THE HAGUE PEACE CONFERENCES: 1899 AND 1907

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CERTIFICATE

Certified that the dissertation entitled **"THE HAGUE PEACE CONFERENCES: 1899 AND 1907"** submitted by **Mr. Manavendra Verma** in partial fulfilment for the award of the degree of **Master of Philosophy** of the University, is a bonafide and original work to the best of our knowledge and may be placed before the examiners for evaluation. This dissertation has not been submitted for the award of any other degree of this University or any other University.

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FOREWORD

Along with the history of civilisation itself, another history begins; that of war. And, the tragedy of their co-existence is routed to an awareness. Before the evolution of the modern man, the predecessors of war were phenomena that were essential to sustain each mortal struggle for survival. The choiceless man of the pre-historic past needed to massacre and hunt-or else, he was hunted to be massacred.

But, the modern man. Living in a civilised society has enabled him to choose between the options perched at ideological extremes: the tranquility in peace and the bloodshed of war. Motivated by vested interests, however, he has often opted for the latter, whipping apart social discipline and calm with gory episodes of "disciplined" human destruction.

Indeed, war was a reality. And, at the turn of the twentieth century, war seemed inevitable. The geopolitical trusts of the period were too prominently outlined to be vague - the reason why the two peace conferences at the Hague in the years 1899 and 1907 were equally inevitable. Their dates might have changed, but they had to happen, since any mind sensitive to the prevelent realities was aware that peace was in a state

of coma. The Conferences took place, and in retrospect, were nominally successful in their aims to establish international peace. However, they had begun a process as a result of which the words "war" and "civilization" need not make an ironical conjunction today.

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INTRODUCTION

In the annals of history to have survived the rust of time, the peace conferences of 1899 and 1907 lead peripheral lives. Indeed, it is galling to see the apathy of most books of modern history, which quite explicitly have very little concern for the relevance of these conferences. To an observer, it might appear as if the rest of history has subdued the facts about the two peace conferences in a permanent, and predetermined, eclipse.

The current state of sustained academic negligence can be ascribed to an infatuation with the results of the conferences. As history has proven often, people in general are content to deify the achievements, while the means, taking off from an obscure starting block, become inconsequential.

To the casual historian of modern times, what matters is the contemporary political reality, which is prone to distance the happenings in the conferences for a very basic reason. It is undeniable that the conferences weren't potent enough to stop the first world war. So, an obvious proclivity among the majority has been to ignore them as futile meetings where nothing constructive was achieved. To be sure, several resonant resolutions were passed, but quirky historical tides transformed them into ineffectual forays for international peace. The chaos, the terror and the

massacre generated by the first world war seemed to be pregnant with the suggestions that the peace conferences contained no valid historical meaning.

However, the following pages aim to scrutinise the issue from a diverse perspective. Like others, one doesn't seek to establish the undeniable : in other words, the fact that the first world war did nullify the immediate and short term ends of the peace conferences. However, one aspires to contend that the peace conferences were mankind's first systematic attempts to establish peace.

The immediate achievements do little to give the conferences, their dues. But, the means employed laid down the theoretical and practical framework within which most of the international affairs have been conducted.

Before proceeding further, it is germane to point out the historically vital and unique features of these two conferences.

These were *the first peace conferences conducted during peace*. Their timings were unlike their predecessors, since disarmament negotiations during wars had been customary and often, inevitable. The predictable ritual was that the victors dictated terms which the

humbled party accepted, however unwillingly. These negotiations, therefore, turned out to be the harbingers of wars between the two parties in future. The concept of peace was necessarily transient, an extended ceasefire as some might have said.

The peace conferernces of 1899 and 1907 were distinctly visible departures from such a philosphy. Theirs was a contention that living in arms could not be a blissful state of being for any nation. It was recognised that war was detrimental , both socially and economically ,spawning as it did, an endlessly vicious cycle that left no real and permanent victors. Peace, on the other hand, gave every nation a chance to develop to its maximum potential, unfettered by the crippling demands of war.

The notion of a brotherhood of nations, however,flawed, was introduced. The conferences functioned under the cardinal principle that no power, however big, could dictate proceedings and that no power, however small, was insignificant. Consensus was the watchword. It was the first time that so many nations from around the globe had gathered in such an egalitarian spirit. The Eurocentric bias of previous conferences had been bypassed in favour of a more cosmopolitan gathering. For the first time, it indicated that nations were confronted with identical

problems and that uniform solutions which did not hurt comparative interests could be achieved.

Despite ostensible failures, several path-breaking resolutions were adopted which were to act as a guiding light for humanitarian values. Legal principles were established, and fixed arbitration laws laid down. The idea of an International Court of Justice was mooted to promote peace time international institutioins which would make war an avoidable option.

The peace conferences were held at a time when the international political system had been pinioned by a reign of turbulence. European hegemony over world affairs was declining ; colonial expansion had neared its climax ; America and Russia were beginning to acquire prominence and the world map was about to be redefined. New nation- states were established, which included Germany and Japan.

The world was in a flux. And, perhaps, war was inevitable. The peace conferences failed, not because their efforts were misdirected but because they had been mistimed. The geo-political conditions hadn't acquired the kind of stability that would make peace, a sustainable alternative.

Perhaps, it is more fitting to view the confer-

ences as heroic attempts to change the course of history than as failures. With its internationaal pacific institutions, the modern world is a metaphor for their aspirations that have flowered well after they might have.

The dissertation is segmented into three parts. The first section endeavours to scrutinise the strengths, the foibles, and the drifts in policy made by the great powers. The two sections that follow describe the conferences and their aims, essaying to pinpoint their successes and failures. The conclusion, thereafter, sums up the exact contributions.

The enhancing number of wars symptomised the hastening of decay within Europe. To terminate the menace posed by consequential internal crisis, the peace conferences can be perceived as intrepid attempts at that time.

The conferences achieved little. Perhaps, nothing if one talks in terms of instantly visible gains. There was a disastrous world war, whose consequences put grey fingerprints across whatever the resolutions sought to achieve. But they enlightened the world with a fundamental truth : Of all the human values, nothing was so desirable and essential as peace.

CHAPTER I

COLONIAL RIVALRIES AND ARMS RACE : 1870-1900

As if by some ordinance of nature, in every century there seems to emerge a country with the power, the will, and the intellectual and moral impetus to shape the entire international system in accordance with its own values. In the seventeenth century, France under Cardinal Richelieu introduced the modern approach to international relations, based on nation-states and motivated by national interests as its ultimate purpose. In the eighteenth century, Great Britain elaborated the concept of the balance of power, which dominated European diplomacy for the next two hundred years. In the nineteenth century, Metternich's Austria reconstructed the Concert of Europe and Bismarck's Germany dismantled it, reshaping European diplomacy into a cold-blooded game of power politics.

The Hague Peace Conferences of 1899 and 1907 were held under a shadow of fragile peace. It is true that unlike the seventeenth and eighteenth centuries which were marked by lengthy coalition wars, the nineteenth century was an era of strategic equilibrium. This was the time when no nation was either willing or able to make a bid for military dominance, resulting in comparative peace. Yet, the spectre of war continued to haunt all the national corridors.

The prime concerns of the governments in the post- 1815 decades were domestic instability and

further expansion across their continental land masses. The international scene , relatively stable unlike earlier, allowed the British Empire to rise to its zenith as a global power. Not only in naval, colonial and commercial terms, but the circumstances also interacted favourably with its virtual monopoly of steam-driven industrial production.

In the second half of the nineteenth century, however, industrialization was spreading to certain other regions. As a result, there was an obvious tilt in the international power balance. The subsequent movement was discernible : from the older leading nations, there was a tilt towards those countries with both the resources and organisation to exploit the newer means of production and technology. Already, the few major conflicts of this era-the Crimean War to some degree, but more especially the American Civil War and the Franco-Prussian War-were bringing defeats upon those societies which failed to modernise their military systems. Such antiquated societies, in the absence of broad-based industrial infrastructure to support the vast armies and much more expensive and complicated weaponry , failed to come to terms with the transformed nature of war.

As the twentieth century approached, the pace of technological change and uneven growth rates made the

international system much more unstable and complex compared to five decades earlier. This manifested in the frantic post- 1880 jostling by the Great Powers for additional colonial territories in Africa, Asia, and the Pacific. Each of these moves were executed partly for material gain, partly out of a psychological apprehension of being eclipsed. It also revealed itself in the increasing number of arms races, both on land and at sea, and in the creation of fixed military alliances, even in peace time, as various governments indulged in diplomatic handshakes in their gambits for a possible future war.

Behind the frequent colonial quarrels and international crises of the pre-1914 period, however, the decade-by-decade indices of economic power were pointing to even more fundamental shifts in the global balances. Despite their best efforts, traditional European Great Powers like France and Austria-Hungary, and a recently unified Italy, were losing out in the contention for power.

In contrast, the enormous, continent-wide states of the United States and Russia were surging to the forefront, despite the inherent shortcomings of the Czarist state. Among the Western European nations, only Germany's bulge was potent enough to let it permeate the select league of the future world powers.

Japan, on the contrary,was intent upon sitting tight over its dominance in East Asia. Inevitably, all these changes posed considerable, and ultimately insuperable, problems for a British Empire which now found it much more difficult to defend its global interests than it had half a century earlier.

The *fin de siecle* observers of world affairs were in agreement about the acceleration of the economic and political change. They also agreed that the enhanced pace was likely to make international order more fragile than before. Alterations had always occurred in the power balances to produce instability and often war.

Within a few decades - a short time indeed in the course of Great Power system - Europe would be tearing itself apart and several of its members would be close to collapse, while no one then could accurately have predicted that the limited clashes and wars of the nineteenth century would develop into the two world wars of the next century. Many acute observers could sense the motives behind the dynamics of world powers. Intellectuals and journalists in particular, but also day-to-day politicians, talked and wrote in terms of a vulgar Darwinistic world of struggle, of success and

failure, of growth and decline.[1] The era of military expansion had rapidly assumed the shape of military overstretch and the two peace conferences may be viewed as early measures to arrest the impending decline of Europe.

A summarised look at the prevalent state of affairs in the countries that participated in the two conferences will illustrate the limitations and aspirations that shaped the nature of these conferences.

GREAT BRITAIN

At first sight , Britain was imposing. In 1900 she possessed the largest empire the world had ever seen, some twelve million square miles of land and perhaps a quarter of the population of the globe. In the preceding three decades alone, it had added 4.25 million square miles and 66 million people to the empire. There were other indicators of British strength: the vast increases in the Royal Navy, equal in power to the next two largest fleets; the unparalleled network of naval bases and cable stations around the globe; the world's largest merchant marine by far, carrying the goods of what was still the world's greatest trading nation; and the financial services of the

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1.F.H.Hinsley, Power and the pursuit of peace,pp.300 ff.

city of London , which made Britain the biggest investor, banker, insurer, and commodity dealer in the global economy.

Britain could still afford to be isolationist in the 1870s. She was the nation that gave birth to Industrial Revolution and had consequently established a fair lead over her European rivals. She was the world's leading trading nation and her interests were mainly outside Europe. Her army was designed for service in India or for colonial expeditions and not for service on the continent. The only war that Britain had fought after 1815 was the Crimean war against Russia. So, British strategy was dominated by the fact that she ruled India and needed to protect the routes to India and the security of India's frontiers. For this reason she was suspicious of Russia's expansion eastward into Central Asia; and, was concerned with the fate of the `sick man of Europe', the declining Ottoman empire. Preoccupation with India underlay Britain's interest in Egypt, and Britain became increasingly involved in Egypt after the opening of the Suez Canal in 1869. In turn this involvement created its own strategic needs, and led in the 1880s and 1890s to a further involvement in Central and Southern Africa.

It was, indeed, Russia rather than Germany or France which remained Britain's main rival until the

end of the century. It was Russia which seemed to have both the motive and the geographical position to enable her to threaten India and the routes to it. Also Britain was firmly asserting and exercising its annexationist policy during the period 1870 and 1900. She was a major gainer when Africa was divided in the 1880s. She had firmly based herself on the Cape and began to push northwards. She appropriated Bechuanaland in 1885, Rhodesia in 1889 and Nyasaland in 1893 . This resulted in a broad wedge between German South West Africa and German East Africa, which approached the southern borders of the Congo Free State.

