The Hague Peace Conferences

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Your Excellencies, Ladies and Gentlemen,

It is an honour to be invited here to say a few words about two remarkable events that took place more than a hundred years ago, in the Dutch city of The Hague. I mean, of course, the two Peace Conferences that were held in The Hague in 1899 and 1907, two conferences that are still considered as crucial moments in the historical development of international law, and in particular in the development of international humanitarian law.
There are good reasons for such an observation. The two Hague conferences produced a series of conventions, declarations and other documents, dealing with a wide range of topics such as arbitration and the peaceful adjustment of international conflicts, with the prohibition of certain weapons and with other rules concerning the conduct of war on land and at sea.

Although innovative and to certain extent even revolutionary, the Hague Conferences and Conventions did not come out of the blue. The Crimean War of the 1850’s, the wars of German and Italian unification of the 1860’s and 1870s’ had shown the horrifying face of modern warfare, based upon industrial arms production, conscription, and increasing nationalism. In the course of the 19th century, public awareness of the humanitarian catastrophes that were occurring on the battlefields, not least the fate of the wounded and other non-combatants, was increasing. By the late 19th century, hundreds of peace and humanitarian organizations were active. In the meantime, however, relations between the Great Powers were deteriorating: imperial rivalry was increasing and an arms race had started.
Against this background, first efforts had been made to codify certain rules concerning the conduct of war, such as the Geneva Convention of 1864, and to develop mechanisms for the peaceful settlement of disputes. In this difficult process of containing and regulating military violence, the Hague Peace Conferences would mean a fundamental breakthrough. It were the Russian Czar Nicholas II, and his Foreign Minister Count Mouraviev, who in 1898 took the initiative to organize a multilateral conference, that had to discuss ‘a possible reduction of the excessive armaments which were burdening all nations’, as his circular to all states represented at Saint Petersburg said. At first, several governments – not least the Great Powers - reacted reluctantly, but when the scope of the conference was extended to arbitration and the prohibition of certain weapons, many states accepted the Russian invitation. Subsequently, the Czar asked the Dutch Queen Wilhelmina to host the peace conference, which was held from May to July 1899 in one of the Queen’s royal palaces in The Hague.
26 delegations attended the First Hague Conference, and some 100 delegates. Apart from that, hundreds of journalists, academics, and peace activists, traveled to The Hague. It became in many ways one of the biggest and most prestigious conferences since the Congress of Vienna almost a hundred years before. Three commissions dealt with the major topics of the conference: - arms limitation, - arbitration, and - rules concerning the conduct of war, both on land and at sea. The conference produced some notable results. First of all, a Convention for the Peaceful Settlement of Disputes was signed. It contained several arrangements in order to resolve conflicts, such ‘good offices’ and mediation, but most importantly the Convention established a Permanent Court of Arbitration. Although arbitration was not compulsory, the signatory powers would [I quote] ‘consider it their duty, if a serious dispute threatened to break out between two or more of them, to remind these latter that the Permanent Court was open to them’.

A second and third convention dealt with the conduct of war and humanitarian law, including for instance provisions concerning the
treatment of wounded and prisoners of war, the status of non-combatants, looting, bombardments, and several other issues, both on land and to a lesser extent also at sea. Apart from these conventions, three declaration were agreed upon, that prohibited the use of some modern weapons, in particular poison gas, explosives launched from balloons, and so-called dum-dum bullets. And finally, the conference agreed on six non-binding wishes or desires. A final act summed up matters that were still unresolved and needed to be addressed by a follow-up conference. It stated, among other things, [I quote] ‘that restrictions of military charges, which are at present a heavy burden on the world, are extremely desirable for the increase of the material and moral welfare of mankind’.

The second Hague Peace conference was held in 1907, two years later than planned among other things due to the Russian-Japanese War of 1904-1905. In the meantime, most participants of the first conference had ratified its conventions and declarations. The Permanent Court of Arbitration had settled its first disputes. But there were also worrying developments: the arms race between
the Great Powers was continuing and imperial rivalry only seemed to grow.

