded POWs that were fortunate enough to return home, Article 74 of the convention forbade returned POWs from being utilised in active military service. The British government announced that due to the armistice, the convention no longer applied to the men repatriated from Italy. However, with the war raging in the Pacific, it could be argued that it would be in Australia's national interest to follow Britain's lead and redeploy returned POWs into a non-combatant role of the armed forces. Instead, in this instance, the Australian government aligned more closely with the Geneva Convention regarding the employment of repatriated prisoners and considered every military member on active service regardless of location.

In addition, the Australian government was also involved in other negotiations taking place to repatriate long-term prisoners. Though not directly involved in the negotiations with belligerent governments, Australian authorities put what was in the best interest of its prisoners to British authorities. The Australian government knew it needed the age limit lowered and the date of captivity changed so Australian POWs could make the eligibility criteria for repatriation. As the lengthy negotiations continued, the requirements changed, which meant that Australian POWs might qualify under the scheme. In addition, requests for repatriation under the scheme from the Italian government already agreed to by Britain caused Australian authorities to consider POWs not already addressed in its

policy. However, nothing appeared to be resolved that would allow long-term prisoners to be repatriated until early 1945, only months before the end of the war.

Protected personnel were not considered POWs under the Geneva Convention and were managed according to the Red Cross Convention. Though required, their repatriation was more challenging to negotiate because there was a particular advantage to having doctors, medical orderlies, dentists, and chaplains remain with the captured troops. As a result, belligerent governments negotiated an agreement that would allow a specific number of protected personnel to remain in captivity. This chapter has shown that these negotiations linked the two conventions. Article 12 of the Red Cross Convention permitted the retention of protected personnel if an agreement was in place. This traversed with Article 14 of the Geneva Convention, which allowed reciprocal arrangements to be made between belligerents to retain protected personnel for the care of POWs from their own country. The use of the two conventions caused problems at times with Italy managing the protected personnel under the Geneva Convention rather than the Red Cross Convention, which caused delays in the repatriation of protected personnel.

Chapter 8 will discuss the outcome of the armistice with Italy and the issues it caused for POW policy. The armistice resulted in a change in status for Italian POWs throughout Britain and the empire, which caused a political problem that would continue until the end of the war. Like the wartime exchanges, peacetime repatriations would raise questions about the extent to which Australia would pursue an approach that, in the pursuit of its perceived interests, would distinguish it from the United Kingdom.

CHAPTER 8: THE BEGINNING OF THE END: ARMISTICE TO PEACE

Introduction

The armistice between Italy and the Allies in September 1943 signalled a turning point in the war and an end to hostilities with part of Italy, as fascist Italy fought on under a German-controlled Mussolini government. Still, the prisoner of war issue remained. As a detaining power at the time of the armistice, Italy held thousands of British and empire POWs. Given this situation, the British and Australian governments were concerned with what would happen to their POWs, who would have expected to be freed once the armistice was signed. Not only that, but they also had to decide how they would manage their POW policies regarding the Italians they had detained. This chapter discusses the importance of the events surrounding the armistice and how it worked in practice. The change in Italy's political position and status to a co-belligerent had the potential to change the situation of Italian POWs, consequently, Britain sought agreements that would be in its national interest from Italian authorities regarding the matter. Since the Italian government would no longer be a detaining power, the need for reciprocal agreements would not be required. Even so, the British government wanted a united empire POW policy regarding the management of Italian POWs even after the armistice was signed. However, the Australian government informed Britain that if a united policy had the potential to impact Australia's national interests, it would not support it. Against this backdrop, this chapter explains how the armistice agreement and international law affected POW policy in Australia and Britain from September 1943 to the end of the war.

The final peace ultimately came in Europe in May 1945. Still, the planning for the post-war repatriation of POWs from Europe was not left until peace was declared. Although this allowed the Australian government time to ensure that its interests were met, Britain sought a united empire policy for the post-war repatriation of the Italian POWs detained throughout the empire. The Australian government agreed to the plan, as the Italian POWs were detained in Australia on behalf of His Majesty's government. Unlike Britain, Australia thought it was in its national interest to return the Italians to their homeland as soon as possible after peace was declared. Some Italian POWs, however, did not want to return to Italy and applied to stay in Australia. Despite that, the Australian government maintained its intention to follow the Geneva Convention and repatriate all POWs, even if this approach was not shared by Britain.

International Law – Armistice

Before the First World War, the Hague Convention laid out six articles discussing belligerent obligations at the time of an armistice. Article 36 explained, “an armistice suspends military operations by mutual agreement between the belligerent parties.”¹ In addition, Article 39 stated that “it rests with the contracting parties to settle, in the terms of the armistice.”² The Hague Convention also provided an article that would later work in the favour of the Allied powers regarding the management of the Italian POWs detained in their countries. Article 40 explains that any serious violations of the armistice agreement by one of the belligerents gives the other the right to denounce the agreement.³ The later Geneva Convention provided some guidance for what should be included in the armistice agreement regarding POWs. Article 75 explains,

When belligerents conclude a convention of armistice, they must, in principle, have appear therein stipulations regarding the repatriation of prisoners of war. If it has not been possible to insert stipulations in this regard in such convention, belligerents shall nevertheless come to an agreement in this regard as soon as possible.⁴

The Geneva Convention presented a problem regarding the armistice with Italy. It refers to the repatriation of POWs after the conclusion of peace, which belligerents took to mean once the peace treaty was negotiated, and not the end of hostilities and naturally not an armistice in the middle of a war.⁵ In contrast, the Red Cross Convention that governed the treatment of protected personnel did not have any articles relating to an armistice. This suggests that belligerents were expected to follow the armistice agreement, and protected personnel would be managed under the POW provision.⁶ At the time of the armistice, the Australian and other Allied POWs, who did not want to wait to be rounded up by the Germans, sought to make their way to neutral Switzerland. Those who reached Switzerland were managed under Article 13 of the *Convention Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land (Hague V) 1907*, which should have allowed them to remain at liberty.⁷ However, with a significant number of escaped POWs making their way to Switzerland, remaining at liberty may not have been possible. Understanding that a considerable number of prisoners were attempting to make their way to Switzerland, His Majesty’s Minister at Berne made urgent representation to Swiss authorities to admit all British prisoners of war from Italy.⁸ The problem was the pressure the increased number of Allied POWs would place on the Swiss government; as a result,

¹ *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907, Article 36, 650.

² *Laws and Customs of War on Land (Hague IV)* 18 October 1907, Article 39, 650.

³ *Laws and Customs of War on Land (Hague IV)* 18 October 1907, Article 40, 651.

⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 75, 954.

⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 75, 954.

⁶ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*. Geneva Treaty series 847, 1929.

⁷ *Rights and Duties of Neutral Powers and Persons in War on Land (Hague V)* October 18, 1907. Article 13, 663.

⁸ NAA: A989 1943/925/1/17 Treaties Red Cross prisoners of war reports on Italian camps 1943-1944. Cablegram Prime Minister’s Department from Secretary of State for Dominion Affairs, 13 September 1943.

Britain made an agreement with Swiss authorities that the prisoners would be subjected to Swiss Military Control rather than left at liberty.⁹

Toward Surrender

Italy's military position towards the end of 1942 had become significantly worse, resulting in speculation that elements within Rome were attempting to negotiate with the Allies.¹⁰ The Allied conference in Casablanca, held between 14 and 24 January 1943, highlighted the difference in opinion between Britain and the United States on the subject of an Italian surrender. While insisting on unconditional surrender for the Germans and Japanese, the United States was prepared to allow the possibility of negotiation with the Italians.¹¹ Churchill agreed, considering it a way to encourage the collapse of Mussolini's regime. However, War Cabinet in London was far more sensitive to British public opinion arguing for unconditional surrender.¹² Firm in their view, War Cabinet made a case for unconditional surrender, asserting that British forces had endured the greater part of the war against the Italians, and still had 74,000 of their servicemen held prisoner in Italian camps.¹³

After the Allied landings at Sicily in early July 1943, the German military presence in Italy was reinforced. The Italians were, at this stage, still fighting alongside Nazi Germany, but this alliance was about to suffer a significant shift from Axis partners to enemy combatants.¹⁴ By spring 1943, it was clear Mussolini's regime was at the point of collapse and that Italy's days as an Axis partner were nearly over.¹⁵ Elena Agarossi argues that the days between 25 July and 8 September, known as the "forty-five days", are among the most confusing and dramatic in Italian history. During this time, Marshall Pietro Badoglio, who would become Italy's prime minister, removed the most conspicuous symbols of the old fascist regime. He dissolved the Fascist Party, the Special Court for the Defence of the State that had tried the regime's political opponents, and the Grand Council of Fascism.¹⁶ Badoglio's memoirs recall that on the morning of 24 July 1943, members of the Fascist Grand Council in Rome had insisted that

⁹ NAA: A989 1943/925/1/17 Cablegram Prime Minister's Department from Secretary of State for Dominion Affairs, 13 September 1943.

¹⁰ Bob Moore and Kent Fedorowich. *The British Empire and its Italian Prisoners of War 1940-1947* (New York: Palgrave, 2002), 131.

¹¹ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 131.

¹² Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 131.

¹³ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 131.

¹⁴ Patrizia Dogliani, "From Allies to Enemies: Prisoners of the Third Reich in Italy – The case of Rimini Enclave, 1945-1947" in *Wartime Captivity in the 20th Century: Archives, Stories, Memories*, ed Pathé, Anne-Marie, Fabien Théofilakis, and Helen McPhail (New York: Berghahn Books, 2016), 65.

¹⁵ David W. Ellwood. *Italy 1943-1945* (New York: Holmes & Meier Publishers, Inc., 1985), 25.

¹⁶ Elena Agarossi, *A Nation Collapses: The Italian surrender of September 1943*, trans. Harvey Fergusson II (Cambridge: Cambridge University Press, 2000), 51.

Mussolini summon a meeting of the Council for that evening.¹⁷ During the meeting, the Grand Council voted in support of a document that expressed disagreement with the politics carried out by Mussolini and proposed that he transfer power back to King Victor Emmanuel III.¹⁸ At the meeting with King Victor Emmanuel III, Mussolini was forced to resign, and then arrested as he left the palace. After that, King Emmanuel appointed Marshal Pietro Badoglio, a former supporter of Mussolini, as the new head of government.¹⁹ Badoglio's unstable new government's, which now consisted of members of the old ruling class or military elite found itself faced with three options: announce the end of the alliance with Germany and place itself on the side of the Allies; continue the alliance with Germany and attempt to negotiate a separate peace with the Allies; or, finally, continue the war as an ally of Nazi Germany and initiate armistice negotiations with the Allied governments.²⁰ Badoglio writes in his memoirs that it was impossible to announce to the Italian people that Italy would ask for peace. It was also thought that such an announcement would undoubtedly provoke an immediate and possibly violent reaction from German authorities, which the new government did not have the capacity to manage.²¹ Mussolini's fall on 25 July confirmed the fears that Hitler had expressed in the months prior to the collapse of Mussolini's regime of an Italian surrender and separate peace with the Allies.²² As it became clear that Mussolini had been removed from government, the question remained would it be unconditional surrender or honourable defeat?²³

The United States' attitude had changed since the January conference in Casablanca. Roosevelt now wanted to come as close as possible to unconditional surrender, while Churchill concentrated on the territorial and military gains Italy's collapse would provide.²⁴ On 25 July, the day of Mussolini's downfall, Churchill proclaimed to the British parliament that it "was a memorable day." He revealed that even before the invasion of Sicily was completed, or British troops had set foot on the Italian mainland, the Dictator Mussolini was overthrown, and the Fascist regime, which had lasted for twenty-one years, was renounced by the Italian people.²⁵ Two days later, Badoglio telegraphed Hitler, notifying him of the change of government, and suggested a meeting in Italy to discuss the situation.²⁶ On 1 August, Hitler replied and proposed they meet at Tarvisio on 6 August to evaluate the position.²⁷

¹⁷ Pietro Badoglio, *Italy in the Second World War: memories and documents*, trans. Muriel Currey (Oxford University Press: London, 1948), 40.

¹⁸ Simonetta Falasca-Zamponi, "Ordinary anti-Fascism? Italy and the fall of Fascism, 1943-1954." *Journal of Modern Italian Studies* 24 no. 1 (2019), 174.

¹⁹ Badoglio, *Italy in the Second World War*, 41.

²⁰ Agarossi, *A Nation Collapses: The Italian surrender of September 1943*, 52.

²¹ Badoglio, *Italy in the Second World War*, 43.

²² Agarossi, *A Nation Collapses: The Italian surrender of September 1943*, 54.

²³ Ellwood, *Italy 1943-1945*, 34.

²⁴ Ellwood, *Italy 1943-1945*, 34.

²⁵ Hansard, House of Commons, Volume 392, 21 September 1943.

²⁶ Badoglio, *Italy in the Second World War*, 55.

²⁷ Badoglio, *Italy in the Second World War*, 66-67.