After 1870, however, the shifting balance of world forces was eroding British supremacy in ominous and interactive ways. The expanse of industrialisation and the consequential changes in the military and naval weights weakened the relative position of the British Empire more than that of other nations. At this juncture, Britain was *the* established Great Power, with less to gain than lose from fundamental alterations in the status quo. It had not been as directly affected as France and Austria-Hungary by the emergence of a powerful, unified, Germany. Yet, it was *the* state most impinged upon by the rise of American power, since British interests were much more prominent in the Western hemisphere than those of any other European

country;[2] it was *the* country which, by enjoying the greatest share of China's foreign trade, was likely to have its commercial interests most seriously damaged by a carving up of the Celestial Empire or by the emergence of a new force in that region.[3]

The second, interacting weakness was less immediate and dramatic, but perhaps even more serious. It was the erosion of Britain's industrial and commercial pre-eminence, upon which, in the last resort, its naval, military, and imperial strength rested. Established British industries such as coal, textiles, and ironware increased their output in absolute terms in these decades, but their relative share of world production steadily diminished; and in the newer and increasingly more important industries such as steel, chemicals, machine tools, and electrical goods, Britain lost its early lead. However, its financial strength continued to be impressive. Just before 1914, it had a quite fantastic sum of $ 19.5 billion worth of overseas investment, which amounted to nearly 43 % of the world's foreign investment. This debarred it from being able to afford the extravagance of a large scale, expensive war. And, what was even more suspect was

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2.Paul Kennedy, The Rise and Fall of the Great Powers, p.252

3.P.Lowe, Britain in the Far East : A survey from 1819 to the present, chs.3-4.

whether it could preserve its liberal political culture if forced to devote more and more of its national resources to armaments and to modern, industrialised war.

Nonetheless, the merger of financial resources, productive capacity, imperial possessions, and naval strength was laden with a connotation : Britain was still the `number one' world power, even if its lead was much less marked than in 1850.

GERMANY

The end of the Franco-German war marked the beginning of new colonial policies in France and Germany. Since the newly founded German Empire was surrounded by powerful enemies and doubtful allies, it was not unnatural for them to form the idea of colonial empire. During the 1870s, vigorous literature championed the policy's cause-- a phenomena whose notion germinated in the hands of Bismarck. The military success of Prussia and other German states was due to the careful military planning which had preceded the war, but it also reflected important economic and political development. Two factors ensured that the rise of imperial Germany would have a more immediate and substantial impact upon the Great Power balances than either of its fellow `newcomer' states. The first was that, far from emerg-

ing in geopolitical isolation, like Japan, Germany had arisen right in the centre of the old European states system, and its existence had altered the relative position of *all* of the existing Great Powers of Europe. The second factor was the sheer speed and extent of Germany's further growth, in industrial, commercial, and military/naval terms. By the eve of the First World War its national power was not only three or four times Italy's and Japan's, it was well ahead of either France or Russia and had probably overtaken Britain as well.

It was in its industrial expansion that Germany really distinguished itself in these years. Its coal production grew from 89 million tons in 1890 to 219 million tons in 1913, just behind Britain's 292 million and far ahead of Austria-Hungary's 47 million, France's 40 million, and Russia's 36 million.[4] More impressive still was the German performance in the newer, twentieth-century industries of electrics, optics, and chemicals. What *was* significant about German expansionism was that the country either already possessed the instruments of power to alter the status quo or had the material resources to create such instruments. The most impressive demonstration of this capacity was the rapid buildup of the German navy after 1898, which

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4.James Joll, Europe since 1870, p.1

under Tirpitz was transformed from being the sixth largest fleet in the world to being second only to the Royal Navy. With the exception of Britain, Germany bore the `burden of armaments' more easily than any other European state.

But the German Empire was weakened by its geography and its own diplomacy. Because it lay in the centre of the continent, its growth appeared to threaten a number of other Great Powers simultaneously. The efficiency of its military machine, coupled with Pan-German calls for a reordering of Europe's boundaries, alarmed both the French and the Russians and compelled an ideological unification. The swift expansion of the German navy upset Britain, as did the latent German threat to the Low Countries and northern France. Germany, in a scholar's phrase, was `born encircled'.[5] Even if the nation's expansionism was directed overseas, where could it go without trespassing upon the spheres of influence of other Great Powers? Although it tried to preserve peace in Europe, its imperialist policy was detrimental to peace outside. Germany got interested in Samoa in 1880, and its imperialist career began in 1884 with a policy for African protectorates and annexations of Oceanic island. During the next

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5.Calleo, German Problem Reconsidered, Introduction Quoted in Kennedy, Rise and Fall of the Great Powers, pp.273-74.

fifteen years, the nation colonised about 1,000,000 square miles.[6]

FRANCE

In November 1860, Napoleon III loosened the reins of his autocratic power and inaugurated the phase of so called `Liberal Empire' which brought a revival of parliamentary and electoral activity in France. This gave an impetus to industries. The period between 1870 and 1900 saw a great development in banking and financial institutions participating in industrial investment and foreign lending. The iron and steel industry was established along modern lines and great new plants were built. Between 1871 and 1900, France had added three and a half million square miles and 26 million people to its empire, and it possessed the largest overseas empire after Britain's.[7]

In 1880s, France was challenging Britain in Egypt and West Africa and was engaged in a determined naval race against the Royal Navy, quarreling with Italy till they nearly locked horns; and girding itself for the *revanche* against Germany.

6.J.A.Hobson, Imperialism : a study, p.20.

7.David Thomson, Europe since Napoleon, p.248.

All this was compounded by the swift deterioration in Anglo-French relations which followed the British occupation of Egypt in 1882. Persistence and threatening were the frequent Anglo-French colonial clashes. Britain and France had quarrelled over the Congo in 1884-5 and over West Africa throughout the entire 1880s and 1890s. In 1893, they seemed to be on the brink of a war over the occupation of Siam. The greatest crisis sprouted in 1898, when their sixteen year- old rivalry over control of the Nile Valley climaxed in the confrontation between Kitchener's army and Marchand's small expedition at Fashoda. Although the French backed out on that occasion, that did not undo their intrepid imperialist aspirations.

Until Henry Ford's mass-production methods were developed, France was the leading automobile producer in the world. Railway-building received another shot in the arm in the 1880s, which together with improved telegraphs, postal system, and inland waterways, created the trend of a national market.

Agriculture had been protected by the Meline tariff of 1892, and there remained a focus upon producing high-quality goods, with a large per capita added value. There was the undeniable fact that France was immensely rich in terms of mobile capital, which could

be applied to serve the interests of the country's diplomacy and strategy. The most impressive sign of this had been the very rapid paying of the German indemnity of 1871 . By 1914, France's foreign investment totalled $ 9 billion, which was next only to Britain's.

Yet, as soon as comparative economic data are used, the positive image of France's growth shows a different shade altogether. While it was certainly a large scale investor abroad, there is little evidence that French capital was assured of optimal returns, either in terms of interests earned[8] or in the rise in foreign orders for French products. Its total industrial potential was only about 40% of Germany's, its steel production was little over 1/6th, its coal production hardly 1/7th. Mainly due to infrastructural handicaps, whatever amount of coal, steel, and iron was produced was usually more expensive. Given its small plants, obselete practices, and heavy reliance upon protected local markets, it is not surprising that France's industrial growth in the nineteenth century had been coldly described as `arthritic... hesitant, spasmodic, and slow'.[9]

8.Paul Kennedy, Rise and Fall of the Great Powers, p.286

9.Trebilcock, Industrialization of the Continental Powers, p.158

By the early twentieth century, France was only the fifth among the Great Powers. Yet it was the erosion of French power vis-a-vis Germany which mattered, simply because of the bitter relations between the two countries. Throughout the 1870s and 1880s the French high command had struggled in vain against `a condition of unacceptable inferiority'.[10] France was not strong enough to oppose Germany in a one-to-one struggle, something which all French governments were determined to avoid. Since the mark of a Great Power was a country which was capable of dealing with a potential combatant, France's was a stance of diplomatic reticence.

SPAIN

Spain had remained isolated from the development of the rest of Europe. The government was weak and unpopular; and the attempt in 1868 to establish a federal republic, after discontent with the rule of Queen Isabella had become so widespread that she was forced to abdicate, had ended in disorder and failure. In vast areas of the South , absentee landlords owned huge estates which were hardly productive for the average peasant's sustenance.

10.Mitchell, Victors and Vanquished, pp,109-111.

Few of the conditions extant in Spain rhymed with the political and economic changes experienced by most of the countries of Europe in the later nineteenth century. Spain remained isolated, often deliberately, from the rest of the world till 1898 . Defeated by the U.S., which was followed by the loss of her remaining colonies in America and the Pacific, some of the Spaniards were forced into questioning their nations' destiny. Historical authenticities showed that an unaided, weak power, however grand its past, could not hold its own without allies in the power struggle of the contemporary world.

And, latching on to the memories of a past, but without a present, Spain seemed to be an isolated insider.

RUSSIA

The empire of the Czars was an automatic member of the select club of `world powers' in the last decades of the Nineteenth century. Its landscape stretched from Finland to Vladivostok, which was an awesome expanse by the prevalent geo-political standards. And its population was huge, nearly thrice the size of Germany and nearly four times that of Britain.

Between 1860 and 1913, Russian industrial output grew at the impressive annual average rate of 5 per cent, and in the 1890s the rate had leapfrogged to 8 per cent. Enormous factories, frequently employing thousands of workers, mushroomed around St. Petersburg, Moscow and other major cities. The Russian railway network, already some 31000 miles in 1900, was constantly augmented, so that by 1914 it was close to 46000 miles. Foreign trade nearly tripled between 1890 and 1914, when Russia became the world's sixth largest trading nation.

A dispassionate appraisal , however, gives one an access to a different picture altogether. Even if there were approximately three million workers in Russian factories by 1914, that represented the appallingly low level of 1.75 per cent of the population. By the early twentieth century, Russia had incurred the largest foreign debt in the world. And, arguably, perhaps, the best indication of its under- developed status was the fact that as late as 1913, 63 per cent of Russian exports consisted of agricultural produce and 11 per cent of timber.[11]

The larger social implications of this unhealthy combination of agrarian backwardness, industrialisa-

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11.Munting, The Economic Development of the USSR, P.34.

tion, and heavy military expenditure are easily conceivable. Such conditions, the callous implementation of sub-human norms within the factories, and the lack of any appreciable real rise in living standards produced a sullen resentment against the system. This, in turn, offered an ideal breeding ground for the populists, Bolsheviks, anarchosyndicalists and radicals who argued for drastic changes.

JAPAN

Japan seemed destined to remain politically immature, economically backward and militarily impotent in world power terms.[12] Crippled by the absence of natural resources and by a mountainous terrain that left only 20 per cent of its land suitable for cultivation, the nation lacked all the customary prerequisites for economic development. Yet, within two generations, it had become a major player in the international politics of the Far East.

The cause for this transformation, effected by the Meiji Restoration from 1868 onward, was the determination of influential members of the Japanese elite to avoid being dominated and colonised by the West even if the reform measures to be taken involved the scrapping

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12.Kennedy, Rise and Fall of the Great Powers, P.265.

of the feudal order and the bitter opposition of the samurai clans.[13] Japan had to be modernised not because individual entrepreneurs wished it, but because the `state' needed it. A new constitution, based upon the Prusso-German model, was established. The legal system was reformed, the educational system vastly expanded. A modern banking system was evolved. Experts were brought in from Britain's Royal Navy to advise upon the creation of an up-to-date Japanese fleet. The state encouraged the creation of railway network, telegraph and shipping lines and Japanese entrepreneurs developed heavy industry, iron, steel and ship building and textile production was modernised.