Again, it was the Russian Czar who acted as the convener of the conference, and again it was held in The Hague, be it in a different location. The second Hague Conference was perhaps less revolutionary and innovative, in many ways an extension of the first one. The most relevant results were the codification of a series of rules concerning war at sea, and concerning the status of neutrals. But major breakthroughs, for instance concerning compulsory arbitration and concerning arms limitation, were rejected by one or more of the participating states.

The most significant progress realized at the second Hague Conference was perhaps its size. This time, 44 delegations (including three Asian and most Latin American countries) traveled to The Netherlands. This gave the conference – much more than the first one - a global character.
Ladies and Gentlemen, the Hague Peace Conferences were indeed, in many ways, innovative or even revolutionary. They produced remarkable results, in particular in the field of international humanitarian law and arbitration. Apart from that, the Hague conferences meant the start of a new type of international or multilateral cooperation in the field of international humanitarian law. The conferences addressed a wide range of humanitarian issues, from the prohibition of certain weapons to arbitration. They had a global character; several non-Western states were represented, in particular in 1907. Each delegation, no matter the size of the country it represented, had one vote. Apart from that, the conferences tended to develop into multilateral institutions – or independent institutional entities - themselves. The final acts - for instance – stated several times that the Conferences, and not so much the participating states, were of a certain opinion. In this respect, the Hague conferences were a kind of prefiguration of later diplomatic practices, and perhaps even of the General Assemblies of the League of Nations and the UN. The conferences also resulted in – at least in this field - new types of outcomes, such as declarations, wishes, and final acts,
procedures and legal documents that would later be repeated many times. A last observation, the conferences raised much public attention and attracted a large number of what we now call NGO’s, a practice that would later become more and more familiar, as well.

And, as far as my own country is concerned, The Netherlands, the Peace Conferences meant the start of the reputation of The Hague as a centre of international law. Although Queen Wilhelmina at first had some misgivings to act as host of the first conference, and the Dutch government was nervous being involved in delicate problems such as the list of states to be invited, and of course not to be invited, soon the Dutch much appreciated the Peace Conferences. In 1913 the Peace Palace was opened, house of the Permanent Court of Arbitration, the famous Library of International Law, and later of the International Court of Justice as well.

Ladies and Gentlemen, the Hague Peace Conferences of 1899 and 1907 were an important, even crucial event in the
development of international humanitarian law and the peaceful settlement of disputes. Given the First World War, and the violations of several Hague principles, one could downplay the relevance of the conferences. And, of course, there were also set-backs and disappointments. A third Hague Peace conference, would – as you know - never take place. Moreover, one could argue that the conferences failed so address some major problems, such as disarmament and a reduction of defence spending. The system of arbitration the two conferences established, was not compulsory. And, the Conventions reflected a very strict, inter-state definition of warfare, excluding insurgencies and civil war. Most great powers were not prepared to accept more radical ideas. In general, as some commentators argue, the Hague conferences proved once again that state interests will always put aside humanitarian ideals.

I am not so cynical and pessimistic. Under tense international circumstances, just before the outbreak of the First World War, the Hague Conferences realized remarkable successes. Up to this day the Hague Conventions, are considered a ‘lasting foundation’ of international humanitarian law and a major step towards peaceful
conflict resolution. The conferences were – moreover - first examples of institutionalized, multilateral negotiations over vital humanitarian matters that are still challenging us today.

Since the Hague Conferences, regulating and limiting the use of force, and peacefully resolving international conflict, have continued to be difficult but crucial endeavours. The Hague Peace Conferences are still, in many ways, an inspiring example. Their results, their procedural innovations, show us that even under difficult circumstances, it is possible to realize successes in the long struggle to contain violence and conflict. I hope that the memory of the Hague Peace Conferences can also inspire your efforts to revive the important negotiations in the Conference on Disarmament, here in Geneva. Thank you for your attention.