

TRANSLATION OF DOCUMENT No NIK-11981
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

C o p y

taken from the file Allgemeine Organisationsverfuegungen (general decrees concerning organization) of the files of General Thomas by R. Kempo.

Strictly confidential!

September 1942

Preparations for a new Hague Conference.

A new Hague Conference will be held, just as special meetings of various nations have already taken place, in order to consider certain questions (Red Cross, Air War Agreement in the Hague etc.). Great interest is being shown everywhere in these questions. Since a new Hague Conference has, so far, not been convened, other organizations not entitled to take such a step are already concerning themselves with these problems. For instance the Red Cross is dealing with the law applicable to prisoners-of-war, a problem which is beyond the limits of its competency.

Germany, in view of the present development of the political situation, will have to take part in a new Hague Conference. We see the time approaching where Germany will be obliged to join the League of Nations (see course of the present conference of the League of Nations in Geneva). A refusal to participate in a new Hague Conference will then be made impossible. Even without entering the League of Nations, the refusal to accept an invitation for a reorganization of the Hague Conference, would only be used to Germany's detriment for propaganda purposes by our ex-enemy nations, and would again be misrepresented anew as malicious intentions on the part of Germany.

I therefore agree with the Foreign Office that the necessary preparations for a new conference will have to be made in order to be ready and to avoid being unprepared if suddenly faced with such a formidable task, however difficult it may be to undertake certain military commitments at the present time.

The preparations - just as in the case of the last Hague Conference - would for the most part have to be made by the Foreign Office and the Reich Ministry of Defense as the competent authorities. The Reich Ministry of Defense will again be assigned the primary task of

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defining the aspects and military interest which are to form the basis on which Germany should carry on negotiations. The Foreign Office has in the first place asked for this basis to be established.

It is not easy to create a basis. At the former Hague Conference Germany possessed a powerful Wehrmacht equipped with all technical

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devices as well as the unlimited right to develop all military equipment necessary to wage war in accordance with the latest experiences. Thus, the basis was already provided at that time to ensure - but at the same time not to lose face thereby - that these means be applied for the purpose of waging a war and bringing it to a speedy end. Today the German Wehrmacht does not possess anything similar, while the countries surrounding us are bursting with every type of the most modern equipment. At present Germany finds herself in a position similar to that occupied by the smallest nations at the time of previous Hague Conferences; indeed she is even worse off because these nations, at least within their very limited capacity, had the possibility of equipping themselves with the latest inventions of technical science.

The demands made by purely military powers during former Hague Conferences were always opposed by these small states who strove to secure for themselves a position ^{most} favorable for a defensive war. They advocated as much restriction as possible in the use of war appliances which the purely military states possessed to ^{such} a large extent. On the other hand they were strongly in favor of permitting as far as possible the cooperation of quickly organized detachments in the event of a people's war, in order to off-set the superiority of the organized armies of military powers.

Therefore the first basic question to be answered is: What attitude should the German delegation take at a new Hague Conference?

The following questions therefore require consideration:

1.) Does the possibility of a struggle for liberation exist in the not too distant future and is it necessary accordingly to ensure the possible use of all technical and organizational means? For instance, the unrestricted participation of the entire population in the war and in the military operations, the application of aerial warfare against the population, against open towns, against factories;

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the ruthless application of chemical weapons against the hostile army and the population, the unrestricted trade war etc.

2.) Is it likely, in view of the expected development of the political situation in Germany, that within the next 10 or 20 years it will be possible to take all organizational measures so that all technical resources for a large-scale war can be made available in a short time, thus enabling us to enter into the struggle with approximately the same strength and type of equipment very soon after the outbreak of a war? On the other hand, assuming that we act on the basis mentioned under 1.), the enemy will immediately and ruthlessly employ his extensive technical means of power and frustrate the establishment of any German organization, planned in the last moment.

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3.) Can we, in consideration of the present political situation, at all afford to advocate a ruthless use of force? Is this not likely to result in another hate-campaign against Germany, in new and more intensive measures of control and a closer coordination of our enemy nations? The ex-enemy powers, quite aware of their present military superiority, will undoubtedly advocate a strictly regulated conduct of war and lay the greatest stress upon observance of all laws of humanity.

To begin with, such fundamental questions would have to be cleared; then the individual problems will have to be dealt with and studied point by point. The best method would be to examine and study the individual articles of the present Hague Convention, to see in how far they furnish clear instructions which were applied during the war, how far they do not correspond to modern warfare and for that reason cannot be adhered to, where gaps existed, which questions had not yet been touched upon and codified at all. The next step would be to consider what attitude we should take with regard to each individual question, to consider our interests and finally to suggest proposals for a new formulation.