Even then, however, Japan was not a full-fledged Great Power. Japan had been fortunate to have fought an even more backward China and a Czarist Russia. Furthermore, the Anglo-Japanese alliance of 1902 had allowed it to fight on its home ground without interference from European powers. Its navy had relied upon British built battleships, its army upon Krupp guns. Most importantly, it had found the immense costs of the war impossible to finance from its own resources. Yet, it had been able to rely upon the finance funded by

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13. Beasley, The Meliji Restoration, and Norman, Japan's Emergence as a Modern State.

the United States and Britain.[14]

As it turned out, Japan was close to bankruptcy by the end of 1905, when the peace negotiations with Russia got underway. Nevertheless, with victory confirmed, Japan's armed forces were glorified and admired. Its economy was able to recover, and its status as a Great Power (albeit a regional one) acknowledged by all. Japan had come of age. And more important, it was the first Asian country to have a say in European (or rather, World) politics.

UNITED STATES

Of all the changes which were taking place in the global powers balances during the late 19th and early 20th centuries, there is little doubt that the most decisive one for the future was the growth of the United States. With the Civil War over, the United States was able to exploit rich agricultural land, vast raw materials and railways, steam engine, and mining grew at a fantastic rate. The lack of social and geographical constraints; the absence of significant foreign dangers; the flow of foreign as well as domestic investment capital transformed it at a stunning

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14.Cited in Kennedy, Rise and Fall of the Great Powers, P.269.

pace.

The United States seemed to have *all* the economic advantages which *some* of the other powers possessed *in part*, but *none* of their disadvantages. In industry and agriculture and communictions, there was both efficiency and size. Therefore, it was not surprising that U.S. national income, in absolute figures and per capita, was so far above everybody else's by 1914.[15] The growth of American industrial power and overseas trade was accompanied by more assertive diplomacy and by an American-style rhetoric of *Weltpolitik*.[16]

The 1895 quarrel with Britain over the Venezuelan border dispute - justified in terms of the Monroe Doctrine - was followed three years later by the much more dramatic war with Spain over the Cuban issue. But the really novel features of American external policy in this period were its intervention and participation in events *outside* the western hemisphere. The war with Spain in 1898 gave the United States a position in the Western Pacific (the Philippines) which made her a colonial power. Secretary of State Hay's `Open Door' note in the following year was an early indication that the United States wished to have a say in China.

15.Wright, Study of War, pp.670-71.

16.Dallek, The American Style of Foreign Policy, chs.1-3.

Along with these diplomatic actions was a steady increase in military expenditure. Of the two services, the navy got the most, since it constituted the front line of the nation's defence in the event of a foreign attack and also the most useful instrument to support American diplomacy and commerce in Latin America, the Pacific and elsewhere. Already in the late 1880s, the rebuilding of the fleet had commenced, but the greatest boost came at the time of the Spanish - American war. The army, too, had been boosted by the war with Spain, at least to the extent that the public realised how minuscule it actually was, how disorganised the National Guard was, and how close to disaster the early campaigning in Cuba had come.

The United States had definitely become a Great Power. But it was not part of the Great Power system. No one was in favour of abandoning the existing state of very comfortable isolation. Separated from other strong nations by thousands of miles of ocean, possessing a negligible army, content to have achieved hemispheric dominance, the United States stood on the edges of the Great Power system. And since most of the other countries after 1906 were turning their attention from Asia and Africa to developments in the Balkans and the North Sea, it was perhaps not surprising that they

tended to see the United States as less a factor in the international power balances than had been the case around the turn of the century. That was yet another of the common assumption which was proved wrong.

The balance of power situation in Europe was precariously poised. The minor skirmishes of the time had all the makings of developing into a full scale conflagration. The First World War was not far away and its iniitial symptoms could be detected in the periodic flareups that were characteristic of the twentieth century Europe. The Fashoda crisis and the Eastern question were but two eloquent omens that suggested that peace was in trouble.

FASHODA CRISIS

The friction between Britain and France over Egypt and the Sudan climaxed in the famous incident of Fashoda. The tussles between the nations dated back to the years between 1850 and 1870, when French and British interests and engineers built the Suez Canal and Eyptian rail roads, and when Egyptian cotton assumed a new importance in world markets (especially in the British market) during the American Civil War.

More than any other part of the Ottoman empire, Egypt in 1870 had become westernised in its inclina-

tions. But lavish foreign loans were needed to sustain this process of westernisation. Keeping this in mind, the British and the French set up a system of financial `dual control' whereby the wealthy twosome could support the Egyptian economy. Gradually, after a battle of wits, the English brought Egypt under their protectorate. Following this, British engineers built the Aswan dam in 1902. France's resentment after its ouster was predictable, but it consoled itself by extending its control over other parts of North Africa and the Near East.

By the 1890s, with the exploration of the interior of Africa, fresh fields for Anglo-French competition appeared in the Sudan. Britain, firmly established on the lower Nile, made it clear that she would view any French advance into the upper Nile as a hostile act. In 1896, Britain's decision to reconquer the Sudan followed in an assembly of a strong Anglo-Egyptian force in Egypt. From Uganda in the South the rail-road was pushed northward, and some began to think of one continuous Cape-to-Cairo territory under British control. The French, meanwhile, had intentions that set forth their ambitious imperialist perspective - the completion of one continuous belt of French territory stretching from Dakar to the Gulf of Aden. The missing link was the gap between the southernmost limits of effective Egyptian power in the Sudan and the northern-

most bounds of British power in Uganda. The strategic point in this gap was Fashoda. Any move, from either of the country, could have resulted in a war between these two nations. But good sense that prevailed between the leaders posted in Africa, coupled with statesmanship in Europe, averted this crisis. Herbert Kitchner of Britain and Captain Jean Baptiste Marchand of France were the opposing leaders in Africa. Through mutual consent, they came to a sedate conclusion -- a conclusion for peace.

The two Hague peace conferences were held under a shadow of *bellicosity*. They were attempts to stall the train of events that could have generated nothing short of an avoidable disaster in Europe.

CHAPTER II

THE HAGUE PEACE CONFERENCE OF 1899

If E.J. Dillon, the British Journalist, can be relied upon, the Hague Peace Conference of 1899 was a fortuitous accident. The conference became a possibility when a squadron despatched by the Czar to Port Arthur reported that Germany had succesfully completed the laborious and expensive process of manufacturing new improved artillery which had been supplied to the army. This meant that the balance of power had tilted away from Russia and Austria which still relied on outdated guns.

The Russian Minister of War Kuropatkin believed that this was not necessarily so. While equipping the Russian and Austrian forces could have temporarily restored the balance of power, the heavy expenditure involved would have inescapably taken its toll in the not-so distant future. The adoption of such a strategy would have ultimately weakened both the parties. The need for a plan was felt whereby both the parties would forego the modern gun option. The rewards of such a suggestion were obvious : needless killings wouldn't accrue, exorbitant taxation could be evaded, and the balance of power between both the nations would continue to retain its former position. While the status quo under threat would prevail, the armament race would remain confined to Germany and France without being problematical for either Austria or Russia

who would be saving precious resources in the bargain.

The Russian Minister of Finance Witte, however, sneered at the suggestion's impracticality because, in his opinion, any references to Russia's impecunios condition would encourage Austria to believe that it bordered on insolvency and hasten Austria's efforts to upgrade its artillery. But he saw the soundness of the principle that Kuropatkin had invoked. He expanded the scope of Kuropatkin's suggestion, edited references to rather than merely Austria and Russia so as to "avoid invidious distinctions and leave no ground for misgivings."[1] Thus a ministerial suggestion in one country had sown the seeds of a global peace conference.

Other writers, however, do not see quite such a dramatic origin of the Hague Peace Conference of 1899. James Brown Scott reveals that during the opening of the First conference, the Dutch Minister of Foreign Affairs attributed the calling of the conference to the traditions of the Czar's imperial house, which statement was referred to with satisfaction in the closing presidential address of Baron de Staal. It has been said that M.de Bloch influenced the Czar against the increase of armaments and exposed before him the terrors of war in such a way as to induce, or to predis-

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1. Dillon, Eclipse of Russia, p. 276

pose, the Czar to call the conference. Again, it is pointed out that the Czar was preeminently a man of peace, and with more than a touch, in his make up, of his ancestor Alexander I, who not merely dreamed of a Holy Alliance, but established one in order to maintain the peace of the world.

A cardinal principle of the Hague Peace Conference was that it had not assembled to secure the assent of a few or to foist upon the majority the diktat of a dominant minority . On the contrary, the conference's motive was rooted in a notion that would bind all in universal brotherhood. A stated purpose of the Conference was to reconcile divergent views, by conciliation and renunciation if necessary, and produce a substantial agreement which sometimes meant that certain progressive ideas had to be abandoned in favour of more moderate proposals. The important thing, however, was that a groundwork for succesful peaceable negotiations was being prepared.

The result of a conference, therefore, was often strangely at variance with its programme, those keen to mobilise concurring viewpoints pointed out. The sweeping reforms of the enthusiast were brushed aside, substituted by tentative measures ; but one could not deny that a step in advance was still a step in advance, and that the failure of today was the success of

the morrow.

The conference recognised that the general interests of humanity were paramount compared with the interests of a few nations. Just as society strips a man of his absolute rights as an individual, so members of the family of nations should be prepared to renounce absolute rights in the interest of international harmony. In fact the more powerful a nation the more generous it was expected to be.

It is difficult to determine whether the call issued for a conference to consider disarmament and assure peace was due partially due to a feeling that international precedent justified the calling of such a conference, or that public opinion, fostered by advanced spirits in various parts of the world, urged it, or that, finally, the gentle and humanitarian nature of the Czar prompted him, inspired by the traditions of his imperial house, to lessen the burdens under which nations wewe groaning by virtue of an armed peace.[2] It is probable that all three reasons exercised an influence; the happy result of which was the Imperial Rescript dated Augrst 12/24,1898, handed by Count Mouravieff, Russian Minister of Foreign Affairs, to the

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2. Scott, Hague Peace Conferences : 1899 and 1907, pp. 33-34

diplomatic representatives accredited to the Court of St. Petersburg.[3]

The Czarist Rescript is a document of great humanitarian importance and places Russia firmly among the very frontrunners of the civilized nations of the world, expressing as it does the highest ideals of diplomacy though losing sight of ground realities.[4]

An analysis of the document shows that the thought uppermost in the mind of the Czar was the maintenance of general peace and with this phrase the document begins. The means proposed to produce this peace were the possible reduction of excessive armaments. Not only is this the ideal toward which nations should strive, but it is the supreme duty imposed upon all states. The rescript recognised the fact patent to all observers that the world was closely knit together and that the interests of all, notwithstanding different degrees of development and local conditions, are practically and substantially the same.

The original Rescript showed sufficient awareness of the political reality to realise that any Conference

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3. See Appendix II

4. Foreign Relations of the United States, 1898, pp. 540-541. Quoted in Scott p. 41

on disarmament alone would prove ineffective. The Czar therefore took occasion to enlarge the scope of the call in such a way as to include other means of attaining the general end for which public opinion seemed ripe. This enlargement however was not arbitrary and was cognisant of the need to eliminate "all questions concerning the political relations of states, and the order of things established by treaties" lest the Conference assembled for a humanitanian purpose might insensibly be transformed into a political assembly. This could have provided reasons for nations to agree to participate in the conference where a discussion on the subject of armaments was also on the agenda.

Therefore on January 11/December 30, 1898, Count Mouravieff issued a second circular, which, while reaffirming the views expressed in the Imperial Rescript, not only enlarged the scope of the Conference, but furnished a programme for its labours:

"When, in the month of August last, my August Master instructed me to propose to the Governments which have Representatives in St. Petersburg the meeting of a Conference with the object of seeking the most eficacious means for assuring to all peoples the blessings of real and lasting peace, and, above all, in order to put a stop to the progressive development of the present armaments, there appeared to be no obstacle

in the way of the realization, at no distant date, of his humanitarian scheme.

"The cordial reception accorded by nearly all the powers to the step taken by the Imperial Government could not fail to strengthan this expectation while highly appreciating the sympathetic terms in which the adhesions of most of the Powers were expressed, the Imperial Cabinet has been also able to collect, with lively satisfaction, evidence of the warmest approval which has reached it, and continues to be received, from all classes of society in various parts of the globe.

