

**INSTRUCTIONS TO THE
AMERICAN DELEGATES TO
THE HAGUE CONFERENCES
AND THEIR OFFICIAL REPORTS**

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Instructions to the American Delegates to the Hague Conferences and Their Official Reports by
James Brown Scott

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JAMES BROWN SCOTT

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Carnegie Endowment for International Peace
DIVISION OF INTERNATIONAL LAW

United States. Dept. of State.

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DELEGATES TO THE HAGUE PEACE CONFERENCES
AND THEIR OFFICIAL REPORTS**

EDITED, WITH AN INTRODUCTION
BY
JAMES BROWN SCOTT
DIRECTOR

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INTRODUCTION

There comes a time when people must stand up to be counted, or, more elegantly expressed, when they must confess their faith in public, and it would seem that the present is a time when those who believe in the wisdom and in the efficacy of the Hague Conventions should give public expression to their belief.

The United States welcomed the call to a conference issued by Nicholas II, the present Czar of All the Russias, and the American delegates to the First Hague Conference, under the leadership of the Honorable Andrew D. White, were not the least influential in negotiating the Convention for the pacific settlement of international disputes, at a time when it seemed likely to fail, and which, when negotiated, justified the call of the Conference.

Secretary of State Hay's instructions to the American delegates, contained a brief history of the peace movement in America and positive directions to secure the establishment of a Permanent Court of Arbitration.

The United States not merely welcomed the call to the Second Hague Conference but grew weary of waiting for the call which did not come. It therefore sounded the Governments, twenty-six in number, represented at the First Conference as to their willingness to attend a second conference, suggested the broad outlines of a program, and expressed "the President's desire and hope that the undying memories which cling about The Hague as the cradle of the beneficent work which had its beginning in 1899 may be strengthened by holding a second peace conference in that historical city." The replies to the circular instruction, dated October 21, 1904, were uniformly favorable and, the war between Japan and Russia being brought to an end by the good offices of the President of the United States, who had recently proposed to the Powers the meeting of a second conference, steps were taken by Russia immediately after the signing of the treaty of Portsmouth on September 6, 1905, to arrange for that second conference whose meeting had already been assured by the President of the United States.

Through the tactful intervention of Mr. Root, who had succeeded Mr. Hay as Secretary of State upon his untimely death, a method was devised allowing non-signatory States to adhere to the acts of the

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First Conference, and through Secretary Root's wisdom, foresight and initiative all American States were invited to send delegates to the Second Conference, instead of the three American republics alone invited to the First.

Secretary Root's instructions to the American delegates to the Second Conference show the same interest in that august assembly, and the desire for positive results tending to preserve the peace of the world, as did the instructions of his illustrious predecessor.

The American delegates to the Second Conference, under the leadership of the Honorable Joseph H. Choate, were not the least influential in securing the acceptance in principle of the Court of Arbitral Justice, a court to be composed of permanent judges acting under a sense of judicial responsibility, to be established alongside of the so-called Permanent Court of the First Conference, due in such large measure to the efforts of the American delegation at that Conference.

The reports of the American delegates to the two Conferences are clear, accurate and convincing documents, written from the standpoint of firm believers in international justice and therefore in international peace. They are worthy to be placed side by side, both in spirit and execution, with the instructions of the Secretaries of State, and they are here printed side by side in order that the American people may, in this tragic moment of the world's history, be assured that the leadership in international organization has passed into firm and enlightened hands in this republic of ours, which again has become the hope of the world.

America of the present day is not wholly unworthy of the founders of the Republic and can be trusted to exercise its leadership, which it would have won had it not been thrust upon it by the madness and folly of Europe, in the interest of the small Powers whose only defense is justice, as well as in the interest of the larger Powers whose well-being, like the small Powers, is best promoted by justice.

It has been the wont of European diplomats to question the good faith of the United States in entering into treaties, because of the difficulty that Presidents have had from time to time in securing the advice and the consent of the Senate to their ratification. More than one diplomat questioned the good faith of the United States at the Second Hague Conference, but, although our Government is not without its shortcomings, and has no doubt made mistakes betimes, it went to war to secure the freedom of Cuba and did not annex it at the end of the

war; it occupied the Island at a later date, but, in accordance with the provisions of a treaty granting that permission, withdrew when order had been restored, in accordance with its promise so to do. Since the adjournment of the Second Hague Conference the world has witnessed the respect which the United States accords to treaties by repealing a solemn Act of Congress giving a slight benefit to the ships of the United States passing through a canal built wholly by its money, because a foreign Government with which it had a treaty asserted that the exemption from the payment of tolls by American ships engaged in the coastwise trade was a violation of the spirit if not of the letter of the treaty.

It is hoped that this little book will interest every person into whose hands it may fall, and in so doing tend to create a public opinion favorable to the Hague Conferences and an insistence that violent hands be not laid upon its work.

JAMES BROWN SCOTT,
Director of the Division of International Law.

WASHINGTON, D. C.,
February 28, 1916.

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17
18
19
20

CONTENTS

	Page
THE CONFERENCE OF 1899	
Preliminary Documents	
Russian Circular Note proposing the First Peace Conference.....	1
Russian Circular Note proposing the Program of the First Conference	3
Instructions to the American Delegates to the Hague Conference of 1899	6
Annex A: Historical <i>Résumé</i>	9
Annex B: Plan for an International Tribunal.....	14
Report to the Secretary of State of the Delegates to the First Hague Conference	17
Report of Captain Crozier to the American Delegation to the First Hague Conference, regarding the work of the First Committee of the Conference and its subcommittee.....	29
Report of Captain Mahan to the American Delegation to the First Hague Conference, on Disarmament, etc., with reference to Navies	35
Report of Captain Mahan to the American Delegation to the First Hague Conference, regarding the work of the Second Committee of the Conference.....	38
Paper read by Captain Mahan before the Second Committee of the Peace Conference on June 20, 1899.....	43
Report of Captain Crozier to the American Delegation to the First Hague Conference, regarding the work of the second subcommittee of the Second Committee of the Conference.....	45
Reports of Messrs. White, Low and Holls to the American Delegation, regarding the work of the Third Committee of the Conference	51
 THE CONFERENCE OF 1907	
Preliminary Documents	
The Secretary of State of the United States to the American Diplomatic Representatives accredited to the Governments Signatory to the Acts of the First Hague Conference.....	59
The Secretary of State of the United States to the American Representatives accredited to the Governments Signatory to the Acts of the First Hague Conference.....	63
Memorandum from the Russian Embassy handed to the President of the United States, September 13, 1905, proposing a Second Peace Conference at The Hague.....	65
The Russian Ambassador to the Secretary of State proposing the Program of the Second Conference.....	66
Instructions to the American Delegates to the Hague Conference of 1907	69
Report to the Secretary of State of the Delegates to the Second Hague Conference	86