A month later, on 3 September 1943, the armistice with Italy was entered into force at Fairfield Camp in Sicily.²⁸ As expected, the German response to the Italian surrender was swift and aggressive. Within a few days, the German Army proceeded with the military occupation of the peninsula and several territories of the Italian Empire. The Germans occupied Rome along with northern and central Italy down as far as Naples. They established two zones of operation around the Alps and on the eastern Italian borders facing the Adriatic and occupied Albania, Montenegro and the territories of the Governorate of Dalmatia.²⁹ There were twelve initial conditions of the armistice presented to Marshal Badoglio by General Dwight Eisenhower. Prisoners of war were referred to in item three, “all prisoners or internees of the United Nations to be immediately turned over to the Allied Commander in Chief, and none of these may now or at any time be evacuated to Germany.”³⁰ All the relevant armistice documents were brought to Rome on 5 September by Major Luigi Marchesi, who had accompanied General Giuseppe Castellano to Sicily. The documents indicated that the date of the armistice would be between 10 and 15 September, but according to official communication from General Walter Bedell-Smith, it would probably be 12 September.³¹ Despite this, General Maxwell Taylor informed Badoglio that an announcement was imminent, and the armistice was likely to be declared on 8 September. Given the situation, Badoglio drafted a telegram to General Eisenhower, indicating the Italian government’s desire to collaborate with the Allied cause. He also insisted that the armistice announcement be postponed until 12 September, as initially suggested.³² However, at 5.30 am on 8 September, a telegram arrived from Eisenhower saying that the Italian government was required to declare the armistice at 8 pm that evening; if not, the armistice signed on 3 September would no longer be valid.³³ The Italian information service warned the government that the BBC had broadcast a message announcing that Italy had asked for an armistice and that Eisenhower and the Allied governments had agreed to the request.³⁴ It would not be possible to delay; therefore, when the meeting broke up, Badoglio went at once to Rome’s broadcasting station and made the following announcement,

Recognising the impossibility of continuing the war in face of the overwhelming strength of the enemy, and in order to save the nation from further and even greater disasters, the Italian Government has asked General Eisenhower, Commander-in-Chief of the Allied Forces, for an armistice. This request is has been acceded to. In consequence, all hostilities by the Italian

²⁸ Armistice with Italy, Military Armistice signed at Fairfield Camp, Sicily, September 3, 1943.

²⁹ Sabina Donati, *A Political History of National Citizenship and Identity in Italy, 1861-1950* (California: Stanford University Press, 2013), 218.

³⁰ Armistice with Italy, Military Armistice signed at Fairfield Camp, Sicily, September 3, 1943. Item 3.

³¹ Badoglio, *Italy in the Second World War*, 71.

³² Badoglio, *Italy in the Second World War*, 72.

³³ Badoglio, *Italy in the Second World War*, 73.

³⁴ Badoglio, *Italy in the Second World War*, 75.

armed forces against the British and American forces must now cease. They will, however, repel attacks from whatever quarter they may come.³⁵

After the armistice was signed, the Instrument of Surrender followed. It was signed in Malta on 29 September 1943. Item 32 (A) provided greater detail regarding Italy's responsibility toward the Allied POWs detained in Italy and Italian-occupied territory,

Prisoners of war belonging to the forces of or specified by the United Nations and any nationals of the United Nations, including Abyssinian subjects, confined, interned, or otherwise under restraint in Italian or Italian-occupied territory will not be removed and will forthwith be handed over to representatives of the United Nations or otherwise dealt with as the United Nations may direct. Any removal during the period between the presentation and the signature of the present instrument will be regarded as a breach of its terms.³⁶

Nonetheless, the political situation in Italy remained unclear. With the fear of being captured by the Germans, the king, Badoglio, and the country's other high ranking military officials left Rome for the southern coastal city of Brindisi, where they set up a temporary government. Not long after their arrival, they found themselves under the authority of the Allied Military Government and the Allied Control Commission. However, Mussolini, who had been imprisoned in Gran Sasso, was rescued by German parachute troops on 13 September. Once back in the political arena, Mussolini announced via Radio Munich the establishment of a neo-fascist Italian government.³⁷ For the next eighteen months until the end of the war in Europe, Italy was the battlefield for overlapping conflict between the Allies advancing from southern Italy and a civil war between Italian fascists and the rapidly growing Italian Resistance.³⁸ Still, Mussolini and his supporters, now in exile, remained loyal to the Axis alliance with Germany creating a division in Italy. While the new Badoglio government supported the Allies' cause in its fight against Nazi Germany, the split within Italy did not help the Australian POWs bid for freedom, with some prison commandants loyal to the fascist cause handing over the prisoners to German authorities. This attitude resulted in Italian prisoners being retained in their POW camps in Britain and throughout the empire. In January 1945, the External Affairs Department received confirmation from the Foreign Office that although the armistice with Italy ceased hostilities, a state of war still existed between the United Nations and Italy until the signing of the official peace treaty.³⁹ Further to this, the Australian government was informed that adjustments could be made to the armistice agreement if it would forward the cause of the United Nations.⁴⁰

³⁵ Badoglio, *Italy in the Second World War*, 75.

³⁶ Armistice with Italy: Instrument of Surrender, signed at Malta September 29, 1943. Item 32 (A), 781.

³⁷ Donati, *A Political History of National Citizenship and Identity in Italy, 1861-1950*, 219.

³⁸ Martin Blinkhorn, *Mussolini and Fascist Italy*, 2nd ed. (London: Routledge, 1994), 52.

³⁹ NAA: A1066 E45/19/2 European Affairs. Italy – Status of Italians in Australia. External Affairs to Ministers, 30 January 1945.

⁴⁰ NAA: A1066 E45/19/2 External Affairs to Ministers, 30 January 1945.

Armistice in Practice

Italy

Before Italy collapsed, a small number of prisoners successfully escaped Italian camps and reached neutral Switzerland, where they were accommodated without difficulty until plans could be made for their repatriation.⁴¹ However, those prisoners who had not escaped before the armistice were starting to be grouped together in northern Italy.⁴² The transfer of the prisoners north might have been done to move them away from the coming fighting as required under Article 7 of the Geneva Convention. At the same time, it would also stop them from being liberated as the Allied invasion force made its way from Sicily into southern Italy, which would have provided the Allied invasion force with an increase in troops. However, once Italy surrendered, the prisoners now located in the north quickly fell into the hands of the German forces occupying the northern half of the country.⁴³

In August 1943, the Australian government received information that Italy had advised the protecting power of the transfer of 2,400 British prisoners to Germany in July, although, at this time, no Australian POWs were said to be listed as part of the group. This confirmed to the British and Australian governments that their prisoners were being transferred from Italy to the German Reich. Australian censors advised the government that around 2,000 letters had arrived from Stalag IVB revealing that prisoners formerly held in camps 53, 70 and 78 in Italy were now in Germany, with many prisoners complaining that they were told they were leaving Italy to be repatriated. The trend of transferring prisoners continued throughout July 1943. It was again confirmed by Sergeant Albert Checksfield when he requested that his mother in Kalgoorlie be advised of his change of address to Stalag IVB. His letter stated, "I was transferred to this country with 800 others without knowing where I was going and certainly without my consent". It was noted that government records still had him detained at Grupignano.⁴⁴

At the time of the armistice, there were nearly 80,000 Allied POWs in Italy.⁴⁵ British and Commonwealth prisoners made up most of the POW population in Italy, with just over 68,000 men, the remainder were Free French, Yugoslavs, Greeks, and Americans.⁴⁶ Malcolm Webster, an Australian

⁴¹ A. E. Field, 'Appendix 1 Prisoners of the Germans and Italians'. In *Tobruk and El Alamein* by B. Maughan (Canberra: Australian War Memorial, 1966), 769.

⁴² Peter Dennis., Jeffrey Grey., Ewan Morris., Robin Prior and Joan Beaumont (edit) *The Oxford Companion to Australian Military History* 2nd edition (South Melbourne: Oxford University Press, 2008), 430.

⁴³ Dennis., Grey., Morris., Prior and Beaumont *The Oxford Companion to Australian Military History*, 430.

⁴⁴ AWM: 243 803 Repatriation of Australian POWs in Italy. Cablegram from High Commissioner's Office, London to Prime Minister's Department, 27 August 1943.

⁴⁵ Adrian Gilbert. *POW Allied Prisoners in Europe, 1939-1945* (Great Britain: John Murray, 2007), 66.

⁴⁶ Gilbert, *POW Allied Prisoners in Europe, 1939-1945*, 66.

POW located at the predominantly Australian POW camp at Grupignano in northern Italy, described the events surrounding the armistice and how they affected him and his fellow inmates. He recalled after a day of rumours and mixed feelings, a parade was called on Wednesday, September 8, around 8.30 pm. The Compound Regimental Sergeant-Major (RSM) announced that he had spoken to Colonel Calcaterra, but still, the only news was the radio announcement that an Armistice had been declared between the Badoglio government and the Allies.⁴⁷ By Friday, 10 September, the prisoners were ready and eager to go, despite that, no POW was permitted to leave the camp. That afternoon, rather than organising the release of the POWs, Colonel Calcaterra announced he was still in charge and responsible for all prisoners under the rules of the Geneva Convention; therefore, there must not be any attempts to escape.⁴⁸ Despite the warning, some men tried to escape that evening via the infirmary areas by telling a sentry, "Germans coming, must get away."⁴⁹ The guard raised the alarm, and under threat, the men dispersed. Two days later, the camp roused at 6.30 am, and much to the prisoners' disappointment, the Germans had arrived to take over the camp.⁵⁰ Colonel Calcaterra had clearly ignored the armistice agreement, and Malcolm Webster and his fellow Australians were subjected to a further twenty months as prisoners in Germany.⁵¹ Nonetheless, Calcaterra would not be the only commandant to ignore the agreement not to hand over Allied POWs to the Germans.

Trains loaded with Allied prisoners who had not been able to escape from their camps began to move north toward the Brenner Pass on the way to Germany. Some Italians tried to help the prisoners rescue the prisoners from their deportation. Italian men, women and children along the route unhitched the prisoners' cars from the trains and tried to sabotage the trains when they stopped along the way to be resupplied.⁵² Among those being transferred to German captivity were Sergeant Reginald James Crawley and Gunner George Alfred Phipps, who had been captured in Greece on 29 May 1941 when their ship was sunk in the Kaso Straits close to Crete. When the armistice was declared, they were detained at Camp 52 Chiavari on the Italian Riviera. By 12 September, they were on their way to Germany, however, Sgt Crawley and Gunner Phipps had other plans. An hour into their train journey, they jumped from the train and remained on the run evading recapture until they reached the safety of the American Military Mission in 1944.⁵³

⁴⁷ Malcolm Webster, *An Italian experience* (Victoria: M. R. Webster, 1995), 114.

⁴⁸ Webster, *An Italian experience*, 114.

⁴⁹ Webster, *An Italian experience*, 114-115.

⁵⁰ Webster, *An Italian experience*, 114-115.

⁵¹ Webster, *An Italian experience*, 114-115.

⁵² Agarossi, *A Nation Collapses: The Italian surrender of September 1943*, 104-105.

⁵³ AWM: 54 781/6/6 [Prisoners of war statements – Europe], File containing material (Statistics, Citations, escapes etc.) prepared by L Parker at Central Army Records Office for use of Official War Historian, in preparation of section dealing with Australian Prisoners of War (Army) taken in the Middle East, Greece and Crete and held in camps in Germany and Italy. Australian Military Forces Mentions, VX 26135 Sergeant Reginald James Crawley 3 L.A/A Regt. (AIF) att'd R.A 7th

Britain

In February 1943, the Department of Prisoners of War at the War Office agreed that in the event of an armistice with Italy, the already approved post-war repatriation policy for British and empire POWs should be implemented as part of the plan to repatriate the prisoners from Italy.⁵⁴ Accordingly, in March 1943, a draft plan was developed to repatriate approximately 63,000 imperial POWs detained in Italy.⁵⁵ By the end of May, British authorities had a clear indication of the number of POWs in Italy and where they were located, as illustrated in Figure 8, repatriation plans could proceed with greater accuracy.