"Notwithstanding the strong current of opinion which exists in favour of the ideas of general pacification, the plolitical horizon has recently undergone a decided change several Powers have taken fresh armaments, striving to increase further their militancy forces, and in the presence of this uncertain situation, it might be asked whether the Powers considered the present moment opportune for the international discussion of the ideas set forth in the circular of August 12.

"In the hope, however, that the elements of trouble agitating political centres will soon give place to calmer disposition of a nature to favour the success of

the proposed conference, the Imperial Government is of the opinion that it would be possible to proceed forthwith the preliminary exchange of ideas between the powers, with the object:

a) of seeking without delay means of putting a limit to the progressive increase of military and naval armaments, a question the solution of which becomes evidently more and more urgent in view of the fresh extension given to these armaments; and

b) of preparing the way for a discussion of the question relating to the possibility of preventing armed conflicts by the pacific means at the disposal of international diplomacy.

"In the event of the Powers considering the present moment favourable for a meeting of a conference on these basis, it would certainly be useful for the Cabinet to come to an understanding on the subject of the programme of their labours.

"The subject to be submitted for international discussion at the conference could, in general terms, be summarised as follows:

1. An understanding not to increase for a fixed period the present effective of the armed military and naval forces, and at the same time not to increase the Budgets pertaining thereto; and a preliminary examina-

tion of the means by which a reduction might even be effected in future in the forces and Budget above mentioned.

2. To prohibit the use in the armies and fleets of any new kind of fire arms whatever, and of new explosives, or any powders more powerful than those now in use, either for rifles or canons.

3. To restrict the use in military warfare of the formidable explosives already existing and to prohibit the throwing of projectiles or explosives of any kind from balloons or by any similar means.

4. To prohibit the use, in naval warfare, of submarine torpedo boats or plungers, or other similar engines of destruction; to give an undertaking not to construct, in the future, vessel with rams.

5. To apply to naval warfare the stipulations of Géneva Convention of 1864, on the basis of the additional Articles of 1868.

6. To neutralize ships and boats employed in saving those overboard during or after an engagement.

7. To revise the Declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels, which has remained unratified to the present day.

8. To accept in principle the employment of good offices, of mediation and facultative arbitration in cases lending themselves thereto, which the object of preventing armed conflicts between nations; to come

to an understanding with respect to the mode of applying these good offices and to establish a uniform practice in using them.

"It is well understood that all questions concerning the political relations of states, and the order of things established by Treaties, as in general all questions which do not directly fall within the programme adopted by the Cabinet must be absolutely excluded from the deliberation of the conference.

"In requesting you, Sir, to be good enough to apply to your Government for instructions on the subject of my present communication I beg you at the same time to inform it that, in the interest of the great cause which my August Master has so much at heart, His Imperial Majesty considers it advisable that the conference should not sit in the capital of one of the Great Powers, where so many political interests are centred which might, perhaps, impede the progress of a work in which all the countries of the universe are equally interested."[5]

The choice of Hague was communicated to the invited governments on February 9/January 28, 1899 and on April 7, 1899 the Dutch Government extended an invita-

5. Scott, Report to the Hague Conferences, pp. 2-4

tion to the Powers indicated by Russia for participation in the Conference.

It should be noted that the powers selected in the first instance were those having representatives at St. Petersburg, to which were added Luxemburg, Montenegro and Siam. It may be admitted that principle of selection in the first place was natural. Its extension to Luxemburg, Montenegro and Siam to the exclusion of the Latin American nations was arbitrary. As Russia had vouchsafed, there was no official explanation of the principle of invitation and exclusion. So,any attempt at an explanation would have been individual and therefore conjectural. It is safe to assert, however, that exclusion did not necessarily mean disrespect.

The Conference opened at 2 O' Clock on the 18th of May, 1899, to coincide with the Czar's birthday at the House in Woods. M. de Staal assumed the Presidency of the Conference. In the course of his remarks on the occasion M. de Staal stated that the principal object of the deliberation of the Conference was "to seek the most efficacious means to assure to all peoples the blessings of a real and durable peace, that the peace conference must not fail in the mission which devolves upon it; it must offer a result of its deliberations which shall be tangible and which all humanity awaits

with confidence."[6]

He said the Conference would also take to generalise and codify the practice of arbitration, of mediation and of good offices so as to prevent conflict by pacific means. In case conflicts became unavoidable, the Conference would aim to lay down principles to mitigate the aftermath of war. He also mentioned that armament *limitations* would be on the agenda.

The programme of the Conference introduced certain subjects, which, from their general similarity, might have been grouped and assigned to a committee or a commission of the Conference in charge of their discussion and examination. The various subjects dealing with armaments and disarmament, land and naval warfare, might form a group by themselves comprised the first seven articles. Article 8, dealing with the peaceful settlement of international difficulties, would appropriately be separated from rules and regulations concerning warfare, and constitute the textual fibre for scrutiny by a separate commission.

However, a closer analysis of Articles 1 to 7 shows that they were susceptible to a further subdivision. Several of them dealt with land warfare,

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6. Proceedings, Hague Peace Conference, 1899, p. 17

whereas others related more particularly to naval warfare. It would have been possible, and perhaps more logical to have adopted the inherent nature of the various propositions as the test, and to have referred military matters to one committee and naval matters to another. The principle of sub-division was recognized but not logically or rigorously applied. For example, Article 1, 2, 3 and 4, of the Circular of December 30, were referred to the First Commission. Articles 5, 6, 7, two of which dealt with naval matters, and the third (Article 7) with laws and customs of land warfare, were referred to the Second Commission; Article 8, concerning the peaceful settlement of international difficulties, was referred to the consideration of the Third Commission, which, both from the importance of the subject and from the results achieved, not only justified the name universally given to the Conference, but would in itself have justified the assembling of an international conference. The official language of the Conference was French.

The First Commission - The Limitation of Armaments

The President of the First Commission, M. Beernaert of Belgium, hit the proverbial bull's eye when he stated that though it was difficult to exaggerate the importance of limiting the progressive increase of armaments, it was rather difficult to resolve the

lowest common denominators of such an agreement. The question of armed peace was not only closely linked with that of wealth and of the highest form of material progress, but also to the question of social peace. He asked, for example, if the agreement could provide for the number of effective forces, or for the amount of the budget of military expenses, or if for both of these, what could provide the groundings for factual verification? Should the armies of the day to be taken as the basis for the designation? Were the naval forces to be equated with the armies? What could be done for the defence of colonies?[7] M. de Staal stated the essential point before the commission was the question of budgets and of actual armaments.

For detailed consideration of military proposals, a sub-commission was appointed and the same was done with naval proposals. The military sub-commission soon submitted an unenthusiastic report, as the following extract from M. Beernaert's report makes clear

> The members of the committee..... of the opinion, first, that it would be very difficult to fix, even for a period of five years, the number of effectives, without regulating at the same time other elements of national defense; second, it would be no less difficult to regulate by international agreement the elements of this defense,

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7. ibid., Part II, First Commission, pp. 20-21

> organised in every country upon a different principle. In consequence, the committee regrets not been able to approve the proposition made in the name of the Russian Government. A majority of the members believe that a more profound study of the question by the Governments themselves would be desirable.[8]

The naval sub-commission submitted a report on broadly similar lines concluding that the proposals in their present form were unacceptable. The two reports were great setbacks for the Conference and only the great tact of M. Bourgeois furnished marginal consolation. He said

> "if the great resources, which are now devoted to military organisation, would, atleast in part, be put to the service of peaceful and productive activity, the grand total of the prosperity of each country would not cease to increase at an even more rapid rate.[9]

M. Bourgeois thereupon proposed the following resolution, applicable alike to military as well as naval charges, which was unanimously adopted by the commission and approved by the Conference:

> The Committee considers that a limitation of the military charges which now weigh upon the world is greatly to be desired in the interests

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8. ibid., pp.31-32

9. Scott, Hague Peace Conferences, p.56.

> of the material and moral welfare of humanity.[10]

In addition, the Conference expressed the wish that

> the Government, taking into consideration the proposals made at the Conference, may examine the possibility of agreement as to the limitation of armed forces by land and sea, and of war budgets.[11]

The Russian Circular of December 30 had been referred to the First Commission and the second and third paragraphs dealing with military matters were assigned for study and report to the sub-commission for the consideration of military affairs. The paragraphs dealing with naval matters were referred to the Second Sub-Commission to which was entrusted consideration of naval affairs. In regard to the proposition that the small arms of the army and the large cannon of the navy could not be changed for a period of five and three years, respectively, the small States, imperfectly armed, inisted that they have the privilege either of discarding the old models and adopting the improved arms in use by the larger nations, or that they be permitted to improve their old equipment, so that it be infact equal to more modern variety. Again, it was

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10.Holls, Peace Conference of 1899, p.90.

11.Final Act of International Peace Conference,vol.II, p.79

insisted that permission be given to improve the arms provided this did not change the type of arms.

The result of these two provisions was unacceptable in theory. The adoption of new arms of the permitted standard would have involved an outlay of large sums of money, as would also be the case with improvements of the type. The limitation to a certain type for a period of years would fetter the inventive agency of the various nations, and thus deprive the army of an efficient weapon in case of war. The desired economy would thus fail ; the efficiency of the army would suffer, and the technical dificulties involved in the examination of the approved or substituted arm would add to the lack of an effective supervision and control of any agreement if such a point was reached.

The proposed interdiction of new explosives was disapproved by a vote of twelve to nine in the First Sub-Commission, and the proposal forbidding the employment of more powerful powders than those now in use was unanimously rejected.[12] The fourth paragraph, prohibiting the use in naval battles of submarines or diving torpedo boats, or of other engines of destruction of the same nature as well as the proposal not to con-

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12.Hague Peace Conference, 1899, Part II, First Commission, p.10

struct in the future ships armed with rams, was found unacceptable in its entirety.

Other portions of the second and third paragraphs fared better, and resulted in a prohibition for a term of five years of the launching of projectiles and explosives from balloons, or by other methods of a similar nature.[13] There was an agreement to abstain from the usage of bullets which contort within the human body, such as enveloped bullets that did not cover the core, or was pierced with incisions;[14] and from the naval sub-commission a declaration to avoid the use of projectiles, the only aim of which was the diffusion asphyxiating or deleterious gases.[15]

On the face of it, the labours of the First Commission may be said to have been unfruitful. There were valuable discussions but hardly any concrete results. Looking at the conclusions alone, the Conference was probably not worth the trouble. Many countries were not likely to abandon military goals till threat perceptions persisted, and it was subjected that such a situation was possible when no nation coveted the resources of another. Means for war, and preparations

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13.See Declaration on the subject, vol. II, p.153

14.ibid, p.157.

15.ibid, p.155.

for them, were likely to accompany mankind till a substitute for war was proposed. The eventual idea was to evolve an alternative that was reasonable to such an extent that any notions on the contrary would be unacceptable. This target, an onerous one, was well beyond the scope of the conference.

The Second Commission

The procedure followed in the Second Commission was in consonance with the first. The principles of the Geneva Convention of August 22, 1864 was extended to the maritime warfare. This was referred to a First Sub- Commission , which, in turn, was splintered into committee of experts for elaborating on the project.

Once the project was approved by the Conference, there was a convention to adapt the principles of maritime warfare. Similarly, Article 7 of the program relating to the revision of the declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels, was referred to the Second Commission, which, in turn, assigned the topic to a sub-commission. A project was worked out which, once the convention adopted it, appeared as the convention with respect to the laws and customs of war.

