

FOREWORD

This Special Issue is devoted to the commemoration of the 100th anniversary of the Second Hague Peace Conference of 1907. The First Hague Peace Conference took place in 1899, upon the initiative of the Russian czar Nicolas II. Its purpose was to elaborate instruments for the peaceful settlement of future serious international disputes, for the prevention of wars and undue increases of military budgets, and for the codification of the rules of warfare. Twenty-six states participated in the 1899 Hague Peace Conference, and it resulted in three main conventions and three declarations relating to the restriction of armaments, the prohibition of the use of certain weapons, the peaceful settlement of international disputes and the laws and customs of war.

Two main reasons prompted the convening of a Second Hague Peace Conference. First, not all tasks set for the 1899 Peace Conference could be accomplished. Furthermore, new international crises emerged at the start of the 20th century, most notably the Russia-Japan war. The Second Peace Conference took place, once again, in The Hague, from 14 June to 18 October 1907. This time forty-four states participated, including Japan (after its victory in the war against Russia) and the remaining Latin American states which were not present at the first Conference. The 1907 Conference focused on three main topics: 1. Arbitration and international enquiry; 2. Land warfare; 3. Sea warfare. During the Conference two new topics were added: the establishment of an International Prize Court (a German initiative) and the prohibition to use force for the recovery of contract debts (tabled by the US and Venezuela). On all these issues major progress could be achieved, resulting in the adoption of as many as thirteen conventions and one declaration. In the field of peaceful settlement of disputes the Conference adopted a revised Convention I of 1899 (with new regulations on commissions of inquiry and arbitration), a forward-looking declaration on obligatory arbitration, Convention II on the prohibition to use force for the recovery of contract debts (commonly known as the Drago-Porter Convention) and Convention XII on the creation of an International Prize Court. In the field of the laws of war, there was the adoption of conventions concerning the opening of hostilities (Convention III), on the laws and customs of war on land (Convention IV), on neutrality on land and at sea (Conventions V and XIII), on the status of merchant ships in times of war (Conventions VI and VII), on submarine mines (Convention VIII), and on aspects of naval warfare (Conventions IX, X and XI). Some of these conventions were revisions of those adopted during the First Hague Peace Conference.

The articles contained in this issue discuss the most salient features of the Second Hague Peace Conference and assess their evolution and contemporary

relevance. While Eyffinger provides a general overview of the Peace Conference, Roscini and McDonald both deal with matters of *ius ad bellum*; Chadwick and Kleffner with issues of *ius in bello*; and Merrills and Van Haersholte with various forms of dispute resolution.

Obviously, the Second Hague Peace Conference of 1907 left its mark, as did the First Hague Peace Conference of 1899. The arrangements for peaceful settlement of disputes and for the Permanent Court of Arbitration are still in place. The codification of the laws of war and its general acceptance had led to a distinct chapter of the Hague Law, next to the contemporary Geneva Law. Many, albeit not all other conventions, also achieved wide acceptance. However, it must be acknowledged that on various scores the Second Hague Conference did not succeed, evident in, for example, the regulation of military budgets and the restriction of armaments. Most notably, the Hague Conferences failed in their ultimate mission, i.e., the prevention of the outbreak of major interstate wars. Nonetheless, the Second Hague Peace Conference signifies an important momentum in the general efforts to prevent, as well as to regulate warfare by way of having progressively developed both the law of peace (most notable concerning international dispute settlement) and the law of war.

The Board of Editors is indebted to the authors for their excellent contributions to this Special Issue and hopes that this issue will contribute to a better understanding of the Second Hague Peace Conference, to the further development of public international law, and to reaching the ultimate goal of world peace.

Board of Editors