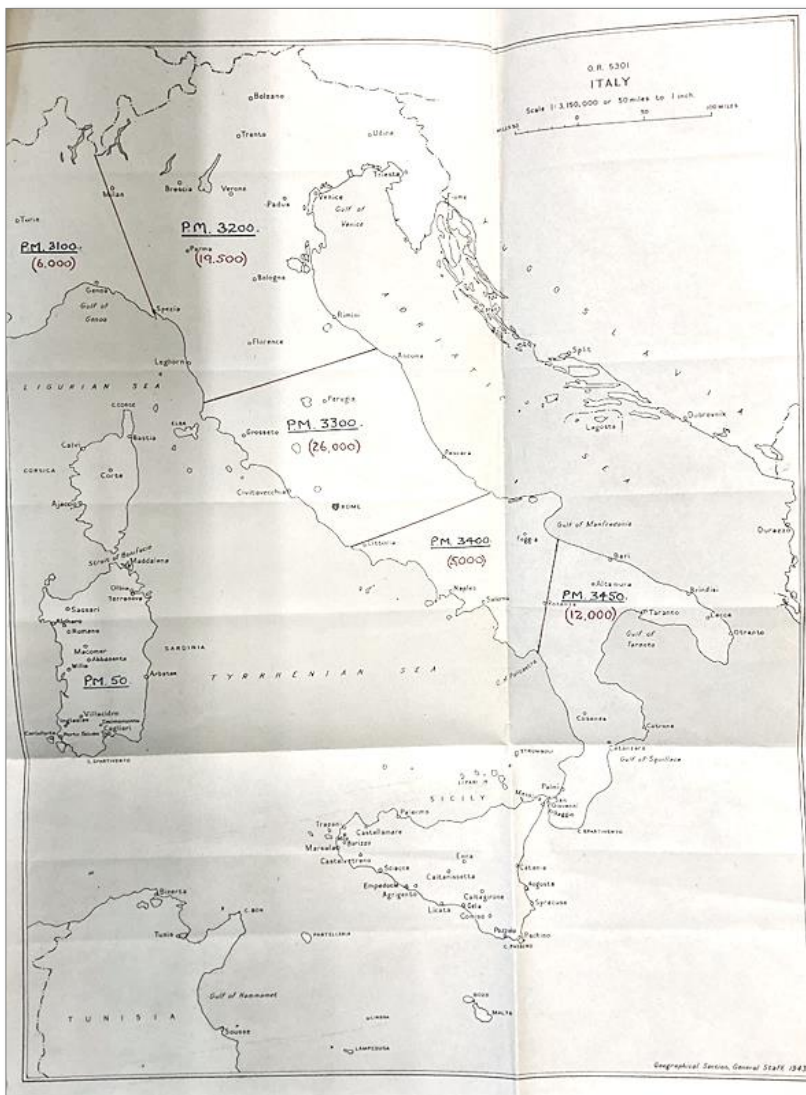


Figure 8 Map shows the number of Allied POWs in Italy in each district, accurate as of 31 May 1943.⁵⁶

Army. VX 33354 Gunner George Alfre Phipps L.A/A Regt. (AIF) att'd R.A 7th Army. Authority London Gazette Supp No. 37914 of 26 July 1945.

⁵⁴ TNA: WO 32/10751 Prisoners of War: Repatriation (code 91 (F)): Post-War Repatriation of Prisoners of War from Italy, 1943-1944. Minute Department of Prisoners of War to War Office, 23 February 1943.

⁵⁵ TNA: FO 916/690 Assistance for British prisoners of war in the event of Italy's collapse, 1943. The War Office to the Foreign Office, Post War P/W repatriation from Italy, 1 March 1943.

⁵⁶ TNA: PREM 3/363/4 Allied Prisoners in Italy, August-November 1943. War Office Memorandum, 28 July 1943. The figures in red are the number of POWs located in each zone.

The War Office issued a memorandum in July 1943 with updated figures explaining there were 74,000 British POWs in Italy, including POWs from the Dominions and India.⁵⁷ It was thought that with such a large number of POWs, the Italians might be subjected to pressure from German authorities to transfer Allied prisoners to Germany, especially in the skilled categories, such as aircraft and submarine crews and possibly senior officers.⁵⁸ The British government was keen to ensure that its POWs were not transferred to German captivity, for that reason, the War Office suggested two options, a threat or an offer. It was agreed that it would be unwise to threaten a reprisal in this case unless the British government was willing to carry it out. However, the suggestion that the Italian government be informed through the protecting power that British authorities would refuse to consider the repatriation of Italian POWs if Italian authorities allowed the transfer of British and Allied POWs was considered more practical.⁵⁹ By September 10, the War Office had been informed that the Italians had taken positive steps regarding Allied POWs.⁶⁰ It was reported that every effort had been made to ensure that all prisoners were provided with a ten-day supply of food, and orders had been given to release all POWs immediately. In addition, Italian authorities would do their best to carry out the orders, although this could be impossible in areas of German control.⁶¹

British War Cabinet met on 13 September 1943 to discuss a number of matters relating to the armistice, including what was happening with their POWs still in Italy. The Secretary of State for Foreign Affairs, Anthony Eden, announced that large numbers of prisoners had been released and were told to make their way south, those in the north were advised to make their way to Switzerland.⁶² However, British POWs were not the only consideration for British authorities. The next day, the Secretary of State for War, Sir James Grigg, further explained the situation regarding Italian POWs, he stated, “the cessation of hostilities with Italy as a result of the signing of the Armistice does not of itself make any difference under International Law to the status of Italians held in this country. They remain prisoners of war.”⁶³ Later that month, Wing Commander Norman Hulbert questioned the Secretary of State for War about the transfer of British POWs to Germany. Major-General Sir Alfred Knox requested answers to the same question, and Thomas Hewlett wanted to know the number of prisoners transferred.⁶⁴ At the same time, Thomas Driberg inquired if any assurances had been received from the

⁵⁷ TNA: PREM 3/363/4 War Office Memorandum, 28 July 1943.

⁵⁸ TNA: PREM 3/363/4 War Office Memorandum, 28 July 1943.

⁵⁹ TNA: PREM 3/363/4 War Office Memorandum, 28 July 1943.

⁶⁰ TNA: PREM 3/363/4 From Advanced Liaison Group Allied Forces Headquarters to War Office, 10 September 1943.

⁶¹ TNA: PREM 3/363/4 From Advanced Liaison Group Allied Forces Headquarters to War Office, 10 September 1943.

⁶² TNA: CAB 65/35/37 War Cabinet 127 (48). Conclusion of a meeting of the War Cabinet held at 10 Downing Street, Monday 13 September 1943.

⁶³ TNA: CAB 66/40/45 War Cabinet – Position of Italian prisoners of war after armistice memorandum by the Secretary of State for War, 14 September 1943.

⁶⁴ Hansard, House of Commons, Volume 392, 21 September 1943.

Badoglio government that no British prisoners had been transferred from Italy to Germany since the fall of Mussolini. Grigg responded,

Late in July it was reported that a considerable number of British prisoners of war was being transferred from Italy to Germany. Inquiries revealed that some 2,400 had been transferred immediately after the fall of Mussolini. This transfer was not contrary to any provision of International Law, but representations were immediately made to the Badoglio Government to prevent the handing over of any Allied prisoners to the Germans.⁶⁵

Major-General Knox continued to question the situation, asking, “have any British prisoners been released from Southern Italy, and have any of our prisoners from camps in Northern Italy succeeded in escaping across to Switzerland?” Grigg’s answer was simply, “Yes, in comparatively small numbers in both cases.”⁶⁶

By October 1943, reports of the behaviour of some Italian commandants toward the release of Allied POWs were coming to light, and Rear-Admiral Tufton Beamish asked the House if the issue had been investigated,

The commandant at Bologna deliberately procrastinated in opening the gates and prevaricated with the senior British officer, with the result that the ultimate facilities for escape were useless in the face of German armed force, and whether he will have this Italian officer’s name ascertained and noted? As a result of the failure on the part of the Italian officials, a very large number of British prisoners of war have been transferred to Germany, and can he hold out any hopes that some redress can be obtained?⁶⁷

Minister of State Richard Law responded, “we are trying to ascertain the name of the camp commandant, who must have been acting contrary to the instructions of his government, and I hope that in due course, appropriate steps will be taken against him.”⁶⁸ In November 1943, the Secretary of State for War circulated a copy of the British government’s request to the protecting power asking for information about the German camps that had received prisoners from Italy.⁶⁹ At the same time, he confirmed that the camps in Germany that had been allocated the POWs from Italy were to be visited by the protecting power during October and November.⁷⁰ Representatives of the Swiss government continued to visit German prisoners detained by the Allies. However, by April 1944, they voluntarily stopped acting on behalf of Italy because the armistice had brought the Allied and Italian governments into direct communication. Nevertheless, it was agreed that if Swiss representatives expressed a wish to visit the Italian prisoners, they would be able to do so.⁷¹ In May 1944, the German government’s failure

⁶⁵ Hansard, House of Commons, 21 September 1943.

⁶⁶ Hansard, House of Commons, 21 September 1943.

⁶⁷ Hansard, House of Commons, Volume 393, 27 October 1943.

⁶⁸ Hansard, House of Commons, 27 October 1943.

⁶⁹ Hansard, House of Commons, Volume 393, 2 November 1943.

⁷⁰ Hansard, House of Commons, 2 November 1943.

⁷¹ TNA: CAB 123/138 Proposals for an improvement in the status of Italian POWs following the armistice with Italy 1943-1944. From Washington to Foreign Office, 4 April 1944.

to notify the names of prisoners transferred from Italy was brought to the attention of the Imperial Prisoner of War Committee. The committee agreed so, not to compromise the prisoners still attempting to evade German forces, that the protecting power protest the German authorities failure to provide names and locations of the transferred prisoners rather than focusing on obtaining the number of prisoners.⁷²

Australia

In March 1943, the repatriation plan in the event of an armistice was discussed between the War Office and Foreign Office. Though not sent to the Australian government at the time, the plan incorporated practical arrangements for the repatriation of Australian POWs from Europe via the Middle East.⁷³ Section 14 of the draft related solely to Australian POWs, explaining that all Australians in Italian camps would be repatriated to Egypt via the port city of Brindisi in Italy, where Australian staff would be in charge of the transit camp in that location.⁷⁴ However, Australians that were serving in British units would be repatriated to the United Kingdom under its authority.⁷⁵ By May, the Australian government had received further information from Britain regarding the possible collapse of Italy and what that meant in terms of the practicalities of repatriation for Australia's POWs.⁷⁶

At the time of the armistice, Colonel Wilson at the Department of Defence confirmed that approximately 1,900 AIF and under 100 RAAF were still prisoners of the Italians.⁷⁷ Knowing the number of Australian POWs in Italy was helpful, but the Australian government needed to understand what was actually happening with the Australian POWs in Italy. The *Queensland Times* suggested on 10 September that Australian prisoners in Italy, about 2,000, could benefit from the armistice with the release of prisoners reported as part of the armistice agreement.⁷⁸ Also, on September 10, the Australian government was informed that since the fall of Mussolini, there was no evidence that prisoners had been transferred to Germany.⁷⁹ However, with all Australian POWs now located in the north of Italy, it was likely that they would be forcibly taken into German custody.⁸⁰ Italy's collapse should have secured

⁷² NAA: A5954 670/7 Prisoners of War in Italy – transfer to Germany and escape to Switzerland consequent upon Italian capitulation 1943-1945. Cablegram from High Commissioner, London to Department of External Affairs, 4 May 1944.

⁷³ TNA: FO 916/690 The War Office to the Foreign Office, Post War P/W repatriation from Italy, 1 March 1943.

⁷⁴ TNA: FO 916/690 The War Office to the Foreign Office, Post War P/W repatriation from Italy, 1 March 1943.

⁷⁵ TNA: FO 916/690 The War Office to the Foreign Office, Post War P/W repatriation from Italy, 1 March 1943.

⁷⁶ AWM: 243 803 Repatriation of Australian POWs in Italy. Cablegram from the High Commissioner's Office, London to Prime Ministers Department, 17 May 1943.

⁷⁷ NAA: A5954 670/8 Prisoners of War. Numbers of Australian POWs held in Italy and Number of Italian POWs held in Australia. September 1943. Cablegram from Colonel Wilson, Department of Defence.

⁷⁸ "May Benefit from Armistice", *Queensland Times* (Ipswich), 10 September 1943.

⁷⁹ NAA: A989 1943/753/1013/1/5 PWR – Armistice and preparations for peace Armistice with Italy – position of prisoners of war under Armistice 1943-1945. Cablegram from High Commissioner's Office, London to the Prime Ministers Department, 10 September 1943.

⁸⁰ NAA: A989 1943/753/1013/1/5 PWR Cablegram from High Commissioner's Office, London to the Prime Ministers Department, 10 September 1943.

Australian POWs their freedom, but a serious error of judgement by the British War Office had them send instructions to all camp leaders stating that in the event of an armistice with Italy, all prisoners were to wait in their camps for the arrival of Allied forces.⁸¹ Although there is no known archival evidence of the specific order sent to Italian camps, the order, Charles Rollings suggests, came from General Montgomery, who did not want the Italian campaign jeopardised by ex-POWs trying to make their way to Allied lines or a neutral country.⁸² Former Intelligence Officer Michael Foot also explains that the order came from Montgomery but that Major Norman Crockatt from MI9 received and transmitted the command.⁸³ The British instruction to await liberation allowed the Germans and their Italian sympathisers to evacuate over 25,000 Allied prisoners to the Reich.⁸⁴ Those who defied the order and did get away became part of the flood of escaped prisoners and Italian refugees making their way to Switzerland, which became a significant issue for the Swiss government.⁸⁵ With a substantial number of POWs already at liberty in Switzerland under Article 13 of the *Convention Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land*, the Swiss government had much to consider.⁸⁶ It was concerned that housing so many escaped Allied POWs from Italy could call into question Swiss neutrality.⁸⁷ Due to the number of Allied POWs attempting to make their way to Switzerland, the Australian Prime Minister was informed on 11 September that His Majesty's Minister at Berne had made an urgent representation to Swiss Authorities. He requested that all British escapees from Italy be permitted to cross the border into Switzerland.⁸⁸ His Majesty's Minister met with the Federal Councillor for Foreign Affairs the next day. The Federal Councillor stated that "he did not like the idea of refusing to admit the British prisoners of war, however large their numbers."⁸⁹ As a result, it was agreed they would be admitted, but "they should be subjected to Swiss Military Control. Their status would not be altered, and they would be free to leave Switzerland as soon as it became possible."⁹⁰

⁸¹ Dennis., Grey., Morris., Prior and Beaumont, *The Oxford Companion to Australian Military History*, 430.