The Second Commission was also distinguished for

its four proposals which featured in the final act. They were :

a) The conference recommended that the Geneva Convention of 1864 be suitably revised, involving the Red Cross convention of the same year.After much discussion in the second sub-commission, in the full commission, and in the fifth session of the Conference, the following recommendation was finally adopted :

"The Conference, taking into consideration the preliminary steps taken by the Swiss Federal Governments for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a special conference, having for its object the revision of that convention."[16]

b) The sub-commission recognised the importance of the subject of neutrality, but since it was limited to the Brussels Declaration, a Convention on the subject exceeded its scope. In any case, neutrality was a delicate and intricate subject and its codification was best left for the future deliberations. A resolution was, however, adopted as a recommendation: " The conference expresses the wish that the question of the rights and duties of neutrals may be inserted in the

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16.Hague Peace Conference, 1899,vol II, p.79.

program of a Conference in the near future."[17]

c) The Commission expressed a desire that the immunity of private property should appear in the program of the Conference in future. The point had been raised by the Americans and it included the immunity from capture of unoffending private enemy property from the high seas. The Conference did not take any action on the subject but its recommendation ensured that the issue would be brought under consideration in the future.

d) It was held that the subject of naval bombardment of ports and townships was beyond the scope of a program limited to a consideration of the laws and customs of land warfare. The Conference expressed " the wish that the proposal to settle the question of the bombardment of ports, towns and villages by a naval force may be referred to a subsequent conference for consideration."[18]

Without aiming to diminish the importance of the conventions and their recommendations, it needs to be emphasised that the second commission was, at its best, an extension of its predecessor. Mr. Holls puts them in

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17. Final Act of the International Peace Conference, Vol.II, p.79.

18. ibid

perspective with his statement that they "...were largely, if not wholly, of a technical, military, or naval character, and the results obtained could, perhaps, have been accomplished by a meeting of experts, corresponding to the famous assemblies of Geneva and Brussels, or to the Postal and Marine Conferences of a later date."[19]

The purpose and results of the Second Commission were no doubt humanitarian. Yet, they presupposed the existence of war, an anomaly considering that the Conference's desired objective was the preservation of peace.

The Third Commission

The Third Commission of the Conference succeeded in generating a machinery for pacific settlement of disputes. Indeed, it was this very success that arguably justified the calling of this Conference. Mr. Holls rightly describes the provisions of Article 8 as contained in the second circular of the Russian government as the Magna Carta of International law.

The value of the Third Commission becomes even greater when the circumstances of its proceedings are

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19.Holls, Hague Peace Conference of 1899, p.164.

examined. They contributed to scotch the scepticism of many observers, and also created the anchor for subsequent accomplishments with more than fleeting worth.

Following its inability to achieve anything concrete, the First Conference had turned out to be a diplomatic fiasco even in the optimist's eyes. By codifying the laws and customs of land warfare, and by extending the benefits of the Red Cross during maritime warfare, the Second Commission could have been said to savour success at a moderate level. Yet, the demands from the participants in the Third Commission were much more challenging. The recognition of the principle of arbritration of peace was topmost in the priority list of the intellectual strata striving with missionary zeal to achieve a peaceful, and poised, world order.

The possibility of a tribunal appealed to the imagination and invoked the enthusiasm of the delegates. But Germany was hesitant, and Austria referred the matter for advice. Here, Mr. Andrew D. White, the first delegate of the United States, played a decisive role. He sensed Germany's conviction that a moderate plan for voluntary arbritration could damage its interests. More than any other nation, Germany seemed prepared for war. Neither France nor Russia -- or, any other Great Power -- could mobilise its armies within ten days like Germany.

Arbritration, therefore, could only give rival powers adequate time to prepare themselves. Mr. White also realised that Germany's concurring nod was crucial. This was because she had the power to influence her allies like Austria, Italy, Turkey and Rumania, and galvanising them into opposing the tribunal.

Mr. White kept in constant touch with Count Munster; a senior member of the German delegation, and discussed the advantages of arbritration for Germany. He met with the reasoning that arbitration would be objectionable to the Emperor, who viewed the measure as a matter of disgrace to his sovereignty. In the finest traditions of high diplomacy, Mr. White was not only tactfully persistent but also prepared to make a sacrifice. His belief that Article 10 of Russian project, which prescribed compulsory arbitration in minor matters, was worth sacrificing if the Germans agreed to the constitution of a permanent court and recognised the principle of voluntary arbitration.

The sacrifice was reprieved in 1907 . Despite German opposition, a modified form of Article 10 defeated the treaty of compulsory arbitration at the Second Conference. In passing, it may be noted that there were three other minor instances which threatened unanimity.

a) Some of the smaller, especially Balkan, states-feared that Article 9 establishing a commission of enquiry could, although examining and ascertaining facts, interfere with their internal matters. The opposition was led by Mr. Beldiman of Rumania. It should be said, however, that Article 9 was accepted as framed by Mr. Baldiman and has proved satisfactory in practice.

b) The next incident related to Article 27, which provides that :
the Signitory Powers consider it their duty, in case a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court of Arbitration is open to them.

Once again, the Balkan states raised a furore following their apprehension that in an event which pitted a big power against a small counterpart, the latter was likely to get the shorter end of the stick. Count Nigra of Italy asserted that the resolution would not be executed in an oppressive manner and denied the existence of a distinction between the small and big powers.

c) In regard to Article 55, the instructions of the American delegation required that a revision of the

arbitral award pronounced by the arbitration tribunal should be subjected to revision. After prolonged discussion in the sub-committee, and in the commission, Article 55 was adopted as it now stands, giving the parties the right to reserve, in the agreement of arbitration, a re-hearing of the case.

Final Act

The Final Act is an authoritative resume of the work actually done by the First International Conference. Summoned without a preceding war, its achievement shall always be a landmark.Indeed, the entire Final Act is an excellent summary of the proceedings of the conference, and highlights its accomplishments in unequivocal terms...

"The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled, on the invitation of the Government of Her Majesty, the Queen of the Netherlands, in the Royal House in the Wood at The Hague, on the 18th May, 1899.

"The Powers enumerated in the following list took part in the Conference[20], to which they appointed the

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20.See Appendix 4.

delegates.

"In a series of meetings, between the 18th May and 29th July, 1899, in which the constant desire of the Delegates has been to realize, in the fullest manner possible, the generous views of the August Initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the Plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

1. Convention for the peaceful adjustment of international differences.
2. Convention regarding the laws and customs of war by land.
3. Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of the 22nd August, 1864.
4. Three Declarations:
   i) To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.
   ii) To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.
   iii) To prohibit the use of bullets which expand or flattened easily in the human body, such

as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

"These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed upto the 31st December, 1899, by the plenipotentiaries of the Powers represented at the International Peace Conference at the Hague."

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:
"The Conference is of the opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

It has, besides, formulated the following wishes:

1. Conference, taking into consideration the preliminary steps taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a Special Conference having for its object the revision of that Convention.

This wish was voted unanimously.

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the programme of a Conference in the near future.

3. Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibers.

4. The Conference expresses the wish that the Governments, taking into considerations the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

5. The Confernce expresses the wish that the proposal which contemplates the declaration of the inviolability of private property in naval warfare, may be referred to a subsequent Conference for consideration.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of ports, towns and villages by a naval force may be referred to a subsequent Conference for consideration."

The last five wishes were voted unanimously, saving some abstentions.

With the signing of the Final Act and the various declarations, which took place on July 29, the labours of the First Peace Conference closed.

CHAPTER III

THE HAGUE PEACE CONFERENCE OF 1907

In the crucible of history, the First Peace Conference soon appeared to be a forgotten past. The repercussions were steeped in a glaring irony. Several of its participants, who had vowed by pacific principles, acted on the contrary soon thereafter. Britain launched into a prolonged and questionable war in South Africa. Even after initiating the conference, Russia did not show the slightest inclination to reduce its armaments by land or sea, or resort to peaceful arbitration to resolve its international disputes. Instead, it chose to solve its Japanese problems by force in 1904-1905. Not a saintly recluse either, Japan colonised Korea at the first opportunity. Meanwhile, French activities evidenced symptoms of favouring strong arm tactics in Morocco. Precisely, the approach of the distinct world powers seemed to unify into a pattern that quelled the very basis of the Peace Conference.

Even for those states that were dissociated from wars, a noticeable proclivity seemed to substantiate Felix Gilbert's notion of "rigidification" of alliance blocs. The imminence of war didn't escape the attention of the dispassionate observer. What was obvious was that wars could not be debarred by good offices, mediation, or the system of arbitration created by the First Conference.

In several quarters, one apprehension was that the Conference of 1899 would be an experiment without a residue. The hopes created by this meeting would be defeated, or their realisation indefinitely postponed. Private discontent acquired public form and expression. Slowly, but steadily, public opinion in America began to crystallise in favour of another similar conference.

In 1903, the American Peace Society presented to the Massachusetts Legislature a petition for a stated International Congress. In the same year, this body unanimously passed resolutions calling the American President to invite the Governments of the World to join in establishing a regular International Congress to meet at stated periods. The latter was to deliberate upon various questions that unified international interests. This measure could be followed by recommendations to the various governments.

Endorsing the petition of the American Peace Society, a memorial was presented to the upper and lower houses of the United States.In the year 1904, the U.S.A. celebrated the peaceful acquisition of the territory in the Louisiana Purchase. Thereafter, the meeting of the Interparliamentary Union held in St. Louis, September 13, 1904 under the presidency of Honourable Richard Barthold, adopted unanimous resolu-

tions. These outlined the powers of the delegates in the forthcoming international conference, besides the time and place to be designated by them to deliberate upon the following questions:

a. Subjects postponed by the first conference;

b. The negotiation of arbitration treaties between the nations which shall be represented in this conference;

c. The establishment of an international congress which shall meet at stated periods to discuss international questions.

The resolutions were presented formally by Dr. Gobat to President Theodore Roosevelt, who immediately and without reserve pledged himself to the furtherance of the great cause. On the 21st of October, 1904, John Hay, then Secretary of State, addressed a circular note to the representatives of the United States accredited to the governments signatory to the Acts of The Hague Conference of 1899.

The note reminded the Signatory Governments of the great work accomplished by the Conference of 1899 and the important subjects bequeathed by it to its successor for its discussion.[1] As to the character of the questions to be posed before the Second Peace Conference, what was emphasised was the premature step that

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1. For details of the note, See Scott, Vol.II, pp.168-172.

fused the tentative invitation with a categorical programme of subjects.

The relevance of the questions slotted for a future conference by the Conference of 1899, namely, the rights and duties of neutrals, the inviolability of private property in naval warfare and the bombardment of ports, towns and villages by a naval force, was suggested. A suggestion was also made as to the desirability of considering and adopting a procedure by which States non-signatory to the original acts of The Hague Conference could become adhering parties.

To this note, the reactions were favourably inclined. They suggested a general acceptance of the proposal in principle by the Governements of Austria-Hungary, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Mexico, the Netherlands, Portugal, Romania, Spain, Sweden, Norway, and Switzerland. In most of the cases, there was a reservation for the future consideration of the date of the Conference and the programme of subjects for discussion.

The Russian reply deferred the participation of its government till hostilities in the Far East underwent a pause. Japan made the reservation that no action should be taken by the Conference that pertained to the Russo-Japanese war.

These results were embodied in a second circular note, dated December 16, 1904, to the representatives of the United States. [2] The second note stated that, "pending a definite agreement for meeting, views should be compared amongst the participants to resolve the scope and nature of the subjects to be tabled before the Second Conference."

Another suggestion specified that, in view of the virtual certainty that The Hague would host the Second Conference, and the fact that an organised representation of the signatories of the acts of 1899 already existed at that capital, the interchange of perspectives should be effected through the International Bureau under the control of the Permanent Administrative Council of The Hague. In this way an orderly treatment of the preliminary consultations could be ensured, and the ideological pathway cleared for a renewed conference at The Hague.

The First Conference had a fingerprint of exclusivity. This was inevitable since only a fraction of the `civilized' nations of the world had representation. Besides, Latin America barring Mexico was entirely unrepresented. Following American insistence, the

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2. For text, See Scott, Vol. II, pp.172-74

chasm was bridged in the Second Conference.

However, Latin American participation created problems of adherence to the conventions of the First Conference. But the powers present at the First Conference accentuated that the non-signatory nations at that time should accept and adapt themselves to the rulings passed there. Keeping that in mind, these nations ought to be granted adequate time. Otherwise, the powers represented at the First and at the Second Conference could not be viewed on equal terms which was the essence of diplomatic represntation.