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The latter will have to be considered jointly with the Foreign Office.

Owing to its difficult nature and the differences in diplomatic and military interests which are most likely to arise, the whole task will require a considerable amount of time. In order to achieve positive results quickly, it will be wise to deal first of all with those questions, for the solution of which a certain amount of ground-work has already been covered, i.e. the work of the Parliamentary Investigation Committee. The following, for instance, belong to these questions:

- a) gas warfare
- b) aerial warfare
- c) people's war
- d) U-boat war
- e) the question concerning the destruction of stretches of land and villages.

These are the questions in which we military men are, above all, interested.

With regard to the practical execution of this task it must be considered:

1.) Which department shall conduct negotiations with the Foreign Office?

We think T.V. would be most suitable for this duty since they

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have the best experience in all international matters, know the work of the Parliamentary Investigation Committee and already have sufficient contact with the legal department of the Foreign Office, the section of the Foreign Office which has to deal with this affair. The T.A. (Truppenamt - Troop Office) would then have to furnish the T.V. with the military basis mentioned above and with directives stating the reasons clearly and in as much detail as possible.

The T.V. with only one referent at their disposal who at the same time functions as chief, will not be able to cope with this extensive amount of work in addition to their other tasks. The organization needs to be enlarged. For this purpose, only General Staff officers of senior age-groups are to be considered, who have full understanding and a certain preliminary training in this field of activity which is somewhat outside the range of general military duties. The chief, who later on will have to represent the Reich Ministry of Defense at the Hague Conference, must be an eloquent senior officer, well

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experienced in diplomatic affairs and in conducting negotiations, whose personal appearance and mental faculties enable him to be a worthy representative of the German Wehrmacht, who must also know how to present his views successfully at the Foreign Office. He must speak French fluently, and will have to be commissioned with this task for a considerable length of time. A replacement of the person occupying this position must be ruled out for some time to come. It must therefore be realized that the successor of the present chief of the T.V. must be available for this special task for a considerable period of time.

The T.A. (Troop Office) is to provide for the creation of the military basis, i.e. the manifestation of military interests and their justification. The individual departments, according to their sphere of duties, will have to cooperate. Many a point will require previous joint discussion between the department chiefs. It would be advisable for the chief of the T.V. to attend the initial discussions of the T.A. (Troop Office) already now, so as to enable him to gain a clear picture of the development of the deliberations. He may also on this occasion report on his experiences gained when the problems were studied in the Parliamentary Investigation Committee.

Right from the start a representative of the Navy Command will have to be consulted at all discussions so as to guarantee the observance of the general guiding principles when the interests of both the Army and Navy are represented.

To begin with, I propose to take up the following questions:

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- a.) General attitude to be taken during the Hague Conference.
- b.) Gas warfare.
- c.) Aerial warfare.
- d.) People's war.
- e.) U-boat war.
- f.) The question of the destruction of stretches of land and communities.

For this purpose I will have the records of the meetings at which these problems were discussed, as well as the voting results of the Parliamentary Investigation Committee, reprinted and will have them submitted to the offices concerned, to enable them to acquaint themselves with the views held on these questions by experts on international law and of parliamentarians. Perhaps I shall have to ask for some help

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from the department to assist in copying the extensive documents.

In order not to forestall the judgment of the competent departments, I deliberately refrain from stating any definite opinion on the fundamental questions in connection with my suggestion, though I have formed my own opinion.

The work should begin as quickly as possible, because the convening of a Hague Conference may be near at hand.

I have refrained from submitting this proposal until today, because I wanted to allow for the political situation, which is of importance in beginning the work, to be clarified. (Possible change of Government, the Dawes report, Geneva etc.) I propose to submit an interim report to the Foreign Office - which, in view of the course which the London negotiations and the Geneva Conference are taking, now urges the preliminary work for a new Hague Conference to be taken in hand, - promising to furnish them with the first preliminary military work by the middle of October. I have already been informed that this date seems to suit the Foreign Office.

I again attach my former application and the data for your information.

Enclosures:
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missing
not enclosed!
initial: 3 October

(signed:) Von STUELPNAGEL (Otto)
Oberstleutnant

(illegible handwritten notation).

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CERTIFICATE OF TRANSLATION

November 19, 1947

I, Hannah Schlesinger, 20081, hereby certify that I am a duly appointed translator for the English and German languages and that the above is a true and correct translation of the document No NIK-11981.

Hannah Schlesinger
No. 20081

"END"

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