⁸² Charles Rollings, *Prisoners of War, Voices from Behind the Wire in the Second World War* (United Kingdom: Ebury Publishing, 2007), 309.

⁸³ M. R. D Foot, and J. M. Langley. *MI9: The British secret service that fostered escape and evasion 1939-1945 and its American counterpart* (London: The Bodley Head Ltd, 1979), 157.

⁸⁴ Peter Stanley., R. Reid., J. Moremon and N. Anderson. *Stolen years: Australian prisoners of war* (Canberra: Commonwealth of Australia, 2002), 15.

⁸⁵ Field, Appendix 1 Prisoners of the Germans and Italians, 770.

⁸⁶ *Rights and Duties of Neutral Powers and Persons in War on Land (Hague V)* October 18, 1907. Article 13, 663.

⁸⁷ Field, Appendix 1 Prisoners of the Germans and Italians, 770.

⁸⁸ NAA: A989 1943/925/1/17 Treaties Red Cross prisoners of war reports on Italian camps 1943-1944. Cablegram Prime Minister's Department from Secretary of State for Dominion Affairs, 13 September 1943.

⁸⁹ NAA: A989 1943/925/1/17 Cablegram Prime Minister's Department from Secretary of State for Dominion Affairs, 13 September 1943.

⁹⁰ NAA: A989 1943/925/1/17 Cablegram Prime Minister's Department from Secretary of State for Dominion Affairs, 13 September 1943.

The Australian government's other concern was the Italian POWs detained in Australia. At the end of September, Joseph Clark, the member for Darling, inquired in parliament how many Italian prisoners were held in Australia and what was to be done with them now.⁹¹ Minister for Army Francis Forde responded that for security reasons, he was not able to provide the number of Italians currently in Australia, but more significantly, he was unable to say what would happen with them now.⁹² Around the same time, the Dominion Office informed the Australian government about the situation of British and empire POWs in Italy. It was now thought that only a small number of POWs in Italy had been released from their camps and had made their way to Switzerland or reached Allied forces, some, of course, had been recaptured by the Germans, and some remained on the run.⁹³ Australian authorities were also advised that the German Commander-in-Chief had issued a statement in September 1943. In it, he announced that all escaped prisoners should return to their camps or hand themselves into German authorities; those who did would be treated in accordance with the Geneva Convention.⁹⁴ Equally, those who were found in possession of weapons or attempted to resist would be treated according to martial law.⁹⁵ In return, Britain had issued a statement that any British POWs captured by German forces were entitled to be treated in all respects under the Geneva Convention and that any German authorities that disregarded the convention would be held responsible for their actions.⁹⁶ This was not only discussed in parliament, the Australian press, including *Border Watch* (Mount Gambier), released the details of the German order.⁹⁷ By 25 October, the Australian High Commissioner in London had made the Australian government aware of a Swiss government report that stated, "almost all 60,000 British and American prisoners of war held in camps north of Rome have been transferred to Germany with the exception of those who succeeded in escaping."⁹⁸ The Australian government received accounts through censorship extracts confirming not all camp commandants followed the armistice agreement, including once received in February 1944, which described what happened at the time of the armistice,

"Old Calca was a dog till the last; after the armistice double guards, Bredas, and held and delivered lock stock and barrel. Now working in Austria, conditions excellent, better quarters

⁹¹ Hansard, House of Representatives, No. 39, Seventeenth Parliament, First Session – First Period, 28 September 1943, 74.

⁹² Hansard, House of Representatives, 28 September 1943, 74.

⁹³ NAA: A989 1943/753/1013/1/5 PWR Department of External Affairs from Dominion Office, London, 30 September 1943.

⁹⁴ NAA: A989 1943/753/1013/1/5 PWR Department of External Affairs from Dominion Office, London, 30 September 1943.

⁹⁵ NAA: A989 1943/753/1013/1/5 PWR Department of External Affairs from Dominion Office, London, 30 September 1943.

⁹⁶ NAA: A989 1943/753/1013/1/5 PWR Department of External Affairs from Dominion Office, London, 30 September 1943.

⁹⁷ "Escaped Prisoner in Italy", *Border Watch* (Mount Gambier), 18 September 1943.

⁹⁸ NAA: A5954 670/7 Prisoners of War in Italy – transfer to Germany and escape to Switzerland consequent upon Italian capitulation 1943-1945. Cablegram from High Commissioner's Office, London to Prime Ministers Department, 25 October 1943.

better and more food, plenty [of] freedom, light work, [treated] like men, not criminals,” 17 October 1943.⁹⁹

In March 1944, the Minister of Army Francis Ford confirmed in parliament the number of Australian POWs in Italy before the armistice and how many had been repatriated, “Of 2,014 Australian prisoners of war held by Italy, 94 were repatriated prior to [the] armistice. Thereafter, prisoners of war in Italy were transferred to Germany.”¹⁰⁰ Now any chance of repatriation for the Australians previously located in Italy would only be achieved through other means discussed in chapter 7 or repatriation at the end of the war.

Italian POW Status

Britain

With Italy having effectively changed sides in the middle of the war and with no articles provided in the Geneva Convention to guide discussions, the United States and the United Kingdom found themselves holding conflicting opinions on how the Italian prisoners should be treated.¹⁰¹ No longer the enemy, Britain and the United States both wanted to make sure of Italy’s participation in the war against Germany. The United States argued that continuing to treat the Italians as POWs was incompatible to with their country’s co-belligerent status. It was thought that keeping the men as prisoners was outweighed by the advantage of no longer being under the protection of the Geneva Convention. While the British governments representatives in Washington were won over by the idea, the Foreign Office would consider the legal position of the proposal more carefully.¹⁰² At the same time, they did not want to upset their own citizens or their other ally, the Soviet Union. For that reason, Italy was given the status of co-belligerent rather than being considered a full ally partner.¹⁰³ However, the status of co-belligerent posed potential problems. Sir Archibald Southby raised the matter of co-belligerency in the House of Commons on 13 October 1943, wanting to ensure that “co-belligerent implies no intention to treat Italy as an Ally against Germany instead of a defeated enemy in view of the loss of life and suffering caused by Italy’s alliance with Germany?”¹⁰⁴ The next day, in the House of Lords, the Secretary of State for Dominion Affairs explained the issue,

⁹⁹ AWM: 54 779/4/21 [Prisoners of War and Internees – Treatment by Enemy:] Reports by International Red Cross and Protecting Powers on conditions existing in Prisoner Of War Camps in Germany and Italy 1941-1945. Australian Prisoners of War in Europe – Notes on Gruppignano Camp No. 57 Italy, Censorship Extracts for Week ended 12 February 1944. Australian Prisoners of War in Europe, Notes on Grupignano Camp No. 57 – Italy, Censorship extract for week ending 12 February 1944.

¹⁰⁰ Hansard, House of Representatives, No. 10, Seventeenth Parliament, First Session – Second Period, 7 March 1944, 1062.

¹⁰¹ Kent Fedorowich and Bob Moore, “Co-belligerency and prisoners of war: Britain and Italy, 1943-1945,” *The International History Review*, 18, no.1 (1996): 37.

¹⁰² Bob Moore and Kent Fedorowich, *The British Empire and its Italian Prisoners of War, 1940-1970* (New York: Palgrave, 2002), 140.

¹⁰³ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War, 1940-1970*, 137-138.

¹⁰⁴ Hansard, House of Commons, Volume 392, 13 October 1943.

Finally, I should perhaps say a word about “co-belligerency,” the new political term which has come to the fore during the last few days. In the literal sense, of course, many Italians have for some weeks already been co-belligerents, since they are assisting us and have been fighting with us against the Germans. Now, although the Italian government have declared war on Germany, technically, until a peace treaty is signed between Britain and Italy, the two countries are still at war with each other; yet the practical situation is that both Great Britain and Italy are fighting a common enemy. That seems an absurdly anomalous situation, and the easiest way which has been found of defining it has been to describe the Italians as “co-belligerents,” a term which might almost be said to have been coined for the purpose.¹⁰⁵

Though nicely defined, the Foreign Office found the idea of co-belligerency problematic, stating it “means trying to treat the Italians as friends and foes simultaneously.”¹⁰⁶

One favourable effect of current events was that the armistice and Italy’s change in status would provide more flexibility in the management of Italian POWs detained in Britain and the empire.¹⁰⁷ At the time of the armistice, there were 546,930 Italian POWs held by the Allies. In October 1943, the Secretary of State for War concluded that the change in relationship from enemy to co-belligerent would also change the treatment and management of Italian POWs.¹⁰⁸ So when it emerged that the Italian government had been unable to prevent the Germans from transporting almost all Allied prisoners in Italy to the Reich, the British government decided, regardless of international expectations, that the Italians would remain in their POW camps.¹⁰⁹ While discipline in the camps was more relaxed, the Italians continued to be treated as POWs even though the Italian government was, as of October 1943, a co-belligerent in the war against Germany.¹¹⁰ However, the issue of co-belligerency was not settled, and the debate concerning the status of Italian POWs continued. In November 1943 British War Cabinet informed Washington of what it saw its position to be in law regarding Italian POWs,

So long as the British Commonwealth remains technically at war with Italy, Italian soldiers now in our hands remain prisoners of war and enjoy all rights under the Convention in default of unconditional release or some agreements with the Italian Government under Article 83. We have in the course of the war made many agreements with Italy modifying the provisions as to treatment and the agreement we now propose would provide for its suspension.¹¹¹

Although the United States authorities accepted that, in principle, the prisoners should retain their prisoner of war status, they had different ideas about the treatment and use of the Italian prisoners.

¹⁰⁵ Hansard, House of Lords, Volume 129, 14 October 1943.

¹⁰⁶ Ellwood, *Italy 1943-1945*, 71.

¹⁰⁷ Geoffrey Wallace. *Life and Death in Captivity: The Abuse of Prisoners during War* (New York: Cornell University Press, 2015), 119.

¹⁰⁸ TNA: CAB 123/138 Memorandum by the Secretary of State for War, 6 October 1943.

¹⁰⁹ S. P. Mackenzie, “The Treatment of Prisoners of War in World War II.” *The Journal of Modern History* 66, no. 3 (1994): 502.

¹¹⁰ Mackenzie, “The Treatment of Prisoners of War in World War II,” 502.

¹¹¹ TNA: CAB 123/138 War Cabinet Distribution from Foreign Office to Washington, 4 November 1943.

However, it was decided it would be preferable for Britain and the United States to settle on one arrangement with Italy rather than separate agreements.¹¹²

In January 1944, it was agreed that it was essential to obtain a statement from Badoglio to convince Italian POWs in Allied hands that the new arrangement for their treatment had the full support of the Italian government.¹¹³ Even though this had already happened on 11 October 1943, Badoglio issued a proclamation to the Italian soldiers still fighting and the prisoners in the camps that it was their duty to cooperate and work alongside the Allies in order to liberate their homeland.¹¹⁴ Despite his statement, Badoglio did not see any advantage to Italy's interests in the Allied proposal regarding Italian POWs and refused to agree. The original offer put to the Badoglio government by Britain and the United States afforded Italian prisoners loyal to the Allies an opportunity to join Badoglio's Army.¹¹⁵ Prisoners not keen on active service could join a labour battalion under Italian commanders or remain in their POW camps, their status unchanged. Badoglio disliked the proposal, claiming it would not give any released prisoner Allied or co-belligerent status; they would merely become a labour force.¹¹⁶ By the end of January, Chief Commissioner of Allied Control Commission for Italy Lieutenant-General Noel Mason-MacFarlane reported to the Foreign Office that Badoglio refused to sign the agreement concerning the Italian prisoners of war.¹¹⁷ Badoglio believed that with half a million Italian POWs in Allied hands, he would lose the confidence of the Italian people if he signed the agreement.¹¹⁸ As a result, negotiations carried on into April 1944. The Allies put forward proposals to the Badoglio government, and in return, the Badoglio government submitted counter-proposals that were inevitably rejected by the Allies.¹¹⁹ Unable to reach an agreement, negotiations with the Italian government broke down in April 1944.¹²⁰ Then in May, Badoglio communicated with General MacFarlane, referring to press accounts concerning how Italian POWs were being employed.¹²¹ Badoglio suggested that because Italy was a co-belligerent, Italian POWs should no longer be treated as prisoners of war but should be placed under the command of Italian officers.¹²² In September 1944, as the Allies pushed further towards the liberation of Europe, 3,000 Italians with special training

¹¹² TNA: CAB 123/138 Outward Telegram from Dominion Office to Canada, Australia, New Zealand and South Africa

¹¹³ TNA: CAB 123/138 Outward Telegram from the Foreign Office to Washington, 3 January 1944.

¹¹⁴ TNA: CAB 123/138 Washington to Foreign Office, 5 January 1944., Washington to Foreign Office, 6 January 1944.

¹¹⁵ TNA: CAB 123/138 Political Distribution from Washington to the Foreign Office, 3 March 1944.

¹¹⁶ TNA: CAB 123/138 Political Distribution from Washington to the Foreign Office, 3 March 1944.