Two of the conventions, namely, the convention concerning the laws of and customs of war, and the application of the principles of the Geneva Convention to maritime warfare, were open conventions. In other words, they provided in express terms for the subsequent adherence of non-represented States which were willing to accept the pros and cons of the conventions.

In diplomatic terminology, the first convention for the peaceful adjustment of international differences was a "closed convention". For the Signatories, it was a contract binding the parties concerned. Consequentially, by contractual laws, those not a party to the act could enjoy a stature of political autonomy and independence.

Article 59 of the convention stipulated the adherence of non-signatories, and that their desire should be expressed in a written notification to the Dutch Government, which would be subsequently communicated to the other contracting powers. However, as some of these latter could object to the extension of benefits to the non-signatories, it was provided in Article 60 that the conditions of ratifying the preceding convention should form the object of a subsequent agreement between the contracting powers.

Through the good offices of the United States, all the Latin-American States were invited to the conference. And, following an U.S. initiative, a game-plan for adherence was devised.

The Russian Government proposed, in its note of April 12, 1906, that, on the opening of the Second Conference, the representatives of the States, parties to the First conference, sign the following protocol:

> "The representatives at the Second Peace Conference of the states signatories of the Convention of 1899 relative to the peaceful settlement of international disputes, duly authorised to that effect, have agreed that in case the states that were not represented at the First Peace Conference, but have been convoked to the present conference, should notify the Government of the Netherlands of their adhesion to the above mentioned convention they shall be forthwith considered as having acceded thereto."

The Latin-American States complied with the formalities of the protocol of adherence, which was signed at The Hague on June 14, 1907. Soon thereafter, Latin America became entitled to admission upon a footing of absolute equality.

Following the programme that was meant to be the basis of discussion and eventual agreement, the U.S. was reluctant to present a formulation on its own. Its attitude was that the programme presented should be an acccrual of deliberation, and then it should represent the agreement of all powers rather than a suggestion or dictation of any one power.

On April 12, 1906, the Russian Ambassador, Baron Rosen, presented an elaborate, and, as it proved, definitive programme;

> "1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the Court of Arbitration and the international commissions of inquiry.
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> 2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land-among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899. One of these having expired, question of its being revived.
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> 3. Framing of a convention relative to the laws and customs of maritime warfare, concerning -
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> The special operations of maritime warfare, such as the bombardment of ports, cities and villages

by a naval force; the laying of torpedoes, etc.

The transformation of merchant vessels into war-ships.

The private property of belligerents at sea.

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

The rights and duties of neutrals at sea - among others the question of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

In the said convention to be drafted, there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

As was the case at the Conference of 1899, it would be well understood that the deliberations of the contemplated meeting should not deal with the political relations of the several states, or the condition of things established by treaties, or in general with questions that did not directly come within the programme adopted by the several cabinets."[3]

Though two further topics for discussion were suggested, this programme was, by and large, approved. The new proposals were firstly, the limitation of armaments and the restriction of force in the collection of contract debts. The following note of the Russian Ambassador, dated March 22/April 4, 1907 shows the views of the participating powers on the eve of the

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3. Scott, Vol.II, pp.175-177.

convocation.

"The Government of the United States has reserved to itself the liberty of submitting to the Second Conference two addtional questions, viz: the reduction or limitation of armaments and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

"The Spanish Government has expressed a desire to discuss the limitation of armament, reserving to itself the right to deal with this question at the next meeting at The Hague.

"The British Government has given notice that it attaches great importance to having the question of expenditure for armament discussed at the Conference, and has reserved to itself the right of raising it. It has also reserved to itself the right of taking no part in the discussion of any question mentioned in the Russian programme which would appear to it unlikely to produce any useful result.

"Japan is of opinion that certain question that are not especially enumerated in the programme might be conveniently included among the subjects for consideration, and reserves to itself the right to take no part

in or withdraw from any discussion taking or tending to take a trend which, in its judgement, would not be conducive to any useful result.

"The Governments of Bolivia, Denmark, Greece and the Netherlands have also reserved to themselves, in a general way, the right to submit to the consideration of the Conference other subjects similar to those that are explicitly mentioned in the Russian programme.

"The Imperial Government deems it its duty to declare, for its part, that it maintains its programme of the month of April, 1906, as the basis for the deliberations of the Conference, and that if the Conference should broach a discussion that would appear to it unlikely to end in any practical issue it reserves to itself, in its turn, the right to take no part in such a discussion.

"Remarks similar to this last have been made by the German and Austro-Hungarian Governments, which have likewise reserved to themselves the right to take no part in the discussion by the Conference of any question which would appear unlikely to end in any practical issue.

"In bringing these reservations to the knowledge of the Power and with the hope that the labours of the

Second Peace Conference will create new guaranties for the good understanding of the nations of the civilized world, the Imperial Government has addressed to the government of the lslNetherlands a request that it may be pleased to call the conference for the first days of June.[4]

The invitation referred to in the Russian note, convening the Peace Conference at The Hague on the fifteenth day of June, 1907, was duly received and accepted by the United States.

On Saturday afternoon, June 15, 1907, at 3 o' clock, the members of Second Peace Conference at The Hague assembled in The Binnenhof in the Hall of Knights, and were called to order by the Dutch Minister of Foreign Affairs, M. Van Tets Van Goudriaan, who delivered an address of welcome. He took pains to emphasize that the labours of the First Peace Conference had not been infructious. He said:

> These judgements, and the events which have occurred, and which according to some pessimistic minds, have furnished a proof of the fruitlessness of the efforts of this Conference, have not seriously weakened the current of opinion which had been formed in favour of the work of the Assembly of 1899.

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4. MS.Records, Department of State, quoted in Scott, The Hague Peace Conferences of 1899 and 1907, pp.105-106.

> The best proof that the peoples and their governments, far from disregarding this current of opinion, have been influenced by it, seems to me to be the readiness with which the Powers have responded to the appeal addressed to them.

The First Conference's acknowledgement worldwide could be discerned via the enhancing numerical strength of the Second Conference. It is for the records that the venue had to be shifted from the House in the Woods to Hall of Knights because House in the Woods was not large enough to accommodate the gathering.

M. de Nelidow, the first delegate of Russia, was elected the President in a tone of collective unanimity. His address articulated that it was the first time that the representatives of almost all organised nations were gathered in a single assembly to discuss in common "the dearest interests of humanity, namely, those of conciliation and justice,". Like any optimistic torchbearer, he expressed the "hope that the same sentiments of concord which animated the government will prevail likewise among their representatives and contribute thus to the success of the task devolving upon us." He went on to elaborate the nature of the programme of the conference.

> `On the one hand, we are to seek the means of settling in a friendly manner any differences which may arise among the nations, and of thus preventing ruptures and armed conflicts. On the

other hand we must endeavour, if war has broken out, to mitigate its burden both for the combatants themselves, and for those who may be indirectly affected.

He cautioned the conference not to be too ambitious.

`Let us not forget that our means of action are limited, that nations are living beings just like the individuals composing them; that they have the same passions, the same aspirations, the same failings and the same impulses. Let us not forget that, if in every day life the juducial organs, in spite of their severity of the punishments which they are authorised to mete out, do not succeed in preventing quarrels and acts of violence among individuals, it will be same among nations, although the progress of conciliation and the progressive softening of manners must certainly diminish these cases. Let us above all not forget, gentlemen, that there is a whole series of cases in which honour, dignity and vital interests are involved in the case of individuals as well as of nations, and in which neither one nor the other will ever recognize any other authority than that of their own judgement and their personal feelings regardless of consequences.'

He was hopeful that the practical limitations would not discourage the dream of eventual universal peace. However, it was clear that after the relatively mild impact of the First Conference, a sizeable section of the world's audience had evolved a certain scepticism, he added. But he observed that the approach of the First Conference marked an amorphous, diffident, beginning -- which would be certainly substituted by more concrete ideas in its successor.

M. de Nelidow proposed that a code of rules be framed that would acclimatise the methods of 1899 to new conditions. So, he introduced a project consisting of 12 rules which was adopted in its entirety barring the last para of Article 8.

Article 1 provided that the Conference be composed of plenipotentiaries and technical delegates. This terminological distinction was not one of dignity, but of essence. The plenipotentiary was a political or diplomatic agent of his Government who is limited to the extent of the power granted to him by the latter. But a technical delegate was an expert appointed by his country to aid the plenipotentiary and, under his supervision, to take part in the proceedings.

The second article of the Reglement provided for the sub-division of the Conference into commissions. The Conference of 1899 had found it necessary to apportion its work among three commissions. But since the programme of 1907 was more elaborate and the representatives were more in number, it seemed necessary to form four commissions. The recommendations for the formation of four commissions and the distribution of the programme among them were agreed to as follows:

First Commission

Arbitration.

International commissions of inquiry and questions connected therewith.

Second Commission

Improvements in the system of laws and customs of land warfare.

Opening of hostilities.

Declarations of 1899.

Rights and obligations of neutrals on land.

Third Commission

Bombardment of ports, cities, and villages by a naval force.

Laying of torpedoes, etc.

The rules to which the vessels of belligerents in neutral ports should be subjected.

Additions to be made to the Convention of 1899 in order to adapt to maritime warfare the principles of the Geneva Convention of 1864, revised in 1906.

Fourth Commission

Transformation of merchant vessels into war vessels.

Private property at sea.

Delay allowed for the departure of enemy merchant vessels in enemy ports.

Contraband of war. Blockades.

Destructions of neutral prizes by *force majeure*.

Provisions regarding land warfare which should also be applicable to naval warfare.

Articles 3 and 4 relate to the official organization of commissions and sub commissions.

A focus on Article 4 reveals that the sub-division of the commission was left to the commission in question, and that its officers were to be determined by it. Actually, each commission, with the exception of the fourth, was divided into sub commissions.

Article 5 concentrates on a different aspect altogether. What is observable in its contents is that a committee was formed for the purpose of coordinating the acts adopted by the Conference and preparing them in their final form. This committee was appointed early in the session, but it was large enough to be unwieldy. As a measure for convenience, therefore, a sub committee consisting of eight members of the Conference, under the presidency of M. Renault, was appointed.

According to Article 6, the members of the delegations were authorised to take part in the deliberations

of the plenary sessions of the Conference, as well as in the commissions of which they formed a part. It was delineated further that the members of one and the same delegation could replace each other by mutual concurrence.

The contents of Article 7 specified that a member of the Conference attending meetings of the commissions of which he wasn't a part of could only participate with special authorization by the presidents of the commissions he wished to have an association with.

The core of criticism in the First Conference hinged on the fact that, contrary to parliamentary procedure, the vote was taken not upon the amendment, but upon the original proposition. This discrepancy was rectified in the Second Conference, and the amendment put to vote thereafter.

Germany and Britain wanted the establishment of an international court of appeal in prize cases. However, what could be left to national tribunals was the right to decide the credentials of prize cases.In turn, such cases could be passed on to the international court of appeal for the peaceful settlement of conflicts.

Article 8 of the Russian program was magnified in a distinct direction. A project, which was previously

not the subject of previous diplomatic negotiation and agreement, was added to its clauses. Closely related to arbitration and the judicial settlement of international disputes, its viewpoint was clearly within the vision of the conference.

The ninth rule of the Reglement stated that propositions were of two kinds. Firstly , those which directly concerned the subjects enlisted in the programme, and others related to the provisions of the programme.

Article 10 provided that the public might be admitted to the plenary sessions of the Conference upon presentation of tickets distributed by the Secretary General with the authority of the President. A final clause of the article stated that the bureau could decide at any time when certain sessions would not be public.

The minutes of the Conference, technically known as `procesverbaux', were in French, and, while the various speeches and addresses were not reported verbatim, the abstracts were usually sufficiently extended and accurate. The minutes were printed after each session, distributed to the members for their information and for correction of mistakes, and each delegate, under Article 11, had the right to insert in full the

text of his address.

According to Article 12 of the Reglement, French was the official language of the Conference, but the participants were permitted to speak in any other language.

The Work of The First Commission

What merits recollection is that the greatest single piece of constructive work of the First Conference was the convention for the peaceful settlement of international differences.

The convention consisted of four principal divisions: first, the sections relating to good offices and mediation, Articles 2 to 8; second, the provisions relating to and establishing a court of international inquiry, 9 to 14; third, the sections relating to the nature of arbitration, and its applicability to international disputes,15 to 29; and, fourth, the sections relating to arbitral procedure, 30 to 57. The sections dealing with good offices and mediation were applied by President Roosevelt and led to the termination of the Russso-Japanese War.

The sections dealing with arbitration recognized and recommended peaceful and reasonable solutions of

differences which diplomacy failed to come good. The establishment of a court to which these differences could be referred, and by which they could be adjudicated, led to the hope that justice could be administered impartially and judicially, between nation and nation.

The First Commission revised this great convention and moulded its criteria for contemporary international needs. It did not content itself with revising the convention; it sought by four measures to advance the cause of international justice and peace to justify its existence.

The commission endeavoured to be more effective in matters pertaining to arbitration . This was done by unifying the nations under an ideological umbrella to arbitrate their differences. For a while, it seemed that the cause of arbitration was heading towards the ultimate aspiration of achieving quick results. Even Germany which was hostile towards the idea's conception in the first Conference appeared supportive of arbitration in the Second Conference.

Yet, the optimism was shortlived. It was evident that Germany, while accepting the principle of obligatory arbitration, and favouring special treaties with certain carefully selected nations, was opposed to

a general treaty of arbitration with all nations. Even if that treaty was limited to the settlement of legal questions and the interpretation of treaties, or whether it consisted of unrestricted arbitration of a carefully selected subjects, Germany's agreement to the mode of compulsory arbitration proved to be elusive.

Weeks of discussion failed to persuade Germany. In the process, the principle of arbitration received a setback but not without tangible gains. The principle of obligatory arbitration had been unanimously approved by the Conference -- which was, in precise terms, a triumph of the spirit in which the historical process had begun.

Germany, however, enthusiastically supported the second great measure discussed in the Conference- the American proposed restrictions of force in the collection of contract debts. This was the clearest case of agreement for arbitration of a concrete pacific case. Its significance was worldwide and all nations present in the Conference agreed to renounce use of force in the collection of contract debts, if the debtor nation agreed to arbitrate, it submitted itself to the Conference's prescriptions, before executing what was the order of the day.

Thereafter, an attempt was made to establish at

The Hague a court of justice for the settlement of international disputes. The suggested composition was to comprise judges trained in the administration of law and open at all times to receive and adjudge, under sense of judicial responsibility, controversies presented to it. The exact composition of the court could not be agreed upon but its principles had been laid. It was not very long before the idea came into being.

Apart from that, the First Commission succeeded in its attempt at establishing the International Court of Prize. Despite great differences, it was finally decided that the court should be permanent; that the great maritime powers, as also the other powers, should be permanently represented ; that an appeal should be taken from the court at its initiative or from a decision of a national court of appeal ; and that naval officers might act in an advisory capacity as assessors in the deliberations without voting in the decision.

The First Commission, therefore, has four claims that can be identified as distinctive. It made a careful, painstaking, and adequate revision of the convention for the peaceful settlement of international disputes. Secondly, it laid the founding stone of a declaration in favour of obligatory arbitration, and established a convention for the arbitration of contract claims. Besides, its calling also resulted in the

making of a project for the establishment of a court of arbitral justice. The last concrete achievement was the convention for the establishment of a Court of Prize.

To have been able to perfect or add in some small measure to the convention for the peaceful settlement of international disputes was no small triumph in itself. To have secured the unanimous recognition of the principle of obligatory arbitration, and laid the foundation of two great courts of international justice, are events of international importance that constitute two distinct benchmarks in the world of progress.

The Work of The Second Commission

Issues pertaining to land warfare were handed over to the Second Commission. The Commission divided itself into two sub-commissions, the first of which under M. Beernaert dealt with the subjects of the revision of the convention concerning the laws and customs of land warfare and the declarations of 1899.

The Second Sub-Commission, under the presidency of M. Asser, considered the opening of hostilities and the project of a convention to regulate the rights and duties of neutral States and persons in land warfare.

The convention of 1899 concerning land warfare was similarly revised for the peaceful settlement of international disputes. The declaration of 1899 prohibiting the throwing of projectiles from balloons was renewed. Instead of being limited to a period of five years , it was continued in effect until the close of the Third Conference.

The Second Sub-Commission reported and framed a convention concerning the opening of hostilities. In consonance with this convention, the powers bound themselves not to engage in warfare without declaring their intention, and freeing neutrals from the observance of neutral obligations. Finally, there was the establishment of a convention- a mere fragment, it must be admitted- regulating the rights and duties of neutral States and persons on land warfare.

Work of The Third Commission

Following a logical sequence, the Third Commission dealt with the problems of naval warfare. By a series of carefully considered conventions , it gave concrete appendages to the extant system of international law.

Satisfactory conclusions were reached in each subject that figured in the programme of the Third

Commission, by which bombardment of undefended ports, cities, and villages was forbidden. It was also emphasized that submarine mines should be laid in such a way as to be harmless when isolated from their moorings. Satisfactory, if not ideal rules and regulations, were devised which concerned the sojourn and conduct of belligerent vessels in neutral ports. Also, an admirable convention, humanitarian in origin and meticulously laid out, was approved. This extended to maritime warfare, the beneficent principles of the various Geneva conventions.

The Fourth Commission

Compared to the Second and Third Commissions, the Fourth Commission reveals a rather dismal image. Its positive results in conventional form were far from satisfactory, and its failures were limpid unlike its partial successes.

The unsatisfactory result of the labours of the commission must be ascribed to the fact that the subjects were difficult in themselves. The conflicting and divergent views were complicated in themselves and beyond the scope of compromise. Some of the questions have perplexed successive generations without furnishing with satisfactory solutions.

There were flummoxing issues like the immunity of unoffending enemy property upon the high seas. Likewise, another idealistic measure was that a convention adopted for the exemption of mail, inshore fishermen, and small coastal vessels from capture.

The failure of the commission to reach acceptable conclusions on the subjects of contraband, blockade, and the destruction of neutral prizes is unfortunate, although it was foreseen in advance that agreement would be difficult.

There are, however, two issues mentioned in the Final Act which were not discussed in commission but are of immense importance. The first is the action of the Conference reaffirming the resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure ; and the second is the recommendation that a third conference be held "within a period corresponding to that which has elapsed since the preceding conference," and that the programme, organization, and procedure for the future conference be determined in advance of its meeting.

The Nature of Conventions, Declarations, Resolutions, Recommendations or *Voeux*

The visible repercussions of the Second Conference appear in the Final Act in the form of thirteen conventions. Featuring among these is a signed and unsigned declaration, besdides a resolution and five *voeux*. Among the latter,the first and last relate to the establishment of the court of arbitrary justice and the meeting of a third conference respectively.

The conventions and signed declaration on balloons are contracts entered into by independent nations by which they mutually pledge themselves into participating in, and abstaining from, certain specific things. An unsigned declaration proclaims the principle of compulsory arbitration and goes on to establishes it.

The resolution on the limitation of armaments follows a less formal format, but still is an expression of the opinion of the Conference in concrete form . These three forms are, however, regarded as complete and binding in themselves, in that they express a definite conclusion irrespective of future action by the powers upon their ratification.

The last class do not create a legal obligation as is the case with the convention and signed declaration;

nor do they declare the existence of a principle as the declaration, nor the acceptance of a principle as is the case with a resolution. The *voeu* expresses a hope, a desire, a wish on the part of the Conference that something be done in the future which the Conference was unable to do. From this standpoint the *voeu* is, in simplest terms, a confession of failure to agree upon a convention, a declaration or a resolution; but the subject-matter of the *voeu* is considered so important that the Conference expresses the opinion that it is advisable and expedient, and its hope and desire that it be done.

The second, third and fourth *voeux* opine that conflicting powers should safeguard the maintenance of pacific relations -- especially the commercial and industrial relations between the inhabitants of the belligerent States and neutral countries (No. 2); that the powers regulate by special treaties the position "as regards military charges of foreigners residing within their territories" (No. 3); that the codification of the laws and customs of naval war should figure in the programme of the next conference, and that in any case the Powers may apply, as far as possible, to "war by sea the plrinciples of the convention relative to the laws and customs of war on land"(No. 4).

The difference between these two classes of *voeu*

was, that in the first, the Conference recommended for adoption a certain carefully devised plan. In the latter, on the contrary, it expressed the opinion that the Powers should by diplomatic negotiation define and regulate the status of certain classes and property, and that the laws and customs of naval warfare be incorporated in the programme of and be codified by the next conference.

It was on the afternoon of October 18,1907, that the Second Conference met for the last time.

CONCLUSION

The first Hague Peace Conference was held amidst an international climate of colonial rivalries and arms races. The great powers had been engaged in carving out their shares of territorial acquisitions. This led to periodical crises and occasional war scares. Imperialism was accompanied by a growth in militarism, a predictable change with its alarming potency to subvert the existential international peace. This period saw the Sino-Japanese war, the U.S.-Spanish war and the Boer war.

The three wars saw some rather predictable consequences : Japan, the tiny Asian archepelago, emerged as a relevant military and political power ; Spain, crippled from within but riding piggyback on the image of its spectacular past, was battered the moment its `real' weakness encountered the militarily powerful United States. The latter, after its marginalised presence in the international scenario in the years before, suddenly found itself in a position to assert its individualistic identity in the international diplomatic scene.

This was the time when the Czar Nicholas II made a proposal for the peace conference through the Foreign Minister Count Mouravieff. All the diplomatic representatives of various countries stationed at the St. Petersburg were invited. Also, the invitation was

extended to Luxembourg, Montenegro and Siam. However, the Latin American countries, for some reason were not invited. The Hague was chosen as the venue of the Conference. It was considered prudent to hold the conference in the capital of a small country.

The program of the peace conference, as furthered by Mouravieff, suggests that the conference's humanitarian spirit mattered the most for the attending powers. It was quickly realised that disarmament wasn't possible under the current scheme of things. Yet, the need for disarmament was being gravely felt and the participants were urged to work out a compatible `middle path'. However, this factor hadn't been imposed as a compulsory measure for all the participants.

The work of the First Conference had been distributed among three commissions. The First Commission dealt with the reduction of armaments ; the Second , with the laws and customs of war ; the Third, with the peaceful settlement of international disputes.

One of the sub-commissions of The First Commission suggested that the use of uncovered bullets, that expanded or contracted within the human body,the so called Dumdum bullets, `should be prohibited.' Reacting to the suggestion, which had been passed by nineteen votes against one, with one nation abstaining. British

delegate General Sir John Ardagh asserted that the use of Dumdum bullets that were uncovered should not be banned. In defence of his argument, General Ardagh said that in earlier days, when wars were fought with covered bullets, the soldier was in a position to take to the battlefield even after he had suffered five bullet injuries in his body. So, the very objective of the bullet would misfire if the international community were to ban the bullets.

Germany opposed the reduction of armaments simply because its economy had the desired soundness to sustain defence expenditures. Some countries had sent delegates who had a record of championing development of new and powerful weapons. For instance, Admiral Mahan, was an enthusiastic supporter of a massive naval buildup, was an influential member of the American Delegate.

In terms of its spirit if not the stated words, the Second Commission reiterated the philosophy of the Geneva Conference of 1864 and the conference at Brussels which followed thereafter. The purpose and results of the commission were explicitly humanitarian ; but somewhat dubious was their assumption that war as a dynamic concept was an extant reality.

The peaceful settlement of international disputes

was the only achievement of the Conference, which can be attributed to the Third Commission. It was due to the agreement for arbitration that the Britain approached the International Court of Justice when its ships were bombarded by Russia during the Russo-Japanese war of 1904-05.

The First Conference made three declarations which were idealistic in spirit and content. This subsumed the prohibition of the launching of projectiles or explosives from balloons; the use of projectiles which diffused deleterious gases; and the prohibition of the use of uncovered bullets which contorted within the human body.