¹¹⁷ TNA: CAB 123/138 From Resident Minister's Office Algiers to Foreign Office, 30 January 1944. Lieutenant-General Noel Mason-MacFarlane was also Governor of Gibraltar from 31 May 1942 to 14 February 1944.

¹¹⁸ TNA: CAB 123/138 From Resident Minister's Office Algiers to Foreign Office, 30 January 1944.

¹¹⁹ Fedorowich and Moore, "Co-belligerency and prisoners of war: Britain and Italy, 1943-1945," 44.

¹²⁰ TNA: CAB 123/138 From Algiers to Foreign Office, 6 April 1944.

¹²¹ NAA: A5954 674/11 Italian Prisoners of War, Status consequent upon Armistice with Italy 1943-1945. Cablegram from Secretary of State for Dominion Affairs to Department of External Affairs, 27 May 1944.

¹²² NAA: A5954 674/11 Cablegram from Secretary of State for Dominion Affairs to Department of External Affairs, 27 May 1944.

previously detained in Britain were sent to Italy to replace British troops who would be redeployed to advance the war effort.¹²³ With a further 25,000 expected to follow, the position of Italian POWs was again debated. It was concluded that it would be difficult to retain the services of the Italian POWs in Italy if the status of POW was removed.¹²⁴

British authorities recognised in April 1945 that peace terms would be harsh. Britain did not want to completely damage its relationship with Italy, so it examined the idea of extending the Allied Forces Act to the Italians as allies.¹²⁵ However, British authorities decided the issue could not wait until a Peace Treaty was signed. It was suggested that once the fighting in Europe was over, pressure regarding Italian POWs from Italy's Ambassador to the United Kingdom, Count Nicolò Carandini, would become stronger considering Italy's recent contribution to the Allied war effort.¹²⁶ Consequently, Britain believed concessions should be made early, hoping to prevent the United States from becoming involved in the negotiations. Equally, Britain did not want Italy to become an ally before the signing of the Peace Treaty.¹²⁷ Count Carandini was not concerned with the legal status of the Italian POWs or the treatment they were receiving; he wanted their title changed. The British government suggested that an Italian Pioneer Corps could be created with the agreement of the Italian government, believing the change in name and not conditions would meet Carandini's expectations.¹²⁸ In June 1945, with the war in Europe over, Carandini received information from Rome explaining that the Ivanoe Bonomi government no longer wanted to pursue the idea of altering the Italians' prisoner of war status.¹²⁹ The terms of surrender agreed to in the Instrument of Surrender could be modified for military necessity or the extent of cooperation by the Italian government if deemed appropriate.¹³⁰ As a result, without further debate regarding the Italian's status, they were to remain POWs. It could be argued that the Bonomi government believed that without a change in status, the prisoners would be repatriated sooner under the Geneva Convention rather than continuing to be used as a labour force in Britain.

¹²³ TNA: WO 204/2831 Italian Prisoners of War: Status, treatment and disposal, 1 March 1944 – 30 November 1944. For the United States Political Advisor, 21 September 1944.

¹²⁴ TNA: WO 204/2831 For the United States Political Advisor, 21 September 1944.

¹²⁵ TNA: FO 371/49860 Repatriation of Italian prisoners of war and internees abroad. Code 22 file 157 (papers 1828-2939), 1945. Minute from Mr Harvey Foreign Office, 19 April 1945.

¹²⁶ TNA: FO 371/49860 Chamberlain Foreign Office, 30 April 1945.

¹²⁷ TNA: FO 371/49860 Chamberlain Foreign Office, 30 April 1945.

¹²⁸ TNA: FO 371/49860 Repatriation of Italian prisoners of war and internees abroad. Code 22 file 157 (papers 1828-2939), 1945. Chamberlain Foreign Office, 30 April 1945.

¹²⁹ TNA: FO 371/49861 Repatriation of Italian prisoners of war and internees abroad. Code 22 file 157 (papers 2980-3757), 1945. Minute Mr. Harvey Foreign Office, 20 June 1945.

¹³⁰ Armistice with Italy: Instrument of Surrender, signed at Malta September 29, 1943, 784.

Australia

The issue of the armistice with Italy had the potential to complicate things and frustrate Australia's carefully laid plans of expanding the POW employment scheme.¹³¹ In October 1943, the Dominion Office communicated with the Australian government about the discussions in London regarding the status of the Italian POWs and what the British government proposed to do as regards the Italian matter.¹³² While the Australian government was kept up to date by British authorities about their course of action, it would need to plan what it would do about the Italian POWs detained in Australia.

Accordingly, on 14 October, the Honourable Joseph Abbott asked in parliament,

Now that the Italian Government has declared war on Germany, will the Attorney-General inform me whether interned Italian subjects and prisoners of war in Australia will be released so that they may be employed in the rural industries, in view of the acute shortage of manpower and the necessity for increasing the food production?¹³³

Britain knew that any policy concerning Italian POWs would have to be approved by the Dominion and United States governments. United States authorities had a different idea about what should happen. It wanted the prisoner of war status to be discontinued entirely, which differed significantly from Britain's position. As a result, the British government acknowledged that the agreement's final text could take some time.¹³⁴ By early November, the Dominion Office advised the Australian government that the United States had agreed with the following,

That in present manpower situation full use in war effort should be made of Italian prisoners

That it is not desirable or practicable to treat them as civilians

That they should be organised as rapidly as possible in military units¹³⁵

The first point agreed to by the United States went against the Geneva Convention. While prisoners could be utilised for labour under the convention, work in support of the war effort was expressly prohibited.¹³⁶ The last two points are not addressed in the convention. It would be hard to understand how a captured soldier could be treated as a civilian by a belligerent government if he had not received a formal discharge from his own army. The final point speaks to a legal point of military law that would be determined by the soldier's country, which could suggest that aiding the enemy in such a way could be considered treason. Even with the agreement, that month British War Cabinet discussed the possible release of Italian POWs. It was suggested that only three options could be included in its policy – enlist

¹³¹ Moore and Fedorowich, *The British Empire and its Italian Prisoners of War, 1940-1970*, 192.

¹³² TNA: CAB 123/138 Outward Telegram from Dominion Office to Canada, Australia, New Zealand and South Africa, 12 October 1943.

¹³³ Hansard, House of Representatives, No. 41, Seventeenth Parliament, First Session – First Period, 14 October 1943, 562.

¹³⁴ TNA: CAB 123/138 From Secretary of State for the Colonies to ACHIMCTA (Resident Minister), 20 October 1943.

¹³⁵ TNA: CAB 127/264 Status of Italian prisoners of war following the armistice agreement with Italy, 01 September 1943–31 January 1944. Dominion Office to Canada, Australia, New Zealand and South Africa, 4 November 1943.

¹³⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 31, 945.

them in British units, enlist them in military units of the Italian government, or, if the first two were impossible, employment as civilians.¹³⁷ The Australian government, in the main, approved the proposals made by Britain to reach an agreement with Italy regarding the Italian POWs. However, with a decision still to be made by the British government regarding the change in the status of the Italian prisoners, the Australian government was taking steps to ensure that any change in status by Britain did not disrupt the employment scheme it had in place. The Australian government stated that any policy proposed by Britain concerning the Italian POWs was not to interfere with Australia's existing labour scheme. If the proposed policy were applied fully, it would not be until later.¹³⁸

By December 1943, the Department of External Affairs was informed that Britain believed it was essential to obtain a policy from the Badoglio government regarding the status of Italian POWs.¹³⁹ It was recommended to the United States government that General Eisenhower be asked to attend to the issue, although Britain put forward that the following points be covered,

It would be the duty of Italian prisoners who are given the opportunity of volunteering to co-operate with the United Nations to do so. They could be reminded of [the] declaration of war with Germany.

They should do all they can to assist [the] United Nations war effort by obeying orders and by working on their allotted tasks to the utmost of their ability.

Whatever work they are called upon to do, whether in unloading ships or in agriculture, they would be assisting us as much as if they were actually fighting the Germans in Italy.

Rapid end of hostilities and consequently their own repatriation will depend largely on manner in which they give their help to United Nations.¹⁴⁰

The Australian Legation in Washington notified the Department of External Affairs of the discussions between Britain and the United States regarding a special agreement concerning the organisation and employment of Italian Forces. Article 1 of the agreement explained that, pending repatriation, Italian POWs would be given the opportunity to volunteer to serve in units or formations organised on a military basis. However, while serving, they would retain their status as POWs, with their treatment modified if circumstances allowed. POWs who did not want to volunteer would remain as they were before the armistice.¹⁴¹ Even though Australia was willing to present a united voice concerning POW policy, it became apparent in the correspondence with Britain and the United States that the Australian

¹³⁷ TNA: CAB 123/138 War Cabinet Distribution from Foreign Office to Washington, 4 November 1943.

¹³⁸ NAA: A816 54/301/253 Attachment Employment and status of Italian and German prisoners of war 1943-1944.

Cablegram to The Secretary of State for Dominion Affairs from External communications Directorate, 24 November 1943.

¹³⁹ NAA: A816 54/301/253 Cablegram from Secretary of State for Dominion Affairs to the Prime Ministers Department, 15 December 1943.

¹⁴⁰ NAA: A816 54/301/253 Cablegram from Secretary of State for Dominion Affairs to the Prime Ministers Department, 15 December 1943.

¹⁴¹ NAA: A5954 674/11 Cablegram The Australian Legation in Washington to Department of External Affairs, 8 December 1943.

government was only prepared to alter or apply sections of the policy that would meet its needs. In January 1944, the Australian government again informed Britain and the United States that they would not alter their current arrangements, particularly in reference to Article 1 of the main agreement,

It should be made clear to all interested parties that we intended to proceed with the scheme for employing all available and suitable Italian prisoners of war on farms and similar projects.

We should also be glad if you would note that we do not desire Italian prisoners of war other ranks held in Australia on behalf of [the] United Kingdom Government to be given [the] opportunity to volunteer under Article 1 of main agreement. There is no objection to officers and NCOs above [the] rank of Corporal Maggiore being given opportunity to volunteer if [the] United Kingdom Government has plans for their transfer from Australia for use elsewhere.¹⁴²

The Dominion Office later verified what the change in status meant for the employment of Italian POWs and, in turn, Australia's employment scheme. It established that Italian authorities had confirmed that Italian service personnel who were currently detained as POWs in Britain and the empire could be employed on any work directly connected with the war or its general purpose.¹⁴³ This agreement was in keeping with the modification of the armistice and instrument of surrender to further the Allied cause. It was also in the national interest of both Britain and Australia. Furthermore, Italy's agreement meant that the labour articles of the Geneva and Red Cross Conventions were to be suspended. Conveniently for Britain, the provisions concerning the protecting power's functions and its representatives' functions were replaced by direct communication between the British, Italian and United States governments.¹⁴⁴

The imprecise nature of co-belligerency was exploited by the Australian and British governments. Under their interpretation of the Geneva Convention, Britain and Australia found no need to repatriate the Italian POWs until a peace treaty was negotiated at the end of hostilities. In January 1945, although no longer Prime Minister, Marshal Badoglio expressed his opinion regarding co-belligerency in an interview with Cecil Sprigge from Reuter's news agency. He stated, "If you ask me what advantages Italy has gained from co-belligerency...the answer would be absolutely none."¹⁴⁵

Peace in Europe – The Final Repatriation of Prisoners

International Law

When the war ended in Europe, the Hague and Geneva Conventions provided belligerents with guidelines regarding the repatriation of POWs. Article 20 of the Hague Convention explained, "After

¹⁴² NAA: A816 54/301/253 Cablegram from External Communication Directorate to Secretary of State for Dominion Affairs and the Australian Legation, Washington, 3 January 1944.

¹⁴³ NAA: A5954 674/11 Cablegram from Dominion Office to Department of External Affairs, 29 February 1944.

¹⁴⁴ NAA: A5954 674/11 Cablegram from Dominion Office to Department of External Affairs, 29 February 1944.

¹⁴⁵ Ellwood, *Italy 1943-1945*, 71.

the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.”¹⁴⁶ Likewise, Article 75 of the Geneva Convention explained, “repatriation of prisoners shall be effected with the least possible delay after the conclusion of peace.”¹⁴⁷ Under the principles of international law, repatriation was expected to be conducted after the end of hostilities, such as an armistice, rather than after the peace treaty.¹⁴⁸ However, the Geneva Convention was unclear and did not define the conclusion of peace. Belligerents, possibly deliberately, found the convention to be ambiguous and open to interpretation regarding the repatriation of POWs at the end of the war. Belligerents realised that by considering the conclusion of peace to be at the time of a peace treaty rather than the end of active hostilities, it was possible to delay repatriation in their national interest.¹⁴⁹ In contrast, the issue of post-war repatriation was quite different for protected personnel. According to the Red Cross Convention, if not retained under an agreement, they were to be repatriated during the war, so there was no specific provision for their repatriation at the end of hostilities.¹⁵⁰ For that reason, in the event of peace, it would be expected that the Geneva Convention would also apply to protected personnel.

Britain

As early as 1942, the British government considered a policy for general post-war repatriation, as a result, in October 1942, the War Office made provisional plans for the post-war repatriation of POWs from Europe.¹⁵¹ It was agreed in the Geneva Convention that all POWs must be repatriated with as little delay as possible after the cessation of hostilities and that facilities should be provided for the POWs while awaiting repatriation.¹⁵² The responsibility for the repatriation of POWs would rest with the Directorate of Prisoners of War until the ex-POWs left the reception camps. Their responsibilities extended to Dominion and Colonial POWs, but only until they left the United Kingdom for transit camps in the Middle East.¹⁵³ Post-war repatriation planners in Britain did suggest that it could be necessary to repatriate Australians and New Zealanders directly from Britain rather than via the Middle East due to possible transport issues.¹⁵⁴

¹⁴⁶ *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907. Article 20, 647.

¹⁴⁷ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 75, 954.

¹⁴⁸ Rüdiger Overmans. “The Repatriation of Prisoners of War once Hostilities are Over: A Matter of Course?” In *Prisoners of War, Prisoners of Peace: Captivity, Homecoming and Memory in World War II*, ed. Barbara Hatley-Broad and Bob Moore (London: Bloomsbury Publishing Plc, 2005), 14.

¹⁴⁹ Overmans, “The Repatriation of Prisoners of War once Hostilities are Over: A Matter of Course?”, 14.

¹⁵⁰ Convention of Geneva of July 27, *Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Conventions)*. Geneva Treaty series 847, 1929.

¹⁵¹ TNA: DO 35/998/2 Prisoners of War: Draft scheme for post-war repatriation, 1942. War Office to Dominion Office, 1 October 1942.

¹⁵² TNA: DO 35/998/2 War Office to Dominion Office, 1 October 1942.

¹⁵³ TNA: DO 35/998/2 War Office to Dominion Office, 1 October 1942.

¹⁵⁴ TNA: DO 35/998/2 War Office to Dominion Office, 1 October 1942.

In January 1945, Allied POWs were issued another “stay put” order, this time published by General Eisenhower, providing them with advance instructions about what they should do once hostilities ended. It announced that “every prisoner of war will remain in his respective camp until the arrival of this prisoner of war contact officer.”¹⁵⁵ Furthermore, German authorities were to be held accountable by the Prisoner of War Contact Officers for the administration and maintenance of the camps until the evacuation of POWs was complete.¹⁵⁶ As the end of the war drew closer, the Allied governments were not only concerned with the situation of their own POWs and the POWs in their custody. They also agreed that the United Nations should make a declaration warning German authorities that the approximately 600,000 Italian POWs in Germany should be treated according to the rules of war.¹⁵⁷

With the final defeat of Germany in May 1945, the war in Europe was over. As a result, Italian authorities were anxious to have their POWs returned to Italy. Consequently, the British government made every attempt to appear to be working on arrangements to repatriate the Italian POWs. However, Foreign Office documents suggest that by July 1945, the government was not acting in the spirit of Article 75, the convention moving deliberately slowly because Britain needed Italian labour.¹⁵⁸ Even so, while in Rome, Italy’s Ambassador Count Carandini explained that the British were working towards a solution of repatriation. He was reported to have stated,

That his discussions with the Allied military authorities had resulted in a plan for the repatriation of the 150,000 Italian prisoners of war in Britain. The plan had already taken practical shape but repatriation was conditioned by transport difficulties. The British authorities were anxious to help to solve the problem.¹⁵⁹

In September 1945, during the Imperial Prisoner of War Committee meeting, discussions took place regarding the repatriation of Italian POWs. It was suggested that repatriation from locations throughout the empire should not commence until a start had been made in the United Kingdom because it had the largest holding of Italians. Following this suggestion, it was agreed that protected personnel would be treated the same way as combatant prisoners for repatriation purposes.¹⁶⁰ However,

¹⁵⁵ NAA: MP 729/8 44/431/7 Prisoners of War – Advance Instructions – the “Stay Put Order” 1945. Australian Military Liaison Office to Headquarters, Australian Military Forces, Victoria Barracks, Melbourne (for Adjutant-General), 25 January 1945.

¹⁵⁶ NAA: MP 729/8 44/431/7 Australian Military Liaison Office to Headquarters, Australian Military Forces, Victoria Barracks, Melbourne (for Adjutant-General), 25 January 1945.

¹⁵⁷ TNA: FO 371/49860 Foreign Office Mr Hoyer-Millar, 22 February 1945.

¹⁵⁸ TNA: FO 371/49862 Repatriation of Italian prisoners of war and internees abroad. Code 22 file 157 (papers 3818-4453), 1945. Letter War Office to Foreign Office, 18 July 1945.

¹⁵⁹ TNA: FO 371/49862 Alleged Statement by Count Carandini Regarding Repatriation of Italian Prisoners of War, 18 July 1945.

¹⁶⁰ TNA: FO 371/49864 Repatriation of Italian prisoners of war and internees abroad. Code 22 file 157 (papers 5134-5464), 1945. Directorate of Prisoners of War Imperial Prisoners of War Committee Sub-Committee A – Repatriation of Italian Prisoners of War, 15 October 1945.

British authorities did not consider that some Italian POWs would want to settle in the United Kingdom. Despite what they thought, the War Office received applications from Italian POWs wishing to remain in the country rather than return to Italy.¹⁶¹ Yet, the reply from the War Office consistently explained that under Article 75 of the Geneva Convention, Britain had an obligation in the absence of an agreement with the Italian government to repatriate Italian POWs to Italy.¹⁶² Even though Italy wanted all its men to return to Italy, in early 1946, the Royal Italian Legation in Berne conceded that there might be some circumstances where Italian POWs, upon liberation, might want to remain in the country in which they were presently living rather than return to Italy.¹⁶³ For that reason, Italian authorities issued instructions explaining the procedure for discharge abroad,

Soldiers (officers, NCOs, and ORs) who upon ceasing to be prisoners of war, desire to remain in the country in which they have up to such time been living, shall forward direct to the Royal Italian diplomatic Mission an application, stating reasons and setting out such requests on the “notice sheets”, in conformity with the enclosed model.¹⁶⁴

Unfortunately, the wishes of the Italian POWs and the allowances made by Italian authorities would not be considered in the repatriation of Italian prisoners.

Australia

In January 1942, the Australian government was notified that Britain had begun drafting a post-war repatriation plan for British and Dominion POWs in Europe,

The War Office [is] to be responsible for Dominion ex-prisoners, their transport and welfare, from the time of leaving reception camps, after which they will cease to be considered as prisoners of war, and be no longer a responsibility of the War Office.¹⁶⁵

The Australian government informed British authorities in December 1942 that as part of its repatriation policy, all reception camps for Australian POWs would be placed under the administration of Australian officers at the earliest possible opportunity.¹⁶⁶ Consequently, once notified in January 1943 that Australian POWs would be repatriated via the Middle East, the Australian government arranged for Australian staff to be located in the port city of Trieste in Italy and Egypt.¹⁶⁷ With planning well underway, the Australian government agreed that the preparation of detailed plans for the

¹⁶¹ TNA: FO 371/49862 Letter War Office to Foreign Office, 18 July 1945.

¹⁶² TNA: FO 371/49862 Letter War Office to Foreign Office, 18 July 1945.

¹⁶³ NAA: A1066 IC45/32/6/25 Prisoners of War in Australia – Italian, general arrangements for repatriation 1945-1946. Letter Swiss Consul-General – section for Italian interests, Sydney to Department of External Affairs, 6 June 1946.

¹⁶⁴ NAA: A1066 IC45/32/6/25 Letter Swiss Consul-General – section for Italian interests, Sydney to Department of External Affairs, 6 June 1946.

¹⁶⁵ NAA: A1608 A20/1/1 Part 1 War 1939 Prisoners of War – General Part 1 1939-1942. Cablegram The High Commissioner’s Office, London to Prime Minister’s Department, 19 January 1942.

¹⁶⁶ NAA: A981 TRE 762 External Affairs Department Treaties Red Cross – Repatriation of Australian Prisoners of War 1942. Cablegram Prime Ministers Department to High Commissioner’s Office, London, 9 December 1942.

¹⁶⁷ NAA: A989 1943/925/1/78 Treaties Red Cross, Prisoners of War Post-War Repatriation, 1943. Cablegram Prime Ministers Department to High Commissioner’s Office, London, 20 January 1943.

repatriation of Australian POWs from Europe should be the responsibility of the army.¹⁶⁸ Accordingly, Major-General Alexander Sheppard, writing on behalf of the Australian Military Forces Adjunct-General, provided instructions for returning Australian POWs. He explained that the personnel arriving would be grouped into four categories,

Combatant and protected personnel (i.e., AAMC, chaplains etc.) repatriated during hostilities on the recommendation of a mixed medical commission.

Protected personnel repatriated as surplus to the number the enemy is entitled to retain.

Ex-PW escaped or rescued during hostilities

All classes of ex-PW rescued or released after cessation of hostilities with any enemy government.¹⁶⁹

In January 1944, the High Commissioner's Office in London forwarded advice it had received regarding the repatriation of Australian POWs from Europe to the Department of Defence. The instructions for the repatriations had changed; repatriations would now be done via Britain rather than the Middle East, as previously thought.¹⁷⁰ The message stated it was recommended that special consideration would be needed depending on operational requirements; nonetheless, prisoners should be given the earliest possible provision of suitable shipping from Britain to Australia by a direct route.¹⁷¹ Importantly for Australian authorities, it was agreed that the British government would assist in staffing the AIF reception centres in the United Kingdom. In addition, the High Commissioner advised that any further communication on the matter must come from the Prime Minister's Department rather than the Department of Defence to facilitate further negotiations in London.¹⁷²

By May 1944, the government had formed its policy for the post-war repatriation of POWs from Australia. The Australian government also decided it would need to have a policy in place regarding ex-POWs that wished to remain in Australia. The Director-General of Security, William Simpson, believed that any questions regarding former POWs being allowed to stay in Australia after the war should be considered purely a government matter. Even so, he did suggest that any policy be bound up with post-war immigration policy,

Experience has shown that the average German and Italian who fought in this war is imbued with Nazi and Fascist sentiments, and my own personal opinion is that, with a view to preventing any introduction into Australia of Nazi and Fascist ideology, we should not permit

¹⁶⁸ NAA: A989 1943/925/1/78 Cablegram Prime Ministers Department to High Commissioner's Office, London, 20 January 1943.

¹⁶⁹ AWM: 54 779/14/5 Prisoners of War and internees – return to Australia. Reception, treatment and disposal of AIF ex-prisoners of war repatriated or returned to Australia from Europe, December 1943. Australian Military Forces (Adjunct-General to Headquarters Victoria Barracks, Melbourne, 15 December 1943.

¹⁷⁰ NAA: A1608 A20/1/1 Part 4 Prisoners of War – General Part 4 1943-1945. Memorandum from Department of Defence to the Secretary Prime Ministers Department, 25 January 1944.

¹⁷¹ NAA: A1608 A20/1/1 Part 4 Memorandum from Department of Defence to the Secretary Prime Ministers Department, 25 January 1944.

¹⁷² NAA: A1608 A20/1/1 Part 4 Memorandum from Department of Defence to the Secretary Prime Ministers Department, 25 January 1944.

any of the present prisoners of war to remain, and should exclude from any future immigration schemes Germans and Italians who fought in the present war. It is well known that Germans and Italians are apt to congregate in little colonies of their own, as instanced by the German settlements in South Australia and the Italian communities in Queensland. In each case, they are mostly all centred around the one area, which is not conducive to their being assimilated into the Australian community and the general ways of Australian life and political thought.¹⁷³

However, in June 1944, the Governor-General of Western Australia, Sir James Mitchell, received a letter from an Italian POW. He was writing on behalf of a number of prisoners that had been working on farms. The letter explained,

When the Italian government became co-belligerent (we were in that time in India), a number of IPOW had been sent to Australia for agricultural work in order to collaborate with their work to warlike effort of the United Nations...Before our departure from India, the English government formally promised us that after the cessation of hostility we would be allowed to settle in Australia...The Australian government says that according to the Geneva Convention we should be sent back. What is a convention when millions of people are starving [?]¹⁷⁴

There does not appear to be a document responding to the Italian POW or sent between Australian and British authorities to confirm that statement made by the Italian POW in his letter to Sir James Mitchell. Additionally, there is no evidence that Britain had made such promises to the Italian prisoners of war on behalf of the Australian government, if they had, Australia, under the Geneva Convention, it would be unable to keep.¹⁷⁵ The British government had considerably overstepped its powers because immigration, like manpower and labour, was considered a domestic issue (see chapter 3), with which the British were not meant to concern themselves. Furthermore, the Australian government in 1942 had fully ratified the Statute of Westminster, which, in effect, had stopped any legal capacity for interference in Australian migration policy by the British government. The issue of remaining POWs was not only one that interested the government and the Department of Defence; the Victorian branch of the Sailors, Soldiers and Airmen's Fathers' Association sought information regarding the policy. In July 1944, the Department of the Prime Minister responded,

Commonwealth policy in this connection has been carefully framed to accord with the practice in the United Kingdom and other Dominions, and of course, to conform with the provisions of the Geneva Convention. The Commonwealth Government is in no way committed to retaining Italian prisoners of war in Australia after peace is declared and does not intend to do so. It is anticipated that the United Kingdom Government, on whose behalf the Italians are held, will at

¹⁷³ NAA: A1608 A20/1/1 Part 4 Letter Director-General of Security to the Secretary, Prime Ministers Department, 26 May 1944.