The chasm between the First and the Second Conference saw a restructuring of the world system. An Anglo-Japanese alliance sprouted in 1902, magnifying the relevance of the latter as an assertive world power. This was followed by a Franco-Russian alliance, which was similar to the former in terms of the individual approach of every country. In the Anglo-Japanese alliance, it was made clear that Britain would come to the defence only if Japan had to negotiate with more than one power at a time. The same applied in the cases of France and Russia.

The Anglo-French entente of 1904, the Russo-

Japanese war of 1904-5, and the Anglo-Russian Convention of 1907 led to realignment of powers. Colonial rivalries were muted and this remarkable development contributed to the return of tensions to the European Continent.

Theodore Roosevelt took the initiative, and the Czar Nicholas II followed up with a proposal, for the Second Peace Conference, which was convened in 1907. The number of participating nations increased from 26 at the first conference to 45 at the second conference, with the Latin American countries being added to the list of invitees.

Instead of three commissions as earlier, the Second Conference divided the work amongst four commissions. The First dealt with arbitrations and international commissions of enquiries and inter-linked queries; the Second, with improvements in the system of laws and customs of land warfare, the opening of hostilities, the declarations of 1899 and the rights and obligations of the neutrals on land ; the Third focussed on bombardment, laying of torpedoes, the rules applicable to the vessels of the belligerents, and the addition to be made to the Convention of 1899 for the revision of principles of maritime warfare ; and, the Fourth Commission dealt with the transformation of merchant vessels, private property at sea, delays per-

missible to enemy merchant vessels, blockades, and provisions regarding land warfare which should be also be applicable to naval warfare.

One of the assumptions of the Conference was that war was an inevitability. The analysts sugggested that any expectation of eternal peace was as impractical as one's aspiration for Utopia. The delegates of the conferences focussed on the creation of institutions that would delay the outbreak war -- and, if this was not possible, mitigate the consequences of it.

Wars had hitherto been an unregulated phenomena. Atrocities were numerous, and, with none subjected to dispassionate monitoring, those victimised often were non-aggressive civilians or neutrals. The first essays at codifying the conduct of war were made at the conferences. To make war more humane, the Red Cross Convention of 1864 underwent an admirable revision. Other steps, like the one suggesting a regulation on the use of `Dum-Dum' bullets, strove to make war less painful. The rights of neutrals were also recognised. Such steps, while incapable of reducing the impact of war did contribute to mitigate the overall effect. Besides, they also provided a guiding light to all who were to think along similar lines in the future.

Under the conferences' ideological limelight, a

few truths came in for sustained focus. Both the conferences did highlight the noble principles that espoused the equality of all the civilised nations. However, what was clarified with the proceedings was that the Big Brothers continued to dictate the activities in implicit but effectual terms. This was since delegates of the dominant nations had their allies in those of their militarily weak counterparts. The latter, disadvantaged by geographical proximity, could not afford to hamper their interests and blindfoldedly endorsed their perspectives.

Thus, while all the nations had assembled on *the basis of equality, the spirit of equality was seldom visible*. The majority of nations continued to be dependent on a few elite counterparts, and their resultant subservience was obvious during the conferences.

However, what `seems' like a failure cannot be dismissed as one in reality. The numerical increase in the Second Conference did precipitate a possibility that, perhaps a few years later, smaller nations would be able to negotiate with Great Powers on relevant political levels. In 1907, the idea that would enable all the nations to negotiate on an equal footing was certainly there. But, it failed to produce tangible results.

Yet, the Utopia of yesteryears was to become a fact of life later. The League of Nations was established 1919, but failed to maintain world peace. After the second world war the United Nations was established in 1945. It was a metaphor for the long-cherished hope that nations big or small could interact on egalitarian terms. The Conference of 1899 and 1907 were important land marks in the evalution of the international system of states.

The conferences also gave to the world, two yard-sticks that could strive to ensure world order : International Prize Courts and International Court of Justice. International Prize Courts could strive to ensure immunity to parties under the peril of untamed aggression. In the latter, conflicts between dissenting nations had a platform for purposeful expression and settlement. With such arbiters around, the need for war registered a steep curve downwards in the political graphs of nations worldwide.

The neglected Conferences of 1899 and 1907 may not have had any dramatic impact on reduction of armaments; but they did tackle some of the fundamental issues of violence in the international systems. There contributions to the cause of war, peace and neutrality led to the growth of international legal norms which needed further elaboration in the twentieth century.

APPENDIX-I

(A)

Military and Naval Personnel of the Powers, 1880-1914

	1880	1890	1900	1910	1914
Russia	791,000	677,000	1,162,000	1,285,000	1,352,000
France	543,000	542,000	715,000	769,000	910,000
Germany	426,000	504,000	524,000	694,000	891,000
Britain	367,000	420,000	624,000	571,000	532,000
Austria-Hungary	246,000	346,000	385,000	425,000	444,000
Italy	216,000	284,000	255,000	322,000	345,000
Japan	71,000	84,000	234,000	271,000	306,000
United-States	34,000	39,000	96,000	127,000	164,000

Source : Kennedy, Rise and Fall of the Great Powers. p.261.

(B)

Warship Tonnage of the powers,1880-1914

	1880	1890	1900	1910	1914
Britain	650,000	679,000	1,065,000	2,174,000	2,714,000
France	271,000	319,000	499,000	725,000	900,000
Russia	200,000	180,000	383,000	401,000	679,000
United-States	169,000	240,000	333,000	824,000	985,000
Italy	100,000	242,000	245,000	327,000	498,000
Germany	88,000	190,000	285,000	964,000	1,305,000
Austria-Hungary	60,000	66,000	87,000	210,000	372,000
Japan	15,000	41,000	1,87,000	496,000	700,000

Source : Kennedy, Rise and Fall of the Great Powers, p.261.

APPENDIX -II
Imperial Rescript

The maintenance of general peace, and a possible reduction of the excessive armaments which weigh upon all nations, present themselves in the existing condition of the whole world, as the ideal towards which the endeavour of all Governments should be directed.

The humanitarian and magnanimous ideas of His Majesty, the Emperor, my August Master, have been won over to this view. In the conviction that this lofty aim is in conformity with the most essential interests and the legitimate views of all Powers, the Imperial Government thinks that the present moment would be very favourable for seeking, by means of international discussion, the most effectual means of inducing to all peoples the benefits of a real and durable peace, and, above all, of putting an end to the progressive development of the present armaments.

In the course of the last twenty years the longing for a general appeasement have become especially pronounced in the consciences of civilized nations. The preservation of peace has been put forward as the object of international policy; in its name great States have concluded between themselves powerful alliances; it is the better to guarantee peace that they have developed, in proportions hitherto unprecedented, their military forces, and still continue to increase them without shrinking from any sacrifice.

All these efforts nevertheless have not yet been able to bring about the beneficent results of the desired pacification. The financial charges following an upward march strike at the public prosperity at its very source.

The intellectual and physical strength of the nations, labour and capital are for the major part diverted from their natural appliction, and unproductively consumed. Hundred of millions are devoted to acquiring terrible engines of destruction, which, though today regarded as the last word of science, are destined tomorrow to lose all value in consequence of some fresh discovery in the same field.

National culture, economic progress, and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each Power increase so do they less and less fulfill the object which the Governments have set before themselves.

The economic crises, due to great part to the system of armaments *a l'outrance*, and the continual danger which lies in this massing of war material, are

> ing burden which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of things were prolonged, it would inevitably lead to the very cataclysm which it is desired to avert, and the horrors of which make every thinking man shudder in advance.

To put an end to this incessant armaments and to seek the means of warding off the calamities which are threatening the whole world, - such is the supreme duty which is today imposed on all States.

Filled with this idea, His Majesty has been pleased to order me to propose to all the Governments whose representatives are accredited to the Imperial Court, the meeting of a conference which would have to occupy itself with this grave problem.

This conference should be, by the help of God, a happy presage for the century which is about to open. It would converge in one powerful forces the efforts of all States which are sincerely seeking to make the great idea of universal peace triumph over the elements of trouble and discord.

It would, at the same time, confirm their agreement by the solemn establishment of the principles of justice and right upon which repose the security of States and the welfare of peoples.

Source : Holls, The Peace Conference at the Hague, pp. 2-4.

APPENDIX - III

INVITATION TO THE HAGUE PEACE CONFERENCE OF 1899 BY THE GOVERNMENT OF THE NETHERLANDS

The Imperial Russian Government addressed on the 12th (24th) August 1898, to the Diplomatic Representatives accredited to the Court of St. Petersburg a Circular expressing a desire for the meeting of an International Conference which should be commissioned to investigate the best means of securing to the world a durable peace, and of limiting the progressive development of military armaments.

This proposal, which was due to the noble and generous initiative of the august Emperor of Russia, and met everywhere with a most cordial reception, obtained the general assent of the Powers, and His Excellency the Russian Minister for Foreign Affairs addressed on the 30th of December, 1898 (11th January, 1899), to the same Diplomatic Representatives a second Circular, giving a more concrete form to the general ideas announced by the magnanimous Emperor, and indicating certain questions which might be specially submitted for discussion by the proposed Conference.

For political reasons the Imperial Russian Government considered that it would not be desirable that the meeting of the Conference should take place in the capital of one of the Great Powers, and after securing the assent of the Governments interested, it addressed the Cabinet of The Hague with a view of obtaining its consent to the choice of that capital as the seat of the Conference in question. The Minister for Foreign Affairs at once took the orders of Her Majesty the Queen in regard to this request, and I am happy to be able to inform you that Her Majesty, my August Sovereign, has been pleased to authorize him to reply that it will be particularly agreeable to her to see the proposed Conference at The Hague.

Consequently, my Government, in accord with the Imperial Russian Government, charges me to invite the Government of to be good enough to be represented at the above-mentioned Conference, in order to discuss the question indicated in the second Russian Circular of the 30th December, 1898 (11th January, 1899), as well as all other questions connected with the ideas set forth in the Circular of the 12th (24th) August, 1898, excluding, however, from the deliberations everything which refers to the political relations of States, or the order of things established by Treaties.

My Government trusts that the Government will associate itself with the great humanitarian work to be entered upon under the auspices of His Majesty, the Emperor of all the Russias, and that it will be disposed to accept this invitation, and to take the necessary steps for the presence of its Representatives at The Hague on the 18th May, next, for the opening of the Conference, at which each Power, whatever may be the number of its Delegates, will have only one vote.

Source : Holls, The Peace Conference at the Hague, pp. 32-34.

APPENDIX IV

List of countries invited to the Hague Peace Conferences of 1899 and 1907.

(a) Countries invited to the Conference of 1899

1) Austria- Hungary
2) Belgium
3) Bulgaria
4) China
5) Denmark
6) France
7) Germany
8) Great Britain and Ireland
9) Greece
10) Italy
11) Japan
12) Luxemburg
13) Montenegro
14) Netherlands
15) Norway
16) Persia
17) Portugal
18) Romania
19) Russia
20) Serbia
21) Siam
22) Spain
23) Sweden
24) Switzerland
25) Turkey
26) United States Of America

Source : Holls, The Peace Conference at the Hague pp.38-52.

(b) Countries invited to the Conference of 1907

1) Argentine Republic
2) Austria- Hungary
3) Belgium
4) Bolivia
5) Brazil
6) Bulgaria
7) Chile
8) China
9) Colombia
10) Cuba
11) Denmark
12) Dominican Republic
13) Ecuador
14) France
15) Germany
16) Great Britain and Ireland
17) Greece
18) Guatemala
19) Haiti
20) Italy
21) Japan
22) Liberia
23) Luxemburg
24) Mexico
25) Montenegro
26) Netherlands
27) Nicaragua
28) Norway
29) Panama
30) Paraguay
31) Persia
32) Peru
33) Portugal
34) Romania
35) Russia
36) Salvador
37) Serbia
38) Siam
39) Spain
40) Sweden
41) Switzerland
42) Turkey
43) United States of America
44) Uruguay
45) Venezuela

Source : Proceedings of the Hague Peace Conference of 1907, vol.II

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