¹⁷⁴ NAA: A434 1950/3/15531 Italian Prisoners of War – Transfer from India for Employment in Australia. Letter from Italian Prisoner of War to Governor-General Western Australia 20 June 1944.

Note: Western Australia did not have a Governor-General from 1931 to 1948. Sir James Mitchell was the Lieutenant-Governor for 14 years from 1931 to 1948 when he became Governor-General. Governors - Constitutional Centre of Western Australia exhibition, Sir James Mitchell <https://www.wa.gov.au/government/publications/governors-constitutional-centre-of-western-australia-exhibition#sir-james-mitchell> accessed 2 August 2022.

¹⁷⁵ NAA: A434 1950/3/15531 Letter from Italian Prisoner of War to Governor-General Western Australia 20 June 1944.

the appropriate time arrange for their return to Italy in accordance with International Convention.¹⁷⁶

On 8 May 1945, acting Prime Minister Ben Chifley announced to the parliament, “It is with great pleasure that I announce to the House the complete defeat of Germany and the official cessation of hostilities in the war in Europe.”¹⁷⁷ Two months later, on 15 July 1945, Italy officially declared war on Japan. The declaration of war was reported in Australian newspapers; the *Queensland Times* headline stated, “Italy Declares War on Japan.”¹⁷⁸ The Associated Press correspondent in Rome informed the *Examiner* in Launceston of the reason behind Italy’s declaration,

Premier (Signor Parri) had sent a message to the Big Three, drawing attention to the fact that Italy has just declared war on Japan and expressing the hope that the Potsdam conference will decide to accept her into the United Nations.¹⁷⁹

The Italian government’s declaration of war on Japan made the management of Italian POWs easier for the Australian government. Even though they had declared war on Germany in October 1943, technically, without a declaration of war, Italy was still aligned with Japan, still it was affiliated with the Axis partners. Furthermore, under the convention, they would not be able to perform war work in Australia because it would be directly linked to the war in the Pacific.¹⁸⁰ Regardless of Italy’s declaration of war on Japan, it would not have any bearing on the post-war repatriation of the Italian POWs.

In October 1945 Australian War Cabinet discussed the repatriation of Italian POWs following the memorandum it received from the Official Secretary in London, dated 24 July 1945. It advised that the British government desired to have the views of the Australian government regarding the repatriation of the Italian prisoners detained in Australia.¹⁸¹ Even after the war, the British government still believed it necessary to have a united policy that would oversee the repatriation of Italian POWs detained by His Majesty’s government in whatever country they were held.¹⁸² By this time, Australian soldiers had begun to be released from the army, and they could fill some of the jobs in the agricultural industry. However, so as to not expose the rural sector to major gaps in employment while the Australian government was waiting for the discharge of Australia’s labour force from the military, treasurer Ben Chifley acknowledged that the proposed repatriation programmes of Italian POWs still in

¹⁷⁶ NAA: A1608 A20/1/1 Part 4 Correspondence between H. P Lazzarini for the Prime Minister to The State Secretary, Sailors, Soldiers, and Airmen’s Fathers’ Association of Victoria, 10 July 1944.

¹⁷⁷ Hansard, House of Representatives, No. 19, Seventeenth Parliament, Third Session – First Period, 8 May 1945, 1494. Acting Prime Minister Ben Chifley announced the end of the war in Europe to parliament. Celebrations would be tempered with fighting in the Pacific.

¹⁷⁸ “Italy Declares War on Japan”, *Queensland Times* (Ipswich), 16 July 1945.

¹⁷⁹ “Why Italy Declared War”, *Examiner*, Launceston, 17 July 1945.

¹⁸⁰ TNA: CAB 123/138 From Washington to Foreign Office, 4 April 1944.

¹⁸¹ NAA: A1308 712/1/34 Italian Prisoners of War – repatriation 1945. War Cabinet Agendum no. 472/45 Italian Prisoners of War – Repatriation, 25 October 1945.

¹⁸² NAA: A1308 712/1/34 War Cabinet Agendum 472/45, Appendix A, 25 October 1945.

Australia should reflect the manpower needs of rural industry with a progressive withdrawal of Italian prisoners.¹⁸³ In addition, War Cabinet agreed that because the Italian prisoners were held in Australia on behalf of the British government and at its expense, Australia's repatriation programme should follow British policy.¹⁸⁴ Although not specifically following Article 75 of the convention, the gradual repatriation of Italian POWs from Australia could be deemed practical considering Britain was providing the shipping for the repatriation of POWs from Australia, and due to the lack of available transport, the prisoners could not all be repatriated at once. In November, the High Commissioner informed the Australian government that the British government expected that all Italian POWs would retain their POW status until they were handed over to the Italian government. At the same time, the British government did not consider the repatriation of Italian prisoners to be a high priority, but any available shipping spaces that were not being taken up could be used.¹⁸⁵

In May 1946, the Australian government communicated its concerns to Britain regarding the lack of shipping being made available to repatriate the Italian POWs detained in Australia. Table 8 shows the number of Italians that were still to be repatriated from each state.

Table 8 Italian POWs held in Australia as of 4 May 1946.¹⁸⁶

Italian POWs held in Australia by state, May 1946		
State	Officers	Other Ranks
New South Wales	7	6,130
Victoria	346	4,615
South Australia	3	2,454
Western Australia	1	3,455
Total	357	16,654

Then on 2 August, the Australian government requested that Britain make adequate shipping available to transport the Italian and German POWs back to their homeland at the earliest possible date.¹⁸⁷

Australian authorities suggested that the Italian prisoners be selected for repatriation according to set criteria; priority was given to those who had cooperated with camp authorities during their time as

¹⁸³ NAA: A1308 712/1/34 Notes on War Cabinet Agendum 472/1945, 3 November 1945.

¹⁸⁴ NAA: A1308 712/1/34 Notes on War Cabinet Agendum 472/1945, 3 November 1945.

¹⁸⁵ NAA: A1066 IC45/32/6/25 Cablegram from High Commissioner's Office, London to Prime Ministers Department, 22 November 1945.

¹⁸⁶ NAA: A1066 IC45/32/6/25 Letter from Acting Minister for Defence Francis Ford to Acting Minister for External Affairs Honourable N. Makin, 20 June 1946.

¹⁸⁷ NAA: A1066 IC45/32/6/25 Cablegram Department of External Affairs to The Resident Minister, London, 2 August 1946.

POWs.¹⁸⁸ Repatriation was also dependent on age and length of captivity, medical considerations, compassionate cases and protected personnel not required for duty in camps, with troublemakers and criminals repatriated last.¹⁸⁹ Even with the repatriation plan in place, in 1946, Australia still held approximately 16,300 Italian POWs. Still, like in Britain, not all Italian prisoners wanted to return to Italy after the war. Italian prisoner Carmelo Miano escaped on 13 May 1946 from Balcombe in Victoria and was apprehended on 15 March 1949 and sent under escort to Military Corrective Establishment, Holsworthy, on 18 March 1949. Miano was among a number of prisoners who escaped in 1946, possibly in an attempt to remain in Australia.¹⁹⁰ However, for those keen to return home, Table 8.1 explains the shipments home for the remaining Italians began and continued with at least one shipment each month from September 1946 to January 1947.¹⁹¹

Table 8.1 Repatriation of remaining Italian prisoners of war from Australia, September 1946 to January 1947.¹⁹²

Date	Vessel	Number of Officers	Number of other ranks	Total
September 1946	Chitral	51	2,747	2,798
October 1946	Katoomba	14	581	595
November 1946	Strathmore	32	1,468	1,500
December 1946	Rangitata	14	386	400
December 1946	Moreton Bay	41	732	773
December 1946	Empire Clyde	2	224	226
December 1946	Ormonde	52	2,179	2,231
December 1946	Alcantara	77	3,244	3,321
January 1947	Otranto	21	3,687	3,708
January 1947	Orontes	19	760	779
	Total	323	16,008	16,331

The Italian Peace Treaty was signed on 10 February 1947.¹⁹³ As a result, the Minister for Immigration, Arthur Calwell, on 27 October, encouraged prisoners of war still at large to surrender before 15 November to a police station or any Commonwealth Immigration Officer. Those who did would be repatriated with their fellow POWs on *General Heinzelman*, which was expected in Fremantle

¹⁸⁸ NAA: B3856 778/2/82 Repatriation of Prisoners of War 1946. Department of the Army, Military Board (Adjutant-General) to HQ Eastern Command, Southern Command, Western Command, and 4th Military District, 3 August 1946.

¹⁸⁹ NAA: B3856 778/2/82 Repatriation of Prisoners of War 1946. Department of the Army, Military Board (Adjutant-General) to HQ Eastern Command, Southern Command, Western Command, and 4th Military District, 3 August 1946.

¹⁹⁰ NAA: A373 11638A Italian prisoners of war and escapees. Commonwealth of Australia, Commonwealth Investigation Service, Melbourne, 21 March 1949.

¹⁹¹ AWM: 54 780/1/6A History Directorate of Prisoners of War and Internees, 1939-1951 Vol. 1 Part 2. Chapter 23 Disposal of Prisoners of War, 194.

¹⁹² AWM: 54 780/1/6A Vol. 1 Part 2. Chapter 23 Disposal of Prisoners of War, 194.

¹⁹³ NAA: MP 729/8 44/431/83 Italian Peace Treaty – prisoners of war, 1947. Cablegram Department of External Affairs from the Secretary of State for Dominion Affairs, London, 20 May 1947.

in early December.¹⁹⁴ Furthermore, they would also be eligible for re-entry to Australia if and when immigration from former enemy countries resumed. Those who did not surrender voluntarily and were taken into custody after 15 November would be deported, and no person deported from Australia would be re-admitted into the country.¹⁹⁵

After the peace treaty was signed in 1947, attention would once again turn to how belligerent governments managed their obligations toward prisoners of war. Like the end of the First World War, the Second World War highlighted deficiencies in international law that needed to be improved. The Geneva Convention was no exception; the convention had a number of articles that allowed belligerent governments to interpret their obligations toward POWs, particularly the requirements for repatriation. For that reason, in 1949 the Geneva Convention was amended, and repatriation at the end of hostilities was clarified in Article 118, “prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.”¹⁹⁶ The Geneva Convention would continue to be reviewed and revised. However, since 1949 no new protocols for prisoners of war have been added; still, additional protocols continue to be included as conflicts continue to highlight weaknesses in international law.¹⁹⁷

Conclusion

The armistice with Italy in September 1943 was a challenge for POW policy throughout Britain and the empire. International law never envisioned a scenario where one state switched sides midway through a war; as a result, the articles relating to repatriation in the Geneva Convention were not specifically related to the repatriation of POWs after an armistice and, in the Red Cross Convention armistice was non-existent. Italy, after the armistice, was considered a co-belligerent rather than an ally. British authorities looked closely at the armistice agreement and Instrument of Surrender for ways to manipulate the situation of the Italian surrender for its national interest. Discussions fell on repatriation and the requirement of the Italian authorities to repatriate all Allied POWs in their hands in accordance with the armistice. Despite Italy’s intentions, the presence of the German Army in the north of Italy meant that the possibility of repatriation was extremely limited. However, the British government decided it could use this to its advantage. Since Italy was unable to fulfil the requirements of repatriation under the armistice agreement, Britain concluded that Italy was in breach of the agreement. As a result, Britain argued it could retain the Italian POWs to be used in any way it saw fit. However, it

¹⁹⁴ Alan Fitzgerald. *The Italian Farming Soldiers: Prisoners of War in Australia 1941-1947* (Melbourne: Melbourne University Press, 1981), 166.

¹⁹⁵ Fitzgerald, *The Italian Farming Soldiers*, 166.

¹⁹⁶ *Geneva Convention Relative to the Treatment of Prisoners of War* of 12 August 1949. Article 118, 125. <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> accessed 13 September 2022.

¹⁹⁷ ICRC. *The Geneva Conventions of 1949 and their Additional Protocols*, 1 January 2014. <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols> accessed 13 September 2022.

did agree that some concessions would need to be made, including more freedoms and possibly a change in the status of Italian POWs reflecting Italy's new co-belligerency status.

The Australian government was keen to learn what the armistice meant for its POWs in Italy; however, this chapter has shown that it took a different position from Britain regarding the Italian POWs detained in Australia. Despite Australia's obligations as a detaining power under international law, it did not believe any change from the current POW arrangements would be in its national interest. For that reason, the Australian government moved forward with an independent attitude toward the Italians, informing Britain that it would continue to manage the Italian POWs as it had before the armistice. In contrast, even though the Italian government advocated the release of its POWs from Allied countries, the Italian government wanted the change in status to reflect Italy's support for the Allied cause against the Germans.

Plans for the post-war repatriation of Allied prisoners from Europe had begun as early as 1942 and originally included repatriation from Italy and Germany. However, once the British and Empire POWs were transferred from Italy to the Reich after the armistice, the focus for post-war repatriation in Europe was Germany. After receiving Britain's recommendations for repatriation, the Australian government began planning in early 1943. It made provisions for Australians to staff the AIF reception centres, advising the British government that the centres would be under Australian administrative control. While the Australian government was ensuring that Australian needs were met, the Imperial Prisoner of War Committee meeting in September 1945 decided it was necessary to have a united repatriation policy regarding enemy POWs detained in countries outside Britain. Even though Australia agreed to the plan, by 1946, unlike Britain, it was anxious to have POWs still detained in Australia return home, requesting that Britain make more shipping available. Despite that, not all Italian POWs wanted to return home, with some applying to remain in the country. Understanding the situation, Italian authorities in Switzerland issued instructions for the discharge of Italian soldiers in foreign countries, however, these instructions did not consider the domestic policies of the detaining country or their obligations under international law. Finally, in 1947, the Australian government invited the Italian prisoners still evading officials to hand themselves in for repatriation in accordance with the Geneva Convention. This would allow them the possibility of return once immigration from former enemy countries was permitted; the alternative was they would not be re-admitted to Australia.

CONCLUSION

This thesis has set out to answer how Australia dealt with the issue of POWs in the Second World War. It did so by examining how the Australian government responded to the captivity of thousands of Australians in Italy and the captivity of even larger numbers of Italian soldiers in Australia. A set of military circumstances resulting from a global conflict presented Australia with a series of diplomatic and political challenges not only in relation to its adversary Italy but also in relation to Britain, the Commonwealth and Australia's international treaty obligations. In examining how Australia responded to these challenges, the thesis has explored to what extent Australian policy and practice were driven by the practicalities of war or by a commitment to a rules-based international order, and to what extent Australia sought to assert a level of independence in the pursuit of its national interest, even if that entailed pursuing a different approach than Britain.

As the thesis has shown, the answers to these questions are not straightforward. The research has demonstrated that wartime politics between belligerent governments, Britain, Australia, and the empire, were sometimes messy and problematic. Whether the Australian government applied independent actions, it has been argued, depended on the situation and how it would affect Australia's national interests. Consequently, the Australian government did not consistently follow a united empire POW policy. Instead, it sought to follow what was in Australia's interests, particularly in the treatment of prisoners of war.

The research above has focused on the mechanics of diplomacy pertaining to POWs, including the workings of reciprocity, international law and diplomacy, and national interest. Each chapter has described a different aspect of the POW experience and the Australian government's response to the problem. In addition, this thesis has explained that during the war, the observance of international law, as much as the breaches, illustrated the attitude of belligerent governments and their tendency to do what was in their national interest regardless of international laws and agreements. Reciprocity of treatment has been shown to be a central part of POW management to ensure decent treatment for POWs, as the abandonment of international law had the potential to descend into a series of tit-for-tat reprisals.

As a result of the First World War, governments acknowledged that there was a need for international laws specifically relating to the treatment and management of captured men. For that reason, the *Geneva Convention Relative to the Treatment of Prisoners of War* was developed, and the *Amelioration of the Condition of the Wounded and Sick of Armies in the Field* or Red Cross Convention was

revised. Although international law was developed and revised in this way during the interwar period, though debated, the Australian government was not quick to act on the idea of an independent foreign policy, with many in parliament having little interest in moving away from Britain. Interestingly in 1931, Dominion governments were offered the chance to formalise their independence from British policy through the Statute of Westminster. Yet, the Australian government believed in the one voice theory of imperial foreign policy. As a result, the Australian government did not take the opportunity, electing instead to remain dependent on Britain in foreign policy matters. At the same time, parliament was asking questions regarding Britain's ability to defend Australia from its base in Singapore. Though wary, the Australian government continued to rely on the British Singapore plan, which was the cornerstone of Australia's defence strategy even at the beginning of the war.

When the Menzies government declared war on 3 September 1939, as in the last war, Australia remained in lockstep with Britain, particularly in the early war years. However, once Australian troops began to be taken prisoner, Australia's decision to stay in lockstep with British policy was called into question. Capturing soldiers on the battlefield would generally be considered part of military operations, and, therefore, the responsibility of the military forces but what happened after capture was decided by politicians and bureaucrats who were (at least formally) bound by international laws and agreements. Early in the war, Britain and the Dominions had little in the way of POW policy. They were signatories to international laws, however, and the British and other belligerent governments established POW policies that generally followed the Geneva Convention. This was not always followed to the letter of the law. Though not sanctioned by the Geneva Convention in most instances, belligerent governments considered reciprocity in the management and treatment of prisoners of war a vital aspect of POW policy. While reciprocal private arrangements were permitted under certain circumstances, for example, the retention of protected personnel and the provision of pay for those POWs used for labour, reciprocity was not part of the Geneva Conventions. Once Italy entered the war in June 1940, it wanted several articles within the Geneva Convention to be renegotiated, focusing on the reciprocity of agreement.

The relationship between Britain, Australia, and the other Dominions was vitally important to the overall running of the early Allied war effort and to solve the problems that arose regarding prisoners of war. The Australian government, happy to present a united policy front on many occasions, would follow British policy, even though it had produced its own National Security Act and Manual of Military Law with provisions for the treatment and management of prisoners of war. However, a change in government in 1941 saw a shift in Australia's attitude toward its role in wartime diplomacy and policymaking. While not wanting to break ties with Britain, the new Curtin Labor

government did want to redefine the relationship. As a result, Australia sought a greater voice in POW matters. The Office of the High Commissioner in London represented Australian interests at the Imperial Prisoner of War Committee meetings. Unfortunately, being a member of the committee did not guarantee any role in determining the direction of policy. Even though the Australian government was committed to presenting a united approach toward POW policy, the lack of consultation and differences of opinion regarding the overall war effort and the management of prisoners of war led to some friction in Australia's relationship with Britain. This was particularly obvious during the shackling crisis in 1942 and 1943, the use of prisoners of war as labour, and the debate regarding the status of Italian prisoners of war after the armistice with Italy in 1943.

Instances of punishment and political reprisals meant that prisoners suffered, but reprisal actions were undertaken because governments wanted to gain an advantage and manipulate the behaviour of the enemy. There was a significant difference between the shackling punishment endured by POWs in Italy and the shackling crisis with the Germans. Both events violated the Geneva Convention, but the event in Italy was a camp-specific punishment that resulted from an incident within the prison camp that was dealt with by camp officials. In contrast, the political reprisal action between Germany, Britain, and Canada that finally involved Australian and other empire troops between 1942 and 1943 was a result of the policy of handcuffing of German prisoners on the battlefield. This resulted in tit-for-tat reprisals being imposed on the prisoners of war in German POW camps, with handcuffs becoming a political weapon of war. The Australian government was particularly unhappy with Britain's handling of the reprisal situation and refused to participate, because it was concerned that Australia's agreement to the reprisal in Europe would adversely affect Australian POWs in the hands of the Japanese.

Labour issues were generally considered a domestic economic matter, and the British government's policy was not to involve itself in the domestic affairs of the Dominions. Consequently, when it came to using POW labour to solve the manpower problem, the Australian government, though referring to British government information, did not directly follow a united empire policy. Instead, the Australian government's response to its domestic labour problems was to work within international law to employ Italian POWs. As the Australian government independently managed its labour needs, the British government handled the diplomatic negotiations regarding POW labour policy, such as communications with the protecting powers and ICRC, especially concerning any violations of the Convention. Breaches of the Geneva Convention articles relating to POW labour seemed to occur mainly in North Africa. Red Cross and protecting power reports from camp visits in North Africa and the Australian Records reveal that Italian authorities employed Australian POWs

during their detention in North Africa, notably in Tobruk, Derna and Tripoli. However, Australian and British archives provide limited evidence about the employment of Australian POWs in mainland Italy, particularly in the early war years.

During the war, the relationship between the British and Dominion governments, the protecting powers, the Vatican, and ICRC were essential to the well-being of Australia's POWs in Italy. They were vital in upholding the Geneva Conventions and other negotiated arrangements between belligerents. These neutral countries and non-government organisations not only provided comforts for the prisoners of war, they also performed camp visits. The visits by the protecting power and ICRC ensured that the Geneva Convention was enforced and provided official information about the number of prisoners, conditions, and treatment of Australia's prisoners of war in enemy hands. Camp visits and communication with prisoners of war would be vital, especially when violations of the convention or other reciprocal agreements occurred. The protecting powers and ICRC were also important third-party intermediaries, not only when breaches occurred but in facilitating the negotiation of wartime repatriation and exchange. However, this thesis has shown that communication from the protecting power and ICRC was slow to reach Australia, preventing Australian authorities delaying any protest regarding the treatment of Australian prisoners. It also revealed that the reports sent by these neutral organisations did not always match the repatriation reports from returned Australian prisoners. As a result, we can see now that the Australian government was not constantly receiving an accurate picture of POW life, which hampered informed decision making.

The wartime Anglo-Italian exchanges that took place between April 1942 and September 1943 were unusual and demanded significant diplomatic negotiations. The importance of the negotiations cannot be overstated. Currently, there is limited research discussing the exchange of prisoners during the Second World War, nonetheless, the prisoner exchanges that took place between Italy and Britain cannot be overlooked in the examination of belligerent diplomatic negotiations. The repatriations were highly significant because they required extensive negotiations between belligerents and the protecting power to facilitate reciprocal agreements, which were guided by the Geneva and Red Cross Conventions. It was in the instance of wartime repatriations that the Geneva and Red Cross Conventions intersected. Protected personnel under the Red Cross Convention were required to be repatriated rather than detained as prisoners, however, if an agreement between belligerents could be negotiated, some protected personnel under the convention be required to remain with the captured troops.

The Australian government was also interested in the ongoing talks to repatriate another category of POW, long-term prisoners. Though not physically unfit, these prisoners suffered the effects

of long-term captivity but may not have met the criteria for repatriation under a mixed medical commission. The Australian government was not directly involved in negotiations but nonetheless understood that it would need to advocate in its communications with Britain in the best interest of its prisoners. To this end, the Australian authorities who were tasked with gathering information on the POWs in Europe that might be eligible ascertained that the age limit and length of captivity would need to be lowered so Australian POWs could meet the eligibility criteria for repatriation. Talks regarding repatriation were lengthy, and the Italian government sent requests to Australia for the repatriation of Italian POWs under the scheme. Since Britain had already agreed to the Italian proposal, Australian authorities were obliged to consider the repatriation of the long-term POWs not already addressed in its policy. Due to the length of the long-term prisoner negotiations, nothing was resolved until early 1945, only months before the end of the hostilities.

The armistice with Italy in September 1943 was a turning point in the war and a challenge for all aspects of POW policy throughout Britain and the empire. International law had never pictured a situation where one belligerent swapped sides midway through a war, consequently, the Geneva and Red Cross Conventions had no specific articles relating to such events. Articles in the armistice agreement and Instrument of Surrender regarding POWs stated that all Allied POWs would be returned to the Allies and transferred to German captivity. Unfortunately for the prisoners, Italy had begun moving them from their camps in the south to northern Italy, making it nearly impossible for the Italians to repatriate them from the German-occupied territory. At the same time, the Australian government sought information from Britain regarding the armistice and what it would mean for Australian POWs in Italy. However, Australia took an independent stance regarding the Italian POWs detained in Australia. It did not believe any change from the established POW policy would be in its national interest. As a result, the Australian government informed Britain that it would continue to manage the Italians as it had before the armistice. In contrast, the new Badoglio government wanted the armistice and change in status to co-belligerent to reflect Italy's support for the Allied cause against the Germans.

The post-war repatriation of prisoners from Europe was not left to chance, with planning taking place as early as 1942. The Australian government approved a draft of the British plan that included a specific section dedicated to the repatriation of Australian POWs. Understanding the plan, the Australian government prepared for Australians to staff reception centres in the Middle East. It informed Britain that Australian prisoners, once in the Middle East, would be under the administrative control of Australian authorities. While most prisoners at the end of the war were eager to return home, not all Italian POWs wanted to return to Italy. With Europe devastated by war, some Italian POWs

thought they had nothing to go home to and applied to remain in Australia and the other Allied countries. However, the applications from the Italian POWs wishing to stay in Australia were not considered a POW policy issue but an immigration matter. The government decided that all Italian POWs would be repatriated under international law. As late as 1947, Australia still had some Italian POWs yet to be repatriated; most were escaped prisoners that were still eluding officials. Wanting to complete the POW repatriations, those who were still evading Australian authorities were invited to hand themselves in for repatriation in accordance with the Geneva Convention. Those who surrendered voluntarily could possibly return once immigration from former enemy countries was permitted, the alternative for those who were recaptured was deportation, which would not allow them to be re-admitted to the country.

This thesis has demonstrated that in addressing issues relating to prisoners of war the Australian government followed a course that balanced the need for a unified POW policy position between Britain and the other Dominions, its international level obligations stemming primarily from the Geneva Convention, and increasingly, the pursuit of Australia's national interest. It has presented a different way of exploring the Australian prisoner of war narrative by scrutinising the Australian government's response to its changing relationship with Britain in the context of international prisoner of war debates. While the graphic detail of the lived POW experience offered by other accounts is an important part of Australia's wartime memory, this thesis has shown that it is necessary to understand the structural environment within which the lived experience of these prisoners unfolded. To do this requires an understanding of the international diplomatic landscape and of government policy.

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